



economic development department
P.O. Box 2842
St. Petersburg, FL 33731-2842
Telephone: 727-893-7100

December 18, 2009

VIA EMAIL

Chris Eastman, Senior Vice President - Development
Echelon LLC
235 Third Street South, Suite 300
St. Petersburg, FL 33701

Re: Carillon DRI Development Order Extension

Dear Mr. Eastman:

The City of St. Petersburg has received the request from Echelon LLC as the "Developer", to extend the Carillon DRI Development Order to December 31, 2010 as allowed by Section 14 of Chapter 2009-96, Laws of Florida. The expiration date of the Carillon DRI development order before this extension was December 31, 2008 per House Bill 7203.

The City concurs with this extension of the Carillon DRI Development Order to December 31, 2010 pursuant to Section 14 of Chapter 2009-96, Laws of Florida which authorizes a two-year extension of the expiration date for any local government-issued DRI development order with an expiration date between September 1, 2008, through January 1, 2012 if the Developer requests the extension prior to December 31, 2009.

Please contact me at 727-893-7877 or at dave.goodwin@stpete.org if you have any questions.

Sincerely,

David Goodwin, Director
Economic Development Dept.

- cc: Mark Winn, City of St. Petersburg
- Gary Jones, City of St. Petersburg
- John Meyer, Tampa Bay Regional Planning Council
- Bernard Piawah, Florida Department of Community Affairs



CITY OF ST. PETERSBURG

POST OFFICE BOX 2842, ST. PETERSBURG, FLORIDA 33731-2842

WEB SITE: www.stpete.org CHANNEL 35 WSPF-TV

TELEPHONE: 727 893-7171

June 29, 2005

Mr. Manny Pumariega
Executive Director
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard
Pinellas Park, Florida 33782

**RE: Rendering of Adopted Amendment #4
Carillon DRI - St. Petersburg**

Dear Mr. Pumariega:

Pursuant to subsection 380.07 Florida Statutes, the City of St. Petersburg is providing you with a certified copy of the adopted fourth amendment to the Carillon DRI, thus beginning the 45 day appeal period. The amendment (Ordinance 735-G) was adopted by City Council on June 16, 2005.

If you have any questions, please contact me at (727) 893-7877 or Dave Goodwin at (727) 893-7868.

Sincerely,

Gary Jones, AICP
Planner III

Attachment

cc: David Goodwin, Director, Economic Development Department
Stephen C. Chumbris, Holland & Knight

NOTICE OF AMENDMENT OF
DEVELOPMENT ORDER

This is a Notice of the fourth Development Order Amendment (Ordinance #735-G) to the Carillon Development of Regional Impact Development Order (Ordinance #929-F), by the City Council of the City of St. Petersburg, as governing body of the City of St. Petersburg, Florida. The City Council, having jurisdiction pursuant to Section 380.06, Florida Statutes (2004), is authorized and empowered to render a decision on the Amendment to the Carillon Development of Regional Impact Development Order for the defined planning area shown in Exhibit A, attached hereto and incorporated herein by reference (hereinafter referred to as "property"). As required by law, Exhibit "A" includes a map of the defined planning area and a legal description generally describing the property covered by the Development Order (Ordinance #929-F).

The Development Order Amendment (Ordinance #735-G) was adopted as amended on June 16, 2005. The Development Order (Ordinance #929-F) was enacted by the City of St. Petersburg City Council on September 4, 1986.

The amended Development Order may be examined in the following locations:

St. Petersburg City Hall
City Clerk's Office
175 5th Street North
St. Petersburg, Florida 33701

or

St. Petersburg Economic Development Dept.
One Fourth Street North, 9th Floor
St. Petersburg, Florida 33701

The Development Order and its Amendments constitute a land development regulation applicable to the property (as shown in Exhibit "A").

In witness whereof, the City of St. Petersburg has executed this Notice of the Amendment of Development Order.

Witness:
sign: [Signature]
print: Jessica Kline
sign: [Signature]
print: Katherine Kunsbeyer

CITY OF ST. PETERSBURG, FLORIDA
a municipal corporation
By: [Signature]
print: Rick Baker, Mayor
address: 175 5th Street North
St. Petersburg, FL 33701

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 28th day of June, 2005, by Rick Baker, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

sign: [Signature]
print: Cathy E. Davis
State of Florida at Large
(SEAL)

Prepared by and return to:
Gary Jones, AICP
Economic Development Department
P.O. Box 2842
St. Petersburg, Florida 33731



Exhibit A

Carillon DRI Legal Description

Phase I of the Carillon Center is generally located to the northeast of Roosevelt Boulevard, south of Ulmerton Road and west of 16th Street North extended.

The Phase I plat consists of :

- Block 1 - Lots 1 thru 6
- Block 2 - Lots 1 thru 9
- Block 7 - Lots 1 and 2
- Block 8 - Lot 1
- Block 9 - Lots 1 thru 8
- Block 10 - Lots 1 thru 5

ORDINANCE NO. 735-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, APPROVING THE FOURTH AMENDMENT TO THE DEVELOPMENT ORDER FOR CARILLON DEVELOPMENT OF REGIONAL IMPACT TO PROVIDE FOR THE CHANGE IN THE NAME OF THE DEVELOPER, AND AN INCREASE IN THE APPROVED FLOOR AREA OF OFFICE SPACE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 10, 1985, Pinellas County adopted Resolution 85-748 which constituted a Development Order approving the Carillon Development of Regional Impact; and

WHEREAS, the property subject to the Carillon Development of Regional Impact Development Order was later annexed into the City of St. Petersburg; and

WHEREAS, on September 4, 1986, the City Council of the City of St. Petersburg adopted the Development Order for the Carillon Development of Regional Impact as Ordinance Number 929-F; and

WHEREAS, on September 17, 1992, the City Council of the City of St. Petersburg approved an amendment to the Development Order as Ordinance Number 38-G (herein, the "First Amendment"); and

WHEREAS, on June 27, 1996, the City Council of the City of St. Petersburg approved a second amendment to the Development Order as Ordinance Number 233-G (herein, the "Second Amendment"); and

WHEREAS, on March 1, 2001, the City Council of the City of St. Petersburg approved a third amendment to the Development Order as Ordinance Number 466-G (herein, the "Third Amendment"); and

WHEREAS, the September 4, 1986 Development Order, as amended by the First Amendment, the Second Amendment and the Third Amendment, is referred to herein as the "Carillon DO"; and

WHEREAS, the City Council of the City of St. Petersburg ("City Council") as the governing body of the City of St. Petersburg ("City") has jurisdiction pursuant to Section 380.06, Florida Statutes, and is authorized and empowered to render a decision on changes to the Carillon DO; and

WHEREAS, on April 6, 2005, Carillon Land Development LLC, the developer of the property subject to the Carillon DO, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact ("NOPC") which requested change of the name of the developer and an increase in the office square footage by 65,000 square feet; and

WHEREAS, pursuant to Section 380.06 (19) (e) 2. a., Florida Statutes, the change in the name of the developer, either individually or cumulatively with any previous changes, is not a substantial deviation from the Carillon DO; and

WHEREAS, the City has received and considered the comments of the Tampa Bay Regional Planning Council and the Department of Community Affairs relating to the NOPC, and the sufficiency response of the developer to such comments; and

WHEREAS, the proposed addition of 65,000 square feet of office space to the Carillon DO is less than the numerical criterion contained in Section 380.06 (19) (b) 6., Florida Statutes, and is, therefore, not a substantial deviation from the Carillon DO; and

WHEREAS, pursuant to Section 380.06 (19) (e) 1., Florida Statutes, the developer has provided notice to the Tampa Bay Regional Planning Council and the Department of Community Affairs with a copy of the NOPC; and

WHEREAS, the City Council having held a duly noticed public hearing on the proposed amendment and heard and considered testimony and evidence thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the public hearing; now therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. This ordinance shall constitute the fourth amendment to the Carillon DO.

SECTION 2. The City Council, having reviewed all relative comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, makes the following findings of fact:

- A. The findings and determinations of fact set forth in Ordinance No. 929-F, Ordinance No. 38-G, Ordinance No. 233-G, and Ordinance No. 466-G are hereby reaffirmed and incorporated herein by reference.
- B. This amendment does not create a reasonable likelihood of any additional regional impacts on public services, facilities, or environmental resources.

- C. This amendment is consistent with the adopted local comprehensive plan and local land development regulations.
- D. This amendment does not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- E. This amendment is consistent with the State Comprehensive Plan.

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

- A. These proceedings have been conducted pursuant to applicable laws and regulations.
- B. The review by the City and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Carillon DO.
- C. The proposed amendment does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes, and does not require further development of regional impact review.

SECTION 4. Having made the above findings of fact and reached the above conclusions of law, the City Council hereby approves the following changes to the Carillon DO:

- A. Paragraph A of Section I, Findings of Fact, of the Carillon DO is amended to provide that Carillon Land Development LLC, a Delaware limited liability company authorized to do business in Florida, whose address is 235 3rd Street South, Suite 300, St. Petersburg, Florida 33701, is the "Developer" under the Carillon DO. Any provisions of the Carillon DO or the exhibits thereto which refer to the "Developer" shall mean Carillon Land Development LLC.
- B. Composite Exhibit A of the Carillon DO is amended to provide that any reference therein to 2,610,000 square feet of office development shall be amended to 2,675,000, square feet of office development.
- C. Paragraph N, Land Use Schedule, of Section IV of the Carillon DO is hereby amended to read as follows:

"N. Land Use Schedule.

The following uses and quantities shall be allowed in the proposed development:

Office/business park	2,675,000 square feet
Hotel	300 rooms

Together with ancillary retail uses designed to service the proposed development.”

D. The map captioned as “Master Development Concept Plan”, a copy of which is attached hereto as Exhibit A, is substituted for Map H, also captioned as “Master Development Concept Plan”, in the Development of Regional Impact Application for Development Approval dated December 20, 1984, and approved by Ordinance Number 929-F of the City.

SECTION 5. All remaining provisions of the Carillon DO remain unchanged and in full force and effect.

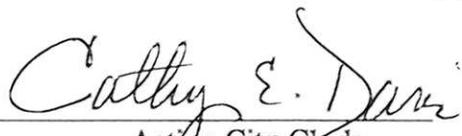
SECTION 6. The provisions of this ordinance shall be deemed to be severable. If any portion of the ordinance is deemed unconstitutional or otherwise invalid, such determination shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto. Provided, however, that this ordinance is subject to the appeal procedure of Section 380.07, Florida Statutes, for development orders regarding developments of regional impact.

First reading conducted on the 2nd day of June, 2005.

Passed by St. Petersburg City Council on second and final reading on the 16th day of June, 2005.


Vice Chair-Councilmember
Presiding Officer of the City Council

ATTEST: 
Acting City Clerk

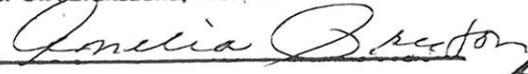
Title Published: Times 1-t 6/6/2005

Not vetoed. Effective date Thursday, June 20, 2005 at 5:00 p.m.



I, EVA ANDUJAR, CITY CLERK HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS IT APPEARS IN THE OFFICIAL FILES OF THE CITY CLERK OF THE CITY OF ST. PETERSBURG, FLORIDA, WITNESS MY HAND AND SEAL OF THE CITY THIS 23rd DAY OF June A.D. 2005

EVA ANDUJAR, CITY CLERK
CITY OF ST. PETERSBURG, FLORIDA

BY 



MEMORANDUM

TO: The Honorable Chair and City Council Members
Eva Andujar, City Clerk

FROM: Mayor Rick Baker

DATE: June 20, 2005

RE: Notice that the Mayor will not Veto Ordinance 735-G relating to the amendment to the Carillon Development of Regional Impact (DRI).

This memo will serve to notify City Council and the City Clerk pursuant to Section 3.05 of the City Charter that I will not veto the above-referenced Ordinance.

By: 
Rick Baker, Mayor

Dated: June 20, 2005

c: Tish Elston
Rick Mussett

#121



CITY OF ST. PETERSBURG

March 6, 2001

POST OFFICE BOX 2842, ST. PETERSBURG, FLORIDA 33731-2842

WEB SITE: www.stpete.org CHANNEL 35 WSPF-TV

TELEPHONE: 727 893-7171

Mr. J. Thomas Beck
Bureau Chief
State of Florida
Department of Community Affairs
2555 Shumard Oaks Boulevard
Tallahassee, Florida 32399-2100

Mr. Manny Pumariega
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

RE: Rendering of Adopted Amendment #3
Carillon DRI
St. Petersburg, Fl

Gentlemen:

Pursuant to subsection 380.07 Florida Statutes, the City of St. Petersburg is providing you with a certified copy of the adopted third amendment to the Carillon DRI, thus beginning the 45 day appeal period. The amendment (Ordinance 466-G) was adopted by City Council on March 1, 2001.

If you have any questions, please contact Dave Goodwin at (727) 893-7868 or me at (727) 892-5180.

Sincerely,

Shrimatee Ojah Maharaj, AICP
Planner III

Attachment\

CC: Kent Fast, FDOT
Brian Smith, Director Pinellas County Planning Department
Julio Maggi, Echelon LLC
Stephen C. Chumbris, Holland & Knight
Angelo Belluccia, ICON
Rick Mussett, Administrator, Community and Economic Development Administration
Julie Weston, Director, Development Services
David Goodwin, Assistant Director, Development Services

ORDINANCE NO. 466-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE DEVELOPMENT ORDER FOR CARILLON DEVELOPMENT OF REGIONAL IMPACT TO PROVIDE FOR THE CHANGE IN THE NAME OF THE DEVELOPER, A REDUCTION IN THE APPROVED NUMBER OF HOTEL ROOMS, AND AN INCREASE IN THE APPROVED FLOOR AREA OF OFFICE SPACE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 10, 1985, Pinellas County adopted Resolution 85-748 which constituted a Development Order approving the Carillon Development of Regional Impact; and

WHEREAS, the property subject to the Carillon Development of Regional Impact Development Order was later annexed into the City of St. Petersburg; and

WHEREAS, on September 4, 1986, the City Council of the City of St. Petersburg adopted the Development Order for the Carillon Development of Regional Impact as Ordinance Number 929-F; and

WHEREAS, on September 17, 1992, the City Council of the City of St. Petersburg approved an amendment to the Development Order as Ordinance Number 38-G (herein, the "First Amendment"); and

WHEREAS, on June 27, 1996, the City Council of the City of St. Petersburg approved a second amendment to the Development Order as Ordinance Number 233-G (herein, the "Second Amendment"); and

WHEREAS, the September 4, 1986, Development Order as amended by the First Amendment and the Second Amendment is referred to herein as the "Carillon DO"; and

WHEREAS, the City Council of the City of St. Petersburg ("City Council") as the governing body of the City of St. Petersburg ("City") has jurisdiction pursuant to Section 380.06, Florida Statutes, and is authorized and empowered to render a decision on changes to the Carillon DO; and

WHEREAS, on October 16, 2000, Echelon Commercial LLC, the developer of the property subject to the Carillon DO, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (NOPC) which requested a clarification and change in the name of the developer, and an increase in office square footage in return for a reduction of the number of approved hotel rooms; and

WHEREAS, the City has received and considered the comments of the Tampa Bay Regional Planning Council (TBRPC) and the Department of Community Affairs (DCA) relating to the NOPC, and the sufficiency response by the developer to such comments; and

WHEREAS, on March 1, 2001, the City Council held a duly noticed public hearing on the proposed amendment and heard and considered testimony and evidence thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the public hearing; now therefore

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. This ordinance shall constitute the third amendment to the Carillon DO.

SECTION 2. The City Council, having reviewed all relevant comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, makes the following findings of fact:

- A. The findings and determinations of fact set forth in Ordinance No. 929-F, Ordinance 38-G, and Ordinance 233-G are hereby reaffirmed and incorporated herein by reference.
- B. This amendment does not create a reasonable likelihood of any additional regional impacts on public services and facilities because the expected peak hour traffic impacts of the development are not changed, the expected impacts on other public facilities are not increased and there are no additional impacts to any other public facility or environmental resource.
- C. This amendment is consistent with the adopted local comprehensive plan and local land development regulations.

