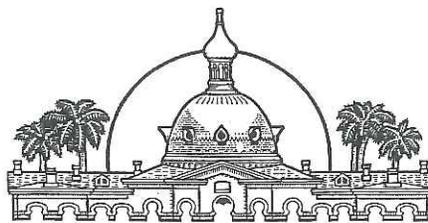


#131

BOARD OF COUNTY COMMISSIONERS

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



Hillsborough County  
Florida

Office of the County Administrator  
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CHIEF FINANCIAL ADMINISTRATOR  
Bonnie M. Wise  
  
DEPUTY COUNTY ADMINISTRATORS  
Lucia E. Garsys  
Sharon D. Subadan

September 12, 2011

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

RE: Regency Park North Development of Regional Impact (DRI #131)  
HB 7207 Build Out Date Extension Notification

Dear Mr. Murphy:

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

The Regency Park North DRI is a single-phase project which previously received a build out date extension pursuant to Sec. 380.06(19)(c), F.S., extending the build out date to December 16, 2011 and the development order's expiration date to December 16, 2013.

The Regency Park North DRI received a second build out date extension pursuant to Senate Bill 1752 extending the build out date by two (2) years to December 16, 2013 and extending the DO's expiration date to April 15, 2015.

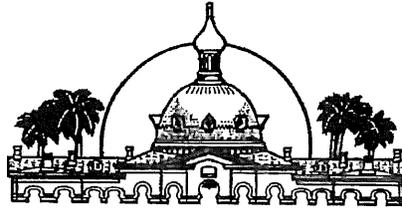
Pursuant to HB 7207 the project's build out date is further extended by four (4) years to December 16, 2017 and the DO's expiration date is also extended by four (4) years to April 15, 2019.

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

Sincerely,

John E. Healey, AICP

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



Hillsborough County  
Florida

Office of the Interim County Administrator  
Michael S. Merrill

BOARD OF COUNTY COMMISSIONERS

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- Carl S. Harness
- Eric R. Johnson
- Manus J. O'Donnell
- Edith M. Stewart

July 30, 2010

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

RE: Regency Park North Development of Regional Impact (DRI #131)  
 SB 1752 Build Out Date Extension Request

Dear Mr. Murphy:

We have received your request for a two (2) year build out date extension authorized by Senate Bill 1752 for development orders with build out dates between September 1, 2008 through January 1, 2012. The Regency Park DRI is a single-phase project with a build out date of December 16, 2011\*. As the current build out date is December 16, 2011, the project is eligible for the extension authorized by SB 1752. Therefore, the build out date is extended by two (2) years to December 16, 2013. The expiration date of the development order is also extended by two (2) years to April 15, 2015.

If you have any questions, please call me at 813.276.8393

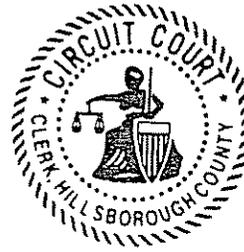
Sincerely

John E. Healey, AICP

\* The Regency Park North DRI previously received a build out date extension pursuant to Sec. 380.06(19)(c), F.S., which extended the build out date to December 16, 2011 and the development order's expiration date to April 15, 2013.

cc: John Meyer, Tampa Bay Regional Planning Council (via e-mail)  
 Nancy Takemori, County Attorney's Office (via e-mail)

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

September 11, 2003

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

Re: Resolution No. R03-178 - Issuing an Amended and Restated Development Order for the Regency Park North (DRI #131)

Dear Mr. Meyer:

Attached is a certified original of referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on August 26, 2003.

We are providing this original for your files.

Sincerely,

*Gail M. Letzring*  
Gail M. Letzring,  
Manager, BOCC Records

jg

Attachment

Certified Mail# 7002 2410 0001 4265 0112

cc: Board files (orig.)

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

James H. Shimberg, Jr, Esquire, Holland & Knight LLP (orig. ltr.)

Susan Fernandez, Senior Assistant County Attorney

John Healy, Senior Planner, Planning & Growth Management

Beth Novak, County Attorney's Office

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

RESOLUTION NO. R03-178

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
ISSUING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR  
DRI #131 – REGENCY PARK NORTH

Upon motion the following Resolution was adopted on this 26th day of August, 2003, by a vote of 5 to 2, Commissioner(s) Frank and Storms voting "no".

WHEREAS, on April 26, 1988, the Board of County Commissioners issued Development Order #131 for the Regency Park North Development of Regional Impact through Resolution 88-0131 hereinafter referred to as REGENCY PARK NORTH; and

WHEREAS, on December 12, 1989, the Board of County Commissioners amended Development Order #131 by a revision in the scope of the pipeline improvement and an extension of ninety (90) days to complete the pipeline improvement (*R89-0320*); and

WHEREAS, on November 13, 1990, the Board of County Commissioners amended Development Order #131 by extending the build-out date of each phase and the total project by two years, 11 months and 15 days and extending the date for completion of the pipeline improvements (*R90-0274*); and

WHEREAS, on September 8, 1992, the Board of County Commissioners amended Development Order #131 by (i) expanding the trade-off mechanism in the Development Order to allow research and development uses, (ii) combining the project into a single phase, and (iii) extending the build-out date for the project by two (2) years, the expiration of the Development Order by four (4) years, eleven (11) months and fifteen (15) days, and extending the date for completion of the pipeline improvements until April 1, 1996 (*R92-0216*); and

WHEREAS, on September 13, 1994, the Board of County Commissioners amended Development Order #131 by (i) extending the build-out date of the project for three (3) years from 1998 until 2001 and (ii) extending the completion date for the pipeline improvement by five (5) years from April 1, 1996 until April 1, 2001 (*R94-0226*); and

WHEREAS, on May 7, 1996, the Board of County Commissioners amended Development Order #131 by allowing up to an additional 600 hotel rooms to be built in exchange for a reduction of office square footage (*R96-095*); and

WHEREAS, on February 10, 1998, the Board of County Commissioners amended Development Order #131 adjusting the Pipeline Proportionate Share Amount and requiring the developer to design and build intersection improvements at Grand Regency Boulevard and Woodberry Road (*R98-030*); and

WHEREAS, on April 9, 2003, The Regency Group, Inc. filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) for the Regency Park North project; and

WHEREAS, the Notification of Proposed change requested (i) extending the build-out date of the project for seven (7) years from 2001 until 2008 and (ii) extending the Development Order expiration date by seven (7) years from April 15, 2003 until April 15, 2010;

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Proposed Changes to a Previously Approved Development of Regional Impact; and

WHEREAS, the public notice requirements of Section 38006, Florida Statutes, have been satisfied; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on August 26, 2003 held a public hearing on said Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council, Hillsborough County, and the Department of Community Affairs has reviewed this Notification of Proposed Change; and

WHEREAS, the Board of County Commissioners has determined that clear and convincing evidence has been presented to the Board of County Commissioners that the proposed changes do not constitute a substantial deviation requiring further development of regional impact review.

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

#### I. FINDINGS OF FACT

- A. The Regency Group submitted its seventh Notice of Proposed Change (NOPC #7) to Hillsborough County, which requested approval of an extension of the build-out date of the project for seven (7) years from 2001 until 2008 and an extension of the Development Order expiration date by seven (7) years from April 15, 2003 until April 15, 2010;
- B. Hillsborough County, the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs have conducted a review of the impacts of this NOPC #7; and
- C. The proposed changes approved herein do not result in any new or additional regional impacts.

## II. CONCLUSIONS OF LAW

- A. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Regency Park North Development Order, pursuant to Chapter 380.06, Florida Statutes.
- B. All applicable statutory and regulatory procedures have been adhered to.
- C. The Regency Park North Development Order, as amended hereby, is consistent with the Future of Hillsborough County Comprehensive Plan, and development in accordance with the Development Order, as amended, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- D. Nothing contained in this Amended and Rested Development Order shall limit or modify the rights originally approved by the Development Order or the protection afforded under Subsection 163.3167(8), Florida Statutes.
- E. The Developer's Affidavit of Certification, attached hereto as Exhibit "C", affirms that a copy of the Notice of Change has been delivered to all persons as required by law.
- F. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.
- G. Within thirty (30) days after adoption, a certified copy of this Resolution, together with all exhibits hereto, shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail or other delivery service for which a receipt as proof of service is required, to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and other recipients in accordance with Section 380.06, Florida Statutes.

## III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the REGENCY PARK NORTH Development of Regional Impact (ADA).
- B. The legal description set forth in Exhibit A is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the ADA and Sufficiency Response shall be considered conditions of this Development Order unless inconsistent with the

terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.

- D. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developer and his 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 include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.
- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at REGENCY PARK NORTH, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/ or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.
- I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Ch. 380.06(19)(b) or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.
- J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of

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

- K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Department of Planning and Growth Management which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:
1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and
  2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
  3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and
  4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order; and
  5. A statement describing how the developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared; and
  6. A description of the land use conversions and resulting Land Use Schedule, with cumulative land use totals, and the remaining amounts of land use available; and

- L. The provision of this Development Order shall not be construed as a waiver of or exception to any rule, regulation, or ordinance of Hillsborough County, its agencies and commissions, and to the extent further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations, and ordinances in effect at the time of the review.
- M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County and transmittal in accordance with Section 380.06, Florida Statutes (1986).

#### IV. SPECIFIC CONDITIONS

*[Section IV.A of the Development Order was previously amended by Resolutions R90-0274; R92-0216; R94-0226; and R96-095.]*

##### A. Phasing Schedule and Deadlines

1. The development of the project shall consist of one phase as follows:

<u>Year</u>	<u>Use</u>	<u>Amount</u> (gross sq. ft.)
1988-2008	Office	675,000
	Commercial	50,000
	Hotel	150 rooms ***
	Multi-family	
	Residential	565 units *
	Research and Development <sup>1</sup>	0 **

\* Multi-family dwelling units shall not exceed the maximum density allowed by the Hillsborough County Comprehensive Plan.

\*\* Developer has the option of building up to 518,000 square feet of research and development uses<sup>1</sup> on the site. If Developer elects this option, the amount of the reduction of office square feet shall be determined in accordance with the Equivalency Table as follows:

\*\*\* Developer has the option of building up to an additional 450 hotel rooms on the site. If developer elects this option, the amount of the reduction of office square feet shall be determined in accordance with the Equivalency Table as follows:

<sup>1</sup>Research and Development includes Distribution/Wholesaling/Warehousing as defined in Section 380.0651, Florida Statutes (1991).

<u>Outbound Site Trips</u>	<u>Equivalent Development</u> (adjustment for internal capture)	<u>Land Use</u>
1	752 square feet	Office
1	6.4 units	Residential
1	471 square feet	Commercial
1	3.5 rooms	Hotel*
1	916 square feet	Research and Development

\* Research and Development uses and additional hotel rooms beyond 150 rooms can only be added in exchange for a reduction in office square footage.

2. The development of the project uses may occur as shown on the General Site Plan dated May 10, 1996.
3. This Development Order shall remain in effect for a period up to and including April 15, 2010.
4. The development shall not be subject to down-zoning, or intensity reduction until April 15, 2010, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
5. No certificate of occupancy shall be issued beyond an additional 170,00 square feet of office (or its equivalent) until the construction of the 4-lane extension of Falkenberg Road from Palm River Road south to the Lee Roy Selmon Expressway has commenced.

*[CONDITION HAS BEEN SATISFIED: The construction of the 4-lane extension of Falkenberg Road from Palm River Road south to the Lee Roy Selmon Expressway has been completed.]*

*[Section IV.B of the Development Order was previously amended by Resolutions R89-0320; R90-0274; R94-0226; and R98-030]*

#### B. Transportation

1. The Developer has selected Option 3 to mitigate the project's transportation impacts. Therefore, the provisions describing Options 1 and 2 have been deleted and the relevant provisions in Option 3 have been amended to make them consistent with these amendments.

Option 3.

The Developer has elected Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) The applicant has constructed improvements at the intersection of Lakewood Drive and Woodberry Road and has acquired right-of-way on Woodberry Road. The applicant has spent \$885,701.91 for the required transportation improvements at the Lakewood Drive/Woodberry Road intersection in addition to the 4-laning of Woodberry Road from Grand Regency Boulevard to Falkenburg Road. Construction cost for the Lakewood Drive/Woodberry Road intersection improvement was \$271,167. Design and installation of the traffic signal at the intersection of Woodberry Road and Grand Regency Boulevard is \$95,364. This traffic signal was to be included as part of the original required improvement but was installed early at the request of Hillsborough County. The total construction cost related to the required improvement (not including right-of-way acquisition and design) is \$366,531.

Right-of-way acquisition and design cost for the original required improvement is \$614,535.

Other roadway improvements that have been completed by the applicant include design and construction of an additional turn-lane on Grand Regency Boulevard at SR 60 (\$96,364); and repair and replacement of a storm water culvert in Grand Regency Boulevard (\$8,075) (the "Initial Improvements").

- (2) The Developer shall design and construct the intersection improvements at Grand Regency Boulevard and Woodberry Road (the "Additional Intersection Improvements"). The Additional Intersection Improvements shall consist of an eastbound to northbound left, an eastbound to southbound right, and a westbound to southbound left. The Additional Intersection Improvements are as shown on the attached sketch. The Developer shall complete the Additional Intersection Improvements by April 1, 1999. In order to assure completion of the Additional Intersection Improvements, by April 1, 1998, the Developer shall post a bond, letter of credit, or other form of financial assurance reasonably acceptable to the County in the amount of Two Hundred Thirty-five Thousand Seven Hundred Fifty and No/100 Dollars (\$235,750.00) which is 110% of the

estimated cost of the Additional Intersection Improvements. Once the financial assurance has been delivered to the County, the Project may build out.

*[CONDITION HAS BEEN SATISFIED: The construction of the Additional Intersection Improvement has been completed.]*

- (3) The revised "Fair Share" contribution by the Developer in accordance with Chapter 380.06, Florida Statutes is approximately \$490,482.00.
  - (4) The Developer, with design, acquisition of the right-of-way and/or the construction of improvements associated with the Initial Improvements and the Intersection Improvements is presumed to have satisfied Hillsborough County's right-of-way and roadway impact fees as described in ordinances 86-4 and 85-24E.
    - a. Design of the original Required Improvement has been completed.
    - b. Any change to the pipelining project or transportation assessment obligations agreed to by the County and other review agencies shall be accomplished through an amendment to the Development Order.
2. *[SCRIVENER'S ERROR: No Development Order Condition IV.B.2 was included in the original Development Order or subsequent Development Order Amendments.]*
  3. The applicant or its assigns shall prepare and implement a Transportation System Management (TSM) program by the end of development of 235,000 square feet of office development. A TSM program shall be developed in cooperation with FDOT, Hillsborough County, the Tampa Urban Area MPO, HART and TBRPC. This program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ridesharing by public and private sector employees.

OBJECTIVES:

- Increase urban area peak automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
- Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995."

A yearly assessment of the actual achievement of vehicle trips diverted during the P.M. peak hour as a result of TSM measures shall be documented in every annual report after issuance of Certificates of Occupancy for 235,000 square feet of office space or the equivalent thereof. The results of the TSM study may serve as a basis for the Developer to request Development Order Amendments.

4. A pedestrian circulation system and a bicycle circulation system plan shall be provided within the project and approved by the MPO. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into REGENCY PARK NORTH. No detailed site plans shall be approved which do not indicate these systems.

*[CONDITION HAS BEEN SATISFIED: A description of the future bicycle and pedestrian circulation system was prepared in 1993 and approved by the Hillsborough County MPO.]*

5. Pending the completion of the special FDOT study of I-75, FDOT desires to maintain a level of service (LOS) C peak hour on the I-75 interchange ramps to avoid prejudicing the study's recommendations. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lands or other minor geometric changes for the purpose of improving traffic service on intersecting roadways) to the I-75 system will be approved prior to the completion of this special study.

If, during the study period, the LOS C peak hour threshold will exceed on the ramps of the I-75/S.R. 60 interchange, the Developer may, at its expense, utilize ramp metering or other improvements acceptable to FDOT to preserve the LOS Peak hour service level. Building permits will not be issued if ramp metering or such other improvements (which can be demonstrated by means of a new traffic analysis to maintain level of service "C" peak hours) are not permitted by the Federal Highway Administration and said alternative improvements are not approved and funded prior to the commencement of construction within any phase in which impacts require mitigation.

To enable the County and FDOT to ascertain compliance with this Condition, the Developer shall submit to the County and FDOT a semi-annual LOS Operational Analysis of all ramps at the I-75/S.R. 60 interchange. The LOS Operational Analysis shall contain a p.m. peak hour analysis of the level of service of the merge/diverge point, mid-ramp section and ramp junction at the arterial street for existing conditions and conditions project 6 months from the submission date of the analysis. The technical analysis shall be conducted using generally accepted traffic engineering standards and procedures. The submission dates, scope and content of the Operational Analysis will be approved by the County and FDOT prior to the issuance of the first Certificate of Occupancy.

If, after an evaluation of such an Operational Analysis, the review by the County and FDOT indicates that the LOS C peak hour threshold will be exceeded for any ramp of the I-75/S.R.60 interchange as a result of the Development's traffic prior to the submission of the next Operational Analysis, and the Development's traffic contributes more than five percent (5%) to the traffic volume, the County will determine whether to continue issuing building permits and will notify the Developer of this determination in writing. If LOS C peak hour threshold is projected to be exceeded for the

ramps prior to submission of the next Operational Analysis, the Developer shall have the opportunity to submit evidence to both the County and FDOT to demonstrate that Development traffic, as identified in an Operational Analysis, does not contribute more than five percent to the ramps' traffic volume, or evidence as to improvements that will mitigate the project's impacts, under either of which conditions the County shall not by reason of this Section cease the issuing of building permits for the Development.

This condition shall be in effect for the duration of the FDOT study period or for twenty-two months from the date of issuance of this Development Order, whichever is earlier.

*[CONDITION HAS EXPIRED: This condition was only to remain in effect for 24 months from the issuance of the original Development Order.]*

6. Any future signal timing changes at the S.R. 60/Grand Regency Boulevard or any future signal at the S.R. 60/Lake Kathy Drive intersections shall be approved by FDOT prior to implementation.

*[TEXT CORRECTION: The streets referenced in the original Development Order have been renamed.]*

7. Concurrent with the construction of a northbound approach to the intersection of S.R. 60/Sand Street or no later than the issuance of the final Certificate of Zoning Compliance for 235,00 square feet of office, 300 units of multi-family residential, 10,00 square feet of commercial, and 150 room hotel of REGENCY PARK NORTH, the Developer shall construct a southbound thru lane at the intersection of S.R. 60 and Sand Street and make any and all modifications to the existing traffic signal that may be required as a result of the additional lane as permitted by FDOT.

*[CONDITION HAS BEEN SATISFIED: The Developer constructed the southbound thru lane at this intersection and made all signal modifications as required. In addition to this improvement, southbound right turn lane was also constructed.]*

8. The intersection improvement of S.R. 60 at Sand Street referred to in Section IV.B.2 Table 3 shall be constructed by the Developer subject to the following: since the EB improvement may be beyond the scope of the current FDOT S.R. 60 Design Plans and the MPO Long Range Transportation Plan. The Developer shall seek permission of the FDOT to construct the improvement prior to construction of the final 300,00 square feet of office and 25,00 square feet of commercial. If FDOT does not permit this lane configuration then an alternative means to mitigate the need for this improvement will have to be resolved to the satisfaction of Hillsborough County prior to proceeding with Phase II of the project.

*[CONDITION HAS BEEN SATISFIED: The Developer constructed all S.R. 60 and Grand Regency Boulevard intersection improvements as required.]*

C. Air Quality/Wind and Water Erosion

1. If any proposed change is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County.
2. The Developer shall undertake the measures referenced on page 13-5 and 14-4 of the Revised ADA at a minimum to reduce erosion, fugitive dust and other adverse air emissions during all phases of development.

D. Soils

1. The Developer shall ensure that measures used to overcome the on-site soils limitations shall include but not be limited to those discussed on page 14-4 of the ADA.
2. Sub-surface soils investigations and foundations studies shall be carried out for each building prior to construction. Foundations shall be constructed in accordance with the recommendations of those studies and required by the County's Building Department.

E. Stormwater Management and Water Quality

1. In order to protect water quality in the Delaney Creek and Lake Gornto Watersheds, there shall be no degradation of water quality standards from stormwater exiting the site. The Developers shall comply with all Department of Environmental Regulation (DER) and Southwest Florida Water Management District (SWFWMD) permitting requirements and specifically with Chapter 17-3, F.A.C. Any violation of Chapter 17-3, Florida Administrative Code (F.A.C.) shall require corrective measures as set forth by DER. The following shall apply:
  - (a) Sampling locations, parameters and frequencies shall be determined in cooperation with Hillsborough County, FDER, SWFWMD and TBRPC.
  - (b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with FDER Quality Control Standards and Requirements and be completed by an FDER certified laboratory.
  - (c) The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD, bi-annually until project buildout. Should the monitoring

indicate that applicable State water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin of the project where the violation occurred shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

2. Prior to the issuance of any building permits the Final Drainage Plan and drainage calculations shall be submitted to the TBRPC and DER for review and to Hillsborough County and SWFWMD for approval. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive.

*[CONDITION HAS BEEN SATISFIED: Copies of the Master Drainage Plan approved by Hillsborough County and SWFWMD were submitted to TBRPC and DER.]*

3. The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, F.A.C., and 40-D-4 Rules of SWFWMD and shall be consistent with Map G-2 of the Revised ADA. Treatment shall be provided by biological filtration, wherever feasible.
4. Due to the "volume sensitive" nature of Delaney Creek, the drainage design for REGENCY PARK NORTH must satisfy the following criteria from the 1986 Delaney Creek Stormwater Master Plan, ES-7 and ES-8 by Ghioto, Sinjhofen and Associates, Inc.:
  - a. Compensating storage must be provided for any encroachment into the 100-year flood plain.
  - b. The peak rate of discharge resulting from the 100-year 24-hour storm under post-development conditions must not exceed the pre-development peak rate of runoff from the 10-year 24-hour storm.
  - c. The volume of runoff discharged from the 100-year 24-hour storm under post development conditions must not exceed that amount of runoff produced from the development 100-year 24-hour storm.
5. The Developer shall give all necessary drainage easements or rights-of-way as required by the County's Stormwater Management Department, in accordance with applicable regulations, prior to Master Drainage Plan approval.
6. The Developer shall operate and maintain on-site drainage facilities unless otherwise requested by the County's Stormwater Management Department.
7. In order to protect water quality the Developer shall implement a vacuum street cleaning program for the parking and private roadway areas within the development.

8. No habitable structures shall be allowed in the designated 25-year floodplain unless provisions are made to compensate for reduction in natural storage area caused by the development. Elevations for all habitable structures shall be at or above the 100-year flood elevation.
9. All drainage facilities within the confines of this project and all drainage facilities outside the confines necessary for the proper functioning of this project are to be improved by the Developer where necessary.

F. Open Space

1. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required:
  - a. Except as otherwise permitted by agencies having jurisdiction:
    - (1) No hydroperiod alteration shall be permitted in conservation or preservation areas identified on the Master Development Plan.
    - (2) No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.
2. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.
3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with wetlands being disturbed.
4. In the event that any species listed in Sections 39-27.83-.85, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.
5. The land use designations for those portions of the REGENCY PARK NORTH site which meet the definition of preservation and conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2 and 10.3.1, shall be as designated on the revised General Development Plan submitted to Hillsborough County.
6. Representative tracts of mesic hammock, xeric oak and pine communities listed on page 18-1 of the Revised ADA shall be preserved on site in a contiguous manner which will ensure their continued natural function and value. These natural plant communities shall be identified and preserved

pursuant to the Hillsborough County Land Alteration and Landscaping Ord. 87-02, Sec. 4 prior to commercial site plan/construction approval.

*[CONDITION STATUS: An Upland Preservation Area Vegetation Survey Report was prepared during the 1996-1997 reporting year by Martin S. Armstrong, Ph.D., President, Armstrong Environmental Services, Inc. This report provided a detailed description of the upland vegetative communities within Regency Park North. Based on this report, the area that is most appropriate for preservation based on species diversity, percent coverage of the understory and ground cover strata is the northeast portion of the site. As a result of this study, the developer designated a 2.3-acre area to be set aside as upland preservation. This parcel is designated as Upland Habitat on the Certified General Site Plan and is shown on the approved plat for Regency Park North as Lot 4.]*

7. The Developer shall be responsible for maintaining all landscaped and open space areas within the project site other than those for which Hillsborough County has assumed maintenance responsibilities.

#### G. Public Facilities

1. Prior to or simultaneous with construction plan or commercial site plan approval for the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service REGENCY PARK NORTH. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.

*[CONDITION STATUS: A Master Utilities Plan was submitted to and approved by Hillsborough County in 1988. All site-specific development plans must be consistent with the Master Utilities Plan. In addition, the applicant received approval of an updated Master Utilities Plan during the 2000-2001 reporting year. A copy of this updated plan was included with the 2000-2001 annual report].*

2. Prior to or simultaneous with construction or commercial site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No Zoning Compliance Permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve the project is available.
3. Prior to construction plan approval for the development, the Developer shall provide documentation to the Department of Development Review a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from

Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.

4. Prior to issuance of Certificates of Zoning Compliance approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services, solid waste disposal, electricity, fire, emergency medical services and police capabilities and facilities are available to service the development.
5. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or Department of Water and Wastewater Utilities take-back policy in effect prior to detailed site plan approval.
6. Concurrent with issuance of the first Certificate of Occupancy, the Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall submit a plan to Hillsborough County and the TBRPC for using non-potable water for irrigation in the first annual report following issuance for the first Certificate of Occupancy. The lowest quality water available shall be used for irrigation.
7. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
8. The Developer shall be responsible for maintenance and operation of any on-site wells. There shall be no utilization or construction of any on-site wells as a source of potable water unless approved by Hillsborough County and appropriate reviewing agencies.
9. Septic tanks shall not be permitted for use on-site.

#### H. Hazardous Waste

1. Prior to the issuance of Zoning Compliance Permits, the Developer shall, if not in conflict with Hillsborough County plans and policies, and only as required to accommodate hazardous waste generators in the project (if any) provide separate hazardous waste storage areas within the project. These areas shall be accessible to all businesses and shall be 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 F.S. 403.703(21), F.S., and listed in Title 40 CFR Part 261), as amended.
2. The Developer shall, notify in writing, all project businesses of the location of the specially designated hazardous waste and materials containers.
3. Surface impoundments of hazardous waste, hazardous waste piles, land treatment of hazardous waste, landfills and underground storage of hazardous materials shall be prohibited.

4. Large quantity generators of hazardous substances as defined by applicable Federal and State regulations, shall implement a site-specific surficial aquifer monitoring program as required by Hillsborough County, Hillsborough County Environmental Protection Commission (EPC) and DER. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle hazardous wastes, to minimize hazards to human health and the environment. The plans shall describe the procedures and actions required of facility personnel as well as the duties of local EMS/fire and police departments and hospitals. The plan shall be included in the first annual report following occupancy within the park.
5. All temporary hazardous waste storage facilities shall meet applicable federal, state and local laws, rules and regulations, and where appropriate the criteria set forth in Sections 3.913(a), (d) and (e), TBRPC's, Future of the Region.
6. Small quantity generators as defined by applicable Federal and State regulations, should obtain United States Environmental Protection Agency (USEPA) identification numbers.
7. The developer shall provide the following information through restrictive lease agreement or covenants to all Regency Park North development businesses that:
  - a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas; and
  - b. Describes construction requirements for hazardous waste holding areas; and
  - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

I. Hurricane Evacuation

1. The Developer shall coordinate with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the American Red Cross, as to the feasibility of designating buildings within the REGENCY PARK NORTH development as public hurricane evacuation centers to shelter the residents of vulnerable areas. A report on the outcome of these discussions shall be submitted in the first annual report prior to issuances of Certificates of Occupancy for the project.

*[CONDITION HAS BEEN SATISFIED: It has been determined that designating buildings within Regency Park North is not feasible. The developer met with a representative from Hillsborough County Emergency Management Department. The county does not plan to utilize private office/hotel buildings for public hurricane evacuation centers. Only public facilities are currently utilized for hurricane evacuation centers. In addition,*

*the developer contacted Hillsborough County Emergency Management Program to discuss the feasibility of utilizing existing facilities at Regency Park North as evacuation centers.*

- 1. Hillsborough County has determined that 25% of evacuees in Hillsborough County will seek public shelter (100,000 spaces required). Hillsborough County currently does not have a deficit of shelter spaces (110,000 spaces available).*
  - 2. Hillsborough County currently utilizes space provided by the Hillsborough County School Board and church facilities. In extreme emergency situations, through governmental action, private facilities could temporarily be required to be made available to evacuees. However, use of private office and suite hotel space as evacuation centers is not required at this time.*
  - 3. The existing, private suite hotels at Regency Park North would be available to evacuees if they choose to rent rooms in those facilities.]*
2. The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan to ensure that safe and orderly evacuation of residents and employees when a Level C, D or E evacuation order, (as appropriate), is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all residents and employees of evacuation routes out of the flood prone area and measures to be fulfilled in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report.

