

**RESOLUTION 2004-27**

**A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA APPROVING THE APPLICATION FOR ABANDONMENT OF THE ABR PLAZA DEVELOPMENT ORDER FOR DRI #232; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR REPEAL; PROVIDING FOR CONDITIONS FOR ABANDONMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, ABR Properties, Inc (“ABR”) or (“developer”) is the owner of a 74 acre, more or less, acre site located on the Anclote River in Sections 6 and 7, Township 27, Range 16 East (the “Property”), which is located entirely within the City of Tarpon Springs; and

**WHEREAS**, on December 02, 1996, ABR filed an Application for Development Approval (“ADA”) of a Development of Regional Impact known as ABR Plaza, DRI #232, and sufficiency response documents dated April 21, 1997, and June 30, 1999, (hereinafter collectively referred to as the “ADA”) all with respect to the Property, Pursuant to the provisions of Chapter 380.06, F.S.; and

**WHEREAS**, on June 02, 1998 the Tarpon Springs Board of Commissioners (“BOC”) the governing body of the local government having jurisdiction pursuant to Chapter 380.06 F.S., and authorized and empowered to consider applications for Development of Regional Impact (“DRI”) approval, adopted Resolution 98-20, the Development Order of DRI #232; and

**WHEREAS**, on November 3, 1998, the City adopted Resolution 98-76 (the “D.O.”) amending and restating Resolution 98-20 and resolving issues raised by the appeal of the D.O. by the Department of Community Affairs; and

**WHEREAS**, Resolution 99-20, first amendment to the D.R.I., adopted on April 20, 1999 amended the build-out date to April 11, 2006; and

**WHEREAS**, on April 29, 2004, the City of Tarpon Springs received an application for abandonment of D.R.I. #232 (Exhibit “A”); and

**WHEREAS**, on May 21, 2004 the City of Tarpon Springs received notice from the Tampa Bay Regional Planning Commission stating no objections to the abandonment based upon the future plans being below any D.R.I. thresholds (Exhibit “B”); and

**WHEREAS**, on June 1, 2004 the City of Tarpon Springs received notice from the Department of Community Affairs of receipt of the application for abandonment of D.R.I. #232, and that based upon the application the D.R.I. is eligible for abandonment (Exhibit “C”), and;

WHEREAS, pursuant to Rule 9J-2.051 (2)(c), F. A. C., the City of Tarpon Springs must hold a public hearing to approve, approve with conditions, or deny the application of abandonment, and;

WHEREAS, the Board of Commissioners has scheduled a public hearing on the application for abandonment for July 20, 2004; and

WHEREAS, Compliance with the public notice requirements of the Florida Statutes have been demonstrated; and

WHEREAS, the proposed plan of development falls below any threshold for a D.R.I. as provided in Chapter 380 F.S.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, THAT:**

**Section 1. FINDINGS OF FACT**

Pursuant to Rule 9J-2.0251 (2) (c), items 1-9 FAC the following findings of fact are made:

1. The developer is seeking to abandon the DRI because a new proposed project (retail development) does not meet the criteria of the original application for development approval and the new project falls below any thresholds for a DRI.
2. To date, there has been no construction on the approved DRI for 400,000 square feet of office and 50,000 square feet of retail.
3. There have been no impacts upon any resources, existing and planned facilities because no construction has ever commenced on the site. Impacts of any new proposed development must be reviewed for impacts during normal site plan approval processes required by the City of Tarpon Springs Land Development Code.
4. Existing wetlands on the site, pursuant to a condition of the approved development order for the ABR D.R.I., have been placed in a Preservation land use category. Abandonment of the D.R.I. will not have an impact on this designation.
5. No construction has taken place, however the developer has complied with conditions of development including amending the land use of certain lands to preservation.
6. The developer has received no benefits granted to authorized developments of regional impact, pursuant to Chapters 163, 403, and 380, Florida Statutes, which would not otherwise be available after abandonment.

7. No impacts are expected to the City of Tarpon Springs Comprehensive Plan or Land Development Code. The land use changes made as a condition of the D.R.I. will remain in place. There are two areas of the property where the zoning is inconsistent with the designated land use, however the land use is the more restrictive of the two.
8. The land is currently vacant and after abandonment will not be inconsistent with the State Comprehensive Plan or the Comprehensive Regional Plan.
9. The Department of Community Affairs and the Tampa Bay Regional Planning Department have issued statements proclaiming the D.R.I is eligible for abandonment under criteria cited in Rule 9J-2.051 (5) (a). The proposed development is below 100% of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code (Exhibits "B" and "C").

The following additional findings related to the proposed new development are made:

10. The contract vendee of the proposed project for which the abandonment of the D.R.I. is being sought has agreed to certain improvements above and beyond what is required under the City of Tarpon Springs Comprehensive Plan and Comprehensive Land Development Code. These improvements are included in Section 4. below.

#### Section 2. CONCLUSIONS OF LAW

The Board of Commissioners having made the above findings of fact, reaches the following conclusions of law:

- A. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, it is appropriate for Resolution 98-76, as amended, to be abandoned subjected to the conditions set forth herein.
- B. The review by the City, the Tampa Bay Regional Planning Council, Department of Community Affairs and other participating agencies and interested citizens reveals that this development is eligible to request this abandonment under the provisions of Chapter 380.06(26), F.S. and Rule 9J-2.0251, F.A.C.
- C. The standards for abandonment of the ABR D.R.I. set forth in Rule 9J-2.02451 F. A. C have been met.

### **Section 3. ABANDONMENT**

Resolution 98-76, the Development Order for D.R.I. #232, ABR Plaza, is hereby abandoned in its entirety subject to the conditions set forth in Section 4 herein.

### **Section 4. CONDITIONS**

The following conditions of abandonment will apply to any future development of the Property and will run with the Property unless and until they are modified or repealed by subsequent resolutions of the City.

#### **A. VEGETATION AND WILDLIFE**

1. A minimum thirty (30) foot wide buffer shall be preserved adjacent and parallel to the mean high water line of the Anclote River.
2. A minimum fifteen (15) foot wide buffer will be maintained adjacent and parallel to jurisdictional wetland areas that remain after permitting.
3. To the extent not already conducted, the property owner/developer shall conduct wildlife surveys consistent with the requirements of the Florida Game and Fresh Water Commission prior to the issuance of site development permits. In the event that any species listed in Rules 9J-2.041 or 39-27.003-.005, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, mitigation measures pursuant to 9J-2.041 FAC shall be employed as directed by the appropriate agency having jurisdiction.
4. Any grading of the required buffers shall not degrade the natural function of the buffer. All significant natural trees and vegetation shall be mitigated pursuant to the City of Tarpon Springs Land Development Code.

#### **B. WETLANDS**

1. The saltwater marsh areas located north of the mean high water line of the Anclote River are designated as natural resources of regional significance by the Tampa Bay Regional Council (TBRC). Any proposed development requires the preservation of this natural resource. Any proposal to impact such wetlands, other than permitted stormwater management facilities, raised boardwalks, or pervious walkways, shall require a mitigation ratio of at least 3:1.
2. If mitigation by habitat re-creation is employed as a permitting requirement, then the plant material used shall be native plant material that replaces the natural value and function of the habitat being disturbed. Re-created habitat mitigation areas will be monitored by the owner / developer for the purposes of obtaining an 85% final coverage of desired species. If the percent coverage is not achieved, then non-surviving plant material shall be replaced by the owner/developer until the 85% coverage is achieved.

#### **C. STORMWATER MANAGEMENT AND WATER QUALITY**

1. The Anclote River is an Outstanding Florida Water (OFW) pursuant to Chapter 403, F.S. In order to protect the water quality of the Anclote River, stormwater management systems shall be designed, constructed and maintained to meet or

exceed Chapter 17, FAC and Chapter 40D-4, FAC. If stormwater management systems are designed to discharge into the Anclote River, then the treatment system shall meet OFW criteria.

2. In order to protect water quality in the Anclote River, there shall be no degradation of ambient water quality standards by stormwater exiting the Property, beyond those allowable by the most restrictive rules and regulations of the agencies having jurisdiction. Any violation of the water quality standards of Chapter 17, FAC shall require corrective measures as set forth by the agencies with jurisdiction.
3. The onsite detention/retention ponds and control structures will be owned, operated and maintained by the owner/developer.
4. The north and east boundary of lot 2 will maintain a 50' buffer from mean high water or the property line whichever is more restrictive.

**D. POTABLE WATER CONSUMPTION**

1. In order to conserve potable water supplies, all landscaped areas other than those buffer areas located within 30 feet of the Anclote River and within 15' of a jurisdictional wetland, will be irrigated by reclaimed wastewater. Where reclaimed wastewater is not suitable xeriscapic landscaping principles will be employed.
2. The owner/developer will obtain a permit from SWFWMD for the proper abandonment of the existing domestic well.
3. Water-saving devices shall be used within the Development, as mandated by the Florida Water Conservation Act, Section 553.14, F.S.

**E. TRANSPORTATION**

The application for abandonment of D.R.I. #232 presents a proposed retail development along with out-parcel development. Based upon the maximum potential build-out under this proposed scenario, a transportation analysis has been performed by the applicant. This analysis examined existing and future traffic conditions and impacts of other permitted developments within ¼ mile of the development site. This segment of US 19 (Pasco County Line to Tarpon Avenue) is operating at a level of service "A". The minimum acceptable level of service after all improvements, completion of the proposed development, along with out-parcel development expects to degrade the road condition from level of service "A" to a level of service "B". Improvements include a fully signalized entrance intersection with applicable turn-lanes as well as one "right in – right out" entrance. Additional transportation related improvements will be addressed in a future development agreement.

**F. ARCHAEOLOGICAL AND HISTORIC RESOURCES**

The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historic Resources and the City, consistent with Rule 9J-2.043.

**G. DEVELOPMENT AGREEMENT**

Within 90 days of adoption of this Resolution a Development Agreement will be ratified between the City of Tarpon Springs and the owner/developer addressing development issues and certain continuing obligations of the owner/developer and subsequent owners of the property including, but not limited, to the following:

1. The 6.5 acre parcel (proposed Lot 2) on the east side of the proposed development will either be allowed an access through the proposed main retail development (proposed Lot 1) or from Jasmine Ave., but not both. The intent is to ~~limit or~~ prohibit a link from the US 19 entrance on Lot 1 to Jasmine Avenue.
2. Zoning on the proposed Lot 2 must be amended from GB to RO, Residential Office to be in conformance with the land use designation of Residential Office (Lot 2 only). Zoning on any wetlands which remain in GB zoning shall be amended to LC, Land Conservation.
3. A walking trail and appropriate signage will be provided on the unused uplands to the south of the proposed development.
4. A one-time cash donation will be made to the City for the construction of boardwalks/observation docks along the walking trail with appropriate perpetual easements.
5. A PSTA bus stop will be provided in accordance with the requirements of PSTA on the south end of the proposed development, just north of the proposed nature trail. The intersection at the proposed bus stop location may need to be reconfigured, at the developer's expense, to provide acceptable access to the south if the City deems it necessary to provide a future road connection to E. Live Oak Rd.
6. A kayak launch and appropriate signage will be provided on the north end of the development
7. Users of the kayak launch, walking trails, and PSTA bus stop will be allowed use of parking lots confirmed by appropriate perpetual easements.
8. Uplands and wetlands associated with the walking trail, kayak launch and all other wetlands (except retention areas) will be dedicated to the City of Tarpon Springs.
9. A landscaped entrance mall will be provided into the site from the main access road.

10. The Developer will contribute the cost of constructing a signalized intersection at Live Oak.
11. The City will have final approval authority over proposed façade design.
12. The owner and operator of the primary retail facility on the Property will provide, furnish and physically maintain an informational display area of not less than 45 square feet designed to inform the public about the City of Tarpon Springs, its resources and activities, including direction maps, brochures, informational materials, tourism posters as is determined and supplied by the City Manager or designee. Such informational display area will be located at the primary entrance and be clearly visible to and accessible to all persons entering the primary retail facility.
13. The owner and operator of the primary retail facility will provide, to the extent possible, community service contributions to public or non-profit organizations within the City of Tarpon Springs for the support of community organizations, city events and city projects.
14. Site plan conditions will include shielding of light fixtures to avoid casting light directly onto abutting property. There shall be no greater than 1 foot candle light intensity at the property line.
15. There shall be a twenty-foot deep landscape buffer between Lot 1 and Lot 2 located on Lot 2 and shall be in addition to required buffering on Lot 1.

**H. SITE PLAN APPROVAL**

The proposed future development must receive Site Plan Approval per the requirements of the City of Tarpon Springs Land Development Code and any final conditions of the Development Agreement referenced in Paragraph "E" above. Any future development on the site originally identified in the ABR D.R.I. shall not collectively exceed statutory D.R.I. thresholds.

**Section 5. EFFECTIVE DATE**

The effective date of this Resolution shall be the earlier of:

- a) The expiration of 45 days if the Department of Community Affairs has not issued a notice of appeal to the Florida Land and Water Adjudicatory Commission (FLOWAC); or,
- b) If an appeal is filed, the earlier of the date a final order is issued by FLOWAC or the appeal is dismissed.

**Section 6. RECORDATION IN THE PUBLIC RECORDS**

The City Clerk is hereby directed to transmit a copy of this Resolution, subsequent to the satisfaction of Section 5 herein, to be recorded in the Public Records of Pinellas County, Florida.

PASSED and ADOPTED this 20th day of July, 2004.

Beverly Billiris  
BEVERLEY BILLIRIS, MAYOR-COMMISSIONER

Jim Archer  
JIM ARCHER, COMMISSIONER

David O. Archie  
DAVID O. ARCHIE, COMMISSIONER

Peter F. Nehr  
PETER F. NEHR, COMMISSIONER

Peter S. Dalacos  
PETER S. DALACOS, COMMISSIONER

MOTION BY: COMMISSIONER NEHR  
SECOND BY: COMMISSIONER ARCHIE

VOTE ON MOTION

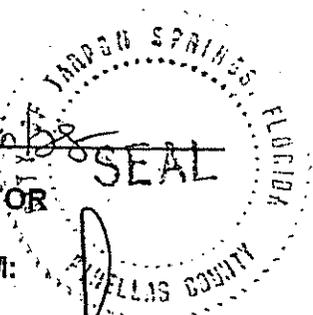
COMMISSIONER DALACOS No  
COMMISSIONER NEHR Yes  
COMMISSIONER ARCHIE Yes  
COMMISSIONER ARCHER Yes  
MAYOR BILLIRIS Yes

ATTEST:

Irene S. Jacobs  
IRENE S. JACOBS, CMC  
CITY CLERK & COLLECTOR

APPROVED AS TO FORM:

John Hubbard  
JOHN HUBBARD  
CITY ATTORNEY



I, IRENE S. JACOBS, City Clerk and Collector of the City of Tarpon Springs, Florida, hereby certify that the attached and foregoing is a full, true, complete and correct copy of the original of which is now in the original records of the City.

IN WITNESS WHEREOF, I have hereunto, set my hand and affixed the official Seal of the City of Tarpon Springs, Florida, this 18th day of August, 2004

Irene S. Jacobs  
IRENE S. JACOBS, CMC  
CITY CLERK & COLLECTOR



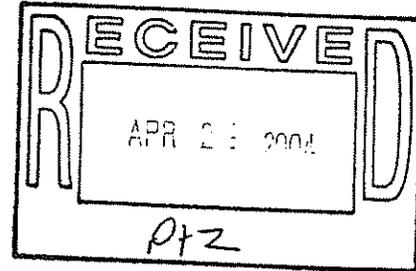
2700 SUNTRUST FINANCIAL CENTRE  
401 EAST JACKSON STREET  
TAMPA, FLORIDA 33602-5841

(813) 222-6608  
FAX: (813) 314-6908  
MARILYN.HEALY@RUDEN.COM

April 20, 2004

**VIA FEDERAL EXPRESS**

City of Tarpon Springs  
Attn: Charlie Attardo  
Business Services Department  
325 E. Pine Street  
Tarpon Springs, FL 34689



Re: Wal-Mart/Tarpon Springs; Store #3415  
Our File No. 19583-0430

Dear Mr. Attardo:

In connection with our recent discussions, enclosed please find the following:

1. One (1) original Affidavit and Agent Authorization; and
2. One (1) original and one (1) copy of the Application for Abandonment of a DRI.

As always, if you have any questions or need any additional information, please do not hesitate to give me a call.

Very truly yours,

Marilyn Mullen Healy

MMH/vvw  
Enclosures

cc: Department of Community Affairs, w/encls.  
Tampa Bay Regional Planning Council, w/encls.  
ABR Properties, Inc., w/encls.

TPA:317369:1

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF COMMUNITY PLANNING  
BUREAU OF LOCAL PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
850/487-4545

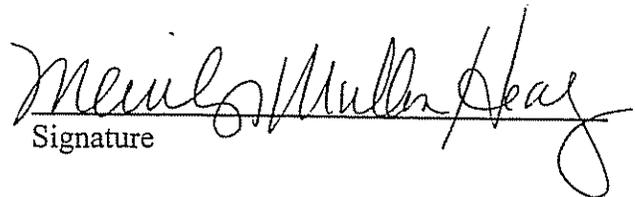
**APPLICATION FOR ABANDONMENT OF  
A DEVELOPMENT OF REGIONAL IMPACT**

I, Marilyn Mullen Healy, the undersigned authorized representative of ABR Properties, Inc., hereby request that the City of Tarpon Springs (local government) issue a notice of abandonment for the Development of Regional Impact (DRI) which was issued on June 2, 1998 for the ABR Plaza development. I agree to record the notice of abandonment, in accordance with Section 28.222, Florida Statutes, with the clerk of the circuit court for each county in which land covered by the terms of the DRI is located.

I hereby certify that the plan of development identified in the development order as a development of regional impact (DRI) will no longer be pursued. Furthermore, I certify and acknowledge that, if this request for abandonment of the DRI is approved, the project will lose vested rights protection under Subsection 163.3167(8), Florida Statutes, for approved DRIs but may be entitled to other vested rights protection under that statute or otherwise under law.

I hereby certify that all information submitted with and pursuant to this application of abandonment of the DRI is true and correct to the best of my knowledge and belief and that on this date a copy of this application has been submitted to the appropriate local government, appropriate regional planning agency and the Division of Community Planning in the Department of Community Affairs.

April 20, 2004  
Date

  
Signature

Marilyn Mullen Healy, Esq.  
Ruden, McClosky, Smith,  
Schuster and Russell, P.A.  
2700 Sun Trust Financial Centre  
401 East Jackson Street  
Tampa, Florida 33602  
Phone Number: (813) 222-6608

A. Describe the actual amount of development completed, the size and scope of the resulting plan of development (after abandonment). Further, describe the extent to which existing permits or approvals authorize development which would exceed that allowed under the resulting plan of development (after abandonment) and:

- 1) Provide the amount of existing development as defined under Section 380.04, Florida Statutes, that has occurred on site including the amount of existing vertical development by land use in gross square feet, dwelling units, or other applicable units of measure; the amount of infrastructure completed at the site; etc. Attach a copy of the approved site plan for this development.

**The initial Development Order for the ABR Plaza DRI (Resolution No. 98-20 adopted June 2, 1998) approved the development of 400,000 square feet of office and 50,000 square feet of retail on approximately 74.66 acres located on the east side of US 19 and south of the Anclote River within the City of Tarpon Springs.**

**The initial Development Order was appealed by the Department of Community Affairs and an amended and restated Development Order which implemented a settlement agreement was approved (Resolution No. 98-76 adopted on November 3, 1998). The Amended Development Order also authorized the development of 400,000 square feet of office and 50,000 square feet of retail. There have been no further amendments to the Development Order.**

**None of the development authorized by the Development Order, as amended, has occurred. There is not an approved site plan and the site remains vacant.**

**A copy of the DRI Master Development Plan approved by Resolution 98-76 is attached as Exhibit "A".**

- 2) Identify the amount of development that is planned (after abandonment) including the amount of vertical development by land use in gross square feet, dwelling units, or other applicable units of measure; the percentage of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Rule 28-24, Florida Administrative Code; the amount of infrastructure to be completed at the site; etc. Attach a site plan for the project as proposed after abandonment.

**ABR Properties, Inc. is the fee owner of the 74.66 acres subject to the Development Order, as amended. ABR Properties, Inc. intends to sell the property to a retail developer who will develop 20.17 acres with approximately 210,000 square feet of retail area, an approximately 18,800 square foot garden center, and 996 parking spaces. A 1.23 acre lease lot and two outparcels will also be located on the site. The lease lot will be developed with a gas station with a 300 square foot kiosk and sixteen vehicle fueling positions. It is anticipated that the 1.5 acre outparcel will be developed with approximately 15,000 square feet of retail uses. The 6.24 acre outparcel will be developed with either 94 dwelling units or 145,000 square feet of office.**

A site plan showing the proposed development after abandonment is attached as Exhibit "B".

The plan of development after abandonment is below 100% of all applicable guidelines and standards, as the following chart indicates. A DRI which after abandonment will be below 100% of all applicable guidelines and standards may be abandoned.

DRI Guidelines and Standards			
	100%	120%	Percentage
Retail 244,100 sf 996 parking spaces	400,000 sf 2,500 spaces	480,000 sf 3,000 spaces	61.0% 39.8%
Office 145,000 sf or Residential 94 units	300,000 sf  3,000	360,000 sf  3,600	48.3%  3.1 %
Multiuse	145%	174%	109.3% or 75.4% of the multiuse threshold if office is developed 64.1% or 44.2% of the multiuse threshold if residential is developed

- 3) Identify all state and federal permits applied for or obtained to date. Specify the agency, type of permit and function of each permit. Attach copies of each permit or permit application (if no permit has been issued).

**No state or federal permits have been applied for or obtained to date.**

- 4) Identify all undeveloped tracts of land (other than individual single family lots) sold to separate entities or developers. Specify the size and buyer of each tract or parcel. Attach a map identifying the undeveloped tracts.

**ABR Properties, Inc. intends to sell the entire DRI site to a retail developer, but at this time none of the property has been sold to any other entity or developer.**

**The DRI Master Development Plan attached as Exhibit "A" shows the area subject to the Development Order.**

B. Provide the following attachments:

- 1) A certification of concurrence with abandonment from all DRI property owners who were owners at the time of the development order (D.O.) approval, or their successors. Use attached Signatory Certification and attach as an exhibit.

**A certification of concurrence with the abandonment of the DRI from the owner of the property, ABR Properties, Inc., is attached as Exhibit "C".**

- 2) An explanation of the reason for seeking an abandonment of the DRI.

**The plan of development authorized by the Development Order is no longer economically feasible, primarily because there is an excess of office square footage in the area. The retail market is strong, making retail uses on the site economically feasible.**

- 3) Statement from local government of jurisdiction indicating whether all development to date is in compliance with all applicable local regulations. If evidence is presented that a request was made to the local government for such a statement but no statement is provided within 30 days of the request, the developer should provide evidence in support of such a claim of compliance. Attach as an exhibit.

**A letter from the City of Tarpon Springs indicating that the ABR Plaza DRI is in compliance with all applicable local regulations is attached as Exhibit "D".**

- 4) A discussion of any material adverse impacts of the development on any existing resources or existing or planned facilities and the mitigation for these impacts.

#### **Wetlands and Preservation Areas**

**As required by the Development Order, as amended, the jurisdictional wetlands and the saltwater march areas located north of the mean high water line of the Anclote River have been designated Preservation on the City's Future Land Use Map. As required by the City's Comprehensive Plan, those areas will be preserved after the abandonment of the DRI, and none of the area proposed for development will encroach into the Preservation areas.**

**The proposed site plan will require the removal of less than 0.50 acres of existing wetlands. The wetland area in question is not within the area designated Preservation on the City's Future Land Use Map, is of poor quality, and is infested with nuisance plant species including Brazilian Pepper and Cattails. Mitigation of the impact to the wetland area will be provided in**

accordance with Southwest Florida Water Management District's regulations to compensate for any loss of wetland function.

### Drainage

The stormwater management system will be designed to treat an additional 50% of stormwater runoff in the proposed detention pond prior to being discharged to the adjacent wetlands which in turn discharge to the Anclote River, an Outstanding Florida Water. The proposed stormwater management system complies with the regulations of the Southwest Florida Water Management District for discharge into an Outstanding Florida Water.

### Endangered, Threatened and Species of Special Concern

The wildlife survey conducted in conjunction with the preparation of the Application for Development Approval concluded that the only endangered, threatened or species of special concern likely to occur on site is the gopher tortoise. The Development Order recognizes that impacts to any gopher tortoises found on the site can be mitigated in accordance with existing regulations including but not limited to obtaining a relocation permit or an incidental take permit from the Florida Fish and Wildlife Conservation Commission.

### Water, Sewer, and Solid Waste

Water and sewer service to the site will be provided by the City of Tarpon Springs. The City has adequate potable water capacity, facilities, and services and adequate wastewater treatment, collection, and disposal capacity to serve the development planned after abandonment.

A commercial hauler franchised from time to time by the City will provide the necessary solid waste collection and disposal.

### Transportation

Access to the development will be proposed through one full access driveway and one right-in/right-out only driveway on US 19. The Florida Department of Transportation has granted conceptual approval for the two connection points on US 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on US 19 at the full access driveway.

As the traffic study attached as Exhibit "E" indicates, all impacted roadway segments currently operate at an acceptable level of service and are expected to continue to operate at an acceptable level of service after the abandonment.

- 5) A list of each of the conditions in the DRI development order included to protect or mitigate the project's impact to resources or facilities. Include an explanation and documentation that each condition was adhered to by the developer. Attached as an exhibit.

**A summary of the required Development Order commitments is attached as Exhibit "F". Because no development has been undertaken to date, the developer has not been obligated to satisfy those commitments.**

- 6) A copy of the binding letter (Form RPM-BSP-BLID-1) identifying the DRI status of the proposed project which has been issued by the Division of Community Planning for disposition, in all cases where there is a proposal to abandon a project which has not commenced development under Section 380.04, Florida Statutes, and is proposed to consist of development which is between 100-120 percent of any applicable threshold after abandonment.

**Not applicable as the plan of development after abandonment will be below 100% of all applicable DRI guidelines and standards.**

**APPLICATION FOR  
ABANDONMENT OF DRI APPLICATION**

Exhibit A	Master Development Plan
Exhibit B	Site Dimension Plan
Exhibit C	Signatory Certification
Exhibit D	Letter from City of Tarpon Springs indicating that the ABR Plaza DRI is in compliance with all applicable location regulations
Exhibit E	Traffic Study
Exhibit F	Summary of Required Development Order Commitments

100-200

ANCILOTE RIVER

EXHIBIT "B"  
TO  
RESOLUTION 98-76

PRESERVATION  
8.9+/- Acres

OPEN SPACE

50' RAMP  
REPAIR  
PARKING  
205' RAMP

OFFICE  
2607' ACRES

ACCESS

PRESERVATION  
19.9+/- Acres

SITE ACCESS \*

Notes:

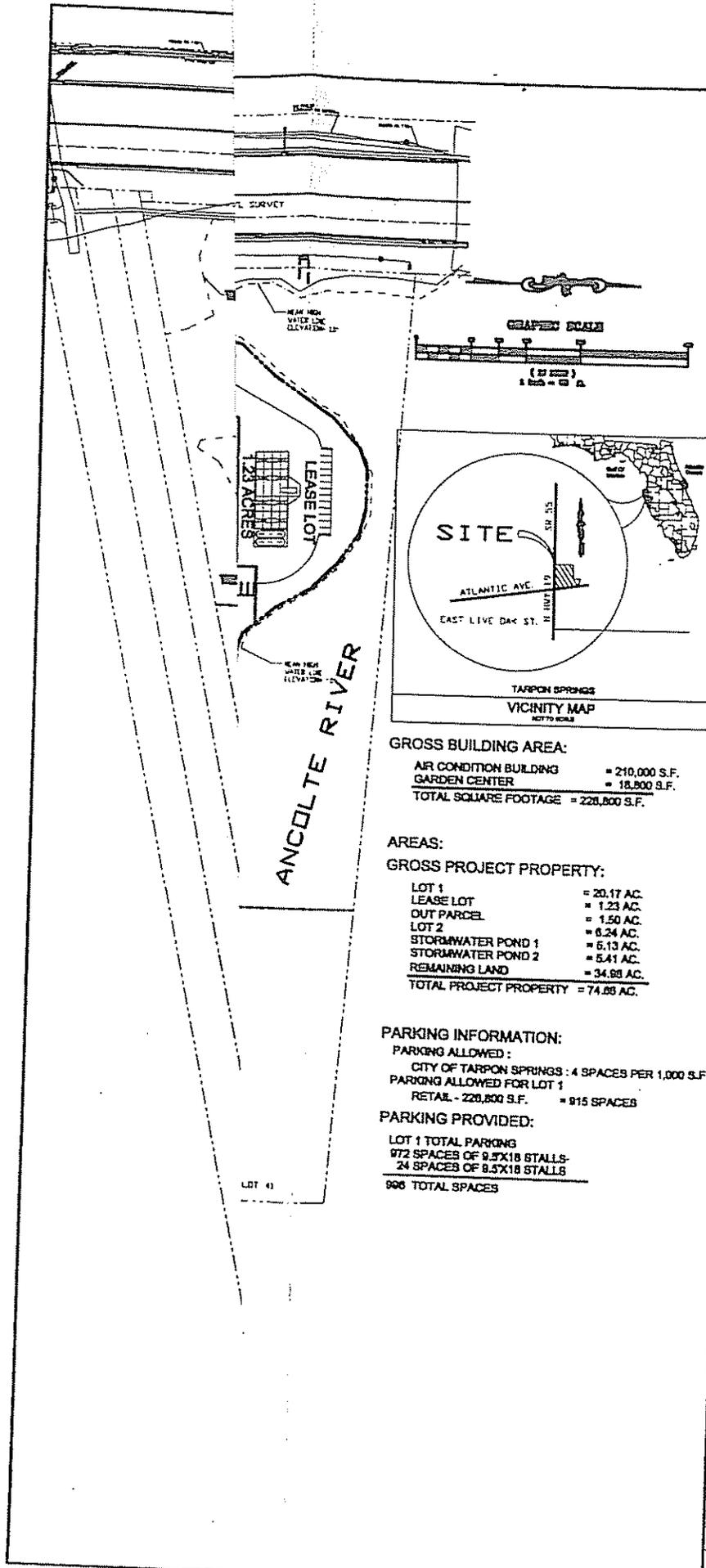
Minimum Open Space includes Preservation areas.

The term "Preservation", as used in the Development Order and on this Map H, is defined by the City's adopted Comprehensive Plan, including the Future Land Use Map and the goals, objectives, and policies of the City's Comprehensive Plan. All development activities in the Preservation area will be consistent with the City's adopted Comprehensive Plan.

Any changes in the plan of development resulting from the requirements imposed or permits issued by the FDEP, SWFWMD or USCCE shall be presumed not to require further DRI review pursuant to Section 380.06(19)(d), Florida Statutes. However, the Development Order shall be amended to reflect these changes.

# MASTER DEVELOPMENT PLAN

REVISED  
MAP H  
September 23, 1998



**GROSS BUILDING AREA:**  
 AIR CONDITION BUILDING = 210,000 S.F.  
 GARDEN CENTER = 18,800 S.F.  
**TOTAL SQUARE FOOTAGE = 228,800 S.F.**

**AREAS:**  
**GROSS PROJECT PROPERTY:**  
 LOT 1 = 20.17 AC.  
 LEASE LOT = 1.23 AC.  
 OUT PARCEL = 1.50 AC.  
 LOT 2 = 0.24 AC.  
 STORMWATER POND 1 = 5.13 AC.  
 STORMWATER POND 2 = 5.41 AC.  
 REMAINING LAND = 34.98 AC.  
**TOTAL PROJECT PROPERTY = 74.66 AC.**

**PARKING INFORMATION:**  
 PARKING ALLOWED:  
 CITY OF TARPON SPRINGS : 4 SPACES PER 1,000 S.F.  
 PARKING ALLOWED FOR LOT 1  
 RETAIL - 228,800 S.F. = 915 SPACES

**PARKING PROVIDED:**  
 LOT 1 TOTAL PARKING  
 972 SPACES OF 9.5X18 STALLS  
 24 SPACES OF 8.5X18 STALLS  
**996 TOTAL SPACES**

JOB #	0204130
P.L. MARK	K.A.L.
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 DATE

NO.	DATE	REVISIONS

**BIG BOX RETAIL STORE**  
 U. S. 19 \ S.R. 65  
 TARPON, FLORIDA

**SITE  
 DIMENSION  
 PLAN**

**ENGINEER**  
 Thomas A. Luchessa P.E.  
 P.L. LIC. # 22229  
 DATE

**LOGICORNE**  
 CONSULTING ENGINEERS & SURVEYORS  
 ONE SOUTH BAYVIEW AVENUE  
 TALLAHASSEE, FLORIDA 32309  
 P.O. BOX 10000  
 TALLAHASSEE, FLORIDA 32302  
 UNIVERSITY OF ARCHITECTURE & DESIGN

EXHIBIT C

SIGNATORY CERTIFICATION

ABR Properties, Inc. is the owner (with the exception of individuals who own a single residential dwelling unit) of all or part of the property identified as the approved ABR Plaza development of regional impact located in the City of Tarpon Springs, and whose development order was issued by the City of Tarpon Springs, on June 2, 1998 through Resolution No. 98-20. ABR Properties, Inc. hereby concurs with the request to abandon the above referenced DRI.

4/01/04  
Date

ABR Properties, Inc.  
Signature

By: [Handwritten Signature]

3311 East Old Shepherd Rd.  
Street or P.O. Address

Mpls. MN 55425  
City State Zip



RENEA VINCENT, AICP  
DIRECTOR

# City of Tarpon Springs, Florida

DEVELOPMENT SERVICES DEPARTMENT  
PLANNING AND ZONING DIVISION  
324 EAST PINE STREET  
P.O. BOX 5004  
TARPON SPRINGS, FLORIDA 34688-5004  
(727) 942-5611  
FAX (727) 937-1137

February 26, 2004

Mr. Andy Wright  
Lochrane Engineering  
201 South Bumby Avenue  
Orlando, FL 32803

RE: ABR DRI

Dear Mr. Wright,

Pursuant to your request, this correspondence is to provide verification that all development to date within the ABR Plaza - DRI #232 is in compliance with the City of Tarpon Springs Comprehensive Plan and Land Development Code.

If you require further information or clarification, feel free to contact this office.

Sincerely,

Renea Vincent  
Director of Planning & Zoning

RV/rc

*Transportation Impact Analysis  
For Submittal to the City of Tarpon Springs  
and the Florida Department of Transportation*

## **U.S. 19 Mixed-Use Development Tarpon Springs, Florida**

**City of Tarpon Springs, Florida**

*Prepared for:*

Lochrane Engineering, Inc.  
Orlando, Florida

*Prepared by:*

Kimley-Horn and Associates, Inc.  
Tampa, Florida

*Transportation Impact Analysis  
For Submittal to Hillsborough County  
and the Florida Department of Transportation*

# **US 19 Mixed-Use Development Tarpon Springs, Florida**

**City of Tarpon Springs, Florida**

*Prepared for:*

Lochrane Engineering, Inc.  
Orlando, Florida

*Prepared by:*

Kimley-Horn and Associates, Inc.  
Tampa, Florida

©Kimley-Horn and Associates, Inc.  
April 2004  
048732002

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Christopher C. Hatton, P.E.      Date  
PE Number: 48905  
FBE Number: 696

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APPENDIX B:	Trip Generation Worksheets
APPENDIX C:	FSUTMS Model Run
APPENDIX D:	Roadway Analyses Worksheets
APPENDIX E:	Turn Lane Worksheets

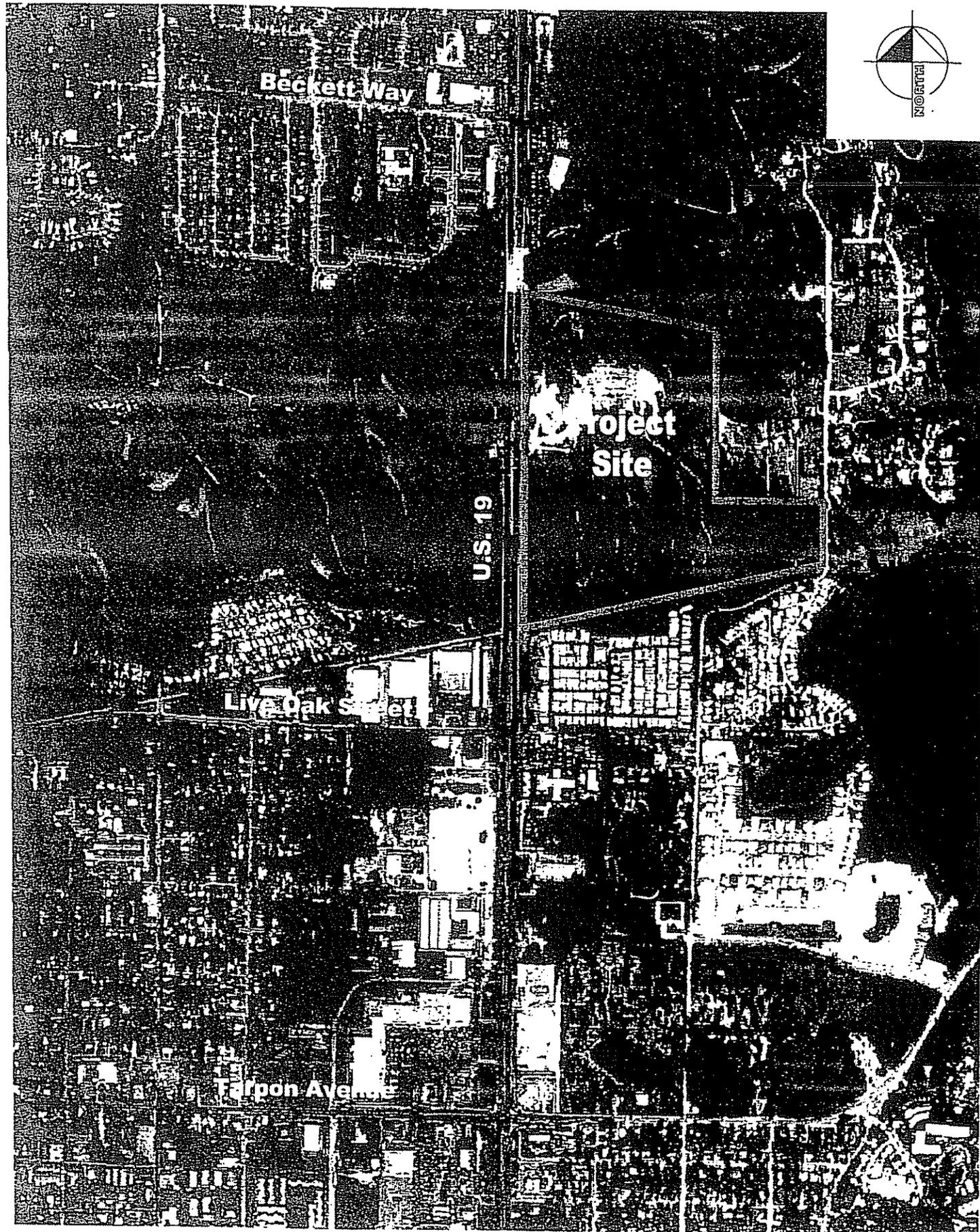
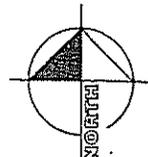
## INTRODUCTION

The purpose of this report is to document a transportation concurrency analysis for the proposed development in accordance with the City of Tarpon Springs *Traffic Impact Study Requirements*. This report identifies the estimated traffic impacts of the proposed mixed-use development. In addition, this report summarizes the procedures and findings of the analysis and presents recommendations for transportation concurrency approval.

The proposed multi-use development will be located on the east side of U.S. 19, approximately one mile north of Tarpon Avenue, in the City of Tarpon Springs, Florida. The site location is shown in Figure 1. The proposed development is expected to consist of a 210,000(±) square foot free-standing discount superstore, approximately 15,000 square feet of specialty retail space, approximately 145,000 square feet of office space, and a gasoline station with 16-vehicle fueling positions. The proposed project site is currently vacant.

Access to the site is proposed through one full access driveway and one right-in/right-out only driveway, both to be located on U.S. 19. Based upon an October 8, 2003 meeting with the Florida Department of Transportation (FDOT), conceptual approval was given for the two access connections on U.S. 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on U.S. 19 at the full access driveway.

Prior to conducting the analysis, a transportation methodology meeting was held on December 9, 2003 with City of Tarpon Springs staff and a formal study methodology was mutually agreed upon with City staff. The agreed upon study methodology is summarized in Appendix A of this report.



Beckett Way

Project Site

U.S. 19

Live Oak Street

Falpon Avenue

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Kimley-Horn  
and Associates, Inc.

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Project Location Map  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
1

## PROJECT TRAFFIC

Project traffic used in this analysis is defined as the vehicle trips expected to be generated by the proposed development. These trips were distributed and assigned throughout the study roadway network.

### Existing and Proposed Land Uses

The proposed multi-use development will be located on the east side of U.S. 19, approximately one mile north of Tarpon Avenue, in the City of Tarpon Springs, Florida. The proposed development is expected to consist of a 210,000(±) square foot free-standing discount superstore, approximately 15,000 square feet of specialty retail space, approximately 145,000 square feet of office space, and a gasoline station with 16-vehicle fueling positions. The proposed project site is currently vacant.

### Project Access

Access to the project site is proposed through one full access driveway and one right-in/right-out only driveway to be located on U.S. 19. Based upon an October 8, 2003 meeting with the FDOT, conceptual approval was given for the two access connections on U.S. 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on U.S. 19 at the full access driveway.

