

#197



# CITY OF PLANT CITY

## PLANNING & ZONING DEPARTMENT

PO BOX C

PLANT CITY, FL 33564-9003

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

e-mail: [mhudson@plantcitygov.com](mailto:mhudson@plantcitygov.com)

January 6, 2012

**Robert J. Appleyard**  
Executive Vice President  
Transcend Development Corp.  
3658 Erindale Drive  
Valrico, Florida 33596

RE: Gregg Business Center DRI Four Year Extension per HB 7207

Dear Mr. Appleyard:

The City of Plant City Planning and Zoning Division has reviewed your request for a four year extension of the Gregg Business Center Development Regional Impact (DRI) development order pursuant to HB 7207. Consistent with Florida House Bill 7207 of the Florida Legislature, the Gregg Business Center DRI is entitled to a four-year extension of its expiration date(s). According to the latest DRI Development Order (Plant City Ordinance 12-2005) and previous extension per HB 7203, the new expiration dates are:

*New Buildout Date - December 30, ~~2015~~ 2019*

*New DRI Expiration Date - March 16, ~~2016~~ 2020*

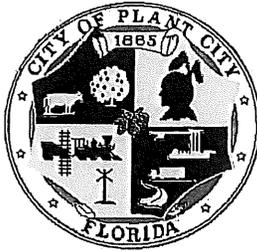
Please let me know if you have any questions concerning this DRI extension acknowledgement.

Sincerely,

Mark Hudson, AICP  
Planning & Zoning Director

xc: Gregory S. Horwedel, City Manager  
Kenneth W. Buchman, City Attorney  
John Meyer, TBRPC  
Gregg Business Center DRI File  
Chron File

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PO BOX C

PLANT CITY, FL 33564-9003

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

e-mail: randers@plantcitygov.com

February 16, 2011

**Robert J. Appleyard**  
Executive Vice President  
Sunrise Homes, inc.  
Transcend Development Corp.  
3658 Erindale Drive  
Valrico, Florida 33596

RE: Acknowledgement of the Gregg Business Center (Lakeside Station) DRI Qualification for Time Extension

Dear Mr. Appleyard:

The City of Plant City Planning and Zoning Division has reviewed the Gregg Business Center (Lakeside Station) of Regional Impact (DRI) and finds that, consistent with 2007 Florida House Bill 7203 of the Florida Legislature, the subject DRI was under active construction as of July 1, 2007, and, therefore, is entitled to the three-year extension of its expiration date as granted by the Florida Legislature. According to the latest DRI Development Order, Plant City Ordinance 12-2005, the new expiration dates are:

*New Buildout Date - December 30, 2015*

*New DRI Expiration Date – March 16, 2016*

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

Sincerely,

Mark Hudson, AICP  
Planning & Zoning Director

xc: Gregory S. Horwedel, City Manager  
Kenneth W. Buchman, City Attorney  
John Meyer, TBRPC  
Gregg Business Center DRI File  
Chron File

#197



# CITY OF PLANT CITY

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

May 2, 2005

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

Dear Mr. Meyer:

Enclosed please find a certified copy of Ordinance No. 12-2005 adopted by the City Commission of the City of Plant City, Florida at a regular meeting held on April 25, 2005. This ordinance approves an amendment to the Development order applicable to the Gregg Business Centre (CMI Plant City Site), A Development of Regional Impact.

Sincerely,

A handwritten signature in cursive script that reads 'Virginia L. Helper'.

Virginia L. Helper  
City Clerk

Encl.

CERTIFICATION

I, the undersigned City Clerk of the City of Plant City, Florida, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 12-2005 adopted by the City Commission of the City of Plant City at a regular meeting held April 25, 2005.

In witness whereof, I hereunto set my hand and affixed the seal of the City of Plant City, this 2nd day of May 2005.

  
Virginia L. Helper  
City Clerk

ORDINANCE NO. 12-2005

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA AMENDING CITY OF PLANT CITY ORDINANCE NO 1-1990, AS AMENDED, AND APPROVING AN AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE GREGG BUSINESS CENTRE (CMI PLANT CITY SITE), A DEVELOPMENT OF REGIONAL IMPACT; RESCINDING ORDINANCE NO. 48-2004.

WHEREAS, on January 30, 1990, the City Commission issued a Development Order by Ordinance No. 1-1990 for the CMI Plant City Site, a development of regional impact, which was amended on October 28, 1991 by Ordinance No. 28-1991; February 10, 1992 by Ordinance No. 8-1992; November 24, 1992 by Ordinance No. 75-1992; and December 12, 1994 by Ordinance No.44-1994; and

WHEREAS, on June 28, 2001, Gregg Enterprises, Inc. ("GEI") filed a Notification of a Proposed Change to a Previously Approved Development of Regional Impact ("DRI"), a copy of which is on file with the City Clerk; and

WHEREAS, the City Commission of the City of Plant City as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider a Notification of Proposed Change to a Previously Approved Development of Regional Impact; and

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

WHEREAS, pursuant to Chapter 380, Florida Statutes, the amendments to the proposed DRI are presumed to create a substantial deviation subject to further development of regional impact review; however this presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government; and

WHEREAS, the City Commission finds that the inclusion of the *Recommended Development Order Conditions*, as recommended by the Tampa Bay Regional Planning Council, which have been incorporated into the proposed amendments, constitute clear and convincing evidence rebutting the presumption; and

WHEREAS, the City Commission of the City of Plant City has determined that pursuant to Section 380.06(19)(e)2, Florida Statutes, the proposed changes described in Exhibit "A" attached do not constitute a substantial deviation requiring further development of regional impact review and are not subject to a public hearing pursuant to Section 380.06(19)(f)3 or a determination pursuant to Section 380.06(19)(f)5, Florida Statutes; now therefore

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

Section 1. That this Ordinance shall constitute an amendment to the Development Order ("Order") relating to the Gregg Business Centre (previously known as CMI Plant City Site), a

Development of Regional Impact.

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

- A. The amendment of the Order, attached hereto as Exhibit "A" and incorporated herein by reference does not involve a change to a previously approved DRI constituting a substantial deviation under 380.06(19), Florida Statutes; and
- B. All statutory procedures have been adhered to; and
- C. The findings of fact and conclusions of law made in the original order as amended, are incorporated herein by reference; and
- D. All recitations and findings set forth herein are incorporated herein by reference; and

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

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

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

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

Section 7. That this Ordinance shall take effect immediately upon adoption by the City Commission.

Section 8. Ordinance No. 48-2004 adopted on October 25, 2004 is hereby repealed.

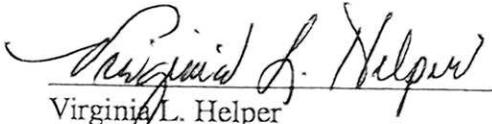
Read for first reading on April 11, 2005.

Read for second reading on April 25, 2005.

Adopted and certified as to passage on April 25, 2005.

  
\_\_\_\_\_  
Michael S. Sparkman  
Mayor-Commissioner

ATTEST:

A handwritten signature in cursive script, appearing to read "Virginia L. Helper", written over a horizontal line.

Virginia L. Helper  
City Clerk

Approved as to form and correctness:

A handwritten signature in cursive script, appearing to read "Kenneth W. Buchman", written over a horizontal line.

Kenneth W. Buchman  
City Attorney

DESCRIPTION: A parcel of land lying in Sections 26, 27, 34 and 35, Township 28 South, Range 22 East, Hillsborough County, Florida, including ALL of GREGG BUSINESS CENTER PARCEL "A", according to the plat thereof as recorded in Plat Book 71, Page 2, of the Public Records of Hillsborough County, Florida, and also including ALL of GREGG BUSINESS CENTER PARCEL "B", according to the plat thereof as recorded in Plat Book 75, Page 34, of the Public Records of Hillsborough County, Florida, and being more particularly described as follows:

**BEGINNING** at the Northeast corner of said Section 34, run thence along the North boundary of said Section 34, S.88°49'35"W., 543.35 feet; thence S.00°27'38"W., 1064.22 feet; thence S.47°23'57"W., 400.00 feet; thence S.41°52'08"E., 439.01 feet; thence S.00°23'14"W., 2671.77 feet; thence along the Northerly boundary and the Easterly and Southwesterly prolongations thereof, of CITY PARK, as recorded in Official Records Book 6197, Page 1939, of the Public Records of Hillsborough County, Florida, the following three (3) courses: 1) N.89°33'40"W., 683.09 feet; 2) S.00°26'58"W., 157.16 feet; 3) S.45°12'58"W., 759.59 feet to a point on the Southwesterly right-of-way line of CORONET ROAD, as recorded in Official Record Book 2062, Page 801, of the Public Records of Hillsborough County, Florida; thence along said Southwesterly right-of-way line, S.44°52'02"E., 613.75 feet to a point on the South boundary of the Southeast 1/4 of the aforesaid Section 34; thence along said South boundary of the Southeast 1/4 of Section 34, S.89°58'37"W., 1331.97 feet to the Southeast corner of the Southwest 1/4 of said Section 34; thence along the South boundary of said Southwest 1/4 of Section 34, N.89°57'45"W., 1059.70 feet to a point on a curve on the Northerly right-of-way line of RICE ROAD, as recorded in Official Record Book 8750, Page 889, of the Public Records of Hillsborough County, Florida; thence along said Northerly right-of-way line, Westerly, 280.24 feet along the arc of a curve to the left having a radius of 1044.94 feet and a central angle of 15°21'58" (chord bearing N.72°14'55"W., 279.40 feet) to a point on the East boundary of the Southwest 1/4 of said Southwest 1/4 of Section 34; thence along said East boundary of the Southwest 1/4 of the Southwest 1/4 of Section 34 and the East boundary of the Northwest 1/4 of said Southwest 1/4 of Section 34, N.00°07'42"W., 1589.49 feet; thence along the North boundary of the South 1/4 of said Northwest 1/4 of the Southwest 1/4 of Section 34, N.89°57'52"W., 1237.72 feet to a point on the East right-of-way line of PARK ROAD, as recorded in Official Record Book 6106, Page 1589, of the Public Records of Hillsborough County, Florida; thence along said East right-of-way line, the following three (3) courses: 1) N.00°01'20"E., 1005.87

feet; 2) N.00°33'36"E., 2677.95 feet, to a point on the aforesaid North boundary of Section 34; 3) N.00°02'58"W., 2531.77 feet to a point on the Southerly right-of-way line of a 200 foot wide C.S.X. TRANSPORTATION Inc., railroad right-of-way, as recorded in Deed Book S, Page 460, of the Public Records of Hillsborough County, Florida; thence along said Southerly right-of-way line, N.79°03'40"E., 673.34 feet to a point on the North boundary of the Southwest 1/4 of the aforesaid Section 27; thence along said North boundary, N.88°53'07"E., 1908.23 feet; thence S.00°10'34"E., 110.00 feet; thence N.88°53'58"E., 640.00 feet; thence N.00°10'34"W., 110.00 feet; thence N.88°53'58"E., 2015.14 feet to a point on the West boundary of aforesaid Section 26; thence along said West boundary of Section 26, N.00°16'38"W., 793.00 feet to a point on the aforesaid Southerly right-of-way line of a 200 foot wide C.S.X. TRANSPORTATION Inc., railroad right-of-way; thence along said Southerly right-of-way line, N.79°02'41"E., 5343.79 feet to a point on the East boundary of the Northeast 1/4 of the aforesaid Section 26; thence along said East boundary of the Northeast 1/4 of Section 26, S.01°37'38"E., 1808.81 feet to the Northeast corner of the Southeast 1/4 of said Section 26; thence along the East boundary of said Southeast 1/4 of Section 26, S.00°41'41"E., 2644.19 feet to the Northeast corner of the aforesaid Section 35; thence along the East boundary of the Northeast 1/4 of said Section 35, S.01°07'54"W., 642.77 feet to a point on the North boundary of FUTCH ACRES, according to the plat thereof as recorded in Plat Book 63, Page 21, of the Public Records of Hillsborough County, Florida; thence along said North boundary of FUTCH ACRES, and the North boundary of FUTCH PLACE, according to the plat thereof as recorded in Plat Book 61, Page 33, of the Public Records of Hillsborough County, Florida, N.89°55'15"W., 1325.41 feet to the Northwest corner of said FUTCH PLACE; thence along the West boundary of said FUTCH PLACE, also being the East boundary of the Northwest 1/4 of the Northeast 1/4 of the aforesaid Section 35, and the Northerly prolongation thereof, S.00°35'53"W., 523.70 feet; thence N.89°50'20"W., 110.24 feet; thence S.00°44'35"W., 140.99 feet; thence S.00°41'23"E., 25.02 feet; thence S.00°44'35"W., 149.96 feet; thence S.89°50'03"E., 110.00 feet to a point on said East boundary of the Southwest 1/4 of the Northeast 1/4 of Section 35; thence along said East boundary of the Southwest 1/4 of the Northeast 1/4 of Section 35, S.00°46'13"W., 945.06 feet; thence N.81°07'40"W., 1326.99 feet to a point on the West boundary of said Southwest 1/4 of the Northeast 1/4 of Section 35; thence along said West boundary of the Southwest 1/4 of the Northeast 1/4 of Section 35, N.00°23'51"E., 2229.77 feet to the Southwest corner of the Southeast 1/4 of the aforesaid Section 26; thence along the West boundary of said Southeast 1/4 of Section 26, continue,

N.00°23'51"E., 505.55 feet; thence S.47°51'11"W., 157.63 feet;  
thence along a line lying 400.00 feet North of and parallel with  
the South boundary of said Section 26, S.89°52'38"W., 2545.08 feet  
to a point on the aforesaid East boundary of Section 27; thence  
along said East boundary of Section 27, S.00°07'22"E., 400.00 feet  
to the **POINT OF BEGINNING**.

Containing 1367.106 acres, more or less.

TDC-CP-002

P:\Sunrise Park\SUNRISE-REZONE-DS

J.M.G.

Revised: PAD

Revised: JMG

Revised: JMG

December 17, 2002

January 25, 2005

February 10, 2005

March 8, 2005

Amendments to the existing Development Order conditions are provided below with the additions underlined and deletions crossed out:

RECOMMENDED CHANGE:

Amend Gregg Business Centre Development Order Section 4.C.3 on page 4 of the Development Order as follows:

PHASING SCHEDULE-SPECIFIC/CONCEPTUAL APPROVAL

	<u>Residential</u> (units)	Light Industrial (square feet)	Office Showroom (square feet)	Commercial (GLA)	Amphitheater
Phase I ( <del>1990-December 30, 2000</del> ) <u>1990-December 30, 2012</u> )	<u>2,600****</u>	4,000,000	150,000	60,000	7,000 <del>fixed</del> seats**** <del>20,000</del> attendance
Phase II*/**		7,000,000	210,000	105,000	

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

\*\*Phase II is hereby only conceptually approved, subject to the following conditions, restrictions and limitations; Phase II specific approval will be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this Order to specify the conditions necessary to mitigate the identified regional impacts attributable to Phase II of this Development. The final build out year shown (2012) is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

\*\*\*Inasmuch as Phase I only is receiving specific approval, then any extension of the build-out of phase in excess of three years may subject the Developer to substantial deviation criteria for extension of the build-out dates.

\*\*\*\*Subject to zoning approval, Developer has the option of building an amphitheater on site. If developer elects this option, the amount of the reduction of light industrial square footage shall be determined in accordance with the Trip Equivalency Table attached to this Order as Appendices F and G of the Transportation Analysis in Part II. With such election, the Developer shall submit a statement to the City, with copies to the Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (DCA) indicating: (1) the amount of amphitheater use to be built; (2) the amount of light industrial square footage to be reduced; and (3) a summary of the amounts of approved development remaining in each category of the table above after exercise of the option.

\*\*\*\*Subject to zoning approval, Developer has the option of building residential units on site. If developer elects this option, the amount of the reduction of light industrial square footage shall be determined in accordance with the Trip Equivalency Table attached to this Order as Exhibit D. With such election, the Developer shall submit a statement to the City, with copies to the Tampa Bay

Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (DCA) indicating: (1) the amount of residential use to be built; (2) the amount of light industrial square footage to be reduced; and (3) a summary of the amounts of approved development remaining in each category of the table above after exercise of the option.

Each time the developer submits a request for an exchange in accordance with the established land use equivalency matrix, the request must be accompanied by the following:

1. Documentation of light industrial to residential conversion calculations;
2. A resulting wastewater generation analysis to ensure that the revised project will not exceed the availability of wastewater;
3. A resulting potable water analysis to ensure that the revised project will not exceed the availability of potable water;
4. A (transportation) trip generation analysis to ensure that 2,885 net external p.m. peak hour trips are not exceed; and
5. A parkland assessment/inventory to determine if sufficient parkland exists within or adjacent to the site. Such analysis shall be required for conversion of the project to residential uses, whereby the anticipated project population exceeds 3,000 residents (i.e. 1,095 single-family or 1,500 multi-family units).

The developer shall obtain verification that adequate wastewater and potable water quantities and services can and will be provided prior to building permit issuance. It is acknowledged by the developer that availability of wastewater and potable water capacity is subject to permit limitations by DEP and SWFWMD, respectively. No development shall be authorized if adequate water and wastewater capacity and availability does not exist.

The City of Plant City must approve any/all land use equivalency matrix conversion requests. At the time of submittal to the City, the applicant shall provide copies of such requests, including all analyses, to the Tampa Bay Regional Planning Council and the Florida Department of Community Affairs for review and comment. In addition, the developer shall document any approval of conversion(s) granted in the next Annual Report submitted for the project.

Developer (including their successor and assigns) shall be responsible for all applicable impact fees at the time of issuance of building permits. At the date of this Order, there is a credit for \$676,873.00 in transportation impact fees. There shall be a credit of \$187,000 for recreational impact fees (representing an in-kind contribution of Boy Scout Park),

The Equivalency Matrix is included as an Exhibit of this Development Order and incorporated herein by this reference.

Revised Map H is included as an Exhibit of this Development Order.

Notwithstanding any provision herein to the contrary, this Development order shall expire on March 16, 2013.

RECOMMENDED CHANGE:  
Delete Section 4.C.5

(See attached strike-through)

Add new Section 4.C.5 as follows:

- a. The project shall be limited to any combination of approved uses which generate a maximum of 2,885 net external p.m. peak hour trips and converted in accordance with the Land Use Equivalency Matrix and corresponding provisions.
- b. The proportionate share for Alternative A is \$428,046. The proportionate share for Alternative B is \$118,625. Presently, all of the required Gregg Business Centre DRI Phase I pipelining improvements have been made, and Plant City currently has \$385,000 of the Gregg Business Centre DRI proportionate share money left over. Applying the existing Gregg Business Centre DRI \$385,000 credit to the Alternative A (Industrial Park) proportionate share of \$428,046 noted above results in a net proportionate share cost of \$43,046. Applying the existing Gregg Business Centre DRI \$385,000 credit to the Alternative B (Residential) proportionate share of \$118,625 noted above reduces the remaining credit to \$266,375. Alternatives A and B are described as follows:
  - (1) **Alternative A:** If the developer elects to proceed with the currently-authorized plan of development (i.e. predominance of industrial uses), the developer will be responsible for the project's proportionate share of the following additional transportation improvements which will be required in order to maintain acceptable levels of service:
    - (a) four-lane Countyline Road ¼ mile north and south of its intersection with U.S. 92 when industrial development equals or exceeds 950,000 square feet;
    - (b) add eastbound right-turn lane from U.S. 92 to Countyline Road; and
    - (c) The developer will be responsible for 100% of the cost for the signalization of the following intersections when warranted by the City of Plant City: U.S. 92/North Project Driveway, Park Road/Dr. Martin Luther King, Jr. Boulevard and Park Road/Alabama Street; and the developer will also be responsible for 100 % of the cost of any turn lanes associated with this signalization as determined by the City of Plant City's engineer.
  - (2) **Alternative B:** If the developer elects to convert from industrial to residential uses, the developer will be responsible for the project's proportionate share of the following additional transportation improvements which will be required in order to maintain acceptable levels of service:
    - (a) add southbound right-turn lane from Countyline Road to U.S. 92;
    - (b) add eastbound right-turn lane from U.S. 92 to Countyline Road; and
    - (c) The developer will be responsible for 100% of the cost for the signalization of the following intersections when warranted by the City of Plant City: U.S. 92/North Project Driveway, Park Road/ Dr. Martin Luther King, Jr. Boulevard and Park Road/Alabama Street; and the developer will also be responsible for 100 % of the cost of any turn lanes associated with this signalization as determined by the City of Plant City's engineer.
  - (3) The net difference between the new proportionate share costs and the previous credit is a new net credit of \$266,375. The City acknowledges that if developer selects Alternative B that no additional payments for transportation pipeline improvements are due; however, in consideration of the approval of this amended development order, the developer, his successors and/or assigns, release the City from any claims for reimbursement for any amount previously paid for DRI Phase I pipelining

improvements.