- D. This amendment does not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- E. This amendment is consistent with the State Comprehensive Plan.

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

- A. These proceedings have been conducted pursuant to applicable laws and regulations.
- B. The review by the City and other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Carillon DO.
- C. The proposed amendment does not constitute a substantial deviation pursuant to Chapter 380.06(19), Florida Statutes, and does not require further development of regional impact review.

SECTION 4. Having made the above findings of fact and reached the above conclusions of law, the City Council hereby approves the following changes to the Carillon DO:

- A. Paragraph A of Section I, Findings of Fact, of the Carillon DO is amended to provide that Echelon Commercial LLC, a Delaware limited liability company authorized to do business in Florida, whose address is 450 Carillon Parkway, Suite 200, St. Petersburg, Florida 33716, is the "Developer" under the Carillon DO. Any provisions of the Carillon DO or the exhibits thereto which refer to the "Developer" shall mean Echelon Commercial LLC.

- B. Composite Exhibit A of the Carillon DO is amended to provide that any reference therein to 2,400,000 square feet of office development shall be amended to 2,610,000 square feet of office development, and any reference therein to 750 hotel rooms shall be amended to 300 hotel rooms.
- C. A new paragraph N is added to Section IV of the Carillon DO to read as follows:

“N. Land Use Schedule.

The following uses and quantities shall be allowed in the proposed development:

Office/business park	2,610,000 square feet
Hotel	300 rooms

Together with ancillary retail uses designed to service the proposed development.”

- D. The map captioned as, "Master Development Concept Plan," a copy of which is attached hereto as Exhibit A, is substituted for Map H, also captioned as, "Master Development Concept Plan," in the Development of Regional Impact Application for Development Approval dated December 20, 1984, and approved by Ordinance Number 929-F of the City.

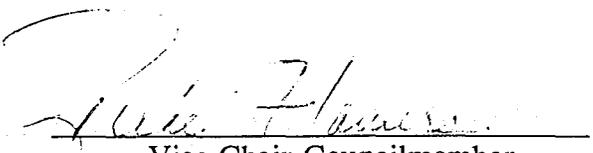
SECTION 5. All remaining provisions of the Carillon DO remain unchanged and in full force and effect.

SECTION 6. The provisions of this ordinance shall be deemed to be severable. If any portion of the ordinance is deemed unconstitutional or otherwise invalid, such determination shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. Effective Date. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the second business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall take effect immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto. Provided, however, that this ordinance is subject to the appeal procedure of Section 380.07, Florida Statutes, for development orders regarding developments of regional impact.

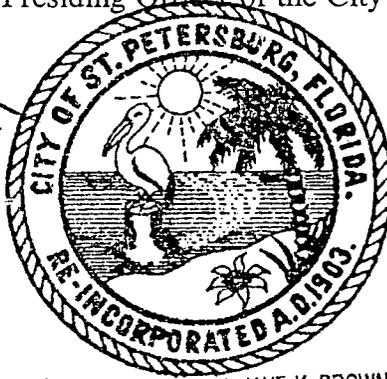
First reading conducted on the 15th day of February, 2001.

Passed by St. Petersburg City Council on second and final reading on the 1st day of March, 2001.


Vice Chair-Councilmember
Presiding Officer of the City Council

ATTEST: 
City Clerk

Title Published: Times 1-t 2/19/2001

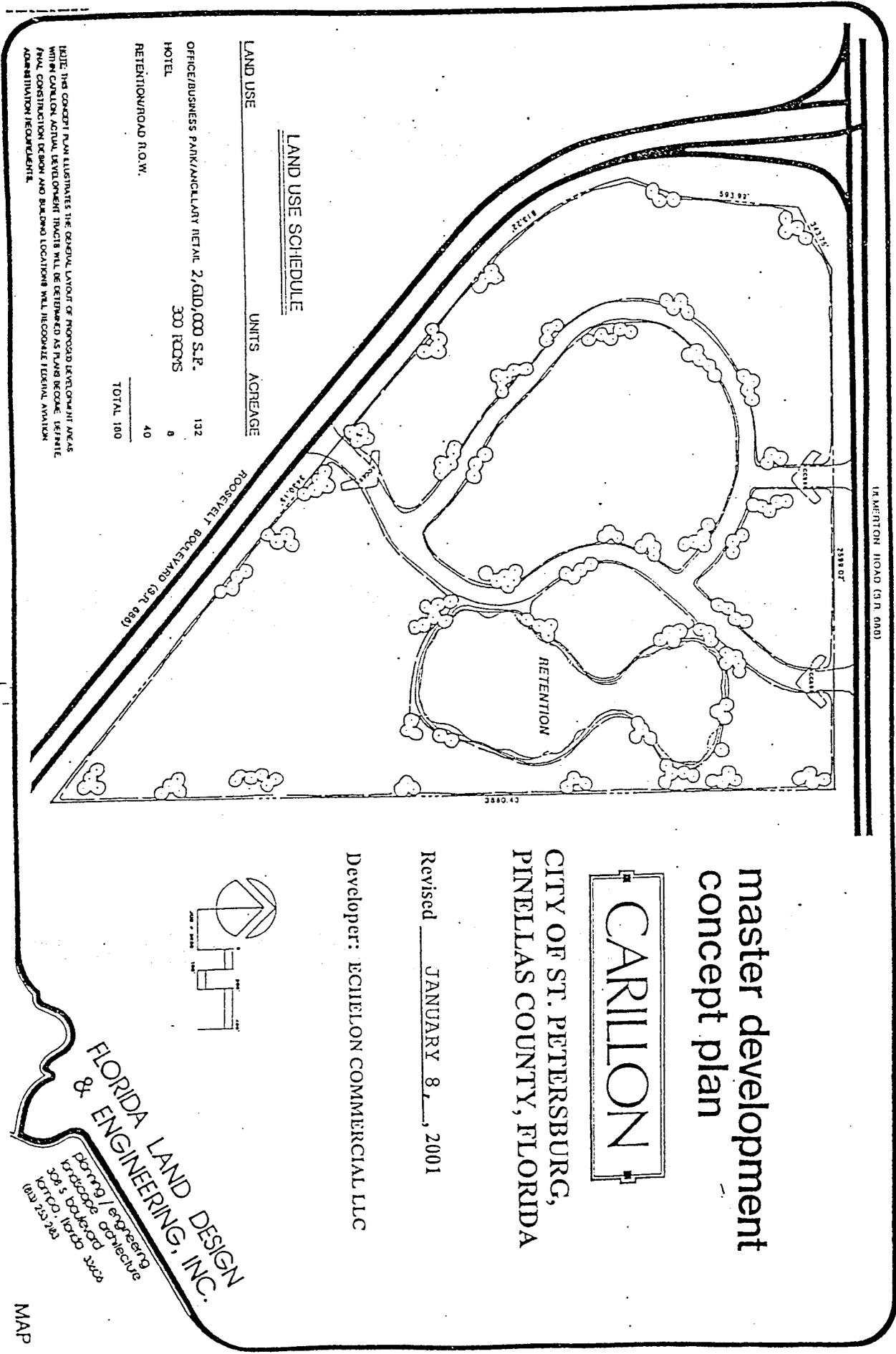


I, JANE K. BROWN, CITY CLERK DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS IT APPEARS IN THE OFFICIAL FILES OF THE CITY CLERK OF THE CITY OF ST. PETERSBURG, FLORIDA. WITNESS MY HAND AND SEAL OF CITY THIS 6th DAY OF March A.D., 2001.
JANE K. BROWN, CITY CLERK
CITY OF ST. PETERSBURG, FLORIDA

BY: 


Not vetoed. Effective date Monday, March 5, 2001 at 5:01 p.m.

EXHIBIT "A"



LAND USE SCHEDULE

LAND USE	UNITS	ACREAGE
OFFICE/BUSINESS PARK/ANCILLARY RETAIL 2,610,000 S.F.P.	300 ROOMS	132
HOTEL	8	8
RETENTION/ROAD R.O.W.	40	40
TOTAL		180

NOTE: THIS CONCEPT PLAN ILLUSTRATES THE GENERAL LAYOUT OF PROPOSED DEVELOPMENT AREAS WITHIN CARILLON. ACTUAL DEVELOPMENT IMPACTS WILL BE DETERMINED AS PLANS BECOME DEFINITE. FINAL CONSTRUCTION DESIGN AND BUILDING LOCATIONS WILL REQUIRE FURTHER ANALYSIS AND ADMINISTRATION REQUIREMENTS.

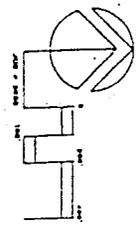
**master development
concept plan**

CARILLON

CITY OF ST. PETERSBURG,
PINELLAS COUNTY, FLORIDA

Revised JANUARY 8, , 2001

Developer: ECHELON COMMERCIAL LLC



**FLORIDA LAND DESIGN
& ENGINEERING, INC.**
 professional engineering
 504 S. BAYVIEW AVE.
 TAMPA, FL 33606
 (813) 257-2929

MAP



CITY OF ST. PETERSBURG

SB ✓
TTS ✓

July 1, 1996

Certified Mail

Julia E. Greene
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

RE: Rendering of Adopted Amendment
Carillon DRI, St. Petersburg, Florida

Dear Ms. Greene:

Pursuant to section 380.07 Florida Statutes, the City of St. Petersburg is providing your agency with a certified copy of the adopted second amendment to the Carillon DRI, thus beginning the 45 day appeal period. The amendment (Ordinance 233-G) was adopted by unanimous vote of City Council on June 27, 1996.

If you have any questions, please contact Dave Goodwin at (813) 893-7868.

Sincerely,

Ralph Stone
Planning, Housing and Development Review Services Director

Attachment

cc: Rick Mussett
Dave Goodwin
Steven Samaha

DG:CAWP\OTHERDR\RENDER.CAR

/

ORDINANCE NO. 233-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA ADOPTING AN AMENDMENT TO ORDINANCE 929-F AND ORDINANCE 38-G; APPROVING THE SECOND AMENDMENT TO THE CARILLON DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 10, 1985, Pinellas County adopted Resolution 85-748 which constituted a Development Order approving the Carillon Development of Regional Impact; and

WHEREAS, the property subject to the Carillon Development of Regional Impact Development Order was later annexed into the City of St. Petersburg; and

WHEREAS, on September 4, 1986, the City Council of the City of St. Petersburg adopted the Development Order for the Carillon Development of Regional Impact as Ordinance Number 929-F; and

WHEREAS, on September 17, 1992, the City Council of the City of St. Petersburg approved an amendment to the Development Order as Ordinance Number 38-G (hereinafter the September 4, 1986 Development Order, as amended by the September 17, 1992 amendment, shall be referred to as the "Carillon DO"); and

WHEREAS, the City Council of the City of St. Petersburg ("City Council"), as the governing body of the City of St. Petersburg ("City") having jurisdiction pursuant to section 380.06, Florida Statutes, is authorized and empowered to render a decision on changes to the Carillon DO; and

WHEREAS, on April 25, 1996 the owner of the property subject to the Carillon DO, Gateway Joint Venture, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (NOPC) which updated the estimated completion period of the development and the effective period of the Carillon DO; and

WHEREAS, the City has received and considered the comments of the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA); and

WHEREAS, on June 27, 1996, the City Council held a duly notice public hearing on the proposed amendment and heard and considered testimony and evidence thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the public hearing.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That this ordinance shall constitute the second amendment to the Carillon DO.

SECTION 2. That the City Council having reviewed all relevant comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, makes the following findings of fact:

- A. The findings and determinations of fact set forth in Ordinance No. 929-F and Ordinance No. 38-G are hereby reaffirmed and incorporated herein by reference.
- B. This amendment is the result of unfavorable economic conditions that have caused an excusable delay in the estimated development period of the Carillon project.
- C. This amendment does not create a reasonable likelihood of any additional regional impacts on public services and facilities.
- D. This amendment is consistent with the adopted local comprehensive plan and local land development regulations.
- E. This amendment does not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- F. This amendment is consistent with the State Comprehensive Plan.

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

- A. That these proceedings have been duly conducted pursuant to applicable laws and regulations.
- B. That the review by the City, other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Carillon DO.



- C. That the proposed amendment does not constitute a substantial deviation pursuant to Chapter 380.06(19), Florida Statutes and does not require further development of regional impact review.

SECTION 4. Having made the above findings of fact and reached the above conclusions of law, Subsection III.N of the Carillon DO is hereby amended to read as follows:

- N. This order shall remain in effect until December 31, 2000, ~~this reflects an extension of four years, eleven months and six days 2005.~~ Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order may be completed, if approved. This order may be extended by the City Council on the finding of excusable delay in any proposed development activity.

SECTION 5. Having made the above findings of fact and reached the above conclusions of law, the first paragraph of Subsection IV.A of the Carillon DO is hereby amended to read as follows:

A. Phasing Schedule

The development of this 180 acre complex is proposed to be completed by December 31, 1997, ~~this reflects an extension of six years 2002.~~ The ADA, as submitted by the applicant, explains construction will progress according to market demand and therefore provides no sequential construction schedule.

SECTION 6. Words stricken through shall be deleted. Underscored words constitute the amendment. Remaining provisions are now in effect and remain unchanged.

SECTION 7. The provisions of this ordinance shall be deemed to be severable. If any portion of the ordinance is deemed unconstitutional it shall not effect constitutionality of any other portion of this ordinance.

7

SECTION 8. This ordinance shall become effective immediately upon its adoption.

First reading conducted on the 6th day of June, 1996.

Passed by St. Petersburg City Council on second and final reading on the 27th day of June, 1996.


Chair-Councilmember
Presiding Officer of the City Council

ATTEST: 
City Clerk

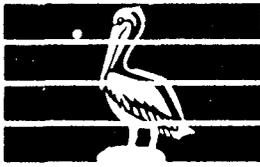
Title Published: Times 1-t 6/17/96



I, JANE K. BROWN, CITY CLERK DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS IT APPEARS IN THE OFFICIAL FILES OF THE CITY CLERK OF THE CITY OF ST. PETERSBURG, FLORIDA. WITNESS MY HAND AND SEAL OF CITY THIS 27th DAY OF June A.D., 19 96.
JANE K. BROWN, CITY CLERK
CITY OF ST. PETERSBURG, FLORIDA

BY: 





CITY OF ST. PETERSBURG

October 2, 1992

Certified Mail

Jack Wilson
The Wilson Company
6200 Courtney Campbell Causeway
Suite 600
Tampa, Florida 33607

Julia E. Greene
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

DRI #121

Thomas Beck
Florida Department of Community Affairs
2740 Centerview Drive
Tallahassee, Florida 32399

RE: Rendering of Adopted Amendment
Carillon DRI
St. Petersburg, Florida

Dear Mr. *Wilson*, Ms. *Greene* and Mr. *Beck*:

Pursuant to section 380.07 Florida Statutes, the City of St. Petersburg is providing each of your respective companies/agencies with certified copies of the adopted first amendment to the Carillon DRI, thus beginning the 45 day appeal period.

The amendment (Ordinance 38-G) was adopted by unanimous vote of City Council on September 17, 1992.

If you have any questions, please contact Dave Goodwin at (813) 893-7868.

