

#188



CITY OF PLANT CITY

PLANNING & ZONING DEPARTMENT

PO BOX C

PLANT CITY, FL 33564-9003

Telephone (813) 659-4200 ext. 4125 Fax (813) 659-4220

e-mail: randers@plantcitygov.com

28 OCT 08

Mr. William Sullivan
PO Box 690609
Orlando, FL 32869

Faxed: 407-370-9799

SUBJECT: Acknowledgement of the Walden Woods DRI Qualification for Time Extension

Dear Mr. Sullivan:

The City of Plant City Planning and Zoning Division has reviewed the Walden Woods Development of Regional Impact (DRI) and finds that, consistent with 2007 Florida House Bill 7203 of the Florida Legislature, the subject DRI was under active construction as of July 1, 2007, and, therefore, is entitled to the three-year extension of its expiration date as granted by the Florida Legislature. According to City of Plant City Ordinance 26-2002, Section 2.F, the new dates would be:

*The revised Phase I (combined previous Phases IA, IB, and IIA) shall have a build-out date of December 31, ~~2010~~ **2013**. Revised Phase II shall have a build-out date concurrent with the revised termination date of December 31, ~~2015~~ **2018**.*

Please let me know if you have any questions concerning this DRI extension acknowledgement.

Sincerely,


Robert D. Anders, AICP
Planning & Zoning Director

xc: John Meyer, DRI Coordinator, Tampa Bay Regional Planning Council
David R. Sollenberger, City Manager
Gregory S. Horwedel, Asst. City Manager
Kenneth W. Buchman, City Attorney
Walden Woods DRI File
Chron File



CITY OF PLANT CITY

VIRGINIA L. HELPER
City Clerk
P.O. Box C
Plant City, Florida 33564
Tel. (813) 659-4200

August 25, 2005

Mr. John Meyer
Principal Planner-DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Blvd. Ste. 100
Pinellas Park, FL 33782

Dear Mr. Meyer:

Enclosed please find a certified copy of Ordinance No. 33-2005 adopted by the City Commission of the City of Plant City, Florida at a regular meeting held on August 22, 2005. This ordinance approves an amendment to the Development order applicable to the Walden Woods DRI, A Development of Regional Impact.

Sincerely,

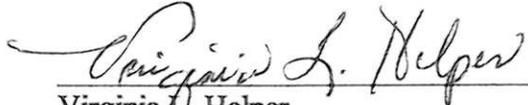
Virginia L. Helper
City Clerk

Encl.

CERTIFICATION

I, the undersigned City Clerk of the City of Plant City, Florida,
do hereby certify that attached hereto is a true and correct copy of the
Ordinance No.33-2005 adopted by the City Commission of the City
of Plant City, Florida at a regular meeting held August 22, 2005.

In witness whereof, I hereunto set my hand and affixed the seal
of the City of Plant City, this 25th day of August 2005.



Virginia D. Helper
City Clerk

ORDINANCE NO. 33-2005

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA; AMENDING CITY OF PLANT CITY ORDINANCE NO. 25-1989 AND APPROVING AN AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE WALDEN WOODS DRI, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 14, 1989, the City Commission issued a Development Order by Ordinance No. 25-1989 for the Walden Woods DRI, a Development of Regional Impact; and

WHEREAS, the Development Order has been previously amended, the latest occurring on September 9, 2002 pursuant to Ordinance No. 26-2002; and

WHEREAS, on March 3, 2005, Walden Woods Business Center, Ltd. ("Walden Woods") filed a notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI"), a copy which is on file with the City Clerk; and

WHEREAS, Walden Woods has requested the following modifications of the Development Order:

- (a) Conversion of 247,147 sq. feet of Light Industrial for 200 single-family residential units;
- (b) Increase the maximum number of residential units recognized within the Land Use Equivalency Matrix by 200 units (to 1,210 total units) with the following breakdown: 200 single-family units and 1,010 townhome/condominium units; and
- (c) Corresponding Master Development Plan revisions to reflect the potential location(s) of these units.

WHEREAS, pursuant to recommendations by the Tampa Bay Regional Planning Council and the City Planning Board, the following conditions ("Conditions") are included in the amended Development Order:

- (a) Revised Phase 2 will retain its conceptual approval only status. Specific approval of the latter phase will be contingent upon further Section 380.06, F.S. transportation analysis.
- (b) It is hereby stated that 310 of the approved townhome/condominium units are not actually within the DRI boundaries. These units are composed of an existing multi-family residential complex located adjacent to the northwest corner of the DRI property boundary that were required to be included as project traffic in prior transportation analyses.
- (c) Exhibit "A" to the proposed amendatory language shall be revised to reflect the number of housing units by housing type, consistent with the Land Use Schedule included on the proposed Master Development Plan.
- (d) The Master Development Plan, attached as Exhibit 1 to TBRPC report shall be included by reference and as a separate exhibit to the amendatory language.
- (e) It is expected that the maximum 200 additional single family residential units will be developed in the southwest quadrant of the site while the previously approved 700 townhome/condominium units will be developed over both the northwest and the northeast quadrants of the property.
- (f) The subject property is not currently served by reclaimed water, although the developer has committed to install reuse water lines to serve the non-potable water demands of the Walden Woods development.
- (g) Although no specific site development plans have been prepared for the proposed residential development, the developer will provide a fifty (50) foot landscaped buffer along the residential/railroad track interface.

(h) Since reclaimed water is currently not available for the project, the applicant has identified that potable/non-potable water demand (combined) would increase by an anticipated 76,428 gallons per day. Wastewater generation would also increase by an estimated 39,735 gpd. Solid waste generation, however, is projected to decrease by 965 pounds per day. These utility projections were provided as Revised Table 1 in the April, 2005 correspondence to the TBRPC.

(i) Any corresponding parkland requirements necessitated by the additional residential development, if applicable, shall be identified and referenced in the amendatory language.

(j) The developer shall construct eastbound, westbound and southbound left turn lanes, with 75 foot long storage lanes (plus applicable taper), at the intersection of Alexander Street and Walden Woods Boulevard, prior to issuance of an occupancy permit for any of the townhouse or single-family residential units.

(k) A bond or letter of credit payable by the developer and/or property owner, in an amount acceptable to the City Engineer and in a form approved by the City Attorney to secure 115% of the cost for the city to construct a traffic signal at the intersection of Alexander Street and Walden Woods Boulevard should the developer fail to do so once notified by the City Engineer that traffic volumes required to meet traffic-signal warrants have been reached.

WHEREAS, the City Commission of the City of Plant City as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider a Notification of Proposed Change 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 City Commission of the City of Plant City has on August 22, 2005 held a public hearing on the 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 and the Department of Community Affairs has reviewed the Notification of Proposed Change; and

WHEREAS, in accordance with Florida Statutes, the City Commission held a public hearing on this ordinance on August 22, 2005, at which time parties in interest and citizens had the opportunity to be heard; and

WHEREAS, the City Commission of the City of Plant City has determined that clear and convincing evidence has been presented to the City that the proposed changes do not constitute a substantial deviation requiring further development of regional impact review; now, therefore

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA:

Section 1. That this ordinance shall constitute an amendment to the Development Order ("Order") relating to the Walden Woods DRI, a development of regional impact.

Section 2. That the City Commission, having received the above referenced documents and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds as follows:

A. The Amendment of the Order, attached hereto as Exhibit A and incorporated herein by this reference, with the Conditions herein imposed, does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes; and

B. All statutory procedures have been adhered to; and

C. The findings of fact and the conclusions of law made in the original order, are incorporated herein by reference; and

D. All recitations and findings set forth herein are incorporated herein by this reference.

Section 3. That the proposed amendments to the Development Order attached hereto as Exhibit A are approved.

Section 4. That the Notification of Proposed Change has been delivered to all persons as required by law.

Section 5. That the terms, conditions, covenants and restrictions contained in the Order are hereby reaffirmed in their entirety, except as amended herein.

Section 6. That the Developer shall record a Notice of Adoption of this Ordinance, in accordance with Section 380.06(15), Florida Statutes, including the legal description of property herein which is attached hereto as Exhibit B.

Section 7. That this ordinance shall take effect immediately upon passage and publication as provided by law, and acceptance by the Developer.

Section 8. That the City Clerk is hereby directed to send certified copies of this order, within five (5) days of the enactment date of this Ordinance, to the Developer, the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

Read for first reading on August 8, 2005.

Read for second reading on August 22, 2005.

Adopted and certified as to passage on August 22, 2005.



John L. Dicks
Mayor-Commissioner

ATTEST:



Virginia L. Helper
City Clerk

Approved as to form and correctness:



Kenneth W. Buchman
City Attorney

EXHIBIT A

1. The Tabular portion of Section 4.C.3 of the Development Order is hereby Amended to read as follows:

<u>Existing Development</u>					
Warehouse (Sq. Ft.)	Light Industrial (Sq. Ft.)	Office (Sq. Ft.)	Commercial (GLA)	Residential Units	
				(Multi-Family)	(Single Family)
642,686	36,593	23,567	3,000	310	0
<u>Revised Phase I Development*/***</u> (Combined Phases IA, IB and IIA) (Specific Approval) (Exp.: 12/31/2010)					
Warehouse (Sq. Ft.)	Light Industrial (Sq. Ft.)	Office (Sq. Ft.)	Commercial (GLA)	Residential Units ¹	
				(Multi-Family) ²	(Single Family)
2,142,686	452,853	300,000	274,361	1,010	200
<u>Revised Phase II Development**</u> (formerly Phase IIB) (Conceptual Approval Only) (Exp.: 12/13/2015)					
Warehouse (Sq. Ft.)	Light Industrial (Sq. Ft.)	Office (Sq. Ft.)	Commercial (GLA)	Residential Units	
				(Multi-Family)	(Single Family)
0	1,613,718	101,950	63,940	0	0
<u>Totals:</u>					
2,142,686	2,066,571	401,950	338,301	1,010	200

1. A maximum of 200 on-site units shall be Single Family Residential units; the remainder of the 900 on-site units shall be Townhouse/Condominium units as both development types are defined by the City, at the time of permitting.
2. Multi-Family Units include an existing 310 unit multi-family residential project located adjacent to the project, not owned by the Developer and not included in the Master Development Plan..

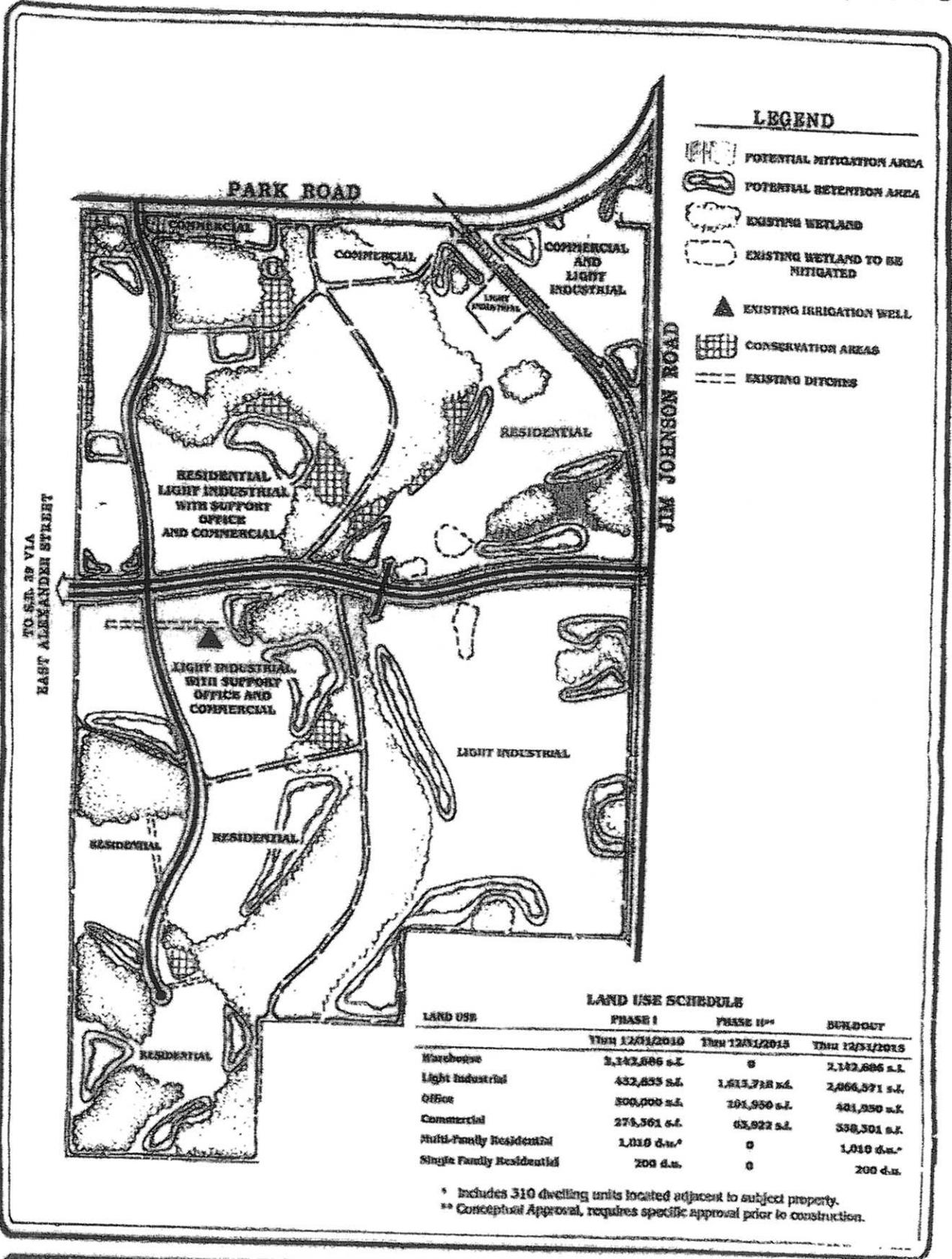
Additional notes:

1. The maximum 200 additional single family residential units will be developed in the southwest quadrant of the site while the previously approved 700 townhome/condominium units will be developed over both the northwest and the northeast quadrants of the property.
2. Although the subject property is not currently served by reclaimed water, the developer has committed to install reuse water lines to serve the non-potable water demands of the Walden Woods development.