### Trip Generation

The trip generation potential of the proposed development for the p.m. peak hour was estimated using information contained in the Institute of Transportation Engineers' (ITE) *Trip Generation*, 7th Edition (2003), for land use code (LUC) 813, Free-Standing Discount Supercenter, LUC 814, Specialty Retail, LUC 710, General Office Building, LUC 844, Gasoline/Service Station, and LUC 210, Residential Condominium/Townhouse.

Two scenarios were considered for the determination of trip generation. The scenario with the conservative trip generation (worst-case scenario) was then used for the analysis of future conditions. Both scenarios included the free-standing discount superstore, the specialty retail space, and the gasoline station in the analysis. One scenario considered 145,000 square feet of general office and the other scenario considered 94 multi-family dwelling units. The trip generation potential of the scenario with the 145,000 square feet of general office was greater than the trip generation potential of the scenario with the 94 multi-family dwelling units. Therefore, the scenario with the 145,000 square feet of general office was evaluated in the analysis.

The estimated gross (total) trips expected to be generated by the proposed development are 1,316 two-way, trip-ends (570 entering/746 exiting) during the p.m. peak hour of the adjacent roadway during the 4:00 p.m. to 6:00 p.m. time period. The p.m. peak-hour trip generation potential for this development is documented in Appendix B. In addition, the daily trip generation potential is also provided in Appendix B.

As part of this analysis, internal capture trips were considered and determined based upon information contained in the *ITE Trip Generation Handbook*, March 2003. Documentation of internal capture trips is provided in Appendix B.

In addition to internal trips, pass-by capture trips were evaluated in the analysis for the retail component of the site. Pass-by trips are removed from the through-traffic stream, become traffic turning into the site, and later out of the site, thus, returning to their original route. These trips, which were also determined using the *ITE Trip Generation Handbook*, are documented in Appendix B. As stated in the *Trip Generation Handbook*, the pass-by capture rate was limited to a maximum of 10% of the adjacent-street, U.S. 19, traffic.

The reduction of internal and pass-by capture trips from the gross trips produced 910 net, new, two-way, external project trips (375 entering/551 exiting) in the p.m. peak hour for the project site, as shown in Table 1 and documented in Appendix B. The net, new project trips were used as a basis for project distribution onto the public roadway system.

Land Use	Size*	Entering	Exiting
Free-Standing Discount Supercenter	210,000 square feet <sup>1</sup>	393	409
Specialty Retail	15,000 square feet	17	22
General Office Building	145,000 square feet	41	201
Gasoline/Service Station	16 vehicle fueling positions <sup>2</sup>	119	114
	Gross Project Trips =	570	746
	-Internal Capture Trips (16%) =	<u>-89</u>	<u>-89</u>
	Total External Vehicle Trips =	481	657
	-Pass-by Capture Trips =	<u>-106</u>	<u>-106</u>
	Net, New Project Trips =	<b>375</b>	<b>551</b>

Source: ITE, Trip Generation, 7<sup>th</sup> Edition, 2003

\* It is expected that the retail portion of the proposed development will consist of 244,100 square feet (a 210,000 square foot free-standing discount superstore an 18,800 square foot garden center, 15,000 square feet of specialty retail space, and a 300 square foot gasoline station kiosk).

1- The trip generation rates contained in ITE for "free-standing discount superstores" include vehicle trips from attached garden centers, although the garden centers were not included in the total square footage of the building. Documentation of the trip generation characteristics for "free-standing discount superstores" is provided in Appendix B. It should be noted that this proposed "free-standing discount superstores" development includes an 18,800 square foot garden center.

2- It should be noted that the gasoline/service station land use for the development consists of 16 vehicle fueling positions and a 300 square foot kiosk.

### Trip Distribution and Assignment

Distribution of project traffic was determined separately for both net, new project trips and pass-by trips. Both components of the driveway volume were analyzed and are included in this study.

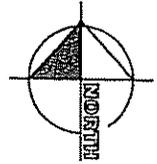
The distribution of new project trips was determined based upon the Florida Standard Urban Transportation Model Structure (FSUTMS) Regional Transportation Analysis (RTA) model run performed from the select zone loading for the proposed development. The FSUTMS model run is included in Appendix C. The development's new project traffic trip distribution was determined to be:

To and from the North on U.S. 19:	43%
To and from the South on U.S. 19:	57%

The distribution of pass-by trips was based upon existing traffic volumes on U.S. 19. Volumes were based upon the directional factor of 0.55 for the peak direction (northbound in the p.m. peak hour) for U.S. 19, found in the Pinellas County Metropolitan Planning Organization's (MPO) *2003 Level of Service Report*.

Both pass-by and new project trips were assigned to the study roadway network. Detailed turning movement volumes at the U.S. 19 & project driveway intersection are shown in Figure 2, and a summary of the project traffic in the study area is shown in Figure 3.

Beckett Way

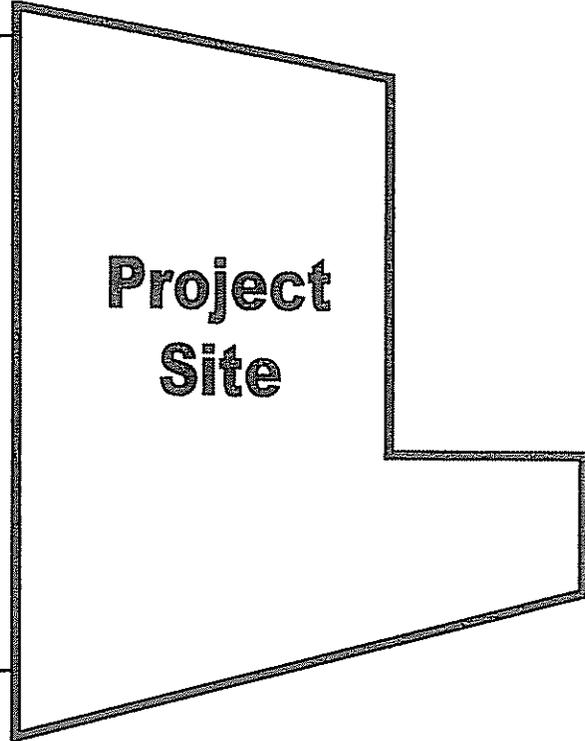


149 (119) [30]

↑  
[-30] (119) 89  
[30] (107) 137

↕ -46 [-46]  
↘ 207 (161) [46]

↘ 149 (119) [30]  
↙ 361 (315) [46]



**Project Site**

↑  
[-30] (107) 77  
[30] (107) 137

U.S. 19

Live Oak Street

Legend

	Existing Roadway
	Proposed Driveway
000	Total Project Traffic
(000)	Net, New Project Traffic
[000]	Pass-By Project Traffic

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and Associates, Inc.**

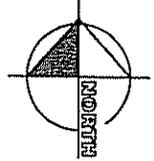
P.M. Peak-Hour Project Traffic Volumes  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
2

Beckett Way



1,867

2,281

Project Site

2,474

3,024

U.S. 19

Live Oak Street

Legend

	Existing Roadway
	Proposed Driveway
000	Project Traffic Volumes

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Kimley-Horn  
and Associates, Inc.

Daily Project Traffic Volumes  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
3

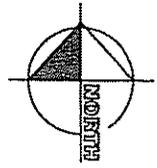
## STUDY AREA DETERMINATION

The study area is generally defined as any collector or arterial roadway segment identified by the City of Tarpon Springs which is significantly impacted by project traffic. Based upon discussions held at the December 9, 2003 study methodology meeting with City of Tarpon Springs staff, the study area roadway segment was determined to include U.S. 19 from Beckett Way to Tarpon Avenue.

## EXISTING TRAFFIC CONDITIONS

Pursuant to discussions with City of Tarpon Springs staff, Annual Average Daily Traffic (AADT) volumes found in the Pinellas County MPO's *2003 Level of Service* Report were used to reflect existing conditions. Based upon discussions with Pinellas County staff, the peak direction of travel on U.S. 19 in the p.m. peak hour was determined to be in the northbound direction from Tarpon Avenue to Beckett Way. The existing daily traffic volumes are shown in Figure 4.

Beckett Way



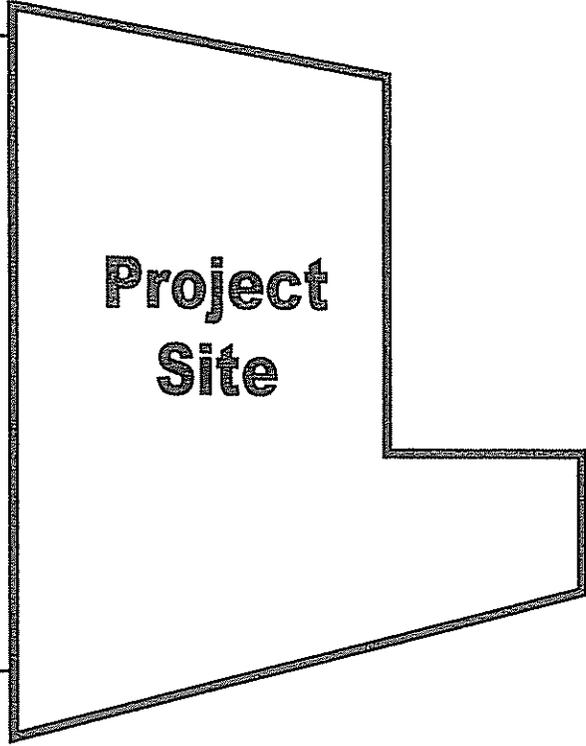
← 26,755

↑ 32,700

← 26,755

↑ 32,700

U.S. 19



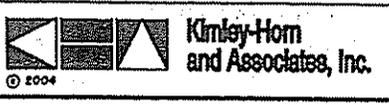
Project Site

Live Oak Street

Legend

	Existing Roadway
	Proposed Driveway
000	Daily Existing Traffic Volumes

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2003 Daily Existing Traffic Volumes  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
4

## FUTURE BACKGROUND TRAFFIC

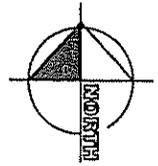
Future background (non-project) traffic is defined as expected traffic on the roadway network in the future year prior to the construction and opening of the proposed project. According to the City of Tarpon Springs *Traffic Impact Study Requirements*, the impacts of other approved developments within ¼ mile of the impacted roadways links should be included in the analysis. Based upon discussion with City staff, two approved developments are located within this ¼ mile area. These developments include a multi-use development of commercial and office uses and a 30-unit multi-family development. Traffic impacts from these approved developments were included in the analysis.

It is expected that the opening of the proposed mixed-use development will be in 2005 and based upon discussions with City staff at our methodology meeting, no additional growth beyond the two approved developments was included in the analysis.

## FUTURE (WITH PROJECT) TRAFFIC CONDITIONS

Future conditions with project traffic, or total traffic conditions, are defined as the expected p.m. peak-hour traffic conditions in the year 2005 with the addition of the proposed project. Future total traffic volumes used in the analysis of this project are the sum of the existing traffic volumes, the expected background traffic volumes and the expected project traffic volumes. The daily total traffic volumes expected at project buildout (year 2005) are shown in Figure 5.

Beckett Way



← 30,332 (1,696) [1,867]

[2,281] (2,072) 37,073 →

**Project Site**

← 30,946 (1,696) [2,474]

[3,024] (2,072) 37,821 →

**U.S. 19**

Live Oak Street

Legend

- Existing Roadway
- - - Proposed Driveway
- 000 Total Traffic Volumes
- (000) Vested Traffic Volumes
- [000] Project Traffic Volumes

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**Kimley-Horn  
and Associates, Inc.**

2005 Daily Total Traffic Volumes  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
5

## CAPACITY ANALYSIS

In accordance with the City of Tarpon Springs *Traffic Impact Study Requirements*, existing and total traffic conditions were evaluated for the study roadway segments previously identified. ART-PLAN was used as the analysis method to evaluate the study roadways.

### Roadway Conditions

ART-PLAN (based upon the 2002 *Quality/LOS Handbook*) was used as the analysis method to evaluate the previously identified U.S. 19 study roadway segments. Based upon the ART-PLAN analyses, the study roadway segments currently operate at an acceptable level of service and are expected to continue to operate at an acceptable level of service for future conditions (with project traffic). Analysis results for all analyses conducted above are shown in Table 2 and roadway analysis worksheets are provided in Appendix D.

<b>TABLE 2</b>						
<b>P.M. Peak-Hour Peak Roadway Conditions</b>						
Roadway Segments	Adopted Standards		Existing Conditions		Total Traffic Conditions	
	LOS	Arterial Speed (mph)	LOS	Arterial Speed (mph)	LOS	Arterial Speed (mph)
U.S. 19:						
Tarpon Avenue to Project Driveway	D	21.0	A	46.6	B	35.6
Project Driveway to Beckett Way	D	21.0	A	46.6	B	38.8

## TURN LANE LENGTH ANALYSIS

As previously stated, there will be two driveways that will provide access to the site, one full access and one right-in/right-out driveway to be located on U.S. 19. Based upon an October 8, 2003 meeting with the FDOT, conceptual approval was given for the two connection points on U.S. 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on U.S. 19 at the full access driveway. Pursuant to the meeting with the FDOT, the future full access driveway will be signalized prior to the opening of the proposed development.

At the proposed full access, signalized U.S. 19 & project driveway intersection, required storage lengths were calculated for appropriate turn lane design. The storage lengths were calculated based upon data analyzed for the proposed total traffic conditions using FDOT *Design Standards, Index 301* (January 2004). Volumes include both the new and pass-by traffic expected to use each of these turn lanes. Storage calculations are summarized in Table 3 and are detailed in Appendix E.

<b>TABLE 3</b>				
<b>Turn Lane Calculations</b>				
Location	Volume (vph)	Storage Length (feet)	Deceleration Distance (feet)	Total Length (feet)
<b>U.S. 19 &amp; Main Project Driveway (Signalized):</b>				
Dual Southbound Left-Turn Lanes	207	200/lane	240	440/lane
Northbound Right-Turn Lane	77*	150	240	390
Dual Westbound Left-Turn Lanes	361	325/lane	100**	425/lane
Westbound Right-Turn Lane	116*	225	100**	325
<b>U.S. 19 &amp; Right-Turn-In/Right-Turn-Out Project Driveway (Unsignalized):</b>				
Northbound Right-Turn Lane	137	0	240	240

\* Volume takes into account expected vehicles making a right turn on red (RTOR).

\*\* On-site turn lane design, therefore utilized 100 feet of deceleration distance.

## CONCLUSION

It is proposed to build a multi-use development located on the east side of U.S. 19, approximately one mile north of Tarpon Avenue, in the City of Tarpon Springs, Florida. The proposed development is expected to consist of a 210,000(±) square foot free-standing discount superstore, approximately 15,000 square feet of specialty retail space, approximately 145,000 square feet of office space, and a gasoline station with 16-vehicle fueling positions. Access to the project site is proposed through one full access driveway and one right-in/right-out only driveway to be located on U.S. 19. Based upon an October 8, 2003 meeting with the FDOT, conceptual approval was given for the two connection points on U.S. 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on U.S. 19 at the full access driveway.

Roadway analyses were conducted for existing and future conditions to determine the potential impacts of the proposed development on the existing roadway network. The study roadway segments currently operate at an acceptable level of service and are expected to continue to operate at an acceptable level of service for future total traffic conditions, with the addition of the proposed project traffic.

In addition, turn lane length designs were calculated for both proposed project driveways. Based upon information contained in the FDOT *Design Standards, Index 301*, appropriate turn-lane lengths were determined for these driveways.

APPENDIX A:  
Methodology Statement

## TRANSPORTATION IMPACT ANALYSIS METHODOLOGY

### WAL★MART -- PALM HARBOR (N), FLORIDA

U.S. 19

City of Tarpon Springs, Florida

#### Introduction

The proposed development site is located on the east side of U.S. 19 between Beckett Way and Live Oak Street in the City of Tarpon Springs, Florida. The proposed multi-use development will consist of approximately a 205,000-square foot Wal★Mart Supercenter, approximately 60 multi-family dwelling units, a 16-pump gas station and a 10,000-square foot high-turnover (sit-down) restaurant. It is anticipated that primary access to the site will be provided through a full-access, signalized driveway onto U.S. 19. In addition, it is expected that there will also be a right-turn in/right-turn out driveway onto U.S. 19.

#### Trip Generation

Trip generation rates for the proposed development will be determined using rates documented in the Institute of Transportation Engineers' (ITE) *Trip Generation* (6<sup>th</sup> Edition) reference. As part of the trip generation estimates, internal and pass-by capture trips will be considered in the analysis using information contained in ITE's *Trip Generation Handbook*, March 2001. Please see the attached trip generation calculations.

#### Trip Distribution

Project trips generated by the development will be assigned to the existing roadway network based upon the results of a FSUTMS analysis and supplemented with information regarding existing travel patterns in the area.

#### Study Area

Based upon discussions with the City of Tarpon Springs on October 6, 2003, it is proposed that the study area consist of the section of U.S. 19 from Beckett Way to Live Oak Street. Vested trip information along U.S. 19 will be obtained from the City of Tarpon Springs and be considered in the analysis.

#### Link Analysis

A generalized analysis, using information contained in the Pinellas County 2002 Level of Service Report, of the U.S. 19 roadway segment will be undertaken to determine if the future level of service (LOS) meets the City's adopted LOS standard. A preliminary review of the U.S. 19 segment from Beckett Way to Live Oak Street shows that this roadway is currently operating at LOS A conditions.

If detailed analysis is required, the most recent version of the FDOT's 2002 *Quality/Level of Service Handbook* ARTPLAN software will be utilized.

APPENDIX B:  
Trip Generation Worksheets

# TRIP GENERATION

## DAILY TRIP GENERATION

ITE	ITE TRIP GENERATION CHARACTERISTICS				DIRECTIONAL DISTRIBUTION		DRIVEWAY VOLUMES			INTERNAL CAPTURE			EXTERNAL TRIPS			PASS-BY CAPTURE			NET NEW EXTERNAL TRIPS		
	Land Use	ITE Edition	ITE Code	Scale	ITE Units	Percent		In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total	
						In	Out														
1																					
2	Free-Standing Discount Superstore	6	813	210	ksf	50%	5,282	5,282	10,564	20.0%	2,112	4,226	4,226	8,452	17.2%	1,454	3,499	3,499	6,998		
3	General Office Building	6	710	145	ksf	50%	883	883	1,766	20.0%	354	706	706	1,412	0.0%	0	706	706	1,412		
4	Gasoline / Service Station	6	844	16	vfp	50%	1,348	1,348	2,696	20.0%	540	1,078	1,078	2,156	50.0%	1,078	539	539	1,078		
5	Specialty Retail Center	6	814	15	ksf	50%	305	305	610	20.0%	122	244	244	488	67.6%	330	79	79	158		
6																					
7																					
8																					
9																					
10																					
11																					
12																					
13																					
14																					
15																					
<b>Total:</b>							7,818	7,818	15,636	20.0%	3,128	6,254	6,254	12,508	22.9%	2,862	4,823	4,823	9,646		

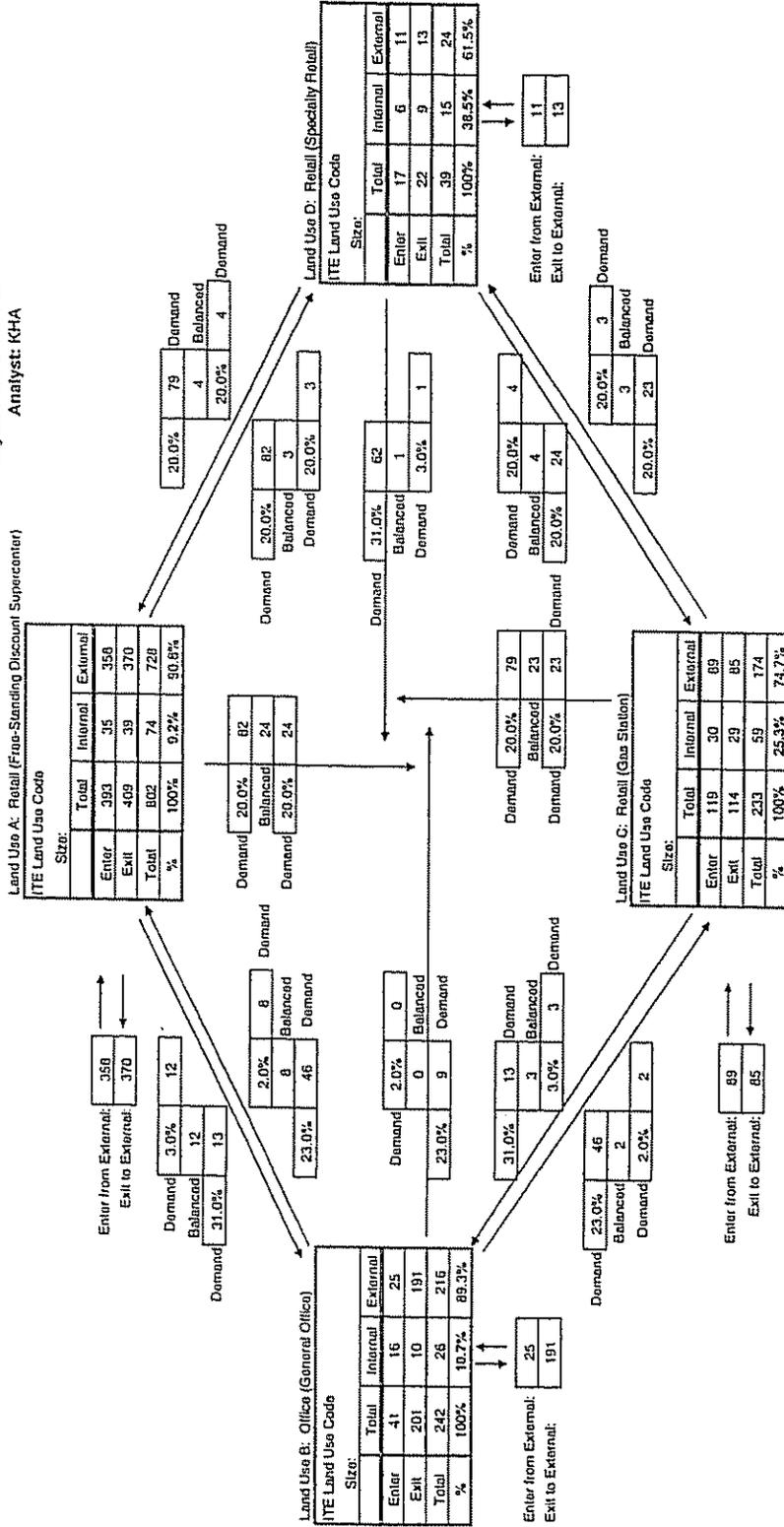
## P.M. PEAK-HOUR TRIP GENERATION

ITE	ITE TRIP GENERATION CHARACTERISTICS				DIRECTIONAL DISTRIBUTION		DRIVEWAY VOLUMES			INTERNAL CAPTURE			EXTERNAL TRIPS			PASS-BY CAPTURE			NET NEW EXTERNAL TRIPS		
	Land Use	ITE Edition	ITE Code	Scale	ITE Units	Percent		In	Out	Total	Percent	IC Trips	In	Out	Total	Percent	PB Trips	In	Out	Total	
						In	Out														
1																					
2	Free-Standing Discount Superstore	6	813	210	ksf	49%	393	409	802	9.5%	76	355	371	726	17.2%	124	293	309	602		
3	General Office Building	6	710	145	ksf	17%	41	201	242	10.5%	26	28	188	216	0.0%	0	28	188	216		
4	Gasoline / Service Station	6	844	16	vfp	51%	119	114	233	25.5%	60	89	84	173	42.0%	72	53	48	101		
5	Specialty Retail Center	6	814	15	ksf	43%	17	22	39	39.0%	16	9	14	23	67.6%	16	1	6	7		
6																					
7																					
8																					
9																					
10																					
11																					
12																					
13																					
14																					
15																					
<b>Total:</b>							570	746	1,316	13.5%	178	481	657	1,138	18.6%	212	375	551	926		

Note: Peak Adjacent Street Traffic is 5648 vehicles per hour.

**ITE MULTI-USE PROJECT INTERNAL CAPTURE WORKSHEET**  
 (Source: Chapter 7, ITE Trip Generation Handbook, March 2001)

Project Number:  
 Project Name: Wai-Mat Tarpon Springs Development  
 Scenario: PM Peak Hour  
 Analysis Period: PM Peak  
 Analyst: KHA



**NET EXTERNAL TRIPS FOR MULTI-USE DEVELOPMENT**

Category	Land Use				Total
	A	B	C	D	
Enter	358	25	85	11	479
Exit	370	191	89	13	663
<b>Total</b>	<b>728</b>	<b>216</b>	<b>174</b>	<b>24</b>	<b>1,142</b>
Single Use	802	242	233	39	1,316
Trip Gen Estimate					13.22%



**PETERS & ASSOCIATES  
ENGINEERS, INCORPORATED**

January 7, 1998

Mr. Christopher C. Hatton P. E.  
Kimley-Horn & Associates, Inc.  
Suite 705  
9280 Bay Plaza Boulevard  
Tampa, FL 33819-4453

Re: Wal-Mart Supercenter Trip Generation Studies

Dear Mr. Hatton:

In assessing traffic impact it is essential to have reliable information on the trip generation characteristics of the proposed land use. This has been well documented by ITE Trip Generation studies over many years for traditional "Discount Retail" type stores. Standard Wal-Mart stores typically fall into the characteristics of this category and accordingly it is ordinarily adequate for estimating trip generation associated with a new store. The more recent Wal-Mart Supercenter store format, including discount retail as well as foodstore components (plus other uses such as vision centers, copy centers, fast food, etc. in some cases) are not of the same character as the traditional "Discount Retail" and therefore the trip generation rates are not the same.

Wal-Mart Stores in Bentonville, Arkansas contracted with Peters & Associates Engineers, Inc. of Little Rock, Arkansas to provide a traffic engineering study of several store sites located in south central United States to determine vehicular trip generation characteristics of operating "Supercenter" stores. This information can be used to assess design requirements for parking, access, off-site improvements and traffic control.

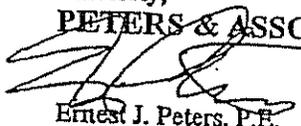
Thirteen sites were selected from the states of Arkansas, Illinois, Alabama, Texas, Missouri, and Louisiana. Peters & Associates personnel placed traffic counters at entrances and exits serving store sites to collect vehicular count data for analysis. Once the data was retrieved from the counters, summary information was prepared to examine various trip generation characteristics including traffic generation rates based on vehicle trips per thousand square feet of floor space. These rates were compared to rates published by the Institute of Transportation Engineers (ITE) in the Trip Generation Report, 5th Edition (1991).

Peters & Associates' studies comprise the database used by ITE for the determination of the trip generation equations for "Discount Superstore" Land Use in their *Trip Generation Manual*, 5th Edition, February 1995 update.

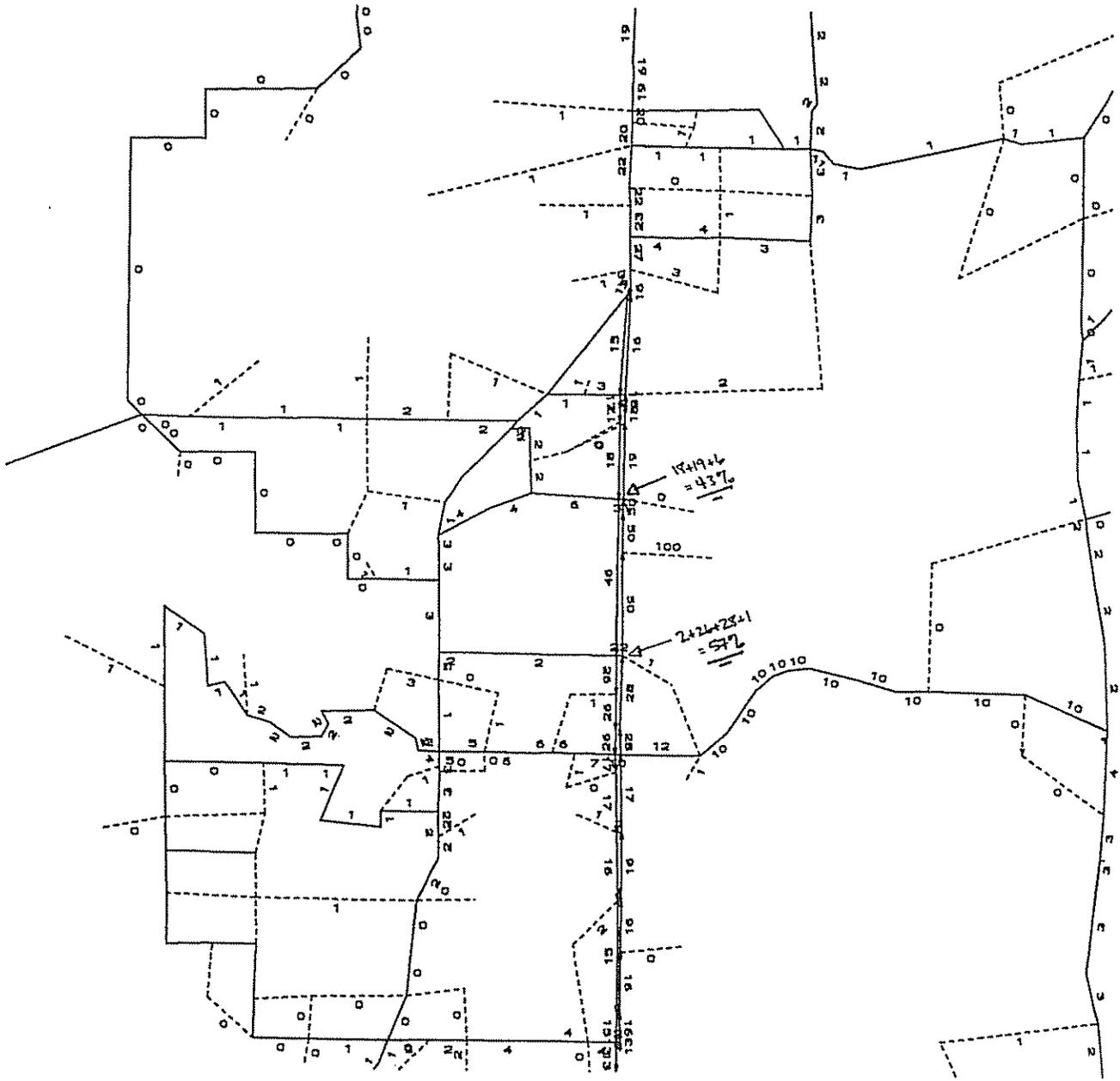
The studies related trip generation to gross square feet of the stores, including "garden center (seasonal box)" area, but excluding "shade cloth" areas of the sites.

If you have any further questions, please feel free to call me.

Sincerely,  
**PETERS & ASSOCIATES ENGINEERS, INC.**

  
Ernest J. Peters, P.E.  
President

APPENDIX C:  
FSUTMS Model Run

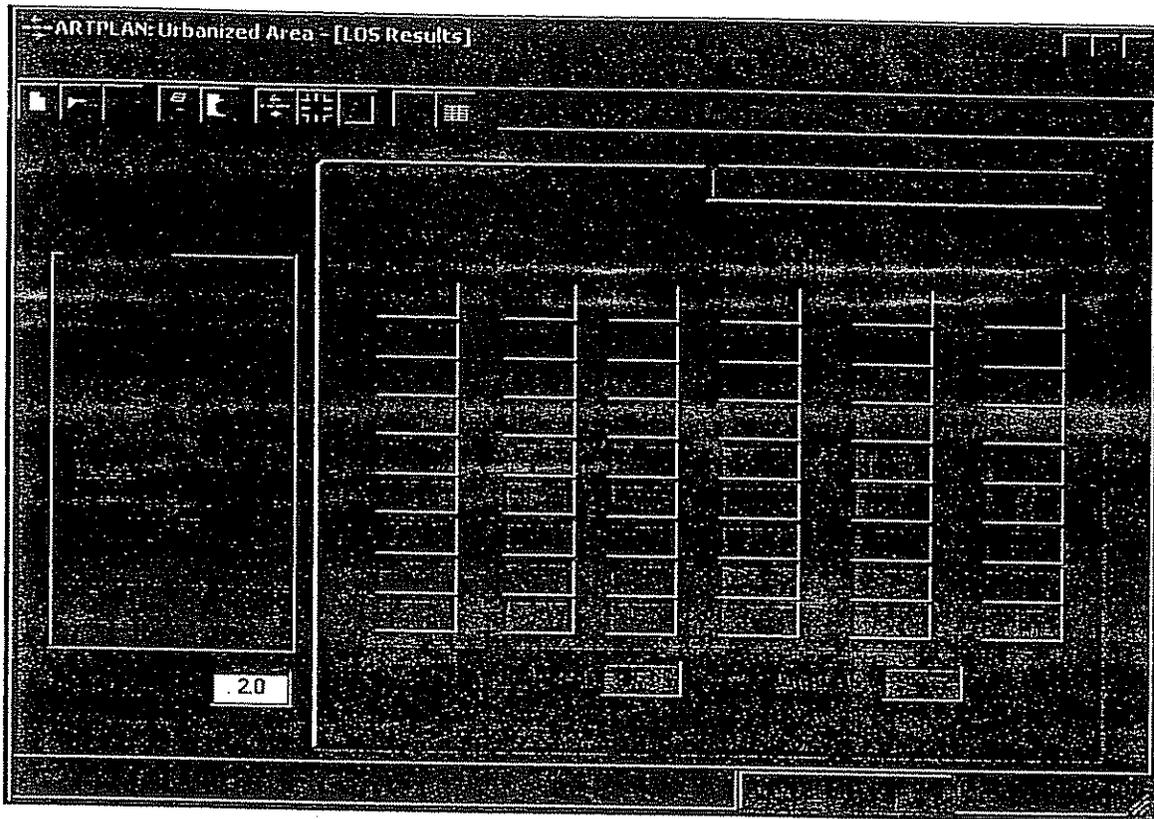


2005 RTA  
 PROPOSED PROJECT (TAZ 1470)  
 SELECT ZONE PERCENTAGES (%)  
 05JAN04 11:42:50

APPENDIX D:  
Roadway Analysis Worksheets

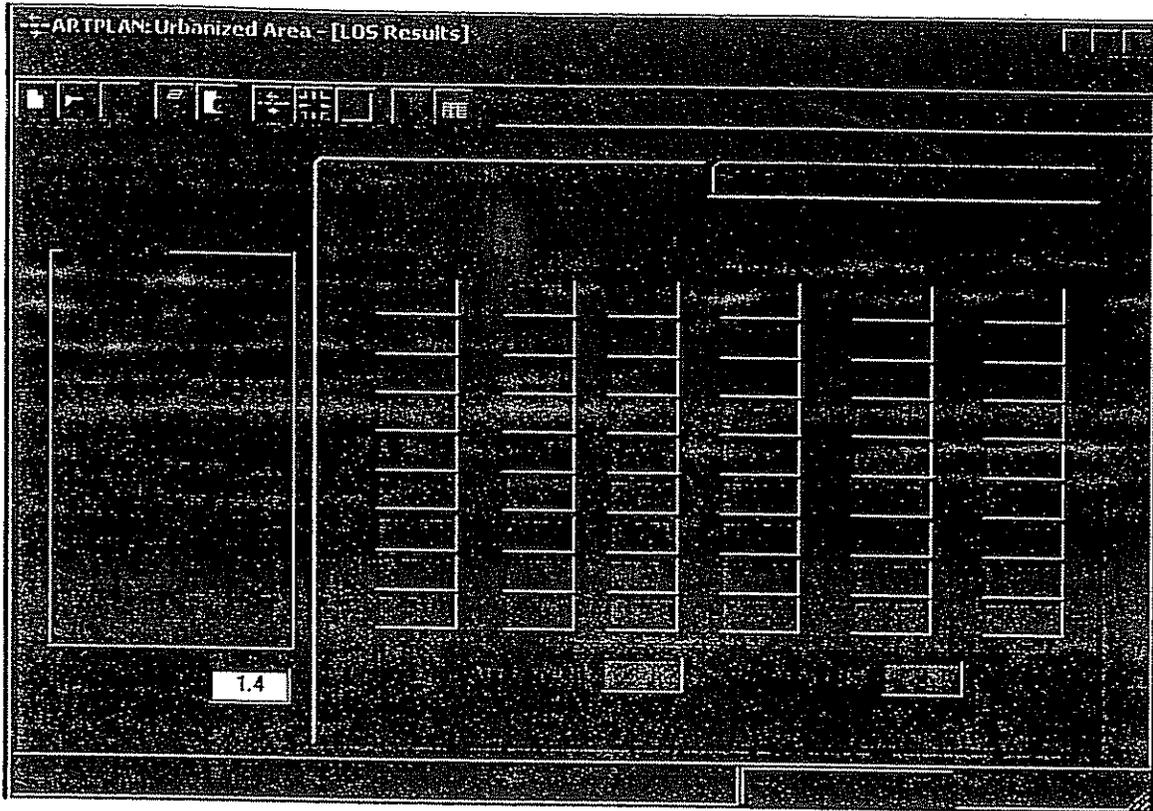


ART-PLAN ANALYSIS - U.S. 19  
From Tarpon Avenue to Beckett Way  
Existing Traffic Conditions  
Output Screen





ART-PLAN ANALYSIS – U.S. 19  
From Tarpon Avenue to Beckett Way  
2005 Total Traffic Conditions  
Output Screen



APPENDIX E:  
Turn Lane Worksheets

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection: U.S. 19 & Project Driveway  
 Scenario: 2005 Total traffic Conditions  
 Date of Analysis: 3/15/2004  
 Analyst: KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Southbound
Traffic Control:	Signalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Left-Turn Lane
Number of Lanes:	2
Design Speed:	60 Miles per Hour

SIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	207 vph
Cycle Length:	130 sec
Peak Factor:	2

SIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	207 vph
Cycle Length:	130 sec
Seconds per Hour:	3600 sec
Cycles Per Hour:	27.69
Vehicles per Cycle:	7.5
Vehicle Length:	25 feet
Average Vehicle Queue:	187.5 feet
Peak Factor:	2
Peak Storage Length:	375 feet
Minimum Storage Length:	50 feet
Number of Lanes:	2
Required Design Storage per Lane:	200 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	440 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	200 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	440 feet

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection: U.S. 19 & Project Driveway  
 Scenario: 2005 Total traffic Conditions  
 Date of Analysis: 3/15/2004  
 Analyst: KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Northbound
Traffic Control:	Signalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Right-Turn Lane
Number of Lanes:	1
Design Speed:	60 Miles per Hour

SIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	77 vph
Cycle Length:	130 sec
Peak Factor:	2

SIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	77 vph
Cycle Length:	130 sec
Seconds per Hour:	3600 sec
Cycles Per Hour:	27.69
Vehicles per Cycle:	2.8
Vehicle Length:	25 feet
Average Vehicle Queue:	70 feet
Peak Factor:	2
Peak Storage Length:	140 feet
Minimum Storage Length:	0 feet
Number of Lanes:	1
Required Design Storage per Lane:	150 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	390 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	150 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	390 feet

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection: U.S. 19 & Project Driveway  
 Scenario: 2005 Total traffic Conditions  
 Date of Analysis: 3/15/2004  
 Analyst: KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Westbound
Traffic Control:	Signalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Left-Turn Lane
Number of Lanes:	2
Design Speed:	30 Miles per Hour

SIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	361 vph
Cycle Length:	130 sec
Peak Factor:	2

SIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	361 vph
Cycle Length:	130 sec
Seconds per Hour:	3600 sec
Cycles Per Hour:	27.69
Vehicles per Cycle:	13
Vehicle Length:	25 feet
Average Vehicle Queue:	325 feet
Peak Factor:	2
Peak Storage Length:	650 feet
Minimum Storage Length:	50 feet
Number of Lanes:	2
Required Design Storage per Lane:	325 feet
Total Deceleration Distance:	100 feet
Total Turn Lane Length (incl. Taper):	425 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	325 feet
Total Deceleration Distance:	100 feet
Total Turn Lane Length (incl. Taper):	425 feet

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection:	U.S. 19 & Project Driveway
Scenario:	2005 Total traffic Conditions
Date of Analysis:	3/15/2004
Analyst:	KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Westbound
Traffic Control:	Signalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Right-Turn Lane
Number of Lanes:	1
Design Speed:	30 Miles per Hour

SIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	116 vph
Cycle Length:	130 sec
Peak Factor:	2

SIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	116 vph
Cycle Length:	130 sec
Seconds per Hour:	3600 sec
Cycles Per Hour:	27.69
Vehicles per Cycle:	4.2
Vehicle Length:	25 feet
Average Vehicle Queue:	105 feet
Peak Factor:	2
Peak Storage Length:	210 feet
Minimum Storage Length:	0 feet
Number of Lanes:	1
Required Design Storage per Lane:	225 feet
Total Deceleration Distance:	50 feet
Total Turn Lane Length (incl. Taper):	275 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	225 feet
Total Deceleration Distance:	100 feet
Total Turn Lane Length (incl. Taper):	325 feet

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection: U.S. 19 & Project Driveway  
 Scenario: 2005 Total traffic Conditions  
 Date of Analysis: 3/15/2004  
 Analyst: KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Northbound
Traffic Control:	Unsignalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Right-Turn Lane
Number of Lanes:	1
Design Speed:	60 Miles per Hour

UNSIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	137 vph
Peak Cycle Factor:	30

UNSIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	137 vph
Peak Cycle Factor:	30
Expected Vehicle Queue:	N/A
Vehicle Length:	25 feet
Peak Storage Length:	N/A feet
Minimum Storage Length:	0 feet
Number of Lanes:	1
Required Design Storage per Lane:	0 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length:	240 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	0 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	240 feet

## EXHIBIT "F"

### Summary of Required Commitments

The Developer commitments made in the ADA and Sufficiency Response are described in Tables SR10-2 and SR10-3 contained in the Sufficiency Response, copies of which are attached hereto as Exhibit "G-1." The following is a summary of Developer commitments contained in the ADA and the Development Order.