- c. For the purpose of this Order, the developer's proportionate share of the costs of the transportation improvements necessary to accommodate the impacts of Alternative A, described herein, has been calculated to be \$43,046. This amount shall be paid over by the developer to the City upon election of Alternative A (Industrial Park) in mitigation of the developer's transportation impact as determined by the City.

RECOMMENDED CHANGE:

Amend 1 of Section F, Drainage on page 18 of the Development Order as follows:

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

RECOMMENDED CHANGE:

Amend 1, 2 and 3 of Section J, Wastewater on page 21 of the Development Order as follows:

1. Subject to the provisions of Chapter 74, Plant City Code and availability of wastewater capacity, Tthe City shall provide wastewater treatment to this development through the build-out of the project as referenced in the ADA at such charges for wastewater service as the City may from time to time promulgate. The developer shall provide the on-site and off-site infrastructure necessary to connect to the City's system. Prior to commencement of any residential or industrial park development or a mix thereof, verification that adequate wastewater capacity exists will be required.
2. If requested by the City of Plant City, Tthe Developer shall establish a plan and schedule whereby on-site development sewer lines shall be monitored for leaks and ruptures. Such plan and schedule shall be submitted to the City Engineer for review and approval prior to the issuance of any building permits authorizing the installation of such sewer lines. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines dates or frequency of the monitoring program. Faulty lines shall be replaced by the Developer as directed by the City.
3. Wastewater reuse systems shall be implemented in accordance with City Regulations to minimize discharge. The developer shall submit a reuse water plan, prior to approval of any residential development, that includes, at a minimum, locations of distribution lines, a reuse water storage tank and a booster pump. Sites for the storage tank and booster pump shall be designated on the development master plan. The developer shall be responsible for extending the reuse water distribution line to Park Road.

RECOMMENDED CHANGE:

Add 7 and amend 1 and 2 of Section L, Water Supply on page 22 of the Development Order as follows:

1. Subject to the provisions of Chapter 74, Plant City Code and availability of potable water capacity, the total daily water requirements from the commencement of construction through the build-out of the project as referenced in the ADA will be supplied by the City at such charges for water service as the City may from time to time promulgate. The developer shall provide the on-site and off-site infrastructure necessary to loop to the City's system. Prior to commencement of any residential or industrial park development or a mix thereof verification that adequate potable water capacity exists will be required.
  
2. The Developer shall has submitted a plan in the first Annual Report following issuance of the first Certificate of Occupancy to the City and TBRPC for using the lowest quality non-potable water reasonably available for irrigation, following issuance of the first Certificate of Occupancy. The plan shall which establishes the time of implementation. The Developer shall be responsible for maintenance and operation of any on-site wells. If residential development or a golf course is proposed, a revised non-potable water irrigation plan will be required that will minimize potable water irrigation and non-potable water needs, to every extent possible. This plan could include such items as assessing the availability of reclaimed water as the main source of irrigation or xeriscape landscaping. The Plan shall be submitted to all appropriate regulatory agencies.
  
7. If the applicant elects to construct a golf course to complement potential residential uses, the applicant shall submit an Integrated Pest Management Plan (IPMP) to all appropriate regulatory agencies. The IPMP shall specifically address measures to facilitate minimization of irrigation and the environmentally sensitive application of fertilizers and pesticides/herbicides in golf course design and maintenance. The IPMP shall be submitted prior to Site Plan approval for the golf course.

RECOMMENDED CHANGE:

Amend 1 of Section M, Other Public Facilities, Utilities and Services on page 23 of the Development Order as follows:

The City shall ~~assure the adequacy and availability of~~ provide police and fire services for the project. Hillsborough County EMS is responsible for the provision of advanced life support emergency medical services.

1. ~~The Developer acknowledges that the City does not have a fire protection impact fee in place as required by 380.06(15)(e)(1) F.S. Therefore, the City cannot lawfully include any fire protection condition which requires that the Developer contribute or pay for land acquisition or construction or expansion of public facilities. The Developer nonetheless recognizes that its development will impact on the fire protection program of the City, and elects to voluntarily mitigate its development impact by contributing \$200,000 toward the cost of construction of a fire station within the area of service for the development pursuant to 380.06(15)(e)(2). This contribution by the developer is voluntary pursuant to 380.06(15)(e)(2) F.S. Payment of this contribution to the City will be made within one hundred eighty (180) days of the date this Ordinance becomes a final nonappealable REI Development Order or at the time Developer applies for its first building permit, whichever occurs earlier.~~

RECOMMENDED CHANGE:

Change the heading for Section N as follows:

Maintenance of Open Space, ~~and Recreation Areas~~ and Schools

Add 4 and 5 to Section N, Maintenance of Open Space, Recreation Areas and Schools on page 23 of the Development Order as follows:

4. As of the date of this order, there is an unused credit of \$187,000 for recreational impact fees representing an in-kind donation for Boy Scout Park.
  
5. The Developer shall reserve a potential site within the project for a public elementary school, for a period of up to three (3) years from the effective date of the Site Plan approval of residential development; provided however, that said reservation shall automatically expire in three (3) years if the School Board has not entered into a contractual agreement for the purchase of said site. Subject to zoning review and approval by the City, the exact location, size, configuration, purchase price and terms of payment for said site shall be subject to determination by fair market value and mutual agreement of the Developer and School Board.

RECOMMENDED CHANGE:

Delete a portion of 1 and all of 2 of Section P, Economy on page 24 of the Development Order as follows since they are no longer applicable to a mixed use development:

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

## Exhibit

### GREGG BUSINESS CENTRE DRI

#### Roadway Improvement and DRI Development Thresholds

##### A. Industrial Development, Alternative A (no residential development)

##### 1. Needed Improvements (Table 5, Revised 1/24/02, page A-3, *Third Response to Agency Comments*, January 29, 2002).

##### a. Signalization of three intersections

- Warrants. The Signalization can not occur until the traffic volumes grow so large as to “warrant” a signal. There are national “warrant” thresholds that must be met.
- Gregg Business Centre Development Threshold. It is estimated that the signal warrants will not be met until industrial development reaches roughly 1,500,000 square feet. The square foot threshold of industrial development depends on type of industrial company, location within the Gregg Business Centre, and roadway access locations. Therefore, an exact square footage threshold can not be calculated at this time.
- Traffic Signal Costs. For the three signals the cost per signal is approximately \$150,000 each, assuming no significant non-typical costs (such as right-of-way or utility relocation costs). The total cost for three traffic signals is estimated at \$450,000.
- Gregg Business Centre Cost Responsibility. Since the traffic signals are all located at Gregg Business Centre access driveways, Gregg Business Centre is 100 percent responsible for the cost of the traffic signal improvements

##### b. Countyline Road & US 92 intersection improvements

- d. Gregg Business Centre Development Threshold. The threshold of development for these improvements is when the industrial development reaches or exceeds 950,000 square feet (footnote 1, Table 5, Revised 1/24/02, page A-3, *Third Response to Agency Comments*, January 29, 2002).
- e. Total Improvement Costs. The total estimated cost of the improvements is \$1.7 million (Table A, Revised 1/23/02, page B-1, *Third Response to Agency Comments*, January 29, 2002).
- f. Gregg Business Centre Cost Responsibility. Using the proportionate share cost formula noted in the DRI Florida Statutes, the Gregg Business Centre proportionate share cost of the total cost is \$428,000 (Table A, Revised 1/23/02, page B-1, *Third Response to Agency Comments*, January 29, 2002). It should also be noted that Plant City currently has \$385,000 from the Gregg Business Centre that was not needed for the previously required roadway improvements. The net difference between the new proportionate share costs and the previous credit is a new net proportionate share cost of \$43,000.

B. **Residential Development, Alternative B** (remaining DRI development is residential development)

1. **Needed Improvements** (Table 8, Revised 1/24/02, page A-6, *Third Response to Agency Comments*, January 29, 2002).

a. **Signalization of three intersections**

- Warrants. The Signalization can not occur until the traffic volumes grow so large as to “warrant” a signal. There are national “warrant” thresholds that must be met.
- Gregg Business Centre Development Threshold. It is estimated that the signal warrants will not be met until residential development reaches roughly 650 single family dwelling units. The single family dwelling unit threshold of residential development depends on type of dwelling units, location within the Gregg Business Centre, and roadway access locations. Therefore, an exact estimate of the single family dwelling unit threshold can not be calculated at this time.
- Traffic Signal Costs. For the three traffic signals, the cost per signal is approximately \$150,000 each, assuming no significant non-typical costs (such as right-of-way or utility relocation costs). The total cost for the three traffic signals is estimated at \$450,000.
- Gregg Business Centre Cost Responsibility. Since the traffic signals are all located at Gregg Business Centre access driveways, Gregg Business Centre is 100 percent responsible for the cost of the traffic signal improvements.

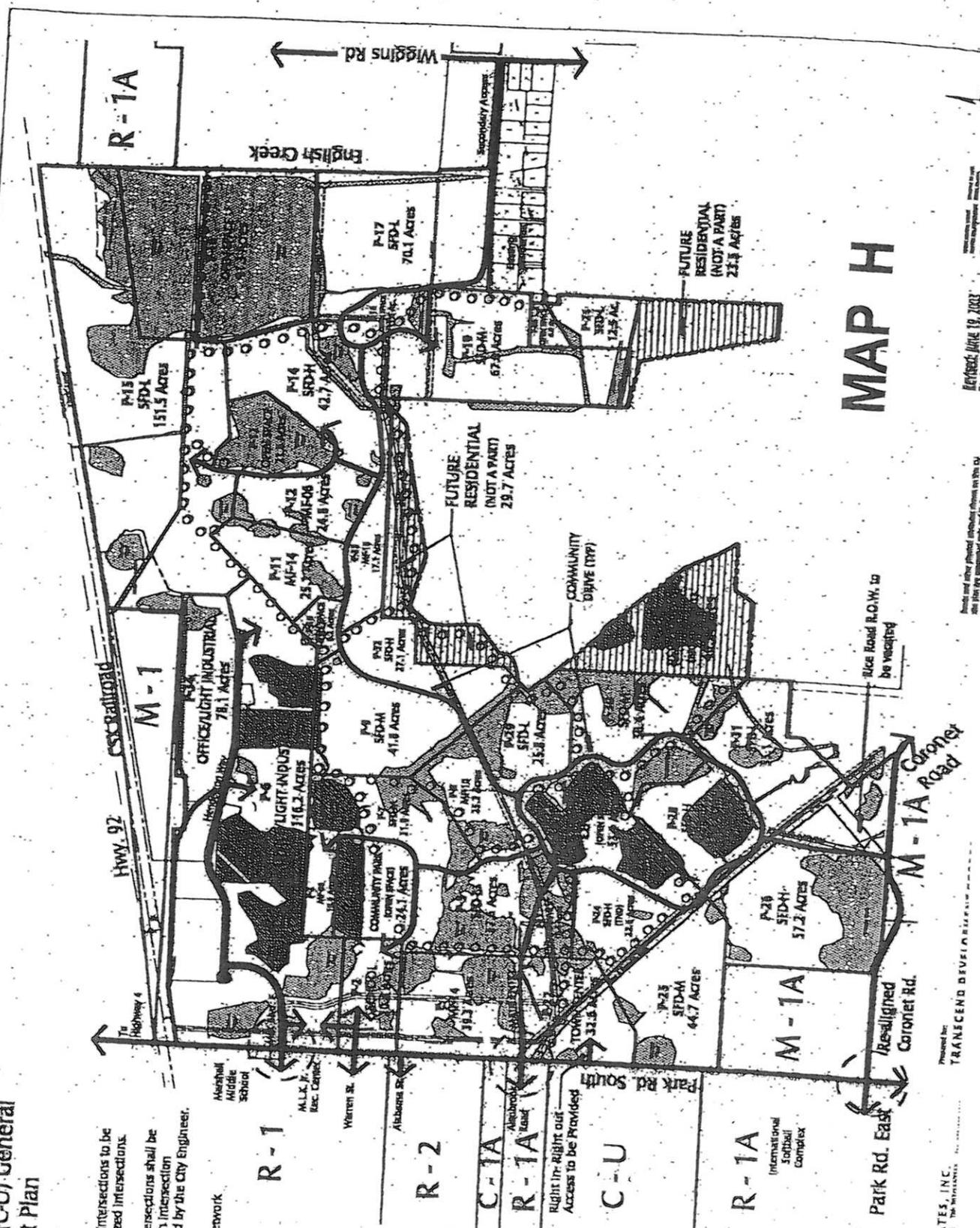
b. **Countyline Road & US 92 intersection improvements**

- g. Gregg Business Centre Development Threshold. The threshold of development for these improvements is when the industrial development reaches or exceeds 950,00 square feet (footnote 1, Table 5, revised 1/24/02, page A-3, *Third Response to Agency Comments*, January 29, 2002), which, using the approved trade-off factors (Table 9, Revised 11/25/01, page H-1, *Second Response to Agency Comments*, December 14, 2001), is equivalent to approximately 143 single family dwelling units, or 217 multi-family dwelling units.
- h. Total Improvement Costs. The total estimated cost of the improvements is \$515,000 (Table B, Revised 1/23/02, page B-2, *Third Response to Agency Comments*, January 29, 2002).
- i. Gregg Business Centre Cost Responsibility. Using the proportionate share cost formula noted in the DRI Florida Statutes, the Gregg Business Centre proportionate share cost of the total cost is \$118,625 (Table B, Revised 1/23/02, page B-2, *Third Response to Agency Comments*, January 29, 2002). As developer has previously paid for certain DRI Phase I pipelining improvements, if Alternative B is selected by developer, no additional payments shall be due to the City for transportation impacts. Notwithstanding, the developer, his successors and/or assigns shall not be entitled to any refund for any previous amounts paid for DRI Phase I pipelining improvements.

INSERT CORRECT LEGAL DESCRIPTION

# Lakeside Station Community Unit (C-U) General Site Development Plan

- Represents Park Road Intersections to be full-movement, signalized intersections.
- All other Park Road Intersections shall be limited-movement, with intersection geometrics as approved by the City Engineer.
- ○ ○ Rec./Pedestrian Trail Network



## MAP H

# LAND USE EQUIVALENCY MATRIX (LUEM)

LAND USE TYPE	ORIGINAL DRI			PROPOSED DRI (NOPC)	MINIMUM/MAXIMUM IN DO BASED ON TRIP EQUIVALENCY		TRADE-OFFS BASED ON EQUIVALENCIES FOR		
	PHASE I	PHASE II	TOTAL DRI		PHASE I	MINIMUM	MAXIMUM	TRIPS	PUBLIC FACILITIES
								SF OR MF UNITS (SF/MF)	
INDUSTRIAL Acreage Building (square feet)	934 acres 4,000,000	934 acres 7,000,000	934 acres 11,000,000	4,000,000*	804,000	4,200,000	4,000,000	4,000,000 ***	
ATTRACTION/RECREATION Spectators # Seals	20,000 7,000								
WHOLESALE/RETAIL SERVICE Acreage Building (square feet)	13.6 acres 60,000	13.6 acres 105,000	13.6 acres 165,000	80,000	15,000	110,000	60,000	80,000 ***	
OFFICE Acreage Building (square feet)	23.5 acres 150,000	23.5 acres 210,000	23.5 acres 360,000	150,000	37,500	210,000	150,000	150,000 ***	
RESIDENTIAL	0 acres	0 acres	0 acres	2,600 SF OR * 3,520 MF units	0 SF 0 MF	0 SF 0 MF	2,600 SF OR * 3,520 MF	823/1,127 (winter) ** 418/573 (wastewater) 8,125/11,174 (solid waste) 1,095 SF (parks) 2,491 SF (schools)	

\* Using trip equivalency, residential can be traded off for remaining 3,196,000 sq. ft. industrial (4,000,000-804,000)  
 \*\* Using facilities equivalency, certain numbers of SF and/or MF can be traded off for remaining 3,396,000 sq. ft. industrial  
 \*\*\* Public facilities impacts were addressed and approved for Phases I and II

Section 4.C.5

- ~~c. The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hours as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the annual report.~~
- ~~d. If the annual report indicates that the total trip diversions are not being met, the City shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and amend the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the developer or reviewing agencies to request Development Order amendments.~~
- 6. To the extent that the City may, upon application of Developer, change the location of land uses shown on the General Site Development Plan for the project under the CU-Community Unit zoning designation, the Developer shall be permitted to trade off a portion of two or more of the approved land uses for the Project in accordance with the trip equivalency table attached hereto as Exhibit D. This paragraph shall not be construed to vest any right in Developer to any changes in land uses, or the location thereof, and shall not be deemed to require favorable consideration by the City of any application by the Developer for such change of land use or the location thereof.
- 7. The Developer shall have the option of proceeding with the development of Phase I or Subphase of Phase 1 for which specific approval has been granted, under the conditions set forth in Subsections C.7.a-c, below, with respect to mitigating the project's transportation impacts, subject to any additional conditions, restrictions, or limitations set forth herein. The Developer shall notify the City and TBRPC of its election of any option hereunder, provided that election of pipelining must be made prior to obtaining the first building permit for any Development or within 30 days from the date this Order becomes a final, nonappealable DRI Development Order, whichever event occurs earlier.

  - a. Option 1 ("Funding Commitments")

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

      - (a) The link improvements indicated in Table 1.
      - (b) The intersection improvements indicated in Table 2.
      - (c) In addition, any approval of Phase I shall require that Park Road South of U.S. Highway 92 is constructed as a four lane divided facility as assumed in the ADA.

