



# DOAR

## Development Order Amendment Report

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### DRI #132/SP - GATEWAY CENTRE/ST. PETERSBURG CITY OF ST. PETERSBURG

On October 12, 2010, the City of St. Petersburg rendered Ordinance No. 992-G to the Tampa Bay Regional Planning Council. The Ordinance reflects an amendment adopted by City Council on September 16, 2010.

#### BACKGROUND

On October 30, 1986, the St. Petersburg City Council granted a Development Order (Ordinance No. 939-F) to Gateway Centre Joint Venture for a 589.7-acre, multi-use development. The project is generally located west of Interstate 275 and 28th Street, north of Gandy Boulevard, east of U.S. 19 and south of the equivalent of a Lake Boulevard extension, within the jurisdictions of St. Petersburg and Pinellas Park. A similar Development Order was adopted by the Pinellas Park City Council on July 23, 1986 (Ordinance No. 1617).

The Development Orders were amended a total of seven times by Pinellas Park (most recently on January 26, 2006) and two times by St. Petersburg (most recently on September 27, 1997) prior to the bifurcation approved in 2008 and described in a later paragraph. The amendments had cumulatively: established a maximum of 900 residential units (inclusive of a maximum of 200 single-family units) to be accommodated through the Land Use Equivalency Matrix; recognized that Phase 1 entitlements will generate 4,420 p.m. peak hour external trips; extended the Phase 1 and 2 buildout dates and the Development Order expiration date; revised the required Phase 1 transportation improvements; recognized "Auto Museum" as an approved project use; and clarified the requirement for the developer to pay \$75,000 to the Metropolitan Planning Organization for Transportation Demand Activities, upon request. The buildout date (i.e. December 31, 2008) and Development Order expiration date (i.e. December 31, 2013) have each been extended by three year periods in accordance with 2007 legislative changes to Subsection 380.06(19)(c), F.S.

On March 14, 1994, the TBRPC approved the designation of the Gateway Centre DRI as a "Regional Activity Center" (RAC), which became effective following the September 20, 1994 amendment to the Region's *Comprehensive Regional Policy Plan*.

Prior to the subsequent bifurcation identified below, the phasing schedule for the overall project was as follows:

PHASE	BUILDOUT	OFFICE (Sq. Ft.)	LT. INDUSTRIAL (Sq. Ft.)	COMMER- CIAL (Sq. Ft.)	HOTEL (Rooms)	RESIDEN- TIAL (MF Units)	AUTO MUSEUM (Sq. Ft.)
1	12/31/2008	998,232*	2,287,425	150,000	300	300*	12,575
2*	12/31/2013	1,531,000	520,000	96,000	200	0	0
<b>TOTAL</b>		<b>2,529,232</b>	<b>2,807,425</b>	<b>246,000</b>	<b>500</b>	<b>300</b>	<b>12,575</b>

\* NOTE: Phase 2 was conceptual approval only and required further transportation analysis prior to specific approval. Entitlements were reflective of a Land Use Equivalency Matrix conversion request dated April 22, 2004 and prior conversion of 12,575 sq. ft. of Industrial to Auto Museum use.

The following constituted the geographic breakdown of project entitlements prior to the bifurcation:

LAND USE	PINELLAS PARK		ST. PETERSBURG		TOTAL	
	PHASE 1	PHASE 2*	PHASE 1	PHASE 2*	PHASE 1	PHASE 2*
<b>ACREAGE</b>	489.7		94.0		589.7	
<b>OFFICE (Sq. Ft.)</b>	998,232	990,479	0	540,521	998,232	1,531,000
<b>LIGHT INDUSTRIAL (Sq. Ft.)</b>	1,487,425	520,000	800,000	0	2,287,425	520,000
<b>COMMERCIAL (Sq. Ft.)</b>	150,000	96,000	0	0	150,000	96,000
<b>HOTEL (Rooms)</b>	300	200	0	0	300	200
<b>RESIDENTIAL (MF Units)</b>	300	0	0	0	300	0
<b>AUTO MUSEUM (Sq. Ft.)</b>	12,575	0	0	0	12,575	0

\* NOTE: Specific approval of Phase 2 was contingent upon further transportation analysis(es).