3. Although no specific site development plans have been prepared for the proposed residential development, the developer will provide a fifty (50) foot landscaped buffer along the residential/railroad track interface. See also development note #24 on the associated CU Site Plan.
 4. Since reclaimed water is currently not available for the project, the applicant has identified that potable/non-potable water demand (combined) would increase by an anticipated 76,428 gallons per day. Wastewater generation would also increase by an estimated 39,735 gpd. Solid waste generation, however, is projected to decrease by 965 pounds per day. These utility projections were provided as Revised Table 1 in the April, 2005 correspondence to the TBRPC.
 5. The Developer has committed to a large passive recreation area, which is shown on the associated CU site plan.
 6. The developer shall construct eastbound, westbound and southbound left turn lanes, with 75 foot long storage lanes (plus applicable taper), at the intersection of Alexander Street and Walden Woods Boulevard, prior to issuance of an occupancy permit for any of the townhouse or single-family residential units.
 7. A bond or letter of credit payable by the developer and/or property owner, in an amount acceptable to the City Engineer and in a form approved by the City Attorney to secure 115% of the cost for the city to construct a traffic signal at the intersection of Alexander Street and Walden Woods Boulevard should the developer fail to do so once notified by the City Engineer that traffic volumes required to meet traffic-signal warrants have been reached.
2. That Exhibit F to the Order is hereby amended to incorporate a revised Map H (attached hereto as Exhibit A-1) that more clearly delineates locations of existing and proposed development and specifically provides for the development of multi-family, single-family and townhouse residential units.

End of Exhibit A

Exhibit A - 1



LEGEND

- POTENTIAL MITIGATION AREA
- POTENTIAL RETENTION AREA
- EXISTING WETLAND
- EXISTING WETLAND TO BE MITIGATED
- EXISTING IRRIGATION WELL
- CONSERVATION AREAS
- EXISTING DITCHES

LAND USE SCHEDULE

LAND USE	PHASE I		PHASE II**	
	Year 12/31/2010	Year 12/31/2015	Year 12/31/2015	Year 12/31/2015
Warehouse	2,142,686 s.f.	0	0	2,142,686 s.f.
Light Industrial	432,835 s.f.	1,613,728 s.f.	1,613,728 s.f.	2,066,571 s.f.
Office	800,000 s.f.	191,950 s.f.	191,950 s.f.	401,950 s.f.
Commercial	276,561 s.f.	63,922 s.f.	63,922 s.f.	338,301 s.f.
Multi-Family Residential	1,010 d.u.*	0	0	1,010 d.u.*
Single Family Residential	200 d.u.	0	0	200 d.u.

* Includes 310 dwelling units located adjacent to subject property.
 ** Conceptual Approval, requires specific approval prior to construction.

Walden Woods

Master Plan



- Revised 4/27/05
- Revised 2/28/05
- Revised 3/2/02
- Revised 3/6/02
- Revised 12/1/00
- Revised 7/20/01
- Revised 4/1/00
- Revised 3/1/05

Exhibit B

Exhibit "B"

Legal Description

Lots 5 through 12, Inclusive, Lot 23 less the South 180.0 feet thereof, Lot 24, Lot 25 less the East 252.0 feet thereof and the North 150.0 feet of Lot 26 less the East 257.0 feet thereof of PLANT CITY STRAWBERRY FARM as recorded in Plat Book 27, Page 4, Public Records, Hillsborough County, Florida.

TOGETHER WITH

The Southeast 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 22 East, Hillsborough County, Florida, lying South of Park Street, less the South 220.0 feet of the East 220.0 feet thereof.

ALSO TOGETHER WITH

The Northeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The East 1/2 of the Northwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The Southeast 1/4 and the East 1/2 of the Southwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

LESS

Seaboard System Railroad right-of-way.

ALSO LESS

The South 360.0 feet of the Southeast 1/4 of the Southeast 1/4 and the South 360.0 feet of the East 232.0 feet of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

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CITY OF PLANT CITY

KENNETH W. BUCHMAN

City Attorney
P.O. Box C
Plant City, FL 33564
Telephone (813) 659-4242
Fax (813) 659-4243

September 27, 2002

Mr. Ray Eubanks
Department of Community Affairs
2551 Shumard Boulevard
Tallahassee, Florida 32399

**Sent Federal Express
Standard Overnight Mail**

RE: Walden Woods DRI

Dear Mr. Eubanks:

I am enclosing a copy of the ordinance for Walden Woods DRI, which includes Exhibit "A" that reflects the revised changes on the Revised Phase II Development to Residential (units) 0. If you have any questions, please feel free to call me.

Sincerely,

Kenneth W. Buchman
City Attorney

KWB:ask
Enclosure

cc: John Meyer, Tampa Bay Regional Planning Council ✓

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA; AMENDING CITY OF PLANT CITY ORDINANCE NO. 25-1989 AND NO. 2-1994, AND APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE WALDEN WOODS DRI, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 14, 1989, the City Commission issued a Development Order by Ordinance No. 25-1989 for the Walden Woods DRI, a Development of Regional Impact; and

WHEREAS, on January 10, 1994, the City Commission amended that DRI Development Order by Ordinance No. 2-1994; and

WHEREAS, on April 13, 2001, Walden Woods Business Center, Ltd. ("Walden Woods" or "Developer") filed a notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI"), a copy which is on file with the City Clerk; and

WHEREAS, the City Commission of the City of Plant City as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider a Notification of Proposed Change 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 City Commission of the City of Plant City has on September 9, 2002 held a public hearing on the 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 and the Department of Community Affairs has reviewed the Notification of Proposed Change; and

WHEREAS, in accordance with Florida Statutes, the City Commission held a public hearing on this ordinance on September 9, 2002 at which time parties in interest and citizens had the opportunity to be heard; and

WHEREAS, the City Commission of the City of Plant City has determined that clear and convincing evidence has been presented to the City to rebut the presumption that the proposed changes constitute a substantial deviation requiring further development of regional impact review;

WHEREAS, the City Commission of the City of Plant City has determined that sufficient information concerning the proposed change has been provided and that inclusion of certain additional amendments to the DRI Order, as previously amended, will properly address the regional issues raised by the public review of that information provided; now, therefore

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA:

Section 1. That this ordinance shall constitute the second amendment to the Development Order, as previously amended ("Order") relating to the Walden Woods DRI, a development of regional impact.

Section 2. That the City Commission, having received the above referenced documents and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds as follows:

A. This second amendment of the Order, the specific provisions of which are attached hereto as Exhibit A, and incorporated herein by this reference, does not involve a

change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes; and

B. The Notification of Proposed Change has been delivered to all persons as required by law.

C. All statutory procedures have been adhered to; and

D. The findings of fact and the conclusions of law made in the original order, are incorporated herein by reference, to the extent not inconsistent with this second amendment to the Order; and

E. All recitations and findings set forth herein are incorporated herein by this reference; and

F. The Revised Phase I (which combines previous Phases I A, IB and IIA) shall have a buildout date of December 31, 2010. Revised Phase II shall have a buildout date concurrent with the revised Order termination date of December 31, 2015.

G. That the proposed amendments to the Order attached hereto as Exhibits A and A-1 are approved.

Section 3. That the terms, conditions, covenants and restrictions contained in the Order, as previously amended, are hereby reaffirmed in their entirety, except as amended herein.

Section 4. That the Developer shall record a Notice of Adoption of this Ordinance, in accordance with Section 380.06(15), Florida Statutes, including the legal description of property herein which is attached hereto as Exhibit B.

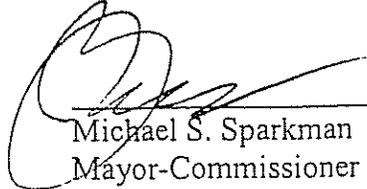
Section 5. That the City Clerk is hereby directed to send certified copies of this order, within five (5) days of the enactment date of this Ordinance, to the Developer, the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

Section 7. This ordinance shall be effective immediately upon passage.

Read for first reading on August 12, 2002.

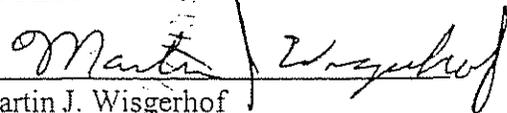
Read for second reading on August 26, 2002.

Adopted and certified as to passage on September 9, 2002.



Michael S. Sparkman
Mayor-Commissioner

ATTEST:



Martin J. Wisgerhof
City Clerk

Approved as to form and correctness:



Kenneth W. Buchman
City Attorney

EXHIBIT "A"

1. The Tabular and textual portions of Section 4.C.3. of the Order are hereby amended to reflect a merger of Phases IA, IB, and IIA into a Revised Phase I. Phase IIB is now Revised Phase II. To the extent the context of this or any other portion of the Order requires reference to a specific sub-phase (e.g., Phase IIB), then such sub-phase shall be as described in the Order, as first amended.

2. The Tabular portion of Section 4.C.3 of the Development Order is hereby amended to read as follows:

<u>Existing Development</u>				
Warehouse (Sq. Ft.) 642,686	Light Industrial (Sq. Ft.) 36,593	Office (Sq. Ft.) 23,567	Commercial (GLA) 3,000	Residential (units) 310
<u>Revised Phase I Development*/***</u> (Combined Phases IA, IB and IIA) (Specific Approval) (Thru 12/31/2010)				
Warehouse (Sq. Ft.) 2,142,686	Light Industrial (Sq. Ft.) 700,000	Office (Sq. Ft.) 300,000	Commercial (GLA) 274,361	Residential (units) 1010 ¹
<u>Revised Phase II Development**</u> (formerly Phase IIB) (Conceptual Approval Only) (Thru 12/13/2015)				
Warehouse (Sq. Ft.) 0	Light Industrial ¹ (Sq. Ft.) 1,613,718	Office (Sq. Ft.) 101,950	Commercial (GLA) 63,940	Residential (units) 0
TOTALS	2,142,686	2,313,718	401,950	338,301
				1,010

¹ Residential Units include an existing 310 multi-family residential units located adjacent to the project and not included in the Master Development Plan.

3. The double asterisked note in the Tabular portion of Section 4.C.3. of the Order is hereby amended to read as follows:

***It is ordered that if Developer elects Option 1 or Option 2 set forth in Section 4.C. below, Phases IA, IB, IIA and IIB proposed in the ADA are hereby specifically approved, subject to the following conditions, restrictions and limitations. However, should Developer elect Option 3 set forth in Section 4.C. below, then in that event, Phase IIB is hereby only conceptually approved, subject to the following conditions, restrictions and limitations; Phase IIB specific

approval would then be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this Order to specify the conditions necessary to mitigate the identified regional impacts attributable to this Development. The final build-out year shown (2015) is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.”

4. That a new Subsection 4.C.7. is hereby created to read as follows:

“7.(a) Revised Phase 1 of the project is limited to that development which generates a maximum of 874 inbound and 2,081 outbound, net external p.m. peak hour trips.

(b) The Developer’s analysis identified certain roadway improvements, which calculated in 2002 dollars result in a proportionate share amount of \$519,038.00. Inasmuch as the Developer has previously made proportionate share payments of \$2,222,000.00, no additional payment is required.”

5. That Section 4.L. of the Order is hereby amended, by adding a new, numbered paragraph “7”, in its proper numerical sequence, to read as follows:

“7. Notwithstanding anything herein to the contrary, the developer shall obtain verification that adequate wastewater and potable water quantities and services can and will be provided, prior to building permit issuance. No development shall be authorized if adequate water and wastewater capacity and availability does not exist.”

6. Section 4.Q. of the Order is hereby amended, by adding a new, numbered paragraph “5”, in its proper numerical sequence, to read as follows:

“5. This development is subject to the Hillsborough County School Impact Fee Ordinance, as administered by the City.”

7. Section 8 of the Order is hereby amended to read as follows:

“Section 8. That this Order shall remain in effect until December 31, 2015. Any development activity, wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed if approved. This Order may be extended by City Commission on the finding of excusable delay in any proposed development activity.”

8. Section 9 of the Order is hereby amended to read as follows:

"Section 9. That prior to December, 31, 2015, the City may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that: (a) substantial changes in the conditions underlying the approval of the Order have occurred; or (b) the Order was based upon substantially inaccurate information provided by the Developer; or (c) the change is clearly established by the City to be essential to the public health, safety, or welfare. Any down-zoning or reduction of intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations (including land use plan amendments and rezonings). For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order. The inclusion of this Section 9 is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3 F.S. (1988). A rezoning to a developer-initiated CU in substantial accordance with such CU request, in order to achieve zoning conformance, shall not be considered a downzoning for purposes of this section.

9. That Exhibit F to the Order is hereby amended to incorporate a Revised Map H (attached hereto as Exhibit A-1) that more clearly delineates locations of existing and proposed development and specifically provides for the development of multi-family residential units.

*****END OF EXHIBIT "A"*****

EXHIBIT "A-1"

(See the attached DRI Order Revised Map H)

"Section 9. That prior to December, 31, 2015, the City may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that: (a) substantial changes in the conditions underlying the approval of the Order have occurred; or (b) the Order was based upon substantially inaccurate information provided by the Developer; or (c) the change is clearly established by the City to be essential to the public health, safety, or welfare. Any down-zoning or reduction of intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations (including land use plan amendments and rezonings). For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order. The inclusion of this Section 9 is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3 F.S. (1988). A rezoning to a developer-initiated CU in substantial accordance with such CU request, in order to achieve zoning conformance, shall not be considered a downzoning for purposes of this section.

9. That Exhibit F to the Order is hereby amended to incorporate a Revised Map H (attached hereto as Exhibit A-1) that more clearly delineates locations of existing and proposed development and specifically provides for the development of multi-family residential units.

*****END OF EXHIBIT "A"*****

Exhibit "B"

Legal Description

Lots 5 through 12, Inclusive, Lot 23 less the South 180.0 feet thereof, Lot 24, Lot 25 less the East 252.0 feet thereof and the North 150.0 feet of Lot 26 less the East 257.0 feet thereof of PLANT CITY STRAWBERRY FARM as recorded in Plat Book 27, Page 4, Public Records, Hillsborough County, Florida.

TOGETHER WITH

The Southeast 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 22 East, Hillsborough County, Florida, lying South of Park Street, less the South 220.0 feet of the East 220.0 feet thereof.

ALSO TOGETHER WITH

The Northeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The East 1/2 of the Northwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The Southeast 1/4 and the East 1/2 of the Southwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

LESS

Seaboard System Railroad right-of-way.