TABLE 1—Required Link Improvements for Phase 1 of the Project

Roadway Link	Segment	Total Traffic LOS Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility)		Required Improvement
			Peak Hour Capacity		
US 92	Woodrow Wilson to Thonoto sassa Blvd.	D	7.68		Construct four lane divided arterial
	CMI Drive C. To County Line Road	D	44.89		Construct four lane divided arterial
Mango (local road)	I 4 North to I 4 South		13.16		Construct four lane divided arterial
I 4	County Line Road to Memorial	D	5.00		Construct six lane freeway
	I 4 North to SR 580	E	7.29		Construct four lane undivided arterial

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

TABLE 2 Required Intersection Improvements

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)		Required Improvement
S/R 39/ Baker (West)	D	33.78		Add WB right turn lane
Alexander/ Baker Street North	E	20.79		Add NB left turn lane

Park Road/ US 92	E	84.32	Add SB right turn lanes
Park Road/ SR 39	E	12.52	Add WB left turn lane
Buffalo/ Parsons Avenue	E	17.48	Add EB right turn lane
Buffalo/ Valrico	E	23.23	Add WB left turn lane
Park Road/ I 4 Southside	E	22.44	Signalize when warranted
US 92/ Mango	E	8.90	Add SB left Turn and EB right turn lanes
US 92 County Line Road	E	62.13	Signalize when warranted
Park Road/CMI Drive A	N/A	100.00	Construct WB right turn, through And left turn lanes, and SB left turn lane, Signalize when warranted
Park Road/CMI Drive B	N/A	100.00	Construct WB right turn and left turn lanes and S left turn lane. Signalize when warranted.
US 92/CMI Drive C	N/A	100.00	Construct NB right turn and left turn lanes and two WB left turn lanes. Signalize when warranted.

b. ~~Option 2 (“Subphasing”)~~

- (1) ~~In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase 1 of the Project, the capacity and loading of transportation facilities in the Project transportation area, including, but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subphase approvals. Accordingly, the Developer shall generate and provide the City, the MPO, the FDOT, and the TBRPC pursuant to the provisions of 380.06 F.S., with updated current traffic counts on the above roadways and projections of traffic volumes that will result from completion of the requested subphase of the Project. Each subphase proposal shall include all previously approved project development plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the links and intersections referenced in tables 1 and 2 at the appropriate levels of service as analyzed in the ADA and Sufficiency. Both the traffic counts and the projection of traffic volumes shall be prepared consistent with traffic engineering practices as approved by FDOT and TBRPC. Prior to any specific approval, the City shall ensure in written findings of fact that the regional roadways in the Project transportation impact area are operating at the above referenced levels of service and that the expected trips to be generated by such approval will not cause the roadways to operate below the above referenced levels of service. This Order shall be amended to specifically condition each subphase.~~

c. ~~Option 3 (“Pipelining”)~~

- (1) ~~The Developer acknowledges that the City does not have a transportation impact fee in place as required by 380.06 (15)(e)(1) F.S. Therefore, the City cannot lawfully include any transportation condition which requires that this Developer contribute or pay for land acquisition or construction or expansion of public facilities. The City and Developer recognize that pipelining is an option being offered to this Developer and should the Developer elect to mitigate using this Option, all contributions and construction by the Developer are voluntary pursuant to 380.06 (15)(e)(2) F.S. The election of this Option must occur within 30 days from the date this Order becomes a final, nonappealable DRI Development Order or at the time the Developer applies for its first building permit, whichever event occurs earlier. Failure to notify the City and TBRPC of its election to pipeline within the time frames stated above shall foreclose the Developer from using Option 3 to mitigate its transportation impacts.~~
- (2) ~~It is the intent of this Option to permit the Developer to elect to voluntarily mitigate its development impacts on the substantially affected regional significant roadway network by adequately providing, in the~~

manner set forth below, for the public transportation facilities necessary to accommodate the traffic impacts of Phase I of the development. The requirements set forth below have been determined to made adequate provision for, or to provide reasonable assurances of the availability of, the public transportation facilities necessary to accommodate the traffic impacts of Phase 1 of the development. The requirements set forth below have further been determined to be consistent with the City, TBRPC, DCA, FDOT, and MPO policies and Rule 9J 2.0255, F.A.C.

(3) Under this option, the Developer, using Developer's proportionate share amount calculated pursuant to Rule 9J 2.0255, F.A.C. (1987), as interpreted in accordance with TBRPC, DCA, and City policies regarding pipeline mitigation of transportation impacts, may elect under the circumstances set forth hereafter to fund, design and construct link, intersection and other improvements as follows:

(a) — U.S. Highway 92 at Intersection with Park Road:

- (i) — Design and construction of intersection improvements as required by FDOT. Improvements will include construction of East and Westbound turn lanes, increasing the grade on U.S. Highway 92 and installation of required signalization. The design plans will be compatible with Hillsborough County's Park Road design plans for Park Road South of U.S. 92.
- (ii) — Design will accommodate traffic volumes acceptable to FDOT and the described improvements will be constructed so as to be salvageable with the construction of ultimate intersection improvements.
- (iii) — Acquisition of right of way for construction of the described intersection improvements at the intersection of U.S. Highway 92 and Park Road.

(b) — Park Road:

- (i) — Construction of an approximate 2000 feet long four lane section of Park Road northwards from the intersection of U.S. Highway 92 and Park Road to tie into the existing three lane section approximately 800 feet North of the intersection with Calhoun Street.
- (ii) — Construction of southbound deceleration/right turn lane at the intersection of Calhoun Street and Park Road.
- (iii) — Construction of northbound left turn lane at the intersection of Calhoun Street and Park Road.

(c) — (i) — Extension of five lane cross section of Park Road, as proposed and designed by Hillsborough County from

~~\_\_\_\_\_ the South line of the CSX Transportation railroad right  
\_\_\_\_\_ of way to the intersection of U.S. Highway 92 and Park  
\_\_\_\_\_ Road.~~

~~(d) (i) Construction of CSX Railroad crossing on Park Road.  
(ii) Signalization of CSX Railroad crossing on Park Road.~~

~~(e) (i) Relocation of CSX Railroad spur line to Plant City  
Steel.  
(ii) Construction of CSX Railroad spur crossing on U.S.  
Highway 92.  
(iii) Signalization of CSX Railroad spur crossing on U.S.  
Highway 92.~~

(4) For purpose of this Order, Developer's proportionate share of the costs of the transportation improvements necessary to accommodate the impacts of Phase 1, of the development has been calculated to be \$1,400,061. The estimated costs of such improvement(s) based on the 1989 dollars as of the date of this Order is \$1,400,100. The Developer shall build the pipeline improvements regardless of costs. In addition to the proportionate share for construction of the improvements described above, the Developer shall voluntarily donate and convey to Hillsborough County the right of way required by Hillsborough County, for construction of the four laning of Park Road South of U.S. Highway 92.

(5) In the event any portion of the pipeline improvement is funded by any other governmental body or agency, the total sum of the actual costs of such portion of the pipeline improvements shall be paid over by Developer to the City upon demand, and the City shall expend such sum for such alternate road construction in mitigation of Developer's transportation impact as the City may determine with the concurrence of TBRPC and implementation by amendment to this order.

(6) Implementation of pipeline shall require that:

(a) The Developer shall guarantee funding the design and construction for the pipeline improvements, including securing the necessary permits, rights of way and easements, by the posting of a bond or an irrevocable letter of credit in an amount sufficient to complete the same, as may be approved by the City. The guarantee may be in such other form agreeable to the City. Such guarantee shall be posted by the Developer within sixty days after the date on which the Developer notifies the City in writing of its election of the pipeline option. Upon final completion and acceptance of the

pipeline improvements, the amount of the bond or letter of credit shall be adjusted annually to reflect current approved cost estimates for completion by the Developer of the pipeline improvements as may be determined by the City. Upon default of the guarantee by the Developer, the City may draw down on the letter of credit, bond or other security for completion of the pipeline improvements or such alternate road construction in mitigation of Developer's transportation impact as the City may determine with concurrence by TBRPC and FDOT, and implementation by amendment to this Order.

- (b) — The design of the Pipeline Segments shall be prepared in a manner normally used by the entity which will ultimately be responsible for the transportation improvements. The design shall be reviewed and approved, as appropriate, by FDOT, the County, the Railroad and the City prior to construction of such improvements. As to the construction and relocation of existing spur track into Plant City Steel Corporation's property, the design shall also be reviewed and approved by Plant City Steel Corporation. The design for that part of the pipeline described in Subsection C.7.c.(3)(a) and (b) shall be completed and approved within twelve (12) months after the date on which the Developer advises the city in writing, of its election of the Option 3 pipeline transportation mitigation option. The design shall include 30%, 60% and 90% design completion reviews and approvals. The design for that part of this pipeline described in Subsection C.7.C.(3)(e) shall be completed within six months after the date of which the Developer notifies the City in writing of its election of the pipeline option. Design has been accomplished, or is underway, by Hillsborough County for those pipeline improvements described in Subsection C.7.c.(3)(c) and (d).
- (c) — Upon completion of the design, and approval by FDOT, the County, the Railroad and the City, Developer shall obtain all necessary permits and right of way within (12) months of the date of the last such approvals as to that part of the pipeline described in Subsection C.7.c.(3)(a) and (b) and within six months as to the remainder of the pipeline improvements. The City shall assist the Developer, when appropriate, in obtaining all permits, approvals, utility relocations, right of way, and easements necessary to complete the pipeline improvements, all at Developer's expense.
- (d) — Upon completion of the design, and securing of necessary permits, rights of way and easements, the Developer shall commence construction and shall construct and complete the pipeline improvements described in Subsection C.7.c.(3)(a)

and (b) above, within twelve (12) months from the date of commencement of construction. The construction of the pipeline improvements described in Subsection C.7.c.(3)(c), (d) and (e) above shall be completed within six (6) months from the date of commencement of construction. The Developer shall complete the pipeline improvements regardless of costs. Based upon the earlier acquisition of required permits, Developer shall complete construction of the pipeline improvements described in Subsection C.7.c.(3)(c), (d) and (e) above, concurrent with completion of construction of the County's Park Road improvement project.

- (e) — The Developer shall enter into all necessary agreement(s) with the Railroad, FDOT, or the County as required for the construction of the CSX Railroad crossing on Park Road and with FDOT, the Railroad and Plant City Steel Corporation for the construction and relocation of existing spur track from the East to the Plant City Steel Corporation and required signalization devices.
- (f) — Developer shall enter into a joint participation agreement with FDOT and the City relating to the construction of the described pipeline improvements within 30 days of the date of Developer's election of Option 3. The joint participation agreement shall provide for the construction of pipeline improvements with an estimated cost as approved by the City, TBRPC, FDOT, and the County of not less than \$1,400,100 based on 1989 dollars. No construction permits shall be issued prior to the date of final execution of the joint participation agreement.
- (g) —
  - (i) — If Developer is not meeting the schedule for design, permits, right of way acquisition, and construction as provided in Section 4.C.7.c., or otherwise defaults in any other requirement for implementing pipelining, or otherwise defaults in any other condition of this order, no further building permits or certificates of occupancy shall be used nor shall Developer be permitted to continue any building construction, until such time as the Developer can demonstrate that the pipeline improvement is back on the above referenced schedule, or that the default is corrected.
  - (ii) — In order to ensure that Developer is meeting the schedule for design, permits, right of way acquisition, and construction, the Developer shall provide pipeline improvement status reports to the City on a quarterly basis, on January 1, April 1, July 1, and October 1 of each year, until the completion and acceptance of the pipeline improvement. These quarterly reports, if they clearly demonstrate that the schedule cannot be met, may be the basis for City action in

refusing to issue further building permits or certificates of occupancy, even though such action may occur prior to the end of the scheduled times for completion of the design, permitting or construction of the pipeline improvement(s).  
(iii) The report shall include the amount of square footage of development for which building permits have been requested, together with an update on the progress of the design, permitting and construction of the pipeline improvement, together with such other information requested by the City.  
(iv) Copies of such quarterly reports shall be included as part of the Annual Report submitted to the City and TBRPC.

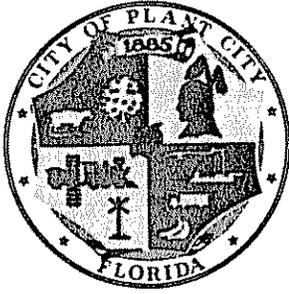
- (h) (i) Notwithstanding the foregoing, if upon application of the Developer, the City finds that performance by the Developer in meeting the schedule for design, permitting or construction as hereinabove set forth shall be interrupted or delayed by a natural disaster or the result of war, riot, or civil commotion, then Developer may be allowed an extension to such schedule as deemed reasonably necessary by the City to remedy the effects thereof.
- (ii) Further, if upon application of the Developer, the City finds that performance by the Developer in meeting the schedule for design and permitting as hereinabove set forth shall be interrupted or delayed by the failure of timely governmental review and approval, and such interruption or delay is without cause of the Developer, then Developer may be allowed an extension to such schedule as deemed reasonably necessary by the City to remedy the effects thereof.
- (iii) Any determination by the City upon application of the Developer for extension to such schedules as hereinabove provided shall be in the sole judgement of the City. Such review, determination and the allowance of such extension, if any, shall be consistent with applicable laws, rules and regulations regarding extension of schedules of DRI projects; and allowance of such extension, if any, shall be pursuant to an amendment of the order, the review and adoption of which shall not constitute a substantial deviation.
- (iv) The inclusion of the above provisions for consideration of Developer's application for schedule extensions shall not be construed to vest any right in the Developer to such extensions, and nothing herein shall be deemed to require favorable consideration by the City of an application for extension by the developer.
- (i) If, prior to commencement of construction of improvement, upon application of the Developer, the City finds that it is impossible for the Developer to complete the pipeline

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

- (7) The City may withhold the issuance of further building permits for the Project in the event that the segment of Park Road South of U.S. Highway 92 extending from Ames Drive North to CSX railroad is not fully funded and under construction as a four laned facility prior to completion of the first 625,000 square feet of the development.
- (8) If site access Drive C at U.S. Highway 92 or (excluding Park Road) an alternative location along U.S. Highway 92 has not received connection and railroad crossing permits prior to the completion of the first 625,000 square feet of development, the City may withhold issuance of further building permits for the Project and the Developer shall submit to FDOT, TBRPC, and the City for review and approval within 90 days of completion of the first 625,000 square feet of development, a traffic study defining the Project square footage that can be achieved without site access Drive C at U.S. Highway 92 or (excluding Park Road) an alternate location along U.S. Highway 92. Within 90 days upon completion of the first 625,000 square feet of development, and prior to further development, the Developer shall file a petition for determination of whether a substantial deviation has occurred (pursuant to Section 380.06 (19), F.S.).
- (9) Prior to construction of Site Access Road B approval of the relocation of the Coronet Road intersection at Alsobrook and Park Road must be obtained or appropriate alternate strategies for mitigation of the Project's impact must be approved by the City, Hillsborough County, and TBRPC.

~~(10) The City may withhold the issuance of building permits for the Project after three (3) years from the date of adoption of the Development Order, if at that time, the four laning of Park Road from the point referred to in Section C.7.c(3)(b)(i), hereof, North to Interstate 4 is not funded and committed for construction by FDOT or the BOCC of Hillsborough County for the then current year.~~

#197



# CITY OF PLANT CITY

December 19, 1994

**MARTIN J. WISGERHOF**

*City Clerk & Finance Director*  
P. O. Box C  
Plant City, Florida 33564  
Telephone (813) 757-9144

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

Dear Ms. Cooper:

Enclosed please find a certified copy of Ordinance No. 44-1994, adopted by the City Commission of the City of Plant City, Florida at a regular meeting held December 12, 1994.

This ordinance approves an ammendment to the development order to the CMI Plant City site.

Sincerely,

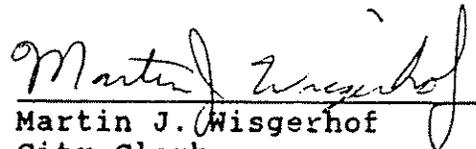
Martin J. Wisgerhof  
City Clerk/Finance  
Director

/vh  
Encl.

CERTIFICATION

I, the undersigned City Clerk of Plant City, Florida, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 44-1994 of the City of Plant City, adopted by the City Commission on December 12, 1994 at a regular meeting.

In witness whereof, I hereunto set my hand and affixed the seal of the City of Plant City this 19th day of December, 1994.

  
Martin J. Wisgerhof  
City Clerk

ORDINANCE NO. 44-1994

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA, AMENDING CITY OF PLANT CITY ORDINANCE NO 1-1990, AS AMENDED, AND APPROVING AN AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE CMI PLANT CITY SITE, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 30, 1990, the City Commission issued a Development Order by Ordinance No. 1-1990 for the CMI Plant City Site, a development of regional impact, which was amended on October 28, 1991 by Ordinance No. 28-1991; February 10, 1992 by Ordinance No. 8-1992; and November 24, 1992 by Ordinance No. 75-1992; and

WHEREAS, on October 10, 1994, Consolidated Minerals, Inc., ("CMI") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRP"), a copy of which is on file with the City Clerk; and

WHEREAS, pursuant to Section 380.06(19)(e)(2) the Notification of Proposed Change requests approval of an extension in the build-out date for Phase I by four years, eleven months and twenty-nine days; and;

WHEREAS, the City Commission of the City of Plant City as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider a Notification of Proposed Change to a Previously Approved Development of Regional Impact; and

WHEREAS, in accordance with Florida Statutes, the City Commission held a public hearing on this ordinance on December 12, 1994, at which time parties in interest and citizens had the opportunity to be heard; and

WHEREAS, the City Commission of the City of Plant City has determined that pursuant to Section 380.06(19)(e)2, Florida Statutes, the proposed changes described in Exhibit "A" attached do not constitute a substantial deviation requiring further development of regional impact review and are not subject to a public hearing pursuant to Section 380.06(19)(f)3 or a determination pursuant to Section 380.06(19)(f)5, Florida Statutes; now therefore

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

Section 1. That this Ordinance shall constitute an amendment to the Development Order ("Order") relating to the CMI Plant City Site, a Development of regional Impact.

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

- A. The amendment of the Order, attached hereto as Exhibit "A" and incorporated herein by reference does not involve a change to a previously approved DRI constituting a substantial deviation under 380.06(19), Florida Statutes; and
- B. All statutory procedures have been adhered to; and
- C. The findings of fact and conclusions of law made in the original order, as amended, are incorporated herein by reference; and
- D. All recitations and findings set forth herein are incorporated herein by reference; and

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

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

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

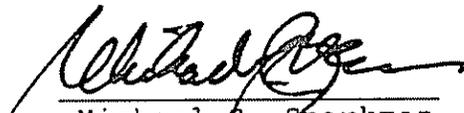
Section 6. That the Developer shall record a Notice of Adoption of this Ordinance in accordance with Section 380.06(15), Florida Statutes (1991).

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

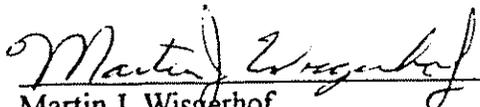
Read for first reading on November 28, 1994.

Read for second reading on December 12, 1994.

Certified as to passage on December 12, 1994.

  
Michael S. Sparkman  
Mayor-Commissioner

ATTEST:

  
\_\_\_\_\_  
Martin J. Wisgerhof  
City Clerk

Approved as to form and correctness:

  
\_\_\_\_\_  
Kenneth W. Buchman  
City Attorney

EXHIBIT "A"

1. Amend Section 4.C.3 on page 4 of the Development Order as follows:

PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

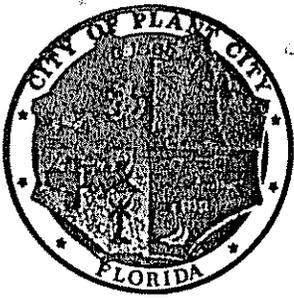
	Light Industrial (square feet)	Office Showroom (square feet)	Commercial (GLA)	Amphitheater
Phase I <del>(1990-1995)</del> */*** <u>(1990-December 30,</u> <u>2000)</u>	4,000,000	150,000	60,000	7,000 fixed seats **** 20,000 attendance
Phase II <del>(1996-2000)</del> */**	7,000,000	210,000	105,000	

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

\*\* Phase II is hereby only conceptually approved, subject to the following conditions, restrictions and limitations: Phase II specific approval will be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this Order to specify the conditions necessary to mitigate the identified regional impacts attributable to Phase II of this Development. The final build out year shown (2000) is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

\*\*\* Inasmuch as Phase I only is receiving specific approval, then any extension of the build-out of Phase I in excess of three years may subject the Developer to substantial deviation criteria for extension of the build-out dates.

