

**STAFF REPORT**

**WATERSET  
DEVELOPMENT OF REGIONAL IMPACT (DRI #266)  
DEVELOPMENT ORDER AMENDMENT 24-0781**

SIGN-OFF APPROVALS	INITIAL	DATE
Director, Community Development Division	<i>J B G</i>	06/25/24

Development Services Department  
July 9, 2024

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### **Recommendation**

Staff recommends that the Board of County Commissioners (Board) approve the proposed changes in accordance with the attached resolution subject to any changes by the County Attorney's Office. This recommendation is based, in part, on the Waterset DRI Map H received on May 10, 2024.

This Development Order amendment is accompanied by related zoning application PRS 24-0633.

### **Background**

The Waterset DRI is located in the Apollo Beach Community Plan area, south of Big Bend Road, west of Interstate 75, east of US 41 and north of 19th Avenue Northeast. The project is within the Urban Service Area.

The Hillsborough County Board of County Commissioners (BOCC) originally approved what is now the Waterset DRI as the Wolf Creek Branch DRI on January 23, 1990 (R90-0031). The project's DO has been amended eight times, the most recent on September 13, 2016 (R16).

Waterset encompasses approximately 2,375 acres. It is a mixed-use project approved for 6,428 residential units (which include single-family attached and detached and multi-family), 498,480 square feet of commercial uses and 198,900 square feet of office uses.

### **Proposed Changes**

On May 10, 2024, the applicant, Brookfield Properties, submitted a Notice of Proposed Change (NOPC) to amend specific folios within the Waterset Development of Regional Impact (DRI) development order (DO). The applicant's proposed changes include:

- (1) Reflecting an internal change for the designations of two 2.5 +/- acre parcels;
- (2) Designating the Tracts 9A as MU-C and 9B as RES;
- (3) Revising Table 1, Waterset DRI Proposed Development Schedule to reflect acreage changes;
- (4) Reflect satisfaction of Condition 14 (PD 14-0815), Educational Facilities; and other conditions reflecting the new Tract 9A and 9B, and modify approved Map H, accordingly.

These modifications do not change previously approved entitlements including the general location of uses and access points to the development. Map H will be consistent with the accompanied Minor Modification (PRS) General Development Plan.

### **Staff Findings**

The applicant is proposing to modify PD 14-0815. Accordingly, to effectuate the zoning changes, the DRI Map H is proposed to be modified. The applicant proposes to revise Map H to redesignate +/-2.5 acres from MU-C to RES and +/-2.5 acres from RES to MU-C. Specifically, the applicant is proposing to modify +/-2.5 ac. and designate it Tract 9B from MU-C to RES. Concurrently, +/-2.5 ac. designate a new Tract 9A to be modified from RES to MU-C. The revision to Table 1, Waterset DRI Proposed Development

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Schedule, to reflect acreage changes, to reflect satisfaction of Condition 14, Educational Facilities is pursuant to the construction of the school being completed and removing the +/-2.5 acre in Map H and updating the development schedule accordingly. Staff has no concerns as the proposed revisions result in an entitlement / development area neutral change.

Specific transportation-related concerns regarding project access are discussed in the accompanying PRS modification found in staff comments (PRS 24-0633) of the Transportation Report. Overall, Transportation Staff has no objection to this Map H change request, subject to the proposed conditions of approval of accompanying PRS 24-0633.

### **WATERSET DEVELOPMENT ORDER HISTORY**

The Hillsborough County Board of County Commissioners originally approved the project as the Wolf Creek Branch DRI on January 23, 1990 (Resolution # R90-0031). Specific development approval was authorized for Phase I only. At that time it was determined that the traffic generated by Phase I development created no transportation impacts requiring the monitoring of programmed improvements or construction of improvements to the road network affected by the project.

The development order was **first** amended on May 8, 1990 (Resolution # R90-0100). This amendment revised paragraph D.1.e to require commencement of physical development within two years of the amendment's effective date.

The development order was amended for a **second** time on August 25, 1992 (Resolution # R92-0210). This amendment extended the project's phasing schedule and build out date by 4 years and 11 months as shown below:

Use		Phase I (1990-Nov 30, 2001)	Phase II (1997- Nov 30, 2008)	Phase III (2004-Jan 23, 2015)	Total
Residential (units)	Single Family	852	640	639	2,131
	Multi-Family	486	365	365	1,216
Commercial (sq. ft.)		100,000	150,000	0	250,000
Office (sq. ft.)		50,000	50,000	0	100,000

Resolution #R92-0210 included a finding of fact that the Developer had commenced development of the project in compliance with the terms of the Development Order.

On December 10, 2002 the BOCC approved the **third** amendment (R02-0275) approving an extension of the buildout date for Phase I to November 30, 2007 and extended the DO termination date to January 23, 2020 and the date by which the project was not subject to down zoning to January 23, 2020.

On December 12, 2006 the BOCC approved the **first** Substantial Deviation (R06-276) which expanded the Wolf Branch Creek DRI from  $\pm 628$  acres to  $\pm 1,618$  acres and modified the approved plan of development

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to allow 4,505 residential units, 348,480 square feet of commercial development, and 108,900 square feet of office development.

On May 13, 2008 the BOCC approved the **second** Substantial Deviation (R08-082) which:

- (1) Expanded the Wolf Creek Branch DRI by  $\pm$ 162 acres.
- (2) Increased residential entitlements by 918 residential units (330 single-family units and 588 multi-family units) and revised the approved equivalency (a.k.a. trade-off) matrix to reflect the additional units.
- (3) Increased the required roadway mitigation by adding the segment of the Apollo Beach Boulevard extension from US 41 through the “Elsberry” site so that the Developer is responsible to construct the Apollo Beach Boulevard extension from US 41 to the I-75 overpass which the Developer is also required to construct. Also added the requirement to construct a north-south roadway (Avenue A) within the expansion site, and required additional intersection improvements at the intersections of Apollo Beach Boulevard and US 41 and Big Bend Road and US 41.
- (4) Added 8 acres of park land.
- (5) Increased the fee to be paid for hurricane shelter space.

The revised development schedule is shown below.

<b>WOLF CREEK BRANCH DRI – EXISTING DEVELOPMENT SCHEDULE</b>	
<b>LAND USE</b>	<b>TOTAL (2006 – 2018)</b>
<b>Residential (dwelling units)</b>	
Single-family detached	3,065
Single-family attached	991
Multifamily	1,367
<b>Total</b>	<b>5,423</b>
<b>Commercial/Office (sq. ft.)</b>	
Commercial	348,480
Office	108,900
<b>Total</b>	<b>457,380</b>
<b>Schools</b>	
Elementary school	1 (15 acres)
Middle school	1 (15 acres)
<b>Total</b>	<b>2 (30 acres)</b>
<b>Recreation (acres)</b>	
Regional Sports Complex	80 (currently owned by the County)
Parks	46
<b>Total</b>	<b>126</b>

On February 8, 2011 the BOCC approved the sixth amendment (R11-016) which made the following changes:

1. Changed the project’s name to **Waterset**.
2. Removed  $\pm$  572 acres and associated entitlements (1,005 residential units) from the Southbend DRI into Waterset and established that area as “**Waterset North**”

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3. Included in the Waterset DO the build-out dates, equivalency matrix, and transportation obligations associated with the 1,005 residential unit entitlements as required in the Southbend DO.
4. Established the former Wolf Creek Branch DRI boundary, entitlements, build-out dates, equivalency matrix, development conditions including transportation obligations, as “**Waterset South**”.
5. Revised the timing of the required improvements to Big Bend Road.
6. Extended build-out dates by 5-years for Waterset South and all associated transportation mitigation dates.

In a letter dated April 4, 2012 the County recognized extensions granted by HB 7207 as shown below:

- The build out date for Waterset North was extended from December 31, 2013 to December 31, 2017.
- The expiration date for Waterset North was extended from December 31, 2015 to December 31, 2019.
- The build out date for Waterset South was extended from December 31, 2023 to December 31, 2027.
- The expiration date for Waterset South was extended from December 31, 2030 to December 31, 2034.
- The construction dates for the “Thoroughfare Road Improvements” identified in Section D.2.b. were extended from December 31, 2019 to December 31, 2023. The roadways were still required to be constructed and completed (commensurate with development of adjacent tracts) by the issuance of building permits for 2,800 residential units or the equivalent thereof based on ITE PM peak hour traffic generation rates.
- The construction date for the Apollo Beach Boulevard Improvement identified in Section D.2.d.(iii).a. was extended from December 31, 2019 to December 31, 2023. The improvement was still required to be constructed and completed by the issuance of building permits for 2,800 residential units or the equivalent thereof based on ITE PM peak hour traffic generation rates.

In a letter dated August 14, 2013 the County recognized build out and expiration date extensions pursuant to Section 252.363, F.S and Executive Orders 12-140, 12-192, and 12-199 as shown below:

- The build out date for Waterset North was extended from December 31, 2017 to April 30, 2019.
- The expiration date for Waterset North was extended from December 31, 2019 to April 28, 2021.
- The build out date for Waterset South was extended from December 31, 2027 to April 28, 2029.
- The expiration date for Waterset South was extended from December 31, 2034 to April 30, 2036.
- The construction dates for the “Thoroughfare Road Improvements” identified in Section D.2.b. were extended from December 31, 2023 to April 28, 2025. The roadways were still required to be constructed and completed (commensurate with development of adjacent tracts) by the issuance of building permits for 2,800 residential units or the equivalent thereof based on ITE PM peak hour traffic generation rates.
- The construction date for the Apollo Beach Boulevard Improvement identified in Section D.2.d.(iii).a. was extended December 31, 2023 to April 28, 2025. The improvement was still required to be constructed and completed by the issuance of building permits for 2,800 residential units or the equivalent thereof based on ITE PM peak hour traffic generation rates.

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On December 9, 2014 the BOCC approved the **third** Substantial Deviation (R14-166) which made the following changes:

- Consolidated Waterset North and Waterset South.
- Established the project's build-out date as December 31, 2025
- Increased commercial entitlements by 150,000 square feet and increase office entitlements by 90,000 square feet. No changes were made to the approved number of residential units.
- Added  $\pm 22.39$  acres into the project (formerly the Elsberry North parcel).
- Revised Map H to combine single-family and multi-family uses into a single residential (RES) land use.
- Modified Map H to provide that 27 acres of community parks will be provided in the RES area and removed the geographical depiction of 17 acres of community parks.
- Modified Map H to depict alternative sites for a Regional Sports Complex.
- Modified Map H to depict an 8-acre Mixed Use North land use and established a 75-acre Town Center on the north side of the Apollo Beach Boulevard extension at the project's western boundary.
- Modified Map H to replace the Village Center north with a 55-acre Mixed Use Central land use.
- Modified Map H to eliminate the Village Center south and designated that area as RES.
- Modified Map H to designate 160 acres in the southeastern portion of the project as Mixed Use South.
- Modified Map H to designate 5 acres south of the Apollo Beach Boulevard extension, east of the Covington Gardens Drive extension and west of I-75 for a reclaimed water storage facility.
- Modified acreage amounts to reflect the additional property and other changes to Map H.
- Allowed residential units in the Mixed Use and Town Center areas.
- Established Residential Senior Adult as a residential land use (no change to the total number of residential units).
- Provided for 40 acres to accommodate future schools.
- Reduced the Developer's proportionate share dollar amount for traffic impacts as provided for by House Bill 7207 passed by the legislature in 2011.
- Revised the project's required roadway and intersection improvements.
- Revised project access points and the design and alignment of roadways within the project.

In a letter dated March 30, 2016 the County acknowledged extensions pursuant to 252.363, F.S and Executive Orders 15-158 and 15-173. The following extensions were recognized:

- The build out date for Waterset was extended from December 31, 2025 to March 23, 2027.
- The DO expiration date for Waterset was extended from April 30, 2036 to June 21, 2037.
- The construction dates for the following "Thoroughfare Road Improvements" identified in Section D.2.b. was extended from December 31, 2023 to March 22, 2025:
  - Waterset Boulevard from Big Bend Road to 19<sup>th</sup> Avenue; 30<sup>th</sup> Street from the Apollo Beach Boulevard extension to the North property boundary and from 19<sup>th</sup> Avenue to the South property boundary; Covington Garden Drive from Big Bend Road to Road A; and Road A from the West property boundary to 30<sup>th</sup> Street.

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- The construction date for the Apollo Beach Boulevard extension from U.S. 41 was extended from December 31, 2017 to March 23, 2019.

On September 13, 2016 the BOCC approved the eight amendment (R16-126) which made the following changes:

1. Modify the approved Land Use Equivalency Matrix (DO Exhibit C) to add private schools (K – 12) and churches and associated trip equivalency ratios.
2. Additionally, the DO is being amended to incorporate extensions of the project’s build out date from December 31, 2025 to March 23, 2027 and extension of the project’s expiration date from April 30, 2036 to June 21, 2037, and the extension of the date to construct associated mitigation requirements to the project’s build out date, pursuant to Section 252.363, F.S. and Executive Orders 15-158 and 15-173.

In a letter dated December 16, 2016 the County School Board acknowledged:

- The implementation of Section D, Paragraph 15 of the Waterset DRI development order stating the developer will construct and convey the road to access the school by January 1, 2017 “unless otherwise agreed to by the Developer and the Hillsborough County School District.” The District agreed that the letter adequately adjusts the construction and conveyance of the roadway to the first school site to no later than January 1, 2019. In addition, the letter adequately states that the commencement of the road construction to the second school site will take place no later than 6 months after the request is made by the School District, and the conveyance shall occur no later than 9 months after said construction commencement. This fulfills the intent and commitment outlined in the Waterset DRI development order.

On March 10, 2020, the BOCC approved the ninth amendment (R20-027) which made the following changes:

- Modified Map H, re-aligning internal roads for better functionality and preserve some wetlands.
- Updated Table 2 (Waterset Thoroughfare Road Improvements) of the Transportation section of the Specific Conditions of the DO. This table was updated to correspond with the amended Map H Road reconfiguration. This road re-alignment resulted in adjustments to the development Tract shapes and acreages. However, these modifications did not change previously approved entitlements including the general location of uses and access points to the development.