ALSO LESS

The South 360.0 feet of the Southeast 1/4 of the Southeast 1/4 and the South 360.0 feet of the East 232.0 feet of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

#188



CITY OF PLANT CITY

September 12, 2002

MARTIN J. WISGERHOF

City Clerk & Finance Director

P.O. Box C

Plant City, Florida 33564

Telephone (813) 659-4200

Tampa Bay Regional Planning Council

Attn: John Meyer

9455 Koger Blvd, #219

St. Petersburg, FL 33702-2491

Dear Sir:

Enclosed please find a copy of Ordinance No. 26-2002, adopted by the City Commission of the City of Plant City, Florida, at a regular meeting held on September 9, 2002.

This ordinance approves a second amendment to the development order applicable to Walden Woods DRI.

Sincerely,

Martin J. Wisgerhof

City Clerk/Finance

Director

/cb

Encl

CERTIFICATION

I, the undersigned City Clerk of Plant City, Florida, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 26-2002, adopted by the City Commission of the City of Plant City on September 9, 2002.

In witness whereof, I hereunto set my hand and affixed the seal of the City of Plant City, this 12th day of September 2002.


Martin J. Wisgerhof
City Clerk

ORDINANCE NO. 26-2002

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA; AMENDING CITY OF PLANT CITY ORDINANCE NO. 25-1989 AND NO. 2-1994, AND APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE WALDEN WOODS DRI, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 14, 1989, the City Commission issued a Development Order by Ordinance No. 25-1989 for the Walden Woods DRI, a Development of Regional Impact; and

WHEREAS, on January 10, 1994, the City Commission amended that DRI Development Order by Ordinance No. 2-1994; and

WHEREAS, on April 13, 2001, Walden Woods Business Center, Ltd. ("Walden Woods" or "Developer") filed a notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI"), a copy which is on file with the City Clerk; and

WHEREAS, the City Commission of the City of Plant City as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider a Notification of Proposed Change 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 City Commission of the City of Plant City has on September 9, 2002 held a public hearing on the 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 and the Department of Community Affairs has reviewed the Notification of Proposed Change; and

WHEREAS, in accordance with Florida Statutes, the City Commission held a public hearing on this ordinance on September 9, 2002 at which time parties in interest and citizens had the opportunity to be heard; and

WHEREAS, the City Commission of the City of Plant City has determined that clear and convincing evidence has been presented to the City to rebut the presumption that the proposed changes constitute a substantial deviation requiring further development of regional impact review;

WHEREAS, the City Commission of the City of Plant City has determined that sufficient information concerning the proposed change has been provided and that inclusion of certain additional amendments to the DRI Order, as previously amended, will properly address the regional issues raised by the public review of that information provided; now, therefore

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA:

Section 1. That this ordinance shall constitute the second amendment to the Development Order, as previously amended (“Order”) relating to the Walden Woods DRI, a development of regional impact.

Section 2. That the City Commission, having received the above referenced documents and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds as follows:

A. This second amendment of the Order, the specific provisions of which are attached hereto as Exhibit A, and incorporated herein by this reference, does not involve a

change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes; and

B. The Notification of Proposed Change has been delivered to all persons as required by law.

C. All statutory procedures have been adhered to; and

D. The findings of fact and the conclusions of law made in the original order, are incorporated herein by reference, to the extent not inconsistent with this second amendment to the Order; and

E. All recitations and findings set forth herein are incorporated herein by this reference; and

F. The Revised Phase I (which combines previous Phases I A, IB and IIA) shall have a buildout date of December 31, 2010. Revised Phase II shall have a buildout date concurrent with the revised Order termination date of December 31, 2015.

G. That the proposed amendments to the Order attached hereto as Exhibits A and A-1 are approved.

Section 3. That the terms, conditions, covenants and restrictions contained in the Order, as previously amended, are hereby reaffirmed in their entirety, except as amended herein.

Section 4. That the Developer shall record a Notice of Adoption of this Ordinance, in accordance with Section 380.06(15), Florida Statutes, including the legal description of property herein which is attached hereto as Exhibit B.

Section 5. That the City Clerk is hereby directed to send certified copies of this order, within five (5) days of the enactment date of this Ordinance, to the Developer, the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

Section 7. This ordinance shall be effective immediately upon passage.

Read for first reading on August 12, 2002.

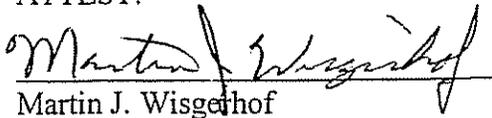
Read for second reading on August 26, 2002.

Adopted and certified as to passage on September 9, 2002.



Michael S. Sparkman
Mayor-Commissioner

ATTEST:



Martin J. Wisgerhof
City Clerk

Approved as to form and correctness:



Kenneth W. Buchman
City Attorney

EXHIBIT "A"

1. The Tabular and textual portions of Section 4.C.3. of the Order are hereby amended to reflect a merger of Phases IA, IB, and IIA into a Revised Phase I. Phase IIB is now Revised Phase II. To the extent the context of this or any other portion of the Order requires reference to a specific sub-phase (e.g., Phase IIB), then such sub-phase shall be as described in the Order, as first amended.

2. The Tabular portion of Section 4.C.3 of the Development Order is hereby amended to read as follows:

Existing Development

Warehouse (Sq. Ft.)	Light Industrial (Sq. Ft.)	Office (Sq. Ft.)	Commercial (GLA)	Residential (units)
642,686	36,593	23,567	3,000	310

Revised Phase I Development*/***

(Combined Phases IA, IB and IIA)
(Specific Approval) (Thru 12/31/2010)

Warehouse (Sq. Ft.)	Light Industrial (Sq. Ft.)	Office (Sq. Ft.)	Commercial (GLA)	Residential (units)
2,142,686	700,000	300,000	274,361	1010 ¹

Revised Phase II Development**

(formerly Phase IIB)

(Conceptual Approval Only) (Thru 12/13/2015)

Warehouse (Sq. Ft.)	Light Industrial ¹ (Sq. Ft.)	Office (Sq. Ft.)	Commercial (GLA)	Residential (units)
0	1,613,718	101,950	63,940	1,010

TOTALS	2,142,686	2,313,718	401,950	338,301	1,010
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¹ Residential Units include an existing 310 multi-family residential units located adjacent to the project and not included in the Master Development Plan.

3. The double asterisk note in the Tabular portion of Section 4.C.3. of the Order is hereby amended to read as follows:

***It is ordered that if Developer elects Option 1 or Option 2 set forth in Section 4.C. below, Phases IA, IB, IIA and IIB proposed in the ADA are hereby specifically approved, subject to the following conditions, restrictions and limitations. However, should Developer elect Option 3 set forth in Section 4.C. below, then in that event, Phase IIB is hereby only conceptually approved, subject to the following conditions, restrictions and limitations; Phase IIB specific

approval would then be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this Order to specify the conditions necessary to mitigate the identified regional impacts attributable to this Development. The final build-out year shown (2015) is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.”

4. That a new Subsection 4.C.7. is hereby created to read as follows:

“7.(a) Revised Phase 1 of the project is limited to that development which generates a maximum of 874 inbound and 2,081 outbound, net external p.m. peak hour trips.

(b) The Developer’s analysis identified certain roadway improvements, which calculated in 2002 dollars result in a proportionate share amount of \$519,038.00. Inasmuch as the Developer has previously made proportionate share payments of \$2,222,000.00, no additional payment is required.”

5. That Section 4.L. of the Order is hereby amended, by adding a new, numbered paragraph “7”, in its proper numerical sequence, to read as follows:

“7. Notwithstanding anything herein to the contrary, the developer shall obtain verification that adequate wastewater and potable water quantities and services can and will be provided, prior to building permit issuance. No development shall be authorized if adequate water and wastewater capacity and availability does not exist.”

6. Section 4.Q. of the Order is hereby amended, by adding a new, numbered paragraph “5”, in its proper numerical sequence, to read as follows:

“5. This development is subject to the Hillsborough County School Impact Fee Ordinance, as administered by the City.”

7. Section 8 of the Order is hereby amended to read as follows:

“Section 8. That this Order shall remain in effect until December 31, 2015. Any development activity, wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed if approved. This Order may be extended by City Commission on the finding of excusable delay in any proposed development activity.”

8. Section 9 of the Order is hereby amended to read as follows:

“Section 9. That prior to December, 31, 2015, the City may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that: (a) substantial changes in the conditions underlying the approval of the Order have occurred; or (b) the Order was based upon substantially inaccurate information provided by the Developer; or (c) the change is clearly established by the City to be essential to the public health, safety, or welfare. Any down-zoning or reduction of intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations (including land use plan amendments and rezonings). For the purposes of this Order, the term “down-zone” shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order. The inclusion of this Section 9 is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3 F.S. (1988). A rezoning to a developer-initiated CU in substantial accordance with such CU request, in order to achieve zoning conformance, shall not be considered a downzoning for purposes of this section.

9. That Exhibit F to the Order is hereby amended to incorporate a Revised Map H (attached hereto as Exhibit A-1) that more clearly delineates locations of existing and proposed development and specifically provides for the development of multi-family residential units.

*****END OF EXHIBIT “A”*****

EXHIBIT "A-1"

(See the attached DRI Order Revised Map H)

Exhibit "B"

Legal Description

Lots 5 through 12, Inclusive, Lot 23 less the South 180.0 feet thereof, Lot 24, Lot 25 less the East 252.0 feet thereof and the North 150.0 feet of Lot 26 less the East 257.0 feet thereof of PLANT CITY STRAWBERRY FARM as recorded in Plat Book 27, Page 4, Public Records, Hillsborough County, Florida.

TOGETHER WITH

The Southeast 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 22 East, Hillsborough County, Florida, lying South of Park Street, less the South 220.0 feet of the East 220.0 feet thereof.

ALSO TOGETHER WITH

The Northeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The East 1/2 of the Northwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The Southeast 1/4 and the East 1/2 of the Southwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

LESS

Seaboard System Railroad right-of-way.

ALSO LESS

The South 360.0 feet of the Southeast 1/4 of the Southeast 1/4 and the South 360.0 feet of the East 232.0 feet of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.



CITY OF PLANT CITY

January 21, 1994

MARTIN J. WISGERHOF

City Clerk & Finance Director

P. O. Box C

Plant City, Florida 33564

Telephone (813) 757-9144

Suzanne Cooper
Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, FL 33702

Dear Ms. Cooper:

On January 12, 1994, we forwarded to you a copy of Ordinance No. 2-1994. Inadvertently, there was a scrivener error in EXHIBIT "A". Enclosed please find a replacement copy for EXHIBIT "A".

If there are questions regarding this matter, please contact us.

Sincerely,

Martin J. Wisgerhof
City Clerk/Finance
Director

/vh
Encl.

EXHIBIT "A"

1. The Tabular portion of Section 4.C.3 of the Development Order is hereby amended to read as follows:

	Light Industrial (Sq. Ft.)	Office (Sq. Ft.)	Commercial (GLA)
Phase IA (12/15/97)*	2,095,530	15,000	10,000
Phase IB (12/15/99)*	666,372	164,575	176,145
Phase IIA (12/15/01)*/**	789,448	120,425	88,196
Phase IIB (12/15/04)*/**	915,054	101,950	63,942
TOTALS (2006)	4,456,404	401,950	338,283*

2. Section 4.C.6.c(5)(d) of the Development Order is hereby amended to read as follows:

"Upon completion of the design, and securing of necessary permits, rights-of-way and easements, Developer shall complete the pipeline improvement by June 30, 1998. The Developer shall complete the pipeline improvements regardless of cost."

3. Section 6 is amended to read as follows:

"Section 6. That the term "Developer" as used in this Order is deemed to mean WALDEN WOODS BUSINESS CENTER LIMITED, the owner of WALDEN WOODS BUSINESS CENTER, its successors, or assigns, and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, any subsequently created condominiums' or merchants' association. For purposes of this Order, the authorized agents for the Developer are Mr. Gary Nelson, Vice President of Land Development, Florida Design Communities, Post Office Box 2270, Plant City, Florida 33564 and Kenneth E. Graves, Esquire, Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., 777 South Harbour Island Boulevard, Suite 400, Tampa, Florida 33602."

4. Section 8 of the Development Order is hereby amended to read as follows:

"Section 8. That this Order shall remain in effect until September 30, 2006. Any development activity, wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed if approved. This Order may be extended by City Commission on the finding of excusable delay in any proposed development activity."

CERTIFICATION

I, the undersigned City Clerk of Plant City, Florida, do hereby certify that attached hereto is a true and correct copy of EXHIBIT "A", (attached to Ordinance No. 2-1994) adopted by the City Commission of the City of Plant City, at a regular meeting on January 10, 1994.

In witness whereof, I hereunto set my hand and affixed the seal of the City of Plant City this 21st day of January, 1994.


Martin J. Wisgerhof
City Clerk



CITY OF PLANT CITY

January 12, 1994

MARTIN J. WISGERHOF

City Clerk & Finance Director

P. O. Box C

Plant City, Florida 33564

Telephone (813) 757-9144 To Whom It May Concern:

Enclosed is a copy of Ordinance No. 2-1994, adopted by the City Commission of the City of Plant City, Florida at a regular meeting held January 10, 1994.

This ordinance amends City of Plant City Ordinance No. 25-1989.

Sincerely,

Martin J. Wisgerhof
City Clerk

/cp

CERTIFICATION

I, the undersigned City Clerk of Plant City, Florida do hereby certify that attached hereto is a true and correct copy of Ordinance No. 2-1994 as adopted at a regular meeting of the City Commission of said City duly convened and held on January 10, 1994.

In witness whereof, I hereunto set my hand and affixed the seal of the City this 12th day of January 1994.


Martin J. Wisgerhof
City Clerk

ORDINANCE NO. 2-1994

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA; AMENDING CITY OF PLANT CITY ORDINANCE NO. 25-1989 AND APPROVING AN AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE WALDEN WOODS DRI, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 14, 1989, the City Commission issued a Development Order by Ordinance No. 25-1989 for the Walden Woods DRI, a Development of Regional Impact; and

WHEREAS, on September 30, 1993, Walden Woods Business Center, Ltd. ("Walden Woods") filed a notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI"), a copy which is on file with the City Clerk; and

WHEREAS, the City Commission of the City of Plant City as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider a Notification of Proposed Change 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 City Commission of the City of Plant City has on January 10, 1994 held a public hearing on the 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 and the Department of Community Affairs has reviewed the Notification of Proposed Change; and

WHEREAS, in accordance with Florida Statutes, the City Commission held a public hearing on this ordinance on January 10, 1994, at which time parties in interest and citizens had the opportunity to be heard; and

WHEREAS, the City Commission of the City of Plant City has determined that clear and convincing evidence has been presented to the City that the proposed changes do not constitute a substantial deviation requiring further development of regional impact review; now, therefore

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA:

Section 1. That this ordinance shall constitute an amendment to the Development Order (“Order”) relating to the Walden Woods DRI, a development of regional impact.