\*\*\*\* Subject to zoning approval, Developer has the option of building an amphitheater on site. If Developer elects this option, the amount of the reduction of light industrial square footage shall be determined in accordance with the Trip Equivalency Table attached to this Order as Exhibit D. With such election, the Developer shall submit a statement to the City, with copies to the Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (DCA) indicating: (1) the amount of amphitheater use to be built; (2) the amount of light industrial square footage to be reduced; and (3) a summary of the amounts of approved development remaining in each category of the table above after exercise of the option.



# CITY OF PLANT CITY

December <sup>22</sup>/~~14~~, 1992

**MARTIN J. WISGERHOF**  
City Clerk & Finance Director  
P. O. Box C  
Plant City, Florida 33564  
Telephone (813) 752-3125

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

Dear Ms. Cooper:

Enclosed is a copy of Ordinance No. 75-1992, adopted by the City Commission of the City of Plant City, Florida at a regular meeting held November 23, 1992.

This ordinance amends City of Plant City Ordinance No. 1-1990 and approves an amendment to the Development Order to the CMI Consolidated Minerals, Inc. Plant City site, a Development of Regional Impact.

Sincerely,

Martin J. Wisgerhof  
City Clerk/Finance  
Director

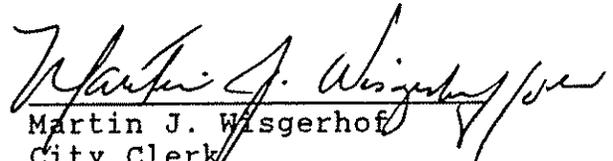
/vh  
Encl.

mailed 12/22/92  
received 12/28/92

CERTIFICATION

I, the undersigned City Clerk of Plant City, Florida, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 75-1992, adopted by the City Commission of the City of Plant Plant City, at a regular meeting on November 24, 1992.

In witness whereof, I hereunto set my hand and affixed the seal of the City of Plant City this 22nd day of December, 1992.

  
Martin J. Wisgerhof  
City Clerk

ORDINANCE NO. 75-1992

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA AMENDING CITY OF PLANT CITY ORDINANCE NO. 1-1990 AND APPROVING AN AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE CMI PLANT CITY SITE, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 30, 1990, the City Commission issued a Development Order by Ordinance No. 1-1990 for the CMI Plant City Site, a development of regional impact, which was amended on October 28, 1991 by Ordinance No. 28-1991; and February 10, 1992 by Ordinance No. 8-1992;

WHEREAS, on August 7, 1992, Consolidated Minerals, Inc. ("CMI") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI"), a copy of which is on file with the City Clerk; and

WHEREAS, the City Commission of the City of Plant City as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider a Notification of Proposed Change to a Previously Approved Development of Regional Impact; and

WHEREAS, the City Commission of the City of Plant City has on October 13, 1992, November 9, 1992 and November 23, 1992, held public hearings on the Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

WHEREAS, the staff of the Tampa Bay Regional Planning Council and the Department of Community Affairs have reviewed the Notification of Proposed Change; and

WHEREAS, in accordance with Florida Statutes, the City

Commission held a public hearing on this ordinance on November 9, 1992 and November 23, 1992, at which time parties in interest and citizens had the opportunity to be heard; and

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

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

Section 1. That this Ordinance shall constitute an amendment to the Development Order ("Order") relating to the CMI Plant City Site, a Development of Regional Impact.

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

- A. The amendment of the Order, attached hereto as Exhibit A and incorporated herein by reference does not involve a change to a previously approved DRI constituting a substantial deviation under 380.06(19), Florida Statutes (1991); and
- B. All statutory procedures have been adhered to; and

- C. The findings of fact and conclusions of law made in the original order, as amended, are incorporated herein by reference; and
- D. All recitations and findings set forth are incorporated herein by reference.

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

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

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

Section 6. That the Developer shall record a Notice of Adoption of this Ordinance in accordance with Section 380.06(15), Florida Statutes (1991).

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

Read for first reading on the 26th day of October, 1992.

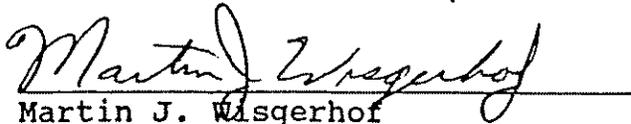
Read for second reading the 23rd day of November, 1992.

Certified as to passage the 24<sup>th</sup> day of November, 1992.



Steven O. Smith  
Mayor-Commissioner

ATTEST:



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Martin J. Wisgerhof  
City Clerk

Approved as to form and correctness:



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Kenneth W. Buchman  
City Attorney

DEVELOPMENT ORDER CONDITIONS

1. Amend Exhibit A to the Development Order to include the following legal description:

(Roberts Property Description)

Commence at the Southeast Corner of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 34, Township 28 South, Range 22 East, Hillsborough County, Florida; Thence N-00°08'53"-E along the East Boundary of said Southwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ , 490.00 Feet to the POINT OF BEGINNING; Thence N-89°58'12"-W Parallel to the South Boundary of said Southwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ , 652.92 Feet; Thence N-00°08'53"-E Parallel to the East Boundary of said Southwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ , 850.12 Feet, To A Point on the North Boundary of said Southwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; Thence S-89°58'51"-E along the North Boundary of said Southwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ , 274.54 Feet, To the East Boundary of the West 951.00 Feet of the South  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of said Section 34; Thence N-00°00'57"-E Parallel to the West Boundary of said Northwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ , 335.00 Feet, to A Point on the North Boundary of Said South  $\frac{1}{4}$  of Northwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; Thence S-89°58'51"-E along the North Boundary of said South  $\frac{1}{4}$  of Northwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ , 379.15 Feet, to A Point on the East Boundary of said Northwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ ; Thence S-00°08'53"-W along the East Boundary of said South  $\frac{1}{4}$  of Northwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$  and along the East Boundary of said Southwest  $\frac{1}{4}$  of Southwest  $\frac{1}{4}$ , 1,185.25 Feet to the POINT OF BEGINNING. (15.655 Ac)

(Gibbs Property Description)

The East 212.00 feet of the West 898.00 feet of the South  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 34, Township 28 South, Range 22 East, Hillsborough County, Florida, subject to an easement in common with others for the purpose of ingress and egress across the South 25.00 feet thereof, TOGETHER WITH an easement for ingress and egress over and across the South 25.00 feet of the East 636 feet of the West 686 feet of the South  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 34.

The East 53.00 feet of the West 951.00 feet of the South  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 34, Township 28 South, Range 22 East, Hillsborough County, Florida subject to an easement in common with others for the purpose of ingress and egress across the South 25.00 feet thereof, TOGETHER WITH an easement for ingress and egress over and across the South 25.00 feet of the East 848.00 feet of the West 898.00 feet of the South  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 34.

2. Amend Section 4.S Local Conditions of the Development Order to add:

For purposes of paragraphs 3-11, "Developer" is defined to also include Sony Music/Pace Partnership and the successors and assigns of any interest in the property to be designated for use as an amphitheater.

4. If the Developer elects to build an amphitheater on site, the mitigation option set forth in Exhibit G. "Traffic Study and Proposed Mitigation Option for the Sony/Pace Amphitheater" shall be incorporated into the Development Order.
5. Developer shall be required to coordinate the hiring of all law enforcement officers to be used for traffic control and on-site security with the City's police department. Traffic control shall include both before and after events according to plans approved in advance by the City's police department. The Developer shall be required to compensate the City for the cost of all law enforcement officers used for on-site security or to implement the traffic management plan. The cost to Developer for such law enforcement officers shall be based upon the estimated costs to the City as determined yearly by the City Commission. Developer shall post a \$25,000 surety bond in a form acceptable to the City Attorney with the City prior to the opening of each operating season. The amount of the surety bond shall be reviewed and may be modified annually by the City Commission. The City shall bill the Developer for the cost for such law

enforcement personnel. If any bill is not paid within 10 days of date of City's invoice to Developer, the City may, after notice to Developer, draw upon the surety bond and charge interest to Developer at the rate of 1 $\frac{1}{2}$  per month for any deficiencies. Developer shall also be responsible for any costs of collection incurred by the City, including reasonable attorneys fees.

6. No patron of the amphitheater shall be permitted to bring alcoholic beverages or illegal drugs into the facility. Prior to the beginning of its first operating season, Developer shall file with the City's police department the specific traffic control and implementation plan as well as a signage, search and security plan, both plans which are subject to the approval of the City's police department. The signage, search and security plan shall include appropriate notification to patrons that they shall not be allowed to bring any illegal drugs, alcoholic beverages, bottles, glass, or other potentially dangerous objects into the facility. The plans should be updated as required by the City's police department. The security plan which shall also be developed as approved by the City's police department shall assure that adequate law enforcement personnel will be provided for security at all amphitheater events. The plan may include general categories of groups requiring a specific number of security officers.
7. Developer agrees to make the amphitheater available to civic and community groups for events such as high school graduations or special community events, provided the dates do not conflict with scheduled amphitheater events and an acceptable agreement can be reached

between Developer and the interested party.

8. The following limitations shall apply on scheduled start and end times for amphitheater events on weekdays:

- A. Evening events shall not be scheduled to begin prior to 8:00 p.m.
- B. Daytime events shall not be scheduled to end between 3:30 p.m. and 5:30 p.m.
- C. Event start and end times shall not be scheduled to occur during the normal weekday morning (a.m.) peak hour of traffic on the adjacent street network.

The following limitations shall apply for all amphitheater events, including holidays:

- D. Events shall not be scheduled to begin prior to 8:00 p.m. when the Cincinnati Reds, or any other major league baseball team, have scheduled a day baseball game at Plant City Stadium.
- E. Events shall not be scheduled for evenings when the Cincinnati Reds, or any other major league baseball team, have scheduled a night baseball game at Plant City Stadium.
- F. Events shall not be scheduled to occur during the eleven (11) day

period of the Florida  
Strawberry Festival.

Exceptions to the above limitations may be approved by the City Commission where a traffic impact analysis and mitigation method is prepared, reviewed, and approved by the City Commission.

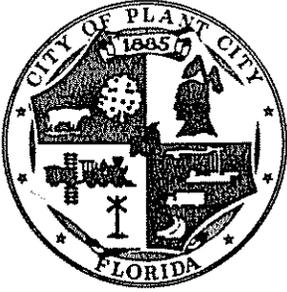
9. Developer shall obtain, and shall maintain throughout the term of this Agreement, liability insurance in the amount of at least \$1,000,000 per occurrence and \$10,000,000 umbrella from a reputable insurer and shall provide proof of insurance to the City prior to the beginning of each operating season.
10. Developer shall be responsible for cleaning up in and around the City right-of-way within a  $\frac{1}{2}$  mile radius of the amphitheater property on the morning after each show.
11. Prior to issuance of the Certificate of Occupancy for the amphitheater, the relocation of the Coronet Road intersection at Alsobrook and Park Road as described in Section 4.C(9) of the CMI Development Order shall be completed by Developer as well as the specific geometric improvements described on Table 5 of the "Traffic Study and Proposed Mitigation Option;" provided however, the Developer shall guarantee funding for the design and construction for the specific geometric improvements described above as well as the relocation of the Coronet Road intersection at Alsobrook and Park Road, including securing the necessary permits, rights of way and easements, to be completed within six months of the issuance of the building permit, by the posting of a bond or an irrevocable letter of credit in an amount sufficient to complete the same, as may be approved by the City. The guarantee may be in such other form agreeable to the

City. Such guarantee shall be posted by the Developer (a) upon Construction of Site Access Road B; or (b) prior to the issuance of any building permit for the construction of the amphitheater; whichever shall first occur. Upon default of the guarantee by the Developer, the City may draw down on the letter of credit, bond or other security for completion of the road improvements.

Section 4.S.3.j.2., Local Conditions, is amended to read as follows:

Developer shall comply with applicable rules and regulations of the provisions of the Environmental Protection Commission of Hillsborough County, Florida, in effect at the time of this ordinance, or hereinafter adopted, including but not limited to the noise rules and regulations of the Commission, and comply with the applicable rules, regulations, orders and ordinances of any other similar agency, hereinafter established, which regulates noise impacts within the City. Developer shall be required to comply with all the noise regulations of the City in effect at the time of this Ordinance or hereinafter adopted. A violation of any of the rules, regulations, orders or ordinances described in this paragraph shall be a violation of this Ordinance.

TPA-87414.2  
37014-1



# CITY OF PLANT CITY

February 12, 1992

**MARTIN J. WISGERHOF**

*City Clerk & Finance Director*

P. O. Box C

Plant City, Florida 33564

Telephone (813) 752-3125

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

Dear Ms. Cooper:

Enclosed is a certified copy of Ordinance No. 8-1992, adopted by the City Commission of the City of Plant City, Florida at a regular meeting held February 10, 1992.

This ordinance amends Plant City Ordinance No. 1-1990 and approves an amendment to the Development Order of CMI Plant City Site, a Development of Regional Impact.

Sincerely,

Martin J. Wisgerhof  
City Clerk

/vh  
Encl.

mailed 2/13/92  
received 2/14/92

CERTIFICATION

I, the undersigned City Clerk of Plant City, Florida, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 8-1992 as approved at a regular meeting of the City Commission of said City duly convened and held on February 10, 1992.

In witness whereof, I hereunto set my hand and affixed the seal of the City this 12th day of February, 1992.

  
*Martin J. Wisgerhof*  
Martin J. Wisgerhof  
City Clerk

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA, AMENDING CITY OF PLANT CITY ORDINANCE NO. 1-1990 AND APPROVING AN AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE CMI PLANT CITY SITE, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 30, 1990, the City Commission issued a Development Order by Ordinance No. 1-1990 for the CMI Plant City Site, a development of regional impact, which was amended on October 28, 1991 by Ordinance No. 28-1991; and

WHEREAS, on November 1, 1991, Consolidated Minerals, Inc. ("CMI") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI"), a copy which is on file with the City Clerk; and

WHEREAS, the City Commission of the City of Plant City as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider a Notification of Proposed Change to a Previously Approved Development of Regional Impact; and

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

WHEREAS, the City Commission of the City of Plant City has on January 6, 1992, and January 13, 1992 held a public hearing on the Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

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

WHEREAS, in accordance with Florida Statutes, the City Commission held a public hearing on this ordinance on February 10, 1992, at which time parties in interest and citizens had the opportunity to be heard; and

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

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

Section 1. That this Ordinance shall constitute an amendment to the Development Order ("Order") relating to the CMI Plant City Site, a Development of Regional Impact.

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

- A. The amendment of the Order, attached hereto as Exhibit A and incorporated herein by reference does not involve a change to a previously approved DRI constituting a substantial deviation under 380.06(19), Florida Statutes (1990); and
- B. All statutory procedures have been adhered to; and
- C. The findings of fact and conclusions of law made in the original order, as amended, are incorporated herein by reference; and
- D. All recitations and findings set forth herein are incorporated herein by reference.

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

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

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

Section 6. That the Developer shall record a Notice of Adoption of this Ordinance in accordance with Section 380.06(15), Florida Statutes (1990).

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

Read for first reading the 27th day of January, 1992.

Read for second reading the 10th day of February, 1992.

Certified as to passage the 10th day of February, 1992.

  
Sadye G. Martin  
Mayor-Commissioner

ATTEST:

  
Martin J. Wisgerhof  
City Clerk

Approved as to form and  
correctness:

  
Kenneth W. Buchman of  
Buchman and Buchman, P.A.  
City Attorney

Exhibit "A" TO  
ORDINANCE NO. 8 - 1992

PROPOSED AMENDMENTS TO CMI DEVELOPMENT ORDER  
FOR THE AMPHITHEATER PROJECT

1. Amend Section 4.C.3 on page 4 of the Development Order as follows:

PHASING SCHEDULE - SPECIFIC/CONCEPTUAL APPROVAL

	Light Industrial (square feet)	Office Showroom (square feet)	Commercial (GLA)	Amphitheater
Phase I (1990-1995)*/***	4,000,000	150,000	60,000	7,000 fixed seats**** 20,000 attendees
Phase II (1996-2000)*/**	7,000,000	210,000	105,000	

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

\*\*Phase II is hereby only conceptually approved, subject to the following conditions, restrictions and limitations: Phase II specific approval will be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this Order to specify the conditions necessary to mitigate the identified regional impacts attributable to Phase II of this Development. The final build out year shown (2000) is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

\*\*\*Inasmuch as Phase I only is receiving specific approval, then any extension of the build-out of Phase I in excess of three years may subject the Developer to substantial deviation criteria for extension of build-out dates.

\*\*\*\*Subject to zoning approval, Developer has the option of building an amphitheater on site. If Developer elects this option, the amount of the reduction of light industrial square footage shall be determined in accordance with the Trip Equivalency Table attached to this Order as Exhibit D. With such election, the Developer shall submit a statement to the City, with copies to the Tampa Bay Regional Planning Council (TBRPC) and the Florida Department of Community Affairs (DCA) indicating: 1) the amount of amphitheater use to be built; 2) the amount of light industrial square footage to be reduced; and 3) a summary of the amounts of approved development remaining in each category of the table above after exercise of the option.

2. Amend Exhibit D to the Development Order "trip equivalency table" to add a Case No. 7 (conversion from light industrial to amphitheater). The appropriate chart and equation is included below.

(7) Conversion from Light Industrial to Amphitheater

LIGHT INDUSTRIAL KSF	AMPHITHEATER ATTENDEES
4000	0
3955	2000
3912	4000
3869	6000
3827	8000
3784	10000
3742	12000
3700	14000
3658	16000
3616	18000
3577	20000

Average Trip Rate =  $120/20000 = 0.006$  trips/attendee

Equation:  $Y = AX + B$

Where:  $A = -0.02084156$   
 $B = 3993.927$   
 $Y =$  Light Industrial square feet available after trade  
 $X =$  Amphitheater Attendees

3. Amend Section 4.S Local Conditions of the Development Order to add:

3. If the Developer elects to build an amphitheater, the following additional conditions shall apply:

a. Traffic Impact Analysis

Prior to review and recommendation by the planning board of the required zoning modification application for the amphitheater, Developer shall submit a detailed traffic impact analysis to the City for the purpose of evaluating potential impacts of amphitheater traffic, which analysis shall include the traffic impact of the Reds baseball games.

Prior to initiating the traffic impact analysis, Developer shall submit (in writing) the proposed study methodology to the City for review and concurrence. The proposed study methodology shall address, as a minimum, the following items:

- Geographic and temporal extents of the analysis
- Build-out year or phasing schedule
- Design event (attendance) and trip generation.
- Trip Distribution (to include the specific methodology of an O-D and route selection survey of the patrons of a Cincinnati Reds exhibition game)
- Mode Choice/Auto Occupancy
- Trip Assignment
- Background Traffic Generation (both existing traffic and other approved DRI #197 uses)
- Status (construction schedule) of study network (laneage, signalization)
- Capacity Analysis (links and intersections) methodology and parameters
- Queuing Analysis (both on-site and off-site)

Developer shall pay for all costs, not to exceed \$3,000.00, incurred by the city for review and approval of the traffic impact analysis and traffic impact mitigation options, including the costs of a transportation engineer.

b. Traffic Impact Mitigation Options

Subsequent to the City's review and concurrence of the submitted Traffic Impact Analysis (TIA) outlined in Section 3.a. above, Developer shall propose from the following options (or combination thereof) the method of mitigating unacceptable traffic impacts.

If Mitigation Option #3 is proposed, the Developer shall prepare both an itemized cost estimate for Mitigation Option #1, less those items which are to be mitigated through measures proposed under Option #2 as well as the required and necessary Option #2 or #3 plans and capacity analyses. Both the Option #1 cost estimate and the Option #2 or #3 plans and analyses shall be submitted to the City at least ten (10) calendar days prior to the first Planning Board Hearing regarding the zoning modification.

