

#141



CITY OF TAMPA

Bob Buckhorn, Mayor

Planning & Development

June 16, 2014

Mr. Ron Rotella
Westshore Alliance
3109 W. Dr. M.L. King Blvd.
Ste. 140
Tampa, FL 33607

Re: Westshore Trade Off

Dear Ron:

Pursuant to your request dated December 23, 2013, please be advised that the requested trade off of office SF to retail SF using the approved trade methodology is approved. The trade off calculations are as follows:

47,503 retail SF divided by 434 sf/ksf office = 109,404 SF office reduction and 47,503 SF retail increase

Please document the approved office reduction in the next annual report. Please advise if you have further questions.

Regards,

Susan Johnson
Subdivision/DRI Coordination
City of Tampa, Florida

#141



CITY OF TAMPA

Bob Buckhorn, Mayor

Planning and Development Services

February 7, 2013

Mr. Ronald Rotella
Westshore Alliance
3109 W. Dr. M.L. King
Tampa, FL 3360

Re: Trade Off Request for Westshore Areawide DRI

Dear Ron:

I am in receipt of your request to increase the Westshore Areawide DRI retail and residential square footages by decreasing office entitlements. As you know, an equivalency matrix was adopted which allows such a request. Based upon your requested retail increase of 110,726 SF and a residential increase of 1057 dwelling units, I have approved the following trade off:

- 110,726 SF Retail Increase = 255,129 SF Office Reduction
- 1057 D.U. Increase = 492,000 SF Office Reduction

Please revise the Westshore Areawide DRI thresholds to add the retail and residential square footage increases reflected above while making a 747,129 SF reduction to the office category.

Should you have additional questions, please do not hesitate to contact me at (813) 274-8274.

Regards,

Susan Johnson
DRI/Subdivision Coordinator
City of Tampa, Florida

Cc: John Meyer, TBRPC



3109 W. Dr. M.L. King Blvd ♦ Suite 140
Tampa, Florida 33607
Phone: 813-289-5488 ♦ FAX 813-289-6727
www.westshorealliance.org

January 22, 2013

Ms. Susan Lynn Johnson
DRI Coordinator
City of Tampa
1400 N. Boulevard, 2nd Floor
Tampa, FL 33602

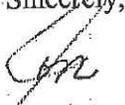
Dear Susan,

Please accept this letter as authorization to increase the Westshore Areawide DRI retail use category by 110,726 square feet and residential use category by 1,057 units. Please reduce the entitlements in the office use category to accommodate this request.

As we discussed, this letter supersedes the requests sent to you dated April 23, 2012 and August 20, 2012.

Please let me know if you have any questions.

Sincerely,


Ronald T. Rotella
Executive Director

2600
1057

3657

8.4

465,116

+ 110,726 retail = 255,129

+ 1057 d.u. resid = 445,000
Units =

747,129

2,304

434 = 1000

465,116

10



#141

3109 W. Dr. M.L. King Blvd ♦ Suite 140
Tampa, Florida 33607
Phone: 813-289-5488 ♦ FAX 813-289-6727
www.westshorealliance.org

July 11, 2011

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

Re: Westshore Alliance DRI

Dear John,
I hope this letter finds you well.

Please find enclosed a copy of the agreement from the City of Tampa for "Trade Off" under the Westshore Alliance DRI, dated June 30, 2011. Please note the Residential Unites will remain the same at 593 unites.

Please up date your records to reflect the surplus as stated in the letter.

If you should have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Melanie Rodriguez".

Melanie Rodriguez
Director of Membership

Enclosure



CITY OF TAMPA

Bob Buckhorn, Mayor

Growth Management & Development Services

June 30, 2011

Mr. Ron Rotella
Westshore Alliance
3109 Dr. M.L. King Blvd., Ste. 140
Tampa, Fl. 33607

Re: Trade Off (Westshore Areawide DRI)

Dear Ron:

Pursuant to your request, the City has made a trade off pursuant to the Equivalency Matrix adopted as part of the Westshore Areawide approval which will eliminate the current negative balance in the retail category and add 50,000 gsf to the retail category, add 198 hotel rooms to the current surplus of 102 hotel rooms resulting in a surplus of 300 hotel rooms and reduce the Industrial category by 21,498 gsf leaving 15,000 gsf of Industrial use remaining. The following reductions and/or additions have been made:

- Reduce office entitlement by 125,272 gsf which will eliminate the negative retail balance of 4393 gsf and add 50,000 gsf of retail space as surplus
- Reduce office entitlement by 68,500 gsf and add 198 hotel rooms to the hotel category resulting in a 300 hotel room surplus
- Reduce industrial entitlement by 21, 498 gsf and add ~~28,527~~ **16,209 (See Attached)** gsf of office use into the surplus office category

Based upon the above trades, the surplus is as follows:

Office Surplus: 4,383,697 gsf [TBRPC Identified Surplus - ~~4,383,697~~ **4,371,379 gsf**]
 Retail Surplus: 50,000 gsf [TBRPC Identified Surplus - **19,244 gsf**]
 Hotel Surplus: 300 hotel rooms
 Res. Units: unchanged by trade off
 Industrial: 15,000 gsf

Should you have questions, please do not hesitate to contact me.

Regards,

Susan Johnson
DRI/Subdivision Coordinator
City of Tampa, Florida

306 E. Jackson Street, 3E • Tampa, Florida 33602 • (813) 274-8405 • FAX: (813) 274-7706



John Meyer

From: Susan Johnson [Susan.Johnson@ci.tampa.fl.us]

Sent: Friday, August 05, 2011 2:57 PM

To: John Meyer

Subject: Equivalency for Westshore Industrial to Office

John: after we spoke, I went back and determined that I reversed the equivalency matrix on the Industrial to Office trade. **The correct trade amount is: 21,498 Industrial Use converts to 16,209 Office Use.** I will contact the Alliance and reissue my letter. Good catch. Thanks!



CITY OF TAMPA

#141

Bob Buckhorn, Mayor

Growth Management & Development Services

June 30, 2011

Mr. Ron Rotella
Westshore Alliance
3109 Dr. M.L. King Blvd., Ste. 140
Tampa, Fl. 33607

Re: Trade Off (Westshore Areawide DRI)

Dear Ron:

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Based upon the above trades, the surplus is as follows:

Office Surplus: 4,383,697 gsf
Retail Surplus: 50,000 gsf
Hotel Surplus: 300 hotel rooms
Res. Units: unchanged by trade off
Industrial: 15,000 gsf

Should you have questions, please do not hesitate to contact me.

Regards,

Susan Johnson
DRI/Subdivision Coordinator
City of Tampa, Florida

306 E. Jackson Street, 3E • Tampa, Florida 33602 • (813) 274-8405 • FAX: (813) 274-7706

TampaGov
www.tampagov.net

John Meyer

From: Susan Johnson [Susan.Johnson@ci.tampa.fl.us]

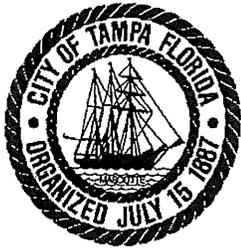
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141



CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

July 29, 2011

Mr. Ron Rotella
Westshore Alliance
3109 W. Dr. M.L. King Blvd. Suite 140
Tampa, Florida 33607

Re: Westshore Areawide DRI- Extension of Build Out /Expiration Date

Dear Ron:

We are in receipt of your request to extend the build out/expiration date of the Development Order associated with the approval of the Westshore Areawide Development of Regional Impact. The Florida Legislature recently enacted House Bill 7207 in recognition of 2011 real estate conditions, which extended certain permits issued by Florida Department of Environmental Protection and Water Management Districts. **This extension includes any local government issued development order or building permit that has an expiration date of September 1, 2012 through January 1, 2014**

Based upon the information you provided, we have determined that the project has met the provisions of HB 7207 and is extended for four years from the date of its build out/expiration. The new date is 12/31/17. Please be advised that the four year extension does not impair the authority of the City of Tampa to require the property subject to the extension to be secured and maintained in a safe and sanitary condition in compliance with applicable codes and regulations. In addition, the extension request is issued by the City of Tampa for permits and development orders solely under its jurisdiction. Outside agencies which may have extra jurisdictional authority should be contacted for permit extensions separately.

Regards,

Susan L. Johnson
Subdivision Coordination
City of Tampa, Florida

Cc: John Meyer, TBRPC



CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

Via U.S. Mail

December 19, 2008

Tampa Bay Regional Planning Council
Attention: John Meyer
4000 Gateway Centre, Suite 100
Pinellas Park, FL 33782

Re: File No. DZ86-66
The Westshore Area Wide DRI
Ordinance No. 2008-138

Dear Sir:

Per your request, I am transmitting another certified copy of Ordinance No. 2008-138, which was adopted by the City Council of the City of Tampa on August 21, 2008 during its regular session held in the City Council Chambers.

This ordinance was amended by Ordinance No. 2008-197, which was previously transmitted to your attention on December 1, 2008.

If you have any questions, please contact my office or Susan Johnson, Land Development Coordination, at (813) 274-8405.

Sincerely,

(Mrs.) Shirley Foxx-Knowles
City Clerk

SFK/ssm

Enclosure: Certified Copy of Ordinance 2008-138

1 After Recording, Return to:

2 City of Tampa
3 Office of the City Clerk
4 315 East Kennedy Blvd
5 Old City Hall, 3rd Floor
6 Tampa, Florida 33602
7
8
9

10 ORDINANCE NO. 2008- 138
11

12 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
13 AMENDING A DEVELOPMENT ORDER PURSUANT
14 TO SECTION 380.06, FLORIDA STATUTES, FILED BY
15 THE WESTSHORE ALLIANCE FOR THE WESTSHORE
16 AREAWIDE DEVELOPMENT OF REGIONAL IMPACT,
17 DRI #141 A PREVIOUSLY APPROVED DEVELOPMENT
18 OF REGIONAL IMPACT; AND PROVIDING AN
19 EFFECTIVE DATE.
20

21
22
23
24 WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of
25 the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a
26 development order for the Westshore Areawide DRI (the "Development"), an
27 Areawide Development of Regional Impact ("DRI") (hereinafter referred to as the
28 "Original Development Order"); and
29

30 WHEREAS, Ordinance No. 88-1 specifically approved Phase I development
31 which included 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval)
32 which approval was subject to a trade-off mechanism; and
33

34 WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council
35 on June 2, 1992, approved a first amendment to the Original Development Order for
36 the Westshore Areawide DRI (hereinafter referred to as the "First Amendment"); and
37

38 WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council
39 on December 21, 1993, approved a second amendment to the development order for
40 the Westshore Areawide DRI (hereinafter referred to as the "Second Amendment");
41 and
42

43 WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council
44 on July 15, 1999, approved a third amendment to the development order for the
45 Westshore Areawide DRI (hereinafter referred to as the "Third Amendment"); and
46

47 WHEREAS, Ordinance No. 2001-148, passed and ordained by the City
48 Council on July 19, 2001, approved a fourth amendment to the development order for
49 the Westshore Areawide DRI (hereinafter referred to as the "Fourth Amendment");
50 and

1
2 WHEREAS, Ordinance No. 2005-85, passed and ordained by the City
3 Council on March 31, 2005, approved a fifth amendment to the development order
4 for the Westshore Areawide DRI (hereinafter referred to as the "Fifth Amendment")
5 (hereinafter the Original Development Order, as amended by the First Amendment,
6 Second Amendment, Third Amendment, Fourth Amendment and Fifth Amendment
7 shall be collectively referred to as the "Development Order"); and
8

9 WHEREAS, on January 17, 2008, the Westshore Alliance (the "Developer")
10 filed a Notification of Proposed Change to a Previously Approved Areawide
11 Development of Regional Impact, Subsection 380.06(19), Florida Statutes, for the
12 Westshore Areawide DRI (the "Notice of Proposed Change"); and
13

14 WHEREAS, on April 25, 2008, the Applicant filed a supplemental response to
15 agency comments (hereinafter the Notice of Proposed Change and supplemental
16 response shall be collectively referred to as the "NOPC"); and
17

18 WHEREAS, the NOPC proposed to amend the Development Order to allow
19 fees and contributions required by the Development Order to be applied to the
20 transportation network for roadway and transit improvements, including transit
21 operations and pedestrian improvements associated with such improvements; to
22 exempt projects which provide affordable housing, as defined therein, from the
23 Westshore Residential Neighborhood Improvement assessment and the Westshore
24 Alliance administrative assessment; to recognize the extension of the termination date
25 for this Development Order to December 31, 2018 pursuant to House Bill 7203 (Ch.
26 2007-204); to recognize extension of the buildout date of Phase 1 to December 31,
27 2013 and of Phase 2 to December 3, 2013, pursuant to House Bill 7203 (Ch. 2007-
28 204); and to extend the date before which no downzoning of the project may occur to
29 December 31, 2013 to correspond with the extension of the Phase 1 buildout date (the
30 "Proposed Change"); and
31