Section 2. That the City Commission, having received the above referenced documents and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds as follows:

A. The Amendment of the Order, attached hereto as Exhibit A and incorporated herein by this reference does not involve a change to a previously approved DRI constituting a substantial deviation under Section 380.06(19), Florida Statutes; and

B. All statutory procedures have been adhered to; and

C. The findings of fact and the conclusions of law made in the original order, are incorporated herein by reference; and

D. All recitations and findings set forth herein are incorporated herein by this reference.

E. The extension of the Phase IA, IB, IIA and IIB buildout dates is construed to be an extension of four years, eleven months and fifteen days, and the extension of the termination date of the Development Order is construed to be an extension of two years.

Section 3. That the proposed amendments to the Development Order attached hereto as Exhibit A are approved.

Section 4. That the Notification of Proposed Change has been delivered to all persons as required by law.

Section 5. That the terms, conditions, covenants and restrictions contained in the Order are hereby reaffirmed in their entirety, except as amended herein.

Section 6. That the Developer shall record a Notice of Adoption of this Ordinance, in accordance with Section 380.06(15), Florida Statutes, including the legal description of property herein which is attached hereto as Exhibit B.

Section 7. That this ordinance shall take effect immediately upon passage and publication as provided by law, and acceptance by the Developer.

Section 8. That the City Clerk is hereby directed to send certified copies of this order, within five (5) days of the enactment date of this Ordinance, to the Developer, the Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

Read for first reading on December 13, 1993.

Read for second reading on January 10, 1994.

Certified as to passage on January 10, 1994.



George K. Collins
Mayor-Commissioner

ATTEST:



Martin J. Wisgerhof
City Clerk

Approved as to form and correctness:



Kenneth W. Buchman
City Attorney

EXHIBIT "A"

1. The Tabular portion of Section 4.C.3 of the Development Order is hereby amended to read as follows:

	<u>"Light Industrial (Sq. Ft.)</u>	<u>Office (Sq. Ft.)</u>	<u>Commercial (GLA)</u>
Phase IA (12/15/97)*	2,095,530	15,000	10,000
Phase IB (12/15/99)*	656,3772	164,575	176,145
Phase IIA (12/15/01)*/**	789,448	120,425	88,196
Phase IIB (12/15/04)*/**	915,054	101,950	63,942
TOTALS (2006)	4,456,404	401,950	338,283*

2. Section 4.C.6.c(5)(d) of the Development Order is hereby amended to read as follows:

"Upon completion of the design, and securing of necessary permits, rights-of-way and easements, Developer shall complete the pipeline improvement by June 30, 1998. The Developer shall complete the pipeline improvements regardless of cost."

3. Section 6 is amended to read as follows:

"Section 6. That the term "Developer" as used in this Order is deemed to mean WALDEN WOODS BUSINESS CENTER LIMITED, the owner of WALDEN WOODS BUSINESS CENTER, its successors, or assigns, and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, any subsequently created condominiums' or merchants' association. For purposes of this Order, the authorized agents for the Developer are Mr. Gary Nelson, Vice President of Land Development, Florida Design Communities, Post Office Box 2270, Plant City, Florida 33564 and Kenneth E. Graves, Esquire, Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., 777 South Harbour Island Boulevard, Suite 400, Tampa, Florida 33602."

Legal Description

Lots 5 through 12, inclusive, Lot 23 less the South 180.0 feet thereof, Lot 24, Lot 25 less the East 252.0 feet thereof and the North 150.0 feet of Lot 26 less the East 252.0 feet thereof of PLANT CITY STRAWBERRY FARMS as recorded in Plat Book 27, Page 4, Public Records, Hillsborough County, Florida.

TOGETHER WITH

The Southeast 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 22 East, Hillsborough County, Florida, lying South of Park Street, less the South 220.0 feet of the East 220.0 feet thereof.

ALSO TOGETHER WITH

The Northeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The East 1/2 of the Northwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The Southeast 1/4 and the East 1/2 of the Southwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

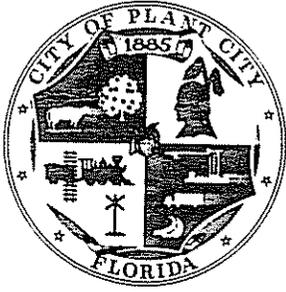
LESS

Seaboard System Railroad right-of-way.

ALSO LESS

The South 360.0 feet of the Southeast 1/4 of the Southeast 1/4 and the South 360.0 feet of the East 252.0 feet of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

EXHIBIT "B"



CITY OF PLANT CITY

August 16, 1989

P. O. Box C
Plant City, Florida 33564
Telephone (813) 752-3125

RECEIVED
AUG 16 1989

Tampa Bay Regional
Planning Council

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

Re: Ordinance 25-1989
Walden Woods Develop-
ment of Regional
Impact

Gentlemen:

Enclosed is a certified copy of Ordinance No. 25-1989 adopted by the City Commission of the City of Plant City at a regular meeting held August 14, 1989.

This ordinance renders a development order for Walden Woods Business Center, a development of Regional Impact.

Sincerely,

Martin J. Wisgerhof
Assistant City Clerk

/vh
Encl.

I, the undersigned Assistant City Clerk of Plant City, Florida, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 25-1989, as adopted at a regular meeting of the City Commission of said City duly convened and held on August 14, 1989.

In witness whereof, I hereunto set my hand and affixed the seal of the City this 16th day of August, 1989.


Martin J. Wisgerhof
Assistant City Clerk

ORDINANCE NO. 25-1989

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY WALDEN LAKE, INC. FOR WALDEN WOODS BUSINESS CENTER, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 7, 1988, WALDEN LAKE, INC., (the "Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, is hereafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with the City of Plant City (the "City"), Hillsborough County City-County Planning Commission, Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC"), and other appropriate agencies pursuant to the provisions of Section 380.06 F.S. (1988), as amended ("Chapter 380"); and

WHEREAS, the ADA proposes the development of WALDEN WOODS BUSINESS CENTER (under a Florida limited partnership, Walden Woods Business Center, Ltd., comprised of Walden Lake, Inc., as the General Partner and TECO Properties Corporation, a Florida corporation, as the Limited Partner), a mixed-use light industrial, office, and commercial development located on a 525.5 acre site within the southeast corporate limits of Plant City, Florida, in eastern Hillsborough County;

WHEREAS, the City Commission as the governing body of the local government having jurisdiction pursuant to Chapter 380 is authorized and empowered to consider ADAs for DRIs; and

WHEREAS, the public notice requirements of Chapter 380, and applicable sections of the City of Plant City Code have been satisfied; and

WHEREAS, the City Commission has on June 12, 1989 and June 26, 1989, held duly noticed public hearings on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the application hearing on the subject DRI, before the City Commission; and

WHEREAS, the City Commission has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF PLANT CITY, FLORIDA:

Section 1. That this Ordinance shall constitute the Development Order ("Order") of the City Commission issued in response to the ADA filed by the Developer, for the development of WALDEN WOODS BUSINESS CENTER, a DRI. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit A, all subject to the provisions of this Order.

Section 2. That the City Commission, having received the above-referenced documents, and 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. That the real property which is the subject of the ADA is legally described as set forth in Exhibit B, attached hereto and by reference made a part hereof.
- B. That the Developer submitted to the City an ADA which is attached hereto as a part of the composite Exhibit A, and made a part hereof (including, but not limited to, commitments made by the Developer as set forth in Exhibits C and C-1 attached hereto), to the extent that it is not inconsistent with the terms and conditions of this Order.
- C. That the Developer proposes the development of WALDEN WOODS BUSINESS CENTER, a mixed-use light industrial, office, and commercial development located on a 525.5 acre site within the southeast corporate limits of Plant City, Florida, in eastern Hillsborough County.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05 F.S. (1988).
- E. That the proposed development is consistent with the adopted local land development regulations and the City's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163 F.S. (1987), and the goals and policies of the Comprehensive Regional Policy Plan and the State Comprehensive Plan.
- F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.
- G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.
- H. That this Order is consistent with the report and recommendations of the TBRPC which were submitted pursuant to Subsection 380.06(12), F.S. (1988).
- I. That this Order satisfies the provisions of Section 380.06(15) F.S. (1988).
- J.. The multi-family units indicated in the ADA were initially included in a General Site Development Plan proposed by Walden Lake, Inc., and approved by the City for a community unit zoning district at the time that the site for the multi-family units was owned by Walden Lake, Inc. The multi-family units have not and are not being built on the DRI site, are not property presently owned by Walden Lake, Inc., and are not proposed for development by Walden Lake, Inc. During traffic methodology, ADA and Sufficiency, trips arising as a result of the multi-family units were analyzed, however, and are voluntarily by Developer assessed for their impacts which have been included in Developer's proportionate share and pipeline calculations.

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

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer and the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.

- B. That the review by the City, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that, if Developer elects Option 1 or Option 2 set forth in Section 4.C below, Phases IA, IB and IIA and IIB proposed in the ADA are hereby specifically approved, subject to the following conditions, restrictions and limitations. However, should Developer elect Option 3 set forth in Section 4.C below, then, in that event, Phase IIB is hereby only conceptually approved, subject to the following conditions, restrictions and limitations; Phase IIB specific approval would then be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this Order to specify the conditions necessary to mitigate the identified regional impacts attributable to this Development.

- A. Substantial Deviations. Except as may be otherwise provided herein, further review, pursuant to Chapter 380, shall be required if a substantial deviation, as defined in Subsection 380.06(19) of Chapter 380, Florida Statutes, or this Order occurs. All changes to this Order and substantial deviation determinations shall be accomplished pursuant to Subsection 380.06(19) F.S.
- B. Annual Reports. The Developer shall submit an annual report on the DRI to the City, the TBRPC, DCA, and other agencies as may be appropriate, on August 1, 1990, and on August 1st of each following year until such time as all terms and conditions of this Order are satisfied. The report shall be submitted on such forms as may from time to time be designated by DCA. The Developer shall be notified of any City Commission hearing wherein such report is to be reviewed; provided, however, that receipt and review by the City Commission shall not be considered a substitute or a waiver of any terms or conditions of this Order. The annual report shall contain the following information:
1. Changes in the plan of development, or representations contained in the ADA, or phasing for the reporting year and for the next year.
 2. A summary comparison of development activity proposed and actually conducted for the reporting year;
 3. Undeveloped tracts of land that have been sold to a separate entity or developer during the reporting year;
 4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year. The first annual report shall include a "base-line" report of all properties owned by Developer adjacent to the DRI site as well as those lands purchased, leased or optioned by the Developer;
 5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;

6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were filed in the reporting year together with any to be filed during the next year;
7. Other reports and items as required by this Order; specifically including an annual update on the status and progress accomplished on the pipeline project, should Developer elect Transportation Option 3 pursuant to this Order;
8. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.065(15) and (18) F.S. (1988);
9. A copy of any notice of the adoption of this Order or the subsequent modification of this Order that is recorded by the Developer pursuant to Subsection 380.06(15)(f) F.S. (1988);
10. A list of local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;
11. Identification of a change, if any, in local government jurisdiction for any portion of the development during the reporting year.

C. Transportation Conditions. The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of building permits by the City for the project shall require a determination by the City of compliance with the conditions set forth herein. The mitigation measures set forth hereafter may be implemented singly or in combination, subject to City approval, to mitigate the impacts of this development, or each phase(s) or subphase(s) thereof on regional transportation facilities. However, see Section 4.C.6 below, which sets forth the requirement associated with election of the pipeline option. In addition to the mitigation measures set forth herein, should the City hereafter adopt transportation impact fees Developer shall pay such fees, provided however that Developer shall receive credit against such impact fees for improvements constructed, right-of-way dedicated, and/or cash contributed, for the same need as the impact fees, all in excess of the onsite improvements required for this project, in accordance with applicable state law or regulations of the City.

1. For the purposes of this Order, the Developer is considered as one of a number of possible responsible entities regarding the mitigation of the transportation impacts of the project.
2. For the purposes of this Order, funding commitments can be, subject to the City's approval, actual, or committed for in a binding contractual form, construction by any public or private entity (specifically including the Developer), or the placement of improvements in the first year of the Transportation Improvements Work Programs ("T.I.P.") of the City, Hillsborough County (the "County"), or the State of Florida (the "State"), or any combination of the foregoing.
3. The total development approved is:

PHASING SCHEDULE -- SPECIFIC/CONCEPTUAL APPROVAL

	Light Industrial (Sq. Ft.)	Office (Sq. Ft.)	Commercial (GLA)
Phase IA (1992)*	2,095,530	15,000	10,000
Phase IB (1994)*	656,372	164,575	176,145
Phase IIA (1996)*/**	789,448	120,425	88,196
Phase IIB (1999)*/**	915,054	101,950	63,942
TOTALS (1999)	4,456,404	401,950	338,283

*The years shown are estimates only and do not suggest that development will not occur at a faster or slower rate than shown.

**It is ordered that if Developer elects Option 1 or Option 2 set forth in Section 4.C below, Phases IA, IB, IIA and IIB proposed in the ADA are hereby specifically approved, subject to the following conditions, restrictions and limitations. However, should Developer elect Option 3 set forth in Section 4.C below, then, in that event, Phase IIB is hereby only conceptually approved, subject to to the following conditions, restrictions and limitations; Phase IIB specific approval would then be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this Order to specify the conditions necessary to mitigate the identified regional impacts attributable to this Development. The final build-out year shown (1999) is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

***Inasmuch as Phases IA, IB and IIA only are receiving specific approval if Developer elects Option 3 set forth in Section 4.C, if Option 3 is elected, then any extension of the buildout of Phase IIA may subject the Developer to a substantial deviation determination, which determination would be subject to applicable substantial deviation criteria for extension of build-out dates.

4. When Certificates of Occupancy have been issued for Phase IA (or the equivalent thereof in terms of trip generation pursuant to the trip equivalency table attached hereto as Exhibit D, and incorporated herein by reference) an annual monitoring program to provide peak hour counts at the project entrance(s) shall be instituted to verify that the total projected number of external trips for the total development are not exceeded by fifteen percent (15%). Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If an annual report is not submitted within 30 days of its due date, or if the annual report indicates that the total trips exceed projected counts by more than 15 percent, the City shall conduct a substantial deviation determination pursuant to Subsection

380.06(19), Florida Statutes, and, if the variance is determined to be a substantial deviation, may amend this Order, as necessary, to change or require additional roadway improvements or other mitigation measures, according to the results of a revised transportation impact analysis. The revised transportation impact analysis shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Order amendments.