J. Energy Conservation

1. The energy conservation measures referenced on page 25-4 of the Revised ADA shall be complied with by the Developer. The following energy conservation measures shall also be encouraged by the Developer or his assigns; for the office, commercial, hotel and multi-family residential components of REGENCY PARK NORTH:
  - a. The institution of programs to promote energy conservation by employees, buyers, suppliers and the public.
  - b. Reduction in levels of operation of all air conditioning, heating and lighting during non-business hours.
  - c. Recycling programs.
  - d. The use of energy-efficient cooling, heating and lighting system.
  - e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.

- f. Use of the most energy efficient technology economically feasible in the construction and operation of the project's facilities.
- g. Use of landscaping and retention of existing vegetation as a means for energy conservation.

K. Equal Opportunity

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

L. Historical or Archaeological Resources

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

M. General

1. Any approval of the REGENCY PARK NORTH development shall at minimum satisfy the provisions of subsection 380.06 (15), Florida Statutes, as amended.
2. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they be superseded by specific terms of the Development Order.
3. The Developer shall encourage programs by employers to provide child care facilities at the place of employment or as a cooperative effort off-site.

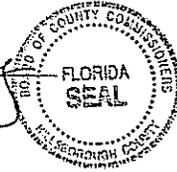
STATE OF FLORIDA )  
 )  
COUNTY OF HILLSBOROUGH )

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board as its regular meeting of August 26, 2003, as same appears of record in Minute Book 327 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 11th day of September, 2003.

RICHARD AKE, CLERK  
Clerk Circuit Court

By: Judene W Gregory  
(Deputy Clerk)



Approved as to form and legal sufficiency:

[Signature]  
Assistant County Attorney

EXHIBIT "A"

Legal Description

## LEGAL DESCRIPTION

Lots 1 – 4 inclusive, and a portion of Lots 13 – 16 inclusive of Carrollton, Plat Book 16, Page 21, together with a portion of Lots 2 – 6 inclusive of Orangeland Subdivision, Plat Book 10, Page 14, said plats being recorded in the Public Records of Hillsborough County, Florida, together with a portion of Section 20, Township 29 South, Range 20 East, Hillsborough County, Florida, all of the above being more particularly described as follows:

BEGIN at the Northeast corner of Lot 1, Block A, of Regency Park – Brandon, as recorded in Plat Book 60, Page 18 of the Public Records of Hillsborough County, Florida; thence S.89°15'33" W. along the North boundary of said Regency Park – Brandon, for 1606.87 feet to a non-tangent point on a curve and the Easterly right-of-way line of Grand Regency Boulevard (a radial line through said point bears S.56°07'48" W.); thence Northerly along said Easterly right-of-way line for the following eleven (11) courses: 1) Northwesterly along the arc of said curve, concave Southwesterly, said curve having a radius of 643.88 feet, a central angle of 4°07'48", and arc length of 46.41 feet, a chord bearing and distance of N. 35°56'06" W., 46.40 feet to a point of reverse curvature (a radial line through said point bears N.52°00'00"E.); 2) Northerly along the arc of a curve concave Easterly, said curve having a radius of 653.00 feet, a central angle of 77°49'53", an arc length of 887.04 feet, a chord bearing and distance of N.00°54'57"E., 820.40 feet to a point of reverse curvature (a radial line through said point bears N.50°10'07" W.); 3) Northeasterly along the arc of a curve concave Northwesterly, said curve having a radius of 747.00 feet, a central angle of 21°52'02", an arc length of 285.10 feet, a chord bearing and distance of N.28°53'52"E., 283.37 feet to a point of reverse curvature (a radial line through said point bears S.72°02'09"E.); 4) Northeasterly along the arc of a curve concave Southeasterly, said curve having a radius of 35.00 feet, a central angle of 75°22'02", an arc length of 46.04 feet, a chord bearing and distance of N.55°38'52"E., 42.79 feet to a point of tangency; 5) S. 86°40'07"E. for 32.73 feet; 6) N.03°19'53"E. for 82.00 feet; 7) N.86°40'07" W. for 16.09 feet to a point of curvature (a radial line through said point bears N.03°19'53"E.); 8) Northwesterly along the arc of a curve concave Northeasterly, said curve having a radius of 35.00 feet, a central angle of 93°29'49", an arc length of 57.11 feet, a chord bearing and distance of N.39°55'13" W., 50.98 feet to a point of reverse curvature (a radial line through said point bears N.83°10'18" W.); 9) Northwesterly along the arc of a curve concave Westerly, said curve having a radius of 657.34 feet, a central angle of 29°11'12", an arc length of 334.85 feet, a chord bearing and distance of N.07°45'54" W., 331.24 feet to a point of tangency; 10) N.22°21'30" W. for 38.64 feet to a point of curvature (a radial line through said point bears N.67°38'30"E.); 11) Northerly along the arc of a curve concave Easterly, having a radius of 770.00 feet, a central angle of 31°19'23", an arc length of 420.95 feet, a chord bearing and distance of N.06°41'49" W. 415.73 feet to the South boundary of the Seaboard Coastline Railroad right-of-way (120' R/W) as shown in the Right-of-Way and Track Map, Station 10688 + 20 to Station 10897 + 40; thence along said South boundary

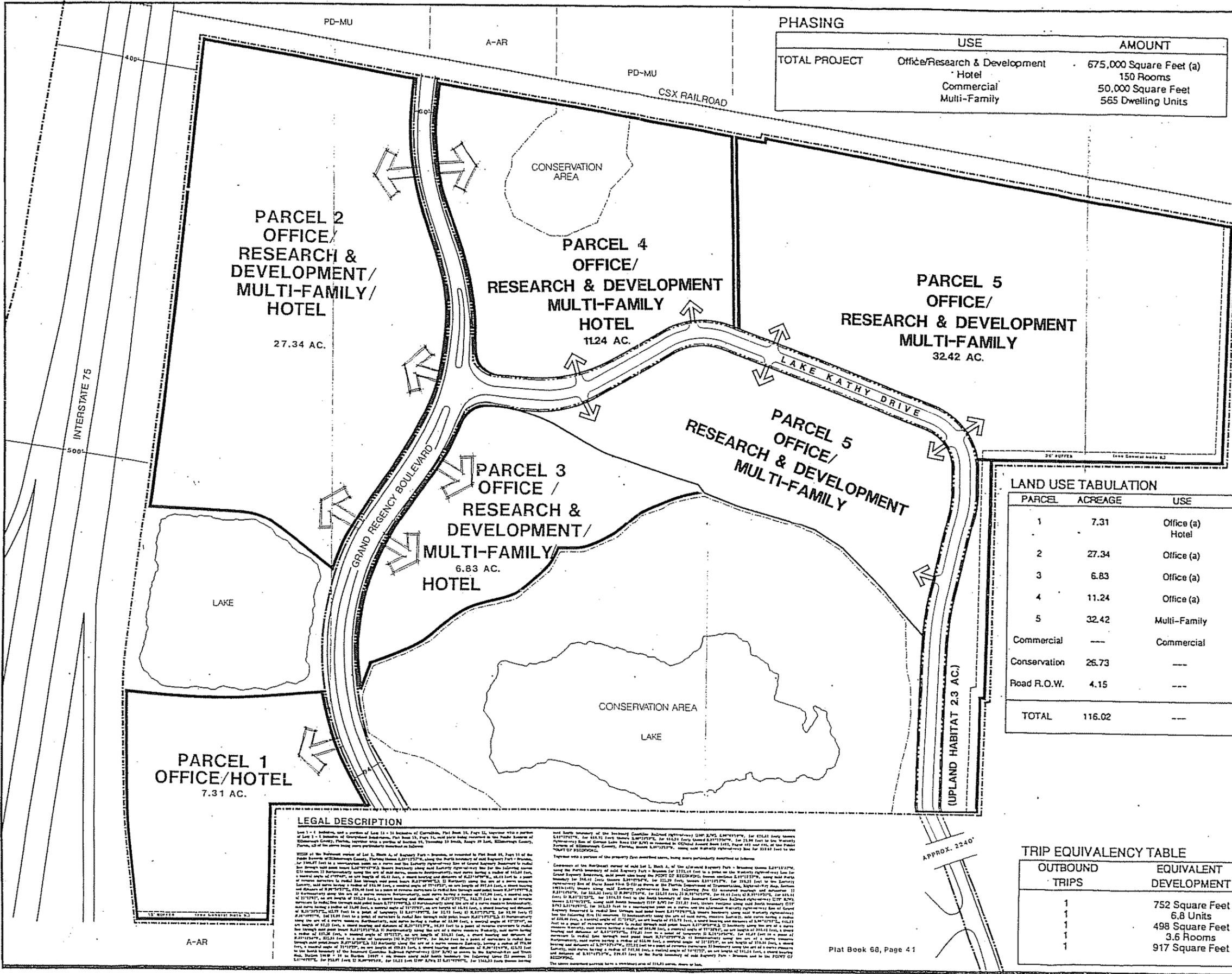
the following three (3) courses: 1) S.81°02'07" E. for 923.07 feet; 2) N.00°09'10" W. for 10.12 feet (100' R/W); 3) S.81°02'07" E. for 1345.53 feet; thence leaving said South boundary of the Seaboard Coastline Railroad right-of-way (100' R/W), S.00°05'10" W. for 676.62 feet; thence S.89°17'41" W. for 659.71 feet; thence S.00°19'35" E. for 664.24 feet; thence S.89°15'34" W., for 15.00 feet to the Westerly right-of-way line of Gornto Lake Road (30' R/W) as recorded in Official Record Book 1409, Pages 465 and 466, of the Public Records of Hillsborough County, Florida; thence S.00°12'10" W. along said Westerly right-of-way line for 313.60 feet to the POINT OF BEGINNING.

Together with a portion of the property first described above, being more particularly described as follows:

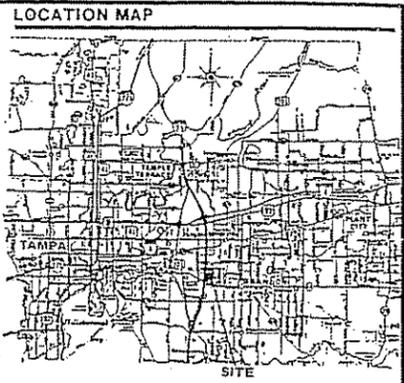
Commence at the Northeast corner of said Lot 1, Block A, of the aforesaid Regency Park – Brandon; thence S.89°15'33" W. along the North boundary of said Regency Park – Brandon for 1722.40 feet to a point on the Westerly right-of-way line for Grand Regency Boulevard, said point also being the POINT OF BEGINNING; thence continue S.89°15'33" W. along said North boundary for 266.48 feet; thence S.00°07'54" W. for 321.20 feet; thence S.89°16'16" W. for 390.25 feet to the Easterly right-of-way line of State Road 93-A (I-75) as shown on the Florida Department of Transportation, Right-of-Way Map, Section 10075-2407; thence along said Easterly right-of-way line the following five (5) measured bearings and distances: 1) N.07°14'58" W. for 353.33 feet; 2) N.00°57'39" W. for 283.70 feet; 3) N.00°58'59" W. for 80.46 feet; 4) N.07°19'35" E. for 685.44 feet; 5) N.05°31'25" E. for 1074.28 feet to the South boundary of the Seaboard Coastline Railroad right-of-way (120' R/W); thence S.81°05'22" E. along said South boundary (120' R/W) for 257.67 feet; thence continue along said South boundary (120' R/W) S.81°02'07" E. for 362.33 feet to a non-tangent point on a curve and the aforesaid Westerly right-of-way line of Grand Regency Boulevard (a radial line through said point bears S.81°02'07" E.); thence Southerly along said Westerly right-of-way line the following five (5) courses: 1) Southeasterly along the arc of said curve, concave Easterly, said curve having a radius of 830.00 feet, a central angle of 31°19'23", an arc length of 453.75 feet, a chord bearing and distance of S.06°41'49" E., 448.12 feet to a point of reverse curvature (a radial through said point bears S.67°38'30" W.); 2) Southerly along the arc of a curve concave Westerly, said curve having a radius of 588.30 feet, a central angle of 37°38'04", an arc length of 386.42 feet, a chord bearing and distance of S.03°32'28" E., 379.51 feet to a point of tangency; 3) S.15°16'34" W. for 49.89 feet to a point of curvature (a radial line through said point bears N.74°43'26" W.); 4) Southwesterly along the arc of a curve concave Northwesterly, said curve having a radius of 653.00 feet, a central angle of 24°33'19", an arc length of 279.86 feet, a chord bearing and distance of S.27°33'14" W., 277.72 feet to a point of reverse curvature; 5) Southerly along the arc of a curve concave Easterly, said curve having a radius of 747.00 feet, a central angle of 76°01'22", an arc length of 991.16 feet, a chord bearing and distance of S.01°49'12" W., 920.03 feet to the North boundary of said Regency Park – Brandon and to the POINT OF BEGINNING.

**EXHIBIT "B"**

Map H



PHASING		USE	AMOUNT
TOTAL PROJECT	Office/Research & Development	Hotel	675,000 Square Feet (a)
	Commercial	Multi-Family	150 Rooms
			50,000 Square Feet
			565 Dwelling Units



MAP H

LAND USE TABULATION						
PARCEL	ACREAGE	USE	GFA (SQ FT)	DU's	ROOMS	F.A.R.
1	7.31	Office (a) Hotel	57,500	---	---	.35
2	27.34	Office (a)	367,100	---	150 (d)	.31
3	6.83	Office (a)	104,000	---	---	.35
4	11.24	Office (a)	146,400	---	---	.31
5	32.42	Multi-Family	---	565 (b)	---	---
Commercial	---	Commercial	50,000	---	---	---
Conservation	26.73	---	---	---	---	---
Road R.O.W.	4.15	---	---	---	---	---
<b>TOTAL</b>	<b>116.02</b>	---	<b>725,000</b>	<b>565</b>	<b>150</b>	---

**LEGAL DESCRIPTION**

Lot 1 - 4, Section 10, and a portion of Lot 11 - 13, Block 10, of the subdivision of 'CORPORA'...

Section 10 of the subdivision of Lot 1, Block 10, of the subdivision of 'CORPORA'...

Section 11 of the subdivision of Lot 1, Block 10, of the subdivision of 'CORPORA'...

Section 12 of the subdivision of Lot 1, Block 10, of the subdivision of 'CORPORA'...

Section 13 of the subdivision of Lot 1, Block 10, of the subdivision of 'CORPORA'...

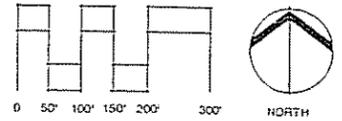
TRIP EQUIVALENCY TABLE		
OUTBOUND TRIPS	EQUIVALENT DEVELOPMENT	LAND USE
1	752 Square Feet	Office Multi-Family
1	6.8 Units	
1	498 Square Feet	Commercial Hotel
1	3.6 Rooms	
1	917 Square Feet	Research & Development (c)

The ASM Company  
planning services  
101 East Kennedy Blvd.  
Suite 3120  
Tampa, Florida 33602  
813 256-8970

THE REGENCY GROUP  
2485 W. BRANDON BOULEVARD.  
BRANDON, FLORIDA 33511  
(813) 681-4444

REGENCY CORPORATE PARK

REGENCY PARK NORTH  
GENERAL SITE DEVELOPMENT PLAN  
PD-MU ZONING DISTRICT



May 1988  
Original  
June 1992  
revised  
February 1994  
revised  
February 1994

EXHIBIT "C"

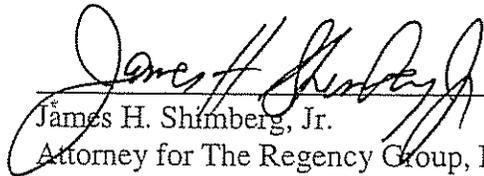
AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared James H. Shimberg, Jr., as attorney for The Regency Group, Inc., the applicant for the Regency Park North Notice of Proposed Change #7, who being by me first duly sworn, says upon oath as stated below:

1. The Regency Group, Inc. filed its Notice of Proposed Change #7 for the Regency Park North DRI on April 9, 2003.

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

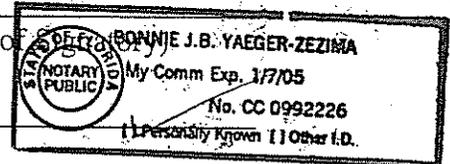
  
James H. Shimberg, Jr.  
Attorney for The Regency Group, Inc.

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of September 2003, by James H. Shimberg, Jr., as attorney for The Regency Group, Inc., who is personally known to me and who did not take an oath.

  
(Signature)

(Print, Type or Stamp Name of



Notary Public  
(Title or Rank of Signatory)

My Commission Expires:

(Serial Number, if any)

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

February 23, 1998

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

Re: Resolution No. R98-030 - Amending the Development Order for  
Regency Park North (DRI #131)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was  
adopted by the Hillsborough County Board of County Commissioners on  
February 10, 1998.

We are providing this copy for your files.

Sincerely,

  
\_\_\_\_\_  
Linda Fryman  
Senior Manager, BOCC Records

LF:SAB

Attachment

Certified Mail

cc: Board files (orig.)

James Shimberg, Esq., Holland & Knight, LLP  
J. Thomas Beck, Florida Department of Community Affairs  
Susan Fernandez, Assistant County Attorney  
Gene Boles, Director, Planning & Growth Management  
Joe Egozcue, County Attorney's Office

**RESOLUTION #98-030**  
**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS**  
**HILLSBOROUGH COUNTY, FLORIDA**  
**AMENDING THE DEVELOPMENT ORDER FOR**  
**THE REGENCY PARK NORTH DEVELOPMENT OF REGIONAL IMPACT (DRI #131)**

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

WHEREAS, on April 16, 1988, the Board of County Commissioners issued Development Order #131 for the Regency Park North Development of Regional Impact through Resolution 88-0131 hereinafter referred to as REGENCY PARK NORTH; and

WHEREAS, on December 12, 1989, the Board of County Commissioners amended Development Order #131 by a revision in the scope of the pipeline improvement and an extension of ninety (90) days to complete the pipeline improvement (R89-0320); and

WHEREAS, on November 13, 1990, the Board of County Commissioners amended Development Order #131 by extending the build-out date of each phase and the total project by two years, 11 months and 15 days and extending the date for completion of the pipeline improvements (R90-0274); and

WHEREAS, on September 8, 1992, the Board of County Commissioners amended Development Order #131 by (i) expanding the trade-off mechanism in the Development Order to allow research and development uses, (ii) combining the project into a single phase, and (iii) extending the build-out date for the project by two (2) years, the expiration of the Development Order by four (4) years, eleven (11) months and fifteen (15) days, and extending the date for completion of the pipeline improvements until April 1, 1996; and

WHEREAS, on September 13, 1994, the Board of County Commissioners amended Development Order #131 by (i) extending the build-out date of the project for three (3) years from 1998 until 2001 and (ii) extending the completion date for the pipeline improvement by five (5) years from April 1, 1996 until April 1, 2001; and

WHEREAS, on May 7, 1996, the Board of County Commissioners amended Development Order #131 by allowing up to an additional 450 hotel rooms to be built in exchange for a reduction in office square footage and for the additional hotel rooms to be built on additional parcels with the project; and

WHEREAS, on July 28, 1997, The Regency Group, Inc. filed a Notification of Proposed Change to a Previously Approved

within the provisions of Section 163.3167(8), Florida Statutes, affecting the property described on Exhibit "B" attached hereto and incorporated herein.

B. Developer has proposed amending the Regency Park North Development Order to adjust the Pipeline Proportionate Share Amount and to eliminate the Woodberry Road Pipeline Improvement.

C. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by the County through the review procedures implemented by the "Sustainable Communities Designation," with review by the Department of Community Affairs, State of Florida ("DCA").

D. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original projections set forth in the Application for Development Approval.

Section 3. Conclusions of Law. The County Commission, having made the above findings of fact, reaches the following conclusions of law:

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

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

C. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Regency Park North Development Order, pursuant to Chapter 380.06, Florida Statutes.

D. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes, except to the extent that specific rights and protections are limited or modified by the proposed amendments to the Development Order as approved by this ordinance.

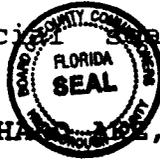
E. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and the

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of February 10, 1998 as the same appears of record in Minute Book 261 of the Public Records of Hillsborough County Florida.

Witness my hand and official seal this 24th day of February, 1998.



RICHARD AKE, CLERK

By: [Signature]  
(Deputy Clerk)

Approved as to form and legal sufficiency:

[Signature]  
Assistant County Attorney

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

FOR

REGENCY PARK NORTH  
(DRI #131)

PREPARED FOR:

The Regency Group, Inc.  
121 West Forsyth Street  
Suite 200  
Jacksonville, Florida 32202

PREPARED BY:

The Allen S. Murphy Company, Inc.  
101 East Kennedy Boulevard  
Suite 3120  
Tampa, Florida 33602

Holland & Knight, LLP  
P.O. Box 1288  
Tampa, Florida 33601

Kimley-Horn and Associates  
9280 Bay Plaza Boulevard  
Suite 705  
Tampa, Florida 33619-4453

4. LOCATION (CITY, COUNTY, TOWNSHIP/RANGE/SECTION) OF APPROVED DRI AND PROPOSED CHANGE.

Hillsborough County, Section 20, Township 29 South, Range 20 East. Regency Park North is located in the northeast quadrant of the intersection of S.R. 60 and I-75 immediately adjacent to and north of Regency Square. A location map for the approved DRI is included in this report as Exhibit 1.

5. PROVIDE A COMPLETE DESCRIPTION OF THE PROPOSED CHANGE. INCLUDE ANY PROPOSED CHANGES TO THE PLAN OF DEVELOPMENT, PHASING, ADDITIONAL LANDS, COMMENCEMENT DATE, BUILD-OUT DATE, DEVELOPMENT ORDER CONDITIONS AND REQUIREMENTS, OR IN THE REPRESENTATIONS CONTAINED IN EITHER THE DEVELOPMENT ORDER OR THE APPLICATION FOR DEVELOPMENT APPROVAL (ADA).

INDICATE SUCH CHANGES ON THE PROJECT MASTER SITE PLAN, SUPPLEMENTING WITH OTHER DETAILED MAPS, AS APPROPRIATE. ADDITIONAL INFORMATION MAY BE REQUESTED BY THE DEPARTMENT OR ANY REVIEWING AGENCY TO CLARIFY THE NATURE OF THE CHANGE OR THE RESULTING IMPACTS.

Project History/Development Order Amendments

On April 26, 1988, the Hillsborough County Board of County Commissioners (BOCC) granted a Development Order to The Regency Group, Inc. for the Regency Park North DRI (R88-0131).

On December 12, 1989, the BOCC adopted an amendment to the Development Order for Regency Park North (R89-0320) authorizing a revision of the pipeline improvement to be constructed as mitigation for the project's transportation impacts. Amendments to Hillsborough County's Long-Range Transportation Plan reduced Lakewood Road to a two-lane road. As a result, it was no longer desirable to extend Woodberry Road to Lakewood Road as a four-lane road. The pipeline improvements determined to be of significant regional value were the five-laning of Woodberry Road from Faulkenburg Road to Grand Regency Boulevard with a 500-foot taper to the two-lane section and the improvement of the intersection of Woodberry Road and Lakewood Road. A traffic analysis was performed to determine the project's impact under the revised roadway scenario.

- f. Construction of turn lanes and improvements at the intersection of Woodberry Road and Lakewood Drive.
- g. Installation of landscaping along Grand Regency Boulevard;
- h. Construction of drainage retention facilities, installation of water and sewer lines, and installation of GTE Smartpark facilities; and
- i. Clearing and grading for construction of Lake Kathy Drive (previously East Sand Street).

#### Proposed Change

The proposed change requests the elimination of the Woodberry Road Pipeline Improvement and a corresponding adjustment in the Pipeline Proportionate Share Amount. An updated Proportionate Share Analysis is provided in Appendix A and indicates that:

- a. Woodberry Road will operate in the future at an acceptable level of service with several turn-lane improvements. The basic construction cost for these turn-lane improvements is estimated to be \$236,000.00. The developer's proportionate share of these improvements is 13.0 percent for the Woodberry Road and Faulkenburg Road intersection improvements and 28.0 percent for the Woodberry Road and Grand Regency Boulevard intersection improvements. Therefore, the proposed proportionate share amount for the total project is \$53,000;
- b. To date, the Applicant has spent \$885,701.91 of its transportation proportionate share amount for transportation improvements including design, right-of-way acquisition and construction;
- c. Additional transportation improvements have been made and include the following:
  - 1) \$95,364.46 for the intersection of Grand Regency Boulevard and Woodberry Road;
  - 2) \$145,990.94 for design and construction of the additional left turn lane on Grand Regency Boulevard at SR 60; and
  - 3) \$8,075.00 for repair and replacement of storm water culvert in Grand Regency Boulevard connecting Lake Kathy to the main retention facility.

project by two years, 11 months and 15 days.

- d. Resolution No. R92-0216, September 8, 1992  
The BOCC adopted an amendment to the Development Order for Regency Park North,, expanding the previously approved trade-off mechanism in the Development Order to allow research and development uses; combining sub-phases 1A and 1B and phase 2 into a single phase; extending the buildout date for the project by 2 years; extending the DRI expiration date by 4 years, 11 months, 15 days (April 15, 2003); and extending the completion date for the Woodberry Road improvement by 2 years.
  
- e. Resolution No. 94-0226, September 13, 1994  
The BOCC adopted an amendment to the Development Order for Regency Park North which extended the build out of the project by 3 years from 1998 to 2001; and extended the completion date for the Woodberry Road improvement for 5 years from April 1, 1996 to April 1, 2001.
  
- f. Resolution No. 96-095, May 7, 1996  
The BOCC adopted an amendment to the Development Order for Regency Park North on May 7, 1996. The approved change allows up to an additional 450 hotel rooms to be built in exchange for a reduction of office square footage. The approved change allows development of these additional hotel rooms to occur on additional parcels within the DRI.

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

8. DESCRIBE ANY LANDS PURCHASED OR OPTIONED WITHIN 1/4 MILE OF THE ORIGINAL DRI SITE SUBSEQUENT TO THE ORIGINAL APPROVAL OR ISSUANCE OF THE DRI DEVELOPMENT ORDER. IDENTIFY SUCH LAND, ITS SIZE, INTENDED USE, AND ADJACENT NON-PROJECT LAND USES WITHIN 1/2 MILE ON A PROJECT MASTER SITE PLAN OR OTHER MAP.

The Developer has not purchased or optioned any lands within 1/4 mile of the original DRI site subsequent to the DRI Development Order approval.

APPROVAL; TO THE ACREAGE ATTRIBUTABLE TO EACH DESCRIBED PROPOSED CHANGE OF LAND USE, OPEN SPACE, AREAS FOR PRESERVATION, GREEN BELTS; TO STRUCTURES OR TO OTHER IMPROVEMENTS INCLUDING LOCATIONS, SQUARE FOOTAGE, NUMBER OF UNITS; AND OTHER MAJOR CHARACTERISTICS OR COMPONENTS OF THE PROPOSED CHANGE;

The specific language is included in the proposed Amended Development for Regency Park North DRI (see Exhibit A).

- B. AN UPDATED LEGAL DESCRIPTION OF THE PROPERTY, IF ANY PROJECT ACREAGE IS/HAS BEEN ADDED OR DELETED TO THE PREVIOUSLY APPROVED PLAN OF DEVELOPMENT;

Not applicable.

- C. A PROPOSED AMENDED DEVELOPMENT ORDER DEADLINE FOR COMMENCING PHYSICAL DEVELOPMENT OF THE PROPOSED CHANGES, IF APPLICABLE;

Not applicable.

- D. A PROPOSED AMENDED DEVELOPMENT ORDER TERMINATION DATE THAT REASONABLE REFLECTS THE TIME REQUIRED TO COMPLETE THE DEVELOPMENT;

Not applicable.

- E. A PROPOSED AMENDED DEVELOPMENT ORDER DATE TO WHICH THE LOCAL GOVERNMENT AGREES THAT THE CHANGES TO THE DRI SHALL NOT BE SUBJECT TO DOWN-ZONING, UNIT DENSITY REDUCTION, OR INTENSITY REDUCTION, IF APPLICABLE; AND

No change is proposed.