32 WHEREAS, the Proposed Change shall constitute the Sixth Amendment to
33 the Original Development Order (hereinafter referred to as the "Sixth Amendment");
34 (hereinafter the Original Development Order, as amended by the First Amendment,
35 Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment and
36 Sixth Amendment shall collectively be referred to as the "Amended Development
37 Order"); and
38

39 WHEREAS, the City Council has reviewed and considered the NOPC as well
40 as all related testimony and evidence submitted by the Applicant concerning the
41 Proposed Changes; and
42

43 WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the Proposed
44 Change is presumed to create a substantial deviation; and
45

46 WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant
47 has submitted clear and convincing evidence rebutting this presumption; and
48

49 WHEREAS, the City Council, as the governing body of the local government
50 having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and

1 empowered to consider the NOPC and to adopt this Amended Development Order;
2 and
3

4 WHEREAS, the public notice requirements of Chapter 380, Florida Statutes,
5 and Section 27-418, City of Tampa Code of Ordinances (the "City Code"), have been
6 fulfilled; and
7

8 WHEREAS, the City Council has received and considered the report and
9 recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and
10

11 WHEREAS, all interested parties and members of the public have been
12 afforded an opportunity to be heard at the public hearing on the Proposed Change
13 before the City Council; and
14

15 WHEREAS, the City Council, on _____, 2008, held a duly
16 noticed public hearing on the NOPC, and has reviewed and considered the NOPC and
17 supporting documentation, as well as testimony and evidence submitted by certain
18 parties and members of the general public; and
19

20 WHEREAS, Section 380.06, Florida Statutes, requires that a development
21 order be adopted to reflect the City Council's approval of the proposed changes.
22

23 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
24 THE CITY OF TAMPA, FLORIDA:
25

26 Section 1. *Findings of Fact.* That City Council, having received the
27 above referenced documents, and having received all related comments, testimony
28 and evidence submitted by all persons and members of the general public, finds that
29 there is substantial, competent evidence to support the following findings of fact:
30

31 a. The findings of fact and conclusions of law made in the
32 Development Order are incorporated herein by reference, provided that to the extent
33 that a finding of fact or conclusion of law in the original Development Order, or any
34 amendments thereto, conflicts with another finding or conclusion in a different
35 amendment, the more recent in time shall control.
36

37 b. The Applicant submitted to the City of Tampa (the "City") the
38 NOPC, attached hereto and incorporated herein by reference as Composite Exhibit
39 "A;"
40

41 c. The real property, which is the subject of the ADA, is legally
42 described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City
43 Clerk's office.
44

45 d. The Westshore Alliance constitutes a "Developer" as defined in
46 Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an
47 areawide application for development approval and receive a development order.
48

49 e. The Developer submitted to the City of Tampa the NOPC, which
50 proposed to amend the Development Order to allow fees and contributions required

1 by the Development Order to be applied to the transportation network for roadway
2 and transit improvements, including transit operations and pedestrian improvements
3 associated with such improvements; to exempt projects which provide affordable
4 housing, as defined therein, from the Westshore Residential Neighborhood
5 Improvement assessment and the Westshore Alliance administrative assessment; to
6 recognize the extension of the termination date for this Development Order to
7 December 31, 2018 pursuant to House Bill 7203 (Ch. 2007-204); to recognize
8 extension of the buildout date of Phase 1 to December 31, 2013 and of Phase 2 to
9 December 3, 2013, pursuant to House Bill 7203 (Ch. 2007-204); and to extend the
10 date before which no downzoning of the project may occur to December 31, 2013 to
11 correspond with the extension of the Phase 1 buildout date.

12
13 f. The Proposed Change is consistent with the local and state
14 comprehensive plans.

15
16 g. The Proposed Change is consistent with all applicable local, regional
17 and state land development laws and regulations.

18
19 h. The Developer previously demonstrated that the property owners
20 within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.

21
22 i. The Development is not located in an area of critical state concern as
23 designated pursuant to Section 380.05, Florida Statutes, as amended;

24
25 j. The Proposed Change is consistent with the report and
26 recommendations of the TBRPC and satisfies the provisions of Subsection
27 380.06(14), Florida Statutes, as amended;

28
29 k. The Proposed Change is presumed to create a substantial deviation
30 under Subsection 380.06(19), Florida Statutes.

31
32 l. Based Composite Exhibit "A" and the record of the proceedings,
33 Applicant has submitted clear and convincing evidence to rebut the presumption
34 created under Subsection 380.06(19), Florida Statutes;

35
36 m. The Proposed Change does not create additional regional impacts to
37 the previously approved Development, nor does it create any type of regional impact
38 not previously reviewed, and therefore it does not constitute a substantial deviation
39 pursuant to Subsection 380.06(19), Florida Statutes;

40
41 n. All statutory procedures have been adhered to;

42
43 Section 2. *Conclusions of Law.* That the City Council having made the
44 above findings of fact, renders the following conclusions of law:

45
46 a. These proceedings have been conducted pursuant to applicable laws
47 and regulations, and based upon the record in this proceeding, the City is authorized
48 to approve development as described herein, subject to the amendments, conditions,
49 restrictions and limitations set forth herein.
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b. Based upon the analyses which are part of the NOPC, the record of the proceeding and the aforementioned reviews, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

c. Based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Change is found not to be a substantial deviation to the previously approved Development Order.

Section 3. *Order.* That, having made the above findings of fact and conclusions of law, it is hereby ordered:

a. The Proposed Change is hereby approved and the Development Order is hereby amended to incorporate the NOPC.

b. Section 4(G) of the Development Order is hereby amended as follows:

G. The transportation impacts of the Areawide DRI shall be deemed to be mitigated by payment of the City of Tampa Transportation Impact Fee. Development square footage associated with DCA-approved preliminary development agreements which reference inclusion into the Areawide DRI, shall, for the amounts of development for which building permits have been pulled and for which construction has commenced, pay the City of Tampa Transportation Impact Fee.

The Contributions and/or fees provided by this section shall be applied to the transportation network for roadway and transit improvements, including transit operations and pedestrian improvements associated with such improvements, within the city study area which is substantially impacted by traffic from the approved development, in the manner as provided for all impact fees under the adopted local transportation impact fee ordinance.

A study of site-specific transportation improvements necessitated by development that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be required of those projects at the time of Commercial Site Plan Review. The purpose of such study is to identify transportation improvements. For purposes of this section site-specific transportation improvements are defined as: Capital improvements necessary for direct access/egress to the development in question. Direct access/egress site-specific improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left-turn lanes leading to those site driveways; (3) traffic control measures/devices for those site driveways; (4) acceleration/deceleration lanes associated with those site driveways; (5) median cuts/closings associated with those site driveways; (6) improvements to roads immediately adjacent to the site and necessary to allow direct access to the site; and (7) improvements to other roads immediately adjacent to the site and necessary to allow direct access to the site. Such site-specific improvements may be established by the Transportation Department as a condition to Commercial Site Plan Approval. The developer may appeal the Transportation Department imposed condition(s) to the City Council. The appeal shall be scheduled by City Council for the next regularly scheduled Council meeting.

Certified as true and correct copy

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c. Section 4(U)(4) of the Development Order is hereby amended as follows:

4. The City shall collect at the time of issuance of certificates of occupancy from all development within the Areawide DRI, Ten Cents (\$0.10) per square foot. This amount shall be increased annually by the percentage increase of the FDOT Price Trends Index. Those monies shall be placed in a special, Westshore Residential Neighborhood Improvement interest-bearing account and the principal and any accrued interests shall only be expended within the City Study area. (See Exhibit "J".)

Projects which provide Affordable Housing shall not be subject to this assessment. Affordable Housing is defined as housing affordable to natural persons or families whose total annual household income does not exceed 120 percent of the area median income, adjusted for household size. At the time of initial contact with the City or the Westshore Alliance regarding a proposed development within the Areawide DRI, a developer shall be encouraged to consider incorporating Affordable Housing in its project, and the Westshore Alliance shall provide information to such developer regarding the opportunities and advantages of the provision of Affordable Housing in the Westshore Area. This condition shall not be construed as a requirement for any developer to incorporate Affordable Housing in its development.

Prior to the expiration of five (5) years from the date of approval of this Sixth Amendment, the Westshore Alliance shall consult with and seek input from the Westshore Association of Neighborhoods regarding whether the waiver of this assessment for projects providing Affordable Housing remains appropriate. The Westshore Alliance shall determine whether the waiver should be continued. If the waiver is no longer appropriate, the Westshore Alliance shall, as part of the next proposed amendment to the Areawide DRI after making such determination, apply for an amendment to eliminate such waiver.

d. Section 4(V) of the Development Order is hereby amended as follows:

V. It is the Developer's intent that the cost for obtaining approval of the Areawide DRI and other administrative expenses associated with the Order be borne equally by all development which benefits from the terms of this Order. The following assessment shall be applied to all new or additional development with the Areawide DRI, except as specified below:

1. Prior to issuance by the City, of any building permit for new or additional development within the Areawide DRI, a fee of Twenty-Five Cents (\$0.25) per square foot shall be assessed and collected by the Developer. This amount shall be increased annually by the percentage increase of the FDOT Price Trends Index. The Developer shall issue a Certificate of Payment to the Payor as proof of payment. In order to obtain a building permit, the Payor must present the Certificate of Payment to the City.

Certified as true
and correct copy

1 Projects which provide Affordable Housing shall not be subject to this assessment.
2 Affordable Housing is defined as housing affordable to natural persons or families
3 whose total annual household income does not exceed 120 percent of the area
4 median income, adjusted for household size. At the time of initial contact with the
5 City or the Westshore Alliance regarding a proposed development within the
6 Areawide DRI, a developer shall be encouraged to consider incorporating
7 Affordable Housing in its project, and the Westshore Alliance shall provide
8 information to such developer regarding the opportunities and advantages of the
9 provision of Affordable Housing in the Westshore Area. This condition shall not
10 be construed as a requirement for any developer to incorporate Affordable
11 Housing in its development.

12 The money collected by the Developer shall be placed in an interest bearing
13 account and shall be available to be drawn upon by the Developer to fund the cost
14 of obtaining approval of the Areawide DRI, fund any amendments proposed to the
15 Areawide DRI, pay for costs associated with reporting requirements or other
16 maintenance items related to the Areawide DRI. Eligible costs shall include
17 administrative costs, consultant costs, legal costs, and other expenses directly
18 related to the above described tasks.

19 Any property owner within the Areawide DRI may prepay the assessment
20 provided for in this Subsection 4.V. and obtain a credit for the assessment against
21 any future development. The credit may also be transferred to other Property
22 owners within the Areawide DRI; however, the responsibility for accounting for
23 the credit shall be borne solely by the Developer.

24 The Developer shall be responsible for the administration of the assessment which
25 shall include collection of the fee, issuing certificates of payment and accounting
26 of the assessments collected and the expenditures made by the Developer from the
27 account.

28 e. Section 8 of the Development Order is hereby amended as follows:

29 Subject to the conditions of suspension or rescission as hereinafter provided, this
30 Order shall remain in effect until December 31, 2018. The date of buildout of
31 Phase 1 shall be December 31, 2013. The date of buildout of Phase 2 shall be
32 December 3, 2013. The property within the Areawide DRI shall not be subject to
33 downzoning or intensity reduction until December 31, 2013.

34 Section 4. *Development Order, As Amended.* The Development Order,
35 as previously amended, is hereby reaffirmed in its entirety except as amended by this
36 Resolution.

37 Section 5. *Definitions.* The definitions contained in Chapter 380,
38 Florida Statutes, shall control the interpretation and construction of any terms of this
39 Ordinance.

40 Section 6. *Binding Effect.* This Ordinance shall be binding upon the
41 Applicant, its assigns, and its successors in interest.

42 Section 7. *Governmental Agencies.* It is understood that any reference
43 herein to any governmental agency shall be construed to mean any future

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instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

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

Section 9. *Transmittals.* The City Clerk is directed to send copies of this Amended Development Order within five (5) days of the effective date of this Order, to the Developer, Hillsborough County, HARTLine, Florida Department of Transportation, Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

Section 10. *Rendition.* This Amended Development Order shall be deemed rendered upon transmittal of copies of this Amended Development Order to the recipients specified in Chapter 380, Florida Statutes.

Section 11. *Recording.* The Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. *Effective Date.* This Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

Section 13. This Amended Development Order shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA ON AUG 21 2008, 2008.

ATTEST: CITY COUNCIL:

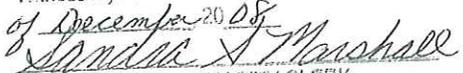
CITY CLERK CHAIRPERSON

APPROVED by me on AUG 25 2008


PAM IORIO, MAYOR

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance No. 2008-138 on file on my office
Witness my hand and official seal this 19th day

of December 20 08

CITY CLERK/ DEPUTY CITY CLERK

CITY OF TAMPA



Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

Via Certified Mail/Return Receipt Requested

December 1, 2008

Tampa Bay Regional Planning Council
Attention: John Meyer
4000 Gateway Centre, Suite 100
Pinellas Park, FL 33782

Re: File No. DZ86-66
The Westshore Area Wide DRI
Ordinance No. 2008-197

Dear Sir:

The City Council of the City of Tampa met in regular session on November 20, 2008 at 9:00 a.m. in the City Council Chambers.