- Submit Annual Reports on May 8, 1999, and on May 8 of each following year.
- Preserve a 30' wide buffer along the Anclote River.
- Provide a 15' buffer adjacent to wetland areas that remain after permitting.
- Conduct a wildlife survey consistent with FGFWFC requirements prior to issuance of site development permits. If selected species other than the Sherman fox squirrel and the gopher tortoise are observed on the site, mitigation measures are to be employed.
- Impacts to saltwater marsh area north of the Anclote River, other than permitted stormwater facilities or raised boardwalks, require a DRI substantial deviation review and amendment to the DRI Development Order to incorporate a condition for mitigation at a ratio of at least 3:1.
- The Anclote River is classified as an Outstanding Florida Water (OFW). Stormwater systems designed to discharge into the Anclote River, must meet the OFW criteria.
- A biannual surface water quality monitory program must be instituted before groundbreaking and continue through buildout of the development, or the expiration of the development order, whichever comes first.
- Within 3 months after the effective date of the DRI Development Order, (February 3, 1999), the Developer must submit an application for an amendment to the City's Future Land Use Map to provide for the reclassification of the wetlands in the west one-half of the Property to Preservation.

[The land use plan amendment was adopted by the Tarpon Springs Board of Commissioners on March 21, 2000, by Ordinance No. 99-22.]

- Within six months after the effective date of the DRI Development Order (May 3, 1999), the Developer will remove all billboards and off site advertising from the site.

[This has been done.]

- Transportation – Two options to mitigate the impacts of the Development were approved. Option 1 (specific improvement to Keystone Road, US 19, and Jasmine and a TSM requirement) was selected by the Developer. However, Option 2 (a monitoring program) may be selected at some future point. The details of the specific road improvements to US 19, Keystone Road, Jasmine Avenue, and TSM are as follows:
  - US 19 –
    - Prior to issuance of COs for 40,000 square feet of office or any uses which generate in excess of 40 AM peak hour inbound trips from northbound US 19, but not later than buildout, a northbound right turn lane must be in place or under actual construction.
    - Prior to issuance of COs for 90,000 square feet of office or any uses which generate in excess of 60 AM peak hour inbound trips from northbound US 19, but not later than buildout, a southbound left turn lane must be in place or under actual construction.
    - If a signal at the main entrance on US 19 is authorized, the Developer shall install the sign at its expense.
  - Keystone (between US 19 and East Lake Road) is operating at LOS "F." Pinellas County is scheduled to begin making improvements to Keystone in FY 2000/2001. The segment of Keystone Road is not impacted by the Development until the issuance of COs for more than 145,000 square feet of office or other use that generates more than 36 PM peak hour trips. Accordingly this level of development is permitted without the described improvements to Keystone Road being committed for construction.
  - Jasmine Avenue (between Keystone Road and the south property line)
    - This is required for secondary access. This improvement must be in place or under actual construction not more than one year following the issuance of permits for 125,000 square feet of office or any use or combination of uses which generates in excess of 31 PM Peak Hour trips on Jasmine Ave.
    - Included in the improvement is a mast arm traffic signal at the intersection of Jasmine Ave. and Keystone Road.

- Prior to issuance of the initial CO within the Development, the Developer will pay to the City the sum of \$13,793.60 for reimbursement for the City's actual costs in acquisition of an easement to provide utility services to the property.
- TSM — Developer will locate a bus service and shelter stop within the Development. Upon issuance of COs for 200,000 square feet of office space (or the equivalent use), the bus stop shall be annually evaluated. The Developer shall also provide a hard surfaced bike lane between the extension of the Pinellas Trail and the principal buildings.
- Developer is entitled to credits against transportation impact fees including without limitation, for the Jasmine Ave. improvement and signalization.
- When COs for 300,000 square feet of office, or the equivalent, have been issued, an annual traffic monitoring program shall be instituted. If the trip counts exceed by more than 10% the previous counts, then a signal warrant study shall be undertaken at Keystone Rd. and Jasmine within one year of the annual report date.

Except as otherwise stated, the foregoing commitments are required in connection with development activity and construction of the project has not commenced.

To date, the Developer has complied with all conditions required by the Development Order. Construction activity has not commenced, as of this date. The Developer has not exceeded any of the dates required by the Development Order for commencement or completion of construction.

INFORMATION REQUIRED BY DEVELOPMENT ORDER TO BE INCLUDED IN ANNUAL REPORT:

Development Order Section

Response

5.E

Report of annual inspection of the surface water management system.

[To date, construction has not commenced.]

Biannual water quality monitoring — In accordance with Section 5(H) the Developer is to commence monitoring prior to groundbreaking.

[To date construction has not commenced and is not required to commence until 4/11/04. Developer will institute monitoring procedures prior to groundbreaking.]

Application of the trade-off mechanism set forth in Section 6 of the Development Order.

[None.]

**AFFIDAVIT AND AGENT AUTHORIZATION**

**STATE OF FLORIDA  
COUNTY OF PINELLAS**

**BEFORE ME**, the undersigned authority, personally appeared Gary M. Nelson ("Affiant") who is personally known to me, and who upon being duly sworn deposes and says:

1. Affiant is the V.P. & Secretary of ABR Properties, Inc., a Florida corporation (the "Corporation").
2. Affiant is authorized to execute this Affidavit and Agent Authorization on behalf of the Corporation.
3. The Corporation is the fee simple owner of certain real property located adjacent to U.S. 19 and in the City of Tarpon Springs, Florida, the County of Pinellas, consisting of approximately seventy-five (75) acres (the "Property"). A true and correct legal description of the Property is attached hereto and incorporated herein as Exhibit A.
4. The Corporation hereby authorizes the law firm of Ruden McClosky Smith Schuster & Russell, P.A. and the engineering firm of Lochrane Engineering, Inc. to act as our agents in connection with all matters and applications relating to the abandonment of the existing Development of Regional Impact and procuring any necessary governmental approvals, including representation at all associated meetings, submittals and responses to the City of Tarpon Springs, the Pinellas County Board of County Commissioners and the Pinellas Planning Council for the development of a Wal-Mart SuperCenter on the Property.

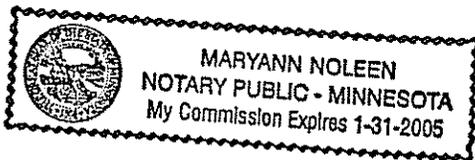
**FURTHER AFFIANT SAYETH NAUGHT.**

**ABR PROPERTIES, INC.**

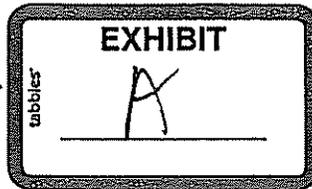
By: *Gary M. Nelson*  
 Print Name: Gary M. Nelson  
 Its: V.P. & Secretary

**STATE OF FLORIDA  
COUNTY OF PINELLAS**

The foregoing instrument was acknowledged before me this 1st day of April, 2004, by Gary M. Nelson, as V.P. & Secretary of ABR Properties, Inc., a Florida corporation, on behalf of the corporation. He/she is personally known to me or who produced \_\_\_\_\_ as identification.



*Maryann Noleen*  
 Signature of Notary Public  
MARYANN NOLEEN  
 Print/type name of Notary Public



That certain piece, parcel or tract of land lying in and being part of the West one-third of Lot 41, Lot 42, that part of Lot 45 and Lot 46 lying East of U.S. Highway 19, Lot 47, and Lot 48, Tampa and Tarpon Springs Land Company, as recorded in Plat Book H-1, Page 116 of the Public Records of Pinellas (formerly Hillsborough) County, Florida, lying in and being part of the Southeast 1/4 of Section 6, Township 27 South, Range 16 East, Pinellas County, Florida, together with Block 90, Block 91, part of Block 96 and that part of Block 94, Block 97, and Lot 2, Block 98 lying East of U.S. Highway 19, official map of the Town of Tarpon Springs, as recorded in Plat Book 4, Page 79 of the Public Records of Pinellas County, Florida, lying in and being part of the Northeast 1/4 of Section 7, Township 27 South, Range 16 East, Pinellas County, Florida, being more particularly described as follows:

From the Southeast corner of said Section 6, also being the Northeast corner of said Section 7, North 85deg.41'36" West, by and along the South boundary of said Section 6, also being the North boundary of said Section 7, a distance of 460.72 feet to the Northeast corner of said Block 90, for a Point of Beginning:

1. thence continue North 85deg.41'36" West, by and along said boundary between said Section 6 and Section 7, a distance of 424.52 feet to the Southeast corner of said Lot 42;
2. thence North 00deg.07'19" West, by and along the East boundary of said Lot 42 and the West one-third of said Lot 41, a distance of 1,319.40 feet to the North boundary of said Lot 41;
3. thence North 85deg.39'52" West, by and along the North boundary of said Lot 41 and said Lot 45, a distance of 1,380.75 feet to the East right of way of U.S. Highway 19;
4. thence South 00deg.04'24" West, by and along said East right of way, a distance of 2,359.49 feet to the North boundary of a Florida Power Corporation right of way, as recorded in Deed Book 458, Pages 122 and 123 of the Public Records of Pinellas County, Florida;
5. thence North 77deg.44'54" East, by and along said North boundary, a distance of 1,977.27 feet to the Easterly boundary of said Block 96 and Block 90;
6. thence North 14deg.36'59" West, by and along said Easterly boundary, a distance of 500.44 feet to the Northeast corner of said Block 90, and the Point of Beginning.

LESS AND EXCEPT those lands taken by the Florida Department of Transportation pursuant to those certain Orders of Taking recorded May 7, 1986 in Official Records Book 6222, at page 2159 and recorded June 17, 1986 in Official Records Book 6251, at Page 121, all in the Public Records of Pinellas County, Florida.



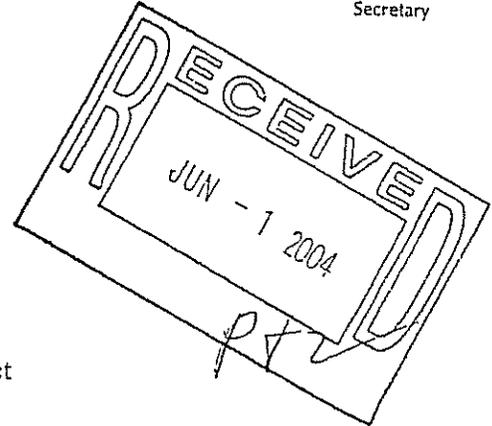
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH  
Governor

THADDEUS L. COHEN, AIA  
Secretary

May 27, 2004



Ms. Renea Vincent, Director  
Planning and Zoning Department  
324 E. Pine Street, PO Box 5004  
Tarpon Springs, FL 34688

Re: Abandonment of the ABR Plaza Development of Regional Impact  
ADA-0897-009

Dear Ms. Vincent:

The Department received an Application for Abandonment of a Development of Regional Impact for the ABR Plaza Development of Regional Impact (DRI) on April 23, 2004. Based on review of the application for abandonment, we have determined that the ABR Plaza DRI is eligible to abandon the development order, pursuant to Rule 9J-2.0251(5), Florida Administrative Code (F.A.C.). Therefore, the City needs to hold a public hearing pursuant to Rule 9J-2.0251(2)(c), F.A.C, regarding the proposed abandonment and issue a determination to grant, grant with conditions, or deny the request to abandon. If the City determines that abandonment will be approved, an amended development order shall be issued consistent with the requirements of Rule 9J-2.0251(3), F.A.C.

If you have any questions or comments regarding this matter, please contact Marina Pennington, Regional Planning Administrator at (850) 487-4545, or Ron Horlick, Planner at (850) 922-1801.

Sincerely yours,

Charles Gauthier, AICP  
Chief of Comprehensive Planning

CG/rh

- cc: John Meyer, TBRPC
- Carol Collins, FDOT
- Lindy McDowell, Office of Intergovernmental Programs, DEP
- Richard S. Owen, SWFWMD
- Brian Barnett, FWC

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

Renea Vincent

---

From: John Meyer [johnm@tbrpc.org]  
Sent: Friday, May 21, 2004 5:01 PM  
To: rvincent@ci.tarpon-springs.fl.us  
Cc: marina.Pennington@dca.state.fl.us  
Subject: ABR Abandonment

Renea:

I have quickly looked through the Abandonment Application for ABR Plaza (DRI #232) in Tarpons Springs. Future development plans for the parcel appear to be far below the DRI threshold. It is for this reason that I have no comments. Please send me a copy of the Abandonment Order if and when adopted by the City. Thanks.

John

---

John Meyer

DRI and IC&R Coordinator  
Tampa Bay Regional Planning Council  
(727) 570-5151 x29 - Telephone  
(727) 570-5118 - FAX  
[www.tbrpc.org](http://www.tbrpc.org)

## MEMORANDUM

.....

DATE: June 18, 2004

TO: Board of Commissioners  
Ellen Posivach, City Manager  
Renea Vincent, Planning & Zoning Director

OF: City of Tarpon Springs

FROM: John G. Hubbard, City Attorney

RE: Abandonment of ABR Plaza Development DRI

.....

In response to the issues raised by the members of the City Commission at the June 15, 2004 regular meeting, it is the purpose of this memorandum to give the Commission a quick overview of the process involved in the abandonment of a DRI.

The issue of abandonment of DRI Development orders is addressed in Florida Statutes Section 380.06(26). Pursuant to this Statute the State Land Planning Agency is authorized to initiate rules setting forth criteria and procedures for such an abandonment procedure and the DCA has done so in Rule 9J-2.0251.

There was some concern raised by a City Commissioner as to what government agencies were being notified regarding the abandonment request. The Rule requires a filing of the application for abandonment with the Regional Planning Agency and the DCA. The Regional Planning Agency then distributes copies of the completed application to the appropriate agencies involved in the DRI review process.

The Planning & Zoning Department has already accomplished the notification to the DCA and a copy of a letter confirming that fact dated May 27, 2004 is attached. Correspondence has also been received by the Tampa Bay Regional Planning Council which has offered no comments on the matter. That correspondence from John Meyer, the DRI Coordinator is also attached. Mrs.

Vincent also informed me that she has sent a copy to the PPC requesting a courtesy review. To the best of my knowledge, there has been no response at this time and the response may well be that this does not fall within the PPC jurisdiction.

The 9J Rule provides for specific notification procedures to be followed. It is my understanding from correspondence that I have received that the developer is requesting that the hearing on the abandonment of the DRI be postponed until July 20, 2004 to allow for a public meeting to be conducted by the developer.

At the public hearing, the City will have to determine whether the DRI request to abandon will be granted, granted with conditions or denied. The standards for consideration of abandonment of the question for abandonment are set forth in Rule 9J-2.0251(2) (c). I have attached a copy of the Rule for your information that outlines this criteria.

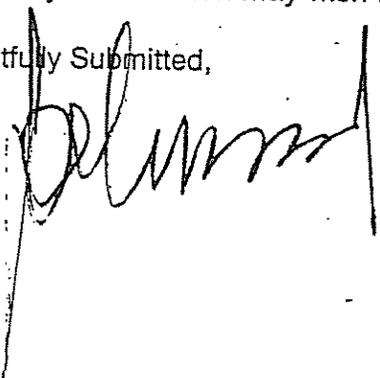
You should note from the criteria that many of the rules presuppose that some development has occurred on the site. Mrs. Vincent will no doubt address each one of these criteria in her staffing to you. The applicant has addressed the criteria in the application. The process is a quasi-judicial process which means that the Commission avoid or reveal ex parte contact and keep in mind that it is only the competent and substantial evidence offered at the hearing that may be considered in the decision.

The City Commission's decision to abandon or not abandon is subject to appeal and such appeal "shall be confined to whether the provisions of this subsection or any rules thereunder have been satisfied."

I hope that these comments are helpful, and I would be pleased to answer any other issues that the City Commission may wish to review.

Respectfully Submitted,

JGH/ja

A handwritten signature in black ink, appearing to be 'JGH/ja', written over a vertical line that serves as a separator between the signature and the typed name 'JGH/ja' to its left.

9J-2.0251 Abandonment of Development Orders.

(1) Purpose. This rule establishes the process for local governments to follow in the event a developer proposes to abandon a development of regional impact (DRI) which has been rendered a final development order.

(2) Procedures and Requirements for Abandonment. The following procedures and requirements shall be followed when seeking the abandonment of an approved DRI:

(a) Pursuant to subsection 380.06(26), Florida Statutes, the developer shall submit a completed copy of an Application for Abandonment of a Development of Regional Impact to the local government(s) having jurisdiction. Copies of the application shall be simultaneously filed with the appropriate regional planning agency and the Division. The regional planning agency will distribute copies of the completed application to the appropriate commenting agencies normally involved in the DRI review. Copies of the Application for Abandonment of a Development of Regional Impact, FORM RPM-BSP-ABANDON-DRI-1, incorporated herein by reference, effective 3/91, may be obtained from either the Division or the appropriate regional planning agency.

(b) Upon receipt of the application, the local government shall, at its next regularly scheduled meeting, schedule a public hearing to consider the application and provide 45 days notice of this hearing to the Division and the appropriate regional planning agency.

(c) At the public hearing, the local government shall determine whether the request to abandon shall be granted, granted with conditions, or denied. In determining whether to grant, grant with conditions, or deny the request to abandon an approved DRI, the local government shall consider and adequately address:

1. The developer's reasons for seeking to abandon the DRI;
2. The types and amounts of the development constructed;
3. The types and amounts of impacts from the project's existing and proposed development to any resources, and existing and planned facilities;
4. The extent to which the proposed abandonment will affect areas previously set aside or identified for preservation or protection;

5. The extent to which the developer has complied with conditions of the development order which authorize existing development;

6. The extent to which the developer has relied upon benefits granted to authorized developments of regional impact, pursuant to Chapters 163, 403, and 380, Florida Statutes, which would not otherwise be available after abandonment;

7. The extent and types of impacts the proposed abandonment will have on the local comprehensive plan and local government land development regulations;

8. The extent to which the proposed development after abandonment will be inconsistent with the State Comprehensive Plan, the State Land Development Plan, or the appropriate Comprehensive Regional Policy Plan; and

9. Whether the development is eligible to request abandonment pursuant to subsection (5) below.

(d) Within 30 days after the public hearing, the local government shall render a written decision on the request to abandon which shall include findings of fact and conclusions of law consistent with the provisions of this rule unless a reasonable extension of time is requested in writing by the developer.

(e) Within 15 days after expiration of the appeal period in Section 380.07, Florida Statutes, for an amended development order granting, or granting with conditions, the abandonment of an approved DRI, or within 15 days of the resolution of any such appeal, the appropriate local government shall issue a notice of abandonment which shall be recorded by the developer in accordance with Section 28.222, Florida Statutes, with the clerk of the circuit court for each county in which land covered by the terms of the amended development order is located.

(3) Requirements for an Abandonment which has been granted or granted with conditions.

(a) If the local government determines that the abandonment shall be granted or granted with conditions, the local government shall issue an amendment to the development order which shall include findings of fact and conclusions of law consistent with the provisions of this rule, that either repeals the original DRI development order in its entirety (including previous amendments) or repeals portions of the existing development order, and includes any appropriate additional conditions of abandonment.

(b) The resulting development order must contain conditions which require the developer to mitigate the impacts of all existing and proposed development. This shall include mitigating any impacts resulting from changes in the plan due to abandonment.

(c) The resulting development order must contain conditions which require the developer to satisfy all applicable conditions of the existing development order with regard to existing and proposed development.

(d) The resulting development order must contain conditions which require the developer to request and receive a rescission or amendment to all permits or other approvals which authorize development beyond that which is authorized under the amended development order.

(4) Effect of denying a Request to Abandon. If the local government denies the request to abandon the DRI development order, including previous amendments in effect at the time the request was submitted, the DRI development order shall remain in full effect.

(5) Eligibility to Abandon.

(a) An approved DRI which is proposed after abandonment to be below 100 percent (100%) of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, is eligible to abandon an approved DRI.

(b) An approved DRI which is proposed after abandonment to be at 100 percent or between 100 and 120 percent of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, and upon which no development as defined in Section 380.04, Florida Statutes, has occurred, is eligible to request abandonment of an approved DRI if the Division has issued a binding letter which finds the proposed plan of development after abandonment not to be a DRI.

(c) An approved DRI which is proposed after abandonment to be at 100 percent or between 100 and 120 percent of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, and upon which no development as defined in Section 380.04, Florida Statutes, has occurred, is eligible to request to abandon an approved DRI if the Division has issued a binding letter which finds the proposed plan of development after abandonment to be a DRI. If the Division issues a binding letter which finds the proposed plan of development after abandonment to be a DRI, such a development shall be evaluated under the substantial deviation provisions of subsection 380.06(19), Florida Statutes.

(d) An approved DRI which has commenced development as defined in Section 380.04, Florida Statutes, and which exceeds or is proposed after abandonment to be at or exceed 100 percent (100%) of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, shall not be eligible to request abandonment of an approved DRI. Such a development shall be evaluated under the substantial deviation provisions of subsection 380.06(19), Florida Statutes.

(e) The provisions contained in paragraph 380.06(2)(c), Florida Statutes, shall govern which guidelines and standards are applicable for the purposes of this rule.

(6) Appeal Rights.

(a) Any amended development order or resolution issued pursuant to this rule shall be subject to the appeal provisions of Section 380.07, Florida Statutes.

(b) The issues in any such appeal shall be confined to whether the provisions of subsection 380.06(26), Florida Statutes, and this rule have been satisfied.

*Specific Authority 380.032(2)(a), 380.06(23)(a), (26) FS. Law Implemented 380.06(2), (26) FS. History—New 3-10-91, Amended 2-21-01, 6-1-03.*

#### 9J-2.0252 Development of Regional Impact Review Fee Rule.

(1) PURPOSE. The purpose of this rule is to set forth policies and procedures for the assessment and collection of fees by regional planning agencies for the review of developments of regional impact (DRI) and Florida Quality Developments (FQD). The rule also sets forth the procedures to be utilized by the Department of Community Affairs in reviewing and determining whether a fee in excess of \$75,000 may be assessed by a regional planning agency.

(2) FEES. The applicant shall enter into a contract with the regional planning agency which obligates the applicant to reimburse the regional planning agency for the cost of coordinating and reviewing an application for development approval, an application for development designation of a substantial deviation, an application for development designation, or an application for development designation of a substantial change. The applicant shall also deposit a total of \$35,000 with the regional planning agency in the following manner:

(a) For each application for development approval or application for development approval of a substantial deviation, the regional planning agency shall collect a fee deposit of \$15,000, of which \$5,000 is non-refundable, prior to conducting a preapplication conference in accordance with subsection 380.06(7), Florida Statutes, or a related issue methodology meeting, whichever occurs first. The application for development approval of application for development approval of a substantial deviation shall not be accepted for review unless accompanied by an additional \$20,000 deposit.

(b) For each application for development designation or application for development designation of a substantial change, the regional planning agency shall collect a fee deposit of \$35,000, of which \$5,000 is non-refundable, prior to conducting a preapplication conference in accordance with paragraph 380.061(5)(a), Florida Statutes, or related issue methodology meeting, whichever occurs first.

(c) All fees shall be payable by certified check or bank draft, in U.S. funds, made payable to the regional planning agency. Upon receipt of the initial fee deposit, the regional planning agency will establish an account or cost center for the project to be reviewed.

#### (3) ALLOWABLE CHARGES.

(a) The applicant shall be liable to the regional planning agency for 100% of the actual costs, both direct and indirect, of coordinating or reviewing an application for development approval, an application for development approval of a substantial deviation, an application for development designation, or an application for development designation of a substantial change. Costs associated with an appeal filed pursuant to Section 380.07, Florida Statutes, shall not be charged to an applicant.

2. The notice shall be given to the state land planning agency, to the applicable regional planning agency, and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

3. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

(f) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. It shall approve the petitioner as the developer if it finds that the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, pursuant to subparagraph (b)3.

(g) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency within 30 days after the order becomes effective.

(h) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.

(i) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact for land within the defined planning area, pursuant to subsection (6). Development undertaken in conformance with an areawide development order issued under this section shall not require further development-of-regional-impact review.

(j) In reviewing an application for a proposed areawide development of regional impact, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:

1. Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.

2. Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.

3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans, except as provided for in paragraph (k).

(k) In addition to the requirements of subsection (14), a development order approving, or approving with conditions, a proposed areawide development of regional impact shall specify the approved land uses and the amount of development approved within each land use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive

plan, except that a local government may amend its comprehensive plan pursuant to paragraph (6)(b).

(l) Any owner of property within the defined planning area may withdraw his or her consent to the areawide development plan at any time prior to local government approval, with or without conditions, of the petition; and the plan, the areawide development order, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued, a landowner may withdraw his or her consent only with the approval of the local government.

(m) If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:

1. Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and

2. The option to withdraw consent does not apply, and all property and development within the areawide development planning area shall be subject to the areawide plan and to the development order conditions.

(n) After a development order approving an areawide development plan is received, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).

(26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in which the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of record, and provided that no such owner or developer objects in writing to the local government prior to or at the public hearing pertaining to abandonment of the development of regional impact. The state land planning agency is authorized to promulgate rules that shall include, but not be limited to, criteria for determining whether to grant, grant-with-conditions, or deny a proposal to abandon, and provisions to ensure that the developer satisfies all applicable conditions of the development order and adequately mitigates for the impacts of the development. If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an abandonment order shall not require the owner or developer to contribute any land, funds; or public facilities as a condition of such abandonment order. The rules shall also provide a procedure for filing

notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Any decision by a local government concerning the abandonment of a development of regional impact shall be subject to an appeal pursuant to s. 380.07. The issues in any such appeal shall be confined to whether the provisions of this subsection or any rules promulgated thereunder have been satisfied.

(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of Community Affairs shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.

History.—s. 6, ch. 72-317; s. 2, ch. 74-328; s. 5, ch. 75-167; s. 1, ch. 76-69; s. 2, ch. 77-215; s. 148, ch. 79-400; s. 3, ch. 80-313; s. 22, ch. 83-222; s. 4, ch. 83-308; s. 1, ch. 84-331; s. 43, ch. 85-55; s. 15, ch. 86-191; s. 1, ch. 88-164; s. 1, ch. 89-375; s. 1, ch. 89-536; s. 52, ch. 90-331; s. 20, ch. 91-192; s. 20, ch. 91-305; s. 1, ch. 91-309; s. 15, ch. 92-129; s. 2, ch. 93-95; s. 52, ch. 93-206; s. 345, ch. 94-356; s. 1029, ch. 95-148; s. 11, ch. 95-149; s. 9, ch. 95-322; s. 3, ch. 95-412; s. 114, ch. 95-410; s. 10, ch. 96-416; s. 1, ch. 97-28; s. 7, ch. 97-253; s. 52, ch. 97-278; s. 9, ch. 98-146; ss. 25, 31, ch. 98-176; s. 71, ch. 99-251; s. 7, ch. 99-378; s. 27, ch. 2001-201; s. 95, ch. 2002-20; s. 30, ch. 2002-295.

<sup>1</sup>Note.—As amended by s. 95, ch. 2002-20. The amendment by s. 30, ch. 2002-295, provides for a development that is at or below 100 percent.

<sup>2</sup>Note.—As amended by s. 95, ch. 2002-20. The amendment by s. 30, ch. 2002-295, provides for less than or equal to 100 percent.

### 380.061 The Florida Quality Developments program.—

(1) There is hereby created the Florida Quality Developments program. The intent of this program is to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire. It is further intended that the developer be provided, through a cooperative and coordinated effort, an expeditious and timely review by all agencies with jurisdiction over the project of his or her proposed development.

(2) Developments that may be designated as Florida Quality Developments are those developments which are above 80 percent of any numerical thresholds in the guidelines and standards for development-of-regional-impact review pursuant to s. 380.06.

(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of the types of land listed below. In lieu of the above requirement, the developer may enter into a binding commitment which runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to

use such areas for the purpose of passive recreation that is consistent with the purposes for which the land was preserved.

a. Those wetlands and water bodies throughout the state as would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable, may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities to the extent that such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created, if the redesign or alteration is done so as to produce a more naturally functioning system.

b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.

d. Areas known to be important to animal species designated as endangered or threatened animal species by the United States Fish and Wildlife Service or by the Fish and Wildlife Conservation Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.

e. Areas known to contain plant species designated as endangered plant species by the Department of Agriculture and Consumer Services.

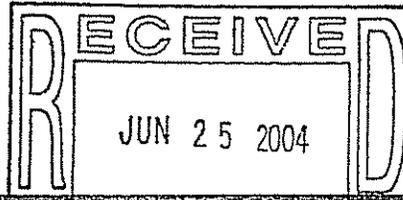
2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency or by the Department of Environmental Protection or the Department of Agriculture and Consumer Services. This subparagraph is not intended to apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as activities in those waters are permitted pursuant to s. 403.813(2) and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.

5. Include open space, recreation areas, Xeriscape as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution



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P12

Mayor Robert E. Jackson, Ph.D., *Chairman*  
Commissioner Calvis D. Harris, Ed.D., *Vice-Chairman*  
Vice-Mayor Hoyt Hamilton, *Treasurer*  
Councilmember Bill Foster, *Secretary*  
Councilor Pete Bengston  
Mayor Jerry Beverland  
Mayor Beverley Billiris  
Councilmember Sandra L. Bradbury  
Mayor Tom De Cesare  
Mayor Robert H. DiNicola  
School Board Chairman Jane Gallucci  
Commissioner Bob Hackworth  
Commissioner Nadine S. Nickeson

David P. Healey, AICP, *Executive Director*

June 24, 2004

Renea Vincent, Planning and Zoning Director  
City of Tarpon Springs  
P.O. Box 5004  
Tarpon Springs, FL 34689

Re: ABR Plaza Development of Regional Impact Abandonment

Dear Ms. Vincent:

As per our conversation, the PPC does not review the formal request to abandon a Development of Regional Impact. Therefore, we offer no comments directly related to that process with which the City is involved.

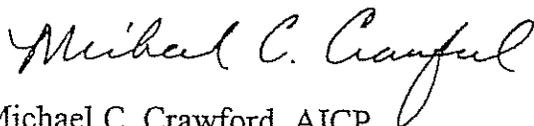
However, associated with the approval of the ABR project by the City was the amendment of the Countywide Future Land Use Plan map to Residential/Office General for the eastern portion of the site and to Preservation on the wetlands on the southern portion of the site. As part of that approval there were a number of conditions, three of which have not been addressed to date:

1. Open water portions of the site were amended on the Countywide Future Land Use Plan map to Water/Drainage Feature, but remain to be amended on the City's Future Land Use Plan map;
2. The areas designated Preservation on the north side of the site were amended to LC-Land Conservation on the City's zoning map, but the Preservation areas on the south were not and remain to be amended to LC; and
3. The amendment of the eastern portion of the site on the City's zoning map to GB-General Business is inconsistent with both the Countywide and local land use designations of Residential/Office General and should be amended to a more appropriate designation.

Page two  
June 24, 2004

I have attached our staff report to the PPC from their May 21, 1997, meeting date for further information. Please let me know if you need additional information or we can be of some help to you in this process.

Sincerely,

A handwritten signature in cursive script that reads "Michael C. Crawford". The signature is written in black ink and is positioned above the typed name.

Michael C. Crawford, AICP  
Principal Planner

cc: Mayor Beverley Billiris, Pinellas Planning Council Representative



**RESOLUTION 2004-27**

**A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA APPROVING THE APPLICATION FOR ABANDONMENT OF THE ABR PLAZA DEVELOPMENT ORDER FOR DRI #232; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR REPEAL; PROVIDING FOR CONDITIONS FOR ABANDONMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, ABR Properties, Inc (“ABR”) or (“developer”) is the owner of a 74 acre, more or less, acre site located on the Anclote River in Sections 6 and 7, Township 27, Range 16 East (the “Property”), which is located entirely within the City of Tarpon Springs; and

**WHEREAS**, on December 02, 1996, ABR filed an Application for Development Approval (“ADA”) of a Development of Regional Impact known as ABR Plaza, DRI #232, and sufficiency response documents dated April 21, 1997, and June 30, 1999, (hereinafter collectively referred to as the “ADA”) all with respect to the Property, Pursuant to the provisions of Chapter 380.06, F.S.; and

**WHEREAS**, on June 02, 1998 the Tarpon Springs Board of Commissioners (“BOC”) the governing body of the local government having jurisdiction pursuant to Chapter 380.06 F.S., and authorized and empowered to consider applications for Development of Regional Impact (“DRI”) approval, adopted Resolution 98-20, the Development Order of DRI #232; and

**WHEREAS**, on November 3, 1998, the City adopted Resolution 98-76 (the “D.O.”) amending and restating Resolution 98-20 and resolving issues raised by the appeal of the D.O. by the Department of Community Affairs; and

**WHEREAS**, Resolution 99-20, first amendment to the D.R.I., adopted on April 20, 1999 amended the build-out date to April 11, 2006; and

**WHEREAS**, on April 29, 2004, the City of Tarpon Springs received an application for abandonment of D.R.I. #232 (Exhibit “A”); and

**WHEREAS**, on May 21, 2004 the City of Tarpon Springs received notice from the Tampa Bay Regional Planning Commission stating no objections to the abandonment based upon the future plans being below any D.R.I. thresholds (Exhibit “B”); and

**WHEREAS**, on June 1, 2004 the City of Tarpon Springs received notice from the Department of Community Affairs of receipt of the application for abandonment of D.R.I. #232, and that based upon the application the D.R.I. is eligible for abandonment (Exhibit “C”), and;

WHEREAS, pursuant to Rule 9J-2.051 (2)(c), F. A. C., the City of Tarpon Springs must hold a public hearing to approve, approve with conditions, or deny the application of abandonment, and;

WHEREAS, the Board of Commissioners has scheduled a public hearing on the application for abandonment for July 20, 2004; and

WHEREAS, Compliance with the public notice requirements of the Florida Statutes have been demonstrated; and

WHEREAS, the proposed plan of development falls below any threshold for a D.R.I. as provided in Chapter 380 F.S.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, THAT:**

**Section 1. FINDINGS OF FACT**

Pursuant to Rule 9J-2.0251 (2) (c), items 1-9 FAC the following findings of fact are made:

1. The developer is seeking to abandon the DRI because a new proposed project (retail development) does not meet the criteria of the original application for development approval and the new project falls below any thresholds for a DRI.
2. To date, there has been no construction on the approved DRI for 400,000 square feet of office and 50,000 square feet of retail.
3. There have been no impacts upon any resources, existing and planned facilities because no construction has ever commenced on the site. Impacts of any new proposed development must be reviewed for impacts during normal site plan approval processes required by the City of Tarpon Springs Land Development Code.
4. Existing wetlands on the site, pursuant to a condition of the approved development order for the ABR D.R.I., have been placed in a Preservation land use category. Abandonment of the D.R.I. will not have an impact on this designation.
5. No construction has taken place, however the developer has complied with conditions of development including amending the land use of certain lands to preservation.
6. The developer has received no benefits granted to authorized developments of regional impact, pursuant to Chapters 163, 403, and 380, Florida Statutes, which would not otherwise be available after abandonment.

7. No impacts are expected to the City of Tarpon Springs Comprehensive Plan or Land Development Code. The land use changes made as a condition of the D.R.I. will remain in place. There are two areas of the property where the zoning is inconsistent with the designated land use, however the land use is the more restrictive of the two.
8. The land is currently vacant and after abandonment will not be inconsistent with the State Comprehensive Plan or the Comprehensive Regional Plan.
9. The Department of Community Affairs and the Tampa Bay Regional Planning Department have issued statements proclaiming the D.R.I is eligible for abandonment under criteria cited in Rule 9J-2.051 (5) (a). The proposed development is below 100% of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code (Exhibits "B" and "C").

The following additional findings related to the proposed new development are made:

10. The contract vendee of the proposed project for which the abandonment of the D.R.I. is being sought has agreed to certain improvements above and beyond what is required under the City of Tarpon Springs Comprehensive Plan and Comprehensive Land Development Code. These improvements are included in Section 4. below.

## Section 2. CONCLUSIONS OF LAW

The Board of Commissioners having made the above findings of fact, reaches the following conclusions of law:

- A. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, it is appropriate for Resolution 98-76, as amended, to be abandoned subjected to the conditions set forth herein.
- B. The review by the City, the Tampa Bay Regional Planning Council, Department of Community Affairs and other participating agencies and interested citizens reveals that this development is eligible to request this abandonment under the provisions of Chapter 380.06(26), F.S. and Rule 9J-2.0251, F.A.C.
- C. The standards for abandonment of the ABR D.R.I. set forth in Rule 9J-2.02451 F. A. C have been met.

### **Section 3. ABANDONMENT**

Resolution 98-76, the Development Order for D.R.I. #232, ABR Plaza, is hereby abandoned in its entirety subject to the conditions set forth in Section 4 herein.

### **Section 4. CONDITIONS**

The following conditions of abandonment will apply to any future development of the Property and will run with the Property unless and until they are modified or repealed by subsequent resolutions of the City.

#### **A. VEGETATION AND WILDLIFE**

1. A minimum thirty (30) foot wide buffer shall be preserved adjacent and parallel to the mean high water line of the Anclote River.
2. A minimum fifteen (15) foot wide buffer will be maintained adjacent and parallel to jurisdictional wetland areas that remain after permitting.
3. To the extent not already conducted, the property owner/developer shall conduct wildlife surveys consistent with the requirements of the Florida Game and Fresh Water Commission prior to the issuance of site development permits. In the event that any species listed in Rules 9J-2.041 or 39-27.003-.005, Florida Administrative Code (FAC) are observed frequenting the site for nesting, feeding, or breeding, mitigation measures pursuant to 9J-2.041 FAC shall be employed as directed by the appropriate agency having jurisdiction.
4. Any grading of the required buffers shall not degrade the natural function of the buffer. All significant natural trees and vegetation shall be mitigated pursuant to the City of Tarpon Springs Land Development Code.

#### **B. WETLANDS**

1. The saltwater marsh areas located north of the mean high water line of the Anclote River are designated as natural resources of regional significance by the Tampa Bay Regional Council (TBRC). Any proposed development requires the preservation of this natural resource. Any proposal to impact such wetlands, other than permitted stormwater management facilities, raised boardwalks, or pervious walkways, shall require a mitigation ratio of at least 3:1.
2. If mitigation by habitat re-creation is employed as a permitting requirement, then the plant material used shall be native plant material that replaces the natural value and function of the habitat being disturbed. Re-created habitat mitigation areas will be monitored by the owner / developer for the purposes of obtaining an 85% final coverage of desired species. If the percent coverage is not achieved, then non-surviving plant material shall be replaced by the owner/developer until the 85% coverage is achieved.

#### **C. STORMWATER MANAGEMENT AND WATER QUALITY**

1. The Anclote River is an Outstanding Florida Water (OFW) pursuant to Chapter 403, F.S. In order to protect the water quality of the Anclote River, stormwater management systems shall be designed, constructed and maintained to meet or

exceed Chapter 17, FAC and Chapter 40D-4, FAC. If stormwater management systems are designed to discharge into the Anclote River, then the treatment system shall meet OFW criteria.

2. In order to protect water quality in the Anclote River, there shall be no degradation of ambient water quality standards by stormwater exiting the Property, beyond those allowable by the most restrictive rules and regulations of the agencies having jurisdiction. Any violation of the water quality standards of Chapter 17, FAC shall require corrective measures as set forth by the agencies with jurisdiction.
3. The onsite detention/retention ponds and control structures will be owned, operated and maintained by the owner/developer.
4. The north and east boundary of lot 2 will maintain a 50' buffer from mean high water or the property line whichever is more restrictive.

**D. POTABLE WATER CONSUMPTION**

1. In order to conserve potable water supplies, all landscaped areas other than those buffer areas located within 30 feet of the Anclote River and within 15' of a jurisdictional wetland, will be irrigated by reclaimed wastewater. Where reclaimed wastewater is not suitable xeriscapic landscaping principles will be employed.
2. The owner/developer will obtain a permit from SWFWMD for the proper abandonment of the existing domestic well.
3. Water-saving devices shall be used within the Development, as mandated by the Florida Water Conservation Act, Section 553.14, F.S.

**E. TRANSPORTATION**

The application for abandonment of D.R.I. #232 presents a proposed retail development along with out-parcel development. Based upon the maximum potential build-out under this proposed scenario, a transportation analysis has been performed by the applicant. This analysis examined existing and future traffic conditions and impacts of other permitted developments within ¼ mile of the development site. This segment of US 19 (Pasco County Line to Tarpon Avenue) is operating at a level of service "A". The minimum acceptable level of service after all improvements, completion of the proposed development, along with out-parcel development expects to degrade the road condition from level of service "A" to a level of service "B". Improvements include a fully signalized entrance intersection with applicable turn-lanes as well as one "right in – right out" entrance. Additional transportation related improvements will be addressed in a future development agreement.

**F. ARCHAEOLOGICAL AND HISTORIC RESOURCES**

The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historic Resources and the City, consistent with Rule 9J-2.043.