- F. PROPOSED AMENDED DEVELOPMENT ORDER SPECIFICATIONS FOR THE ANNUAL REPORT, INCLUDING THE DATE OF SUBMISSION, CONTENTS, AND PARTIES TO WHOM THE REPORT IS SUBMITTED AS SPECIFIED IN SUBSECTION 9J-2025 (7), F.A.C.

No change is proposed.

EXHIBIT "B"

Lots 1-3 of Block A, Lots 1-5 of Block B, and Lots 1-2 of Block C of REGENCY PARK NORTH, according to the map or plat thereof as recorded in Plat Book 68, Page 41 of the Public Records of Hillsborough County, Florida.

- \* Research and Development uses and additional hotel rooms beyond 150 rooms can only be added in exchange for a reduction in office square footage.
2. The development of the project uses may occur as shown on the General Site Plan dated May 10, 1996.
  3. This Development Order shall remain in effect for a period up to and including April 15, 2003.
  4. The development shall not be subject to down-zoning, or intensity reduction until April 15, 2003, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.
  5. No certificates of occupancy shall be issued beyond an additional 170,000 square feet of office (or its equivalent) until the construction of the 4-lane extension of Falkenberg Road from Palm River Road south to the Lee Roy Selmon Expressway has commenced.

Section IV, B of the Development Order is amended to read as follows:

Transportation

The Developer has selected Option 3 to mitigate the project's transportation impacts. Therefore, the provisions describing Options 1 and 2 have been deleted and the relevant provisions in Option 3 have been amended to make them consistent with these amendments.

Option 3.

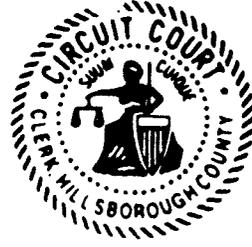
The Developer has elected Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation.

- (1) The applicant has constructed improvements at the intersection of Lakewood Drive and Woodberry Road and has acquired right-of-way on Woodberry Road. The applicant has spent \$885,701.91 for the required transportation improvements. The original required improvement required construction of improvements at the Lakewood Drive/Woodberry Road intersection in addition to the 4-laning of Woodberry Road from Grand Regency Boulevard to Falkenburg Road. Construction cost for the Lakewood Drive/Woodberry Road intersection improvement was \$271,167. Design and installation of the traffic signal at the intersection of Woodberry

- a. . Design of the original Required Improvement has been completed.
  
- b. Any change to the pipelining project or transportation assessment obligations agreed to by the County and other review agencies shall be accomplished through an amendment to the Development Order.

TPA3-486583.3

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

June 5, 1996

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

Re: Resolution No. R96-095 - Amending the Development Order for  
Regency Park North (DRI #131)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was  
adopted by the Hillsborough County Board of County Commissioners on  
May 7, 1996.

We are providing this copy for your files.

Sincerely,

Linda Fryman  
Senior Manager, BOCC Records

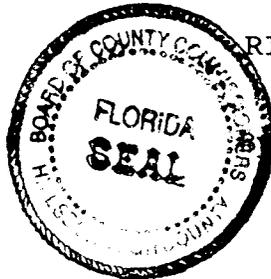
LF:ADF  
Attachment  
Certified Mail

cc: Board files (orig.)  
J. Thomas Beck, Florida Department of Community Affairs  
James H. Shimberg, Jr., Esq. - Holland & Knight  
Vincent Marchetti, Senior Assistant County Attorney  
Gene Boles, Director, Planning and Development Management  
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R96-095 Amending the Development Order for Regency Park North (DRI #131) approved by the Board in its regular meeting of May 7, 1996, as the same appears of record in MINUTE BOOK 240 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 5th day of June, 1996.



RICHARD AKE, CLERK

*Gary Melton*  
Deputy Clerk

**RESOLUTION #96-095**

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY, FLORIDA  
AMENDING THE DEVELOPMENT ORDER FOR DRI #131**

Upon motion by Commissioner Turanich, seconded by Commissioner Busansky, the following Resolution was adopted by a vote of 5 to 1 with Commissioner(s) Berger voting "No."

WHEREAS, on April 16, 1988, the Board of County Commissioners issued Development Order #131 for the Regency Park North Development of Regional Impact through Resolution 88-0131 hereinafter referred to as REGENCY PARK NORTH; and

WHEREAS, on December 12, 1989, the Board of County Commissioners amended Development Order #131 by a revision in the scope of the pipeline improvement and an extension of ninety (90) days to complete the pipeline improvement (R89-0320); and

WHEREAS, on November 13, 1990, the Board of County Commissioners amended Development Order #131 by extending the build-out date of each phase and the total project by two years, 11 months and 15 days and extending the date for completion of the pipeline improvements (R90-0274); and

WHEREAS, on September 8, 1992, the Board of County Commissioners amended Development Order #131 by (i) expanding the trade-off mechanism in the Development Order to allow research and development uses, (ii) combining the project into a single phase, and (iii) extending the build-out date for the project by two (2) years, the expiration of the Development Order by four (4) years, eleven (11) months and fifteen (15) days, and extending the date for completion of the pipeline improvements until April 1, 1996; and

WHEREAS, on September 13, 1994, the Board of County Commissioners amended Development Order #131 by (i) extending the build-out date of the project for three (3) years from 1998 until 2001 and (ii) extending the completion date for the pipeline improvement by five (5) years from April 1, 1996 until April 1, 2001; and

WHEREAS, on February 1, 1996, The Regency Group, Inc. filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) for the Regency Park North project; and

WHEREAS, the Notification of Proposed Changes request that the Development Order be amended to permit additional hotel rooms (up to an additional 450 rooms) in exchange for approved office square footage; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Proposed Changes to a Previously Approved Development of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on May 7, 1996 held a public hearing on said Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council, Hillsborough County, and the Department of Community Affairs has reviewed this Notification of Proposed Change; and

WHEREAS, the Board of County Commissioners has determined that clear and convincing evidence has been presented to the Board of County Commissioners that the proposed changes do not constitute a substantial deviation requiring further development of regional impact review.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 7TH DAY OF MAY, 1996, AS FOLLOWS:

Section 1. Introduction. This resolution shall constitute an amendment to the Regency Park North Development Order as previously amended.

Section 2. Findings. The County Commission, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

A. The Regency Park North Development Order, as adopted by Resolution 88-0131 and amended by Resolutions 89-0320, 90-0274, 92-0216, and 94-0226 is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes, affecting the property described on Exhibit "A" attached hereto and incorporated herein.

B. The Regency Group has proposed amending the Regency Park North Development Order to permit the development of up to an additional 450 hotel room in exchange for a reduction in approved office square footage.

C. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by the County, the Tampa Bay Regional Planning Council ("TBRPC") and the Department of Community Affairs, State of Florida ("DCA").

D. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original projections set forth in the Application for Development Approval.

Section 3. Conclusions of Law. The County Commission, having made the above findings of fact, reaches the following conclusions of law:

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

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

C. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Regency Park North Development Order, pursuant to Chapter 380.06, Florida Statutes.

D. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes, except to the extent that specific rights and protections are limited or modified by the proposed amendments to the Development Order as approved by this resolution.

E. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and The Regency Group are authorized to approved/conduct development as described herein.

F. The review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

Section 4. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

A. The Development Order is amended as shown on the attached Exhibit "B."

B. The amendments stated herein, together with all previous amendments, do not constitute a substantial deviation, pursuant to Chapter 380.06, Florida Statutes.

C. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes, except to the extent that specific rights and protections are limited or modified by the proposed amendments to the Development Order as approved by this resolution.

D. The Developer's Affidavit, Exhibit "C", affirming that copies of the Notice of Change have been delivered to all persons as required by law, shall be attached hereto and is incorporated herein by reference.

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

F. A notice of adoption of this resolution shall be recorded by the Developer in the public records of Hillsborough County, Florida, as provided in Section 380.06, Florida Statutes.

G. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of May 7, 1996 as the same appears of record in Minute Book 240 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 5th day of June, 1996.



RICHARD AKE, CLERK

By: Gary Munch  
(Deputy Clerk)

Approved as to form and legal sufficiency:

[Signature]  
Assistant County Attorney

TPA2-318489  
27612-2

**EXHIBIT A**

**LEGAL DESCRIPTION**

Lots 1-3 of Block A, Lots 1-5 of Block B, and Lots 1-2 of Block C of REGENCY PARK NORTH, according to the map or plat thereof as recorded in Plat Book 68, Page 41 of the Public Records of Hillsborough County, Florida.

TPA2-337310

**EXHIBIT "B"**  
**TO NOTIFICATION OF PROPOSED CHANGE**  
**FOR REGENCY PARK NORTH DRI**

*see attached  
 connection. A.C.*

The Regency Park North Development Order shall be amended as follows:

**IV. SPECIFIC CONDITIONS**

Section IV, A of the Development Order is amended to read as follows:

**A. Schedule and Deadlines**

1. The development of the project shall consist of one phase as follows:

<u>Years</u>	<u>Use</u>	<u>Amount</u> (gross sq. ft.)
1988-1998 2001	Office	675,000
	Commercial	50,000
	Hotel	150 rooms
	Multi-family Residential	600 units*
	Research and Development <sup>1</sup>	0 **

---

\* Multi-family dwelling units shall not exceed the maximum density allowed by the Hillsborough County Comprehensive Plan.

\*\* Developer has the option of building up to 518,000 square feet of research and development uses<sup>1</sup> on the site. If Developer elects this option, the amount of the reduction of office square feet shall be determined in accordance with the Equivalency Table as follows:

<u>Outbound Site Trips</u>	<u>Equivalent Development</u> (adjusted for internal capture)	<u>Land Use</u>
1	752 square feet	Office
1	6.4 units	Residential
1	471 square feet	Commercial
1	3.5 rooms	Hotel
1	916 square feet	Research and Development <sup>1</sup>

---

\*Research and development uses can only be added in exchange for a reduction in office square footage.

<sup>1</sup> Research and Development includes Distribution/Wholesaling/Warehousing as defined in Section 380.0651, Florida Statutes (1991).

2. No Certificates of Occupancy shall be issued beyond 235,000 square feet of office development, 300 units of multi-family residential, 10,000 square feet of commercial, and 150 room hotel (or its equivalent) until the pipeline option (the "Required Improvement" referred to in subparagraph B.1.a.3(1) hereunder) is complete or until S.R. 60 from east of Sand Street to Knights Avenue is constructed as an 8-lane divided roadway with restricted right turn lanes.
3. The development of the project uses may occur as shown on the General Site Plan dated June 5, 1992.
4. This Development Order shall remain in effect for a period up to and including April 15, 2003.
5. The development shall not be subject to down-zoning, or intensity reduction until April 15, 2003, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

Section IV, B of the Development Order is amended to read as follows:

A. Transportation

1. The Developer has selected Option 3 to mitigate the project's transportation impacts. Therefore, the provisions describing Options 1 and 2 have been deleted and the relevant provisions in Option 3 have been amended to make them consistent with these amendments.

a. Option 3.

The Developer has elected Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) The Developer shall design, acquire the needed right-of-way and construct the widening of Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Sand Street herein referred to as the "Required Improvement." The cross section for Woodberry Road shall be as indicated in Figure 1. The Required Improvement shall be designed at least to Hillsborough County minimum standards. If the County determines that it is required to comply with the competitive bidding procedure, then the Developer will comply with the County standards and procedures.

Notwithstanding the above, the Developer shall provide a design concept for the ultimate alignment right-of-way for Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Sand Street within 30 days of the approval date of the final Development Order. The proposed ultimate cross section for Woodberry Road is indicated in Figure 1. The County shall provide expeditious review of the design concept for the ultimate alignment submitted by the Developer and shall provide written approval within thirty days of submittal of an acceptable alignment. The County shall determine, with input from the Developer and other reviewing agencies, within thirty days of completion of the County review described above, the cross section of Woodberry to be constructed based upon the anticipated fundings by the Developer. The Developer shall provide the County with cost estimates of construction alternatives in sufficient detail to assist the County in making the determination described above. It is understood that the determination by the County will be based upon the Developer's contribution described in paragraph (9).

- (2) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 and 85-24E is approximately one million one hundred thousand dollars (\$1,100,000) for the total development described herein as REGENCY PARK NORTH. The "Fair Share" contribution by the Developer in accordance with Chapter 380.06, Florida Statutes, as calculated by TBRPC is approximately one million five hundred thousand dollars (\$1,500,000).
- (3) The cost of the Required Improvement is approximately two million dollars (\$2,00,000 in terms of 1988 dollars).

- (4) The Developer, with design acquisition of right-of-way and the construction of the Required Improvement, is presumed to have satisfied Hillsborough County's right-of-way and roadway impact fees as described in Ordinances 86-4 and 85-24E. In addition, if and when impact fees have been collected by the County for developments along the Required Improvement, the Developer will receive reimbursement at no interest as described in subparagraph (12) from the County in an amount up to the difference of one million five hundred thousand dollars (\$1,500,000 in terms of 1988 dollars) and the actual cost and expenses incurred by the Developer in the acquisition of right-of-way, design, and construction of said Required Improvement."
- (5) Subject to the acts of God, necessary governmental permits and approvals, or occurrences beyond Developer's control, Developer agrees to construct the Required Improvement and shall complete same no later than April 1, 1996 2001. Design of the Required Improvement has been completed. Right-of-way acquisition shall be completed by ~~January 1, 1995~~ November 1, 1999. The Developer may proceed with and may obtain Certificates of Occupancy for the following square footage prior to completion of the Required Improvement: 235,000 square feet of office, 300 multi-family residential units, 10,000 square feet of commercial and 150 room hotel. Should the Developer fail to meet the above schedules, with regard to design, acquisition of right-of-way and construction, issuance of further building permits and/or Certificates of Occupancy may be withheld.
- (6) The Developer agrees to use due diligence to design and identify right-of-way needs, acquire the right-of-way and construction of the Required Improvement.
- (7) The construction of the Woodberry Road Required Improvement must commence by April 1, 1995 2000 (one year prior to the proposed completion date). If the County determines that the Developer is not meeting this schedule for the Required Improvement, the County may require the Developer to provide the County with a bond or letter of credit in the full amount of the cost of the uncompleted

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" However, reimbursement by the County (transportation impact fee credit, plus reimbursement as described herein) shall not exceed \$2,200,000.

portion of the Required Improvement. The County shall determine the reasonable amount of the bond or letter of credit required from the Developer. If necessary, the County may draw down on the bond or on the letter of credit for completion of the Required Improvement and shall complete the Required Improvement within the time frames established in the Development Order, as amended.

- (8) If the cost of the Required Improvement is estimated at, any time by the Developer to exceed two million dollars (\$2,000,000 in terms of 1988 dollars), the Developer shall have the right and option of requesting a review and reconsideration by the County, FDOT and other reviewing agencies of the transportation assessment obligations of this Development Order. Any change to the pipelining project or transportation assessment obligations agreed to by the County and other review agencies shall be accomplished through an amendment to the Development Order. ~~The County reserves the right to require t~~ The Developer shall bear any additional costs for completion of the Required Improvement caused by the delay in construction from April 15, 1996 1991 to April 15, 2001. Such costs shall include, but not be limited to, increased construction costs and redesign necessitated by expired designs.
- (9) The right-of-way required on Woodberry Road to design and construct the Required Improvement varies from 66 to 80 feet of right-of-way as required to construct the cross section as described in Figure 1. There presently exists approximately 40 to 60 feet of right-of-way on Woodberry Road any right-of-way needed for the Required Improvement which is not under public control shall be purchased by the Developer. The County shall assist in right-of-way acquisition by use of its eminent domain powers, but shall not fund the purchase. The Developer shall make its best efforts to work with off-site right-of-way property owners to expeditiously obtain right-of-way dedications.
- (10) As soon as feasible, the Developer shall provide the County with the right-of-way required along Woodberry Road. The County will use its best efforts through County Ordinance 86-4 to reserve the right-of-way required for the Required Improvement to Woodberry Road.

- (11) The County agrees to establish a Trust Account to provide for reimbursement of a portion or all of the costs of Required Improvements that exceed one million five hundred thousand dollars (\$1,500,000) as described in paragraph (4) above.
- (12) The County agrees to deposit in said Trust Account all right-of-way assessments as described in subparagraph (4) above and transportation impact assessments collected by the County in accordance with County Ordinance for future developments adjacent to the Woodberry Road Required Improvement for the period of five (5) years beginning with the effective date of this Development Order.
- (13) All funds deposited by the County in the REGENCY PARK NORTH reimbursement Trust Account shall be payable quarterly to the Developer. The County shall provide the Developer quarterly with a list of all building permits and Certificates of Occupancy issued by the County in the area described above.

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**EXHIBIT "C"**

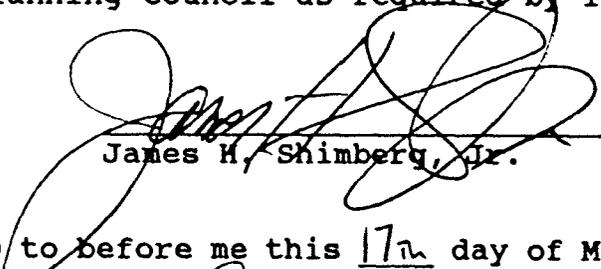
**A F F I D A V I T**

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County name above to administer oaths and take acknowledgements, personally appeared James H. Shimberg, Jr., attorney for The Regency Group, Inc., the applicant/owner for the Regency Park North DRI Notice of Proposed Change, to me well known, who, being first duly sworn, says upon oath the following:

1. Regency filed its Notice of Proposed Change ("NOPC") for the Regency Park North DRI on February 1, 1996.

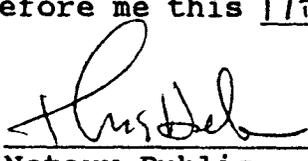
2. The aforementioned NOPC was filed with Hillsborough County, the State of Florida Department of Community Affairs and the Tampa Bay Regional Planning Council as required by law.

  
James H. Shimberg, Jr.

SWORN AND SUBSCRIBED to before me this 17<sup>th</sup> day of May, 1996.



Thomas E. Holcombe  
MY COMMISSION # CC523965 EXPIRES  
February 25, 2000  
BONDED THRU TROY FAIN INSURANCE, INC.

  
Notary Public  
STATE OF FLORIDA AT LARGE

TPA2-343959  
27612-2

Richard Ake .  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

June 27, 1996

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

Re: Correction to Exhibit B of Resolution No. R96-095 Amending the  
Development Order for Regency Park North (DRI #131)

Dear Mr. Butts:

Attached is a corrective Exhibit B relative to referenced  
resolution. Please substitute it for the exhibit that was  
submitted with our letter of June 5, 1996.

Sincerely,

Linda Fryman  
Senior Manager, BOCC Records

LF:ADF

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs  
James H. Shimberg, Jr., Esq. - Holland & Knight  
Vincent Marchetti, Senior Assistant County Attorney  
Gene Boles, Director, Planning and Development Management  
Joe Egozcue, County Attorney's Office

**EXHIBIT "B"**  
**TO NOTIFICATION OF PROPOSED CHANGE**  
**FOR REGENCY PARK NORTH DRI**

The Regency Park North Development Order shall be amended as follows:

**IV. SPECIFIC CONDITIONS**

Section IV, A of the Development Order is amended to read as follows:

**A. Schedule and Deadlines**

1. The development of the project shall consist of one phase as follows:

<u>Years</u>	<u>Use</u>	<u>Amount</u> (gross sq. ft.)
1988-2001	Office	675,000
	Commercial	50,000
	Hotel	150 rooms***
	Multi-family	
	Residential	600 units*
	Research and Development <sup>1</sup>	0 **

\* Multi-family dwelling units shall not exceed the maximum density allowed by the Hillsborough County Comprehensive Plan.

\*\* Developer has the option of building up to 518,000 square feet of research and development uses<sup>1</sup> on the site. If Developer elects this option, the amount of the reduction of office square feet shall be determined in accordance with the Equivalency Table as follows:

\*\*\* Developer has the option of building up to an additional 450 hotel rooms on the site. If Developer elects this option, the amount of the reduction of office square feet shall be determined in accordance with the Equivalency Table as follows:

<u>Outbound Site Trips</u>	<u>Equivalent Development</u> (adjusted for internal capture)	<u>Land Use</u>
1	752 square feet	Office
1	6.4 units	Residential
1	471 square feet	Commercial
1	3.5 rooms	Hotel*
1	916 square feet	Research and* Development <sup>1</sup>

\* Research and development uses and additional hotel rooms beyond 150 rooms can only be added in exchange for a reduction in office square footage.

<sup>1</sup> Research and Development includes Distribution/Wholesaling/Warehousing as defined in Section 380.0651, Florida Statutes (1991).

2. No Certificates of Occupancy shall be issued beyond 235,000 square feet of office development, 300 units of multi-family residential, 10,000 square feet of commercial, and 150 room hotel (or its equivalent) until the pipeline option (the "Required Improvement" referred to in subparagraph B.1.a.3(1) hereunder) is complete or until S.R. 60 from east of Sand Street to Knights Avenue is constructed as an 8-lane divided roadway with restricted right turn lanes.
3. The development of the project uses may occur as shown on the General Site Plan dated June 5, 1992.
4. This Development Order shall remain in effect for a period up to and including April 15, 2003.
5. The development shall not be subject to down-zoning, or intensity reduction until April 15, 2003, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

Section IV, B of the Development Order is amended to read as follows:

A. Transportation

1. The Developer has selected Option 3 to mitigate the project's transportation impacts. Therefore, the provisions describing Options 1 and 2 have been deleted and the relevant provisions in Option 3 have been amended to make them consistent with these amendments.

a. Option 3.

The Developer has elected Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) The Developer shall design, acquire the needed right-of-way and construct the widening of Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Sand Street herein referred to as the "Required Improvement." The cross section for Woodberry Road shall be as indicated in Figure 1. The

Required Improvement shall be designed at least to Hillsborough County minimum standards. If the County determines that it is required to comply with the competitive bidding procedure, then the Developer will comply with the County standards and procedures.

Notwithstanding the above, the Developer shall provide a design concept for the ultimate alignment right-of-way for Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Sand Street within 30 days of the approval date of the final Development Order. The proposed ultimate cross section for Woodberry Road is indicated in Figure 1. The County shall provide expeditious review of the design concept for the ultimate alignment submitted by the Developer and shall provide written approval within thirty days of submittal of an acceptable alignment. The County shall determine, with input from the Developer and other reviewing agencies, within thirty days of completion of the County review described above, the cross section of Woodberry to be constructed based upon the anticipated fundings by the Developer. The Developer shall provide the County with cost estimates of construction alternatives in sufficient detail to assist the County in making the determination described above. It is understood that the determination by the County will be based upon the Developer's contribution described in paragraph (9).

- (2) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 and 85-24E is approximately one million one hundred thousand dollars (\$1,100,000) for the total development described herein as REGENCY PARK NORTH. The "Fair Share" contribution by the Developer in accordance with Chapter 380.06, Florida Statutes, as calculated by TBRPC is approximately one million five hundred thousand dollars (\$1,500,000).
- (3) The cost of the Required Improvement is approximately two million dollars (\$2,00,000 in terms of 1988 dollars).
- (4) The Developer, with design acquisition of right-of-way and the construction of the Required Improvement, is presumed to have satisfied Hillsborough County's right-of-way and roadway impact fees as described in Ordinances 86-4 and 85-24E. In addition, if and when impact fees have been collected by

the County for developments along the Required Improvement, the Developer will receive reimbursement at no interest as described in subparagraph (12) from the County in an amount up to the difference of one million five hundred thousand dollars (\$1,500,000 in terms of 1988 dollars) and the actual cost and expenses incurred by the Developer in the acquisition of right-of-way, design, and construction of said Required Improvement.

- (5) Subject to the acts of God, necessary governmental permits and approvals, or occurrences beyond Developer's control, Developer agrees to construct the Required Improvement and shall complete same no later than April 1, 2001. Design of the Required Improvement has been completed. Right-of-way acquisition shall be completed by November 1, 1999. The Developer may proceed with and may obtain Certificates of Occupancy for the following square footage prior to completion of the Required Improvement: 235,000 square feet of office, 300 multi-family residential units, 10,000 square feet of commercial and 150 room hotel or its equivalent. Should the Developer fail to meet the above schedules, with regard to design, acquisition of right-of-way and construction, issuance of further building permits and/or Certificates of Occupancy may be withheld.
- (6) The Developer agrees to use due diligence to design and identify right-of-way needs, acquire the right-of-way and construction of the Required Improvement.
- (7) The construction of the Woodberry Road Required Improvement must commence by April 1, 2000 (one year prior to the proposed completion date). If the County determines that the Developer is not meeting this schedule for the Required Improvement, the County may require the Developer to provide the County with a bond or letter of credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The County shall determine the reasonable amount of the bond or letter of credit required from the Developer. If necessary, the County may draw down on the bond or on the letter of credit for completion of the Required Improvement and shall complete the Required

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However, reimbursement by the County (transportation impact fee credit, plus reimbursement as described herein) shall not exceed \$2,200,000.

Improvement within the ( ) frames established in the Development Order, as amended.

- (8) If the cost of the Required Improvement is estimated at, any time by the Developer to exceed two million dollars (\$2,000,000 in terms of 1988 dollars), the Developer shall have the right and option of requesting a review and reconsideration by the County, FDOT and other reviewing agencies of the transportation assessment obligations of this Development Order. Any change to the pipelining project or transportation assessment obligations agreed to by the County and other review agencies shall be accomplished through an amendment to the Development Order. The Developer shall bear any additional costs for completion of the Required Improvement caused by the delay in construction from April 15, 1991 to April 15, 2001. Such costs shall include, but not be limited to, increased construction costs and redesign necessitated by expired designs.
- (9) The right-of-way required on Woodberry Road to design and construct the Required Improvement varies from 66 to 80 feet of right-of-way as required to construct the cross section as described in Figure 1. There presently exists approximately 40 to 60 feet of right-of-way on Woodberry Road any right-of-way needed for the Required Improvement which is not under public control shall be purchased by the Developer. The County shall assist in right-of-way acquisition by use of its eminent domain powers, but shall not fund the purchase. The Developer shall make its best efforts to work with off-site right-of-way property owners to expeditiously obtain right-of-way dedications.
- (10) As soon as feasible, the Developer shall provide the County with the right-of-way required along Woodberry Road. The County will use its best efforts through County Ordinance 86-4 to reserve the right-of-way required for the Required Improvement to Woodberry Road.
- (11) The County agrees to establish a Trust Account to provide for reimbursement of a portion or all of the costs of Required Improvements that exceed one million five hundred thousand dollars (\$1,500,000) as described in paragraph (4) above.
- (12) The County agrees to deposit in said Trust Account all right-of-way assessments as described in subparagraph (4) above and

transportation impact assessments collected by the County in accordance with County Ordinance for future developments adjacent to the Woodberry Road Required Improvement for the period of five (5) years beginning with the effective date of this Development Order.

- (13) All funds deposited by the County in the REGENCY PARK NORTH reimbursement Trust Account shall be payable quarterly to the Developer. The County shall provide the Developer quarterly with a list of all building permits and Certificates of Occupancy issued by the County in the area described above.

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- expand the water area previously designates as “approved boat slip locations”, specifically allow slips to the east of the eastern bridge to Harbour Island, close to the Ybor Channel;
- allow landside fuel storage tanks and a dock with fuel dispensing facilities for watercraft in the northwest corner of the island;
- redefining the placement and location of sewer pump-out facilities;
- modify the “equivalency matrix” to increase the maximum number of boat slips to be used by non-occupants of Harbour Island from 100 to 250 and to allow for the exchange of approved land uses without increasing regionally significant impacts on public facilities;
- clarify that the specialty retail square footage of 240,000 square feet of gross leasable area corresponds to 266,667 square feet of gross floor area;
- increase the amount of office square footage by 49,999 square feet (less than five percent); and
- revise the Master Plan (Revised Map H) to show the relocation of the potential conference center use to the northern portion of the project, the relocation of the 175 seat attraction facility to the northern portion of the project and minor changes.

**CONSISTENCY WITH SUBSECTION 380.06(19), FLORIDA STATUTES**

The relevant statutory standards for this proposed change are embodied in Subsection 380.06(19), Florida Statutes (F.S.). Several parts of this Subsection are triggered by the proposed changes to the project.

[Carefully look for and review the proposed language. This may be hidden in an appendix.]

[Carefully review previous DO and amendments.]

[Read over "whereases" and "findings of fact". Are they being altered?]

**DISCUSSION**

**RECOMMENDED ACTION**

[Make what ever recommendations that seem appropriate.]