During this session, the enclosed amended ordinance was adopted regarding the above listed petition. This ordinance is being transmitted for your information and record keeping process.

If you have any questions, please contact my office or the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Shirley Foxx-Knowles
City Clerk

SFK/dm

Enclosure: Certified Copy of Ordinance 2008-197

ORDINANCE NO. 2008- 197

AN ORDINANCE AMENDING ORDINANCE NO. 2008-138, PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA ON AUGUST 21, 2008, CORRECTING A SCRIVENER'S ERROR BY AMENDING A DEVELOPMENT ORDER FOR THE WESTSHORE AREA WIDE DRI, BY ATTACHING EXHIBIT "A", ("NOPC"); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to amend Ordinance No. 2008-138 to attach Exhibit "A", ("NOPC").

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That Ordinance No. 2008-138, which amended a development order for the Westshore Area Wide DRI, is hereby amended by correcting a scrivener's error by attaching Exhibit "A", (Notice of Proposed Change "NOPC").

Section 2. That all ordinances in conflict are repealed to the extent of any conflict.

Section 3. That if any part of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 4. That this ordinance shall take effect immediately upon becoming a law.

Certified as true and correct copy

D7. 86-106

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1
2 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
3 TAMPA, FLORIDA ON NOV 20 2008
4

5
6 ATTEST:

7
8 Shirley Fox-Knowles
9 CITY CLERK / ~~DEPUTY CITY CLERK~~

Mark Scott
CHAIRMAN / ~~CHAIRMAN PRO TEM~~
CITY COUNCIL

12
13 APPROVED by me on NOV 21 2008

14
15 Pam Iorio
16 PAM IORIO, MAYOR
17
18
19

20
21 PREPARED AND APPROVED AS TO
22 LEGAL SUFFICIENCY:

23
24
25 E/S
26 REBECCA M. KERT
27 ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ordinance No. 2008-197
on file on my office

Witness my hand and official seal this 1st day

December 20 08
Shirley Fox-Knowles
CITY CLERK / ~~DEPUTY CITY CLERK~~

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd
Tallahassee, FL 32399
850/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

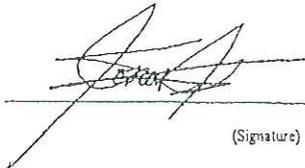
Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1.

I, Ronald T. Rotella, the undersigned authorized representative of the Westshore Alliance, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support hereof, we submit the following information concerning the Westshore Areawide development (DRI No. 141), which information is true and correct to the best of our knowledge. We have submitted today, under separate cover, copies of this completed notification to the City of Tampa, the Tampa Bay Regional Planning Council, the Florida Department of Transportation and the Bureau of Local Planning, Department of Community Affairs.

1/15/08

(Date)



(Signature)

Ronald T. Rotella, Executive Director
Westshore Alliance

EXHIBIT "A"

Certified as true
and correct copy

2. Applicant (name, address, phone).

Westshore Alliance
3109 W. Dr. Martin Luther King, Jr. Blvd., Suite 140
Tampa, FL 33607
Telephone: 813-289-5488

3. Authorized Agent (name, address, phone).

Ronald T. Rotella
Westshore Alliance
3109 W. Dr. Martin Luther King, Jr. Blvd., Suite 140
Tampa, FL 33607
Telephone: 813-289-5488; Facsimile: 813-289-6727
rotella@westshorealliance.org

David M. Mechanik, Esq.
Mechanik Nuccio Hearne & Wester, P.A.
305 S. Boulevard
Tampa, Florida 33606
Telephone: 813-276-1920; Facsimile: 813-276-1560
dmm@floridalandlaw.com

Randy Coen
Coen & Company
PO Box 10658
Tampa, FL 33679-0658
Telephone: 813-253-5779; Facsimile: 813-253-3037
Randy@CoenCoConsulting.com

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

City of Tampa, Hillsborough County, Sections 15, 16, 17, 18, 19, 20, 21, and 22,
Township 29 South, Range 18 East.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or in the representations contained in either the development order or the application for development approval.

The proposed change is to allow contributions and/or fees required by the DRI to be applied to the transportation network for roadway improvements and mobility alternatives, including transit and pedestrian improvements.

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and correct copy

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.

No change is proposed or has occurred.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart).

The original DRI Development Order for the Westshore Areawide DRI No. 141, Ordinance No. 88-1 (the "Development Order"), was adopted by City Council on January 11, 1988.

The first amendment to the Development Order, Ordinance No. 92-80 (the "First Amendment"), was adopted by City Council on May 28, 1992. The First Amendment imposed a fee of ten cents per square foot to fund the costs associated with administering the existing Westshore Areawide DRI and obtaining approval for a second phase to the Westshore Areawide DRI. The First Amendment also amended the Development Order to change the name of the Developer from the Westshore Development Association the Westshore Alliance.

The second amendment to the Development Order, Ordinance No. 197 (the "Second Amendment"), was adopted by City Council on December 16, 1993. The Second Amendment extended the buildout date of Phase I of the Westshore Areawide DRI to December 15, 1999 (an extension of four years, eleven months and fifteen days).

The third amendment to the Development Order, Ordinance No. 99-160 (the "Third Amendment"), was adopted by City Council on July 15, 1999. The Third Amendment extended the buildout date of Phase I of the Westshore Areawide DRI to December 15, 2005, an extension of six years.

The fourth amendment to the Development Order, Ordinance No. 2001-148 (the "Fourth Amendment") was adopted by City Council on July 19, 2001. The fourth amendment specifically approved Phase IIA of the project, consisting of: 4,400,000 sq. ft. of office uses, 500,000 sq. ft. of retail uses, 750 hotel rooms, 200,000 sq. ft. of light industrial uses, and 2,000 multi-family dwelling units with a buildout date of December 31, 2010; increased the approved capacity amounts for water, wastewater, solid waste, and electric; included an Equivalency Matrix to allow for the simultaneous exchange of approved land uses for Revised Phase I (Phase I and Revised Phase IIA);

extend the termination date for this Development Order to December 31, 2015; established that no downsizing of the project may occur prior to December 31, 2010; and approved a restated Development Order.

The fifth amendment to the Development Order, Ordinance No. 2005-85 (the "Fifth Amendment") was adopted by City Council on March 31, 2005. The Fifth Amendment incorporated a revised Equivalency Matrix which would increase the maximum number of multi-family dwelling units (dus) that may be developed in Revised Phase I from 3000 to 4000 dwelling units.

Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

No.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

Not applicable.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Not applicable.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.?

YES _____

NO X

10. Does the proposed change result in a change to the build out date or any phasing date of the project? If so, indicate the proposed new build out or phasing dates.

No.

11. Will the proposed change require an amendment to the local government comprehensive plan?

No.

12. Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development conditions.

Not applicable.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

. Attached hereto as Appendix B.

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not applicable.

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

Not applicable.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not applicable.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.

Not applicable.

1 After Recording, Return to:
2 City of Tampa
3 Office of the City Clerk
4 315 East Kennedy Blvd
5 Old City Hall, 3rd Floor
6 Tampa, Florida 33602
7
8
9

10 ORDINANCE NO. 2008-_____

11
12 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
13 AMENDING A DEVELOPMENT ORDER PURSUANT
14 TO SECTION 380.06, FLORIDA STATUTES, FILED BY
15 THE WESTSHORE ALLIANCE FOR THE WESTSHORE
16 AREAWIDE DEVELOPMENT OF REGIONAL IMPACT,
17 DRI #141 A PREVIOUSLY APPROVED DEVELOPMENT
18 OF REGIONAL IMPACT; AND PROVIDING AN
19 EFFECTIVE DATE.
20
21
22
23

24 WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of
25 the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a
26 development order for the Westshore Areawide DRI (the "Development"), an
27 Areawide Development of Regional Impact ("DRI") (hereinafter referred to as the
28 "Original Development Order"); and
29

30 WHEREAS, Ordinance No. 88-1 specifically approved Phase I development
31 which included 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval)
32 which approval was subject to a trade-off mechanism; and
33

34 WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council
35 on June 2, 1992, approved a first amendment to the Original Development Order for
36 the Westshore Areawide DRI (hereinafter referred to as the "First Amendment"); and
37

38 WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council
39 on December 21, 1993, approved a second amendment to the development order for
40 the Westshore Areawide DRI (hereinafter referred to as the "Second Amendment");
41 and
42

43 WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council
44 on July 15, 1999, approved a third amendment to the development order for the
45 Westshore Areawide DRI (hereinafter referred to as the "Third Amendment"); and
46

47 WHEREAS, Ordinance No. 2001-148, passed and ordained by the City
48 Council on July 19, 2001, approved a fourth amendment to the development order for
49 the Westshore Areawide DRI (hereinafter referred to as the "Fourth Amendment");
50 and

Certified as true
and correct copy

1
2 WHEREAS, Ordinance No. 2005-85, passed and ordained by the City
3 Council on March 31, 2005, approved a fifth amendment to the development order
4 for the Westshore Areawide DRI (hereinafter referred to as the "Fifth Amendment")
5 (hereinafter the Original Development Order, as amended by the First Amendment,
6 Second Amendment, Third Amendment, Fourth Amendment and Fifth Amendment
7 shall collectively be referred to as the "Development Order"); and
8

9 WHEREAS, on _____, 20____, the Westshore Alliance (the
10 "Developer") filed a Notification of Proposed Change to a Previously Approved
11 Areawide Development of Regional Impact, Subsection 380.06(19), Florida Statutes,
12 for the Westshore Areawide DRI (the "NOPC"); and
13

14 WHEREAS, the NOPC proposed to amend the Development Order to allow
15 fees and contributions required by the Development Order to be applied to the
16 transportation network for roadway improvements and mobility alternatives,
17 including transit and pedestrian improvements (the "Proposed Change"); and
18

19 WHEREAS, the Proposed Change shall constitute the Sixth Amendment to
20 the Original Development Order (hereinafter referred to as the "Sixth Amendment");
21 (hereinafter the Original Development Order, as amended by the First Amendment,
22 Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment and
23 Sixth Amendment shall collectively be referred to as the "Amended Development
24 Order"); and
25

26 WHEREAS, the City Council has reviewed and considered the NOPC as well
27 as all related testimony and evidence submitted by the Applicant concerning the
28 Proposed Changes; and
29

30 WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the Proposed
31 Change is presumed to create a substantial deviation; and
32

33 WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant
34 has submitted clear and convincing evidence rebutting this presumption; and
35

36 WHEREAS, the City Council, as the governing body of the local government
37 having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and
38 empowered to consider the NOPC and to adopt this Amended Development Order;
39 and
40

41 WHEREAS, the public notice requirements of Chapter 380, Florida Statutes,
42 and Section 27-418, City of Tampa Code of Ordinances (the "City Code"), have been
43 fulfilled; and
44

45 WHEREAS, the City Council has received and considered the report and
46 recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and
47

48 WHEREAS, all interested parties and members of the public have been
49 afforded an opportunity to be heard at the public hearing on the Proposed Change
50 before the City Council; and

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and correct copy

1 WHEREAS, the City Council, on _____, 2008, held a duly
2 noticed public hearing on the NOPC to the Development Order, and has reviewed and
3 considered the NOPC and supporting documentation, as well as testimony and
4 evidence submitted by certain parties and members of the general public; and
5

6 WHEREAS, Section 380.06, Florida Statutes, requires that a development
7 order be adopted to reflect the City Council's approval of the proposed changes.
8

9 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
10 THE CITY OF TAMPA, FLORIDA:
11

12 Section 1. *Findings of Fact.* That City Council, having received the
13 above referenced documents, and having received all related comments, testimony
14 and evidence submitted by all persons and members of the general public, finds that
15 there is substantial, competent evidence to support the following findings of fact:
16

17 a. The findings of fact and conclusions of law made in the
18 Development Order are incorporated herein by reference, provided that to the extent
19 that a finding of fact or conclusion of law in the original Development Order, or any
20 amendments thereto, conflicts with another finding or conclusion in a different
21 amendment, the more recent in time shall control.
22

23 b. The Applicant submitted to the City of Tampa (the "City") the
24 NOPC, attached hereto and incorporated herein by reference as Composite Exhibit
25 "A,"
26

27 c. The real property, which is the subject of the ADA, is legally
28 described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City
29 Clerk's office.
30

31 d. The Westshore Alliance constitutes a "Developer" as defined in
32 Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an
33 areawide application for development approval and receive a development order.
34

35 e. The Developer submitted to the City of Tampa the Notice of
36 Change, which proposed to amend the Development Order to allow fees and
37 contributions required by the Development Order to be applied to the transportation
38 network for roadway improvements and mobility alternatives, including transit and
39 pedestrian improvements (the "Proposed Change").
40

41 f. The Proposed Change is consistent with the local and state
42 comprehensive plans.
43

44 g. The Proposed Change is consistent with all applicable local, regional
45 and state land development laws and regulations.
46

47 h. The Developer previously demonstrated that the property owners
48 within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.
49
50

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and correct copy

1 i. The Development is not located in an area of critical state concern as
2 designated pursuant to Section 380.05, Florida Statutes, as amended;

3
4 j. The Proposed Change is consistent with the report and
5 recommendations of the TBRPC and satisfies the provisions of Subsection
6 380.06(14), Florida Statutes, as amended;

7
8 k. The Proposed Change is presumed to create a substantial deviation
9 under Subsection 380.06(19), Florida Statutes.