**AMENDED & RESTATED DEVELOPMENT ORDER**



R - \_\_\_\_\_

# RESOLUTION

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RESOLUTION R\_\_-\_\_\_\_\_

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING AND RESTATING THE DEVELOPMENT ORDER OF THE WATERSET DEVELOPMENT OF REGIONAL IMPACT (DRI #266)

Upon Motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the following Resolution was adopted by a vote of \_\_\_ to \_\_, Commissioner(s) \_\_\_\_\_, voting "No."

RECITALS

**WHEREAS**, on April 17, 1989, Magnolia Management Corporation, on behalf of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, a Utah corporation, filed with the Hillsborough County Board of County Commissioners an Application for Development Approval of a Development of Regional Impact (the "DRI/ADA"), pursuant to the provisions of Section 380.06, Florida Statutes, on land legally described in Exhibit "A" attached hereto and incorporated herein by reference. The DRI/ADA, together with the associated Sufficiency Responses and all exhibits attached thereto or incorporated therein, all of which is on file with the Hillsborough County Development Services Department and incorporated herein by reference, is referred to hereinafter as the "Application"; and

**WHEREAS**, said Application proposed construction of a RESIDENTIAL, COMMERCIAL and OFFICE PROJECT on approximately Six Hundred Twenty-Seven and Six-tenths (627.6) acres, located in South Hillsborough County, hereinafter the "Project"; and

**WHEREAS**, on January 23, 1990, the Board of County Commissioners of Hillsborough County held a duly noticed public hearing on said Application and heard and considered testimony and other documents and evidence, received and considered the report and recommendation of the Tampa Bay Regional Planning Council, and solicited, received and considered reports, comments and recommendations from interested citizens, County agencies and the review and report of the Hillsborough County Administration; and

**WHEREAS**, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting on January 23, 1990, adopted Resolution Number R90-0031 that approved the Application with conditions, as set forth in the Wolf Creek Branch DRI Development Order (the "Development Order"); and

**WHEREAS**, on March 15, 1990, the Tampa Bay Regional Planning Council (the "TBRPC") filed an administrative appeal of the Development Order pursuant to Section 380.07, Florida Statutes (1987); and

**WHEREAS**, on May 8, 1990, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, adopted Resolution Number R90-0100 that approved a specific modification of Paragraph D.1.e of the Development Order to require commencement of physical development of the Project within two years of the effective date of the amendment to the Development Order (the "First Amendment"); and

**WHEREAS**, Magnolia Management Corporation commenced physical development of the Project in compliance with the terms of the Development Order and filed a Notification of a

Proposed Change to a Previously Approved Development of Regional Impact that requested an extension of the date of buildout under the Development Order by four (4) years and eleven (11) months, and an amendment to the Project's phasing schedule; and

**WHEREAS**, on August 25, 1992, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, adopted Resolution R92-0210 (the "Second Amendment") that approved an extension of the date of buildout by four (4) years and eleven (11) months, and an amendment to the Project's phasing schedule such that Phase I encompasses the dates of 1990 through November 30, 2001, Phase II encompasses dates ranging from 1997 through November 30, 2008, and Phase III encompasses dates ranging from 2004 through January 23, 2015; and

**WHEREAS**, Property Reserve, Inc., a Utah corporation and wholly owned subsidiary of the Church of Jesus Christ of Latter-day Saints acquired the Project by Special Warranty Deed dated November 14, 1991, and recorded November 26, 1991, at O.R. Book 6444, Page 1542 in the Public Records of Hillsborough County, Florida; and

**WHEREAS**, on December 10, 2002, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, adopted Resolution R02-275 (the "Third Amendment") that approved an extension of the buildout date for Phase I of the Project until November 30, 2007, revised the Map H Master Plan to reflect the extension of the timeframe in Phase I of the Project, extended the Development Order termination date to January 23, 2020, and extended the date by which Hillsborough County agrees not to downzone or reduce the intensity of the Project to January 24, 2020; and

**WHEREAS**, Corporation of the Presiding Bishop of the Church of Latter-day Saints, a Utah corporation sole, acquired the northwest expansion area of the Project by Warranty Deed dated April 29, 1991, and recorded on April 30, 1991 at O.R. Book 6257, Pages 28-29 in the Public Records of Hillsborough County, Florida; and

**WHEREAS**, the Developer acquired the northeast expansion area of the Project, by Special Warranty Deed dated October 14, 2004, and recorded October 15, 2004, at O.R. Book 14315, Pages 0435-437 in the Public Records of Hillsborough County, Florida and by Special Warranty Deed dated October 15, 2004, and recorded October 15, 2004, at O.R. Book 14315, Pages 0602-605 in the Public Records of Hillsborough County, Florida; and

**WHEREAS**, on December 12, 2006, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, adopted Resolution R06-276 (the "Fourth Amendment") that approved a substantial deviation that expanded the Project area from 627.6 acres to 1,618.2 acres; an increase in residential units from 3,347 units to 4,505 units; an increase in office use from 100,000 square feet ("SF") to 108,900 SF and commercial use from 250,000 SF to 348,480 SF; and an amendment to the Project phasing, to be developed as a single phase with a buildout date of 2018; and revised the termination date to December 31, 2025; and

**WHEREAS**, as a result of the approval of the Fourth Amendment the Development Order was renumbered as #266; and

**WHEREAS**, the Developer acquired an additional 162 acres immediately west of the Project boundary (the "Expansion Area"), by Special Warranty Deed dated June 15, 2007, and

recorded June 15, 2007, at O.R Book 17857, Pages 496 in the Public Records of Hillsborough County, Florida; and

**WHEREAS**, on May 13, 2008, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, adopted Resolution R08-82 (the “Fifth Amendment”) expanding the Project area from 1,618.2 acres to 1,780.1 acres and increased the residential units from 4,505 units to 5,423 units; and

**WHEREAS**, the Developer acquired an additional 22.39 acres adjacent to Apollo Beach Boulevard (the “Elsberry North Tract”), by Special Warranty Deed dated August 21, 2012, and recorded August 21, 2012, at O.R. Book 21320, Pages 457 in the Public Records of Hillsborough County, Florida; and

**WHEREAS**, on February 8, 2011, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, adopted Resolution R11-016 (the “Sixth Amendment”) expanding the Project area from 1,780.1 acres to 2,352.30 acres, increasing residential units from 5,423 units to 6,428 units; granting a 5-year build-out extension for a portion of the Project; and changing the name from Wolf Creek Branch to Waterset; and

**WHEREAS**, on December 9, 2014, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, adopted Resolution R14-166 (the “Seventh Amendment”); expanding the Project area from 2,352.3 acres to 2,374.69 acres, increasing Commercial/Retail square footage by 150,000 SF and Office by 90,000 SF, adding a Town Center, identifying the Village Centers as Mixed Use areas, adjusting the locations of the proposed school sites and combining Waterset North and Waterset South into a single phase with a buildout date of December 31, 2025, extending the frequency of monitoring from annual to biennial; and

**WHEREAS**, the Developer requested and the County acknowledged the extension of the Project's build out date from December 31, 2025 to March 23, 2027 and extension of the Project's expiration date from April 30, 2036 to June 21, 2037, and the extension of the date to construct associated mitigation requirements pursuant to Executive Orders 15-158 and 15-173 and Section 252.363, Florida Statutes; and

**WHEREAS**, on September 13, 2016, the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, adopted Resolution R16-126 to Amend the Development Order in order to add certain land uses to the Land Use Equivalency Matrix (the “Eighth Amendment” ~~hereinafter references to the “Development Order” shall include the original Development Order as amended by the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eight Amendments~~); and

**WHEREAS**, on ~~October 1, 2019, a pursuant to 380.06(7), Florida Statutes (2019), the Developer submitted an application to amend~~ March 10, 2020, the Board of County Commissioners of Hillsborough County, Florida, in a regular meeting adopted Resolution R20-027 to Amend and Restate the Development Order in order to modify the alignment of internal roadways within the Project, reconfigure Parcel 24 as Parcel 24A and 24B, expand the location of the community fire station, and amend Map H ~~of the Development Order the (the “Ninth Amendment” (the “Proposed Changes”); and hereinafter references to the “Development Order” shall include the original Development Order as amended by the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth and Ninth Amendments); and~~

WHEREAS, on May 10, \_\_\_\_\_, 2024, and pursuant to Subsection 360.06(7) Florida Statutes (2019) the Developer submitted an application to amend the Development Order to internally change the designations of two 2.5 +/- acre parcels, designating the Tracts 9A as MU-C and 9B as RES, revising Table 1, Waterset DRI Proposed Development Schedule to reflect acreage changes, reflect satisfaction of Condition 14, Educational Facilities, and amend Map H of the Development Order accordingly (the "Proposed Changes"); and

**WHEREAS**, the Proposed Changes shall constitute the ~~Ninth~~-Tenth Amendment to the Development Order; and

**WHEREAS**, the Board of County Commissioners has reviewed and considered the Proposed Changes, as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

**WHEREAS**, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380.06, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

**WHEREAS**, pursuant to Section 380.06, Florida Statutes, public notice was given that a public hearing would be held by the Board of County Commissioners to consider the Proposed Changes to the Development Order; and

**WHEREAS**, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the Board of County Commissioners' approval of changes to the approved Development Order.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Hillsborough County, Florida, in regular meeting, duly assembled, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**A. FINDINGS OF FACT**

The Board of County Commissioners, having received the above-referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, and having considered the provisions of Chapter 380, Florida Statutes, concerning changes, finds that there is substantial, competent, clear and convincing evidence to support the following findings of fact:

1. The Board of County Commissioners of Hillsborough County, the local government body having jurisdiction over the review and approval of said DRI pursuant to Section 380.06, Florida Statutes, as amended, held a duly noticed public hearing on the Proposed Changes, in accordance with the requirements of Chapter 380, Florida Statutes.

2. The authorized agent of the Developer for all purposes herein is S. Elise Batsel; Stearns, ~~W~~ Weaver, ~~M~~ Miller, ~~P.A.~~ et al; 401 ~~E~~-East Jackson Street, Suite 2100; Tampa, FL 33602.

3. All applicable statutory and regulatory procedures have been adhered to.

4. The Proposed Changes approved herein result in no new or additional regional impacts requiring further DRI review.

5. The Development Order, including the Proposed Changes, do not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and are consistent with the State Comprehensive Plan.

6. All procedural requirements of Section 380.06, Florida Statutes, and the Hillsborough County Land Development Code have been complied with.

7. The impacts of the changes requested in the proposed Development Order Amendment are adequately addressed by the terms and conditions of this Resolution pursuant to the requirements of Section 380.06, Florida Statutes.

## **B. CONCLUSIONS OF LAW**

1. The Board of County Commissioners, having made the above findings of fact, renders the following conclusions of law:

2. The Proposed Changes will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with the State Comprehensive Plan.

3. The Proposed Changes are consistent with local land development regulations and the adopted local comprehensive plan.

4. In considering whether the Proposed Changes should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the provisions of criteria stated in Subsection 380.06(7), Florida Statutes (2019).

5. The Proposed Changes adopted hereby do not create a reasonable likelihood of additional regional impact. The Proposed Changes are adopted, subject to the terms and conditions set forth in this Resolution.

6. Based on the above findings of fact, the Board of County Commissioners hereby approves the Proposed Changes, including ~~the amended Development Schedule, as set forth in Table 1, the amended Thoroughfare Road Improvements, as set forth in Table 2, and amendment to designation of Tracts 9A as MU-C and 9B as RES, revising Table 1, Waterset DRI Proposed Development Scheduled, to reflect acreage changes, to reflect satisfaction of Condition 14, Educational Facilities, and to amend~~ Map H, as set forth on Exhibit "B", dated March ~~220, 2020~~ 2024, and incorporated into this Resolution by reference.

## **C. GENERAL PROVISIONS**

Based on the above findings of fact and conclusions of law, it is ordered that the Proposed Changes are approved subject to all terms and conditions of this Resolution, and the Development Order and incorporating the Proposed Changes, be amended and restated as set forth below:

1. This Resolution shall constitute the Amended and Restated Development Order of Hillsborough County for the Waterset Development of Regional Impact (the "Amended and Restated Development Order").

2. The legal description set forth in Exhibit "A" is hereby incorporated into and by reference made a part of this Amended and Restated Development Order.

3. All provisions contained within the DRI/ADA and subsequent notices of proposed change and amendment shall be considered conditions of this Amended and Restated Development Order unless inconsistent with the terms and conditions hereof, in which case the terms and conditions of this Amended and Restated Development Order shall control.

4. The requirements of and conditions imposed by this Amended and Restated Development Order shall constitute regulations or restrictions which restrict the development of the real property. Following the adoption of this Amended and Restated Development Order, all plans for development on the referenced property shall be consistent with the conditions and restrictions recited herein. Such regulations and restrictions shall be binding upon all successors in interest to any of the parties hereto, including any entity which may assume any of the responsibilities imposed on the Developer by this Amended and Restated Development Order. It is understood that any reference herein to any governmental agency shall be construed to include any future instrumentality which may be created or designated as successors in interest to or which otherwise possesses any of the powers and duties of any branch of government or government agency.

5. If the Board of County Commissioners determines that any development on an individual tract or increment is not in substantial compliance with the Amended and Restated Development Order or any other provisions thereof are not complied with, all development on that increment or tract shall cease until the development activity in question is brought into compliance with this Amended and Restated Development Order.

6. The definitions contained in Chapter 380, Florida Statutes, shall govern and apply to this Amended and Restated Development Order.

7. In each instance in this Amended and Restated Development Order where the Developer is responsible for ongoing maintenance of facilities on the real property, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Amended and Restated Development Order, which approval shall not be unreasonably withheld.

8. In the event that any portion or section of this Amended and Restated Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Amended and Restated Development Order, which shall remain in full force and effect.

9. Whenever this Amended and Restated Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected government agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.

10. Development activity or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact or any other type of regional impact not previously reviewed by Hillsborough County shall result in further development of regional impact review pursuant to Section 380.06, Florida Statutes.

