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October 26, 2004

John Meyer, DRI Coordinator  
Tampa Bay Regional Planning Council  
4000 Gateway Centre Blvd., Suite 100  
Pinellas Park, FL 33782

Re: Essentially Built-Out Agreement; Big Basin Commerce Park DRI

Dear John,

Attached is a fully executed original of the above-referenced Agreement for your files.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan J. Fernandez", is written over a faint, circular watermark or stamp.

Susan J. Fernandez  
Managing Attorney  
Real Property & Development

SJF/dlc  
Attachment

**ESSENTIALLY BUILT-OUT AGREEMENT FOR BIG BASIN COMMERCE  
PARK DRI PURSUANT TO SECTION 380.032(3) AND  
SECTION 380.06(15)(g)(3), FLORIDA STATUTES**

This Essentially Built-Out Agreement ("Agreement") is entered into by and between Amprop Development Corporation ("Amprop"), a Florida corporation, Hillsborough County, Florida (the "County"), a political subdivision of the State of Florida, and the State of Florida and State of Florida, Department Of Community Affairs (the "Department"), subject to all other governmental approvals and solely at Amprop's own risk.

**WHEREAS**, Amprop is the owner and developer of that certain 7.23 acre parcel of real property described in **Exhibit "A"**, attached hereto and incorporated herein by reference, (the "Amprop Property"), which lands are located within the Big Basin Commerce Park Development of Regional Impact ("DRI"), a 219.89 acre parcel of real property described in **Exhibit "B"**, attached hereto and incorporated herein by reference; and

**WHEREAS**, Hillsborough County is a political subdivision of the State of Florida; and

**WHEREAS**, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes ("F.S."), which includes provisions relating to DRIs; and

**WHEREAS**, pursuant to Subsection 380.032(3), F.S., the Department is authorized to enter into agreements as may be necessary to effectuate the provisions and purposes of Chapter 380, F.S.; and

**WHEREAS**, Section 380.06(15)(g)(3), F.S., provides for an agreement pursuant to Section 380.032, F.S., to govern an essentially built-out DRI; and

**WHEREAS**, Amprop, the County and the Department desire to enter into this agreement pursuant to Sections 380.032(3) and 380.06(15)(g)(3), F.S.; and

**WHEREAS**, on June 29, 1989, Andrew J. Lynn, authorized agent for the Big Basin Commerce Park (hereinafter referred to as "Developer"), filed an Application for Development Approval for the DRI (which, together with the sufficiency responses filed and other exhibits submitted and recorded, is hereinafter referred to as the "ADA") with Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council ("TBRPC"), the Department and other appropriate agencies pursuant to the provisions of Section 380.06, F.S., as amended; and

**WHEREAS**, the ADA proposed development of the Big Basin Commerce Park DRI, a mixed-use light industrial, office and commercial development located on 241.89 acres in northwest Hillsborough County (the "Big Basin Property"); and

**WHEREAS**, on July 30, 1991, the Board of County Commissioners approved a Development Order, Resolution No. 91-0157, for the BIG BASIN COMMERCE PARK DRI

NO. 189, pursuant to the provisions of Section 380.06, F.S., and a PD-RP zoning district pursuant to RZ 89-0093-N; and

**WHEREAS**, the Development Order was amended by the Board of County Commissioners in Resolution R94-319 approved December 13, 1994; Resolution R97-124 approved April 13, 1997; Resolution R98-010 approved January 13, 1998; and Resolution R98-234 approved November 12, 1998; and

**WHEREAS**, on April 1, 1998, the Developer filed for an Amendment to the Future Land Use Map and Comprehensive Plan of Hillsborough County (CPA 98-02) to change the designation of the Big Basin Property from Research Corporate Park to Suburban Mixed Use-6 which was approved by the Board of County Commissioners on November 5, 1998, together with a zoning modification (RZ 98-984KE); and

**WHEREAS**, the development that was approved within the DRI prior to the December 15, 2004 Build-out Date is described in **Exhibit "C"** attached hereto; and

**WHEREAS**, the development within the DRI that has been constructed to date is also described in **Exhibit "C"**, attached hereto and incorporated herein by reference; and

**WHEREAS**, the development approved prior to the December 15, 2004 Build-out Date, but not constructed, is also described in **Exhibit "C"**; and

**WHEREAS**, the Amprop Property is one of the few undeveloped nonresidential parcels within the DRI, with an approximate size of 7.23 acres, and is designated for industrial, office/service center, warehouse development and/or accessory retail on Map "H" of the DRI; and

**WHEREAS**, Amprop desires to construct 25,000 square feet of retail commercial development on the Amprop Property in lieu of 188,000 square feet of Office Service Center Uses; and

**WHEREAS**, in addition to the Amprop Property, there are 8 other undeveloped parcels designated for service distribution, industrial warehousing, office service center and/or accessory retail uses, totaling approximately 16.6 acres in size, within 8 platted lots remaining in the Lynmar Commerce Park section of the DRI; and

**WHEREAS**, all Big Basin Commerce Park DRI Development Order requirements for the contribution of funds, land, and public facilities expressly designated and used to mitigate impacts attributable to the development at the time of approval have been satisfied; and

**WHEREAS**, development within the DRI is substantially in compliance with the Development Order in that the impacts of the total development are less than or equal to the impacts of the approved development as described in the report attached hereto as **Exhibit "D"** and incorporated herein by reference.

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

1. Determination of Essentially Built-Out Status.

The parties agree that pursuant to Section 380.06(15)(g)(3), F.S., the Big Basin Commerce Park DRI is "essentially built-out" because (a) the development is in compliance with all applicable terms and conditions of the Big Basin Commerce Park DRI Development Order, and as of December 15, 2004, the build-out date for the DRI will have expired, and (b) the amount of development that remains to be built on the undeveloped parcels referenced above does not create the likelihood of any additional regional impacts not previously reviewed.

2. Development of Amprop Property.

Amprop has submitted a traffic analysis to identify the impacts of the development of the Amprop Property for 25,000 square feet of retail commercial uses. The result of this study establishes to the satisfaction of the County and the Department that the proposed development equates to the 188,000 square feet of office service center uses proposed for conversion to retail commercial uses. Based on this study, and the fact that the Build-Out date for Phase II as found in the Development Order will expire on December 15, 2004, development of the Amprop Property with 25,000 square feet of retail commercial uses may proceed under the Development Order without further review under Section 380.06, F.S., until December 15, 2004, and thereafter may proceed with the development of said 25,000 square feet of retail commercial uses subject to all terms, conditions, requirements and limitations contained in this Agreement, the Hillsborough County Comprehensive Plan and the Land Development Code, including but not limited to concurrency. Any deviation in the development of the Amprop Property from the 25,000 square feet of retail commercial uses authorized in this paragraph shall require an amendment to this Agreement or further review under Chapter 380, F.S., as determined by the County and the Department.

3. Development of Vacant Parcels Except Amprop Property.

The Department and the County agree that during the term of this Agreement, the remaining vacant tracts within the DRI, except for the Amprop Property, may be developed utilizing the entitlements identified in Exhibit "B" as "unbuilt but allocated to other property owners", without further DRI review under Section 380.06, F.S. Said vacant tracts shall remain subject to the approved Development Order until it expires on December 15, 2004, and thereafter shall be subject to all terms, conditions, requirements and limitations contained in this Agreement, the Hillsborough County Comprehensive Plan and the Hillsborough County Land Development Code, including but not limited to concurrency. The appropriate methodology for any required traffic analysis shall be determined by the County. Any deviation in the development of said vacant tracts from the uses, densities and intensities authorized in Exhibit "C" shall require an amendment

to this Agreement or further review under Chapter 380, F.S., as determined by the County and the Department.

4. Redevelopment of Developed Tracts.

The Department and the County agree that the redevelopment of any developed tracts within the DRI may occur without further DRI review provided that the proposed redevelopment is below any DRI threshold pursuant to Section 380.06, F.S., and Rule 28-24 of the Florida Administrative Code, but shall be subject to the Hillsborough County Comprehensive Plan and the Hillsborough County Land Development Code, including but not limited to concurrency. The appropriate methodology for any required traffic analysis shall be determined by the County.

5. Deletion of Conceptually Approved Entitlements.

All conceptually approved entitlements associated with retail commercial use in Phase I of the DRI, and service distribution, industrial warehousing, and office service center uses in Phase III of the DRI, are hereby deleted from the Development Order in their entirety as of the effective date of this Agreement.

6. Annual Reports.

After the effective date of this Agreement, any annual reports which may be required for the DRI pursuant to Section 380.06(18), F.S., shall no longer be required.

7. Agreement Effectuates Chapter 380, Florida Statutes.

Amprop asserts and warrants that all of the representations and statements made as set forth in this Agreement are true, accurate and complete. Based upon such representations and statements, the Department concludes that this Agreement is in the best interest of the State, is necessary and beneficial to the Department in its role as the state agency with the responsibility for the administration and enforcement of Chapter 380, F.S., and reasonably applies and effectuates the provisions and purposes of Chapter 380, F.S.

8. Default.

In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based upon materially inaccurate information, the Department or the County may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, F.S.

9. No Waiver.

Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, F.S., except as acknowledged herein.

10. Further DRI Review.

Nothing contained herein shall exempt any proposed new development or redevelopment from complying with the state guidelines and standards used to determine whether a development must undergo DRI review pursuant to Section 380.06(2), F.S.

11. Effect of Agreement on Rights and Obligations of Parties.

This Agreement affects the rights and obligations of the parties under Chapter 380, F.S. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the regional planning agency from commenting on any regional issue. Any amendment to or modification of this Agreement shall not be effective unless contained in a writing signed by the parties.

12. Master Plan.

The Master Plan (Map "H") of development for the Big Basin Property is attached hereto as **Exhibit "E"** and incorporated herein by reference.

13. Binding Effect of Agreement and Recording.

The terms and conditions of the Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. Amprop shall ensure and provide that any successor in interest in and to any of its lands or parcels affected by this Agreement is bound by the terms of this Agreement. Amprop shall record a Notice of Adoption of this Agreement in the Official Records of Hillsborough County, Florida, and shall provide the Department with a copy of the recorded notice, which shall be in substantially the form attached hereto as **Exhibit "F"** and incorporated herein by reference, including Official Record Book and Page numbers, within two (2) weeks of the date of execution of this Agreement.

14. Effective Date.

The effective date and date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement. The term of this Agreement shall be 10 years from the effective date.

ATTEST:  
RICHARD AKE, Clerk of Circuit Court

HILLSBOROUGH COUNTY, a political  
subdivision of the State of Florida

Julene W. Hogg  
Deputy Clerk



By: [Signature]  
Chairman, Board of County Commissioners

APPROVED BY COUNTY ATTORNEY

[Signature]  
Approved As To Form and Legal Sufficiency

ATTEST:

Allen Klafst  
Print Name: Allen Klafst

[Signature]  
Ted Greenslait, Amprop Development Corporation

Leroy R. Allen  
Print Name: LEROY R. ALLEN

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument is hereby acknowledged before me this 22<sup>ND</sup> day of SEPT,  
2004, by Ted Greenslait. He is personally known to me or has produced  
[Signature] identification.



Leroy P. Allen  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

ATTEST:

DEPARTMENT OF COMMUNITY AFFAIRS

\_\_\_\_\_

By: [Signature] VALERIE HUBBARD  
Secretary

Approved as to Form and Legal Sufficiency

[Signature]  
Counsel  
Department of Community Affairs.

Signed before me on 22 October,  
2004, by Charles Gauthier, who  
is personally known to me.

[Signature]



Wland\Big Basin ESSENTIALLY BUILT-OUT AGREEMENT FINAL 8-16-04.doc

## EXHIBIT "A"

### Legal Description

A parcel of land lying in the Northeast 1/4 of Section 7, Township 28 South, Range 17 East, Hillsborough County, Florida and being Lots 1, 2 and 3, LYNMAR COMMERCE PARK - PHASE II as recorded in Plat Book 84, Page 88, Public Records of Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northeast corner of LYNMAR COMMERCE PARK - PHASE I as recorded in Plat Book 81, Page 15, Public Records of Hillsborough County, Florida; run thence along the common line of Lot 1 of said LYNMAR COMMERCE PARK - PHASE I and the aforesaid Lots 1, 2 and 3, LYNMAR COMMERCE PARK - PHASE II, S. 80°27'16" W., 410.94 feet to a point on the Northeasterly right of way line of Lynmar Boulevard; thence along said right of way line, N. 42°33'13" W., 368.13 feet to a point of curvature; thence continuing along said right of way line, Northeasterly, 39.27 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N. 02°27'33" E., 35.36 feet to a point of tangency, said point being on the Southeasterly right of way line of Race Track Road; thence along said right of way line N. 47°27'26" E., 875.00 feet to a point on the East line of the aforesaid Northeast 1/4 of Section 7 also being the East line of the aforesaid Lot 1 of said LYNMAR COMMERCE PARK - PHASE II; thence along said line, S. 00°32'44" E., 830.00 feet to the BEGINNING.

Containing 7.92 acres, more or less.

## EXHIBIT "B"

### Legal Description

The subject property is legally described as follows:

A parcel of land lying in section 7, township 28 south, range 17 east, Hillsborough County, Florida, being more particularly described as follows:

Commence at the southwest corner of the southeast  $\frac{1}{4}$  of said section 7 for the point of beginning; thence N 01°22'47" W, a distance of 1360.45 feet to the centerline of a 200 foot Tampa Electric Company Easement; thence N 88°56'37" E along the centerline of said easement, a distance of 228.93 feet; thence departing said centerline N 09°51'42" E, a distance of 1208.67 feet; thence S 83°51'28" E a distance 396.96 feet; thence N 08°27'19" E, a distance of 1225.00 feet to the said southeasterly right-of-way line of Race Track Road; thence N 47°27'31" E along said southeasterly right-of-way line, a distance of 2203.84 feet to a point on the east boundary of said section 7; thence S 00°34'35" E along said east boundary of section 7, a distance of 5159.90 feet to the southeast corner of said section 7; thence S 88°49'07" W along the south boundary of said section 7, a distance of 2654.18 feet to the point of beginning.

Said parcel containing 219.89 acres more or less.

## EXHIBIT "C"

Big Basin DRI Entitlements To Be Built Analysis						
	Retail	Service Distribution (ITE Code # 150)	Industrial Warehousing (ITE Code 150)	Office Service Center ITE Code 130	Total Non-residential	Multi-Family Residential
Original Approvals (Phase I and II)	-	144,900	109,675	648,000	902,575	247
Estimated Built	-	87,400	65,725	253,721	406,846	247
Unbuilt and Allocated to Other Property Owners	*	57,500	43,950	206,125	307,575	
Allocated to Amprop To be Converted to Retail Commercial	-	-	-	188,154	188,154	-
Ultimate Development	25,000	144,900	109,675	459,846	739,421	247

\* 25,000 sq. ft. of retail proposed to be converted from 188,154 sq. ft. of Office Service Center.

## EXHIBIT "D"

### DRI Compliance Report

#### Development Order Section IV. Specific Conditions

##### A. Phasing Schedule.

The current phasing schedule is as indicated with the following table. Please note that a review of Development Order background documentation indicates that previous traffic analyses utilized the same ITE Code (150) for both the Service Distribution Use and Industrial Warehouse use:

Phase	Retail	Service Distribution (ITE Code # 150)	Industrial Warehousing (ITE Code 150)	Office Service Center (ITE Code 130)	Multi-Family Residential	Total
Phase I 12/15/00		87,400	65,725	298,000	247	476,125
Phase II 12/15/04	-	57,500	43,950	350,000		451,450
Phase III 12/15/06	25,000 *	57,500	43,950	302,100		403,550
<b>Total</b>	<b>25,000</b>	<b>202,400</b>	<b>153,625</b>	<b>950,100</b>	<b>247</b>	<b>1,331,125</b>

\* Note: The retail is listed within Phase I but is not, at present, specifically approved in regard to transportation analysis.

Phase III and the retail are conceptually approved. Specific approval is 902,575 sq. ft. of industrial uses and 247 multi-family dwelling units as indicated with the table below.

Specific Approval						
Phase	Retail	Service Distribution (ITE Code # 150)	Industrial Warehousing (ITE Code 150)	Office Service Center (ITE Code 130)	Multi-Family Residential	Total
Phase I 12/15/00	-	87,400	65,725	298,000	247	451,125
Phase II 12/15/04	-	57,500	43,950	350,000		451,450
<b>Total</b>	<b>-</b>	<b>144,900</b>	<b>109,675</b>	<b>648,000</b>	<b>247</b>	<b>902,575</b>

Of this, property appraiser data indicates that approximately 406,846 sq. ft. of industrial development (which includes the Vet Clinic currently under construction) and all 247 residential units have been built. Of the remaining industrial/warehousing uses, all but 188,000 sq ft of Office Service Center has been allocated to the separate owners of the individual lots of the industrial park. This is indicated with the following table.

Built and/or allocated to individual property owners						
	Retail	Service Distribution (ITE Code # 150)	Industrial Warehousing (ITE Code 150)	Office Service Center ITE Code 130	Multi-Family Residential	Total Non-residential
Phase I and II	-	144,900	109,675	648,000	247	902,575
Estimated Built	-	87,400	65,725	253,721	247	406,846
Allocated to Individual Property Owners	-	57,500	43,950	394,279		495,729
Remaining and Unallocated	-	-	-	188,154	-	188,154

#### IV. B. Transportation

Section B 3 - Transportation Systems Management program - This section provides for a Transportation Systems Management (TSM) program. The developer has implemented an informal TSM program by discussing methods of reducing traffic at the regularly scheduled monthly property owners meetings. The developer has also provided a copy of the DO with the buyer of each lot within the industrial park as well as the purchaser of Aston Villas (the residential portion) and the developer of Countryside Veterinary Clinic located on Linebaugh. Recently, the developer has also completed the Annual Traffic Monitoring Report. This report indicates that the informal TSM program has been effective because PM Peak Hour traffic is substantially less than forecasted. This report is attached and discussed in greater detail below. Based on this information, it can be concluded that the project remains in compliance with this section.

Section B 5 a Transportation Mitigation - This section provides for submittal of an analysis to ensure traffic impacts are mitigated. This was the method used to obtain approvals for all development to date. This option was most recently utilized to obtain approval for 902,575 sq. ft. of phase I and II (all the non-residential development within Phase I and II except for 25,000

sq. ft. of retail) and 247 residential dwelling units with Resolution 98-234 (the last NOPC – Resolution 98-234). The project remains in compliance with this section.

Section B 6 - Annual Traffic Monitoring - This section provides for Annual Traffic Monitoring. The developer has implemented an Annual Traffic Monitoring program and recently completed a report indicating the results of recent monitoring. This report is attached. Please note that the actually PM Peak Hour traffic generated by the project is significantly less than estimated by the previously approved traffic analysis. Approximately 89% of Phase I have been completed but is generating only 40% of the estimated trips. This is indicated with the following table:

	Multi-Family Residential	Total Non-Residential	Approved/Generated PM Trips for Phase I
Phase			
Phase I	247	451,125	496
Estimated Built	247	401,846*	199
%		89.08%	40.12%
* Does not include the 5,000 sq. ft. Veterinary Clinic which is currently under construction.			

The project remains in compliance with this section. The project generates significantly less traffic that forecasted.

#### IV. C. Environmental and Natural Resources

##### Section IV.C.1-3 Air Quality

This section requires fugitive dust emission abatement procedures and full compliance with all air quality standards. In construction of the project, all applicable standards of the Hillsborough County Environmental Protection Commission were met and/or exceeded. A review of project files indicate that the project has never been in violation and, as such, the project remains in compliance with this section

##### Section IV.C.4-5 Land

This section requires employment of methods to reduce soil erosion and fugitive dust emissions. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards including use of hay bales and other techniques to reduce soil erosion and runoff. A review of the file indicates that the project has never been in violation and as such, the project remains in compliance with this section

##### Section IV.C.6-11 Water Quality and Drainage

This section requires the project to meet a variety of conditions. Sections IV.C.6, 7, 8, and 9 require the project to be built above the 100 year flood plain and the project to meet or exceed all

drainage requirements. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards including installation of retention ponds and appropriate stormwater techniques. A review of South West Florida Water Management District as-built plans indicate that all buildings are built at elevations about the 100 year flood plain. The project remains in compliance with this section.

Section IV.C.10 and 11 – These sections provide for a surface water quality monitoring acceptable to all parties. The project was platted in the mid 1990's and meets all applicable Hillsborough County and state development standards as well as submittal of monitoring reports as required by the permitting agencies. This project has been discussed with staff of the Environmental Protection staff and it has been determined that data and analysis submitted with the permitting of the park adequately serves as an appropriate surface water quality monitoring program. The project remains in compliance with this section

#### Section IV.C.12-16 Wetlands

This section requires the project to meet a variety of conditions including preserving wetlands, mitigating when impacts were unavoidable, and a buffer around each delineated wetland area. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards including designating delineated areas and a 30 foot setback from all wetland boundaries. In fact, since approval of the project, wetland areas within the project are now owned by Hillsborough County and/or recorded within the applicable plats. Copies of the plats and property appraiser data are included with Appendix 2. The project remains in compliance with this section

#### Section IV.C.17-19 Vegetation and Wildlife

This section requires the project to meet a variety of conditions including preserving representative tracts of Pine Flatwoods and Pine Mesic Oak communities and a stand of Hay Scented Fern. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards including setting aside the above referenced areas within areas now permanently recorded as "conservation areas". In fact, since approval of the project, many wetland areas within the project are now owned by Hillsborough County providing a further safeguard from development pressures. Copies of the plats and applicable property appraiser data are included with Appendix 2. The project remains in compliance with this section.

#### Section IV.C. 20 Archaeological

This section requires the reporting of any archaeological or historical resources if found. The project was platted in the mid 1990's and no such resources have been found. The project remains in compliance with this section.

#### Section IV.C. 21-23 Floodplains

This section requires the project to meet a variety of conditions including construction above the flood plain and instructing property buyers about the potential hurricane threat. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards including construction of all buildings to withstand hurricanes and above anticipated flood levels. The project is outside of the Coastal High Hazard Area. The developer has implemented a Hurricane Awareness Program by providing a copy of the DO with the buyer of each lot within the industrial park as well as the purchaser of Aston Villas (the residential portion) and the developer of Countryside Veterinary Clinic located on Linebaugh. These issues are also discussed when warranted with the monthly property owners' association meetings. The project remains in compliance with this section.

#### IV.D. Economy

Section IV.D.1 requires consideration of an on-site day care facility. Since the project was initially constructed in the mid 1990's, the developer has provided for sale several vacant properties within the park with appropriate zoning and approved for a day care facility use. Regardless, market forces have resulted in several off-site nearby parcels being developed as day care facilities in lieu of an on-site facility. However, the three remaining parcels owned by the developer are proposed for retail development which still permitted the opportunity for a prospective purchaser at his option to develop one of the parcels as a day care. The project remains in compliance with this section.

#### IV.E. Public Facilities

Section IV.E.1 - 6 requires consideration of appropriate wastewater facilities. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards. All wastewater facilities have been dedicated to Hillsborough County and are part of the integrated publicly owned and maintained waste water facility network. The project remains in compliance with this section.

Section IV.E. 7- 10 requires consideration of appropriate water facilities. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards. All water facilities have been dedicated to Hillsborough County and are part of the integrated public water facility network. Xeriscape vegetation has been used to the maximum extent possible. There are no reclaimed water facilities within reasonable distance to connect the park. The project remains in compliance with this section.

Section IV.E. 11- 12 regulates appropriate solid waste disposal. Discussions with tenants indicate full compliance with all applicable solid waste and hazardous waste regulations. The project remains in compliance with this section.

Section IV.E. 13- 15 requires consideration of energy conservation techniques. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards. The developer has made tenants aware of energy saving techniques through providing all buyers with the Development Order and discussing these issues with the monthly property owners association meeting. The project remains in compliance with this section.

Section IV.E. 16-17 requires provision of open space. The project was platted in the mid 1990's and meets all applicable Hillsborough County development standards including sufficient provision of open space. The open space areas are maintained by a property owners association which is self taxed for the express reason to maintain such areas. The project remains in compliance with this section.

Section IV.E. 18 - 21 ensures that there is adequate police, fire, and EMS service. Since the project was platted in the mid 1990's, all surrounding off-site parcels have been developed with urban residential and non-residential uses. There is a fire station and a sheriff substation within close proximity. The sheriff substation, located at 7202 Gunn Highway, is approximately 5.7 miles away. The closest Fire/EMS station is located at 401 Countryway Blvd. approximately 4.73 miles away. The project remains in compliance with this section.

#### Section IV.F - Mitigation to Neighboring Property

This Section required the construction of a fence to serve as a buffer/screen between the Big Basin project, the extension of Linebaugh Avenue and an adjacent residential project to the south known as Twin Branch Acres. Construction of this fence and dedication of the buffer property was completed several years ago commensurate with the extension of Linebaugh Avenue. The project remains in compliance with this section.

#### Section IV. G. – Hazardous Waste

This section regulates appropriate hazardous waste disposal. Discussions with tenants indicate full compliance with all applicable solid waste and hazardous waste regulations. The project remains in compliance with this section. Another section requires the developer to inform all tenants of the Florida Right-to-Know law of the Superfund Reauthorization Act. The developer has made tenants aware of these rules through providing all buyers with the Development Order and discussing these issues with the monthly property owners association meeting. The project remains in compliance with this section.

#### Section IV. H. – Impact Fee Credits

This section provides for Impact Fee credits as allowed by law. The project remains in compliance with this section.

#### Section IV. I. – General Conditions

This section requires compliance with all developer commitments as set forth in the ADA except as superseded by the Development Order. A review of the ADA indicates that in most cases, the DO has superseded the ADA developer commitments. In regard to the remaining ADA developer commitments, the project remains in compliance with this section. A listing of developer commitments is attached with a determination of compliance for each.

## Big Basin Commerce Park Developer Commitments Assessment

The Development Order specifies that developer commitments must be honored except as superseded by Development Order conditions. A summary of the commitments and a response is as follows:

- 1) **General Project Description:** All easements will be dedicated to Hillsborough County in accordance with county ordinances and policies. – Response: The project is in full compliance with this commitment. The project is fully platted and permitted including dedication of all water and wastewater transmission facilities, roads, right-of-way, etc.
- 2) **Land:** Seed, sodding, hay bales and silt screens will be used to reduce erosion. Response - The project is fully platted and permitted. Seed, sodding, hay bales and silt screens were used along the slopes of the retention ponds as appropriate during construction.
- 3) **Water:** Groundwater monitoring with monitor wells will be used in accordance with applicable regulations. Response – During permitting, monitoring wells were found not to be needed during construction. Other conditions found in the Development Order supersede and are more restrictive than this commitment.
- 4) **Wetlands:** Wetlands are to be left undisturbed. Response: All wetlands were delineated and boundaries approved by applicable EPC and SWFWMD staff. All wetlands have been recorded as part of previously approved subdivision plats. Seeding, sodding, hay bales and silt screens will be used to reduce erosion into wetlands. Response - The project is fully platted and permitted. Seed, sodding, hay bales and silt screens were used along the slopes of wetland areas as appropriate during construction. Other conditions found in the Development Order supersede and are more restrictive than this commitment.
- 5) **Vegetation and Wildlife:** The stand of scented fern must be protected within the conservation area. Response: The stand of scented fern is within one of the approved and recorded conservation areas. Other conditions found in the Development Order supersede and are more restrictive than this commitment.
- 6) **Floodplains:** Construction is limited in select areas. – Response: Other conditions found in the Development Order have superseded and are more restrictive than this commitment. Map H, which has been modified several times, indicates the current approved location of all development areas within the DRI project area. All appropriate floodplain areas, as well as wetland and conservation areas were set aside.
- 7) **Historical and Archeological Sites:** If such sites are found, the developer will consult with the State Historical Preservation Officer for preservation/protection techniques. Response: No historic or archeological sites were found during construction.

- 8) **Wastewater Management:** If the County is unable to provide wastewater service, any interim sewage treatment plant will be constructed in accordance with all applicable rules and regulations. Response – The project utilizes public wastewater facilities. No interim plant was constructed.
- 9) **Drainage:** The design, construction, operation and maintenance of the drainage system will meet all applicable local, regional, and state and federal rules and regulations. Response - The project is fully platted and permitted including all drainage and stormwater facilities. Maintenance is funded through an assessment of the business park association comprised of property owners. Retention ponds will provide the initial storage and treatment of all surface runoff. Response – The ponds and other drainage facilities were designed to provide ponds as the initial storage and treatment.
- 10) **Water Supply:** The Public Utility Department will be the water supplier. All water lines are to be dedicated to the County. Common irrigation systems will be maintained by the Property Owners Association. Response – The project is in full compliance with these commitments. The project is fully platted and permitted including dedication of all water transmission facilities. Maintenance of common areas is funded through an assessment of the business park association comprised of property owners.
- 11) **Solid Waste:** No hazardous wastes are anticipated but storage and treatment will comply with all applicable state and federal statutes. Response - No hazardous wastes are anticipated. The project is predominately a warehousing and distribution center and the use of such substances is unlikely. Other conditions found in the Development Order supercede and are more restrictive than this commitment.
- 12) **Energy:** Several energy conservation measures were to be incorporated. - Response: Other conditions found in the Development Order supercede and are more restrictive than this commitment. Regardless, commitments include:
- a. Landscaping to reduce heat from paving areas – Response: The project is fully platted and permitted including landscaping around all buildings and pavement. Maintenance of common areas is funded through an assessment of the business park association comprised of property owners.
  - b. Energy conserving lighting in parking areas – Response: Discussions with the developer indicate that except for security reasons, all lighting is energy efficient.
  - c. All buildings are required to meet the Southern Building Code and the Florida Energy Code – Response: The project is fully platted and permitted. All buildings meet or exceed the Building and Energy Code in effect at the time of construction.
  - d. Tenants are to be notified of energy saving techniques – Response: the business park association comprised of property owners meets monthly and discusses a variety of items including energy saving techniques.
  - e. Recycling programs are to be instituted – Response: Tenants participate in the County Recycling Program.

- f. Advertising requiring light after houses is discouraged. - Response: Discussions with the developer indicate that except for security reasons, all lighting is energy efficient.
- g. Solar power will be considered where effective - Response: The business park association comprised of property owners meets periodically and discusses a variety of items including energy saving techniques.

13) **Recreation and Open Space:** Any recreational areas developed for employees will be maintained by the property owners. – Response: The business park association comprised of property owners maintains all open space areas.

14) **Fire:** Interim dry hydrants will be designed in accordance with applicable rules and regulations. – Response: No dry hydrants were needed. All hydrants were installed meeting at a minimum all applicable requirements and have been dedicated to the county.

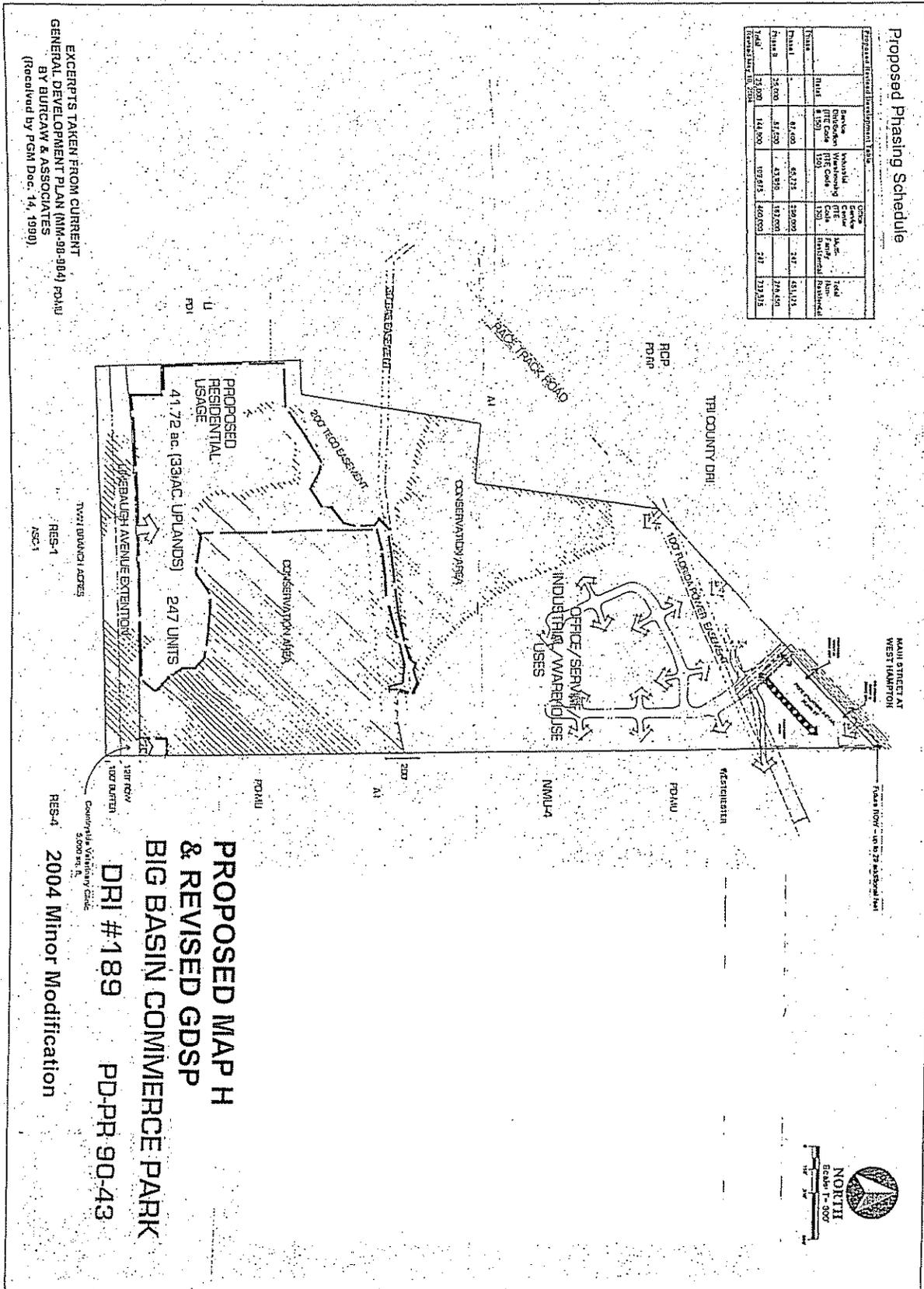
15) **Transportation:** Ingress Egress points are to be minimized and/or right-in right out only. – Response: The project has one main entrance on Linebaugh and one on Racetrack Road. All other access points are right-in/right-out. If one land use type is reduced and another increased, control totals will not be exceeded. Response: This option was never utilized. In fact, results of the most recent traffic monitoring study indicate that the project generates far less traffic than forecasted. Other conditions found in the Development Order supercede and are more restrictive than this commitment. The developer will work with Hartline to accommodate transit. Response: Big Basin Commerce Park is not at a portion of Race Track Road that has scheduled bus service. The business park association comprised of property owners meets periodically and discusses a variety of items including car pooling and ride sharing programs.

**EXHIBIT "E"**

Revised Map H

Proposed Phasing Schedule

Phase	Phase 1	Phase 2	Phase 3	Phase 4	Phase 5	Phase 6	Phase 7	Phase 8	Phase 9	Phase 10
Area	100	100	100	100	100	100	100	100	100	100
Acres	87,400	55,072	120,000	242	451,175	144,000	140,000	212	179,515	
Value	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	
Total	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	1,500	



EXCERPTS TAKEN FROM CURRENT  
GENERAL DEVELOPMENT PLAN (MM-98-98d) PD-MH  
BY BURCAW & ASSOCIATES  
(Received by PGM Dec. 14, 1999)

**PROPOSED MAP H  
& REVISED GDSP  
BIG BASIN COMMERCE PARK**  
DRI #189 PD-PR 90-43  
2004 Minor Modification

PROJECT NAME Zoning and Map H Modification; BIG BASIN COMMERCE PARK (LYNMAR)	PROJECT NO. 1	DATE 1/1/00	SCALE 1" = 200'	PROJECT NUMBER 3075-292	DATE 01/15/04
<p><b>GENESIS GROUP</b> 2118 N. W. 11th Street, Suite 100 Tampa, Florida 33613 (813) 281-2000 (813) 281-2000 FAX P.O. Box 200000, Ft. Lauderdale, FL 33328-0000</p>		<p>AMPROP DEVELOPMENT CORPORATION 4115 W. SPALDING STREET, SUITE 102 TAMPA, FLORIDA 33613 813-834-1111 813-834-1111 FAX</p>		<p>DATE 1/1/00</p> <p>REVISIONS</p> <p>NO. DATE DESCRIPTION</p> <p>1 1/1/00 KLT</p>	

**EXHIBIT "F"**

Notice of Essentially Built-Out DRI Agreement  
Pursuant to 380.032(3) and 380.06(15)(G)(3), Florida Statutes

PLEASE TAKE NOTICE that a Section 380.032(3), F.S., Agreement covering the property more particularly described on Exhibit "A" attached hereto was entered into \_\_\_\_\_, 2004 pursuant to Sections 380.032(3) and 380.06(15)(g)(3), F.S., among the Florida Department of Community Affairs, Hillsborough County, Florida and Amprop Development Corporation. The Agreement may be examined at the office of the Department of Community Affairs, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850) 488-4925.