5.
 - a. When: (i) Certificates of Occupancy have been issued for Phase IA, and (ii) if the annual peak hour count monitoring program required by Section 4.C.4. above demonstrates that the projected number of external trips for the development (less assumed external trips attributable to transit, if any) are exceeded, then the Developer shall prepare and implement a Transportation Systems Management ("TSM") plan which is intended to divert vehicle trips from the p.m. peak hours.
 - b. The TSM plan shall be reviewed by the City, the Tampa Urban Area Metropolitan Planning Organization (MPO), the TBRPC and the Florida Department of Transportation ("FDOT").
 - c. 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.
 - d. If the annual report indicates that the total trip diversions are not being met, City of Plant City shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., 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.
6. The Developer shall have the option of proceeding with the development of each Phase or Subphase of the project for which specific approval has been granted, under the conditions set forth in Subsections C.6.a.-c. below, with respect to mitigating the project's transportation impacts, subject to any additional conditions, restrictions, or limitations set forth herein. The Developer shall notify the City and TBRPC of its election of any option hereunder prior to construction of each phase or subphase, provided that election of pipelining must be made prior to obtaining the first building permit for any Development or within 180 days from the date this Order becomes a final, non-appealable DRI

Development Order, whichever event occurs earlier. Subject to that notification and election requirement for the pipeline option, the mitigation measures set forth in 6.a.-c. below may be implemented singly, or in combination subject to City approval.

a. Option 1 ("Staging").

(1) Any approval of Phase IA of this development shall require funding commitments from responsible entities for the following roadway improvements. Without funding commitments for these improvements, construction permits shall not be issued for Phase IA.

(a) The link improvements indicated in Table 1.

(b) The intersection improvements indicated in Table 2.

TABLE 1

Required Link Improvements for Phase IA
of WALDEN WOODS BUSINESS CENTER

Roadway Link	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
I-4 from Thonotosassa to McIntosh	D	8.5	Add one eastbound thru-lane and one westbound thru-lane
I-4 from McIntosh to CR 579	F	5.7	Add one eastbound thru-lane and one westbound thru-lane
Park Rd. from US 92 to I-4	F	34.0	Add one northbound thru-lane and one southbound thru-lane

*LOS Standard based on maintenance responsibility (i.e. FDOT - LOS based on rural/urban map, Hillsborough County - LOS D all roadways).

TABLE 2

Required Intersection Improvements for Phase IA
of WALDEN WOODS BUSINESS CENTER

Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D (Existing Facility) Peak Hour Capacity	Required Improvement
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NONE

(2) Any approval of Phase IB of this development shall require funding commitments from responsible entities for the following roadway improvements. Without funding commitments for these improvements, construction permits shall not be issued for Phase IB.

(a) The link improvements indicated in Table 3.

(b) The intersection improvements indicated in Table 4.

TABLE 3

Required Link Improvements for Phase IB
of WALDEN WOODS BUSINESS CENTER

Roadway Link	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
I-4 from Park to Thonotosassa	F	6.8	Add one eastbound thru-lane and one westbound thru-lane
I-4 from Thonotosassa to McIntosh	F	15.1	Add one eastbound thru-lane and one westbound thru-lane
I-4 from McIntosh to CR 579	F	10.1	Add one eastbound thru-lane and one westbound thru-lane
I-4 from CR 579 to I-75	F	8.6	Add one eastbound thru-lane and one westbound thru-lane
Valrico from Lumsdem to SR 60	F	8.7	Add one northbound thru-lane and one southbound thru-lane
Valrico from SR 60 to Sydney	E	8.6	Add one northbound thru-lane and one southbound thru-lane
Park from US 92 to I-4	F	60.6	Add one northbound thru-lane and one southbound thru-lane

*LOS standard based on maintenance responsibility (i.e. FDOT - LOS based on rural/urban map, Hillsborough County - LOS D all roadways).

TABLE 4

Required Intersection Improvements for Phase IB
of WALDEN WOODS BUSINESS CENTER

Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
SR 39 and Park	E	21.2	Add one westbound left turn lane
SR 39 and Alexander	E	17.2	Add one eastbound right-turn lane and one southbound right-turn lane
Park and Jim Johnson	E	33.4	Signalize and add one southbound left-turn lane

*LOS standard based on maintenance responsibility (i.e., FDOT - LOS based on rural/urban map, Hillsborough County - LOS D all roadways).

(3) Any approval of Phase IIA of this development shall require funding commitments from the responsible entities for the following roadway improvements. Without funding commitments for these improvements, construction permits shall not be issued for Phase IIA.

(a) The link improvements indicated in Table 5.

(b) The intersection improvements indicated in Table 6.

TABLE 5

Required Link Improvements Needed for Phase IIA
of WALDEN WOODS BUSINESS CENTER

Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
I-4 from Park to Thonotosassa	F	8.3	Add one eastbound thru-lane and one westbound thru-lane
I-4 from Thonotosassa to McIntosh	F	18.3	Add one eastbound thru-lane and one westbound thru-lane
I-4 from McIntosh to CR 579	F	12.4	Add one eastbound thru-lane and one westbound thru-lane
I-4 from CR 579 to I-75	F	10.6	Add one eastbound thru-lane and one westbound thru-lane
SR 39 from Keysville to SR 60	D	19.6	Add one northbound thru-lane and one southbound thru-lane
SR 39 from Trapnell to Alexander	D	28.5	Add one northbound thru-lane and one southbound thru-lane
CR 579 from US 92 to I-4	F	5.3	Add one northbound thru-lane and one southbound thru-lane
McIntosh from US 92 to I-4	F	7.5	Add one northbound thru-lane and one southbound thru-lane
Valrico from Lumsden to SR 60	F	11.0	Add one northbound thru-lane and one southbound thru-lane
Valrico from SR 60 to Sydney	F	10.6	Add one northbound thru-lane and one southbound thru-lane

TABLE 5

Required Link Improvements Needed for Phase IIA
of WALDEN WOODS BUSINESS CENTER
(Continued)

Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing) Facility Peak Hour Capacity	Required Improvement
Park from US 92 to I-4	F	74.7	Add one northbound thru-lane and one southbound thru-lane
Alexander Rd. Ext. from Dead End to N/S Road	F	118.8	Add one thru-lane eastbound and one thru-lane westbound
Jim Johnson from Park to Site	F	100.7	Add one thru- lane northbound and one thru-lane southbound

*LOS standard based on maintenance responsibility (i.e. FDOT - LOS based on rural/urban map, Hillsborough County - LOS D all roadways).

TABLE 6

Required Intersection Improvements for Phase IIA
of WALDEN WOODS BUSINESS CENTER

Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
SR 39 and Park	F	20.5	Add one westbound left-turn lane
SR and Alexander	F	21.7	Add one eastbound right-turn lane and one southbound right-turn lane
Park and Jim Johnson	F	33.4	Signalize and add one southbound left-turn lane
Jim Johnson and East Project Access	F	--	Signalize and add one southbound right-turn lane

*LOS standard based on maintenance responsibility (i.e. FDOT - LOS based on rural/urban map, Hillsborough County - LOS D all roadways).

TABLE 7

Required Link Improvements for Phase IIB
of WALDEN WOODS BUSINESS CENTER

Roadway Link	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
I-4 from Park Rd. to Thonotosassa	F	10.8	Add one eastbound thru-lane and one westbound thru-lane
I-4 from Thonotosassa to McIntosh	F	24.1	Add one eastbound thru-lane and one westbound thru-lane
I-4 from McIntosh to CR 579	F	16.1	Add one eastbound thru-lane and one westbound thru-lane
I-4 from CR 579 to I-75	F	13.8	Add one eastbound thru-lane and one westbound thru-lane
SR 39 from Lithia to Keyville	D	8.1	Add one northbound thru-lane and one southbound thru-lane
SR 39 from Keyville to SR 60	D	25.4	Add one northbound thru-lane and one southbound thru-lane
SR 39 from Trapnell to Alexander	F	36.9	Add one northbound thru-lane and one southbound thru-lane
SR 39 from Alexander to Park	D	10.5	Add one northbound thru-lane and one southbound thru-lane
SR 39 from Knights to County Line	D	13.7	Add one northbound thru-lane and one southbound thru-lane
CR 579 from US 92 to I-4	F	6.7	Add one northbound thru-lane and one southbound thru-lane

TABLE 7

Required Link Improvements for Phase IIB
of WALDEN WOODS BUSINESS CENTER
(Continued)

Roadway Link	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
McIntosh from SR 574 to US 92	F	5.1	Add one northbound thru-lane and one southbound thru-lane
McIntosh from US 92 to I-4	F	9.5	Add one northbound thru-lane and one southbound thru-lane
Valrico from Lumsden to SR 60	F	14.1	Add one northbound thru-lane and one southbound thru-lane
Valrico from SR 60 to Sydney	F	13.8	Add one northbound thru-lane and one southbound thru-lane
Park from US 92 to I-4	F	96.6	Add one northbound thru-lane and one southbound thru-lane
Alexander Rd. Ext. from Dead End to N/S Road	F	162.8	Add one eastbound thru-lane and one westbound thru-lane
Jim Johnson from Park to Site	F	151.6	Add one northbound thru-lane and one southbound thru-lane

*LOS Standard based on maintenance responsibility (i.e. FDOT - LOS based on rural/urban map, Hillsborough County - LOS D all roadways).

TABLE 8

Required Intersection Improvements for Phase IIB
of WALDEN WOODS BUSINESS CENTER

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Intersection	LOS W/Project Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
SR 39 and Park	F	26.6	Add one westbound left-turn lane
SR and Alexander	F	28.2	Add one eastbound right-turn lane and one southbound right-turn lane and add second left-turn lane at all approaches
Park and Jim Johnson	F	54.6	Signalize and add one southbound left-turn lane
Jim Johnson and East Project Access	F	--	Signalize and add one southbound left-turn lane
SR 60 and Valrico	F	5.3	Add one northbound right-turn lane and one southbound right-turn lane

*LOS standard based on maintenance responsibility (i.e. FDOT - LOS based on rural/urban map, Hillsborough County - LOS D all roadways).

b. Option 2 ("Monitoring").

(1) In the event that commitments for transportation improvements are only adequate to permit approval of the project, the capacity and loading of transportation facilities in the Walden Woods transportation area, including, but not limited to the regional roadways and intersections referenced in Option 1 shall be limiting factors in any approvals. Accordingly, the Developer shall generate and provide the City and TBRPC pursuant to the provisions of 380.06 F.S., with updated current traffic counts on the above roadways and projections of traffic volumes that will result from completion of all currently approved project construction plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the links and intersections referenced in tables 1-8 at the appropriate levels of service as analyzed in the ADA and Sufficiency, to-wit: City: LOS C; County: LOS C daily/D Peak; FDOT: LOS C Rural. Both the traffic counts and the projection of traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. Prior to any specific approval pursuant to Option 2, the City shall ensure in written findings of fact that the regional roadways in the Walden Woods Business Center transportation impact area are operating at the above referenced levels of service and that the expected trips to be generated by such approval will not cause the roadways to operate below the above referenced levels of service. This Order shall be amended to address the specific Option 2 Phase, Subphase or Sub-subphase approval.

(2) Subject to the completion, review and approval by the City and TBRPC of a sub-subphasing transportation analysis, together with any associated Order amendments, sub-subphasing is permitted under Option 2. If sub-subphasing is elected by Developer, funding commitments will be required for all regionally significant improvements (as listed above in Tables 1-8) which are necessary to accommodate the traffic impacts of a particular sub-subphase of development prior to the commencement of that particular sub-subphase of development. Prior to issuance of building permits beyond a particular subphase square footage threshold, the improvements identified as being associated with the next phase, subphase or sub-subphase must be the subject of funding commitments from responsible entities, where those facilities are projected to operate below above referenced levels of service and the development would contribute five percent (5%) or more of the then existing above referenced levels of service capacity of the facility. Without funding commitments for these improvements,

building permits shall not be issued where project construction (together with projected construction) would exceed the phase, subphase or sub-subphase square footage for which there are funding commitments.

c. Option 3 ("Pipelining").

(1) The Developer acknowledges that the City does not have a transportation impact fee in place as required by 380.06(15)(e)(1) F.S. Therefore, the City cannot lawfully include any transportation condition which requires that this Developer contribute or pay for land acquisition or construction or expansion of public facilities. The City and Developer recognize that pipelining is an option being offered to this Developer and should the Developer elect to mitigate using this Option, all contributions and construction by the Developer are voluntary pursuant to 380.06(15)(e)(2) F.S. The election of this Option must occur within one hundred eighty (180) days of the date this Order becomes a final, non-appealable DRI Development Order or at the time the Developer applies for its first building permit, whichever event occurs earlier. Failure to notify the City and TBRPC of its election to pipeline within the time frames stated above shall foreclose the Developer from using Option 3 to mitigate its transportation impacts.

(2) It is the intent of this Option to permit the Developer to elect to voluntarily mitigate its development impacts on the substantially affected regionally significant roadway network by adequately providing, in the manner set forth below, for the public transportation facilities necessary to accommodate the traffic impacts of Phases IA, IB and IIA of the development. The requirements set forth below have been determined to make adequate provision for, or to provide reasonable assurances of the availability of, the public transportation facilities necessary to accommodate the traffic impacts of Phases IA, IB and IIA of the development. The requirements set forth below have further been determined to be consistent with City, TBRPC, DCA, FDOT and MPO policies and Rule 9J-2.0255, Florida Administrative Code.

(3) Under this option, the Developer, using Developer's proportionate share amount calculated pursuant to Rule 9J-2.0255, Florida Administrative Code (1987), as interpreted in accordance with TBRPC, DCA, and City policies regarding pipeline mitigation of transportation impacts, may elect under the circumstances set forth hereafter to fund, design and construct link and intersection improvements along the Alexander Extension from the on-site north/south road to Jim Johnson Road, consisting of the third and fourth east/west thru-lanes; see also Exhibit "E" for more detail.