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

12. The Developer shall file a biennial report substantially in the form previously required by Subsection 380.06(18) (2017), Florida Statutes. The reporting year shall commence on April 1st of each even number year until and including such time as all terms and conditions of this Amended and Restated Development Order are satisfied. Such report shall be submitted to the Hillsborough County Development Services Department, which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Amended and Restated Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Amended and Restated Development Order. This report shall contain:

a. The information required by the State Land Planning Agency to be included in the Biennial Report in 2017; and

b. A description of all development activities proposed to be conducted under the terms of this Amended and Restated Development Order for the two years immediately following the submittal of the Biennial Report; and

c. A statement listing all Applications for Incremental Review required pursuant to this Amended and Restated Development Order or other applicable local regulations which the Developer proposes to submit during the two years immediately following submittal of the Biennial Report; and

d. A statement setting forth the name(s) and address(es) of any successors or assigns to this Amended and Restated Development Order; and

e. A statement describing how the Developer has complied with each term and condition of this Amended and Restated Development Order applicable when the Biennial Report was prepared.

13. The provisions of this Amended and Restated Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and, except as otherwise provided herein, to the extent



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

14. This Amended and Restated Development Order shall become effective upon adoption by the Board of County Commissioners in accordance with 380.06, Florida Statutes.

**D. SPECIFIC CONDITIONS**

1. Development Schedule and Deadlines:

Development of Waterset shall proceed in accordance with the following development schedules, and as reflected on the revised Map H, dated March 20, 2020~~24~~ attached hereto as Exhibit "B". The Waterset development schedule reflects the entitlements and build-out dates associated with the lands within the former Wolf Creek Branch DRI and the lands formerly within the Southbend DRI #145. The various uses may be traded within Waterset based upon external trip generation allowing flexibility for the exact use mix as shown on the Land Use Equivalency Matrix attached as Exhibit "C". In order to track project development in accordance with the DRI Equivalency Matrix, a Tracking Table shall be submitted with each Preliminary Plan or Preliminary Plat submitted to Hillsborough County for each portion of project development. The transportation impacts of the proposed trade-offs will be subject to review and approval by Hillsborough County to ensure the number of external trips will not be exceeded in accordance with Exhibit "C". Any proposed Land Use Exchange which creates a reasonable likelihood of additional impacts for potable water, wastewater treatment, or solid waste disposal will require confirmation of utility service availability from Hillsborough County.

**TABLE 1**  
**WATERSET**  
**PROPOSED DEVELOPMENT SCHEDULE**  
**(BUILDOUT 03/23/2027)**

Land Use <sup>(1)</sup>	Acreage	Sq. Ft.	Units
Total Residential (outside Town Center & Mixed Use <sup>(2)(5)</sup> )	<del>1,626.89</del> <u>1.62</u> <u>9.39</u>		<b>4,269</b>
Residential - Single-Family Detached <sup>(3)</sup>			4,019
Residential - Single-Family Attached <sup>(3)</sup>			250
<b>Retail/Office (SLR)<sup>(4)</sup></b>	<b>13</b>		
Commercial/Retail		130,680	
Office		10,000	
<b>Town Center<sup>(2)(4)(5)</sup></b>	<b>63</b>		
Commercial/Retail		134,000	
Office		100,000	
Residential - Multi-Family Apartments			600
Residential - Single-Family Attached			100
<b>Mixed Use - North<sup>(2)(4)(5)</sup></b>	<b>8</b>		
Commercial/Retail		16,000	
<b>Civic</b>			
<b>Mixed Use – Central<sup>(2)(4)(5)</sup></b>	<b>55</b>		
Commercial/Retail		20,000	
Residential - Single-Family Attached			<b>120</b>
Civic			
<b>Mixed Use - South<sup>(2)(4)(5)</sup></b>	<b>134</b>		
Commercial/Retail		197,800	
Office		88,900	
Residential - Multi-Family Apartments			<b>750</b>
Residential - Single-Family Attached			<b>589</b>
<del>School(s)<sup>(5)</sup></del> <u>School(s)<sup>(6)</sup></u>	<del>40</del> <u>37.5</u>		
<b>Parks (Community)<sup>(7)</sup></b>	<b>27</b>		
<b>Regional Sports Complex<sup>(8)</sup></b>	<b>80</b>		
<b>Upland/Open Space</b>	<b>55.3</b>		
<b>Wetlands</b>	<b>104.5</b>		
<b>Major Roads</b>	<b>168.0</b>		
<b>Total</b>	<b>2,374.69</b>	<b>697,380</b>	<b>6,428</b>

(1) Land uses may be traded in accordance with the Land Use Equivalency Matrix provided in "Exhibit C" of the Waterset DRI #266 Development Order.

- (2) Single Family Detached and Single Family Attached may be located in RES, Mixed Use and Town Center tracts.
- (3) 400 of the detached units, and 100 of the attached units shall be restricted to senior adult (55+) housing, to be governed by Community Covenants & Restrictions CC&Rs) as per Condition 19.b of the Development Order.
- (4) Commercial and office entitlements may be located within any Mixed Use and Town Center tracts provided it meets the intent of the approved transportation analysis.
- (5) Single Family or Multi Family may be allowed in RES, Mixed Use and Town Center tracts.
- (6) School site(s) will be provided within the RES tracts. If Hillsborough County School Board determines that any of the school sites are not required, or if less than 40 acres is required, residential use shall be allowed in accordance with the approved entitlements.
- (7) Community/Neighborhood Parks will be provided within the RES and Mixed Use tracts, and may be provided in any tract. A minimum of 27 acres will be provided.
- (8) If Hillsborough County determines that the Regional Sports Complex is not desired, residential use shall be allowed in accordance with the approved entitlements
- (9) No development shall occur within the cross hatched area (adjacent to I-75) until the alignment of Apollo Beach Boulevard Extension is determined by the Developer and Hillsborough County.
- (10) Internal roadway alignments are conceptual in nature and may be adjusted.

a. The physical development of that part of the Project formerly referred to as Waterset South was required to begin within two years of the effective date of the First Amendment, Resolution R90-100; and compliance with this section has been met pursuant to Findings of Fact in the "Second Amendment", Resolution R92-0210.

b. This Development Order shall remain in effect for Waterset for a period up to and including June 21, 2037. No new construction shall commence after expiration of the Amended and Restated Development Order except as authorized pursuant to an amendment of this Amended and Restated Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the buildout date of this Amended and Restated Development Order may be completed in accordance with the requirements of the Amended and Restated Development Order, if approved. This Amended and Restated Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Amended and Restated Development Order.

c. This Waterset Development shall not be subject to down-zoning or intensity reduction until June 21, 2037 unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Amended and Restated Development Order have occurred, or the Amended and Restated Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by the local government to be essential to the public health, safety or welfare.

2. Transportation:

a. Proportionate Share and Mitigation to be provided. The Developer's proportionate-share mitigation dollar amount for the traffic impacts of the Waterset development, calculated using FOOT District 7 Roadway Costs per Centerline Mile (June 2012), has been determined to be eleven million two hundred thirteen thousand three hundred forty-one dollars (\$11,213,341) (the "Proportionate Share"). The Developer shall mitigate for the traffic impacts of the Project by providing the transportation improvements listed herein, which improvements shall be conditions of approval, and which shall be provided regardless of cost.

b. Thoroughfare Roads. The roadways listed in Table 2 shall be constructed by the Developer commensurate with development of adjacent tracts within Waterset. The Waterset Boulevard Improvement, as set forth in Table 2 (or, at the option of the Developer, Waterset Boulevard to its point of intersection with 30th Street and 30 Street from Waterset Boulevard to the southern property boundary), shall in no event be constructed later than March 22, 2025, and the Apollo Beach Boulevard Extension improvement, as also set forth in Table 2, shall in no event be constructed later than March 23, 2019. All other thoroughfare roads, as set forth in Table 2, shall be completed prior to April 28, 2025.

**TABLE 2  
WATERSET  
THOROUGHFARE ROAD IMPROVEMENTS**

Roadway	From	To	General Improvement	Urban/Rural Design
Waterset Boulevard	Big Bend Road	19th Avenue@ 24th Street	New 2 lane Road	Urban 4 lane divided
30th Street	Apollo Beach Boulevard Extension	Property Boundary (North)	New 2 lane Road	Urban 4 lane divided
30th Street	Property Boundary (South)	19th Avenue	New 2 lane Road	Urban 4 lane divided
Apollo Beach Boulevard Extension	US 41	Covington Garden Drive	New 4 lane Road	Urban 4 lane divided
Covington Garden Drive	Big Bend Road	Waterset Blvd.	New 2 lane Road	Urban 2 lane undivided
Road "A"	West Property Boundary	Waterset Blvd.	New 2 lane Road	Urban 4 lane divided

c. Regional Network Improvements. The following regional network improvements in Table 3 shall be constructed and/or funded by the Developer:

**TABLE 3**

**REQUIRED REGIONAL IMPROVEMENTS AND CONTRIBUTIONS**

Location	Improvement/Contribution
Interstate 75 (I-75) Flyover	<p>Design, permit and contribute funding, up to a combined total of twelve-million dollars (\$12,000,000.00), plus interest as set forth below, toward the construction of the Apollo Beach Boulevard Extension's I-75 overpass as a 4-lane facility, connecting the Apollo Beach Boulevard Extension west of I-75 to the western extension of County Road 672 (Balm Road) east of I-75 ("the Flyover Project").</p> <p>No design, permitting or construction of the Flyover Project shall commence until the parties enter into a separate agreement (the "Flyover Agreement") addressing their mutual responsibilities and obligations with regard to the funding, design, permitting and construction of the Flyover Project.</p> <p>The County and the Developer shall enter into the Flyover Agreement by no later than May 31, 2015. The Flyover Agreement shall authorize the Developer to proceed with design and permitting of the Flyover Project, and shall at a minimum designate the design firm to be utilized by the Developer, the plan specifications, scope of services, and the design and permitting costs.</p> <p>Design and permitting for the Flyover Project shall be completed within twenty-four (24) months of the execution of the Flyover Agreement.</p> <p>By no later than December 31, 2016, the County shall provide written notice to the Developer of whether or not it elects to proceed with the further funding of the Flyover Project. If the County elects to proceed with the further funding of the Flyover Project, then the Developer shall provide a total financial contribution of twelve-million dollars (\$12,000,000.00) plus 2.6% interest compounded annually from the effective date of this Development Order, less any costs incurred for the design and permitting of the Flyover Project ("the Option 1 Adjusted Payment"), within sixty (60) days of the acceptance of completed Flyover Project design plans and permits by the County's Public Works Director.</p> <p>In the event that the County determines that the Flyover Project cannot be constructed due to insufficient funding or otherwise, the Developer shall provide a total financial contribution of twelve-million dollars (\$12,000,000.00) plus 2.6% interest compounded annually from the effective date of this Development Order, less any costs incurred for design and permitting of the Flyover Project ("the Option 2 Adjusted Payment"). In such event, the Option 2 Adjusted Payment shall be paid to the County by no later than December 31, 2017. Within six (6) months of the County's written decision not to proceed with the construction of the Flyover Project, the Developer shall submit to the County, in the appropriate format,</p>

	<p>an application to amend the DRI Development Order to provide a substitute regional improvement(s) in the general vicinity of Waterset to replace the Flyover Project. In no event shall the Developer's contribution to the substitute regional improvement(s) be greater or less than the Option 2 Adjusted Payment.</p> <p>Notwithstanding anything herein to the contrary, the expenditures by the Developer for the design and permitting of the Flyover Project. The reduced outstanding contribution shall be used to calculate the interest on the remaining obligation.</p>
Apollo Beach Boulevard and US 41 Intersection	<p>Design, permit and construct improvements to the Apollo Beach Boulevard &amp; US 41 Intersection, consisting of the addition of an east leg of the intersection (crossing the CSX railroad) and including the following additional lanes:</p> <p>Addition of 1st eastbound through lane  Addition of 1st and 2nd westbound left turn lanes  Addition of 1st westbound through lane  Addition of 1st westbound right turn lane  Addition of 1st northbound right turn lane  Addition of 1st southbound left turn lane</p>
Big Bend Road	<p>Conduct a traffic analysis in order to develop and implement a time-based coordination plan along Big Bend Road between U.S. 41 and U.S. 301 for the purpose of improving traffic flow.</p>

d. Intersection Improvements

(i) The following intersection improvements will be constructed by the Developer:

**TABLE 4**  
**WATERSET**  
**INTERSECTION IMPROVEMENTS**

Intersection	Improvement
19th Ave. and 24th Street	Signalize, EB & SB left turn lanes, WB & SB right turn lanes
19th Ave. and 30th Street	Signalize, Dual (2) EB left turn lanes & SB left turn lane, WB & SB right turn lanes, SB through lane
Big Bend and Waterset	2nd WB Left Turn lane, 2nd NB Left Turn lane
Apollo Beach Boulevard and US 41	EB exclusive through travel lane on Apollo Beach Boulevard at US Hwy 41; Dual WB left turn lanes, a through travel lane, and a right turn lane on the Apollo Beach Boulevard extension at US Hwy 41; SB left turn lane on US Hwy 41 at Apollo Beach Boulevard; and NB right turn lane on US Hwy 41 at Apollo Beach Boulevard.

(ii) ~~(ii)~~ Turn lane improvements as shown in Table 4 will be provided at time of construction of adjacent project access roads.

(iii) ~~(iii)~~ Traffic Signals as shown in Table 4 will be provided when warranted. Biennially, for inclusion in the Biennial Report, the Developer shall complete an evaluation with FOOT and Hillsborough County, as appropriate, to determine whether a warrant study is required for the signalization of the roadway intersections identified. Should it be determined that a warrant study is required, the Developer shall provide same in the Biennial Report. Furthermore, if a traffic signal is warranted, and the results are approved by Hillsborough County and/or FOOT, then the Developer shall submit 100% signal design plans to Hillsborough County and/or FOOT within 180 days of Hillsborough County and/or FOOT approval. Construction of the traffic signal shall commence within 120 days of approval of the final signal plans by Hillsborough County and/or FOOT. If Hillsborough County and/or FOOT elects to conduct a traffic signal warrant and finds that a signal is warranted, then the developer shall comply with the timing schedule described above.