10
11 l. Based Composite Exhibit "A" and the record of the proceedings,
12 Applicant has submitted clear and convincing evidence to rebut the presumption
13 created under Subsection 380.06(19), Florida Statutes;

14
15 m. The Proposed Change does not create additional regional impacts to
16 the previously approved Development, nor does it create any type of regional impact
17 not previously reviewed, and therefore it does not constitute a substantial deviation
18 pursuant to Subsection 380.06(19), Florida Statutes;

19
20 n. All statutory procedures have been adhered to;

21
22 Section 2. *Conclusions of Law.* That the City Council having made the
23 above findings of fact, renders the following conclusions of law:

24
25 a. ~~These proceedings have been conducted pursuant to applicable laws~~
26 ~~and regulations, and based upon the record in this proceeding, the City is authorized~~
27 ~~to approve development as described herein, subject to the amendments, conditions,~~
28 ~~restrictions and limitations set forth herein.~~

29
30 b. Based upon the analyses which are part of the Notice of Change, the
31 record of the proceeding and the aforementioned reviews, and the conditions
32 contained herein, the Developer has submitted clear and convincing evidence to rebut
33 the presumption created under Subsection 380.06(19), Florida Statutes.

34
35 c. Based on the foregoing and pursuant to Subsection 380.06(19),
36 Florida Statutes, the Proposed Change is found not to be a substantial deviation to the
37 previously approved Development Order.

38
39 Section 3. *Order.* That, having made the above findings of fact and
40 conclusions of law, it is hereby ordered:

41
42 a. The Proposed Change is hereby approved and the Development
43 Order is hereby amended to incorporate the NOPC.

44
45 b. Section 4(G) of the Development Order is hereby amended as
46 follows:

47
48 G. The transportation impacts of the Areawide DRI shall be deemed to be
49 mitigated by payment of the City of Tampa Transportation Impact Fee.
50 Development square footage associated with DCA-approved preliminary

Certified as true
and correct copy

1 development agreements which reference inclusion into the Areawide DRI, shall,
2 for the amounts of development for which building permits have been pulled and
3 for which construction has commenced, pay the City of Tampa Transportation
4 Impact Fee.

5 The Contributions and/or fees provided by this section shall be applied to the
6 transportation network for roadway improvements and mobility alternatives,
7 including transit and pedestrian improvements, within the city study area which is
8 substantially impacted by traffic from the approved development, in the manner as
9 provided for all impact fees under the adopted local transportation impact fee
10 ordinance.

11
12 A study of site-specific transportation improvements necessitated by development
13 that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be
14 required of those projects at the time of Commercial Site Plan Review. The
15 purpose of such study is to identify transportation improvements. For purposes of
16 this section site-specific transportation improvements are defined as: Capital
17 improvements necessary for direct access/egress to the development in question.
18 Direct access/egress site-specific improvements include, but are not limited to, the
19 following: (1) site driveways and roads; (2) right and left-turn lanes leading to
20 those site driveways; (3) traffic control measures/devices for those site driveways;
21 (4) acceleration/deceleration lanes associated with those site driveways; (5)
22 median cuts/closings associated with those site driveways; (6) improvements to
23 roads immediately adjacent to the site and necessary to allow direct access to the
24 site; and (7) improvements to other roads immediately adjacent to the site and
25 necessary to allow direct access to the site. Such site-specific improvements may
26 be established by the Transportation Department as a condition to Commercial Site
27 Plan Approval. The developer may appeal the Transportation Department
28 imposed condition(s) to the City Council. The appeal shall be scheduled by City
29 Council for the next regularly scheduled Council meeting.
30

31 Section 4. *Development Order, As Amended.* The Development Order,
32 as previously amended, is hereby reaffirmed in its entirety except as amended by this
33 Resolution.
34

35 Section 5. *Definitions.* The definitions contained in Chapter 380,
36 Florida Statutes, shall control the interpretation and construction of any terms of this
37 Ordinance.
38

39 Section 6. *Binding Effect.* This Ordinance shall be binding upon the
40 Applicant, its assigns, and its successors in interest.
41

42 Section 7. *Governmental Agencies.* It is understood that any reference
43 herein to any governmental agency shall be construed to mean any future
44 instrumentality which may be created or designated as successor in interest to, or
45 which otherwise possesses any of the powers and duties of any referenced
46 governmental agency in existence on the effective date of this Ordinance.
47

48 Section 8. *Severance.* In the event that any portion or section of this
49 Ordinance is determined to be invalid, illegal, or unconstitutional by a court or
50 agency of competent jurisdiction, such decision shall in no manner affect the

Certified as true
and correct copy

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remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. *Transmittals.* The City Clerk is directed to send copies of this Amended Development Order within five (5) days of the effective date of this Order, to the Developer, Hillsborough County, HARTLine, Florida Department of Transportation, Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

Section 10. *Rendition.* This Amended Development Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380, Florida Statutes.

Section 11. *Recording.* The Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. *Effective Date.* This Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

Section 13. This Amended Development Order shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA ON _____, 2008.

ATTEST:

CITY COUNCIL:

CITY CLERK

CHAIRPERSON

APPROVED by me on _____

PAM IORIO, MAYOR

Certified as true and correct copy

COMPOSITE EXHIBIT "A"

Certified as true
and correct copy

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd
Tallahassee, FL 32399
850/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1.

I, Ronald T. Rotella, the undersigned authorized representative of the Westshore Alliance, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support hereof, we submit the following information concerning the Westshore Areawide development (DRI No. 141), which information is true and correct to the best of our knowledge. We have submitted today, under separate cover, copies of this completed notification to the City of Tampa, the Tampa Bay Regional Planning Council, the Florida Department of Transportation and the Bureau of Local Planning, Department of Community Affairs.

1/15/08

(Date)



(Signature)

Ronald T. Rotella, Executive Director
Westshore Alliance

Certified as true
and correct copy

2. **Applicant (name, address, phone).**

Westshore Alliance
3109 W. Dr. Martin Luther King, Jr. Blvd., Suite 140
Tampa, FL 33607
Telephone: 813-289-5488

3. **Authorized Agent (name, address, phone).**

Ronald T. Rotella
Westshore Alliance
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Randy@CoenCoConsulting.com

4. **Location (City, County, Township/Range/Section) of approved DRI and proposed change.**

City of Tampa, Hillsborough County, Sections 15, 16, 17, 18, 19, 20, 21, and 22,
Township 29 South, Range 18 East.

5. **Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or in the representations contained in either the development order or the application for development approval.**

The proposed change is to allow contributions and/or fees required by the DRI to be applied to the transportation network for roadway improvements and mobility alternatives, including transit and pedestrian improvements.

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and correct copy

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.

No change is proposed or has occurred.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart).

The original DRI Development Order for the Westshore Areawide DRI No. 141, Ordinance No. 88-1 (the "Development Order"), was adopted by City Council on January 11, 1988.

The first amendment to the Development Order, Ordinance No. 92-80 (the "First Amendment"), was adopted by City Council on May 28, 1992. The First Amendment imposed a fee of ten cents per square foot to fund the costs associated with administering the existing Westshore Areawide DRI and obtaining approval for a second phase to the Westshore Areawide DRI. The First Amendment also amended the Development Order to change the name of the Developer from the Westshore Development Association the Westshore Alliance.

The second amendment to the Development Order, Ordinance No. 197 (the "Second Amendment"), was adopted by City Council on December 16, 1993. The Second Amendment extended the buildout date of Phase I of the Westshore Areawide DRI to December 15, 1999 (an extension of four years, eleven months and fifteen days).

The third amendment to the Development Order, Ordinance No. 99-160 (the "Third Amendment"), was adopted by City Council on July 15, 1999. The Third Amendment extended the buildout date of Phase 1 of the Westshore Areawide DRI to December 15, 2005, an extension of six years.

The fourth amendment to the Development Order, Ordinance No. 2001-148 (the "Fourth Amendment") was adopted by City Council on July 19, 2001. The fourth amendment specifically approved Phase IIA of the project, consisting of: 4,400,000 sq. ft. of office uses, 500,000 sq. ft. of retail uses, 750 hotel rooms, 200,000 sq. ft. of light industrial uses, and 2,000 multi-family dwelling units with a buildout date of December 31, 2010; increased the approved capacity amounts for water, wastewater, solid waste, and electric; included an Equivalency Matrix to allow for the simultaneous exchange of approved land uses for Revised Phase I (Phase I and Revised Phase IIA);

extend the termination date for this Development Order to December 31, 2015; established that no downsizing of the project may occur prior to December 31, 2010; and approved a restated Development Order.

The fifth amendment to the Development Order, Ordinance No. 2005-85 (the "Fifth Amendment") was adopted by City Council on March 31, 2005. The Fifth Amendment incorporated a revised Equivalency Matrix which would increase the maximum number of multi-family dwelling units (dus) that may be developed in Revised Phase I from 3000 to 4000 dwelling units.

Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

No.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

Not applicable.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Not applicable.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.?

YES _____

NO X

10. Does the proposed change result in a change to the build out date or any phasing date of the project? If so, indicate the proposed new build out or phasing dates.

No.

11. Will the proposed change require an amendment to the local government comprehensive plan?

No.

12. Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development conditions.

Not applicable.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

Attached hereto as Appendix B.

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not applicable.

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

Not applicable.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not applicable.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.

Not applicable.

1 After Recording, Return to:

2 City of Tampa
3 Office of the City Clerk
4 315 East Kennedy Blvd
5 Old City Hall, 3rd Floor
6 Tampa, Florida 33602
7
8
9

10 ORDINANCE NO. 2008-_____

11
12 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
13 AMENDING A DEVELOPMENT ORDER PURSUANT
14 TO SECTION 380.06, FLORIDA STATUTES, FILED BY
15 THE WESTSHORE ALLIANCE FOR THE WESTSHORE
16 AREAWIDE DEVELOPMENT OF REGIONAL IMPACT,
17 DRI #141 A PREVIOUSLY APPROVED DEVELOPMENT
18 OF REGIONAL IMPACT; AND PROVIDING AN
19 EFFECTIVE DATE.
20
21

22
23
24 WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of
25 the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a
26 development order for the Westshore Areawide DRI (the "Development"), an
27 Areawide Development of Regional Impact ("DRI") (hereinafter referred to as the
28 "Original Development Order"); and
29

30 WHEREAS, Ordinance No. 88-1 specifically approved Phase I development
31 which included 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval)
32 which approval was subject to a trade-off mechanism; and
33

34 WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council
35 on June 2, 1992, approved a first amendment to the Original Development Order for
36 the Westshore Areawide DRI (hereinafter referred to as the "First Amendment"); and
37

38 WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council
39 on December 21, 1993, approved a second amendment to the development order for
40 the Westshore Areawide DRI (hereinafter referred to as the "Second Amendment");
41 and
42

43 WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council
44 on July 15, 1999, approved a third amendment to the development order for the
45 Westshore Areawide DRI (hereinafter referred to as the "Third Amendment"); and
46

47 WHEREAS, Ordinance No. 2001-148, passed and ordained by the City
48 Council on July 19, 2001, approved a fourth amendment to the development order for
49 the Westshore Areawide DRI (hereinafter referred to as the "Fourth Amendment");
50 and

1
2 WHEREAS, Ordinance No. 2005-85, passed and ordained by the City
3 Council on March 31, 2005, approved a fifth amendment to the development order
4 for the Westshore Areawide DRI (hereinafter referred to as the "Fifth Amendment")
5 (hereinafter the Original Development Order, as amended by the First Amendment,
6 Second Amendment, Third Amendment, Fourth Amendment and Fifth Amendment
7 shall collectively be referred to as the "Development Order"); and
8

9 WHEREAS, on _____, 20____, the Westshore Alliance (the
10 "Developer") filed a Notification of Proposed Change to a Previously Approved
11 Areawide Development of Regional Impact, Subsection 380.06(19), Florida Statutes,
12 for the Westshore Areawide DRI (the "NOPC"); and
13

14 WHEREAS, the NOPC proposed to amend the Development Order to allow
15 fees and contributions required by the Development Order to be applied to the
16 transportation network for roadway improvements and mobility alternatives,
17 including transit and pedestrian improvements (the "Proposed Change"); and
18

19 WHEREAS, the Proposed Change shall constitute the Sixth Amendment to
20 the Original Development Order (hereinafter referred to as the "Sixth Amendment");
21 (hereinafter the Original Development Order, as amended by the First Amendment,
22 Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment and
23 Sixth Amendment shall collectively be referred to as the "Amended Development
24 Order"); and
25

26 WHEREAS, the City Council has reviewed and considered the NOPC as well
27 as all related testimony and evidence submitted by the Applicant concerning the
28 Proposed Changes; and
29