Sincerely,

Ralph Stone
Ralph Stone
Planning Director

tendered 10/2/92

received 10/5/92

Attachment

cc: Rick Mussett, Administrator, Community Development
Michael R. Dove, Assistant Planning Director

DG:C:\WP\OTHER\DRIVER\RENDER.CAR

ORDINANCE NO. 38-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA ADOPTING AN AMENDMENT TO ORDINANCE 929-F; APPROVING THE FIRST AMENDMENT TO THE CARILLON DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 10, 1985, Pinellas County adopted Resolution 85-748 which constituted a Development Order approving the Carillon Development of Regional Impact; and

WHEREAS, the property subject to the Carillon Development of Regional Impact Development Order was later annexed into the City of St. Petersburg; and

WHEREAS, on September 4, 1986, the City Council of the City of St. Petersburg adopted the Development Order for the Carillon Development of Regional Impact as Ordinance Number 929-F (hereinafter the "Carillon DO"); and

WHEREAS, the City Council of the City of St. Petersburg ("City Council"), as the governing body of the City of St. Petersburg (City) having jurisdiction pursuant to Section 380.06, Florida Statutes (1991), is authorized and empowered to render a decision on changes to the Carillon DO; and

WHEREAS, On July 20, 1992 the owner of the property subject to the Carillon DO, Gateway Joint Venture, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (NOPC) which extends the date of buildout of the development until December 31, 1997, and the effective date of the Carillon DO until December 31, 2000; and

WHEREAS, the City has received and considered the comments of the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA); and

WHEREAS, on September 17, 1992, the City Council held a duly noticed public hearing on the proposed amendment and heard and considered testimony and evidence thereon; and

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WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the public hearing.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That this ordinance shall constitute the first amendment to the Development Order for the Carillon Development of Regional Impact (hereinafter "Carillon DO") as set forth in Ordinance No. 929-F.

SECTION 2. That the City Council having reviewed all relevant comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, makes the following findings of fact:

- A. The findings and determinations of fact set forth in Ordinance No. 929-F are hereby reaffirmed and incorporated herein by reference.
- B. This amendment is the result of unfavorable economic conditions that have caused an excusable delay in the development of the Carillon project.
- C. This amendment does not create a reasonable likelihood of any additional regional impacts on public services and facilities.
- D. This amendment is consistent with the adopted local comprehensive plan and local land development regulations.
- E. This amendment does not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

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

- A. That these proceedings have been duly conducted pursuant to applicable laws and regulations.
- B. That the review by the City, other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes (1991), within the terms and conditions of the Carillon DO, as amended.
- C. That Chapter 380.06(19), Florida Statutes (1991) establishes the criteria for substantial deviations from an approved development of regional impact and such

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criteria shows that there is a presumption that the proposed amendment to the Phasing Schedule is not a substantial deviation, but that there is a rebuttable presumption that the extension of the expiration date is a substantial deviation.

- D. That this presumption has been rebutted because there is no likelihood of additional regional impact and therefore no type of regional impact which has not been previously reviewed.

SECTION 4. Having made the above findings of fact and reached the above conclusions of law, Subsection III.N of Ordinance 929-F is hereby amended to read as follows:

- N. This order shall remain in effect ~~for a period of 10 years from the effective date hereof~~ until December 31, 2000, this reflects an extension of four years, eleven months and six days. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order may be completed, if approved. This order may be extended by the City Council on the finding of excusable delay in any proposed development activity.

SECTION 5. Having made the above findings of fact and reached the above conclusions of law, the first paragraph of Subsection IV.A of Ordinance 929-F is hereby amended to read as follows:

- A. Phasing Schedule

The development of this 180 acre complex is proposed to ~~occur over a period of seven years, with completion planned during 1991~~ be completed by December 31, 1997, this reflects an extension of six years. The ADA, as submitted by the applicant, explains construction will progress according to market demand and therefore provides no sequential construction schedule.

SECTION 6. Words stricken through shall be deleted. Underscored words constitute the amendment. Remaining provisions are now in effect and remain unchanged.

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SECTION 7. The provisions of this ordinance shall be deemed to be severable. If any portion of the ordinance is deemed unconstitutional it shall not effect the constitutionality of any other portion of this ordinance.

SECTION 8. This ordinance shall become effective immediately upon its adoption.

Passed by St. Petersburg City Council on first reading on the 3rd day of September, 1992.

Passed by St. Petersburg City Council on second and final reading, as amended, on the 17th day of September, 1992.

Mayor-Councilmember
Presiding Officer of the City Council

ATTEST: _____
Clerk of City Council

Title Published: Times 9/7/92

JANE K. BROWN, Clerk of the City Council do hereby certify that the above and foregoing is a true and correct copy of the original and it appears in the official files of the Clerk of City Council of the City of St. Petersburg, Florida. Witness my hand and seal of City this 10th day of October A.D., 1992.
JANE K. BROWN, Clerk of the City Council
City of St. Petersburg, Florida

By: Debra S. Surprenant

CARILLON
D.O.

S. KACG

Notice of
Adoption of DO.
12/14/87

ORDINANCE NO. 929-F

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR THE CARILLON DEVELOPMENT OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in December, 1984, The Wilson Company filed an Application for Development Approval (ADA) of a development of regional impact 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 highly specialized and technological industries, certain industrial support facilities, research and experimental institutions and administrative facilities, all of which are within a planned industrial complex. This complex is located in the "Gateway" sector of east-central Pinellas County, occupying the west third of the triangle formed by Ulmerton Road, Roosevelt Boulevard and Interstate 275.

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 December 10, 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 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.

WHEREAS, the City of St. Petersburg has received and considered the above facts; and,

WHEREAS, on May 22, 1986, the City of St. Petersburg annexed the aforementioned property occupying the west third of the triangle formed by Ulmerton Road, Roosevelt Boulevard, and Interstate 275, commonly referred to as the "Carillon" project; and,

WHEREAS, the City of St. Petersburg shall incorporate the terms of Resolution No. 85-748, Resolution of the Board of County Commissioners of Pinellas County Florida, DRI Development Order, in accordance with Section 380.06 (15)(g) Florida Statutes; and,

WHEREAS, the City has held the duly required first reading of this ordinance on August 21, 1986 and the second reading and public hearing on September 4, 1986, in accordance with Florida Statutes.

NOW, THEREFORE, THE CITY DOES ORDAIN:

I. FINDINGS OF FACT

A. The Wilson Company, hereinafter referred to as "Developer", submitted to Pinellas County, Florida, an Application for Development Approval, and sufficiency response which are attached hereto and marked Composite Exhibit A and incorporated herein by reference. Hereinafter, the word "application" shall refer to the Application for Development Approval, and sufficiency response and 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 the Wilson Company generated by the development has been conducted by Pinellas County Administration, the City of St. Petersburg, and the Tampa Bay Regional Planning Council.

F. The City of St. Petersburg, hereinafter referred to as "City", has duly annexed the property described in composite Exhibit A on May 22, 1986 and in compliance with Section 380.06 (15)(g). Florida Statutes has incorporated all previous rights and obligations specified in the existing development order, Resolution No. 85-748 Resolution of the Board of County Commissioners of Pinellas County, Florida DRI Development Order.

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 and the City Council of the City of St. Petersburg, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of an 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 and the City have considered the criteria stated in subsection 380.06 (14), Florida Statutes.

C. The review by Pinellas County, the Tampa Bay Regional Planning Council, the City, 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 and the sufficiency responses 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 the City in response to the Application for Development Approval and the sufficiency responses for the Carillon 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 government agencies and departments as are or may be designated by the City to review development of regional impact applications as well as all governmental agencies and departments set forth under applicable laws and rules governing developments of regional impact.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Carillon, the Developer may transfer any or all of its 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 City, 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.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans or ADA 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 the City ordering a termination of development activity pending such review.

J. The City Manager of St. Petersburg or his designee shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the City Manager may rely upon or utilize information supplied by the TBRPC or any City department or agency having particular responsibility over the area of subject involved. The City Manager shall report to the City Council any findings of deviation from the the terms and conditions of this Development Order. The City Manager shall issue a notice of such noncompliance to the Developer and if the deviation is not corrected within a reasonable amount of time the City Manager shall recommend that the City Council 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.

*I
initial
T. Conclusions*
K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes, 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 City Manager who shall after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this 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 City Council hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of the Development Order. This report shall contain:

*City Mgr
Mr. Robert D.
Oberung*

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

*De A
Report
form*

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 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.

L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of the City, its agencies or commissions and to the extent that further review is provided for in this Development Order or required by the City, 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 St. Petersburg City Council in accordance with Section 380.06, Florida Statutes.

N. This Order shall remain in effect for a period of ten (10) years from the effective date hereof. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order may be completed, if approved. This Order may be extended by the City Council on the finding of excusable delay in any proposed development activity.

O. 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.

P. Any revisions to the Development Order not addressed herein shall be subject to review by TBRPC.

IV. CONDITIONS OF DEVELOPMENT APPROVAL

A. Phasing Schedule

The development of this 180 acre complex is proposed to occur over a period of seven years, with completion planned during 1991. The ADA, as submitted by the applicant, explains construction will progress according to market demand and therefore provides no sequential construction schedule.

*no
sequential
schedule*

It is the intent of this Order to insure that all prerequisites for the project are compiled with. For purposes of this Order, the project shall be considered complete upon issuance of the final certificate of occupancy. Any significant departure in project buildout from the plans set forth in the application shall be subject to a substantial deviation determination pursuant to Section 380.06, Florida Statutes.

The actual construction sequence may begin as set forth in a Florida Department of Community Affairs/Tampa Bay Regional Planning Council/ Developer Pre-Application Agreement, and shall be subject to site plan

approval by the City. The Agreement, attached hereto and marked Exhibit C, allows construction of two office buildings, not to exceed 180,000 square feet, nor 75 feet in height, and not to intrude upon the approach and transition zone for the St. Petersburg/Clearwater International Airport.

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, the City, 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. 35 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 the City. The operation and maintenance schedule shall include an estimation of the frequency of sediment removal operation and shall mention the periodic need to

remove dead vegetation. } An annual update of the operation and maintenance schedule showing compliance with its terms shall be included in the annual report. } The applicant shall be responsible for maintenance of stormwater management facilities.

- 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 structures shown on site plans shall be in accordance with the Application for Development Approval (Exhibit A) and the Industrial Business Parkway (IB-P) zoning district. If this provision conflicts with other sections of this Order, this provision shall govern the amount and location of the development.
- 1. Any proposed construction activity within Roosevelt Creek at the southwest corner of this project must not adversely impact the existing drainage system. Mitigation required by FDER, Pinellas County, and the City for work in this area should be incorporated into the littoral shelf in the proposed adjacent excavated area.

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 issuance of a building permit for any building to be constructed at the project, the Developer shall submit to the City 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. The collection, transportation and disposal of solid waste is controlled by County and City ordinances and shall take place in accordance with the terms of said ordinances.

2. No building permits shall be issued without documented assurance from the Florida Department of Environmental Regulation and the City,

that acceptable and sufficient wastewater treatment capabilities and sufficient effluent and sludge disposal facilities are available for any wastewater flows from the project. Any proposed change to the treatment plan shall be subject to determination whether it is a substantial deviation pursuant to Section 380.06, F.S.

3. The Developer shall propose water conservation measures to be utilized within the development, such as a secondary "gray water" system. At minimum, non-potable water for landscape use shall be provided from on-site shallow wells, sewage effluent or stormwater runoff retention facilities. The entity(ies) responsible for operation and long term maintenance of these measures shall be the developer.

4. The Developer 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.

5. 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.

6. The City will provide water and sewer service to Carillon or will ensure that water service is available through other public entities on the following terms and conditions:

- a. The Developer shall design, construct and install, in accordance with prevailing City design criteria and subject to prior City inspection and approval, all on-site improvements required by the City to connect the development to the City and/or County water system and the City and/or City of Largo sewer system. [On-site improvements shall be defined as all water and sanitary sewer facilities, including but not limited to all lines, mains, equipment and improvements located in easements of rights-of-way or utilities within the development including all water mains, up to and including water meters].
- b. After City inspection and approval, the Developer shall convey to the City by instruments acceptable to the City, said on-site improvements for water and sanitary sewer. In addition, with respect to these on-site improvements, the Developer, at

its own expense, shall acquire and convey to the City necessary and reasonable permits, rights-of-way, easements, or property interests specified by the City to provide the development with a working water system. Upon inspection and acceptance of said facilities, permits, easements, rights-of-way, property, or interests, the City shall operate and maintain said facilities and improvements as part of the City's utility system and subject to the City's ordinances.

D. Open Space

1. The Developer shall preserve as open space a minimum of thirty and eight-tenths (30.8) acres of the total upland area composed of 154 acres of Carillon as naturally vegetated or landscaped space with a minimum of ten and three-tenths (10.3) acres of said thirty and eight-tenths (30.8) acres being naturally vegetated.

2. 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.

3. Those portions of the stormwater drainage system and retention and detention ponds not dedicated to the City shall remain the responsibility of the Developer, his assigned agent, or his successor.

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

5. 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 listed in Section 39-27.03-05, and are observed frequenting the project site for the purpose of feeding, nesting or brooding, 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 and the City.

F. Hazardous Waste

Separate hazardous waste collection/transfer facilities within the project shall be provided by individual tenants based on deed restrictions or leases. 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), Florida Statutes, and listed in Title 40 CFR Part 261).

1. The applicant shall provide to all Carillon 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.
3. The applicant shall require all Carillon businesses that generate hazardous waste or store hazardous materials to notify the City's Fire Department.

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 shall be reported to and the disposition shall be determined in cooperation with the Florida Division of Archives and the City. 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 and the City prior to land clearing for construction in those specific areas.

I. Air Quality

1. 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:

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

2. The Developer shall be prohibited from burning debris and construction-related wastes due to the project's proximity to the St. Petersburg/Clearwater International Airport unless approved by the appropriate Pinellas County agencies and the City.

J3. Hurricane Evaluation

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

- i. 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 Preservation and Conservation

1. Environmental Preserve: Prior to any recorded instrument or site plan approval, the Developer or his successor, shall designate an area to be retained as an Environmental Preserve with the following criteria and elements:

- a. An environmental preserve area of approximately ten (10) acres, of which three (3) acres will be upland, shall be located in the general area described as extending from the eastern 1/3 of the existing marsh to the eastern property line. ✓
- b. The environmental preserve area shall include areas of contiguous marsh, oak hammock and pine palmetto flatwood habitats. ✓
- c. The environmental preserve area shall be mutually field delineated by the Developer and City Staff. ✓
- d. The environmental preserve area shall be shown on all final site plans or recorded instrument. ✓
- e. The environmental preserve shall be retained substantially undisturbed with no major construction permitted within. Boardwalks approved by the City shall be available for park users. ✓
- f. In general, all existing wetland vegetation (i.e. Arrowhead, Pickerelweed, Cordgrass, Soft Rush, Bloodroot, Willow, Sawgrass, etc.) and upland vegetation (i.e. oaks, pines, palmettos, sabal palms, wax myrtle, gallberry, fetterbush, rusty lyonia, wild grape, smilax, american holly, persimmon, etc.) shall be retained unaltered and allowed to grow naturally. Replanting within the burned ✓

out portions of this preserve with native tree species will be in conformance with City Ordinances.

- g. Marsh retained within the environmental preserve will be credited towards the total 35% marsh area required to be retained. ✓

2. Tree Preservation: The project design criteria and development shall include the following tree preservation elements:

- a. Proposed improvements, i.e. buildings, retention ponds, roadways, utilities, etc., shall be located sensitive to areas of existing desirable trees.
- b. The project development shall comply with the intent and requirements of the City's Tree Ordinance. More specifically:
 - 1. All major improvements shall be located outside or sensitive to the oak hammock area(s).
 - 2. Existing slash pines on site shall be retained wherever possible. Although a wildfire occurred on site during June 1985, which impacted numerous trees, this is a natural ecological phenomenon to which slash pines have adapted. The majority of the impacted pine trees are expected to fully recover given sufficient time. All pine trees on site (6.0" or greater at diameter abreast height) shall be retained until permitted to be removed as a result of approved site plan improvements or when the City has determined that specific trees have expired. Trees which are determined to be viable but were significantly damaged, will be permitted to be removed on a case by case basis with the condition of approved size and species tree replant installations in order to provide adequate canopy replacement.
 - 3. The applicant shall provide through compliance with tree permit conditions, adequate future tree numbers and canopy. Tree replants shall be required as conditions of tree permits issued for improvements, and

shall be installed prior to utilization of said improvements. The tree replacements shall have at least equal shade potential and other characteristics comparable to that of the trees removed and shall be a minimum of eight feet (8') high at time of planting and Florida Department of Agriculture nursery grade #1 or better. Required tree replants shall be selected from the City approved species list.