3. Transportation: General

a. Roadway alignments are conceptually depicted on Map H, dated March 20, 2024~~0~~ and attached hereto as Exhibit "B".

b. Right of Way for the I-75 Flyover Bridge

Option 1 - In the event that the design of the Flyover Project is completed, then within 60 days of the County's acceptance of final permits and designs for a 4-lane bridge extending Apollo Beach Boulevard over Interstate 75, ("the I-75 Flyover Bridge"), the Developer shall dedicate and convey, within the right-of-way preservation area as generally depicted on Map H, sufficient right-of-way of a width not less than 124 feet, or that necessary to accommodate the I-75 Flyover Bridge as designed, whichever is greater. Such dedication and conveyance shall also include land sufficient to accommodate drainage for the I-75 Flyover Bridge. The Developer shall be responsible for constructing the remaining 4-lane extension of Apollo Beach Boulevard from Covington Garden Drive to the I-75 Flyover Bridge approach, consistent with the designs and conditions set forth in the zoning. [Option 1 was selected].

Option 2 - In the event the County elects not to fund the completion of the design and permitting of the Flyover Project, then the Developer shall (at the time of Final Plat approval of property within 600 feet of the southernmost property boundary of the right-of-way preservation area, but in no event earlier than May 31, 2015 and in no event later than December 31, 2023), dedicate and convey sufficient right-of-way, of a width not less than 124 feet and in a location mutually agreeable to the Hillsborough County and the Developer, necessary to accommodate the I-75 Flyover Bridge. This dedication and conveyance shall also include land sufficient to accommodate drainage for the I-75 Flyover Bridge. The County shall be responsible for constructing the remaining 4-lane extension from Covington Garden Drive to the I-75 Flyover Bridge approach consistent with the zoning conditions. The Developer shall be required to dedicate and convey land necessary for the completion of the remaining 4-lane extension of the Apollo Beach

Boulevard Extension from Covington Garden Drive to any future I-75 Flyover Bridge approach.

c. ~~a.~~ Impact Fee/Mobility Fee Offsets.

Buildings within the Development shall be subject to the adopted Consolidated Impact Assessment Program Ordinance (the "Impact Fee Ordinance"), as it may be amended from time to time. The Developer shall be entitled to impact fee offsets recognized for eligible improvements and/or contributions in accordance with the Impact Fee Ordinance. In the event that Hillsborough County adopts a Mobility Fee ordinance that operates in lieu of its transportation impact fee program, the Developer shall be entitled to any available offsets against mobility fees that may be provided for in that ordinance, in accordance with the provisions thereof. Nothing herein shall be construed as a waiver of Developer's right to contest the validity of the Impact Fee or Mobility Fee Ordinance, the impact or mobility fees assessed thereunder, or the offsets to be provided.

d. ~~b.~~ Monitoring.

A biennial monitoring program will be started upon completion of 1,000 dwelling units. This biennial monitoring report will be reported as part of the biennial report referenced and will continue until buildout. The biennial reports shall provide information for Waterset regarding the total development which has been permitted and its equivalent in trips and shall project the development/trips anticipated for the next two years. Prior to commencing the biennial monitoring, the developer shall submit a monitoring methodology and plan showing the proposed locations of the counts to the County for review and approval. The monitoring program at a minimum shall consist of one 2-hour pm peak hour (4 pm to 6 pm) directional counts, with subtotals at 15-minute increments at all project entrance driveways with public roadways (including U.S. 41, 19th Avenue, Big Bend Road and Apollo Beach Boulevard). The sum of the Project entrance trips will be totaled in 15-minute increments and the highest four consecutive 15 minute totals will be summed to determine the Project's total PM peak hour traffic volume. This total will include net external trips, diverted trips, and pass-by trips of the Waterset DRI development. The biennial monitoring shall be conducted during the peak season (February to April) and a maximum of 60-90 days prior to the Biennial Report submittal date unless otherwise approved by the County. If the driveway volumes exceed those projected in the DRI/ADA approval by more than 15%, a new traffic analysis consistent with Section 380.06, F.S. may be required. The revised transportation analysis will be based on the agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

The required data for Waterset shall be included in each biennial report. If the monitoring results demonstrate that the Project is generating more than fifteen (15) percent above the number of trips estimated in the original analysis or a biennial report is not submitted within 30 days of its due date, the County shall issue no further development permits and may require an amendment to the Amended and restated Development Order to change or require additional roadway improvements.

The Project is proposed to be constructed in a single phase, with buildout in the year 2025. The development is expected to generate 3,933 inbound and 3,220 outbound



trips in the p.m. peak hour at buildout. Internal capture is expected to reduce the total number of trips generated by 15.1% resulting in 3,394 inbound and 2,681 outbound trips. Pass-by capture is expected to further reduce the number of trips by 7.5% resulting in new net external trips of 3,127 inbound and 2,414 outbound trips. The number of trips passing through the Project driveways would total 3,394 inbound and 2,681 outbound trips for a total of 6,075 p.m. peak hour trips. The Project has previously mitigated for 498 inbound and 287 outbound trips.

e. ~~e.~~In the event that the performance by the Developer of the commitments set forth in this Amended and Restated Development Order shall be interrupted or delayed by war, riot, strike, civil commotion, natural disaster or other event beyond Developer's control, then Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof. Further, in the event that performance by the Developer of the commitments set forth in this Amended and Restated Development Order shall be interrupted or delayed in connection with the necessary governmental approvals from the construction of any Improvement referenced herein, and which interruption or delay is caused through no fault of the Developer, then the Developer shall submit documentation regarding such event(s) to Hillsborough County for its review and concurrence. If such documentation shows that such event(s) have taken place, then the Developer shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

f. ~~f.~~ Transit Amenities.

(i) The Developer shall provide transit amenities which may include but shall not be limited to a park and ride location that can accommodate buses, bicycles, vanpools, and carpools to be specified in the approved zoning conditions. Within that part of Waterset (that was formerly within the Southbend DRI #145), the developer shall be required to conform with the five stipulations of the Hillsborough Area Regional Transit Authority (HART) (as listed below) concerning proposed phase modal splits of 2.5%, 3.5% and 4.7% and shall monitor them with each annual report.

(ii) ~~(ii)~~ Access and internal arterial and appropriate collector road geometrics shall accommodate a 96" wide by forty (40) feet long advance design coach.

(iii) ~~(iii)~~ The Developer shall provide shelters and pullout bays along the on-site transit route on the internal arterial or collector roads as and when deemed appropriate by HART Authority. Shelter locations shall be reasonably accessible via walkways/crosswalks for pedestrian movement to/from buildings. Sufficient area lighting shall be included at bus stops. Appropriate signage will be placed at shelter sites.

(iv) ~~(iv)~~ Transit schedule/information displays will be provided, at a minimum, at each on-site bus stop by the developer.

(v) ~~(v)~~ Maintenance of transit amenities such as shelters, benches, and schedule displays shall be the responsibility of HART Authority.

Maintenance of landscaping adjacent to transit amenities shall be the responsibility of the developer.

(vi) ~~(v)~~ Details, standards and phasing of all transit amenity provisions must be approved by the HART Authority and shall be representative of those commonly in use by HART Authority.

4. Wetlands:

a. Any activity interfering with the integrity of wetlands, such as clearing, excavating, draining or filling, without written authorizations from the Director of the Environmental Protection Commission or his designated agent, pursuant to Section 17 of the Hillsborough County Environmental Protection Act and of Chapter 1-11, Rules of the Environmental Protection Commission shall be prohibited.

b. The portions of Waterset which meet the definition of preservation and/or conservation area as defined by Policies 10.1.2 and 10.3.1 of the Tampa Bay Regional Planning Council's Future of the Region (the "FRCRPP"), shall be so designated and their ultimate disposition indicated on the revised General Development Plan submitted to Hillsborough County for Planned Development approval. The Developer shall provide a buffer zone, in accordance with applicable local and state regulations, around all preservation and conservation areas to provide an upland transition into the wetland areas and to protect the natural systems from development impact. No dredging, filling or development activities shall be allowed within the preservation areas except to provide cross-access between the tracts within the development and between the development and property adjoining the development, as provided in the zoning conditions, and shall be subject to approval of the Environmental Protection Commission of Hillsborough County.

c. All modifications to on-site wetlands shall be carried out so as to substantially maintain existing natural hydroperiods, normal pool elevations and seasonal high water elevation pursuant to applicable local, State and Federal regulations, and as permitted by the Florida Department of Environmental Protection ("DEP") and the Southwest Florida Water Management District ("SWFWMD"). Documentation that the proposed modifications meet regulatory and permitting criteria shall be reported as part of each biennial report beginning with commencement of construction or site clearing activity and continuing for three years following build-out.

d. Existing conservation area wetlands which are permitted to be altered or eliminated should be used as donor material for re-vegetation of mitigation areas where feasible.

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

f. Monitoring of wetlands and wetlands hydroperiods shall be performed by the Developer and a report thereof, including any significant adverse alterations to wetlands hydroperiods, shall be part of the biennial report. If it is apparent to applicable

regulatory agencies that preservation/conservation areas are being adversely affected beyond that predicted in the ADA, due to project development activities, Hillsborough County, and/or the applicable regulatory agency, shall notify the Developer and shall direct the development activity which is causing such adverse effects to cease until remedial measures have been taken to correct the hydroperiod imbalance. Documentation that required remedial measures have been implemented shall be provided in the biennial report, if applicable.

g. All wetland losses shall be mitigated in accordance with Chapter 62- 345 F.A.C., Uniform Mitigation Assessment Method elsewhere on-site. Mitigation for wetland losses shall be implemented prior to or concurrent with any wetland disturbance.

h. In order to protect the natural values of preserved/conserved wetland areas, prior to development approval for each increment or phase, the Developer shall submit a wetland/lake management plan to Hillsborough County, DEP and SWFWMD for approval. The plan shall address but not be limited to, wetlands to be preserved, proposed wetland/lake alteration, control of exotic species, mitigation of lost wetlands, control of on-site water quality, and methods for wetlands restoration/enhancement.

i. To minimize further fragmentation of the wetland W2 system, con spans or large box culverts will be utilized for the roadway crossing.

#### 5. Flood Plains and Disaster Preparedness:

a. The Developer shall, in conjunction with the applicable state and local agencies, establish a Comprehensive Emergency Management Plan (CEMP) for the safe evacuation and re-entry/recovery of residents and employees from the Project upon issuance of all hurricane evacuation orders. The plan shall include a hazards analysis to identify the following: estimated population at risk (e.g. families, elderly); hurricane evacuation routes and shelter space; regulatory finished floor elevations and potential flood elevations; flood zone (some wave action may exist); number of structures by type of structure in the flood zone; minimum elevations with which the site will be built (the design flood elevation) including the differential between the design flood elevation and storm surge elevation; define how various evacuation orders will be met without causing confusion within the boundaries of the Project; and shall include information regarding the Community Emergency Response Team (CERT) training available through the Citizen Corps Council which includes the following: Disaster Preparedness, Fire Safety, Disaster Medical Operations, Light Search and Rescue, Disaster Psychology, Terrorism, and provide all the flood zones for the development and the potential areas of wave action for category B, C, D, and E evacuation prior to or concurrent with construction plan approval which is to be used with construction plan and building plan approval. The plan shall be implemented by the property manager and/or the homeowners' association board of directors or their designees. Specific responsibilities within the plan may be assigned to individual committees or management entities at the discretion of the property manager or homeowners' association board of directors. The plan shall be provided to Hillsborough County and disaster preparedness officials for approval and TBRPC for review, prior to first construction plan approval.

b. There shall be no impervious surfaces constructed within the 25-year flood plain, except minimal, properly permitted and mitigated intrusions for necessary roadways or easements.

c. Base floor elevations for all roadway accesses to residential areas shall be at or above the 100-year floodplain elevation. Base floor elevations for all habitable structures shall be at or above design flood elevation.

d. The Developer shall promote awareness of hurricane/flooding hazard, preparedness and hazard mitigation through public information, community Intranet, neighborhood association newsletters, model homes, commercial/office buildings, etc. The hurricane shelter list shall be updated biennially.

e. The Developer shall provide mitigation for hurricane shelter space for the total shelter demand of 1,742 within Waterset at a cost of \$129.00 per space. The Developer shall pay the fee of \$224,718.00 prior to first construction plan approval within Waterset that is located south of Apollo Beach Boulevard Extension. The Developer shall also have the option to reduce the fee by providing private shelter space within the community, subject to approval of the Hillsborough County Office of Emergency Management.

6. Soils:

a. The soil conservation measures referenced in the first SD (Fourth Amendment) on Pages 14.3, 15.4, and 15.5, at a minimum, shall be implemented.

b. The methods referenced in Pages 15.2 and 15.3 of the first SD (Fourth Amendment) to overcome problems associated with particular on-site soil types shall be implemented.

7. Air Quality:

a. Hillsborough County reserves the right to require mitigation measures or revision of the Master Plan to alleviate any potential impacts of the Project on ambient air quality expected from any changes to the Project which cause additional regional impact.

b. The Developer shall, at minimum, implement the measures to reduce erosion, fugitive dust and air emissions referenced on First Sufficiency Response page 22.1 of the first SD (Fourth Amendment).