30 WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the Proposed
31 Change is presumed to create a substantial deviation; and
32

33 WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant
34 has submitted clear and convincing evidence rebutting this presumption; and
35

36 WHEREAS, the City Council, as the governing body of the local government
37 having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and
38 empowered to consider the NOPC and to adopt this Amended Development Order;
39 and
40

41 WHEREAS, the public notice requirements of Chapter 380, Florida Statutes,
42 and Section 27-418, City of Tampa Code of Ordinances (the "City Code"), have been
43 fulfilled; and
44

45 WHEREAS, the City Council has received and considered the report and
46 recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and
47

48 WHEREAS, all interested parties and members of the public have been
49 afforded an opportunity to be heard at the public hearing on the Proposed Change
50 before the City Council; and

1 WHEREAS, the City Council, on _____, 2008, held a duly
2 noticed public hearing on the NOPC to the Development Order, and has reviewed and
3 considered the NOPC and supporting documentation, as well as testimony and
4 evidence submitted by certain parties and members of the general public; and
5

6 WHEREAS, Section 380.06, Florida Statutes, requires that a development
7 order be adopted to reflect the City Council's approval of the proposed changes.
8

9 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
10 THE CITY OF TAMPA, FLORIDA:
11

12 Section 1. *Findings of Fact.* That City Council, having received the
13 above referenced documents, and having received all related comments, testimony
14 and evidence submitted by all persons and members of the general public, finds that
15 there is substantial, competent evidence to support the following findings of fact:
16

17 a. The findings of fact and conclusions of law made in the
18 Development Order are incorporated herein by reference, provided that to the extent
19 that a finding of fact or conclusion of law in the original Development Order, or any
20 amendments thereto, conflicts with another finding or conclusion in a different
21 amendment, the more recent in time shall control.
22

23 b. The Applicant submitted to the City of Tampa (the "City") the
24 NOPC, attached hereto and incorporated herein by reference as Composite Exhibit
25 "A;"
26

27 c. The real property, which is the subject of the ADA, is legally
28 described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City
29 Clerk's office.
30

31 d. The Westshore Alliance constitutes a "Developer" as defined in
32 Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an
33 areawide application for development approval and receive a development order.
34

35 e. The Developer submitted to the City of Tampa the Notice of
36 Change, which proposed to amend the Development Order to allow fees and
37 contributions required by the Development Order to be applied to the transportation
38 network for roadway improvements and mobility alternatives, including transit and
39 pedestrian improvements (the "Proposed Change").
40

41 f. The Proposed Change is consistent with the local and state
42 comprehensive plans.
43

44 g. The Proposed Change is consistent with all applicable local, regional
45 and state land development laws and regulations.
46

47 h. The Developer previously demonstrated that the property owners
48 within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.
49
50

1 i. The Development is not located in an area of critical state concern as
2 designated pursuant to Section 380.05, Florida Statutes, as amended;

3
4 j. The Proposed Change is consistent with the report and
5 recommendations of the TBRPC and satisfies the provisions of Subsection
6 380.06(14), Florida Statutes, as amended;

7
8 k. The Proposed Change is presumed to create a substantial deviation
9 under Subsection 380.06(19), Florida Statutes.

10
11 l. Based Composite Exhibit "A" and the record of the proceedings,
12 Applicant has submitted clear and convincing evidence to rebut the presumption
13 created under Subsection 380.06(19), Florida Statutes;

14
15 m. The Proposed Change does not create additional regional impacts to
16 the previously approved Development, nor does it create any type of regional impact
17 not previously reviewed, and therefore it does not constitute a substantial deviation
18 pursuant to Subsection 380.06(19), Florida Statutes;

19
20 n. All statutory procedures have been adhered to;

21
22 Section 2. *Conclusions of Law.* That the City Council having made the
23 above findings of fact, renders the following conclusions of law:

24
25 a. ~~These proceedings have been conducted pursuant to applicable laws~~
26 and regulations, and based upon the record in this proceeding, the City is authorized
27 to approve development as described herein, subject to the amendments, conditions,
28 restrictions and limitations set forth herein.

29
30 b. Based upon the analyses which are part of the Notice of Change, the
31 record of the proceeding and the aforementioned reviews, and the conditions
32 contained herein, the Developer has submitted clear and convincing evidence to rebut
33 the presumption created under Subsection 380.06(19), Florida Statutes.

34
35 c. Based on the foregoing and pursuant to Subsection 380.06(19),
36 Florida Statutes, the Proposed Change is found not to be a substantial deviation to the
37 previously approved Development Order.

38
39 Section 3. *Order.* That, having made the above findings of fact and
40 conclusions of law, it is hereby ordered:

41
42 a. The Proposed Change is hereby approved and the Development
43 Order is hereby amended to incorporate the NOPC.

44
45 b. Section 4(G) of the Development Order is hereby amended as
46 follows:

47
48 G. The transportation impacts of the Areawide DRI shall be deemed to be
49 mitigated by payment of the City of Tampa Transportation Impact Fee.
50 Development square footage associated with DCA-approved preliminary

1 development agreements which reference inclusion into the Areawide DRI, shall,
2 for the amounts of development for which building permits have been pulled and
3 for which construction has commenced, pay the City of Tampa Transportation
4 Impact Fee.

5
6 The Contributions and/or fees provided by this section shall be applied to the
7 transportation network for roadway improvements and mobility alternatives,
8 including transit and pedestrian improvements, within the city study area which is
9 substantially impacted by traffic from the approved development, in the manner as
10 provided for all impact fees under the adopted local transportation impact fee
11 ordinance.

12
13 A study of site-specific transportation improvements necessitated by development
14 that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be
15 required of those projects at the time of Commercial Site Plan Review. The
16 purpose of such study is to identify transportation improvements. For purposes of
17 this section site-specific transportation improvements are defined as: Capital
18 improvements necessary for direct access/egress to the development in question.
19 Direct access/egress site-specific improvements include, but are not limited to, the
20 following: (1) site driveways and roads; (2) right and left-turn lanes leading to
21 those site driveways; (3) traffic control measures/devices for those site driveways;
22 (4) acceleration/deceleration lanes associated with those site driveways; (5)
23 median cuts/closings associated with those site driveways; (6) improvements to
24 roads immediately adjacent to the site and necessary to allow direct access to the
25 site; and (7) improvements to other roads immediately adjacent to the site and
26 necessary to allow direct access to the site. Such site-specific improvements may
27 be established by the Transportation Department as a condition to Commercial Site
28 Plan Approval. The developer may appeal the Transportation Department
29 imposed condition(s) to the City Council. The appeal shall be scheduled by City
30 Council for the next regularly scheduled Council meeting.

31
32 Section 4. *Development Order, As Amended.* The Development Order,
33 as previously amended, is hereby reaffirmed in its entirety except as amended by this
34 Resolution.

35
36 Section 5. *Definitions.* The definitions contained in Chapter 380,
37 Florida Statutes, shall control the interpretation and construction of any terms of this
38 Ordinance.

39
40 Section 6. *Binding Effect.* This Ordinance shall be binding upon the
41 Applicant, its assigns, and its successors in interest.

42
43 Section 7. *Governmental Agencies.* It is understood that any reference
44 herein to any governmental agency shall be construed to mean any future
45 instrumentality which may be created or designated as successor in interest to, or
46 which otherwise possesses any of the powers and duties of any referenced
47 governmental agency in existence on the effective date of this Ordinance.

48
49 Section 8. *Severance.* In the event that any portion or section of this
50 Ordinance is determined to be invalid, illegal, or unconstitutional by a court or
agency of competent jurisdiction, such decision shall in no manner affect the

1 remaining portions or sections of this Ordinance which shall remain in full force and
2 effect.

3
4 Section 9. *Transmittals.* The City Clerk is directed to send copies of
5 this Amended Development Order within five (5) days of the effective date of this
6 Order, to the Developer, Hillsborough County, HARTLine, Florida Department of
7 Transportation, Florida Department of Community Affairs and the Tampa Bay
8 Regional Planning Council.

9
10 Section 10. *Rendition.* This Amended Development Order shall be
11 deemed rendered upon transmittal of copies of this Order to the recipients specified in
12 Chapter 380, Florida Statutes.

13
14 Section 11. *Recording.* The Applicant shall record a notice of adoption
15 of this Ordinance pursuant to Chapter 380, Florida Statutes.

16
17 Section 12. *Effective Date.* This Ordinance shall become a law as
18 provided in the City of Tampa Home Rule Charter and shall take effect upon
19 transmittal to the parties specified in Section 9 hereof.

20
21 Section 13. This Amended Development Order shall take effect
22 immediately upon becoming a law.
23
24
25

26
27 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY
28 OF TAMPA, FLORIDA ON _____, 2008.
29
30

31 **ATTEST:**

CITY COUNCIL:

32
33
34
35
36 _____
37 CITY CLERK

CHAIRPERSON

38 APPROVED by me on _____
39
40
41
42

43 _____
44 PAM IORIO, MAYOR
45
46
47
48
49
50

MECHANIK NUCCIO HEARNE & WESTER

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REPLY TO: TAMPA
 NORTH TAMPA

April 25, 2008

VIA – HAND DELIVERY

Susan Johnson
City of Tampa DRI Coordinator
306 E. Jackson Street, 3rd Floor East
Tampa, FL 33602

**RE: Sufficiency Response to Comments:
Westshore Areawide DRI Notice of Proposed Change**

Dear Susan:

Enclosed please find Westshore Alliance's responses to comments on the Notification of Proposed Change for the Westshore Areawide DRI, including a revised Amended Development Order. Please note that we have made some additional changes to the Development Order as part of this sufficiency response:

(1) We have added a provision to Section 4 (U)(4) that projects which provide affordable housing are not subject to the Westshore Residential Neighborhood Improvement assessment or the Westshore Alliance administrative assessment. Neither fee was imposed to address a condition regarding a regional impact, and is therefore a matter of local concern. The new provision also encourages developers to incorporate affordable housing into their developments and to obtain information from the Westshore Alliance regarding the benefits of doing so.

(2) We have extended the termination date and Phase 1 and Phase 2 buildout dates by three years, pursuant to the 3-year DRI extension provided for in House Bill 7203 (Ch. 2007-204). Please note that the buildout dates appear to have been inadvertently deleted from the 4th Amended and Restated Development Order and this NOPC would remedy that omission.

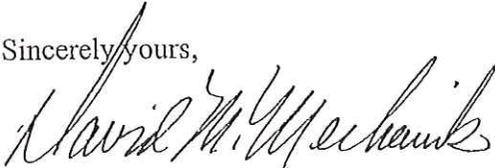
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and correct copy

Ms. Susan Johnson
April 25, 2008
Page 2 of 2

(3) We have extended the date before which downzoning and intensity reduction may not occur by three years, to correspond with the extension of the Phase 1 build out date.

Copies of this Sufficiency Response, with all attachments, have been sent to the Tampa Bay Regional Planning Council, the Florida Department of Transportation and the Florida Department of Community Affairs.

Thank you for your careful review of our request and please do not hesitate to contact us should you have any questions or concerns regarding this submittal.

Sincerely yours,

David M. Mechanik

DMM/aqp

Enclosures: First sufficiency response, including Amended Development Order (12 copies)

cc: Mr. John Meyer, Tampa Bay Regional Planning Council (w/enclosure, via FedEx)
Mr. Kent Fast, Florida Department of Transportation (w/enclosure, via FedEx)
Mr. Bernard Piawah, Florida Department of Community Affairs (w/enclosure, via FedEx)
Ron Rotella, Westshore Alliance (w/enclosure)

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and correct copy

**SUFFICIENCY RESPONSE TO COMMENTS ON NOPC
WESTSHORE AREA WIDE DRI # 141**

City of Tampa, Transportation Division

1. Please see the revised language drafted by the Transportation Division for inclusion into the draft Development Order for Westshore:

roadway improvements and transit improvements as per City of Tampa Impact Fee Ordinance Sec. 25-72. Use of funds

Response: Please see that attached amended draft development order language.

Planning Commission

2. The Planning Commission staff has received the proposed ordinance related to this Notice of Proposed Change and requests further information on how the impact fees will be used to promote mobility alternatives. With the DRI adding an additional 4,000 residential units in the future, sidewalks, bicycling and safe connections for the pedestrian will be important to the continued success of the Westshore District as outlined in the following policies of the *Tampa Comprehensive Plan*:

Policy 8.1.3: The City of Tampa will continue to support the establishment of public/private partnerships such as Transportation Management Organizations (TMOs) to promote TDM strategies and programs, regional activity centers and other densely developed areas.

Policy 10.4.1: Work with the TMOs to encourage employers, including the City of Tampa, to provide appropriate supportive facilities and services for bicyclists, including showers, lockers, bike racks on buses, commuter centers and secure bicycle parking

Policy 10.4.3: Work with the BAC, TMOs and other agencies to develop and implement a public information program to promote bicycle use in conjunction with other modes of transportation, including bus, train, air travel, and van/car pooling.