WITNESSES

Allen Kluft  
Leroy R. Allen

Ted Greenslait  
Ted Greenslait, Amprop Development Corporation

STATE OF FLORIDA )  
COUNTY OF HILLSBOROUGH )

The foregoing instrument is hereby acknowledged before me this 22<sup>ND</sup> day of SEPT, 2004, by Ted Greenslait. He is personally known to me or has produced \_\_\_\_\_ as identification.



Leroy R. Allen  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



Clerk to Board of  
County Commissioners  
County Center, 12th Floor  
601 E. Kennedy Blvd.  
PO Box 1110  
Tampa, Florida 33601  
Telephone 278-8100, ext 6730

November 20, 1998

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

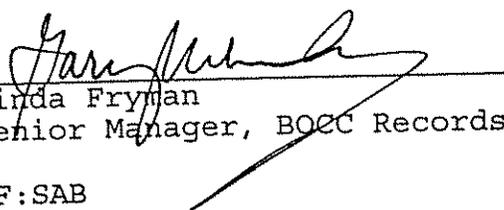
Re: Resolution No. R98-234 - Amending the Development Order for  
Big Basin Commerce Park (DRI #189)

Dear Mr. Butts:

Attached is a certified original of referenced resolution, which  
was adopted by the Hillsborough County Board of County  
Commissioners on November 5, 1998.

We are providing this original for your files.

Sincerely,

*for*   
Linda Fryman  
Senior Manager, BOCC Records

LF:SAB  
Attachment  
Certified Mail

cc: Board files (orig.)  
J. Thomas Beck, Florida Department of Community Affairs  
Richard Haber, Esq., Haber & MacDonald  
Susan Fernandez, Senior Assistant County Attorney  
Kevin Mineer, Principal Planner, Planning & Growth Management  
Beth Novak, County Attorney's Office

RESOLUTION NO. R98-234

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH  
COUNTY, FLORIDA, APPROVING AN  
AMENDMENT TO DRI #189 DEVELOPMENT  
ORDER - BIG BASIN COMMERCE PARK

Upon motion by Commissioner Chillura, seconded by  
Commissioner Berger, the following Resolution was adopted by a vote of 6  
to 0, Commissioner \_\_\_\_\_ voting "No".

WHEREAS, on June 29, 1989, Andrew J. Lynn, authorized agent for BIG BASIN  
COMMERCE PARK (hereinafter referred to as "Developer") filed an Application for  
Development Approval (which, together with the sufficiency responses filed and other exhibits  
submitted and recorded, is hereinafter referred to as the "ADA") of a Development of Regional  
Impact ("DRI") with Hillsborough County ("County"), 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, Florida Statutes, as amended ("Chapter 380"); and

WHEREAS, the ADA proposed development of BIG BASIN COMMERCE PARK, a  
mixed-use light industrial, office and commercial development (the "Development" or  
"Project") located on 219.89 acres in northwest Hillsborough County (the "Property"); and

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

WHEREAS, on July 25, 1989, the Developer and DCA entered into a Preliminary  
Development Agreement (the "PDA") pursuant to Subsection 380.032(3) and 380.06(8), Florida  
Statutes (1987) and Rule 9J-2.0185, Florida Administrative Code (the "Agreement"), allowing  
development of 230,000 square feet of service center space, containing a maximum of 23,000  
square feet of ancillary office space, within the proposed development on 34.13 acres thereof,  
pursuant to the terms of the PDA; and

WHEREAS, the Board issued an order denying approval of the DRI and rezoning, and  
on August 7, 1990, served to Developer a recitation of the reasons for denial accompanied by  
steps to be taken by the Developer to obtain approval; and

WHEREAS, on September 19, 1990, Developer filed an appeal of the denial of the DRI  
with the Land and Water Adjudicatory Commission; and

WHEREAS, the Developer presented to the Board changes in the proposed DRI  
Development Order which met the criteria for obtaining Board approval of the DRI and  
rezoning as set forth in the Board's order of August 7, 1990; and

WHEREAS, on July 30, 1991, the revised Development Order was presented to the Board  
and a duly noticed public hearing was held thereon; and

**WHEREAS**, on July 30, 1991, the Board of County Commissioners approved a Development Order, Resolution No. 91-0157, for the BIG BASIN COMMERCE PARK DRI NO. 189, pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, the County has approved a PD-RP zoning district for the Property pursuant to Rezoning Petition RZ 89-0093-N; and

**WHEREAS**, on December 13, 1994, the Board of County Commissioners approved the first amendment to the Development Order, Resolution R94-0319, pursuant to the provisions of Section 380.06, Florida Statutes; and

**WHEREAS**, on April 13, 1997, the Board of County Commissioners approved the second amendment to the Development Order, Resolution R97-124, pursuant to the provisions of Section 380.06, Florida statutes; and

**WHEREAS**, on January 13, 1998, the Board of County Commissioners approved the third Amendment to the Development Order, Resolution No. R98-010, pursuant to the provisions of Section 380.06, Florida statutes; and

**WHEREAS**, on June 1, 1998, the Developer filed a Notice of Proposed Change ("NOPC"), pursuant to Subsection 380.06(19), Florida Statutes, which proposed to amend the Development Order, to grant specific approval of the conceptually approved Phase II of the DRI for 457,700 square feet, modify the Phase I completion date, trade off approved Phase I uses for a new DRI use, modify the surface water monitoring language in the Development Order, modify internal access for the southern portion of the site, and remove approved retail uses in Phases II and III. The NOPC also proposed to approve and clear Phase II from future traffic analysis, except for its inclusion in the Section IV.Paragraph B(5) Monitoring Program; and

**WHEREAS**, the Proposed Change to the Development Order shall constitute the Fourth Amendment to the Development Order; and

**WHEREAS**, on April 1, 1998, the Developer filed for an Amendment to the to the Future Land Use Map and Comprehensive Plan of Hillsborough County(CPA 98-02) changing the designation of the Property from Research Corporate Park to Suburban Mixed Use-6; and

**WHEREAS**, on June 22, 1998, the Hillsborough County City-County Planning Commission held a duly noticed public hearing on the land plan amendment (CPA 98-02) and recommended approval thereof; and

**WHEREAS**, on August 12, 1998 (continued to August 26, 1998), the Board of County Commissioners of Hillsborough County held duly noticed public hearings on the land plan amendment (CPA 98-02); and

**WHEREAS**, on October 15, 1998 (continued to November 5, 1998), the Board of County Commissioners of Hillsborough County approved an amendment to the Land Plan Map and Comprehensive Plan from Research Corporate Park to Suburban Mixed Use-6; and

WHEREAS, on May 20, 1998, the Developer filed Major Modification Petition 98-984KE, requesting a modification of the zoning approved in Rezoning No. 90-43; and

WHEREAS, on July 20, 1998, the Land Use Hearing Officer, appointed pursuant to the Hillsborough County Land Development Code, held a duly noticed public hearing on Major Modification Petition 98-984KE, considered testimony and other documents and evidence; and

WHEREAS, the public notice requirements of Chapter 380 and applicable sections of the Hillsborough County Land Development Code have been satisfied; and

WHEREAS, on October 15, 1998 (continued to November 5, 1998), at a duly noticed public hearing, the Hillsborough County Board of County Commissioners approved Major Modification Petition 98-984KE with conditions; and

WHEREAS, the Board of county Commissioners has solicited, received and considered the recommendations of the Florida Department of Transportation and has advised the Tampa Bay Regional Planning Council of the NOPC; and

WHEREAS, the Board of County Commissioners has on October 15, 1998 (continued to November 5, 1998), held a duly noticed public hearing on the Notice of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board has solicited, received and considered reports, comments and recommendations from interested citizens, County staff, and other governmental agencies; and

WHEREAS, the public notice requirements of Chapter 380 and applicable sections of the Hillsborough County Land Development Code have been satisfied; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 12TH DAY OF NOVEMBER, 1998, AS FOLLOWS:

#### SECTION I. FINDINGS OF FACT

The Board, having reviewed the NOPC, and having received and considered all comments, testimony and evidence submitted by the Developer, appropriate reviewing agencies and the public, finds there is substantial evidence to support the following findings of fact:

- A. The recitals set forth in the "Whereas" paragraphs described above are true, accurate and correct and are incorporated herein by reference.
- B. The NOPC is incorporated herein by reference.
- C. The proposed Development is not in an Area of Critical State Concern as described in Section 380.05, Florida Statutes.

- D. A comprehensive review of the impacts generated by the NOPC has been conducted by the Hillsborough County staff, the Hillsborough County Environmental Protection Commission, and other affected agencies.
- E. An internal road providing access from the southern portion of the site to Race Track Road is no longer viable due to the additional traffic it would place on Race Track Road. The traffic analysis completed for this NOPC does not distribute traffic to this internal road, nor did the original analysis for Phase I.
- F. Trading 203,875 square feet of approved office/service center uses for 247 multi-family residential uses does not adversely impact traffic and imposes no substantial impacts on other public services.

## SECTION II. CONCLUSIONS OF LAW

The Board, having made the above findings of fact, and based upon compliance with the terms and conditions of this Development Order, and the reports, recommendations and testimony heard and considered by the Board, hereby reaches the following conclusions of law:

- A. The Development will not unreasonably interfere with the achievement or objectives of the adopted state land development plan applicable to the area.
- B. The Development is consistent with local land development regulations and the County's comprehensive plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, and the goals and policies of the regional comprehensive plan and the state comprehensive plan.
- C. The proposed amendment to the approved Development Order does not constitute a Substantial Deviation pursuant to Subparagraph 380.06 (19), Florida Statutes.
- D. The NOPC satisfies the provisions of Chapter 380, Florida Statutes.
- E. The NOPC is approved subject to all terms and conditions of this Resolution.
- F. The review by Hillsborough County staff, the Hillsborough County City-County Planning Commission, and other participating agencies and interested citizens have adequately addressed all impacts of the NOPC, pursuant to the requirements of Chapter 380, within the terms and conditions of the Development Order.

## SECTION III. GENERAL CONDITIONS

- A. This Resolution shall constitute an Amendment to DRI #189 Development Order. A revised map "H" is attached hereto as Exhibit "A" and incorporated herein by reference.
- B. All provisions contained within DRI #189 Development Order for Big Basin Commerce Park, as amended, shall be considered conditions of this Amended Development Order

unless inconsistent with the terms and conditions of this Amended Development Order, in which case the terms and conditions of this Amended Development Order shall control.

#### SECTION IV. SPECIFIC CONDITIONS

The following phasing schedule and trade off of uses is hereby adopted as an integral part of this Amended Development Order. The lesser development totals reflect the trade-off of 203,875 square feet of office/service center for 247 multi-family units and the deletion of retail use in Phases II and III.

##### A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

	Retail (sq ft)	Service / Distrib (sq ft)	Indust. WHS (sq ft)	Office/ Service Center (sq ft)	Multi-family Resid.	Total
Phase I* 1991- 12/15/00	25,000	87,400	65,725	298,000	247 Units	476,125
Phase II* 12/15/98 12/15/04	0	57,500	43,950	350,000		451,450
Phase III 12/15/03 12/15/06		57,500	43,950	302,100		403,550
Total	25,000	202,400	153,625	950,100		1,331,125
Totals	Phase I	476,450			+247 Units	
	Phase II	451,450				
	Phase III	403,550				

\*Total of Phase I and Phase II = 927,575

Phase II is specifically approved subject to the conditions contained in the Development Order, as amended. Phase III continues to be conceptually approved. Specific approval of Phase III shall require a Development Order amendment following further Chapter 380.06, F.S. analysis and review of transportation, air quality, water supply, wastewater, fire, police, and EMS services to identify the impacts and to specify the measures for curing or mitigating said impacts.

B. TRANSPORTATION

A revised Section IV, Paragraph B(5)(a) of the Development Order as amended, shall read as follows:

1. The transportation mitigation measure available to the Developer is a subphase analysis as described below:

(a) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I and II, the capacity and loading of transportation facilities in the Big Basin Commerce Park transportation area, including but not limited to the regional roadways and intersections referenced in Table 1 and 2, Exhibit D, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide the County, the TBRPC, and the FDOT pursuant to the provisions of Section 380.06, with updated current traffic counts on the referenced regionally significant roadways and projections of traffic volumes that will result from the completion of any currently approved Development 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, with the concurrence of the County and TBRPC will maintain the roadways and intersections referenced in Tables 1 and 2 within the traffic impact study area at a LOS D ("C" in rural areas) at peak hour. Projections of both the traffic counts and the project traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. No traffic shall be distributed onto any segments of the East-West Connector unless this roadway segments is currently in place or funded for construction completion in the first year of an adopted work program at the time the analysis is performed. Prior to any specific approval of any subphases, the County shall ensure in written findings of fact that the impacted regional roadways within the study area are operating at or above LOS D ("C" in rural areas) at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D ("C" in rural areas) at peak hour. The Development Order shall be amended to address the subphase approval.

(b) A subphase of 451,450 square feet of light industrial uses and 247 multi-family residential uses is hereby approved and is cleared from further traffic analysis, except for its inclusion in the Section IV. Paragraph B(5) Monitoring Program, which brings the total amount of approved square footage for Phase I and II to 902,575 square feet plus 247 multi-family residential uses. All of Phase I except for 25,000 square feet of retail uses and Phase II is hereby cleared from further traffic analysis, except for subsequent analysis conducted for the purpose of requesting approval for construction of development beyond these initial phases or for portions of Phase I and II which are not constructed within the three year limit referenced later in this section.

(c) Each subphase approved under this option shall have a maximum buildout of up to three (3) years. No additional building permits shall be issued upon expiration of the buildout date until an updated transportation analysis consistent with the provisions of this

section is provided and reviewed by FDOT and approved by Hillsborough County and TBRPC. The analysis shall propose an extension of the buildout date or new buildout date (not to exceed 3 years). The analysis shall demonstrate that the level of Service standards contained herein LOS "D", ("C" in rural areas) peak hour, will not be exceeded through the new proposed buildout date of the approved subphase and additional subphase requested, if any.

2. A new Section IV B. 7 shall be added to the Development Order to read as follows:
  - (a) Previously approved internal access to the southern portion of the site connecting to Race Track Road is hereby deleted.

## C. ENVIRONMENT AND NATURAL RESOURCES

### Water Quality and Drainage

The first paragraph of Paragraph IV.C.10 of the Development Order is amended as follows:

10. In order to protect water quality in the Double Branch Creek watershed, there shall be no degradation of water quality standards by stormwater exiting the site in violation of applicable regulations. Therefore, the developer shall provide for a surface water quality monitoring program mutually acceptable to the Southwest Florida Water Management District, the Florida Department of Environmental Protection, the Hillsborough County Environmental Protection Commission, and the Hillsborough County Planning and Growth Management Department, to be instituted before physical development commences and to continue beyond basin build-out by a minimum of five years. Any violation of Chapter 17-3, Florida Administrative Code, determined to be caused by this Development, shall require corrective measures as set forth by Florida Department of Environmental Protection.

## SECTION V. RECORDING AND EFFECTIVE DATE

1. The Developer shall record a notice of adoption of this Amended Development Order pursuant to Section 380.06(15), Florida Statutes.
2. The effective date of this Amended Development Order shall be December 7, 1998.
3. This Amended Development Order shall be deemed rendered upon transmittal of certified copies hereof to the Florida Department of Community Affairs, TBRPC and the Developer, in accordance with Rule 9J-2.025, Florida Administrative Code.

STATE OF FLORIDA )

COUNTY OF HILLSBOROUGH )

I, Richard Ake, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough county, Florida, do hereby certify that the above and foregoing is a true and correct copy of the Resolution adopted by the Board at its Regular meeting of November 12, 1998 as same appears of record in Minute Book 270 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 19th day of November,  
1998.

RICHARD AKE



By Gary J. Klunk

Deputy Clerk/ Gary J. Klunk

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



Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



189  
Clerk to Board of  
County Commissioners  
County Center, 12th Floor  
601 E. Kennedy Blvd  
PO Box 1110  
Tampa, Florida 33601  
Telephone 276-8100, ext 8730

January 22, 1998

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

Re: Resolution No. R98-010 - Amending Development Order for Big  
Basin Commerce Park (DRI #189)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was  
adopted by the Hillsborough County Board of County Commissioners on  
January 13, 1998.

We are providing this copy for your files.

Sincerely,

Linda Fryman  
Senior Manager, BOCC Records

LF:SAB

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs

Andrew J. Lynn, Developer

Susan Fernandez, Assistant County Attorney

Gene Boles, Director, Planning & Growth Management

Joe Egozcue, County Attorney's Office

RESOLUTION NO. R98-010

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
AMENDING DRI #189 DEVELOPMENT ORDER FOR  
BIG BASIN COMMERCE PARK

Upon motion of Commissioner Turanchik, seconded by Commissioner Berger, the following Resolution was adopted this 13th day of January, 1998, by a vote of 7 to 0.

WHEREAS, on June 29, 1989, Andrew J. Lynn, authorized agent for BIG BASIN COMMERCE PARK (hereinafter referred to as "Developer"), filed an Application for Development Approval (which, together with the sufficiency responses filed and other exhibits submitted and recorded, is hereinafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with Hillsborough County ("County"), 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 provision of Section 380.06, Florida Statutes, as amended ("Chapter 380"); and

WHEREAS, the ADA proposed development of BIG BASIN COMMERCE PARK, as a mixed-use light industrial, office, and commercial development ("the "Development" or "Project") located on 219.89 acres in northwest Hillsborough County (the "Property"); and

WHEREAS, on July 25, 1989, the Developer and DCA entered into a Preliminary Development Agreement pursuant to Subsection 380.032(3) and 380.06(8), Florida Statutes (1987), and Rule 9J-2.0185, Florida Administrative Code, allowing development of 230,000 square feet of service center space, containing a maximum of 23,000 square feet of ancillary office space, within the proposed development on 34.13 acres thereof pursuant to the terms of the Preliminary Development Agreement (the "PDA"); and

WHEREAS, the Board issued an order denying approval of the DRI and rezoning and on August 7, 1990, which included a recitation of the reasons for denial and steps to be taken by the Developer to obtain approval; and

WHEREAS, the Developer on September 19, 1990, filed an appeal of the denial of the DRI with the Land and Water Adjudicatory Commission; and

WHEREAS, the Developer presented to the Board changes in the proposed Development Order which satisfied the criteria for obtaining Board approval of the DRI and Rezoning as set forth in the Board's order of August 7, 1990;

WHEREAS, on July 30, 1991, the revised Development Order was presented to the Board and a duly noticed public hearing was held thereon; and

WHEREAS, on July 30, 1991, the Board of County Commissioners approved a Development Order, Resolution No. 91-0157, for the BIG BASIS COMMERCE PARK Development of Regional Impact ("DRI") No. 189 (the "Development Order") pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on December 13, 1994, the Board of County Commissioners approved an amendment to the Development Order, Resolution R94-0319, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on April 13, 1997, the Board of County Commissioners approved an amendment to the Development Order, Resolution R97-124, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, on November 3, 1997, the Developer filed a Notice of Proposed Change, pursuant to Subsection 380.06(19), Florida Statutes, which proposes to amend the Development Order to grant specific approval for a second subphase of Phase I for 425,000 square feet of light industrial uses, added on to the previously approved 230,000 square feet of light industrial uses for Phase I. The Notice of Proposed Change also proposes to hereby approve and clear Phase I from further traffic analysis, except for its inclusion in the Section IV.Paragraph B(5) Monitoring Program; and

WHEREAS, the Proposed Change to the Development Order shall constitute the Third Amendment to the Development Order; and

WHEREAS, the Board of County Commissioners has solicited, received and considered the recommendations of the Florida Department of Transportation and the Tampa Bay Regional Planning Council.

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

1. The following findings of fact are made:

- A. The Developer submitted to Hillsborough County the Notice of Proposed Change, which is attached hereto and incorporated herein (hereinafter, all proposed modifications as set forth in the Notice of Proposed Change shall be referred to as the "Proposed Change").
- B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.

- C. That the Proposed Change does not unreasonably interfere with the achievement of the objective of the adopted State Land Development Plan applicable to the area.
- D. In accordance with Subsection 380.06(19) (e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- E. All statutory procedures have been adhered to.
- F. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

2. Section IV, Paragraph B(5) of the Development Order is hereby amended as indicated by "Exhibit A," to reflect that, in addition to the 230,000 square feet of light industrial uses previously approved for Phase I development, a 425,000 square foot sub-phase of Phase I is hereby approved and cleared from further traffic analysis, except for its inclusion in the Section IV, Paragraph B(5) Monitoring Program (hereinafter said change shall be referred to as the "Proposed Change"); and

3. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.

4. The Developer's Certification, attached hereto as "Exhibit B", affirms that a copy of the Notice of Proposed Change has been delivered to all persons as required by law.

5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

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

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

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of the Circuit Court, and Ex Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of January 13, 1998 as the same appears of record in Minute Book 260 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 22nd day of January 1998.

RICHARD AKE, CLERK OF THE CIRCUIT COURT



By:

[Signature]  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: [Signature]

Approved as to Form and Legal Sufficiency

## EXHIBIT "A"

The proposed revised Section IV, Paragraph B(5)(a) shall read as follows:

The transportation mitigation measure available to the Developer is a subphase analysis as described below:

In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I, the capacity and loading of transportation facilities in the Big Basin Commerce Park transportation area, including but not limited to the regional roadways and intersections referenced in Table 1 and 2, Exhibit D, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide the County, the TBRPC, and the FDOT pursuant to the provisions of Section 380.06, with updated current traffic counts on the referenced regionally significant roadways and projections of traffic volumes that will result from the completion of any currently approved Development 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 improvement or mechanisms which, when implemented, with the concurrence of the County and TBRPC will maintain the roadways and intersections referenced in Tables 1 and 2 within the traffic impact study area at a LOS D ("C" in rural areas) at peak hour. Projections of both the traffic counts and the project traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. No traffic shall be distributed onto any segments of the East-West Connector or the Linebaugh Avenue Extension unless these roadway segments are currently in place or funded for construction completion in the first year of an adopted work program at the time the analysis is performed. Prior to any specific approval of any subphases, the County shall ensure in written findings of fact that the impacted regional roadways within the study area are operating at or above LOS D ("C" in rural areas) at peak hour and that the expected trips to be generated below LOS D ("C" in rural areas) at peak hour. The Development Order shall be amended to address the subphase approval.

~~A subphase of Phase I of the development, consisting of 230,000 square feet of light industrial uses, corresponding to an approved PDA recorded in O.R. Book 5758, Page 1192 in the Public Records of Hillsborough County, Florida shall be the first subphase constructed with mitigation as herein provided. A Development Order, in the form of Hillsborough County rezoning #89-0093, approved the PDA.~~

~~This subphase, located within the area defined by the PDA, may be developed in two portions. Portion A shall be limited to 138,000 square feet of light industrial uses, of which a maximum of 13,800 square feet may be for ancillary office uses. No Building Permits shall be issued for Portion B of the 230,000 square foot development until such time as the intersection of Race Track Road and State Road 580 (Hillsborough Avenue) is improved with a second left-turn storage (LTS) lane for southbound Race Track Road, a 140 foot acceleration/merge lane on SR 580 and the signalization needed to accommodate the LTS. The cost of this improvement, if constructed by the Big Basin developer, may be submitted for applicable impact fee credits. Prior~~

~~to issuance of any Building Permit above 195,000 square feet, an analysis shall be prepared by the Developer and submitted to FDOT and TBRPC for review and to Hillsborough County for review and approval. The analysis shall show that no link or intersection within the transportation impact area operates or will operate at worse than LOS "D" ("C" in rural areas) with project traffic from the remainder of the 230,000 square foot subphase.~~

~~This 230,000 square foot subphase of Phase I~~ A subphase of 425,000 square feet of light industrial uses is hereby approved and with the aforementioned traffic impact mitigation and is hereby cleared from further traffic analysis, except for its inclusion in the Section IV, Paragraph B(5) Monitoring Program, which brings the total amount of approved square footage for Phase I to 655,000 square feet. All of Phase I is hereby cleared from further traffic analysis, except for subsequent analysis conducted for the purpose of requesting approval for construction of development beyond these initial phases or for portions of Phase I which are not constructed within the three year limit referenced later in this section

Each subphase approved under this option shall have a maximum buildout of up to 3 years. No additional building permits shall be issued upon expiration of the buildout date until an updated transportation analysis consistent with the provisions of this section is provided and reviewed by FDOT and approved by Hillsborough County and TBRPC. The analysis shall propose an extension of the buildout date or new buildout date (not to exceed 3 year). The analysis shall demonstrate the level of Service standards contained herein (LOS "D", ("C" in rural area) peak hour) will not be exceeded through the new proposed buildout date of the approved subphase and additional subphase requested, if any.

~~APPEARS TO BE IN ORDER~~  
✓ OBJ. ON ADD  
✓ AFFIDAVITS  
SBEACITY  
1-2-98

IV.b

APPLICATION NUMBER R98-133

A F F I D A V I T

STATE OF FLORIDA  
COUNTY OF Hillsborough

I hereby state that I am the owner or the agent for the owner of the above-numbered Notice of Proposed Change request.

I further state that I have notified all persons owning land within:  
(CHECK ONE)  
[X] 250' OR [ ] 400'  
of the property described in the attached letter by Proof-of-Mailing of my intention of requesting a Public Hearing before the:

(CHECK ONE):  
[ ] Zoning Hearing Master of Hillsborough County.  
or  
[X] Board of County Commissioners of Hillsborough County.

I further state that I have notified the Designated Representative of each Registered Neighborhood Organization located within one mile of the site affected by the application.

I have attached hereto the Certificate of Mailing as proof of such notification.

Andrew J. Lynn  
(TYPE OR PRINT LEGIBLY NAME OF OWNER/AGENT OF OWNER)

Andrew J. Lynn  
(SIGNATURE OF OWNER/AGENT OF OWNER)  
12/30/97  
(DATE SIGNED)

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH  
The foregoing instrument was acknowledged before me this (DATE) 12/30/97 by Andrew J. Lynn who:  
 Personally known to me     Florida driver's license  
 Other type of identification: \_\_\_\_\_ and who:  did     did not take an oath.  
[Signature]  
(Signature of person taking acknowledgement)  
LINDA BURR  
Type or Print Name of Notary Public  
\_\_\_\_\_  
Commission Number    My Commission Expires

NOTARY PUBLIC  
STATE OF FLORIDA  
LINDA BURR  
COMMISSION # CC611117  
EXPIRES JAN 11, 2001  
BONDED THROUGH  
ATLANTIC BONDING CO INC

VIII.

POSTING AFFIDAVIT

APPLICATION # R98-133

DRI NAME Big Basin Commerce Park

DRI #189

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

Before me, the undersigned authority in and for said County and State personally appeared the undersigned property owner or representative or his/her designee who, being by me first duly sworn, deposes and states that he/she will notice property described in the above-numbered petition. The property owner or representative agrees to post said property with a sign noticing his/her intention to petition the Board of County Commission of Hillsborough County, Florida, on January 13, 1998. Said sign must be posted by December 29, 1997.

Andrew J. Lynn

OWNER/AGENT of OWNER

Andrew J. Lynn  
OWNER/AGENT of Owner

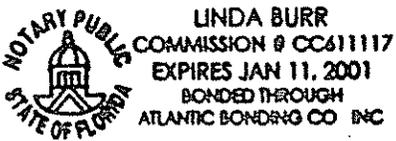
12/30/97

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH  
The foregoing instrument was acknowledged before me this  
(DATE) 12-30-97 by Andrew J. Lynn  
who:  
 Personally known to me     Florida driver's license  
 Other type of identification: \_\_\_\_\_  
and who:  did     did not take an oath.

[Signature]  
(Signature of person taking acknowledgement)

LINDA BURR  
Type or Print Name of Notary Public

\_\_\_\_\_  
Commission Number                      My Commission Expires



**THE TAMPA TRIBUNE**  
 Published Daily  
 Tampa, Hillsborough County, Florida

State of Florida )  
 County of Hillsborough ) ss.

Before the undersigned authority personally appeared J. Rosenthal, who on oath says that she is Classified Billing Manager of The Tampa Tribune, a daily newspaper published at Tampa in Hillsborough County, Florida; that the attached copy of advertisement being a

LEGAL NOTICE

in the matter of \_\_\_\_\_

NOTICE OF PUBLIC HEARINGS

was published in said newspaper in the issues of \_\_\_\_\_

DECEMBER 30, 1997

Affiant further says that the said The Tampa Tribune is a newspaper published at Tampa in said Hillsborough County, Florida, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each day and has been entered as second class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, this advertisement for publication in the said newspaper.

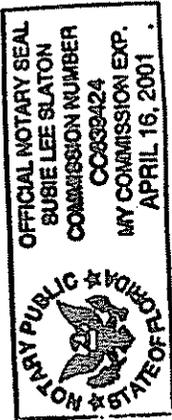
*J. Rosenthal*  
 \_\_\_\_\_  
 30

Sworn to and subscribed before me, this \_\_\_\_\_ day  
 of \_\_\_\_\_ DECEMBER, A.D. 1997

Personally Known \_\_\_\_\_ or Product Identification \_\_\_\_\_  
 Type of Identification Produced \_\_\_\_\_

(SEAL)

*Susie Lee Slaton*  
 \_\_\_\_\_



NOTICE OF PUBLIC HEARINGS ON A PROPOSED CHANGE TO DRU # 1 in compliance with provisions of the Florida Statutes § 280.06 of the Environmental Land and Water Management Act (Florida Statutes, 19 public hearing has been conducted by the Board of County Commissioners of Hillsborough County to consider Application for NOTICE OF PROPOSED CHANGE # 11/1/97. The applicant be heard of a public hearing by the Board of County Commissioners beginning at 1:30 P.M. on 1/13/98 in County Center, 601 E. Kennedy Blvd., 2nd Floor, Tampa, Florida. The general location of property which is the subject of hearing is at 13500 Race Track Rd., Hillsborough County, and consists of 219 acres more or less. The subject property is legally described as follows:  
 A parcel of land by Section 7, Township 23 S Range 17 East, Hillsborough County, Florida, being particularly described as follows:  
 Commence at the southwest corner of the southeast corner of the south 1/4 of said Section 7 to point of beginning; thence N 01°22'47"W, a distance 1,262.45 feet to the center of a 200 foot Tampa Electric Company easement; thence N 83°55'37"E along the line of said easement, a distance of 228.93 feet; thence departing said centerline N 09°51'42"E, a distance 1,203.67 feet; thence S 83°51'28"E, a distance 356.96 feet; thence N 09°27'19"E, a distance 1,225.00 feet, to the said easterly right-of-way of Race Track Road; thence N 47°27'31"E along said easterly right-of-way a distance of 2,203.64 feet to the east boundary of said Section 7; thence S 00°24'25"E along said boundary of Section 7, a distance of 5,159.50 feet to southeast corner of said Section 7; thence S 83°49'47"E along the south boundary of said Section 7, a distance 2,454.18 feet to the point of beginning.  
 Said parcel containing 2 acres more or less.  
 INFORMATION AND RECORDS ON THE REQUIREMENTS CAN BE REVIEWED IN PLANS AND POLICES: SECTION OF THE PLANNING AND PERMIT MANAGEMENT DEPARTMENT, COUNTY CENTER, 601 E. KENNEDY BLVD., 20TH FLOOR, TAMPA, FLORIDA.  
 PERSON WHO MIGHT WANT TO APPEAL ANY DECISION MADE BY THE GOVERNING BODY (BOARD-COMMISSION-AGENCY) WHOSE IS APPLICABLE) REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL NEED TO RECORD OF THE PROCEEDINGS FOR SUCH PURPOSES. THEY MAY NEED TO BE SURE THAT A VERBAL RECORD IS MADE AS WELL AS INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED.  
 Joe Chisura, Chairman  
 Board of County Commissioners  
 Hillsborough County, Florida  
 9637 12/97

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

RECEIVED

MAY 19 1997

Tampa Bay Regional  
Planning Council

May 16, 1997

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

Re: Resolution No. R97-124 - Amending the Development Order for  
Big Basin Commerce Park (DRI #189)

Dear Mr. Butts:

Attached is a certified copy of referenced resolution, which was  
adopted by the Hillsborough County Board of County Commissioners on  
May 13, 1997.

We are providing this copy for your files.

Sincerely,

Linda Fryman  
Senior Manager, BOCC Records

LF:SAB

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs  
Andrew Lynn, Big Basin Commerce Park  
Susan Fernandez, Assistant County Attorney  
Gene Boles, Director, Planning & Growth Management  
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. R97-124 Amending the Development Order for Big Basin Commerce Park (DRI #189) approved by the Board in its regular meeting of May 13, 1997, as the same appears of record in MINUTE BOOK 252 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 16th day of May,  
1997.

RICHARD AKE, CLERK



*Gary Munk*  
Deputy Clerk

RESOLUTION NO. R97-124

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF HILLSBOROUGH COUNTY, FLORIDA  
AMENDING DRI #189 DEVELOPMENT ORDER FOR  
BIG BASIN COMMERCE PARK

Upon motion of Commissioner Chillura, seconded by  
Commissioner Hart, the following Resolution was  
adopted this 5th day of May, 1997, by a vote of 6 to  
0, Commissioner Turanich voting "No."

WHEREAS, on June 29, 1989, Andrew J. Lynn, authorized agent for BIG BASIN COMMERCE PARK (hereinafter referred to as "Developer"), filed an Application for Development Approval (which, together with the sufficiency responses filed and other exhibits submitted and recorded, is hereinafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with Hillsborough County ("County"), 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 provision of Section 380.06, Florida Statutes, as amended ("Chapter 380"); and

WHEREAS, the ADA proposed development of BIG BASIN COMMERCE PARK, as a mixed-use light industrial, office, and commercial development ("the "Development" or "Project") located on 219.89 acres in northwest Hillsborough County (the "Property"); and

WHEREAS, on July 25, 1989, the Developer and DCA entered into a Preliminary Development Agreement pursuant to Subsection 380.032(3) and 380.06(8), Florida Statutes (1987), and Rule 9J-2.0185, Florida Administrative Code, allowing development of 230,000 square feet of service center space, containing a maximum of 23,000 square feet of ancillary office space, within the proposed development on 34.13 acres thereof pursuant to the terms of the Preliminary Development Agreement (the "PDA"); and

WHEREAS, the Board issued an order denying approval of the DRI and rezoning and on August 7, 1990, which included a recitation of the reasons for denial and steps to be taken by the Developer to obtain approval; and

WHEREAS, the Developer on September 19, 1990, filed an appeal of the denial of the DRI with the Land and Water Adjudicatory Commission; and

WHEREAS, the Developer presented to the Board changes in the proposed Development Order which satisfied the criteria for obtaining Board approval of the DRI and Rezoning as set forth in the Board's order of August 7, 1990; and

- D. In accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes.
- E. All statutory procedures have been adhered to.
- F. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

2. Condition F of the Development Order is hereby amended as indicated by "Exhibit A," to require construction of an eight (8) foot chain link fence eighteen (18) feet from the southern right-of-way of Linebaugh Avenue along the length of the alignment adjacent to Twin Branch Acres subdivision, attached hereto, (hereinafter said change shall be referred to as the "Proposed Change"); and

3. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.

4. The Developer's Certification, attached hereto as "Exhibit B" affirms that a copy of the Notice of Proposed Change has been delivered to all persons as required by law.

5. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

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

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

## EXHIBIT A

### F. MITIGATION TO NEIGHBORING PROPERTY

1. No more than 60 days after receiving all necessary permit approvals, the Developer shall construct a fence within the County-owned buffer area located south of that portion of the Linebaugh Avenue Extension which is contiguous to the Big Basin property. The Developer shall submit an application for the fence permit no more than 15 days after BOCC approval of the Notice of Proposed Change filed with the County on March 18, 1997. The fence shall be installed approximately 18 feet south of the southern edge of the Linebaugh Avenue right-of-way, and shall extend along the entire length of the adjacent Twin Branch Acres Subdivision. The fence shall adequately mitigate impacts on the neighboring property as generally defined by the standards in A. and B. below. The design, materials and construction-related details of the fence may be minimally adjusted by the County Administration to accommodate for conditions on the site or the requirements of regulatory and permitting agencies, provided that any such change does not reduce the desired mitigation contemplated in the standards described below. Prior to approval of any such adjustment by the County, input shall be solicited from the residents of Twin Branch Acres Subdivision.

A. The fence shall be 8 feet in height, constructed of black vinyl-clad chain link, and shall incorporate 4 two-foot by two-foot brick-clad columns. A column shall be located at either end of the fence, and the remaining two columns shall, to the extent possible, be equally spaced along the length of the fence. No columns shall be located within jurisdictional wetlands. The Developer shall install gallon sized Confederate Jasmine plants at 5 foot intervals along the fence, except within jurisdictional wetlands and along the emergency access gate described below. Additional trees and shrubs shall be planted to supplement the screening function of the fence, as reasonably determined by the County.

B. Within the jurisdictional wetland areas, up to 3 fence sections shall have a 2 foot gap between grade and the bottom of the fence to insure adequate opportunity for wildlife passage underneath the fence. The location and size of these wildlife underpassages shall be determined through consultation with the Florida Game and Freshwater Fish Commission. The fence shall include a gate for access to the buffer area, to be located north to northeast of the stub-out of Twin Branch Acres Road.

2. The Developer or his successors shall maintain the fence and plantings, notwithstanding the location of same on County property. This maintenance obligation may be assigned to the Twin Branch Acres Property Owners Association by written agreement.

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

May 19, 1997

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

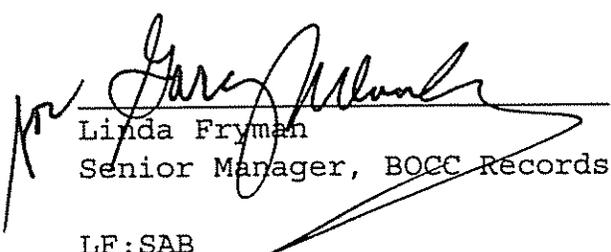
Re: Exhibit "B" for Resolution No. R97-124 - Amending the  
Development Order for Big Basin Commerce Park (DRI #189)

Dear Mr. Butts:

Exhibit "B" of the above referenced resolution was inadvertently omitted. Please insert the attached Exhibit "B" to the copy of Resolution R97-124 which was forwarded to you on May 16, 1997.

We are providing this copy for your files.

Sincerely,

  
Linda Fryman  
Senior Manager, BOCC Records

LF:SAB

Attachment

Certified Mail

cc: Board files (orig.)

J. Thomas Beck, Florida Department of Community Affairs  
Andrew Lynn, Big Basin Commerce Park  
Susan Fernandez, Assistant County Attorney  
Gene Boles, Director, Planning & Growth Management  
Joe Egozcue, County Attorney's Office

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Exhibit B for Resolution No. R97-124 Amending the Development Order for Big Basin Commerce Park (DRI #189) approved by the Board in its regular meeting of May 13, 1997, as the same appears of record in MINUTE BOOK 252 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 19th day of May,  
1997.



RICHARD AKE, CLERK  
BY: [Signature]  
Deputy Clerk

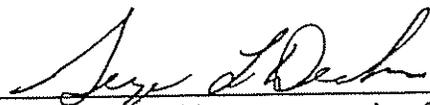
EXHIBIT B

STATE OF FLORIDA

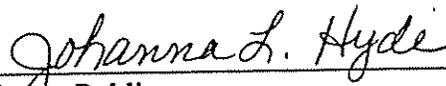
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgments, personally appeared George L. Deakin, as representative for Big Basin Commerce Park, the applicant of the Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06 (19), Florida Statutes for the Big Basin Commerce Park DRI No. 189 ("Notice of Proposed Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Big Basin Commerce Park filed the Notice of Proposed Change on March 18, 1997.
2. The Notice of Proposed Change was filed with all persons as required by law.

  
 \_\_\_\_\_  
 George L. Deakin, representative for  
 Big Basin Commerce Park

Sworn to and subscribed before me this 16<sup>th</sup> day of May, 1997, by George L. Deakin, representative for Big Basin Commerce Park. He is personally known to me or has produced a Florida Driver License as identification and did not take an oath.

  
 \_\_\_\_\_  
 Notary Public,  
 State of Florida at Large

My Commission Expires:

**RECEIVED**  
 MAY 16 1997  
 PLANNING & GROWTH  
 MANAGEMENT DEPARTMENT

g:\048568.08\notary.ltr

 JOHANNA L. HYDE  
 My Comm Exp. 11/17/97  
 Bonded By Service Ins  
 No. CC322598  
 1102 L.B.

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

December 21, 1994

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

Re: Resolution No. R94-0319 - Big Basin Commerce Park NOPC/Amended  
Order (DRI #189)

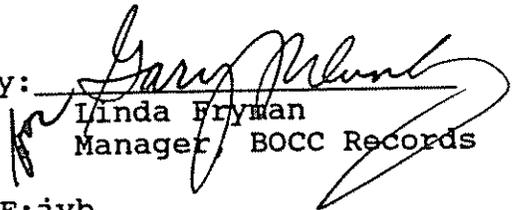
Dear Mr. Butts:

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

We are providing this copy for your files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: 

Linda Fryman  
Manager, BOCC Records

LF:jvb

Attachment

cc: Board files (orig.)

John D. Wall, Chief Assistant County Attorney  
Gene Boles, Director, Planning & Development Management  
Kevin Mineer, Planning & Development Management  
Richard M. Haber, Esq.  
J. Thomas Beck, Florida Department of Community Affairs

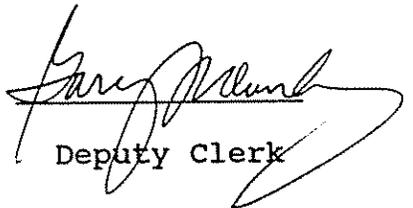
STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of Resolution R94-0319 - Amending the Development Order for the Big Basin Commerce Park approved by the Board in its regular meeting of December 13, 1994, as the same appears of record in MINUTE BOOK 223 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 21st day of December, 1994.

RICHARD AKE, CLERK

By



Deputy Clerk

AMENDED DEVELOPMENT ORDER  
EXTENSION OF DATE OF BUILDOUT OF DEVELOPMENT FOR  
BIG BASIN COMMERCE PARK NOPC

DRI NO. 189

RESOLUTION NO. R94-0319

Upon motion of Commissioner Busansky, seconded by Commissioner Hart, the following Resolution was adopted on this 13th day of December, 1994. Vote 6 to 0.

WHEREAS, on June 29, 1989, Andrew J. Lynn, authorized agent for BIG BASIN COMMERCE PARK (hereinafter referred to as "Developer") filed an Application for Development Approval (which, together with the sufficiency responses filed and other exhibits submitted and recorded, is hereinafter referred to as the "ADA) of a Development of Regional Impact ("DRI") with Hillsborough County ("County"), 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 provision of Section 380.06, Florida Statutes as amended ("Chapter 380"); and

WHEREAS, the ADA proposed development of BIG BASIN COMMERCE PARK, a mixed-use light industrial, office, and commercial development (the "Development" or "Project") located on 219.89 acres in northwest Hillsborough County (the "Property"); and

WHEREAS, on July 25, 1989, the Developer and DCA entered into a Preliminary Development Agreement pursuant to Subsection 380.032(3) and 380.06(8), Florida Statutes (1987) and Rule 9J-2.0185, Florida Administrative Code allowing development of 230,000 square feet of service center space, containing a maximum of 23,000 square feet of ancillary office space, within the proposed development on 34.13 acres thereof (the "PDA") pursuant to the terms of the Preliminary Development Agreement; and

WHEREAS, the Board issued an order denying approval of the DRI and rezoning and on August 7, 1990, served to Developers recitation of the reasons for denial accompanied by steps to be taken by the Developer to obtain approval and whereas Developer on September 19, 1990, filed an appeal of the denial of the DRI with the Land and Water Adjudicatory Commission; and

WHEREAS, the Developer presented to the Board changes in the proposed Development Order which meet the criteria for obtaining Board approval of the DRI and Rezoning as set forth in the Board's order of August 7, 1990; and

WHEREAS, on July 30, 1991, the revised Development Order was presented to the Board and a duly noticed public hearing was held thereon; and

WHEREAS, on July 30, 1991, the Board of County Commissioners approved a development Order, Resolution No. 91-0157, for the BIG BASIN COMMERCE PARK Development of Regional Impact ("DRI") No. 189 (the "Development Order") pursuant to the provision of Section 380.06, Florida Statutes; and

WHEREAS, on November 18, 1994, the Developer filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the BIG BASIN COMMERCE PARK DRI (the "Notice of Change"); and

WHEREAS, the Notice of Change proposed to amend the Development Order to extend by two years the phasing schedule dates; (for a cumulative extension of four (4) years, eleven (11) months and fifteen (15) days for Phases I and II and the commencement date of Phase III) (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, Subsection 380.06(19)(e)2., Florida Statutes, provides that the extension of the date of buildout of a development, or phase of development, by a total of less than five (5) years, is not a substantial deviation and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes; and

WHEREAS, the Proposed Change to the Development Order shall constitute the First Amendment to the Development Order.

NOW THEREFORE,

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

1. The following findings of fact are made:
  - A. The Developer submitted to Hillsborough County the Notice of Change, which is attached hereto and incorporated herein (hereinafter, all proposed modifications as set forth in the Notice of Proposed Change shall be referred to as the "Proposed Change").
  - B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.
  - C. That the Proposed Change does not unreasonably interfere with the achievement of the objective of

the adopted State Land Development Plan applicable to the area.

- D. In accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provision of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.
- E. All statutory procedures have been adhered to.
- F. The findings of fact and conclusions of law made in the Development Order are incorporated herein by reference.

2. The Development Order is hereby amended as indicated by "Exhibit A" to extend by two years the phasing schedule dates; (for a cumulative extension of four (4) years, eleven (11) months and fifteen (15) days for Phases I and II and the commencement date of Phase III) (hereinafter said change shall be referred to as the "Proposed Change"); and

3. The Development Order is also hereby amended by "Exhibit A" to extend the approved transportation analysis for the initial development by 2 years (revised subphase buildout date: July 30, 1996); and

4. The Development Order is hereby reaffirmed in its entirety except as amended by this Resolution.

5. The Developer's Certification, attached hereto as "Exhibit B" affirms that a copy of the Notice of Change has been delivered to all persons as required by law.

6. The Developer shall record a Notice of Adoption of this Resolution in accordance with Section 380.06(15), Florida Statutes.

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

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

STATE OF FLORIDA

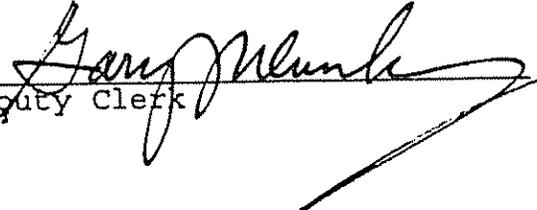
COUNTY OF HILLSBOROUGH

I, Richard Ake, Clerk of The Circuit Court, and Ex Officio clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of December 13, 1994, as the same appears of record in Minute Book 223 of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this 21st day of December, 1994.

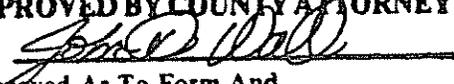
RICHARD AKE, CLERK OF CIRCUIT COURT

By:

  
Deputy Clerk

corp\dri.res

**APPROVED BY COUNTY ATTORNEY**

BY 

Approved As To Form And  
Legal Sufficiency.

EXHIBIT A

SECTION IV. SPECIFIC CONDITIONS  
 A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

	Retail (Sq. ft.)	Service/ Distribution Sq. ft.)	Industrial/ Warehouse (Sq. ft.)	Office/ Service Center (Sq. ft.)	Total	
Phase I						
1991- <del>12/15/96</del> <u>12/15/98</u>	25,000	87,400	65,725	501,875	680,000*	
Phase II						
<del>12/15/96 -</del> <del>12/15/02</del>  <u>12/15/98 -</u> <u>12/15/04</u>	6,250	57,500	43,950	350,000	457,700	
Phase III						
<del>12/15/01 -</del> <del>12/15/06</del>  <u>12/15/03 -</u> <u>12/15/06</u>	<u>6,250</u>	<u>57,500</u>	<u>43,950</u>	<u>302,100</u>	<u>409,800</u>	
Total	37,500	202,400	153,625	1,153,975	1,547,500	
Totals:	Phase I	680,000*	Phase II	457,700	Phase III	409,800

B. 5.a

This 230,000 square foot subphase of Phase I is hereby approved with the aforementioned traffic impact mitigation and is hereby cleared from further traffic analysis except for its inclusion in the Section IV.B.5. Monitoring Program or (if uncompleted) in subsequent analyses conducted for the purpose of requesting approval for construction of development beyond this initial subphase (of which July 30, 1996 is the subphase buildout date) or for portions of this subphase which are not constructed within the three year limit referenced later in this section.

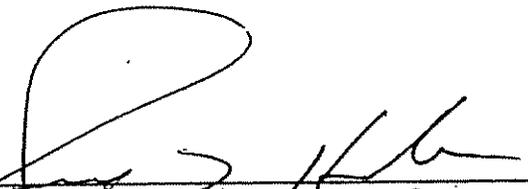
EXHIBIT B

STATE OF FLORIDA

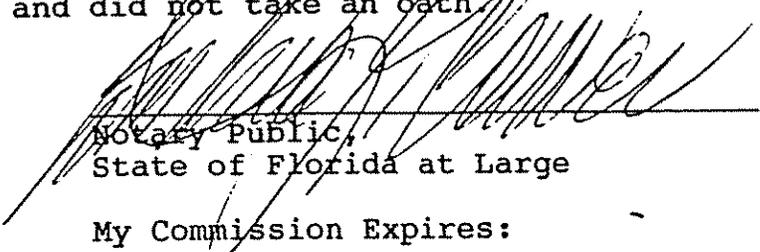
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths, and take acknowledgements, personally appeared Richard M. Haber, as attorney for Big Basin Commerce Park, the applicant of the Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes for the Florida Corporate Center DRI No. 189 ("Notice of Change"), to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Big Basin Commerce Park filed the Notice of Change on November 18, 1994.
2. The Notice of Change was filed with all persons as required by law.

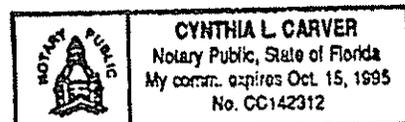
  
Richard M. Haber, attorney for  
Big Basin Commerce Park

Sworn to and subscribed before me this 22nd day of November, 1994, by Richard M. Haber, as Attorney for Big Basin Commerce Park. he is personally known to me or has produced a Florida Driver License as identification and did not take an oath.

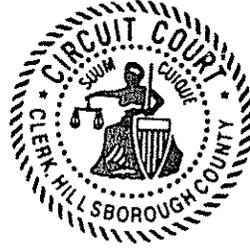
  
Notary Public,  
State of Florida at Large

My Commission Expires:

affidav\dri.big



Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



189b

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

September 19, 1991

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

Re: Resolution No. R91-0157 - DRI No. 189 Development Order  
- Big Basin Commerce Park

Dear Ms. Cooper:

Attached please find certified copy of referenced resolution and Exhibit A, Composite Exhibit B Affidavit, Exhibits C, D, E, and F. These exhibits were inadvertently omitted from the resolution forwarded to you on August 14, 1991.

We are providing the copies for your files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

By: Linda Fryman  
Linda Fryman  
Manager, BOCC Records

RECEIVED

SEP 25 1991

Tampa Bay Regional  
Planning Council

mailed 9/23/91

LF:ADF

Attachments

Certified Mail

cc: Board files (1 orig.)

J. Thomas Beck, State Department of Community Affairs  
Richard M. Haber, Esquire - Cramer, Haber, McDonald  
and LeVine, P.A.

C. Laurence Keesey, Esquire - Young, Van Assenderp,  
Varnadoe, Benton, P.A.

Steve Allison, Principal Planner, Planning and Zoning  
John Dixon Wall, Chief Assistant County Attorney  
(previously copied)

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution R91-0157 - DRI #189 Development Order, Big Basin  
Commerce Park - With Exhibit A, Composite Exhibit B Affidavit,  
Exhibits C, D, E, and F

\_\_\_\_\_ adopted by the Board in its regular meeting of  
July 30, 1991, as the same appears of  
record in MINUTE BOOK 182 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 19th day  
of September, 1991.

RICHARD AKE, CLERK

BY: *Alvina Feyman*  
Deputy Clerk

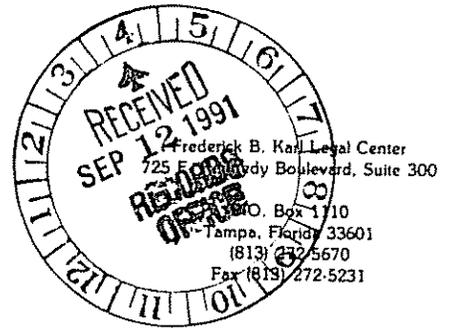
BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY, FLORIDA

Office of the County Attorney

Emeline C. Acton, County Attorney  
Ronald G. McCord, Chief Assistant  
Donald R. Odom, Chief Assistant  
Jennie Granahan Tarr, Chief Assistant  
Gulienne F. Theodore, Chief Assistant  
John Dixon Wall, Chief Assistant  
Joseph Egozcue, Administrator



M E M O R A N D U M



TO: Edna Fitzpatrick, Director, BOCC Records  
FROM: John D. Wall, Chief Assistant County Attorney *JDW*  
DATE: September 12, 1991  
RE: Resolution #R91-0157-DRI #189 Development Order for Big Basin Commerce Park

=====

I am enclosing for transmittal to DCA, TBRPC, and the developer a copy of the above-referenced resolution with exhibits. The copy I provided you on August 13, 1991, did not include the exhibits, and Linda Hallas, TBRPC's attorney, is requiring that we re-render the resolution with exhibits. Please render certified copies of the attached to DCA, TBRPC, and the developer. The developer's copy should be sent to Richard M. Haber, Esq., Cramer, Haber, McDonald, and LeVine, 1311 North Church Avenue, Tampa, Florida 33607.

I apologize for this oversight. If we can be of any assistance, please let me know.

JDW:dem

Enclosure

MO0328WN/89-1589

Resolution No. 91-0157

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
DRI #189 DEVELOPMENT ORDER  
BIG BASIN COMMERCE PARK

Upon motion by Commissioner Joe Chillura, seconded by Commissioner Sylvia Kimbell, the following Resolution was adopted by a vote of 5 to 0 Commissioner(s) \_\_\_\_\_, voting "No".

WHEREAS, on June 29, 1989, Andrew J. Lynn, authorized agent for BIG BASIN COMMERCE PARK (hereinafter referred to as "Developer") filed an Application for Development Approval (which, together with the sufficiency responses filed and other exhibits submitted and recorded, is hereinafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with Hillsborough County ("County"), 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, Florida Statutes as amended ("Chapter 380"); and

WHEREAS, the ADA proposed development of BIG BASIN COMMERCE PARK, a mixed-use light industrial, office and commercial development (the "Development" or "Project") located on 219.89 acres in northwest Hillsborough County (the "Property"); and

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

WHEREAS, on July 25, 1989, the Developer and DCA entered into a Preliminary Development Agreement pursuant to Subsection 380.032(3) and 380.06(8), Florida Statutes (1987) and Rule 9J-2.0185, Florida Administrative Code (the "Agreement"), a copy of which is annexed hereto as Exhibit "A", allowing development of 230,000 square feet of service center space, containing a maximum of 23,000 square feet of ancillary office space, within the proposed development on 34.13 acres thereof (the "PDA") pursuant to the terms of the Preliminary Development Agreement; and

WHEREAS, the County has approved a PD-RP zoning district for the Property pursuant to Rezoning Petition RZ 89-0093-N;

WHEREAS, the Hillsborough County Board of County Commissioners (the "Board"), 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 County Zoning Code (Ordinance 85-10) have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the County Zoning Code has held a duly noticed public hearing on the ADA, considered testimony and other documents and evidence, reviewed the ADA and filed a recommendation regarding the ADA with the Board; and

WHEREAS, the Board has on July 30, 1991 held a duly noticed public hearing on the ADA and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board has received and considered the report and recommendation of the TBRPC; and

WHEREAS, the Board has solicited, received and considered reports, comments and recommendations from interested citizens, the County and other governmental agencies; and

WHEREAS, the Board issued an order denying approval of the DRI and rezoning and on August 7, 1990, served to Developer a recitation of the reasons for denial accompanied by steps to be taken by the Developer to obtain approval and whereas developer on September 19, 1990, filed an appeal of the denial of the DRI with the Land and Water Adjudicatory Commission; and

WHEREAS, the Department of Community Affairs of the State of Florida and the Tampa Bay Regional Planning Council became parties to the appeal; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearings on the subject DRI before the Zoning Hearing Master and the Board; and history of disapproval if necessary; and

WHEREAS, the Developer has presented to the Board changes in the proposed Development Order which meet the criteria for obtaining Board approval of the DRI and Rezoning as set forth in the Board's order of August 7, 1990; and

WHEREAS, on July 30, 1991 the revised Development Order was presented to the Board and a duly noticed public hearing was held thereon; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 30th DAY OF July, 1991, AS FOLLOWS:

SECTION I. FINDINGS OF FACT

The Board, having received the ADA and having received and considered all comments, testimony and evidence submitted by the Developer, appropriate reviewing agencies and the public, finds there is substantial evidence to support the following findings of fact:

- A. The recitals set forth in the "Whereas" paragraphs described above are true, accurate and correct and are incorporated herein by reference.
- B. The ADA is attached hereto and marked "Composite Exhibit B" and incorporated herein by reference.
- C. The Property which is the subject of the ADA is legally described in Exhibit "C" attached hereto and incorporated herein by reference.
- D. The proposed Development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. A comprehensive review of the impact generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, the TBRPC and other affected agencies.
- F. The following approvals have been granted:
  1. Southwest Florida Water Management District -- approval of all conservation area delineations for the entire project. (September 19, 1989)
  2. Hillsborough County Planning and Zoning Department -- approval of Master Water and Sanitary Sewer plan for the entire project, outlining estimated construction phasing and connection points. (November 9, 1989)

3. Hillsborough County Development Review Department -- approval of Detailed Site Plan for PDA portion of project in accordance with rezoning petition PD - RP 89-93. (November 15, 1989)
4. Hillsborough County Development Review Department -- approval of Preliminary Plat for P.D.A. portion of project. (November 22, 1989)
5. Hillsborough County Development Review Department -- Plan approved for the PDA portion of Phase I Water Distribution and Wastewater Collection/Transmission System. Approval of final design drawings of the off-site water main and force main extensions to serve that portion of the project north of the dividing Conservation Area, and on-site water and sanitary sewer design for the P.D.A. portion of the project. Note the Master Lift Station approved with this submittal will also serve the remainder of the project north of the dividing Conservation Area.
6. Hillsborough County Development Review Department -- Permission to Construct Prior to Platting granted. This approves the paving and drainage plans for construction for the P.D.A. portion of the site. Note that the entrance road and drainage detention pond is designed and approved to serve the remainder of the upland areas north of the dividing Conservation Area.
7. Southwest Florida Water Management District -- Approval of a General Permit for construction of a Surface Water Management System. This permit allows construction of the drainage facilities for that portion of the site north of the dividing Conservation Area.
8. Hillsborough County Health Dept. -- Approval of the D.E.R. Notice of Intent to Use General Permit for construction of the water distribution system for the off-site water main extension serving that portion of the project north of the dividing Conservation Area and the internal water distribution system for the P.D.A. portion of the project.

## SECTION II. CONCLUSIONS OF LAW

The Board, having made the above findings of fact, and based upon compliance with the terms and conditions of this Development Order, the provisions of the ADA, and the reports, recommendations and testimony heard and considered by the Zoning Hearing Master and the Board, hereby reaches the following conclusions of law:

- A. The Development will not unreasonably interfere with the achievement or objectives of the adopted state land development plan applicable to the area.
- B. The Development is consistent with local land development regulations and the County's comprehensive plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Florida Statutes, and the goals and policies of the comprehensive regional plan and the state comprehensive plan.
- C. The Development as proposed is consistent with the report and recommendation of the TBRPC.
- D. This Development Order satisfies the provisions of Chapter 380.
- E. In considering whether the Development should be approved subject to conditions, restrictions, and limitations, the County has considered the criteria stated in Section 380.06 and more specifically, in subsection 380.06(14), Florida Statutes.

- F. The review by the County, the Hillsborough County City-County Planning Commission, the TBRPC and other participating agencies and interested citizens have adequately addressed all impacts of the Development, pursuant to the requirements of Chapter 380, within the terms and conditions of this Development Order and the ADA.
- G. The ADA is approved subject to all terms and conditions of this Development Order.
- H. The adopted Comprehensive Plan for Hillsborough County titled "The Future of Hillsborough", designates the area within which this land lies as Light Industrial, Research Corporate Park and Environmental.

SECTION III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of the County in response to the ADA for the Big Basin Commerce Park DRI.
- B. All provisions contained within the ADA shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- C. The definitions contained in Chapter 380 shall govern and apply to this Development Order.
- D. This Development Order shall be binding upon the Developer and its assigns or successors, subject to the provisions of Section III.G. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.
- E. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- F. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board to review developments set forth under applicable laws and rules governing DRIs.
- G. In each instance in this Development Order where the Developer is responsible for ongoing maintenance, monitoring, preparation of plans, reports and analysis and other obligations, the Developer may transfer any or all of its responsibilities pursuant to this Development Order to an appropriate private body created to perform such responsibilities such as a property owner's association. However, before such transfer may be made and becomes effective, the body to which responsibility will be transferred must be approved by the County, and/or other agencies (if any) required by law to approve such transfer or entity. Upon determination that the entity or body in question can and will be responsible to provide maintenance as required in this Development Order, such approval by the County and other agencies (if any) shall not be unreasonably withheld.

- H. The County Administrator or his designee of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order.
- I. The Developer shall file an annual report in accordance with Chapter 380.06(18) Florida Statutes, as amended, and appropriate rules and regulations. The report shall be submitted on adopted DCA Forms. Such report shall be due on the anniversary of the date of adoption of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board. The Board shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board hearing wherein such report is to be reviewed. The receipt and review by the Board shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:
  - 1. The information required by the DCA to be included in the annual report, which information is described in the Rules and Regulations promulgated by the DCA pursuant to Chapter 380; and
  - 2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
  - 3. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order; and
  - 4. All monitoring results required pursuant to the terms of this Development Order.
  - 5. Any requests for substantial deviation determination that were filed in the reporting year.
  - 6. A statement listing all Applications for Incremental Review, if applicable, required pursuant to this development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and
  - 7. A statement describing how the Developer has complied with each term and condition of this development order applicable when the annual report was prepared.
- J. All Development undertaken pursuant to this Development Order will be in accordance with all applicable County codes and ordinances and other laws in effect at the time of permitting, except as otherwise specifically provided herein or by applicable law.
- K. This Development Order shall apply to the Property legally described on Exhibit "C" attached hereto.
- L. This Development Order shall take effect upon the date of transmittal to the parties specified in subsection 380.07(22), Florida Statutes, as amended. A notice of the adoption of the Development Order, if the Development Order itself is not recorded with the Clerk of the Circuit Court of Hillsborough County, shall be filed among the aforesaid public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f).
- M. This Development Order shall replace Resolution No. R90-0173, by which the project was previously denied.

- N. Development shall commence no later than three years from the date of adoption of this Resolution by the Board of County Commissioners.

SECTION IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

The Big Basin Commerce Park ADA provided the following phasing schedule and development totals:

	Retail (Sq. ft.)	Service/ Distribution (Sq. ft.)	Industrial/ Warehouse (Sq. ft.)	Office/ Service Center (Sq. ft.)
Phase I (1990-1993)	25,000	87,400	65,725	501,875
Phase II (1994-1999)	12,500	115,000	87,900	652,100
Phase III (2000-2005)	<u>12,500</u>	<u>27,600</u>	<u>29,500</u>	<u>167,900</u>
Total	50,000	230,000	183,125	1,321,875

Totals: Phase I 680,000 \*  
 Phase II 867,500  
 Phase III 237,500  
 1,785,000

\* This figure includes 230,000 sq. ft. of service center space, which contains a maximum of 23,000 square feet of ancillary office space, approved as part of a Preliminary Development Agreement.

The following phasing schedule is hereby adopted as an integral part of this Development Order. The lesser development totals reflect the downsized development now requested by the developer. The revised phasing schedule reflects the two year, eleven month and fifteen day discretionary extension enabled by Subsection 380.06(19) of the Florida Statutes. Any proposed future extension of this phasing schedule shall be considered cumulatively with the two year, eleven month and fifteen day extension granted herein.

	Retail (Sq. ft.)	Service/ Distribution (Sq. ft.)	Industrial/ Warehouse (Sq. ft.)	Office/ Service Center (Sq. ft.)	Total
Phase I					
1991- 12/15/96	25,000	87,400	65,725	501,875	680,000*
Phase II					
12/15/96 - 12/15/02	6,250	57,500	43,950	350,000	457,700
Phase III					
12/15/01 - 12/15/06	<u>6,250</u>	<u>57,500</u>	<u>43,950</u>	<u>302,100</u>	<u>409,800</u>
Total	37,500	202,400	153,625	1,153,975	1,547,500

Totals: Phase I 680,000 \*  
 Phase II 457,700  
 Phase III 409,800

- \* This figure includes 230,000 sq.ft. of space approved as part of a Preliminary Development Agreement.

For purposes of the DRI analysis, the Service/Distribution Industrial/Warehouse and Office/Service Center uses in the above phasing schedule were considered industrial uses.

Clarification of the above schedule for purposes of traffic [Institute of Transportation Engineers (ITE)], trip rate assignment and application of the Hillsborough County Zoning Code is made as follows:

The first column, entitled "Retail", is associated with the ITE Land Use Code 820 and Hillsborough County Zoning Code's "Retail" definition.

The second and third columns entitled "Service/Distribution" and "Industrial/Warehouse" described by ITE's Land Use Code 150. For the purpose of zoning, warehousing shall be the primary use, but office and related uses customarily associated with warehousing may be included.

The fourth column "Office Service Center" is typified by ITE's Land Use Code 130 (Industrial Park) for the purpose of traffic characteristics. For the purposes of Zoning Code interpretation, this "Industrial Park" is primarily composed of uses such as manufacturing, processing, assembly, ancillary office (maximum of 114,000 square feet), distribution center, research activities, and other activities as identified under the PD-RP Use List as set forth in the Hillsborough County Zoning Code except retail uses.

1. Phase I is specifically approved subject to the conditions contained in this Development Order. Phases II and III are conceptually approved. Specific approval of Phases II and III shall require a Development Order amendment following further Chapter 380.06, F.S. analysis and review of transportation, air quality, water supply, wastewater, fire, police, and EMS services to identify the impacts and to specify the measures for curing or mitigating said impacts.
2. For the purposes of this Order, a phase shall be considered complete upon the issuance of the final Certificate of Occupancy for the phase.
3. If the Developer elects to amend the proposed phasing schedule he shall submit said amendments to the County for review and approval as required by law, which approval shall not be withheld if the terms of this Development Order are otherwise substantially complied with. Any departure in phase build-out from the phasing schedule set forth in this Development Order shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.
4. This Development Order shall remain in effect for a period up to and including December 15, 2006. This date shall serve as the termination, buildout and expiration date for this Development Order. Any development activity for which construction/site development plans have been submitted to the County and approved prior to the expiration date of this Development Order may be completed in accordance with the requirements of this Development Order. This Development Order may be extended by the Commission on the finding of excusable delay in any proposed development activity provided that an extension of the buildout period for more than three (3) years may trigger a substantial deviation pursuant to Florida Statutes Section 380.06 (19). However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Development Order.

5. The Development shall not be subject to down-zoning, intensity reduction or change to a more restrictive land use category, prior to December 1, 2006, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A. Provided, however, nothing in this Section IV.A.5 shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer pursuant to this Development Order, (ii) any development rights which may arise as a result of this Development Order, and (iii) Developer from requesting any modifications to this Development Order or the PD-RP zoning district at any time.

B. TRANSPORTATION

1. This is a phased development as provided for under Chapter 380.06 of the Florida Statutes. No phase or subphase shall be developed until capacity is available to accept traffic on the regionally significant roadway system and provided all conditions in this Development Order relating to each phase and subphase are met.
2. The Developer shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying the transportation mitigation measures hereinafter described. Compliance with the provisions of the transportation mitigation measures has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida Law and rules and policies of the County, DCA, FDOT and TBRPC.
3. TSM - The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program prior to the first annual report required pursuant to Section III.J. The goal of the TSM Program shall be to divert vehicle trips from the p.m. peak hour. The plan and implementation process shall be documented in the first required annual report. Such a program shall be reviewed by Hillsborough County, the Hillsborough Area Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), the TBRPC and the Florida Department of Transportation ("FDOT").

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 the implementation of each TSM measure. The results of the TSM program shall be included in the annual report.

If the annual report indicates that the total trip diversions are not being met, Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06 (19), Florida Statutes, and amend the Development Order to change TSM objectives and/or, if necessary, require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer to request Development Order amendments.

Development of such a TSM program shall be in cooperation with FDOT, MPO, HART, and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

OBJECTIVES:

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

Policy: Promote ride sharing by private and public employees.

4. A stop work order prohibiting development shall be issued if the required analysis or monitoring reports, as appropriate, are not submitted in a timely manner. Provided, however, that Project construction for which building permits have previously been issued shall not be affected by such failure to submit the required analysis or monitoring reports.
5. The transportation mitigation measure available to the Developer is a subphase analysis as described below:
  - (a) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I, the capacity and loading of transportation facilities in the Big Basin Commerce Park transportation area, including but not limited to the regional roadways and intersections referenced in Table 1 and 2, Exhibit D, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide the County, the TBRPC, and the FDOT pursuant to the provisions of Section 380.06, with updated current traffic counts on the referenced regionally significant roadways and projections of traffic volumes that will result from the completion of any currently approved Development 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, with the concurrence of the County and TBRPC will maintain the roadways and intersections referenced in Tables 1 and 2 within the traffic impact study area at a LOS D ("C" in rural areas) at peak hour. Projections of both the traffic counts and the project traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. No traffic shall be distributed onto any segments of the East-West Connector or the Linebaugh Avenue Extension unless these roadway segments are currently in place or funded for construction completion in the first year of an adopted work program at the time the analysis is performed. Prior to any specific approval of any subphases, the County shall ensure in written findings of fact that the impacted regional roadways within the study area are operating at or above LOS D ("C" in rural areas) at peak hour and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D ("C" in rural areas) at peak hour. The Development Order shall be amended to address the subphase approval.

A subphase of Phase I of the development, consisting of 230,000 square feet of light industrial uses, corresponding to an approved PDA recorded in O.R. Book 5758, Page 1192, in the Public Records of Hillsborough County, Florida shall be the first subphase constructed with mitigation as herein provided. A Development Order, in the form of Hillsborough County rezoning #89-0093, approved the PDA.

This subphase, located within the area defined by the PDA, may be developed in two portions. Portion A shall be limited to 138,000 square feet of light industrial uses, of which a maximum of 13,800 square feet may be for ancillary office uses. No Building Permits shall be issued for Portion B of the 230,000 square foot development until such time as the intersection of Race Track Road and State Road 580 (Hillsborough Avenue) is improved with a second left-turn storage (LTS) lane for southbound Race Track Road, a 150 foot acceleration/merge lane on SR 580, and the signalization needed to accommodate the LTS. The cost of this improvement, if constructed by the Big Basin developer, may be submitted for applicable impact fee credits. Prior to issuance of any Building Permit above 195,000 square feet, an analysis shall be prepared by the Developer and submitted to FDOT and TBRPC for review and to Hillsborough County for review and approval. The analysis shall show that no link or intersection within the transportation impact area operates or will operate at worse than LOS "D" ("C" in rural areas) with project traffic from the remainder of the 230,000 square foot subphase.