8. Natural Vegetation and Wildlife:

a. Should any species which are listed in Section 39-27.003-005, Florida Administrative Code, be observed frequenting the site for nesting, feeding or breeding, proper protection/mitigation measures as required by applicable law, shall be employed immediately by the Developer in cooperation with the Florida Fish and Wildlife Conservation Commission ("FWCC").

b. Representative tracts of the pine-mesic oak forest and live oak hammock communities, listed on pages 12-4 and 18-1 of the SD, shall be designated on the Master Site Plan and preserved on-site in a manner which will protect or enhance their continued natural function and value. These tracts should be located contiguously in order to maximize their natural value.

c. Prior to the issuance of detailed site plan approval or Land Alteration permits, the developer shall stipulate to the satisfaction of Hillsborough County the manner by which any onsite gopher tortoise colonies shall be preserved or relocated. Copies of any required permits relative to any on-site gopher tortoise population shall be provided to Hillsborough County. An acceptable plan detailing how the gopher tortoise population will be accommodated, protected and monitored shall be submitted to Hillsborough County and the FWCC. The plan shall be submitted prior to any clearing activities or building permits. If no suitable habitat is available for relocating the tortoises, the applicant will submit an application for approval of an Incidental Take Permit to the appropriate agencies prior to initiation of construction as required.

d. In order to maintain and enhance the breeding population of Southeastern American Kestrels on the site, within one year of approval of this Development Order, the Developer shall install seven boxes as shown on Exhibit 2 of the August 2005 Kestrel Survey, SD. The nest boxes shall be designed, constructed and installed in accordance with FWCC Guidelines. The nest boxes shall be maintained by the Developer or its assigns during the life of this Development Order. **[The boxes were installed in December, 2007.]**

e. Within six months of approval of this Development Order, the Developer shall enter into an agreement with TECO for the ability to maintain the power line right-of-way through the community. A copy of said agreement shall be submitted to Hillsborough County. The right-of-way shall be maintained by the Developer or its assigns during the life of this Development Order. If an agreement between TECO cannot be reached within six months of approval of this Development Order, the Developer shall provide an alternative plan to provide kestrel preservation per the Land Development Code of Hillsborough County. This plan must be submitted and approved by Hillsborough County and the FWCC prior to any land alteration permit approval. If the maintenance agreement with TECO expires, the Developer, or the entity responsible for the management plan at that time, will submit an alternate method of compliance to the County. The alternative method shall be in accordance with the applicable provisions of the Land Development Code. **[The maintenance agreement was submitted on March 22, 2007.]**

f. Within 90-days of approval of this Amended and Restated Development Order, an Upland Management Plan shall be submitted to Hillsborough County for review and approval. The plan shall include provisions related to the timing and frequency of restoration and maintenance activities and provisions for monitoring of said activities. Implementation of the plan shall be initiated prior to commencement of construction. Status of implementation measures and monitoring of the plan shall be reported in the biennial report. **[The plan was submitted and approved in August, 2007.]**

g. Prior to initiation of construction, the Developer shall review the locations of nearby rookery locations and wood stork information as obtained from the "Florida Atlas of Breeding Sites for Herons and Their Allies" (1991) and recent monitoring reports by Audubon of Florida and coordinate with the USFWS. The information shall be submitted to FWCC for review and coordination prior to final site plan approval.

h. Pre-construction breeding season surveys for Florida Sandhill cranes shall be conducted within all wetlands suitable for nesting to identify and avoid potential

impacts. If nests are identified, the FWCC shall be contacted for consultation and review concerning conservation measures.

i. The required upland habitat protection for kestrels within the Elsberry expansion area was fully satisfied through off-site preservation in the form of a monetary contribution to the Hillsborough County Local Habitat Mitigation Bank.

9. Historical and Archaeological Sites:

The discovery of any significant historical or archaeological resources during development activities shall be reported immediately to the Florida Division of Historical Resources. The disposition of such resources shall be determined in cooperation with the Division of Historical Resources and the Hillsborough County Historic Resources Review Board. Any activity disturbing such resources shall cease until the disposition of such resources has been determined.

10. Utilities: Water Supply and Wastewater Treatment:

a. The Developer shall be responsible for maintenance of all on-site water and wastewater facilities unless dedicated to Hillsborough County.

b. The Developer shall be responsible for off-site expansion of the water distribution and wastewater collection systems, if any, including any oversizing that may be required for project hook-up as provided in the Future of Hillsborough Comprehensive Plan.

c. Disposal of hazardous waste, as defined by applicable regulations, into the sewer system is prohibited.

d. Hillsborough County will provide, operate and maintain water service for each phase of the development.

e. An acceptable water use plan (potable and non-potable) shall be submitted to Hillsborough County and SWFWMD for their approval prior to issuance of any project construction permits. The plan shall include at minimum:

(i) A phased estimate of the potable and non-potable water demands of the Project.

(ii) ~~(ii)~~ Monitoring requirements to protect surface and groundwater resources from project development such as an interim wastewater treatment plant and percolation ponds, the stormwater drainage system, wastewater reuse and / or irrigation wells.

(iii) ~~(iii)~~ Xeriscape provisions.

(iv) ~~(iv)~~ Well protection, pumping and abandonment requirements.

(v) ~~(v)~~ Non-potable use and source provisions including discussion of any reuse program and a scheduled irrigation plan.

(vi) ~~(v)~~ Hydrant installation, flow and testing requirements.

(vii) ~~(vi)~~ An implementation timetable.

(viii) ~~(vii)~~ On-site infrastructure to accommodate the entire Project for reclaimed water use as it becomes available, to be provided by the developer.

**[The plan was submitted on February 14, 2008.]**

f. Until such a time as reclaimed water becomes available for any particular area within the Project, Waterset shall utilize, to the maximum extent possible, the lowest quality water reasonably available and suitable for irrigation or other non-potable uses. [Reclaimed water is available for the entire Project]

g. Fire flow and pressure appropriate for the development shall be maintained within the Waterset water supply system.

h. Developer shall be responsible for maintenance and operation of any on-site wells.

i. Water saving devices shall be required in the Project as mandated by the Florida Water Conservation Act (Section 553.14, Florida Statutes, 1985) and native vegetation shall be used in landscaping to the greatest extent feasible. The Developer shall use xeriscape techniques in areas where wastewater reuse is not feasible. Florida-friendly landscaping principles shall be used throughout development. Ecologically viable portions of existing native vegetation shall be incorporated into the landscape design to the greatest extent practicable and shall not be irrigated. Water-saving irrigation systems shall be used throughout the development. Rainfall sensor devices shall be included on all irrigation systems.

j. Developer shall incorporate the Southern Tampa Bay Water Use Cautionary Measures to the extent feasible. Total water use for the development shall meet the compliance per capita use rate required in the Eastern Tampa Bay Water Use Caution Area, which is part of the SWUCA, of 150 gallons per capita per day.

k. The Developer shall provide conservation education for the residents and other users of the development.

11. Solid/ Hazardous Waste:

a. The collection, transportation, and disposal of solid waste is controlled by county ordinance(s) and shall take place in accordance with the terms of said ordinance(s).

b. The Developer shall advise and encourage Waterset tenants, businesses, residents, etc. to:

(i) Avoid the generation of hazardous waste through proper usage of materials and good management practices.

(ii) Properly collect and separate hazardous waste from the normal solid waste stream and to properly dispose of said waste.

(iii) For generators to notify the Environmental Protection Commission of Hillsborough County that their operations generate hazardous waste in large quantities (over 1,000kg / month), small quantities (100-1,000 kg/ month) or small quantities exempt (less than 100 kg / month) and to arrange for a verification inspection of their facilities.

12. Energy:

a. The Developer shall encourage all Waterset tenants, businesses, residents, etc. to:

(i) Use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;

(ii) Obtain energy audits provided by energy companies or other qualified agencies;

(iii) Install water heater timers and set water heaters at 130 degrees Fahrenheit or lower;

(iv) Use landscaping and building orientation to reduce heat gain, where feasible, for all Waterset construction;

(v) Promote energy conservation by employees, buyers, suppliers and the public;

(vi) Reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours;

(vii) Institute and utilize recycling programs;

(viii) Utilize energy efficient packaging and/or recyclable materials; and

(ix) Install total energy systems on large facilities when cost effective.

b. The Developer shall implement the energy conservation measures referenced on Pages 25-3 to 25-5 of the DRI/ADA, including adherence to the Florida Energy Efficient Building Code, as appropriate.

c. Tampa Electric Company (TECO) has capability and will provide electricity for the development of Waterset.

d. Tampa Electric Company (TECO) has capability and will provide natural gas for the development of Waterset.



13. Stormwater Management and Water Quality:

a. All stormwater management system components shall comply with Chapters 17-25, 40D-4 and 17-3, Florida Administrative Code, as well as any other applicable local, state and federal rules and regulations. Treatment shall be provided by biological filtration, wherever feasible.

b. The Developer shall amend the Water Quality Monitoring Program established in 1992 to include the expanded land area added to the Project. The amended program will be submitted to SWFWMD and DEP for review and approval prior to any site development in the expanded portion of the DRI. The Program shall continue to institute and implement ground and surface water monitoring to assure that there is no degradation of water quality by development of the Project. Sampling locations shall be at two locations on the Project, one where Wolf Creek enters the Project site and a second where Wolf Creek exits the site. Samples will be taken twice - once at the end of the rainy season and again at the end of the dry season. The baseline sampling data and monitoring reports shall report the following: fecal coliform; dissolved oxygen; nutrients; pesticides; herbicides; pH; and heavy metals (including cadmium, copper, iron, lead and mercury). The baseline will be established before any site alteration. The monitoring program shall be initiated upon commencement of site alteration and shall continue through project buildout. SWFWMD and other appropriate agencies, pursuant to applicable law, will approve the parameters proposed to be tested, sampling location, methodologies, and frequencies, and shall review the monitoring results. All analytical methods and procedures used shall comply with the United States Environmental Protection Agency / Florida Department of Environmental Protection Quality Control Standards and Requirements ("EPA DEP Quality Control Standards"). If determined to be necessary by these agencies, the water quality monitoring program will be expanded concurrent with development of the Project. Documentation that all required monitoring plans and mitigative measures have been implemented shall be provided to Hillsborough County as part of each biennial report. Should the monitoring indicate that because of development of the Project applicable state water quality standards are not being met, the violation which is or may be contributing to or causing the non-compliance, shall be reported to Hillsborough County immediately and, if caused by on-site activities, such on-site activities identified as causing the violation shall cease until the violation is corrected. **[Waterset South amended plan was submitted on February 14, 2008; Waterset North Groundwater plan was submitted in June 2007; Waterset North Revised Surface Water plan was submitted 04/30/2007.]**

c. The Developer shall implement best management practices for reducing water quality impacts as recommended by currently adopted regulations of Hillsborough County and SWFWMD including a street cleaning program for parking and roadway areas within the development.

d. In the event of on-site wastewater treatment and disposal, assurance of protection of groundwater quality through the development of a groundwater monitoring program with appropriate sampling frequencies in compliance with EPA DEP Quality Control Standards shall be required. This program must be instituted prior to on-site wastewater treatment and disposal and continued periodically throughout the life of the Project.

e. Prior to construction plan approval and the subsequent issuance of site alteration/building permits, the Master Stormwater Management Plan for Waterset shall be submitted to DEP for review, and to Hillsborough County and SWFWMD for approval. The stormwater management system for the development shall be designed, constructed and maintained to meet or exceed the requirements contained in Hillsborough County's Stormwater Management Technical Manual. The appropriate design criteria to be used are that which is in effect at the time of Construction Plan submittal and review for a particular phase of the development. This condition shall not require the Developer to remove and replace or otherwise retrofit stormwater management structures and improvements that are in place pursuant to approved construction plans if stormwater management design requirements/criteria change prior to development of a later phase. **[Submitted for 02/14/08]**

f. All drainage and associated access easements necessary to accommodate any and all of the impacts of the Development shall be donated by the Developer to the County, as required, and in accordance with the appropriate County policy in effect at the time of the Construction Plan submittal and review. All easement documents associated with a particular parcel or phase must be fully executed and recorded prior to, or concurrent with, the issuance of Certificate(s) of Occupancy or plat approval, whichever is applicable, for the particular parcel or phase.

g. The Developer shall operate and maintain all on-site stormwater management facilities unless otherwise required or approved by the County. The Developer shall hire a licensed engineer to conduct annual inspections of the stormwater management systems on the Project site to ensure that the system is being properly maintained in keeping with its design, and is capable of accomplishing the level of stormwater storage and treatment for which it was designed and intended. Inspection results shall be included in each biennial DRI report.

h. The Developer shall implement signage and resident education advocating surface water protection.

i. Low Impact Development techniques shall be used throughout the development. These techniques shall include, but not limited to, the following: retention of the maximum amount of existing native vegetation; shallow vegetated swales in all areas, including parking; appropriate Florida-friendly plant selections; small, recessed garden areas throughout landscaped areas; porous pavement and other pervious pavement technologies; stabilized grass areas for overflow parking.

#### 14. Educational Facilities:

Upon request of the School Board, the Developer shall dedicate and convey at no cost to the Hillsborough County School Board, upland land of a total of up to 40 acres that is acceptable to the School Board to accommodate up to 2,300 student stations at the elementary and/or middle school level within Waterset. The Developer shall convey this acreage upon request by the School Board. The property shall be conveyed within six (6) months of the date of the request, but not conveyed prior to June 1, 2016 unless otherwise agreed upon by the Developer and the Hillsborough School District. If a particular school site(s) is not accepted by the Hillsborough County School Board, or if less than 40 acres are required, the site(s) may be used for single-family residential development only so long as the total number of dwelling units does not exceed the number of units shown in Table 1. If the Developer and School Board are

in agreement, the school sites may be relocated within the DRI property without the necessity for amending this Development Order. The Developer shall (a) include the school and the Regional Sports Complex in its Master Drainage Plan so as to enable the County and the School District to avoid the expense of providing on-site stormwater retention and (b) shall provide the infrastructure for both potable water and central sewer service in conjunction with the construction of the roads that will provide access to the school and park sites. The Developer shall construct the roads that provide access to the school sites. The road(s) will be constructed and conveyed to the appropriate governmental entity no later than January 1, 2017, unless otherwise agreed upon by the Developer and the Hillsborough County School District. Prior to any such conveyance, the Developer shall provide for construction vehicle access, as may be necessary by the Hillsborough County School District. [The Developer has dedicated over 42 acres to the School Board over two sites. The "North School Site" was transferred to the School Board on January 10, 2019 and the Special Warranty Deed was recorded in Official Records Book 263937, Page 714, of the Public Records of Hillsborough County, Florida. The "South School Site" was transferred to the School Board on February 2, 2023 and the Special Warranty Deed was recorded under Instrument No. 2023044308, of the Public Records of Hillsborough County, Florida. Both school sites are included in the Master Drainage Plan. Access to the North School Site is provided by Covington Garden Drive, which is complete and has been accepted by Hillsborough County. Access to the South School Site is available via Covington Garden Drive and/or 30<sup>th</sup> Street, which are both complete and have been accepted by Hillsborough County. Potable water, central sewer, and reclaimed water utilities are available to both school sites via improvements located within the Covington Garden Drive right-of-way.]