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

September 22, 1994

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

Re: Resolution No. R94-0226 - Amendment to Development Order for  
Regency Park North (DRI #131)

Dear Ms. Cooper:

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

We are providing this copy for your files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By:   
Linda Fryman  
Manager, BOCC Records

LF:ADF  
Attachment  
Certified Mail

cc: Board files (orig.)  
J. Thomas Beck, Florida Department of Community Affairs  
Jim Shimberg, Jr. - Holland & Knight  
Vincent Marchetti, Assistant County Attorney  
Gene Boles, Director, Planning and Development Management

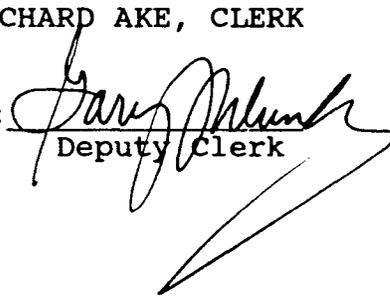
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R94-0226 Amending Development Order for Regency Park North (DRI #131) approved by the Board in its regular meeting of September 13, 1994, as the same appears of record in MINUTE BOOK 220 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 22nd day of September, 1994.

RICHARD AKE, CLERK

By:

  
Deputy Clerk

RESOLUTION No. R94-0226

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY, FLORIDA  
DRI #131 DEVELOPMENT ORDER AMENDMENT

Upon motion by Commissioner Phyllis Busansky, seconded by Commissioner, Jim Norman, the following Resolution was adopted by a vote of 4 to 0 with Commissioner(s) \_\_\_\_\_ voting "No."

WHEREAS, on April 16, 1988, the Board of County Commissioners issued Development Order #131 for the Regency Park North Development of Regional Impact through Resolution 88-0131 hereinafter referred to as REGENCY PARK NORTH; and

WHEREAS, on December 12, 1989, the Board of County Commissioners amended Development Order #131 by a revision in the scope of the pipeline improvement and an extension of ninety (90) days to complete the pipeline improvement (R89-0320); and

WHEREAS, on November 13, 1990, the Board of County Commissioners amended Development Order #131 by extending the build-out date of each phase and the total project by two years, 11 months and 15 days and extending the date for completion of the pipeline improvements (R90-0274); and

WHEREAS, on September 8, 1992 the Board of County Commissioners amended Development Order #131 by (i) expanding the trade-off mechanism in the Development Order to allow research and development uses, (ii) combining the project into a single phase, and (iii) extending the build-out date for the project by two (2) years, the expiration of the Development Order by four (4) years, eleven (11) months and fifteen (15) days, and extending the date for completion of the pipeline improvements until April 1, 1996; and

WHEREAS, on July 1, 1994, The Regency Group, Inc. filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) for the Regency Park North project; and

WHEREAS, the Notification of Proposed Changes request that (i) the build-out date of the project be extended for three (3) years from 1998 until 2001 and (ii) that the completion date for the pipeline improvement be extended by five (5) years from April 1, 1996 until April 1, 2001; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Proposed Changes to a Previously Approved Development of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on September 13, 1994 held a public hearing on said Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council, Hillsborough County, and the Department of Community Affairs has reviewed this Notification of Proposed Change; and

WHEREAS, the Board of County Commissioners has determined that clear and convincing evidence has been presented to the Board of County Commissioners that the proposed changes do not constitute a substantial deviation requiring further development of regional impact review.

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

Section 1. Introduction. This resolution shall constitute an amendment to the Regency Park North Development Order as previously amended.

Section 2. Findings. The County Commission, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

A. The Regency Park North Development Order, as adopted by Resolution 88-0131 and amended by Resolutions 89-0320, 90-0274, and 92-0216, is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes, affecting the property described on Exhibit "A" attached hereto and incorporated herein.

B. The Regency Group has proposed the following amendments to the Regency Park North Development Order:

1. Extending the build-out date for the project by three (3) years from 1998 until 2001.

2. Extending the date for required completion of the pipeline improvements by five (5) years from April 1, 1996 until April 1, 2001.

C. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by the County, the Tampa Bay Regional Planning Council ("TBRPC") and the Department of Community Affairs, State of Florida ("DCA").

D. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original projections set forth in the Application for Development Approval.

Section 3. Conclusions of Law. The County Commission, having made the above findings of fact, reaches the following conclusions of law:

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

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

C. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Regency Park North Development Order, pursuant to Chapter 380.06, Florida Statutes.

D. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes, except to the extent that specific rights and protections are limited or modified by the proposed amendments to the Development Order as approved by this ordinance.

E. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and The Regency Group are authorized to approved/conduct development as described herein.

F. The review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

EXHIBIT "A"

LEGAL DESCRIPTION FOR REGENCY PARK NORTH

Lots 1 - 4 inclusive, and a portion of Lots 13 - 16 inclusive of Carrollton, Plat Book 16, Page 21, together with a portion of Lots 2 - 6 inclusive of Orangeland subdivision, Plat Book 10, Page 14, said plats being recorded in the Public Records of Hillsborough County, Florida, together with a portion of Section 20, Township 29 South, Range 20 East, Hillsborough County, Florida, all of the above being more particularly described as follows:

BEGIN at the Northeast corner of Lot 1, Block A, of Regency Park - Brandon, as recorded in Plat Book 60, Page 18 of the Public Records of Hillsborough County, Florida; thence S.89°15'33"W. along the North boundary of said Regency Park - Brandon, for 1606.87 feet to a non-tangent point on a curve and the Easterly right-of-way line of Grand Regency Boulevard (a radial line through said point bears S.56°07'48"W.); thence Northerly along said Easterly right-of-way line for the following eleven (11) courses: 1) Northwesterly along the arc of said curve, concave Southwesterly, said curve having a radius of 643.88 feet, a central angle of 04°07'48", an arc length of 46.41 feet, a chord bearing and distance of N.35°56'06"W., 46.40 feet to a point of reverse curvature (a radial line through said point bears N.52°00'00"E.); 2) Northerly along the arc of a curve concave Easterly, said curve having a radius of 653.00 feet, a central angle of 77°49'53", an arc length of 887.04 feet, a chord bearing and distance of N.00°54'57"E., 820.40 feet to a point of reverse curvature (a radial line through said point bears N.50°10'07"W.); 3) Northeasterly along the arc of a curve concave Northwesterly, said curve having a radius of 747.00 feet, a central angle of 21°52'02", an arc length of 285.10 feet, a chord bearing and distance of N.28°53'52"E., 283.37 feet to a point of reverse curvature (a radial line through said point bears S.72°02'09"E.); 4) Northeasterly along the arc of a curve concave Southeasterly, said curve having a radius of 35.00 feet, a central angle of 75°22'02", an arc length of 46.04 feet, a chord bearing and distance of N.55°38'52"E., 42.79 feet to a point of tangency; 5) S.86°40'07"E. for 32.73 feet; 6) N.03°19'53"E. for 82.00 feet; 7) N.86°40'07"W. for 16.09 feet to a point of curvature (a radial line through said point bears N.03°19'53"E.); 8) Northwesterly along the arc of a curve concave Northeasterly, said curve having a radius of 35.00 feet, a central angle of 93°29'49", an arc length of 57.11 feet, a chord bearing and distance of N.39°55'13"W., 50.98 feet to a point of reverse curvature (a radial line through said point bears N.83°10'18"W.); 9) Northwesterly along the arc of a curve concave Westerly, said curve having a radius of 657.34 feet, a central angle of 29°11'12", an arc length of 334.85 feet, a chord bearing and distance of N.07°45'54"W., 331.24 feet to a point of tangency; 10) N.22°21'30"W. for 38.64 feet to a point of curvature (a radial line through said point bears N.67°38'30"E.); 11) Northerly along the arc of a curve concave Easterly, having a radius of 770.00 feet, a central angle of 31°19'23", an arc length of 420.95 feet, a chord bearing a distance of N.06°41'49"W., 415.73 feet to the South boundary of the Seaboard Coastline Railroad right-of-way (120' R/W) as shown in the right-of-way and Track Map, Station 10688 + 20 to Station 10897 + 40; thence along said South boundary of the following three (3) courses: 1) S.81°02'07"E. for 923.07 feet; 2) N.00°09'10"W. for 10.12 feet (100' R/W); 3) S.81°02'07"E. for 1345.53 feet; thence leaving said South boundary of the Seaboard Coastline Railroad right-of-way (100' R/W), S.00°05'10"W. for 676.62 feet; thence S.89°17'41"W. for 659.71 feet; thence S.00°19'35"E. for 664.24 feet; thence S.89°15'34"W. for 15.00 feet to the Westerly right-of-way line of Gornto Lake Road (30' R/W) as recorded in Official Record Book 1409, Pages 465 and 466, of the Public Records of Hillsborough County, Florida; thence S.00°12'10"W. along said Westerly right-of-way line for 313.60 feet to the POINT OF BEGINNING.

Together with a portion of the property first described above being more particularly described as follows:

Commence at the Northeast corner of said Lot 1, Block A of the aforesaid Regency Park - Brandon; thence S.89°15'33"W. along the North boundary of said Regency Park - Brandon for 1722.40 feet to a point on the Westerly right-of-way line for Grand Regency Boulevard, said point also being the POINT OF BEGINNING; thence continue S.89°15'33" along said North boundary for 266.48 feet; thence S.00°07'54"W. for 321.20 feet; thence S.89°16'16"W. for 390.25 feet to the easterly right-of-way line of State Road 93-A (I-75) as shown on the Florida Department of Transportation, right-of-way map, Section 10075-2407; thence along said Easterly right-of-way line the following five (5) measured bearings and distances: 1) N.07°14'58"W. for 353.33 feet; 2) N.00°57'39"W. for 283.70 feet; 3) N.00°58'59"W. for 88.46 feet; 4) N.07°19'35"E. for 685.44 feet; 5) N.05°31'25"E. for 1074.28 feet to the South boundary of the Seaboard Coastline Railroad right-of-way (120' R/W); thence S.81°05'22"E. along said boundary (120' R/W) for 257.67 feet; thence continue along said South boundary (120' R/W) S.81°02'07"E. for 362.33 feet to a non-tangent point on a curve and the aforesaid Westerly right-of-way line of Grand Regency Boulevard (a radial line through said point bears S.81°02'07"E.); thence Southerly along said Westerly right-of-way line the following five courses: 1) Southeasterly along the arc of said curve, concave easterly, said curve having a radius of 830.00 feet, a central angle of 31°19'23", an arc length of 453.75 feet, a chord bearing and distance of S.06°41'49"E., 448.12 feet to a point of reverse curvature (a radial through said point bears S.67°38'30"W.); 2) Southerly along the arc of a curve concave westerly, said curve having a radius of 588.30 feet, a central angle of 37°38'04", an arc length of 386.42 feet, a chord bearing and distance of S.03°32'28"E., 379.51 feet to a point of tangency; 3) S.15°16'34"W. for 49.89 feet to a point of curvature (a radial line through said point bears N.74°43'26"W.); 4) Southwesterly along the arc of a curve concave Northwesterly, said curve having a radius of 653.00 feet, a central angle of 24°33'19", an arc length of 279.86 feet, a chord bearing and distance of S.27°33'14"W., 277.72 feet to a point of reverse curvature; 5) Southerly along the arc of a curve concave easterly, said curve having a radius of 747.00 feet, a central angle of 76°01'22", an arc length of 991.16 feet, a chord bearing and distance of S.01°49'12"W., 920.03 feet to the North boundary of said Regency Park - Brandon and to the POINT OF BEGINNING.

The above described parcels have a combined area of 116.02 acres, more or less.

Section 4. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

A. The Development Order is amended as shown on the attached Exhibit "B."

B. The amendments stated herein, together with all previous amendments, do not constitute a substantial deviation, pursuant to Chapter 380.06, Florida Statutes.

C. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes, except to the extent that specific rights and protections are limited or modified by the proposed amendments to the Development Order as approved by this resolution.

D. The Developer's Affidavit, Exhibit "C", affirming that copies of the Notice of Change have been delivered to all persons as required by law, shall be attached hereto and is incorporated herein by reference.

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

F. A notice of adoption of this resolution shall be recorded by the Developer in the public records of Hillsborough County, Florida, as provided in Section 380.06, Florida Statutes.

G. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk of the Board of County Commissioners by certified mail to the Department of Community Affairs, the Tampa Bay Regional Planning Council, and other recipients specified by statute or rules.

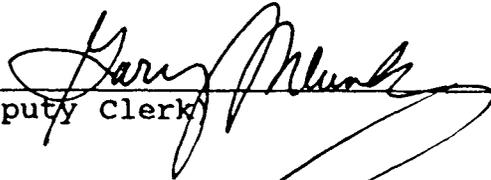
STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of September 13, 1994 as the same appears of record in Minute Book 220 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 22nd day of September, 1994.

RICHARD AKE, CLERK

By:   
(Deputy Clerk)

Approved as to form and  
legal sufficiency:

  
Assistant County Attorney

TPA2-208889  
27612-2

**EXHIBIT "B"**  
**TO NOTIFICATION OF PROPOSED CHANGE**  
**FOR REGENCY PARK NORTH DRI**

The Regency Park North Development Order shall be amended as follows:

**IV. SPECIFIC CONDITIONS**

Section IV, A of the Development Order is amended to read as follows:

**A. Schedule and Deadlines**

1. The development of the project shall consist of one phase as follows:

<u>Years</u>	<u>Use</u>	<u>Amount</u> (gross sq. ft.)
1988-1998 2001	Office	675,000
	Commercial	50,000
	Hotel	150 rooms
	Multi-family Residential	600 units*
	Research and Development <sup>1</sup>	0 **

\* Multi-family dwelling units shall not exceed the maximum density allowed by the Hillsborough County Comprehensive Plan.

\*\* Developer has the option of building up to 518,000 square feet of research and development uses<sup>1</sup> on the site. If Developer elects this option, the amount of the reduction of office square feet shall be determined in accordance with the Equivalency Table as follows:

<u>Outbound Site Trips</u>	<u>Equivalent Development</u> (adjusted for internal capture)	<u>Land Use</u>
1	752 square feet	Office
1	6.4 units	Residential
1	471 square feet	Commercial
1	3.5 rooms	Hotel
1	916 square feet	Research and Development <sup>1</sup>

<sup>\*</sup>Research and development uses can only be added in exchange for a reduction in office square footage.

<sup>1</sup> Research and Development includes Distribution/Wholesaling/Warehousing as defined in Section 380.0651, Florida Statutes (1991).

2. No Certificates of Occupancy shall be issued beyond 235,000 square feet of office development, 300 units of multi-family residential, 10,000 square feet of commercial, and 150 room hotel (or its equivalent) until the pipeline option (the "Required Improvement" referred to in subparagraph B.1.a.3(1) hereunder) is complete or until S.R. 60 from east of Sand Street to Knights Avenue is constructed as an 8-lane divided roadway with restricted right turn lanes.
3. The development of the project uses may occur as shown on the General Site Plan dated June 5, 1992.
4. This Development Order shall remain in effect for a period up to and including April 15, 2003.
5. The development shall not be subject to down-zoning, or intensity reduction until April 15, 2003, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

Section IV, B of the Development Order is amended to read as follows:

A. Transportation

1. The Developer has selected Option 3 to mitigate the project's transportation impacts. Therefore, the provisions describing Options 1 and 2 have been deleted and the relevant provisions in Option 3 have been amended to make them consistent with these amendments.

a. Option 3.

The Developer has elected Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) The Developer shall design, acquire the needed right-of-way and construct the widening of Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Sand Street herein referred to as the "Required Improvement." The cross section for Woodberry Road shall be as indicated in Figure 1. The Required Improvement shall be designed at least to Hillsborough County minimum standards. If the County determines that it is required to comply with the competitive bidding procedure, then the Developer will comply with the County standards and procedures.

Notwithstanding the above, the Developer shall provide a design concept for the ultimate alignment right-of-way for Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Sand Street within 30 days of the approval date of the final Development Order. The proposed ultimate cross section for Woodberry Road is indicated in Figure 1. The County shall provide expeditious review of the design concept for the ultimate alignment submitted by the Developer and shall provide written approval within thirty days of submittal of an acceptable alignment. The County shall determine, with input from the Developer and other reviewing agencies, within thirty days of completion of the County review described above, the cross section of Woodberry to be constructed based upon the anticipated fundings by the Developer. The Developer shall provide the County with cost estimates of construction alternatives in sufficient detail to assist the County in making the determination described above. It is understood that the determination by the County will be based upon the Developer's contribution described in paragraph (9).

- (2) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 and 85-24E is approximately one million one hundred thousand dollars (\$1,100,000) for the total development described herein as REGENCY PARK NORTH. The "Fair Share" contribution by the Developer in accordance with Chapter 380.06, Florida Statutes, as calculated by TBRPC is approximately one million five hundred thousand dollars (\$1,500,000).
- (3) The cost of the Required Improvement is approximately two million dollars (\$2,00,000 in terms of 1988 dollars).

- (4) The Developer, with design acquisition of right-of-way and the construction of the Required Improvement, is presumed to have satisfied Hillsborough County's right-of-way and roadway impact fees as described in Ordinances 86-4 and 85-24E. In addition, if and when impact fees have been collected by the County for developments along the Required Improvement, the Developer will receive reimbursement at no interest as described in subparagraph (12) from the County in an amount up to the difference of one million five hundred thousand dollars (\$1,500,000 in terms of 1988 dollars) and the actual cost and expenses incurred by the Developer in the acquisition of right-of-way, design, and construction of said Required Improvement."
- (5) Subject to the acts of God, necessary governmental permits and approvals, or occurrences beyond Developer's control, Developer agrees to construct the Required Improvement and shall complete same no later than April 1, ~~1996~~ 2001. Design of the Required Improvement has been completed. Right-of-way acquisition shall be completed by ~~January 1, 1995~~ November 1, 1999. The Developer may proceed with and may obtain Certificates of Occupancy for the following square footage prior to completion of the Required Improvement: 235,000 square feet of office, 300 multi-family residential units, 10,000 square feet of commercial and 150 room hotel. Should the Developer fail to meet the above schedules, with regard to design, acquisition of right-of-way and construction, issuance of further building permits and/or Certificates of Occupancy may be withheld.
- (6) The Developer agrees to use due diligence to design and identify right-of-way needs, acquire the right-of-way and construction of the Required Improvement.
- (7) The construction of the Woodberry Road Required Improvement must commence by April 1, ~~1995~~ 2000 (one year prior to the proposed completion date). If the County determines that the Developer is not meeting this schedule for the Required Improvement, the County may require the Developer to provide the County with a bond or letter of credit in the full amount of the cost of the uncompleted

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" However, reimbursement by the County (transportation impact fee credit, plus reimbursement as described herein) shall not exceed \$2,200,000.

portion of the Required Improvement. The County shall determine the reasonable amount of the bond or letter of credit required from the Developer. If necessary, the County may draw down on the bond or on the letter of credit for completion of the Required Improvement and shall complete the Required Improvement within the time frames established in the Development Order, as amended.

- (8) If the cost of the Required Improvement is estimated at, any time by the Developer to exceed two million dollars (\$2,000,000 in terms of 1988 dollars), the Developer shall have the right and option of requesting a review and reconsideration by the County, FDOT and other reviewing agencies of the transportation assessment obligations of this Development Order. Any change to the pipelining project or transportation assessment obligations agreed to by the County and other review agencies shall be accomplished through an amendment to the Development Order. ~~The County reserves the right to require t~~ The Developer shall ~~to~~ bear any additional costs for completion of the Required Improvement caused by the delay in construction from April 15, 1996 1991 to April 15, 2001. Such costs shall include, but not be limited to, increased construction costs and redesign necessitated by expired designs.
- (9) The right-of-way required on Woodberry Road to design and construct the Required Improvement varies from 66 to 80 feet of right-of-way as required to construct the cross section as described in Figure 1. There presently exists approximately 40 to 60 feet of right-of-way on Woodberry Road any right-of-way needed for the Required Improvement which is not under public control shall be purchased by the Developer. The County shall assist in right-of-way acquisition by use of its eminent domain powers, but shall not fund the purchase. The Developer shall make its best efforts to work with off-site right-of-way property owners to expeditiously obtain right-of-way dedications.
- (10) As soon as feasible, the Developer shall provide the County with the right-of-way required along Woodberry Road. The County will use its best efforts through County Ordinance 86-4 to reserve the right-of-way required for the Required Improvement to Woodberry Road.

- (11) The County agrees to establish a Trust Account to provide for reimbursement of a portion or all of the costs of Required Improvements that exceed one million five hundred thousand dollars (\$1,500,000) as described in paragraph (4) above.
- (12) The County agrees to deposit in said Trust Account all right-of-way assessments as described in subparagraph (4) above and transportation impact assessments collected by the County in accordance with County Ordinance for future developments adjacent to the Woodberry Road Required Improvement for the period of five (5) years beginning with the effective date of this Development Order.
- (13) All funds deposited by the County in the REGENCY PARK NORTH reimbursement Trust Account shall be payable quarterly to the Developer. The County shall provide the Developer quarterly with a list of all building permits and Certificates of Occupancy issued by the County in the area described above.

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EXHIBIT "C"

A F F I D A V I T

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

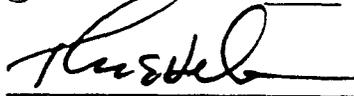
I hereby certify that on this day, before me, the undersigned officer, authorized in the State and County name above to administer oaths and take acknowledgements, personally appeared James H. Shimberg, Jr., attorney for The Regency Group, Inc., the applicant/owner for the Regency Park North DRI Notice of Proposed Change, to me well known, who, being first duly sworn, says upon oath the following:

1. Regency filed its original Notice of Proposed Change ("NOPC") for the Regency Park North DRI on July 1, 1994.

2. The aforementioned original and revised NOPC was filed with Hillsborough County, the State of Florida Department of Community Affairs and the Tampa Bay Regional Planning Council as required by law.

  
James H. Shimberg, Jr.

SWORN AND SUBSCRIBED to before me this 20<sup>th</sup> day of September, 1994.

  
Notary Public  
STATE OF FLORIDA AT LARGE



THOMAS E. HOLCOMBE  
MY COMMISSION # CC 182842 EXPIRES  
February 25, 1996  
BONDED THRU TROY FAIR INSURANCE, INC.

TPA2-224478  
27612-2

## ANNUAL REPORT SUMMARY

### DRI #131 - REGENCY PARK NORTH

#### HILLSBOROUGH COUNTY

On April 26, 1988 Hillsborough County granted a Development Order to the Regency Group for the above-referenced DRI, a 119.5-acre mixed-use development located east of Interstate 75 and north of S.R. 60 in the Brandon area of Hillsborough County.

On December 12, 1989 Development Order was again amended by Resolution No. R89-0320, to authorize a revision to the scope of the pipeline improvement and extension of its completion by ninety (90) days.

On December 13, 1990 the Development Order was again amended, by Resolution No. R90-0274, to revise the timing of the Woodberry Road pipeline improvement. The amendment also extended the build-out of each phase and the total project by two years, 11 months and 15 days.

On September 8, 1992 the Development Order was further amended by R92-0216, which:

- added a new land use category called "Research and Development", with corresponding changes in the adopted master site plan;
- revised the land use/trip generation trade-off mechanism to accommodate the new land use (Research and Development) up to a maximum of 518,000 square feet;
- consolidated the project's phases into one single phase, effectively extending the build-out of the original Phase IA by nine years, Phase IB by eight years, and Phase II by five years;
- extended total project build-out by an additional two years, for a total of four years, 11 months and 15 days (to 1998);
- extended the DRI Development Order expiration date by four years, 22 months and 15 days (to April 15, 2003); and
- extended the completion date for the Woodberry Road improvement (project's transportation impact mitigation requirement) by an additional two years (to April 1, 1996), for a total extension of approximately four years and 11 months.

The project is currently approved to contain 675,000 square feet (sq. ft.) of office space, 600 multi-family residential units, 50,000 sq. ft. of commercial space and 150 hotel rooms or up to 518,000 sq. ft. of research and development uses with concurrent reductions of approved land uses in accordance with an Equivalency Table adopted in the September 8, 1992 amendment to the Development Order.

On July 5, 1994, the TBRPC received a copy of a Notice of Proposed Change (NOPC) for the Regency Park North DRI. The NOPC is summarized as follows:

- extend total project build-out by an additional three years, for a cumulative extension of seven years, 11 months and 15 days (to 2001);
  - revise the timing schedule of the Woodberry Road pipeline improvement (project's transportation impact mitigation requirement) by an additional five years. The NOPC identifies the extension request for the right-of way acquisition date (to November 13, 1997), the commencement date for construction (to 2000 or until the issuance of 235,000 sq. ft. of office, plus 300 multi-family units, plus 10,000 sq. ft. of commercial, plus 150 hotel rooms, whichever occurs earlier), and completion date (to April 1, 2001). Upon approval of the NOPC, the cumulative extensions will have extended the completion date of the pipeline improvement by nine years, 11 months and six days.
- removed* ● extend the time frame for the Trust Account set up by the County to collect right-of-way assessments and transportation impact assessments for developments adjacent to the Woodberry Road Required Improvement to a time frame consistent with the revised Woodberry Road construction schedule.

In accordance with Subsection 380.06(18), Florida Statutes, the annual report has been submitted by the developer and reviewed by Council staff for consistency with the Development Order.

1. Construction of a 40,000 sq. ft. of office space has been completed during the reporting period. The 4.2 acre office building is currently occupied by the Paragon Cable Company. No other development activity was conducted during the reporting year or to date.
2. The developer has not identified development activity proposed for the next reporting year.
3. Compliance with the Development Order:
  - A. The NOPC currently being reviewed by the TBRPC addresses an additional extension request in regard to completion of the pipeline improvement and project buildout. However, the NOPC, as drafted and inclusive of all previous extensions, would grant total project buildout and completion of the pipeline improvement to coincide in the year 2001. As identified in the above Development Order amendments and the proposed NOPC, cumulative extensions to the pipeline improvement completion date would be nine years, eleven months and six days. Without further clarification in the Development Order there is no assurance that the pipeline improvement would actually be completed.

- B. Consistent with Condition 4.B.3., the developer is required to prepare and implement a Transportation Systems Management (TSM) program. Documentation of p.m. peak hour trip diversion as a result of TSM measures should be referenced in all annual reports following issuance of COs for 235,000 sq. ft. of office space or the equivalent thereof.
  - C. The partial improvements to Woodberry and Lakewood Road intersections are completed.
  - D. Consistent with Condition 4.B.5., the submission dates, scope and content of an Operational Analysis of all ramps at the I-75/S.R.60 interchange will be approved by the County and FDOT prior to the issuance of the first Certificate of Occupancy. The developer has not identified that this Condition has been fulfilled.
  - E. The developer states their compliance with Condition 4.E.1. regarding their bi-annual submittal of water quality monitoring results to protect the degradation of the Delaney Creek and Lake Gornto.
  - F. Prior to the issuance of any building permits, the developer is required to submit to TBRPC the Final Drainage Plan and drainage calculations. The TBRPC has not received such a submittal as required by Condition 4.E.2.
  - G. Condition 4.G.6. requires the developer to submit a plan addressing the use of non-potable water as a form of irrigation in the first annual report following the issuance of the first Certificate of Occupancy. This Plan should be included in the FY 1994/1995 annual report.
4. The Regency Group is the firm responsible for adhering to the conditions of the Development Order.

The project does not appear to be proceeding in a manner consistent with the Development Order in regard to Items 3.A. and 3.F., discussed above. Hillsborough County is responsible for ensuring compliance with the Development Order.

Annual Report Date: 4/26/1994  
Date Received: 6/27/1994  
Development Order Expires: 4/15/2003

*DRAFT*

**DEVELOPMENT ORDER AMENDMENT REPORT**

**DRI #131 - REGENCY PARK NORTH**

**HILLSBOROUGH COUNTY**

On September 23, 1994, Hillsborough County rendered to the Tampa Bay Regional Planning Council Ordinance No. 94-0226, a Development Order amendment for the above referenced DRI adopted by the Hillsborough County Board of County Commissioners on September 13, 1994. The Development Order amendment extends the project's buildout date and time schedule for its transportation mitigation.

**BACKGROUND**

On April 26, 1988, Hillsborough County granted a Development Order to the Regency Group for the above-referenced DRI, a 119.5-acre mixed-use development located east of Interstate 75 and north of S.R. 60 in the Brandon area of Hillsborough County.

On December 12, 1989, the Development Order was amended by Resolution No. R89-0320, to authorize a revision of the pipeline improvement to be constructed as mitigation for the project's transportation impacts.

On December 13, 1990, the Development Order was again amended, by Resolution No. R90-0274, to revise the timing of the Woodberry Road construction requirements. The amendment also extended the build-out of each phase and the total project by two years, 11 months and 15 days.