1. Mitigation Option #1 - Full Construction

Full construction of the road facility improvements identified by the traffic impact analysis submitted by the developer as reviewed, approved and modified by the city. These improvements to be paid by developer must be completed prior to the issuance of a Certificate of Occupancy for the amphitheater; provided however, the Developer shall guarantee funding for the design and construction for the road facility improvements, including securing the necessary permits, rights of way and easements, to be completed within six months of the issuance of the building permit for the amphitheater, by the posting of a bond or an irrevocable letter of credit in an amount sufficient to complete the same, as may be approved by the City. The guarantee may be in such other form agreeable to the City. Such guarantee shall be posted by the Developer prior to issuance of building permit for the amphitheater. Upon default of the guarantee by the Developer, the City may draw down on the letter of credit, bond or other security

for completion of the road improvements.

2. Mitigation Option #2 - Transportation System Management (TSM)

In lieu of some or all of any needed road improvements, Developer prepares a TSM (Traffic System Management) plan, subject to approval by the City. This plan shall consist of coordinated arterial signal timing, signal timing preemption strategies; and/or other traffic control system modifications to maintain the road network at an acceptable level of service. If the TSM plan contains any route diversion aspects, the TSM option shall be considered a TMP option and thus be subject to the review and enforcement requirements of Option #3.

3. Mitigation Option #3 - Traffic (Demand) Management Plan (TMP)

In lieu of some or all of any needed road (or TSM) improvements, Developer prepares a TMP (Traffic Management Plan), subject to the approval of the City. This Plan shall specifically address the route selection and control of vehicular traffic to and from amphitheater events. The TMP shall at a minimum include:

- a. Objectives for the operating conditions to be achieved, which as a minimum shall include maintenance of Level of Service D or better, on the significantly impacted street network (as identified in the TIA) during periods of traffic arrival to and departure from amphitheater events;
- b. Traffic Management strategies for routing and directing amphitheater traffic which afford reasonable likelihood for attainment of the stated objectives;
- c. Procedures and criteria for monitoring and evaluating the effectiveness of the traffic

management strategies, and for reporting evaluation findings to the City and other review agencies; and

- d. Procedures for revising traffic management strategies to correct plan deficiencies, including procedures for specific approval by the City (and/or other agencies) and implementation of portions of Option #1 or #2 mitigation should TMP strategies not be adequate.

In the event Developer proposes Option #2 or Option #3, the TSM and/or TMP shall be submitted by the Developer during the application process for rezoning to the City, the Tampa Bay Regional Planning Council (TBRPC), the Florida Department of Community Affairs (DCA), and such other public agencies as the City determines to be appropriate. Approval of the TMP and/or TSM by the City Commission shall be required prior to (or concurrent with) any amendments to the zoning of the property which would permit the use of amphitheater; however, such zoning amendments may not be granted without receipt of written comments from TBRPC and DCA.

- c. Conditions of Zoning Modification Approval and Amendment to Development Order

The zoning modification approval shall include either by reference or exhibit, the mitigation option approved by the City and the specific road (construction) improvements, TSM, or TMP provisions approved by the City and other required agencies.

Concurrent with the City Commission's approval of the Mitigation Option, as set forth above, the Developer shall submit the Mitigation Option for approval as an amendment to this Order. After said Amendment, a report on mitigation (TSM or TMP) implementation and effectiveness shall be submitted by the Developer each year with the DRI Annual Status Report.

- d. Limitations on Performance Start Time

The following limitations shall apply on

scheduled start and end times for  
amphitheater events on weekdays:

1. Evening events shall not be scheduled to begin prior to 8:00 p.m.
2. Daytime events shall not be scheduled to end between 3:30 p.m. and 5:30 p.m.
3. Event start and end times shall not be scheduled to occur during the normal weekday morning (a.m.) peak hour of traffic on the adjacent street network.

The following limitations shall apply for all  
amphitheater events, including holidays:

1. Events shall not be scheduled to begin prior to 8:00 p.m. when the Cincinnati Reds, or any other major league baseball team, have scheduled a day baseball game at Plant City Stadium.
2. Events shall not be scheduled for evenings when the Cincinnati Reds, or any other major league baseball team, have scheduled a night baseball game at Plant City Stadium.
3. Events shall not be scheduled on Parade Day of the Florida Strawberry Festival as defined by Section 683.12, Florida Statutes prior to 8:00 p.m. on said date.

Exceptions to the above limitations may be approved by the City Commission where a traffic impact analysis and mitigation method is prepared, reviewed, and approved by the City Commission.

e. Monitoring of Peak Hour Amphitheater Traffic

An interim traffic count monitoring program for the amphitheater shall be required until such time as the monitoring program for the entire project is instituted as required by Section 4.C(4) of this Order. The purpose of this monitoring program shall be to verify that the total projected number of vehicular trips arriving at the amphitheater during the afternoon (PM) peak hour of the adjacent street system is not exceeded. Traffic

counts shall be taken at entrances to the amphitheater site for each weekday event with an 8:00 p.m. scheduled start time and a projected attendance of 15,000 or greater, and for any weekday evening event approved for an earlier start time pursuant to paragraph 3.d above. Count results shall be reported to the City within one week of each such event and shall be summarized in a report to be submitted with each DRI Annual Status Report filed while this interim monitoring program is in effect. The City shall conduct a substantial deviation determination if the traffic counts for three events or 15 percent of all events for which counts are taken within a year, whichever is greater, exceed the projected peak hour traffic for the amphitheater.

f. Required Road Improvements

Prior to issuance of the Certificate of Occupancy for the amphitheater, the relocation of the Coronet Road intersection at Alsobrook and Park Road as described in Section 4.C(9) of this Order shall be completed by developer; provided however, the Developer shall guarantee funding for the design and construction for the relocation of the Coronet Road intersection at Alsobrook and Park Road, including securing the necessary permits, rights of way and easements, to be completed within six months of the issuance of the building permit, by the posting of a bond or an irrevocable letter of credit in an amount sufficient to complete the same, as may be approved by the City. The guarantee may be in such other form agreeable to the City. Such guarantee shall be posted by the Developer (a) upon Construction of Site Access Road B; or (b) prior to the issuance of any building permit for the construction of the amphitheater; whichever shall first occur. Upon default of the guarantee by the Developer, the City may draw down on the letter of credit, bond or other security for completion of the road improvements.

g. Master Site Plan

In the event that Developer elects to build an amphitheater, Exhibit G, denoting the appropriate location and boundaries of the proposed amphitheater site, is hereby incorporated by reference into the Order.

h. Water and Waste Water Impacts

1. At the time the application for a building permit for the amphitheater is submitted and during build-out, Developer shall submit information regarding potable water demands to ensure such demands shall not exceed the average daily water requirements of 347,800 gallons per day referenced in the ADA. Cumulative totals of potable water demands shall be submitted with each Annual Report.
2. At the time the application for a building permit for the amphitheater is submitted and during build-out, Developer shall submit information regarding daily flows of waste water to ensure such flows shall not exceed the average daily flows of 239,000 gallons per day referenced in the ADA. Cumulative totals of average daily flows of waste water shall be submitted with each Annual Report.
3. If the average daily potable water demands described in (h)1 above exceed the average daily water requirements of 347,800 gallons per day or if average daily flows of waste water as described in (h)2 above exceed the average daily flows of 239,000 gallons per day, then the City shall conduct a substantial deviation determination.

i. Use of Off Duty Law Enforcement Personnel

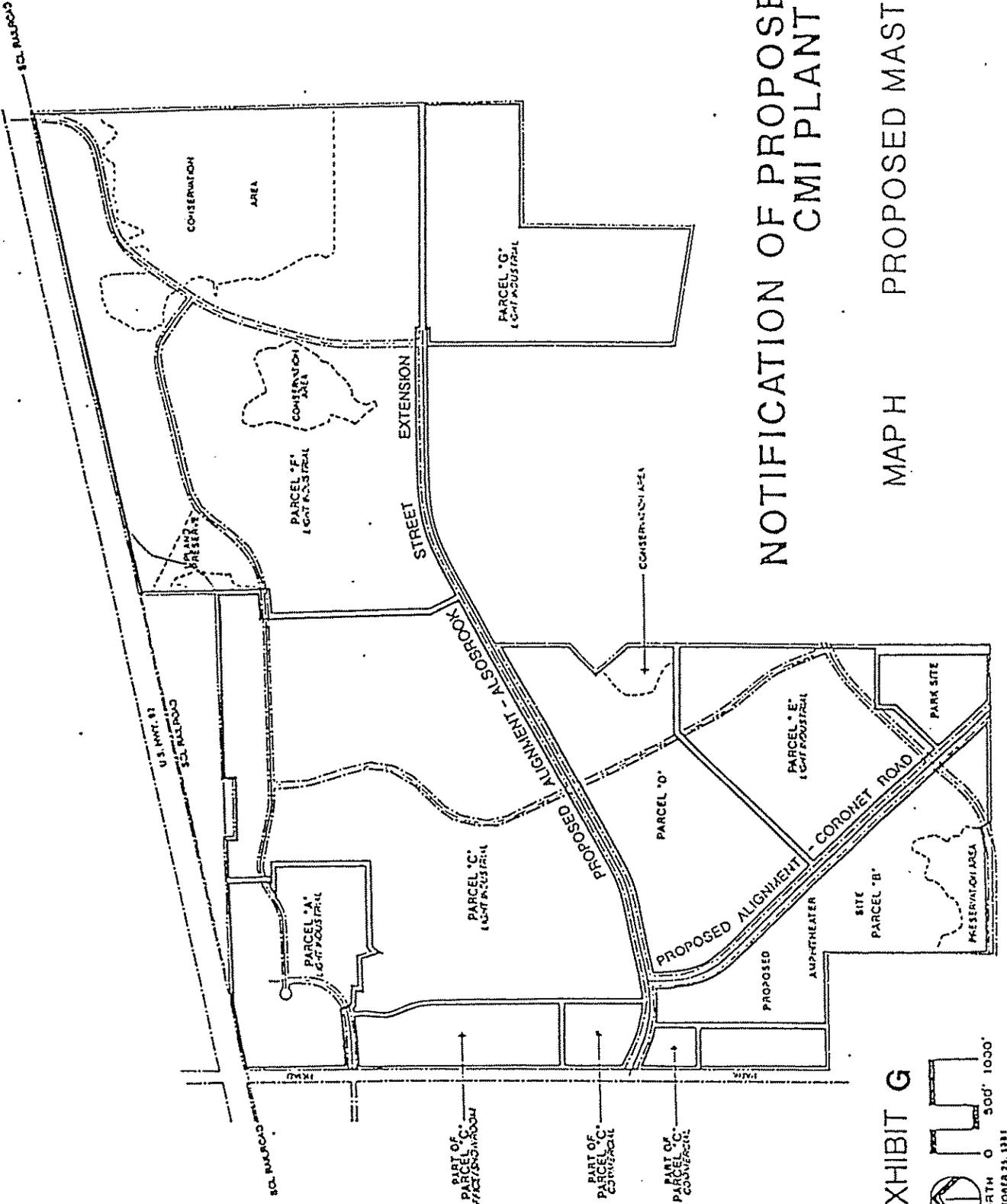
Coordination of the hiring by developer of off duty law enforcement officers for traffic control and on-site security shall be done in accordance with the City of Plant City through its Police Department.

j. Noise Impacts

1. Developer, including its successors and assigns of any interest in the property to be designated for the use of

an amphitheater, shall submit to the Environmental Protection Commission, drawings, plans and specifications for the amphitheatre for its approval prior to issuance of building permit. Said submittal shall include an analysis of the noise impacts on surrounding properties, including all abatement measures necessary to assure compliance with the rules and regulations of the Environmental Protection Commission, which shall be prepared by and certified by an acoustic engineer, or other acoustic expert acceptable to the Environmental Protection Commission. The Environmental Protection Commission shall complete its review and approval within thirty days that it deems the application it has received is complete.

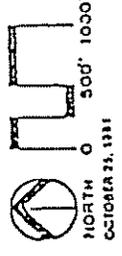
2. The Developer, including its successors and assigns of any interest in the property to be designated for the use of amphitheater, shall comply with applicable rules and regulations of the provisions of the Environmental Protection Commission of Hillsborough County, Florida, in effect at the time of this order, or hereinafter adopted, including but not limited to the noise rules and regulations of the Commission, and comply with the applicable rules, regulations, orders and ordinances of any other similar agency, hereinafter established, which regulates noise impacts within the City of Plant City. A violation of any of the rules, regulations, orders or ordinances described in this paragraph shall be a violation of this order.



NOTIFICATION OF PROPOSED CHANGE  
CMI PLANT CITY D.R.I.

MAP H PROPOSED MASTER SITE PLAN

EXHIBIT G



NORTH 0 500' 1000'  
OCTOBER 23, 1981



POSTBUCKLEY SCHEIDT & BERENSON



# CITY OF PLANT CITY

December 6, 1991

**MARTIN J. WISGERHOF**  
City Clerk & Finance Director  
P. O. Box C  
Plant City, Florida 33564  
Telephone (813) 752-3125

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

Dear Ms. Cooper:

Enclosed please find a copy of Ordinance No. 28-1991, adopted by the City Commission of the City of Plant City at a regular meeting held October 28, 1991.

This ordinance approves an amendment to the development order to the CMI Development of Regional Impact.

We apologize for the delay in getting this to you.

Sincerely,

  
Martin J. Wisgerhof  
City Clerk/Finance  
Director

/vh

**RECEIVED**  
DEC 9 1991

Tampa Bay Regional  
Planning Council  
Planning Council

mailed 12/6/91  
received 12/9/91

AN EQUAL OPPORTUNITY EMPLOYER

ORDINANCE NO. 28-1991

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA , AMENDING CITY OF PLANT CITY ORDINANCE NO. 1-1990 AND APPROVING AN AMENDMENT TO THE DEVELOPMENT ORDER APPLICABLE TO THE CMI PLANT CITY SITE, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 30, 1990, the City Commission issued a Development Order (Ordinance No. 1-1990) for the CMI Plant City Site, a development of regional impact; and

WHEREAS, on October 1, 1990, Consolidated Minerals, Inc. ("CMI") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI"); and

WHEREAS, the Notification of Proposed Change provides for a revision to the condition requiring the posting of bond or letter of credit for construction of the identified pipeline project; and

WHEREAS, the Notification of Proposed Change provided for a revision to the condition requiring payment of a contribution towards construction of a fire station by the City; and

WHEREAS, the Plant City City Commission as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes is authorized and empowered to consider the Notification of Proposed Change to a Previously Approved Development of Regional Impact; and

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

WHEREAS, the Plant City City Commission has on 10/28/91 held a public hearing on said Notification of Proposed Change and has heard and considered testimony and other documents and evidence; and

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

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

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

Section 1. That this Ordinance shall constitute an amendment to the Development Order ("Order") of the City Commission relating to the CMI Plant City Site, the Development of Regional Impact . The Notification of Proposed Change attached hereto as Exhibit A is hereby incorporated into and made a part of this Ordinance.

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

- A. The amendment of the Order, attached hereto as Exhibit A and incorporated herein by reference does not involve a change to a previously approved DRI constituting a substantial

deviation under 380.06(19), Florida Statutes (1990); and

- B. All statutory procedures have been adhered to; and
- C. The findings of fact and conclusions of law made in the original order, ~~as amended~~, are incorporated herein by reference; and
- D. All recitations and findings set forth herein are incorporated herein by reference.

Section 3. That the proposed amendment to Section 4.C.7.c.(6)(a), page 11 of the Order relating to the deferral of posting a guarantee for construction of the entire pipeline project is hereby denied.

Section 4. That the proposed amendment to Section 4.M.1., page 23 of the Order is hereby approved. Section 4.M.1. is amended to read as follows:

1. The Developer acknowledges that the City does not have a fire protection impact fee in place as required by 380.06(15)(e)(1), Florida Statutes. Therefore, the City cannot lawfully include any fire protection condition which requires that the Developer contribute or pay for land acquisition of construction or expansion of public facilities. The Developer, nonetheless, recognizes that its development will impact on the fire protection program of the City, and elects to voluntarily mitigate its development impact by contributing \$200,000 towards the cost of construction of a fire station within the area of service for the development. This contribution by the Developer is voluntary pursuant to 380.06(15)(e)(2), Florida Statutes. ~~Payment of the contribution to the City will be made within one hundred eighty (180) days of the date this Order becomes a final nonappealable DRI Development Order or at the time Developer applies for its first building permit, whichever occurs earlier. Payment of this contribution will be due upon demand by the City prior to the date the City advertises for bids for construction of the fire station project. Developer shall guarantee to the City the payment of this contribution through posting with the City concurrent with the approval of this Notice of Proposed Change a guarantee sufficient to cover the amount of the contribution and in a form acceptable to the City.~~

Section 5. That the Notification of Proposed Change has been delivered to all persons as required by law.

Section 6. That the terms, conditions, covenants and restrictions contained in the Order are hereby reaffirmed in their entirety except as amended herein.

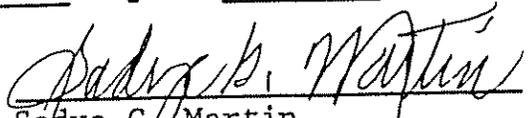
Section 7. That the Developer shall record a Notice of Adoption of this Ordinance in accordance with Section 380.06(15), Florida Statutes (1990).

Section 8. That this Ordinance shall take effect immediately upon passage as provided by law and acceptance by the Developer.

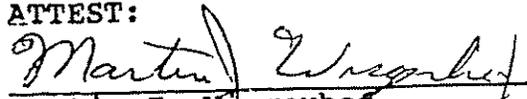
Read for first reading the 27th day September, 1991.

Read for second reading the 28th day of October, 1991.

Certified as to passage the 28th day of October, 1991.

  
Sadye G. Martin  
Mayor-Commissioner

ATTEST:

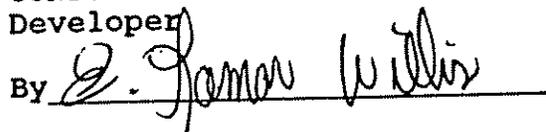
  
Martin J. Wisgerhof  
City Clerk

Approved as to form and  
correctness:

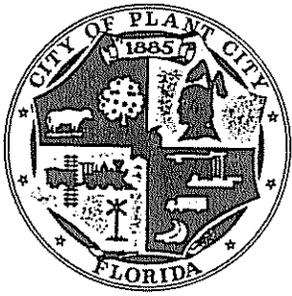
  
Kenneth W. Buchman of  
Buchman and Buchman, P.A.  
City Attorney

This Development Order is amended this 28 day of October,  
1991.

CONSOLIDATED MINERALS, INC.  
Developer

By 

28119DO 119-27:126



# CITY OF PLANT CITY

CERTIFIED MAIL

January 30, 1990

**MARTIN J. WISGERHOF**  
City Clerk & Finance Director  
P. O. Box C  
Plant City, Florida 33564  
Telephone (813) 752-3125

Florida Department of Community Affairs  
Bureau of Land & Water Management  
2740 Centerview Drive  
Tallahassee, Florida 32399-2100

Attn: J. Thomas Beck

Re: Ordinance No. 1 - 1990 - DRI #197 - Development Order  
CMI Plant City Site

Dear Mr. Beck:

Enclosed please find an executed copy of the referenced ordinance, with attachments, which was adopted by the City Commission of the City of Plant City on January 30, 1990.

We are providing this copy for your official files.