**G. DEVELOPMENT AGREEMENT**

Within 90 days of adoption of this Resolution a Development Agreement will be ratified between the City of Tarpon Springs and the owner/developer addressing development issues and certain continuing obligations of the owner/developer and subsequent owners of the property including, but not limited, to the following:

1. The 6.5 acre parcel (proposed Lot 2) on the east side of the proposed development will either be allowed an access through the proposed main retail development (proposed Lot 1) or from Jasmine Ave., but not both. The intent is to ~~limit or~~ prohibit a link from the US 19 entrance on Lot 1 to Jasmine Avenue.
2. Zoning on the proposed Lot 2 must be amended from GB to RO, Residential Office to be in conformance with the land use designation of Residential Office (Lot 2 only). Zoning on any wetlands which remain in GB zoning shall be amended to LC, Land Conservation.
3. A walking trail and appropriate signage will be provided on the unused uplands to the south of the proposed development.
4. A one-time cash donation will be made to the City for the construction of boardwalks/observation docks along the walking trail with appropriate perpetual easements.
5. A PSTA bus stop will be provided in accordance with the requirements of PSTA on the south end of the proposed development, just north of the proposed nature trail. The intersection at the proposed bus stop location may need to be reconfigured, at the developer's expense, to provide acceptable access to the south if the City deems it necessary to provide a future road connection to E. Live Oak Rd.
6. A kayak launch and appropriate signage will be provided on the north end of the development
7. Users of the kayak launch, walking trails, and PSTA bus stop will be allowed use of parking lots confirmed by appropriate perpetual easements.
8. Uplands and wetlands associated with the walking trail, kayak launch and all other wetlands (except retention areas) will be dedicated to the City of Tarpon Springs.
9. A landscaped entrance mall will be provided into the site from the main access road.

10. The Developer will contribute the cost of constructing a signalized intersection at Live Oak.
11. The City will have final approval authority over proposed façade design.
12. The owner and operator of the primary retail facility on the Property will provide, furnish and physically maintain an informational display area of not less than 45 square feet designed to inform the public about the City of Tarpon Springs, its resources and activities, including direction maps, brochures, informational materials, tourism posters as is determined and supplied by the City Manager or designee. Such informational display area will be located at the primary entrance and be clearly visible to and accessible to all persons entering the primary retail facility.
13. The owner and operator of the primary retail facility will provide, to the extent possible, community service contributions to public or non-profit organizations within the City of Tarpon Springs for the support of community organizations, city events and city projects.
14. Site plan conditions will include shielding of light fixtures to avoid casting light directly onto abutting property. There shall be no greater than 1 foot candle light intensity at the property line.
15. There shall be a twenty-foot deep landscape buffer between Lot 1 and Lot 2 located on Lot 2 and shall be in addition to required buffering on Lot 1.

**H. SITE PLAN APPROVAL**

The proposed future development must receive Site Plan Approval per the requirements of the City of Tarpon Springs Land Development Code and any final conditions of the Development Agreement referenced in Paragraph "E" above. Any future development on the site originally identified in the ABR D.R.I. shall not collectively exceed statutory D.R.I. thresholds.

**Section 5. EFFECTIVE DATE**

The effective date of this Resolution shall be the earlier of:

- a) The expiration of 45 days if the Department of Community Affairs has not issued a notice of appeal to the Florida Land and Water Adjudicatory Commission (FLOWAC); or,
- b) If an appeal is filed, the earlier of the date a final order is issued by FLOWAC or the appeal is dismissed.

**Section 6. RECORDATION IN THE PUBLIC RECORDS**

The City Clerk is hereby directed to transmit a copy of this Resolution, subsequent to the satisfaction of Section 5 herein, to be recorded in the Public Records of Pinellas County, Florida.

PASSED and ADOPTED this 20th day of July, 2004.

Beverley Billiris  
BEVERLEY BILLIRIS, MAYOR-COMMISSIONER

Jim Archer  
JIM ARCHER, COMMISSIONER

David O. Archie  
DAVID O. ARCHIE, COMMISSIONER

Peter F. Nehr  
PETER F. NEHR, COMMISSIONER

Peter S. Dalacos  
PETER S. DALACOS, COMMISSIONER

MOTION BY: COMMISSIONER NEHR  
SECOND BY: COMMISSIONER ARCHIE

VOTE ON MOTION

COMMISSIONER DALACOS No  
COMMISSIONER NEHR Yes  
COMMISSIONER ARCHIE Yes  
COMMISSIONER ARCHER Yes  
MAYOR BILLIRIS Yes

ATTEST:

Irene S. Jacobs  
IRENE S. JACOBS, CMC  
CITY CLERK & COLLECTOR

APPROVED AS TO FORM:

John Hubbard  
JOHN HUBBARD  
CITY ATTORNEY



I, IRENE S. JACOBS, City Clerk and Collector of the City of Tarpon Springs, Florida, hereby certify that the attached and foregoing is a full, true, complete and correct copy of the original of which is now in the original records of the City.

IN WITNESS WHEREOF, I have hereunto, set my hand and affixed the official Seal of the City of Tarpon Springs, Florida, this 18th day of August, 2004.

Irene S. Jacobs  
IRENE S. JACOBS, CMC  
CITY CLERK & COLLECTOR



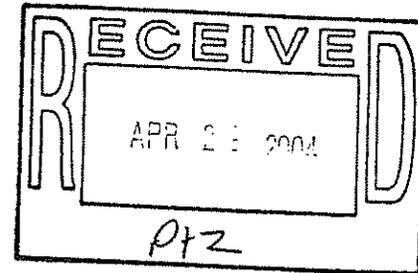
2700 SUNTRUST FINANCIAL CENTRE  
401 EAST JACKSON STREET  
TAMPA, FLORIDA 33602-5841

(813) 222-6608  
FAX: (813) 314-6908  
MARILYN.HEALY@RUDEN.COM

April 20, 2004

VIA FEDERAL EXPRESS

City of Tarpon Springs  
Attn: Charlie Attardo  
Business Services Department  
325 E. Pine Street  
Tarpon Springs, FL 34689



Re: Wal-Mart/Tarpon Springs; Store #3415  
Our File No. 19583-0430

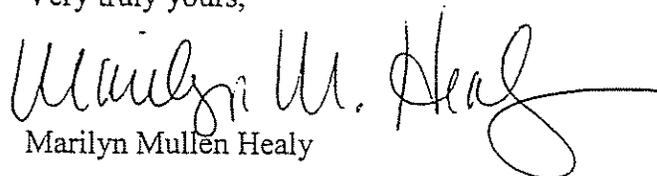
Dear Mr. Attardo:

In connection with our recent discussions, enclosed please find the following:

1. One (1) original Affidavit and Agent Authorization; and
2. One (1) original and one (1) copy of the Application for Abandonment of a DRI.

As always, if you have any questions or need any additional information, please do not hesitate to give me a call.

Very truly yours,

  
Marilyn Mullen Healy

MMH/vvw  
Enclosures

cc: Department of Community Affairs, w/encls.  
Tampa Bay Regional Planning Council, w/encls.  
ABR Properties, Inc., w/encls.

TPA:317369:1

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF COMMUNITY PLANNING  
BUREAU OF LOCAL PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
850/487-4545

**APPLICATION FOR ABANDONMENT OF  
A DEVELOPMENT OF REGIONAL IMPACT**

I, Marilyn Mullen Healy, the undersigned authorized representative of ABR Properties, Inc., hereby request that the City of Tarpon Springs (local government) issue a notice of abandonment for the Development of Regional Impact (DRI) which was issued on June 2, 1998 for the ABR Plaza development. I agree to record the notice of abandonment, in accordance with Section 28.222, Florida Statutes, with the clerk of the circuit court for each county in which land covered by the terms of the DRI is located.

I hereby certify that the plan of development identified in the development order as a development of regional impact (DRI) will no longer be pursued. Furthermore, I certify and acknowledge that, if this request for abandonment of the DRI is approved, the project will lose vested rights protection under Subsection 163.3167(8), Florida Statutes, for approved DRIs but may be entitled to other vested rights protection under that statute or otherwise under law.

I hereby certify that all information submitted with and pursuant to this application of abandonment of the DRI is true and correct to the best of my knowledge and belief and that on this date a copy of this application has been submitted to the appropriate local government, appropriate regional planning agency and the Division of Community Planning in the Department of Community Affairs.

April 20, 2004  
Date

Marilyn Mullen Healy  
Signature

Marilyn Mullen Healy, Esq.  
Ruden, McClosky, Smith,  
Schuster and Russell, P.A.  
2700 Sun Trust Financial Centre  
401 East Jackson Street  
Tampa, Florida 33602  
Phone Number: (813) 222-6608

A. Describe the actual amount of development completed, the size and scope of the resulting plan of development (after abandonment). Further, describe the extent to which existing permits or approvals authorize development which would exceed that allowed under the resulting plan of development (after abandonment) and:

- 1) Provide the amount of existing development as defined under Section 380.04, Florida Statutes, that has occurred on site including the amount of existing vertical development by land use in gross square feet, dwelling units, or other applicable units of measure; the amount of infrastructure completed at the site; etc. Attach a copy of the approved site plan for this development.

**The initial Development Order for the ABR Plaza DRI (Resolution No. 98-20 adopted June 2, 1998) approved the development of 400,000 square feet of office and 50,000 square feet of retail on approximately 74.66 acres located on the east side of US 19 and south of the Anclote River within the City of Tarpon Springs.**

**The initial Development Order was appealed by the Department of Community Affairs and an amended and restated Development Order which implemented a settlement agreement was approved (Resolution No. 98-76 adopted on November 3, 1998). The Amended Development Order also authorized the development of 400,000 square feet of office and 50,000 square feet of retail. There have been no further amendments to the Development Order.**

**None of the development authorized by the Development Order, as amended, has occurred. There is not an approved site plan and the site remains vacant.**

**A copy of the DRI Master Development Plan approved by Resolution 98-76 is attached as Exhibit "A".**

- 2) Identify the amount of development that is planned (after abandonment) including the amount of vertical development by land use in gross square feet, dwelling units, or other applicable units of measure; the percentage of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Rule 28-24, Florida Administrative Code; the amount of infrastructure to be completed at the site; etc. Attach a site plan for the project as proposed after abandonment.

**ABR Properties, Inc. is the fee owner of the 74.66 acres subject to the Development Order, as amended. ABR Properties, Inc. intends to sell the property to a retail developer who will develop 20.17 acres with approximately 210,000 square feet of retail area, an approximately 18,800 square foot garden center, and 996 parking spaces. A 1.23 acre lease lot and two outparcels will also be located on the site. The lease lot will be developed with a gas station with a 300 square foot kiosk and sixteen vehicle fueling positions. It is anticipated that the 1.5 acre outparcel will be developed with approximately 15,000 square feet of retail uses. The 6.24 acre outparcel will be developed with either 94 dwelling units or 145,000 square feet of office.**

A site plan showing the proposed development after abandonment is attached as Exhibit "B".

The plan of development after abandonment is below 100% of all applicable guidelines and standards, as the following chart indicates. A DRI which after abandonment will be below 100% of all applicable guidelines and standards may be abandoned.

DRI Guidelines and Standards			
	100%	120%	Percentage
Retail 244,100 sf 996 parking spaces	400,000 sf 2,500 spaces	480,000 sf 3,000 spaces	61.0% 39.8%
Office 145,000 sf or Residential 94 units	300,000 sf  3,000	360,000 sf  3,600	48.3%  3.1 %
Multiuse	145%	174%	109.3% or 75.4% of the multiuse threshold if office is developed 64.1% or 44.2% of the multiuse threshold if residential is developed

- 3) Identify all state and federal permits applied for or obtained to date. Specify the agency, type of permit and function of each permit. Attach copies of each permit or permit application (if no permit has been issued).

**No state or federal permits have been applied for or obtained to date.**

- 4) Identify all undeveloped tracts of land (other than individual single family lots) sold to separate entities or developers. Specify the size and buyer of each tract or parcel. Attach a map identifying the undeveloped tracts.

**ABR Properties, Inc. intends to sell the entire DRI site to a retail developer, but at this time none of the property has been sold to any other entity or developer.**

**The DRI Master Development Plan attached as Exhibit "A" shows the area subject to the Development Order.**

B. Provide the following attachments:

- 1) A certification of concurrence with abandonment from all DRI property owners who were owners at the time of the development order (D.O.) approval, or their successors. Use attached Signatory Certification and attach as an exhibit.

**A certification of concurrence with the abandonment of the DRI from the owner of the property, ABR Properties, Inc., is attached as Exhibit "C".**

- 2) An explanation of the reason for seeking an abandonment of the DRI.

**The plan of development authorized by the Development Order is no longer economically feasible, primarily because there is an excess of office square footage in the area. The retail market is strong, making retail uses on the site economically feasible.**

- 3) Statement from local government of jurisdiction indicating whether all development to date is in compliance with all applicable local regulations. If evidence is presented that a request was made to the local government for such a statement but no statement is provided within 30 days of the request, the developer should provide evidence in support of such a claim of compliance. Attach as an exhibit.

**A letter from the City of Tarpon Springs indicating that the ABR Plaza DRI is in compliance with all applicable local regulations is attached as Exhibit "D".**

- 4) A discussion of any material adverse impacts of the development on any existing resources or existing or planned facilities and the mitigation for these impacts.

#### **Wetlands and Preservation Areas**

**As required by the Development Order, as amended, the jurisdictional wetlands and the saltwater march areas located north of the mean high water line of the Anclote River have been designated Preservation on the City's Future Land Use Map. As required by the City's Comprehensive Plan, those areas will be preserved after the abandonment of the DRI, and none of the area proposed for development will encroach into the Preservation areas.**

**The proposed site plan will require the removal of less than 0.50 acres of existing wetlands. The wetland area in question is not within the area designated Preservation on the City's Future Land Use Map, is of poor quality, and is infested with nuisance plant species including Brazilian Pepper and Cattails. Mitigation of the impact to the wetland area will be provided in**

accordance with Southwest Florida Water Management District's regulations to compensate for any loss of wetland function.

### Drainage

The stormwater management system will be designed to treat an additional 50% of stormwater runoff in the proposed detention pond prior to being discharged to the adjacent wetlands which in turn discharge to the Anclote River, an Outstanding Florida Water. The proposed stormwater management system complies with the regulations of the Southwest Florida Water Management District for discharge into an Outstanding Florida Water.

### Endangered, Threatened and Species of Special Concern

The wildlife survey conducted in conjunction with the preparation of the Application for Development Approval concluded that the only endangered, threatened or species of special concern likely to occur on site is the gopher tortoise. The Development Order recognizes that impacts to any gopher tortoises found on the site can be mitigated in accordance with existing regulations including but not limited to obtaining a relocation permit or an incidental take permit from the Florida Fish and Wildlife Conservation Commission.

### Water, Sewer, and Solid Waste

Water and sewer service to the site will be provided by the City of Tarpon Springs. The City has adequate potable water capacity, facilities, and services and adequate wastewater treatment, collection, and disposal capacity to serve the development planned after abandonment.

A commercial hauler franchised from time to time by the City will provide the necessary solid waste collection and disposal.

### Transportation

Access to the development will be proposed through one full access driveway and one right-in/right-out only driveway on US 19. The Florida Department of Transportation has granted conceptual approval for the two connection points on US 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on US 19 at the full access driveway.

As the traffic study attached as Exhibit "E" indicates, all impacted roadway segments currently operate at an acceptable level of service and are expected to continue to operate at an acceptable level of service after the abandonment.

- 5) A list of each of the conditions in the DRI development order included to protect or mitigate the project's impact to resources or facilities. Include an explanation and documentation that each condition was adhered to by the developer. Attached as an exhibit.

**A summary of the required Development Order commitments is attached as Exhibit "F". Because no development has been undertaken to date, the developer has not been obligated to satisfy those commitments.**

- 6) A copy of the binding letter (Form RPM-BSP-BLID-1) identifying the DRI status of the proposed project which has been issued by the Division of Community Planning for disposition, in all cases where there is a proposal to abandon a project which has not commenced development under Section 380.04, Florida Statutes, and is proposed to consist of development which is between 100-120 percent of any applicable threshold after abandonment.

**Not applicable as the plan of development after abandonment will be below 100% of all applicable DRI guidelines and standards.**

**APPLICATION FOR  
ABANDONMENT OF DRI APPLICATION**

Exhibit A	Master Development Plan
Exhibit B	Site Dimension Plan
Exhibit C	Signatory Certification
Exhibit D	Letter from City of Tarpon Springs indicating that the ABR Plaza DRI is in compliance with all applicable location regulations
Exhibit E	Traffic Study
Exhibit F	Summary of Required Development Order Commitments

100-200

KILL

ANCILOTE RIVER

ABR PLAZA



ABR Properties, Inc.

EXHIBIT "B"  
TO  
RESOLUTION 98-76

PRESERVATION  
8.9+/- Acres

OPEN SPACE

REAR  
PARKING

REAR  
PARKING

205-0101

ACCESS

PRESERVATION  
19.9+/- ACRES

SITE ACCESS



Notes:

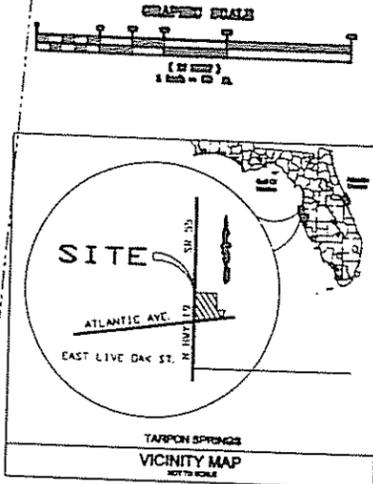
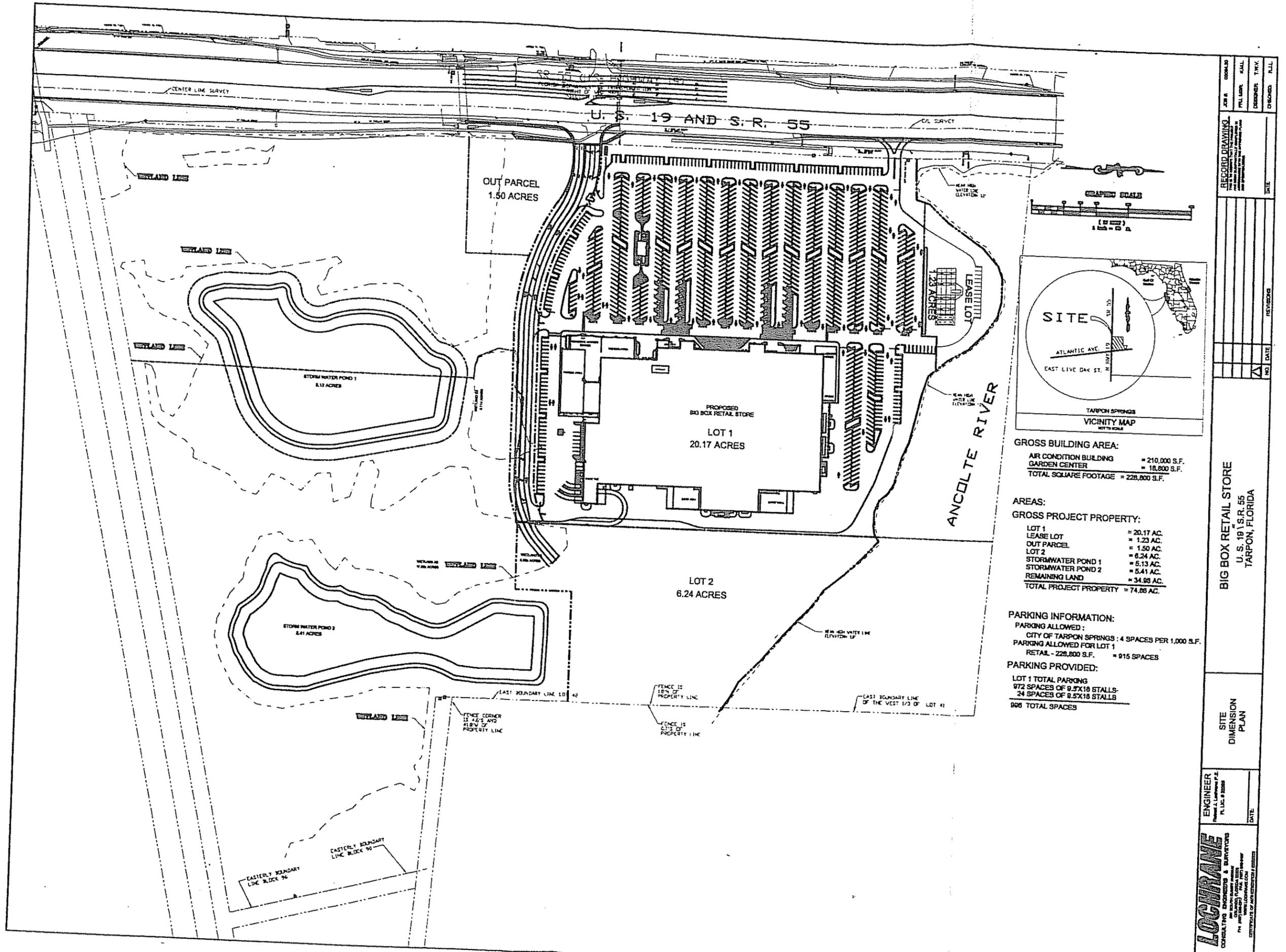
Minimum Open Space includes Preservation areas.

The term "Preservation", as used in the Development Order and on this Map H, is defined by the City's adopted Comprehensive Plan, including the Future Land Use Map and the goals, objectives, and policies of the City's Comprehensive Plan. All development activities in the Preservation area will be consistent with the City's adopted Comprehensive Plan.

Any changes in the plan of development resulting from the requirements imposed or permits issued by the FDEP, SWFWMD or USCCE shall be presumed not to require further DRI review pursuant to Section 320.06(19)(d), Florida Statutes. However, the Development Order shall be amended to reflect these changes.

MASTER DEVELOPMENT  
PLAN

REVISED  
MAP H  
September 23, 1998



GROSS BUILDING AREA:  
 AIR CONDITION BUILDING = 210,000 S.F.  
 GARDEN CENTER = 18,800 S.F.  
 TOTAL SQUARE FOOTAGE = 228,800 S.F.

AREAS:  
 GROSS PROJECT PROPERTY:  
 LOT 1 = 20.17 AC.  
 LEASE LOT = 1.23 AC.  
 OUT PARCEL = 1.50 AC.  
 LOT 2 = 6.24 AC.  
 STORMWATER POND 1 = 8.13 AC.  
 STORMWATER POND 2 = 8.41 AC.  
 REMAINING LAND = 34.93 AC.  
 TOTAL PROJECT PROPERTY = 74.68 AC.

PARKING INFORMATION:  
 PARKING ALLOWED:  
 CITY OF TARPON SPRINGS : 4 SPACES PER 1,000 S.F.  
 PARKING ALLOWED FOR LOT 1  
 RETAIL - 228,800 S.F. = 915 SPACES

PARKING PROVIDED:  
 LOT 1 TOTAL PARKING  
 972 SPACES OF 9.5'X18 STALLS  
 24 SPACES OF 8.5'X18 STALLS  
 996 TOTAL SPACES

JOB #	000410	DATE	
DATE		REVISIONS	
NO.		DATE	
BY			
CHECKED			
DESIGNED			
PLANNED			
CONCURRED			
<b>BIG BOX RETAIL STORE</b>			
U.S. 19 / S.R. 55			
TARPON, FLORIDA			
<b>SITE DIMENSION PLAN</b>			
ENGINEER	LOCHRANE	DATE	
CONSULTING ENGINEERS & SURVEYORS 1710 W. UNIVERSITY BLVD. SUITE 100 TAMPA, FLORIDA 33606 WWW.LOCHRANE.COM			

EXHIBIT C

SIGNATORY CERTIFICATION

ABR Properties, Inc. is the owner (with the exception of individuals who own a single residential dwelling unit) of all or part of the property identified as the approved ABR Plaza development of regional impact located in the City of Tarpon Springs, and whose development order was issued by the City of Tarpon Springs, on June 2, 1998 through Resolution No. 98-20. ABR Properties, Inc. hereby concurs with the request to abandon the above referenced DRI.

4/01/04  
Date

ABR Properties, Inc.  
Signature

By: [Handwritten Signature]

3311 East Old Shepherd Rd.  
Street or P.O. Address

Mpls. MN 55425  
City State Zip



RENEA VINCENT, AICP  
DIRECTOR

*City of Tarpon Springs, Florida*

DEVELOPMENT SERVICES DEPARTMENT  
PLANNING AND ZONING DIVISION  
324 EAST PINE STREET  
P.O. BOX 5004  
TARPON SPRINGS, FLORIDA 34688-5004  
(727) 942-5611  
FAX (727) 937-1137

February 26, 2004

Mr. Andy Wright  
Lochrane Engineering  
201 South Bumby Avenue  
Orlando, FL 32803

RE: ABR DRI

Dear Mr. Wright,

Pursuant to your request, this correspondence is to provide verification that all development to date within the ABR Plaza - DRI #232 is in compliance with the City of Tarpon Springs Comprehensive Plan and Land Development Code.

If you require further information or clarification, feel free to contact this office.

Sincerely,

Renea Vincent  
Director of Planning & Zoning

RV/rc

*Transportation Impact Analysis  
For Submittal to the City of Tarpon Springs  
and the Florida Department of Transportation*

# **U.S. 19 Mixed-Use Development Tarpon Springs, Florida**

**City of Tarpon Springs, Florida**

*Prepared for:*

Lochrane Engineering, Inc.  
Orlando, Florida

*Prepared by:*

Kimley-Horn and Associates, Inc.  
Tampa, Florida

*Transportation Impact Analysis  
For Submittal to Hillsborough County  
and the Florida Department of Transportation*

## **US 19 Mixed-Use Development Tarpon Springs, Florida**

**City of Tarpon Springs, Florida**

*Prepared for:*

Lochrane Engineering, Inc.  
Orlando, Florida

*Prepared by:*

Kimley-Horn and Associates, Inc.  
Tampa, Florida

©Kimley-Horn and Associates, Inc.  
April 2004  
048732002

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Christopher C. Hatton, P.E.      Date  
PE Number: 48905  
FBE Number: 696

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APPENDIX B:	Trip Generation Worksheets
APPENDIX C:	FSUTMS Model Run
APPENDIX D:	Roadway Analyses Worksheets
APPENDIX E:	Turn Lane Worksheets

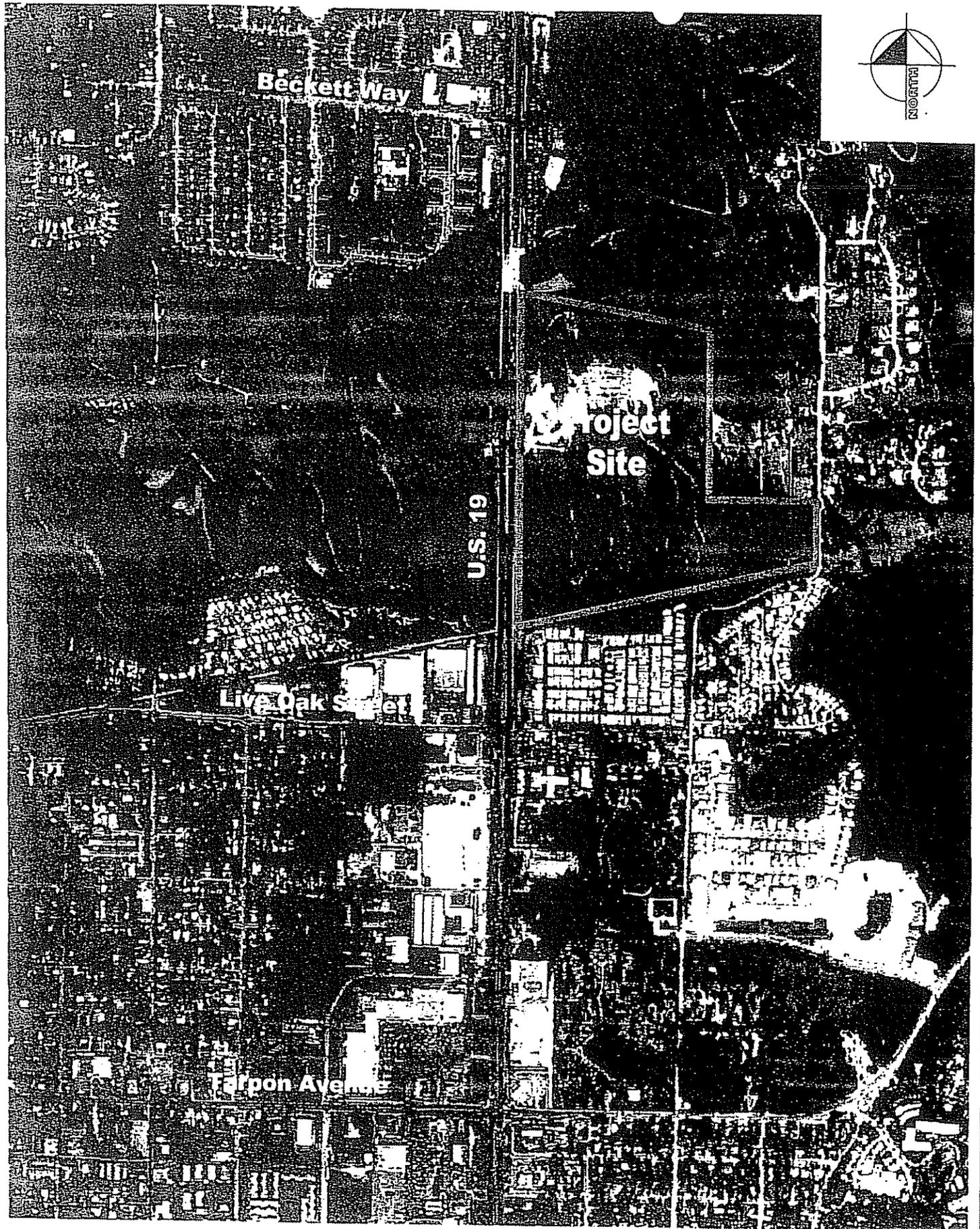
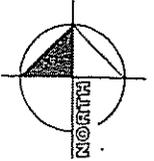
## INTRODUCTION

The purpose of this report is to document a transportation concurrency analysis for the proposed development in accordance with the City of Tarpon Springs *Traffic Impact Study Requirements*. This report identifies the estimated traffic impacts of the proposed mixed-use development. In addition, this report summarizes the procedures and findings of the analysis and presents recommendations for transportation concurrency approval.

The proposed multi-use development will be located on the east side of U.S. 19, approximately one mile north of Tarpon Avenue, in the City of Tarpon Springs, Florida. The site location is shown in Figure 1. The proposed development is expected to consist of a 210,000(±) square foot free-standing discount superstore, approximately 15,000 square feet of specialty retail space, approximately 145,000 square feet of office space, and a gasoline station with 16-vehicle fueling positions. The proposed project site is currently vacant.

Access to the site is proposed through one full access driveway and one right-in/right-out only driveway, both to be located on U.S. 19. Based upon an October 8, 2003 meeting with the Florida Department of Transportation (FDOT), conceptual approval was given for the two access connections on U.S. 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on U.S. 19 at the full access driveway.

Prior to conducting the analysis, a transportation methodology meeting was held on December 9, 2003 with City of Tarpon Springs staff and a formal study methodology was mutually agreed upon with City staff. The agreed upon study methodology is summarized in Appendix A of this report.



H:\046732 - Lachrone 3M\002-Palm Harbor (H) CEI\CAD\Project Location.dwg



Kimley-Horn  
and Associates, Inc.

© 2004

Project Location Map  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
1

## PROJECT TRAFFIC

Project traffic used in this analysis is defined as the vehicle trips expected to be generated by the proposed development. These trips were distributed and assigned throughout the study roadway network.

### Existing and Proposed Land Uses

The proposed multi-use development will be located on the east side of U.S. 19, approximately one mile north of Tarpon Avenue, in the City of Tarpon Springs, Florida. The proposed development is expected to consist of a 210,000(±) square foot free-standing discount superstore, approximately 15,000 square feet of specialty retail space, approximately 145,000 square feet of office space, and a gasoline station with 16-vehicle fueling positions. The proposed project site is currently vacant.

### Project Access

Access to the project site is proposed through one full access driveway and one right-in/right-out only driveway to be located on U.S. 19. Based upon an October 8, 2003 meeting with the FDOT, conceptual approval was given for the two access connections on U.S. 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on U.S. 19 at the full access driveway.

### Trip Generation

The trip generation potential of the proposed development for the p.m. peak hour was estimated using information contained in the Institute of Transportation Engineers' (ITE) *Trip Generation*, 7th Edition (2003), for land use code (LUC) 813, Free-Standing Discount Supercenter, LUC 814, Specialty Retail, LUC 710, General Office Building, LUC 844, Gasoline/Service Station, and LUC 210, Residential Condominium/Townhouse.

Two scenarios were considered for the determination of trip generation. The scenario with the conservative trip generation (worst-case scenario) was then used for the analysis of future conditions. Both scenarios included the free-standing discount superstore, the specialty retail space, and the gasoline station in the analysis. One scenario considered 145,000 square feet of general office and the other scenario considered 94 multi-family dwelling units. The trip generation potential of the scenario with the 145,000 square feet of general office was greater than the trip generation potential of the scenario with the 94 multi-family dwelling units. Therefore, the scenario with the 145,000 square feet of general office was evaluated in the analysis.

The estimated gross (total) trips expected to be generated by the proposed development are 1,316 two-way, trip-ends (570 entering/746 exiting) during the p.m. peak hour of the adjacent roadway during the 4:00 p.m. to 6:00 p.m. time period. The p.m. peak-hour trip generation potential for this development is documented in Appendix B. In addition, the daily trip generation potential is also provided in Appendix B.

As part of this analysis, internal capture trips were considered and determined based upon information contained in the ITE *Trip Generation Handbook*, March 2003. Documentation of internal capture trips is provided in Appendix B.

In addition to internal trips, pass-by capture trips were evaluated in the analysis for the retail component of the site. Pass-by trips are removed from the through-traffic stream, become traffic turning into the site, and later out of the site, thus, returning to their original route. These trips, which were also determined using the ITE *Trip Generation Handbook*, are documented in Appendix B. As stated in the *Trip Generation Handbook*, the pass-by capture rate was limited to a maximum of 10% of the adjacent-street, U.S. 19, traffic.

The reduction of internal and pass-by capture trips from the gross trips produced 910 net, new, two-way, external project trips (375 entering/551 exiting) in the p.m. peak hour for the project site, as shown in Table 1 and documented in Appendix B. The net, new project trips were used as a basis for project distribution onto the public roadway system.

Land Use	Size*	Entering	Exiting
Free-Standing Discount Supercenter	210,000 square feet <sup>1</sup>	393	409
Specialty Retail	15,000 square feet	17	22
General Office Building	145,000 square feet	41	201
Gasoline/Service Station	16 vehicle fueling positions <sup>2</sup>	119	114
Gross Project Trips =		570	746
-Internal Capture Trips (16%) =		<u>-89</u>	<u>-89</u>
Total External Vehicle Trips =		481	657
-Pass-by Capture Trips =		<u>-106</u>	<u>-106</u>
Net, New Project Trips =		<b>375</b>	<b>551</b>

Source: ITE, Trip Generation, 7<sup>th</sup> Edition, 2003

\* It is expected that the retail portion of the proposed development will consist of 244,100 square feet (a 210,000 square foot free-standing discount superstore an 18,800 square foot garden center, 15,000 square feet of specialty retail space, and a 300 square foot gasoline station kiosk).

1- The trip generation rates contained in ITE for "free-standing discount superstores" include vehicle trips from attached garden centers, although the garden centers were not included in the total square footage of the building. Documentation of the trip generation characteristics for "free-standing discount superstores" is provided in Appendix B. It should be noted that this proposed "free-standing discount superstores" development includes an 18,800 square foot garden center.

2- It should be noted that the gasoline/service station land use for the development consists of 16 vehicle fueling positions and a 300 square foot kiosk.

### Trip Distribution and Assignment

Distribution of project traffic was determined separately for both net, new project trips and pass-by trips. Both components of the driveway volume were analyzed and are included in this study.

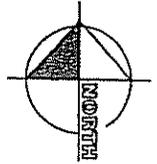
The distribution of new project trips was determined based upon the Florida Standard Urban Transportation Model Structure (FSUTMS) Regional Transportation Analysis (RTA) model run performed from the select zone loading for the proposed development. The FSUTMS model run is included in Appendix C. The development's new project traffic trip distribution was determined to be:

To and from the North on U.S. 19:	43%
To and from the South on U.S. 19:	57%

The distribution of pass-by trips was based upon existing traffic volumes on U.S. 19. Volumes were based upon the directional factor of 0.55 for the peak direction (northbound in the p.m. peak hour) for U.S. 19, found in the Pinellas County Metropolitan Planning Organization's (MPO) *2003 Level of Service Report*.

Both pass-by and new project trips were assigned to the study roadway network. Detailed turning movement volumes at the U.S. 19 & project driveway intersection are shown in Figure 2, and a summary of the project traffic in the study area is shown in Figure 3.

Beckett Way



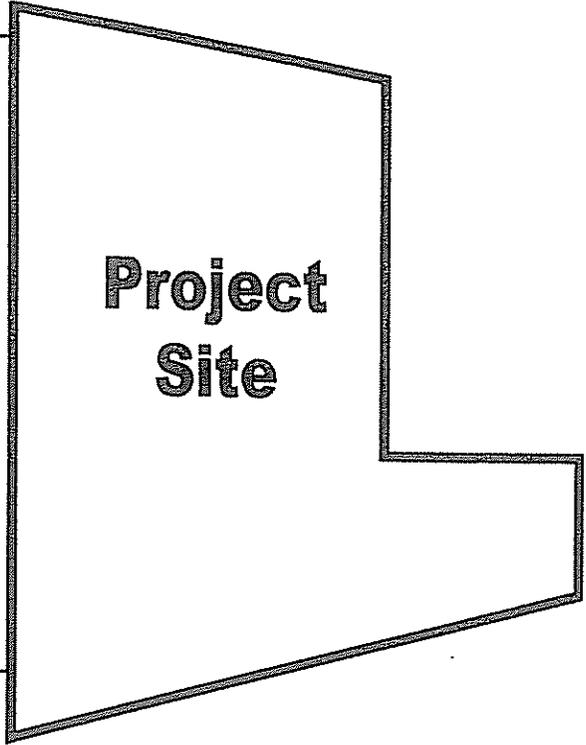
149 (119) [30]

[-30] (119) 89  
[30] (107) 137

-46 [-46]  
207 (161) [46]

149 (119) [30]  
361 (315) [46]

[-30] (107) 77  
[30] (107) 137



**Project Site**

U.S. 19

Live Oak Street

Legend

	Existing Roadway
	Proposed Driveway
000	Total Project Traffic
(000)	Net, New Project Traffic
[000]	Pass-By Project Traffic

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**Kimley-Horn  
and Associates, Inc.**

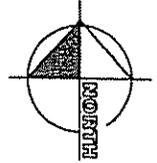
P.M. Peak-Hour Project Traffic Volumes  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
2

Beckett Way



← 1,867

2,281 ↑

**Project Site**

← 2,474

3,024 ↑

**U.S. 19**

Live Oak Street

Legend

	Existing Roadway
	Proposed Driveway
000	Project Traffic Volumes

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**Kimley-Horn  
and Associates, Inc.**

Daily Project Traffic Volumes  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
3

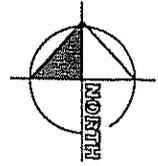
## STUDY AREA DETERMINATION

The study area is generally defined as any collector or arterial roadway segment identified by the City of Tarpon Springs which is significantly impacted by project traffic. Based upon discussions held at the December 9, 2003 study methodology meeting with City of Tarpon Springs staff, the study area roadway segment was determined to include U.S. 19 from Beckett Way to Tarpon Avenue.

## EXISTING TRAFFIC CONDITIONS

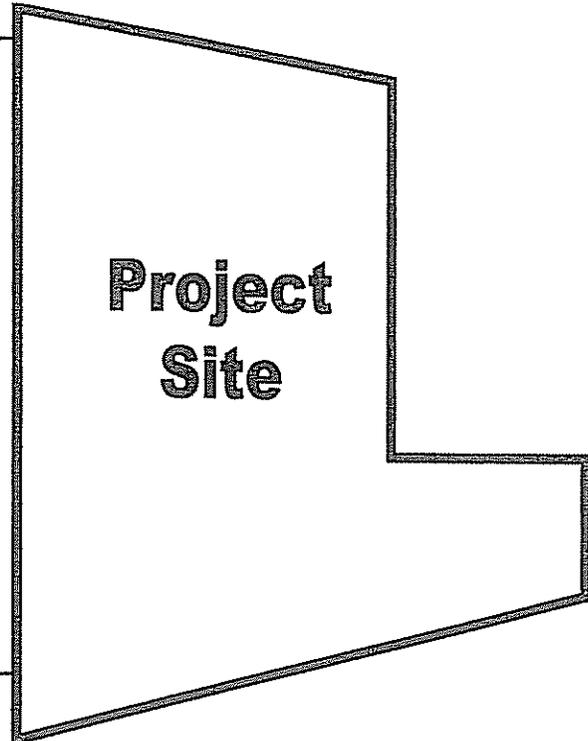
Pursuant to discussions with City of Tarpon Springs staff, Annual Average Daily Traffic (AADT) volumes found in the Pinellas County MPO's *2003 Level of Service* Report were used to reflect existing conditions. Based upon discussions with Pinellas County staff, the peak direction of travel on U.S. 19 in the p.m. peak hour was determined to be in the northbound direction from Tarpon Avenue to Beckett Way. The existing daily traffic volumes are shown in Figure 4.