4. Trees required to be retained shall be protected during construction by the erection and maintenance of suitable physical structures limiting access to the protected trees. The barriers shall be composed of wooden and/or other suitable materials and be erected a minimum of 6.0' from the trunk or 2/3 of the trees dripline, whichever is greater.

3. Existing Marsh Utilization: Utilization of the existing marsh ephemeral pond areas for water quality and quantity stormwater systems shall comply with the following design elements:

- a. The master on-site stormwater system shall comply with the FDER Stormwater Rule 17-25, Florida Administrative Code and City Ordinance for water quality purposes and the City Engineering Department detention requirements.
- b. Although alteration of portions of the major marsh system will be permitted, a minimum of 35% of the existing marsh must be retained unaltered or mitigated on a one-to-one basis, or replanted as a littoral shelf as set forth in the ADA and Sufficiency Responses and as mutually agreed to by the City and the Developer. ✓
- c. 35% of the littoral area of the major stormwater system at the normal water level (nwl) shall consist of a shallow totally vegetated littoral shelf. Said 35% shall be comprised of existing marsh with the remainder consisting of created, restored or mitigated littoral zones. ✓

- d. The littoral zones, if located along the pond bank, shall have side slopes no greater than 4:1 with the top of the shelf at nwl and sloping to a depth of three feet or less. ✓
- e. The restored or mitigated littoral areas shall be vegetated with a diverse group of native herbaceous species which can include arrowhead, pickerelweed, soft rush, cordgrass, waterlilies, etc. Wherever possible the planting material shall be collected from donor areas on site which are to be subject to alteration. In addition to the planting of herbaceous material, the restoration/mitigation process shall include appropriate re-vegetation methodology including mulching with on site donor organic material with roots, tubers and seed bank. The herbaceous plantings shall be complimented with installation of native woody species including pond cypress, sweetgum, maple, water oak, gum, water locust, etc., trees along the littoral and pond bank areas. ✓
- f. The stormwater control elevations, i.e. underdrains, weirs, etc. shall be designed to be compatible with the existing marsh hydroperiod (i.e. the existing marsh system shall not be either adversely perched or flooded due to project design).
- g. A detailed marsh preservation, restoration, mitigation plan with areas, methods, time tables, materials maintenance schedules, etc. shall be submitted at the final site plan stage to the appropriate review agency, i.e. the City , for review and approval.
- h. Those marsh areas to be retained in a natural state must not be negatively impacted during construction. This will entail special design criteria and processes to ensure the marsh preserve area is not perched during pond excavation and dewatering. ✓

1. Although alteration via deepening, freeforming, etc. of some marsh areas will be permitted, the total surface area of the two major ponds shall remain at least as large as the existing marshes. ✓

4. Representative stands for all upland habitat types shall be reserved as set forth in ADA (page 18-19). Location and configuration of reserved upland habitat shall provide for the greatest continuity and least abrupt change so as to maximize the habitats viability and integrity in relation to other habitats.

L. Noise

1. The Developer shall be required to monitor noise levels at proposed construction sites within the project and shall provide the information to the City and TBRPC. Sound attenuating construction producing noise level reductions of 25 decibels in the 70-75 Ldn contour and 30 decibels in the 75+ Ldn contour shall then be required as appropriate.

2. At such time as an updated Ldn (Average Day-Night Sound Level) contour study (FAA Part 150) is performed for the St. Petersburg-Clearwater International Airport, sound attenuating construction features shall be required in a manner consistent with that noise level identification and condition noted in the aforementioned subsection.

M. Transportation

1. It shall be an additional stipulation of the Development Order a comprehensive areawide transportation study shall be performed as stated and managed by the Pinellas County Metropolitan Planning Organization, in cooperation with the Florida Department of Transportation and Bay Regional Planning Council. The plan shall consider all approved projects within the study area, including previously approved DRI's and related development. The Developer shall contribute \$23,000 as his fair share of the cost of said plan. Any required contribution shall be included as part of the Developer's fair share contribution. The plan shall commence within one year and be completed within three years of the issuance of any construction permits for Carillon. The parameters for this transportation plan or area DRI traffic analysis which shall include, but not be limited to:

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

2. The Developer, his successors, or assigns, shall prepare and implement a Transportation Systems Management (TSM) program which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the ADA. The plan shall be reviewed by the County, the City of Pinellas Park, the City of St. Petersburg, PSTA, the TBRPC, and the Florida Department of Transportation.

Each annual report for Carillon after issuance of certificates of occupancy for 300,000 square feet of office space or the equivalent thereof shall include a yearly assessment of the annual 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 an annual report is not submitted for any reasons, or if the report indicates that the total trip diversions as indicated in the ADA are not being met, the City shall conduct a substantial deviation determination pursuant to subsection 380.06, Florida Statutes, and amend the Development Order to change TSM objections and/or require additional roadway

improvements. The results of the TSM study may serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

3. The applicant, his successors, or assigns shall perform a traffic study consistent with the City criteria after certificates of occupancy have been granted to 600,000 square feet of office use. The study shall serve to affirm the findings of the original ADA. The traffic study shall report the success of the diversion of vehicle trips from the PM peak hour as well as the achieved mode split percentage. This report shall be included every two years as part of the annual report.

4. The schedule of Estimated Fair Share Amounts as described in Exhibit B attached hereto and by this reference made a part hereof reflects the Developer's estimated fair share amount for off-site road improvements associated with the project. The Developer's estimated fair share contribution for off-site road improvements has been estimated to be \$488,624 as shown on Exhibit B. In order for the Developer to satisfy its fair share requirement of needed roadway improvements, the Developer shall:

a. Prior to the issuance of the Certificate of Occupancy for the 100,000th square foot of building space constructed at the project, the Developer shall secure funding commitments for the construction and construction shall be initiated to: (1) provide an eastern project entrance west of the Feather Sound/Ulmerton Road Intersection (Item No. 6, Exhibit B). The improvements shall include: signalization, when warranted, and the signal shall be interconnected with the signal at Feather Sound/Ulmerton (SR 688) intersection; construct dual westbound-to-southbound left turn lanes; construct one northbound-to-westbound left turn lane; construct one northbound-to-eastbound right turn lane; construct an exclusive eastbound-to-southbound right turn lane; and (2) provide a project access at 28th Street/ Roosevelt Boulevard (SR 686) (Item No. 7, Exhibit B) and improve the intersection as follows: construct a southbound-to-eastbound left turn lane; construct two southbound through lanes; construct one exclusive eastbound-to-southbound right turn lane; construct an exclusive westbound to northbound right turn lane; construct one additional westbound to southbound left turn lane creating dual left turn lanes; and construct one northbound through lane. Additionally, the following improvements will be made to the intersection when found necessary by the Florida Department of Transportation or City of St. Petersburg for its safe and efficient operation: construct one

additional southbound-to-eastbound left turn lane creating dual left turn lanes; construct one additional westbound through lane for a total of three; construct one additional northbound-to-westbound left turn lane creating dual left turn lanes; construct one additional northbound-to-eastbound right turn lane creating dual right turn lanes; and construct two additional eastbound through lanes with one as a shared eastbound-to-southbound right turn lane creating four eastbound through lanes.

b. Prior to the issuance of the Certificate of Occupancy for the 1,000,000th square foot of building space constructed at the project, the Developer shall secure funding commitments for the construction and construction shall be initiated to increase the capacity from four lanes to six lanes for Roosevelt Boulevard (SR 686) from 28th Street to the I-275 interchange ramps (Item No. 2, Exhibit B). The improvements on the northeast side of Roosevelt Boulevard shall include outside lane pavement widening with paved shoulder, the relocation of the adjacent roadway lighting system, extension of box culverts and other necessary incidental roadway related construction. The improvements shall begin at 28th Street and end approximately 1800' to the south at the beginning of the ramp taper.

The improvement on the southwest side of Roosevelt Boulevard shall include outside lane pavement widening with paved shoulder, and the relocation of the adjacent roadway related construction. The improvements all begin at 28th Street and end approximately 1200' to the south at the point where there is an existing full three lanes (36') of traveled way pavement. Acceptance of final construction plans will be contingent upon approval by the City and the F.D.O.T.

c. Prior to the issuance of the Certificate of Occupancy for the 1,800,000th square foot of building space constructed at the project, the Developer shall secure funding commitments for the construction to increase the capacity of Ulmerton Road (SR 688) from Roosevelt Boulevard (SR 686) (southbound) to six hundred feet (600') west of Feather Sound Drive by constructing one additional eastbound and one additional westbound through lane to create a six-lane divided arterial section (Item No. 1, Exhibit B).

d. When the project entrance at the existing Egret Boulevard/Ulmerton Road (SR 688)(west of Feather Sound Shopping Center) intersection is built, the Developer shall create a four-way intersection (Item No. 5, Exhibit B) as follows: Signalize when warranted. Construct one

westbound-to-southbound left turn lane, construct one additional eastbound and one additional westbound through lane for a total of three in each direction; construct one northbound-to-westbound left turn lane; construct one exclusive eastbound-to-southbound right turn lane.

e. The Developer shall increase the capacity of the Roosevelt Boulevard (SR 686)/Ulmerton Road (SR 688) southbound-to-eastbound ramp by providing an additional lane. If an alternate project is developed and approved which resolves this traffic concern, then the project will be considered an acceptable replacement for this item. However, the developer's Fair Share Contribution shall not exceed the funding estimate shown in Exhibit B for Item 3.

5. To the extent that the estimated costs of the off-site projects constructed by the Developer exceed the Developer's fair share, the Developer shall receive a credit for the excess amount. This credit may be utilized by the Developer of Carillon to offset their required transportation improvements for future DRI's in the same vicinity by the same Developer. Provided, however, in no event shall the developer be able to utilize this credit to offset more than 50% of the Developer's fair share contribution for required transportation improvements on any future DRI.

6. In the event that the County adopts impact fee ordinances that are acceptable to TBRPC and DCA, the Developer shall be given credit for the cost of improvements paid for by the Developer. In no event shall the Developer be required to pay both the County's impact fee and the costs of improvements identified in Exhibit B. In the event the County adopts a transportation impact fee ordinance, Carillon shall be treated equitably with others under said ordinance in apportioning the costs of the required improvements.

7. It is understood that in satisfying the requirement of securing funding commitments for the construction of the projects listed in paragraph M.4., the Developer intends to secure funding from various responsible sources, including, but not limited to: Florida Department of Transportation, the City, Pinellas County, Impact Fee Ordinances, Areawide Assessments and other DRI developments. Notwithstanding the Developer's success in securing funding from other sources, the Developer understands he shall expend at least his Estimated Fair Share Contribution of Exhibit B, on the projects described also in Exhibit B.

ADOPTED, RENDERED AND ISSUED THIS 4th DAY OF September, 1986.

AYES: Stewart, Welch, Staples, Cate, Griswold, Bond, Cole

NAYES: None

ABSENT: Fisher, Maddux

ABSTAIN: None

APPROVED THIS 5th DAY OF September, 1986



MAYOR

ATTEST:

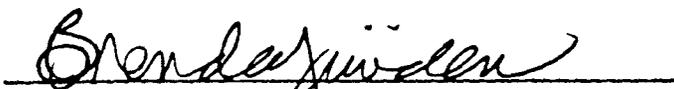

CITY CLERK

EXHIBIT A

Application for Development Approval

Dated December 2, 1984 (ADA)

Responses to Requests for Additional

Information Dated February 15, 1985

(Sufficiency Response)

EXHIBIT B

SCHEDULE OF ESTIMATED FAIR SHARE AMOUNTS

<u>Item No.</u>	<u>Estimated Total</u>	<u>Carillon Percent</u>	<u>Estimated Carillon Cost</u>
1.	\$ 906,818.00	20.0	\$181,363.00
2.	1,267,200.00	14.2	179,942.00
3.	40,000.00	22.8	9,120.00
4.	37,000.00	74.0	27,380.00
5.	75,000.00	34.4	25,800.00
6.	44,800.00	48.1	21,549.00
7.	105,000.00	41.4	43,470.00
TOTAL	\$2,475,818.00		\$488,624.00

DESCRIPTION OF ITEM NUMBERS

1. Increase the capacity of Ulmerton Road (SR 688) from Roosevelt Boulevard (SR 686)(southbound) to six hundred feet (600') east of Feather Sound Drive by constructing one additional eastbound and one additional westbound through lane to create a 6-lane divided arterial section. The Carillon development will contribute 20.0 percent of the daily service volume of LOS C of the existing facility.
2. Increase the capacity of Roosevelt Boulevard (SR 686) from 28th Street to I-275 (southbound) by constructing an additional eastbound and one additional westbound through lane to create a 6-lane divided arterial section. The Carillon development will contribute 14.2 percent of the daily service volume of LOS C of the existing facility.
3. Increase the capacity of Roosevelt Boulevard (SR 686)/Ulmerton Road (SR 688) southbound-to-eastbound ramp by providing an additional lane. If an alternative project is developed and approved which resolves this traffic concern consistent with the programmed State safety project, that project will be considered an acceptable replacement. The Carillon development will contribute 22.8 percent of the LOS D service volume of

the existing ramp during the AM peak period.

4. Improve the 28th Street/118th Avenue intersection as follows:

Signalize, if warranted. Construct one eastbound-to-northbound left turn with shared eastbound through lane; construct one southbound-to-westbound right-turn lane. The Carillon development will contribute 74.0 percent of the summation of critical movements of LOS D of the existing facility (if signalized) during the PM peak hour.

5. Provide for a project entrance at the existing Egret

Boulevard/Ulmerton Road (SR 688)(west of Feather Sound Shopping Center) intersection creating a 4-way intersection as follows: Signalize when warranted. Construct one combined southbound-to-eastbound left turn and southbound through lane; construct one additional southbound-to-westbound right turn lane for a total of two; construct one westbound-to-southbound left turn lane, construct one additional eastbound and one additional westbound through lane for a total of three in each direction; construct one additional westbound-to-northbound right turn lane creating dual right turn lane; construct one northbound-to-westbound left turn lane; construct one northbound through lane; construct one northbound-to-eastbound right turn lane; construct one additional eastbound-to-northbound left turn lane to create a dual left turn lane; construct one exclusive eastbound-to-southbound right turn lane. The Carillon Development will contribute 34.4 percent of the summation of critical movements of LOS D during the PM peak hour.

6. Construct an eastern project entrance west of the proposed access at Feather Sound/Ulmerton Road (SR 688) as follows: Signalize when warranted and provide for interconnection with the signal at the Feather Sound/Ulmerton (SR 688) site access; construct dual westbound-to-southbound left turn lanes; construct one northbound-to-westbound left turn lane; construct one northbound-to-eastbound right turn lanes; construct an exclusive eastbound-to-southbound right turn lane. The Carillon development will contribute 48.1 percent of the summation of critical movements of LOS D during the PM peak hour.

7. Construct a project access at 28th Street/Roosevelt Boulevard (SR 686) and improve the intersection as follows: Construct dual southbound-to-eastbound left turn lanes; construct two southbound through lanes; construct one exclusive southbound-to-westbound right

southbound left turn lanes; construct one northbound-to-westbound left turn lane; construct one northbound-to-eastbound right turn lanes; construct an exclusive eastbound-to-southbound right turn lane. The Carillon development will contribute 48.1 percent of the summation of critical movements of LOS D during the PM peak hour.