Policy 12.4.3: The City shall continue to utilize transit friendly design, including pedestrian facilities in large scale commercial and residential developments, to discourage total reliance on automobiles and promote a walkable environment where appropriate.

Response: Comments noted.

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and correct copy

Tampa Bay Regional Planning Council

3. The Applicant's proposed modification is stated above verbatim. The proposal is not clear to the reviewer. Please provide further details and/or a better description.

Response: Currently transportation mitigation is provided via the payment of City of Tampa transportation impact fees by developers within the Westshore DRI. These DRI mitigation payments can only be used for road improvements, with a maximum of three percent of the impact fees paid can be allocated to the Hillsborough Area Regional Transit (HART) for capital projects. The applicant proposes that the transportation impact fees paid as a condition of our DRI be used for road improvements and transit improvements without regard to the three percent (3%) limitation. All transportation impact fees will continue to be paid to the City of Tampa and the city will continue to decide how the impact fees are expended. This change would further allow the city to fund transit improvements, both capital and operating, and associated pedestrian improvements to address traffic concerns in the Westshore area.

4. Please identify whether the proposed modification would affect any currently required transportation mitigation.

Response: The proposed change would not affect any current required transportation mitigation.

5. Please confirm that all future mitigation "alternatives" for the Westshore Areawide DRI shall be determined at the sole discretion of the City of Tampa.

Response: Transportation impact fees are paid to the City of Tampa, and it decides where the funds are spent, in its sole discretion.

6. Does the proposal pertain only to expenditures of funds associated with the payment of transportation impact fees?

Response: Yes

7. Please identify the *existing* Condition and Ordinance number proposed for modification. Please state the existing language.

Response: Sections 4(G), 4(U)(4) and 4(V) as identified in the Fourth Amendment to the DRI, Ordinance #2001-148, as amended, are proposed for modification. The amended development order is and was originally provided in redlined format in order to identify both the existing language and the proposed changes.

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and correct copy

8. The Applicant has identified that "pedestrian" improvements could be considered as an alternative form of mitigation. Please provide a couple of examples of potential pedestrian improvements which may/would qualify.

Response: Pedestrian improvements must be directly associated with a road or transit project. Examples would include a sidewalk in combination with a road project, a transit facility or new transit service.

9. If and when the Applicant submits a Notice of Proposed Change application to seek specific approval for (Revised) Phase 2, would the corresponding transportation analysis be conducted any different if the requested modifications are approved? Would the resulting required transportation improvements, if applicable, be determined in a different fashion than currently required? If so, why?

Response: The Phase 2 DRI transportation analysis would be conducted in a manner similar to that previously reviewed and approved for the extension of Revised Phase 1. The modification requested herein would not alter the requirements of the Phase 2 transportation analysis. The transportation improvements for Phase 2 would be determined in a manner consistent with applicable law and rules.

10. Will the Applicant be seeking three-year extensions of the buildout and Development Order expiration dates to coincide with recent revisions to Subsection 380.06(19) (c) F.S.? If so, it would seem that the Notice of Proposed Change and resulting Development Order Amendment process would be a perfect time to request these modifications. If appropriate, please modify you current NOPC to additionally recognize this request.

Response: The City has acknowledged the 3-year extension and the amended draft development order reflects this extension.

Florida Department of Transportation

11. Please confirm that the sole purpose of this notice of proposed change is to allow Westshore Areawide DRI transportation impact fees to be directed toward transportation improvements within the DRI coverage area.

Response: The primary purpose of the NOPC is to allow for the transportation impact fees to be used for transit purposes, but in all events such funds would be directed within the DRI coverage area.

12. Is the assessment currently at 10 cents per square foot, or is the rate another amount?

Response: The current transportation impact fees are established by the City of Tampa and are set forth in the City's transportation impact fee ordinance (e.g., \$3.63 per square foot for office of 200,000 square feet or greater). The "10 cent" fee is for neighborhood traffic calming and is in addition to the City of Tampa transportation impact fee requirements set forth in the Development Order.

Certified as true
and correct copy

13. Is the assessment a one-time fee collected at the time of building permit approval, or is it collected in some other manner?

Response: The impact fee is a one-time payment and is determined at the time of issuance of building permits and paid at certificate of occupancy. However, there is also a Special Assessment which is collected on an annual basis as approved by the Tampa City Council.

14. Will the collected money be utilized only for transportation improvements, or are Westshore Administrative fees funded from this assessment? Is the amount collected creditable against other city transportation impact fees?

Response: The impact fees are paid to the City of Tampa and used only for transportation improvements. No part of the transportation impact fees goes to the Westshore Alliance. The Westshore Administrative Fee is an additional fee paid by developers within the Westshore DRI area to cover the cost of managing the DRI. There is no credit against transportation impact fees as the Development Order requires payment of those fees.

15. What is the approximate dollar amount collected?

Response: Since DRI approval, the amount collected is approximately \$23,000,000.

16. Has any thought been given to creating a special purpose taxing district that would provide a continuing income stream which could be used to fund continuing transit operations or another related purpose?

Response: The City of Tampa, at the request of the Westshore Alliance, currently has an approved Special Assessment District in the Westshore Business District and collects such assessment on an annual basis. A significant portion of the assessment funds are allocated to transportation improvements within the Westshore area. The Westshore Alliance encourages the Florida Department of Transportation, the city of Tampa, HART and other transportation stakeholders to discuss and implement additional funding options for transit. We anxiously await the funding strategies that will be recommended by the Tampa Bay Area Regional Transportation Authority (TBARTA).

Certified as true
and correct copy

1 After Recording, Return to:

2 City of Tampa
3 Office of the City Clerk
4 315 East Kennedy Blvd
5 Old City Hall, 3rd Floor
6 Tampa, Florida 33602
7
8
9

10 ORDINANCE NO. 2008-_____

11
12 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
13 AMENDING A DEVELOPMENT ORDER PURSUANT
14 TO SECTION 380.06, FLORIDA STATUTES, FILED BY
15 THE WESTSHORE ALLIANCE FOR THE WESTSHORE
16 AREAWIDE DEVELOPMENT OF REGIONAL IMPACT,
17 DRI #141 A PREVIOUSLY APPROVED DEVELOPMENT
18 OF REGIONAL IMPACT; AND PROVIDING AN
19 EFFECTIVE DATE.
20

21
22
23
24 WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of
25 the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a
26 development order for the Westshore Areawide DRI (the "Development"), an
27 Areawide Development of Regional Impact ("DRI") (hereinafter referred to as the
28 "Original Development Order"); and
29

30 WHEREAS, Ordinance No. 88-1 specifically approved Phase I development
31 which included 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval)
32 which approval was subject to a trade-off mechanism; and
33

34 WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council
35 on June 2, 1992, approved a first amendment to the Original Development Order for
36 the Westshore Areawide DRI (hereinafter referred to as the "First Amendment"); and
37

38 WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council
39 on December 21, 1993, approved a second amendment to the development order for
40 the Westshore Areawide DRI (hereinafter referred to as the "Second Amendment");
41 and
42

43 WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council
44 on July 15, 1999, approved a third amendment to the development order for the
45 Westshore Areawide DRI (hereinafter referred to as the "Third Amendment"); and
46

47 WHEREAS, Ordinance No. 2001-148, passed and ordained by the City
48 Council on July 19, 2001, approved a fourth amendment to the development order for
49 the Westshore Areawide DRI (hereinafter referred to as the "Fourth Amendment");
50 and

1
2 WHEREAS, Ordinance No. 2005-85, passed and ordained by the City
3 Council on March 31, 2005, approved a fifth amendment to the development order
4 for the Westshore Areawide DRI (hereinafter referred to as the "Fifth Amendment")
5 (hereinafter the Original Development Order, as amended by the First Amendment,
6 Second Amendment, Third Amendment, Fourth Amendment and Fifth Amendment
7 shall be collectively referred to as the "Development Order"); and
8

9 WHEREAS, on January 17, 2008, the Westshore Alliance (the "Developer")
10 filed a Notification of Proposed Change to a Previously Approved Areawide
11 Development of Regional Impact, Subsection 380.06(19), Florida Statutes, for the
12 Westshore Areawide DRI (the "Notice of Proposed Change"); and
13

14 WHEREAS, on April 25, 2008, the Applicant filed a supplemental response to
15 agency comments (hereinafter the Notice of Proposed Change and supplemental
16 response shall be collectively referred to as the "NOPC"); and
17

18 WHEREAS, the NOPC proposed to amend the Development Order to allow
19 fees and contributions required by the Development Order to be applied to the
20 transportation network for roadway and transit improvements, including transit
21 operations and pedestrian improvements associated with such improvements; to
22 exempt projects which provide affordable housing, as defined therein, from the
23 Westshore Residential Neighborhood Improvement assessment and the Westshore
24 Alliance administrative assessment; to recognize the extension of the termination date
25 for this Development Order to December 31, 2018 pursuant to House Bill 7203 (Ch.
26 2007-204); to recognize extension of the buildout date of Phase 1 to December 31,
27 2013 and of Phase 2 to December 3, 2013, pursuant to House Bill 7203 (Ch. 2007-
28 204); and to extend the date before which no downzoning of the project may occur to
29 December 31, 2013 to correspond with the extension of the Phase 1 buildout date (the
30 "Proposed Change"); and
31

32 WHEREAS, the Proposed Change shall constitute the Sixth Amendment to
33 the Original Development Order (hereinafter referred to as the "Sixth Amendment");
34 (hereinafter the Original Development Order, as amended by the First Amendment,
35 Second Amendment, Third Amendment, Fourth Amendment, Fifth Amendment and
36 Sixth Amendment shall collectively be referred to as the "Amended Development
37 Order"); and
38

39 WHEREAS, the City Council has reviewed and considered the NOPC as well
40 as all related testimony and evidence submitted by the Applicant concerning the
41 Proposed Changes; and
42

43 WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the Proposed
44 Change is presumed to create a substantial deviation; and
45

46 WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant
47 has submitted clear and convincing evidence rebutting this presumption; and
48

49 WHEREAS, the City Council, as the governing body of the local government
50 having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and

1 empowered to consider the NOPC and to adopt this Amended Development Order;
2 and
3

4 WHEREAS, the public notice requirements of Chapter 380, Florida Statutes,
5 and Section 27-418, City of Tampa Code of Ordinances (the "City Code"), have been
6 fulfilled; and
7

8 WHEREAS, the City Council has received and considered the report and
9 recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and
10

11 WHEREAS, all interested parties and members of the public have been
12 afforded an opportunity to be heard at the public hearing on the Proposed Change
13 before the City Council; and
14

15 WHEREAS, the City Council, on _____, 2008, held a duly
16 noticed public hearing on the NOPC, and has reviewed and considered the NOPC and
17 supporting documentation, as well as testimony and evidence submitted by certain
18 parties and members of the general public; and
19

20 WHEREAS, Section 380.06, Florida Statutes, requires that a development
21 order be adopted to reflect the City Council's approval of the proposed changes.
22

23 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
24 THE CITY OF TAMPA, FLORIDA:
25

26 Section 1. *Findings of Fact.* That City Council, having received the
27 above referenced documents, and having received all related comments, testimony
28 and evidence submitted by all persons and members of the general public, finds that
29 there is substantial, competent evidence to support the following findings of fact:
30

31 a. The findings of fact and conclusions of law made in the
32 Development Order are incorporated herein by reference, provided that to the extent
33 that a finding of fact or conclusion of law in the original Development Order, or any
34 amendments thereto, conflicts with another finding or conclusion in a different
35 amendment, the more recent in time shall control.
36

37 b. The Applicant submitted to the City of Tampa (the "City") the
38 NOPC, attached hereto and incorporated herein by reference as Composite Exhibit
39 "A;"
40

41 c. The real property, which is the subject of the ADA, is legally
42 described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City
43 Clerk's office.
44

45 d. The Westshore Alliance constitutes a "Developer" as defined in
46 Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an
47 areawide application for development approval and receive a development order.
48

49 e. The Developer submitted to the City of Tampa the NOPC, which
50 proposed to amend the Development Order to allow fees and contributions required

1 by the Development Order to be applied to the transportation network for roadway
2 and transit improvements, including transit operations and pedestrian improvements
3 associated with such improvements; to exempt projects which provide affordable
4 housing, as defined therein, from the Westshore Residential Neighborhood
5 Improvement assessment and the Westshore Alliance administrative assessment; to
6 recognize the extension of the termination date for this Development Order to
7 December 31, 2018 pursuant to House Bill 7203 (Ch. 2007-204); to recognize
8 extension of the buildout date of Phase 1 to December 31, 2013 and of Phase 2 to
9 December 3, 2013, pursuant to House Bill 7203 (Ch. 2007-204); and to extend the
10 date before which no downzoning of the project may occur to December 31, 2013 to
11 correspond with the extension of the Phase 1 buildout date.

12
13 f. The Proposed Change is consistent with the local and state
14 comprehensive plans.

15
16 g. The Proposed Change is consistent with all applicable local, regional
17 and state land development laws and regulations.

18
19 h. The Developer previously demonstrated that the property owners
20 within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.