Sincerely,

Martin J. Wisgerhof  
City Clerk & Finance Director

cc: ✓ Julia Greene, Executive Director  
Tampa Bay Regional Planning Council  
Rick Davis, Esq.  
Paul S. Buchman, City Attorney  
Nettie M. Draughon, City Manager

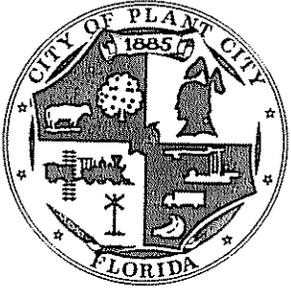
Enclosure

**RECEIVED**

FEB 1 1990

Tampa Bay Regional  
Planning Council

AN EQUAL OPPORTUNITY EMPLOYER



# CITY OF PLANT CITY

**MARTIN J. WISGERHOF**

*City Clerk & Finance Director*

P. O. Box C

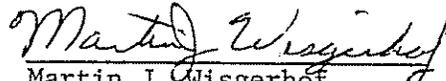
Plant City, Florida 33564

Telephone (813) 752-3125

CERTIFICATION

I, the undersigned City Clerk of the City of Plant City, Florida, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 1 - 1990 as passed at a special meeting of the City Commission of said City duly convened and held on January 30, 1990.

In witness whereof, I hereunto set my hand and affixed the seal of the City this 30th day of January, 1990.

  
Martin J. Wisgerhof  
City Clerk

AN EQUAL OPPORTUNITY EMPLOYER

ORDINANCE NO. 1-1990

AN ORDINANCE OF THE CITY OF PLANT CITY, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON APPLICATION FOR DEVELOPMENT APPROVAL FILED BY CONSOLIDATED MINERALS, INC. ("CMI"), FOR CMI PLANT CITY SITE, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on March 10, 1989, CMI, (the "Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, is hereafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with the City of Plant City (the "City"), Hillsborough County City-County Planning Commission, Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC"), and other appropriate agencies pursuant to the provisions of Section 380.06 F.S. (1988), as amended ("Chapter 380"); and

WHEREAS, the ADA proposes the development of CMI Plant City Site (the "Project"), a mixed-use light industrial, office, and commercial development located on a 1393.49 acre site within the corporate limits of Plant City, Florida, in eastern Hillsborough County;

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

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

WHEREAS, the City Commission has on December 11, 1989, December 26, 1989, January 8, 1990, January 22, 1990, January 25, 1990, January 29, 1990, and January 30, 1990, held duly noticed public hearings on the ADA and has heard and considered testimony and documents received thereon; and

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

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

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

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

Section 2. That the City Commission, having received the above-referenced documents, and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds that there is substantial competent evidence to support the following findings of fact:

- A. That the real property which is the subject of the ADA is legally described as set forth in Exhibit B, attached hereto and by reference made a part hereof.

- B. That the Developer submitted to the City an ADA which is attached hereto as a part of the composite Exhibit A, and made a part hereof (including, but not limited to, commitments made by the Developer as set forth in Exhibit C attached hereto), to the extent that it is not inconsistent with the terms and conditions of this Order.
- C. That the Developer proposes the development of the Project, a mixed-use light industrial, office, and commercial development located on a 1393.49 acre site within the corporate limits of Plant City, Florida, in eastern Hillsborough County.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05 F.S. (1988).
- E. That the proposed development is consistent with the adopted local land development regulations and the City's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163 F.S. (1987), and the goals and policies of the Comprehensive Regional Policy Plan and the State Comprehensive Plan.
- F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.
- G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.
- H. That this Order is consistent with the report and recommendations of the TBRPC which were submitted pursuant to Subsection 380.06(12), F.S. (1988).
- I. That this Order satisfies the provisions of Section 380.06(15) F.S. (1988).

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

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer and the City are authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- B. That the review by the City, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that, if Developer elects Option 1, Option 2, or Option 3 set forth in Section 4.C. below, Phase I proposed in the ADA is hereby specifically approved, subject to the following conditions, restrictions, and limitations. Phase II is hereby only conceptually approved, subject to the following conditions, restrictions, and limitations; Phase II specific approval would then be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this

Order to specify the conditions necessary to mitigate the identified regional impacts attributable to this Development.

- A. Substantial Deviations. Except as may be otherwise provided herein, further review, pursuant to Chapter 380, shall be required if a substantial deviation, as defined in Subsection 380.06(19) of Chapter 380, F.S., or this Order occurs. All changes to this Order and substantial deviation determinations shall be accomplished pursuant to Subsection 380.06(19), F.S.
- B. Annual Reports. The Developer shall submit an annual report on the DRI to the City, the TBRPC, DCA and other agencies as may be appropriate, on January 1, 1991, and on January 1st of each following year until such time as all terms and conditions of this Order are satisfied. The report shall be submitted on such terms as may from time to time be designated by DCA. The Developer shall be notified of any City Commission hearing wherein such report is to be reviewed; provided, however, that receipt and review by the City Commission shall not be considered a substitute or a waiver of any terms or conditions of this Order. The annual report shall contain the following information.
1. Changes in the plan of development, or representations contained in the ADA, or phasing for the reporting year and for the next year.
  2. A summary comparison of development activity proposed and actually conducted for the reporting year;
  3. Undeveloped tracts of land that have been sold to a separate entity or developer during the reporting year;
  4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year. The first annual report shall include a "base-line" report of all properties owned by the Developer adjacent to the DRI site as well as those lands purchased, leased or optioned by the Developer;
  5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;
  6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were filed in the reporting year together with any to be filed during the next year;
  7. Other reports and items as required by this Order; specifically including an annual update on the status and progress accomplished on the pipeline project, should the Developer elect Transportation Option 3 pursuant to this Order;
  8. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.065(15) and (18) F.S. (1988);
  9. A copy of any notice of the adoption of this Order or the subsequent modification of this Order that is recorded by the Developer pursuant to

Subsection 380.06(15) (f) F.S. (1988);

10. A list of local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;
11. Identification of a change, if any, in local government jurisdiction for any portion of the development during the reporting year.

C. Transportation Conditions. The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of building permits by the City for the first phase of the project shall require a determination by the City of compliance with the conditions set forth herein. The mitigation measures set forth hereafter may be implemented singly or in combination, subject to City approval, to mitigate the impacts of Phase I of this development, or subphase(s) thereof on regional transportation facilities. However, see Section 4.C.7 below, which sets forth the requirement associated with election of the pipeline option. In addition to the mitigation measures set forth herein, should the City hereafter adopt transportation impact fees the Developer shall pay such fees, provided however that the Developer shall receive credit against such impact fees for improvements constructed, right-of-way dedicated, and/or cash contributed, for the same need as the impact fees, all in excess of the on site improvements required for this project, in accordance with applicable state law or regulations of the City.

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

PHASING SCHEDULE -- SPECIFIC/CONCEPTUAL APPROVAL

	Light Industrial (Sq. Ft.)	Office Showroom (Sq. Ft.)	Commercial (GLA)
Phase I (1990-1995)*/**	4,000,000	150,000	60,000
Phase II (1996-2000)*/**	7,000,000	210,000	105,000

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

\*\*Phase II is hereby only conceptually approved, subject to the following conditions, restrictions and limitations; Phase II specific approval will be subject to further Chapter 380.06 analysis of transportation and air quality impacts and amendment of this Order to specify the conditions necessary to mitigate the identified regional impacts attributable to Phase II of this Development. The final build out year shown (2000) is an estimate only and does not suggest that development will not occur at a faster or slower rate than estimated, subject to applicable substantial deviation criteria for extension of build-out dates.

\*\*\*Inasmuch as Phase I only is receiving specific approval, then any extension of the build-out of Phase I in excess of three years may subject the Developer to a substantial deviation determination, which determination would be subject to applicable substantial deviation criteria for extension of build-out dates.

4. When Certificates of Occupancy have been issued for six hundred twenty five thousand square feet of light industrial space (or the equivalent thereof in terms of trip generation pursuant to the trip equivalency table attached hereto as Exhibit D, and incorporated herein by reference) an annual monitoring program to provide peak-hour counts at the project entrance(s) shall be instituted to verify that the total projected number of external trips for the total development are not exceeded. Counts shall continue on an annual basis through build-out. This information shall be supplied in the required annual report. If an annual report is not submitted within 30 days of its due date, or if the annual report indicates that the total trips exceed projected counts by more than 15 percent, the City shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and, if the variance is determined to be a substantial deviation, may amend this Order, as necessary, to change or require additional roadway improvements or other mitigation measures, according to the results of a revised transportation impact analysis. The revised transportation impact analysis shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis. The results of the study may also serve as a basis for the Developer or reviewing agencies to request Order amendments.
5.
  - a. When: (i) Certificates of Occupancy for six hundred twenty five thousand square feet of light industrial space have been issued for Phase I (or the equivalent thereof in terms of trip generation pursuant to the trip equivalency table attached hereto as Exhibit D, and incorporated herein by reference), the Developer shall prepare and implement a Transportation Systems Management ("TSM") plan which is intended to divert vehicle trips from the P.M. peak hours.
  - b. The TSM plan shall be reviewed and approved by the City, the Tampa Urban Area Metropolitan Planning Organization (MPO), the TBRPC and the Florida Department of

Transportation ("FDOT").

- c. The TSM program shall include a yearly assessment of the actual achievement of vehicle trips diverted from the peak hour as a result of the TSM measures. This assessment shall also include sufficient and appropriate documentation for all diversions claimed as a result of implementation of each TSM measure. Results of the TSM program shall be included in the annual report.
  - d. If the annual report indicates that the total trip diversions are not being met, the City shall conduct a substantial deviation determination pursuant to Subsection 380.06(19), F.S., and amend the Development Order to change TSM objectives and/or require additional roadway improvements. The results of the TSM study may serve as a basis for the developer or reviewing agencies to request Development Order amendments.
6. To the extent that the City may, upon application of Developer, change the location of land uses shown on the General Site Development Plan for the project under the CU-Community Unit zoning designation, the Developer shall be permitted to trade-off a portion of two or more of the approved land uses for the Project in accordance with the trip equivalency table attached hereto as Exhibit D. This paragraph shall not be construed to vest any right in Developer to any changes in land uses, or the location thereof, and shall not be deemed to require favorable consideration by the City of any application by the Developer for such change of land use or the location thereof.
7. The Developer shall have the option of proceeding with the development of Phase I or Subphase of Phase I for which specific approval has been granted, under the conditions set forth in Subsections C.7.a-c. below, with respect to mitigating the project's transportation impacts, subject to any additional conditions, restrictions, or limitations set forth herein. The Developer shall notify the City and TERPC of its election of any option hereunder, provided that election of pipelining must be made prior to obtaining the first building permit for any Development or within 30 days from the date this Order becomes a final, nonappealable DRI Development Order, whichever event occurs earlier.

a. Option 1 ("Funding Commitments")

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

(a) The link improvements indicated in Table 1.

(b) The intersection improvements indicated in Table 2.

(c) In addition, any approval of Phase I shall require that Park Road South of U. S. Highway 92 is constructed as a four-lane divided facility as assumed in the ADA.

TABLE 1 - Required Link Improvements for Phase I of the Project

Roadway Link	Segment	Total Traffic LOS Prior to Improvement	Project Traffic as % of LOS C/D* (Existing Facility) Peak Hour Capacity	Required Improvement
US 92	Woodrow Wilson to Thonotosassa Blvd.	D	7.68	Construct four lane divided arterial
	CMI Drive C. to County Line Road	D	44.89	Construct four lane divided arterial
Mango (local road)	I-4 North to I-4 South		13.16	Construct four lane divided arterial
I-4	County Line Road to Memorial	D	5.00	Construct six lane freeway
Park Road	I-4 North to SR 580	E	7.29	Construct four lane undivided arterial

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

TABLE 2 - Required Intersection Improvements

Intersection	Total Traffic LOS Prior to Improvement	Development Contribution (Percent)	Required Improvement
SR 39/ Baker (West)	D	33.78	Add WB right turn lane
Alexander/ Baker Street North	E	20.79	Add NB left turn lane
Park Road/ US 92	E	84.32	Add SB right turn lanes
Park Road/ SR 39	E	12.52	Add WB left turn lane
Buffalo/ Parsons Ave.	E	17.48	Add EB right turn lane
Buffalo/			Add WB left

Valrico	E	23.23	turn lane
Park Road/ I-4 Southside	E	22.44	Signalize when warranted
US 92/ Mango	E	8.90	Add SB left turn and EB right turn lanes
US 92 County Line road	E	62.13	Signalize when warranted
Park Road/CMI Drive A	N/A	100.00	Construct WB right turn, through, and left turn lanes, and SB left turn lane, Signalize when warranted
Park Road/CMI- Drive B	N/A	100.00	Construct WB right turn and left turn lanes and S left turn lane. Signalize when warranted.
US 92/CMI- Drive C	N/A	100.00	Construct NB right turn and left turn lanes and two WB left turn lanes. Signalize when warranted.

b. Option 2 ("Subphasing").

(1) In the event that commitments for transportation improvements are only adequate to permit approval of a portion of Phase I of the Project, the capacity and loading of transportation facilities in the Project transportation area, including, but not limited to the regional roadways and intersections referenced in Option 1, shall be limiting factors in any subphase approvals. Accordingly, the Developer shall generate and provide the City, the MPO, the FDOT, and the TBRPC pursuant to the provisions of 380.06 F.S., with updated current traffic counts on the above roadways and projections of traffic volumes that will result from completion of the requested subphase of the Project. Each subphase proposal shall include all previously approved project development plus that to be generated by the next portion for which the Developer is seeking approval. Each updated traffic analysis shall serve to verify the findings of the ADA or shall indicate alternate transportation improvements or mechanisms which, when implemented, will maintain the links and intersections referenced in tables 1 and 2 at the appropriate levels of service as analyzed in the ADA and Sufficiency. Both the traffic counts and the projection of traffic volumes shall be prepared consistent with traffic

engineering practices as approved by FDOT and TBRPC. Prior to any specific approval, the City shall ensure in written findings of fact that the regional roadways in the Project transportation impact area are operating at the above referenced levels of service and that the expected trips to be generated by such approval will not cause the roadways to operate below the above referenced levels of service. This Order shall be amended to specifically condition each subphase.

c. Option 3 ("Pipelining").

(1) The Developer acknowledges that the City does not have a transportation impact fee in place as required by 380.06(15)(e)(1) F.S. Therefore, the City cannot lawfully include any transportation condition which requires that this Developer contribute or pay for land acquisition or construction or expansion of public facilities. The City and Developer recognize that pipelining is an option being offered to this Developer and should the Developer elect to mitigate using this Option, all contributions and construction by the Developer are voluntary pursuant to 380.06(15)(e)(2) F.S. The election of this Option must occur within 30 days from the date this Order becomes a final, nonappealable DRI Development Order or at the time the Developer applies for its first building permit, whichever event occurs earlier. Failure to notify the City and TBRPC of its election to pipeline within the time frames stated above shall foreclose the Developer from using Option 3 to mitigate its transportation impacts.

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

(3) Under this option, the Developer, using Developer's proportionate share amount calculated pursuant to Rule 9J-2.0255, F.A.C. (1987), as interpreted in accordance with TBRPC, DCA, and City policies regarding pipeline mitigation of transportation impacts, may elect under the circumstances set forth hereafter to fund, design and construct link, intersection and other improvements as follows:

- (a) U. S. Highway 92 at intersection with Park Road:
  - (i) Design and construction of intersection improvements as required by FDOT. Improvements will include construction of East and Westbound turn lanes, increasing the grade on U.S. Highway 92 and installation of required signalization. The design plans will be compatible with Hillsborough County's Park Road design plans for Park Road South of U.S. 92.
  - (ii) Design will accommodate traffic volumes acceptable to FDOT and the described improvements will be constructed so as to be salvageable with the construction of ultimate intersection improvements.
  - (iii) Acquisition of right-of-way for construction of the described intersection improvements at the intersection of U.S. Highway 92 and Park Road.
  
- (b) Park Road:
  - (i) Construction of an approximate 2000 feet long four-lane section of Park Road northwards from the intersection of U.S. Highway 92 and Park Road to tie into the existing three-lane section approximately 800 feet North of the intersection with Calhoun Street.
  - (ii) Construction of southbound deceleration/right-turn lane at the intersection of Calhoun street and Park Road.
  - (iii) Construction of northbound left-turn lane at the intersection of Calhoun Street and Park Road.
  
- (c) (i) Extension of five-lane cross-section of Park Road, as proposed and designed by Hillsborough County from the South line of the CSX Transportation railroad right of way to the intersection of U.S. Highway 92 and Park Road.
  
- (d) (i) Construction of CSX Railroad crossing on Park Road.
  - (ii) Signalization of CSX Railroad crossing on Park Road.
  
- (e) (i) Relocation of CSX Railroad spur line to Plant City Steel.

- (ii) Construction of CSX Railroad spur crossing on U.S. Highway 92.
- (iii) Signalization of CSX Railroad spur crossing on U.S. Highway 92.
- (4) For purpose of this Order, Developer's proportionate share of the costs of the transportation improvements necessary to accommodate the impacts of Phase I, of the development has been calculated to be \$1,400,061. The estimated costs of such improvement(s) based on 1989 dollars as of the date of this Order is \$1,400,100. The Developer shall build the pipeline improvements regardless of costs. In addition to the proportionate share for construction of the improvements described above, the Developer shall voluntarily donate and convey to Hillsborough County the right of way required by Hillsborough County, for construction of the four-laning of Park Road South of U.S. Highway 92.
- (5) In the event any portion of the pipeline improvement is funded by any other governmental body or agency, the total sum of the actual costs of such portion of the pipeline improvements shall be paid over by Developer to the City upon demand, and the City shall expend such sum for such alternate road construction in mitigation of Developer's transportation impact as the City may determine with the concurrence of TBRPC and implementation by amendment to this order.
- (6) Implementation of pipelining shall require that:
  - (a) The Developer shall guarantee funding the design and construction for the pipeline improvements, including securing the necessary permits, rights of way and easements, by the posting of a bond or an irrevocable letter of credit in an amount sufficient to complete the same, as may be approved by the City. The guarantee may be in such other form agreeable to the City. Such guarantee shall be posted by the Developer within sixty days after the date on which the Developer notifies the City in writing of its election of the pipeline option. Until final completion and acceptance of the pipeline improvements, the amount of the bond or letter of credit shall be adjusted annually to reflect current approved cost estimates for completion by the Developer of the pipeline improvements as may be determined by the City. Upon default of the guarantee by the Developer, the City may draw down on the letter of credit, bond or other security for completion of the pipeline improvements or such alternate road construction in mitigation of Developer's transportation impact as the City may determine with concurrence by

TBRPC and FDOT, and implementation by amendment to this Order.

(b) The design of the Pipeline Segments shall be prepared in a manner normally used by the entity which will ultimately be responsible for the transportation improvements. The design shall be reviewed and approved, as appropriate, by FDOT, the County, the Railroad and the City prior to construction of such improvements. As to the construction and relocation of existing spur track into Plant City Steel Corporation's property, the design shall also be reviewed and approved by Plant City Steel Corporation. The design for that part of the pipeline described in Subsection C.7.c.(3)(a) and (b) shall be completed and approved within twelve (12) months after the date on which the Developer advises the City in writing of its election of the Option 3 pipeline transportation mitigation option. The design shall include 30%, 60% and 90% design completion reviews and approvals. The design for that part of this pipeline described in Subsection C.7.C.(3)(e) shall be completed within six months after the date on which the Developer notifies the City in writing of its election of the pipeline option. Design has been accomplished, or is underway, by Hillsborough County for those pipeline improvements described in Subsection C.7.c.(3)(c) and (d).

(c) Upon completion of the design, and approval by the FDOT, the County, the Railroad and the City, Developer shall obtain all necessary permits and right of way within twelve (12) months of the date of the last such approvals as to that part of the pipeline described in Subsection C.7.c.(3)(a) and (b) and within six months as to the remainder of the pipeline improvements. The City shall assist the Developer, when appropriate, in obtaining all permits, approvals, utility relocations, right-of-way, and easements necessary to complete the pipeline improvements, all at Developer's expense.