This 230,000 square foot subphase of Phase I is hereby approved with the aforementioned traffic impact mitigation and is hereby cleared from further traffic analysis except for its inclusion in the Section IV.B.5. Monitoring Program or (if uncompleted) in subsequent analyses conducted for the purpose of requesting approval for construction of development beyond this initial subphase or for portions of this subphase which are not constructed within the three year limit referenced later in this section.

Each subphase approved under this option shall have a maximum buildout of up to 3 years. No additional building permits shall be issued upon expiration of the buildout date until an updated transportation analysis consistent with the provisions of this section is provided and reviewed by FDOT and approved by Hillsborough County and TBRPC. The analysis shall propose an extension of the buildout date or new buildout date (not to exceed 3 years). The analysis shall demonstrate that the level of Service standards contained herein (LOS "D", ("C" in rural areas) peak hour, will not be exceeded through the new proposed buildout date of the approved subphase and additional subphase requested, if any.

- (b) Subject to FDOT review and approval by the County and TBRPC of a subphasing transportation analysis, together with any associated Development Order amendments, subphasing is permitted as provided herein. Funding commitments will be required for all regionally significant improvements which are necessary to accommodate the traffic impacts of a particular subphase of the Development prior to the commencement of that particular 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 or subphase must be the subject of funding commitments from responsible entities, where those facilities are projected to operate below LOS D ("C" in rural areas) p.m. peak hour and the development would contribute five percent (5%) or more of LOS D ("C" in rural areas) p.m. directional peak hour 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 or subphase square footage for which there are funding commitments. For the purpose of this section, funding commitments shall mean that construction of the necessary improvement is within

the current fiscal year of the work program of the responsible agency.

6. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 340,000 square feet of approved land uses of Phase I or (ii) 295 p.m. peak hour vehicle trips (total of both entering and exiting traffic) are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrances to the Development shall be instituted to verify that the projected number of external trips for each phase of the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report establishes that the total number of external vehicle trips generated by the approved phase of the Development exceeds that which was projected for that phase during the original development of regional impact review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of a monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

C. ENVIRONMENT AND NATURAL RESOURCES

Air Quality

1. The Developer shall, at a minimum, employ the fugitive dust emission abatement procedures referenced in the ADA.
2. The County shall reserve the right to require reasonable mitigation measures to alleviate any potential impacts of the project on ambient air quality.
3. A new Section 380.06, F.S., air quality analysis, and amendment of the Development Order to identify the impacts and set forth the requirement to mitigate any negative air quality impacts of Phase II and Phase III shall be required prior to the approval of each later phase.

Land

4. The measures to reduce soil erosion and fugitive dust air emissions, referenced in the ADA and Sufficiency Response, at minimum, shall be implemented.
5. The methods identified in the ADA as suitable to overcome soil limitations shall be required, as appropriate.

Water Quality and Drainage

6. Elevations for all habitable structures shall be at or above the 100-year flood elevation.
7. Prior to construction plan approval within a particular drainage basin (as defined on Map G-1 on the ADA) and the subsequent issuance of site alteration/building permits within said basin, the Master Stormwater Management Plan for that particular basin of Big Basin Commerce Park shall be submitted to the Florida Department of Environmental Regulation and the Tampa Bay Regional Planning Council for review, and to Hillsborough County and the Southwest Florida Water Management District for approval. The Stormwater Management System for each individual basin of the development shall be designed, constructed, and maintained to meet or exceed the requirements of SWFWMD and those contained in Hillsborough County's Stormwater Management Technical Manual. The appropriate design criteria to be used is that which is in effect at the

time of construction plan submittal and review for a particular phase of the development. Best Management Practices for reducing water quality impacts, as recommended by the County and SWFWMD, shall be implemented and include a street cleaning program for parking and roadway areas within the development. Stormwater treatment shall be provided by biological filtration, wherever feasible.

8. All drainage and associated access easements necessary to accommodate any and all of the applicable impacts of the development shall be donated by the developer to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel or phase must be fully executed and recorded prior to, or concurrent with, the issuance of Certificates of Occupancy or plat approval, whichever is applicable, for the particular parcel or phase.
9. The developer shall operate and maintain all on-site Stormwater Management Facilities unless otherwise required or approved by the County. The developer shall enter into an acceptable agreement prior to each applicable Construction Plan Approval with Hillsborough County which will indemnify and hold Hillsborough County harmless from any liability it suffers resulting from its approval of the operation and maintenance of such facilities within existing utility easements. Developer shall relocate to a location elsewhere on the subject property any stormwater management facility filled in or functionally altered by any utility or other entity on a 1:1 basis. Any stormwater management system or portion thereof for which Hillsborough County is to assume maintenance responsibility shall not be located within any existing utility easement. Furthermore, Hillsborough County will not assume maintenance responsibility for any roadway that is hydraulically connected to a stormwater management facility located within the existing utility easements. The developer shall assume maintenance responsibility for any such roadway and will maintain such roadway to normal County standards.
10. In order to protect water quality in the Double Branch Creek watershed, there shall be no degradation of water quality standards by stormwater exiting the site in violation of applicable regulations. Therefore, the developer shall provide for a semi-annual surface water quality monitoring program, to be instituted before physical development commences and to continue beyond basin build-out by a minimum of five years. Any violation of Chapter 17-3, FAC, determined to be caused by this development, shall require corrective measures as set forth by Florida Department of Environmental Regulation (FDER). The following shall apply:
  - A. Sampling locations and parameters shall be determined in cooperation with Hillsborough County, DER, SWFWMD and TBRPC.
  - B. All water quality analytical testing methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and Requirements.
  - C. The monitoring results shall be submitted to Hillsborough County, DER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County and DER immediately and all construction within the subbasin(s) where the violation is noted shall cease until the violation is corrected; or if the specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

11. In order to protect water quality in proximity to the Cosme-Odesa and Northwest Hillsborough Regional wellfields, there shall be no degradation of water quality standards in groundwater from the site in violation of applicable regulations. Because several governmental agencies are performing groundwater quality monitoring adjacent to the site, the applicant need not duplicate the monitoring. The applicant shall, however, in cooperation with pertinent agencies, ensure that the groundwater monitoring meets the following minimum criteria:
  - A. Sampling parameters and frequencies shall be determined in cooperation with Hillsborough County, SWFWMD, TBRPC and the United States Geological Survey. Sampling shall be performed at least semi-annually. Parameters shall include heavy metals and organics, as well as those normally collected for ambient groundwater monitoring.
  - B. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
  - C. The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD. Should the monitoring indicate that applicable state water quality standards (Chapter 17-550, FAC) are not being met, the violation shall be reported to Hillsborough County and FDER immediately and appropriate action taken to end the violation. If determined to be appropriate, groundwater monitoring by the developer on the Big Basin Commerce Park site shall be required.

#### Wetlands

12. The portions of the Big Basin Commerce Park site which meet TBRPC's definition of conservation/preservation areas are depicted on the map on page 10 of the Adopted TBRPC DRI Final Report and attached hereto as Exhibit E and shall be so designated on all site plans submitted to the County for approval.
13. In order to protect the natural values of conserved/preserved wetland areas, no adverse hydroperiod alteration shall be permitted in remaining conservation/preservation areas as identified in Section IV.C.12. above and on the master site plan. Except for infrastructure, activities within the conservation areas shall be limited to Stormwater Management outfall structures and boardwalks. Intrusions into TBRPC-defined preservation areas shall be limited to unavoidable roadway alignments and permitted stormwater management structures.
14. All wetland losses resulting from developer activity shall require a 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years. Monitoring shall include identification of species diversity and composition, and efforts to control nuisance species encroachment. Additional planting may be required to maintain an 80 percent survival rate of planted species at the end of three years.
15. The developer shall submit a wetland management plan to TBRPC for review and to DER, SWFWMD and HCEPC for approval in the first annual report. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, control of on-site water quality, maintenance of hydroperiods and methods for wetland restoration/enhancement.

16. The developer shall provide a natural buffer around all preservation and conservation areas as required by applicable regulations to provide an upland transition into the wetland areas and to protect the natural systems from development impact.

Vegetation and Wildlife

17. In the event that any species listed in Sections 39-27.003-.005, FAC, are observed frequenting the Development 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 (FGFWFC).
18. Representative tracts of the Pine Flatwoods and Pine Mesic Oak vegetative communities, as depicted on the map on page of the adopted TBRPC DRI Final Report and attached hereto as Exhibit E, shall be preserved on-site in the locations specified on the revised master site plan as hereinbefore defined in a manner which will support their continued natural function and value.
19. All areas not specifically designated as areas to be developed in the ADA shall be considered as special areas as that term is defined in Subsection 380.06(19)(e)(5)(b), F.S. (1990).

A stand of hay scented fern, *Dennstaedtia Bipinnata*, located approximately 600 feet into the southern forested wetland near the east property line, will be protected. A map showing the location of the hay scented fern within the conservation area covering the southern forested wetland area is attached as Exhibit F. The area where the hay scented fern is located and an additional area 200 feet wide surrounding the hay scented fern area, as shown on Exhibit F, shall be treated as a preservation area for the hay scented fern and any change which would result in development within this area would be treated as a change under paragraph 380.06(19)(b)16, Florida Statutes. All other areas not specifically designated as areas to be developed in the ADA shall be considered as special areas as that term is defined in Subsection 380.06(19)(e)(5)(b), F.S. In order to protect the hydrologic regime in the Conservation/Preservation areas, no drainage plan will be approved for the development that does not require treatment of storm water prior to its discharge into the Conservation/Preservation areas. Further such drainage plan will be designed so that any storm water so discharged into the Conservation/Preservation areas will be at a rate that does not exceed the pre-development ten-year rainfall event.

The hay scented fern preservation area shall be preserved such that the post-development hydrological regime for this area remains the same as the pre-development hydrological regime and no development or clearing shall be allowed within this preservation area.

Archaeological and Historical Resources

20. Any historical or archaeological resources discovered during development activities of the Big Basin Commerce Park project shall be immediately reported to the Florida Department of State, Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, TBRPC, and Hillsborough County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue.

Floodplains

21. In order to mitigate potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and all roads within the proposed development shall be constructed above the anticipated Category 3 hurricane flood levels.

22. A public information program shall be established and maintained within the development for the purpose of educating occupants regarding the potential hurricane threat, the need for timely evacuation in the event of an impending hurricane, the availability and location of hurricane shelters, and the identification of steps to minimize property damage and to protect human life.
23. The developer shall develop a continuing hurricane awareness program and a hurricane evacuation plan which will be reviewed by local emergency management officials. The hurricane evacuation plan shall address and include, at a minimum, the following items:
  - A. Operational procedures for the warning and notification of all employees and visitors prior to and during a hurricane watch and warning period;
  - B. If the applicant anticipates tenants will use a private security force on-site, the plan shall identify how the force will be integrated with the sheriff's and police personnel during a hurricane threat/evacuation to warn management and employees.

D. ECONOMY

1. Big Basin Commerce Park recognizes the need for providing day care centers to accommodate the needs of working parents. Consequently, prior to certification of any site development plan for that portion of Phase I in excess of the portion previously approved as part of a Preliminary Development Agreement, a portion of the project will be designated and set aside for a maximum 6,000 square foot day care center and Big Basin Commerce Park shall endeavor to interest a professional day care company to acquire this designated area in order to operate a day care facility.
2. At the recommendation of Department of Community Affairs it is appropriate that, in order to ensure that people find adequate housing opportunities within the existing housing inventory as well as through new construction, for rent and for sale, reasonably accessible to their places of employment, the developer has , conducted an analysis of the housing needs, for ownership and for lease, to be created by the development and has determined the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis was accomplished using a methodology that is consistent with accepted real estate market analysis practices and approved by the Department of Community Affairs. Based on the existing road system and commuting patterns, the study area for the analysis consisted of the area bounded by Northern Hillsborough County, Southwest Pasco County and Northern Pinellas County. The boundaries of the study area may be adjusted in the future if subsequent studies of commuting patterns indicate cause to do so.

The study finds that (i) there is an adequate number of sales units currently in the market to meet the total needs computed by DCA for the total fifteen (15) year development; and (ii) the proposed Big Basin Commerce Park will not generate significant adverse impact on the availability of affordable housing within the market area defined by DCA.

E. PUBLIC FACILITIES

Wastewater Management

1. The Developer shall establish a plan and schedule whereby on-site sewer main lines not dedicated to the County shall be monitored for leaks and ruptures. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines the dates or frequency of the monitoring program. Faulty lines shall be repaired as quickly as possible. The entity so designated shall be either the Developer or his assigns, or the property owner's association approved pursuant to Section III.G. On an annual basis, said entity shall conduct an infiltration, exfiltration test (as applicable) in accordance with Hillsborough County criteria.
2. The County has the present capacity to provide wastewater treatment to the Development, and has committed to providing wastewater treatment to the PDA subphase of Phase One. This commitment remains valid and in effect. No development beyond this subphase will occur unless wastewater treatment is made available from the county upon proper application from the developer.
3. No disposal of commercial or hazardous waste in the sewer system is permitted except as allowed by law.
4. Big Basin Commerce Park shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Big Basin Commerce Park and future surrounding development.
5. Big Basin Commerce Park shall implement a wastewater re-use system when appropriate facilities are within any public right-of-way adjacent to the applicable portion of the site.
6. A commitment for sanitary sewer for the PDA portion of Phase I has been issued by Hillsborough County and remains valid. Subsequent sanitary sewer requirements are planned to be met by the Northwest Regional Water Reclamation Facility .

Water Supply

7. The County shall provide potable water service for the Development, pursuant to an existing preliminary commitment letter. A commitment to provide such water service from the Interim Sheldon Road Water Treatment Plant has been provided and remains valid for the PDA portion of Phase I. Subsequent requirements are planned to be provided by the Permanent Sheldon Road Water Treatment Plant which is scheduled for completion in mid 1991. A proposed 20 inch water transmission main running from the Sheldon Road plant along the Linebaugh Avenue Extension is planned to fully meet Big Basin Commerce Park's future requirements for water service, including fire flow.
8. Water conservation devices shall be incorporated into the Development's design and construction guidelines to the extent mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). Native vegetation or other plant stock suitable for xeriscape, shall be used in 75 percent of the landscaping, and no irrigation shall be supplied by the potable water system.
9. The Developer shall use the lowest quality water reasonably available sufficient to meet non-potable water demands. In the first annual report, the Developer shall submit a plan to the County and the TBRPC for using reasonably available non-potable water for irrigation. The plan shall include investigation of the feasibility of using treated wastewater for irrigation purposes.

10. Planning and development of this project shall conform to, and further, the rules and guidelines adopted by the Southwest Florida Water Management District for the Northern Tampa Bay Water Use Caution Area.

Solid Waste

11. The County shall provide solid waste disposal to the Development at such charges as the County may promulgate from time to time.
12. All Big Basin Commerce Park owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges.

Energy

13. Where economically feasible, Big Basin Commerce Park shall:
  - A. use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration;
  - B. use landscaping and building orientation to reduce heat gain;
  - C. install total energy systems; and
  - D. work with or designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and industry.
14. Big Basin Commerce Park shall utilize and encourage:
  - A. reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours;
  - B. elimination of advertising requiring lighting after business hours;
  - C. the use of energy-efficient packaging and/or recyclable materials;
  - D. participation by project tenants in recycling programs; and
  - E. shall report on the participation in those and other energy programs in each annual report.
15. The energy conservation measures referenced on page 136 of the ADA shall be a Development Order condition.

Open Space

16. The Developer and its successors or assigns, including, but not limited to, a property owner's association, approved in accordance with Section III.G., shall be responsible for maintenance of all open space areas in the Development.
17. The designated recreation areas on Big Basin Commerce Park site shall be held inviolate against diversion to other uses, shall be designated on the general Site Development Plan and shall be accessible to the handicapped.

Police, Fire and EMS

18. Concurrent with site development/construction plan review, the County shall be assured of the adequacy and availability of police, fire and emergency medical services for Big Basin Commerce Park. In the event of inadequate police protection at the time of site development/construction plan review for construction of any portion of the project beyond the PDA, Big Basin Commerce Park shall, if it is determined to be beneficial by the Hillsborough County Sheriff's Department, provide supplemental private security protection until public police protection is deemed adequate.
19. Until such time as the Westchase, or alternative, Fire Station is fully functional and public fire protection services are determined by the Hillsborough County Fire Department to be adequate to serve the project, all buildings within the project shall contain a fire sprinkler system, and no building permit shall be issued for structures not including such a sprinkler system.. When adequate fire services are available, such sprinklers will no longer be required, but are highly recommended.
20. The height of buildings allowed in Big Basin Commerce Park shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment. Water pressure may be supplemented by a developer installed system.
21. Big Basin Commerce Park shall be designed and constructed to meet or exceed state and local fire codes and regulations.

F. MITIGATION TO NEIGHBORING PROPERTY.

On October 9, 1990, the Board designated an alignment for the extension of Linebaugh Avenue which shall travel over and across Big Basin Commerce Park's property. The alignment calls for a one-hundred (100) foot buffer to separate the residential subdivision on the south boundary of the property from the Linebaugh Avenue extension. The land reserved for the Linebaugh Avenue extension is 128 feet wide. Both the 100 foot buffer and the ROW for the Linebaugh Avenue extension as they traverse the Developer's property are approximately 2654 linear feet in length and together comprise approximately 13.9 acres. At such time as the Linebaugh Avenue extension is under construction, and subsequent to the deeding of necessary right-of-way to the County, a six foot high painted concrete block wall shall be constructed by the Big Basin developer, or by a separate entity with all costs borne by the Big Basin developer. This wall will run east to west and will, at developer's option, be located on either (i) the southern boundary of the aforementioned 100 foot buffer, or (ii) on the southern boundary of the aforementioned 100 foot buffer except where it will follow the pattern of the wetland area within the 100 foot buffer. The Board will ask the Hillsborough County Environmental Protection Commission to consider waiving the 30 foot setback requirement and, in such event, this wall may be constructed a distance of five feet from the wetland area. Provided developer elects option (ii), Hillsborough County, following the deeding to it of the 128 feet ROW and such portion of the 100 foot buffer as is required for mitigation and retention, will grant Big Basin the right to construct the wall over those portions of such lands that lie within five feet of any environmental area including the southern five feet of the 128 foot ROW for the Linebaugh Avenue extension.

In the event the placement of the wall as set forth above is prohibited by any governmental laws, rules or regulations, or in the event the cost to construct the wall through jurisdictional wetlands along either of the above routes exceeds by more than ten percent the cost of constructing the wall entirely upon an upland area, the wall will be located solely on the southern boundary of the 100 foot buffer, will total approximately 1600 linear feet, will be in three separate sections, and will only be constructed on that portion of the property that will not encroach upon the

wetlands. These three sections of wall will be supplemented by Developer constructing a six foot high wood fence through the wetland portion of the property along the southern boundary of the 100 foot buffer which will tie in with the concrete block wall, provided the construction of this fence is not prohibited by any governmental laws, rules or regulations. Developer or a property owners association formed by developer will maintain both the concrete wall and wooden fences notwithstanding that they may be located on County-owned lands.

Provided developer elects option (ii), the wall will be built after the right-of-way for the Linebaugh Avenue extension has been cleared to the south right-of-way line.

G. HAZARDOUS WASTE

1. The Developer shall provide information to all Big Basin Commerce Park businesses that:
  - A. Indicates the types of wastes and materials that are considered by law to be hazardous and are to be stored or disposed of only in the specially-designated container/areas;
  - B. Describes construction requirements for hazardous waste holding areas; and
  - C. Advises of applicable statutes and regulations regarding hazardous wastes and materials and waste exchange programs.
2. Big Basin Commerce Park shall catalog tenant businesses where hazardous materials and wastes are stored, handled or transported and keep such information on file for emergency use, and include such information in all annual reports as are required by this Development Order.
3. The Developer shall inform all tenants of Big Basin Commerce Park about their responsibility to comply with Florida's Right-to-Know Law/Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) and the Resource Conservation and Recovery Act (RCRA). Insofar as the developer is an employer and is located within the project, it shall also comply with Florida's Right-to-Know Law/SARA Title III.
4. Big Basin Commerce Park tenants which produce waste which is not suitable to recycle, exchange, or reuse, shall be encouraged to develop allowable on-site hazardous waste treatment capabilities to ensure public safety prior to transport.

H. CREDITS AGAINST LOCAL IMPACT FEE AND EXACTIONS

1. To the extent that the Developer or its successors or assigns are required hereunder to contribute land for any public facility or construct, expand or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer shall receive a credit for the Development Order exaction or fee toward an impact fee or exaction imposed upon the Development for this same need.

I. GENERAL CONDITIONS

1. Notwithstanding this Development Order, the Developer, at its sole option, may resubmit the Development for review and approval under any area-wide Application for Development Approval, pursuant to Subsection 380.06(25), Florida Statutes, as amended, if such application encompasses the Development site. Any impacts assessed and satisfied pursuant to this Development Order shall be considered and credited to the Developer's obligations under any such area-wide development order.
2. Developer shall retain all rights to claim vested rights pursuant to any County regulation or ordinance setting forth the procedures for obtaining a vested rights determination or otherwise.
3. Any change in the Development which meets the criteria set forth in Subsection 380.06(19), Florida Statutes, shall constitute a substantial deviation, in addition to those provided herein.
4. All of the Developer's commitments set forth in the ADA shall be honored, except as they may be superseded by specific terms of this Development Order.
5. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.
6. The effective date of this Development Order shall be the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.
7. This development order shall be deemed rendered as of the postmark date of the transmittal of certified copies hereof to DCA, TBRPC and the Developer.

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the Resolution adopted by the Board at its Regular Meeting of July 30, 1991 as same appears of record in Minute Book 182 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 13th day of August 1991.  
RICHARD AKE, CLERK

By: Judith M. Nichols

h:\groups\mvdri\bigbasin.do

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

EXHIBIT "A"

Preliminary Development Agreement  
Recorded In O.R. Book 5758, Page 1192  
of the Public Records of  
Hillsborough County, Florida

EXHIBIT A

LEGAL DESCRIPTION OF PROPOSED DRI

BIG BASIN COMMERCE PARK

RICHARD AKE  
CLERK OF CIRCUIT COURT  
HILLSBOROUGH COUNTY

PRELIMINARY DEVELOPMENT AGREEMENT  
FOR  
PHASE 1A  
BIG BASIN COMMERCE PARK  
BY ANDREW J. LYNN

RECEIVED  
JUL 20 1989

BUREAU OF STATE  
PLANNING

This agreement is entered into between the Andrew A. Lynn Trust, ~~Trustee~~ <sup>Trustee</sup> Prolist Trusts, and Andrew J. Lynn (hereinafter referred to as "Owner/Developer") and the State of Florida, Department of Community Affairs ("Department"), subject to all other government approvals and solely at the Owner's and Developer's own risk.

WHEREAS, the Department is the state-land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to developments of regional impact (DRI); and

WHEREAS, the Department is authorized to enter into preliminary development agreements pursuant to Subsections 380.032(3) and 380.06(8), Florida Statutes, (1987) and Rule 9J-2.0185, Florida Administrative Code; and

WHEREAS, the Owner/Developer represent that:

- A. The Owner/Developer owns in fee simple absolute, approximately 219.89 acres located in Hillsborough County, Florida, more particularly described in Exhibit "A" attached hereto. No other person or legal entity has any interest in said land including, but not limited to, rights arising out of a contract for sale for any portion of said land; and
- B. The Owner/Developer proposes to develop a project known as "Big Basin Commerce Park" hereinafter referred to as "the Project," which is more particularly described as a multi-use development composed of approximately 50,000 gross square feet of commercial, 1,371,875 gross square feet of office/service center, 230,000 gross square feet of light industrial and 183,125 gross square feet of industrial warehouse.
- C. The Owner/Developer proposes to develop a portion of the Project prior to issuance of a final DRI development order; and
- D. The Owner/Developer owns in fee simple absolute a 10 acre tract of land, located adjacent to but not included in the DRI, more particularly described in Exhibit "B". The 10 acre tract has been under contract for sale since prior to the initiation of this DRI, and at present there are no plans for development of the tract; and
- E. The preliminary development authorized by this Agreement is limited to lands which are suitable for development; and
- F. The existing public infrastructure will accommodate the uses planned for the preliminary development authorized by this agreement, in those circumstances where such development will use public infrastructure; and
- G. The preliminary development authorized by this agreement will not result in material adverse impacts to existing resources, existing or planned facilities; and
- H. The preliminary development authorized by this Agreement will include 2.8 acres of internal roadways and 12.8 acres of stormwater system, or such lesser sum as is determined necessary, for a total of 15.6 acres of infrastructure.

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

1. The Owner/Developer assert and warrant that all the representations and statements concerning the Project made to the Department and contained in this Agreement are true, accurate, and complete. Based upon said representations and statements, the Department concludes that this Agreement is in the best interest of the State, is beneficial to the

PREPARED BY:  
Greenhorne & O'Mara, Inc.  
1511 N. Westshore Blvd. #250  
Tampa, FL 33607

PREPARED BY & RETURNED TO  
CRAMER, HABER & McDONALD, P.A.  
ATTORNEYS AT LAW  
1311 N. CHURCH AVENUE  
TAMPA, FLORIDA 33607

898 AUG -9 PM 3:42

89172960

Department in its role as the state agency with the responsibility for the administration and enforcement of Chapter 380, Florida Statutes, and reasonably applies and effectuates the provisions and purposes of Chapter 380, Florida Statutes.

2. The Project is a development of regional impact (DRI) as defined by Section 380.06, Florida Statutes. A preapplication conference was held for this project on January 4, 1989 before the Clearinghouse Review Committee of the Tampa Bay Regional Planning Council. Within 45 days from the date of execution of this agreement, the Developer shall submit an Application for Development Approval (ADA) for the land described in Exhibit A attached hereto. The ADA shall assess all impacts associated with the entire development of the Project, including the preliminary development authorized by this Agreement.

3. Time is of the essence. Failure to timely file the ADA, or to otherwise diligently proceed in good faith to obtain a final DRI development order shall constitute a breach of this Agreement. In the event of such a breach, the Owner/Developer shall immediately cease all development of the Project, including preliminary development authorized by this Agreement.

4. The Owner/Developer may undertake, after the date of execution of this Agreement and prior to issuance of a final DRI development order, on the property described on Exhibit "C" attached hereto (the total acreage of which does not exceed 34.13 acres) and depicted on the project location map attached hereto as Exhibit "D", the preliminary development of 230,000 gross square feet of industrial uses, containing 23,000 gross square feet of ancillary office space, 138 parking spaces, and all infrastructure necessary to serve said preliminary development.

All other lands are to remain undeveloped and no other development, as defined by Subsection 380.04, Florida Statutes, shall occur until such time as a final DRI development order is approved for the Project in its entirety. In the event of a breach of this paragraph, the Developer/Owner shall immediately cease all development of the Project, including the preliminary development authorized by this Agreement. The preliminary development authorized by this paragraph shall be subject to the terms and conditions of the final DRI development order.

5. The preliminary development authorized by this Agreement does not exceed 25I of any applicable numerical guideline and standard.

6. The Developer/Owner shall not claim vested rights, or assert equitable estoppel, arising from this Agreement or any expenditures or actions taken in reliance on this Agreement to continue with the total proposed development beyond preliminary development. This Agreement shall not entitle the Developer/Owner to a final DRI development order approving the total proposed development nor to particular conditions in a final DRI development order.

7. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based on materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Subsections 380.06 and 380.11, Florida Statutes, including a suit to enjoin all development. The prevailing party in any administrative, judicial or appellate proceeding arising from this agreement shall be entitled to and award of a reasonable attorney's fee, court costs, and the costs of investigation.

8. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Subsection 380.07, Florida Statutes.

9. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in the issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this

Agreement. This Agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional planning agency determines should be included in the regional planning agency's report on the ADA.

10. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. The Developer/Owner shall ensure and provide that any successor in interest in and to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. The Developer/Owner shall record a Notice of this Agreement which complies with Subparagraph 380.06(8)(a)10, Florida Statutes, in the Official Records of Hillsborough County, Florida, and shall provide the Department with a copy of the recorded Notice including Book and Page Number within two (2) weeks of the date of execution of this Agreement.

11. The restrictions and conditions of the final DRI development order issued pursuant to Chapter 380, Florida Statutes, shall supercede this Agreement. Upon issuance of such final DRI development order, and if this Agreement has not been breached by Owner/Developer, the Department, at its sole discretion, shall execute a Notice in the form attached hereto as Exhibit "K", which Notice shall provide that the provisions of this Agreement, being superseded by the development order, are fully satisfied and that this Agreement is null and void and without further effect.

12. The date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.

DEVELOPER/OWNER

By: Andrew J. Lynn  
Co-Trustee, Andrew J. Lynn

Susan Huxner  
Witness

Date: July 19, 1987

[Signature]  
Witness

State of Florida  
County of Hillsborough

I certify that the foregoing instrument was acknowledged before me this 19th Day of July, 1987, by Andrew J. Lynn as Representative



Notary Public  
My commissions expires: Feb 23 1989

DEPARTMENT OF COMMUNITY AFFAIRS

By: J. Thomas Beck

Maria Gonzales Remington  
Witness

Date: July 25, 1987

George Edward Mills  
Witness

Approved as to form and legal sufficiency:

Diana M. Parker  
Attorney, Department of Community Affairs

I certify that the foregoing instrument was acknowledged before me this 25th Day of July, 1987, by J. Thomas Beck of the Department of Community Affairs.

Jane R. Bond  
Notary Public

My Commission Expires: \_\_\_\_\_

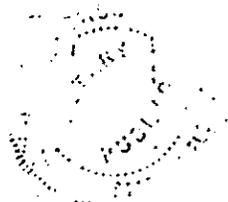


EXHIBIT A  
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 7 FOR THE POINT OF BEGINNING; THENCE N 01°22'47" W A DISTANCE OF 1360.43 FEET TO THE CENTERLINE OF A 200 FOOT TAMPA ELECTRIC COMPANY EASEMENT; THENCE N 88°56'37" E ALONG THE CENTERLINE OF SAID EASEMENT, A DISTANCE OF 228.93 FEET; THENCE DEPARTING SAID CENTERLINE N 09°51'42" E A DISTANCE OF 1208.67 FEET; THENCE S 83°51'28" E, A DISTANCE 396.96 FEET; THENCE N 08°27'19" E, A DISTANCE OF 1225.00 FEET TO THE SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF RACE-TRACK ROAD; THENCE N 47°27'31" E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2203.84 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SECTION 7; THENCE S 00°34'35" E ALONG SAID EAST BOUNDARY OF SECTION 7, A DISTANCE OF 5159.90 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 7; THENCE S 88°49'07" W ALONG THE SOUTH BOUNDARY OF SAID SECTION 7, A DISTANCE OF 2654.18 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 219.89 ACRES MORE OR LESS.

EXHIBIT B

LEGAL DESCRIPTION OF PROPERTY OWNED BY OWNER/DEVELOPER

LOCATED WITHIN 5 MILES OF PROPOSED PDA

LEGAL DESCRIPTION

Commence at the South 1/4 corner of Section 7, Township 30 South, Range 17 East; Thence S 88°50'42" E, 1386.21 feet to the center line of a 200 foot Tampa Electric Company Easement; Thence S 88°36'36" W along said center line easement 221.93 feet to the Point of Beginning; Thence continue S 88°36'36" W, 402.79 feet; Thence N 09°51'52" E, 882.86 feet to the southeasterly right-of-way of Tampa Shores Road; Thence N 47°27'31" E, along said right-of-way, 648.23 feet; Thence S 09°51'42" W, 1320.19 feet to the Point of Beginning. Containing 10.00 acres more or less.

82575 1189

EXHIBIT C

LEGAL DESCRIPTION OF PROPOSED PDA

A PARCEL OF LAND LYING IN THE EAST ONE-HALF OF SECTION 7, TOWNSHIP 18 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

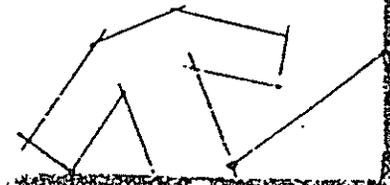
COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 7; THENCE, ON THE EAST BOUNDARY THEREOF,  $N00^{\circ}56'08''W$ , A DISTANCE OF 1974.36 FEET TO THE POINT OF BEGINNING; THENCE, DEPARTING SAID EAST BOUNDARY,  $S78^{\circ}00'59''W$ , A DISTANCE OF 220.44 FEET; THENCE,  $N88^{\circ}43'42''W$ , A DISTANCE OF 213.62 FEET; THENCE,  $N18^{\circ}28'08''E$ , A DISTANCE OF 60.47 FEET; THENCE,  $N01^{\circ}57'58''E$ , A DISTANCE OF 44.11 FEET; THENCE,  $N64^{\circ}31'20''W$ , A DISTANCE OF 343.30 FEET; THENCE,  $N44^{\circ}53'44''W$ , A DISTANCE OF 197.09 FEET; THENCE,  $N36^{\circ}56'45''W$ , A DISTANCE OF 288.80 FEET; THENCE,  $N41^{\circ}00'13''W$ , A DISTANCE OF 81.09 FEET; THENCE,  $N30^{\circ}02'03''E$ , A DISTANCE OF 75.59 FEET; THENCE,  $N89^{\circ}27'16''E$ , A DISTANCE OF 504.75 FEET; THENCE,  $N00^{\circ}32'44''W$ , A DISTANCE OF 1075.00 FEET; THENCE,  $N65^{\circ}57'16''E$ , A DISTANCE OF 36.42 FEET, TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 150.00 FEET AND A CENTRAL ANGLE OF  $23^{\circ}30'00''$ ; THENCE, ON THE ARC OF SAID CURVE, A DISTANCE OF 61.52 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS  $N77^{\circ}42'16''E$ , A DISTANCE OF 61.09 FEET TO THE CURVE'S END; THENCE,  $N89^{\circ}27'16''E$ , A DISTANCE OF 181.13 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF  $90^{\circ}00'00''$ ; THENCE, ON THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS  $S45^{\circ}32'44''E$ , A DISTANCE OF 35.36 FEET TO THE CURVE'S END; THENCE,  $N00^{\circ}32'44''W$ , A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 200.00 FEET AND A CENTRAL ANGLE OF  $46^{\circ}35'49''$ ; THENCE, ON THE ARC OF SAID CURVE, A DISTANCE OF 158.21 FEET TO THE CURVE'S END; THENCE,  $N42^{\circ}32'34''W$ , A DISTANCE OF 543.64 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF  $90^{\circ}00'00''$ ; THENCE, ON THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS  $N87^{\circ}32'34''W$ , A DISTANCE OF 35.36 FEET TO THE CURVE'S END AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF RACE TRACK ROAD; THENCE, ON SAID RIGHT-OF-WAY BOUNDARY,  $N47^{\circ}27'26''E$ , A DISTANCE OF 150.00 FEET TO A POINT ON A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF  $90^{\circ}00'00''$ ; THENCE, DEPARTING SAID RIGHT-OF-WAY BOUNDARY, ON THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS  $S02^{\circ}27'26''W$ , A DISTANCE OF 35.36 FEET TO THE CURVE'S END; THENCE,  $S42^{\circ}32'34''E$ , A DISTANCE OF 368.04 FEET; THENCE,  $N80^{\circ}27'16''E$ , A DISTANCE OF 410.94 FEET TO THE EAST BOUNDARY OF THE NORTHEAST ONE-QUARTER OF AFORESAID SECTION 7; THENCE, ON SAID EAST BOUNDARY,  $S00^{\circ}32'44''E$ , A DISTANCE OF 1674.80 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST ONE-QUARTER OF AFORESAID SECTION 7; THENCE, ON THE EAST BOUNDARY THEREOF,  $S00^{\circ}36'08''E$ , A DISTANCE OF 680.99 FEET TO THE POINT OF BEGINNING; CONTAINING 34.13 ACRES, MORE OR LESS.