7. Construct a project access at 28th Street/Roosevelt Boulevard (SR 686) and improve the intersection as follows: Construct dual southbound-to-eastbound left turn lanes; construct two southbound through lanes; construct one exclusive southbound-to-westbound right turn lane; construct one additional westbound through lane for a total of three; construct one additional westbound-to-southbound left turn lane creating dual lefts; construct an exclusive westbound-to-northbound right turn lane; construct one additional northbound-to-westbound left turn lane creating dual lefts; construct one northbound through lane; construct one additional northbound-to-eastbound right turn lane creating dual rights; construct two additional eastbound through lanes with one as a shared eastbound-to-southbound right turn lane, creating four eastbound through lanes. The Carillon development will contribute 41.4 percent of the summation of critical movements of LOS D during the PM peak hour.

EXHIBIT C

AGREEMENT REGARDING IMPLEMENTATION OF DEVELOPMENT
OF REGIONAL IMPACT REVIEW PROCEDURES FOR
CARILLON, PINELLAS COUNTY

THIS AGREEMENT made and entered into this 13th day of December, 1984, between GATEWAY JOINT VENTURE (herein "DEVELOPER"), the TAMPA BAY REGIONAL PLANNING COUNCIL (herein "TBRPC"), and the FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS (herein "DEPARTMENT").

WITNESSETH:

WHEREAS, the DEPARTMENT is the agency of the State of Florida charged with the functions of the state land planning agency as set forth in Chapter 380, Florida Statutes, and also has primary responsibility for planning for possible natural disasters as set forth in Chapter 252, Florida Statutes; and

WHEREAS, the TBRPC has statutory responsibilities to insure that developments of regional impacts are consistent with TBRPC's "Future of the Region" policy and that mitigation measures are incorporated into the development to prevent adverse impacts; and

WHEREAS, The TBRPC participated in the development of the Regional Hurricane Evacuation Plan; and

WHEREAS, the Tampa Bay area, and in particular Pinellas County, has been identified by the National Weather Service as one of the most hurricane-vulnerable areas in the United States; and

WHEREAS, Pinellas County is particularly vulnerable to hurricanes because of the high density of population residing in low-lying areas and the number of mobile homes in the County which are subject to the storm surge and high wind effects of hurricanes; and

WHEREAS, in Pinellas County evacuation is a critical problem and there are only limited evacuation routes available; and

WHEREAS, the Pinellas County Natural Disaster Plan and the Tampa Bay Region Hurricane Evacuation Plan Technical Report determined that the Howard Franklin Bridge is considered the most critical link in any potential hurricane evacuation in Pinellas County and is the evacuation route for more than 200,000 residents of Pinellas County; and

WHEREAS, as part of its hurricane preparedness effort the Tampa Bay Regional Planning Council (TBRPC) would like to conduct a "regionwide hurricane preparedness exercise"; and

WHEREAS, it is in the best interests of the citizens and residents of Pinellas County, TBRPC and the State of Florida to undertake the foregoing-described "regionwide hurricane preparedness exercise"; and

WHEREAS, DEVELOPER owns approximately 180 acres of real property located at the southeast corner of the intersection of Ulmerton Road and Roosevelt Boulevard, which is very near to the Pinellas County side of the Howard Franklin bridge; and

WHEREAS, when the DEVELOPER acquired this 180-acre parcel the initial plan was to develop an industrial park; and

WHEREAS, an industrial park of 180 acres is not presumed to be a "development of regional impact" and, therefore, might not have been required to comply with the approval process required by Chapter 380, Florida Statutes; and

WHEREAS, more recently the DEVELOPER has been approached by various entities suggesting that this property be utilized for offices and a hotel; and

WHEREAS, if the subject property is used for offices, the project will be presumed to be a "development of regional impact"; and

WHEREAS, the DEVELOPER is committed to insure that proper planning considerations are made in the development of this property and to that end the DEVELOPER agrees to file an application for development approval; and

WHEREAS, because of the unique location of this property it can be of invaluable assistance to the State and County should it be necessary to implement the Pinellas County Natural Disaster Plan; and

WHEREAS, the DEVELOPER is prepared to provide financial assistance and facilities that can be utilized for the "regionwide hurricane preparedness exercise" and the Pinellas County Natural Disaster Plan; and

WHEREAS, the DEVELOPER has volunteered this financial assistance and the use of its facilities in order to contribute to solving a serious problem; and

WHEREAS, without the DEVELOPER's contributions there would be no funding for the "regionwide hurricane preparedness exercise," and no facilities at this site available for use in the Pinellas County Natural Disaster Plan; and

WHEREAS, the DEVELOPER does not seek this Agreement for the purpose of avoiding the DRI process or obtaining competitive advantage over any other developer, nor is it sought solely for the economic benefit or convenience of

the DEVELOPER, but for the dual purposes of providing incentives for good planning and compliance with Chapter 380, Florida Statutes, and providing realistic solutions for protecting the health, safety and property of the citizens, residents and visitors of the Tampa Bay area in the event of a hurricane; and

WHEREAS, the parties recognize and agree that the pre-development order development authorized in this Agreement will not exceed any of the Chapter 27F-2, Florida Administrative Code, square footage or acreage thresholds; and

WHEREAS, by limited pre-development order activities as provided for herein, the DEPARTMENT and TBRPC are protecting the State's interest by insuring that the regional impacts of the entire development will be fully considered before future development of the site may be initiated; and

WHEREAS, the Department has determined that this Agreement is in the best interests of the state, is necessary and beneficial to the Department in its role as the state agency responsible for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and intent of Chapter 380, Florida Statutes.

NOW THEREFORE, in consideration for the mutual covenants contained herein, it is hereby agreed and understood:

1. The DEPARTMENT and TBRPC agree the DEVELOPER may undertake the development of Phase I of Carillon, which shall be limited to 180,000 square feet of office space in two buildings (to be located on Parcels 1 and 2 along Ulmerton Road as shown on Exhibit 1 attached hereto), and the connector road running through the project between Ulmerton Road and Roosevelt Boulevard and shown on Exhibit 1. The DEVELOPER agrees not to undertake development on any lands within the Florida Department of Environmental Regulation's or the U.S. Army Corp of Engineers' jurisdiction. Further, all other lands are to remain undeveloped until such time as a final DRI development order is approved for the project in its entirety, and no other development, as defined in Section 380.04, Florida Statutes, shall be undertaken until a final development order is rendered and is final.

2. Prior to initiation of construction of each building and the road, the DEVELOPER shall submit for review to TBRPC the preliminary site plans submitted to Pinellas County pursuant to Section XXV, Pinellas County Zoning Regulations, for each building and the road. The TBRPC shall review each of the three plans to insure that each plan complies with the terms and

conditions of the Agreement. The DEVELOPER agrees that the plans for the two office buildings and road described in paragraph 1 hereof shall meet the following requirements:

- a. The two office buildings shall not exceed the height of seventy-five (75) feet, and will not intrude into the approach and transition zone for St. Petersburg/Clearwater International Airport.
- b. All stormwater shall be detained on site and treated pursuant to Chapter 17-25, Florida Administrative Code.
- c. The traffic generated by the two office buildings shall not contribute five (5) percent or more of daily level of service "C" capacity, or five (5) percent or more of peak hour level of service "D" capacity of a regionally significant facility.
- d. The construction shall not adversely affect the recently acquired Conservation and Recreation Land program lands, commonly known as the Gateway Tract.

The regional impact of Phase I will be subject to further review on a cumulative basis as part of the ADA. Further, the requirements, information submittals, and review procedures set forth in the following County ordinances, regulations, requirements, data and review procedures, as the same may be amended from time to time, are recognized as applicable to any part of the DRI and the DEVELOPER's obligation to comply with them is incorporated into this Agreement. The following County laws are recognized and incorporated into this Agreement, if applicable.

- 1) Pinellas County Ordinance 76-16 (Trees and Shrubs).
- 2) Pinellas County Ordinance 83-21 (Floodplain Ordinance).
- 3) Pinellas County Ordinance 76-15 (Ground Improvements).
- 4) Pinellas County Ordinance 77-12, as amended by Ordinance 83-9 (Flood Damage Prevention Ordinance).
- 5) Pinellas County Zoning Code (Industrial Planned Development District).
- 6) Subdivision Regulations of Pinellas County.
- 7) Zoning Code of Pinellas County.

3. The DEVELOPER represents that the development proposed in Phase I as described in paragraph 1 is viable and economically feasible standing alone. The DEVELOPER further agrees that the development authorized in this

Agreement shall not be utilized as a basis for establishing any type of rights, including vested rights, to develop the remainder of the property.

4. The DEVELOPER shall diligently proceed to prepare and shall submit to Pinellas County, TBRPC and the DEPARTMENT an application for development approval (ADA) covering this proposed project known as Carillon. Said ADA shall be filed no later than March 1, 1985. Further, the DEVELOPER agrees to meet with the TBRPC in a pre-application meeting no later than December 1, 1984.

5. Upon execution of this Agreement, the DEVELOPER agrees to provide the sum of \$50,000 to TBRPC. These funds will be used by the TBRPC to finance a "regionwide hurricane preparedness exercise." Further, to ensure that this Agreement provides additional benefits to the State, region and Pinellas County, the DEVELOPER shall incorporate into its ADA a plan to supplement the Pinellas County Natural Disaster Plan. This plan shall address the following:

- a) Making project building and facilities available as shelters and places of refuge in the event of a hurricane or other natural disaster.
- b) Agreeing to tie-in to warning communication system.
- c) Agreeing to an early evacuation of all personnel from the site.

6. The DEPARTMENT and TBRPC shall refrain from initiating any proceeding to enjoin the scope of activity to develop described in paragraph 1 above within the Carillon project, except as provided in paragraph 7 below or unless significant impacts on regional resources are identified by the DEPARTMENT or TBRPC as being caused by the above-described scope of activity. The burden of proof of such impacts shall lie with the DEPARTMENT or TBRPC.

7. In the event the DEVELOPER fails to comply with any of the terms and conditions stipulated in this Agreement by the DEVELOPER or if there is any other development of the Carillon project beyond what is specifically authorized herein, the DEPARTMENT or TBRPC may, in addition to pursuit of any remedy for violation of this Agreement, initiate proceedings to enjoin all development activities in the Carillon project, including those in Phase I. Provided, however, should a development order be rendered that is inconsistent with the terms and conditions of this Agreement, is inconsistent with the TBRPC policies adopted pursuant to Chapter 120, Florida Statutes, or

fails to adequately address significant impacts upon regional resources or facilities, the DEPARTMENT and TBRPC expressly reserve their rights to appeal the development order to the Florida Land and Water Adjudicatory Commission pursuant to Section 380.07, Florida Statutes.

8. Nothing in this agreement shall be construed as prejudicing, compromising or limiting in any way the lawful authority of Pinellas County or the lawful discretion of the Board of County Commissioners to approve, deny, or condition the approval of the DRI or any portion thereof in connection with the conditions, review and consideration under its own land use and development policies and regulations, whether or not such review and considerations take place simultaneously with review procedures under Chapter 380 and this Agreement.

9. This Agreement is limited to its terms and effect to the circumstances and facts recited herein.

10. This Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto and the DEVELOPER shall ensure and provide that any successor in interest to any lands or parcels within the Carillon project is aware of and bound by the terms of this Agreement. This Agreement shall terminate when a DRI development order for Carillon becomes final as provided in Section 380.06, Florida Statutes, or within two years after the effective date, whichever occurs first.

11. If any part of the 180-acre parcel is sold by the DEVELOPER to a third party, the DEVELOPER shall include in the sales contract for the property a notice that the property is part of a DRI and must comply with the provisions of the final development order issued for the 180-acre parcel pursuant to Section 280.06, Florida Statutes. If the new owner wishes to undertake development not authorized or approved in the development order, the new owner shall submit his proposal to the local government and the TBRPC for review as a substantial deviation pursuant to Subsection 280.06(1)(b) of the Florida Statutes, or submit a new application for the proposed development pursuant to Section 380.06, Florida Statutes. No sale of the property or any portion thereof may remove the property from the DRI.

12. Pursuant to Rule 9B-16.18(7)(e), F.A.C., the DEVELOPER shall pay costs and reasonable attorney's fees resulting from any suit brought and successfully prosecuted by the Department to enforce the provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the day and year first above written.

FLORIDA DEPARTMENT OF
COMMUNITY AFFAIRS

W. J. ...
Witness

Car Rayburn
Witness

By: [Signature]

Title: Secretary

Date: December 13 1984

TAMPA BAY REGIONAL
PLANNING COUNCIL

[Signature]
Witness

[Signature]
Witness

By: [Signature]

Title: Chairman

Date: December 19, 1984

GATEWAY JOINT VENTURE
TWO Twenty, Inc.

[Signature]
Witness

[Signature]
Witness

By: [Signature]

Title: President

Date: 12/28/84

Hannicutt Equities, Inc.

[Signature]
Witness

[Signature]
Witness

By: [Signature]

Title: PRESIDENT

Date: 12/31/84



CITY OF ST. PETERSBURG

July 1, 1996

Certified Mail

121
56
7

Julia E. Greene
Executive Director
Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

RE: Rendering of Adopted Amendment
Carillon DRI, St. Petersburg, Florida

Dear Ms. Greene:

Julia

Pursuant to section 380.07 Florida Statutes, the City of St. Petersburg is providing your agency with a certified copy of the adopted second amendment to the Carillon DRI, thus beginning the 45 day appeal period. The amendment (Ordinance 233-G) was adopted by unanimous vote of City Council on June 27, 1996.

If you have any questions, please contact Dave Goodwin at (813) 893-7868.

Sincerely,

Ralph Stone

Ralph Stone
Planning, Housing and Development Review Services Director

Attachment

cc: Rick Mussett
Dave Goodwin
Steven Samaha

DG:CAWP\OTHERDR\RENDER.CAR

ORDINANCE NO. 233-G

AN ORDINANCE OF THE CITY OF ST. PETERSBURG, FLORIDA ADOPTING AN AMENDMENT TO ORDINANCE 929-F AND ORDINANCE 38-G; APPROVING THE SECOND AMENDMENT TO THE CARILLON DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 10, 1985, Pinellas County adopted Resolution 85-748 which constituted a Development Order approving the Carillon Development of Regional Impact; and

WHEREAS, the property subject to the Carillon Development of Regional Impact Development Order was later annexed into the City of St. Petersburg; and

WHEREAS, on September 4, 1986, the City Council of the City of St. Petersburg adopted the Development Order for the Carillon Development of Regional Impact as Ordinance Number 929-F; and

WHEREAS, on September 17, 1992, the City Council of the City of St. Petersburg approved an amendment to the Development Order as Ordinance Number 38-G (hereinafter the September 4, 1986 Development Order, as amended by the September 17, 1992 amendment, shall be referred to as the "Carillon DO"); and

WHEREAS, the City Council of the City of St. Petersburg ("City Council"), as the governing body of the City of St. Petersburg ("City") having jurisdiction pursuant to section 380.06, Florida Statutes, is authorized and empowered to render a decision on changes to the Carillon DO; and

WHEREAS, on April 25, 1996 the owner of the property subject to the Carillon DO, Gateway Joint Venture, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (NOPC) which updated the estimated completion period of the development and the effective period of the Carillon DO; and

WHEREAS, the City has received and considered the comments of the Tampa Bay Regional Planning Council (TBRPC), and the Department of Community Affairs (DCA); and

WHEREAS, on June 27, 1996, the City Council held a duly notice public hearing on the proposed amendment and heard and considered testimony and evidence thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the public hearing.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That this ordinance shall constitute the second amendment to the Carillon DO.

SECTION 2. That the City Council having reviewed all relevant comments, testimony and evidence submitted by each party and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, makes the following findings of fact:

- A. The findings and determinations of fact set forth in Ordinance No. 929-F and Ordinance No. 38-G are hereby reaffirmed and incorporated herein by reference.
- B. This amendment is the result of unfavorable economic conditions that have caused an excusable delay in the estimated development period of the Carillon project.
- C. This amendment does not create a reasonable likelihood of any additional regional impacts on public services and facilities.
- D. This amendment is consistent with the adopted local comprehensive plan and local land development regulations.
- E. This amendment does not interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- F. This amendment is consistent with the State Comprehensive Plan.