On September 8, 1992, the Development Order was further amended by R92-0216, which made several changes to the project, including: adding a new land use category called "Research and Development", consolidating the project's phases into one single phase, effectively extending the build-out of the original Phase IA by nine years, Phase IB by eight years, and Phase II by five years; extending total project build-out by an additional two years, for a total of four years, 11 months and 15 days (to 1998); extending the DRI Development Order expiration date by four years, 11 months and 15 days (to April 15, 2003); and extending the completion date for the Woodberry Road improvement (project's transportation impact mitigation requirement) by an additional two years (to April 1, 1996), for a total extension of approximately four years and 11 months.

The project is currently approved to contain 675,000 square feet (sq. ft.) of office space, 600 multi-family residential units, 50,000 sq. ft. of commercial space and 150 hotel rooms or up to 518,000 sq. ft. of research and development uses with concurrent reductions of approved land uses in accordance with an Equivalency Table adopted in the September 8, 1992, amendment to the Development Order.

## DEVELOPMENT ORDER AMENDMENT

Ordinance No. 94-0226 alters the existing Development Order by:

- extending the total project build-out by an additional three years, for a cumulative extension of seven years, 11 months and 15 days (to 2001);
- extending the timing schedule of the project's transportation impact mitigation requirement (Woodberry Road improvement) by an additional five years. The Development Order amendment identifies the extension request for the right-of way acquisition date (to November 1, 1999), the commencement date for construction (to April 1, 2000, or until the issuance of 235,000 sq. ft. of office, plus 300 multi-family units, plus 10,000 sq. ft. of commercial, plus 150 hotel rooms, whichever occurs earlier), and completion date (to April 1, 2001). The cumulative extensions will have extended the completion date of the pipeline improvement by nine years, 11 months and six days.

The changes are, by statute, presumed to create a substantial deviation. To rebut the presumption the developer has supplied a transportation analysis. The analysis did not use the standard methodology and did not provide an effective comparison of the project's impacts originally identified in the ADA with those identified in the NOPC application. Nevertheless the amended Development Order contains a condition that allows only a limited amount of development (235,000 square feet of office space, 10,000 square feet of commercial space, 300 multi-family dwelling units and 150 hotel rooms) before the pipeline improvement is completed. This condition should ensure that no substantial impact occurs to the regional transportation network until the pipeline improvement is completed.

## RECOMMENDATIONS

In accordance with Section 380.07, Florida Statutes (F.S.), this Development Order amendment has been reviewed and determined to be consistent with Subsection 380.06(15), F.S., and with the Council's Final Report adopted September 14, 1997. It has been determined that the changes do not create additional unmitigated regional impacts.

Therefore, it is recommended that the Council recommend to the Department of Community Affairs that they concur with the Development Order amendment issued by Hillsborough County for DRI #131 - Regency Park North.

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

November 2, 1992

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

Re: Correction of Scrivener's Error - Resolution No. R92-0216 - Amending  
the Development Order for Regency Park North (DRI #131)

Dear Ms. Cooper:

Attached is a certified copy of the above-referenced resolution, which  
was adopted by the Hillsborough County Board of County Commissioners  
on September 8, 1992. This copy corrects a scrivener's error on pages  
1 and 2 of the copy which was transmitted to you on September 23, 1992.

We are providing the copy for your files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

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

*This document  
replaces R92-0216 which  
was mailed on 9/25/92 and  
received on 9/28/92*

LF:ADF  
Attachment  
Certified Mail

cc: Board files (1 orig.)  
James H. Shimberg, Jr., Esquire - Holland and Knight  
J. Thomas Beck, Florida Department of Community Affairs  
Kevin S. Kuenzel, Assistant County Attorney  
Gene Boles, Director, Planning and Development Management  
Joe Egozcue, County Attorney's Office

*This document mailed 11/5/92  
and received 11/6/92*

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution No. R92-0216 Amending the Development  
Order for Regency Park North (DRI #131)

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

WITNESS my hand and official seal this 2nd  
day of November \_\_\_\_\_, 19 92 \_\_\_\_\_.

RICHARD AKE, CLERK

BY: Linda Lyman  
Deputy Clerk

RESOLUTION # 92-0216

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY, FLORIDA  
DRI #131 DEVELOPMENT ORDER AMENDMENT

Upon motion by Commissioner James Selvey, seconded by Commissioner, Phyllis Busansky, the following Resolution was adopted by a vote of 6 to 0 with Commissioner(s) \_\_\_\_\_ voting "No."

WHEREAS, on April 16, 1988, the Board of County Commissioners issued Development Order #131 for the Regency Park North Development of Regional Impact through Resolution 88-0131 hereinafter referred to as REGENCY PARK NORTH; and

WHEREAS, on December 12, 1989, the Board of County Commissioners amended Development Order #131 by a revision in the scope of the pipeline improvement and an extension of ninety (90) days to complete the pipeline improvement (R89-0320); and

WHEREAS, on November 13, 1990, the Board of County Commissioners amended Development Order #131 by extending the build-out date of each phase and the total project by two years, 11 months and 15 days and extending the date for completion of the pipeline improvements (R90-0274); and

WHEREAS, the Regency Group on April 9, 1992, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI); and

WHEREAS, the Notification of Proposed Change provides for (i) an expansion in the trade-off mechanism in the Development Order to allow research and development uses, (ii) combines the project into a single phase, and (iii) extends the build-out date for the project by two (2) years and the expiration of the Development Order by four (4) years, eleven (11) months and fifteen (15) days; and additional amendments described herein; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Proposed Changes to a Previously Approved Development of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on September 8, 1992 held a public hearing on said Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council, Hillsborough County, and the Department of Community Affairs has reviewed this Notification of Proposed Change; and

WHEREAS, the Board of County Commissioners has determined that clear and convincing evidence has been presented to the Board of County Commissioners that the proposed changes do not constitute a substantial deviation requiring further development of regional impact review.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 8th DAY OF SEPTEMBER, 1992, AS FOLLOWS:

Section 1. Introduction. This resolution shall constitute an amendment to the Regency Park North Development Order as previously amended.

Section 2. Findings. The County Commission, having received all related comments, testimony and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

A. The Regency Park North Development Order, as adopted by Resolution 88-0131 and amended by Resolutions 89-0320 and 90-0274, is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes, affecting the property described on Exhibit "A" attached hereto and incorporated herein.

B. The Regency Group has proposed the following amendments to the Regency Park North Development Order:

1. Expanding the trade-off mechanism in the Development Order to provide for the option of trading-off uses for research and development uses (Distribution/Wholesaling/Warehousing as defined in Section 380.0651, Florida Statutes (1991));

2. Amending the phasing of the development;

3. Amending all Development Order conditions based on phasing; and

4. Extending the build-out by two (2) years and the expiration date of the Development Order by four (4) years, eleven (11) months and fifteen (15) days.

C. A comprehensive review of the impacts generated by the proposed amendments, together with all previous amendments, has been conducted by the County, the Tampa Bay Regional Planning Council ("TBRPC") and the Department of Community Affairs, State of Florida ("DCA").

D. The proposed amendments, together with all previous amendments, do not increase the external traffic impact of the development, nor do they create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original projections set forth in the Application for Development Approval.

Section 3. Conclusions of Law. The County Commission, having made the above findings of fact, reaches the following conclusions of law:

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

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

C. The proposed amendments, together with all previous amendments, do not create a reasonable likelihood of additional impact, or any type of regional impact not previously reviewed by the regional planning agency, over those treated under the Development Order. The proposed amendments, therefore, do not constitute a "substantial deviation" from the Regency Park North Development Order, pursuant to Chapter 380.06, Florida Statutes.

D. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes, except to the extent that specific rights and protections are limited or modified by the proposed amendments to the Development Order as approved by this ordinance.

E. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the County and The Regency Group are authorized to approved/conduct development as described herein.

F. The review by the County, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

Section 4. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Development Order be amended as follows:

A. The Development Order is amended as shown on the attached Exhibit "B."

B. The amendments stated herein, together with all previous amendments, do not constitute a substantial deviation, pursuant to Chapter 380.06, Florida Statutes.

C. Nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes, except to the extent that specific rights and protections are limited or modified by the proposed amendments to the Development Order as approved by this resolution.

D. The Ex Officio Clerk of the Board of County Commissioners shall send copies of this resolution, by certified mail, within five (5) days following the effective date hereof, to The Regency Group, DCA and TBRPC.

E. This resolution shall be deemed rendered upon transmittal of copies hereof to the Department of Community Affairs and the Tampa Bay Regional Planning Council.

F. Notice of adoption of this resolution shall be recorded by the Developer in the public records of Hillsborough County, Florida, as provided in Section 380.06, Florida Statutes.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

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

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

RICHARD AKE, CLERK

By: Linda Feyman  
(Deputy Clerk)

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

**EXHIBIT "A"**  
**TO NOTIFICATION OF PROPOSED CHANGE**  
**FOR REGENCY PARK NORTH DRI**

LEGAL DESCRIPTION: REGENCY PARK NORTH      EXHIBIT "A"

Lots 1 - 4 inclusive, and a portion of Lots 13 - 16 inclusive of Carrollton, Plat Book 16, Page 21, together with a portion of Lots 2 - 6 inclusive of Orangeland Subdivision, Plat Book 18, Page 14, said plats being recorded in the Public Records of Hillsborough County, Florida, together with a portion of Section 20, Township 29 South, Range 20 East, Hillsborough County, Florida, all of the above being more particularly described as follows:

BEGIN at the Northeast corner of Lot 1, Block A, of Regency Park - Brandon, as recorded in Plat Book 60, Page 18 of the Public Records of Hillsborough County, Florida; thence S.89°15'23"W. along the North boundary of said Regency Park - Brandon, for 1606.87 feet to a non-tangent point on a curve and the Easterly right-of-way line of Grand Regency Boulevard (a radial line through said point bears S.84°07'48"W.); thence Northerly along said Easterly right-of-way line for the following eleven (11) courses: 1) Northwesterly along the arc of said curve, concave Southwesterly, said curve having a radius of 642.88 feet, a central angle of 4°07'48", an arc length of 46.41 feet, a chord bearing and distance of N.25°56'06"W., 44.40 feet to a point of reverse curvature (a radial line through said point bears N.52°00'00"E.); 2) Northerly along the arc of a curve concave Easterly, said curve having a radius of 652.00 feet, a central angle of 77°49'33", an arc length of 887.04 feet, a chord bearing and distance of N.00°54'37"E., 820.49 feet to a point of reverse curvature (a radial line through said point bears N.50°10'07"W.); 3) Northwesterly along the arc of a curve concave Northwesterly, said curve having a radius of 747.00 feet, a central angle of 21°57'02", an arc length of 283.10 feet, a chord bearing and distance of N.23°33'32"E., 222.37 feet to a point of reverse curvature (a radial line through said point bears S.72°02'09"E.); 4) Northeastery along the arc of a curve concave Southeastery, said curve having a radius of 35.00 feet, a central angle of 78°27'02", an arc length of 46.84 feet, a chord bearing and distance of N.55°38'52"E., 42.79 feet to a point of tangency; 5) S.85°40'07"E. for 32.73 feet; 6) N.03°19'53"E. for 82.00 feet; 7) N.86°40'07"W. for 18.00 feet to a point of curvature (a radial line through said point bears N.03°19'53"E.); 8) Northwesterly along the arc of a curve concave Northeastery, said curve having a radius of 25.00 feet, a central angle of 83°29'49", an arc length of 87.11 feet, a chord bearing and distance of N.23°35'13"W., 80.98 feet to a point of reverse curvature (a radial line through said point bears N.83°10'18"W.); 9) Northwesterly along the arc of a curve concave Westerly, said curve having a radius of 657.34 feet, a central angle of 29°11'13", an arc length of 334.85 feet, a chord bearing and distance of N.07°45'54"W., 331.34 feet to a point of tangency; 10) N.22°21'30"W. for 32.64 feet to a point of curvature (a radial line through said point bears N.87°28'30"E.); 11) Northerly along the arc of a curve concave Easterly, having a radius of 770.00 feet, a central angle of 21°18'23", an arc length of 420.85 feet, a chord bearing and distance of N.06°41'49"W., 413.73 feet to the South boundary of the Seaboard Coastline Railroad right-of-way (120' R/W) as shown in the Right-of-Way and Track Map, Station 10688 + 20 to Station 10897 + 40; thence along said South boundary the following three (3) courses: 1) S.81°02'07"E. for 823.07 feet; 2) N.00°09'10"W. for 10.12 feet (100' R/W); 3) S.81°02'07"E. for 1343.53 feet; thence leaving said South boundary of the Seaboard Coastline Railroad right-of-way (100' R/W), S.00°05'10"W. for 678.62 feet; thence S.89°17'41"W. for 658.71 feet; thence S.00°18'35"E. for 644.24 feet; thence S.89°15'34"W. for 18.00 feet to the Westerly right-of-way line of Gornito Lake Road (30' R/W) as recorded in Official Record Book 1409, Pages 483 and 486, of the Public Records of Hillsborough County, Florida; thence S.00°15'10"W. along said Westerly right-of-way line for 212.60 feet to the POINT OF BEGINNING.

Together with a portion of the property first described above, being more particularly described as follows:

Commence at the Northeast corner of said Lot 1, Block A, of the aforesaid Regency Park - Brandon, thence S. 89°15'23"W.

101-0001

2. No Certificates of Occupancy shall be issued beyond 235,000 square feet of office development, 300 units of multi-family residential, 10,000 square feet of commercial, and 150 room hotel (or its equivalent) until the pipeline option (the "Required Improvement" referred to in subparagraph B.1.a.3(1) hereunder) is complete or until S.R. 60 from east of Sand Street to Knights Avenue is constructed as an 8-lane divided roadway with restricted right turn lanes.
3. The development of the project uses may occur as shown on the General Site Plan dated June 5, 1992.
4. This Development Order shall remain in effect for a period up to and including April 15, 2003.
5. The development shall not be subject to down-zoning, or intensity reduction until April 15, 2003, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

Previous Sections IV, A, 2, 5, 6 and 7 have been deleted as they have been fulfilled or are no longer required because the project has been combined into one phase.

Section IV, B of the Development Order is amended to read as follows:

A. Transportation

1. The Developer has selected Option 3 to mitigate the project's transportation impacts. Therefore, the provisions describing Options 1 and 2 have been deleted and the relevant provisions in Option 3 have been amended to make them consistent with these amendments.

a. Option 3.

The Developer has elected Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be

gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) The Developer shall design, acquire the needed right-of-way and construct the widening of Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Sand Street herein referred to as the "Required Improvement." The cross section for Woodberry Road shall be as indicated in Figure 1. The Required Improvement shall be designed at least to Hillsborough County minimum standards. If the County determines that it is required to comply with the competitive bidding procedure, then the Developer will comply with the County standards and procedures.

Notwithstanding the above, the Developer shall provide a design concept for the ultimate alignment right-of-way for Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Sand Street within 30 days of the approval date of the final Development Order. The proposed ultimate cross section for Woodberry Road is indicated in Figure 1. The County shall provide expeditious review of the design concept for the ultimate alignment submitted by the Developer and shall provide written approval within thirty days of submittal of an acceptable alignment. The County shall determine, with input from the Developer and other reviewing agencies, within thirty days of completion of the County review described above, the cross section of Woodberry to be constructed based upon the anticipated fundings by the Developer. The Developer shall provide the County with cost estimates of construction alternatives in sufficient detail to assist the County in making the determination described above. It is understood that the determination by the County will be based upon the Developer's contribution described in paragraph (9).

- (2) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 and 85-24E is approximately one million one hundred thousand dollars (\$1,100,000) for the total development described herein as REGENCY PARK NORTH. The "Fair Share" contribution by the Developer in accordance with Chapter 380.06, Florida Statutes, as calculated by TBRPC is approximately one million five hundred thousand dollars (\$1,500,000).

- (3) The cost of the Required Improvement is approximately two million dollars (\$2,00,000 in terms of 1988 dollars).
- (4) The Developer, with design acquisition of right-of-way and the construction of the Required Improvement, is presumed to have satisfied Hillsborough County's right-of-way and roadway impact fees as described in Ordinances 86-4 and 85-24E. In addition, if and when impact fees have been collected by the County for developments along the Required Improvement, the Developer will receive reimbursement at no interest as described in subparagraph (12) from the County in an amount up to the difference of one million five hundred thousand dollars (\$1,500,000 in terms of 1988 dollars) and the actual cost and expenses incurred by the Developer in the acquisition of right-of-way, design, and construction of said Required Improvement."
- (5) Subject to the acts of God, necessary governmental permits and approvals, or occurrences beyond Developer's control, Developer agrees to construct the Required Improvement and shall complete same no later than April 1, 1996. Design of the Required Improvement has been completed. Right-of-way acquisition shall be completed by November, 1992. The Developer may proceed with and may obtain Certificates of Occupancy for the following square footage prior to completion of the Required Improvement: 235,000 square feet of office, 300 multi-family residential units, 10,000 square feet of commercial and 150 room hotel. Should the Developer fail to meet the above schedules, with regard to design, acquisition of right-of-way and construction, issuance of further building permits and/or Certificates of Occupancy may be withheld.
- (6) The Developer agrees to use due diligence to design and identify right-of-way needs, acquire the right-of-way and construction of the Required Improvement.
- (7) The construction of the Woodberry Road Required Improvement must commence by April 1, 1995 (one year prior to the proposed completion date). If the County determines that the Developer is not meeting this

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" However, reimbursement by the County (transportation impact fee credit, plus reimbursement as described herein) shall not exceed \$2,200,000.

schedule for the Required Improvement, the County may require the Developer to provide the County with a bond or letter of credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The County shall determine the reasonable amount of the bond or letter of credit required from the Developer. If necessary, the County may draw down on the bond or on the letter of credit for completion of the Required Improvement and shall complete the Required Improvement within the time frames established in the Development Order, as amended.

- (8) If the cost of the Required Improvement is estimated at, any time by the Developer to exceed two million dollars (\$2,000,000 in terms of 1988 dollars), the Developer shall have the right and option of requesting a review and reconsideration by the County, FDOT and other reviewing agencies of the transportation assessment obligations of this Development Order. Any change to the pipelining project or transportation assessment obligations agreed to by the County and other review agencies shall be accomplished through an amendment to the Development Order. The County reserves the right to require the Developer to bear any additional costs for completion of the Required Improvement caused by the delay in construction from April 15, 1994 to April 15, 1996.
- (9) The right-of-way required on Woodberry Road to design and construct the Required Improvement varies from 66 to 80 feet of right-of-way as required to construct the cross section as described in Figure 1. There presently exists approximately 40 to 60 feet of right-of-way on Woodberry Road any right-of-way needed for the Required Improvement which is not under public control shall be purchased by the Developer. The County shall assist in right-of-way acquisition by use of its eminent domain powers, but shall not fund the purchase. The Developer shall make its best efforts to work with off-site right-of-way property owners to expeditiously obtain right-of-way dedications.
- (10) As soon as feasible, the Developer shall provide the County with the right-of-way required along Woodberry Road. The County will use its best efforts through County Ordinance 86-4 to reserve the right-of-way required for the Required Improvement to Woodberry Road.

- (11) The County agrees to establish a Trust Account to provide for reimbursement of a portion or all of the costs of Required Improvements that exceed one million five hundred thousand dollars (\$1,500,000) as described in paragraph (4) above.
  - (12) The County agrees to deposit in said Trust Account all right-of-way assessments as described in subparagraph (4) above and transportation impact assessments collected by the County in accordance with County Ordinance for future developments adjacent to the Woodberry Road Required Improvement for the period of five (5) years beginning with the effective date of this Development Order.
  - (13) All funds deposited by the County in the REGENCY PARK NORTH reimbursement Trust Account shall be payable quarterly to the Developer. The County shall provide the Developer quarterly with a list of all building permits and Certificates of Occupancy issued by the County in the area described above.
3. The applicant or its assigns shall prepare and implement a Transportation System Management (TSM) program by the end of development of 235,000 square feet of office development. A TSM program shall be developed in cooperation with FDOT, Hillsborough County, the Tampa Urban Area MPO, Hart and TBRPC. This program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ridesharing by public and private sector employees.

OBJECTIVES:

- \* Increase urban area peak automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
- \* Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995."

A yearly assessment of the actual achievement of vehicle trips diverted during the P.M. peak hour as a result of TSM measures shall be documented in every annual report after issuance of Certificates of Occupancy for 235,000 square feet of office space or the equivalent thereof. The results of the TSM study may serve as a basis for the Developer to request Development Order Amendments.

A pedestrian circulation system and a bicycle circulation system plan shall be provided within the project and approved by the MPO. The bicycle system shall incorporate whatever elements are necessary to complement

the County Bicycle Plan and extend the County System into REGENCY PARK NORTH. No detailed site plans shall be approved which do not indicate these systems.

4. Pending the completion of the special FDOT study of I-75, FDOT desires to maintain a level of service (LOS) C peak hour on the I-75 interchange ramps to avoid prejudicing the study's recommendations. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on intersecting roadways) to the I-75 system will be approved prior to the completion of this special study.
5. If, during the study period, the LOS C peak hour threshold will exceed on the ramps of the I-75/S.R. 60 interchange, the Developer may, at its expense, utilize ramp metering or other improvements acceptable to FDOT to preserve the LOS peak hour service level. Building permits will not be issued if ramp metering or such other improvements (which can be demonstrated by means of a new traffic analysis to maintain level of service "C" peak hours) are not permitted by the Federal Highway Administration and said alternative improvements are not approved and funded prior to the commencement of construction within any phase in which impacts require mitigation.

To enable the County and FDOT to ascertain compliance with this Condition, the Developer shall submit to the County and FDOT, a semi-annual LOS Operational Analysis of all ramps at the I-75/S.R. 60 interchange. The LOS Operational Analysis shall contain a P.M. peak hour analysis of the level of service of the merge/diverge point, mid-ramp section and ramp junction at the arterial street for existing conditions and conditions projected 6 months from the submission date of the analysis. The technical analysis shall be conducted using generally accepted traffic engineering standards and procedures. The submission dates, scope and content of the Operational Analysis will be approved by the County and FDOT prior to the issuance of the first Certificate of Occupancy.

If, after an evaluation of such an Operational Analysis, the review by the County and FDOT indicates that the LOS C peak hour threshold will be exceeded for any ramp of the I-75/S.R. 60 interchange as a result of the Development's traffic prior to the submission of the next Operational Analysis, and the Development's traffic contributes more than five percent (5%) to the traffic volume, the County will determine whether to continue issuing building permits and will notify the Developer of this determination in writing. If the LOS C peak hour threshold is projected to be exceeded for the ramps prior to submission of the next Operational Analysis, the Developer shall have the opportunity to submit evidence

to both the County and FDOT to demonstrate that Development traffic, as identified in an Operational Analysis, does not contribute more than five percent to the ramps' traffic volume, or evidence as to improvements that will mitigate the project's impacts, under either of which conditions the County shall not, by reason of this Section cease the issuing of building permits for the Development.

This condition shall be in effect for the duration of the FDOT study period or for twenty two months from the date of issuance of this Development Order, whichever is earlier.

6. Any future signal timing changes at the S.R. 60/Sand Street or any future signal at the S.R. 60/east project intersections shall be approved by FDOT prior to implementation.
7. Concurrent with the construction of a northbound approach to the intersection of S.R. 60/Sand Street or no later than the issuance of the final Certificate of Zoning Compliance for 235,000 square feet of office, 300 units of multi-family residential, 10,000 square feet of commercial, and 150 room hotel of REGENCY PARK NORTH, the Developer shall construct a southbound thru lane at the intersection of S.R. 60 and Sand Street and make any and all modifications to the existing traffic signal that may be required as a result of the additional lane as permitted by FDOT.
8. The intersection improvement of S.R. 60 at Sand Street referred to in Section IV.B.2 Table 3 shall be constructed by the Developer subject to the following: since the EB improvement may be beyond the scope of the current FDOT S.R. 60 Design Plans and the MPO Long Range Transportation Plan. The Developer shall seek permission of the FDOT to construct the improvement prior to construction of the final 300,000 square feet of office and 25,000 square feet of commercial. If FDOT does not permit this lane configuration than an alternative means to mitigate the need for this improvement will have to be resolved to the satisfaction of Hillsborough County prior to proceeding with the development described above.

Section IV, G of the Development Order is amended as follows:

G. Public Facilities

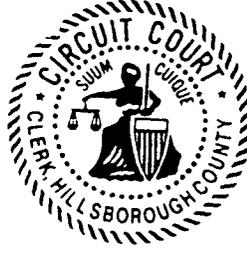
1. Prior to or simultaneous with construction plan or commercial site plan approval for the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service REGENCY PARK NORTH. No building permits shall be issued without an approved, permitted potable water

distribution system and available capacity for that portion of the building construction.

2. Prior to or simultaneous with construction plan or commercial site plan approval for the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No Zoning Compliance Permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve the project is available.
3. Unchanged.
4. Prior to issuance of Certificates of Zoning Compliance approval for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services, solid waste disposal, electricity, fire, emergency medical services and police capabilities and facilities are available to service the development.

TPA-21120  
27612-2:333

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

December 13, 1990

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

Re: Resolution No. R90-0274 - Amending DRI #131 Development Order  
- Regency Park North DRI

Dear Ms. Cooper:

Attached is a certified executed copy of referenced resolution,  
adopted by the Hillsborough County Board of County Commissioners  
on November 13, 1990.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

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

JMN:CS

Attachment

Certified Mail

cc: Board files (1 orig.)

F. Ronald Mastriana, Esquire (Regency Park North)

John Dixon Wall, Chief Assistant County Attorney

Jeff Miller, Director, Planning and Zoning

Ed Lehman, State Department of Community Affairs

mailed 12/13/90  
received 12/14/90

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution No. R90-0274 - Amending DRI #131 Development  
Order - Regency Park North

\_\_\_\_\_ adopted by the Board in its regular meeting of  
December 13, 1990, as the same appears of  
record in MINUTE BOOK 174 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 13th  
day of December, 1990.

RICHARD AKE, CLERK

By: Judith M. Nichols  
Deputy Clerk

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



CERTIFIED MAIL

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

January 23, 1990

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

Attn: Suzanne Cooper  
DRI Coordinator

Re: Resolution No. R89-0320 Amending DRI #131 Development  
Order - The Regency Group (Regency Park North)

Dear Ms. Cooper:

Enclosed please find a certified copy of the referenced  
Resolution No. R89-0320, adopted by the Hillsborough  
County Board of County Commissioners on December 12, 1989.

Please replace this certified copy with the copy  
originally transmitted to you on January 12, 1990.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

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

mailed 1/29/90

ELF:LT

cc: Board files (orig.)  
Ed Lehman, Florida Dept. of Community Affairs  
F. Ronald Mastriana, Attorney for The Regency Group  
Jeff Miller, Director, Planning & Zoning  
John Dixon Wall, Assistant County Attorney

Enclosure

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of the  
Resolution (No. R89-0320, amending DRI #131 Development  
Order for The Regency Group's Regency Park North development

adopted by the Board in its regular meeting of  
December 12, 1989, as the same appears of  
record in MINUTE BOOK 163 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd  
day of January, 1990.

RICHARD AKE, CLERK

By: Judith M. Nichols  
Deputy Clerk

RESOLUTION #R90-0274

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY, FLORIDA  
DRI #131 DEVELOPMENT ORDER AMENDMENT

Upon motion by Commissioner Pam Iorio, seconded by Rubin Padgett, the following Resolution was adopted by a vote of 4 to 0 Commissioner(s) none voting "No".

WHEREAS, on April 16, 1988, the Board of County Commissioners issued a Development Order #131 for the Regency Park North Development of Regional Impact through Resolution 88-0131 hereinafter referred to as REGENCY PARK NORTH; and

WHEREAS, on December 12, 1989, the Board of County Commissioners amended Development Order #131 by a revision in the scope of the improvement and an extension of ninety (90) days to complete the improvement (R89-0320); and

WHEREAS, the Regency Group on September 20, 1990, filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI); and

WHEREAS, the Notification of Proposed Change provides for a revision in Option 3 "Required Improvements" and additional amendments described herein; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to 380.06, Florida Statutes is authorized and empowered to consider Proposed Changes to a Previously Approved Development Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on November 13, 1990 held a public hearing on said Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council, Hillsborough County, and the Department of Community Affairs has reviewed this Notification of Proposed Change; and

WHEREAS, the Board of County Commissioners has determined that clear and convincing evidence has been presented to the Board of County Commissioners and that the proposed changes do not constitute a substantial deviation requiring further development of regional impact review.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 13th day of December, 1990 AS FOLLOWS:

1. The foregoing recitation and findings of fact are hereby incorporated into and made a part of this Resolution.

2. The real property which is the subject of this amended Development Order totals approximately 116.02+/- acres, said real property being more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

3. Construction of Regency Park North shall proceed in accordance with the Master Development Plans previously approved by Hillsborough County and shall be subject to all the conditions in the Development Order for Regency Park North, (DRI #131, approved pursuant to Resolution #88-0131), all conditions described herein.