21
22 i. The Development is not located in an area of critical state concern as
23 designated pursuant to Section 380.05, Florida Statutes, as amended;

24
25 j. The Proposed Change is consistent with the report and
26 recommendations of the TBRPC and satisfies the provisions of Subsection
27 380.06(14), Florida Statutes, as amended;

28
29 k. The Proposed Change is presumed to create a substantial deviation
30 under Subsection 380.06(19), Florida Statutes.

31
32 l. Based Composite Exhibit "A" and the record of the proceedings,
33 Applicant has submitted clear and convincing evidence to rebut the presumption
34 created under Subsection 380.06(19), Florida Statutes;

35
36 m. The Proposed Change does not create additional regional impacts to
37 the previously approved Development, nor does it create any type of regional impact
38 not previously reviewed, and therefore it does not constitute a substantial deviation
39 pursuant to Subsection 380.06(19), Florida Statutes;

40
41 n. All statutory procedures have been adhered to;

42
43 Section 2. *Conclusions of Law.* That the City Council having made the
44 above findings of fact, renders the following conclusions of law:

45
46 a. These proceedings have been conducted pursuant to applicable laws
47 and regulations, and based upon the record in this proceeding, the City is authorized
48 to approve development as described herein, subject to the amendments, conditions,
49 restrictions and limitations set forth herein.

1 b. Based upon the analyses which are part of the NOPC, the record of
2 the proceeding and the aforementioned reviews, and the conditions contained herein,
3 the Developer has submitted clear and convincing evidence to rebut the presumption
4 created under Subsection 380.06(19), Florida Statutes.
5

6 c. Based on the foregoing and pursuant to Subsection 380.06(19),
7 Florida Statutes, the Proposed Change is found not to be a substantial deviation to the
8 previously approved Development Order.
9

10 Section 3. *Order*. That, having made the above findings of fact and
11 conclusions of law, it is hereby ordered:
12

13 a. The Proposed Change is hereby approved and the Development
14 Order is hereby amended to incorporate the NOPC.
15

16 b. Section 4(G) of the Development Order is hereby amended as
17 follows:
18

19 G. The transportation impacts of the Areawide DRI shall be deemed to be mitigated
20 by payment of the City of Tampa Transportation Impact Fee. Development square
21 footage associated with DCA-approved preliminary development agreements
22 which reference inclusion into the Areawide DRI, shall, for the amounts of
23 development for which building permits have been pulled and for which
24 construction has commenced, pay the City of Tampa Transportation Impact Fee.
25

26 The Contributions and/or fees provided by this section shall be applied to the
27 transportation network for roadway and transit improvements, including transit
28 operations and pedestrian improvements associated with such improvements,
29 within the city study area which is substantially impacted by traffic from the
30 approved development, in the manner as provided for all impact fees under the
31 adopted local transportation impact fee ordinance.
32

33 A study of site-specific transportation improvements necessitated by development
34 that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be
35 required of those projects at the time of Commercial Site Plan Review. The
36 purpose of such study is to identify transportation improvements. For purposes of
37 this section site-specific transportation improvements are defined as: Capital
38 improvements necessary for direct access/egress to the development in question.
39 Direct access/egress site-specific improvements include, but are not limited to, the
40 following: (1) site driveways and roads; (2) right and left-turn lanes leading to
41 those site driveways; (3) traffic control measures/devices for those site driveways;
42 (4) acceleration/deceleration lanes associated with those site driveways; (5)
43 median cuts/closings associated with those site driveways; (6) improvements to
44 roads immediately adjacent to the site and necessary to allow direct access to the
45 site; and (7) improvements to other roads immediately adjacent to the site and
46 necessary to allow direct access to the site. Such site-specific improvements may
47 be established by the Transportation Department as a condition to Commercial Site
48 Plan Approval. The developer may appeal the Transportation Department
49 imposed condition(s) to the City Council. The appeal shall be scheduled by City
50 Council for the next regularly scheduled Council meeting.

1
2 b. Section 4(U)(4) of the Development Order is hereby amended as
3 follows:
4

- 5 4. The City shall collect a the time of issuance of certificates of occupancy from all
6 development within the Areawide DRI, Ten Cents (\$0.10) per square foot. This
7 amount shall be increased annually by the percentage increase of the FDOT Price
8 Trends Index. Those monies shall be placed in a special, Westshore Residential
9 Neighborhood Improvement interest-bearing account and the principal and any
10 accrued interests shall only be expended within the City Study area. (See Exhibit
11 "J".)
12

13 Projects which provide Affordable Housing shall not be subject to this assessment.
14 Affordable Housing is defined as housing affordable to natural persons or families
15 whose total annual household income does not exceed 120 percent of the area
16 median income, adjusted for household size. At the time of initial contact with the
17 City or the Westshore Alliance regarding a proposed development within the
18 Areawide DRI, a developer shall be encouraged to consider incorporating
19 Affordable Housing in its project, and the Westshore Alliance shall provide
20 information to such developer regarding the opportunities and advantages of the
21 provision of Affordable Housing in the Westshore Area. This condition shall not
22 be construed as a requirement for any developer to incorporate Affordable
23 Housing in its development.

24 b. Section 4(V) of the Development Order is hereby amended as
25 follows:
26

- 27 V. It is the Developer's intent that the cost for obtaining approval of the Areawide
28 DRI and other administrative expenses associated with the Order be borne equally
29 by all development which benefits from the terms of this Order. The following
30 assessment shall be applied to all new or additional development with the
31 Areawide DRI, except as specified below:
32

- 33 1. Prior to issuance by the City, of any building permit for new or additional
34 development within the Areawide DRI, a fee of Twenty-Five Cents
35 (\$0.25) per square foot shall be assessed and collected by the Developer.
36 This amount shall be increased annually by the percentage increase of the
37 FDOT Price Trends Index. The Developer shall issue a Certificate of
38 Payment to the Payor as proof of payment. In order to obtain a building
39 permit, the Payor must present the Certificate of Payment to the City.
40

41
42 Projects which provide Affordable Housing shall not be subject to this assessment.
43 Affordable Housing is defined as housing affordable to natural persons or families
44 whose total annual household income does not exceed 120 percent of the area
45 median income, adjusted for household size. At the time of initial contact with the
46 City or the Westshore Alliance regarding a proposed development within the
47 Areawide DRI, a developer shall be encouraged to consider incorporating
48 Affordable Housing in its project, and the Westshore Alliance shall provide
49 information to such developer regarding the opportunities and advantages of the
50 provision of Affordable Housing in the Westshore Area. This condition shall not
be construed as a requirement for any developer to incorporate Affordable
Housing in its development.

1
2 The money collected by the Developer shall be placed in an interest bearing
3 account and shall be available to be drawn upon by the Developer to fund the cost
4 of obtaining approval of the Areawide DRI, fund any amendments proposed to the
5 Areawide DRI, pay for costs associated with reporting requirements or other
6 maintenance items related to the Areawide DRI. Eligible costs shall include
7 administrative costs, consultant costs, legal costs, and other expenses directly
8 related to the above described tasks.
9

10 Any property owner within the Areawide DRI may prepay the assessment
11 provided for in this Subsection 4.V. and obtain a credit for the assessment against
12 any future development. The credit may also be transferred to other Property
13 owners within the Areawide DRI; however, the responsibility for accounting for
14 the credit shall be borne solely by the Developer.
15

16 The Developer shall be responsible for the administration of the assessment which
17 shall include collection of the fee, issuing certificates of payment and accounting
18 of the assessments collected and the expenditures made by the Developer from the
19 account.
20

21 c. Section 8 of the Development Order is hereby amended as follows:
22

23 Subject to the conditions of suspension or rescission as hereinafter provided, this
24 Order shall remain in effect until December 31, 2018. The date of buildout of
25 Phase 1 shall be December 31, 2013. The date of buildout of Phase 2 shall be
26 December 3, 2013. The property within the Areawide DRI shall not be subject to
27 downzoning or intensity reduction until December 31, 2013.
28

29 Section 4. *Development Order, As Amended.* The Development Order,
30 as previously amended, is hereby reaffirmed in its entirety except as amended by this
31 Resolution.
32

33 Section 5. *Definitions.* The definitions contained in Chapter 380,
34 Florida Statutes, shall control the interpretation and construction of any terms of this
35 Ordinance.
36

37 Section 6. *Binding Effect.* This Ordinance shall be binding upon the
38 Applicant, its assigns, and its successors in interest.
39

40 Section 7. *Governmental Agencies.* It is understood that any reference
41 herein to any governmental agency shall be construed to mean any future
42 instrumentality which may be created or designated as successor in interest to, or
43 which otherwise possesses any of the powers and duties of any referenced
44 governmental agency in existence on the effective date of this Ordinance.
45

46 Section 8. *Severance.* In the event that any portion or section of this
47 Ordinance is determined to be invalid, illegal, or unconstitutional by a court or
48 agency of competent jurisdiction, such decision shall in no manner affect the
49 remaining portions or sections of this Ordinance which shall remain in full force and
50 effect.

Certified as true
and correct copy

1 Section 9. *Transmittals.* The City Clerk is directed to send copies of
2 this Amended Development Order within five (5) days of the effective date of this
3 Order, to the Developer, Hillsborough County, HARTLine, Florida Department of
4 Transportation, Florida Department of Community Affairs and the Tampa Bay
5 Regional Planning Council.
6

7 Section 10. *Rendition.* This Amended Development Order shall be
8 deemed rendered upon transmittal of copies of this Amended Development Order to
9 the recipients specified in Chapter 380, Florida Statutes.
10

11 Section 11. *Recording.* The Applicant shall record a notice of adoption
12 of this Ordinance pursuant to Chapter 380, Florida Statutes.
13

14 Section 12. *Effective Date.* This Ordinance shall become a law as
15 provided in the City of Tampa Home Rule Charter and shall take effect upon
16 transmittal to the parties specified in Section 9 hereof.
17

18 Section 13. This Amended Development Order shall take effect
19 immediately upon becoming a law.
20
21
22
23

24 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY
25 OF TAMPA, FLORIDA ON _____, 2008.
26 _____.

27
28 ATTEST:

CITY COUNCIL:

29
30
31
32
33 _____
34 CITY CLERK

CHAIRPERSON

APPROVED by me on _____

35
36
37
38
39 _____
40 PAM IORIO, MAYOR
41
42
43
44
45
46
47
48
49
50

Certified as true
and correct copy



CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

Via Certified Mail/Return Receipt Requested

August 27, 2008

Tampa Bay Regional Planning Council
Attention: John Meyer
4000 Gateway Centre, Suite 100
Pinellas Park, FL 33782

Re: File No. DZ86-66
The Westshore Area Wide DRI
Ordinance No. 2008-138

Dear Sir:

The City Council of the City of Tampa met in regular session on August 21, 2008 at 9:30 a.m. in the City Council Chambers.

During this session, the enclosed ordinance was adopted regarding the above listed petition. This ordinance is being transmitted for your information and record keeping process.

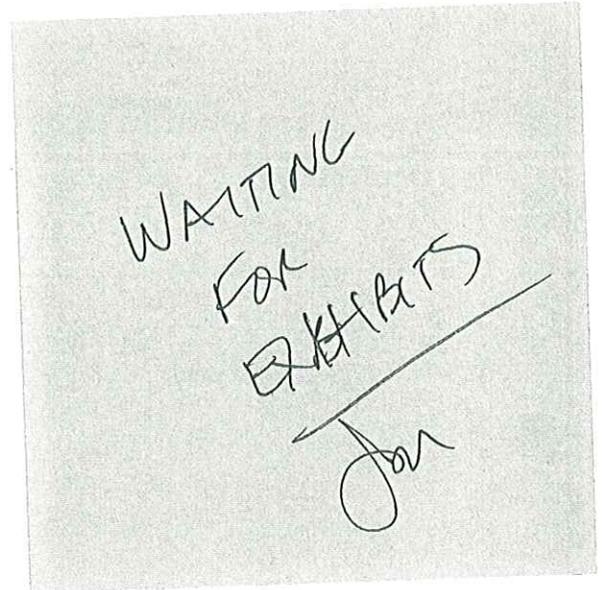
If you have any questions, please contact my office or the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Shirley Foxx-Knowles
City Clerk

SFK/dm

Enclosure: Certified Copy of Ordinance 2008-138



1 After Recording, Return to:

2 City of Tampa
3 Office of the City Clerk
4 315 East Kennedy Blvd
5 Old City Hall, 3rd Floor
6 Tampa, Florida 33602
7
8
9

10 ORDINANCE NO. 2008- 138
11

12 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
13 AMENDING A DEVELOPMENT ORDER PURSUANT
14 TO SECTION 380.06, FLORIDA STATUTES, FILED BY
15 THE WESTSHORE ALLIANCE FOR THE WESTSHORE
16 AREAWIDE DEVELOPMENT OF REGIONAL IMPACT,
17 DRI #141 A PREVIOUSLY APPROVED DEVELOPMENT
18 OF REGIONAL IMPACT; AND PROVIDING AN
19 EFFECTIVE DATE.
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21

22
23
24 WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of
25 the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a
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32 which approval was subject to a trade-off mechanism; and
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34 WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council
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50 and

Certified as true
and correct copy

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13

14 WHEREAS, on April 25, 2008, the Applicant filed a supplemental response to
15 agency comments (hereinafter the Notice of Proposed Change and supplemental
16 response shall be collectively referred to as the "NOPC"); and
17

18 WHEREAS, the NOPC proposed to amend the Development Order to allow
19 fees and contributions required by the Development Order to be applied to the
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28 204); and to extend the date before which no downzoning of the project may occur to
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4 WHEREAS, the public notice requirements of Chapter 380, Florida Statutes,
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7

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9 recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and
10

11 WHEREAS, all interested parties and members of the public have been
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13 before the City Council; and
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20 WHEREAS, Section 380.06, Florida Statutes, requires that a development
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22

23 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
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25

26 Section 1. *Findings of Fact.* That City Council, having received the
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32 Development Order are incorporated herein by reference, provided that to the extent
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40

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12
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14 comprehensive plans.