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

- A. That these proceedings have been duly conducted pursuant to applicable laws and regulations.
 - B. That the review by the City, other participating agencies and interested citizens reveals that the impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of the Carillon DO.
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- C. That the proposed amendment does not constitute a substantial deviation pursuant to Chapter 380.06(19), Florida Statutes and does not require further development of regional impact review.

SECTION 4. Having made the above findings of fact and reached the above conclusions of law, Subsection III.N of the Carillon DO is hereby amended to read as follows:

- N. This order shall remain in effect until December 31, ~~2000, this reflects an extension of four years, eleven months and six days~~ 2005. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order may be completed, if approved. This order may be extended by the City Council on the finding of excusable delay in any proposed development activity.

SECTION 5. Having made the above findings of fact and reached the above conclusions of law, the first paragraph of Subsection IV.A of the Carillon DO is hereby amended to read as follows:

A. Phasing Schedule

The development of this 180 acre complex is proposed to be completed by December 31, ~~1997, this reflects an extension of six years~~ 2002. The ADA, as submitted by the applicant, explains construction will progress according to market demand and therefore provides no sequential construction schedule.

SECTION 6. Words stricken through shall be deleted. Underscored words constitute the amendment. Remaining provisions are now in effect and remain unchanged.

SECTION 7. The provisions of this ordinance shall be deemed to be severable. If any portion of the ordinance is deemed unconstitutional it shall not effect constitutionality of any other portion of this ordinance.

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ORDINANCE NO. 929-F

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, FLORIDA, ADOPTING A DEVELOPMENT ORDER FOR THE CARILLON DEVELOPMENT OF REGIONAL IMPACT, PURSUANT TO SECTION 380.06, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in December, 1984, The Wilson Company filed an Application for Development Approval (ADA) of a development of regional impact 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 highly specialized and technological industries, certain industrial support facilities, research and experimental institutions and administrative facilities, all of which are within a planned industrial complex. This complex is located in the "Gateway" sector of east-central Pinellas County, occupying the west third of the triangle formed by Ulmerton Road, Roosevelt Boulevard and Interstate 275.

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 December 10, 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 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.

WHEREAS, the City of St. Petersburg has duly considered all of the above facts; and,

WHEREAS, on May 22, 1986, the City of St. Petersburg annexed the aforementioned property occupying the west third of the triangle formed by Ulmerton Road, Roosevelt Boulevard, and Interstate 275, commonly referred to as the "Carillon" project; and,

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Exhibit A, the reports, recommendations and testimony heard and considered by the Board of County Commissioners and the City Council of the City of St. Petersburg, it is concluded that:

1. The development will not unreasonably interfere with the achievement of the objectives of an 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 and the City have considered the criteria stated in subsection 380.06 (14), Florida Statutes.

C. The review by Pinellas County, the Tampa Bay Regional Planning Council, the City, 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 and the sufficiency responses 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 the City in response to the Application for Development Approval and the sufficiency responses for the Carillon Development of Regional Impact.

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

J. The City Manager of St. Petersburg or his designee shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the City Manager may rely upon or utilize information supplied by the TBRPC or any City department or agency having particular responsibility over the area of subject involved. The City Manager shall report to the City Council any findings of deviation from the the terms and conditions of this Development Order. The City Manager shall issue a notice of such noncompliance to the Developer and if the deviation is not corrected within a reasonable amount of time the City Manager shall recommend that the City Council 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.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes, 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 City Manager who shall after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this 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 City Council hearing wherein such report is to be reviewed. Provided, however, that the receipt and review by the City Council 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 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.

approval by the City. The Agreement, attached hereto and marked Exhibit C, allows construction of two office buildings, not to exceed 180,000 square feet, nor 75 feet in height, and not to intrude upon the approach and transition zone for the St. Petersburg/Clearwater International Airport.

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, the City, 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. 35 percent of the surface area of the detention pond at the normal water level (MWL) 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 MWL 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 the City. The operation and maintenance schedule shall include an estimation of the frequency of sediment removal operation and shall mention the periodic need to

that acceptable and sufficient wastewater treatment capabilities and sufficient effluent and sludge disposal facilities are available for any wastewater flows from the project. Any proposed change to the treatment plan shall be subject to determination whether it is a substantial deviation pursuant to Section 380.06, F.S.

3. The Developer shall propose water conservation measures to be utilized within the development, such as a secondary "gray water" system. At minimum, non-potable water for landscape use shall be provided from on-site shallow wells, sewage effluent or stormwater runoff retention facilities. The entity(ies) responsible for operation and long term maintenance of these measures shall be the developer.

4. The Developer 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.

5. 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.

6. The City will provide water and sewer service to Carillon or will ensure that water service is available through other public entities on the following terms and conditions:

- a. The Developer shall design, construct and install, in accordance with prevailing City design criteria and subject to prior City inspection and approval, all on-site improvements required by the City to connect the development to the City and/or County water system and the City and/or City of Large sewer system. [On-site improvements shall be defined as all water and sanitary sewer facilities, including but not limited to all lines, mains, equipment and improvements located in easements of rights-of-way or utilities, located within the development including all water mains, up to and including water meters].
- b. After City inspection and approval, the Developer shall convey to the City by instruments acceptable to the City, said on-site improvements for water and sanitary sewer. In addition, with respect to these on-site improvements, the Developer, at

F. Hazardous Waste

Separate hazardous waste collection/transfer facilities within the project shall be provided by individual tenants based on deed restrictions or leases. 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), Florida Statutes, and listed in Title 40 CFR Part 261).

1. The applicant shall provide to all Carillon 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.
3. The applicant shall require all Carillon businesses that generate hazardous waste or store hazardous materials to notify the City's Fire Department.

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 shall be reported to and the disposition shall be determined in cooperation with the Florida Division of Archives and the City. 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 and the City prior to land clearing for construction in those specific areas.

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 Preservation and Conservation

1. Environmental Preserve: Prior to any recorded instrument or site plan approval, the Developer or his successor, shall designate an area to be retained as an Environmental Preserve with the following criteria and elements:
 - a. An environmental preserve area of approximately ten (10) acres, of which three (3) acres will be upland, shall be located in the general area described as extending from the eastern 1/3 of the existing marsh to the eastern property line.
 - b. The environmental preserve area shall include areas of contiguous marsh, oak hammock and pine palmetto flatwood habitats.
 - c. The environmental preserve area shall be mutually field delineated by the Developer and City Staff.
 - d. The environmental preserve area shall be shown on all final site plans or recorded instrument.
 - e. The environmental preserve shall be retained substantially undisturbed with no major construction permitted within. Boardwalks approved by the City shall be available for park users.
 - f. In general all existing wetland vegetation (i.e. Arrowhead, Pickerelweed, Cordgrass, Soft Rush, Bloodroot, Willow, Sawgrass, etc.) and upland vegetation (i.e. oaks, pines, palmettos, sabal palms, wax myrtle, gallberry, fetterbush, rusty lyonia, wild grape, smilax, american holly, persimmon, etc.) shall be retained unaltered and allowed to grow naturally. Replanting within the burned

shall be installed prior to utilization of said improvements. The tree replacements shall have at least equal shade potential and other characteristics comparable to that of the trees removed and shall be a minimum of eight feet (8') high at time of planting and Florida Department of Agriculture nursery grade #1 or better. Required tree replants shall be selected from the City approved species list.

4. Trees required to be retained shall be protected during construction by the erection and maintenance of suitable physical structures limiting access to the protected trees. The barriers shall be composed of wooden and/or other suitable materials and be erected a minimum of 6.0' from the trunk or 2/3 of the trees dripline, whichever is greater.

3. Existing Marsh Utilization: Utilization of the existing marsh ephemeral pond areas for water quality and quantity stormwater systems shall comply with the following design elements:

- a. The master on-site stormwater system shall comply with the FDER Stormwater Rule 17-25, Florida Administrative Code and City Ordinance for water quality purposes and the City Engineering Department detention requirements.
- b. Although alteration of portions of the major marsh system will be permitted, a minimum of 35% of the existing marsh must be retained unaltered or mitigated on a one-to-one basis, or replanted as a littoral shelf as set forth in the ADA and Sufficiency Responses and as mutually agreed to by the City and the Developer.
- c. 35% of the surface area of the major stormwater system at the normal water level (nwl) shall consist of a shallow totally vegetated littoral shelf. Said 35% shall be comprised of existing marsh with the remainder consisting of created, restored or mitigated littoral zones.

1. Although alteration via deepening, freeforming, etc. of some marsh areas will be permitted, the total surface area of the two major ponds shall remain at least as large as the existing marshes.

4. Representative stands for all upland habitat types shall be preserved as set forth in ADA (page 18-19). Location and configuration of preserved upland habitat shall provide for the greatest continuity and least abrupt change so as to maximize the habitats viability and integrity in relation to other habitats.

L. Noise

1. The Developer shall be required to monitor noise levels at proposed construction sites within the project and shall provide the information to the City and TBRPC. Sound attenuating construction producing noise level reductions of 25 decibels in the 70-75 Ldn contour and 30 decibels in the 75+ Ldn contour shall then be required as appropriate.

2. At such time as an updated Ldn (Average Day-Night Sound Level) contour study (FAA Part 150) is performed for the St. Petersburg-Clearwater International Airport, sound attenuating construction features shall be required in a manner consistent with that noise level identification and condition noted in the aforementioned subsection.

M. Transportation

1. It shall be an additional stipulation of the Development Order that a comprehensive areawide transportation study shall be performed as directed and managed by the Pinellas County Metropolitan Planning Organization, in cooperation with the Florida Department of Transportation and Tampa Bay Regional Planning Council. The plan shall consider all approved developments within the study area, including previously approved DRI's and projected development. The Developer shall contribute \$23,000 as his fair share of the cost of said plan. Any required contribution shall be considered as part of the Developer's fair share contribution. The plan shall commence within one year and be completed within three years of the issuance of any construction permits for Carillon. The parameters for this interim transportation plan or area DRI traffic analysis which shall include, but not be limited to:

improvements. The results of the TSM study may serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

3. The applicant, his successors, or assigns shall perform a traffic study consistent with the City criteria after certificates of occupancy have been granted to 600,000 square feet of office use. The study shall serve to affirm the findings of the original ADA. The traffic study shall report the success of the diversion of vehicle trips from the PM peak hour as well as the achieved mode split percentage. This report shall be included every two years as part of the annual report.

4. The schedule of Estimated Fair Share Amounts as described in Exhibit B attached hereto and by this reference made a part hereof reflects the Developer's estimated fair share amount for off-site road improvements associated with the project. The Developer's estimated fair share contribution for off-site road improvements has been estimated to be \$488,624 as shown on Exhibit B. In order for the Developer to satisfy its fair share requirement of needed roadway improvements, the Developer shall:

a. Prior to the issuance of the Certificate of Occupancy for the 100,000th square foot of building space constructed at the project, the Developer shall secure funding commitments for the construction and construction shall be initiated to: (1) provide an eastern project entrance west of the Feather Sound/Ulmerton Road Intersection (Item No. 6, Exhibit B). The improvements shall include: signalization, when warranted, and the signal shall be interconnected with the signal at Feather Sound/Ulmerton (SR 688) intersection; construct dual westbound-to-southbound left turn lanes; construct one northbound-to-westbound left turn lane; construct one northbound-to-eastbound right turn lane; construct an exclusive eastbound-to-southbound right turn lane; and (2) provide a project access at 28th Street/ Roosevelt Boulevard (SR 686) (Item No. 7, Exhibit B) and improve the intersection as follows: construct a southbound-to-eastbound left turn lane; construct two southbound through lanes; construct one exclusive southbound to westbound right turn lane; construct an exclusive westbound to northbound right turn lane; construct one additional westbound to southbound left turn lane creating dual left turn lanes; and construct one northbound through lane. Additionally, the following improvements will be made to the intersection when found necessary by the Florida Department of Transportation or City of St. Petersburg for its safe and efficient operation: construct one

westbound-to-southbound left turn lane, construct one additional eastbound and one additional westbound through lane for a total of three in each direction; construct one northbound-to-westbound left turn lane; construct one exclusive eastbound-to-southbound right turn lane.

e. The Developer shall increase the capacity of the Roosevelt Boulevard (SR 686)/Ulmerton Road (SR 688) southbound-to-eastbound ramp by providing an additional lane. If an alternate project is developed and approved which resolves this traffic concern, then the project will be considered an acceptable replacement for this item. However, the developer's Fair Share Contribution shall not exceed the funding estimate shown in Exhibit B for Item 3.

5. To the extent that the estimated costs of the off-site projects constructed by the Developer exceed the Developer's fair share, the Developer shall receive a credit for the excess amount. This credit may be utilized by the Developer of Carillon to offset their required transportation improvements for future DRI's in the same vicinity by the same Developer. Provided, however, in no event shall the developer be able to utilize this credit to offset more than 50% of the Developer's fair share contribution for required transportation improvements on any future DRI.

6. In the event that the County adopts impact fee ordinances that are acceptable to TBRPC and DCA, the Developer shall be given credit for the cost of improvements paid for by the Developer. In no event shall the Developer be required to pay both the County's impact fee and the costs of improvements identified in Exhibit B. In the event the County adopts a transportation impact fee ordinance, Carillon shall be treated equitably with others under said ordinance in apportioning the costs of the required improvements.

7. It is understood that in satisfying the requirement of securing funding commitments for the construction of the projects listed in paragraph M.4., the Developer intends to secure funding from various responsible sources, including, but not limited to: Florida Department of Transportation, the City, Pinellas County, Impact Fee Ordinances, Areawide Assessments and other DRI developments. Notwithstanding the Developer's success in securing funding from other sources, the Developer understands he shall expend at least his Estimated Fair Share Contribution of Exhibit B, on the projects described also in Exhibit B.

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

Upon motion of Commissioner Greer, seconded by Commissioner Rainey, the following Resolution was adopted this 10th day of December, 1985,

WHEREAS, in December, 1984, The Wilson Company filed an Application for Development Approval (ADA) of a development of regional impact 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 highly specialized and technological industries, certain industrial support facilities, research and experimental institutions and administrative facilities, all of which are within a planned industrial complex. This complex is located in the "Gateway" sector of east-central Pinellas County, occupying the west third of the triangle formed by Ulmerton Road, Roosevelt Boulevard and Interstate 275,

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 December 10, 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:

I. FINDINGS OF FACT

A. The Wilson Company, hereinafter referred to as "Developer", submitted to Pinellas County, Florida, an Application for Development Approval, and sufficiency response which are attached hereto and marked Composite Exhibit A and incorporated herein by reference. Hereinafter, the word "application" shall refer to the Application for Development Approval, and sufficiency response and 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 the Wilson Company 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 an 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 (14), 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 Development Approval and the sufficiency responses 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 Development Approval and the sufficiency responses for the Carillon 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 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.

H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at Carillon, 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.

I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans or ADA 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.

J. The County Administrator of Pinellas County or his designee 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.

K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes, 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 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.

L. 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.

M. 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.

N. This Order shall remain in effect for a period of ten (10) 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.

O. 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.

P. Any revisions to the Development Order not addressed herein shall be subject to review by TBRPC.

IV. CONDITIONS OF DEVELOPMENT APPROVAL

A. Phasing Schedule

The development of this 180 acre complex is proposed to occur over a period of seven years, with completion planned during 1991. The ADA, as submitted by the applicant, explains construction will progress according to market demand and therefore provides no sequential construction schedule.

It is the intent of this Order to insure that all prerequisites for the project are compiled with. For purposes of this Order, the project shall be considered complete upon issuance of the final certificate of occupancy. Any significant departure in project buildout from the plans set forth in the application shall be subject to a substantial deviation determination pursuant to Section 380.06, Florida Statutes.