4. Regency Park North Development Order #131 approved pursuant to Resolution 88-0131 is amended by extending the total project buildout by two years, eleven months and fifteen days. The phasing of this project will be extended based upon the original schedule and the final total project buildout as noted above.

5. Section 1V Transportation, paragraph C, subsection 5, is hereby amended to extend the date for completion of the Woodberry Road improvements as follows:

- a. The developer has acquired approximately 50% of the right of way and will continue to acquire the right of way. All right of way required for the improvements will be acquired on behalf of the County prior to November 13, 1992.
- b. The Woodberry and Lakewood Road intersection improvements as noted below will be completed by July 26, 1991.
  1. North bound and south bound left turn lanes on Lakewood Road at Woodberry Road
  2. East bound left turn lane on Woodberry Road at Lakewood Road
  3. These left turn lanes shall include transition areas as approved by the County
- c. The full Lakewood and Woodberry Road intersection as approved by the County (R89-0320) will be completed by the developer prior to November 13, 1992.
- d. The Woodberry Road improvements as approved by the County (R89-0320) will be completed by April 1, 1994.
- e. The Woodberry Road improvements as approved by the County shall be completed prior to occupancy or the issuance of the first Certificate of Occupancy for Phase I-B but no later than April 11, 1994.

6. The changes described herein do not constitute a substantial deviation from the Regency Park North Development of Regional Impact pursuant to the terms of Florida Statutes 380.06 (19). The extension in the buildout of Woodberry Road when cumulatively added to the ninety (90) days granted (R89-0320) in 1989 is still under three (3) years.

7. Nothing contained herein shall be construed to constitute a waiver of applicable land development regulations. Except as otherwise provided herein, the Development Order shall remain unchanged and in full force and effect.

8. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, to the Regency Group and its designated representative.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of November 13, 1990 as the same appears of record in Minute Book 174 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 13th day of December, 1990.

RICHARD AKE, CLERK

BY: Judith M. Nichols  
(Deputy Clerk)

## LEGAL DESCRIPTION: REGENCY PARK NORTH

## EXHIBIT "A"

Lots 1 - 4 inclusive, and a portion of Lots 13 - 16 inclusive of Carrollton, Plat Book 16, Page 21, together with a portion of Lots 2 - 6 inclusive of Orangeland Subdivision, Plat Book 10, Page 14, said plats being recorded in the Public Records of Hillsborough County, Florida, together with a portion of Section 20, Township 29 South, Range 20 East, Hillsborough County, Florida, all of the above being more particularly described as follows:

BEGIN at the Northeast corner of Lot 1, Block A, of Regency Park - Brandon, as recorded in Plat Book 60, Page 18 of the Public Records of Hillsborough County, Florida; thence S.89°15'33"W. along the North boundary of said Regency Park - Brandon, for 1606.87 feet to a non-tangent point on a curve and the Easterly right-of-way line of Grand Regency Boulevard (a radial line through said point bears S.56°07'48"W.); thence Northerly along said Easterly right-of-way line for the following eleven (11) courses: 1) Northwesterly along the arc of said curve, concave Southwesterly, said curve having a radius of 643.88 feet, a central angle of 4°07'48", an arc length of 46.41 feet, a chord bearing and distance of N.35°56'06"W., 46.40 feet to a point of reverse curvature (a radial line through said point bears N.52°00'00"E.); 2) Northerly along the arc of a curve concave Easterly, said curve having a radius of 653.00 feet, a central angle of 77°49'53", an arc length of 887.04 feet, a chord bearing and distance of N.00°54'57"E., 820.40 feet to a point of reverse curvature (a radial line through said point bears N.50°10'07"W.); 3) Northeasterly along the arc of a curve concave Northwesterly, said curve having a radius of 747.00 feet, a central angle of 21°52'02", an arc length of 285.10 feet, a chord bearing and distance of N.28°53'52"E., 283.37 feet to a point of reverse curvature (a radial line through said point bears S.72°02'09"E.); 4) Northeasterly along the arc of a curve concave Southeasterly, said curve having a radius of 35.00 feet, a central angle of 75°22'02", an arc length of 46.04 feet, a chord bearing and distance of N.55°38'52"E., 42.79 feet to a point of tangency; 5) S.86°40'07"E. for 32.73 feet; 6) N.03°19'53"E. for 82.00 feet; 7) N.86°40'07"W. for 16.09 feet to a point of curvature (a radial line through said point bears N.03°19'53"E.); 8) Northwesterly along the arc of a curve concave Northeasterly, said curve having a radius of 35.00 feet, a central angle of 93°29'49", an arc length of 57.11 feet, a chord bearing and distance of N.39°55'13"W., 50.98 feet to a point of reverse curvature (a radial line through said point bears N.83°10'18"W.); 9) Northwesterly along the arc of a curve concave Westerly, said curve having a radius of 657.34 feet, a central angle of 29°11'12", an arc length of 334.85 feet, a chord bearing and distance of N.07°45'54"W., 331.24 feet to a point of tangency; 10) N.22°21'30"W. for 38.64 feet to a point of curvature (a radial line through said point bears N.67°38'30"E.); 11) Northerly along the arc of a curve concave Easterly, having a radius of 770.00 feet, a central angle of 31°19'23", an arc length of 420.95 feet, a chord bearing and distance of N.06°41'49"W., 415.73 feet to the South boundary of the Seaboard Coastline Railroad right-of-way (120' R/W) as shown in the Right-of-Way and Track Map, Station 10688 + 20 to Station 10897 + 40; thence along said South boundary the following three (3) courses: 1) S.81°02'07"E. for 923.07 feet; 2) N.00°09'10"W. for 10.12 feet (100' R/W); 3) S.81°02'07"E. for 1345.53 feet; thence leaving said South boundary of the Seaboard Coastline Railroad right-of-way (100' R/W), S.00°05'10"W. for 676.82 feet; thence S.89°17'41"W. for 659.71 feet; thence S.00°19'35"E. for 664.24 feet; thence S.89°15'34"W. for 15.00 feet to the Westerly right-of-way line of Gornto Lake Road (30' R/W) as recorded in Official Record Book 1409, Pages 465 and 466, of the Public Records of Hillsborough County, Florida; thence S.00°12'10"W. along said Westerly right-of-way line for 313.60 feet to the POINT OF BEGINNING.

Together with a portion of the property first described above, being more particularly described as follows:

Commence at the Northeast corner of said Lot 1, Block A, of the aforesaid Regency Park - Brandon; thence S.89°15'33"W. along the North boundary of said Regency Park - Brandon for 1722.40 feet to a point on the Westerly right-of-way line of Grand Regency Boulevard, said point also being the POINT OF BEGINNING; thence continue S.89°15'33"W. along said North boundary for 266.48 feet; thence S.00°07'54"W. for 321.20 feet; thence S.89°16'16"W. for 390.25 feet to the Easterly right-of-way line of State Road 93-A (I-75) as shown on the Florida Department of Transportation, Right-of-Way Map, Section 10075-2407; thence along said Easterly right-of-way line the following five (5) measured bearings and distances: 1) N.07°14'58"W. for 353.33 feet; 2) N.00°57'39"W. for 283.70 feet; 3) N.00°58'59"W. for 80.46 feet; 4) N.07°19'35"E. for 685.44 feet; 5) N.05°31'25"E. for 1074.28 feet to the South boundary of the Seaboard Coastline Railroad right-of-way (120' R/W); thence S.81°05'22"E. along said South boundary (120' R/W) for 257.67 feet; thence continue along said South boundary (120' R/W) S.81°02'07"E. for 362.33 feet to a non-tangent point on a curve and the aforesaid Westerly right-of-way line of Grand Regency Boulevard (a radial line through said point bears S.81°02'07"E.); thence Southerly along said Westerly right-of-way line the following five (5) courses: 1) Southeasterly along the arc of said curve, concave Easterly, said curve having a radius of 830.00 feet, a central angle of 31°19'23", an arc length of 453.75 feet, a chord bearing and distance of S.06°41'49"E., 448.12 feet to a point of reverse curvature (a radial through said point bears S.67°38'30"W.); 2) Southerly along the arc of a curve concave Westerly, said curve having a radius of 588.30 feet, a central angle of 37°38'04", an arc length of 386.42 feet, a chord bearing and distance of S.03°32'28"E., 379.51 feet to a point of tangency; 3) S.15°16'34"W. for 49.89 feet to a point of curvature (a radial line through said point bears N.74°43'26"W.); 4) Southwesterly along the arc of a curve concave Northwesterly, said curve having a radius of 653.00 feet, a central angle of 24°33'19", an arc length of 279.86 feet, a chord bearing and distance of S.27°33'14"W., 277.72 feet to a point of reverse curvature; 5) Southerly along the arc of a curve concave Easterly, said curve having a radius of 747.00 feet, a central angle of 76°01'22", an arc length of 991.16 feet, a chord bearing and distance of S.01°49'12"W., 920.03 feet to the North boundary of said Regency Park - Brandon and to the POINT OF BEGINNING.

The above described parcels have a combined area of 116.02 acres, more or less.

LeD4/051

1990-10-24 14:14

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Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



CERTIFIED MAIL

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

January 23, 1990

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

Attn: Suzanne Cooper  
DRI Coordinator

Re: Resolution No. R89-0320 Amending DRI #131 Development  
Order - The Regency Group (Regency Park North)

Dear Ms. Cooper:

Enclosed please find a certified copy of the referenced  
Resolution No. R89-0320, adopted by the Hillsborough  
County Board of County Commissioners on December 12, 1989.

Please replace this certified copy with the copy  
originally transmitted to you on January 12, 1990.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

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

mailed 1/29/90

ELF:LT

cc: Board files (orig.)  
Ed Lehman, Florida Dept. of Community Affairs  
F. Ronald Mastriana, Attorney for The Regency Group  
Jeff Miller, Director, Planning & Zoning  
John Dixon Wall, Assistant County Attorney

Enclosure

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of the  
Resolution (No. R89-0320, amending DRI #131 Development  
Order for The Regency Group's Regency Park North development

adopted by the Board in its regular meeting of  
December 12, 1989, as the same appears of  
record in MINUTE BOOK 163 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd  
day of January, 1990.

RICHARD AKE, CLERK

By: Judith M. Nichols  
Deputy Clerk

RESOLUTION # R89-0320

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY, FLORIDA  
DRI #131 DEVELOPMENT ORDER AMENDMENT

Upon motion by Commissioner Poe, seconded by Commissioner Colson, the following Resolution was adopted by a vote of 6 to 0 Commissioner(s) none voting "No".

WHEREAS, on April 26, 1988, the Board of County Commissioners issued Development Order #131 for the Regency Park North Development of Regional Impact through Resolution 88-0131 hereinafter referred to as REGENCY PARK NORTH; and

WHEREAS, the Regency Group on September 29, 1989, filed an Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI); and

WHEREAS, the Notification of Proposed Change provides for a revision in Option 3 "Required Improvements" and additional amendments described herein; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to 380.06, Florida Statutes is authorized and empowered to consider Proposed Changes to a Previously Approved Development of Regional Impact; and

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

WHEREAS, the Board of County Commissioners of Hillsborough County has on December 12, 1989, held a public hearing on said Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council, Hillsborough County, and the Department of Community Affairs has reviewed this Notification of Proposed Change; and

WHEREAS, the Board of County Commissioners has determined that clear and convincing evidence has been presented to the Board of County Commissioners and that the proposed changes do not constitute a substantial deviation requiring further development of regional impact review.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 12th DAY OF December, 1989 AS FOLLOWS:

1. The foregoing recitation and findings of fact are hereby incorporated into and made a part of this Resolution.

2. The real property which is the subject of this amended Development Order totals approximately 119.5 +/- acres, said real property being more particularly described in Exhibit "B" attached hereto and incorporated herein by reference.

3. Construction of Regency Park North shall proceed in accordance with the Master Development Plan previously approved by Hillsborough County and shall be subject to all the conditions in the Development Order for Regency Park North, (DRI #131, approved pursuant to Resolution #88-0131), all applicable zoning conditions and/or restrictions, and all conditions described herein.

4. Regency Park North Development Order #131 approved pursuant to Resolution 88-0131 is amended as shown in Exhibit "A" attached hereto and made a part hereof.

5. Section IV Transportation, Figure 1, Required Improvements, has been revised as depicted on the Figure 1 attached hereto.

6. The changes described herein do not constitute a substantial deviation from the Regency Park North Development of Regional Impact pursuant to the terms of Florida Statutes 380.06(19).

7. Nothing contained herein shall be construed to constitute a waiver of applicable land development regulations. Except as otherwise provided herein, the Development Order shall remain unchanged and in full force and effect.

8. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, to the Regency Group and its designated representative.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I Richard Ake, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of December 12, 1989, as the same appears of record in Minute Book 163 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 10th day of January, 1990.

RICHARD AKE, CLERK

BY: Judith M. Nichols  
(Deputy Clerk)

COUNTY ATTORNEY  
John Dupon Wall  
County Attorney

EXHIBIT A

Resolution No. R88-0131

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
DRI #131 DEVELOPMENT ORDER  
REGENCY PARK NORTH

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

WHEREAS, in July, 1986, The Regency Group, filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said Application proposed construction of a MIXED USE PROJECT on approximately ONE HUNDRED AND NINETEEN AND ONE-HALF ACRES, located in CENTRAL Hillsborough County, hereinafter referred to as REGENCY PARK NORTH, and

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

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

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

WHEREAS, the Zoning Hearing Master appointed pursuant to Zoning Code of Hillsborough County (Ordinance 85-10), has reviewed the Application for Development Approval and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on April 26, 1988 held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

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

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 26th DAY OF April, 1988, AS FOLLOWS:

I. FINDINGS OF FACT

- A. The Regency Group, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Responses which are attached hereto and marked "Composite Exhibit A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Responses and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit A.
- C. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at REGENCY PARK NORTH, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.
- I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Ch. 380.06(19)(b) or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.
- J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such noncompliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:
1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

<u>Outbound Site Trips</u>	<u>Equivalent Development</u> (adjusted for internal capture)	<u>Land Use</u>
1	665 square feet	Office
1	6.4 units	Residential
1	471 square feet	Retail
1	3.5 rooms	Hotel

3. No Certificates of Occupancy shall be issued beyond Phase IA until the pipeline option (the "Required Improvement" referred to in subparagraph B.2.c.3(1) hereunder) is complete or until S.R. 60 from east of Sand Street to Knights Avenue is constructed as an 8-lane divided roadway with restricted right turn lanes.
4. For purposes of this Order, a phase shall be considered complete upon issuance of the Certificate of Occupancy for the phase. Development of Phases IA, IB and II may occur anywhere on the site.
5. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval, as required by law, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Revised Master Plan (Exhibit 12-1, Revised Application For Development Approval) or from the parameters set forth in the phasing schedule (Table 12-1, Revised Application For Development Approval) shall be subject to a substantial deviation pursuant to Chapter 380.06(19), Florida Statutes as amended.
6. Excess infrastructure capacity constructed to serve Phase IA and IB that will potentially serve Phase II shall be at the Developer's risk and shall not vest latter phase development rights.
7. The physical development of REGENCY PARK NORTH shall begin within three years of the effective date of this Development Order.
8. This Development Order shall remain in effect for a period up to and including May 1, 1998.
9. The development shall not be subject to down-zoning, or intensity reduction until May 1, 1998, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

B. Transportation

1. The Developer at its option, shall select one of the following alternatives to mitigate the project's transportation impacts.
  - a. Option 1
    - (1) Prior to approval of Phase IB of the development, acquire funding commitments from responsible entities for the roadway improvements indicated in Table 1 and Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase IB.

- (2) Prior to approval of Phase II of the development, acquire funding commitments from responsible entities for the roadway improvements indicated in Table 3 and Table 4. Without funding commitments for these improvements, construction permits shall not be issued for Phase II.
- (3) In the event future roadways to which traffic from this project has been assigned are not built as assumed in the methodology used for the revised traffic analysis and shown in Table 5, a new analysis and traffic reassignment shall be required, as appropriate.
- (4) The applicant, or its assigns, shall prepare and implement a Transportation Systems Management (TSM) program by the end of Phase IA. The plan shall be reviewed by Hillsborough County, Hillsborough Area Regional Transit (HART), the Tampa Urban Area MPO, FDOT and TBRPC.

The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the annual report.

If the annual report indicates that the total trip diversions are not being met, Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes, and amend the Development Order to change TSM objectives 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.

In addition, this TSM program shall be developed in cooperation with Hillsborough County, FDOT, the Tampa Urban Area MPO, HART and TBRPC. This program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

**OBJECTIVES:**

- \* Increase urban area peak automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
  - \* Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995".
- (5) The Developer shall institute an annual monitoring program which will record driveway volumes in the evening peak hour and shall be started when the final Certificate of Occupancy have been issued for Phase IA and continue until build-out. If the driveway volumes exceed more than 15 percent of those projected for peak hour in the Application for each phase, the Developer shall comply with subsection 380.06(19), Florida Statutes.

b. Option 2

- (1) In the event that funding commitments for transportation improvements are only adequate to permit partial approval by Hillsborough County of the REGENCY PARK NORTH development, the capacity and loading of transportation facilities in the CENTRAL Hillsborough County transportation area, including but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting

factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Metropolitan Planning Organization (MPO), the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a satisfactory Level of Service D at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond the initial partial approval, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above an Level of Service D at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below Level of Service D at peak hour.

- (2) The Developer shall institute an annual monitoring program which will record driveway volumes in the evening peak hour and shall be started when the final Certificates of Occupancy have been issued for Phase IA and continue until build-out. If the driveway volumes exceed more than 15 percent of those projected for peak hour in the Application for each phase, the Developer shall comply with subsection 380.06(19), Florida Statutes.

TABLE 1. INTERSECTION IMPROVEMENTS NEEDED FOR PHASE IB (1990)

Intersection	LOS with Project Prior to Improvement	Project Traffic as a Percent of LOS D Peak Hour Capacity	Required Improvement
S.R. 60 at Sand Street**	E	9.6	Add one SB thru lane
Lakewood at Woodberry	E	29.2	Signalize Intersection* Add EB left lane
Lakewood at Windhorst	E	10.9	Signalize Intersection*
Woodberry at Sand Street**	E	N/A	Signalize Intersection* Add EB RT lane Add WB LT lane Add NB RT lane Add NB LT lane
Parsons at Windhorst	E	8.5	Add NB LT lane Add SB LT lane
Faulkenburg at Woodberry	E	5.8	Signalize Intersection*

\*When warranted by Manual of Traffic Control Devices (MTCD).

\*\*This is a site-related improvement (not to be used in pipelining calculations) which shall be improved by the Developer.

Key: EB - Eastbound    WB - Westbound    SB - Southbound    NB - Northbound

TABLE 2. LINK IMPROVEMENTS NEEDED FOR PHASE IB (1990)

Roadway Link	LOS with Project Prior to Improvement	Development Traffic as a Percent of LOS-D Peak Hour Capacity	Required Improvement
S.R. 60 Sand to Providence *	F	12.7	Construct 8-lane roadway with right turn lanes div
S.R. 60 Providence to Lakewood	F	6.3	Construct 6-lane Divided Arterial
S.R. 60 Lakewood to Kings	F	4.9	Construct 6-lane Divided Arterial
Woodberry Faulkenburg to Sand	D	3.5	Construct 4-lane Divided Collector
Woodberry Sand to Lakewood	F	43.6	Construct 4-lane Divided Collector
C.R. 574 Lakewood to Buffalo	F	6.1	Construct 4-lane Divided Arterial

Key: EB - Eastbound    WB - Westbound    SB - Southbound    NB - Northbound

\*The additional thru lane is beyond the scope of the current FDOT S.R. 60 Design Plans and the MPO Long Range Transportation Plan. The Developer shall seek permission of the FDOT to construct the improvement prior to Phase II. If FDOT does not permit this lane configuration then an alternative means to mitigate the need for this improvement will have to be resolved to the satisfaction of Hillsborough County and FDOT prior to proceeding with Phase II of the project.

TABLE 3. INTERSECTION IMPROVEMENTS NEEDED FOR PHASE II (1993)\*

Intersection	LOS with Project Prior to Improvement	Project Traffic as a Percent of LOS D Peak Hour Capacity	Required Improvement
S.R. 60 at Sand Street	E	13.8	Add SB RT lane Add EB Thru lane Upgrade Signal Control & Display
Lakewood Dr. at C.R. 574	E	5.0	Add EB thru lane, LT lane RT lane Add WB LT lane Add NB LT lane Signalize Intersection***
Lakewood Dr. at Woodberry Rd.	E	40.7	Add NB LT lane Add SB LT lane Add WB LT lane
Parsons Avenue at Windhorst	E	12.0	Add LT lane Add LT lane
S.R. 60 at Providence Rd.	E	14.7	Add NB RT lane Add EB thru lane
Lumsden Ave. at Providence Rd.	E	9.0	Upgrade signal control and display
Lumsden Ave. at John Moore Rd.	E	6.3	Add EB LT lane, thru lane Add WB LT lane and thru l
S.R. 60 at Providence Rd.	E	14.7	Add EB RT lane Add NB RT lane
Lakewood Dr. at Windhorst Rd.	E	16.2	Add SB LT lane Add WB LT lane
Bell Shoals at Lithia Pinecrest	E	6.9	Add NB RT lane Signalize Intersection*** Add SEB RT lane

\*This list assumes that all Phase IB intersection improvements have been completed. If any Phase IB intersection improvement has not been completed, then that intersection improvement is added to the Phase II improvement list.

\*\*The EB improvement is beyond the scope of the current FDOT S.R. 60 Design Plans and the MPO Long Range Transportation Plan. The Developer shall seek the permission of the FDOT to construct the improvement prior to Phase II. If FDOT does not permit this intersection configuration then an alternative means to mitigate the need for this improvement will have to be resolved to the satisfaction of Hillsborough County and FDOT prior to proceeding with Phase II of the project.

\*\*\*When warranted by MUTCD.

Key: EB - Eastbound    WB - Westbound    SB - Southbound    NB - Northbound  
 LT - Left turn    RT - Right turn

TABLE 4. LINK IMPROVEMENTS NEEDED FOR PHASE II (1993)

Roadway Link	LOS with Project Prior to Improvement	Development Traffic as a Percent of LOS D Peak Hour Capacity	Required Improvement
S.R. 60 Providence to Lakewood Dr.	F	9.4	Construct 8-lane Divided Roadway with restricted RT lanes
S.R. 60 Lakewood Dr. to Kings Avenue	F	7.3	Construct 8-lane Divided Roadway with restricted RT lanes
Lumsden Road Providence Road to Kings Avenue	D	5.3	Construct 6-lane Divided Arterial
Faulkenburg Road C.R. 574 to Buffalo Avenue	D	10.8	Construct 4-lane Divided Arterial
Parsons Avenue S.R. 60 to Oakfield Drive	F	5.6	Construct 4-lane Divided Arterial
Parsons Avenue Lumsden to Oakfield Drive	F	6.9	Construct 4-lane Divided Arterial
Parsons Avenue Lumsden to Brooker Road Extension	F	5.4	Construct 4-lane Divided Arterial
Woodberry Road Faulkenburg to Sand Street.	F	9.6	Construct 4-lane Divided Collector
Woodberry Road Sand Street to Lakewood Drive	F	15.2	Construct 4-lane Divided Collector
Lakewood Drive S.R. 60 to Oakfield Drive	F	5.0	Construct 4-lane Divided Collector
C.R. 574 Lakewood Drive to Buffalo Avenue	F	9.0	Construct 4-lane Divided Arterial
Lakewood Drive Woodberry Road to Windhorst	F	39.6	Construct 4-lane Divided Arterial
Windhorst Lakewood Drive to Parsons Avenue	E	30.2	Construct 4-lane Divided Collector
Lumsden Kings to John Moore	F	7.9	Construct 4-lane Divided Arterial
Lumsden John Moore to Bryan	F	7.3	Construct 4-lane Divided Arterial
Providence Lumsden to Bloomingdale	E	8.7	Construct 4-lane Divided Arterial

\*This list assumes that all Phase IB link improvements have been completed. If any Phase IB link improvement has not been completed, then the link improvement is added to the Phase II improvement list.

**Table 5. Programmed Road Improvements Affecting  
Regency Park North**

<b>Facility</b>	<b>Location</b>	<b>Improvements</b>	<b>Year of Construction</b>
<b><u>Link</u></b>			
<b><u>State</u></b>			
SR 60	E. of I-75 to Knight	8LD	1989-1990
<b><u>County</u></b>			
Bloomingtondale Avenue	U.S. 301 to John Moore Road	5LU	1989-1991
Faulkenburg Rd.	CR 574 to SR 574	4LD Urban	1987-1988
Faulkenburg Rd.	SR 60 to CR 574	4LD Urban	1989-1990
Kings Avenue	SR 60 to Lumsden Road	4LD	1986-1987
Lakewood Drive	SR 60 to SR 574	4LD Urban	1988-1990
Lumsden Road	Kings Avenue to Lithia-Pincrest Rd.	4LD Urban	1989-1990
Parsons Avenue	S. of Oakfield Drive to SR 60	5LD Urban	1989-1990
Parsons Avenue	SR 60 to Windhorst Road	5LD Urban	1989-1990
Parsons Avenue	Windhorst Road to SR 574	5LD Urban	1989-1990
<b><u>Intersection</u></b>			
CR 574	Lakewood Drive	Traffic Signal	1986-1987
Lakewood Drive	Windhorst Road	Traffic Signal	1987-1988
Lakewood Drive	Woodberry Road	Traffic Signal	1986-1987

**Key: L - Lane; U - Undivided; D - Divided**

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) The Developer shall design, acquire the needed right-of-way and construct the widening of Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of ~~Lakewood Drive~~ Sand Street herein referred to as the "Required Improvement". The cross section for Woodberry Road shall be as indicated in Figure 1. The Required Improvement shall be designed at least to Hillsborough County minimum standards. If the County determines that it is required to comply with the competitive bidding procedure, then the Developer will comply with the County standards and procedures.

Notwithstanding the above, the Developer shall provide a design concept for the ultimate alignment right-of-way for Woodberry road from and including the intersection of Faulkenburg Road to and including the intersection of ~~Lakewood Drive~~ Sand Street within 30 days of the approval date of the final Development Order. The proposed ultimate cross section for Woodberry Road is indicated in Figure 1. The County shall provide expeditious review of the design concept for the ultimate alignment submitted by the Developer and shall provide written approval within thirty days of submittal of an acceptable alignment. The County shall determine, with input from the Developer and other reviewing agencies, within thirty days of completion of the County review described above, the cross section of Woodberry to be constructed based upon the anticipated fundings by the Developer. The Developer shall provide the County with cost estimates of construction alternatives in sufficient detail to assist the County in making the determination described above. It is understood that the determination by the County will be based upon the Developer's contribution described in paragraph (9).

- (2) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 and 85-24E is approximately one million one hundred thousand dollars (\$1,100,000) for the total development described herein as REGENCY PARK NORTH. The "Fair Share" contribution by the Developer in accordance with Chapter 380.06, Florida Statutes, as calculated by TBRPC is approximately one million five hundred thousand dollars (\$1,500,000).
- (3) The cost of the Required Improvement is approximately ~~two million six hundred thousand dollars (\$2,600,000)~~ two million two hundred thousand dollars (2,200,000).