(d) Upon completion of the design, and securing of necessary permits, rights-of-way and easements, the Developer shall commence construction and shall construct and complete the pipeline improvements described in Subsection C.7.c.(3)(a) and (b) above, within twelve (12) months from the date of commencement of construction. The construction of the pipeline improvements described in Subsection C.7.c.(3)(c), (d) and (e) above shall be completed within six (6) months from the date of commencement of construction. The Developer shall complete the pipeline improvements regardless of

costs. Based upon the earlier acquisition of required permits, Developer shall complete construction of the pipeline improvements described in Subsection C.7.c.(3)(c),(d) and (e) above, concurrent with completion of construction of the County's Park Road improvement project.

(e) The Developer shall enter into all necessary agreement(s) with the Railroad, FDOT, or the County as required for the construction of the CSX Railroad crossing on Park Road and with FDOT, the Railroad and Plant City Steel Corporation for the construction and relocation of existing spur track from the East to the Plant City Steel Corporation and required signalization devices.

(f) Developer shall enter into a joint participation agreement with FDOT and the City relating to the construction of the described pipeline improvements within 30 days of the date of Developer's election of option 3. The joint participation agreement shall provide for the construction of pipeline improvements with an estimated cost as approved by the City, TBRPC, FDOT, and the County of not less than \$1,400,100 based on 1989 dollars. No construction permits shall be issued prior to the date of final execution of the joint participation agreement.

(g) (i) If Developer is not meeting the schedule for design, permits, right-of-way acquisition, and construction as provided in Section 4.C.7.c., or otherwise defaults in any other requirement for implementing pipelining, or otherwise defaults in any other condition of this order, no further building permits or certificates of occupancy shall be issued nor shall Developer be permitted to continue any building construction, until such time as the Developer can demonstrate that the pipeline improvement is back on the above referenced schedule, or that the default is corrected.

(ii) In order to ensure that Developer is meeting the schedule for design, permits, right-of-way acquisition, and construction, the Developer shall provide pipeline improvement status reports to the City on a quarterly basis, on January 1, April 1, July 1, and October 1 of each year, until the completion and acceptance of the pipeline improvement. These quarterly reports, if they clearly demonstrate that the schedule cannot be met, may be the basis for

City action in refusing to issue further building permits or certificates of occupancy, even though such action may occur prior to the end of the scheduled times for completion of the design, permitting or construction of the pipeline improvement(s).

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

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

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

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

(iii) Any determination by the City upon application of the Developer for extension to such schedules as hereinabove provided shall be in the sole judgment of the City. Such review, determination and the allowance of such extension, if any, shall be consistent with applicable laws, rules and regulations regarding extension of schedules of DRI projects; and allowance of such extension, if any, shall be pursuant to an amendment of the Order, the review and adoption of which shall not

constitute a substantial deviation.

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

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

(7) The City may withhold the issuance of further building permits for the Project in the event that the segment of Park Road South of U. S. Highway 92 extending from Ames Drive North to CSX railroad is not fully funded and under construction as a four laned facility prior to completion of the first 625,000 square feet of the development.

(8) If site access Drive C at U.S. Highway 92 or (excluding Park Road) an alternate location along U. S. Highway 92 has not received connection and railroad crossing permits prior to the completion of the first 625,000 square feet of development, the City may withhold issuance of further building permits for the Project and the Developer shall submit to FDOT, TBRPC, and the City for review and approval within 90 days of completion of the first 625,000 square feet of development, a traffic study defining the Project square footage that can be achieved without site access Drive C at U.S. Highway 92 or (excluding Park Road) an alternate location along U. S. Highway 92. Within 90 days upon completion of the first 625,000 square feet of development, and prior to further development, the Developer shall file a petition for determination of whether a substantial deviation has occurred (pursuant to Section 380.06 (19).

F.S.).

- (9) Prior to construction of Site Access Road B approval of the relocation of the Coronet Road intersection at Alsobrook and Park Road must be obtained or appropriate alternate strategies for mitigation of the Project's impact must be approved by the City, Hillsborough County, and TBRPC.
- (10) The City may withhold the issuance of building permits for the Project after three (3) years from the date of adoption of the Development Order, if at that time, the four laning of Park Road from the point referred to in Section C.7.c(3)(b)(i), hereof, North to Interstate 4 is not funded and committed for construction by FDOT or the BOCC of Hillsborough County for the then current year.

D. Hurricane Evacuation and Floodplain Management.

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

E. Environmental and Natural Resources.

1. a. The portions of the Project site which meet the definition of preservation and conservation areas, as defined in Sections 10.1.2. and 10.3.1. of TBRPC's adopted growth policy, the Comprehensive Regional Policy Plan, shall be so designated on a Master Site Plan submitted to the City. These areas shall be consistent with the areas indicated on Exhibit E, which map is incorporated by reference as if fully set forth herein.
- b. In order to protect the natural values of preserved/conserved wetland areas, prior to the issuance of any building permit, the Developer shall submit a wetland/lake management plan to TBRPC for review and approval and to the City, EPC, DER and SWFWMD for approval. The plan shall address, but not be limited to, wetlands to be preserved, proposed wetland/lake alterations, control of exotic species, mitigation of lost wetlands, control of on-site water quality, and methods for wetlands restoration/enhancement.
- c. No hydroperiod alteration except for wetland restoration/enhancement shall be permitted in preservation areas as identified on the final Master Site Plans submitted to the City. Natural annual hydroperiods, normal pool elevations and seasonal high water elevations shall be substantially maintained. Hydroperiod monitoring shall be required semiannually in selected preserved wetlands prior to development in the sub-basin containing the preservation area and continuing for three years following build-out of the subbasin surrounding each

wetland monitored. The monitoring sites shall be selected and approved in cooperation with the City, SWFWMD, DER, EPC, and TBRPC. Should preservation areas be stressed due to project development activities, development activity shall cease until remedial measures have been taken to correct the hydroperiod imbalance. Such measures could include limitations on impervious surface, enlargement of natural buffer areas and increased upland retention of stormwater. The results of the monitoring shall be provided in each annual report.

d. The Developer shall provide a minimum thirty feet wide natural buffer zone around all preservation areas to provide an upland transition into the wetland areas and to protect the natural systems from development impact. No dredging, filling or development activities shall be allowed within the preservation areas.

(1) All wetland losses shall require 1:1 in-kind wetland replacement. Mitigation for wetland losses shall be implemented prior to or concurrent with wetlands being disturbed.

(2) Existing wetlands which are permitted to be altered or eliminated should be used as donor material for revegetation of mitigation areas, where feasible.

(3) All mitigation areas and littoral shelves shall be monitored quarterly for a period of one year and semiannually for the next three years. Monitoring shall include species diversity composition, spreading (regeneration) and exotic species encroachment. Additional planting shall be required to maintain an 85 percent survival of planted species at the end of three years.

e. An estimated 322 acres of the Project site shall be reserved as wetlands/conservation areas, as committed in the ADA.

2. Representative tracts of the major high quality upland communities, listed on page 12-8 of the ADA, (mixed forest, palmetto prairie and pine flatwoods) shall be preserved on-site in a manner which will ensure their continued natural function and value. These tracts should be located contiguously in order to maximize their natural value. The areas to be preserved shall be designated on the Master Site Plan. Possible tracts are identified on the attached Preservation/Conservation Areas Map.

3. In the event that any species listed in Sections 39-27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in

cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC).

4. Any approval of the Project, beyond Phase I, shall require Chapter 380, F.S., review of air quality, in the form of an updated air quality impact analysis acceptable to DER and the City, with review and comment by TBRPC, and amendment of the Development Order to incorporate necessary measure to alleviate project impacts. Air quality modelling shall not be based on the improved road network set forth in response to Question 31 of the ADA, unless funding commitments by a responsible entity are confirmed.
5. The Developer shall notify all Project tenants of their responsibility to comply with all the applicable sections of the Title III (Community Right-to-Know Law) of the Superfund Amendment and Reauthorization Act (SARA).
6. There shall be no impervious surfaces constructed within the 25-year floodplain, except minimal, properly permitted and mitigated intrusions for necessary roadways and easements, as long as they do not contribute to adverse water quality impacts from stormwater runoff.
7. The soil conservation measures referenced on page 14-6 of the ADA and the measures to reduce erosion, fugitive dust and air emissions referenced in the ADA, at minimum, shall be implemented. Also, the Developer shall contact Hillsborough County to apply for open burning permits, as needed, as per Chapter 17-5, F.A.C.

F. Drainage.

1. Prior to the issuance of any building permits, the Developer shall submit the Final Drainage Plan for the Project to the City, FDER, TBRPC and SWFWMD for review and to the City for approval.
2. The Final Drainage Plan shall include the following parameters:
  - a. The proposed stormwater management systems shall be designed, constructed, and maintained by the Developer to meet or exceed Chapter 17-25, FAC, and 40D-4, Rules of SWFWMD. Treatment shall be provided by biological filtration, if feasible.
  - b. Best Management Practices for reducing water quality impact, as recommended by the City and SWFWMD shall be implemented including a street cleaning program for parking and roadway areas within the development.
  - c. In order to protect water quality in the Alafia River watershed, there shall be no degradation of existing water quality conditions by stormwater exiting the site. Therefore, it is appropriate that

the Developer provide for a semi-annual surface water quality monitoring program, to be instituted before ground breaking takes place and to continue through project buildout only. If no construction on the site has taken place between the date of the last monitoring and the date the next monitoring is due, then Developer is not required to monitor for that period. This provision is specifically predicted on the most recent monitoring report not indicating a degradation of water quality standards by stormwater exiting the site. If the most recent monitoring report had indicated such a degradation, then the Developer shall provide a monitoring report, whether or not construction had taken place since the last monitoring. Notwithstanding the above, the Developer shall provide notice to the recipients of monitoring reports, that no construction has taken place and therefore no reports (for that period) will be forthcoming. Any construction during any subsequent monitoring period shall retrigger the requirement for monitoring and the timely submittal of a monitoring report (through project buildout). Any violation of Chapter 17-3, FAC, shall require corrective measures as set forth by FDER. The following shall apply:

- (1) Sampling locations shall be determined in cooperation with the City and SWFWMD.
- (2) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/FDER Quality Control Standards and Requirements.
- (3) The monitoring results shall be submitted to the City and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to the City and SWFWMD immediately.

d. In order to protect groundwater quality, a monitoring program shall be instituted immediately and shall be continued periodically through development construction. Any violation of Chapter 17-3, F.A.C., shall require corrective measures as set forth by DER. The following shall apply:

- (1) Sampling locations, parameters and frequencies shall be determined in cooperation with the City, DER, SWFWMD and TBRPC.
- (2) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with EPA/DER Quality Control Standards and Requirements.

- (3) The monitoring results shall be submitted to the City, DER and SWFWMD. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to the City and DER immediately and corrective measures, as set forth by DER, shall be implemented. TBRPC shall receive the results of the analyses with the annual reports.
- (4) No discharges to groundwater, pursuant to Chapter 17-4.245, F.A.C., shall be permitted on-site.

- e. Environmentally sound cleaning procedures, including wet vacuuming and biodegradable solvents, shall be used to clean vehicular parking and access surfaces.
- f. In the absence of the dedication to, and acceptance by the City of specific drainage facilities, the Developer, its successors, or assigns, shall be the responsible entity for the maintenance of the on-site stormwater management systems.

G. Historical and Archaeological Sites. The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined and approved by, and in cooperation with, the Florida Division of Historical Resources and the City.

H. Energy.

1. Tampa Electric Company ("TECO") will supply electric power to the project. The Developer will cooperate with TECO during the development of a detailed site and landscaping plan to facilitate substation placement, easements, and rights of way relative to the development site.
2. The following energy conservation measures shall be utilized as economically feasible:
  - a. The Developer shall establish Energy policies, energy-use monitoring, and energy conservation for the Project using a qualified energy use analyst.
  - b. The Developer shall institute programs to promote energy conservation by employees, buyers, and suppliers.
  - c. The Developer shall institute programs to reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours and to initiate recycling programs.
  - d. The Developer shall encourage the elimination of advertising requiring lighting after business hours.
  - e. The Developer shall encourage and employ

innovative energy alternatives such as solar energy, resource recovery, waste heat recovery, and cogeneration if economically feasible.

f. The Developer shall install total energy systems on large facilities when costs effective.

3. A report on the implementation of, and participation in, these and other energy programs shall be included in each annual report.

I. Solid Waste. The City shall provide solid waste disposal to this Development at such charges as the City or the County may from time to time promulgate.

J. Wastewater.

1. The City shall provide wastewater treatment to this Development through build-out of this project as referenced in the ADA at such charges for wastewater services as the City may from time to time promulgate. The Developer shall provide the onsite and offsite infrastructure necessary to connect to the City's system.

2. The Developer shall establish a plan and schedule whereby on-site development sewer lines shall be monitored for leaks and ruptures. Such plan and schedule shall be submitted to the City Engineer for review and approval prior to the issuance of any building permits authorizing the installation of such sewer lines. The plan shall designate the entity(ies) to carry out the monitoring and shall include a time schedule which outlines dates or frequency of the monitoring program. Faulty lines shall be replaced by Developer as directed by the City.

3. Wastewater reuse systems shall be implemented in accordance with City Regulations to minimize discharge.

4. Unless properly treated prior to discharge in accordance with appropriate law, disposal of non-domestic waste into the sewer system shall be prohibited.

K. Hazardous Materials.

1. The Developer shall provide to the Project businesses information that:

a. Indicates the types of wastes and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers/areas;

b. Described construction requirements for hazardous waste holding areas; and

c. Advises of applicable statutes, ordinances and regulations regarding

hazardous wastes and materials.

2. No Project tenants shall, as a byproduct of their use, generate hazardous waste not suitable for recycling, exchange, reuse, or disposal, off-site, and in strict compliance with all applicable local, regional, state and federal regulations.
3. The Developer shall develop an ongoing survey which will locate and catalog tenant businesses where hazardous materials and waste are stored, handled or transported. The ultimate fate or disposal of the substances shall also be recorded. The results of this survey shall be reported to the City and TBRPC as part of the annual report. The storage, handling or transportation of hazardous materials and wastes shall be subject to such regulations as the City may from time to time provide, which may include regulations prohibiting the storage, handling or transportation of hazardous materials and wastes.
4. Underground storage of hazardous or toxic materials shall be prohibited.

L. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out of the project as referenced in the ADA will be supplied by the City at such charges for water service as the City may from time to time promulgate. The Developer shall provide the onsite and offsite infrastructure necessary to loop to the City's system.
2. The Developer shall submit a plan in the first Annual Report following issuance of the first Certificate of Occupancy to the City and TBRPC for using the lowest quality non-potable water reasonably available for irrigation, following issuance of the first Certificate of Occupancy. The plan shall establish the time of implementation. The Developer shall be responsible for maintenance and operation of any on-site wells.
3. Water saving devices shall be incorporated into the project's design and construction guidelines to the extent mandated by the Florida Water Conservation Act, Section 553.14, F.S. (1988). Xeriscape techniques, including native vegetation, shall be used in landscaping wherever feasible.
4. Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the development in accordance with City laws, rules, and regulations as the responsibility of the Developer.
5. Internal water distribution facilities not located within public easements or rights-of-way shall be maintained by the Developer, owner or its successors or assigns.

6. Planning and development of the 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.

M. Other Public Facilities, Utilities, and Services.

The City shall assure the adequacy and availability of police and fire services for the Project. Hillsborough County EMS is responsible for the provision of emergency medical services.

1. The Developer acknowledges that the City does not have a fire protection impact fee in place as required by 380.06(15)(e)(1)F.S. Therefore, the City cannot lawfully include any fire protection condition which requires that the Developer contribute or pay for land acquisition or construction or expansion of public facilities. The Developer nonetheless recognizes that its development will impact on the fire protection program of the City, and elects to voluntarily mitigate its development impact by contributing \$200,000 toward the cost of construction of a fire station within the area of service for the development. This contribution by the developer is voluntary pursuant to 380.16(15)(e)(2) F.S. Payment of this contribution to the City will be made within one hundred eighty (180) days of the date this Order becomes a final nonappealable DRI Development Order or at the time Developer applies for its first building permit, whichever occurs earlier.

N. Maintenance of Open Space and Recreation Areas.

1. Except as provided in Subparagraph 2, the Developer, its successors, assigns, or grantees shall be the responsible entities for the maintenance of all open space areas of the project site including recreation areas.
2. The Developer has proposed that the City elect to accept ownership and maintenance responsibilities of the site of Boy Scout Camp, more particularly described in Exhibit F. The City agrees to accept such ownership and maintenance responsibilities, and Developer shall within six months from the date of adoption of the Development Order convey to the City the site of Boy Scout Camp.
3. The recreation and open space sites within the Project required by the City shall be held inviolate against diversion to other uses.

O. Credits Against Local Impacts and Exactions. The terms and conditions of this Order which require the Developer to contribute land or pay for land acquisition or construction or expansion of public facilities or portions thereof, have been stipulated to by the Developer and the Developer has determined that any contributions or construction or public facilities which are called for in this Order are in its own best interest. Developer acknowledges that the City does not currently have any impact fees. However, consistent with F.S. 380.06(16)(b)(1988), if the

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

P. Economy.

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

Q. General Conditions.

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

R. Accessible Housing.

1. In order to ensure that people will find adequate housing opportunities reasonably accessible to their places of employment, the Developer shall, prior to the commencement of

development of Phase II, conduct an analysis of the housing needs to be created by the entire development and determine the availability of adequate housing proximate to or otherwise reasonably accessible to the development. This analysis and determination shall be accomplished using a methodology approved by the DCA. If such analysis indicates that the development will create a substantial need for adequate housing that is not being provided by other residential development proximate to the development or if such analysis indicates that the development would not substantially further the creation of adequate housing opportunities reasonably accessible to places of employment, then the Developer shall prepare a Housing Affordability and Implementation Plan (HAIP) and request the City to adopt the HAIP as an amendment to this Order, which amendment shall not be considered a substantial deviation. The HAIP shall comply with the goals and standards established by the TERPC Comprehensive Regional Policy Plan, the adopted local government comprehensive plan, and all applicable rules and policies established by the state land planning agency prior to the commencement of Phase II.

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

5. Local Conditions.

1. The light industrial uses proposed for

development within this DRI, and its associated CU site-plan-controlled zoning district shall be limited to those uses permitted pursuant to Section 111.16 M-1A Light Industrial District, the City Zoning Code, as such section is in effect at the time of the effective date of this Order; provided, however, that all uses within this DRI shall be subject to such regulations as the City may from time to time provide relating to the manufacture, storage, handling, use, transportation, or disposition of hazardous materials and waste.

2. The provisions of this Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of the City now in effect or hereafter enacted. To the extent that further review is provided for in this Order or required by the City, said review shall be subject to all applicable laws, rules, regulations and ordinances in effect at the time of the review.

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

Section 6. That the term "Developer" as used in this Order is deemed to mean Consolidated Minerals, Inc., its successors, or assigns, and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, any subsequently created condominiums or merchants' association. For purposes of this Order, the authorized agents for the Developer are Lamar Willis, Director of Real Estate, Consolidated Minerals, Inc., P. O. Box 790, Plant City, Florida 34289, and Richard E. Davis, Esq., Holland & Knight, P. O. Box 1288, Tampa, Florida 33601.

Section 7. That Development of the Project shall commence by January 1, 1993 unless the time period for commencement is extended by the City.

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

Section 9. That prior to fifteen (15) years from the date upon which this Order becomes final and the appeal period has ended, the City may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that: (a) substantial changes in the conditions underlying the approval of the Order have occurred; or (b) the Order was based upon substantially inaccurate information provided by the Developer; or (c) the change is clearly established by the City to be essential to the public health, safety, or welfare. Any down-zoning or reduction of intensity shall be affected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations (including land use plan amendments and rezonings). For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the

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

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

Section 12. All development undertaken pursuant to this Order shall be in accordance with all applicable local codes, ordinances in effect at the time of permitting, and other laws, except as otherwise specifically provided herein.