The actual construction sequence may begin as set forth in a Florida Department of Community Affairs/Tampa Bay Regional Planning Council/Developer Pre-Application Agreement, and shall be subject to site plan approval by Pinellas County. The Agreement, attached hereto and marked Exhibit C, allows construction of two office buildings, not to exceed 180,000 square feet, nor 75 feet in height, and not to intrude upon the approach and transition zone for the St. Petersburg/Clearwater International Airport.

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. 35 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 Pinellas County. 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 structures shown on site plans shall be in accordance with the fifty (50) percent coverage allowed in its Industrial Planned Development (IPD) zoning district, calculated on a basis of fifty (50) 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.
- i. Any proposed construction activity within Roosevelt Creek at the southwest corner of this project must not adversely impact the existing drainage system. Mitigation required by FDER and Pinellas County for work in this area should be incorporated into the littoral shelf in the proposed adjacent excavated area.

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 issuance of a building permit for any building to be constructed at the project, 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 final plat or detailed site plan approval if the project is not to be platted, the Developer shall submit to Pinellas County verification that adequate police, fire service and emergency medical service facilities are available to serve the described project.

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

3. No building permits shall be issued without documented assurance from the Florida Department of Environmental Regulation and Pinellas County, that acceptable and sufficient wastewater treatment capabilities and sufficient effluent and sludge disposal facilities are available for any wastewater flows from the project. Any proposed change to the treatment plan shall be subject to determination whether it is a substantial deviation pursuant to Section 380.06, F.S.

4. The Developer shall propose water conservation measures to be utilized within the development, such as a secondary "gray water" system. At minimum, non-potable water for landscape use shall be provided from on-site shallow wells, sewage effluent or stormwater runoff retention facilities. The entity(ies) responsible for operation and long term maintenance of these measures shall be the developer.

5. The Developer 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 Carillon 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, with respect to these on-site improvements, the Developer, at its own expense, shall acquire and convey to the County necessary and reasonable permits, rights-of-way, easements, or property interests 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, or interests, 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.

D. Open Space

1. The Developer shall preserve as open space a minimum of thirty and eight-tenths (30.8) acres of the total upland area composed of 154 acres of Carillon as naturally vegetated or landscaped space with a minimum of ten and three-tenths (10.3) acres of said thirty and eight-tenths (30.8) acres being naturally vegetated..

2. 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.

3. 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.

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

5. 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 listed in Section 39-27.03-.05, FAC are observed frequenting the project site for the purpose of feeding, nesting or brooding, 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 or leases. 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 Carillon 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 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

1. 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:

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

2. The Developer shall be prohibited from burning debris and construction-related wastes due to the project's proximity to the St. Petersburg/Clearwater International Airport unless approved by the appropriate Pinellas County agencies.

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 and hotel guests 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 Preservation and Conservation

1. Environmental Preserve: Prior to any recorded instrument or site plan approval, the Developer or his successor, shall designate an area to be retained as an Environmental Preserve with the following criteria and elements:

- a. An environmental preserve area of approximately ten (10) acres, of which three (3) acres will be upland, shall be located in the general area described as extending from the eastern 1/3 of the existing marsh to the eastern property line.
- b. The environmental preserve area shall include areas of contiguous marsh, oak hammock and pine palmetto flatwood habitats.
- c. The environmental preserve area shall be mutually field delineated by the Developer and Pinellas County Department of Environmental Management staff.
- d. The environmental preserve area shall be shown on all final site plans or recorded instrument.
- e. The environmental preserve shall be retained substantially undisturbed with no major construction permitted within. Boardwalks approved by Pinellas County shall be available for park users.
- f. In general all existing wetland vegetation (i.e. Arrowhead, Pickerelweed, Cordgrass, Soft Rush, Bloodroot, Willow, Sawgrass, etc..) and upland vegetation (i.e. oaks, pines, palmettos, sabal palms, wax myrtle, gallberry, fetterbush, rusty lyonia, wild grape, smilax, american holly, persimmon, etc..) shall be retained unaltered and allowed to grow naturally. Replanting within the burned out portions of this preserve with native tree species will be in conformance with Pinellas County Ordinances 76-15 and 76-16.
- g. Marsh retained within the environmental preserve will be credited towards the total 35% marsh area required to be retained.

2. Tree Preservation: The project design criteria and development shall include the following tree preservation elements:

- a. Proposed improvements, i.e. buildings, retention ponds, roadways, utilities, etc., shall be located sensitive to areas of existing desirable trees.
- b. The project development shall comply with the intent and requirements of the Pinellas County Tree Ordinance #76-16. More specifically:
 1. All major improvements shall be located outside or sensitive to the oak hammock area(s).
 2. Existing slash pines on site shall be retained wherever possible. Although a wildfire occurred on site during June 1985, which impacted numerous trees, this is a natural ecological phenomenon to which slash pines have adapted. The majority of the impacted pine trees are expected to fully recover given sufficient time. All pine trees on site (6.0" or greater at diameter breast height) shall be retained until permitted to be removed as a result of approved site plan improvements or when the County has determined that specific trees have expired. Trees which are determined to be viable but were significantly damaged, will be permitted to be removed on a case by case basis with the condition of approved size and species tree replant installations in order to provide adequate canopy replacement.
 3. The applicant shall provide through compliance with tree permit conditions, adequate future tree numbers and canopy. Tree replants shall be required as conditions of tree permits issued for improvements, and shall be installed prior to utilization of said improvements. The tree replacements shall have at least equal shade potential and other characteristics comparable to that of the trees removed and shall be a minimum of eight feet (8') high at time of planting and Florida Department of Agriculture Nursery grade #1 or better. Required tree replants shall be selected from the Pinellas County Department of Environmental Management approved species list.
 4. Trees required to be retained shall be protected during construction by the erection and maintenance of suitable physical structures limiting access to the protected trees. The barriers shall be composed of wooden and/or other suitable materials and be erected a minimum of 6.0' from the trunk or 2/3 of the trees dripline, whichever is greater.

3. Existing Marsh Utilization: Utilization of the existing marsh ephemeral pond areas for water quality and quantity stormwater systems shall comply with the following design elements:

- a. The master on-site stormwater system shall comply with the FDER Stormwater Rule 17-25, Florida Administrative Code and Pinellas County Ordinance #73-7 for water quality purposes and the Pinellas County Engineering Department detention requirements.

- b. Although alteration of portions of the major marsh system will be permitted, a minimum of 35% of the existing marsh must be retained unaltered or mitigated on a one-to-one basis, or replanted as a littoral shelf as set forth in the ADA and Sufficiency Responses and as mutually agreed to by Pinellas County and the Developer.
- c. 35% of the surface area of the major stormwater system at the normal water level (nwl) shall consist of a shallow totally vegetated littoral shelf. Said 35% shall be comprised of existing marsh with the remainder consisting of created, restored or mitigated littoral zones.
- d. The littoral zones, if located along the pond bank, shall have side slopes no greater than 4:1 with the top of the shelf at nwl and sloping to a depth of three feet or less.
- e. The restored or mitigated littoral areas shall be vegetated with a diverse group of native herbaceous species which can include arrowhead, pickerelweed, soft rush, cordgrass, waterlilies, etc.. Wherever possible the planting material shall be collected from donor areas on site which are to be subject to alteration. In addition to the planting of herbaceous material, the restoration/mitigation process shall include appropriate re-vegetation methodology including mulching with on site donor organic material with roots, tubers and seed bank. The herbaceous plantings shall be complimented with installation of native woody species including pond cypress, sweetgum, maple, water oak, gum, water locust, etc., trees along the littoral and pond bank areas.
- f. The stormwater control elevations, i.e. underdrains, weirs, etc.. shall be designed to be compatible with the existing marsh hydroperiod (i.e. the existing marsh system shall not be either adversely perched or flooded due to project design).
- g. A detailed marsh preservation, restoration, mitigation plan with areas, methods, time tables, materials maintenance schedules, etc.. shall be submitted at the final site plan stage to the appropriate review agency, i.e. Pinellas County Department of Environmental Management, for review and approval.
- h. Those marsh areas to be retained in a natural state must not be negatively impacted during construction. This will entail special design criteria and processes to ensure the marsh preserve area is not perched during pond excavation and dewatering.
- i. Although alteration via deepening, freeforming, etc.. of some marsh areas will be permitted, the total surface area of the two major ponds shall remain at least as large as the existing marshes.

4. Representative stands for all upland habitat types shall be preserved as set forth in the ADA (page 18-19). Location and configuration of preserved upland habitat shall provide for the greatest continuity and least abrupt change so as to maximize the habitats viability and integrity in relation to other habitats.

L. Noise

1. The Developer shall be required to monitor noise levels at proposed construction sites within the project and shall provide the information to Pinellas County and TBRPC. Sound attenuating construction producing noise level reductions of 25 decibels in the 70-75 Ldn contour and 30 decibels in the 75+ Ldn contour shall then be required as appropriate.

2. At such time as an updated Ldn (Average Day-Night Sound Level) contour study (FAA Part 150) is performed for the St. Petersburg-Clearwater International Airport, sound attenuating construction features shall be required in a manner consistent with that noise level identification and condition noted in the aforementioned subsection.

M. Transportation

1. It shall be an additional stipulation of the Development Order that a comprehensive areawide transportation study shall be performed as directed and managed by the Pinellas County Metropolitan Planning Organization, in cooperation with the Florida Department of Transportation and Tampa Bay Regional Planning Council. The plan shall consider all approved developments within the study area, including previously approved DRIs and projected development. The Developer may be required to contribute his fair share of the cost of said plan. Any required contribution shall be considered as part of the Developer's fair share contribution. The plan shall commence within one year and be completed within 3 years of the issuance of any construction permits for Carillon. The parameters for this interim transportation plan or area DRI traffic analysis which shall include, but not be limited to:

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

2. The Developer, his successors, or assigns, shall prepare and implement a Transportation Systems Management (TSM) program which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the ADA. The plan shall be reviewed by the County, the City of Pinellas Park, the City of St. Petersburg, PSTA, the TBRPC, and the Florida Department of Transportation.

Each annual report for Carillon after issuance of certificates of occupancy for 300,000 square feet of office space or the equivalent thereof shall include a yearly assessment of the annual 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 an annual report is not submitted for any reasons, or if the report indicates that the total trip diversions as indicated in the ADA are not being met, the County shall conduct a substantial deviation determination pursuant to subsection 380.06, Florida Statutes, and amend the Development Order to change TSM objections and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer or reviewing agencies to request Development Order amendments.

3. The applicant, his successors, or assigns shall perform a traffic study consistent with Pinellas County criteria after certificates of occupancy have been granted to 600,000 square feet of office use. The study shall serve to affirm the findings of the original ADA. The traffic study shall report the success of the diversion of vehicle trips from the PM peak hour as well as the achieved mode split percentage. This report shall be included every two years as part of the annual report.

4. The schedule of Estimated Fair Share Amounts as described in Exhibit B attached hereto and by this reference made a part hereof reflects the Developer's estimated fair share amount for off-site road improvements associated with the project. The Developer's estimated fair share contribution for off-site road improvements has been estimated to be \$488,624 as shown on Exhibit B. In order for the Developer to satisfy its fair share requirement of needed roadway improvements, the Developer shall:

a. Prior to the issuance of the Certificate of Occupancy for the 100,000th square foot of building space constructed at the project, the Developer shall secure funding commitments for the construction and construction shall be initiated to: (1) provide an eastern project entrance west of the Feather

Sound/Ulmerton Road intersection (Item No. 6, Exhibit B). The improvements shall include: signalization, when warranted, and the signal shall be interconnected with the signal at the Feather Sound/Ulmerton (SR 688) intersection; construct dual westbound-to-southbound left turn lanes; construct one northbound-to-westbound left turn lane; construct one northbound-to-eastbound right turn lane; construct an exclusive eastbound-to-southbound right turn lane; and (2) provide a project access at 28th Street/Roosevelt Boulevard (SR 686) (Item No. 7, Exhibit B) and improve the intersection as follows: construct dual southbound-to-eastbound left turn lanes; construct two southbound through lanes; construct one exclusive southbound to westbound right turn lane; construct one additional westbound through lane for a total of three; construct one additional westbound to southbound left turn lane creating dual left turn lanes; construct an exclusive westbound-to-northbound right turn lane; construct one additional northbound-to-westbound left turn lane creating dual left turn lanes; construct one northbound through lane; construct one additional northbound-to-eastbound right turn lane creating dual right turn lanes; and construct two additional eastbound through lanes with one as a shared eastbound-to-southbound right turn lane creating four eastbound through lanes.

b. Prior to the issuance of the Certificate of Occupancy for the 1,000,000th square foot of building space constructed at the project, the Developer shall secure funding commitments for the construction and construction shall be initiated to increase the capacity from four lanes to six lanes of Roosevelt Boulevard (SR 686) from 28th Street to the I-275 interchange ramps (Item No. 2, Exhibit B). The improvements on the northeast side of Roosevelt Boulevard shall include outside lane pavement widening with paved shoulder, the relocation of the adjacent roadway lighting system, extension of box culverts and other necessary incidental roadway related construction. The improvements shall begin at 28th Street and end approximately 1800' to the south at the beginning of the ramp taper.

The improvement on the southwest side of Roosevelt Boulevard shall include outside lane pavement widening with paved shoulder, the relocation of the adjacent roadway lighting systems, extension of box culverts and other necessary incidental roadway related construction. The improvements all begin at 28th Street and end approximately 1200' to the south at the point where there is an existing full three lanes (36') of traveled way pavement. Acceptance of final construction plans will be contingent upon approval by Pinellas county and the F.D.O.T.

c. Prior to the issuance of the Certificate of Occupancy for the 1,800,000th square foot of building space constructed at the project, the Developer shall secure funding commitments for the construction to increase the capacity of Ulmerton Road (SR 688) from Roosevelt Boulevard (SR 686)(southbound) to six hundred feet (600') east of Feather Sound Drive by constructing one additional eastbound and one additional westbound through lane to create a six-lane divided arterial section (Item No. 1, Exhibit B).

d. When the project entrance at the existing Egret Boulevard/Ulmerton Road (SR 688)(west of Feather Sound Shopping Center) intersection is built, the Developer shall create a four-way intersection (Item No. 5, Exhibit B) as follows: Signalize when warranted. Construct one westbound-to-southbound left turn lane, construct one additional eastbound and one additional westbound through lane for a total of three in each direction; construct one northbound-to-westbound left turn lane; construct one northbound through lane; construct one northbound-to-eastbound right turn lane; construct one exclusive eastbound-to-southbound right turn lane.

e. The Developer shall increase the capacity of the Roosevelt Boulevard (SR 686)/Ulmerton Road (SR 688) southbound-to-eastbound ramp by providing an additional lane. If an alternate project is developed and approved which resolves this traffic concern, then the project will be considered an acceptable replacement for this item. However, the developer's Fair Share Contribution shall not exceed the funding estimate shown in Exhibit B for Item 3.

5. To the extent that the estimated costs of the off-site projects construction by the Developer exceed the Developer's fair share, the Developer shall receive a credit for the excess amount. This credit may be utilized by the Developer of Carillon to offset their required transportation improvements for future DRI's in the same vicinity by the same Developer. Provided, however, in no event shall the developer be able to utilize this credit to offset more than 50% of the Developer's fair share contribution for required transportation improvements on any future DRI.

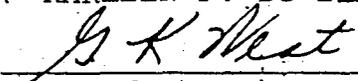
6. In the event that the County adopts impact fee ordinances that are acceptable to TBRPC and DCA, the Developer shall be given credit for the cost of improvements paid for by the Developer. In no event shall the Developer be required to pay both the County's impact fee and the costs of improvements identified in Exhibit B. In the event the County adopts a transportation impact fee ordinance, Carillon shall be treated equitably with others under said ordinance in apportioning the costs of the required improvements.