- (4) The Developer, with design acquisition of right-of-way and the construction of the Required Improvement, is presumed to have satisfied Hillsborough County's right-of-way and roadway impact fees as described in Ordinances 86-4 and 85-24E. In addition, if and when impact fees have been collected by the County for developments along the Required Improvement, the Developer will receive reimbursement at no interest as described in subparagraph (12) from the County in an amount up to the difference of one million five hundred thousand dollars (\$1,500,000) and the actual cost and expenses incurred by the Developer in the acquisition of right-of-way, design, and construction of said Required Improvement.\*
- (5) Subject to acts of God, necessary governmental permits and approvals, or occurrences beyond Developer's control, Developer agrees to construct the Required Improvement and shall complete same no later than ~~36~~ 39 months from the date of final approval of this Development Order. Design of the Required Improvement shall be completed with the first ~~12~~ 21 months. Right-of-way acquisition shall be completed with the second ~~12~~ 8 months. Construction shall be completed with the final ~~12~~ 10 months. The Developer may proceed with and may obtain Certificates of Occupancy for Phase IA of development described in Section IV above during the initial ~~36~~ 39 month period provided that the above schedule is maintained. Should the Developer fail to meet the above schedules, with regard to design, acquisition of right-of-way and construction, issuance of further building permits and/or Certificates of Occupancy may be withheld.
- (6) The Developer agrees to use due diligence to design and identify right-of-way needs, acquire the right-of-way and construction of the Required Improvement.
- (7) If the Required Improvement has not been constructed within the ~~36~~ 39 month period, and after concurrence from TBRPC, the County shall require the Developer to provide the County, if required by the County, a bond or Letter of Credit in the full amount of the cost of the uncompleted portion of the Required Improvement. The County shall determine the reasonable amount of the Letter of Credit required from the Developer. The County shall draw down on the Bond or on the Letter of Credit for completion of the Required Improvement and shall complete the Required Improvement within the time frames established in paragraph B.C.3(5).
- (8) If the cost of the Required Improvement is estimated at, any time by the Developer to exceed ~~two million six hundred thousand dollars (\$2,600,000)~~ two million two hundred thousand dollars (\$2,200,000), the Developer shall have the right and option of requesting a review and reconsideration by the County, FDOT and other reviewing agencies of the transportation assessment obligations of this Development Order. Any change to the pipelining project or transportation assessment obligations agreed to by the County and other review agencies shall be accomplished through an amendment to the Development Order.

\* However, reimbursement by the County (transportation impact fee credit, plus reimbursement as described herein) shall not exceed \$2,200,000.

- (9) The right-of-way required on Woodberry Road to design and construct the Required Improvement varies from ~~80 to 100 feet~~ 66 to 80 feet of right-of-way as required to construct the cross section as described in Figure 1. There presently exists approximately 40 to 60 feet of right-of-way on Woodberry Road any right-of-way needed for the Required Improvement which is not under public control shall be purchased by the Developer. The County shall assist in right-of-way acquisition by use of its eminent domain powers, but shall not fund the purchase. The Developer shall make its best efforts to work with off-site right-of-way property owners to expeditiously obtain right-of-way dedications.
- (10) As soon as feasible, the Developer shall provide the County with the right-of-way required along Woodberry Road. The County will use its best efforts through County Ordinance 86-4 to reserve the right-of-way required for the Required Improvement to Woodberry Road.
- (11) The County agrees to establish a Trust Account to provide for reimbursement of a portion or all of the costs of Required Improvements that exceed one million five hundred thousand dollars (\$1,500,000) as described in paragraph (4) above.
- (12) The County agrees to deposit in said Trust Account all right-of-way assessments as described in subparagraph (4) above and transportation impact assessments collected by the County in accordance with County Ordinance for future developments adjacent to the Woodberry Road Required Improvement for the period of ~~ten (10)~~ five (5) years beginning with the effective date of this Development Order.
- (13) All funds deposited by the County in the REGENCY PARK NORTH reimbursement Trust Account shall be payable quarterly to the Developer. The County shall provide the Developer quarterly with a list of all building permits and Certificates of Occupancy issued by the County in the area described above.
- (3) The applicant or its assigns shall prepare and implement a Transportation System Management (TSM) program by the end of Phase IA. A TSM program shall be developed in cooperation with FDOT, Hillsborough County, the Tampa Urban Area MPO, HART and TBRPC. This program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ridesharing by public and private sector employees.

**OBJECTIVES:**

- \* Increase urban area peak automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
- \* Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995".

A yearly assessment of the actual achievement of vehicle trips diverted during the P.M. peak hour as a result of TSM measures shall be documented in every annual report after issuance of Certificates of Occupancy for 235,000 square feet of office space or the equivalent thereof. The results of the TSM study may serve as a basis for the Developer to request Development Order Amendments.

4. A pedestrian circulation system and a bicycle circulation system plan shall be provided within the project and approved by the MPO. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into REGENCY PARK NORTH. No detailed site plans shall be approved which do not indicate these systems.
5. Pending the completion of the special FDOT study of I-75, FDOT desires to maintain a level of service (LOS) C peak hour on the I-75 interchange ramps to avoid prejudicing the study's recommendations. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on intersecting roadways) to the I-75 system will be approved prior to the completion of this special study.

If, during the study period, the LOS C peak hour threshold will exceed on the ramps of the I-75/S.R. 60 interchange, the Developer ma , as its expense, utilize ramp metering or other improvements acceptable to FDOT to preserve the LOS Peak hour service level. Building permits will not be issued if ramp metering or such other improvements (which can be demonstrated by means of a new traffic analysis to maintain level of service "C" peak hours) are not permitted by the Federal Highway Administration and said alternative improvements are not approved and funded prior to the commencement of construction within any phase in which impacts require mitigation.

To enable the County and FDOT to ascertain compliance with this Condition, the Developer shall submit to the County and FDOT a semi-annual LOS Operational Analysis of all ramps at the I-75/S.R. 60 interchange.

interchange. The LOS Operational Analysis shall contain a p.m. peak hour analysis of the level of service of the merge/diverge point, mid-ramp section and ramp junction at the arterial street for existing conditions and conditions projected 6 months from the submission date of the analysis. The technical analysis shall be conducted using generally accepted traffic engineering standards and procedures. The submission dates, scope and content of the Operational Analysis will be approved by the County and FDOT prior to the issuance of the first Certificate of Occupancy.

If, after an evaluation of such an Operational Analysis, the review by the County and FDOT indicates that the LOS C peak hour threshold will be exceeded for any ramp of the I-75/S.R. 60 interchange as a result of the Development's traffic prior to the submission of the next Operational Analysis, and the Development's traffic contributes more than five percent (5%) to the traffic volume, the County will determine whether to continue issuing building permits and will notify the Developer of this determination in writing. If the LOS C peak hour threshold is projected to be exceeded for the ramps prior to submission of the next Operational Analysis, the Developer shall have the opportunity to submit evidence to both the County and FDOT to demonstrate that Development traffic, as identified in an Operational Analysis, does not contribute more than five percent to the ramps' traffic volume, or evidence as to improvements that will mitigate the project's impacts, under either of which conditions the County shall not, by reason of this Section cease the issuing of building permits for the Development.

This condition shall be in effect for the duration of the FDOT study period or for twenty two months from the date of issuance of this Development Order, whichever is earlier.

6. Any future signal timing changes at the S.R. 60/Sand Street or any future signal at the S.R. 60/east project intersections shall be approved by FDOT prior to implementation.
7. Concurrent with the construction of a northbound approach to the intersection of S.R. 60/Sand Street or no later than the issuance of the final Certificate of Zoning Compliance for Phase IA of REGENCY PARK NORTH, the Developer shall construct a southbound thru lane at the intersection of S.R. 60 and Sand Street and make any and all modifications to the existing traffic signal that may be required as a result of the additional lane as permitted by FDOT.
8. The intersection improvement of S.R. 60 at Sand Street referred to in Section IV.B.2 Table 3 shall be constructed by the Developer subject to the following: since the EB improvement may be beyond the scope of the current FDOT S.R. 60 Design Plans and the MPO Long Range Transportation Plan. The Developer shall seek permission of the FDOT to construct the improvement prior to Phase II. If FDOT does not permit this lane configuration then an alternative means to mitigate the need for this improvement will have to be resolved to the satisfaction of Hillsborough County prior to proceeding with Phase II of the project.

#### C. Air Quality/Wind and Water Erosion

1. If any proposed change is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analyses and the Developer shall take remedial measures as required by Hillsborough County.
2. The Developer shall undertake the measures referenced on page 13-5 and 14-4 of the Revised ADA at a minimum to reduce erosion, fugitive dust and other adverse air emissions during all phases of development.

D. Soils

1. The Developer shall ensure that measures used to overcome the on-site soils limitations shall include but not be limited to those discussed on page 14-4 of the ADA.
2. Sub-surface soils investigations and foundations studies shall be carried out for each building prior to construction. Foundations shall be constructed in accordance with the recommendations of those studies and as required by the County's Building Department.

E. Stormwater Management and Water Quality

1. In order to protect water quality in the Delaney Creek and Lake Gornto Watersheds, there shall be no degradation of water quality standards from stormwater exiting the site. The Developers shall comply with all Department of Environmental Regulation (DER) and South West Florida Water Management District (SWFWMD) permitting requirements and specifically with Chapter 17-3, F.A.C. Any violation of Chapter 17-3, Florida Administrative Code (F.A.C.) shall require corrective measures as set forth by DER. The following shall apply:
  - (a) Sampling locations, parameters and frequencies shall be determined in cooperation with Hillsborough County, FDER, SWFWMD and TBRPC.
  - (b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with FDER Quality Control Standards and Requirements and be completed by and FDER certified laboratory.
  - (c) The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD, bi-annually until project buildout. Should the monitoring indicate that applicable State water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) of the project where the violation occurred shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.
2. Prior to the issuance of any building permits the Final Drainage Plan and drainage calculations shall be submitted to TBRPC and DER for review and to Hillsborough County and SWFWMD for approval. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive.
3. The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, F.A.C., and 40-D-4 Rules of SWFWMD and shall be consistent with Map G-2 of the Revised ADA. Treatment shall be provided by biological filtration, wherever feasible.
4. Due to the "volume sensitive" nature of Delaney Creek, the drainage design for REGENCY PARK NORTH must satisfy the following criteria from the 1986 Delaney Creek Stormwater Master Plan, ES-7 and ES-8 by Ghioto, Sinjhofen and Associates, Inc.:
  - a. Compensating storage must be provided for any encroachment into the 100-year flood plain.
  - b. The peak rate of discharge resulting from the 100-year 24-hour storm under post-development conditions must not exceed the pre-development peak rate of runoff from the 10-year 24-hour storm.

- c. The volume of runoff discharged from the 100-year 24-hour storm under post development conditions must not exceed that amount of runoff produced from the development 100-year 24-hour storm.
5. The Developer shall give all necessary drainage easements or rights-of-way as required by the County's Stormwater Management Department, in accordance with applicable regulations, prior to Master Drainage Plan approval.
6. The Developer shall operate and maintain on-site drainage facilities unless otherwise requested by the County's Stormwater Management Department.
7. In order to protect water quality the Developer shall implement a vacuum street cleaning program for the parking and private roadway areas within the development.
8. No habitable structures shall be allowed in the designated 25-year floodplain unless provisions are made to compensate for reduction in natural storage area caused by the development. Elevations for all habitable structures shall be at or above the 100-year flood elevation.
9. All drainage facilities within the confines of this project and all drainage facilities outside the confines necessary for the proper functioning of this project are to be improved by the Developer where necessary.

F. Open Space

1. In order to protect the natural values of preserved/ conserved wetland areas, the following shall be required:
  - a. Except as otherwise permitted by agencies having jurisdiction:
    - (1) No hydroperiod alteration shall be permitted in conservation or preservation areas identified on the Master Development Plan.
    - (2) No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to approved stormwater management outfall structures and boardwalks.
2. All mitigation areas and littoral shelves shall be monitored in accordance with the requirements of the agency or agencies issuing the permit for such mitigation.
3. All wetland losses shall require a minimum of 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with wetlands being disturbed.
4. In the event that any species listed in Sections 39-27.83-.85, F.A.C. are observed frequenting the site for nesting, feeding, or breeding, proper mitigation measures shall be employed by the Developer in cooperation with the Florida Game and Fresh Water Fish Commission.
5. The land use designations for those portions of the REGENCY PARK NORTH site which meet the definition of preservation and conservation areas, as defined in the Regional Planning Council's adopted growth policy, Future of the Region, Section 10.1.2 and 10.3.1. shall be as designated on the revised General Development Plan submitted to Hillsborough County.
6. Representative tracts of mesic hammock, xeric oak and pine communities listed on page 18-1 of the Revised ADA shall be preserved on site in a contiguous manner which will ensure their continued natural function and value. These natural plant communities shall be identified and preserved pursuant to the Hillsborough County Land Alteration and Landscaping Ord. 87-02, Sec. 4 prior to commercial site plan/construction approval.

7. The Developer shall be responsible for maintaining all landscaped and open space areas within the project site other than those for which Hillsborough County has assumed maintenance responsibilities.

G. Public Facilities

1. Prior to or simultaneous with construction plan or commercial site plan approval for Phases IA, IB and II of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service REGENCY PARK NORTH. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.
2. Prior to or simultaneous with construction plan or commercial site plan approval for each phase of the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No Zoning Compliance Permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve the project is available.
3. Prior to construction plan approval for the development, the Developer shall provide documentation to the Department of Development Review a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
4. Prior to issuance of Certificates of Zoning Compliance approval for Phases IA, IB and II of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services, solid waste disposal, electricity, fire, emergency medical services and police capabilities and facilities are available to service the development.
5. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or Department of Water and Wastewater Utilities take-back policy in effect prior to detailed site plan approval.
6. Concurrent with issuance of the first Certificate of Occupancy, the Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall submit a plan to Hillsborough County and the TERPC for using non-potable water for irrigation in the first annual report following issuance for the first Certificate of Occupancy. The lowest quality water available shall be used for irrigation.
7. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
8. The Developer shall be responsible for maintenance and operation of any on-site wells. There shall be no utilization or construction of any on-site wells as a source of potable water unless approved by Hillsborough County and appropriate reviewing agencies.
9. Septic tanks shall not be permitted for use on-site.

H. Hazardous Waste

1. Prior to the issuance of Zoning Compliance Permits, the Developer shall, if not in conflict with Hillsborough County plans and policies, and only as required to accommodate hazardous waste generators in the project (if

any) provide separate hazardous waste storage areas within the project. These areas shall be accessible to all businesses and shall be 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 F.S. 403.703(21), F.S., and listed in Title 40 CFR Part 261), as amended.

2. The Developer shall, notify in writing, all project businesses of the location of the specially-designated hazardous waste and materials containers.
3. Surface impoundments of hazardous waste, hazardous waste piles, land treatment of hazardous waste, landfills and underground storage of hazardous materials shall be prohibited.
4. Large quantity generators of hazardous substances as defined by applicable Federal and State regulations, shall implement a site-specific surficial aquifer monitoring program as required by Hillsborough County, Hillsborough County Environmental Protection Commission (EPC) and DER. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle hazardous wastes, to minimize hazards to human health and the environment. The plans shall describe the procedures and actions required of facility personnel as well as the duties of local EMS/fire and police departments and hospitals. The plan shall be included in the first annual report following occupancy within the park.
5. All temporary hazardous waste storage facilities shall meet applicable federal, state and local laws, rules and regulations, and where appropriate the criteria set forth in Sections 3.913(a), (d) and (e), TERPC's, Future of the Region.
6. Small quantity generators as defined by applicable Federal and State regulations, should obtain United State Environmental Protection Agency (USEPA) identification numbers.
7. The Developer shall provide the following information through restrictive lease agreement or covenants to all Regency Park North development businesses that:
  - a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas; and
  - b. Describes construction requirements for hazardous waste holding areas; and
  - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

#### I. Hurricane Evacuation

1. The Developer shall coordinate with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the American Red Cross, as to the feasibility of designating buildings within the REGENCY PARK NORTH development as public hurricane evacuation centers to shelter the residents of vulnerable areas. A report on the outcome of these discussions shall be submitted in the first annual report prior to issuances of Certificates of Occupancy for the project.
2. The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan to ensure that safe and orderly evacuation of residents and employees when a Level C, D or E evacuation order, (as appropriate), is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2)

informing all residents and employees of evacuation routes out of the flood prone area and measures to be fulfilled in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report.

**J. Energy Conservation**

1. The energy conservation measures referenced on page 25-4 of the Revised ADA shall be complied with by the Developer. The following energy conservation measures shall also be encouraged by the Developer or his assigns: for the office, commercial, hotel and multifamily residential components of REGENCY PARK NORTH:
  - a. The institution of programs to promote energy conservation by employees, buyers, suppliers and the public.
  - b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
  - c. Recycling programs.
  - d. The use of energy-efficient cooling, heating and lighting system.
  - e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
  - f. Use of the most energy efficient technology economically feasible in the construction and operation of the project's facilities.
  - g. Use of landscaping and retention of existing vegetation as a means for energy conservation.

**K. Equal Opportunity**

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

**L. Historical or Archaeological Resources**

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

**M. General**

1. Any approval of the REGENCY PARK NORTH development shall at minimum, satisfy the provisions of subsection 380.06(15), Florida Statutes, as amended.
2. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superceded by specific terms of the Development Order.
3. The Developer shall encourage programs by employers to provide child care facilities at the place of employment or as a cooperative effort off-site.

STATE OF FLORIDA )  
 )  
COUNTY OF HILLSBOROUGH )

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of April 26, 1988, as same appears of record in Minute Book 143 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd day of May, 1988

RICHARD AKE, CLERK

By: Edna L. Fitzpatrick  
Deputy Clerk

APPROVED BY (COUNTY ATTORNEY)  
BY Walter L. Bly  
Approved As To Form and  
Legal Sufficiency.



POST, BUCKLEY, SCHUH & JERNIGAN, INC.

2461 INTERCOASTAL ROAD, SUITE 1  
CLEARWATER, FLORIDA 34625-3012  
813/794-1272  
TELEX 809439

AFFIDAVIT

State of Florida  
County of Hillsborough

Before me the undersigned authority personally appeared Allen S. Murphy, as the authorized representative of the Regency Group, who being first duly sworn, deposes and says that to the best of his knowledge and belief:

1. That the Regency Group was the applicant for DRI No. 131 in Hillsborough County, also known as the Regency Park North DRI;
2. That on February 17, 1987, copies of the Revised Regency Park North Application for Development Approval ("ADA") were either hand delivered or sent by certified mail to the parties set forth on the list attached hereto as Exhibit "A";
3. That on February 17, 1987, copies of the Revised Regency Park North DRI Response to Preliminary Assessment were transmitted to the parties set forth on the list attached hereto as Exhibit "A";
4. That on May 7, 1987, copies of the first Regency Park North DRI Response to Preliminary Assessment of the revised DRI/ADA and Revised Response to Preliminary Assessment were transmitted to the parties set forth on the list attached hereto as Exhibit "A";
5. That on November 23, 1987, copies of the Revised Transportation Analysis were transmitted to the appropriate parties set forth on the list attached hereto as Exhibit "A"; and,
6. That I the undersigned authority, hereby certify that the foregoing is true and correct.

THE REGENCY GROUP

By: Allen S. Murphy  
Allen S. Murphy  
Authorized Agent

Sworn and subscribed before me this 23rd day of May, 1988.

Barbara L. Ott  
Notary Public State of Florida

My Commission Expires: NOTARY PUBLIC STATE OF FLORIDA  
BY COMMISSION EXP. NOV 18, 1988  
BONDED WITH GENERAL INS. UND.

Also sent to the following:

Mr. W.H. Holmes, P.E.  
District Planning Engineer  
Florida Department of Transportation  
Attn: Greg Czerepak  
P.O. Box 1249  
Bartow, Florida 33830-1249

Mr. Howard Glassman  
Florida Department of Transportation  
Mail Station 28  
605 Suwannee Street  
Tallahassee, Florida 32301

Ms. Marianne G. Korosy  
ORI Coordinator  
Department of Environmental Regulation  
7601 Highway 301 North  
Tampa, Florida 33610

Mr. George W. Percy, State Historic  
Preservation Officer  
Chief, Bureau of Historic Preservation  
Division of Archives, History and Records Management  
Department of State  
The Capitol  
Tallahassee, Florida 32301

Mr. Brian Barnett  
Environmental Services Office  
Game and Fresh Water Fish Commission  
P.O. Box 1840  
Vero Beach, Florida 32961-1840

Mr. Steve Minnis  
Planning and Program Development Division  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 33512-9712

Mr. William Howell  
Bureau of Biological and Interpretive Services  
Department of Natural Resources  
3900 Commonwealth Boulevard, Room 508  
Tallahassee, Florida 32303

Mr. Dennis Harmon  
Bureau of Economic Analysis  
Department of Commerce  
Collins Building  
Tallahassee, Florida 32304

Mr. Mike Allen  
Office of Environmental Services  
Florida Game and Freshwater Fish Commission  
620 South Meridian  
Tallahassee, Florida 32301

Mr. James Murley, Chief  
Attn: Mr. Ed Lehman  
Department of Community Affairs  
Division of Local Resource Management  
2571 Executive Center Circle, E.  
Tallahassee, Florida 32301

Mr. Frank Mohr, Area Engineer  
Corps of Engineers  
P.O. Box 19247  
Tampa, Florida 33686

Mr. Connor Davis  
Marine Fisheries Commission  
2562 Executive Center Circle, E.  
Suite 211  
Tallahassee, Florida 32301

Mr. Ronald Short, Executive Director  
Hillsborough County City-County Planning Commission  
P.O. Box 1110  
Tampa, Florida 33601

Mr. Joseph Kubicki  
Tampa Urban Area Transit Study (MPO)  
P.O. Box 1110  
Tampa, Florida 33602

Ms. Irene Silver, Chairman  
Hillsborough County City-County Planning Commission  
P.O. Box 1110  
Tampa, Florida 33601

Mr. Roger Stewart  
Hillsborough County Environmental Protection Commission  
1900 Ninth Avenue  
Tampa, Florida 33605

Ms. Susan Swift  
Land Development Coordination  
Dept. of Housing, Inspections  
& Community Services (HICS)  
306 E. Jackson Street  
Tampa, Florida 33602

Mr. Cliff Hayden  
Hillsborough Area Regional Transit  
4305 21st Avenue  
Tampa, Florida 33605

Mr. Gene Heath, General Manager  
West Coast Regional Water Supply Authority  
2535 Landmark Drive, Suite 211  
Clearwater, Florida 33519

Mr. William Saalman, III  
Soil Conservation Service  
USDA U.S. Department of Agriculture  
5539 SR 579  
Seffner, Florida 33584

Mr. Richard Adair  
Florida Department of Transportation  
4950 West Kennedy Boulevard  
Suite 404  
Tampa, Florida 33609

Mr. A. J. Salem  
Planning Division  
U.S. Army Corps of Engineers  
P. O. Box 4970  
Jacksonville, Florida 32232-0019

H7:ZZ

AFFIDAVIT

State of Florida  
County of Hillsborough

Before me the undersigned authority personally appeared A.C. Skinner, III, as the authorized representative of the Regency Group, who being first duly sworn, deposes and says that to the best of his knowledge and belief:

1. That the Regency Group was the applicant for DRI No. 131 in Hillsborough County, also know as the Regency Park North DRI;
2. That on February 17, 1987, copies of the Revised Regency Park North Application for Development Approval ("ADA") were either hand delivered or sent by certified mail to the parties set forth on the list attached hereto as Exhibit "A";
3. That on February 17, 1987, copies of the Revised Regency Park North DRI Response to Preliminary Assessment were transmitted to the parties set forth on the list attached hereto as Exhibit "A";
4. That on May 7, 1987, copies of the first Regency Park North DRI Response to Preliminary Assessment of the revised DRI/ADA and Revised Response to Preliminary Assessment were transmitted to the parties set forth on the list attached hereto as Exhibit "A";
5. That on November 23, 1987, copies of the Revised Transportation Analysis were transmitted to the parties set forth on the list attached hereto as Exhibit "A"; and,
6. That I the undersigned authority, hereby certify that the foregoing is true and correct.

THE REGENCY GROUP

By: *A.C. Skinner*

A.C. Skinner, III  
Authorized Agent

Sworn and subscribed before me this 20 day of May, 1988.

*Karen J. Osborne*  
Notary Public State of Florida

My Commission Expires:

NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires June 11, 1991

# ATTACHMENT 1

## DRI # 131, REGENCY PARK NORTH

### DEVELOPER COMMITMENTS

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

#### GENERAL PROJECT

1. Access to the project will be as shown on the Revised Map H. (12-4, ADA)
2. Parking requirements will meet or exceed the parking requirements of the Hillsborough County Zoning Code. (12-4, ADA)

#### ENVIRONMENTAL AND NATURAL RESOURCES

##### Air

1. Parking areas will be designed to minimize excessive queuing and delays. (13-5, ADA)
2. Land clearing and land alteration activities will be carried out in accordance with the Hillsborough County Land Alteration and Landscaping Ordinance to minimize dust emissions. (13-5, ADA)

##### Land

1. Appropriate measures will be employed pursuant to applicable Hillsborough County requirements to minimize wind and water erosion. (14-4, ADA)

##### Water

1. Stormwater detention facilities will be designed in accordance with and approved by Southwest Florida Water Management District and Hillsborough County. (15-4, ADA)
2. Filtration systems will be used where needed prior to discharge of stormwater. (15-5, ADA)

##### Wetlands

1. Proposed alterations to Hillsborough County Environmental Protection Commission jurisdictional wetlands will be approved by and mitigated as required by that agency. (16-2, ADA)

#### Water Supply

1. Installation of water saving devices will comply with applicable building codes. (23-1, SR)
2. The applicant or its assigns will maintain on-site water supply systems (23-2, SR)

#### Solid Waste

1. Separation of hazardous waste will comply with appropriate state regulations. (24-1, SR)

#### Recreation and Open Space

1. "An estimated 30 percent of the site is planned as common open space. Additional landscaped green area will be incorporated within individual development sites. The multifamily residential area will include internal recreation facilities common to apartment and townhouse projects." (27-1, ADA)
2. As required by zoning code, a minimum of 42 acres of open space must be provided. This open space could include wetlands, retention ponds and landscaped areas. The applicant intends to include upland areas where feasible as part of the open space. The developer intends to provide pedestrian/bicycle paths and passive recreation areas. The developer or its assigns will be responsible for the maintenance of recreation and open space. Maintenance of the multifamily residential areas will either be the responsibility of the developer or homeowner's associations." (27-1, SR)
3. The multi-family and office/hotel areas will have approximately 25 percent of their areas as open space. (11 & 12-6, SR)

#### Fire

1. The applicant will commit to contributing his fair share towards fire fighting personnel, if it is determined that additional personnel and equipment are required to satisfy the development's needs and sufficient tax dollars are not provided by the assessments to this property in future uses. (30-1, SR)
2. Building heights will comply with applicable zoning code restrictions. (30-1, SR)

#### Transportation

1. "The developer is committed to working with HART to provide attractive transit service to the development. The effort to make transit service available to Regency Park will be done in concert with a similar effort for the adjacent retail center." (27, TA)

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



CERTIFIED MAIL

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

July 5, 1988

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

Attn: Suzanne Cooper

Re: Notice of Corrections  
Regency Park North DRI #131

Dear Ms. Cooper:

Enclosed please find a copy of the referenced Notice of Corrections to the Development Order for the Regency Park North DRI #131.

A copy of the Development Order (Resolution No. R88-0131) was sent to Ms. Julia Greene on May 24, 1988.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick  
Edna L. Fitzpatrick  
Deputy Clerk

ELF/lt

cc: Board files  
State of Florida Dept. of Community Affairs  
A.C. Skinner, III, The Regency Group  
Raul Quintana, Senior Planner, Planning & Zoning

Enclosure

NOTICE OF CORRECTIONS TO THE DEVELOPMENT ORDER  
for Regency Park North DRI #131

The following is a clarification of errors and omissions (mostly typographical) in the Development Order for Regency Park North, Resolution No. R88-0131:

Page 4, Condition A.1. The reference to 150 hotel rooms for Phase IB shall be deleted.

Page 5, Condition A.3. The reference to Subparagraph B.2.c.3(1): shall read B.1.c(1).

Page 8, Table 1. Footnote \* shall read: When warranted by Manual of Uniform Traffic Control Devices(MUTCD).

Page 10, Table 3. The footnote reference \*\* shall be shown in the table for the improvements at S.R. 60 at Sand Street, and S.R. 60 at Providence Road.

Page II, Table 4. The footnote reference \* shall be shown after the heading: Link Improvements Needed for Phase II(1993)\*

Page 14, B.I.c.(1). The second paragraph, "Notwithstanding"...shall be one word.

Page 17, Condition B.8. The first two sentences shall be combined to read: "since the EB improvement may be beyond the scope of the current FDOT S.R. 60 Design Plans and the MPO Long Range Transportation Plan, the Developer shall seek permission of the FDOT to construct the improvement prior to Phase II."

Page 19, Condition E.4.C The condition should state "...that amount of runoff from the predevelopment 100-year storm."

Page 19, Condition F.4. The reference to "Section 39-27.83-.85,F.A.C." shall be 39-27.003-.005, F.A.C.

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



CERTIFIED MAIL

May 24, 1988

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

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

Attn: Julia Greene  
Executive Director

Re: Resolution No. R88-0131 - DRI #131 Development Order  
Regency Park North

Dear Ms. Greene:

Enclosed please find an executed copy of the subject Resolution regarding Regency Park North DRI #131 which we are providing for your official files.