EXHIBIT D  
PROJECT LOCATION MAP

REC. 5758 PG. 1202

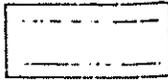
pinellas county  
hillsborough county

BIG  
CO



# THE BASIN COMMERCIAL

## land use summary

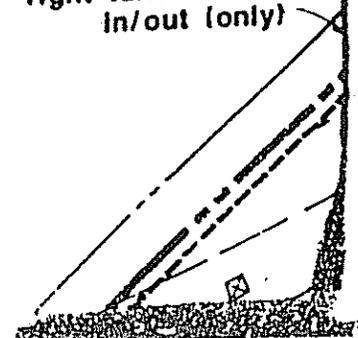
key	use	gross acres	total
	light industrial	31.33	0
	office/service center	69.88	0
	industrial warehouse	10.51	0
	(sub total net developable)	(111.72)	(0)
	conservation area	92.95	
	right-of-ways	14.75	
	miscellaneous	0.47	
	<b>total</b>	<b>219.89</b>	

note: up to 50,000 square feet of interior

# E PARK

floor area ratio	gross floor area	% of site by use
0.17	230,000 s.f.	14.3
0.45	1,371,875	31.8
0.40	183,125	4.8
(0.37)	(1,785,000 s.f.)	(50.9)
		42.2
		6.7
		0.2
	1,785,000 s.f.	100.0

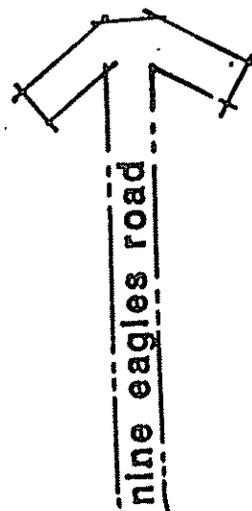
right turn  
in/out (only)



right turn in/out (only)

commercial

Plat 5758-1205

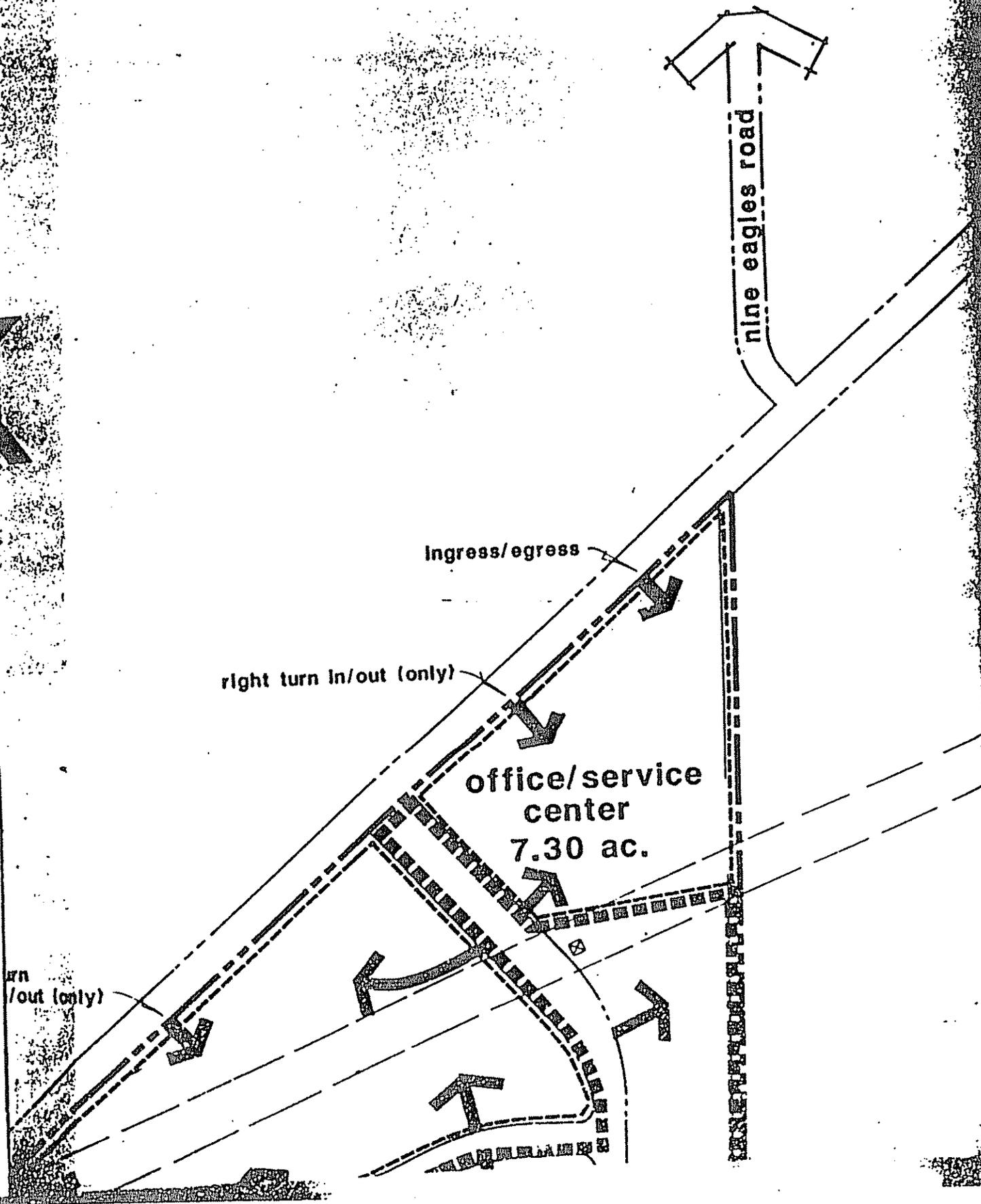


Ingress/egress

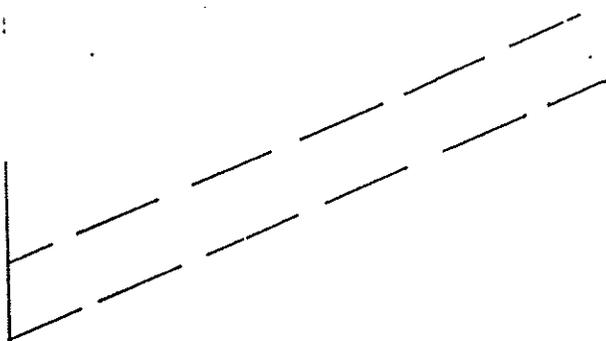
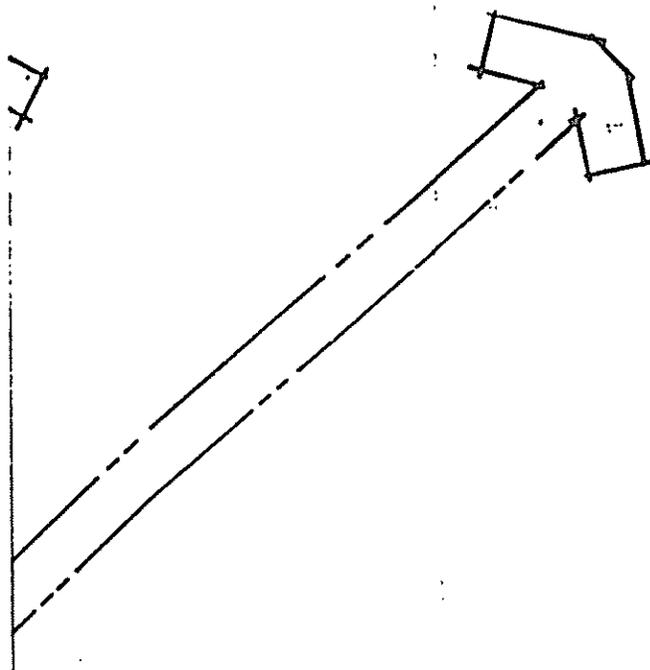
right turn in/out (only)

office/service center  
7.30 ac.

turn  
/out (only)



ME 5758-1200

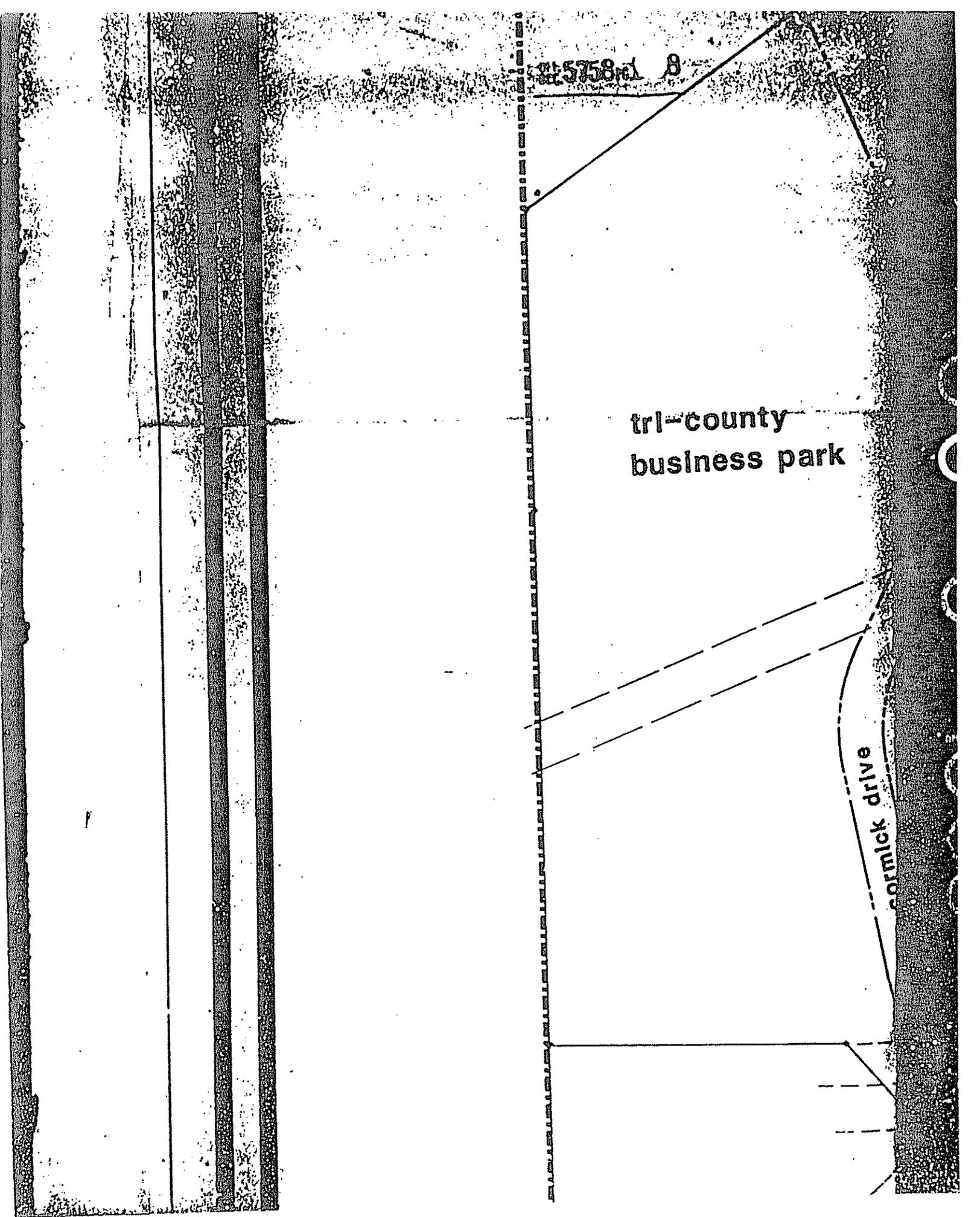


№ 5758 п. 1207

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tri-county  
business park

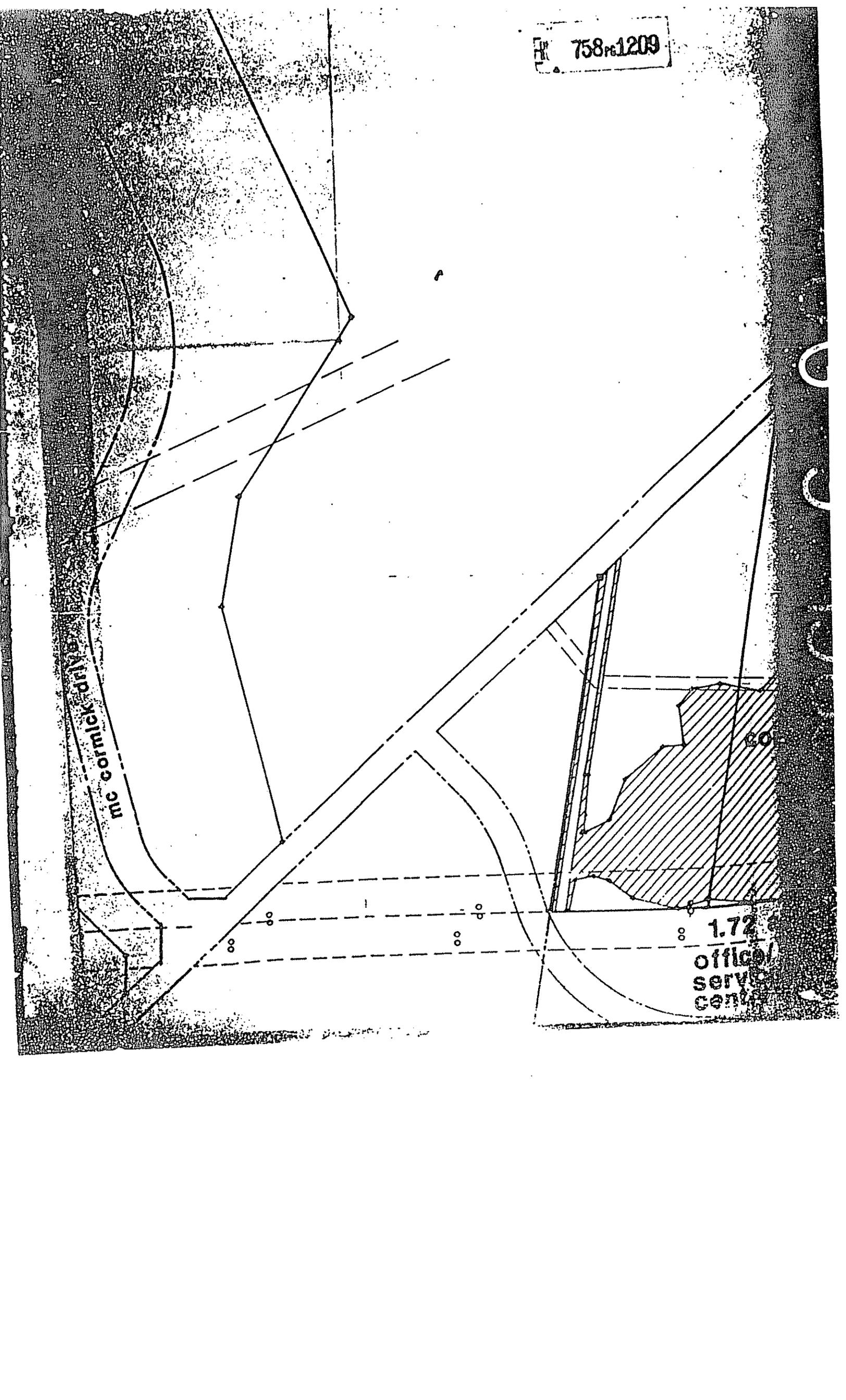
cormick drive



758rc1209

mc cormick drly

1.72  
office  
serv  
cent



OFF. 5758rc1210

office center  
27.76 ac

race track road

conservation area

industrial warehouse

10.51 ac

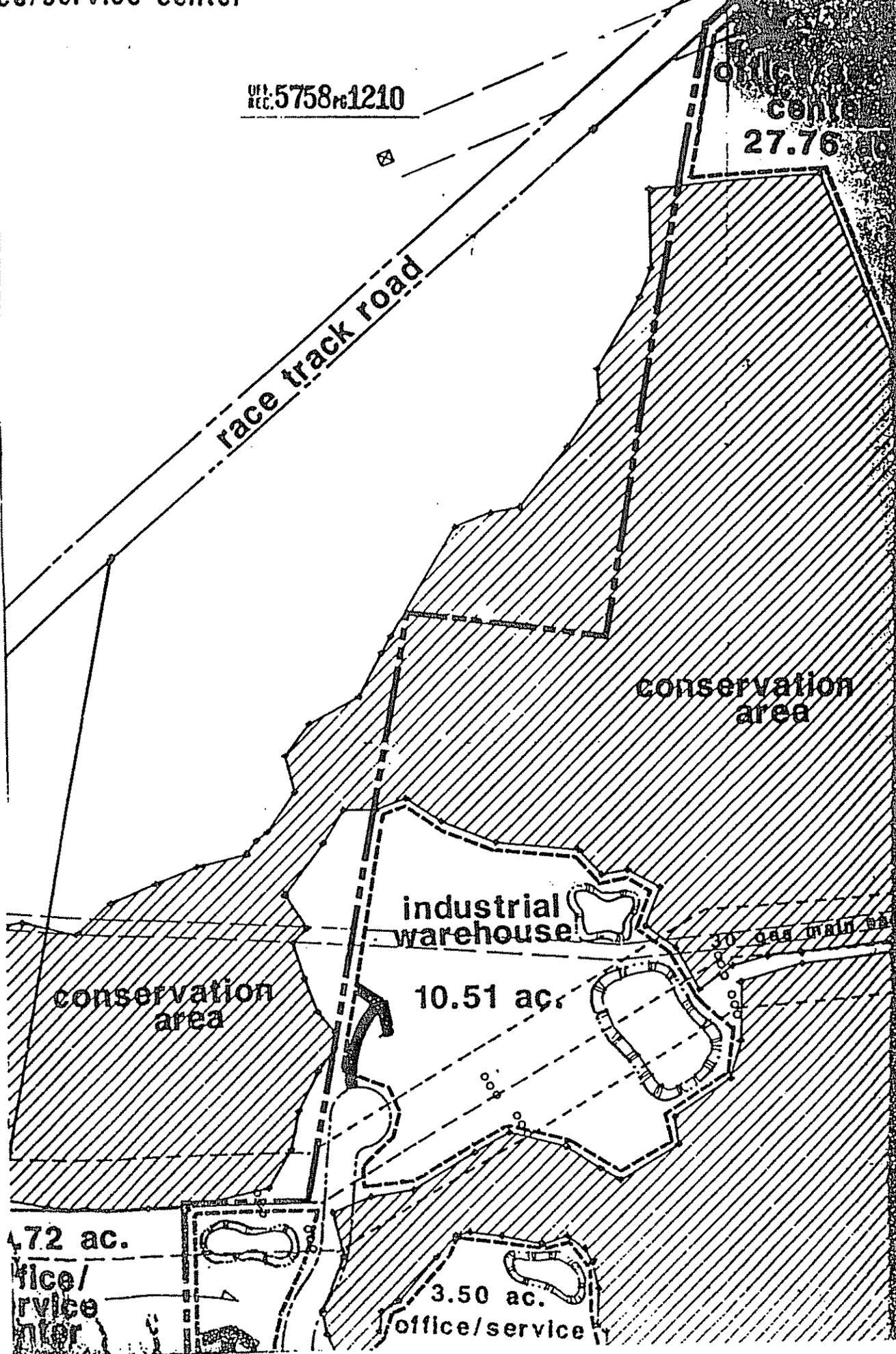
conservation area

4.72 ac.

office/  
service  
center

3.50 ac.

office/service



Office/service  
center  
27.76 ac.

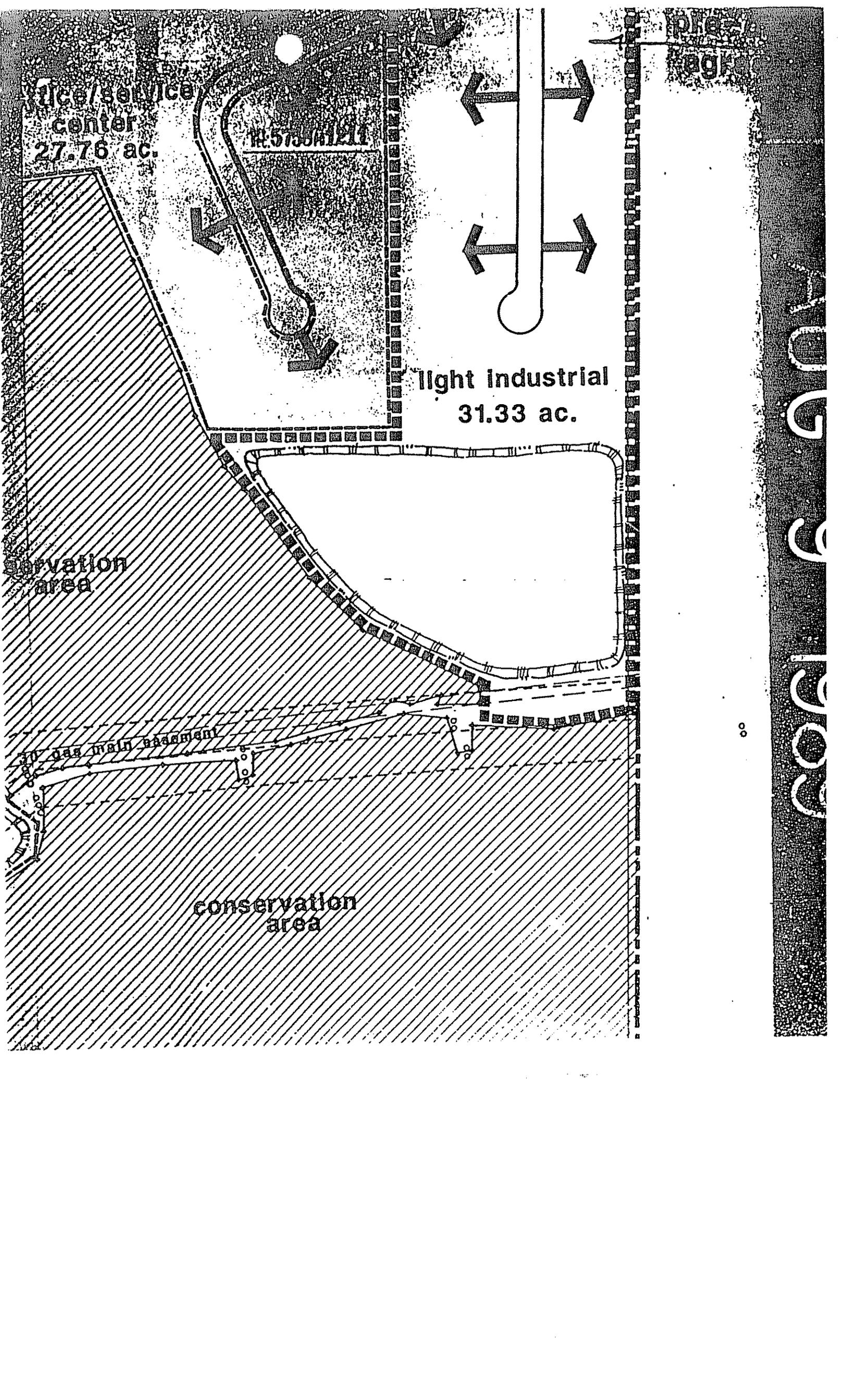
H:573341211

Light industrial  
31.33 ac.

conservation  
area

conservation  
area

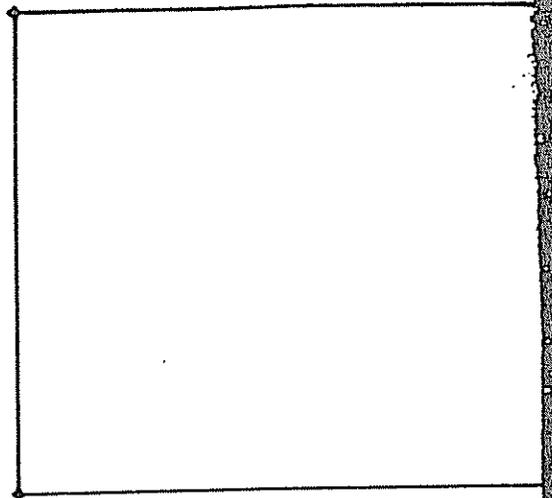
gas main easement



pre-development

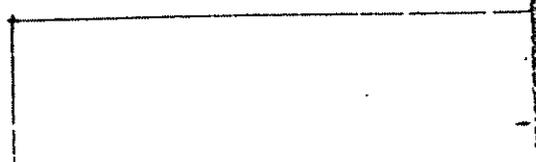
agreement area

RI:5758rc1212



conceptual  
master  
developme  
plan

date: june, 1989

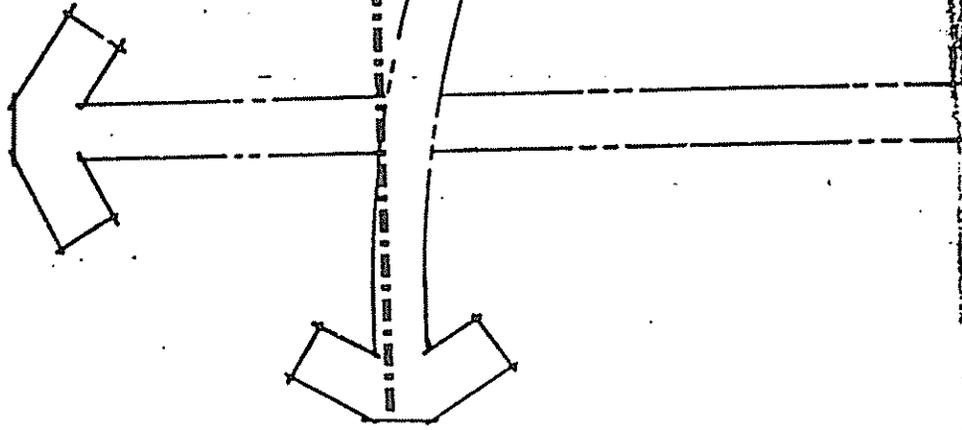


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ment

OFF: 5758 PC 1214



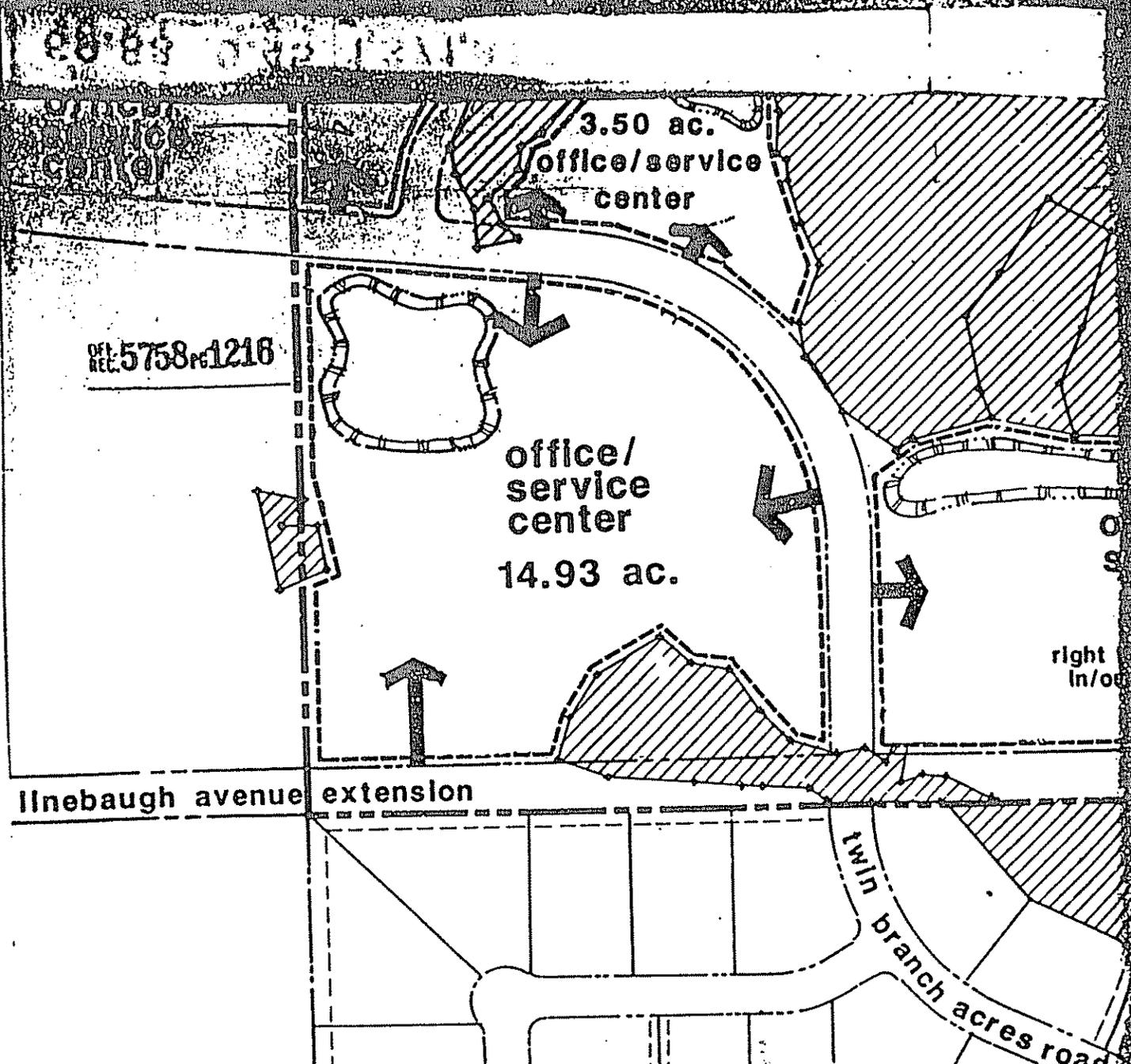
*Greenhorne & O'Mara,*

OFFICE BELONGS TO:

OFF. 5758 PG 1215  
REC.

proposed line

O'Mara, Inc. 4902 Eisenhower



*Blvd. Suite 200 Tampa, Flor*

OFF. REC. 5758 PG. 1217

office/  
service center

13.86 ac.

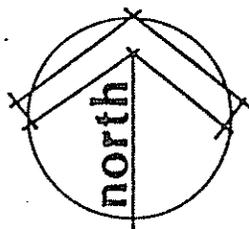
right turn  
in/out (only)



ingress/egress

office/  
service ce

0.81 ac.

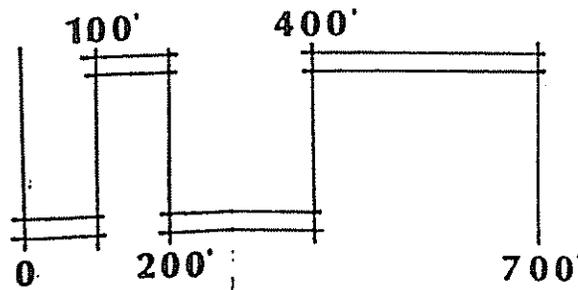
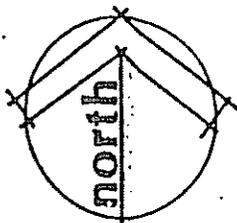


cres road

Florida 33634

OFF. 5758 PG 1218

office/  
service center  
0.81 ac.



scale: 1" = 200'-0"

OFF. 5758 PG 1218

OFF. REC. 5758 PG 1219

James Montgomery, RLA  
registered landscape architect  
FL. License # LA 0001194  
date:

not valid unless embossed  
with landscape architect's seal

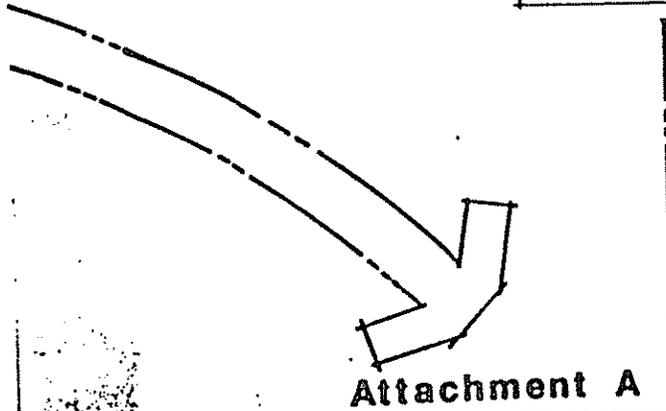


EXHIBIT D

File 5758-1220

EXHIBIT E  
NOTICE OF RELEASE AND TERMINATION  
OF PRELIMINARY DEVELOPMENT AGREEMENT

NOTICE OF RELEASE AND TERMINATION  
OF PRELIMINARY DEVELOPMENT AGREEMENT

A development order having been issued by the County of Hillsborough on \_\_\_\_\_, pursuant to Ordinance \_\_\_\_\_, with respect to the property that is the subject of that certain Preliminary Development Agreement by and among Andrew J. Lynn, Individually, Eillian E. Lynn, Andrew J. Lynn, and Richard M. Haber as Co-Trustees of the Andrew A. Lynn Trust, Andrew J. Lynn and Richard M. Haber as Co-Trustees of the Christine Priest Trust as Owner/Developer, and the State of Florida, Department of Community Affairs, and recorded in O.R. Book \_\_\_\_\_, Page \_\_\_\_\_, of the Public Records of Hillsborough County, Florida, (the "Agreement"), notice is hereby given that the terms and conditions of the Agreement fully satisfied and the Agreement is null and void and without further effect, and that the parties to the Agreement are hereby released from and all liability under the Agreement.

WITNESSES:

DEPARTMENT OF COMMUNITY AFFAIRS

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_ of the Department of Community Affairs, an agency of the State of Florida, on behalf of the Department.