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

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

Section 15. That the City Clerk is hereby directed to send certified copies of this Order, within five (5) days of the enactment date of this Ordinance, to the Developer, the D.C.A., and TBRPC.

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

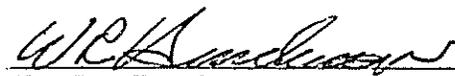
Section 17. That the Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380 and shall furnish the City Clerk a copy of the recorded notice.

Section 18. That this Ordinance shall take effect immediately upon passage as provided by law, and acceptance by Developer.

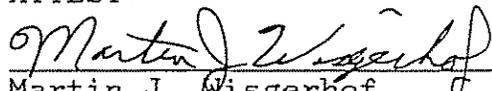
Read for first reading the 26th day of December, 1989.

Read for second reading the 30th day of JANUARY, 1990.

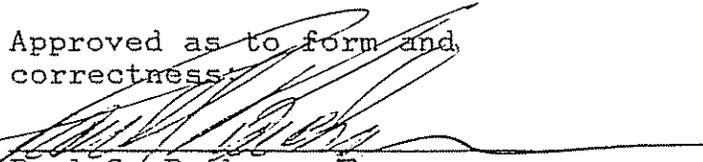
Certified as to passage the 30th day of JANUARY, 1990.

  
\_\_\_\_\_  
W. R. Henderson  
Mayor-Commissioner

ATTEST:

  
\_\_\_\_\_  
Martin J. Wisgerhof  
City Clerk

Approved as to form and  
correctness:

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

This Development Order is accepted this 30 day of January, 1980.

CONSOLIDATED MINERALS, INC.  
Developer

By Roman Willis  
Director of Real Estate  
Consolidated Minerals Inc.

## EXHIBIT A

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

## EXHIBIT B

A parcel of land lying in Sections 26, 27, 34 and 35, Township 28 South, Range 22 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 27; thence N.89°52'19"E. along the South boundary of said Section 27, for 50.01 feet to the East right-of-way line of Park Road (S.R. S-574-A) as recorded in O.R. Book 1169, Page 574 of the Public Records of Hillsborough County, Florida, and the POINT OF BEGINNING; thence N.00°00'22"W. along said Easterly right-of-way line for 2525.90 feet to the Southerly right-of-way line of the Seaboard System Railroad; thence along said Southerly right-of-way line, N.79°06'16"E. for 708.02 feet to the North boundary of the Southwest 1/4 of said Section 27; thence N.88°55'43"E. along said North boundary, for 1907.73 feet; thence S.00°17'20"E. for 110.33 feet; thence N.88°56'29"E. for 639.73 feet; thence N.00°08'43"W. for 110.00 feet; thence N.88°58'16"E. along said North boundary of the Southwest 1/4 of Section 27, for 2014.44 feet to the West boundary of Section 26; thence N.00°15'26"W. along said West boundary for 792.95 feet to the Southerly right-of-way line of the Seaboard System Railroad (formerly Atlantic Coastline Railroad); thence N.79°06'54"E. along said Southerly right-of-way line, for 5346.79 feet to the East boundary of said Section 26; thence S.01°35'09"W. along said East boundary for 1307.11 feet; thence continuing along said East boundary, S.00°37'16"E. for 2647.10 feet to the Southeast corner of said Section 26; thence S.00°11'24"W. along the East boundary of said Section 35, for 642.61 feet; thence N.89°44'53"W. for 1324.45 feet; thence S.00°48'22"W. for 1787.45 feet; thence N.81°05'22"W. for 1327.64 feet; thence N.00°27'47"E. for 2230.32 feet to the North boundary of said Section 35; thence N.00°28'27"W. for 334.50 feet; thence S.89°56'20"W. for 1500.47 feet to a point of curvature; thence Southwesterly along the arc of a curve concave Southeasterly, said curve having a radius of 1934.50 feet, a central angle of 27°08'00", an arc length of 916.12 feet, and a chord bearing and distance of S.76°22'19"W., 907.58 feet to a point of tangency; thence S.62°48'19"W. for 919.20 feet; thence S.00°26'44"W. for 766.06 feet; thence S.48°26'44"W. for 400.00 feet; thence S.41°33'16"E. for 444.24 feet; thence S.00°26'44"W. for 3804.00 feet to the South boundary of said Section 34; thence Westerly along said South boundary for 641.58 feet to the Easterly right-of-way line of Coronet Road (C.R. No. 574-A); thence along said Easterly right-of-way line for the following seven (7) courses: 1) N.44°47'16"W. for 1904.39 feet, 2) N.44°41'24"W. for 1251.81 feet, 3) N.44°51'39"W. for 1230.76 feet, 4) N.44°36'30"W. for 508.10 feet, 5) N.44°38'23"W. for 280.71 feet, 6) Northwesterly along the arc of a curve concave Southwesterly, having a radius of 1979.96 feet, an arc length of 449.01 feet, and a chord bearing and distance of N.59°17'16"W., 448.05 feet, 7) N.32°47'49"W. for 50.08 feet to the East right-of-way line of Park Road; thence N.00°37'31"E. along said right-of-way line, for 1417.54 feet to the POINT OF BEGINNING.

TOGETHER WITH:

A parcel of land lying in Section 34, Township 28 South, Range 22 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 34, thence S.89°53'55"E. along the South boundary of said Section 34, for 1326.24 feet to the POINT OF BEGINNING; thence N.00°15'23"E. for 1683.93 feet; thence S.89°43'22"W. for 1281.23 feet to the East right-of-way line of Park Road (S.R. S-574-A); thence along said right-of-way line for the following two (2) courses, 1) N.00°05'15"E. for 1005.27 feet, 2) N.00°37'31"E. for 1080.91 feet; thence along the Westerly right-of-way line of Coronet Road (C.R. No. 574-A) for the following six (6) courses, 1) N.88°41'42"E. for 37.18 feet, 2) Southeasterly along the arc of a curve concave Southwesterly, having a radius of 1859.68 feet, an arc length of 623.05 feet, and a chord bearing and distance of S.54°14'12"E., 620.14 feet, 3) S.44°36'30"E. for 508.27 feet, 4) S.44°51'39"E. for 1230.83 feet, 5) S.44°41'24"E. for 1251.74 feet, 6) S.44°47'16"E. for 1805.15 feet to the South boundary of said Section 34, thence N.89°58'06"W. along said South boundary for 1330.69 feet; thence continuing along said South boundary, N.89°53'55"W. for 1326.24 feet to the POINT OF BEGINNING.

# EXHIBIT C

DRI #197 - CMI-PLANT CITY SITE

## DEVELOPER COMMITMENTS

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

### General Project Description

1. The eastern portion of the CMI site will be linked to U.S. 92 with no access to Wiggins Road (ADA p. 12-7).
2. Those businesses allowed will be consistent with the City of Plant City's Comprehensive Land Use Plan which states that no businesses which generate hazardous wastes are desired in the City of Plant City (SR p. 15-4, p. 15-5).

### ENVIRONMENTAL AND NATURAL RESOURCES

#### Air and Land

3. To prevent or control wind and water soil erosion, the following steps will be taken during construction:
  - Clearing and excavation will be limited to those areas that are immediately scheduled for construction.
  - Natural vegetation will be retained to the fullest extent possible.
  - Chemical stabilizers will be applied and cleared areas will be protected by seeding, mulching, and establishing low maintenance and native plant species.
  - Sediment basins and siltation barriers will be established and safe disposal of runoff will be provided (ADA p. 14-6).
4. Side slopes of pond embankments and reservoirs will be designed and constructed to improve stability and alleviate flooding problems and sod placement and suitable soil stabilizers on embankments will further stabilize the soil (ADA p. 14-5).
5. If landfill materials must be removed to render the site buildable, appropriate state and federal regulation will be adhered to regarding removal of these materials. Any materials removed will be deposited in a state approved landfill site (SR p. 14-2).

### Water

6. Stormwater detention facilities will meet the treatment and attenuation requirements set forth by local, regional and state regulatory agencies and protect the sites from flooding during storm events (ADA p. 15-6).
7. The operating levels of the proposed ponds including the wetlands and borrow pits used for stormwater management within the site will be staged to maintain the viability of these systems. (ADA p. 15-7)
8. The existing groundwater monitoring program as required by FDER will continue before, during and after construction to assess the impacts of the development on the area's groundwater (SR p. 15-3).

### Wetlands

9. Natural hydroperiods in the wetland areas will be maintained (ADA p. 15-7).
10. In the case that borrow ponds and wetlands are used for stormwater quantity and quality treatment, the applicant will file for approval and comply with approval requirements in regards to maintaining hydroperiods, construction phase precautions, and mitigation or revegetation (ADA p. 16-2).

### Vegetation and Wildlife

11. If required, a gopher tortoise relocation plan will be prepared and reviewed in accordance with FGFWFC guidelines (ADA p. 18-19).

### PUBLIC FACILITIES

#### Drainage

12. The primary detention and conveyance facilities within the site will be designed to accommodate the post-development runoff rates from a 25-year/24-hour rainfall event (ADA, p. 22-3).
13. Systems to collect and convey surface runoff from individual sites to the primary drainage facilities will be designed for the 5-year event as presently required by Hillsborough County using the rational method (ADA p. 22-3).
14. Off-site drainage areas will be conveyed through or around the site, without co-mingling with on-site runoff, so that historical drainage patterns are maintained (ADA p. 22-4).
15. The Developer and/or owner or their successors in interest will be responsible for maintenance of the drainage facilities within the site (ADA p. 22-8).

16. The Developer agrees to comply with the requirements of the Southwest Florida Water Management District and Hillsborough County regarding stormwater quality and quantity and floodplain encroachment/compensation issues. Existing drainage basin configurations and sizes will be maintained, as much as possible, in the proposed Master Drainage Plan to prohibit adverse impacts to off-site areas (SR p. 11/12-24).

#### Water Supply

17. The on-site water distribution mains will be sized to maintain the adequate pressure and flow supplied to the site by Plant City (ADA p. 23-4).

#### Solid Waste

18. There will be no treatment or disposal of solid waste on site (ADA p. 15-6, p. 24-1).

#### Recreation and Open Space

19. Common open space areas will be owned and maintained by the applicant or an owner's association except where local government elects to accept ownership and maintenance responsibilities of the facilities (ADA p. 27-1).

#### Transportation

20. CMI or its successors in interest will construct the internal road network (SR p. 11/12-11).
21. Commercial development fronting on Park Road will be accessed from Park Road. Commercial development fronting on the primary internal roadway will be accessed from that roadway (SR p. 11/12-11).

# EXHIBIT D

## TRIP EQUIVALENCY TABLES

### CASES:

- (1) Conversion from light industrial to office
- (2) Conversion from light industrial to commercial
- (3) Conversion from office to commercial
- (4) Conversion from office to light industrial
- (5) Conversion from commercial to light industrial
- (6) Conversion from commercial to office

(1) Conversion from Light Industrial to Office

<u>LIGHT INDUSTRIAL (KSF)</u>	<u>OFFICE (KSF)</u>
4000	150
3800	230
3600	322
3400	425
3200	536
3000	658
2800	790
2600	932
2400	1085
2200	1248
2000	1422
1800	1610
1600	1810
1400	2025
1200	2257
1000	2510
800	2785
600	3095
400	3445
200	3873
0	4585

Equation:  $y = Ax^2 + Bx + C$

where:     y = ksf of office  
           x = ksf of light Industrial

A = 2.179405/10,000  
B = -1.875165  
C = 4263.35

(2) Conversion from Light Industrial to Commercial

<u>LIGHT INDUSTRIAL (KSF)</u>	<u>COMMERCIAL (KSF)</u>
4000	60
3800	74
3600	90
3400	108
3200	127
3000	149
2800	173
2600	220
2400	246
2200	273
2000	301
1800	329
1600	359
1400	389
1200	421
1000	454
800	490
600	528
400	570
200	619
0	696

Equation:  $y = Ax^2 + Bx + C$

where:     y = ksf of commercial  
           x = ksf of light industrial

A = 1.743487/100,000

B = -0.222525

C = 667.6446

(3) Conversion from Office to Commercial

<u>OFFICE (KSF)</u>	<u>COMMERCIAL (KSF)</u>
150	60
140	61
130	63
120	65
110	67
100	69
90	74
80	74
70	76
60	78
50	81
40	84
30	87
20	91
10	95
0	102

Equation:  $y + Ax^2 + Bx + C$

where:  $y$  = ksf of commercial  
 $x$  = ksf of office

$A = 1.0322915/1000$

$B = -0.416702$

$C = 99.74756$

(4) Conversion from Office to Light Industrial

OFFICE (KSF)	LIGHT INDUSTRIAL (KSF)
150	4000
140	4027
130	4051
120	4078
110	4107
100	4138
90	4168
80	4198
70	4231
60	4265
50	4300
40	4338
30	4378
20	4423
10	4476
0	4559

Equation:  $y = Ax^2 + Bx + C$

where: y = ksf of light industrial  
x = ksf of office

A = 1.072674/100  
B = -5.103864  
C = 4533.22

(5) Conversion from Commercial to Light Industrial

<u>COMMERCIAL (KSF)</u>	<u>LIGHT INDUSTRIAL (KSF)</u>
60	4000
55	4026
50	4051
45	4077
40	4104
35	4133
30	4164
25	4197
20	4232
15	4272
10	4318
5	4374
0	4484

Equation:  $y = Ax^2 + Bx + C$

where: y = ksf of light industrial  
x = ksf of commercial

A = 8.182207/100

B = -12.18078

C = 4450.223

12/11/10

(6) Conversion from Commercial to Office

<u>COMMERCIAL (KSF)</u>	<u>LIGHT INDUSTRIAL (KSF)</u>
60	150
55	159
50	169
45	179
40	190
35	202
30	214
25	228
20	243
15	260
10	279
5	305
0	355

Equation  $\rightarrow y = Ax + Bx^2 + Cx + D$

where:  $y =$  ksf of office  
 $x =$  ksf of commercial

$A = -1.100555/1000$   
 $B = 0.1389909$   
 $C = -7.729563$   
 $D = 348.1461$

In no event shall Developer utilize the trip conversion mechanism to increase square footages above the amounts described as follows:

OFFICE: 210,000 SQUARE FEET

INDUSTRIAL: 4,200,000 SQUARE FEET

COMMERCIAL: 110,000 SQUARE FEET

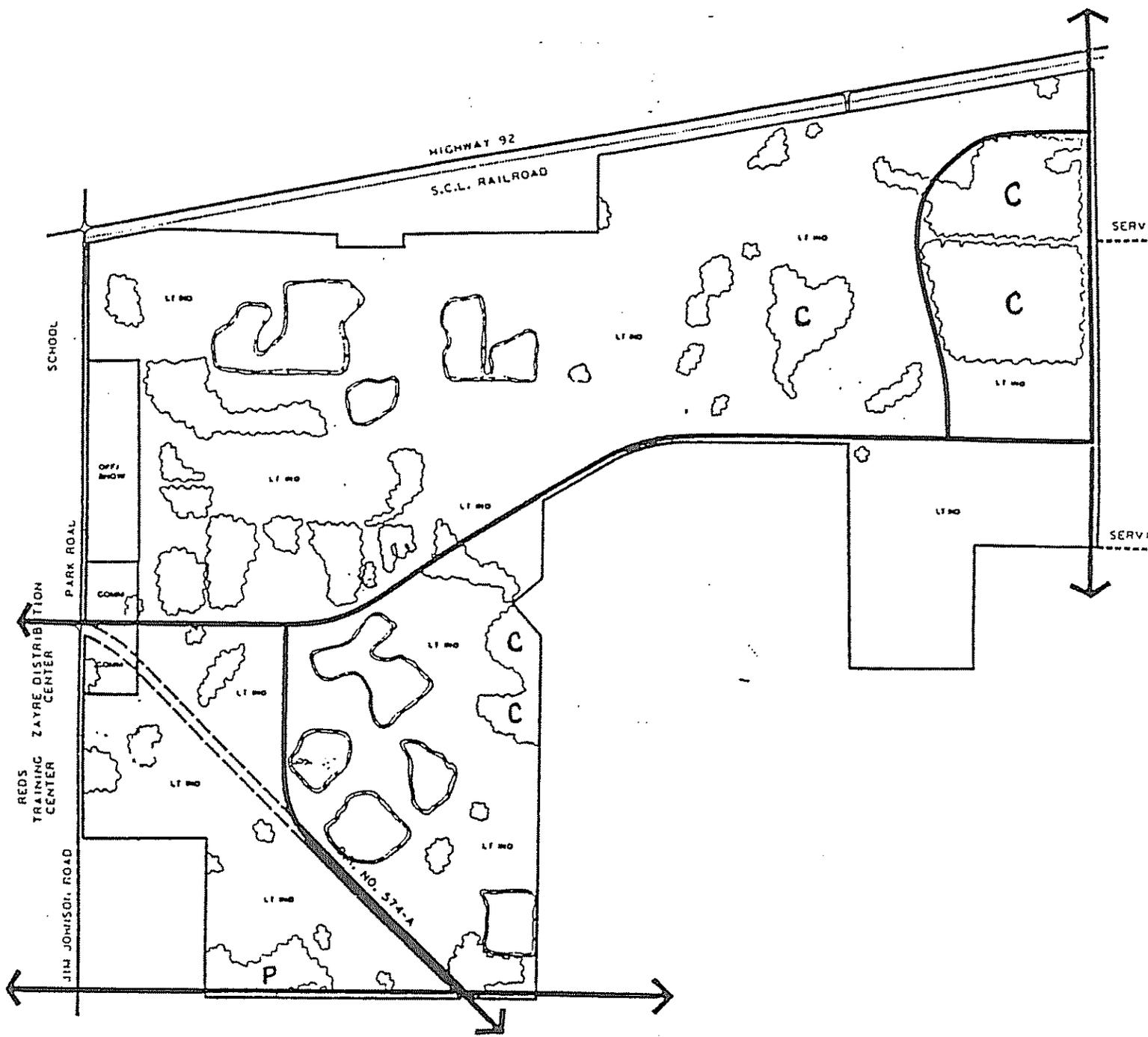
# EXHIBIT E

DRI #197

CONSOLIDATED MINERALS INC.

Master Development Plan

Preservation/Conservation Areas



LEGAL DESCRIPTION : PUBLIC PARK - C.M.I. (SCHEME V)

A parcel of land 1, 2 in Section 34, Township 28 South, Range 24 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Section 34; thence S 89° 53' 55" E along the South boundary of said Section 34 for 2652.48 feet; thence continue along said South boundary, N 89° 58' 06" E for 1472.32 feet to the Easterly right-of-way line of Coronet Road (C.R. 574-A) and the POINT OF BEGINNING; thence N 44° 47' 16" W along said Easterly right-of-way line, for 500.00 feet; thence N 45° 12' 44" E for 625.00 feet; thence N 00° 26' 44" E for 431.80 feet; thence S 89° 33' 16" E for 555.98 feet; thence S 00° 26' 44" W for 1223.02 feet to the South boundary of said Section 34; thence N 89° 58' 06" W along said South boundary for 641.15 feet to the POINT OF BEGINNING.

The above described parcel contains 20.00 acres, more or less.

The above description and acreage includes a proposed road right-of-way over the South 50 feet thereof.

Said proposed right-of-way contains .7647 acres, more or less.

- 1) Final determination of Public Park Boundary will be based on boundary survey.
- 2) CMI retains the right to utilize the lake for drainage retention purposes in accordance with the appropriate rules of various regulatory agencies.