- (4) (a) For purposes of this Order, Developer's proportionate share of the costs of the transportation improvements necessary to accommodate the impacts of Phases IA, IB and IIA of the development have been calculated to be \$706,548. The estimated costs of such improvement(s) based on 1989 dollars as of the date of this Order is \$2,222,000. The Developer shall build the pipeline improvements regardless of costs.
- (b) If the Department of Commerce Economic Grant of two million (\$2,000,000) ("Grant") for improvements from Zayre's Drive (A.K.A. Ames Drive), north on Jim Johnson Road, fails to be spent, in whole or in part, as assumed in the ADA and Sufficiency Responses, the Developer's proportionate share amount (in relation to the portion of the Grant not expended) shall be increased by an amount not to exceed three hundred eighty seven thousand eight hundred sixty eight dollars (\$387,868). (This would be the maximum amount due if none of the Grant was expended on the improvements assumed in the ADA and Sufficiency Responses.)

(5) Implementation of pipelining shall require that:

(a) The Developer shall guarantee funding the design and construction for the pipeline improvements, including securing the necessary permits, rights of way and easements, by the posting of a bond or an irrevocable letter of credit in an amount sufficient to complete the same, as may be approved by the City. The guarantee may be in such other form agreeable to the City. Such guarantee shall be posted by the Developer prior to issuance of any construction permits as herein provided. Until final completion and acceptance of the pipeline improvements, the amount of the bond or letter of credit shall be adjusted annually to reflect current approved cost estimates for completion by the Developer of the pipeline improvements as may be determined by the City.

(i) Prior to completion and acceptance of the pipeline improvements, and prior to the issuance of any construction permit, the Developer shall post such guarantee equal to one third of the total amount sufficient to complete the pipeline improvements, which shall entitle Developer to construction permits for up to one third of the total approved development as follows:

Light Industrial (Sq. ft.)	Office (Sq. ft.)	Commercial (Sq. ft.)
1,485,468	133,983	112,761

(ii) The Developer shall thereafter increase such guarantee and post the same equal to two thirds of the total amount sufficient to complete the pipeline improvements, which shall entitle Developer to increased construction permits for up to two thirds of the total approved development as follows:

Light Industrial (Sq. ft.)	Office (Sq. ft.)	Commercial (Sq. ft.)
2,970,936	267,966	225,522

- (iii) The Developer shall thereafter increase such guarantee and post the same equal to the total amount sufficient to complete the pipeline improvements, which shall entitle Developer to increased construction permits to complete the total approved development.
- (iv) Upon default of the guarantee by the Developer, the City may draw down on the letter of credit, bond or other security for completion of the pipeline improvement or such alternate road construction in mitigation of Developer's transportation impact as the City may determine with concurrence by TBRPC and implemented by amendment to this Order.
- (b) The design of the Pipeline Segments shall be prepared in a manner normally used by the entity which will ultimately be responsible for the transportation improvements. The design shall be reviewed and approved, as appropriate, by FDOT, Hillsborough County ("County") the Railroad and the City prior to construction of such improvement. The design shall be completed and approved within twelve (12) months after the date on which the Developer advises the City, in writing, of its election of the Option 3 pipeline transportation mitigation option. The design shall include 30%, 60% and 90% design completion reviews and approvals.
- (c) Upon completion of the design, and approval by the FDOT, the County, the Railroad and the City, Developer shall obtain all necessary permits within twelve (12) months of the date of the last such approvals. The City shall assist the Developer, when appropriate, in obtaining all permits, approvals, utility relocations, rights-of-way, and easements necessary to complete the pipeline improvement, all at Developer's expense.
- (d) Upon completion of the design, and securing of necessary permits, rights-of-way and easements, Developer shall commence construction and shall construct and complete the pipeline improvement within twenty four (24) months from the date of commencement of construction. The Developer shall complete the pipeline improvements regardless of costs.
- (e) (i) If Developer is not meeting the schedule for design, permits, right-of-way acquisition, and construction as provided in Section 4.C.6(c)(5), or otherwise defaults in any other requirement for implementing pipelining, or otherwise defaults in any other condition of this order, no further building permits or certificates of occupancy shall be issued nor shall Developer be permitted to continue any building construction, until such time as the Developer can demonstrate that the pipeline improvement is back on the above referenced schedule, or that the default is corrected.

(ii) In order to ensure that Developer is meeting the schedule for design, permits, right-of-way acquisition, and construction, the Developer shall provide pipeline improvement status reports to the City, on a quarterly basis, on August 1, November 1, February 1, and May 1 of each year, until the completion and acceptance of the pipeline improvement. These quarterly reports, if they clearly demonstrate that the schedule cannot be met, may be the basis for City action in refusing to issue further building permits or certificates of occupancy, even though such action may occur prior to the end of the scheduled times for completion of the design, permitting or construction of the pipeline improvement(s).

(iii) The report shall include the amount of square footage of development for which building permits have been requested, together with an update on the progress of the design, permitting and construction of the pipeline improvement, together with such other information requested by the City.

(iv) Copies of such quarterly reports shall be included as part of the Annual Report submitted to the City and TBRPC.

(f) (i) Notwithstanding the foregoing, if upon application of the Developer, the City finds that performance by Developer in meeting the schedule for design, permitting or construction as hereinabove set forth shall be interrupted or delayed by a natural disaster or the result of war, riot, or civil commotion, then Developer may be allowed an extension to such schedule as deemed reasonably necessary by the City to remedy the effects thereof.

(ii) Further, if upon application of the Developer, the City finds that performance by the Developer in meeting the schedule for design and permitting as hereinabove set forth shall be interrupted or delayed by the failure of timely governmental review and approval, and such interruption or delay is without cause of the Developer, then Developer may be allowed an extension to such schedule as deemed reasonably necessary by the City to remedy the effects thereof.

(iii) Any determination by the City upon application of the Developer for extension to such schedules as hereinabove provided shall be in the sole judgment of the City. Such review, determination and the allowance of such extension, if any, shall be consistent with applicable laws, rules and regulations regarding extension of schedules of DRI projects; and allowance of such extension, if any, shall be pursuant to an amendment of the Order,

the review and adoption of which shall not constitute a substantial deviation.

(iv) The inclusion of the above provisions for consideration of Developer's application for schedule extensions shall not be construed to vest any right in the Developer to such extensions, and nothing herein shall be deemed to require favorable consideration by the City of an application for extension by the Developer.

(g) This order assumes that there has been dedicated to the City that portion of Alexander Street right of way extending West from Developer's site to State Road 39. If, at any time during the effective term of this Order as provided in Section 8, the dedication of any portion of the right of way shall be disputed by any person and as a result of civil action it is determined by a court of competent jurisdiction that the City is required to pay damages for any portion of the right of way, or if for any other reason a court of competent jurisdiction orders the City to pay damages for any portion of the right of way, the Developer shall within thirty (30) days upon demand of the City pay to the City the amount of such damage award. Payment to the City of the amount of such damage award shall be a cash contribution of Developer for which Developer may receive transportation impact fee credit as provided in Section 4.C.

(h) The Developer, in entering into any written agreements with the railroad concerning the design, permitting, or construction of the railroad crossing of Alexander Street over the tracks on the Eastern boundary of the property, shall not enter into any agreement whereby the City, upon acceptance of the roadway, shall be required to assume any pre-construction, construction, or post-construction liabilities to the railroad as a result of such railroad crossing design, permitting, construction or maintenance. For this purpose any such agreements between the Developer and the Railroad shall be subject to prior review and approval by the City.

(i) If, prior to commencement of construction of improvement, upon application of the Developer, the City finds that it is impossible for the Developer to complete the pipeline improvement solely as a result of physical conditions of the land, the Developer may propose to the City alternative roadway improvements ("Alternative Improvements") which equal or exceed the total estimated costs of the pipeline improvements as such amount has been increased to then present value using the Dodge Reports Construction Cost Index ("Index"). If the entity having responsibility for the improvements, the City, and TBRPC approve the Alternate Improvement, the City may amend this order to permit pipeline of the Alternative Improvement and to set a schedule for the construction thereof, and the construction of the Alternative Improvement shall otherwise be subject to all provisions of this Order as for the initially proposed pipeline improvements. The review and adoption of the Amendment to this order permitting the Alternative Improvement shall not

constitute a substantial deviation. The Developer shall complete construction of the Alternative Improvements regardless of costs.

(j) Fifty percent of the total cost of installing a motor vehicle traffic signal at intersection of Alexander Street and shopping center entrances East of State Road 39 shall be included in the pipeline improvement; provided that the City finds such signalization necessary as a result of a traffic study which the City will obtain at the cost of the Developer. The cost of the traffic study and amount of the fifty percent of the cost of the traffic signal shall be paid to the City by the Developer within thirty (30) days upon demand of the City.

D. Hurricane Evacuation and Floodplain Management.

1. There shall be no loss of hydrologic storage capacity within the 100-year floodplain.
2. Elevations for all habitable structures and appropriate infrastructure shall be at or above the base flood elevation.

E. Environmental and Natural Resources.

1. a. The portions of the Walden Woods Business Center site which meet the definition of preservation and conservation areas, as defined in Sections 10.1.2. and 10.3.1 of TBRPC's adopted growth policy, the Comprehensive Regional Policy Plan, shall be so designated on a Master Site Plan submitted to the City. These shall be consistent with those areas indicated on the Preservation/Conservation map ("Map") in Appendix III of the Sufficiency Response (a portion of Exhibit A). See Exhibit "F" (revised "Map-H") which incorporates all the preservation/conservation elements and boundaries of the Appendix III map, which Exhibit "F" is incorporated by reference as if fully set forth herein.
- b. No adverse hydroperiod alteration shall be permitted in preservation/conservation areas identified on the Map.
- c. No dredging, filling or development activities will be allowed within preservation areas. Activities within the conservation areas shall be limited to properly permitted and mitigated infrastructure such as bicycle paths, grade-level walkways, boardwalks (or similar structures), and stormwater management outfall structures; notwithstanding the above, such infrastructure shall be subject to all appropriate regulatory agencies reviews and approvals.
- d. All losses of conservation areas shall require 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being disturbed.
- e. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years. Monitoring shall include

species diversity and composition and efforts to control nuisance species encroachment. Additional planting may be required to maintain an 80 percent survival of planted species at the end of three years.

2. Representative tracts of Temperate Hardwood and Live Oak Forest communities, described on pages 51 and 61 of the Sufficiency Response and as shown on the preservation/conservation map in Appendix III to that Sufficiency Response, shall be set aside as conservation areas in a manner which will ensure their continued natural function and value.
3. In the event that any species listed in Sections 39-27.003-.005, FAC, are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission.
4. Prior to disturbances of the freshwater marshes utilized by sandhill cranes, further study should be undertaken to determine if the cranes are nesting on the site. This should be undertaken in coordination with the Florida Game and Fresh Water Fish Commission. If it is determined that nesting does occur, all identified nesting areas of sandhill cranes shall be designated and appropriate impact minimization techniques shall be employed pursuant to and subject to all applicable agency rules, regulations, reviews and approvals.
5. There shall be no impervious surfaces constructed within the 25-year floodplain, except minimal, properly permitted and mitigated intrusions for necessary roadways and easements, as long as they do not contribute to adverse water quality impacts from stormwater runoff.
6. If Developer elects Option 3 as set forth above, then specific approval of Phase IIB shall require further Chapter 380, F.S. review, in the form of an updated air quality impact analysis acceptable to FDER and HCEPC and, as required by law, amendment of the Order to incorporate necessary mitigation measures, if any.
7. The soil conservation measures referenced on page 14-3 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced on page 14-3 of the ADA, at minimum, shall be implemented.
8. A soil conservation plan shall be presented to TBRPC and the Soil Conservation Service (SCS) for comment, and to SWFWMD and the City for approval, prior to issuance of building permits for the proposed development. This soil conservation plan shall incorporate Best Management Practices. The effectiveness of the plan, as well as compliance with the plan, shall be demonstrated through the required surface water quality monitoring program.

F. Drainage.

1. Prior to the issuance of any building permits, the Developer shall submit the Final Drainage Plan for the project to the City, FDER, TBRPC and SWFWMD for review and to the City for approval.

2. The Final Drainage Plan shall include the following parameters:
- a. The proposed stormwater management systems shall be designed, constructed, and maintained by the Developer to meet or exceed Chapter 17-25, FAC, and 40D-4, Rules of SWFWMD. Treatment shall be provided by biological filtration, if feasible.
 - b. Best Management Practices for reducing water quality impacts, as recommended by the City and SWFWMD shall be implemented including a street cleaning program for parking and roadway areas within the development.
 - c. In order to protect water quality, there shall be no degradation of water quality standards by stormwater exiting the site. Therefore, it is appropriate that the Developer provide for a semi-annual surface water quality monitoring program, to be instituted before ground breaking takes place and to continue through project buildout only. If no construction on the site has taken place between the date of the last monitoring and the date the next monitoring is due, then Developer is not required to monitor for that period. This provision is specifically predicated on the most recent monitoring report not indicating a degradation of water quality standards by stormwater exiting the site. If the most recent monitoring report had indicated such a degradation, then the Developer shall provide a monitoring report, whether or not construction had taken place since the last monitoring. Notwithstanding the above, the Developer shall provide notice to the recipients of monitoring reports, that no construction has taken place and therefore no reports (for that period) will be forthcoming. Any construction during any subsequent monitoring period shall retrigger the requirement for monitoring and the timely submittal of a monitoring report (through project buildout). Any violation of Chapter 17-3, FAC, shall require corrective measures as set forth by FDER. The following shall apply:
 - (1) Sampling locations shall be determined in cooperation with the City and SWFWMD.
 - (2) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
 - (3) The monitoring results shall be submitted to the City and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to the City and SWFWMD immediately.
 - d. Environmentally sound cleaning procedures, including wet vacuuming and biodegradable solvents, shall be used to clean vehicular parking and access surfaces.

- e. In the absence of the dedication to, and acceptance by the City of specific drainage facilities, the Developer, its successors, or assigns, shall be the responsible entity for the maintenance of the on-site stormwater management systems.
- G. Historical and Archaeological Sites. The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and the City.
- H. Energy.
1. Tampa Electric Company ("TECO") will supply electric power to the project. Developer will cooperate with TECO during the development of a detailed site and landscaping plan to facilitate substation placement, easements, and rights of way relative to the development site.
 2. The energy conservation measures referenced in Composite Exhibit "A" are incorporated by reference herein, as if fully set forth.
 3. The following energy conservation measures shall be utilized as economically feasible:
 - a. The Developer shall establish Energy policies, energy-use monitoring, and energy conservation for WALDEN WOODS BUSINESS CENTER using a qualified energy use analyst.
 - b. The Developer shall institute programs to promote energy conservation by employees, buyers, and suppliers.
 - c. The Developer shall institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs.
 - d. The Developer shall encourage the elimination of advertising requiring lighting after business hours.
 - e. The Developer shall encourage and employ innovative energy alternatives such as solar energy, resource recovery, waste heat recovery, and cogeneration if economically feasible.
 - f. The Developer shall install total energy systems on large facilities when cost effective.
 4. A report on the implementation of, and participation in, these and other energy programs shall be included in each annual report.
- I. Solid Waste. The City shall provide solid waste disposal to this Development at such charges as the City or the County may from time to time promulgate.
- J. Wastewater.