15. Fire and Police Protection:

a. Prior to the issuance of building permits, the Developer shall provide documentation to Hillsborough County of adequate fire protection for the portions of the Project then being developed, including functioning fire hydrants (in adequate numbers and locations), sprinkler systems and alarms in all non-residential buildings and appropriate fire flows and water pressure to serve each increment of the development for which approval is being sought.

b. Waterset shall be designed and constructed to meet or exceed state and local fire codes and regulations.

c. A community Fire Station shall be included within the development to be located on the east side of Waterset Boulevard (24th Street) and within one (1) mile north of 19th Avenue NW. It shall be a minimum of 1.2 acres in size or a site sufficient to accommodate the construction of a 10,000 SF one-story fire station facility. This acreage and/or site shall be sufficient to provide for all related site requirements and/or improvements (e.g. parking, circular drive, ingress and egress driveways) as determined by Hillsborough County. The Developer shall provide stormwater facilities off-site, within the master stormwater system. The site shall be located to have direct egress onto a collector or arterial roadway. The Developer shall dedicate and convey this site to the County at no cost to the County. Prior to any preliminary plat or preliminary site plan approval within the above mentioned area, the Developer shall coordinate with the Hillsborough County Fire Rescue office to determine the specific location and size of the community fire station. Within 90-days of a request by Hillsborough County Fire Rescue Department, the Developer shall dedicate and convey the property.

d. The Developer shall incorporate CPTED guidelines for all public and commercial buildings and comply with all CPTED evaluation processes as adopted and required by the Hillsborough County Sheriff's Office (HSCO) during the site plan design phase.

16. Economy:

a. Waterset shall encourage promotion of entrepreneurship and small and minority-owned business start-ups and provide for non-discriminatory employment opportunities.

b. Waterset development employers shall be encouraged to institute programs to provide childcare facilities at the place of employment or as a cooperative effort with other businesses.

17. Recreation and Open Space:

a. The Waterset park(s) and recreational facilities shall be designated on the Master Site Plan and shall be accessible to the handicapped.

b. The Developer shall comply with the Hillsborough County Park Site Improvement Program (Ordinances 85-23 and 85-25E, as amended by 86-13 and 87-13) and land use, zoning and open space requirements.

c. There shall be a minimum of twenty-seven (27) acres of community and neighborhood park/recreation areas provided, which acreage shall include mini-parks and the South Coast Greenway corridor, throughout the Project. Said parks shall be owned and maintained by a homeowner's association, community development district, or other similar entity. Should Hillsborough County request that the Developer convey any of these park sites to the County, the property shall be conveyed within six (6) months of the date of the request. The Developer shall be entitled to offsets against park impact assessments pursuant to the Hillsborough County Consolidated Impact Assessment Program Ordinance.

d. Except as provided below for the South Coast Greenway, Hillsborough County will be responsible for maintenance of all recreation and open space areas, which are accepted for dedication to Hillsborough County within the Waterset project. All recreation and open space not so dedicated will be maintained by the Developer.

e. The Developer will construct the South Coast Greenway depicted on Map H in accordance with the minimum paved trail standards in the Hillsborough County Paved Trail Design Manual or alternative standards as approved by the Hillsborough County Parks, Recreation and Conservation Department, Greenways Program. Construction of the South Coast Greenway will occur commensurate with development along its north- south route, and will be coordinated with road construction, installation of utilities and other underground infrastructure. The trail will be a minimum of 12 feet in width and will be constructed within an average 30-foot wide trail corridor. The trail will align appropriately to connect to the north and south segments of the South Coast Greenway offsite. The final alignment will be determined in conjunction with the Hillsborough County Parks, Recreation and Conservation Department, Greenways Program. The trail will remain open to the public and shall accommodate all types of

recreational uses and non-motorized transportation suitable for a paved trail. Maintenance of the trail will be provided through a homeowner's association/COD.

f. An 80-acre regional sports complex as shown on the revised Map H has been purchased by and conveyed to Hillsborough County for construction of a regional sports complex. Subject to separate conveyance, agreement and approval by the Developer and the County, the regional sports complex site may be relocated within the DRI property, without the necessity for amendment of this Development Order.

18. Housing:

a. Waterset shall encourage the development of some living units as accessible by the handicapped.

b. The units designated as Senior Adult Residential shall be governed by Community Covenants & Restrictions (CC&Rs) that restrict the units to housing for persons 55 years of age or older. All homes that are occupied must be occupied by at least one person who is at least fifty-five (55) years of age. No person under nineteen (19) years of age may be a permanent resident of a home, except that persons below the age of nineteen (19) years may be permitted to visit and temporarily reside for periods not exceeding thirty (30) days total in any calendar year period. The CC&Rs shall provide for hardship exceptions to permit individuals between the ages of nineteen (19) and fifty-five (55) years of age to permanently reside in a home even though there is not a permanent resident in the home who is fifty-five (55) years of age or over, providing that said exceptions shall not be permitted where the granting of the exceptions would result in less than 80% of the residential units in the Project having less than one resident 55 years of age or older, it being the intent that at least 80% of the units shall at all times have at least one resident fifty- five (55) years of age or older. The Developer shall provide data on hardship exceptions in each Biennial Report.

19. General Conditions:

a. Prior to issuance of building permits, the Developer shall verify to the satisfaction of Hillsborough County that adequate solid waste disposal, water, wastewater, electricity, fire, emergency medical services and police capabilities and facilities are available for the building(s) that are the subject of such building permits.

b. The Developer shall record a Notice of Adoption of this Resolution in the Public Records of Hillsborough County, Florida, in the form previously required by 380.06(15), Florida Statutes (2017).

c. If any section, subsection, sentence, clause or provision of this Amended and Restated Development Order is held invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining sections, subsections, sentences, clauses or provisions of this Amended and Restated Development Order, which shall remain in full force and effect.

**STATE OF FLORIDA**

**COUNTY OF HILLSBOROUGH**

I, \_\_\_\_\_, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board at its **Regular** \_\_\_\_\_ meeting of \_\_\_\_\_, ~~20\_\_~~2024 as same appears of record in Minute Book \_\_\_\_\_ of the Public Records of Hillsborough County, Florida.

Witness my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, ~~20\_\_~~2024.

\_\_\_\_\_, Clerk

By: \_\_\_\_\_  
Deputy Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
Assistant County Attorney

Waterset DRI #266  
Exhibit A  
Legal Description

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WATERSET NORTH  
(SOUTHBEND TO WOLF CREEK BRANCH DRI PARCEL)

DESCRIPTION: A parcel of land lying in Sections 14, 22 and 23, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of said Section 23, run thence along the West boundary of the Southwest 1/4 of said Section 23, N.00°06'47"W., 2653.71 feet to the Southeast corner of the Northeast 1/4 of the aforesaid Section 22, said point also being the POINT OF BEGINNING; thence along the South boundary of said Northeast 1/4 of Section 22, N.89°26'00"W., 1324.15 feet; thence N.00°36'03"E., 887.18 feet; thence N.28°37'40"E., 494.13 feet; thence S.89°22'16"E., 1090.37 feet to a point on the West boundary of the Northwest 1/4 of the aforesaid Section 23; thence along said West boundary of the Northwest 1/4 of Section 23, S.00°31'54"W., 420.96 feet; thence S.88°52'25"E., 375.02 feet; thence along a line lying 375.00 feet East of and parallel with said West boundary of the Northwest 1/4 of Section 23, N.00°31'54"E., 1743.88 feet to a point on the South boundary of the Southwest 1/4 of the aforesaid Section 14; thence along a line lying 375.00 feet East of and parallel with the West boundary of said Southwest 1/4 of Section 14, N.00°54'04"E., 1444.84 feet to a point on the Southeasterly line of C.S.X. TRANSPORTATION, INC. railroad right-of-way; thence along said Southeasterly line, N.28°37'48"E., 3645.67 feet; thence S.66°58'08"E., 1960.04 feet; thence S.74°21'32"E., 120.00 feet to a point on a curve, said point also being the Northwesterly corner of COVINGTON PARK PHASE SA, according to the plat thereof as recorded in Plat Book 99, Pages 210 through 226, inclusive, of the Public Records of Hillsborough County, Florida; thence along the Westerly boundary of said COVINGTON PARK PHASE SA, Southwesterly, 943.31 feet along the arc of a curve to the right having a radius of 1660.00 feet and a central angle of 32°33'32" (chord bearing S.31°55'14"W., 930.67 feet) to the Westerlymost corner of said COVINGTON PARK PHASE SA, also being the Northerlymost corner of COVINGTON PARK PHASE SC, according to the plat thereof as recorded in Plat Book 99, Pages 299 through 309, inclusive, of the Public Records of Hillsborough County, Florida; thence along the Westerly boundary of said COVINGTON PARK PHASE SC, the following three (3) courses: 1) continue Southwesterly, 573.65 feet along the arc of said curve to the right having the same radius of 1660.00 feet and a central angle of 19°48'00" (chord bearing S.58°06'00"W., 570.80 feet) to a point of tangency; 2) S.68°00'00"W., 400.00 feet to a point of curvature; 3) Southwesterly, 1500.40 feet along the arc of a curve to the left having a radius of 1540.00 feet and a central angle of 55°49'21" (chord bearing S.40°05'19"W., 1441.76 feet) to the Southwesterly corner of said COVINGTON PARK PHASE SC, also being the Northwesterly corner of COVINGTON PARK PHASE 58, according to the plat thereof as recorded in Plat Book 99, Pages 227 through 235, inclusive, of the Public Records of Hillsborough County, Florida; thence along the Westerly boundary of said COVINGTON PARK PHASE 58, the following three (3) courses: 1) continue Southerly, 327.31 feet along the arc of said curve to the left having the same radius of 1540.00 feet and a central angle of 12°10'39" (chord bearing S.06°05'19"W., 326.69 feet) to a point of tangency; 2) SOUTH, 400.00 feet to a point of curvature; 3) Southerly, 817.57 feet along the arc of a curve to the left having a radius of 2440.00 feet and a central angle of 19°11'53" (chord bearing S.09°35'57"E., 813.75 feet) to a point on the North boundary of the aforesaid Northwest 1/4 of Section 23; thence along the South boundary of said COVINGTON PARK PHASE 58 and said North boundary of the Northwest 1/4 of Section 23, S.89°00'26"E., 754.20 feet to the

Waterset DRI #266  
Exhibit A  
Legal Description

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Northeast corner of said Northwest 1/4 of Section 23; thence continue along said South boundary of said COVINGTON PARK PHASE 5B and the South boundary of COVINGTON PARK PHASE 4A, according to the plat thereof as recorded in Plat Book 96, Page 30, of the Public Records of Hillsborough County, Florida, also being the North boundary of the Northeast 1/4 of said Section 23, S.89°01'03"E., 2583.53 feet to a point on the Westerly right-of-way line of COVINGTON GARDEN DRIVE, as recorded in Official Records Book 9930, Page 1237, of the Public Records of Hillsborough County, Florida; thence along said Westerly right-of-way line, the following seven (7) courses: 1) S.00°16'06"W., 1869.07 feet to a point of curvature; 2) Southerly, 148.84 feet along the arc of a curve to the left having a radius of 330.00 feet and a central angle of 25°50'31" (chord bearing S.12°39'10"E., 147.58 feet) to a point of reverse curvature; 3) Southerly, 121.78 feet along the arc of a curve to the right having a radius of 270.00 feet and a central angle of 25°50'31" (chord bearing S.12°39'10"E., 120.75 feet) to a point of tangency on the East boundary of the aforesaid Northeast 1/4 of Section 23; 4) along said East boundary of the Northeast 1/4 of Section 23, S.00°16'06"W., 527.18 feet to the Northeast corner of the Southeast 1/4 of said Section 23; 5) along the East boundary of said Southeast 1/4 of Section 23, S.00°16'19"W., 2023.94 feet to a point of curvature; 6) Southerly, 158.36 feet along the arc of a curve to the right having a radius of 270.00 feet and a central angle of 33°36'17" (chord bearing S.17°04'28"W., 156.10 feet) to a point of tangency; 7) S.33°52'36"W., 574.64 feet to a point on the South boundary of said Southeast 1/4 of Section 23; thence along said South boundary of the Southeast 1/4 of Section 23, N.88°49'37"W., 726.16 feet; thence N.00°15'20"E., 2656.81 feet to a point on the South boundary of the aforesaid Northeast 1/4 of Section 23; thence along said South boundary of the Northeast 1/4 of Section 23 and the South boundary of the aforesaid Northwest 1/4 of Section 23, thence N.88°52'25"W., 4209.15 feet to the POINT OF BEGINNING.

Containing 576.024 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

DESCRIPTION: A parcel of land lying in the Northwest 1/4 of Section 23, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of said Section 23, run thence along the West boundary of the Southwest 1/4 of said Section 23, N.00°06'47"W., 2653.71 feet to the Southwest corner of said Northwest 1/4 of the Section 23; thence along the West boundary of said Northwest 1/4 of Section 23, the following two (2) courses: 1) N.00°31'54"E., 100.01 feet to the POINT OF BEGINNING; 2) continue, N.00°31'54"E., 701.08 feet; thence S.88°52'25"E., 375.02 feet; thence along a line lying 375.00 feet East of and parallel with said West boundary of the Northwest 1/4 of Section 23, S.00°31'54"W., 701.08 feet; thence N.88°52'25"W., 375.02 feet to the POINT OF BEGINNING.

Containing 6.035 acres, more or less.