Beckett Way



← 26,755

↑ 32,700



**Project Site**

← 26,755

↑ 32,700

**U.S. 19**

Live Oak Street

Legend

	Existing Roadway
	Proposed Driveway
000	Daily Existing Traffic Volumes

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**Kimley-Horn  
and Associates, Inc.**

2003 Daily Existing Traffic Volumes  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
4

## FUTURE BACKGROUND TRAFFIC

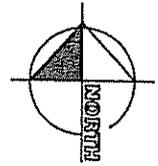
Future background (non-project) traffic is defined as expected traffic on the roadway network in the future year prior to the construction and opening of the proposed project. According to the City of Tarpon Springs *Traffic Impact Study Requirements*, the impacts of other approved developments within ¼ mile of the impacted roadway links should be included in the analysis. Based upon discussion with City staff, two approved developments are located within this ¼ mile area. These developments include a multi-use development of commercial and office uses and a 30-unit multi-family development. Traffic impacts from these approved developments were included in the analysis.

It is expected that the opening of the proposed mixed-use development will be in 2005 and based upon discussions with City staff at our methodology meeting, no additional growth beyond the two approved developments was included in the analysis.

## FUTURE (WITH PROJECT) TRAFFIC CONDITIONS

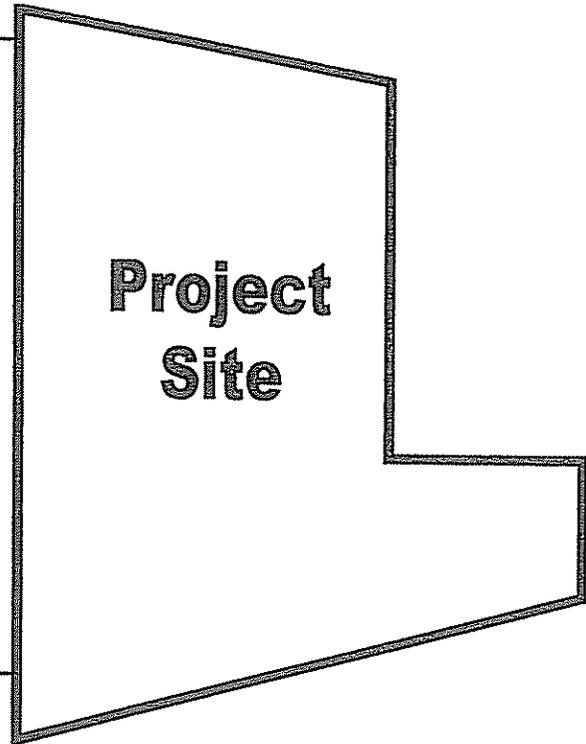
Future conditions with project traffic, or total traffic conditions, are defined as the expected p.m. peak-hour traffic conditions in the year 2005 with the addition of the proposed project. Future total traffic volumes used in the analysis of this project are the sum of the existing traffic volumes, the expected background traffic volumes and the expected project traffic volumes. The daily total traffic volumes expected at project buildout (year 2005) are shown in Figure 5.

Beckett Way



← 30,332 (1,696) [1,867]

[2,281] (2,072) 37,073 →



**Project Site**

← 30,946 (1,696) [2,474]

[3,024] (2,072) 37,821 →

**U.S. 19**

Live Oak Street

Legend

	Existing Roadway
	Proposed Driveway
000	Total Traffic Volumes
(000)	Vested Traffic Volumes
[000]	Project Traffic Volumes

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**Kimley-Horn  
and Associates, Inc.**

2005 Daily Total Traffic Volumes  
U.S. 19 Mixed-Use Development  
City of Tarpon Springs, Florida

DATE:  
04/04

SCALE:  
NTS

FIGURE:  
5

## CAPACITY ANALYSIS

In accordance with the City of Tarpon Springs *Traffic Impact Study Requirements*, existing and total traffic conditions were evaluated for the study roadway segments previously identified. ART-PLAN was used as the analysis method to evaluate the study roadways.

### Roadway Conditions

ART-PLAN (based upon the 2002 *Quality/LOS Handbook*) was used as the analysis method to evaluate the previously identified U.S. 19 study roadway segments. Based upon the ART-PLAN analyses, the study roadway segments currently operate at an acceptable level of service and are expected to continue to operate at an acceptable level of service for future conditions (with project traffic). Analysis results for all analyses conducted above are shown in Table 2 and roadway analysis worksheets are provided in Appendix D.

<b>TABLE 2</b>						
<b>P.M. Peak-Hour Peak Roadway Conditions</b>						
Roadway Segments	Adopted Standards		Existing Conditions		Total Traffic Conditions	
	LOS	Arterial Speed (mph)	LOS	Arterial Speed (mph)	LOS	Arterial Speed (mph)
<b>U.S. 19:</b>						
Tarpon Avenue to Project Driveway	D	21.0	A	46.6	B	35.6
Project Driveway to Beckett Way	D	21.0	A	46.6	B	38.8

## TURN LANE LENGTH ANALYSIS

As previously stated, there will be two driveways that will provide access to the site, one full access and one right-in/right-out driveway to be located on U.S. 19. Based upon an October 8, 2003 meeting with the FDOT, conceptual approval was given for the two connection points on U.S. 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on U.S. 19 at the full access driveway. Pursuant to the meeting with the FDOT, the future full access driveway will be signalized prior to the opening of the proposed development.

At the proposed full access, signalized U.S. 19 & project driveway intersection, required storage lengths were calculated for appropriate turn lane design. The storage lengths were calculated based upon data analyzed for the proposed total traffic conditions using FDOT *Design Standards, Index 301* (January 2004). Volumes include both the new and pass-by traffic expected to use each of these turn lanes. Storage calculations are summarized in Table 3 and are detailed in Appendix E.

<b>TABLE 3</b>				
<b>Turn Lane Calculations</b>				
Location	Volume (vph)	Storage Length (feet)	Deceleration Distance (feet)	Total Length (feet)
<b>U.S. 19 &amp; Main Project Driveway (Signalized):</b>				
Dual Southbound Left-Turn Lanes	207	200/lane	240	440/lane
Northbound Right-Turn Lane	77*	150	240	390
Dual Westbound Left-Turn Lanes	361	325/lane	100**	425/lane
Westbound Right-Turn Lane	116*	225	100**	325
<b>U.S. 19 &amp; Right-Turn-In/Right-Turn-Out Project Driveway (Unsignalized):</b>				
Northbound Right-Turn Lane	137	0	240	240

\* Volume takes into account expected vehicles making a right turn on red (RTOR).

\*\* On-site turn lane design, therefore utilized 100 feet of deceleration distance.

## CONCLUSION

It is proposed to build a multi-use development located on the east side of U.S. 19, approximately one mile north of Tarpon Avenue, in the City of Tarpon Springs, Florida. The proposed development is expected to consist of a 210,000(±) square foot free-standing discount superstore, approximately 15,000 square feet of specialty retail space, approximately 145,000 square feet of office space, and a gasoline station with 16-vehicle fueling positions. Access to the project site is proposed through one full access driveway and one right-in/right-out only driveway to be located on U.S. 19. Based upon an October 8, 2003 meeting with the FDOT, conceptual approval was given for the two connection points on U.S. 19, including the future signalization of the full access driveway and the construction of dual southbound left-turn lanes on U.S. 19 at the full access driveway.

Roadway analyses were conducted for existing and future conditions to determine the potential impacts of the proposed development on the existing roadway network. The study roadway segments currently operate at an acceptable level of service and are expected to continue to operate at an acceptable level of service for future total traffic conditions, with the addition of the proposed project traffic.

In addition, turn lane length designs were calculated for both proposed project driveways. Based upon information contained in the FDOT *Design Standards, Index 301*, appropriate turn-lane lengths were determined for these driveways.

APPENDIX A:  
Methodology Statement

## TRANSPORTATION IMPACT ANALYSIS METHODOLOGY

### WAL★MART -- PALM HARBOR (N), FLORIDA

U.S. 19

City of Tarpon Springs, Florida

#### Introduction

The proposed development site is located on the east side of U.S. 19 between Beckett Way and Live Oak Street in the City of Tarpon Springs, Florida. The proposed multi-use development will consist of approximately a 205,000-square foot Wal★Mart Supercenter, approximately 60 multi-family dwelling units, a 16-pump gas station and a 10,000-square foot high-turnover (sit-down) restaurant. It is anticipated that primary access to the site will be provided through a full-access, signalized driveway onto U.S. 19. In addition, it is expected that there will also be a right-turn in/right-turn out driveway onto U.S. 19.

#### Trip Generation

Trip generation rates for the proposed development will be determined using rates documented in the Institute of Transportation Engineers' (ITE) *Trip Generation* (6<sup>th</sup> Edition) reference. As part of the trip generation estimates, internal and pass-by capture trips will be considered in the analysis using information contained in ITE's *Trip Generation Handbook*, March 2001. Please see the attached trip generation calculations.

#### Trip Distribution

Project trips generated by the development will be assigned to the existing roadway network based upon the results of a FSUTMS analysis and supplemented with information regarding existing travel patterns in the area.

#### Study Area

Based upon discussions with the City of Tarpon Springs on October 6, 2003, it is proposed that the study area consist of the section of U.S. 19 from Beckett Way to Live Oak Street. Vested trip information along U.S. 19 will be obtained from the City of Tarpon Springs and be considered in the analysis.

#### Link Analysis

A generalized analysis, using information contained in the Pinellas County 2002 Level of Service Report, of the U.S. 19 roadway segment will be undertaken to determine if the future level of service (LOS) meets the City's adopted LOS standard. A preliminary review of the U.S. 19 segment from Beckett Way to Live Oak Street shows that this roadway is currently operating at LOS A conditions.

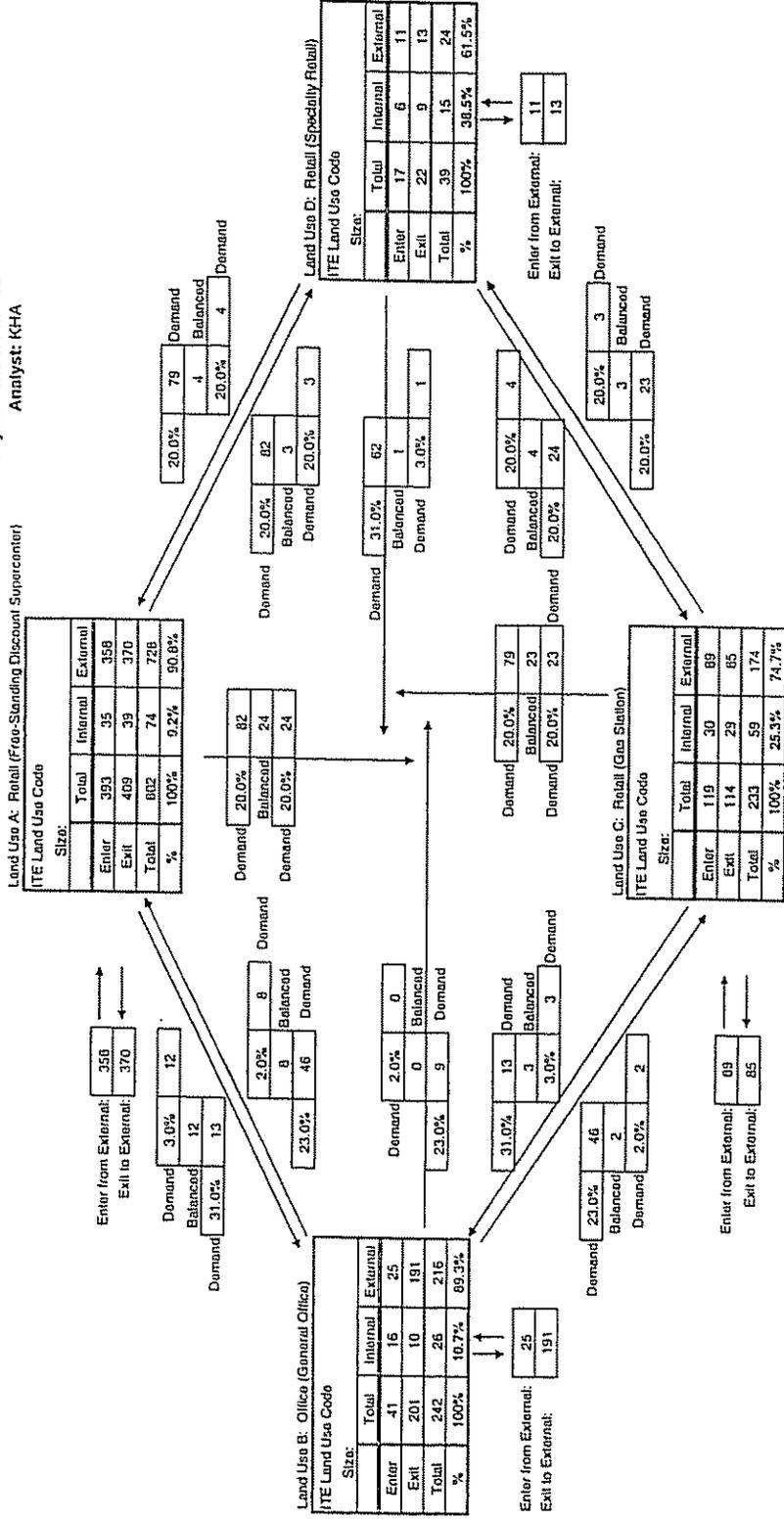
If detailed analysis is required, the most recent version of the FDOT's 2002 *Quality/Level of Service Handbook* ARTPLAN software will be utilized.

APPENDIX B:  
Trip Generation Worksheets



**ITE MULTI-USE PROJECT INTERNAL CAPTURE WORKSHEET**  
 (Source: Chapter 7, ITE Trip Generation Handbook, March 2001)

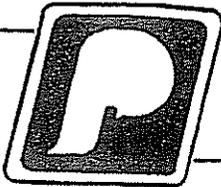
Project Number:  
 Project Name: Wal-Mart Tarpon Springs Development  
 Scenario: PM Peak Hour  
 Analysis Period: PM Peak  
 Analyst: KHA



**NET EXTERNAL TRIPS FOR MULTI-USE DEVELOPMENT**

Category	Land Use				Total
	A	B	C	D	
Enter	358	25	85	11	479
Exit	370	191	89	13	663
Total	728	216	174	24	1,142
Single Use					39
Trip Gen Estimate	882	242	233	39	1,316

Overall Internal Capture = 13.22%



**PETERS & ASSOCIATES  
ENGINEERS, INCORPORATED**

January 7, 1998

Mr. Christopher C. Hatton P. E.  
Kimley-Horn & Associates, Inc.  
Suite 705  
9280 Bay Plaza Boulevard  
Tampa, FL 33819-4453

Re: Wal-Mart Supercenter Trip Generation Studies

Dear Mr. Hatton:

In assessing traffic impact it is essential to have reliable information on the trip generation characteristics of the proposed land use. This has been well documented by ITE Trip Generation studies over many years for traditional "Discount Retail" type stores. Standard Wal-Mart stores typically fall into the characteristics of this category and accordingly it is ordinarily adequate for estimating trip generation associated with a new store. The more recent Wal-Mart Supercenter store format, including discount retail as well as foodstore components (plus other uses such as vision centers, copy centers, fast food, etc. in some cases) are not of the same character as the traditional "Discount Retail" and therefor the trip generation rates are not the same.

Wal-Mart Stores in Bentonville, Arkansas contracted with Peters & Associates Engineers, Inc. of Little Rock, Arkansas to provide a traffic engineering study of several store sites located in south central United States to determine vehicular trip generation characteristics of operating "Supercenter" stores. This information can be used to assess design requirements for parking, access, off-site improvements and traffic control.

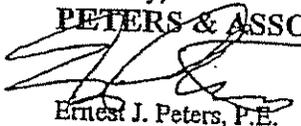
Thirteen sites were selected from the states of Arkansas, Illinois, Alabama, Texas, Missouri, and Louisiana. Peters & Associates personnel placed traffic counters at entrances and exits serving store sites to collect vehicular count data for analysis. Once the data was retrieved from the counters, summary information was prepared to examine various trip generation characteristics including traffic generation rates based on vehicle trips per thousand square feet of floor space. These rates were compared to rates published by the Institute of Transportation Engineers (ITE) in the Trip Generation Report, 5th Edition (1991).

Peters & Associates' studies comprise the database used by ITE for the determination of the trip generation equations for "Discount Superstore" Land Use in their *Trip Generation Manual*, 5th Edition, February 1995 update.

The studies related trip generation to gross square feet of the stores, including "garden center (seasonal box)" area, but excluding "shade cloth" areas of the sites.

If you have any further questions, please feel free to call me.

Sincerely,  
**PETERS & ASSOCIATES ENGINEERS, INC.**

  
Ernest J. Peters, P.E.  
President

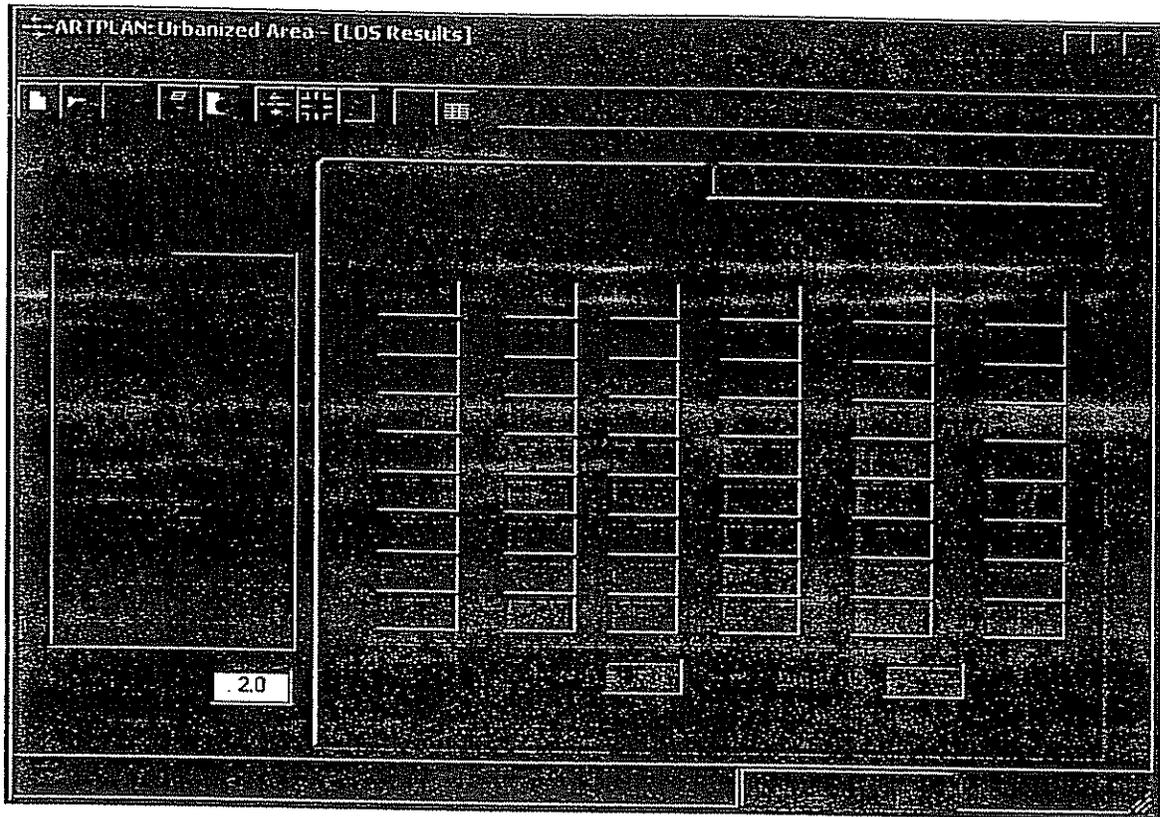
APPENDIX C:  
FSUTMS Model Run



APPENDIX D:  
Roadway Analysis Worksheets

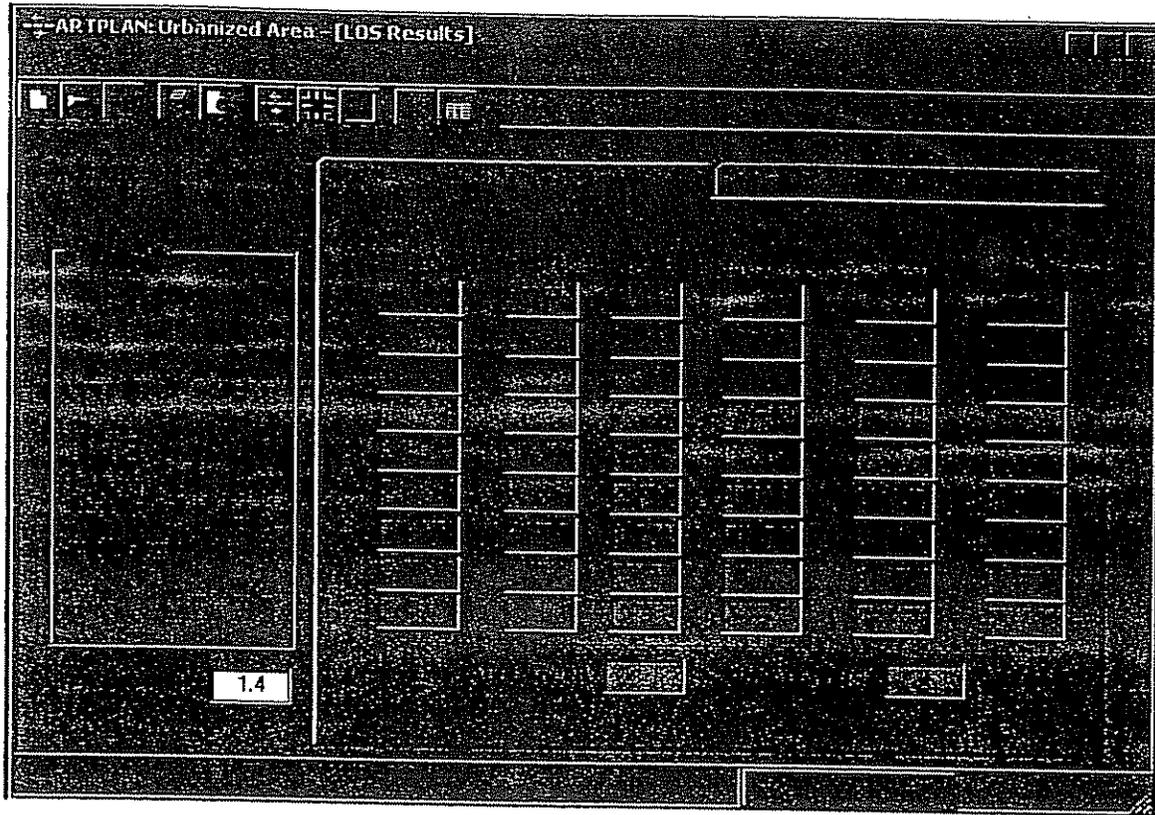


ART-PLAN ANALYSIS – U.S. 19  
From Tarpon Avenue to Beckett Way  
Existing Traffic Conditions  
Output Screen





ART-PLAN ANALYSIS – U.S. 19  
From Tarpon Avenue to Beckett Way  
2005 Total Traffic Conditions  
Output Screen



APPENDIX E:  
Turn Lane Worksheets

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection:	U.S. 19 & Project Driveway
Scenario:	2005 Total traffic Conditions
Date of Analysis:	3/15/2004
Analyst:	KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Southbound
Traffic Control:	Signalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Left-Turn Lane
Number of Lanes:	2
Design Speed:	60 Miles per Hour

SIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	207 vph
Cycle Length:	130 sec
Peak Factor:	2

SIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	207 vph
Cycle Length:	130 sec
Seconds per Hour:	3600 sec
Cycles Per Hour:	27.69
Vehicles per Cycle:	7.5
Vehicle Length:	25 feet
Average Vehicle Queue:	187.5 feet
Peak Factor:	2
Peak Storage Length:	375 feet
Minimum Storage Length:	50 feet
Number of Lanes:	2
Required Design Storage per Lane:	200 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	440 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	200 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	440 feet

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection:	U.S. 19 & Project Driveway
Scenario:	2005 Total traffic Conditions
Date of Analysis:	3/15/2004
Analyst:	KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Northbound
Traffic Control:	Signalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Right-Turn Lane
Number of Lanes:	1
Design Speed:	60 Miles per Hour

SIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	77 vph
Cycle Length:	130 sec
Peak Factor:	2

SIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	77 vph
Cycle Length:	130 sec
Seconds per Hour:	3600 sec
Cycles Per Hour:	27.69
Vehicles per Cycle:	2.8
Vehicle Length:	25 feet
Average Vehicle Queue:	70 feet
Peak Factor:	2
Peak Storage Length:	140 feet
Minimum Storage Length:	0 feet
Number of Lanes:	1
Required Design Storage per Lane:	150 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	390 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	150 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	390 feet

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection:	U.S. 19 & Project Driveway
Scenario:	2005 Total traffic Conditions
Date of Analysis:	3/15/2004
Analyst:	KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Westbound
Traffic Control:	Signalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Left-Turn Lane
Number of Lanes:	2
Design Speed:	30 Miles per Hour

SIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	361 vph
Cycle Length:	130 sec
Peak Factor:	2

SIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	361 vph
Cycle Length:	130 sec
Seconds per Hour:	3600 sec
Cycles Per Hour:	27.69
Vehicles per Cycle:	13
Vehicle Length:	25 feet
Average Vehicle Queue:	325 feet
Peak Factor:	2
Peak Storage Length:	650 feet
Minimum Storage Length:	50 feet
Number of Lanes:	2
Required Design Storage per Lane:	325 feet
Total Deceleration Distance:	100 feet
Total Turn Lane Length (incl. Taper):	425 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	325 feet
Total Deceleration Distance:	100 feet
Total Turn Lane Length (incl. Taper):	425 feet

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection: U.S. 19 & Project Driveway  
 Scenario: 2005 Total traffic Conditions  
 Date of Analysis: 3/15/2004  
 Analyst: KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Westbound
Traffic Control:	Signalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Right-Turn Lane
Number of Lanes:	1
Design Speed:	30 Miles per Hour

SIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	116 vph
Cycle Length:	130 sec
Peak Factor:	2

SIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	116 vph
Cycle Length:	130 sec
Seconds per Hour:	3600 sec
Cycles Per Hour:	27.69
Vehicles per Cycle:	4.2
Vehicle Length:	25 feet
Average Vehicle Queue:	105 feet
Peak Factor:	2
Peak Storage Length:	210 feet
Minimum Storage Length:	0 feet
Number of Lanes:	1
Required Design Storage per Lane:	225 feet
Total Deceleration Distance:	50 feet
Total Turn Lane Length (incl. Taper):	275 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	225 feet
Total Deceleration Distance:	100 feet
Total Turn Lane Length (incl. Taper):	325 feet

# TURN LANE CALCULATIONS

Calculations based upon FDOT Guidelines

Intersection:	U.S. 19 & Project Driveway
Scenario:	2005 Total traffic Conditions
Date of Analysis:	3/15/2004
Analyst:	KHA

GENERAL INFORMATION	
Time of Day:	PM Peak Hour
Approach:	Northbound
Traffic Control:	Unsignalized Intersection
Geometric Conditions:	Urban Conditions
Turn Lane Type:	Right-Turn Lane
Number of Lanes:	1
Design Speed:	60 Miles per Hour

UNSIGNALIZED INPUT PARAMETERS	
Turning Traffic Volume:	137 vph
Peak Cycle Factor:	30

UNSIGNALIZED TURN LANE CALCULATIONS	
Turning Traffic Volume:	137 vph
Peak Cycle Factor:	30
Expected Vehicle Queue:	N/A
Vehicle Length:	25 feet
Peak Storage Length:	N/A feet
Minimum Storage Length:	0 feet
Number of Lanes:	1
Required Design Storage per Lane:	0 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length:	240 feet

TURN LANE CALCULATION RESULTS	
Design Storage Length:	0 feet
Total Deceleration Distance:	240 feet
Total Turn Lane Length (incl. Taper):	240 feet

## EXHIBIT "F"

### Summary of Required Commitments

The Developer commitments made in the ADA and Sufficiency Response are described in Tables SR10-2 and SR10-3 contained in the Sufficiency Response, copies of which are attached hereto as Exhibit "G-1." The following is a summary of Developer commitments contained in the ADA and the Development Order:

- Submit Annual Reports on May 8, 1999, and on May 8 of each following year.
- Preserve a 30' wide buffer along the Anclote River.
- Provide a 15' buffer adjacent to wetland areas that remain after permitting.
- Conduct a wildlife survey consistent with FGFWFC requirements prior to issuance of site development permits. If selected species other than the Sherman fox squirrel and the gopher tortoise are observed on the site, mitigation measures are to be employed.
- Impacts to saltwater marsh area north of the Anclote River, other than permitted stormwater facilities or raised boardwalks, require a DRI substantial deviation review and amendment to the DRI Development Order to incorporate a condition for mitigation at a ratio of at least 3:1.
- The Anclote River is classified as an Outstanding Florida Water (OFW). Stormwater systems designed to discharge into the Anclote River, must meet the OFW criteria.
- A biannual surface water quality monitory program must be instituted before groundbreaking and continue through buildout of the development, or the expiration of the development order, whichever comes first.
- Within 3 months after the effective date of the DRI Development Order, (February 3, 1999), the Developer must submit an application for an amendment to the City's Future Land Use Map to provide for the reclassification of the wetlands in the west one-half of the Property to Preservation.

[The land use plan amendment was adopted by the Tarpon Springs Board of Commissioners on March 21, 2000, by Ordinance No. 99-22.]

- Within six months after the effective date of the DRI Development Order (May 3, 1999), the Developer will remove all billboards and off site advertising from the site.

[This has been done.]

- Transportation – Two options to mitigate the impacts of the Development were approved. Option 1 (specific improvement to Keystone Road, US 19, and Jasmine and a TSM requirement) was selected by the Developer. However, Option 2 (a monitoring program) may be selected at some future point. The details of the specific road improvements to US 19, Keystone Road, Jasmine Avenue, and TSM are as follows:
  - US 19 –
    - Prior to issuance of COs for 40,000 square feet of office or any uses which generate in excess of 40 AM peak hour inbound trips from northbound US 19, but not later than buildout, a northbound right turn lane must be in place or under actual construction.
    - Prior to issuance of COs for 90,000 square feet of office or any uses which generate in excess of 60 AM peak hour inbound trips from northbound US 19, but not later than buildout, a southbound left turn lane must be in place or under actual construction.
    - If a signal at the main entrance on US 19 is authorized, the Developer shall install the sign at its expense.
  - Keystone (between US 19 and East Lake Road) is operating at LOS "F." Pinellas County is scheduled to begin making improvements to Keystone in FY 2000/2001. The segment of Keystone Road is not impacted by the Development until the issuance of COs for more than 145,000 square feet of office or other use that generates more than 36 PM peak hour trips. Accordingly this level of development is permitted without the described improvements to Keystone Road, being committed for construction.
  - Jasmine Avenue (between Keystone Road and the south property line)
    - This is required for secondary access. This improvement must be in place or under actual construction not more than one year following the issuance of permits for 125,000 square feet of office or any use or combination of uses which generates in excess of 31 PM Peak Hour trips on Jasmine Ave.
    - Included in the improvement is a mast arm traffic signal at the intersection of Jasmine Ave. and Keystone Road.

- Prior to issuance of the initial CO within the Development, the Developer will pay to the City the sum of \$13,793.60 for reimbursement for the City's actual costs in acquisition of an easement to provide utility services to the property.
- TSM — Developer will locate a bus service and shelter stop within the Development. Upon issuance of COs for 200,000 square feet of office space (or the equivalent use), the bus stop shall be annually evaluated. The Developer shall also provide a hard surfaced bike lane between the extension of the Pinellas Trail and the principal buildings.
- Developer is entitled to credits against transportation impact fees including without limitation, for the Jasmine Ave. improvement and signalization.
- When COs for 300,000 square feet of office, or the equivalent, have been issued, an annual traffic monitoring program shall be instituted. If the trip counts exceed by more than 10% the previous counts, then a signal warrant study shall be undertaken at Keystone Rd. and Jasmine within one year of the annual report date.

Except as otherwise stated, the foregoing commitments are required in connection with development activity and construction of the project has not commenced.

To date, the Developer has complied with all conditions required by the Development Order. Construction activity has not commenced, as of this date. The Developer has not exceeded any of the dates required by the Development Order for commencement or completion of construction.

INFORMATION REQUIRED BY DEVELOPMENT ORDER TO BE INCLUDED IN ANNUAL REPORT:

Development Order Section

Response

5.E.

Report of annual inspection of the surface water management system.

[To date, construction has not commenced.]

Biannual water quality monitoring – In accordance with Section 5(H) the Developer is to commence monitoring prior to groundbreaking.

[To date construction has not commenced and is not required to commence until 4/11/04. Developer will institute monitoring procedures prior to groundbreaking.]

Application of the trade-off mechanism set forth in Section 6 of the Development Order.

[None.]

**AFFIDAVIT AND AGENT AUTHORIZATION**

**STATE OF FLORIDA  
COUNTY OF PINELLAS**

BEFORE ME, the undersigned authority, personally appeared Gary M. Nelson ("Affiant") who is personally known to me, and who upon being duly sworn deposes and says:

1. Affiant is the V.P. & Sec'y of ABR Properties, Inc., a Florida corporation (the "Corporation").
2. Affiant is authorized to execute this Affidavit and Agent Authorization on behalf of the Corporation.
3. The Corporation is the fee simple owner of certain real property located adjacent to U.S. 19 and in the City of Tarpon Springs, Florida, the County of Pinellas, consisting of approximately seventy-five (75) acres (the "Property"). A true and correct legal description of the Property is attached hereto and incorporated herein as Exhibit A.

4. The Corporation hereby authorizes the law firm of Ruden McClosky Smith Schuster & Russell, P.A. and the engineering firm of Lochrane Engineering, Inc. to act as our agents in connection with all matters and applications relating to the abandonment of the existing Development of Regional Impact and procuring any necessary governmental approvals, including representation at all associated meetings, submittals and responses to the City of Tarpon Springs, the Pinellas County Board of County Commissioners and the Pinellas Planning Council for the development of a Wal-Mart SuperCenter on the Property.

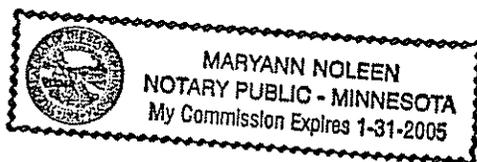
**FURTHER AFFIANT SAYETH NAUGHT.**

**ABR PROPERTIES, INC.**

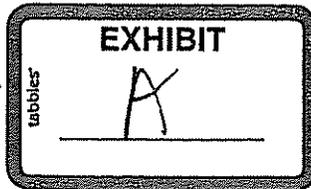
By: *Gary M. Nelson*  
Print Name: Gary M. Nelson  
Its: V.P. & Secretary

**STATE OF FLORIDA  
COUNTY OF PINELLAS**

The foregoing instrument was acknowledged before me this 1st day of April, 2004, by Gary M. Nelson, as V.P. & Secretary of ABR Properties, Inc., a Florida corporation, on behalf of the corporation. He/she is personally known to me or who produced \_\_\_\_\_ as identification.



*Maryann Noleen*  
Signature of Notary Public  
MARYANN NOLEEN  
Print/type name of Notary Public



That certain piece, parcel or tract of land lying in and being part of the West one-third of Lot 41, Lot 42, that part of Lot 45 and Lot 46 lying East of U.S. Highway 19, Lot 47, and Lot 48, Tampa and Tarpon Springs Land Company, as recorded in Plat Book H-1, Page 116 of the Public Records of Pinellas (formerly Hillsborough) County, Florida, lying in and being part of the Southeast 1/4 of Section 6, Township 27 South, Range 16 East, Pinellas County, Florida, together with Block 90, Block 91, part of Block 96 and that part of Block 94, Block 97, and Lot 2, Block 98 lying East of U.S. Highway 19, official map of the Town of Tarpon Springs, as recorded in Plat Book 4, Page 79 of the Public Records of Pinellas County, Florida, lying in and being part of the Northeast 1/4 of Section 7, Township 27 South, Range 16 East, Pinellas County, Florida, being more particularly described as follows:

From the Southeast corner of said Section 6, also being the Northeast corner of said Section 7, North 85deg.41'36" West, by and along the South boundary of said Section 6, also being the North boundary of said Section 7, a distance of 460.72 feet to the Northeast corner of said Block 90, for a Point of Beginning:

1. thence continue North 85deg.41'36" West, by and along said boundary between said Section 6 and Section 7, a distance of 424.52 feet to the Southeast corner of said Lot 42;
2. thence North 00deg.07'19" West, by and along the East boundary of said Lot 42 and the West one-third of said Lot 41, a distance of 1,319.40 feet to the North boundary of said Lot 41;
3. thence North 85deg.39'52" West, by and along the North boundary of said Lot 41 and said Lot 45, a distance of 1,380.75 feet to the East right of way of U.S. Highway 19;
4. thence South 00deg.04'24" West, by and along said East right of way, a distance of 2,359.49 feet to the North boundary of a Florida Power Corporation right of way, as recorded in Deed Book 458, Pages 122 and 123 of the Public Records of Pinellas County, Florida;
5. thence North 77deg.44'54" East, by and along said North boundary, a distance of 1,977.27 feet to the Easterly boundary of said Block 96 and Block 90;
6. thence North 14deg.36'59" West, by and along said Easterly boundary, a distance of 500.44 feet to the Northeast corner of said Block 90, and the Point of Beginning.

LESS AND EXCEPT those lands taken by the Florida Department of Transportation pursuant to those certain Orders of Taking recorded May 7, 1986 in Official Records Book 6222, at page 2159 and recorded June 17, 1986 in Official Records Book 6251, at Page 121, all in the Public Records of Pinellas County, Florida.



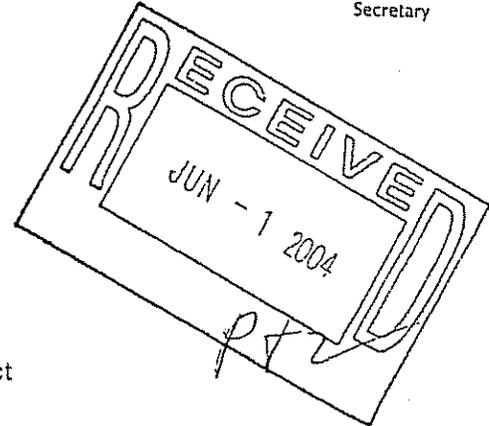
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH  
Governor

THADDEUS L. COHEN, AIA  
Secretary

May 27, 2004



Ms. Renea Vincent, Director  
Planning and Zoning Department  
324 E. Pine Street, PO Box 5004  
Tarpon Springs, FL 34688

Re: Abandonment of the ABR Plaza Development of Regional Impact  
ADA-0897-009

Dear Ms. Vincent:

The Department received an Application for Abandonment of a Development of Regional Impact for the ABR Plaza Development of Regional Impact (DRI) on April 23, 2004. Based on review of the application for abandonment, we have determined that the ABR Plaza DRI is eligible to abandon the development order, pursuant to Rule 9J-2.0251(5), Florida Administrative Code (F.A.C.). Therefore, the City needs to hold a public hearing pursuant to Rule 9J-2.0251(2)(c), F.A.C, regarding the proposed abandonment and issue a determination to grant, grant with conditions, or deny the request to abandon. If the City determines that abandonment will be approved, an amended development order shall be issued consistent with the requirements of Rule 9J-2.0251(3), F.A.C.

If you have any questions or comments regarding this matter, please contact Marina Pennington, Regional Planning Administrator at (850) 487-4545, or Ron Horlick, Planner at (850) 922-1801.

Sincerely yours,

Charles Gauthier, AICP  
Chief of Comprehensive Planning

CG/rh

cc: John Meyer, TBRPC  
Carol Collins, FDOT  
Lindy McDowell, Office of Intergovernmental Programs, DEP  
Richard S. Owen, SWFWMD  
Brian Barnett, FWC

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100  
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781  
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

COMMUNITY PLANNING  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

EMERGENCY MANAGEMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

Renea Vincent

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From: John Meyer [johnm@tbrpc.org]  
Sent: Friday, May 21, 2004 5:01 PM  
To: rvincent@ci.tarpon-springs.fl.us  
Cc: marina.Pennington@dca.state.fl.us  
Subject: ABR Abandonment

Renea:

I have quickly looked through the Abandonment Application for ABR Plaza (DRI #232) in Tarpons Springs. Future development plans for the parcel appear to be far below the DRI threshold. It is for this reason that I have no comments. Please send me a copy of the Abandonment Order if and when adopted by the City. Thanks.

John

---

John Meyer

**DRI and IC&R Coordinator**  
Tampa Bay Regional Planning Council  
(727) 570-5151 x29 - Telephone  
(727) 570-5118 - FAX  
[www.tbrpc.org](http://www.tbrpc.org)

## MEMORANDUM

.....

DATE: June 18, 2004

TO: Board of Commissioners  
Ellen Posivach, City Manager  
Renea Vincent, Planning & Zoning Director

OF: City of Tarpon Springs

FROM: John G. Hubbard, City Attorney

RE: Abandonment of ABR Plaza Development DRI

.....

In response to the issues raised by the members of the City Commission at the June 15, 2004 regular meeting, it is the purpose of this memorandum to give the Commission a quick overview of the process involved in the abandonment of a DRI.

The issue of abandonment of DRI Development orders is addressed in Florida Statutes Section 380.06(26). Pursuant to this Statute the State Land Planning Agency is authorized to initiate rules setting forth criteria and procedures for such an abandonment procedure and the DCA has done so in Rule 9J-2.0251.

There was some concern raised by a City Commissioner as to what government agencies were being notified regarding the abandonment request. The Rule requires a filing of the application for abandonment with the Regional Planning Agency and the DCA. The Regional Planning Agency then distributes copies of the completed application to the appropriate agencies involved in the DRI review process.