The Developers of the St. Petersburg and Pinellas Park portions of the Gateway Centre DRI initiated a *Bifurcation Agreement* to “officially” separate entitlements and requirements within the project to that within each jurisdiction. The Agreement was approved by the Developers (i.e. Jabil, Inc. for St. Petersburg portion and Tarpon Ridge, Inc. for Pinellas Park portion), each local government and the Florida Department of Community Affairs. The City of St. Petersburg Bifurcation Agreement was approved in July 2008. The following constitutes the approved entitlements that apply solely to the 94-acre Gateway Centre/St. Petersburg DRI:

<b>BUILDOUT DATE</b>	<b>LT. INDUSTRIAL (Sq. Ft.)</b>	<b>OFFICE (Sq. Ft.)</b>
December 31, 2008	800,000	540,521*

\* - Office entitlements were conceptually approved only. Specific approval of these entitlements were subject to further transportation analysis prepared in accordance with Chapter 380.06, F.S.

On January 21, 2010, the City of St. Petersburg adopted Ordinance No. 968-G with the intention of authorizing the Development Order modifications recognized below. However, the City formally withdrew the rendering of this Ordinance during the 45-day appeal period. The proposed modifications were:

- to reduce the 800,000 sq. ft. of Phase 1 Light Industrial space by 300,000 sq. ft. (to 500,000 sq. ft.);
- to specifically approve 450,000 sq. ft. of the former conceptually-approved 540,521 sq. ft. of Office;
- to specifically approve 50,000 sq. ft. of Retail of which none was formerly proposed or approved;
- to consolidate all entitlements into a single development phase;
- to revise the Land Use Equivalency Matrix and corresponding “minimums” and “maximums” for each use available through future conversion(s);
- to modify the frequency period of reporting from “annual” to “biennial.” Such future Reports would be due on October 30<sup>th</sup> of all odd-numbered years;
- to recognize “Jabil, Inc.” as the new Master Developer for the Gateway Center/St. Petersburg; and
- to extend the buildout period and Development Order expiration dates by five additional years (to December 31, 2013 and December 31, 2018 respectively).

## DEVELOPMENT ORDER AMENDMENT

The Ordinance authorized rescission of the Gateway Centre/St. Petersburg Development Order.

## DISCUSSION

The statutory references applicable to rescission of this Development Order are stated as follows:

*“Dense urban land area” means:* [Subsection 163.3164(34), F.S.]

*(a) A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;*

*(b) A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or*

*(c) A county, including the municipalities located therein, which has a population of at least 1 million.”*

*“Any proposed development in a municipality that qualifies as a dense urban land area as defined in s. 163.3164” {can be exempted from DRI regulations};* [Subsection 380.06(29)(a)1., F.S.] or

*“Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, which qualifies as a dense urban land area under s. 163.3164 [the Local Government Comprehensive Planning and Land Development Regulation Act], but does not have an urban service area designated in the comprehensive plan” {can be exempted from DRI regulations}* [Subsection 380.06(29)(a)3., F.S.]

*“In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact ” development orders shall continue to be effective, but the developer has the option to be governed by 380.115(1)...”* [Subsection 380.06(29)(e), F.S.]

*“Local governments must submit by mail a development order to the state land planning agency for projects that would be larger than 120 percent of any applicable development-of-regional-impact threshold and would require development-of-regional-impact review but for the exemption from the program under paragraphs (a)-(c). For such development orders, the state land planning agency may appeal the development order pursuant to s. 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.”* [Subsection 380.06(29)(f), F.S.]

*“A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, shall be governed by the following procedures:* [Subsection 380.115(1), F.S.]

*(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b)...*

*(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.” {Considering that the Gateway Centre/St. Petersburg DRI site remains undeveloped, no corresponding mitigation would be required at this time}*

In addition, Section 47(1)(a) of SB1752, enacted as part of the 2010 legislative session, reads as follows:

*The Legislature hereby reauthorizes... (a) Any exemption granted for any project for which an application for development approval has been approved or filed pursuant to s. 380.06, Florida Statutes, or for which a complete development application or rescission request has been approved or is pending, and the application or rescission process is continuing in good faith, within a development that is located in an area that qualified for an exemption under s. 380.06, Florida Statutes, as amended by chapter 2009-96, Laws of Florida...*

## **RECOMMENDATION**

In accordance with Section 380.07, Florida Statutes (F.S.), the rescission of the Gateway Centre/St. Petersburg Development Order appears to be in accordance with the Statutory citations identified above.

It is recommended that the Department of Community Affairs concur with the rescission of the Development Order as authorized by the City of St. Petersburg for DRI #132 - Gateway Centre/St. Petersburg.

# GENERAL LOCATION MAP