\_\_\_\_\_  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: \_\_\_\_\_

pinellas county  
hillsborough county

BIG  
CO

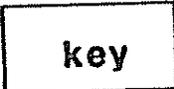
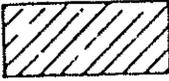
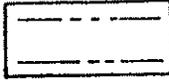
115738A12



# BASIN

# COMMERCIAL

## land use summary

key	use	gross acres	floor area ratio
	light industrial	31.33	0.17
	office/service center	69.88	0.45
	industrial warehouse	10.51	0.40
	(sub total net developable)	(111.72)	(0.37)
	conservation area	92.95	
	right-of-ways	14.75	
	miscellaneous	0.47	
	<b>total</b>	<b>219.89</b>	

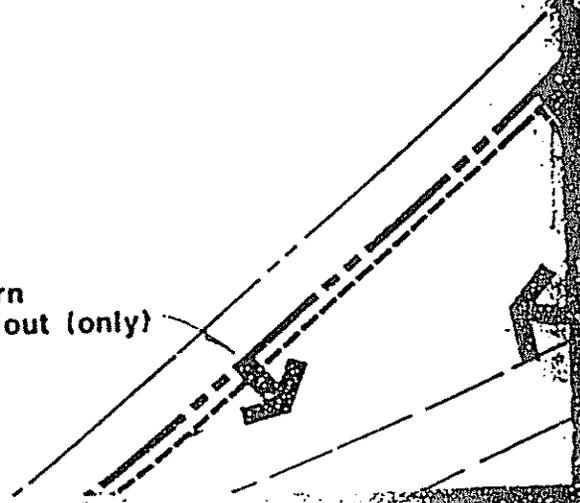
Pl: 5758-1224

# E PARK

gross floor area	% of site by use
230,000 s.f.	14.3
1,371,875	31.8
183,125	4.8
(1,785,000 s.f.)	(50.9)
	42.2
	6.7
	0.2
1,785,000 s.f.	100.0

right turn In/out

right turn In/out (only)



UT. REC. 5758 rd 1225



nine eagles road

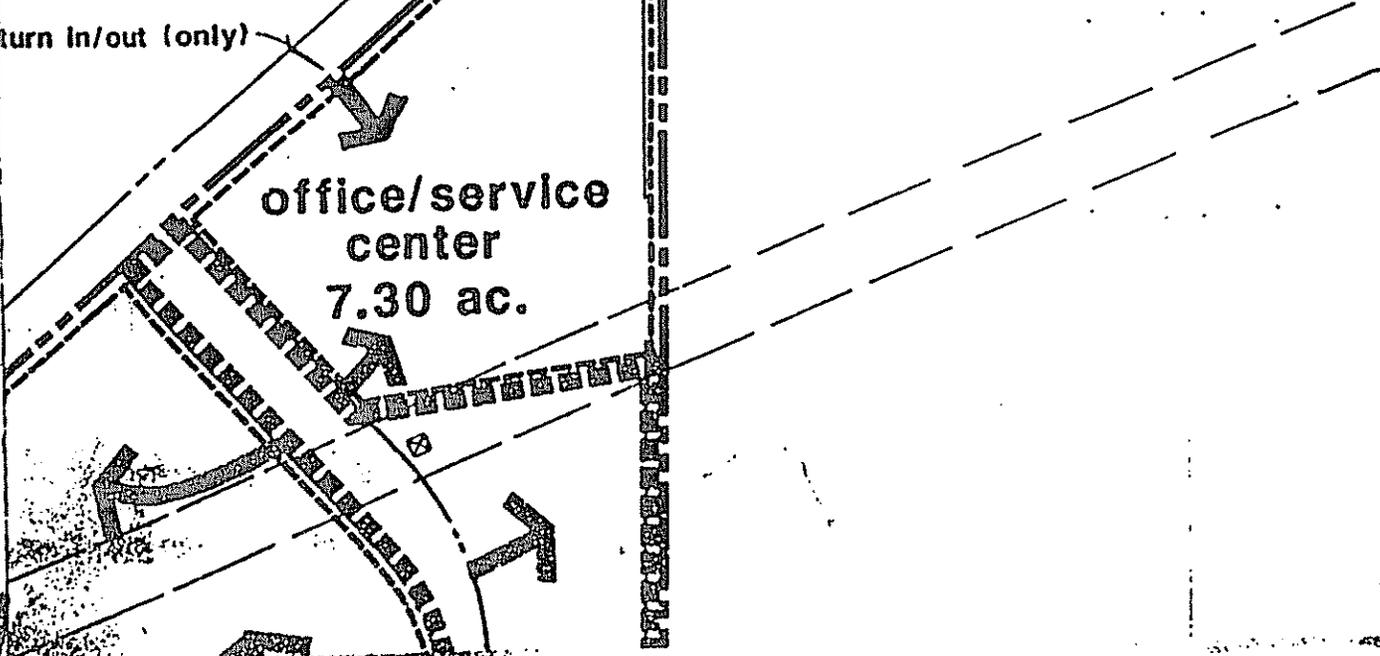
Ingress/egress



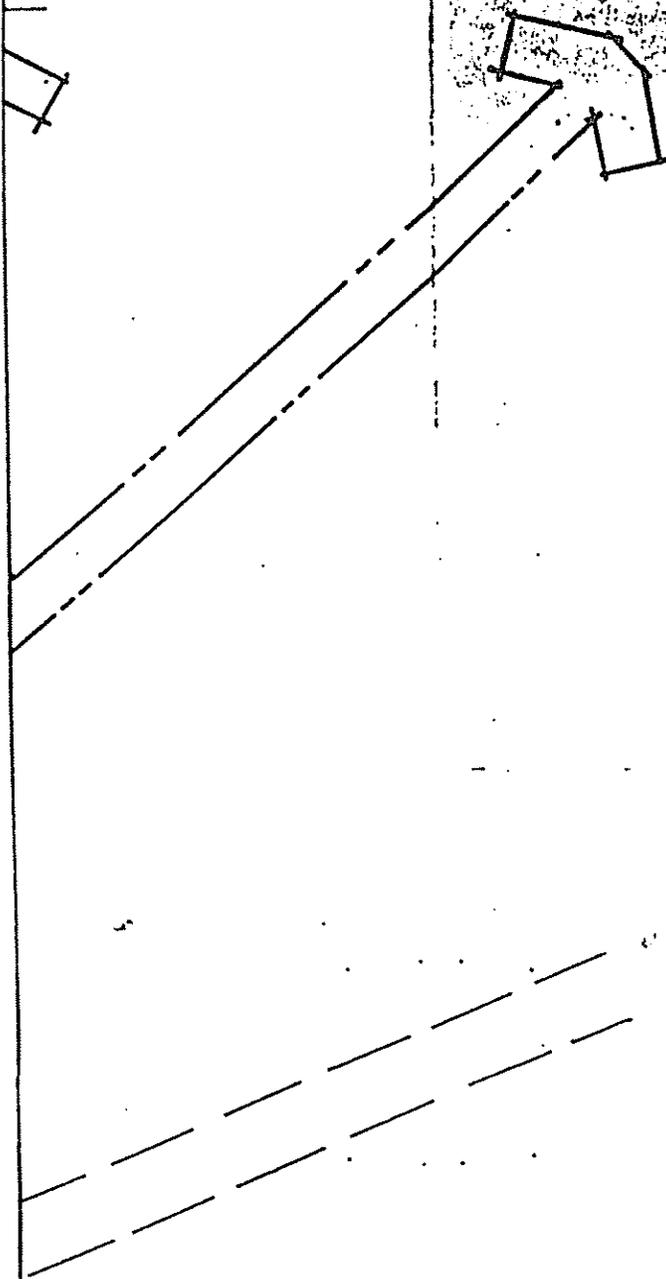
turn in/out (only)



office/service center  
7.30 ac.



11.573512

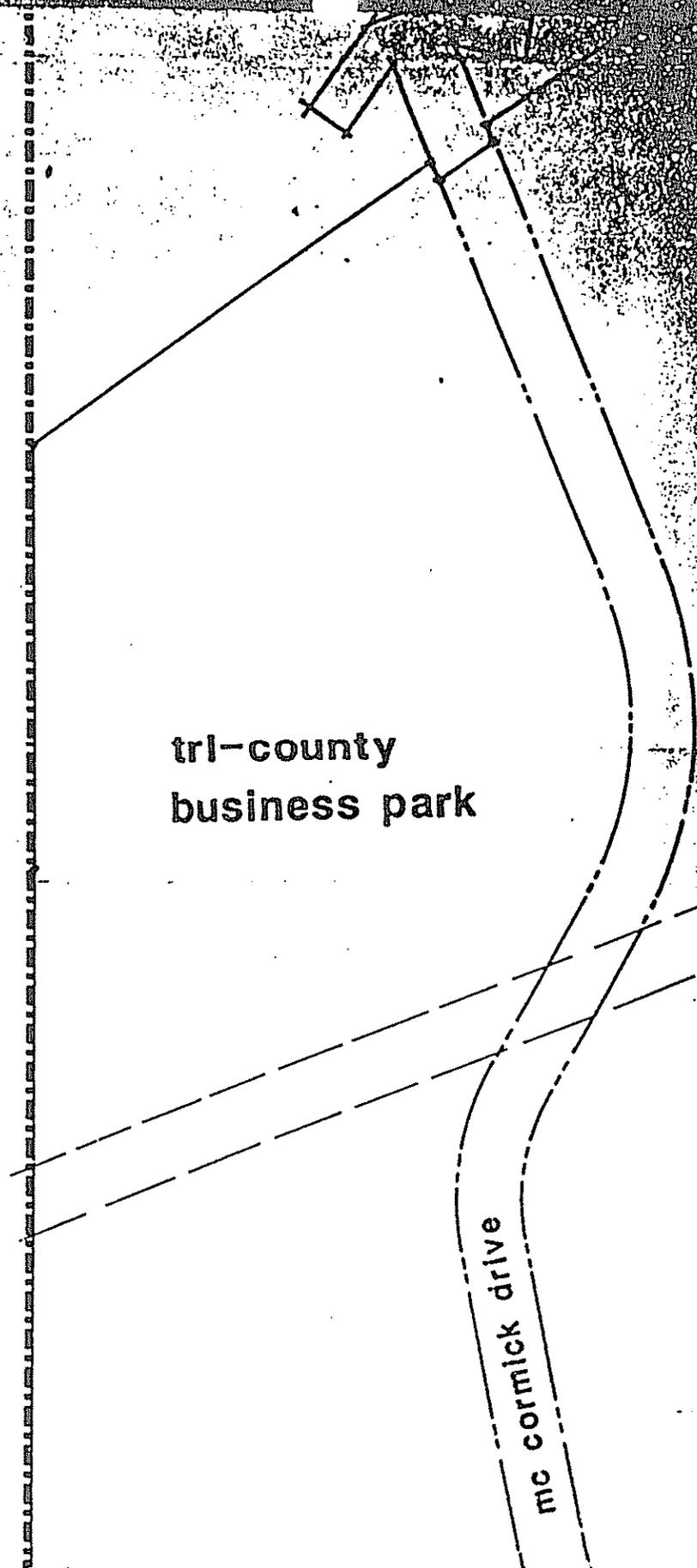


PL 5758-1227

OFF. 5758rc1228  
REC.

tri-county  
business park

mc cormick drive



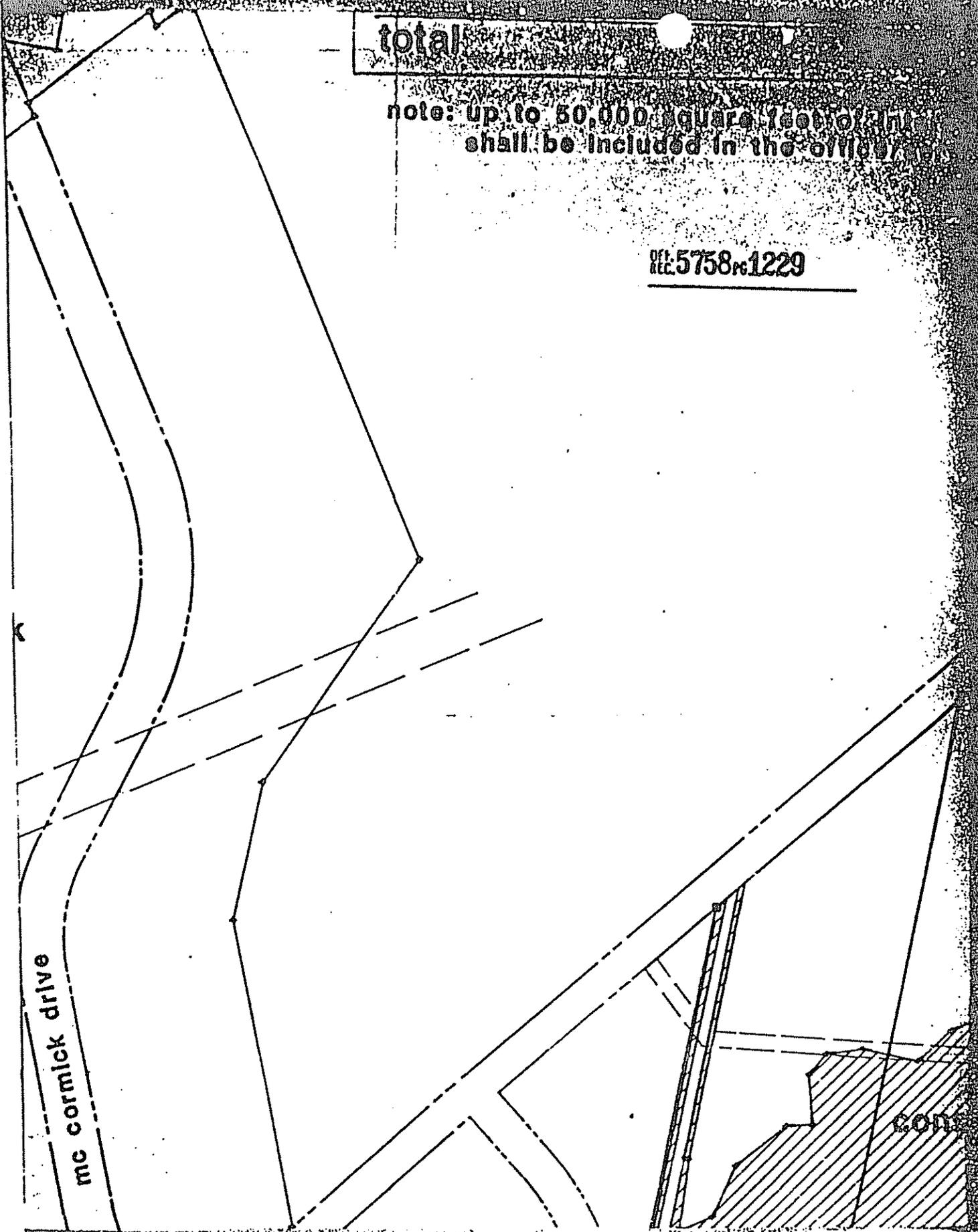
total

note: up to 50,000 square feet of area shall be included in the office

REF. 5758 PC 1229

mc cormick drive

cont.



219.89	1,785,000 s.f.	100.0
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t of Internal commercial  
office/service center

right turn in/out (only)

OFF. REC. 5758 PG. 1230

office/se  
center  
27.76

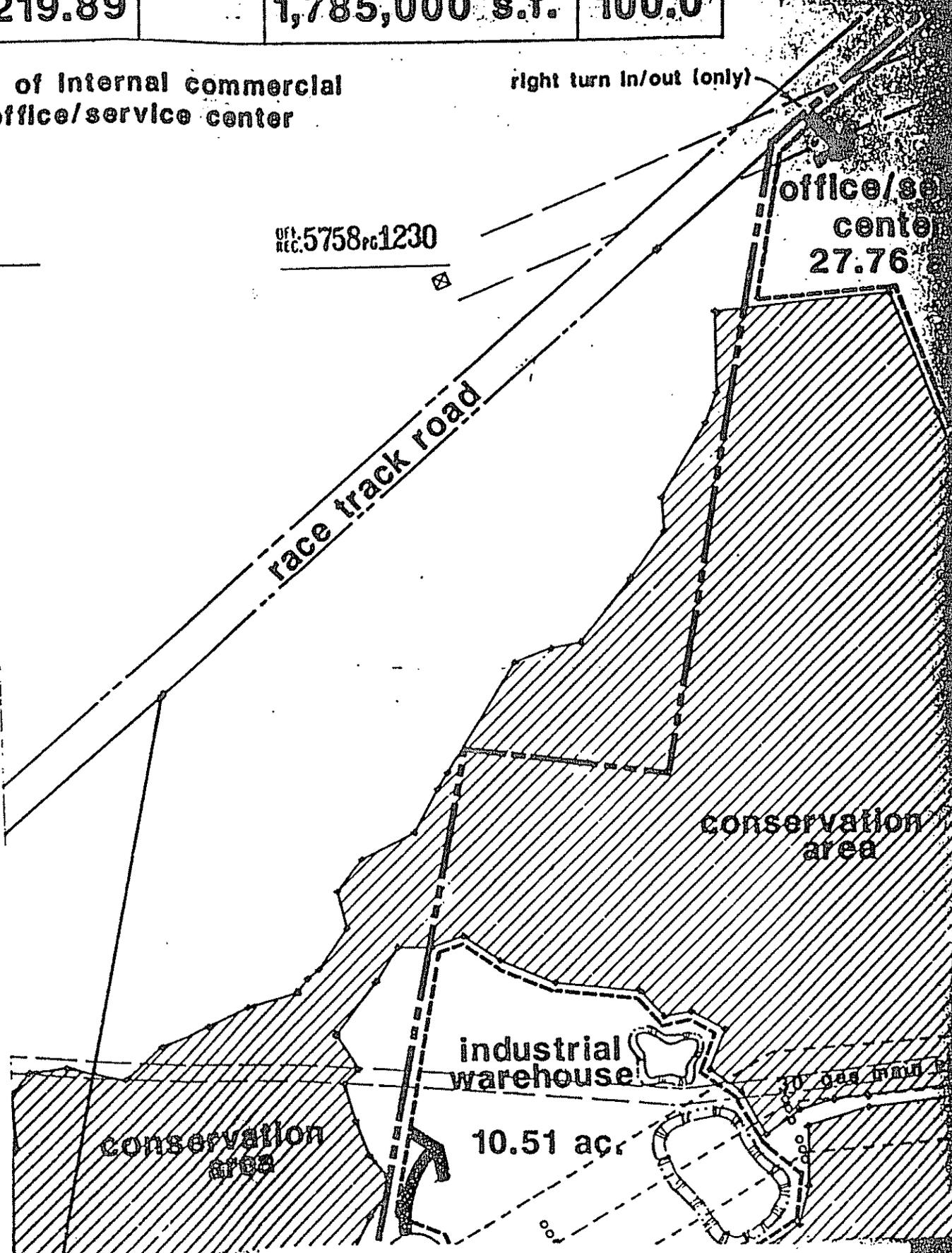
race track road

conservation  
area

industrial  
warehouse

conservation  
area

10.51 ac.

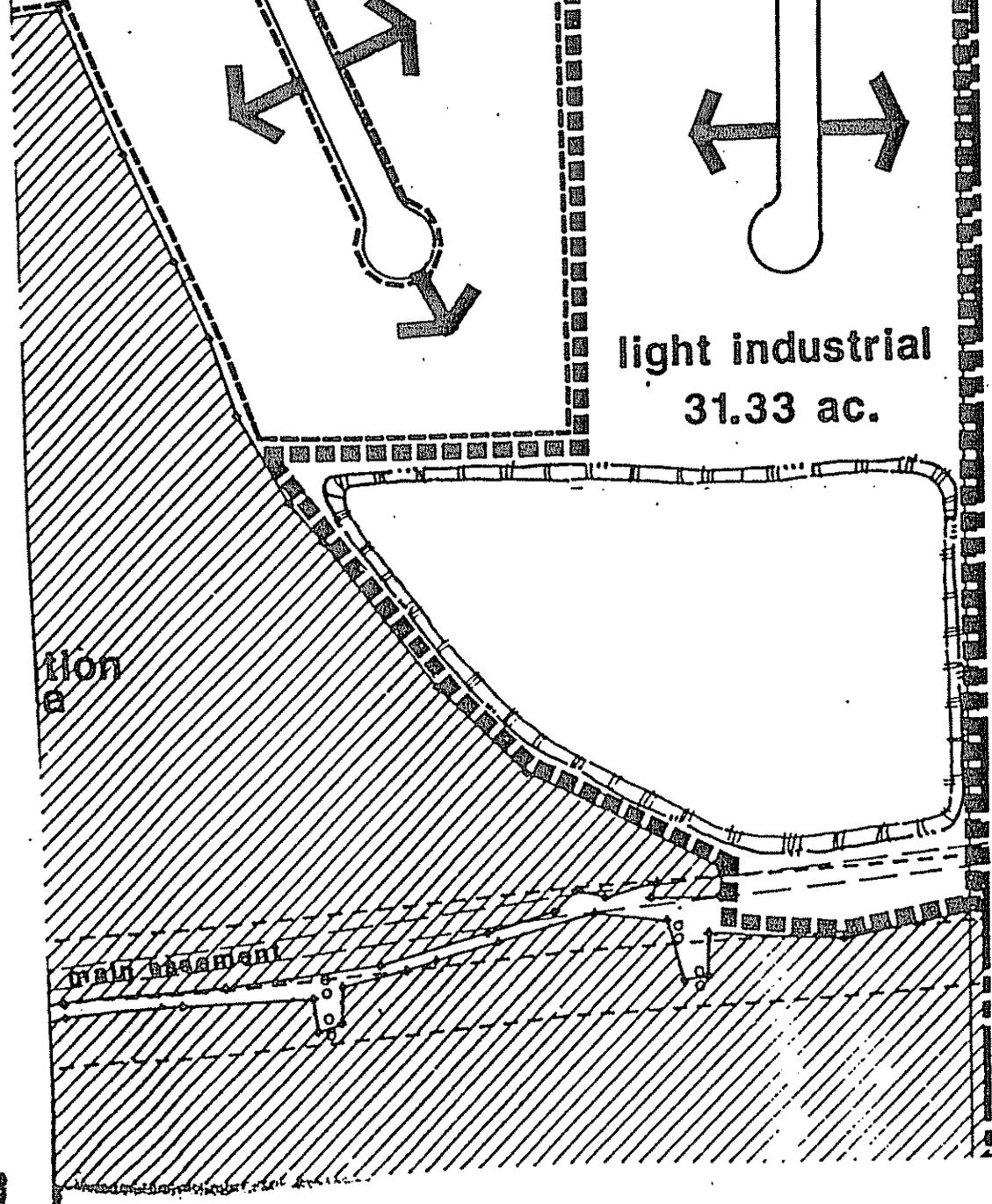


office/service  
center  
.76 ac.

OFF. REC. 5758 PG 1231

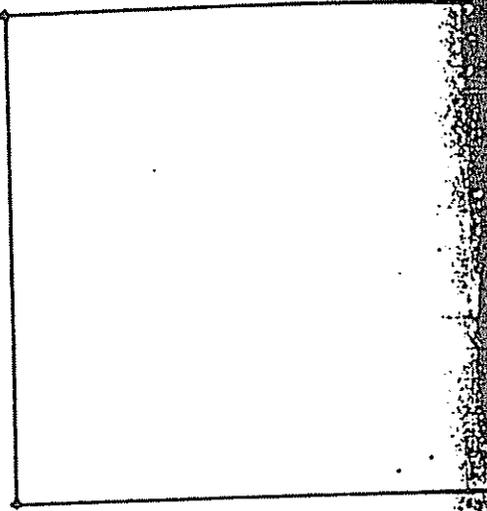
light industrial  
31.33 ac.

pre-dev  
agreement



pre-development  
agreement area

OFF. 5758 PG. 1232



conceptua  
master  
developme  
plan

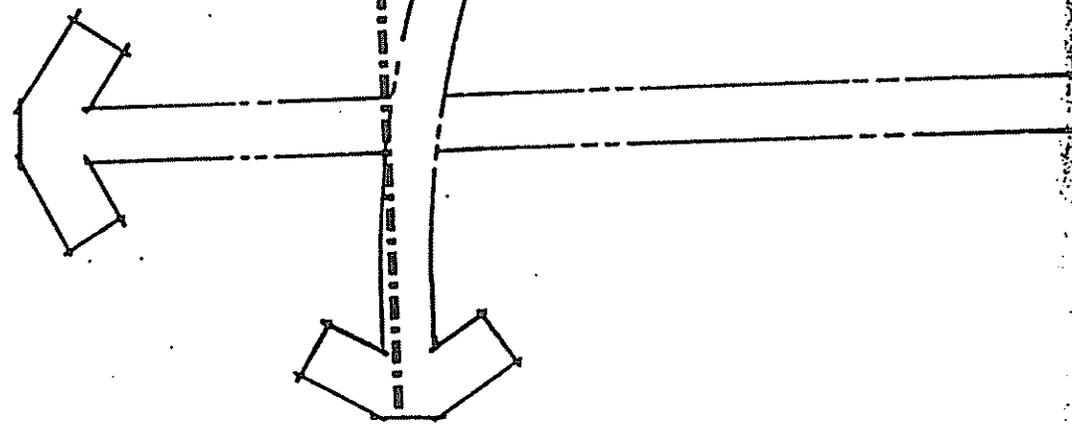
OFF. 5758rc1233

al

ent

OFF. REC. 5758 PG 1234

*Greenhorne & O'Mara, Inc.*

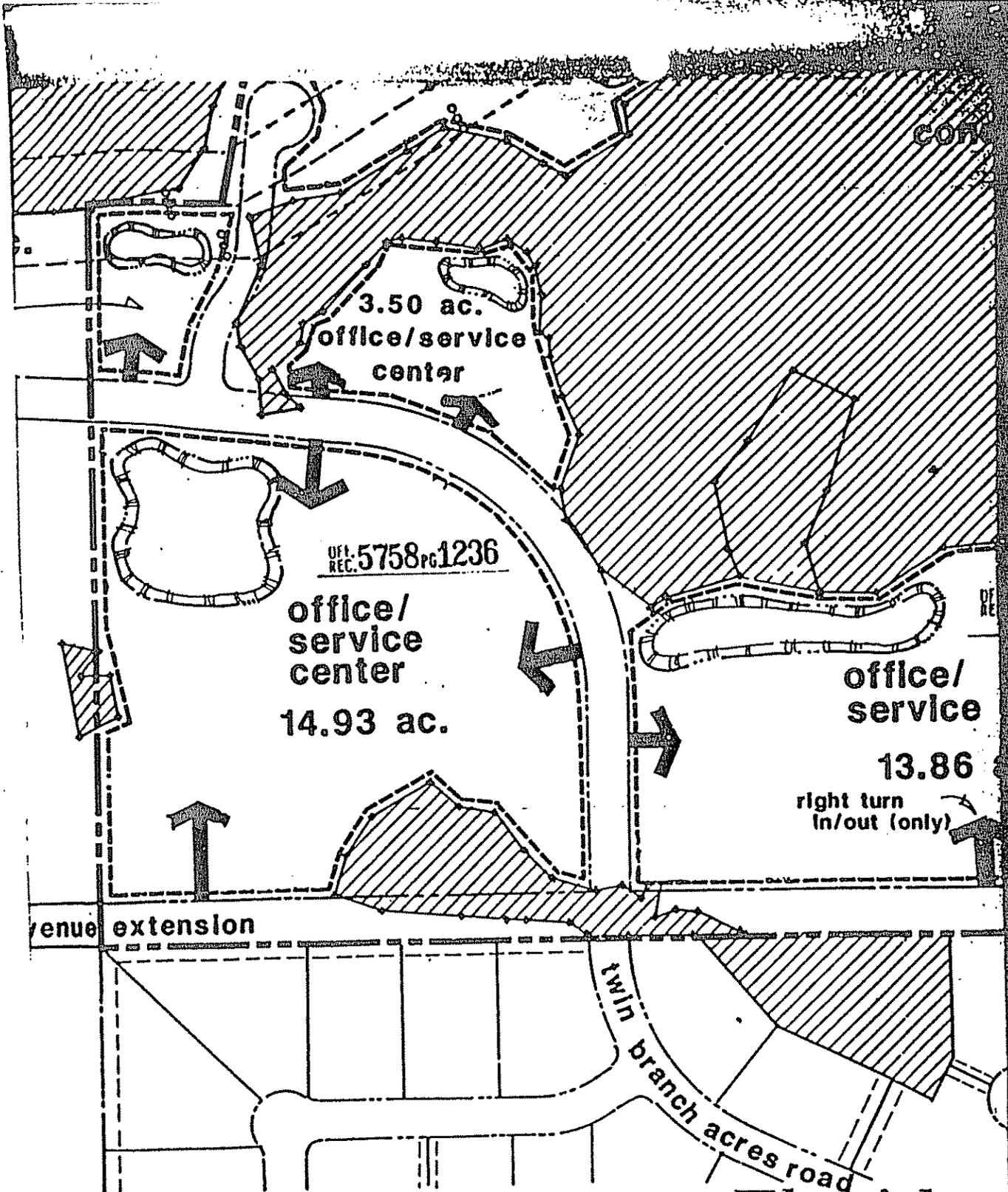


18-11723 ac  
office/  
service  
center

OFF.  
REC. 5758 PG 1235

proposed Inebaugh avenue ex

nc. 4902 Eisenhower Blvd. Su



*Suite 200 Tampa, Florida*

conservation  
area

OFF.  
REC. 5758 PG 1237

office/  
service center

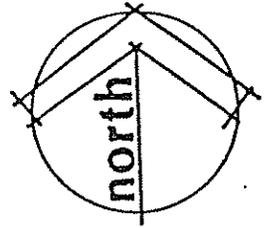
13.86 ac.

right turn  
In/out (only)



Ingress/Egress

office/  
service ce  
0.81 ac.



road

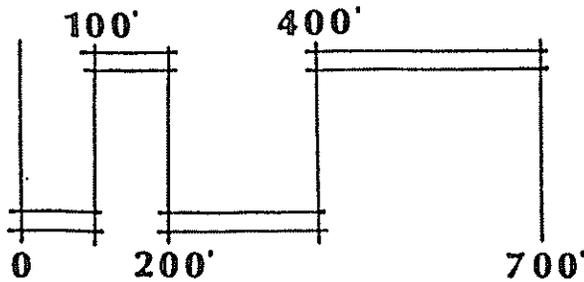
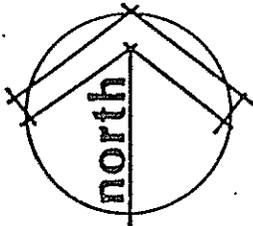
Florida 33634

**Plan**

date: june, 1989

REF: 5758 PG 1238

office/  
service center  
0.81 ac.

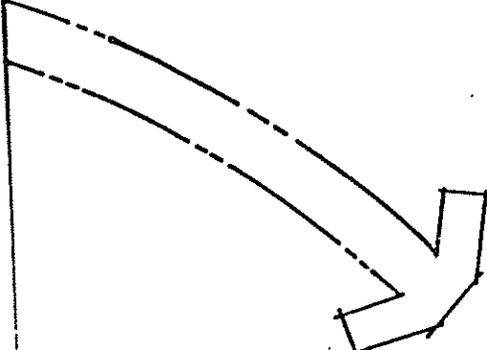


scale: 1" = 200'-0"

OFF. REC. 5758 PG. 1239

James Montgomery, RLA  
registered landscape architect  
FL. License # LA 0001184  
date:

not valid unless embossed  
with landscape architect's seal



Attachment A

exhibit d

189c

COMPOSITE EXHIBIT B

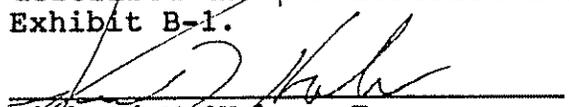
AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared Richard M. Haber, Esq. as attorney for Andrew J. Lynn, the applicant for the Big Basin Commerce Park DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Andrew J. Lynn filed his application for development approval for Big Basin Commerce Park on June 29, 1989. The sufficiency response was filed on October 10, 1989.

2. The aforementioned documents were filed with Hillsborough County, the State of Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC") and those other governmental agencies described in the distribution list attached to this Affidavit as Exhibit B-1.

  
Richard M. Haber, Esq.  
Attorney for Andrew J. Lynn

Sworn to and subscribed to before me this 10th day of September, 1991.

  
Notary Public  
My Commission Expires:



MARYLEE BRUNEAU  
MY COMMISSION EXPIRES  
September 24, 1995  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

EXHIBIT B-1

Transmittal List

Tampa Bay Regional Planning Council (10 copies)\*  
5455 Koger Boulevard, Suite 219  
St. Petersburg, Florida 33702

Ms. Shirley Gersholowitz (18 copies)\*  
Northwest Area Planning Manager  
Hillsborough County Planning and Zoning  
P.O. Box 1110  
Tampa, Florida 33601

Mr. Richard Adair (1 copy)\*  
Florida Department of Transportation  
4950 West Kennedy Boulevard  
Suite 500  
Tampa, Florida 33609

Ms. Kathy Lile, DRI Coordinator (2 copies)\*  
Mr. Louis Fernandez  
Department of Environmental Regulation  
4520 Oak Fair Boulevard  
Tampa, Florida 33610-7347

Mr. George W. Percy (Question 19 and Legal Description only)  
State Historic Preservation Officer  
Chief, Bureau of Historic Preservation  
Division of Historical Resources  
Department of State, The Capitol  
Tallahassee, Florida 32399

Mr. Rick Gooch (1 copy)  
Office of Environmental Services  
Florida Game and Fresh Water Fish Commission  
29200 Tucker's Grade  
Punta Gorda, Florida 33955

Mr. Oliver DeWitt (5 copies)  
Resource Regulation Department  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 33512-9712

Mr. William Howell (3 copies)  
Bureau of Biological & Interpretive Services  
Department of Natural Resources  
3900 Commonwealth Boulevard, Room 508  
Tallahassee, Florida 32303

Mr. Dennis Harmon, Chief (1 copy)\*  
Bureau of Economic Analysis  
Florida Department of Commerce  
406 Fletcher Building  
Tallahassee, Florida 32399-8132

Mr. Tom Beck, Chief (1 copy)\*  
Department of Community Affairs  
Bureau of State Planning  
Rhyne Building  
2740 Centerview Drive  
Tallahassee, Florida 32399

Mr. A.J. Salem (1 copy)\*  
Planning Division  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Mr. Connor Davis (1 copy)  
Marine Fisheries Commission  
2562 Executive Center Circle, E.  
Suite 211

Mr. Gene Heath, General Manager (1 copy)  
West Coast Regional Water Supply Authority  
2535 Landmark Drive, Suite 211  
Clearwater, Florida 33519

Mr. William Saalman, III (1 copy)  
U.S. Department of Agriculture  
Soil Conservation Service  
5118 North 56th Street, Suite 250  
Tampa, Florida 33610

Mr. Jim Muller (Response to Questions 11,12 and 18 of ADA)  
Florida Natural Areas Inventory  
254 East Sixth Avenue  
Tallahassee, Florida 32303

Mr. David Ferrell (1 copy)  
Field Supervisor  
U.S. Fish and Wildlife Service  
Post Office Box 2676  
Vero Beach, Florida 32960

Mr. Craig Heugel (1 copy)  
Urban Wildlife Specialist  
Department of Wildlife and Range Sciences  
12175 125th Street North  
Largo, Florida 34644

Mr. Joe Costa (1 copy)\*  
HART  
4305 East 21st Avenue  
Tampa, Florida 33605

Ms. Rebecca Chittum (1 copy)\*  
Hillsborough County City-County  
Planning Commission  
P.O.Box 1110  
Tampa, Florida 33601

EXHIBIT "C"

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 28 SOUTH, RANGE 17 EAST, HILLSBOROUGH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 7 FOR THE POINT OF BEGINNING; THENCE N 01°22'47" W A DISTANCE OF 1360.45 FEET TO THE CENTERLINE OF A 200 FOOT TAMPA ELECTRIC COMPANY EASEMENT; THENCE N 88°56'37" E ALONG THE CENTERLINE OF SAID EASEMENT, A DISTANCE OF 228.93 FEET; THENCE DEPARTING SAID CENTERLINE N 09°51'42" E A DISTANCE OF 1208.67 FEET; THENCE S 83°51'28" E, A DISTANCE 396.96 FEET; THENCE N 08°27'19" E, A DISTANCE OF 1225.00 FEET TO THE SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF RACE-TRACK ROAD; THENCE N 47°27'31" E ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2203.84 FEET TO A POINT ON THE EAST BOUNDARY OF SAID SECTION 7; THENCE S 00°34'35" E ALONG SAID EAST BOUNDARY OF SECTION 7, A DISTANCE OF 5159.90 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 7; THENCE S 88°49'07" W ALONG THE SOUTH BOUNDARY OF SAID SECTION 7, A DISTANCE OF 2654.18 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 219.89 ACRES MORE OR LESS.

## EXHIBIT D

TABLE 1

## PHASE I LINK IMPROVEMENTS

1993

<u>ROADWAY</u>	<u>LINK</u>	<u>IMPROVEMENT</u>	<u>FINAL GEOMETRY</u>
CR 233	SR 584 to SR 58	add 2 SB Lane	6LD
SR 580	McMullen to Phillipe Pky	add 2 WB Lanes	6LD*
	CR 233 to SR 584	add 1 WB Lane	4LD
	SR 584 to Race Track Rd	add 2 Lanes EB & WB	6LD
	Race Track Rd To Memorial Hwy	add 1 EB Lane	4LD
	Memorial Hwy to Pistol Range Rd	add 1 EB Lane	4LD
SR 584	Lake George Rd to McMullen Booth	add 1 WB Lane	4LD
	McMullen Booth to SR 586	add 1 WB Lane	4LD
	SR 586 to Forest Lakes Blvd	add 2 WB Lanes	6LD
	Forest Lakes Blvd to SR 580	add 1 Lane EB & WB	4LD
Ehrlich Road	Gunn Hwy to Anderson Rd	add EB Lane	4LD
Forest Lakes Blvd/E-W Connector	SR 584 to Forest Road	add 1 Lane EB & WB	6LD*
	Forest Road to N-S Road	add 1 Lane EB & WB	6LD*
	N-S Road to TBOPC Entrance	add 1 Lane EB & WB	6LD
	TBOPC Entrance to Race Track Road	add 1 Lane EB & WB	6LD
	Linebaugh Ave	Race Track Rd to S. Project Ent	add 1 EB Lane
	S. Project Ent to Country Way	add 1 EB Lane	4LD
Race Track Road	SR 580 to Linebaugh Ext	add 1 Lane NB & SB	4LD
	Linebaugh Ext to Tri-Cnty BP	add 1 Lane NB & SB	4LD
	Tri-County BP to Project Ent	add 1 Lane NB & SB	4LD
	Project Ent to S. Mobley	add 1 Lane NB & SB	4LD
	S. Mobley to Patterson Road	add 1 Lane NB & SB	4LD

\* Geometry assumes a .7 g/c for the through movements on the arterial. Intersecting roadways must be designed with a sufficient number of lanes to make it possible to attain this g/c, while maintaining the required LOS standards.