The Planning & Zoning Department has already accomplished the notification to the DCA and a copy of a letter confirming that fact dated May 27, 2004 is attached. Correspondence has also been received by the Tampa Bay Regional Planning Council which has offered no comments on the matter. That correspondence from John Meyer, the DRI Coordinator is also attached. Mrs.

Vincent also informed me that she has sent a copy to the PPC requesting a courtesy review. To the best of my knowledge, there has been no response at this time and the response may well be that this does not fall within the PPC jurisdiction.

The 9J Rule provides for specific notification procedures to be followed. It is my understanding from correspondence that I have received that the developer is requesting that the hearing on the abandonment of the DRI be postponed until July 20, 2004 to allow for a public meeting to be conducted by the developer.

At the public hearing, the City will have to determine whether the DRI request to abandon will be granted, granted with conditions or denied. The standards for consideration of abandonment of the question for abandonment are set forth in Rule 9J-2.0251(2) (c). I have attached a copy of the Rule for your information that outlines this criteria.

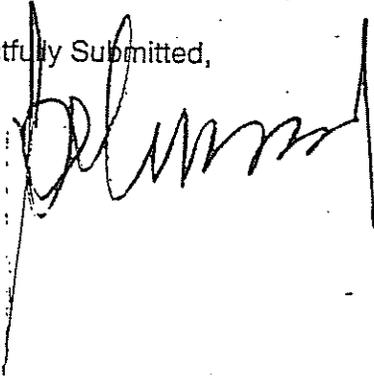
You should note from the criteria that many of the rules presuppose that some development has occurred on the site. Mrs. Vincent will no doubt address each one of these criteria in her staffing to you. The applicant has addressed the criteria in the application. The process is a quasi-judicial process which means that the Commission avoid or reveal ex parte contact and keep in mind that it is only the competent and substantial evidence offered at the hearing that may be considered in the decision.

The City Commission's decision to abandon or not abandon is subject to appeal and such appeal "shall be confined to whether the provisions of this subsection or any rules thereunder have been satisfied."

I hope that these comments are helpful, and I would be pleased to answers any other issues that the City Commission may wish to review.

Respectfully Submitted,

JGH/ja

A handwritten signature in black ink, appearing to be 'JGH/ja', written over a vertical line that extends from the signature down towards the bottom of the page.

9J-2.0251 Abandonment of Development Orders.

(1) Purpose. This rule establishes the process for local governments to follow in the event a developer proposes to abandon a development of regional impact (DRI) which has been rendered a final development order.

(2) Procedures and Requirements for Abandonment. The following procedures and requirements shall be followed when seeking the abandonment of an approved DRI:

(a) Pursuant to subsection 380.06(26), Florida Statutes, the developer shall submit a completed copy of an Application for Abandonment of a Development of Regional Impact to the local government(s) having jurisdiction. Copies of the application shall be simultaneously filed with the appropriate regional planning agency and the Division. The regional planning agency will distribute copies of the completed application to the appropriate commenting agencies normally involved in the DRI review. Copies of the Application for Abandonment of a Development of Regional Impact, FORM RPM-BSP-ABANDON-DRI-1, incorporated herein by reference, effective 3/91, may be obtained from either the Division or the appropriate regional planning agency.

(b) Upon receipt of the application, the local government shall, at its next regularly scheduled meeting, schedule a public hearing to consider the application and provide 45 days notice of this hearing to the Division and the appropriate regional planning agency.

(c) At the public hearing, the local government shall determine whether the request to abandon shall be granted, granted with conditions, or denied. In determining whether to grant, grant with conditions, or deny the request to abandon an approved DRI, the local government shall consider and adequately address:

1. The developer's reasons for seeking to abandon the DRI;
2. The types and amounts of the development constructed;
3. The types and amounts of impacts from the project's existing and proposed development to any resources, and existing and planned facilities;

4. The extent to which the proposed abandonment will affect areas previously set aside or identified for preservation or protection;

5. The extent to which the developer has complied with conditions of the development order which authorize existing development;

6. The extent to which the developer has relied upon benefits granted to authorized developments of regional impact, pursuant to Chapters 163, 403, and 380, Florida Statutes, which would not otherwise be available after abandonment;

7. The extent and types of impacts the proposed abandonment will have on the local comprehensive plan and local government land development regulations;

8. The extent to which the proposed development after abandonment will be inconsistent with the State Comprehensive Plan, the State Land Development Plan, or the appropriate Comprehensive Regional Policy Plan; and

9. Whether the development is eligible to request abandonment pursuant to subsection (5) below.

(d) Within 30 days after the public hearing, the local government shall render a written decision on the request to abandon which shall include findings of fact and conclusions of law consistent with the provisions of this rule unless a reasonable extension of time is requested in writing by the developer.

(e) Within 15 days after expiration of the appeal period in Section 380.07, Florida Statutes, for an amended development order granting, or granting with conditions, the abandonment of an approved DRI, or within 15 days of the resolution of any such appeal, the appropriate local government shall issue a notice of abandonment which shall be recorded by the developer in accordance with Section 28.222, Florida Statutes, with the clerk of the circuit court for each county in which land covered by the terms of the amended development order is located.

(3) Requirements for an Abandonment which has been granted or granted with conditions.

(a) If the local government determines that the abandonment shall be granted or granted with conditions, the local government shall issue an amendment to the development order which shall include findings of fact and conclusions of law consistent with the provisions of this rule, that either repeals the original DRI development order in its entirety (including previous amendments) or repeals portions of the existing development order, and includes any appropriate additional conditions of abandonment.

(b) The resulting development order must contain conditions which require the developer to mitigate the impacts of all existing and proposed development. This shall include mitigating any impacts resulting from changes in the plan due to abandonment.

(c) The resulting development order must contain conditions which require the developer to satisfy all applicable conditions of the existing development order with regard to existing and proposed development.

(d) The resulting development order must contain conditions which require the developer to request and receive a rescission or amendment to all permits or other approvals which authorize development beyond that which is authorized under the amended development order.

(4) Effect of denying a Request to Abandon. If the local government denies the request to abandon the DRI development order, including previous amendments in effect at the time the request was submitted, the DRI development order shall remain in full effect.

(5) Eligibility to Abandon.

(a) An approved DRI which is proposed after abandonment to be below 100 percent (100%) of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, is eligible to abandon an approved DRI.

(b) An approved DRI which is proposed after abandonment to be at 100 percent or between 100 and 120 percent of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, and upon which no development as defined in Section 380.04, Florida Statutes, has occurred, is eligible to request abandonment of an approved DRI if the Division has issued a binding letter which finds the proposed plan of development after abandonment not to be a DRI.

(c) An approved DRI which is proposed after abandonment to be at 100 percent or between 100 and 120 percent of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, and upon which no development as defined in Section 380.04, Florida Statutes, has occurred, is eligible to request to abandon an approved DRI if the Division has issued a binding letter which finds the proposed plan of development after abandonment to be a DRI. If the Division issues a binding letter which finds the proposed plan of development after abandonment to be a DRI, such a development shall be evaluated under the substantial deviation provisions of subsection 380.06(19), Florida Statutes.

(d) An approved DRI which has commenced development as defined in Section 380.04, Florida Statutes, and which exceeds or is proposed after abandonment to be at or exceed 100 percent (100%) of any applicable guidelines and standards identified in Section 380.0651, Florida Statutes, or Chapter 28-24, Florida Administrative Code, shall not be eligible to request abandonment of an approved DRI. Such a development shall be evaluated under the substantial deviation provisions of subsection 380.06(19), Florida Statutes.

(e) The provisions contained in paragraph 380.06(2)(c), Florida Statutes, shall govern which guidelines and standards are applicable for the purposes of this rule.

(6) Appeal Rights.

(a) Any amended development order or resolution issued pursuant to this rule shall be subject to the appeal provisions of Section 380.07, Florida Statutes.

(b) The issues in any such appeal shall be confined to whether the provisions of subsection 380.06(26), Florida Statutes, and this rule have been satisfied.

*Specific Authority 380.032(2)(a), 380.06(23)(a), (26) FS. Law Implemented 380.06(2), (26) FS. History—New 3-10-91, Amended 2-21-01, 6-1-03.*

#### 9J-2.0252 Development of Regional Impact Review Fee Rule.

(1) PURPOSE. The purpose of this rule is to set forth policies and procedures for the assessment and collection of fees by regional planning agencies for the review of developments of regional impact (DRI) and Florida Quality Developments (FQD). The rule also sets forth the procedures to be utilized by the Department of Community Affairs in reviewing and determining whether a fee in excess of \$75,000 may be assessed by a regional planning agency.

(2) FEES. The applicant shall enter into a contract with the regional planning agency which obligates the applicant to reimburse the regional planning agency for the cost of coordinating and reviewing an application for development approval, an application for development approval of a substantial deviation, an application for development designation, or an application for development designation of a substantial change. The applicant shall also deposit a total of \$35,000 with the regional planning agency in the following manner:

(a) For each application for development approval or application for development approval of a substantial deviation, the regional planning agency shall collect a fee deposit of \$15,000, of which \$5,000 is non-refundable, prior to conducting a preapplication conference in accordance with subsection 380.06(7), Florida Statutes, or a related issue methodology meeting, whichever occurs first. The application for development approval of application for development approval of a substantial deviation shall not be accepted for review unless accompanied by an additional \$20,000 deposit.

(b) For each application for development designation or application for development designation of a substantial change, the regional planning agency shall collect a fee deposit of \$35,000, of which \$5,000 is non-refundable, prior to conducting a preapplication conference in accordance with paragraph 380.061(5)(a), Florida Statutes, or related issue methodology meeting, whichever occurs first.

(c) All fees shall be payable by certified check or bank draft, in U.S. funds, made payable to the regional planning agency. Upon receipt of the initial fee deposit, the regional planning agency will establish an account or cost center for the project to be reviewed.

#### (3) ALLOWABLE CHARGES.

(a) The applicant shall be liable to the regional planning agency for 100% of the actual costs, both direct and indirect, of coordinating or reviewing an application for development approval, an application for development approval of a substantial deviation, an application for development designation, or an application for development designation of a substantial change. Costs associated with an appeal filed pursuant to Section 380.07, Florida Statutes, shall not be charged to an applicant.

2. The notice shall be given to the state land planning agency, to the applicable regional planning agency, and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.

3. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.

(f) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. It shall approve the petitioner as the developer if it finds that the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, pursuant to subparagraph (b)3.

(g) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency within 30 days after the order becomes effective.

(h) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.

(i) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact for land within the defined planning area, pursuant to subsection (6). Development undertaken in conformance with an areawide development order issued under this section shall not require further development-of-regional-impact review.

(j) In reviewing an application for a proposed areawide development of regional impact, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:

1. Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.

2. Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.

3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans, except as provided for in paragraph (k).

(k) In addition to the requirements of subsection (4), a development order approving, or approving with conditions, a proposed areawide development of regional impact shall specify the approved land uses and the amount of development approved within each land use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive

plan, except that a local government may amend its comprehensive plan pursuant to paragraph (6)(b).

(l) Any owner of property within the defined planning area may withdraw his or her consent to the areawide development plan at any time prior to local government approval, with or without conditions, of the petition; and the plan, the areawide development order, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued, a landowner may withdraw his or her consent only with the approval of the local government.

(m) If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:

1. Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and

2. The option to withdraw consent does not apply, and all property and development within the areawide development planning area shall be subject to the areawide plan and to the development order conditions.

(n) After a development order approving an areawide development plan is received, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).

(26) ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in which the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of record, and provided that no such owner or developer objects in writing to the local government prior to or at the public hearing pertaining to abandonment of the development of regional impact. The state land planning agency is authorized to promulgate rules that shall include, but not be limited to, criteria for determining whether to grant, grant with conditions, or deny a proposal to abandon, and provisions to ensure that the developer satisfies all applicable conditions of the development. If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an abandonment order shall not require the owner or developer to contribute any land, funds, or public facilities as a condition of such abandonment order. The rules shall also provide a procedure for filing

notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Any decision by a local government concerning the abandonment of a development of regional impact shall be subject to an appeal pursuant to s. 380.07. The issues in any such appeal shall be confined to whether the provisions of this subsection or any rules promulgated thereunder have been satisfied.

(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of Community Affairs shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.

History.—s. 6, ch. 72-317; s. 2, ch. 74-326; s. 5, ch. 75-167; s. 1, ch. 76-69; s. 2, ch. 77-215; s. 148, ch. 79-400; s. 3, ch. 80-313; s. 22, ch. 83-222; s. 4, ch. 83-308; s. 1, ch. 84-331; s. 43, ch. 85-55; s. 15, ch. 86-191; s. 1, ch. 88-164; s. 1, ch. 89-375; s. 1, ch. 89-536; s. 52, ch. 90-331; s. 20, ch. 91-192; s. 20, ch. 91-305; s. 1, ch. 91-309; s. 15, ch. 92-129; s. 2, ch. 93-95; s. 52, ch. 93-206; s. 345, ch. 94-356; s. 1029, ch. 95-148; s. 11, ch. 95-149; s. 9, ch. 95-322; s. 3, ch. 95-412; s. 114, ch. 95-410; s. 10, ch. 96-416; s. 1, ch. 97-28; s. 7, ch. 97-253; s. 52, ch. 97-278; s. 9, ch. 98-146; ss. 26, 31, ch. 98-176; s. 71, ch. 99-251; s. 7, ch. 99-378; s. 27, ch. 2001-201; s. 95, ch. 2002-20; s. 30, ch. 2002-296.

<sup>1</sup>Note.—As amended by s. 95, ch. 2002-20. The amendment by s. 30, ch. 2002-296, provides for a development that is at or below 100 percent.

<sup>2</sup>Note.—As amended by s. 95, ch. 2002-20. The amendment by s. 30, ch. 2002-296, provides for less than or equal to 100 percent.

### 380.061 The Florida Quality Developments program.—

(1) There is hereby created the Florida Quality Developments program. The intent of this program is to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire. It is further intended that the developer be provided, through a cooperative and coordinated effort, an expeditious and timely review by all agencies with jurisdiction over the project of his or her proposed development.

(2) Developments that may be designated as Florida Quality Developments are those developments which are above 80 percent of any numerical thresholds in the guidelines and standards for development-of-regional-impact review pursuant to s. 380.06.

(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements which is applicable to the site of a qualified development:

1. Have donated or entered into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of the types of land listed below. In lieu of the above requirement, the developer may enter into a binding commitment which runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to

use such areas for the purpose of passive recreation that is consistent with the purposes for which the land was preserved.

a. Those wetlands and water bodies throughout the state as would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities to the extent that such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created, if the redesign or alteration is done so as to produce a more naturally functioning system.

b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.

c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.

d. Areas known to be important to animal species designated as endangered or threatened animal species by the United States Fish and Wildlife Service or by the Fish and Wildlife Conservation Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.

e. Areas known to contain plant species designated as endangered plant species by the Department of Agriculture and Consumer Services.

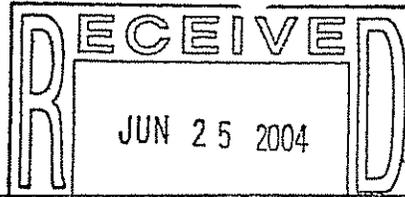
2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency or by the Department of Environmental Protection or the Department of Agriculture and Consumer Services. This subparagraph is not intended to apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.

3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.

4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as activities in those waters are permitted pursuant to s. 403.813(2) and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.

5. Include open space, recreation areas, Xeriscape as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.

6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution



COUNCIL MEMBERS

600 Cleveland Street, Suite 850 • Clearwater, Florida 33755-4160  
Telephone 727.464.8250 • Fax 727.464.8212 • www.co.pinellas.fl.us/ppc

PH2

Mayor Robert E. Jackson, Ph.D., *Chairman*  
Commissioner Calvis D. Harris, Ed.D., *Vice-Chairman*  
Vice-Mayor Hoyt Hamilton, *Treasurer*  
Councilmember Bill Foster, *Secretary*  
Councilor Pete Bengston  
Mayor Jerry Beverland  
Mayor Beverley Billiris  
Councilmember Sandra L. Bradbury  
Mayor Tom De Cesare  
Mayor Robert H. DiNicola  
School Board Chairman Jane Gallucci  
Commissioner Bob Hackworth  
Commissioner Nadine S. Nickeson

David P. Healey, AICP, *Executive Director*

June 24, 2004

Renea Vincent, Planning and Zoning Director  
City of Tarpon Springs  
P.O. Box 5004  
Tarpon Springs, FL 34689

Re: ABR Plaza Development of Regional Impact Abandonment

Dear Ms. Vincent:

As per our conversation, the PPC does not review the formal request to abandon a Development of Regional Impact. Therefore, we offer no comments directly related to that process with which the City is involved.

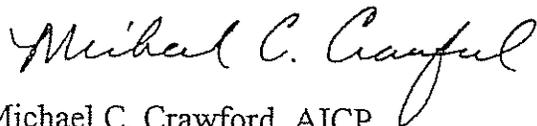
However, associated with the approval of the ABR project by the City was the amendment of the Countywide Future Land Use Plan map to Residential/Office General for the eastern portion of the site and to Preservation on the wetlands on the southern portion of the site. As part of that approval there were a number of conditions, three of which have not been addressed to date:

1. Open water portions of the site were amended on the Countywide Future Land Use Plan map to Water/Drainage Feature, but remain to be amended on the City's Future Land Use Plan map;
2. The areas designated Preservation on the north side of the site were amended to LC-Land Conservation on the City's zoning map, but the Preservation areas on the south were not and remain to be amended to LC; and
3. The amendment of the eastern portion of the site on the City's zoning map to GB-General Business is inconsistent with both the Countywide and local land use designations of Residential/Office General and should be amended to a more appropriate designation.

Page two  
June 24, 2004

I have attached our staff report to the PPC from their May 21, 1997, meeting date for further information. Please let me know if you need additional information or we can be of some help to you in this process.

Sincerely,

A handwritten signature in cursive script that reads "Michael C. Crawford".

Michael C. Crawford, AICP  
Principal Planner

cc: Mayor Beverley Billiris, Pinellas Planning Council Representative



#232 #2

# City of Tarpon Springs, Florida

324 E. PINE STREET  
P.O. BOX 5004  
TARPON SPRINGS, FLORIDA 34688-5004  
(813) 938-3711  
FAX (813) 937-8199

VIA CERTIFIED MAIL #P 624 891 015

April 27, 1999

Mr. John M. Meyer, DRI Coordinator  
Tampa Bay Regional Planning Council  
9455 Koger Boulevard  
Suite 219  
St. Petersburg, Florida 33702-2491

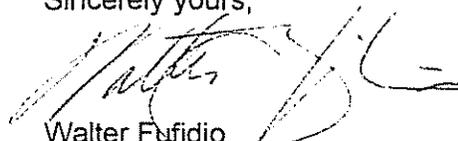
RE: DRI #232, FIRST AMENDMENT TO DEVELOPMENT ORDER

Dear Mr. Meyer,

The City of Tarpon Springs herewith renders the First Amendment to the Development Order for ABR PLAZA, D.R.I. #232. Enclosed please find a certified copy of Resolution No. 99-20 adopted by the Board of Commissioners on April 20, 1999 in response to an N.O.P.C. received on February 22, 1999. Said N.O.P.C. was amended to more accurately reflect the period of time during which the Development Order was tolled because of an administrative appeal.

Should you have any questions or require any additional information, feel free to contact me.

Sincerely yours,



Walter Fufidio  
Director of Planning and Zoning

WF/bv

cc: Marina Pennington, Department of Community Affairs  
Joseph C. Lukason, ABR Properties, Inc.

**RECEIVED**

APR 27 1999

Tampa Bay Regional  
Planning Council  
Planning Council

RESOLUTION No. 99- 20

A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING RESOLUTION 98-76, THE DEVELOPMENT ORDER FOR THE *ABR PLAZA* DEVELOPMENT OF REGIONAL IMPACT, D.R.I. #232, IN RESPONSE TO A NOTICE OF PROPOSED CHANGE FILED BY THE DEVELOPER; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR EXTENSION OF THE BUILD OUT DATE BY LESS THAN FIVE YEARS; PROVIDING FOR CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 02, 1998 the Board of Commissioners adopted Resolution 98-20 rendering a development order for the ABR PLAZA Development of Regional Impact, D.R.I. #232; and

WHEREAS, on July 22, 1998 the Florida Department of Community Affairs ("DCA") appealed the development order for the ABR PLAZA D.R.I. to the Florida Land and Water Adjudicatory Commission which, pursuant to Chapter 380.06(19)(c), had the effect of tolling, for the duration of the proceedings, the time commitments contained within Resolution 98-20; and

WHEREAS, on November 03, 1998 the City adopted Resolution 98-76 (the "D.O.") amending and restating Resolution 98-20 and resolving the issues raised in the DCA appeal; and

WHEREAS, on February 22, 1999 ABR Properties, Inc (the "Developer") filed a Notice Of Proposed Change ("N.O.P.C.") to a Previously Approved D.R.I. pursuant to Chapter 380.06(19), F.S. with the City, the Tampa Bay Regional Planning Council ("TBRPC") and DCA; and

WHEREAS, the changes proposed in the N.O.P.C. relate exclusively to the extension of the latest possible dates for commencing and completing the proposed office and retail development; and

WHEREAS, the proposed changes are deemed not to create a substantial deviation pursuant to Chapter 380.06(19)(e), F.S.; and

WHEREAS, the Board of Commissioners, as the governing body of the local government having jurisdiction over D.R.I. #232 is authorized and empowered to consider applications for proposed changes to previously approved developments of regional impact; and

WHEREAS, written and published legal notice of this action has been provided in accordance with Florida Statutes and the Tarpon Springs Comprehensive Zoning and Land Development Code; and

WHEREAS, the City has solicited, received and considered testimony, reports, comments and recommendations from the City staff, ABR, state and regional DRI review agencies, and interested citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA THAT:

**Section 1. DEVELOPMENT ORDER APPROVAL**

The provisions of Resolution 98-76, as modified herein, are readopted. This Resolution, together with Resolution 98-76 shall constitute the First Amendment to the Development Order and hereby approves the proposed changes set forth in the Notice of Proposed Change received on February 22, 1999. The conditions of the Development Order shall be amended as set forth herein.

**Section 2. FINDINGS OF FACT**

The Board of Commissioners, having received the N.O.P.C. and having received all related comments, testimony and evidence, finds there is substantial competent evidence to support the following findings of fact:

- A) Pursuant to Chapter 380.06(19)(e)(2), Florida Statutes the proposed changes are not a substantial deviation, meaning they do not create a reasonable likelihood of additional regional impact, and are not subject to further development of regional impact review.
- B) The Property is not located in an area of critical state concern as designated by Chapter 380.05, F.S.
- C) The proposed changes are consistent with the adopted Tarpon Springs Comprehensive Plan and the Tarpon Springs Comprehensive Zoning and Land Development Code.
- D) The proposed changes will not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area.
- E) The proposed changes are consistent with the State Comprehensive Plan.

**Section 3. CONCLUSIONS OF LAW**

The Board of Commissioners, having made the above findings of fact, reaches the following conclusions of law:

- A) These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, ABR, its successor in interest, or its designee, is authorized to conduct development of the Property as modified in this Resolution, the First Amendment to the Development Order, subject to the conditions, restrictions, and limitations set forth in Resolution 98-76 and modified herein.
- B) The review by the City, the TBRC, and other participating agencies and interested citizens reveals that impacts of the proposed changes are adequately addressed pursuant to the requirements of Chapter 380.06, F.S., within the terms and conditions of this Development Order, as amended herein, and the N.O.P.C..

**Section 4. AMENDMENTS TO RESOLUTION 98-76**

- A. Section 5(C) of the Development Order is hereby amended to reflect a build out date of April 11, 2006 and shall read as follows:

The Development of the ABR Plaza shall proceed in accordance with the following land use and phasing schedule:

**TABLE 1  
PHASING SCHEDULE**

<u>PHASE</u>	<u>BUILD OUT DATE</u>	<u>USE</u>	<u>GROSS FLOOR AREA</u>
ONE	<del>12-31-00</del> <u>4-11-06</u>	OFFICE	400,000 SQ.FEET
		RETAIL	50,000 SQ.FEET

- B. Section 8 of the Development order is amended to reflect a commencement date of April 11, 2004 and a build out date of April 11, 2006 and shall read as follows:

The Development permitted hereunder shall commence by ~~December 31, 1998~~ April 11, 2004, unless the time periods for commencement and buildout are further extended by the City, subject to the requirements of Chapter 380.06(19), F.S.

This Development Order shall remain in effect through ~~December 31, 2000~~ April 11, 2006 (the buildout date). This Development Order may be further extended by the BOC, subject to the requirements of Chapter 380.06(19), F.S.

**Section 5. TRANSMITTAL AND RENDERING**

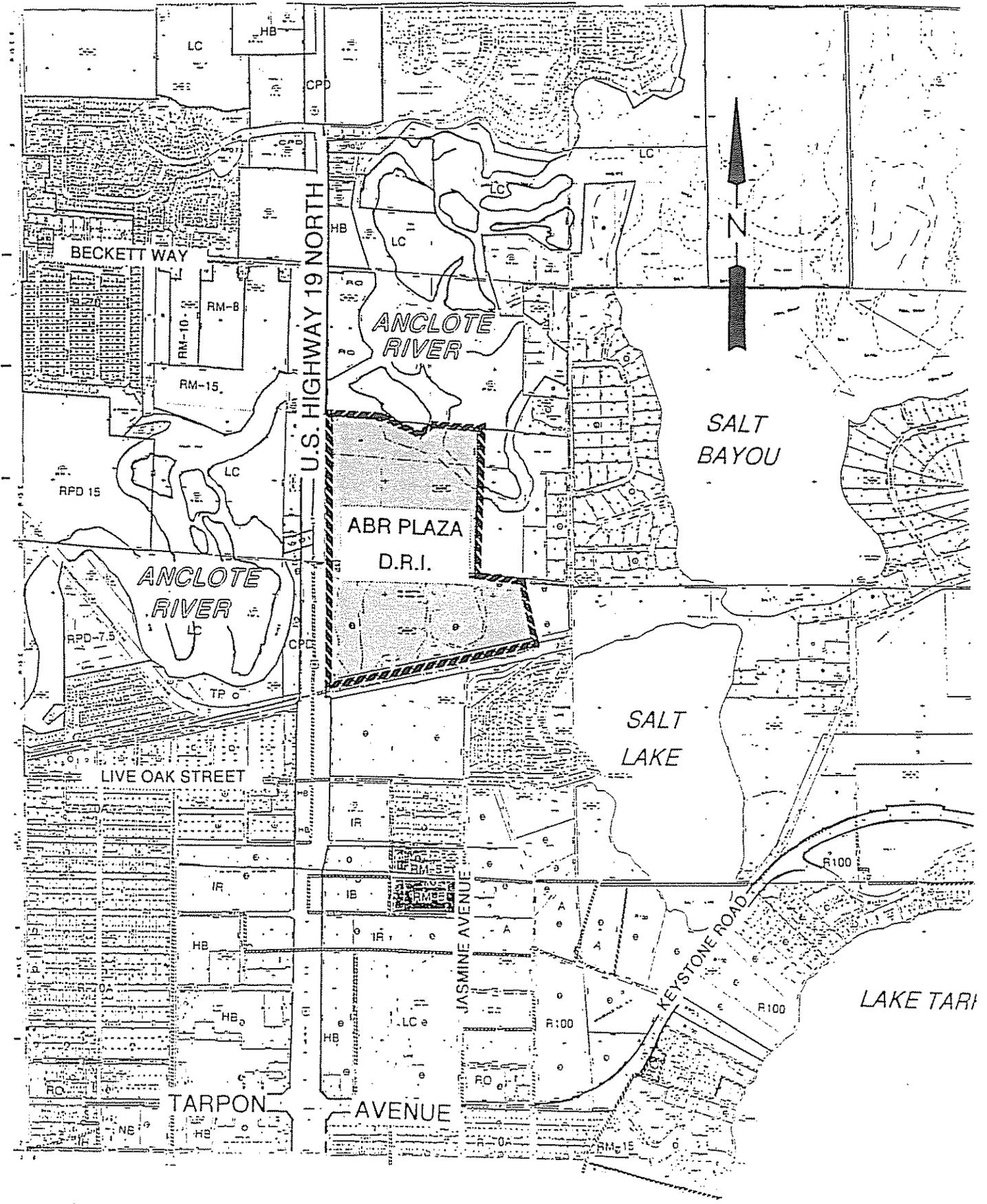
Upon adoption, the City Clerk shall transmit certified copies of this Resolution to the DCA, TBRPC and ABR Properties, Inc. This First Amendment to the Development order shall be deemed rendered upon transmittal of copies as noted in this Section.

**Section 6. RECORDATION**

The Developer shall file notice of the adoption of a modification to an adopted development order with the Clerk of the Circuit Court for Pinellas County.

**Section 7. EFFECTIVE DATE**

This Resolution shall be effective upon adoption.



PASSED and ADOPTED this 20th day of April, 1999.

L. F. DiDonato  
L. F. DIDONATO, DC, MAYOR-COMMISSIONER

David O. Archie  
DAVID O. ARCHIE, MAYOR PRO TEMPORE

Beverly G. Billiris  
BEVERLEY G. BILLIRIS, COMMISSIONER

Jim Archer  
JIM ARCHER, COMMISSIONER

Cindy Domino  
CINDY DOMINO, COMMISSIONER

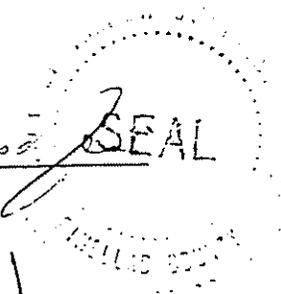
MOTION BY: COMMISSIONER BILLIRIS  
SECOND BY: COMMISSIONER DOMINO

VOTE ON MOTION

COMMISSIONER DOMINO Yes  
COMMISSIONER ARCHER Yes  
COMMISSIONER BILLIRIS Yes  
MAYOR PRO TEMPORE ARCHIE Yes  
MAYOR DIDONATO Yes

ATTEST:

Kathy M. Alesafis  
KATHY M. ALESAFIS, CMC  
CITY CLERK & COLLECTOR



APPROVED AS TO FORM:

John Hubbard  
JOHN HUBBARD  
CITY ATTORNEY

I, KATHY M. ALESAFIS, City Clerk and Collector of the City of Tarpon Springs, Florida, hereby certify that the attached and foregoing is a full, true, complete and correct copy of the original of which is now in the original records of the City.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of Tarpon Springs, Florida, this 23rd day of April, 1999  
Kathy M. Alesafis  
KATHY M. ALESAFIS  
CITY CLERK & COLLECTOR



# City of Tarpon Springs, Florida

324 E. PINE STREET  
P.O. BOX 5004  
TARPON SPRINGS, FLORIDA 34688-5004  
(813) 938-3711  
FAX (813) 937-8199

VIA CERTIFIED MAIL #Z 750 250 110

April 27, 1999

Mr. Joseph C. Lukason, President  
ABR Properties, Inc.  
34125 U.S. Highway 19 North  
Palm Harbor, Florida 34684-2116

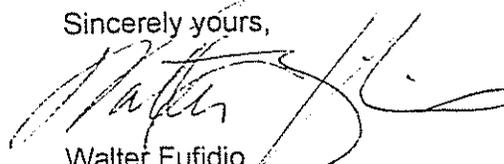
RE: DRI #232, FIRST AMENDMENT TO DEVELOPMENT ORDER

Dear Mr. Lukason,

The City of Tarpon Springs herewith renders the First Amendment to the Development Order for ABR PLAZA, D.R.I. #232. Enclosed please find a certified copy of Resolution No. 99-20 adopted by the Board of Commissioners on April 20, 1999 in response to an N.O.P.C. received on February 22, 1999. Said N.O.P.C. was amended to more accurately reflect the period of time during which the Development Order was tolled because of an administrative appeal.

Should you have any questions or require any additional information, feel free to contact me.

Sincerely yours,



Walter Fufidio  
Director of Planning and Zoning

WF/bv

cc: Marina Pennington, Department of Community Affairs  
John Meyer, Tampa Bay Regional Planning Council



# City of Tarpon Springs, Florida

324 E. PINE STREET  
P.O. BOX 5004  
TARPON SPRINGS, FLORIDA 34688-5004  
(813) 938-3711  
FAX (813) 937-8199

VIA CERTIFIED MAIL #P 624 890 201

April 27, 1999

Ms. Marina Pennington, Community Program Administrator  
Bureau of Local Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

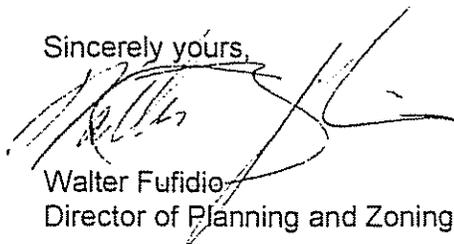
RE: DRI #232, FIRST AMENDMENT TO DEVELOPMENT ORDER

Dear Ms. Pennington,

The City of Tarpon Springs herewith renders the First Amendment to the Development Order for ABR PLAZA, DRI #232. Enclosed please find a certified copy of Resolution No. 99-20 adopted by the Board of Commissioners on April 20, 1999 in response to an N.O.P.C. received on February 22, 1999. Said N.O.P.C. was amended to more accurately reflect the period of time during which the Development Order was tolled because of an administrative appeal.

Should you have any questions or require any additional information, feel free to contact me.

Sincerely yours,



Walter Fufidio  
Director of Planning and Zoning

• WF/bv

cc: John M. Meyer, Tampa Bay Regional Planning Council  
Joseph C. Lukason, ABR Properties, Inc.



# City of Tarpon Springs, Florida

324 E. PINE STREET  
P.O. BOX 5004  
TARPON SPRINGS, FLORIDA 34688-5004  
(813) 938-3711  
FAX (813) 937-8199

VIA CERTIFIED MAIL  
November 17, 1998

Marina Pennington, Community Program Administrator  
Bureau of Local Planning  
State of Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

RE: D.R.I. #232, ABR PLAZA; AMENDED DEVELOPMENT ORDER

Dear Ms. Pennington,

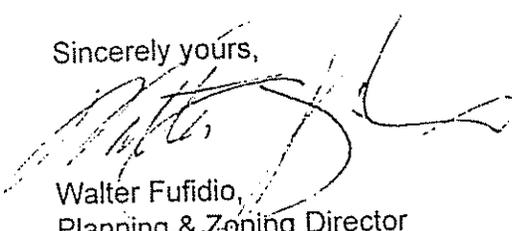
Enclosed please find a certified, complete copy of Resolution 98-76, the Development Order adopted in response to the ABR PLAZA ADA. Resolution 98-76 amends and restates Resolution 98-20 which was rendered in June, 1998 and resulted in an appeal by DCA.

The subject Resolution contains the following changes:

1. A revised Map H
2. Change to Section 5L (page 8) describing the timing of the construction of turn lanes from U.S. 19 into the development.
3. Change to Section 8 (page 15) inserting the words "the buildout date".

A Settlement Agreement in the matter of the appeal has been executed and forwarded to Assistant General Counsel Kathleen Fowler under separate cover. If you require further information or clarification, feel free to call.

Sincerely yours,



Walter Fufidio,  
Planning & Zoning Director

c.c. Manuel Pumariega, TBRPC ✓  
Joseph C. Lukason, ABR Properties, Inc.

RESOLUTION No. 98- 76

A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING AND RESTATING RESOLUTION 98-20; RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380.06 ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY ABR PROPERTIES, INC.; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR CONDITIONS; PROVIDING FOR A TRADE-OFF MECHANISM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ABR Properties, Inc. ("Developer" or "ABR") is the owner of a 74± acre site located on the Anclote River in Sections 6 and 7, Township 27 South, Range 16 East (the "Property"), which is located entirely within the City of Tarpon Springs ("City"); and

WHEREAS, on December 02, 1996 ABR filed an Application for Development Approval ("ADA") of a Development of Regional Impact known as ABR Plaza, DRI #232, and sufficiency response documents dated April 21, 1997, and June 30, 1997, (hereinafter collectively referred to as the "ADA") all with respect to the Property, pursuant to the provisions of Chapter 380.06, F.S.; and

WHEREAS, on July 10, 1997, the Tampa Bay Regional Council ("TBRC") notified the City that it should set a public hearing date to consider the ADA; and

WHEREAS, on September 08, 1997 the TBRC issued the DRI Final Report, including mitigation recommendations for development of the ABR PLAZA DRI; and

WHEREAS, on June 06, 1998, the Tarpon Springs Board of Commissioners ("BOC"), the governing body of the local government having jurisdiction pursuant to Chapter 380.06, F.S., and authorized and empowered to consider applications for development of regional impact ("DRI") approval, adopted Resolution 98-20, the Development Order for DRI #232; and

WHEREAS, on July 22, 1998 the Department of Community Affairs (DCA) appealed the Development Order for ABR PLAZA to the Florida Land and Water Adjudicatory Commission which appeal is currently pending; and

WHEREAS, ABR, DCA and the City have entered into a Settlement Agreement to resolve the issues raised in the appeal of the Development Order, the substantive terms of which are reflected in this Resolution; and

WHEREAS, on October 19, 1998 the Planning and Zoning Board acting as the Local Planning Agency (LPA) for the City of Tarpon Springs, conducted a public hearing on this Resolution and recommended approval; and

WHEREAS, written and published legal notice of this action has been provided in accordance with Florida Statutes and the Tarpon Springs Comprehensive Zoning and Land Development Code; and

WHEREAS, the BOC has on November 03, 1998, held a duly noticed public hearing on the ADA and heard and considered testimony, reports, comments and recommendations from the City staff, LPA, ABR, state and regional DRI review agencies, and interested citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA THAT:**

**Section 1. RECITALS**

The recitals contained in the preamble to this Resolution are true and correct and are incorporated by reference herein.

**Section 2. DEVELOPMENT ORDER APPROVAL**

This Resolution amends Resolution 98-20 in its entirety and shall constitute the Development Order of the City issued in response to the ADA. The ADA is hereby approved, subject to the terms and conditions of this Resolution. The real property subject to this Development Order is described in Exhibit "A" (the "Property") and is located within the municipal limits of the City.

**Section 3. FINDINGS OF FACT**

The BOC, having received the ADA and having received all related comments, testimony and evidence, finds there is substantial competent evidence to support the following findings of fact:

- A) The ADA is comprised of the Application for Development Approval submitted on December 02, 1996, together with the later filed sufficiency responses dated April 21, 1997, and June 30, 1997, and is incorporated herein by reference as if fully set forth herein.
- B) The Developer proposes development of up to 400,000 square feet of office on 40.0± acres; up to 50,000 square feet of retail on 5.0± acres; and the preservation of 28.8± acres of freshwater and saltwater wetlands as shown on the Master Development Plan attached hereto and incorporated herein as Exhibit "B" (the "Development"). The square footages of office and retail are subject to the trade-off mechanism of Section 6 of this Resolution.
- C) The Property is not located in an area of critical state concern as designated by Chapter 380.05, F.S.

- D) The Development, as conditioned, is consistent with the adopted Tarpon Springs Comprehensive Plan and the Tarpon Springs Comprehensive Zoning and Land Development Code.
- E) The Development will not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area.
- F) The Development is consistent with the State Comprehensive Plan, in particular Sections 187.201(8)(b)5 and 12, 187.201(16)(b)1 and 187.201(22)(b)1,7 & 12, F.S.
- G) The Development, as conditioned, is consistent with the "DRI Final Report" issued by the TBRC on September 08, 1997, for ABR PLAZA, DRI #232.

#### **Section 4. CONCLUSIONS OF LAW**

The BOC, having made the above findings of fact, reaches the following conclusions of law:

- A) These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, ABR, its successor in interest, or its designee, is authorized to conduct development of the Property as described herein, subject to the conditions, restrictions, and limitations set forth below.
- B) The review by the City, the TBRC, and other participating agencies and interested citizens reveals that impacts of the Development are adequately addressed pursuant to the requirements of Chapter 380.06, F.S., within the terms and conditions of this Development Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

#### **Section 5 CONDITIONS OF APPROVAL**

The BOC, having made the above findings of fact and having drawn the above conclusions of law, hereby approves development of the Property, as presented in the ADA, subject to the conditions, restrictions and limitations herein:

- A) For purposes of this Development Order the term Developer shall mean ABR, its assignees or successors in interest. ABR's current authorized agent is Mr. Joseph C. Lukason, President, ABR Properties Inc., 34125 US Highway 19 North, Palm Harbor, FL 34684-2116. In the event the ownership or Developer information changes, ABR will notify the City, TBRC, and the Department of Community Affairs ("DCA") in writing, and such change shall not require an amendment to this Development Order.

- B) The DRI Master Plan, "Revised Map H" prepared by King Engineering Assocs., attached hereto and incorporated herein as Exhibit "B," is hereby approved and becomes part of the Development Order.
- C) The Development of the ABR Plaza shall proceed in accordance with the following land use and phasing schedule:

**TABLE 1  
PHASING SCHEDULE**

<u>PHASE</u>	<u>BUILD OUT DATE</u>	<u>USE</u>	<u>GROSS FLOOR AREA</u>
ONE	12-31-00	OFFICE	400,000 SQ.FEET
		RETAIL	50,000 SQ.FEET

The development totals may vary based upon the use of the trade-off mechanism set forth in Section 6 of this Resolution.

**D) Substantial Deviations**

Changes to the Development meeting the criteria set forth in Chapter 380.06(19), F.S. may constitute a substantial deviation, and shall be subject to a substantial deviation determining review pursuant to Chapter 380, F.S.

**E) Annual Reports**

The Developer shall submit annual reports to the City, the TBRC, the DCA, the Florida Department of Environmental Protection ("FDEP") and the Southwest Florida Water management District ("SWFWMD") on May 8, 1999, and on May 8 of each following year until such time as all terms and conditions of this Development Order are satisfied or the authority to develop under this Development Order has expired. In addition to the information required by Form RPM-BSP-ANNUAL REPORT-1, the Developer will include a report of the annual inspection of the surface water management system, the biannual water quality monitoring, and any application of the trade-off mechanism set forth below.