Resolution R88-0131 was adopted by the Hillsborough County Board of County Commissioners on April 26, 1988.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick  
Edna L. Fitzpatrick  
Deputy Clerk

ELF/lt

cc: Board files (orig.)  
State of Florida Dept. of Community Affairs  
Chip Skinner, Regency Group  
Ron Mastriana, Attorney  
Debbie Bischoff, Sr. Planner, Planning & Zoning Dept.

Enclosure

Resolution No. R88-0131

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
DRI #131 DEVELOPMENT ORDER  
REGENCY PARK NORTH

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

**WHEREAS**, in July, 1986, The Regency Group, filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, said Application proposed construction of a MIXED USE PROJECT on approximately ONE HUNDRED AND NINETEEN AND ONE-HALF ACRES, located in CENTRAL Hillsborough County, hereinafter referred to as REGENCY PARK NORTH, and

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

**WHEREAS**, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

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

**WHEREAS**, the Zoning Hearing Master appointed pursuant to Zoning Code of Hillsborough County (Ordinance 85-10), has reviewed the Application for Development Approval and has filed a recommendation on said Application with the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners of Hillsborough County has on April 26, 1988 held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

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

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

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 26th DAY OF April, 1988, AS FOLLOWS:**

I. FINDINGS OF FACT

- A. The Regency Group, hereinafter referred to as "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Responses which are attached hereto and marked "Composite Exhibit A" and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development Approval, Sufficiency Responses and other exhibits duly submitted and recorded.
- B. The real property which is the subject of the Application is legally described as set forth in Composite Exhibit A.
- C. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

- D. All development will occur in accordance with this Development Order and Application.
- E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies.

## II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Composite Exhibit A, the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:
  - 1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted 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 recommendation of the Tampa Bay Regional Planning Council.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(14), Florida Statutes.
- C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the Application.
- D. The Application for Development Approval is approved subject to all terms and conditions of this Development Order.
- E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as combination of LOW MEDIUM DENSITY RESIDENTIAL, RESEARCH CORPORATE PARK AND REGIONAL COMMERCIAL.

## III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of Hillsborough County in response to the Application for Development Approval for the REGENCY PARK NORTH Development of Regional Impact.
- B. The legal description set forth in Composite Exhibit A is hereby incorporated into and by reference made a part of this Development Order.
- C. All provisions contained within the Application and Sufficiency Responses marked "Composite Exhibit A" shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- D. The definitions contained in Chapter 380, Florida Statutes shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developer and his 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 include any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.

- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at REGENCY PARK NORTH, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.
- I. Development activity constituting a substantial deviation from the terms or conditions of this Development Order as defined by the criteria of Ch. 380.06(19)(b) or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Fla. Stats., and may result in Hillsborough County ordering a termination of development activity pending such review.
- J. The County Administrator of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the County Administrator may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The County Administrator shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the County Administrator may issue a notice of such noncompliance to the Developer, or the County Administrator may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of Community Affairs Form BLWM-07-85 as amended. Such report shall be due on the anniversary of the effective date of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioner's hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:
1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and

2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
  3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and
  4. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order.
  5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.
- M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes (1986).

#### IV. SPECIFIC CONDITIONS

##### A. Phasing Schedule and Deadlines

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

<u>Years</u>	<u>Use</u>	<u>Amount</u> (gross sq. ft.)
Phase IA* (1988-89)	Office	235,000
	Multi-family	300 units
	Commercial	10,000
	Hotel	150 rooms
Phase IB (1989-90)	Office	140,000
	Multi-family	300 units
	Commercial	15,000
	Hotel	150 rooms
Phase II (1990-93)	Office	300,000
	Commercial	<u>25,000</u>
<u>Total Project</u>	Office	675,000
	Commercial	50,000
	Hotel	150 rooms
	Multi-family	
	Residential	600 units**

\* The square footage permitted for Phase IA is based on 56% of the total p.m. peak hour trips for Phase I (Phases IA plus IB) being allowed to impact the roadway system.

\*\* Or such lesser number as may be required by the conditions of rezoning.

2. The Developer may adjust the amount of uses for Phase IA on the conditions that the total p.m. peak hour trips do not exceed 56% of total Phase I p.m. peak hour trips. In this instance the following equivalency relationship shall be used:

<u>Outbound Site Trips</u>	<u>Equivalent Development</u> (adjusted for internal capture)	<u>Land Use</u>
1	665 square feet	Office
1	6.4 units	Residential
1	471 square feet	Retail
1	3.5 rooms	Hotel

3. No Certificates of Occupancy shall be issued beyond Phase IA until the pipeline option (the "Required Improvement" referred to in subparagraph B.2.c.3(1) hereunder) is complete or until S.R. 60 from east of Sand Street to Knights Avenue is constructed as an 8-lane divided roadway with restricted right turn lanes.
4. For purposes of this Order, a phase shall be considered complete upon issuance of the Certificate of Occupancy for the phase. Development of Phases IA, IB and II may occur anywhere on the site.
5. If the Developer elects to amend the proposed phasing schedule, he shall submit said amendments to the County for review and approval, as required by law, which approval shall not be withheld for mere acceleration or deceleration of phases if the terms of this Order are otherwise fully complied with. Any significant departure in project buildout from the phasing schedule set forth in the Revised Master Plan (Exhibit 12-1, Revised Application For Development Approval) or from the parameters set forth in the phasing schedule (Table 12-1, Revised Application For Development Approval) shall be subject to a substantial deviation pursuant to Chapter 380.06(19), Florida Statutes as amended.
6. Excess infrastructure capacity constructed to serve Phase IA and IB that will potentially serve Phase II shall be at the Developer's risk and shall not vest latter phase development rights.
7. The physical development of REGENCY PARK NORTH shall begin within three years of the effective date of this Development Order.
8. This Development Order shall remain in effect for a period up to and including May 1, 1998.
9. The development shall not be subject to down-zoning, or intensity reduction until May 1, 1998, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the development order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

B. Transportation

1. The Developer at its option, shall select one of the following alternatives to mitigate the project's transportation impacts.
  - a. Option 1
    - (1) Prior to approval of Phase IB of the development, acquire funding commitments from responsible entities for the roadway improvements indicated in Table 1 and Table 2. Without funding commitments for these improvements, construction permits shall not be issued for Phase IB.

factors in any subsequent approvals. Accordingly, the Developer shall generate and provide Hillsborough County, the Metropolitan Planning Organization (MPO), the FDOT and the TBRPC, pursuant to the provisions of Section 380.06, Florida Statutes, with updated current traffic counts on the above roadways and projections of traffic volumes that will result from the completion of the currently approved project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the roadways and intersections at a satisfactory Level of Service D at peak hour. Both the traffic counts and the projection of traffic volume shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval beyond the initial partial approval, the County or its designee shall ensure in written findings of fact that the above roadways and intersections are operating at or above an Level of Service D at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below Level of Service D at peak hour.

- (2) The Developer shall institute an annual monitoring program which will record driveway volumes in the evening peak hour and shall be started when the final Certificates of Occupancy have been issued for Phase IA and continue until build-out. If the driveway volumes exceed more than 15 percent of those projected for peak hour in the Application for each phase, the Developer shall comply with subsection 380.06(19), Florida Statutes.

TABLE 1. INTERSECTION IMPROVEMENTS NEEDED FOR PHASE IB (1990)

Intersection	LOS with Project Prior to Improvement	Project Traffic as a Percent of LOS D Peak Hour Capacity	Required Improvement
S.R. 60 at Sand Street**	E	9.6	Add one SB thru lane
Lakewood at Woodberry	E	29.2	Signalize Intersection* Add EB left lane
Lakewood at Windhorst	E	10.9	Signalize Intersection*
Woodberry at Sand Street**	E	N/A	Signalize Intersection* Add EB RT lane Add WB LT lane Add NB RT lane Add NB LT lane
Parsons at Windhorst	E	8.5	Add NB LT lane Add SB LT lane
Faulkenburg at Woodberry	E	5.8	Signalize Intersection*

\*When warranted by Manual of Traffic Control Devices (MUTCD).

\*\*This is a site related improvement (not to be used in pipelining calculations) which shall be improved by the Developer.

Key: EB - Eastbound    WB - Westbound    SB - Southbound    NB - Northbound

TABLE 2. LINK IMPROVEMENTS NEEDED FOR PHASE IB (1990)

Roadway Link	LOS with Project Prior to Improvement	Development Traffic as a Percent of LOS D Peak Hour Capacity	Required Improvement
S.R. 60 Sand to Providence *	F	12.7	Construct 8-lane roadway with right turn lanes divid
S.R. 60 Providence to Lakewood	F	6.3	Construct 6-lane Divided Arterial
S.R. 60 Lakewood to Kings	F	4.9	Construct 6-lane Divided Arterial
Woodberry Faulkenburg to Sand	D	8.5	Construct 4-lane Divided Collector
Woodberry Sand to Lakewood	F	43.6	Construct 4-lane Divided Collector
C.R. 574 Lakewood to Buffalo	F	6.1	Construct 4-lane Divided Arterial

Key: EB - Eastbound    WB - Westbound    SB - Southbound    NB - Northbound

\*The additional thru lane is beyond the scope of the current FDOT S.R. 60 Design Plans and the MPO Long Range Transportation Plan. The Developer shall seek permission of the FDOT to construct the improvement prior to Phase II. If FDOT does not permit this lane configuration then an alternative means to mitigate the need for this improvement will have to be resolved to the satisfaction of Hillsborough County and FDOT prior to proceeding with Phase II of the project.

TABLE 3. INTERSECTION IMPROVEMENTS NEEDED FOR PHASE II (1993)\*

Intersection	LOS with Project Prior to Improvement	Project Traffic as a Percent of LOS D Peak Hour Capacity	Required Improvement
S.R. 60 at Sand Street	E	13.8	Add SB RT lane Add EB Thru lane Upgrade Signal Control & Display
Lakewood Dr. at C.R. 574	E	5.0	Add EB thru lane, LT lane, RT lane Add WB LT lane Add NB LT lane Signalize Intersection***
Lakewood Dr. at Woodberry Rd.	E	40.7	Add NB LT lane Add SB LT lane Add WB LT lane
Parsons Avenue at Windhorst	E	12.0	Add LT lane Add LT lane
S.R. 60 at Providence Rd.	E	14.7	Add NB RT lane Add EB thru lane
Lumsden Ave. at Providence Rd.	E	9.0	Upgrade signal control and display
Lumsden Ave. at John Moore Rd.	E	6.3	Add EB LT lane, thru lane Add WB LT lane and thru lane
S.R. 60 at Providence Rd.	E	14.7	Add EB RT lane Add NB RT lane
Lakewood Dr. at Windhorst Rd.	E	16.2	Add SB LT lane Add WB LT lane
Bell Shoals at Lithia Pinecrest	E	6.9	Add NB RT lane Signalize Intersection*** Add SEB RT lane

\*This list assumes that all Phase IB intersection improvements have been completed. If any Phase IB intersection improvement has not been completed, then that intersection improvement is added to the Phase II improvement list.

\*\*The EB improvement is beyond the scope of the current FDOT S.R. 60 Design Plans and the MPO Long Range Transportation Plan. The Developer shall seek the permission of the FDOT to construct the improvement prior to Phase II. If FDOT does not permit this intersection configuration then an alternative means to mitigate the need for this improvement will have to be resolved to the satisfaction of Hillsborough County and FDOT prior to proceeding with Phase II of the project.

\*\*\*When warranted by MUTCD.

Key: EB - Eastbound    WB - Westbound    SB - Southbound    NB - Northbound  
 LT - Left turn    RT - Right turn

TABLE 4. LINK IMPROVEMENTS NEEDED FOR PHASE II (1993)

Roadway Link	LOS with Project Prior to Improvement	Development Traffic as a Percent of LOS D Peak Hour Capacity	Required Improvement
S.R. 60 Providence to Lakewood Dr.	F	9.4	Construct 8-lane Divided Roadway with restricted RT lanes
S.R. 60 Lakewood Dr. to Kings Avenue	F	7.3	Construct 8-lane Divided Roadway with restricted RT lanes
Lumsden Road Providence Road to Kings Avenue	D	5.3	Construct 6-lane Divided Arterial
Faulkenburg Road C.R. 574 to Buffalo Avenue	D	10.8	Construct 4-lane Divided Arterial
Parsons Avenue S.R. 60 to Oakfield Drive	F	5.6	Construct 4-lane Divided Arterial
Parsons Avenue Lumsden to Oakfield Drive	F	6.9	Construct 4-lane Divided Arterial
Parsons Avenue Lumsden to Brooker Road Extension	F	5.4	Construct 4-lane Divided Arterial
Woodberry Road Faulkenburg to Sand Street	F	9.6	Construct 4-lane Divided Collector
Woodberry Road Sand Street to Lakewood Drive	F	15.2	Construct 4-lane Divided Collector
Lakewood Drive S.R. 60 to Oakfield Drive	F	5.0	Construct 4-lane Divided Collector
C.R. 574 Lakewood Drive to Buffalo Avenue	F	9.0	Construct 4-lane Divided Arterial
Lakewood Drive Woodberry Road to Windhorst	F	39.6	Construct 4-lane Divided Arterial
Windhorst Lakewood Drive to Parsons Avenue	E	30.2	Construct 4-lane Divided Collector
Lumsden Kings to John Moore	F	7.9	Construct 4-lane Divided Arterial
Lumsden John Moore to Bryan	F	7.3	Construct 4-lane Divided Arterial
Providence Lumsden to Bloomingdale	E	8.7	Construct 4-lane Divided Arterial

\*This list assumes that all Phase IB link improvements have been completed. If any Phase IB link improvement has not been completed, then the link improvement is added to the Phase II improvement list.

Table 5. Programmed Road Improvements Affecting  
Regency Park North

Facility	Location	Improvements	Year of Construction
<u>Link</u>			
<u>State</u>			
SR 60	E. of I-75 to Knight	8LD	1989-1990
<u>County</u>			
Bloomington Avenue	U.S. 301 to John Moore Road	5LU	1989-1991
Faulkenburg Rd.	CR 574 to SR 574	4LD Urban	1987-1988
Faulkenburg Rd.	SR 60 to CR 574	4LD Urban	1989-1990
Kings Avenue	SR 60 to Lumsden Road	4LD	1986-1987
Lakewood Drive	SR 60 to SR 574	4LD Urban	1988-1990
Lumsden Road	Kings Avenue to Lithia-Pincrest Rd.	4LD Urban	1989-1990
Parsons Avenue	S. of Oakfield Drive to SR 60	5LD Urban	1989-1990
Parsons Avenue	SR 60 to Windhorst Road	5LD Urban	1989-1990
Parsons Avenue	Windhorst Road to SR 574	5LD Urban	1989-1990
<u>Intersection</u>			
CR 574	Lakewood Drive	Traffic Signal	1986-1987
Lakewood Drive	Windhorst Road	Traffic Signal	1987-1988
Lakewood Drive	Woodberry Road	Traffic Signal	1986-1987

Key: L - Lane; U - Undivided; D - Divided

c. Option 3

In lieu of Option 1 or 2 above, the Developer may elect Option 3 as set out herein. The requirements of Option 3 have been determined to be the appropriate requirements to cure and mitigate the impacts of the project on regionally significant transportation highway facilities within the primary impact area. The approval of this mitigation/curing mechanism is based upon the project's impact on transportation facilities, the substantial public benefit to be gained by accelerating the design, construction and use of a major public facility, and its consistency with the TBRPC and DCA policies regarding pipelining transportation impacts.

- (1) The Developer shall design, acquire the needed right-of-way and construct the widening of Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Lakewood Drive herein referred to as the "Required Improvement". The cross section for Woodberry Road shall be as indicated in Figure 1. The Required Improvement shall be designed at least to Hillsborough County minimum standards. If the County determines that it is required to comply with the competitive bidding procedure, then the Developer will comply with the County standards and procedures.

Notwithstanding the above, the Developer shall provide a design concept for the ultimate alignment right-of-way for Woodberry Road from and including the intersection of Faulkenburg Road to and including the intersection of Lakewood Drive within 30 days of the approval date of the final Development Order. The proposed ultimate cross section for Woodberry Road is indicated in Figure 1. The County shall provide expeditious review of the design concept for the ultimate alignment submitted by the Developer and shall provide written approval within thirty days of submittal of an acceptable alignment. The County shall determine, with input from the Developer and other reviewing agencies, within thirty days of completion of the County review described above, the cross section of Woodberry to be constructed based upon the anticipated funding by the Developer. The Developer shall provide the County with cost estimates of construction alternatives in sufficient detail to assist the County in making the determination described above. It is understood that the determination by the County will be based upon the Developer's contribution described in paragraph (9).

- (2) The Hillsborough County Road Network impact fee in accordance with Ordinances 86-4 and 85-24E is approximately one million one hundred thousand dollars (\$1,100,000) for the total development described herein as REGENCY PARK NORTH. The "Fair Share" contribution by the Developer in accordance with Chapter 380.06, Florida Statutes, as calculated by TBRPC is approximately one million five hundred thousand dollars (\$1,500,000).
- (3) The cost of the Required Improvement is approximately two million six hundred thousand dollars (\$2,600,000).
- (4) The Developer, with design acquisition of right-of-way and the construction of the Required Improvement, is presumed to have satisfied Hillsborough County's right-of-way and roadway impact fees as described in Ordinances 86-4 and 85-24E. In addition, if and when impact fees have been collected by the County for developments along the Required Improvement, the Developer will receive reimbursement at no interest as described in subparagraph (12) from the County in an amount up to the difference of one million five hundred thousand dollars (\$1,500,000) and the actual cost

(12) The County agrees to deposit in said Trust Account all right-of-way assessments as described in subparagraph (4) above and transportation impact assessments collected by the County in accordance with County Ordinance for future developments adjacent to the Woodberry Road Required Improvement for the period of ten years beginning with the effective date of this Development Order.

(13) All funds deposited by the County in the REGENCY PARK NORTH reimbursement Trust Account shall be payable quarterly to the Developer. The County shall provide the Developer quarterly with a list of all building permits and Certificates of Occupancy issued by the County in the area described above.

3. The applicant or its assigns shall prepare and implement a Transportation System Management (TSM) program by the end of Phase IA. A TSM program shall be developed in cooperation with FDOT, Hillsborough County, the Tampa Urban Area MPO, HART and TBRPC. This program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

"Policy: Promote ridesharing by public and private sector employees.

OBJECTIVES:

- \* Increase urban area peak automobile occupancy rates by 10 percent by 1995 through expanded ridesharing efforts.
- \* Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995".

A yearly assessment of the actual achievement of vehicle trips diverted during the P.M. peak hour as a result of TSM measures shall be documented in every annual report after issuance of Certificates of Occupancy for 235,000 square feet of office space or the equivalent thereof. The results of the TSM study may serve as a basis for the Developer to request Development Order Amendments.

4. A pedestrian circulation system and a bicycle circulation system plan shall be provided within the project and approved by the MPO. The bicycle system shall incorporate whatever elements are necessary to complement the County Bicycle Plan and extend the County System into REGENCY PARK NORTH. No detailed site plans shall be approved which do not indicate these systems.

5. Pending the completion of the special FDOT study of I-75, FDOT desires to maintain a level of service (LOS) C peak hour on the I-75 interchange ramps to avoid prejudicing the study's recommendations. No additional lanes, new interchanges, or modifications of existing interchanges (other than the installation of dual left turn receiving lanes or other minor geometric changes for the purpose of improving traffic service on intersecting roadways) to the I-75 system will be approved prior to the completion of this special study.

If, during the study period, the LOS C peak hour threshold will exceeded on the ramps of the I-75/S.R. 60 interchange, the Developer may, at its expense, utilize ramp metering or other improvements acceptable to FDOT to preserve the LOS C peak hour service level. Building permits will not be issued if ramp metering or such other improvements (which can be demonstrated by means of a new traffic analysis to maintain level of service "C" peak hours) are not permitted by the Federal Highway Administration and said alternative improvements are not approved and funded prior to the commencement of construction within any phase in which impacts require mitigation.

To enable the County and FDOT to ascertain compliance with this Condition, the Developer shall submit to the County and FDOT a semi-annual LOS Operational Analysis of all ramps at the I-75/S.R. 60

D. Soils

1. The Developer shall ensure that measures used to overcome the on-site soils limitations shall include but not be limited to those discussed on page 14-4 of the ADA.
2. Sub-surface soils investigations and foundations studies shall be carried out for each building prior to construction. Foundations shall be constructed in accordance with the recommendations of those studies and as required by the County's Building Department.

E. Stormwater Management and Water Quality

1. In order to protect water quality in the Delaney Creek and Lake Gornto Watersheds, there shall be no degradation of water quality standards from stormwater exiting the site. The Developers shall comply with all Department of Environmental Regulation (DER) and South West Florida Water Management District (SWFWMD) permitting requirements and specifically with Chapter 17-3, F.A.C. Any violation of Chapter 17-3, Florida Administrative Code (F.A.C.) shall require corrective measures as set forth by DER. The following shall apply:
  - (a) Sampling locations, parameters and frequencies shall be determined in cooperation with Hillsborough County, FDER, SWFWMD and TBRPC.
  - (b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with FDER Quality Control Standards and Requirements and be completed by and FDER certified laboratory.
  - (c) The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD, bi-annually until project buildout. Should the monitoring indicate that applicable State water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the sub-basin(s) of the project where the violation occurred shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.
2. Prior to the issuance of any building permits the Final Drainage Plan and drainage calculations shall be submitted to TBRPC and DER for review and to Hillsborough County and SWFWMD for approval. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective project phases shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive.
3. The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, F.A.C., and 40-D-4 Rules of SWFWMD and shall be consistent with Map G-2 of the Revised ADA. Treatment shall be provided by biological filtration, wherever feasible.
4. Due to the "volume sensitive" nature of Delaney Creek, the drainage design for REGENCY PARK NORTH must satisfy the following criteria from the 1986 Delaney Creek Stormwater Master Plan, ES-7 and ES-8 by Ghioto, Sinjhofen and Associates, Inc.:
  - a. Compensating storage must be provided for any encroachment into the 100-year flood plain.
  - b. The peak rate of discharge resulting from the 100-year 24-hour storm under post-development conditions must not exceed the pre-development peak rate of runoff from the 10-year 24-hour storm.

7. The Developer shall be responsible for maintaining all landscaped and open space areas within the project site other than those for which Hillsborough County has assumed maintenance responsibilities.

G. Public Facilities

1. Prior to or simultaneous with construction plan or commercial site plan approval for Phases IA, IB and II of the development, the Developer shall stipulate to the satisfaction of Hillsborough County the manner by which the Developer will participate in the provision or expansion of internal water supply, supply lines, and facilities to service REGENCY PARK NORTH. No building permits shall be issued without an approved, permitted potable water distribution system and available capacity for that portion of the building construction.
2. Prior to or simultaneous with construction plan or commercial site plan approval for each phase of the development, the Developer shall ensure the provision of fire flows acceptable to Hillsborough County. The installation of a sprinkler system, fire hydrants or fire plan shall be options to ensure the provision of acceptable fire flows. No Zoning Compliance Permits shall be approved without verification from the Hillsborough County Fire Department that sufficient fire flow required to serve the project is available.
3. Prior to construction plan approval for the development, the Developer shall provide documentation to the Department of Development Review a master plan for wastewater collection, treatment and effluent disposal facilities approved and permitted by the Utilities Department or other applicable entity. No Zoning Compliance Permits shall be issued without a commitment from Hillsborough County or other responsible entity to provide wastewater disposal capacity for the building(s) that are the subject of such application.
4. Prior to issuance of Certificates of Zoning Compliance approval for Phases IA, IB and II of the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services, solid waste disposal, electricity, fire ,emergency medical services and police capabilities and facilities are available to service the development.
5. The Developer shall be required to provide for recovered wastewater disposal in accordance with any uniformly applicable Hillsborough County ordinance or Department of Water and Wastewater Utilities take-back policy in effect prior to detailed site plan approval.
6. Concurrent with issuance of the first Certificate of Occupancy, the Developer shall use non-potable water for landscape and open space irrigation unless otherwise approved by Hillsborough County. The Developer shall submit a plan to Hillsborough County and the TERPC for using non-potable water for irrigation in the first annual report following issuance for the first Certificate of Occupancy. The lowest quality water available shall be used for irrigation.
7. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
8. The Developer shall be responsible for maintenance and operation of any on-site wells. There shall be no utilization or construction of any on-site wells as a source of potable water unless approved by Hillsborough County and appropriate reviewing agencies.
9. Septic tanks shall not be permitted for use on-site.

H. Hazardous Waste

1. Prior to the issuance of Zoning Compliance Permits, the Developer shall, if not in conflict with Hillsborough County plans and policies, and only as required to accomodate hazardous waste generators in the project (if

- any) provide separate hazardous waste storage areas within the project. These areas shall be accessible to all businesses and shall be 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 F.S. 403.703(21), F.S., and listed in Title 40 CFR Part 261), as amended.
2. The Developer shall, notify in writing, all project businesses of the location of the specially-designated hazardous waste and materials containers.
  3. Surface impoundments of hazardous waste, hazardous waste piles, land treatment of hazardous waste, landfills and underground storage of hazardous materials shall be prohibited.
  4. Large quantity generators of hazardous substances as defined by applicable Federal and State regulations, shall implement a site-specific surficial aquifer monitoring program as required by Hillsborough County, Hillsborough County Environmental Protection Commission (EPC) and DER. An emergency response and hazardous waste management operation plan shall be required for those facilities which generate/handle hazardous wastes, to minimize hazards to human health and the environment. The plans shall describe the procedures and actions required of facility personnel as well as the duties of local EMS/fire and police departments and hospitals. The plan shall be included in the first annual report following occupancy within the park.
  5. All temporary hazardous waste storage facilities shall meet applicable federal, state and local laws, rules and regulations, and where appropriate the criteria set forth in Sections 3.913(a), (d) and (e), TBRPC's, Future of the Region.
  6. Small quantity generators as defined by applicable Federal and State regulations, should obtain United State Environmental Protection Agency (USEPA) identification numbers.
  7. The Developer shall provide the following information through restrictive lease agreement or covenants to all Regency Park North development businesses that:
    - a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas; and
    - b. Describes construction requirements for hazardous waste holding areas; and
    - c. Advises of applicable statutes and regulations regarding hazardous wastes and materials.

#### I. Hurricane Evacuation

1. The Developer shall coordinate with the Hillsborough County Bureau of Emergency Management and the Greater Tampa Chapter of the American Red Cross, as to the feasibility of designating buildings within the REGENCY PARK NORTH development as public hurricane evacuation centers to shelter the residents of vulnerable areas. A report on the outcome of these discussions shall be submitted in the first annual report prior to issuances of Certificates of Occupancy for the project.
2. The Developer shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan to ensure that safe and orderly evacuation of residents and employees when a Level C, D or E evacuation order, (as appropriate), is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2)

informing all residents and employees of evacuation routes out of the flood prone area and measures to be fulfilled in the event of same; and (3) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report.

J. Energy Conservation

1. The energy conservation measures referenced on page 25-4 of the Revised ADA shall be complied with by the Developer. The following energy conservation measures shall also be encouraged by the Developer or his assigns: for the office, commercial, hotel and multifamily residential components of REGENCY PARK NORTH:
  - a. The institution of programs to promote energy conservation by employees, buyers, suppliers and the public.
  - b. Reduction in levels of operation of all air conditioning, heating and lighting systems during non-business hours.
  - c. Recycling programs.
  - d. The use of energy-efficient cooling, heating and lighting system.
  - e. Installation of innovative energy conservation features such as waste heat recovery or solar power where feasible in project development.
  - f. Use of the most energy efficient technology economically feasible in the construction and operation of the project's facilities.
  - g. Use of landscaping and retention of existing vegetation as a means for energy conservation.

K. Equal Opportunity

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

L. Historical or Archaeological Resources

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

M. General

1. Any approval of the REGENCY PARK NORTH development shall at minimum, satisfy the provisions of subsection 380.06(15), Florida Statutes, as amended.
2. All of the final Developer's commitments set forth in the ADA, and as summarized in Attachment 1 entitled "Developer Commitments" shall be honored, except as they may be superseded by specific terms of the Development Order.
3. The Developer shall encourage programs by employers to provide child care facilities at the place of employment or as a cooperative effort off-site.

STATE OF FLORIDA            )  
  )  
COUNTY OF HILLSBOROUGH    )

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of April 26, 1988, as same appears of record in Minute Book 143 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 23rd day of May, 1988

RICHARD AKE, CLERK

By: Edna A. Fitzpatrick  
Deputy Clerk

APPROVED BY COUNTY CLERK  
BY Arute L. Big  
Approved by the County Clerk  
(Legal Seal/Name)