1. The City shall provide wastewater treatment to this Development through build-out of this project as referenced in the ADA at such charges for wastewater services as the City may from time to time promulgate. The Developer shall provide the onsite and offsite infrastructure necessary to connect to the City's system.
2. The Developer shall establish a plan and schedule whereby on-site development sewer lines shall be monitored for leaks and ruptures. Such plan and schedule shall be submitted to the City Engineer for review and approval prior to the issuance of any building permits authorizing the installation of such sewer lines. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines dates or frequency of the monitoring program. Faulty lines shall be replaced as quickly as possible.

K. Hazardous Materials.

1. The Developer shall provide to all Walden Woods Business Center businesses information 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;
 - (b) Describes construction requirements for hazardous waste holding areas; and
 - (c) Advises of applicable statutes, ordinances and regulations regarding hazardous wastes and materials.
2. No Walden Woods Business Center tenants shall, as a byproduct of their use, generate hazardous waste not suitable for recycling, exchange, reuse, or disposal, off-site, and in strict compliance with all applicable local, regional, state and federal regulations. (N.B. - See Section 4.K.4 below as to permitted uses within this development.)
3. Walden Woods Business Center shall develop an ongoing survey which will locate and catalog tenant businesses where hazardous materials and waste are stored, handled or transported. The ultimate fate or disposal of the substances shall also be recorded. The results of this survey shall be reported to the City and TBRPC as part of the annual report. The storage, handling or transportation of hazardous materials and wastes shall be subject to such regulations as the City may from time to time provide, which may include regulations prohibiting the storage, handling or transportation of hazardous materials and wastes.
4. No other uses, except as defined in Section 4.S below, shall be permitted within this Development.

L. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out of the project as referenced in the ADA will be supplied by the City at such charges for water service as the City may from time to time promulgate. The Developer shall provide the onsite and offsite infrastructure necessary to loop to the City's system.

2. The Developer shall submit a plan in the first Annual Report to the City and TERPC for using the lowest quality non-potable water reasonably available for irrigation, following issuance of the first Certificate of Occupancy. The plan shall establish the time of implementation. The Developer shall be responsible for maintenance and operation of any on-site wells.
 3. Water saving devices shall be incorporated into the project's design and construction guidelines to the extent mandated by the Florida Water Conservation Act, Section 553.14 F.S. (1988). Xeriscape techniques, including native vegetation, shall be used in landscaping wherever feasible.
 4. Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the development in accordance with City laws, rules, and regulations as the responsibility of the Developer.
 5. Internal water distribution facilities not located within public easements or rights-of-way shall be maintained by the Developer, owner or its successors or assigns.
 6. The water conservation measures referenced on page 84 in the Sufficiency Response shall be required.
- M. Other Public Facilities, Utilities, and Services. The City shall assure the adequacy and availability of the following public services for WALDEN WOODS BUSINESS CENTER: police and fire. Hillsborough County EMS is responsible for the provision of emergency medical services.
- N. Maintenance of Open Space and Recreation Areas.
1. The Developer, its successors, assigns, or grantees shall be the responsible entities for the maintenance of all open space areas of the project site including recreation areas.
 2. The recreation and open space sites within Walden Woods Business Center shall be held inviolate against diversion to other uses, except in cases of overriding public need.
 3. The 14.3 acre "borrow" area, consisting of a borrow lake and adjacent live oak forest located on the northwestern corner of the site, as shown on the preservation/conservation map, shall be retained as recreation and open space as committed in the ADA.
- O. Credits Against Local Impacts and Exactions. The terms and conditions of this Order which require the Developer to contribute land or pay for land acquisition or construction or expansion of public facilities or portions thereof, have been stipulated to by the Developer and the Developer has determined that any contributions or construction of public facilities which are called for in this Order are in its own best interest. Developer acknowledges that the City does not currently have any impact fees in place and, therefore, at this time the Developer is not entitled to any credit against impact fees. However, consistent with Florida Statutes 380.06(16)(b)(1988), if the City imposes or increases an impact fee or exaction after issuance of this Order, the Developer may petition the

City, and the City shall modify the affected provisions of this Order to give the Developer credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition, or construction or expansion of a public facility, or a portion thereof, required by this Order toward an impact fee or exaction for the same need, in accordance with applicable law.

P. Economy.

1. The Developer shall encourage project businesses to utilize non-discriminatory employment programs as required by law. The Developer shall incorporate the program's effect into the annual reports following issuance of the first certificates of occupancy for project businesses.
2. The Developer shall encourage WALDEN WOODS BUSINESS CENTER employers to institute programs to provide child care facilities at the place of employment or as a cooperative effort with businesses, as practicable. The Developer shall incorporate a report on child care programs utilized by project business employees into the annual reports following issuance of the first certificates of occupancy for project businesses.

Q. General Conditions.

1. Excess infrastructure capacity constructed to potentially serve latter phases (IIB) of the development shall be at Developer's risk, and shall not vest Phase IIB development rights.
2. All outstanding amounts for initial review by TBRPC shall be paid within 15 days of billing (which billing shall be in sufficient detail and scope as to allow proper accounting reconciliation).
3. Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the Developer in accordance with the DRI Fee Schedule.
4. The City does not have a DRI fee schedule at the time of enactment of this Order; however, it is contemplated that the City will subsequently promulgate a DRI fee schedule. Payment for any future activities of the City with regard to this development, including, but not limited to monitoring or enforcement actions shall be in accordance with the City's DRI fee schedule as may from time to time be promulgated by the City.

R. Accessible Housing.

1. In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to the commencement of development for Phase II, conduct an analysis of the housing needs to be created by the development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the DCA. If such analysis indicates that the development will create a substantial need for adequate housing that is not being provided by other residential development proximate to the

development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and request the City to adopt the HAIP as an amendment to this Order, which amendment shall not be considered a substantial deviation. The HAIP shall comply with the goals and standards established by the TBRPC Comprehensive Regional Policy Plan, the adopted local government comprehensive plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II.

2. At a minimum, the HAIP shall contain:
 - (a) Specific provisions for onsite housing, if practicable, and including housing delivery alternatives;
 - (b) Specific provisions for offsite housing in addition to onsite housing or when onsite housing would be impracticable;
 - (c) Specific mechanisms for HAIP implementation;
 - (d) Provisions to ensure continued adequacy of units provided;
 - (e) Monitoring provisions;
 - (f) Recommended location and placement of adequate housing units;
 - (g) An assessment of the HAIP and its relationship to the local comprehensive plan in regard to the need for adequate housing.
3. The HAIP may also contain:
 - (a) Proposed provisions for crediting the Developer for activities that address adequate housing opportunities;
 - (b) Proposed developer incentives for providing adequate housing opportunities such as density bonuses, density transfers, alternative or expedited development review, or partial or full fee waivers.

S. Local Conditions.

1. The light industrial uses proposed for development within this DRI, and its associated CU site-plan-controlled zoning district shall be limited to those uses permitted pursuant to Section 111.16 M-1A Light Industrial District, City of Plant City Zoning Code, as such section is in effect at the time of the effective date of this Order; provided, however, that all uses within this DRI shall be subject to such regulations as the City may from time to time provide relating to the manufacture, storage, handling, use, transportation, or disposition of hazardous materials and waste.
2. The provisions of this Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of the City of Plant City now in effect or hereafter enacted. To the extent

that further review is provided for in this Order or required by the City, said review shall be subject to all applicable laws, rules, regulations and ordinances in effect at the time of the review.

Section 5. That the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Order, unless the context indicates otherwise.

Section 6. That the term "Developer" as used in this Order is deemed to mean WALDEN LAKE, INC., the owner of WALDEN WOODS BUSINESS CENTER, its successors, or assigns, and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, any subsequently created condominiums or merchants' association. For purposes of this Order, the authorized agent for the Developer are Frank Kurchinski, Executive Vice President, Walden Lake, Inc., c/o 137 South Pebble Beach Boulevard, (P.O. Box 5698), Sun City Center, Florida 33570 and Kenneth E. Graves, Esq., Honigman Miller Schwartz and Cohn, 777 South Harbour Island Boulevard, Suite 350, Tampa, Florida 33602.

Section 7. That Development of the Project shall commence by July 1, 1994 unless the time period for commencement is extended by the City.

Section 8. That this Order shall remain in effect for a period of fifteen (15) years from the date upon which this Order becomes final and the appeal period has ended. Any development activity, wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed if approved. This Order may be extended by City Commission on the finding of excusable delay in any proposed development activity.

Section 9. That prior to fifteen (15) years from the date upon which this Order becomes final and the appeal period has ended, the City may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that : (a) substantial changes in the conditions underlying the approval of the Order have occurred; or (b) the Order was based upon substantially inaccurate information provided by the Developer; or (c) the change is clearly established by the City to be essential to the public health, safety, or welfare. Any down-zoning or reduction of intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations (including land use plan amendments and rezonings). For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order. The inclusion of this Section 9 is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3 F.S. (1988). A rezoning to a developer-initiated CU in substantial accordance with such CU request, in order to achieve zoning conformance, shall not be considered a downzoning for purposes of this section.

Section 10. Notwithstanding this Order, the Developer, at its sole option, may resubmit this project for review and approval under any Area Wide Application for Development Approval, pursuant to Subsection 380.06(25) F.S. (1988), as amended, if such application encompasses the development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited to the Developer's obligations under any such Area Wide Development Order.

Section 11. That this Order shall be binding upon the Developer, its assigns, or successors-in-interest.

Section 12. All development undertaken pursuant to this Order shall be in accordance with all applicable local codes, ordinances in effect at the time of permitting, and other laws, except as otherwise specifically provided herein. Additionally, the Developer has elected to be bound by the rules adopted pursuant to Chapters 403 and 373 F.S., in effect at the time of adoption of this Development Order. Accordingly, all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized by this Development Order shall be subject to the rules adopted pursuant to Chapters 403 and 373 F.S., in effect at the time of issuance of this Development Order.

Section 13. That the City Manager of the City is responsible for insuring compliance with this Order.

Section 14. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Order.

Section 15. That the City of Plant City Clerk is hereby directed to send certified copies of this Order, within five (5) days of the enactment date of this Ordinance, to the Developer, the Florida Department of Community Affairs, and TBRPC.

Section 16. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

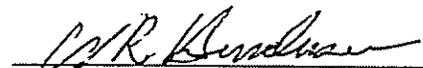
Section 17. That the Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380 and shall furnish the City Clerk a copy of the recorded notice.

Section 18. That this Ordinance shall take effect 45 days after rendition in accordance with Rule 9J-1.003(3), F.A.C.

Read for first reading the 24th day of July, 1989.

Read for second reading the 14th day of August, 1989.

Certified as to passage the 14th day of August, 1989.



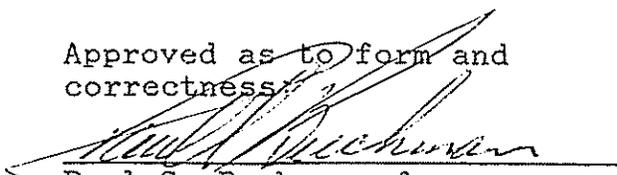
W. R. Henderson
Mayor-Commissioner

ATTEST:



Martin J. Wisgerhof
Assistant City Clerk

Approved as to form and
correctness:



Paul S. Buchman of
Buchman and Buchman, P.A.
City Attorney

The original composite Exhibit A is maintained in the office of the City Clerk, City of Plant City, Florida, 310 North Wheeler Street, Plant City, Florida 34289.

Legal Description

Lots 5 through 12, inclusive, Lot 23 less the South 180.0 feet thereof, Lot 24, Lot 25 less the East 252.0 feet thereof and the North 150.0 feet of Lot 26 less the East 252.0 feet thereof of PLANT CITY STRAWBERRY FARMS as recorded in Plat Book 27, Page 4, Public Records, Hillsborough County, Florida.

TOGETHER WITH

The Southeast 1/4 of the Southeast 1/4 of Section 33, Township 28 South, Range 22 East, Hillsborough County, Florida, lying South of Park Street, less the South 220.0 feet of the East 220.0 feet thereof.

ALSO TOGETHER WITH

The Northeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The East 1/2 of the Northwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida, South of Park Street.

ALSO TOGETHER WITH

The Southeast 1/4 and the East 1/2 of the Southwest 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

LESS

Seaboard System Railroad right-of-way.

ALSO LESS

The South 360.0 feet of the Southeast 1/4 of the Southeast 1/4 and the South 360.0 feet of the East 252.0 feet of the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 29 South, Range 22 East, Hillsborough County, Florida.