**F) Vegetation and Wildlife**

1. A minimum thirty (30) foot wide buffer shall be preserved adjacent and parallel to the mean high water line of the Anclote River. This buffer area will be left at existing grade and existing native vegetation will be maintained.

2. A minimum fifteen (15) foot wide buffer will be maintained adjacent and parallel to jurisdictional wetland areas that remain after permitting. This buffer area will be left at its existing grade, and existing native vegetation will be maintained.
3. To the extent not already conducted, the Developer shall conduct wildlife surveys consistent with the requirements of the Florida Game and Fresh Water Fish Commission ("FGFWFC") prior to the issuance of site development permits. Except as provided in the following subsection, in the event that any species listed in Rules 9J-2.041 or 39-27.003-.005, Florida Administration Code ("FAC") (other than the Sherman fox squirrel and the gopher tortoise, which have been reviewed), are observed frequenting the site for nesting, feeding, or breeding, mitigation measures pursuant to 9J-2.041 FAC shall be employed.
4. Impacts to the gopher tortoise population that exist on the Property, can be mitigated in accordance with existing law, which includes, but is not limited to obtaining a relocation permit or an incidental take permit from the FGFWFC.

**G) Wetlands**

1. The saltwater marsh areas located north of the mean high water line of the Anclote River are designated as natural resources of regional significance by the TBRC. The proposed comprehensive plan classification, zoning district and this Development Order require the preservation of this natural resource. Any proposal to impact such wetlands, other than permitted stormwater management facilities or raised boardwalks, shall require a substantial deviation review and amendment to this Development Order to incorporate a finding of overriding public interest and mitigation at a ratio of at least 3 created : 1 impacted.
2. If mitigation by habitat re-creation is employed as a permitting requirement, then the plant material used shall be native plant material that replaces the natural value and function of the habitat being disturbed. Re-created habitat mitigation areas will be monitored annually by the Developer until the expiration of this Development Order for the purpose of obtaining an 85 percent final coverage of the desired species. If the 85 percent coverage is not achieved, then non-surviving plant material shall be replaced by the Developer until the 85 percent coverage is achieved.

H) Stormwater Management and Water Quality

1. The Anclote River is an Outstanding Florida Water ("OFW") pursuant to Chapter 403, F.S. In order to protect the water quality of the Anclote River, stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17 FAC and Chapter 40D-4, FAC. If stormwater management systems are designed to discharge into the Anclote River, then the treatment system shall meet OFW criteria.
2. In order to protect water quality in the Anclote River, there shall be no degradation of ambient water quality standards by stormwater exiting the Property, beyond those allowable by the rules and regulations of the agencies having jurisdiction. Therefore, the Developer will undertake a biannual surface water quality monitoring program, to be instituted before ground-breaking and continuing through the buildout of the Development, or the expiration of this Development Order, whichever comes first. Any violation of the water quality standards of Chapter 17, FAC, shall require corrective measures as set forth below and by FDEP. The following shall apply to the biannual surface water quality monitoring program:
  - a) Samples shall be obtained at stormwater outfalls exiting the Property that discharge into the Anclote River, or as otherwise required by permitting agencies having jurisdiction.
  - b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with FDEP Quality Control Standards and Requirements.
  - c) The monitoring results shall be submitted to the City, FDEP, and SWFWMD when completed, and to the TBRC in the Annual Report required pursuant to Chapter 380.06, F.S. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to FDEP immediately. In such event, the Developer shall immediately take steps to correct the violation. If the violation has not been corrected within two (2) weeks after the City and/or Developer determines that a violation has occurred, then all construction activities within the subbasin(s) where the violation is noted shall cease until the violation is corrected; or if the specific construction activities can be identified as causing the violation, such activities shall cease until the violation is corrected.
3. The on-site detention/retention ponds and control structures will be owned, operated and maintained by the Developer.

**I) Potable Water Consumption**

1. In order to conserve potable water supplies, all landscaped areas other than those buffer areas located within 30 feet of the Anclote River and within 15 feet of a jurisdictional wetland, will be irrigated by reclaimed wastewater. Where reclaimed wastewater is not suitable or available, xeriscapic landscaping principles will be employed.
2. The Developer will obtain a permit from SWFWMD for the proper abandonment of the existing domestic well.
3. Water-saving devices shall be used within the Development, as mandated by the Florida Water Conservation Act, Section 553.14, F.S.
4. The water conservation fixtures and measures referenced in the ADA shall be required.
5. The City has adequate potable water capacity, facilities, and services to serve the Property for the Development, as contemplated herein.
6. The City has the ability to provide adequate reclaimed wastewater to the Property to serve the Development, as contemplated herein.

**J) Wastewater Generation**

The City has adequate wastewater treatment, collection, and disposal capacity to serve the Property for the Development, as contemplated herein. The Developer shall be responsible for construction of the internal wastewater collection system.

**K) Land Use Map Amendment**

1. Within three (3) months after the effective date of this Development Order the Developer must submit a complete application for an amendment to the Future Land Use Map of the Tarpon Springs Comprehensive Plan. This amendment application will provide for the reclassification of the jurisdictional wetlands in the west one-half of the Property to the Preservation designation.
2. Within six (6) months after the effective date of this Order, the Developer will cause to be removed all billboards and other forms of off-site advertising from the site.

**L) Transportation**

Two (2) options to mitigate the impacts of the Development upon the regional transportation system are available to the Developer. Option 1 is selected by the Developer at this time. Option 2 may be selected by the Developer at some future time subject to the provisions of Chap. 9J-2.045(7)(a)4 and this Development Order. Generally,

- Option 1 describes specific improvements to Keystone Road, U.S. Highway 19, and Jasmine Avenue, and a transportation system management requirement.
- Option 2 provides for a monitoring schedule for the mitigation of transportation impacts

Option 1. Portions of U.S. 19 and Keystone Road are significantly impacted state and regional roads which will operate below the adopted level of service before buildout of the Development. In addition, Jasmine Avenue is a significantly impacted local collector road which will operate below the adopted level of service before buildout of the Development. The following specific improvements to U.S. 19, Keystone Road, and Jasmine Avenue shall be guaranteed to be in place and operational, or under actual construction for the entire improvement by the described stage of development. In addition, the Transportation System Management measures described below shall be implemented:

1. U.S. Highway 19

- a) Prior to the issuance of a certificate(s) of occupancy for 40,000 square feet of office or any use which generates in excess of 40 or more a.m. peak hour inbound trips from northbound U.S. Highway 19, pursuant to the methodology of the ADA, but not later than buildout (December 31, 2000, as described in Section 8 of this Development Order), a northbound right turn lane, shown graphically on Exhibit "C," shall be in place or under actual construction by the Developer or other party which has assumed the Developer's obligation.
- b) Prior to the issuance of a certificate(s) of occupancy for 90,000 square feet of office or any use which generates in excess of 100 p.m. 60 or more a.m. peak hour inbound trips from southbound U.S. Highway 19, pursuant to the methodology of the ADA, but not later than buildout (December 31, 2000, as described in Section 8 of this Development Order) a southbound left turn lane, shown graphically on Exhibit "C," shall be in place or under actual construction by the Developer or other party which has assumed the Developer's obligation.
- c) If a signal at the main entrance of the Development on U.S. 19 is authorized, the Developer shall install this signal at its expense.

For the purposes of determining trip generation, Table 2 of this Resolution or an actual traffic count conducted in accordance with the FDOT 1995 LOS Service Manual will be employed.

**TABLE 2**  
**Trip Generation Rates**

<u>Land Use</u>	<u>PM Peak Hour Trip Rates</u>
Corporate Office (ITE 714)	1.40 / 1,000 sq. ft.
General Office (ITE 710)	1.87 / 1,000 sq. ft.
Office Park (ITE 750)	1.51 / 1,000 sq. ft.
Specialty Retail (ITE 820)	6.56 / 1,000 sq. ft.

2. Keystone Road

- a) Keystone Road, a regionally significant roadway, is currently operating at LOS "F" between U. S. Highway 19 and East Lake Road (C.R. 611). The adopted level of service standard is LOS "D." The Development is projected to contribute 15.7% of the adopted LOS capacity at peak hour for this roadway segment.
- b) The 1998 - 2002 Pinellas County Capital Improvement Program, Item #920522 provides for the design, right-of-way acquisition and widening of this segment of roadway from two lanes to a four lane divided facility. Construction of this improvement is scheduled to begin in F.Y. 2000/01 and be completed in F.Y. 2001/02. The total estimated cost is \$14,321,000.
- c) This segment of Keystone Road is not significantly impacted by the Development until the issuance of certificates of occupancy for more than 145,000 gross square feet of office or any other use(s) which generates more than 36 p.m. peak hour trips on this segment of Keystone Road. Accordingly, this level of development is permitted without the described improvements to Keystone Road being required to be committed for construction. For the purposes of determining trip generation, Table 2 of this Resolution or an actual traffic count conducted in accordance with the FDOT 1995 LOS Service Manual will be employed.

3. Jasmine Avenue

- a) Jasmine Avenue, between Keystone Road and the south property line of the Development, is functionally classified as a major collector by the Tarpon Springs Comprehensive Plan. This segment is required for secondary access to the Development and is projected to carry at least 18% of the project traffic. In order to provide a safe and adequate connection between the Development and the arterial highway system, Jasmine Avenue, including the intersection improvements shown graphically in Exhibit "D", shall be constructed in accordance with Pinellas County and City design standards. This improvement will be in place, or under actual construction by the Developer or another party which assumes the Developer's obligation not more than one (1) year following the issuance of building permits for 125,000 square feet of office or any use or combination of uses which generates in excess of 31 p.m. peak hour trips on Jasmine Avenue. The City shall cease further issuance of building permits for such period as this condition is not met. For the purposes of determining trip generation, Table 2 of this Resolution or an actual traffic count conducted in accordance with the FDOT 1995 LOS Service Manual will be employed.
- b) A mast arm traffic signal at the intersection of Jasmine Avenue and Keystone Road shall be designed, permitted and constructed by the Developer or other party which assumes the Developer's obligation in accordance with the threshold specified in the preceding section and when applicable traffic warrants are met. The design and installation shall be in accordance with applicable standards of the Pinellas County Traffic Engineering Division. The City and Developer recognize that the installation of this traffic signal is subject to approval by the Pinellas County Metropolitan Planning Organization ("MPO"). The installation of a temporary signal, if required because of construction on Keystone Road, satisfies the requirements of this subsection provided a bond, letter of credit, or other surety acceptable to the City, for the installation of a permanent signal, is provided contemporaneously.
- c) In order to provide access and utility services to the Property, the City petitioned the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for a grant of easement involving 7,456 square feet of State land within Section 7, Township 27 South, Range 16 East. Prior to the issuance of the initial Certificate of Occupancy within the Development, the Developer will pay to the City the sum \$13,793.60. This money is intended to reimburse the City for actual out-of-pocket expenditures associated with the acquisition of said easement.

4. Monitoring. The Developer will annually monitor the progress of the guaranteed capital improvements described in subparagraphs 2 and 3 above. The results of the monitoring shall be reported in the annual report. The City shall cause further issuance of building permits to cease immediately at the time the annual monitoring report reveals that any needed transportation improvements are no longer scheduled or guaranteed, or have been delayed in schedule such that they are no longer consistent with the timing criteria of Rule 9J-2.045(7)(a)1.a., FAC.

5. Transportation Systems Management ("TSM")

a) Bus stop. The Developer will work with the Pinellas Suncoast Transit Authority ("PSTA" ) to locate bus service, including a sheltered stop, within the Development. This bus stop shall constitute a TSM technique. Upon issuance of certificates of occupancy for 200,000 square feet of office space (or the equivalent thereof in terms of trip generation), the bus stop shall be annually assessed to determine whether the diversion of vehicle trips described in the ADA is being achieved. If not, the Developer shall seek an amendment to this Development Order to incorporate additional roadway improvements and/or TSM plans, if warranted.

b) Pinellas Trail connection. The Development will provide a hard surfaced bicycle lane between the proposed extension of the Pinellas Trail and the principal buildings.

Option 2. Level of Service Monitoring.

Issuance of a building permit for the Development shall require approval of a monitoring schedule for the mitigation of impacts from the proposed development on each significantly impacted roadway listed in Exhibit "E," which will operate below the adopted level of service standard at the end of the Development's buildout, or, alternatively, a subphase of the Development. The schedule shall comply with Rule 9J-2.045(7)(a)(4), FAC and shall identify each roadway improvement which is necessary to achieve the adopted level of service standard, and indicate the amount of development and the timing of that development which will cause a roadway to operate below the adopted level of service. In the circumstance where the schedule does not identify the necessity and timing of improvements for the phase or subphase, the City shall require that building permits for the phase or subphase will not be issued until the appropriate written approval from the City and DCA is obtained and any needed mitigation requirements are complied with.

**M) Credits Against Impact Fees**

The Developer will be responsible for the payment of transportation impact fees pursuant to Pinellas County Ordinance 86-43, as amended. The Developer shall be entitled to credits against impact fees for the improvements required under Subsection 5.L. of this Resolution and/or Live Oak Street Phase III, as allowed

by Ordinance 86-43, including without limitation, the Jasmine Avenue improvement and signalization. Prior to such credits, the Developer and City will enter into a written agreement.

**N) Transportation Monitoring**

In addition to the transportation improvements and monitoring described in Subsection 5.L, the following transportation monitoring requirements shall also be required:

1. When certificates of occupancy have been issued for 300,000 square feet of office (or the equivalent thereof in terms of trip generation), an annual traffic monitoring program shall be instituted to provide peak-hour counts at the project entrance(s) to verify that the projected number of external trips for the Development are not exceeded. Counts will continue through build-out of the project or the expiration of the Development Order, whichever comes first. The traffic count information shall be supplied to the City, the TBRC, and DCA in conjunction with the ~~required DR~~ Annual Report. A demonstrated increase of more than fifteen percent (15%) of the external trips shall constitute a substantial deviation pursuant to Chapter 380.06(19), F.S.

In the event of a substantial deviation based on increased external trips, the revised transportation analysis required pursuant to 380.06(19), F.S., will 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.

2. If the annual trip counts for the Development exceed the previous counts by more than ten percent (10%), then a traffic signal warrant study shall be undertaken at Keystone Road and Jasmine Avenue within one year of the annual report date. The results of the warrant study shall be provided in the required annual report of the following year.

**O) Air Quality**

The measures to reduce erosion, fugitive dust and air emissions referenced in the ADA, at minimum, shall be implemented. The transportation improvements to Keystone Road described in Section 5.L. will address any air quality issues with respect to Keystone Road.

**P) Floodplains and Hurricane Preparedness**

1. The Developer shall maintain emergency response plans for the Development which includes the coordination and procedures for building security and property loss mitigation, evacuation of employees in a timely manner, and disaster recovery.

2. The Developer shall coordinate with Pinellas County and Pasco County Departments of Emergency Management to enhance emergency public awareness and response-and-recovery capabilities.
3. Any real estate disclosure forms, deeds of sale or lease agreements, for land and/or structures in the hurricane vulnerability zone shall be accompanied by a hazard disclosure statement generally describing the Properties relative probability of damage for hurricane, surge, freshwater flooding, and velocity wave action.
4. Elevations for habitable structures shall be at or above the base floor elevation.

**Q) Solid Waste**

1. A commercial hauler franchised from time to time by the City shall provide necessary solid waste collection and disposal for the Development.
2. In the event that hazardous materials are located on the Property, the hazardous materials shall be handled in a manner consistent with applicable federal, state and local regulations, including Rule 9J-2.044, FAC

**R) Energy**

The energy conservation measures referenced on page 99 of the ADA shall be required.

**S) Recreation and Open Space**

The Developer, or its assigns, shall be responsible for maintenance of any recreation and open space areas within the Development.

**T) Archaeological and Historic Resources**

The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historic Resources and the City, consistent with Rule 9J-2.043, FAC

**U) Election**

The Developer has elected, pursuant to Subsection 380.06(5)(c), F.S., to be bound by the provisions of Chapter 403 and 373 in effect at the time that this Development Order is issued. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), F.S., affect the determination as to which laws, rules, or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in the Development Order to the contrary.

**Section 6. TRADE-OFF MECHANISM**

In recognition of the size, scope and duration of this Development, changing economic conditions and circumstances, limited flexibility to exchange development totals of land uses in a manner wherein there are no adverse impacts resulting from such an exchange is hereby established. The criteria of this section provide that there will be no net increase in potable water consumption, wastewater generation, solid waste production, affordable housing demand and, particularly, external vehicle trips.

To ensure that the overall character of the project does not change as a result of this trade-off mechanism, the minimum/maximum ranges of development in Table 3 were established based upon non-exceedance of the most restrictive public facility demand factor.

**TABLE 3  
MINIMUM AND MAXIMUM LAND USES**

<u>LAND USE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Office	283,000	517,000
Specialty Retail/ Shopping Center	25,000	75,000

**TABLE 4  
IMPACT ON PUBLIC FACILITIES**

<u>LAND USE</u>	<u>P.M. Peak Hour Trips</u>	<u>Potable Water (gpd)</u>	<u>Sanitary Sewer (gpd)</u>	<u>Solid Waste (lbs./day)</u>	<u>Affordable Housing (Hd. Hsehd.)</u>
Corp./General Office	1.40/1,000 sq.ft.	.15 / sq.ft.	.10 / sq.ft.	.01 / sq.ft.	1.11 / 1000 s.f.
Office Park	1.51/1,000 sq.ft.	.15 / sq.ft.	.10 / sq.ft.	.01 / sq.ft.	1.11 / 1000 s.f.
Retail Center	6.56/1,000 sq.ft.	.15 / sq.ft.	.12 / sq.ft.	.05 / sq.ft.	.83 / 1000 s.f.

**TABLE 5  
LAND USE EXCHANGE RATES (PER 1,000 SQ. FT.)\***

FROM		TO		
	ITE CODE	CORP./ GEN OFFICE	OFFICE PARK	CENTER
CORP / GENERAL OFFICE	710, 714		925 SQ. FT.	210 SQ. FT.
OFFICE PARK	750	1,075 SQ. FT.		230 SQ. FT.
RETAIL CENTER	820	4,685 SQ. FT.	4,350 SQ. FT.	

\* EXAMPLE CALCULATION: Exchange 1,000 square feet of Office for 210 square feet of Retail Center.

The Developer shall provide to DCA and TBRC not less than thirty (30) days' written notice prior to issuance of an affected building permit of its intention to utilize the trade-off mechanism. Each annual report shall include clear information regarding any application of the trade-off mechanism.

**Section 7. GENERAL CONDITIONS**

The Developer's commitments set forth in the ADA as summarized on pages 17-19 of the TBRC Final Report are incorporated herein by reference except to the extent superseded by specific terms of this Development Order.

**Section 8. COMMENCEMENT OF DEVELOPMENT / EXPIRATION OF ORDER**

The Development permitted hereunder shall commence by December 31, 1998, unless the time periods for commencement and buildout are extended by the City, subject to the requirements of Chapter 380.06(19), F.S.

This Development Order shall remain in effect through December 31, 2000 (the buildout date). This Development Order may be extended by the BOC, subject to the requirements of Chapter 380.06(19), F.S.

Upon adoption, certified copies of this Development Order shall be transmitted by the City's Clerk, via certified mail, to the DCA, TBRC, and ABR, pursuant to Chapter 380, F.S.

ABR shall record a Notice of Adoption of this Development Order as required pursuant to Chapter 380, F.S.

The Development Order shall take effect as provided for in Section 12 of this Resolution.

**Section 9. DENSITY / INTENSITY REDUCTION**

Prior to the expiration date of this Development Order, as may be amended from time to time, except in response to a petition filed by the Developer, the City may not downzone or reduce the non-residential intensity permitted by this Development Order, unless the City can demonstrate that:

1. Substantial changes in the conditions underlying the approval or the Order have occurred; or
2. the Development Order was based upon substantially inaccurate information provided by the Developer; or
3. the change is clearly established by the City to be essential to the public health, safety and welfare.

For the purposes of this Section, the terms "downzone" and "reduction" shall refer only to changes in the Official Zoning Map, Future Land Use Plan designation or those development regulations which directly decrease the development rights approved by this order, and shall not be construed to prohibit legally enacted changes of the City's land development regulations which do not decrease such development rights.

**Section 10. SUCCESSORS AND ASSIGNS**

This Development Order shall be binding upon the Developer, its successors, assigns, or successors-in-interest.

**Section 11. MONITORING PROCEDURES**

The Director of Planning and Zoning of the City of Tarpon Springs is responsible for ensuring compliance with this Development Order. Monitoring will be accomplished by review of the Annual Report, building permits, certificates of occupancy, subdivision plats, development agreements, adopted capital improvement programs and by on-site observations.

**Section 12. EFFECTIVE DATE**

This Resolution shall be effective upon adoption.

- |             |  |
|-------------|--|
| Exhibit "A" | Legal Description of Property  |
| Exhibit "B" | DRI Master Plan (the Development)  |
| Exhibit "C" | Graphic Depiction of Improvements to US 19                                   |
| Exhibit "D" | Graphic Depiction of Improvements to Jasmine Ave./Keystone Ave. Intersection |
| Exhibit "E" | Transportation Improvements, per TBRC Final Report                           |

EXHIBIT "A"  
TO RESOLUTION 98-76

That certain piece, parcel, or tract of land lying in and being part of the West one-third of Lot 41, Lot 42, that part of Lot 45 and Lot 46 lying east of U.S. Highway 19, Lot 47, and Lot 48, Tampa and Tarpon Springs Land Company as recorded in Plat Book H-1, Page 116, of the Public Records of Pinellas (formerly Hillsborough) County, Florida, lying in and being part of the southeast quarter of Section 6, Township 27 South, Range 16 East, Pinellas County, Florida, together with Block 90, Block 91, part of Block 96 and that part of Block 94, Block 97, and Lot 2, Block 98 lying East of U.S. Highway 19, official map of the Town of Tarpon Springs, as recorded in Plat Book 4, page 79, of the Public Records of Pinellas County, Florida, lying in and being part of the Northeast quarter of Section 7, Township 27 South, Range 16 East, Pinellas County, Florida, being more particularly described as follows:

From the Southeast corner of said Section 6, also being the northeast corner of said Section 7, N85°41'36"W, by and along the South boundary of said Section 6, also being the North boundary of said Section 7, a distance of 460.72 feet to the Northeast corner of said Block 90, for a Point of Beginning.

- (1) thence continue N85°41'36"W, by and along said boundary between said Section 6 and Section 7, a distance of 424.52 feet to the Southeast corner of said 42;
- (2) thence N00°07'19"W, by and along the east boundary of said Lot 42 and the west one-third of said Lot 41, a distance of 1,319.40 feet to the North boundary of said Lot 41;
- (3) thence N85°39'52"W, by and along the North boundary of said Lot 41 and said Lot 45, a distance of 1,380.75 feet to the east right-of-way of U.S. Highway 19;
- (4) thence S00°04'24"W, by and along said east right-of-way, a distance of 2,359.49 feet to the North boundary of a Florida Power Corporation right-of-way, as recorded in Deed Book 458, Pages 122 and 123 of the Public Records of Pinellas County, Florida;
- (5) thence N77°44'54"E, by and along said North boundary, a distance of 1,977.27 feet to the easterly boundary of said Block 96 and Block 90;
- (6) thence N14°36'59"W, by and along said easterly boundary, a distance of 500.44 feet to the Northeast corner of said Block 90, and the Point of Beginning.

Containing 74.66 acres, more or less, and subject to easements of records.

LESS AND EXCEPT those lands taken by the Florida Department of Transportation pursuant to that certain Orders of Taking recorded May 7, 1986 in Office Records Book 6222, at page 2159 and recorded June 17, 1986, recorded in Official Records Book 6251, at page 121, all in the Public Records of Pinellas County, Florida.



ANCILOTE RIVER

EXHIBIT "B"  
TO  
RESOLUTION 98-76

PRESERVATION  
89.77 Acres

OPEN SPACE  
min. 29.6 Acres

50,000sf  
RETAIL

5.0 +/- Acres

400,000sf  
OFFICE

40.0 +/- Acres

RETAIL  
PARKING  
SPACES  
285 max

SITE ACCESS

PRESERVATION  
19.9 +/- Acres

SITE ACCESS \*

Notes:

Minimum Open Space includes Preservation areas.

The term "Preservation", as used in the Development Order and on this Map H, is defined by the City's adopted Comprehensive Plan, including the Future Land Use Map and the goals, objectives, and policies of the City's Comprehensive Plan. All development activities in the Preservation area will be consistent with the City's adopted Comprehensive Plan.

Any changes in the plan of development resulting from the requirements imposed or permits issued by the FDEP, SWFWMD, or USCOE shall be presumed not to require further DRI review pursuant to Section 380.06(19)(d), Florida Statutes. However, the Development Order shall be amended to reflect these changes.

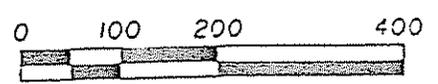
# MASTER DEVELOPMENT PLAN

REVISED  
**MAP H**

September 23, 1998

EXHIBIT "C"  
TO RESOLUTION 98-76

N

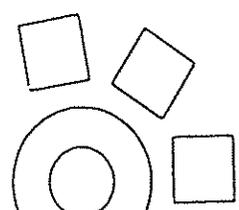


SCALE: 1" = 200'

ADD SOUTHBOUND  
LEFT TURN LANE

ADD ACCELERATION LANE

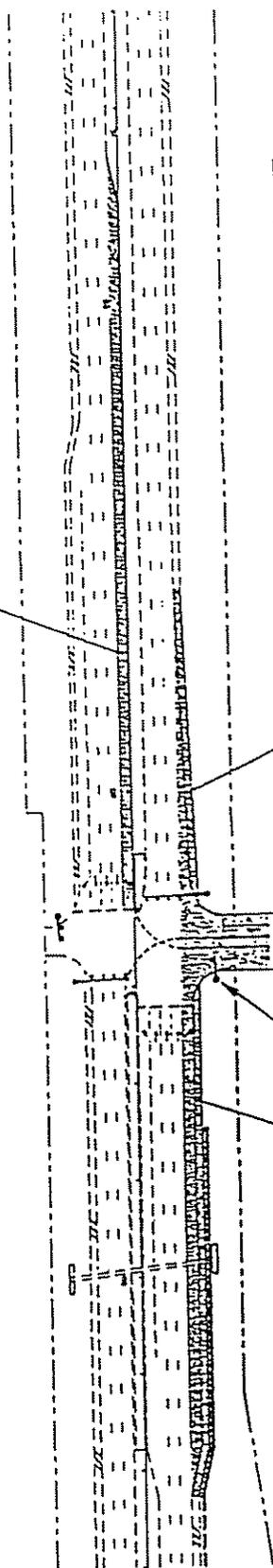
ABR PLAZA

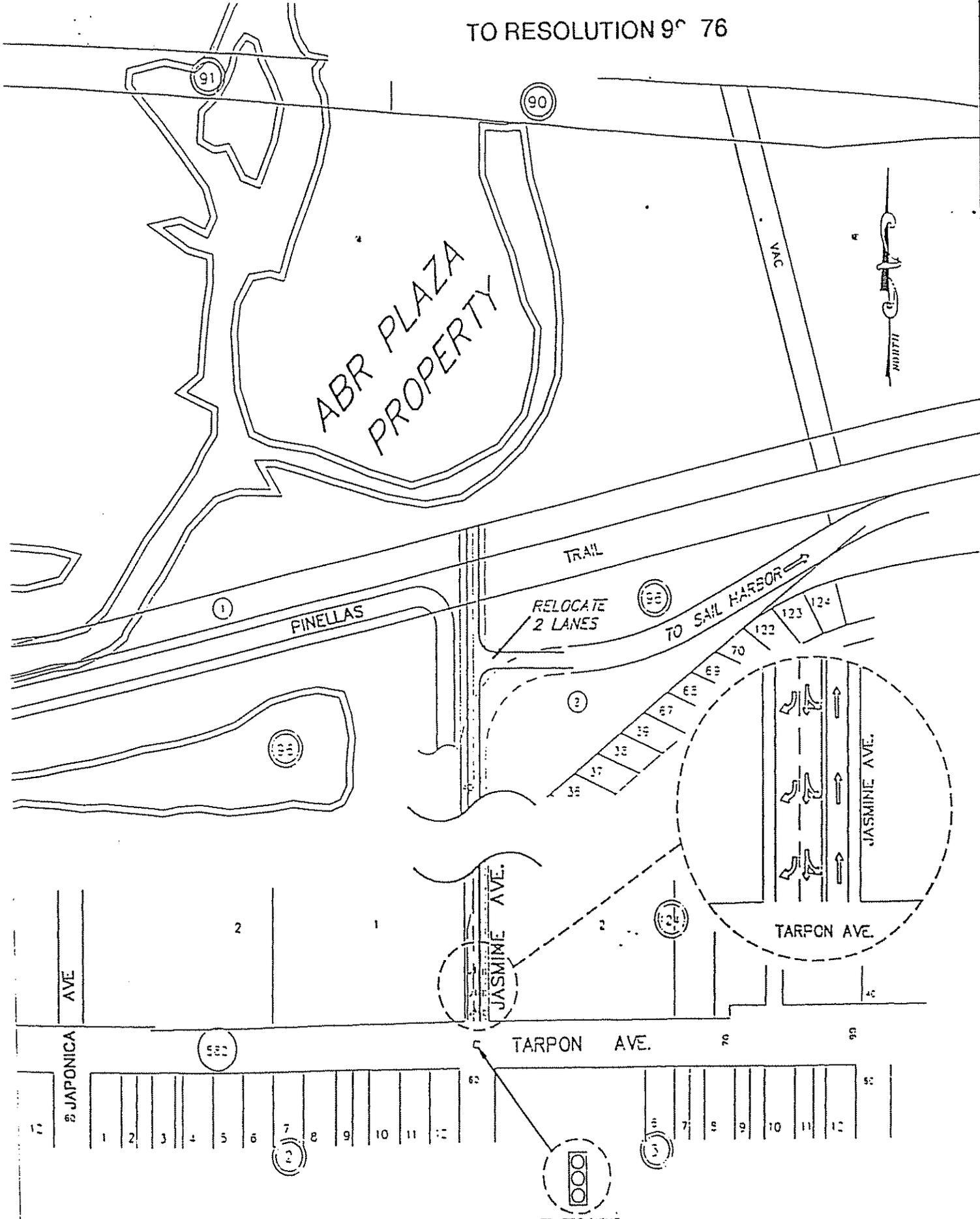


ADD SIGNALIZATION

ADD NORTHBOUND  
RIGHT TURN LANE

 = ADDITIONAL PAVEMENT





NOTE:  
THIS IS NOT A  
BOUNDARY SURVEY.

CITY OF TARPON SPRINGS  
324 E. PINE STREET  
TARPON SPRINGS, FL 34688

DATE 05 10 97	SCALE 1"=200'
FILE 457-155	DRAWN BY JLV

**EXHIBIT "E"**  
**TRANSPORTATION IMPROVEMENTS**

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (%) Prior to Improvement	Required Improvement
Keystone Road- from Jasmine Ave. to East Lake Road	F	15.7	Widen to four lanes divided
U.S 19 at ABR Plaza Entrance	F	N/A	Construct NB right turn lane, SB left turn lane. Signalize when warranted by MUTCD.
Keystone Road at Jasmine Avenue	F	N/A	Signalize when warranted by MUTCD.

0157183.02

L. F. DiDonato DC  
L. F. DIDONATO, DC, MAYOR-COMMISSIONER

Karen Brayboy  
KAREN BRAYBOY, MAYOR PRO TEMPORE

George Bobotas  
GEORGE BOBOTAS, COMMISSIONER

David O. Archie  
DAVID O. ARCHIE, COMMISSIONER

Beverly G. Billiris  
BEVERLY G. BILLIRIS, COMMISSIONER

MOTION BY: COMMISSIONER BRAYBOY  
SECOND BY: COMMISSIONER ARCHIE

VOTE ON MOTION

COMMISSIONER BILLIRIS Yes  
COMMISSIONER ARCHIE Yes  
COMMISSIONER BOBOTAS Yes  
MAYOR PRO TEMPORE BRAYBOY Yes  
MAYOR DIDONATO Yes

ATTEST:

Kathy M. Alesafis  
KATHY M. ALESAFIS, CMC  
CITY CLERK & COLLECTOR

APPROVED AS TO FORM:

John Hubbard  
JOHN HUBBARD  
CITY ATTORNEY

I, KATHY M. ALESAFIS, City Clerk and Collector of the City of Tarpon Springs, Florida, hereby certify that the attached and foregoing is a full, true, complete and correct copy of the original of which is now in the original records of the City.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of Tarpon Springs, Florida, this 3rd day of November 1998  
Kathy M. Alesafis  
KATHY M. ALESAFIS  
CITY CLERK & COLLECTOR



RT ✓  
#232 T0 -

# City of Tarpon Springs, Florida

324 E. PINE STREET  
P.O. BOX 5004  
TARPON SPRINGS, FLORIDA 34688-5004  
(813) 938-3711  
FAX (813) 937-8199

June 5, 1998

Certified Mail P 614 891 006

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

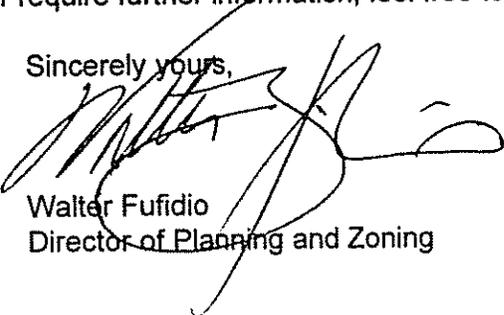
Dear Ms. Greene,

Enclosed please find a certified copy of Resolution 98-20, the Development Order for D.R.I. #232, ABR Plaza. The Tarpon Springs Board of Commissioners adopted this Resolution on June 02, 1998. A copy of the legal advertisement and affidavit is enclosed for your records.

Please be advised that comprehensive plan amendments directly related to this D.R.I., Ordinances 97-06 and 97-10 (DCA #97-DI) were adopted at the same hearing. These adopted amendments are being forwarded under separate cover.

If you have any questions or require further information; feel free to contact me.

Sincerely yours,



Walter Fufidio  
Director of Planning and Zoning

WF/bv

Encs.

**RESOLUTION No. 98- 20**

**A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380.06 ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY ABR PROPERTIES, INC.; PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR CONDITIONS; PROVIDING FOR A TRADE-OFF MECHANISM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, ABR Properties, Inc. ("Developer" or "ABR") is the owner of a 74± acre site located on the Anclote River in Sections 6 and 7, Township 27 South, Range 16 East (the "Property"), which is located entirely within the City of Tarpon Springs ("City"); and

**WHEREAS**, on December 02, 1996, ABR filed an Application for Development Approval ("ADA") of a Development of Regional Impact known as ABR Plaza, DRI #232, and sufficiency response documents dated April 21, 1997, and June 30, 1997, (hereinafter collectively referred to as the "ADA") all with respect to the Property, pursuant to the provisions of Chapter 380.06, F.S.; and

**WHEREAS**, on July 10, 1997, the Tampa Bay Regional Council ("TBRC") notified the City that it should set a public hearing date to consider the ADA; and

**WHEREAS**, on March 03, 1998, the Tarpon Springs Board of Commissioners ("BOC"), the governing body of the local government having jurisdiction pursuant to Chapter 380.06, F.S., and authorized and empowered to consider applications for development of regional impact ("DRI") approval, set the date for the public hearing on this Development Order; and

**WHEREAS**, on September 08, 1997, the TBRC issued the DRI Final Report, including mitigation recommendations for development of the ABR PLAZA DRI; and

**WHEREAS**, on April 27, 1998 the Planning & Zoning Board, acting as the local planning agency ("LPA") for the City of Tarpon Springs, conducted a public hearing on the ADA and this Resolution and recommended approval of this Resolution; and

**WHEREAS**, written and published legal notice of this action has been provided in accordance with Florida Statutes and the Tarpon Springs Comprehensive Zoning and Land Development Code; and

**WHEREAS**, the BOC has on June 02, 1998, held a duly noticed public hearing on the ADA and heard and considered testimony, reports, comments and recommendations from the City staff, ABR, state and regional DRI review agencies, and interested citizens.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA THAT:**

**Section 1. RECITALS**

The recitals contained in the preamble to this Resolution are true and correct and are incorporated by reference herein.

**Section 2. DEVELOPMENT ORDER APPROVAL**

This Resolution shall constitute the Development Order of the City issued in response to the ADA. The ADA is hereby approved, subject to the terms and conditions of this Resolution. The real property subject to this Development Order is described in Exhibit "A" (the "Property") and is located within the municipal limits of the City.

**Section 3. FINDINGS OF FACT**

The BOC, having received the ADA and having received all related comments, testimony and evidence, finds there is substantial competent evidence to support the following findings of fact:

- A) The ADA is comprised of the Application for Development Approval submitted on December 02, 1996, together with the later filed sufficiency responses dated April 21, 1997, and June 30, 1997, and is incorporated herein by reference as if fully set forth herein.
- B) The Developer proposes development of up to 400,000 square feet of office on 40.0± acres; up to 50,000 square feet of retail on 5.0± acres; and the preservation of 28.8± acres of freshwater and saltwater wetlands as shown on the Master Development Plan attached hereto and incorporated herein as Exhibit "B" (the "Development"). The square footages of office

and retail are subject to the trade-off mechanism of Section 6 of this Resolution.

- C) The Property is not located in an area of critical state concern as designated by Chapter 380.05, F.S.
- D) The Development, as conditioned, is consistent with the adopted Tarpon Springs Comprehensive Plan and the Tarpon Springs Comprehensive Zoning and Land Development Code.
- E) The Development will not unreasonably interfere with the achievement of the objectives of an adopted State Land Development Plan applicable to the area.
- F) The Development is consistent with the State Comprehensive Plan, in particular Sections 187.201(8)(b)5 and 12, 187.201(16)(b)1 and 187.201(22)(b)1,7 & 12, F.S.
- G) The Development, as conditioned, is consistent with the "DRI Final Report" issued by the TBRC on September 08, 1997, for ABR PLAZA, DRI #232.

#### **Section 4. CONCLUSIONS OF LAW**

The BOC, having made the above findings of fact, reaches the following conclusions of law:

- A) These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, ABR, its successor in interest, or its designee, is authorized to conduct development of the Property as described herein, subject to the conditions, restrictions, and limitations set forth below.
- B) The review by the City, the TBRC, and other participating agencies and interested citizens reveals that impacts of the Development are adequately addressed pursuant to the requirements of Chapter 380.06, F.S., within the terms and conditions of this Development Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Development Order, the terms and conditions of this Development Order shall prevail.

**Section 5**    **CONDITIONS OF APPROVAL**

The BOC, having made the above findings of fact and having drawn the above conclusions of law, hereby approves development of the Property, as presented in the ADA, subject to the conditions, restrictions and limitations herein:

- A) For purposes of this Development Order the term Developer shall mean ABR, its assignees or successors in interest. ABR's current authorized agent is Mr. Joseph C. Lukason, President, ABR Properties Inc., 34125 US Highway 19 North, Palm Harbor, FL 34684-2116. In the event the ownership or Developer information changes, ABR will notify the City, TBRC, and the Department of Community Affairs ("DCA") in writing, and such change shall not require an amendment to this Development Order.
- B) The DRI Master Plan, "Revised Map H" prepared by King Engineering Assocs., attached hereto and incorporated herein as Exhibit "B," is hereby approved and becomes part of the Development Order.
- C) The Development of the ABR Plaza shall proceed in accordance with the following land use and phasing schedule:

**TABLE 1**  
**PHASING SCHEDULE**

<u>PHASE</u>	<u>BUILD OUT DATE</u>	<u>USE</u>	<u>GROSS FLOOR AREA</u>
ONE	12-31-00	OFFICE	400,000 SQ.FEET
		RETAIL	50,000 SQ.FEET

The development totals may vary based upon the use of the trade-off mechanism set forth in Section 6 of this Resolution.

**D) Substantial Deviations**

Changes to the Development meeting the criteria set forth in Chapter 380.06(19), F.S. may constitute a substantial deviation, and shall be subject to a substantial deviation determining review pursuant to Chapter 380, F.S.

**E) Annual Reports**

The Developer shall submit annual reports to the City, the TBRC, the DCA, the Florida Department of Environmental Protection ("FDEP") and the Southwest Florida Water management District ("SWFWMD") on May 8, 1999, and on May 8 of each following year until such time as all terms and conditions of this Development Order are satisfied or the authority to develop under this Development Order has expired. In addition to the information required by Form RPM-BSP-ANNUAL REPORT-1, the Developer will include a report of the annual inspection of the surface water management system, the biannual water quality monitoring, and any application of the trade-off mechanism set forth below.

**F) Vegetation and Wildlife**

1. A minimum thirty (30) foot wide buffer shall be preserved adjacent and parallel to the mean high water line of the Anclote River. This buffer area will be left at existing grade and existing native vegetation will be maintained.
2. A minimum fifteen (15) foot wide buffer will be maintained adjacent and parallel to jurisdictional wetland areas that remain after permitting. This buffer area will be left at its existing grade, and existing native vegetation will be maintained.
3. To the extent not already conducted, the Developer shall conduct wildlife surveys consistent with the requirements of the Florida Game and Fresh Water Fish Commission ("FGFWFC") prior to the issuance of site development permits. Except as provided in the following subsection, in the event that any species listed in Rules 9J-2.041 or 39-27.003-.005, Florida Administration Code ("FAC") (other than the Sherman fox squirrel and the gopher tortoise, which have been reviewed), are observed frequenting the site for nesting, feeding, or breeding, mitigation measures pursuant to 9J-2.041 FAC shall be employed.
4. Impacts to the gopher tortoise population that exist on the Property, can be mitigated in accordance with existing law, which includes, but is not limited to obtaining a relocation permit or an incidental take permit from the FGFWFC.