7. It is understood that in satisfying the requirement of securing funding commitments for the construction of the projects listed in paragraph M.4., the Developer intends to secure funding from various responsible sources, including, but not limited to: Florida Department of Transportation, Pinellas County, Impact Fee Ordinances, Areawide Assessments and other D.R.I. developments. Notwithstanding the Developer's success in securing funding from other sources, the Developer understands he shall expend at least his Estimated Fair Share Contribution of Exhibit B, on the projects described also in Exhibit B.

PASSED AND ORDAINED BY THE PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS.


Chairman, Board of Pinellas
County Commissioners

Attest: KARLEEN F. De BLAKER, CLERK

By: 
Deputy Clerk

CLERK OF THE BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

20th December 85

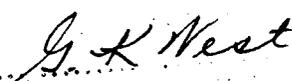

Deputy Clerk

EXHIBIT A

Application for Development Approval

Dated December 2, 1984 (ADA)

Responses to Requests for Additional

Information Dated February 15, 1985

(Sufficiency Response)

02 1 26

EXHIBIT B

SCHEDULE OF ESTIMATED FAIR SHARE AMOUNTS

<u>Item No.</u>	<u>Estimated Total</u>	<u>Carillon Percent</u>	<u>Estimated Carillon Cost</u>
1.	\$ 906,818.00	20.0	\$181,363.00
2.	1,267,200.00	14.2	179,942.00
3.	40,000.00	22.8	9,120.00
4.	37,000.00	74.0	27,380.00
5.	75,000.00	34.4	25,800.00
6.	44,800.00	48.1	21,549.00
7.	105,000.00	41.4	43,470.00
TOTAL	\$2,475,818.00		\$488,624.00

DESCRIPTION OF ITEM NUMBERS

1. Increase the capacity of Ulmerton Road (SR 688) from Roosevelt Boulevard (SR 686) (southbound) to six hundred feet (600') east of Feather Sound Drive by constructing one additional eastbound and one additional westbound through lane to create a 6-lane divided arterial section. The Carillon development will contribute 20.0 percent of the daily service volume of LOS C of the existing facility.

2. Increase the capacity of Roosevelt Boulevard (SR 686) from 28th Street to I-275 (southbound) by constructing an additional eastbound and one additional westbound through lane to create a 6-lane divided arterial section. The Carillon development will contribute 14.2 percent of the daily service volume of LOS C of the existing facility.
3. Increase the capacity of Roosevelt Boulevard (SR 686)/Ulmerton Road (SR 688) southbound-to-eastbound ramp by providing an additional lane. If an alternative project is developed and approved which resolves this traffic concern consistent with the programmed State safety project, that project will be considered an acceptable replacement. The Carillon development will contribute 22.8 percent of the LOS D service volume of the existing ramp during the AM peak period.
4. Improve the 28th Street/118th Avenue intersection as follows: Signalize, if warranted. Construct one eastbound-to-northbound left turn with shared eastbound through lane; construct one southbound-to-westbound right-turn lane. The Carillon development will contribute 74.0 percent of the summation of critical movements of LOS D of the existing facility (if signalized) during the PM peak hour.
5. Provide for a project entrance at the existing Egret Boulevard/Ulmerton Road (SR 688)(west of Feather Sound Shopping Center) intersection creating a 4-way intersection as follows: Signalize when warranted. Construct one combined southbound-to-eastbound left turn and southbound through lane; construct one additional southbound-to westbound right turn lane for a total of two; construct one westbound-to-southbound left turn lane, construct one additional eastbound and one additional westbound through lane for a total of three in each direction; construct one additional westbound-to-northbound right turn lane creating dual right turn lane; construct one northbound-to-westbound left turn lane; construct one northbound through lane; construct one northbound-to-eastbound right turn lane; construct one additional eastbound-to-northbound left turn lane to create a dual left turn lane; construct one exclusive eastbound-to-southbound right turn lane. The Carillon Development will contribute 34.4 percent of the summation of critical movements of LOS D during the PM peak hour.

6. Construct an eastern project entrance west of the proposed access at Feather Sound/Ulmerton Road (SR 688) as follows: Signalize when warranted and provide for interconnection with the signal at the Feather Sound/Ulmerton (SR 688) site access; construct dual westbound-to-southbound left turn lanes; construct one northbound-to-westbound left turn lane; construct one northbound-to-eastbound right turn lanes; construct an exclusive eastbound-to-southbound right turn lane. The Carillon development will contribute 48.1 percent of the summation of critical movements of LOS D during the PM peak hour.

7. Construct a project access at 28th Street/Roosevelt Boulevard (SR 686) and improve the intersection as follows: Construct dual southbound-to-eastbound left turn lanes; construct two southbound through lanes; construct one exclusive southbound-to-westbound right turn lane; construct one additional westbound through lane for a total of three; construct one additional westbound-to-southbound left turn lane creating dual lefts; construct an exclusive westbound-to-northbound right turn lane; construct one additional northbound-to-westbound left turn lane creating dual lefts; construct one northbound through lane; construct one additional northbound-to-eastbound right turn lane creating dual rights; construct two additional eastbound through lanes with one as a shared eastbound-to-southbound right turn lane, creating four eastbound through lanes. The Carillon development will contribute 41.4 percent of the summation of critical movements of LOS D during the PM peak hour.

EXHIBIT C

AGREEMENT REGARDING IMPLEMENTATION OF DEVELOPMENT
OF REGIONAL IMPACT REVIEW PROCEDURES FOR
CARILLON, PINELLAS COUNTY

THIS AGREEMENT made and entered into this 13th day of
DECEMBER, 1984, between GATEWAY JOINT VENTURE
(herein "DEVELOPER"), the TAMPA BAY REGIONAL PLANNING COUNCIL
(herein "TBRPC"), and the FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS
(herein "DEPARTMENT").

WITNESSETH:

WHEREAS, the DEPARTMENT is the agency of the State of Florida charged with the functions of the state land planning agency as set forth in Chapter 380, Florida Statutes, and also has primary responsibility for planning for possible natural disasters as set forth in Chapter 252, Florida Statutes; and

WHEREAS, the TBRPC has statutory responsibilities to insure that developments of regional impacts are consistent with TBRPC's "Future of the Region" policy and that mitigation measures are incorporated into the development to prevent adverse impacts; and

WHEREAS, the TBRPC participated in the development of the Regional Hurricane Evacuation Plan; and

WHEREAS, the Tampa Bay area, and in particular Pinellas County, has been identified by the National Weather Service as one of the most hurricane-vulnerable areas in the United States; and

WHEREAS, Pinellas County is particularly vulnerable to hurricanes because of the high density of population residing in low-lying areas and the number of mobile homes in the County which are subject to the storm surge and high wind effects of hurricanes; and

WHEREAS, in Pinellas County evacuation is a critical problem and there are only limited evacuation routes available; and

WHEREAS, the Pinellas County Natural Disaster Plan and the Tampa Bay Region Hurricane Evacuation Plan Technical Data Report determined that the Howard Franklin Bridge is considered the most critical link in any potential hurricane evacuation in Pinellas

County and is the evacuation route for more than 200,000 residents of Pinellas County; and

WHEREAS, as part of its hurricane preparedness effort the Tampa Bay Regional Planning Council (TBRPC) would like to conduct a "regionwide hurricane preparedness exercise"; and

WHEREAS, the TBRPC currently does not have the funds to conduct such an exercise; and

WHEREAS, it is in the best interests of the citizens and residents of Pinellas County, TBRPC and the State of Florida to undertake the foregoing-described "regionwide hurricane preparedness exercise"; and

WHEREAS, DEVELOPER owns approximately 180 acres of real property located at the southeast corner of the intersection of Ulmerton Road and Roosevelt Boulevard, which is very near to the Pinellas County side of the Howard Franklin bridge; and

WHEREAS, when the DEVELOPER acquired this 180-acre parcel the initial plan was to develop an industrial park; and

WHEREAS, an industrial park of 180 acres is not presumed to be a "development of regional impact" and, therefore, might not have been required to comply with the approval process required by Chapter 380, Florida Statutes; and

WHEREAS, more recently the DEVELOPER has been approached by various entities suggesting that this property be utilized for offices and a hotel; and

WHEREAS, if the subject property is used for offices, the project will be presumed to be a "development of regional impact"; and

WHEREAS, the DEVELOPER is committed to insure that proper planning considerations are made in the development of this property and to that end the DEVELOPER agrees to file an application for development approval; and

WHEREAS, because of the unique location of this property it can be of invaluable assistance to the State and County should it be necessary to implement the Pinellas County Natural Disaster Plan; and

WHEREAS, the DEVELOPER is prepared to provide financial assistance and facilities that can be utilized for the "regionwide hurricane preparedness exercise" and the Pinellas County Natural Disaster Plan; and

WHEREAS, the DEVELOPER has volunteered this financial assistance and the use of its facilities in order to contribute to solving a serious problem; and

WHEREAS, without the DEVELOPER's contributions there would be no funding for the "regionwide hurricane preparedness exercise," and no facilities at this site available for use in the Pinellas County Natural Disaster Plan; and

WHEREAS, the DEVELOPER does not seek this Agreement for the purpose of avoiding the DRI process or obtaining competitive advantage over any other developer, nor is it sought solely for the economic benefit or convenience of the DEVELOPER, but for the dual purposes of providing incentives for good planning and compliance with Chapter 380, Florida Statutes, and providing realistic solutions for protecting the health, safety and property of the citizens, residents and visitors of the Tampa Bay area in the event of a hurricane; and

WHEREAS, the parties recognize and agree that the pre-development order development authorized in this Agreement will not exceed any of the Chapter 27F-2, Florida Administrative Code, square footage or acreage thresholds; and

WHEREAS, by limited pre-development order activities as provided for herein, the DEPARTMENT and TBRPC are protecting the State's interest by insuring that the regional impacts of the entire development will be fully considered before future development of the site may be initiated; and

WHEREAS, the Department has determined that this Agreement is in the best interests of the state, is necessary and beneficial to the Department in its role as the state agency responsible for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and intent of Chapter 380, Florida Statutes.

NOW THEREFORE, in consideration for the mutual covenants contained herein, it is hereby agreed and understood:

1. The DEPARTMENT and TBRPC agree the DEVELOPER may undertake the development of Phase I of Carillon, which shall be limited to 180,000 square feet of office space in two buildings (to be located on Parcels 1 and 2 along Ulmerton Road as shown on Exhibit 1 attached hereto), and the connector road running through the project between Ulmerton Road and Roosevelt Boulevard and shown on Exhibit 1. The DEVELOPER agrees not to undertake development on any lands within the Florida Department of Environmental Regulation's or the U.S. Army Corps of Engineers' jurisdiction. Further, all other lands are to remain undeveloped until such time as a final DRI development order is approved for the project in its entirety, and no other development, as defined in Section 380.04, Florida Statutes, shall occur on the site until a DRI development order is rendered and is final.

2. Prior to initiation of construction of each building and the road, the DEVELOPER shall submit for review to TBRPC the preliminary site plans submitted to Pinellas County pursuant to Section XXV, Pinellas County Zoning Regulations, for each building and the road. The TBRPC shall review each of the three plans to insure that each plan complies with the terms and conditions of the Agreement. The DEVELOPER agrees that the plans for the two office buildings and road described in paragraph 1 hereof shall meet the following requirements:

- a) The two office buildings shall not exceed the height of seventy-five (75) feet, and will not intrude into the approach and transition zone for St. Petersburg/Clearwater International Airport.
- b) All stormwater shall be detained on site and treated pursuant to Chapter 17-25, Florida Administrative Code.
- c) The traffic generated by the two office buildings shall not contribute five (5) percent or more of daily level of service "C" capacity, or five (5) percent or more of peak hour level of service "D" capacity of a regionally significant facility.
- d) The construction shall not adversely affect the recently acquired Conservation and Recreation Land program lands, commonly known as the Gateway Tract.

The regional impact of Phase I will be subject to further review on a cumulative basis as part of the ADA. Further, the requirements, information submittals, and review procedures set forth in the following County ordinances, regulations, requirements, data and review procedures, as the same may be amended from time to time, are recognized as applicable to any part of the DRI and the DEVELOPER's obligation to comply with them is incorporated into this Agreement. The following County laws are recognized and incorporated into this Agreement, if applicable.

- 1) Pinellas County Ordinance 76-16 (Trees and Shrubs).
- 2) Pinellas County Ordinance 83-21 (Floodplain Ordinance).
- 3) Pineallas County Ordinance 76-15 (Ground Improvements).
- 4) Pinellas County Ordinance 77-12, as amended by Ordinance 83-9 (Flood Damage Prevention Ordinance).
- 5) Section XVI-A, Pinellas County Zoning Code (Industrial Planned Development District).
- 6) Subdivision Regulations of Pinellas County.
- 7) Zoning Code of Pinellas County.

3. The DEVELOPER represents that the development proposed in Phase I as described in paragraph 1 is viable and economically feasible standing alone. The DEVELOPER further agrees that the development authorized in this Agreement shall not be utilized as a basis for establishing any type of rights, including vested rights, to develop the remainder of the property.

4. The DEVELOPER shall diligently proceed to prepare and shall submit to Pinellas County, TBRPC and the DEPARTMENT an application for development approval (ADA) covering this proposed project known as Carillon. Said ADA shall be filed no later than March 1, 1985. Further, the DEVELOPER agrees to meet with the TBRPC in a pre-application meeting no later than December 1, 1984.

5. Upon execution of this Agreement, the DEVELOPER agrees to provide the sum of \$50,000 to TBRPC. These funds will be used by the TBRPC to finance a "regionwide hurricane preparedness

exercise." Further, to ensure that this Agreement provides additional benefits to the State, region and Pinellas County, the DEVELOPER shall incorporate into its ADA a plan to supplement the Pinellas County Natural Disaster Plan. This plan shall address the following:

- a) Making project building and facilities available as shelters and places of refuge in the event of a hurricane or other natural disaster.
- b) Agreeing to tie-in to warning communication system.
- c) Agreeing to an early evacuation of all personnel from the site.

6. The DEPARTMENT and TBRPC shall refrain from initiating any proceeding to enjoin the scope of activity to develop described in paragraph 1 above within the Carillon project, except as provided in paragraph 7 below or unless significant impacts on regional resources are identified by the DEPARTMENT or TBRPC as being caused by the above-described scope of activity. The burden of proof of such impacts shall lie with the DEPARTMENT or TBRPC.

7. In the event the DEVELOPER fails to comply with any of the terms and conditions stipulated in this Agreement by the DEVELOPER or if there is any other development of the Carillon project beyond that specifically authorized herein, the DEPARTMENT or TBRPC may, in addition to pursuit of any remedy for violation of this Agreement, initiate proceedings to enjoin all development activities in the Carillon project, including those in Phase I. Provided, however, should a development order be rendered that is inconsistent with the terms and conditions of this Agreement, is inconsistent with the TBRPC policies adopted pursuant to Chapter 120, Florida Statutes, or fails to adequately address significant impacts upon regional resources or facilities, the DEPARTMENT and TBRPC expressly reserve their rights to appeal the development order to the Florida Land and Water Adjudicatory Commission pursuant to Section 380.07, Florida Statutes.

8. Nothing in this agreement shall be construed as prejudicing, compromising or limiting in any way the lawful

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals on the day and year first above written.

FLORIDA DEPARTMENT OF
COMMUNITY AFFAIRS

Diane E. Martin
Witness

Jan Rayboun
Witness

BY: [Signature]
Title: Secretary

Date: December 13, 1984

TAMPA BAY REGIONAL
PLANNING COUNCIL

Margaret E. Gross
Witness

Lorinda Niland
Witness

BY: [Signature]
Title: Chairman

Date: December 19, 1984

GATEWAY JOINT VENTURE
TWC Twenty, Inc.

[Signature]
Witness

Gary C. Welch
Witness

BY: [Signature]
Title: President

Date: 12/28/84

Hunnicut Equities, Inc.

Sherry L. Evans
Witness

Pat Beyer
Witness

BY: [Signature]
Title: PRESIDENT

Date: 12/31/84