DRI #188 WALDEN WOODS

DEVELOPER COMMITMENTS

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

General Project Description

ENVIRONMENTAL AND NATURAL RESOURCES

Air

As required, the developer will mitigate any air quality impacts directly associated with the proposed development, in accordance with applicable lawfully adopted laws, rules or regulations. (SR page 1)

It is the intention of the developer to minimize the potential impacts to potential preservation/conservation areas, soils, water quality, and air quality. (SR page 2)

Fugitive dust from construction operations and wind erosion will be the major source of initial emissions. Cleared and disturbed areas will be grassed, mulched or sprinkled as is appropriate as soon as possible after clearing. (ADA page 13-1)

Land

The developer intends to construct the proposed development in a manner which will utilize the natural features and amenities in a manner which will enhance the entire development and surrounding areas. (SR page 1)

Clearing, grubbing, and site grading will be carried out only in areas where construction is imminent. Erosion control measures may include staked hay bales, siltation screens, water truck spraying, sedimentation ponds, berms and quick sodding of embankments. (ADA page 14-3)

Wetlands

The developer intends to preserve 98 percent of the freshwater marsh/wetlands on site, as stated in the ADA/DRI, subject to all appropriate review and approvals. There will be 3.7 acres of wetlands filled, and 3.7 acres of freshwater marsh will be created. In addition, planted littoral zones in stormwater ponds will be utilized. (SR page 1)

The stream and lake swamp (615) is proposed to be set aside as a preservation area. Conservation areas will include all non-impacted fresh water marshes, proposed mitigation areas and the borrow pit/recreational

area. The borrow pit, however, will not be set aside as a conservation area until after the applicant incorporates the proposed passive recreational plan. In addition to these wetland areas, portions of the temperate hardwood hammock (15.6 acres) and live oak (3.8 acres) upland communities will be set aside as conservation areas, as shown on the Preservation/Conservation map in Appendix III. (SR page 35)

Non-encroachment into sensitive areas will be achieved by delineating a 30-foot construction setback to ensure development will not occur within the setback area and that construction equipment will not encroach into the area. (SR page 38)

Present on-site hydroperiods and water quality will be preserved by maintaining the functional characteristics of existing drainage basins. (ADA page 16-3)

Grades within created wetlands will be set at elevations conducive to the establishment and growth of soft-rush (Juncus effusus), maidencane (Panicum hemitomon) and pickerelweed (Pontederia cordata) which dominate the majority of the existing wetland areas proposed for impact. (SR page 55)

Vegetation and Wildlife

Measures to protect the netted chain fern (Woodwardia areolata) include incorporating the bottomland hardwood system which bisects the property, where this plant is found, into the proposed development plan. (ADA page 18-11)

In an attempt to maintain the continuity of any existing animal corridor within the stream and lake swamp system, the proposed east-west roadway crossing through the system will be elevated to a degree adequate for the placement of reinforced concrete pipes (RCP). These pipes (approximately 24 inches in diameter) would then be utilized by wildlife for their movement throughout this natural system. (SR page 43)

Historical and Archaeological Sites

If, during construction activities, materials of potential historical or archaeological significance are uncovered, the State Historic Preservation Officer will be consulted in order to determine the appropriate mitigation action. (ADA page 19-1)

PUBLIC FACILITIES

Wastewater Management

The developer agrees to work with the City of Plant City to ensure adequate wastewater treatment facilities and environmentally sound effluent disposal. (SR page 2)

All wastewater flows generated by this project will be domestic wastewater. (ADA page 21-1)

Drainage

The developer will comply with all rules and regulations for the design of the on-site drainage system. (SR page 2)

The proposed development plan will maintain mitigated wetlands and incorporate them into the project's stormwater management system. (ADA page 22-3)

The controlled water levels of the proposed lake system will be maintained to coincide with the natural hydrology and will not significantly alter the water table levels on adjacent property. (ADA page 22-3)

Water Supply

Water fixtures installed within the proposed development will be in compliance with applicable portions of "The Water Conservation Act", Section 553.14, F.S. (SR page 83)

The developer will coordinate with the City of Plant City for the development of the proposed waterline required from Park Road to C.R. 39 and will provide his fair share of the contributions for the construction of the new line. (SR page 94)

The use of low quality water or treated wastewater will be investigated as a potential source of non-potable water use. In addition, the use of xeriscape techniques will be considered as part of the final landscape plan and, where feasible, integrated into the landscape and irrigation plans. (SR page 94)

Solid Waste

The developer agrees that if, any hazardous materials are located on-site, storage will be in compliance with all applicable laws, rules and regulations. (SR page 3)

Energy

Energy conservation considerations that will be utilized in the development of the Walden Woods project with respect to site planning and building design will include the following conservation features:

- 1) Street, parcel and building orientation to minimize solar exposure and long term energy expenses.
- 2) Utilization of shading with plant materials and minimized paved areas around building to mitigate the temperature effect on people and adjacent buildings.
- 3) Use of cost effective building materials such as insulation, thermal glass, pre-cooling and energy efficient lighting systems.

- 4) Layout and landscaping of parking lots to reduce heat buildup.
- 5) Master planning for utility runs, reduced street widths where possible, and drainage/retention areas to contribute to optimum energy benefits.
- 6) Utilization of an efficient, outdoor, overhead lighting system throughout the project. (ADA page 25-3)

Recreation and Open Space

A 14.3-acre site encompassing an abandoned borrow pit has been designated for recreational use. (ADA page 27-1)

Open space areas will be fully maintained by the applicant, its successors or assigns. (ADA page 27-2)

Police

The applicant is committed to paying his proportionate share for development impacts to ensure that adequate police service is provided to the project. (SR page 110)

LAND USE CONVERSION MATRIX

<u>Land Use</u>	<u>Square Feet</u> ¹	<u>PM Peak Hour</u>		<u>Light Industrial Conversion Rates</u> ³
		<u>Gross Trips</u> ¹	<u>Trip Rate</u> ²	
Light Industrial	3,541,350	1,440	.41/ksf	N/A
Office (Internal)	300,000	489	1.63/ksf	3.976
Commercial (Internal)	93,000	600	6.45/ksf	15.732
Commercial (Roadside) ⁴	181,361 ⁴	1,252 ⁴	6.90/ksf	16.829

¹ Information obtained from Table 31-8 (Revised) in Sufficiency Response for Phase IIA.

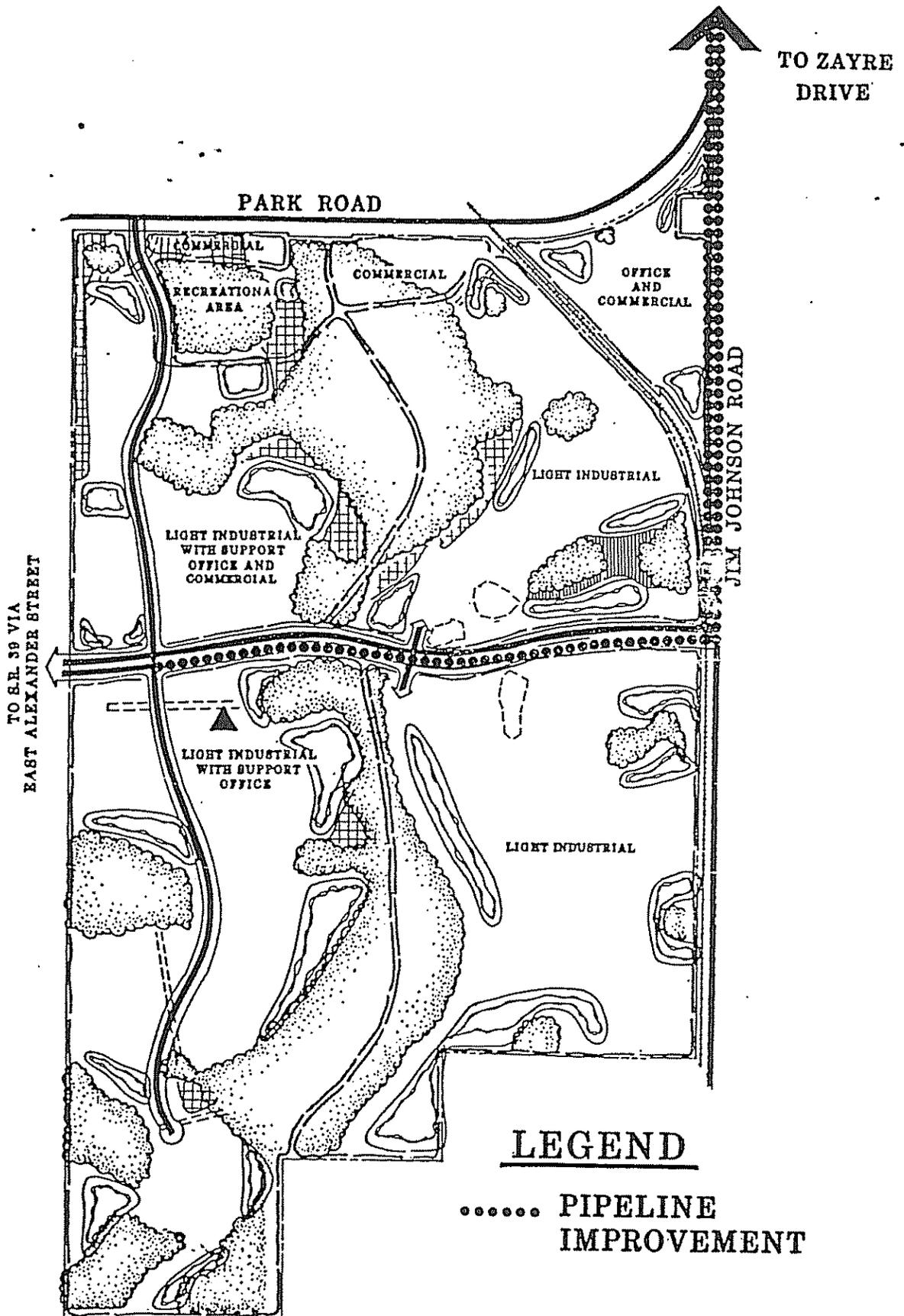
² Trip Rate = Gross Trips ÷ 1,000 s.f. (ksf).

³ Conversion Rate = Land Use Trip Rate ÷ Light Industrial Trip Rate Individual. Conversion Rate converts all land uses to equivalent Light Industrial square footage, i.e. 10,000 s.f. Office x 3.976 = 39,760 s.f. Light Industrial.

⁴ Roadside Commercial square footages and gross trips combined.

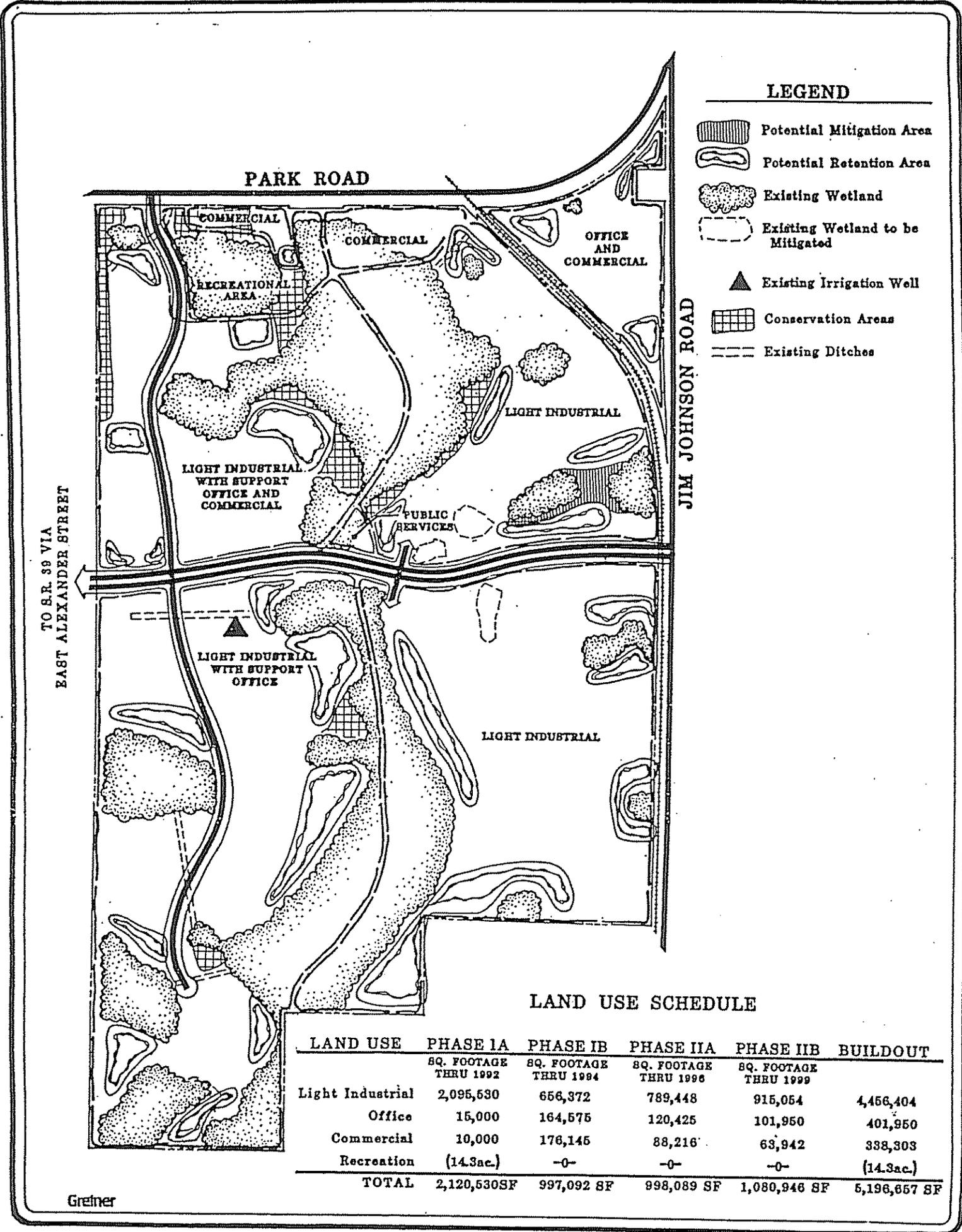
EXHIBIT

WALDEN WOODS PIPELINE IMPROVEMENT



The Walden Woods Pipeline Improvement is graphically shown above and more specifically described below:

- 1) Addition of third and fourth traffic lanes (and associated transportation infrastructure) to provide for the extension of Alexander Street from the proposed Walden Woods north/south road easterly to Jim Johnson Road; 2) The addition to or reconstruction of Jim Johnson Road to provide a four lane divided roadway from the extension of Alexander Street northerly to Park Road; and 3) The addition of third and fourth lanes along Park Road from Jim Johnson Road to Zayre Drive, if not provided by Hillsborough County.



LEGEND

-  Potential Mitigation Area
-  Potential Retention Area
-  Existing Wetland
-  Existing Wetland to be Mitigated
-  Existing Irrigation Well
-  Conservation Areas
-  Existing Ditches

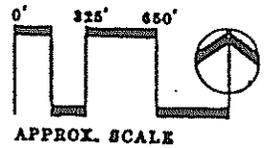
LAND USE SCHEDULE

LAND USE	PHASE IA SQ. FOOTAGE THRU 1992	PHASE IB SQ. FOOTAGE THRU 1994	PHASE IIA SQ. FOOTAGE THRU 1996	PHASE IIB SQ. FOOTAGE THRU 1999	BUILDOUT
Light Industrial	2,095,530	656,372	789,448	915,054	4,456,404
Office	15,000	164,575	120,425	101,950	401,950
Commercial	10,000	176,145	88,216	68,942	338,303
Recreation	(14.3ac.)	-0-	-0-	-0-	(14.3ac.)
TOTAL	2,120,530SF	997,092 SF	998,089 SF	1,080,946 SF	5,196,657 SF

Greiner

Walden Woods

Master Plan



APPROX. SCALE
Map H

Revised 6/13/89