**G) Wetlands**

1. The saltwater marsh areas located north of the mean high water line of the Anclote River are designated as natural resources of regional significance by the TBRC. The proposed comprehensive plan classification, zoning district and this Development Order require the preservation of this natural resource. Any proposal to impact such wetlands, other than permitted stormwater management facilities or raised boardwalks, shall require a substantial deviation review and amendment to this Development Order to incorporate a finding of over-riding public interest and mitigation at a ratio of at least 3 created : 1 impacted.
2. If mitigation by habitat re-creation is employed as a permitting requirement, then the plant material used shall be native plant material that replaces the natural value and function of the habitat being disturbed. Re-created habitat mitigation areas will be monitored annually by the Developer until the expiration of this Development Order for the purpose of obtaining an 85 percent final coverage of the desired species. If the 85 percent coverage is not achieved, then non-surviving plant material shall be replaced by the Developer until the 85 percent coverage is achieved.

**H) Stormwater Management and Water Quality**

1. The Anclote River is an Outstanding Florida Water ("OFW") pursuant to Chapter 403, F.S. In order to protect the water quality of the Anclote River, stormwater management systems shall be designed, constructed and maintained to meet or exceed Chapter 17 FAC and Chapter 40D-4, FAC. If stormwater management systems are designed to discharge into the Anclote River, then the treatment system shall meet OFW criteria.
2. In order to protect water quality in the Anclote River, there shall be no degradation of ambient water quality standards by stormwater exiting the Property, beyond those allowable by the rules and regulations of the agencies having jurisdiction. Therefore, the Developer will undertake a biannual surface water quality monitoring program, to be instituted before ground-breaking and continuing through the buildout of the Development, or the expiration of this Development Order, whichever comes first. Any violation of the water quality standards of Chapter 17, FAC, shall require corrective measures as set forth below and by FDEP. The following shall apply to the biannual surface water quality monitoring program:

- a) Samples shall be obtained at stormwater outfalls exiting the Property that discharge into the Anclote River, or as otherwise required by permitting agencies having jurisdiction.
  - b) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with FDEP Quality Control Standards and Requirements.
  - c) The monitoring results shall be submitted to the City, FDEP, and SWFWMD when completed, and to the TBRC in the Annual Report required pursuant to Chapter 380.06, F.S. Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to FDEP immediately. In such event, the Developer shall immediately take steps to correct the violation. If the violation has not been corrected within two (2) weeks after the City and/or Developer determines that a violation has occurred, then all construction activities within the subbasin(s) where the violation is noted shall cease until the violation is corrected; or if the specific construction activities can be identified as causing the violation, such activities shall cease until the violation is corrected.
3. The on-site detention/retention ponds and control structures will be owned, operated and maintained by the Developer.

**I) Potable Water Consumption**

1. In order to conserve potable water supplies, all landscaped areas other than those buffer areas located within 30 feet of the Anclote River and within 15 feet of a jurisdictional wetland, will be irrigated by reclaimed wastewater. Where reclaimed wastewater is not suitable or available, xeriscapic landscaping principles will be employed.
2. The Developer will obtain a permit from SWFWMD for the proper abandonment of the existing domestic well.
3. Water-saving devices shall be used within the Development, as mandated by the Florida Water Conservation Act, Section 553.14, F.S.
4. The water conservation fixtures and measures referenced in the ADA shall be required.

5. The City has adequate potable water capacity, facilities, and services to serve the Property for the Development, as contemplated herein.
6. The City has the ability to provide adequate reclaimed wastewater to the Property to serve the Development, as contemplated herein.

**J) Wastewater Generation**

The City has adequate wastewater treatment, collection, and disposal capacity to serve the Property for the Development, as contemplated herein. The Developer shall be responsible for construction of the internal wastewater collection system.

**K) Land Use Map Amendment**

1. Within three (3) months after the effective date of this Development Order the Developer must submit a complete application for an amendment to the Future Land Use Map of the Tarpon Springs Comprehensive Plan. This amendment application will provide for the reclassification of the jurisdictional wetlands in the west one-half of the Property to the Preservation designation.
2. Within six (6) months after the effective date of this Order, the Developer will cause to be removed all billboards and other forms of off-site advertising from the site.

**L) Transportation**

Two (2) options to mitigate the impacts of the Development upon the regional transportation system are available to the Developer. Option 1 is selected by the Developer at this time. Option 2 may be selected by the Developer at some future time subject to the provisions of Chap. 9J-2.045(7)(a)4 and this Development Order. Generally,

- Option 1 describes specific improvements to Keystone Road, U.S. Highway 19, and Jasmine Avenue, and a transportation system management requirement.
- Option 2 provides for a monitoring schedule for the mitigation of transportation impacts

Option 1. Portions of U.S. 19 and Keystone Road are significantly impacted state and regional roads which will operate below the adopted level of service before buildout of the Development. In addition, Jasmine Avenue is a significantly impacted local collector road which will operate

below the adopted level of service before buildout of the Development. The following specific improvements to U.S. 19, Keystone Road, and Jasmine Avenue shall be guaranteed to be in place and operational, or under actual construction for the entire improvement by the described stage of development. In addition, the Transportation System Management measures described below shall be implemented:

1. U.S. Highway 19

- a) Prior to the issuance of a certificate(s) of occupancy for any use which generates in excess of 40 peak hour inbound trips from northbound U.S. Highway 19, but in no event later than buildout, a northbound right turn lane, shown graphically on Exhibit "C" shall be in place or under actual construction by the Developer or other party which has assumed the Developer's obligation.
- b) Prior to the issuance of a certificate(s) of occupancy for any use which generates in excess of 100 p.m. peak hour inbound trips from southbound U.S. Highway 19, but in no event later than buildout, a southbound right turn lane, shown graphically on Exhibit "C," shall be in place or under actual construction by the Developer or other party which has assumed the Developer's obligation.
- c) If a signal at the main entrance of the Development on U.S. 19 is authorized, the Developer shall install this signal at its expense.

For the purposes of determining trip generation, Table 2 of this Resolution or an actual traffic count conducted in accordance with the FDOT 1995 LOS Service Manual will be employed.

**TABLE 2**  
**Trip Generation Rates**

<u>Land Use</u>	<u>PM Peak Hour Trip Rates</u>
Corporate Office (ITE 714)	1.40 / 1,000 sq. ft.
General Office (ITE 710)	1.87 / 1,000 sq. ft.
Office Park (ITE 750)	1.51 / 1,000 sq. ft.
Specialty Retail (ITE 820)	6.56 / 1,000 sq. ft.

2. Keystone Road

- a) Keystone Road, a regionally significant roadway, is currently operating at LOS "F" between U. S. Highway 19 and East Lake Road (C.R. 611). The adopted level of service standard is LOS "D." The Development is projected to contribute 15.7% of the adopted LOS capacity at peak hour for this roadway segment.
- b) The 1998 - 2002 Pinellas County Capital Improvement Program, Item #920522 provides for the design, right-of-way acquisition and widening of this segment of roadway from two lanes to a four lane divided facility. Construction of this improvement is scheduled to begin in F.Y. 2000/01 and be completed in F.Y. 2001/02. The total estimated cost is \$14,321,000.
- c) This segment of Keystone Road is not significantly impacted by the Development until the issuance of certificates of occupancy for more than 145,000 gross square feet of office or any other use(s) which generates more than 36 p.m. peak hour trips on this segment of Keystone Road. Accordingly, this level of development is permitted without the described improvements to Keystone Road being required to be committed for construction. For the purposes of determining trip generation, Table 2 of this Resolution or an actual traffic count conducted in accordance with the FDOT 1995 LOS Service Manual will be employed.

3. Jasmine Avenue

- a) Jasmine Avenue, between Keystone Road and the south property line of the Development, is functionally classified as a major collector by the Tarpon Springs Comprehensive Plan. This segment is required for secondary access to the Development and is projected to carry at least 18% of the project traffic. In order to provide a safe and adequate connection between the Development and the arterial highway system, Jasmine Avenue, including the intersection improvements shown graphically in Exhibit "D", shall be constructed in accordance with Pinellas County and City design standards. This improvement will be in place, or under actual construction by the Developer or another party which assumes the Developer's obligation not more than one (1) year following the issuance of building permits for 125,000 square feet of office or any use or combination of uses which generates in

excess of 31 p.m. peak hour trips on Jasmine Avenue. The City shall cease further issuance of building permits for such period as this condition is not met. For the purposes of determining trip generation, Table 2 of this Resolution or an actual traffic count conducted in accordance with the FDOT 1995 LOS Service Manual will be employed.

- b) A mast arm traffic signal at the intersection of Jasmine Avenue and Keystone Road shall be designed, permitted and constructed by the Developer or other party which assumes the Developer's obligation in accordance with the threshold specified in the preceding section and when applicable traffic warrants are met. The design and installation shall be in accordance with applicable standards of the Pinellas County Traffic Engineering Division. The City and Developer recognize that the installation of this traffic signal is subject to approval by the Pinellas County Metropolitan Planning Organization ("MPO"). The installation of a temporary signal, if required because of construction on Keystone Road, satisfies the requirements of this subsection provided a bond, letter of credit, or other surety acceptable to the City, for the installation of a permanent signal, is provided contemporaneously.
  - c) In order to provide access and utility services to the Property, the City petitioned the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for a grant of easement involving 7,456 square feet of State land within Section 7, Township 27 South, Range 16 East. Prior to the issuance of the initial Certificate of Occupancy within the Development, the Developer will pay to the City the sum \$13,793.60. This money is intended to reimburse the City for actual out-of-pocket expenditures associated with the acquisition of said easement.
4. Monitoring. The Developer will annually monitor the progress of the guaranteed capital improvements described in subparagraphs 2 and 3 above. The results of the monitoring shall be reported in the annual report. The City shall cause further issuance of building permits to cease immediately at the time the annual monitoring report reveals that any needed transportation improvements are no longer scheduled or guaranteed, or have been delayed in schedule such that they are no longer consistent with the timing criteria of Rule 9J-2.045(7)(a)1.a., FAC.

5. Transportation Systems Management ("TSM")

- a) Bus stop. The Developer will work with the Pinellas Suncoast Transit Authority ("PSTA" ) to locate bus service, including a sheltered stop, within the Development. This bus stop shall constitute a TSM technique. Upon issuance of certificates of occupancy for 200,000 square feet of office space (or the equivalent thereof in terms of trip generation), the bus stop shall be annually assessed to determine whether the diversion of vehicle trips described in the ADA is being achieved. If not, the Developer shall seek an amendment to this Development Order to incorporate additional roadway improvements and/or TSM plans, if warranted.
- b) Pinellas Trail connection. The Development will provide a hard surfaced bicycle lane between the proposed extension of the Pinellas Trail and the principal buildings.

Option 2. Level of Service Monitoring.

Issuance of a building permit for the Development shall require approval of a monitoring schedule for the mitigation of impacts from the proposed development on each significantly impacted roadway listed in Exhibit "E," which will operate below the adopted level of service standard at the end of the Development's buildout, or, alternatively, a subphase of the Development. The schedule shall comply with Rule 9J-2.045(7)(a)(4), FAC and shall identify each roadway improvement which is necessary to achieve the adopted level of service standard, and indicate the amount of development and the timing of that development which will cause a roadway to operate below the adopted level of service. In the circumstance where the schedule does not identify the necessity and timing of improvements for the phase or subphase, the City shall require that building permits for the phase or subphase will not be issued until the appropriate written approval from the City and DCA is obtained and any needed mitigation requirements are complied with.

**M) Credits Against Impact Fees**

The Developer will be responsible for the payment of transportation impact fees pursuant to Pinellas County Ordinance 86-43, as amended. The Developer shall be entitled to credits against impact fees for the improvements required under Subsection 5.L. of this Resolution and/or Live Oak Street Phase III, as allowed by Ordinance 86-43, including without limitation, the Jasmine Avenue improvement and signalization.

Prior to such credits, the Developer and City will enter into a written agreement.

**N) Transportation Monitoring**

In addition to the transportation improvements and monitoring described in Subsection 5.L, the following transportation monitoring requirements shall also be required:

1. When certificates of occupancy have been issued for 300,000 square feet of office (or the equivalent thereof in terms of trip generation), an annual traffic monitoring program shall be instituted to provide peak-hour counts at the project entrance(s) to verify that the projected number of external trips for the Development are not exceeded. Counts will continue through build-out of the project or the expiration of the Development Order, whichever comes first. The traffic count information shall be supplied to the City, the TBRC, and DCA in conjunction with the ~~if~~ required ~~DR~~ Annual Report. A demonstrated increase of more than fifteen percent (15%) of the external trips shall constitute a substantial deviation pursuant to Chapter 380.06(19), F.S.

In the event of a substantial deviation based on increased external trips, the revised transportation analysis required pursuant to 380.06(19), F.S., will 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.

2. If the annual trip counts for the Development exceed the previous counts by more than ten percent (10%), then a traffic signal warrant study shall be undertaken at Keystone Road and Jasmine Avenue within one year of the annual report date. The results of the warrant study shall be provided in the required annual report of the following year.

**O) Air Quality**

The measures to reduce erosion, fugitive dust and <sup>air</sup> emissions referenced in the ADA, at minimum, shall be implemented. The transportation improvements to Keystone Road described in Section 5.L. will address any air quality issues with respect to Keystone Road.

**P) Floodplains and Hurricane Preparedness**

1. The Developer shall maintain emergency response plans for the Development which includes the coordination and procedures for building security and property loss mitigation, evacuation of employees in a timely manner, and disaster recovery.
2. The Developer shall coordinate with Pinellas County and Pasco County Departments of Emergency Management to enhance emergency public awareness and response-and-recovery capabilities.
3. Any real estate disclosure forms, deeds of sale or lease agreements, for land and/or structures in the hurricane vulnerability zone shall be accompanied by a hazard disclosure statement generally describing the Properties relative probability of damage for hurricane, surge, freshwater flooding, and velocity wave action.
4. Elevations for habitable structures shall be at or above the base floor elevation.

**Q) Solid Waste**

1. A commercial hauler franchised from time to time by the City shall provide necessary solid waste collection and disposal for the Development.
2. In the event that hazardous materials are located on the Property, the hazardous materials shall be handled in a manner consistent with applicable federal, state and local regulations, including Rule 9J-2.044, FAC

**R) Energy**

The energy conservation measures referenced on page 99 of the ADA shall be required.

**S) Recreation and Open Space**

The Developer, or its assigns, shall be responsible for maintenance of any recreation and open space areas within the Development.

**T) Archaeological and Historic Resources**

The discovery of any significant historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historic Resources and the City, consistent with Rule 9J-2.043, FAC

**U) Election**

The Developer has elected, pursuant to Subsection 380.06(5)(c), F.S., to be bound by the provisions of Chapter 403 and 373 in effect at the time that this Development Order is issued. Accordingly, to the extent that the provisions of Subsection 380.06(5)(c), F.S., affect the determination as to which laws, rules, or regulations are applicable to the Development, said determination shall apply, notwithstanding any condition in the Development Order to the contrary.

**Section 6. TRADE-OFF MECHANISM**

In recognition of the size, scope and duration of this Development, changing economic conditions and circumstances, limited flexibility to exchange development totals of land uses in a manner wherein there are no adverse impacts resulting from such an exchange is hereby established. The criteria of this section provide that there will be no net increase in potable water consumption, wastewater generation, solid waste production, affordable housing demand and, particularly, external vehicle trips.

To ensure that the overall character of the project does not change as a result of this trade-off mechanism, the minimum/maximum ranges of development in Table 3 were established based upon non-exceedance of the most restrictive public facility demand factor.

**TABLE 3  
MINIMUM AND MAXIMUM LAND USES**

<u>LAND USE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Office	283,000	517,000
Specialty Retail/ Shopping Center	25,000	75,000

**TABLE 4  
IMPACT ON PUBLIC FACILITIES**

<u>LAND USE</u>	<u>P.M. Peak Hour Trips</u>	<u>Potable Water (gpd)</u>	<u>Sanitary Sewer (gpd)</u>	<u>Solid Waste (lbs./day)</u>	<u>Affordable Housing (Hd. Hsehd.)</u>
Corp./General Office	1.40/1,000 sq.ft.	.15 / sq.ft.	.10 / sq.ft.	.01 / sq.ft.	1.11 / 1000 s.f.
Office Park	1.51/1,000 sq.ft.	.15 / sq.ft.	.10 / sq.ft.	.01 / sq.ft.	1.11 / 1000 s.f.
Retail Center	6.56/1,000 sq.ft.	.15 / sq.ft.	.12 / sq.ft.	.05 / sq.ft.	.83 / 1000 s.f.

**TABLE 5  
LAND USE EXCHANGE RATES (PER 1,000 SQ. FT.)\***

<u>FROM</u>		<u>TO</u>		
	<u>ITE CODE</u>	<u>CORP / GEN OFFICE</u>	<u>OFFICE PARK</u>	<u>CENTER</u>
CORP / GENERAL OFFICE	710, 714		925 SQ. FT.	210 SQ. FT.
OFFICE PARK	750	1,075 SQ. FT.		230 SQ. FT.
RETAIL CENTER	820	4,685 SQ. FT.	4,350 SQ. FT.	

\* EXAMPLE CALCULATION: Exchange 1,000 square feet of Office for 210 square feet of Retail Center.

The Developer shall provide to DCA and TBRC not less than thirty (30) days' written notice prior to issuance of an affected building permit of its intention to utilize the trade-off mechanism. Each annual report shall include clear information regarding any application of the trade-off mechanism.

**Section 7. GENERAL CONDITIONS**

The Developer's commitments set forth in the ADA as summarized on pages 17-19 of the TBRC Final Report are incorporated herein by reference except to the extent superseded by specific terms of this Development Order.

**Section 8. COMMENCEMENT OF DEVELOPMENT / EXPIRATION OF ORDER**

The Development permitted hereunder shall commence by December 31, 1998, unless the time periods for commencement and buildout are extended by the City, subject to the requirements of Chapter 380.06(19), F.S.

This Development Order shall remain in effect through December 31, 2000. This Development Order may be extended by the BOC, subject to the requirements of Chapter 380.06(19), F.S.

Upon adoption, certified copies of this Development Order shall be transmitted by the City's Clerk, via certified mail, to the DCA, TBRC, and ABR, pursuant to Chapter 380, F.S.

ABR shall record a Notice of Adoption of this Development Order as required pursuant to Chapter 380, F.S.

The Development Order shall take effect as provided for in Section 11 of this Resolution.

#### **Section 9. DENSITY / INTENSITY REDUCTION**

Prior to the expiration date of this Development Order, as may be amended from time to time, except in response to a petition filed by the Developer, the City may not downzone or reduce the non-residential intensity permitted by this Development Order, unless the City can demonstrate that:

1. Substantial changes in the conditions underlying the approval or the Order have occurred; or
2. the Development Order was based upon substantially inaccurate information provided by the Developer; or
3. the change is clearly established by the City to be essential to the public health, safety and welfare.

For the purposes of this Section, the terms "downzone" and "reduction" shall refer only to changes in the Official Zoning Map, Future Land Use Plan designation or those development regulations which directly decrease the development rights approved by this order, and shall not be construed to prohibit legally enacted changes of the City's land development regulations which do not decrease such development rights.

#### **Section 10. SUCCESSORS AND ASSIGNS**

This Development Order shall be binding upon the Developer, its successors, assigns, or successors-in-interest.

**Section 11. MONITORING PROCEDURES**

The Director of Planning and Zoning of the City of Tarpon Springs is responsible for ensuring compliance with this Development Order. Monitoring will be accomplished by review of the Annual Report, building permits, certificates of occupancy, subdivision plats, development agreements, adopted capital improvement programs and by on-site observations.

**Section 12. EFFECTIVE DATE**

The effective date of this Development Order shall be the earlier of:

- i. The expiration of 45 days after the rendering of this Development Order if the Developer or the DCA has not issued a notice of appeal to the Florida Land and Water Adjudicatory Commission ("FLWAC"); or
- ii. if an appeal is filed, the earlier of the date (x) a final order is issued by FLWAC, or (y) the appeal is dismissed.

- Exhibit "A" Legal Description of Property  
Exhibit "B" DRI Master Plan (the Development)  
Exhibit "C" Graphic Depiction of Improvements to US 19  
Exhibit "D" Graphic Depiction of Improvements to Jasmine Ave./Keystone Ave. Intersection  
Exhibit "E" Transportation Improvements, per TBRC Final Report

EXHIBIT "A"  
TO RESOLUTION 98-20

That certain piece, parcel, or tract of land lying in and being part of the West one-third of Lot 41, Lot 42, that part of Lot 45 and Lot 46 lying east of U.S. Highway 19, Lot 47, and Lot 48, Tampa and Tarpon Springs Land Company as recorded in Plat Book H-1, Page 116, of the Public Records of Pinellas (formerly Hillsborough) County, Florida, lying in and being part of the southeast quarter of Section 6, Township 27 South, Range 16 East, Pinellas County, Florida, together with Block 90, Block 91, part of Block 96 and that part of Block 94, Block 97, and Lot 2, Block 98 lying East of U.S. Highway 19, official map of the Town of Tarpon Springs, as recorded in Plat Book 4, page 79, of the Public Records of Pinellas County, Florida, lying in and being part of the Northeast quarter of Section 7, Township 27 South, Range 16 East, Pinellas County, Florida, being more particularly described as follows:

From the Southeast corner of said Section 6, also being the northeast corner of said Section 7, N85°41'36"W, by and along the South boundary of said Section 6, also being the North boundary of said Section 7, a distance of 460.72 feet to the Northeast corner of said Block 90, for a Point of Beginning.

- (1) thence continue N85°41'36"W, by and along said boundary between said Section 6 and Section 7, a distance of 424.52 feet to the Southeast corner of said 42;
- (2) thence N00°07'19"W, by and along the east boundary of said Lot 42 and the west one-third of said Lot 41, a distance of 1,319.40 feet to the North boundary of said Lot 41;
- (3) thence N85°39'52"W, by and along the North boundary of said Lot 41 and said Lot 45, a distance of 1,380.75 feet to the east right-of-way of U.S. Highway 19;
- (4) thence S00°04'24"W, by and along said east right-of-way, a distance of 2,359.49 feet to the North boundary of a Florida Power Corporation right-of-way, as recorded in Deed Book 458, Pages 122 and 123 of the Public Records of Pinellas County, Florida;
- (5) thence N77°44'54"E, by and along said North boundary, a distance of 1,977.27 feet to the easterly boundary of said Block 96 and Block 90;
- (6) thence N14°36'59"W, by and along said easterly boundary, a distance of 500.44 feet to the Northeast corner of said Block 90, and the Point of Beginning.

Containing 74.66 acres, more or less, and subject to easements of records.

LESS AND EXCEPT those lands taken by the Florida Department of Transportation pursuant to that certain Orders of Taking recorded May 7, 1986 in Office Records Book 6222, at page 2159 and recorded June 17, 1986, recorded in Official Records Book 6251, at page 121, all in the Public Records of Pinellas County, Florida.

98-200

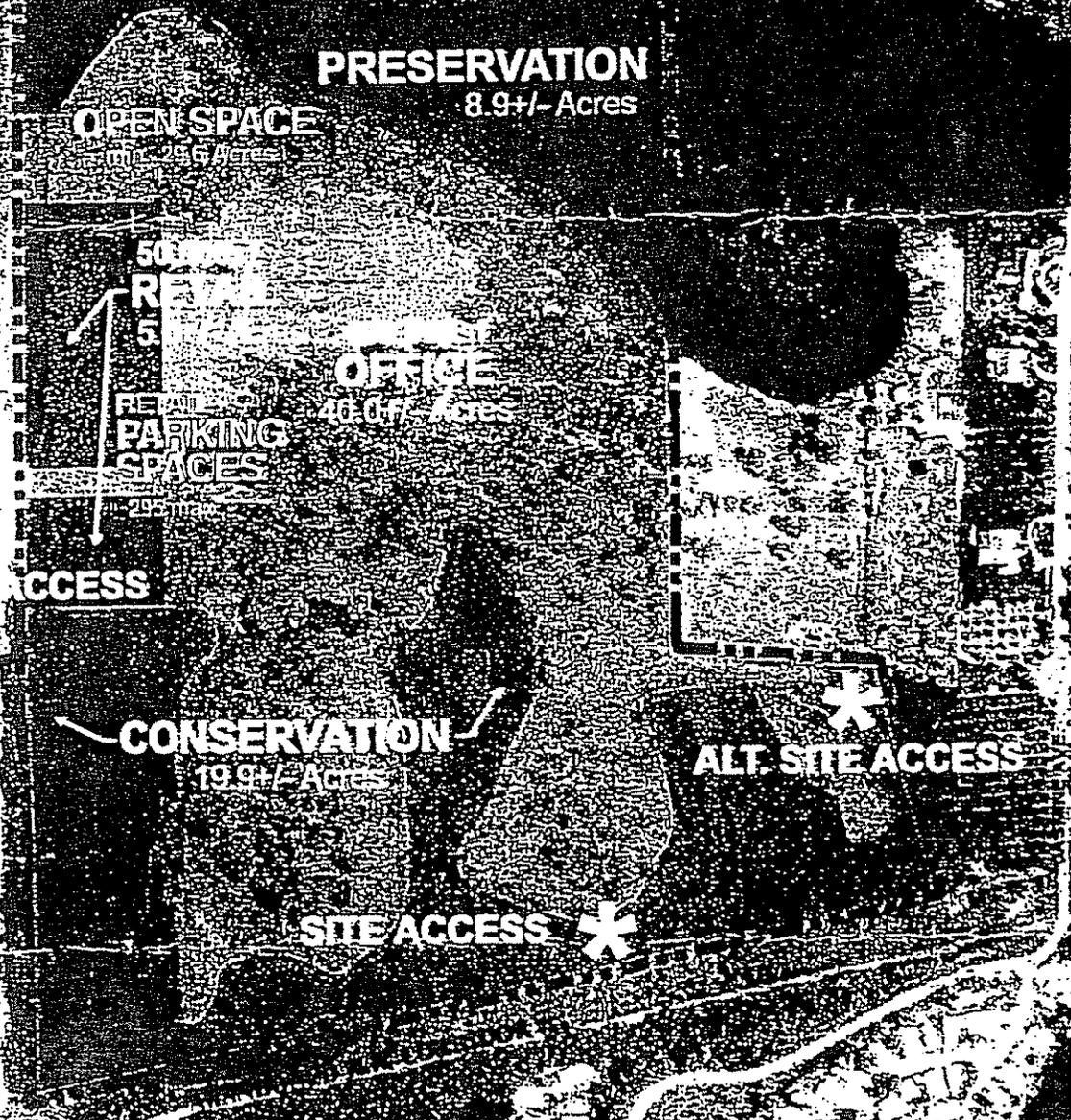
BR PLAZA



ABR Properties, Inc.

# ANCLOTE RIVER

EXHIBIT "B"  
TO RESOLUTION 98-20



OPEN SPACE  
29.6 Acres

PRESERVATION  
8.9 +/- Acres

REPAIR  
5.0 +/- Acres

REPAIR OFFICE  
40.0 +/- Acres

REPAIR  
PARKING SPACES  
29.5 +/- Acres

CONSERVATION  
19.9 +/- Acres

ALT. SITE ACCESS \*

SITE ACCESS \*

MASTER DEVELOPMENT

REVISED  
MAP

March 1998



KING ENGINEERING ASSOCIATES, INC.

EXHIBIT "C"  
TO RESOLUTION 98-20

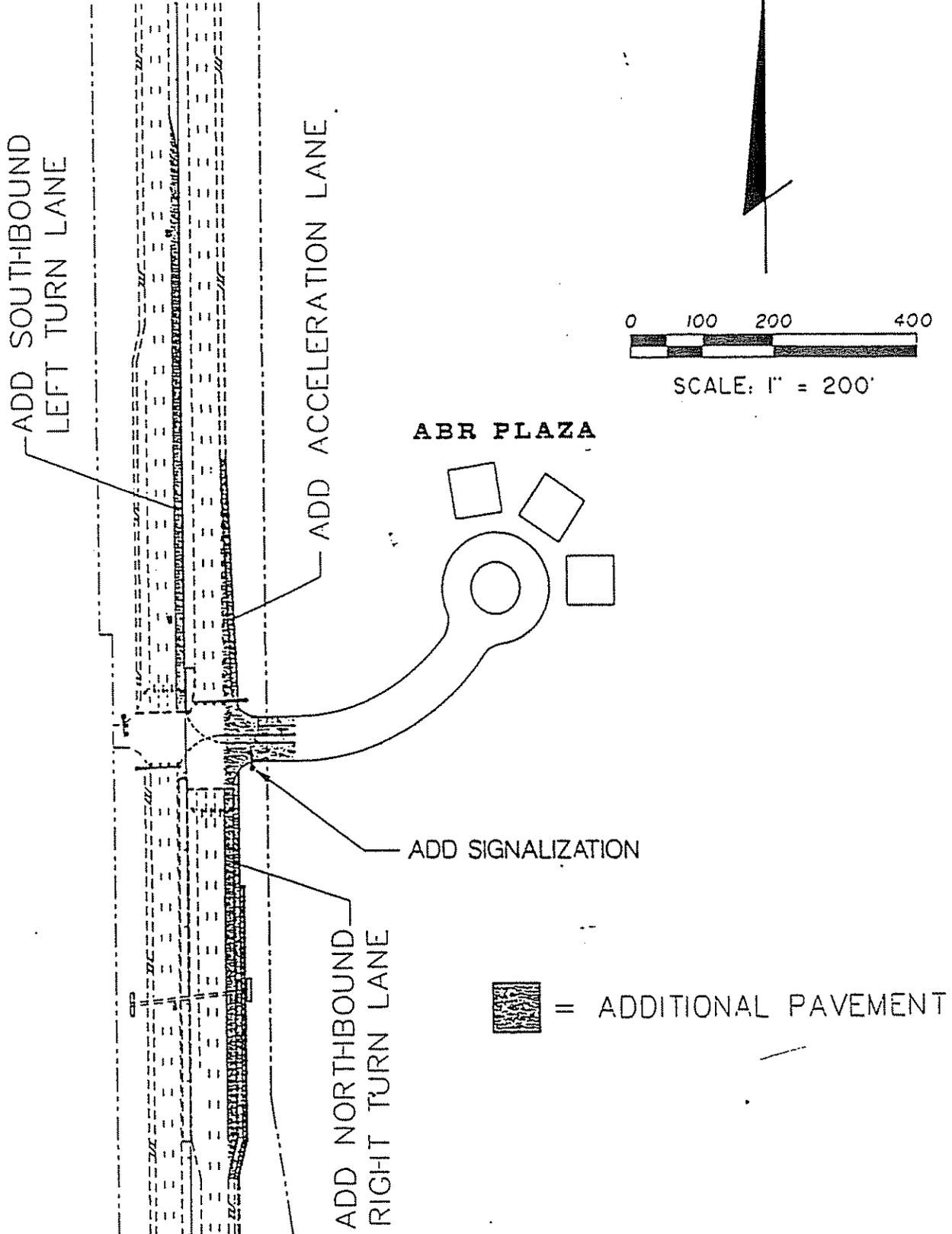
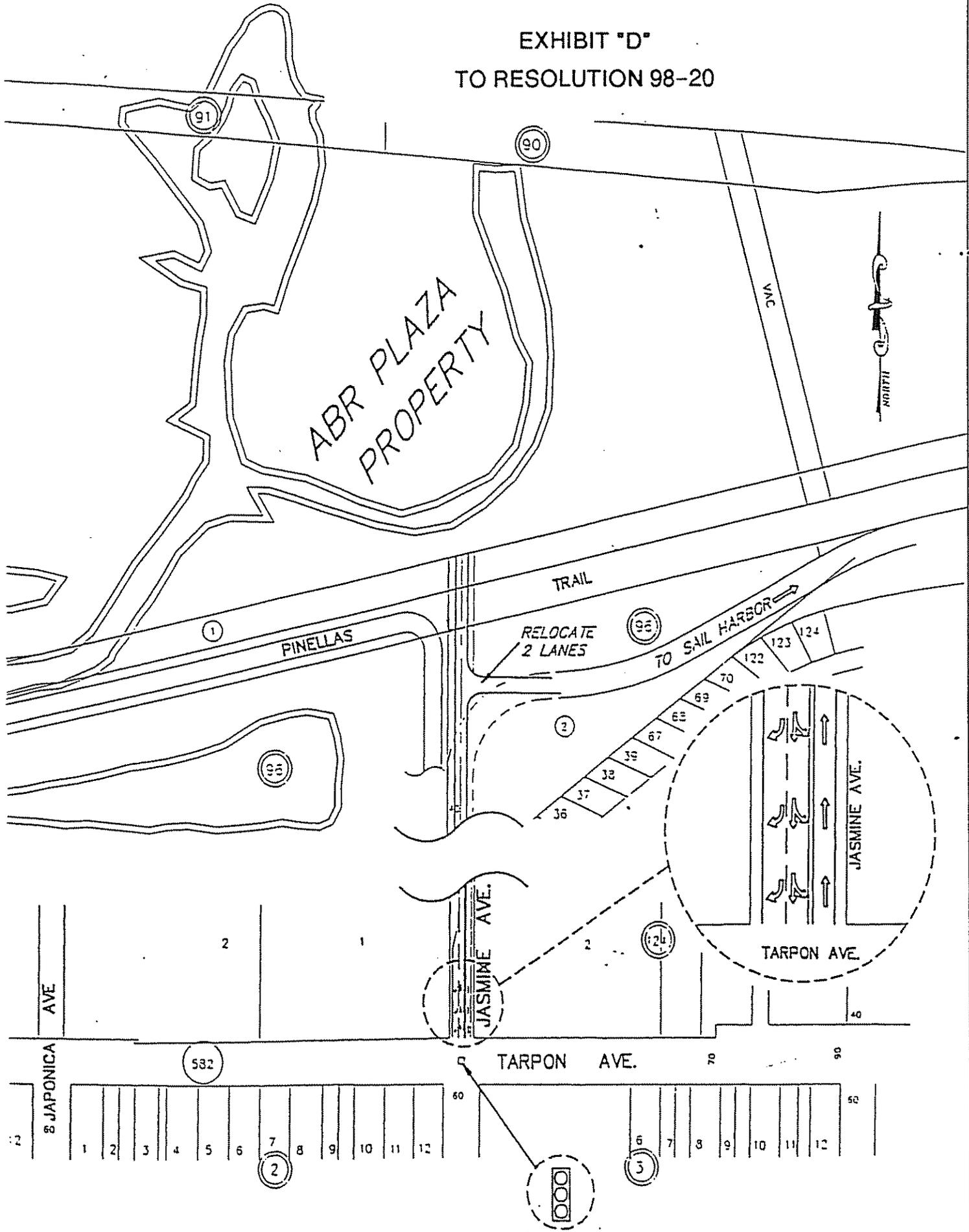


EXHIBIT "D"  
TO RESOLUTION 98-20



NOTE:  
THIS IS NOT A  
BOUNDARY SURVEY.

CITY OF TARPON SPRINGS  
324 E. FINE STREET  
TARPON SPRINGS, FL 34688  
DATE: 09 12 '98 SCALE: 1"=200'

**EXHIBIT "E"**  
**TRANSPORTATION IMPROVEMENTS**

Location	Total Traffic LOS Prior to Improvement	Project Traffic Impact (%) Prior to Improvement	Required Improvement
Keystone Road- from Jasmine Ave. to East Lake Road	F	15.7	Widen to four lanes divided
U.S 19 at ABR Plaza Entrance	F	N/A	Construct NB right turn lane, SB left turn lane. Signalize when warranted by MUTCD.
Keystone Road at Jasmine Avenue	F	N/A	Signalize when warranted by MUTCD.

0157183.02

*L. F. DiDonato, DC*

L. F. DIDONATO, DC, MAYOR-COMMISSIONER

*Karen Brayboy*

KAREN BRAYBOY, MAYOR PRO TEMPORE

GEORGE BOBOTAS, COMMISSIONER

*D. O. Archie*

DAVID O. ARCHIE, COMMISSIONER

*Beverly G. Billiris*

BEVERLY G. BILLIRIS, COMMISSIONER

MOTION BY: COMMISSIONER BRAYBOY

SECOND BY: COMMISSIONER BILLIRIS

VOTE ON MOTION

COMMISSIONER BILLIRIS	<u>Yes</u>
COMMISSIONER ARCHIE	<u>Yes</u>
COMMISSIONER BOBOTAS	<u>Absent Did Not Vote</u>
MAYOR PRO TEMPORE BRAYBOY	<u>Yes</u>
MAYOR DIDONATO	<u>Yes</u>

ATTEST:

*Kathy M. Alesafis*

KATHY M. ALESAFIS, CMC  
CITY CLERK & COLLECTOR

APPROVED AS TO FORM:

*John Hubbard*  
JOHN HUBBARD  
CITY ATTORNEY

I, KATHY M. ALESAFIS, City Clerk and Collector of the City of Tarpon Springs, Florida, hereby certify that the attached and foregoing is a full, true, complete and correct copy of the original of which is now in the original records of the City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of Tarpon Springs, Florida, this 5th day of June, 1998

*Kathy M. Alesafis*  
KATHY M. ALESAFIS  
CITY CLERK & COLLECTOR

980630933 980980157

STATE OF FLORIDA } S.S.  
COUNTY OF PINELLAS }

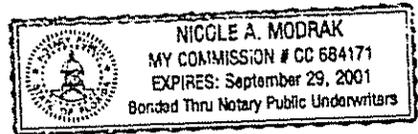
**ST. PETERSBURG TIMES**  
Published Daily  
St. Petersburg, Pinellas County, Florida

Before the undersigned authority personally appeared G. Scheeley  
who on oath says that he is Legal Clerk  
of the St. Petersburg Times  
a daily newspaper published at St. Petersburg, in Pinellas County, Florida; that  
the attached copy of advertisement, being a Legal Notice  
in the matter RE: Notice of Adoption of D.R.I  
Development Order  
in the \_\_\_\_\_ Court  
was published in said newspaper in the issues of March 5, 1998 and  
April 13, 1998

Affiant further says the said St. Petersburg Times  
is a newspaper published at St. Petersburg, in said Pinellas County, Florida, and  
that the said newspaper has heretofore been continuously published in said  
Pinellas County, Florida, each day and has been entered as second class mail  
matter at the post office in St. Petersburg, in said Pinellas County, Florida, for a  
period of one year next preceding the first publication of the attached copy of  
advertisement, and affiant further says that he has neither paid nor promised  
any person, firm, or corporation any discount, rebate, commission or refund for  
the purpose of securing this advertisement for publication in the said  
newspaper.

Sworn to and subscribed before  
me this 15th day of

April A.D. 19 98  
Nicole A. Modrak  
Notary Public



(SEAL)

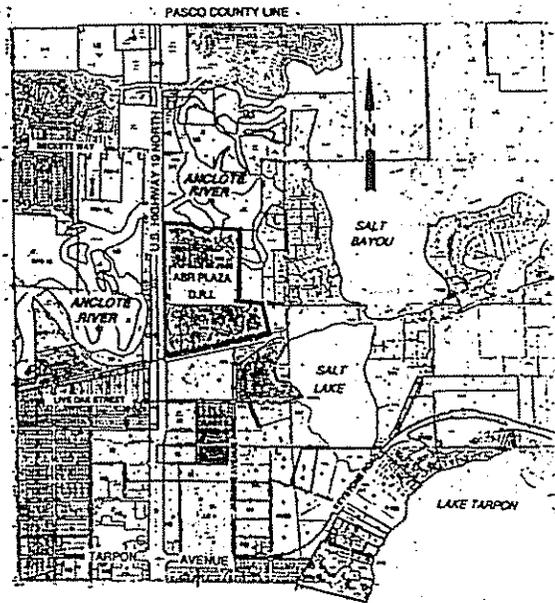
Personally known  or produced identification \_\_\_\_\_  
Type of identification produced \_\_\_\_\_

## NOTICE OF ADOPTION OF D.R.I. DEVELOPMENT ORDER

The City of Tarpon Springs proposes to adopt the following resolution affecting the land undergoing Development of Regional Impact review shown in the map below:

### RESOLUTION 98-20

A RESOLUTION OF THE CITY OF TARPON SPRINGS, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380.06, F.S., ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY ABR PROPERTIES, INC., PROVIDING FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW; PROVIDING FOR CONDITIONS; PROVIDING FOR A TRADE-OFF MECHANISM; AND PROVIDING FOR AN EFFECTIVE DATE.



Public Hearings on the proposed Development Order will be held as follows:

April 27, 1998	7:00 P.M.	Planning & Zoning Commission
April 28, 1998	6:30 P.M.	Board of Commissioners (Workshop)
May 5, 1998	6:30 P.M.	Board of Commissioners (Adoption)

All meetings will be held in the City Hall Auditorium, 324 East Pine Street, Tarpon Springs, Florida. Said hearings may be continued from time to time pending Adjournment. All interested parties are invited to attend any and all of these meetings to express your views or to present facts in the case.

Comments may be addressed to the Planning Department, (Phone (813) 942-5611), City of Tarpon Springs, P.O. Box 5004, Tarpon Springs, Florida, 34688-5004. Written comments will become a part of the record. Information and reports on the D.R.I. application may be reviewed at the Planning & Zoning Department during City Hall business hours.

If a person decides to appeal any decision made by the Local Planning Agency/Planning & Zoning Commission or Board of Commissioners with respect to any matter considered at these meetings or hearings, he will need a record of the proceedings, and that, for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.