ALTOGETHER containing 569.989 acres, more or less.  
TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:  
(FOLIO NO. 51527-0200)



Waterset DRI #266  
Exhibit A  
Legal Description

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DESCRIPTION: Part of the West 375.00 feet of the Southwest 1/4 of Section 14, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

BEGINNING at the Southwest corner of said Section 14, run thence N.00°53'16"E., 121.06 feet along the West boundary of said Section 14; thence from a tangent bearing of S.85°00'36"E., Easterly 30.57 feet along the arc of a curve to the left (having a radius of 440.00 feet, a central angle of 03°58'50", and a chord bearing and distance of S.87°00'01"E., 30.56 feet) to the end of said curve; thence S.88°59'26"E., 344.46 feet to the East boundary of the West 375.00 feet of the Southwest 1/4 of the said Section 14; thence S.00°53'16"W., 120.00 feet along the said East boundary; thence N.88°59'26"W., 375.00 feet along the South boundary of said Section 14 to the POINT OF BEGINNING.

Containing 1.033 acres, more or less.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

(FOLIO No. 51537-0200)

DESCRIPTION: Part of the Southeast 1/4 of Section 15, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

BEGINNING at the Southeast corner of the said Section 15, run thence N.89°20'15"W., 384.90 feet along the South boundary of said Section 15 to the Southeasterly right-of-way line of the Seaboard System Railroad; thence N.28°37'32"E., 250.72 feet along said Southeasterly right-of-way line; thence S.61°22'28"E., 107.22 feet to the beginning of a curve to the left; thence Southeasterly, 181.51 feet along the arc of said curve (having a radius of 440.00 feet, a central angle of 23°38'08", and a chord bearing and distance of S.73°11'32"E., 180.22 feet) to the East boundary of said Section 15; thence S.00°53'16"W., 121.06 feet along said East boundary to the POINT OF BEGINNING.

Containing 1.280 acres, more or less.

ALTOGETHER containing 572.302 acres, more or less.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

**WATERSET SOUTH**

**ELSBERRY**

(RESIDENTIAL PARCEL)

DESCRIPTION: A parcel of land lying in Sections 22 and 27, Township 31 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

BEGIN at the Southeast corner of said Section 22, run thence along the East boundary of the Northeast 1/4 of said Section 27, S.00°37'21"W., 210.17 feet; thence along the South boundary

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Exhibit A

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of the North 209.64 feet of said Section 27, as found monumented, N.89°26'59"W., 3354.92 feet to the Southeasterly railroad right-of-way line of C.S.X. TRANSPORTATION, INC. Railroad (130' Right-of-Way, formerly Atlantic Coast Line Railroad), per Florida Department of Transportation Right-of-Way Map Section 10060-2211 for U.S. HIGHWAY No. 41 (State Road No. 45); thence along said Southeasterly railroad right-of-way line, N.28°37'40"E., 970.02 feet to the Southwesterly corner of Hillsborough County Parcel "WTP/33a712" as recorded in Official Records Book 4026, Page 1838, of the Public Records of Hillsborough County, Florida; thence along the Southwesterly boundary of said Hillsborough County Parcel "WTP/33a712", S.61°22'20"E., 300.00 feet to the Southeasterly corner thereof; thence along the Easterly boundary of said Hillsborough County Parcel "WTP/33a712", N.28°37'40"E., 726.00 feet to the Northeasterly corner thereof; thence along the Southeasterly prolongation of the Northeasterly boundary of said Hillsborough County Parcel "WTP/33a712", S.61°22'20"E., 222.54 feet; thence S.89°26'00"E., 120.64 feet; thence N.00°34'00"E., 302.00 feet; thence S.89°26'00"E., 432.77 feet; thence N.61°22'00"W., 868.83 feet to aforesaid Southeasterly railroad right-of-way line; thence along said Southeasterly railroad right-of-way line, N.28°37'40"E., 2028.70 feet to the East boundary of the Southwest 1/4 of the Northeast 1/4 of said Section 22; thence along said East boundary of the Southwest 1/4 of the Northeast 1/4 of Section 22, S.00°36'03"W., 887.18 feet to the Northwest corner of the Northeast 1/4 of said Southeast 1/4 of Section 22; thence along the North boundary of said Northeast 1/4 of the Southeast 1/4 of Section 22, S.89°26'00"E., 1324.15 feet to the Northeast corner thereof; thence along the East boundary of said Southeast 1/4 of Section 22, S.00°06'47"E., 2653.71 feet to the POINT OF BEGINNING.

Containing 161.913 acres, more or less.

ALSO TOGETHER WITH **THE** FOLLOWING DESCRIBED PARCEL:  
(PUMP STATION SITE)

DESCRIPTION: A parcel of land lying in the Southeast 1/4 of Section 22, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of said Section 22, run thence along the East boundary of the aforesaid Southeast 1/4 of Section 22, N.00°06'47"W., 971.59 feet; thence N.89°26'00"W., 455.25 feet to a point of curvature; thence Westerly, 489.86 feet along the arc of a curve to the left having a radius of 1000.00 feet and a central angle of 28°04'00" (chord bearing N.75°24'00"W., 484.97 feet) to a point of tangency; thence N.61°22'00"W., 905.11 feet; thence S.28°38'00"W., 62.00 feet; thence S.40°10'31"W., 114.27 feet; thence N.89°58'43"W., 137.57 feet; thence S.00°34'00"W., 220.21 feet to the POINT OF BEGINNING; thence continue S.00°34'00"W., 76.17 feet; thence N.89°26'00"W., 40.00 feet; thence N.00°34'00"E., 76.17 feet; thence S.89°26'00"E., 40.00 feet to the POINT OF BEGINNING.

Containing 3047 square feet, or 0.070 acres, more or less.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:  
PARCEL3

DESCRIPTION: A parcel of land lying in Section 22, Township 31 South, Range 19 East, Hillsborough County, Florida and being more particularly described as follows:

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Legal Description

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COMMENCE at the Southeast corner of said Section 22, run thence along the South boundary of the Southeast 1/4 of said Section 22, N.89°34'44"W., 2684.59 feet to the Southwest corner thereof; thence along the West boundary of said Southeast 1/4 of Section 22, N.00°40'12"E., 1057.14 feet to the Southeasterly boundary of the 130 foot wide railroad right-of-way for C.S.X. TRANSPORTATION, INC., (formerly Atlantic Coast Line Railroad and also formerly Seaboard Coast Line Railroad), per Florida Department of Transportation Right-of-Way Map Section 10060-2211 for U.S. HIGHWAY No. 41 (State Road No. 45); thence along said Southeasterly boundary the following two (2) courses: 1) N.28°37'40"E., 266.53 feet to the Northwesterly corner of Hillsborough County Parcel "WTP/33A712" as recorded in Official Records Book 4026, Page 1838, of the Public Records of Hillsborough County, Florida, also being the Southwesterly corner of the property as described in Official Records Book 14508, Page 1609, of the Public Records of Hillsborough County, Florida; 2) continue, N.28°37'40"E., 526.91 feet to the Northwest corner of said property described in Official Records Book 14508, Page 1609, of the Public Records of Hillsborough County, Florida; thence along the Northerly boundary of said property described in Official Records Book 14508, Page 1609, the following two (2) courses: 1) S.61°22'00"E., 387.27 feet to the POINT OF BEGINNING; 2) continue S.61°22'00"E., 216.73 feet; thence S.28°38'00"W., 5.00 feet; thence N.61°22'00"W., 195.89 feet; thence N.47°52'15"W., 21.42 feet to the POINT OF BEGINNING.

Containing 1,032 square feet, or 0.024 acres, more or less.

TOGETHER WITH a non-exclusive perpetual utility easement and the right of ingress and egress as created by and set forth in that certain Perpetual Utility Easement by and between Coram Deo Commercial Properties, Inc. and Pulte Home Corporation recorded in Official Records Book 15370, Page 584, of the Public Records of Hillsborough County, Florida.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

WATERSET (N.O.P.C. PARCEL)

DESCRIPTION: A parcel of land lying in Sections 23 and 26, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 26, run thence along the North boundary of the Northeast 1/4 of said Section 26, N.89°49'37"W., 291.90 feet to a point on the Westerly limited access right-of-way line for INTERSTATE HIGHWAY No. 75 (State Road No. 93), per Florida Department of Transportation Right-of-way Map Section No. 10075-2403, said point also being the POINT OF BEGINNING; thence along said Westerly limited access right-of-way line, S.33°52'13"W., 1553.99 feet to a point on the Northwesterly boundary of that property recorded in Official Records Book 15934, Page 1368, of the Public Records of Hillsborough County, Florida; thence along said Northwesterly boundary, the following twelve (12) courses: 1) N.56°07'47"W., 91.76 feet to a point on a curve; 2) Southwesterly, 615.95 feet along the arc of a curve to the right having a radius of 782.00 feet and a central angle of 45°07'47" (chord bearing S.56°26'07"W., 600.15 feet) to a point of tangency; 3) S.79°00'00"W., 430.00 feet to a point of curvature; 4) Westerly, 12.53 feet along the arc of a curve to the left having a radius of 968.00 feet and a central angle of 00°44'29" (chord bearing

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Exhibit A

Legal Description

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S.78°37'45"W., 12.53 feet); 5) S.12°20'00"E., 42.95 feet; 6) S.77°40'00"W., 20.00 feet; 7) N.12°20'00"W., 42.95 feet to a point on a curve; 8) Southwesterly, 964.27 feet along the arc of said curve to the left having a radius of 968.00 feet and a central angle of 57°04'29" (chord bearing S.48°32'15"W., 924.89 feet) to a point of tangency; 9) S.20°00'00"W., 285.00 feet to a point of curvature; 10) Southwesterly, 1483.86 feet along the arc of a curve to the right having a radius of 2882.00 feet and a central angle of 29°30'00" (chord bearing S.34°45'00"W., 1467.53 feet) to a point of compound curvature; 11) Southwesterly, 674.81 feet along the arc of a curve to the right having a radius of 1432.00 feet and a central angle of 27°00'00" (chord bearing S.63°00'00"W., 668.59 feet); 12) S.13°30'00"E., 1209.98 feet to a point on the South boundary of the aforesaid Section 26; thence along said South boundary of Section 26, N.89°33'02"W., 834.58 feet; thence along a line lying 375.00 feet East of and parallel with the West boundary of said Section 26, the following (2) courses: 1) N.00°36'55"E., 2628.80 feet; 2) N.00°37'29"E., 2691.26 feet; thence along a line lying 375.00 feet East of and parallel with the West boundary of the Southwest 1/4 of the aforesaid Section 23, N.00°06'47"W., 2648.01 feet to a point on the North boundary of the Southwest 1/4 of said Section 23; thence along said North boundary of the Southwest 1/4 of Section 23, S.88°52'25"E., 2281.90 feet to the Northwest corner of the Southeast 1/4 of said Section 23; thence along the North boundary of said Southeast 1/4 of Section 23, continue S.88°52'25"E., 1552.16 feet; thence along the East boundary of the West 231.00 feet of the East 1/2 of said Southeast 1/4 of Section 23, S.00°15'20"W., 2656.81 feet to a point on the aforesaid North boundary of the Northeast 1/4 of Section 26; thence along said North boundary of the Northeast 1/4 of Section 26, S.88°49'37"E., 797.46 feet to the POINT OF BEGINNING.

Containing 504.533 acres, more or less.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

WATERSSET REGIONAL SPORTS PARK

DESCRIPTION: A parcel of land lying in Section 26, Township 31 South, Range 19 East, Hillsborough County, Florida, and being more particularly described as follows:

COMMENCE at the Northeast corner of said Section 26, run thence along the North boundary of said Section 26, N.88°49'37"W., 291.91 feet to a point on the Westerly Limited Access Right-Of-Way line of INTERSTATE HIGHWAY NO. 75, according to Florida Department of Transportation right-of-way Map Section 10075-2403; thence along said Westerly Limited Access Right-Of-Way line the following three (3) courses: 1) S.33°52'13"W., 1553.99 feet to the POINT OF BEGINNING; 2) continue, S.33°52'13"W., 4520.97 feet to a point of curvature; 3) Southwesterly, 220.00 feet along the arc of a curve to the left having a radius of 7813.44 feet and a central angle of 01°36'48" (chord bearing S.33°03'49"W., 220.00 feet) to a point on the South boundary of the Southwest 1/4 of said Section 26; thence along said South boundary, N.89°33'02"W., 330.88 feet; thence N.13°30'00"W., 1209.98 feet to a point on a curve; thence Northeasterly, 674.81 feet along the arc of a curve to the left having a radius of 1432.00 feet and a central angle of 27°00'00" (chord bearing N.63°00'00"E., 668.59 feet) to a point of compound curvature; thence Northeasterly, 1483.86 feet along the arc of a curve to the left having a radius of 2882.00 feet and a central angle of 29°30'00" (chord bearing N.34°45'00"E., 1467.53 feet) to a point of tangency; thence N.20°00'00"E., 285.00 feet to a point of curvature; thence Northeasterly, 944.56 feet along the arc of a curve to the right having a radius of 968.00 feet and a central angle of 55°54'29" (chord bearing N.47°57'15"E., 907.53 feet); thence

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S. 13°30'00"E., 42.95 feet; thence N. 76°30'00"E., 20.00 feet; thence N. 13°30'00"W., 42.95 feet to a point on a curve; thence Easterly, 32.24 feet along the arc of a curve to the a radius of 968.00 feet and a central angle of 01°54'29" (chord bearing N. 78°02'45"E., 32.24 feet) to a point of tangency; thence N. 79°00'00"E., 430.00 feet to a point of curvature; thence Northeasterly, 615.95 feet along the arc of a curve to the left having a radius of 782.00 feet and a central angle of 45°07'47" (chord bearing N. 56°26'07"E., 600.15 feet); thence S. 56°07'47"E., 91.76 feet to the POINT OF BEGINNING.

Containing 80.196 acres, more or less.

ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

WOLF CREEK BRANCH  
(PARCEL 1)

All of Section 34, Township 31 South, Range 19 East, Hillsborough County, Florida, less and except right-of-way for 19th Avenue Northeast and Interstate 75.

Containing 627.497 acres, more or less.