EXHIBIT D

TABLE 2

PHASE I INTERSECTION IMPROVEMENTS

1993

<u>INTERSECTION</u>	<u>IMPROVEMENT</u>	<u>FINAL GEOMETRY</u>
SR 584 & SR 586	EB: add 2 through lanes WB: add 1 left turn lane add 1 through lane NB: add 1 right turn lane	EB T-2 L-0 R-0 TR-1 WB T-2 L-2 R-0 NB T-0 L-1 R-2
SR 584 & CR 233	Interchange of sufficient geometry to achieve adopted LOS standard for all movements with project traffic.	
Forest Lake Blvd and N-S Road	New Signal EB: add 1 left turn lane add 2 through lanes WB: add 2 through lanes add 1 right turn lane SB: add 1 left turn lane add 1 right turn lane	EB T-2 L-1 R-0 WB T-2 L-0 R-1 SB T-0 L-1 R-1
Gunn Highway and South Mobley Rd	New Signal NB: add 1 left turn lane add 1 through lane	EB T-0 L-0 R-0 LR-1 NB T-2 L-1 R-0 SB T-0 L-0 R-0 LT-1
Gunn Highway and Ehrlich Rd	New Signal NB: add 1 through lane SB: add 1 left turn lane	WB T-0 L-0 R-0 LR-1 NB T-2 L-0 R-0 SB T-1 L-1 R-0
Linebaugh Avenue and Race Track Rd	New Signal EB: add 2 through lanes WB: add 2 left turn lanes add 1 through lane NB: add 1 left turn lane add 1 through lane add 1 right turn lane SB: add 1 left turn lane add 1 through lane	EB T-2 L-1 R-0 TR-1 WB T-1 L-1 R-0 TR-1 NB T-2 L-1 R-1 SB T-1 L-1 R-0 TR-1
Race Track Rd and N. Project Entrance	New Signal WB: add 1 left turn lane add 1 right turn lane add 1 right tun lane SB: add 1 left turn lane	WB T-0 L-1 R-1 NB T-2 L-0 R-1 SB T-1 L-1 R-0
Race Track Road and S. Mobley	New Signal	WB T-0 L-0 R-0 LR-1 NB T-1 L-0 R-1 SB T-0 L-0 R-0 LT-1

Based on January 31, 1990 S.R. Response  
Revised: July 10, 1990

# Exhibit E

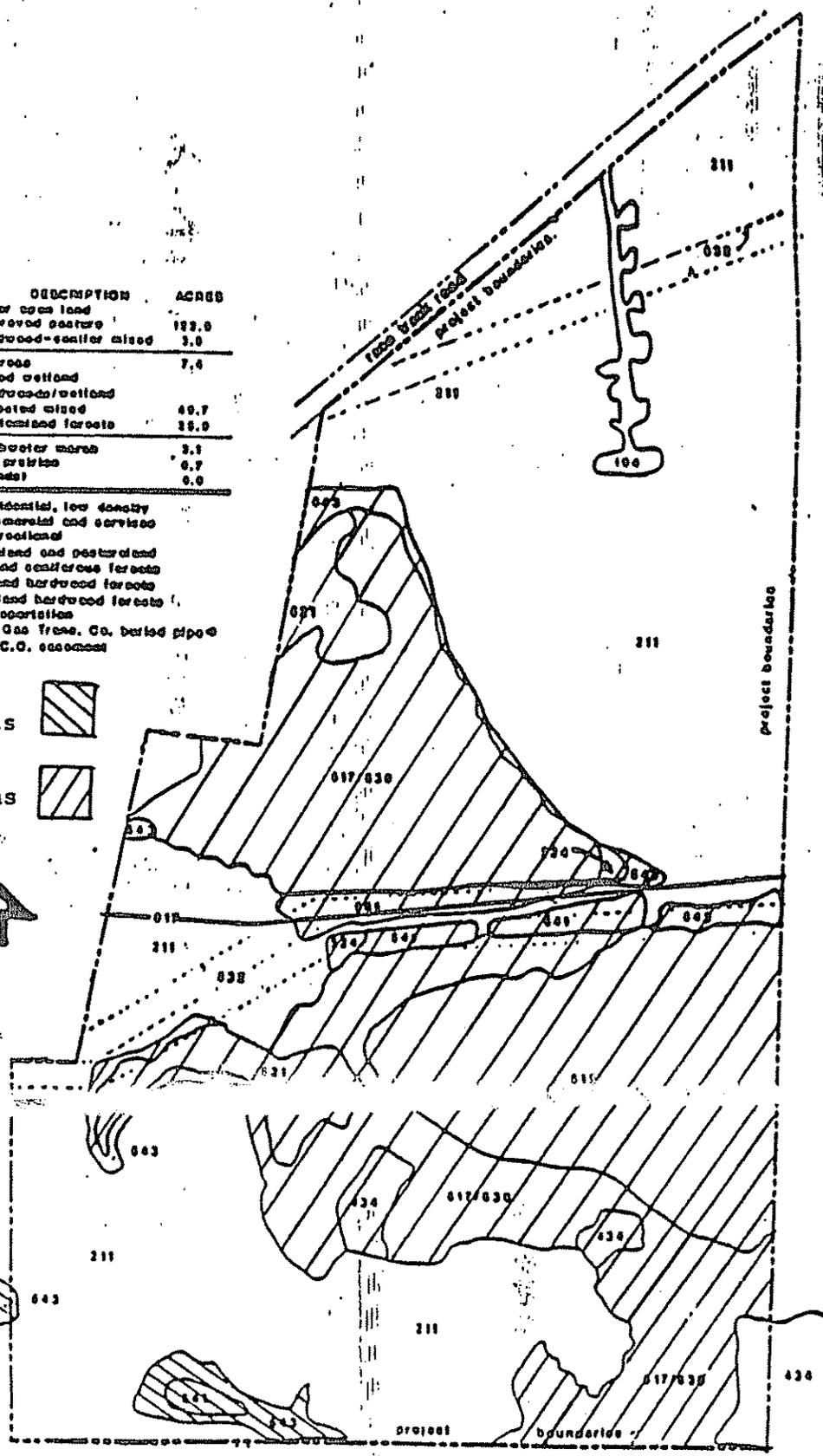
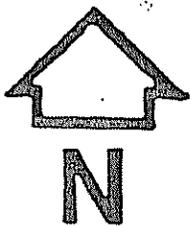
## DRI #189 BIG BASIN COMMERCE PARK PRESERVATION/CONSERVATION

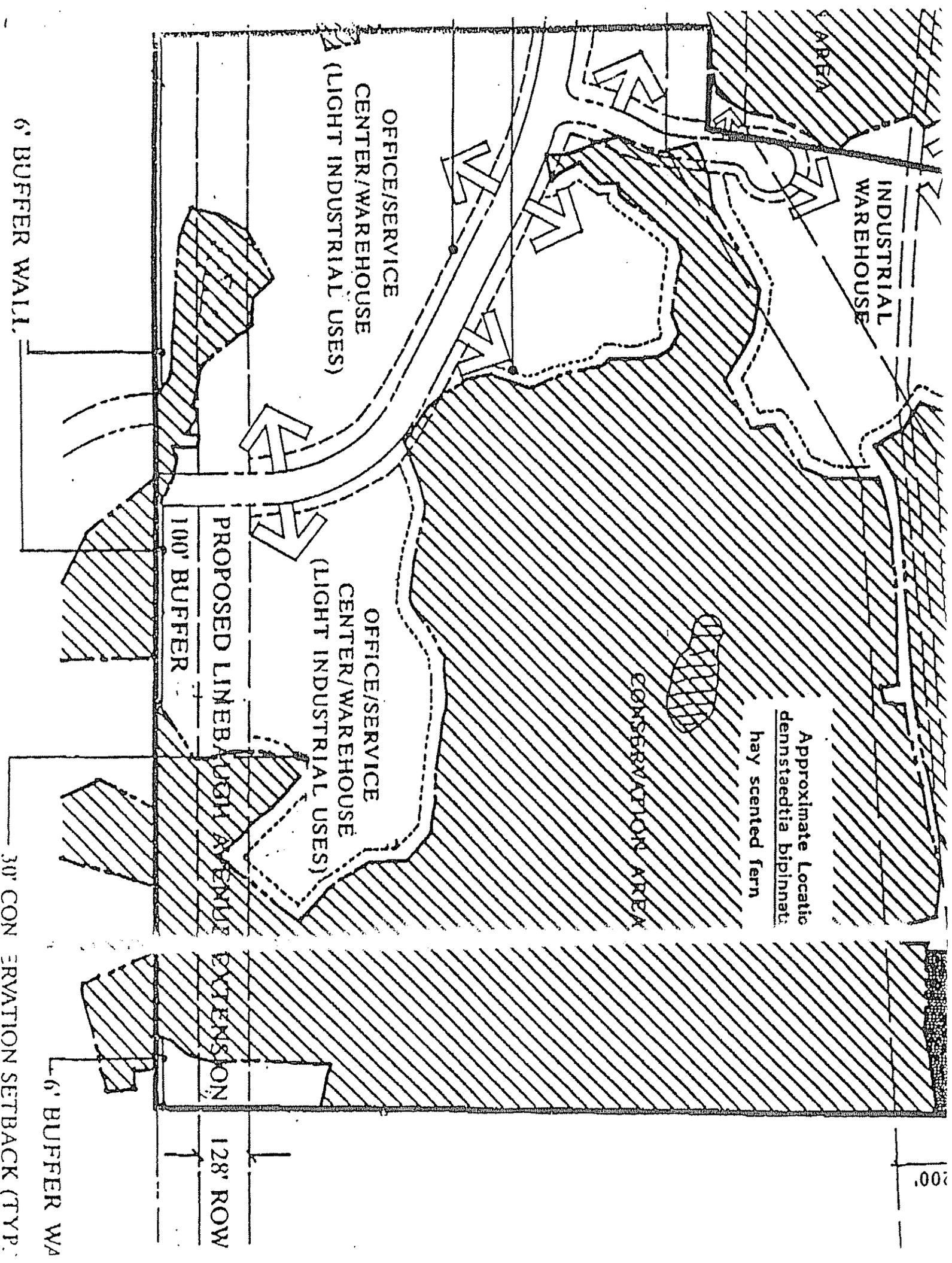
### LEGEND

	DESIGNATION	DESCRIPTION	ACRES
UPLAND SYSTEMS	104	other open land	
	211	improved pasture	123.0
	434	hardwood-southern mixed	3.0
WETLAND SYSTEMS - FORESTED	021	sycamore	7.4
	017/030	mixed wetland	
		hardwood/wetland	
		forested mixed	49.7
WETLAND SYSTEMS - NON-FORESTED	010	bottomland forests	28.0
	041	freshwater marsh	3.1
	043	wet prairie	6.7
	044	openland	0.0
ADJACENT PROPERTY	110	residential, low density	
LAND USE	140	commercial and services	
NON-FORESTED	100	recreational	
	210	woodland and pastureland	
	410	upland oak/deciduous forests	
	420	upland hardwood forests	
	010	wetland hardwood forests	
	014	transportation	
	017	Fls. Gas Trans. Co. buried pipes	
	032	T.E.C.O. easement	

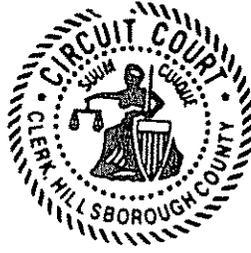
Conservation Areas 

Preservation Areas 





Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



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

August 14, 1991

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

Re: Resolution No. R91-0157 - DRI No. 189 Development Order  
- Big Basin Commerce Park

Dear Ms. Cooper:

Attached is a certified executed copy of the referenced resolution, which was adopted by the Hillsborough County Board of County Commissioners on July 30, 1991.

We are providing this copy for your files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

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

JMN:ADF  
Attachment  
Certified Mail

cc: Board files (1 orig.)  
Steve Allison, Principal Planner, Planning and Zoning  
J. Thomas Beck, State Department of Community Affairs  
Richard M. Haber, Esquire,  
Cramer, Haber, McDonald & LeVine, P.A.  
C. Laurence Keesey, Esquire,  
Young, Van Assenderp, Varnadoe, Benton, P.A.  
John Dixon Wall, Chief Assistant County Attorney

RECEIVED

AUG 19 1991

Tampa Bay Regional  
Planning Council

mailed 8/15/91

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution No. R91-0157 - DRI No. 189 Development Order -  
Big Basin Commerce Park

adopted by the Board in its regular meeting of  
July 30, 1991, as the same appears of  
record in MINUTE BOOK 182 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 13th day  
of August, 1991.

RICHARD AKE, CLERK

BY: Judith M. Nichols  
Deputy Clerk

Resolution No. 91-0157

RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA  
DRI #189 DEVELOPMENT ORDER  
BIG BASIN COMMERCE PARK

Upon motion by Commissioner Joe Chillura, seconded by Commissioner Sylvia Kimbell, the following Resolution was adopted by a vote of 5 to 0 Commissioner(s) \_\_\_\_\_, voting "No".

WHEREAS, on June 29, 1989, Andrew J. Lynn, authorized agent for BIG BASIN COMMERCE PARK (hereinafter referred to as "Developer") filed an Application for Development Approval (which, together with the sufficiency responses filed and other exhibits submitted and recorded, is hereinafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with Hillsborough County ("County"), 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, Florida Statutes as amended ("Chapter 380"); and

WHEREAS, the ADA proposed development of BIG BASIN COMMERCE PARK, a mixed-use light industrial, office and commercial development (the "Development" or "Project") located on 219.89 acres in northwest Hillsborough County (the "Property"); and

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

WHEREAS, on July 25, 1989, the Developer and DCA entered into a Preliminary Development Agreement pursuant to Subsection 380.032(3) and 380.06(8), Florida Statutes (1987) and Rule 9J-2.0185, Florida Administrative Code (the "Agreement"), a copy of which is annexed hereto as Exhibit "A", allowing development of 230,000 square feet of service center space, containing a maximum of 23,000 square feet of ancillary office space, within the proposed development on 34.13 acres thereof (the "PDA") pursuant to the terms of the Preliminary Development Agreement; and

WHEREAS, the County has approved a PD-RP zoning district for the Property pursuant to Rezoning Petition RZ 89-0093-N;

WHEREAS, the Hillsborough County Board of County Commissioners (the "Board"), 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 County Zoning Code (Ordinance 85-10) have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the County Zoning Code has held a duly noticed public hearing on the ~~ADA~~, considered testimony and other documents and evidence, reviewed the ADA and filed a recommendation regarding the ADA with the Board; and

WHEREAS, the Board has on July 30, 1991 held a duly noticed public hearing on the ADA and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board has received and considered the report and recommendation of the TBRPC; and

WHEREAS, the Board has solicited, received and considered reports, comments and recommendations from interested citizens, the County and other governmental agencies; and

WHEREAS, the Board issued an order denying approval of the DRI and rezoning and on August 7, 1990, served to Developer a recitation of the reasons for denial accompanied by steps to be taken by the Developer to obtain approval and whereas developer on September 19, 1990, filed an appeal of the denial of the DRI with the Land and Water Adjudicatory Commission; and

WHEREAS, the Department of Community Affairs of the State of Florida and the Tampa Bay Regional Planning Council became parties to the appeal; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearings on the subject DRI before the Zoning Hearing Master and the Board; and history of disapproval if necessary; and

WHEREAS, the Developer has presented to the Board changes in the proposed Development Order which meet the criteria for obtaining Board approval of the DRI and Rezoning as set forth in the Board's order of August 7, 1990; and

WHEREAS, on July 30, 1991 the revised Development Order was presented to the Board and a duly noticed public hearing was held thereon; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 30th DAY OF July, 1991, AS FOLLOWS:

SECTION I. FINDINGS OF FACT

The Board, having received the ADA and having received and considered all comments, testimony and evidence submitted by the Developer, appropriate reviewing agencies and the public, finds there is substantial evidence to support the following findings of fact:

- A. The recitals set forth in the "Whereas" paragraphs described above are true, accurate and correct and are incorporated herein by reference.
- B. The ADA is attached hereto and marked "Composite Exhibit B" and incorporated herein by reference.
- C. The Property which is the subject of the ADA is legally described in Exhibit "C" attached hereto and incorporated herein by reference.
- D. The proposed Development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. A comprehensive review of the impact generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, the TBRPC and other affected agencies.

Approval of the following is granted:

1. Southwest Florida Water Management District -- approval of all conservation area delineations for the entire project. (September 19, 1989)
2. Hillsborough County Planning and Zoning Department -- approval of Master Water and Sanitary Sewer plan for the entire project, outlining estimated construction phasing and connection points. (November 9, 1989)

3. Hillsborough County Development Review Department -- approval of Detailed Site Plan for PDA portion of project in accordance with rezoning petition PD - RP 89-93. (November 15, 1989)
4. Hillsborough County Development Review Department -- approval of Preliminary Plat for P.D.A. portion of project. (November 22, 1989)
5. Hillsborough County Development Review Department -- Plan approved for the PDA portion of Phase I Water Distribution and Wastewater Collection/Transmission System. Approval of final design drawings of the off-site water main and force main extensions to serve that portion of the project north of the dividing Conservation Area, and on-site water and sanitary sewer design for the P.D.A. portion of the project. Note the Master Lift Station approved with this submittal will also serve the remainder of the project north of the dividing Conservation Area.
6. Hillsborough County Development Review Department -- Permission to Construct Prior to Platting granted. This approves the paving and drainage plans for construction for the P.D.A. portion of the site. Note that the entrance road and drainage detention pond is designed and approved to serve the remainder of the upland areas north of the dividing Conservation Area.
7. Southwest Florida Water Management District -- Approval of a General Permit for construction of a Surface Water Management System. This permit allows construction of the drainage facilities for that portion of the site north of the dividing Conservation Area.
8. Hillsborough County Health Dept. -- Approval of the D.E.R. Notice of Intent to Use General Permit for construction of the water distribution system for the off-site water main extension serving that portion of the project north of the dividing Conservation Area and the internal water distribution system for the P.D.A. portion of the project.

## SECTION II. CONCLUSIONS OF LAW

The Board, having made the above findings of fact, and based upon compliance with the terms and conditions of this Development Order, the provisions of the ADA, and the reports, recommendations and testimony heard and considered by the Zoning Hearing Master and the Board, hereby reaches the following conclusions of law:

- A. The Development will not unreasonably interfere with the achievement or objectives of the adopted state land development plan applicable to the area.
- B. The Development is consistent with local land development regulations and the County's comprehensive plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Florida Statutes, and the goals and policies of the comprehensive regional plan and the state comprehensive
- C. The Development as proposed is consistent with the report and recommendation of the TBRPC.
- D. This Development Order satisfies the provisions of Chapter 380.
- E. In considering whether the Development should be approved subject to conditions, restrictions, and limitations, the County has considered the criteria stated in Section 380.06 and more specifically, in subsection 380.06(14), Florida Statutes.

- F. The review by the County, the Hillsborough County City-County Planning Commission, the TBRPC and other participating agencies and interested citizens have adequately addressed all impacts of the Development, pursuant to the requirements of Chapter 380, within the terms and conditions of this Development Order and the ADA.
- G. The ADA is approved subject to all terms and conditions of this Development Order.
- H. The adopted Comprehensive Plan for Hillsborough County titled "The Future of Hillsborough", designates the area within which this land lies as Light Industrial, Research Corporate Park and Environmental.

SECTION III. GENERAL PROVISIONS

- A. This resolution shall constitute the Development Order of the County in response to the ADA for the Big Basin Commerce Park DRI.
- B. All provisions contained within the ADA shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- C. The definitions contained in Chapter 380 shall govern and apply to this Development Order.
- D. This Development Order shall be binding upon the Developer and its assigns or successors, subject to the provisions of Section III.G. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any branch of government or governmental agency.
- E. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- F. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board to review developments set forth under applicable laws and rules governing DRIs.
- G. In each instance in this Development Order where the Developer is responsible for ongoing maintenance, monitoring, preparation of plans, reports and analysis and other obligations, the Developer may transfer any or all of its responsibilities pursuant to this Development Order to an ~~entity or~~ private body created to ~~perform~~ such responsibilities such as a property owner's association. However, before such transfer may be made and becomes effective, the body to which responsibility will be transferred must be approved by the County, and/or other agencies (if any) required by law to approve such transfer or entity. Upon determination that the entity or body in question can and will be responsible to provide maintenance as required in this Development Order, such approval by the County and other agencies (if any) shall not be unreasonably withheld.

- H. The County Administrator or his designee of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order.
- I. The Developer shall file an annual report in accordance with Chapter 380.06(18) Florida Statutes, as amended, and appropriate rules and regulations. The report shall be submitted on adopted DCA Forms. Such report shall be due on the anniversary of the date of adoption of this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board. The Board shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board hearing wherein such report is to be reviewed. The receipt and review by the Board shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:
1. The information required by the DCA to be included in the annual report, which information is described in the Rules and Regulations promulgated by the DCA pursuant to Chapter 380; and
  2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
  3. A statement setting forth the name(s) and address(es) of any heir, assignee or successor in interest to this Development Order; and
  4. All monitoring results required pursuant to the terms of this Development Order.
  5. Any requests for substantial deviation determination that were filed in the reporting year.
  6. A statement listing all Applications for Incremental Review, if applicable, required pursuant to this development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and
  7. A statement describing how the Developer has complied with each term and condition of this development order applicable when the annual report was prepared.
- J. All Development undertaken pursuant to this Development Order will be in accordance with all applicable County codes and ordinances and other laws in effect at the time of permitting, except as otherwise specifically provided herein or by applicable law.
- K. This Development Order shall apply to the Property legally described on Exhibit "C" attached hereto.
- L. This Development Order shall take effect upon the date of transmittal to the parties specified in subsection 380.07(22), Florida Statutes, as amended. A notice of the adoption of the Development Order, if the Development Order itself is not recorded with the Clerk of the Circuit Court of Hillsborough County, shall be filed among the aforesaid public records pursuant to the requirements set forth in Florida Statutes, Section 380.06(15)(f).
- M. This Development Order shall replace Resolution No. R90-0173, by which the project was previously denied.

N. Development shall commence no later than three years from the date of adoption of this Resolution by the Board of County Commissioners.

SECTION IV. SPECIFIC CONDITIONS

A. PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

The Big Basin Commerce Park ADA provided the following phasing schedule and development totals:

	Retail (Sq. ft.)	Service/ Distribution (Sq. ft.)	Industrial/ Warehouse (Sq. ft.)	Office/ Service Center (Sq. ft.)
Phase I (1990-1993)	25,000	87,400	65,725	501,875
Phase II (1994-1999)	12,500	115,000	87,900	652,100
Phase III (2000-2005)	<u>12,500</u>	<u>27,600</u>	<u>29,500</u>	<u>167,900</u>
Total	50,000	230,000	183,125	1,321,875

Totals: Phase I 680,000 \*  
 Phase II 867,500  
 Phase III 237,500  
 1,785,000

\* This figure includes 230,000 sq. ft. of service center space, which contains a maximum of 23,000 square feet of ancillary office space, approved as part of a Preliminary Development Agreement.

The following phasing schedule is hereby adopted as an integral part of this Development Order. The lesser development totals reflect the downsized development now requested by the developer. The revised phasing schedule reflects the two year, eleven month and fifteen day discretionary extension enabled by Subsection 380.06(19) of the Florida Statutes. Any proposed future extension of this phasing schedule shall be considered cumulatively with the two year, eleven month and fifteen day extension granted herein.

	Retail (Sq. ft.)	Service/ Distribution (Sq. ft.)	Industrial/ Warehouse (Sq. ft.)	Office/ Service Center (Sq. ft.)	Total
Phase I					
1991- 12/15/96	25,000	87,400	65,725	501,875	680,000*
Phase II					
12/15/96 - 12/15/02	6,250	57,500	43,950	350,000	457,700
Phase III					
12/15/01 - 12/15/06	<u>6,250</u>	<u>57,500</u>	<u>43,950</u>	<u>302,100</u>	<u>409,800</u>
Total	37,500	202,400	153,625	1,153,975	1,547,500

Totals: Phase I 680,000 \*  
 Phase II 457,700  
 Phase III 409,800

- \* This figure includes 230,000 sq.ft. of space approved as part of a Preliminary Development Agreement.

For purposes of the DRI analysis, the Service/Distribution Industrial/Warehouse and Office/Service Center uses in the above phasing schedule were considered industrial uses.

Clarification of the above schedule for purposes of traffic [Institute of Transportation Engineers (ITE)], trip rate assignment and application of the Hillsborough County Zoning Code is made as follows:

The first column, entitled "Retail", is associated with the ITE Land Use Code 820 and Hillsborough County Zoning Code's "Retail" definition.

The second and third columns entitled "Service/Distribution" and "Industrial/Warehouse" described by ITE's Land Use Code 150. For the purpose of zoning, warehousing shall be the primary use, but office and related uses customarily associated with warehousing may be included.

The fourth column "Office Service Center" is typified by ITE's Land Use Code 130 (Industrial Park) for the purpose of traffic characteristics. For the purposes of Zoning Code interpretation, this "Industrial Park" is primarily composed of uses such as manufacturing, processing, assembly, ancillary office (maximum of 114,000 square feet), distribution center, research activities, and other activities as identified under the PD-RP Use List as set forth in the Hillsborough County Zoning Code except retail uses.

1. Phase I is specifically approved subject to the conditions contained in this Development Order. Phases II and III are conceptually approved. Specific approval of Phases II and III shall require a Development Order amendment following further Chapter 380.06, F.S. analysis and review of transportation, air quality, water supply, wastewater, fire, police, and EMS services to identify the impacts and to specify the measures for curing or mitigating said impacts.
2. For the purposes of this Order, a phase shall be considered complete upon the issuance of the final Certificate of Occupancy for the phase.
3. If the Developer elects to amend the proposed phasing schedule he shall submit said amendments to the County for review and approval as required by law, which approval shall not be withheld if the terms of this Development Order are otherwise substantially complied with. Any departure in phase build-out from the phasing schedule set forth in this Development Order shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes, as amended.
4. This Development Order shall remain in effect for a period up to and including December 15, 2006. This date shall serve as the termination, buildout and expiration date for this Development Order. Any development activity for which construction/site development plans have been submitted to the County and approved prior to the expiration date of this Development Order may be completed in accordance with the provisions of this Development Order. This Development Order may be extended by the Commission on the finding of excusable delay in any proposed development activity provided that an extension of the buildout period for more than three (3) years may trigger a substantial deviation pursuant to Florida Statutes Section 380.06 (19). However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Development Order.

5. The Development shall not be subject to down-zoning, intensity reduction or change to a more restrictive land use category, prior to December 1, 2006, unless the County can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer. For the purposes of this Development Order, the term "down-zoning" shall refer to any regulation that has the effect of reducing the total approved intensity as set forth in Section IV.A. Provided, however, nothing in this Section IV.A.5 shall be construed to prohibit (i) legally enacted changes in zoning or land use regulations which do not decrease the development rights granted to the Developer pursuant to this Development Order, (ii) any development rights which may arise as a result of this Development Order, and (iii) Developer from requesting any modifications to this Development Order or the PD-RP zoning district at any time.

B. TRANSPORTATION

1. This is a phased development as provided for under Chapter 380.06 of the Florida Statutes. No phase or subphase shall be developed until capacity is available to accept traffic on the regionally significant roadway system and provided all conditions in this Development Order relating to each phase and subphase are met.
2. The Developer shall mitigate the impacts of the Phase I Development on the regionally significant roadway system by satisfying the transportation mitigation measures hereinafter described. Compliance with the provisions of the transportation mitigation measures has been deemed to make adequate provision for the public transportation facilities necessary to accommodate the impacts attributable to Phase I of the Development on the regionally significant roadway network, consistent with Florida Law and rules and policies of the County, DCA, FDOT and TBRPC.
3. TSM - The Developer shall prepare and implement a transportation systems management (hereinafter "TSM") program prior to the first annual report required pursuant to Section III.J. The goal of the TSM Program shall be to divert vehicle trips from the p.m. peak hour. The plan and implementation process shall be documented in the first required annual report. Such a program shall be reviewed by Hillsborough County, the Hillsborough Area Regional Transit Authority ("HART"), the Tampa Urban Area Metropolitan Planning Organization ("MPO"), the TBRPC and the Florida Department of Transportation ("FDOT").

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 the implementation of each TSM measure. The results of the TSM program shall be included in the annual report.

If the annual report indicates that the total trip diversions are not being met, Hillsborough County shall conduct a substantial deviation determination pursuant to Subsection 380.06 (19), Florida Statutes, and amend the Development Order to change TSM objectives and/or, if necessary, require additional roadway improvements. The results of the TSM study may serve as a basis for the Developer to request Development Order amendments.

Development of such a TSM program shall be in cooperation with FDOT, MPO, HART, and TBRPC. Such a program shall seek to implement and will be measured by the TSM objectives and policies set forth in the Florida Transportation Plan and shall include, but not be limited to:

OBJECTIVES:

\* Increase urban area peak hour automobile occupancy rates by 10 percent by 1995 through expanded ride-sharing efforts.

\* Increase peak hour occupancy rates for transit and other high occupancy vehicles by 20 percent by 1995.

Policy: Promote ride sharing by private and public employees.

4. A stop work order prohibiting development shall be issued if the required analysis or monitoring reports, as appropriate, are not submitted in a timely manner. Provided, however, that Project construction for which building permits have previously been issued shall not be affected by such failure to submit the required analysis or monitoring reports.
5. The transportation mitigation measure available to the Developer is a subphase analysis as described below:

- (a) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I, the capacity and loading of transportation facilities in the Big Basin Commerce Park transportation area, including but not limited to the regional roadways and intersections referenced in Table 1 and 2, Exhibit D, shall be limiting factors in any subsequent approvals. Accordingly, the Developer shall generate and provide the County, the TBRPC, and the FDOT pursuant to the provisions of Section 380.06, with updated current traffic counts on the referenced regionally significant roadways and projections of traffic volumes that will result from the completion of any currently approved Development 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, with the concurrence of the County and TBRPC will maintain the roadways and intersections referenced in Tables 1 and 2 within the traffic impact study area at a LOS D ("C" in rural areas) at peak hour. Projections of both the traffic counts and the project traffic volumes shall be prepared consistent with generally accepted traffic engineering practices. No traffic shall be distributed onto any segments of the East-West Connector or the Linebaugh Avenue Extension unless these roadway segments are currently in place or funded for construction completion in the first year of an adopted work program at the time the analysis is performed. Prior to any specific approval of any subphases, the County shall ensure in written findings of fact that the impacted regional roadways within the study area are operating at or above LOS D ("C" in rural areas) and that the expected trips to be generated by such approval would not cause the roadways to operate below LOS D ("C" in rural areas) at peak hour. The Development Order shall be amended to address the subphase approval.

A subphase of Phase I of the development, consisting of 230,000 square feet of light industrial uses, corresponding to an approved PDA recorded in O.R. Book 5758, Page 1192, in the Public Records of Hillsborough County, Florida shall be the first subphase constructed with mitigation as herein provided. A Development Order, in the form of Hillsborough County rezoning #89-0093, approved the PDA.

This subphase, located within the area defined by the PDA, may be developed in two portions. Portion A shall be limited to 138,000 square feet of light industrial uses, of which a maximum of 13,800 square feet may be for ancillary office uses. No Building Permits shall be issued for Portion B of the 230,000 square foot development until such time as the intersection of Race Track Road and State Road 580 (Hillsborough Avenue) is improved with a second left-turn storage (LTS) lane for southbound Race Track Road, a 150 foot acceleration/merge lane on SR 580, and the signalization needed to accommodate the LTS. The cost of this improvement, if constructed by the Big Basin developer, may be submitted for applicable impact fee credits. Prior to issuance of any Building Permit above 195,000 square feet, an analysis shall be prepared by the Developer and submitted to FDOT and TBRPC for review and to Hillsborough County for review and approval. The analysis shall show that no link or intersection within the transportation impact area operates or will operate at worse than LOS "D" ("C" in rural areas) with project traffic from the remainder of the 230,000 square foot subphase.

This 230,000 square foot subphase of Phase I is hereby approved with the aforementioned traffic impact mitigation and is hereby cleared from further traffic analysis except for its inclusion in the Section IV.B.5. Monitoring Program or (if uncompleted) in subsequent analyses conducted for the purpose of requesting approval for construction of development beyond this initial subphase or for portions of this subphase which are not constructed within the three year limit referenced later in this section.

Each subphase approved under this option shall have a maximum buildout of up to 3 years. No additional building permits shall be issued upon expiration of the buildout date until an updated transportation analysis consistent with the provisions of this section is provided and reviewed by FDOT and approved by Hillsborough County and TBRPC. The analysis shall propose an extension of the buildout date or new buildout date (not to exceed 3 years). The analysis shall demonstrate that the level of Service standards contained herein (LOS "D", ("C" in rural areas) peak hour, will not be exceeded through the new proposed buildout date of the approved subphase and additional subphase requested, if any.

- (b) Subject to FDOT review and approval by the County and TBRPC of a subphasing transportation analysis, together with any associated Development Order amendments, subphasing is permitted as provided herein. Funding commitments will be required for all regionally significant improvements which are necessary to accommodate the traffic impacts of a particular subphase of the Development prior to the commencement of that particular subphase of development. Prior to issuance of building permits beyond a particular subphase square footage threshold, the improvements identified as being subject to funding commitments from responsible entities, where those facilities are projected to operate below LOS D ("C" in rural areas) p.m. peak hour and the development would contribute five percent (5%) or more of LOS D ("C" in rural areas) p.m. directional peak hour 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 or subphase square footage for which there are funding commitments. For the purpose of this section, funding commitments shall mean that construction of the necessary improvement is within

the current fiscal year of the work program of the responsible agency.

6. Upon the earlier to occur of (i) Certificates of Occupancy having been issued for 340,000 square feet of approved land uses of Phase I or (ii) 295 p.m. peak hour vehicle trips (total of both entering and exiting traffic) are generated from Phase I, an annual monitoring program to provide peak-hour traffic counts at the entrances to the Development shall be instituted to verify that the projected number of external trips for each phase of the Development are not exceeded. Counts will continue on an annual basis through build-out. This information shall be supplied in the required annual report. If the annual report establishes that the total number of external vehicle trips generated by the approved phase of the Development exceeds that which was projected for that phase during the original development of regional impact review by more than fifteen (15) percent, the County shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), Florida Statutes. If the excess is determined to be a substantial deviation, the revised transportation analysis required pursuant to Chapter 380.06 will be based on the results of a monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

C. ENVIRONMENT AND NATURAL RESOURCES

Air Quality

1. The Developer shall, at a minimum, employ the fugitive dust emission abatement procedures referenced in the ADA.
2. The County shall reserve the right to require reasonable mitigation measures to alleviate any potential impacts of the project on ambient air quality.
3. A new Section 380.06, F.S., air quality analysis, and amendment of the Development Order to identify the impacts and set forth the requirement to mitigate any negative air quality impacts of Phase II and Phase III shall be required prior to the approval of each later phase.

Land

4. The measures to reduce soil erosion and fugitive dust air emissions, referenced in the ADA and Sufficiency Response, at minimum, shall be implemented.
5. The methods identified in the ADA as suitable to overcome soil limitations shall be required, as appropriate.

Water Quality and Drainage

6. Elevations for all habitable structures shall be at or above the 100-year flood elevation.
7. Prior to the issuance of any approval of a subdivision or drainage basin (as defined on Map G-1 on the ADA) and the subsequent issuance of site alteration/building permits within said basin, the Master Stormwater Management Plan for that particular basin of Big Basin Commerce Park shall be submitted to the Florida Department of Environmental Regulation and the Tampa Bay Regional Planning Council for review, and to Hillsborough County and the Southwest Florida Water Management District for approval. The Stormwater Management System for each individual basin of the development shall be designed, constructed, and maintained to meet or exceed the requirements of SWFWMD and those contained in Hillsborough County's Stormwater Management Technical Manual. The appropriate design criteria to be used is that which is in effect at the

time of construction plan submittal and review for a particular phase of the development. Best Management Practices for reducing water quality impacts, as recommended by the County and SWFWMD, shall be implemented and include a street cleaning program for parking and roadway areas within the development. Stormwater treatment shall be provided by biological filtration, wherever feasible.