AND ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:  
(PARCEL 2)

A fractional part of Section 27, Section 28, and Section 33, lying Easterly of the Atlantic Coast Line Railroad right of way Township 31 South, Range 19 East, Hillsborough County, Florida, more particularly described as follows:

Commence at the Northeast corner of Section 33, Township 31 South, Range 19 East, Hillsborough County, Florida, for a point of beginning; thence South 00°00'46" East, on an assumed bearing of the Easterly boundary of said Section 33, a distance of 2571.10 feet; thence North 89°41'38" West, along the East and West quarter line of said Section 33, a distance of 2082.27 feet to a point on the Easterly right of way boundary of the A.C.L. Railroad; thence North 27°58'48" East, along said Easterly right of way line of A. C. L. Railroad, a distance of 2893.41 feet to a point on the line dividing Section 33 and Section 28; thence North 27°58'08" East, continuing along stated A. C. L. Railroad right of way line through Section 28 and into Section 27, a distance of 2973.55 feet; thence South 89°55'48" East, a distance of 4667.41 feet to a point on the Easterly boundary of said Section 27; thence South 00°01'05" East, along stated Easterly boundary of Section 27, a distance of 2629.17 feet to the Southeast corner of said Section 27; thence North 89°51'23" West, along the Southerly boundary of Section 27, a distance of 5354.99 feet to the Northeast corner of aforementioned Section 33 and point of beginning.

Containing 405.903 acres, more or less.

AND ALSO TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:  
ELSBERRY NORTH

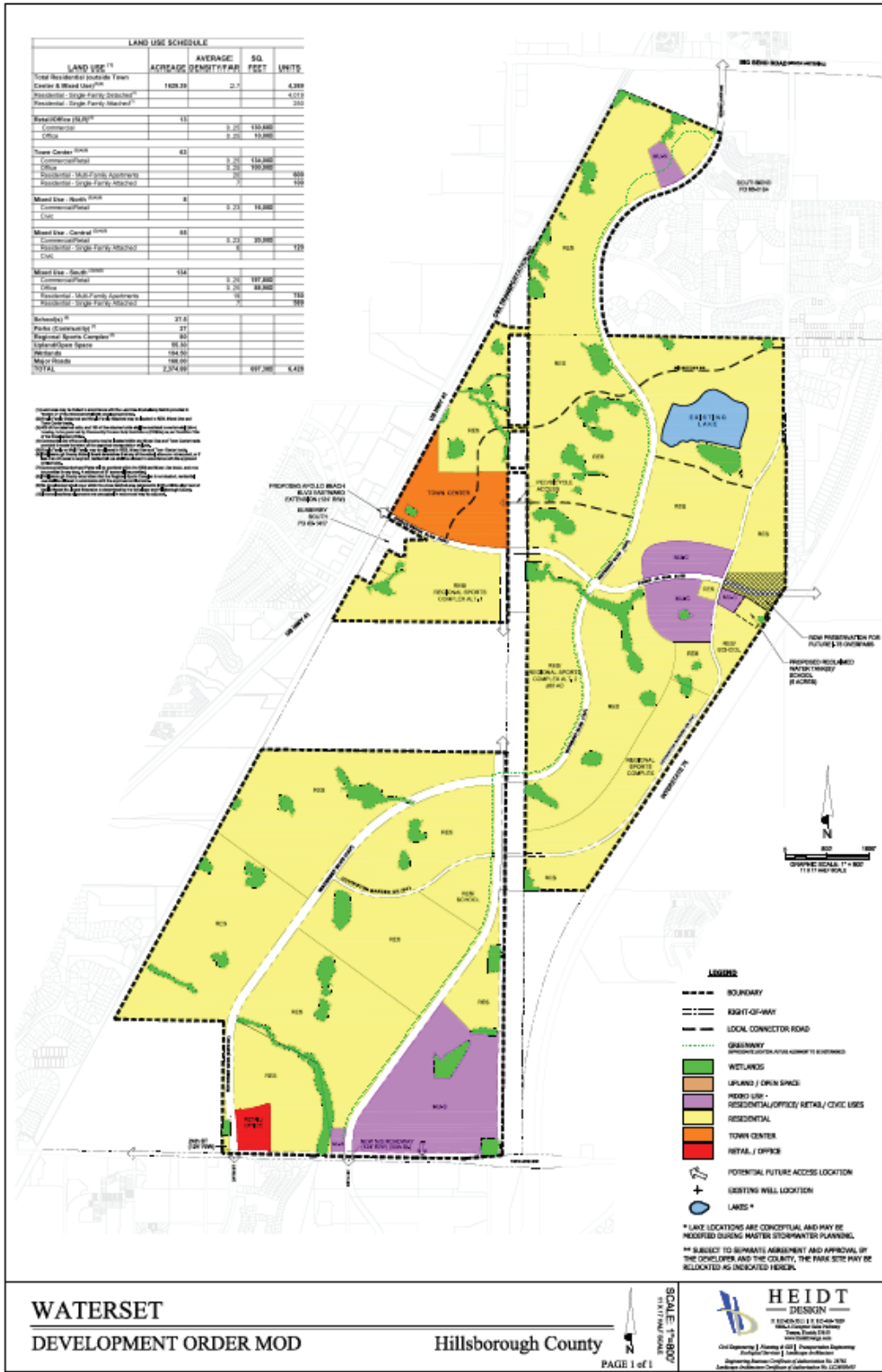
Waterset DRI #266  
Exhibit A  
Legal Description

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A parcel of land lying in Section 22, Township 31 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Southeast corner of said Section 22, run thence along the East boundary of the Southeast  $\frac{1}{4}$  of said Section 22, N.00°06'47"E., 2653.71 feet to the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 22; thence along the East boundary of said Northeast  $\frac{1}{4}$  of Section 22, N.00°31'54"E., 1322.05 feet to the Southeast corner of the Northeast  $\frac{1}{4}$  of said Northeast  $\frac{1}{4}$  of Section 22 for a point of beginning; thence along the South boundary of said Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 22, N.89°22'16"W., 1090.37 feet to the Southeasterly railroad right-of-way line of C.S.X. Transportation, Inc. Railroad (130' right-of-way, formerly Atlantic Coast Line Railroad). Per Florida Department of Transportation Right-Of-Way Map Section 10060-2211 for U.S. Highway No. 41 (State Road No. 45); Thence along said Southeasterly railroad right-of-way line, N.28°37'40"E., 1497.77 feet to the North boundary of said Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 22; thence along said North boundary of the Northeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 22, S. 89°18'31"E., 384.99 feet to the Northeast corner of said Section 22; thence along aforesaid East boundary of the Northeast  $\frac{1}{4}$  of Section 22, S.00°31'54"W., 1322.05 feet to the point of the beginning.

Containing 22.39 acres, more or less.

ALTOGETHER containing 2,374.69 acres, more or less.



**EXHIBIT C  
LAND USE EQUIVALENCY MATRIX**

Waterset  
July 2016

Buildout	Change To										
	SF Detached dwelling unit (LUC 210)	SF Attached dwelling unit (LUC 220)	Apartments Dwelling unit (LUC 220)	Senior Housing Detached Dwelling unit (LUC 251)	Senior Housing Attached dwelling unit (LUC 252)	Office General 1,000 sq ft (LUC 710)	Retail - Shopping Center 1,000 sq ft (LUC 820)	Retail - Specialty 1,000 sq ft (LUC 720)	Office Medical /Dental 1,000 sq ft (LUC 720)	Private School K-12 Students (LUC 536)	Church 1,000 sq ft (LUC 560)
SF Detached (LUC 210)	NA	1.83	1.30	2.28	2.81	0.38	0.14	0.07	0.20	4.29	1.33
SF Attached (LUC 230)	0.55	NA	0.71	1.25	1.54	0.21	0.08	0.04	0.11	2.35	0.73
Apartments (LUC 220)	0.77	1.40	NA	1.75	2.15	0.29	0.11	0.05	0.16	3.29	1.02
Senior Housing - Detached (LUC 251)	2.64	4.83	3.45	N/A	1.23	0.17	0.06	0.03	0.09	1.88	0.58
Senior Housing - Attached (LUC 252)	7.01	12.80	9.14	0.81	N/A	0.13	0.05	0.02	0.07	1.53	1.47
Office - General (LUC 710)	14.66	26.75	19.11	6.03	7.42	N/A	0.38	0.18	0.54	11.35	3.51
Retail - Shopping Center (LUC 820)	4.89	8.93	6.38	16.00	19.69	2.65	N/A	0.48	1.43	.012	9.31
Retail - Specialty (LUC 826)	0.16	.30	.21	33.44	41.15	5.54	2.09	N/A	3.00	62.94	19.45

Source: ITE's Trip Generation, 9th Edition and the Q21 Transportation Analysis for Waterset.

NOTE: The parks and public schools are not included as part of the Land Use Equivalency Matrix. \*For purposes of the utilization of the Land Use Equivalency Matrix, "Private School" shall include Hillsborough County Charter Schools.



Exhibit C

Waterset DRI #266  
Land Use Equivalency Matrix

Buildout

Land Use	Size		Gross PM Peak Hour Total	PM Peak Hour Rate (Trips/Unit)
Single Family Detached (LUC 210)	3,619	du	2,656	0.73
Single Family Attached (LUC 230)	959	du	384	0.40
Apartments (LUC 220)	1,350	du	760	0.56
Senior Adult Detached (LUC 251)	400	du	127	0.32
Senior Adult Attached (LUC 252)	100	du	26	0.26
Office - General (LUC 710)	198,900	ksf	383	1.93
Retail (LUC 820)	478,480	ksf	2,449	5.12
Office - Medical/Dental (LUC 720)	1	ksf	—	3.57
Private School K-12 (LUC 536)	1,250	students	213	0.17
Church (LUC 560)	1	ksf	—	0.55

Minimum/Maximum Table  
Land Use ADA Program  
Minimum = 70% Maximum = 130%

Buildout

Land Use Type	ADA Program		Minimum Development		Maximum Development	
Residential						
Single Family - Detached	3,619	DU	2,533	DU	4,705	DU
Single Family - Attached	959	DU	671	DU	1,247	DU
Apartments	1,350	DU	945	DU	1,755	DU
Senior Adult - Detached	400	DU	280	DU	520	DU
Senior Adult - Attached	100	DU	70	DU	130	DU
Retail - Shopping Center	478,480	Sq.ft.	334,936	Sq.ft.	622,024	Sq.ft.
Office - General	198,900	Sq.ft.	139,230	Sq.ft.	258,570	Sq.ft.
Private School K-12	1,250	Students	875	Students	1,625	Students

**EXHIBIT C  
LAND USE EQUIVALENCY MATRIX**

Waterset  
July 2016

Buildout	Change To										
	SF Detached dwelling unit (LUC 210)	SF Attached dwelling unit (LUC 220)	Apartments Dwelling unit (LUC 220)	Senior Housing Detached Dwelling unit (LUC 251)	Senior Housing Attached dwelling unit (LUC 252)	Office General 1,000 sq ft (LUC 710)	Retail - Shopping Center 1,000 sq ft (LUC 820)	Retail - Specialty 1,000 sq ft (LUC 720)	Office Medical /Dental 1,000 sq ft (LUC 720)	Private School K-12 Students (LUC 536)	Church 1,000 sq ft (LUC 960)
SF Detached (LUC 210)	NA	1.83	1.30	2.28	2.81	0.38	0.14	0.07	0.20	4.29	1.33
SF Attached (LUC 230)	0.55	NA	0.71	1.25	1.54	0.21	0.08	0.04	0.11	2.35	0.73
Apartments (LUC 220)	0.77	1.40	NA	1.75	2.15	0.29	0.11	0.05	0.16	3.29	1.02
Senior Housing - Detached (LUC 251)	2.64	4.83	3.45	N/A	1.23	0.17	0.06	0.03	0.09	1.88	0.58
Senior Housing - Attached (LUC 252)	7.01	12.80	9.14	0.81	N/A	0.13	0.05	0.02	0.07	1.53	1.47
Office - General (LUC 710)	14.66	26.75	19.11	6.03	7.42	N/A	0.38	0.18	0.54	11.35	3.51
Retail - Shopping Center (LUC 820)	4.89	8.93	6.38	16.00	19.69	2.65	N/A	0.48	1.43	.012	9.31
Retail - Specialty (LUC 826)	0.16	.30	.21	33.44	41.15	5.54	2.09	N/A	3.00	62.94	19.45

Source: ITE's Trip Generation, 9th Edition and the Q21 Transportation Analysis for Waterset.

NOTE: The parks and public schools are not included as part of the Land Use Equivalency Matrix. For purposes of the utilization of the Land Use Equivalency Matrix, "Private School" shall include Hillsborough County Charter Schools.

Exhibit C

Exhibit C  
Waterset DRI #268  
Land Use Equivalency Matrix

Buildout

Land Use	Size		Gross PM Peak Hour Total	PM Peak Hour Rate (Trips/Unit)
Single Family Detached (LUC 210)	3,619	du	2,656	0.73
Single Family Attached (LUC 230)	959	du	384	0.40
Apartments (LUC 220)	1,350	du	760	0.56
Senior Adult Detached (LUC 251)	400	du	127	0.32
Senior Adult Attached (LUC 252)	100	du	26	0.26
Office - General (LUC 710)	198,900	ksf	383	1.93
Retail (LUC 820)	478,480	ksf	2,449	5.12
Office - Medical/Dental (LUC 720)	1	ksf	---	3.57
Private School K-12 (LUC 536)	1,250	students	213	0.17
Church (LUC 560)	1	ksf	---	0.55

Minimum/Maximum Table  
Land Use ADA Program  
Minimum = 70%    Maximum = 130%

Buildout

Land Use Type	ADA Program		Minimum Development		Maximum Development	
	Size	Unit	Size	Unit	Size	Unit
Residential						
Single Family - Detached	3,619	DU	2,533	DU	4,705	DU
Single Family - Attached	959	DU	671	DU	1,247	DU
Apartments	1,350	DU	945	DU	1,755	DU
Senior Adult - Detached	400	DU	280	DU	520	DU
Senior Adult - Attached	100	DU	70	DU	130	DU
Retail - Shopping Center	478,480	Sq.ft.	334,936	Sq.ft.	622,024	Sq.ft.
Office - General	198,900	Sq.ft.	139,230	Sq.ft.	258,570	Sq.ft.
Private School K-12	1,250	Students	875	Students	1,625	Students