8. All drainage and associated access easements necessary to accommodate any and all of the applicable impacts of the development shall be donated by the developer to the County, as required, and in accordance with the appropriate County policy in effect at the time of construction plan submittal and review. All easement documents associated with a particular parcel or phase must be fully executed and recorded prior to, or concurrent with, the issuance of Certificates of Occupancy or plat approval, whichever is applicable, for the particular parcel or phase.
9. The developer shall operate and maintain all on-site Stormwater Management Facilities unless otherwise required or approved by the County. The developer shall enter into an acceptable agreement prior to each applicable Construction Plan Approval with Hillsborough County which will indemnify and hold Hillsborough County harmless from any liability it suffers resulting from its approval of the operation and maintenance of such facilities within existing utility easements. Developer shall relocate to a location elsewhere on the subject property any stormwater management facility filled in or functionally altered by any utility or other entity on a 1:1 basis. Any stormwater management system or portion thereof for which Hillsborough County is to assume maintenance responsibility shall not be located within any existing utility easement. Furthermore, Hillsborough County will not assume maintenance responsibility for any roadway that is hydraulically connected to a stormwater management facility located within the existing utility easements. The developer shall assume maintenance responsibility for any such roadway and will maintain such roadway to normal County standards.
10. In order to protect water quality in the Double Branch Creek watershed, there shall be no degradation of water quality standards by stormwater exiting the site in violation of applicable regulations. Therefore, the developer shall provide for a semi-annual surface water quality monitoring program, to be instituted before physical development commences and to continue beyond basin build-out by a minimum of five years. Any violation of Chapter 17-3, FAC, determined to be caused by this development, shall require corrective measures as set forth by Florida Department of Environmental Regulation (FDER). The following shall apply:
  - A. Sampling locations and parameters shall be determined in cooperation with Hillsborough County, DER, SWFWMD and TBRPC.
  - B. All water quality analytical testing methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and
  - C. The monitoring results shall be submitted to Hillsborough County, DER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County and DER immediately and all construction within the subbasin(s) where the violation is noted shall cease until the violation is corrected; or if the specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

11. In order to protect water quality in proximity to the Cosme-Odessa and Northwest Hillsborough Regional wellfields, there shall be no degradation of water quality standards in groundwater from the site in violation of applicable regulations. Because several governmental agencies are performing groundwater quality monitoring adjacent to the site, the applicant need not duplicate the monitoring. The applicant shall, however, in cooperation with pertinent agencies, ensure that the groundwater monitoring meets the following minimum criteria:
  - A. Sampling parameters and frequencies shall be determined in cooperation with Hillsborough County, SWFWMD, TBRPC and the United States Geological Survey. Sampling shall be performed at least semi-annually. Parameters shall include heavy metals and organics, as well as those normally collected for ambient groundwater monitoring.
  - B. All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
  - C. The monitoring results shall be submitted to Hillsborough County, FDER and SWFWMD. Should the monitoring indicate that applicable state water quality standards (Chapter 17-550, FAC) are not being met, the violation shall be reported to Hillsborough County and FDER immediately and appropriate action taken to end the violation. If determined to be appropriate, groundwater monitoring by the developer on the Big Basin Commerce Park site shall be required.

#### Wetlands

12. The portions of the Big Basin Commerce Park site which meet TBRPC's definition of conservation/preservation areas are depicted on the map on page 10 of the Adopted TBRPC DRI Final Report and attached hereto as Exhibit E and shall be so designated on all site plans submitted to the County for approval.
13. In order to protect the natural values of conserved/preserved wetland areas, no adverse hydroperiod alteration shall be permitted in remaining conservation/preservation areas as identified in Section IV.C.12. above and on the master site plan. Except for infrastructure, activities within the conservation areas shall be limited to Stormwater Management outfall structures and boardwalks. Intrusions into TBRPC-defined preservation areas shall be limited to unavoidable roadway alignments and permitted stormwater management structures.
14. All wetland losses resulting from developer activity shall require a 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with the wetlands being disturbed. All mitigation areas and littoral shelves shall be monitored semiannually for a period of four years. Monitoring shall include identification of species, changes in vegetation, and efforts to control nuisance species encroachment. Additional planting may be required to maintain an 80 percent survival rate of planted species at the end of three years.
15. The developer shall submit a wetland management plan to TBRPC for review and to DER, SWFWMD and HCEPC for approval in the first annual report. This plan shall address, but not be limited to, wetlands to be preserved, proposed wetland alterations, mitigation for lost wetlands, control of on-site water quality, maintenance of hydroperiods and methods for wetland restoration/enhancement.

16. The developer shall provide a natural buffer around all preservation and conservation areas as required by applicable regulations to provide an upland transition into the wetland areas and to protect the natural systems from development impact.

Vegetation and Wildlife

17. In the event that any species listed in Sections 39-27.003-.005, FAC, are observed frequenting the Development 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 (FGFWFC).
18. Representative tracts of the Pine Flatwoods and Pine Mesic Oak vegetative communities, as depicted on the map on page of the adopted TBRPC DRI Final Report and attached hereto as Exhibit E, shall be preserved on-site in the locations specified on the revised master site plan as hereinbefore defined in a manner which will support their continued natural function and value.
19. All areas not specifically designated as areas to be developed in the ADA shall be considered as special areas as that term is defined in Subsection 380.06(19)(e)(5)(b), F.S. (1990).

A stand of hay scented fern, *Dennstaedtia Bipinnata*, located approximately 600 feet into the southern forested wetland near the east property line, will be protected. A map showing the location of the hay scented fern within the conservation area covering the southern forested wetland area is attached as Exhibit F. The area where the hay scented fern is located and an additional area 200 feet wide surrounding the hay scented fern area, as shown on Exhibit F, shall be treated as a preservation area for the hay scented fern and any change which would result in development within this area would be treated as a change under paragraph 380.06(19)(b)16, Florida Statutes. All other areas not specifically designated as areas to be developed in the ADA shall be considered as special areas as that term is defined in Subsection 380.06(19)(e)(5)(b), F.S. In order to protect the hydrologic regime in the Conservation/Preservation areas, no drainage plan will be approved for the development that does not require treatment of storm water prior to its discharge into the Conservation/Preservation areas. Further such drainage plan will be designed so that any storm water so discharged into the Conservation/Preservation areas will be at a rate that does not exceed the pre-development ten-year rainfall event.

The hay scented fern preservation area shall be preserved such that the post-development hydrological regime for this area remains the same as the pre-development hydrological regime and no development or clearing shall be allowed within this preservation area.

Archaeological and Historical Resources

20. Any historical or archaeological resources discovered during development activities of the Big Basin Commerce Park project shall be immediately reported to the Florida Department of State, Division of Historical Resources and treatment of such resources shall be determined in cooperation with the Division of Historical Resources, TBRPC, and Hillsborough County. Treatment of such resources must be completed before resource-disturbing activities are allowed to continue.

Floodplains

21. In order to mitigate potential property damage from flooding, all elevations for habitable structures shall be at or above the base flood elevation and all roads within the proposed development shall be constructed above the anticipated Category 3 hurricane flood levels.

22. A public information program shall be established and maintained within the development for the purpose of educating occupants regarding the potential hurricane threat, the need for timely evacuation in the event of an impending hurricane, the availability and location of hurricane shelters, and the identification of steps to minimize property damage and to protect human life.
23. The developer shall develop a continuing hurricane awareness program and a hurricane evacuation plan which will be reviewed by local emergency management officials. The hurricane evacuation plan shall address and include, at a minimum, the following items:
  - A. Operational procedures for the warning and notification of all employees and visitors prior to and during a hurricane watch and warning period;
  - B. If the applicant anticipates tenants will use a private security force on-site, the plan shall identify how the force will be integrated with the sheriff's and police personnel during a hurricane threat/evacuation to warn management and employees.

D. ECONOMY

1. Big Basin Commerce Park recognizes the need for providing day care centers to accommodate the needs of working parents. Consequently, prior to certification of any site development plan for that portion of Phase I in excess of the portion previously approved as part of a Preliminary Development Agreement, a portion of the project will be designated and set aside for a maximum 6,000 square foot day care center and Big Basin Commerce Park shall endeavor to interest a professional day care company to acquire this designated area in order to operate a day care facility.
2. At the recommendation of Department of Community Affairs it is appropriate that, in order to ensure that people find adequate housing opportunities within the existing housing inventory as well as through new construction, for rent and for sale, reasonably accessible to their places of employment, the developer has , conducted an analysis of the housing needs, for ownership and for lease, to be created by the development and has determined the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis was accomplished using a methodology that is consistent with accepted real estate market analysis practices and approved by the Department of Community Affairs. Based on the existing road system and commuting patterns, the study area for the analysis consisted of the area bounded by Northern Hillsborough County, Southwest Pasco County and Northern Pinellas County. The boundaries of the study area may be adjusted in the future if subsequent studies of commuting patterns indicate cause to do so.

The study finds that (i) there is an adequate number of sales units currently in the market to meet the total needs computed by DCA for the total fifteen (15) year development; and (ii) the proposed Big Basin Commerce Park will not create a significant adverse impact on the availability of affordable housing within the market area defined by DCA.

E. PUBLIC FACILITIES

Wastewater Management

1. The Developer shall establish a plan and schedule whereby on-site sewer main lines not dedicated to the County shall be monitored for leaks and ruptures. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines the dates or frequency of the monitoring program. Faulty lines shall be repaired as quickly as possible. The entity so designated shall be either the Developer or his assigns, or the property owner's association approved pursuant to Section III.G. On an annual basis, said entity shall conduct an infiltration, exfiltration test (as applicable) in accordance with Hillsborough County criteria.
2. The County has the present capacity to provide wastewater treatment to the Development, and has committed to providing wastewater treatment to the PDA subphase of Phase One. This commitment remains valid and in effect. No development beyond this subphase will occur unless wastewater treatment is made available from the county upon proper application from the developer.
3. No disposal of commercial or hazardous waste in the sewer system is permitted except as allowed by law.
4. Big Basin Commerce Park shall pursue with Hillsborough County private interest cost-sharing in the construction of any needed new or expanded wastewater treatment facilities to serve the Big Basin Commerce Park and future surrounding development.
5. Big Basin Commerce Park shall implement a wastewater re-use system when appropriate facilities are within any public right-of-way adjacent to the applicable portion of the site.
6. A commitment for sanitary sewer for the PDA portion of Phase I has been issued by Hillsborough County and remains valid. Subsequent sanitary sewer requirements are planned to be met by the Northwest Regional Water Reclamation Facility .

Water Supply

7. The County shall provide potable water service for the Development, pursuant to an existing preliminary commitment letter. A commitment to provide such water service from the Interim Sheldon Road Water Treatment Plant has been provided and remains valid for the PDA portion of Phase I. Subsequent requirements are planned to be provided by the Permanent Sheldon Road Water Treatment Plant which is scheduled for completion in mid 1991. A proposed 20 inch water transmission main running from the Sheldon Road plant along the Linebaugh Avenue Extension is planned to fully meet Big Basin Commerce Park's future requirements for water service, including fire flow.
8. Water conservation devices shall be incorporated into the Development's design and construction guidelines to the extent mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes). Native vegetation or other plant stock suitable for xeriscape, shall be used in 75 percent of the landscaping, and no irrigation shall be supplied by the potable water system.
9. The Developer shall use the lowest quality water reasonably available sufficient to meet non-potable water demands. In the first annual report, the Developer shall submit a plan to the County and the TBRPC for using reasonably available non-potable water for irrigation. The plan shall include investigation of the feasibility of using treated wastewater for irrigation purposes.

10. Planning and development of this project shall conform to, and further, the rules and guidelines adopted by the Southwest Florida Water Management District for the Northern Tampa Bay Water Use Caution Area.

Solid Waste

11. The County shall provide solid waste disposal to the Development at such charges as the County may promulgate from time to time.
12. All Big Basin Commerce Park owners and tenants that generate hazardous waste shall be encouraged to utilize waste exchanges.

Energy

13. Where economically feasible, Big Basin Commerce Park shall:
  - A. use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration;
  - B. use landscaping and building orientation to reduce heat gain;
  - C. install total energy systems; and
  - D. work with or designate an energy officer to establish energy policies, monitor energy use, and encourage conservation for project businesses and industry.
14. Big Basin Commerce Park shall utilize and encourage:
  - A. reduced levels of operation of all air conditioning, heating, and lighting systems during non-business hours;
  - B. elimination of advertising requiring lighting after business hours;
  - C. the use of energy-efficient packaging and/or recyclable materials;
  - D. participation by project tenants in recycling programs; and
  - E. shall report on the participation in those and other energy programs in each annual report.
15. The energy conservation measures referenced on page 136 of the ADA shall be a Development Order condition.

Open Space

16. The Developer and its successors or assigns, including, but not limited to, a property owner's association, approved in accordance with Section III.G., shall be responsible for maintenance of all open space areas in the Development.
17. The designated recreation areas on Big Basin Commerce Park site shall be held inviolate against diversion to other uses, shall be designed in the general site development plan, and shall be accessible to the handicapped.

Police, Fire and EMS

18. Concurrent with site development/construction plan review, the County shall be assured of the adequacy and availability of police, fire and emergency medical services for Big Basin Commerce Park. In the event of inadequate police protection at the time of site development/construction plan review for construction of any portion of the project beyond the PDA, Big Basin Commerce Park shall, if it is determined to be beneficial by the Hillsborough County Sheriff's Department, provide supplemental private security protection until public police protection is deemed adequate.
19. Until such time as the Westchase, or alternative, Fire Station is fully functional and public fire protection services are determined by the Hillsborough County Fire Department to be adequate to serve the project, all buildings within the project shall contain a fire sprinkler system, and no building permit shall be issued for structures not including such a sprinkler system.. When adequate fire services are available, such sprinklers will no longer be required, but are highly recommended.
20. The height of buildings allowed in Big Basin Commerce Park shall not exceed that appropriate for the available water pressure and fire flows, or exceed the reach of available fire fighting equipment. Water pressure may be supplemented by a developer installed system.
21. Big Basin Commerce Park shall be designed and constructed to meet or exceed state and local fire codes and regulations.

F. MITIGATION TO NEIGHBORING PROPERTY.

On October 9, 1990, the Board designated an alignment for the extension of Linebaugh Avenue which shall travel over and across Big Basin Commerce Park's property. The alignment calls for a one-hundred (100) foot buffer to separate the residential subdivision on the south boundary of the property from the Linebaugh Avenue extension. The land reserved for the Linebaugh Avenue extension is 128 feet wide. Both the 100 foot buffer and the ROW for the Linebaugh Avenue extension as they traverse the Developer's property are approximately 2654 linear feet in length and together comprise approximately 13.9 acres. At such time as the Linebaugh Avenue extension is under construction, and subsequent to the deeding of necessary right-of-way to the County, a six foot high painted concrete block wall shall be constructed by the Big Basin developer, or by a separate entity with all costs borne by the Big Basin developer. This wall will run east to west and will, at developer's option, be located on either (i) the southern boundary of the aforementioned 100 foot buffer, or (ii) on the southern boundary of the aforementioned 100 foot buffer except where it will follow the pattern of the wetland area within the 100 foot buffer. The Board will ask the Hillsborough County Environmental Protection Commission to consider waiving the 30 foot setback requirement and, in such event, this wall may be constructed a distance of five feet from the wetland area. Provided developer elects option (ii), Hillsborough County, following the deeding to it of the 128 foot ROW and such portion of the 100 foot buffer as is required for mitigation and protection, will grant Big Basin the right to construct the wall over those portions of such lands that lie within five feet of any environmental area including the southern five feet of the 128 foot ROW for the Linebaugh Avenue extension.

In the event the placement of the wall as set forth above is prohibited by any governmental laws, rules or regulations, or in the event the cost to construct the wall through jurisdictional wetlands along either of the above routes exceeds by more than ten percent the cost of constructing the wall entirely upon an upland area, the wall will be located solely on the southern boundary of the 100 foot buffer, will total approximately 1600 linear feet, will be in three separate sections, and will only be constructed on that portion of the property that will not encroach upon the

wetlands. These three sections of wall will be supplemented by Developer constructing a six foot high wood fence through the wetland portion of the property along the southern boundary of the 100 foot buffer which will tie in with the concrete block wall, provided the construction of this fence is not prohibited by any governmental laws, rules or regulations. Developer or a property owners association formed by developer will maintain both the concrete wall and wooden fences notwithstanding that they may be located on County-owned lands.

Provided developer elects option (ii), the wall will be built after the right-of-way for the Linebaugh Avenue extension has been cleared to the south right-of-way line.

G. HAZARDOUS WASTE

1. The Developer shall provide information to all Big Basin Commerce Park businesses that:
  - A. Indicates the types of wastes and materials that are considered by law to be hazardous and are to be stored or disposed of only in the specially-designated container/areas;
  - B. Describes construction requirements for hazardous waste holding areas; and
  - C. Advises of applicable statutes and regulations regarding hazardous wastes and materials and waste exchange programs.
2. Big Basin Commerce Park shall catalog tenant businesses where hazardous materials and wastes are stored, handled or transported and keep such information on file for emergency use, and include such information in all annual reports as are required by this Development Order.
3. The Developer shall inform all tenants of Big Basin Commerce Park about their responsibility to comply with Florida's Right-to-Know Law/Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) and the Resource Conservation and Recovery Act (RCRA). Insofar as the developer is an employer and is located within the project, it shall also comply with Florida's Right-to-Know Law/SARA Title III.
4. Big Basin Commerce Park tenants which produce waste which is not suitable to recycle, exchange, or reuse, shall be encouraged to develop allowable on-site hazardous waste treatment capabilities to ensure public safety prior to transport.

H. CREDITS AGAINST LOCAL IMPACT FEE AND EXACTIONS

1. To the extent that the Developer or its successors or assigns are required hereunder to contribute land for any public facility or construct, expand or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the Developer shall receive a credit for the Development Order exaction or fee toward an impact fee or exaction imposed upon the Development for this same need.

I. GENERAL CONDITIONS

1. Notwithstanding this Development Order, the Developer, at its sole option, may resubmit the Development for review and approval under any area-wide Application for Development Approval, pursuant to Subsection 380.06(25), Florida Statutes, as amended, if such application encompasses the Development site. Any impacts assessed and satisfied pursuant to this Development Order shall be considered and credited to the Developer's obligations under any such area-wide development order.
2. Developer shall retain all rights to claim vested rights pursuant to any County regulation or ordinance setting forth the procedures for obtaining a vested rights determination or otherwise.
3. Any change in the Development which meets the criteria set forth in Subsection 380.06(19), Florida Statutes, shall constitute a substantial deviation, in addition to those provided herein.
4. All of the Developer's commitments set forth in the ADA shall be honored, except as they may be superseded by specific terms of this Development Order.
5. The Developer shall record a notice of adoption of this Development Order pursuant to Section 380.06(15), Florida Statutes.
6. The effective date of this Development Order shall be the date of transmittal to the parties specified in Subsection 380.07(2), Florida Statutes, as amended.
7. This development order shall be deemed rendered as of the postmark date of the transmittal of certified copies hereof to DCA, TBRPC and the Developer.

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the Resolution adopted by the Board at its Regular Meeting of July 30, 1991 as same appears of record in Minute Book 182 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 13th day of August 1991.  
RICHARD AKE, CLERK

By: Judith M. Nichols

h:\groups\mw\dri\bigbasin.do

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

BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY, FLORIDA

Office of the County Attorney

Frederick B. Karl  
County Attorney



P.O. Box 1110  
Tampa, Florida 33601  
(813) 272-5670

August 20, 1990

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

RE: Big Basin Commerce Park, DRI #189

Dear Ms. Cooper:

Enclosed is a copy of the completed Exhibit "A" referred to in the above-referenced Development Order that was rendered on August 9, 1990. Please substitute the enclosure for the Exhibit currently attached.

Sincerely,

A handwritten signature in cursive script that reads "John Dixon Wall".

John Dixon Wall  
Assistant County Attorney

JDW/jk

Enclosure

cc: Edna Fitzpatrick, Director, BOCC Records (1 orig of encl.)  
Richard Haber, Esquire, Big Basin Commerce Park  
J. Thomas Beck, State Department of Community Affairs  
Jeff Miller, Director, Planning and Zoning

LT2500WC/89-1589

COMPOSITE EXHIBIT "A"  
TO BIG BASIN COMMERCE PARK DEVELOPMENT ORDER  
APPLICATION FOR DEVELOPMENT APPROVAL  
SUFFICIENCY RESPONSE, AND PRE-DEVELOPMENT AGREEMENT

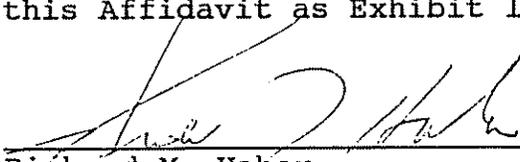
AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

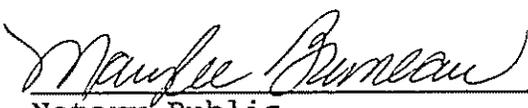
I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared RICHARD M. HABER, as attorney for Andrew J. Lynn, the applicant/owner/representative of the Big Basin Commerce Park DRI, to me well known, who being by me first duly sworn, says upon oath as stated below:

1. Andrew J. Lynn filed an Application for Development Approval for Big Basin. Upon information and belief, but not upon personal knowledge, said application was filed on June 29, 1989. A sufficiency response was filed. Upon information and belief, but not upon personal knowledge, said response was filed on November 1, 1989. On July 25, 1989, the applicant entered into a Pre-Development Agreement with the State of Florida Department of Community Affairs ("DCA").

2. Upon information and belief, but not upon personal knowledge, the aforementioned documents were filed with Hillsborough County, DCA, the Tampa Bay Regional Planning Council ("TBRPC") and those other governmental agencies described in the distribution list attached to this Affidavit as Exhibit 1.

  
Richard M. Haber  
Attorney for Andrew J. Lynn

Sworn to and subscribed before me this 15th day of August, 1990.

  
Notary Public

(Notarial Seal)



MARYLEE BRUNEAU  
My Comm. expires Sept. 24, 1991  
Bonded thru Notary Public Underwriters

EXHIBIT "1"

Transmittal List

Tampa Bay Regional Planning Council (10 copies)\*  
5455 Koger Boulevard, Suite 219  
St. Petersburg, Florida 33702

Ms. Shirley Gersholowitz (18 copies)\*  
Northwest Area Planning Manager  
Hillsborough County Planning and Zoning  
P.O. Box 1110  
Tampa, Florida 33601

Mr. Richard Adair (1 copy)\*  
Florida Department of Transportation  
4950 West Kennedy Boulevard  
Suite 500  
Tampa, Florida 33609

Ms. Kathy Lile, DRI Coordinator (2 copies)\*  
Mr. Louis Fernandez  
Department of Environmental Regulation  
4520 Oak Fair Boulevard  
Tampa, Florida 33610-7347

Mr. George W. Percy (Question 19 and Legal Description only)  
State Historic Preservation Officer  
Chief, Bureau of Historic Preservation  
Division of Historical Resources  
Department of State, The Capitol  
Tallahassee, Florida 32399

Mr. Rick Gooch (1 copy)  
Office of Environmental Services  
Florida Game and Fresh Water Fish Commission  
29200 Tucker's Grade  
Punta Gorda, Florida 33955

Mr. Oliver DeWitt (5 copies)  
Resource Regulation Department  
Southwest Florida Water Management District  
2379 Broad Street  
Brooksville, Florida 33512-9712

Mr. William Howell (3 copies)  
Bureau of Biological & Interpretive Services  
Department of Natural Resources  
3900 Commonwealth Boulevard, Room 508  
Tallahassee, Florida 32303

BIG BASIN COMMERCE PARK  
ANDREW J. LYNN

Transmittal List (Continued)

Mr. Dennis Harmon, Chief (1 copy)\*  
Bureau of Economic Analysis  
Florida Department of Commerce  
406 Fletcher Building  
Tallahassee, Florida 32399-8132

Mr. Tom Beck, Chief (1 copy)\*  
Department of Community Affairs  
Bureau of State Planning  
Rhyne Building  
2740 Centerview Drive  
Tallahassee, Florida 32399

Mr. A.J. Salem (1 copy)\*  
Planning Division  
U.S. Army Corps of Engineers  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Mr. Connor Davis (1 copy)  
Marine Fisheries Commission  
2562 Executive Center Circle, E.  
Suite 211  
Tallahassee, Florida 32399

Mr. Gene Heath, General Manager (1 copy)  
West Coast Regional Water Supply Authority  
2535 Landmark Drive, Suite 211  
Clearwater, Florida 33519

Mr. William Saalman, III (1 copy)  
U.S. Department of Agriculture  
Soil Conservation Service  
5118 North 56th Street, Suite 250  
Tampa, Florida 33610

Mr. Jim Muller (Response to Questions 11, 12 and 18 of ADA)  
Florida Natural Areas Inventory  
254 East Sixth Avenue  
Tallahassee, Florida 32303

Mr. David Ferrell (1 copy)  
Field Supervisor  
U.S. Fish and Wildlife Service  
Post Office Box 2676  
Vero Beach, Florida 32960

Transmittal List (Continued)

Mr. Craig Heugel (1 copy)  
Urban Wildlife Specialist  
Department of Wildlife and Range Sciences  
12175 125th Street North  
Largo, Florida 34644

Mr. Joe Costa (1 copy)\*  
HART  
4305 East 21st Avenue  
Tampa, Florida 33605

Ms. Rebecca Chittum (1 copy)\*  
Hillsborough County City-County  
Planning Commission  
P.O. Box 1110  
Tampa, Florida 33601

The asterisk (\*) denotes persons or agencies to receive a copy of the Transportation question (#31). Suzanne Cooper of TBRPC and Shirley Gersholowitz of Hillsborough County will each receive six copies of Question 31. Other persons/agencies to receive a copy are Rick Adair of the FDOT, Louis Fernandez of DER, Dennis Harmon of the Florida Department of Commerce, Tom Beck of DCA, A.J. Salem of the U.S. Corps of Engineers, Joe Costa of HARTline and Phillip Steinmiller of the Tampa MPO.

Richard Ake  
Clerk of the Circuit Court  
Hillsborough County, Florida



P.O. Box 1110  
Tampa, Florida 33601  
Telephone 223-7811

August 9, 1990

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

RE: Resolution No. R90-173 - Development Order for  
Big Basin Commerce Park, DRI #189

Dear Ms. Cooper:

Enclosed please find a certified executed copy of of the  
referenced resolution, which was adopted by the Hillsborough  
County Board of County Commissioners on August 7, 1990.

We are providing this copy for your official files.

Sincerely,

RICHARD AKE  
CLERK OF CIRCUIT COURT

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

ELF:CS  
Enclosure  
Certified Mail  
cc: Board files (1 orig.)  
Jeff Miller, Director, Planning and Zoning  
J. Thomas Beck, State Department of Community Affairs  
John Dixon Wall, Assistant County Attorney  
Richard Haber, Esquire, Big Basin Commerce Park

LT2499WC

An Affirmative Action - Equal Opportunity Employer

*mailed 8/11  
received 8/11*

*P.O. 189*

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, RICHARD AKE, Clerk of the Circuit Court and  
Ex Officio Clerk of the Board of County Commissioners of  
Hillsborough County, Florida, do hereby certify that the  
above and foregoing is a true and correct copy of \_\_\_\_\_  
Resolution No. R90-0173 - Denying DRI 189 - Big Basin Commerce Park

\_\_\_\_\_

\_\_\_\_\_

adopted by the Board in \_\_\_\_\_ its regular meeting \_\_\_\_\_ of  
August 7, \_\_\_\_\_, 1990, as the same appears of  
record in MINUTE BOOK 171 of the Public Records of  
Hillsborough County, Florida.

WITNESS my hand and official seal this 9th  
day of August, 1990.

RICHARD AKE, CLERK

By: Judith M. Nichols  
Deputy Clerk



WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearings on the subject DRI before the Zoning Hearing Master and the Board.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA IN REGULAR MEETING ASSEMBLED THIS 7TH DAY OF AUGUST, 1990, AS FOLLOWS:

SECTION I. FINDINGS OF FACT

The Board, having received the ADA and having received and considered all comments, testimony and evidence submitted by the Developer, appropriate reviewing agencies and the public, finds there is substantial evidence to support the following findings of fact:

- A. The recitals set forth in the "Whereas" paragraphs described above are true, accurate and correct and are incorporated herein by reference.
- B. The ADA is attached hereto and marked "Composite Exhibit A" and incorporated herein by reference.
- C. The Property which is the subject of the ADA is legally described as set forth in Composite Exhibit "A" attached hereto and incorporated herein by reference.
- D. The proposed Development is not in an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- E. A comprehensive review of the impact generated by the Development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, the TBRPC and other affected agencies.
- F. The proposed Development lies within the "Northern Tampa Bay Water Use Caution Area."
- G. The existing potable water transmission system is inadequate to meet the fire flow requirements of the Development.
- H. Emergency police response time to the Development area is inadequate.
- I. Fire response time, manpower, and equipment are inadequate for the Development.
- J. Current transportation facilities are inadequate for the Development.

SECTION II. CONCLUSIONS OF LAW

The Board, having made the above findings of fact, and based upon the provisions of the ADA, and the reports, recommendations and testimony heard and considered by the Zoning Hearing Master and the Board, hereby reaches the following conclusions of law:

- A. The Development will unreasonably interfere with the achievement or objectives of the adopted state land development plan applicable to the area.
- B. The Development is inconsistent with local land development regulations.
- C. The Development is inconsistent with the County's comprehensive plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163, Florida Statutes (the "County Plan").

- D. The Development is inconsistent with Policy A-4.2 of the County Plan which states that new development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all of adjacent land uses that are not alike to the proposed development or redevelopment land use classification through requirements adopted as part of the land development regulations.
- E. The Development is inconsistent with policy A-4.3 of the County Plan which states that "established neighborhoods and emerging neighborhood units shall be protected by restricting incompatible land uses in accordance with Hillsborough County development regulations.
- F. The development is inconsistent with Policy A-5.1 of the County Plan which states that "new development or redevelopment must meet adopted levels of service for public facilities as established by the Future of Hillsborough Comprehensive Plan."
- G. The development is inconsistent with Policy A-5.2 of the County Plan which states that the "the public facilities that are needed to serve future development shall be provided by the applicant seeking a development permit and/or the County, in a timely manner that is concurrent with the impacts of development as defined in the Capital Improvements Element."
- H. The Development is inconsistent with Policy A-8.2 of the County Plan which provides that "development shall be required to protect the Conservation and Preservation Areas as defined in the Conservation and Aquifer Recharge Element."
- I. The Development is inconsistent with the report and recommendation of the TBRPC.
- J. The Development is inconsistent with the TBRPC's adopted policy document, Future of the Region, a Comprehensive Regional Policy Plan for the Tampa Bay Region ("FRCRPP"), Policy 16.2.1 which states that "contiguous development and the orderly extension and expansion of public facilities are necessary."
- K. The Development is inconsistent with Policy 19.8.8 of the FRCRPP which states that "an operational Level of Service ("LOS") D Peak Hour shall be maintained on all regionally significant roadways in urbanized areas. An operational LOS C Peak Hour shall be maintained on all regionally significant roadways in rural areas."
- L. The Development is inconsistent with Policy 8.1.4 of the FRCRPP which states that "land use planning and development decisions shall consider the impact on surface and groundwater quality."
- M. The Development is inconsistent with Policy 8.3.3 of the FRCRPP which requires "that public water supplies meet State Drinking Water Standards."
- N. The Development is inconsistent with Policy 8.1.1 of the FRCRPP which states that "the Policy of the Region shall be to encourage the use of the lowest quality water reasonably available and suitable to a given purpose to reduce the necessary use of potable water."
- O. The Development is inconsistent with Policy 7.2.1 of the FRCRPP which states that "future development activities should at a minimum, maintain the level of fire, police, and EMS services currently available in the region."
- P. The Development is inconsistent with Policy 7.2.6 of the FRCRPP which states that police, fire fighting, and EMS

facilities, equipment, personnel, and training shall be provided in all areas of the region."

- Q. The Development is inconsistent with Policy 7.2.7 of the FRCRPP which states that "the provision of adequate water supplies and pressure for fire fighting activities as defined by Federal, State and local requirements shall be required of all new developments.
- R. The Development is inconsistent with the State Comprehensive Plan, Chapter 187, Florida Statutes, ("SCP").
- S. The Development is inconsistent with Policy (20)9 of the SCP, which provides that Florida Governments "insure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions."
- U. The Development is inconsistent with Policy (8)5 of the SCP which requires that Florida "ensure that new development is compatible with existing local and regional water supplies.
- V. The Development is inconsistent with Policy (8)10 of the SCP which requires that Florida "protect surface and groundwater quality and quantity in the State."
- W. In considering whether the Development should be approved, denied, or approved subject to conditions, restrictions, and limitations, the County has considered the criteria stated in Section 380.06 and more specifically, in subsection 380.06(14), Florida Statutes.
- X. The ADA is denied pursuant to all terms and conditions of this Development Order.

### SECTION III. REASONS FOR DENIAL

The foregoing Conclusions of Law are incorporated into this Section III by reference, and constitute reasons for denial in addition to the reasons set forth below:

- A. The intent of the Board of County Commissioners not to approve development prematurely in light of present conditions in the area;
- B. The present inadequacy of public facilities to serve the Development;
- C. The fact that the Property lies within the "Northern Tampa Bay Water Use Caution Area";
- D. The current and projected levels of service on Race Track Road;
- E. The Developer's unwillingness to adequately buffer adjacent residences from the proposed extension of Linebaugh Avenue;
- F. The unresolved issue of the alignment of the proposed Linebaugh Avenue extension through the Property leaving the Board unable to adequately address the concerns of incompatibility of increased traffic with the existing residential neighborhood;
- G. The unresolved issue of the alignment of the Linebaugh Avenue extension through the Property leaving the Board unable to adequately address the impacts of the Development and extension on existing wetlands;
- H. The unresolved issue of the alignment of the proposed Linebaugh Avenue extension through the Property leaving the Board unable to resolve concerns regarding the drainage

impacts of the Development when wetlands are impacted through road construction.

SECTION IV.  
CHANGES THAT WOULD MAKE THE DEVELOPMENT  
ELIGIBLE TO RECEIVE APPROVAL

- A. The Development would be eligible to receive approval if the Development were at a scale and intensity able to be accommodated by existing infrastructure.
- B. The Development would be eligible to receive approval if the Developer could demonstrate the adequacy of existing infrastructure to accommodate the Development as currently proposed.

For purposes of this Section IV, "existing infrastructure" includes, but is not limited to, potable water, fire flows, emergency police response time, EMS response time, and transportation capacity.

- C. The Development would be eligible to receive approval if it were adequately buffered from the existing residential neighborhood to the south. For purposes of this paragraph C, "adequately buffered" means provision of a wall, berm, or similar buffer along the southern boundary of the Development and no Development buildings or parking within 100 feet of the southern boundary of the Development.

STATE OF FLORIDA                    )

COUNTY OF HILLSBOROUGH        )

I, RICHARD AKE, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its regular meeting of August 7, 1990, as the same appears of record in Minute Book 171 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this the 9th day of August, 1990.

RICHARD AKE, CLERK of Circuit Court

By: Judith M. Nichols  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

[Signature]  
Approved As To Form And  
Legal Sufficiency.

COMPOSITE EXHIBIT "A" \*  
TO BIG BASIN COMMERCE PARK DEVELOPMENT ORDER  
APPLICATION FOR DEVELOPMENT APPROVAL  
SUFFICIENCY RESPONSE, AND PRE-DEVELOPMENT AGREEMENT

AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgements, personally appeared \_\_\_\_\_, as attorney for Andrew J. Lynn, the applicant/owner of the Big Basin Commerce Park DRI, to me well know, who being by me first duly sworn, says upon oath as stated below:

1. Andrew J. Lynn filed an application for development approval for Big Basin on June 29, 1989. A sufficiency response was filed on November 1, 1989. On July 25, 1989, the applicant entered into a Pre-Development Agreement with the State of Florida Department of Community Affairs ("DCA").

2. The aforementioned documents were filed with Hillsborough County, DCA, the Tampa Bay Regional Planning Council ("TBRPC") and those other governmental agencies described in the distribution list attached to this Affidavit as Exhibit 1.

\_\_\_\_\_  
Attorney for Andrew J. Lynn

Sworn to and subscribed before me this \_\_\_\_ day of August, 1990.

\_\_\_\_\_  
Notary Public

(Notarial Seal)

\* Hillsborough County is unable to provide an executed Exhibit "A" within thirty days of the hearing due to the fact that the Developer's attorney is on vacation until August 13, 1990. We will transmit the affidavit, or, alternatively, the volumes referenced therein, on August 13, 1990.

MS2412WG/89-1589