15
16 g. The Proposed Change is consistent with all applicable local, regional
17 and state land development laws and regulations.

18
19 h. The Developer previously demonstrated that the property owners
20 within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.

21
22 i. The Development is not located in an area of critical state concern as
23 designated pursuant to Section 380.05, Florida Statutes, as amended;

24
25 j. The Proposed Change is consistent with the report and
26 recommendations of the TBRPC and satisfies the provisions of Subsection
27 380.06(14), Florida Statutes, as amended;

28
29 k. The Proposed Change is presumed to create a substantial deviation
30 under Subsection 380.06(19), Florida Statutes.

31
32 l. Based Composite Exhibit "A" and the record of the proceedings,
33 Applicant has submitted clear and convincing evidence to rebut the presumption
34 created under Subsection 380.06(19), Florida Statutes;

35
36 m. The Proposed Change does not create additional regional impacts to
37 the previously approved Development, nor does it create any type of regional impact
38 not previously reviewed, and therefore it does not constitute a substantial deviation
39 pursuant to Subsection 380.06(19), Florida Statutes;

40
41 n. All statutory procedures have been adhered to;

42
43 Section 2. *Conclusions of Law.* That the City Council having made the
44 above findings of fact, renders the following conclusions of law:

45
46 a. These proceedings have been conducted pursuant to applicable laws
47 and regulations, and based upon the record in this proceeding, the City is authorized
48 to approve development as described herein, subject to the amendments, conditions,
49 restrictions and limitations set forth herein.

50

-4-
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1 b. Based upon the analyses which are part of the NOPC, the record of
2 the proceeding and the aforementioned reviews, and the conditions contained herein,
3 the Developer has submitted clear and convincing evidence to rebut the presumption
4 created under Subsection 380.06(19), Florida Statutes.

5
6 c. Based on the foregoing and pursuant to Subsection 380.06(19),
7 Florida Statutes, the Proposed Change is found not to be a substantial deviation to the
8 previously approved Development Order.
9

10 Section 3. *Order.* That, having made the above findings of fact and
11 conclusions of law, it is hereby ordered:
12

13 a. The Proposed Change is hereby approved and the Development
14 Order is hereby amended to incorporate the NOPC.
15

16 b. Section 4(G) of the Development Order is hereby amended as
17 follows:
18

19 G. The transportation impacts of the Areawide DRI shall be deemed to be mitigated
20 by payment of the City of Tampa Transportation Impact Fee. Development square
21 footage associated with DCA-approved preliminary development agreements
22 which reference inclusion into the Areawide DRI, shall, for the amounts of
23 development for which building permits have been pulled and for which
24 construction has commenced, pay the City of Tampa Transportation Impact Fee.

25
26 The Contributions and/or fees provided by this section shall be applied to the
27 transportation network for roadway and transit improvements, including transit
28 operations and pedestrian improvements associated with such improvements,
29 within the city study area which is substantially impacted by traffic from the
30 approved development, in the manner as provided for all impact fees under the
31 adopted local transportation impact fee ordinance.
32

33 A study of site-specific transportation improvements necessitated by development
34 that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be
35 required of those projects at the time of Commercial Site Plan Review. The
36 purpose of such study is to identify transportation improvements. For purposes of
37 this section site-specific transportation improvements are defined as: Capital
38 improvements necessary for direct access/egress to the development in question.
39 Direct access/egress site-specific improvements include, but are not limited to, the
40 following: (1) site driveways and roads; (2) right and left-turn lanes leading to
41 those site driveways; (3) traffic control measures/devices for those site driveways;
42 (4) acceleration/deceleration lanes associated with those site driveways; (5)
43 median cuts/closings associated with those site driveways; (6) improvements to
44 roads immediately adjacent to the site and necessary to allow direct access to the
45 site; and (7) improvements to other roads immediately adjacent to the site and
46 necessary to allow direct access to the site. Such site-specific improvements may
47 be established by the Transportation Department as a condition to Commercial Site
48 Plan Approval. The developer may appeal the Transportation Department
49 imposed condition(s) to the City Council. The appeal shall be scheduled by City
50 Council for the next regularly scheduled Council meeting.

-5-
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1
2 c. Section 4(U)(4) of the Development Order is hereby amended as
3 follows:

- 4
5 4. The City shall collect at the time of issuance of certificates of occupancy from all
6 development within the Areawide DRI, Ten Cents (\$0.10) per square foot. This
7 amount shall be increased annually by the percentage increase of the FDOT Price
8 Trends Index. Those monies shall be placed in a special, Westshore Residential
9 Neighborhood Improvement interest-bearing account and the principal and any
10 accrued interests shall only be expended within the City Study area. (See Exhibit
11 "J".)

12
13 Projects which provide Affordable Housing shall not be subject to this assessment.
14 Affordable Housing is defined as housing affordable to natural persons or families
15 whose total annual household income does not exceed 120 percent of the area
16 median income, adjusted for household size. At the time of initial contact with the
17 City or the Westshore Alliance regarding a proposed development within the
18 Areawide DRI, a developer shall be encouraged to consider incorporating
19 Affordable Housing in its project, and the Westshore Alliance shall provide
20 information to such developer regarding the opportunities and advantages of the
21 provision of Affordable Housing in the Westshore Area. This condition shall not
22 be construed as a requirement for any developer to incorporate Affordable
23 Housing in its development.

24 Prior to the expiration of five (5) years from the date of approval of this Sixth
25 Amendment, the Westshore Alliance shall consult with and seek input from the
26 Westshore Association of Neighborhoods regarding whether the waiver of this
27 assessment for projects providing Affordable Housing remains appropriate. The
28 Westshore Alliance shall determine whether the waiver should be continued. If
29 the waiver is no longer appropriate, the Westshore Alliance shall, as part of the
30 next proposed amendment to the Areawide DRI after making such determination,
31 apply for an amendment to eliminate such waiver.

32
33 d. Section 4(V) of the Development Order is hereby amended as
34 follows:

- 35
36 V. It is the Developer's intent that the cost for obtaining approval of the Areawide
37 DRI and other administrative expenses associated with the Order be borne equally
38 by all development which benefits from the terms of this Order. The following
39 assessment shall be applied to all new or additional development with the
40 Areawide DRI, except as specified below:

- 41
42 1. Prior to issuance by the City, of any building permit for new or additional
43 development within the Areawide DRI, a fee of Twenty-Five Cents
44 (\$0.25) per square foot shall be assessed and collected by the Developer.
45 This amount shall be increased annually by the percentage increase of the
46 FDOT Price Trends Index. The Developer shall issue a Certificate of
47 Payment to the Payor as proof of payment. In order to obtain a building
48 permit, the Payor must present the Certificate of Payment to the City.
49
50

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1 Projects which provide Affordable Housing shall not be subject to this assessment.
2 Affordable Housing is defined as housing affordable to natural persons or families
3 whose total annual household income does not exceed 120 percent of the area
4 median income, adjusted for household size. At the time of initial contact with the
5 City or the Westshore Alliance regarding a proposed development within the
6 Areawide DRI, a developer shall be encouraged to consider incorporating
7 Affordable Housing in its project, and the Westshore Alliance shall provide
8 information to such developer regarding the opportunities and advantages of the
9 provision of Affordable Housing in the Westshore Area. This condition shall not
10 be construed as a requirement for any developer to incorporate Affordable
11 Housing in its development.

12 The money collected by the Developer shall be placed in an interest bearing
13 account and shall be available to be drawn upon by the Developer to fund the cost
14 of obtaining approval of the Areawide DRI, fund any amendments proposed to the
15 Areawide DRI, pay for costs associated with reporting requirements or other
16 maintenance items related to the Areawide DRI. Eligible costs shall include
17 administrative costs, consultant costs, legal costs, and other expenses directly
18 related to the above described tasks.

19
20 Any property owner within the Areawide DRI may prepay the assessment
21 provided for in this Subsection 4.V. and obtain a credit for the assessment against
22 any future development. The credit may also be transferred to other Property
23 owners within the Areawide DRI; however, the responsibility for accounting for
24 the credit shall be borne solely by the Developer.

25
26 The Developer shall be responsible for the administration of the assessment which
27 shall include collection of the fee, issuing certificates of payment and accounting
28 of the assessments collected and the expenditures made by the Developer from the
29 account.

30
31 e. Section 8 of the Development Order is hereby amended as follows:

32
33 Subject to the conditions of suspension or rescission as hereinafter provided, this
34 Order shall remain in effect until December 31, 2018. The date of buildout of
35 Phase 1 shall be December 31, 2013. The date of buildout of Phase 2 shall be
36 December 3, 2013. The property within the Areawide DRI shall not be subject to
37 downzoning or intensity reduction until December 31, 2013.

38
39 Section 4. *Development Order, As Amended.* The Development Order,
40 as previously amended, is hereby reaffirmed in its entirety except as amended by this
41 Resolution.

42
43 Section 5. *Definitions.* The definitions contained in Chapter 380,
44 Florida Statutes, shall control the interpretation and construction of any terms of this
45 Ordinance.

46
47 Section 6. *Binding Effect.* This Ordinance shall be binding upon the
48 Applicant, its assigns, and its successors in interest.

49
50 Section 7. *Governmental Agencies.* It is understood that any reference
herein to any governmental agency shall be construed to mean any future

1 instrumentality which may be created or designated as successor in interest to, or
2 which otherwise possesses any of the powers and duties of any referenced
3 governmental agency in existence on the effective date of this Ordinance.
4

5 Section 8. *Severance.* In the event that any portion or section of this
6 Ordinance is determined to be invalid, illegal, or unconstitutional by a court or
7 agency of competent jurisdiction, such decision shall in no manner affect the
8 remaining portions or sections of this Ordinance which shall remain in full force and
9 effect.
10

11 Section 9. *Transmittals.* The City Clerk is directed to send copies of
12 this Amended Development Order within five (5) days of the effective date of this
13 Order, to the Developer, Hillsborough County, HARTLine, Florida Department of
14 Transportation, Florida Department of Community Affairs and the Tampa Bay
15 Regional Planning Council.
16

17 Section 10. *Rendition.* This Amended Development Order shall be
18 deemed rendered upon transmittal of copies of this Amended Development Order to
19 the recipients specified in Chapter 380, Florida Statutes.
20

21 Section 11. *Recording.* The Applicant shall record a notice of adoption
22 of this Ordinance pursuant to Chapter 380, Florida Statutes.
23

24 Section 12. *Effective Date.* This Ordinance shall become a law as
25 provided in the City of Tampa Home Rule Charter and shall take effect upon
26 transmittal to the parties specified in Section 9 hereof.
27

28 Section 13. This Amended Development Order shall take effect
29 immediately upon becoming a law.
30
31
32
33

34 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY
35 OF TAMPA, FLORIDA ON AUG 21 2008, 2008.
36
37

38 ATTEST:

CITY COUNCIL:

39
40
41
42
43
44
45
46
47

Shirley Jinx-Knowles
CITY CLERK

Thomas Scott
CHAIRPERSON

APPROVED by me on AUG 25 2008

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ordinance NO. 2008-138
on file on my office

Witness my hand and official seal this 27th day

August, 2008
Shirley Jinx-Knowles
CITY CLERK

Pam Iorio
PAM IORIO, MAYOR

CITY OF TAMPA



Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

April 5, 2005

Tampa Bay Regional Planning Council
Attention: John Meyer
4000 Gateway Centre, Suite 100
Pinellas Park, FL 33782

File No. DZ86-66

Westshore Areawide DRI

Dear Sir:

The City Council of the City of Tampa met in regular session on March 31, 2005 at 9:00 a.m. During that session, the enclosed ordinance was adopted regarding the above listed petition. This ordinance is being transmitted for your information and record keeping process.

If you have any questions, please contact my office or the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Shirley Foxx-Knowles
City Clerk

SFK/sb

Enclosure: Certified Copy of Ordinance 2005-85
CERTIFIED MAIL

ORDINANCE NO. 2005-85

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FILED BY THE WESTSHORE ALLIANCE FOR THE WESTSHORE AREAWIDE DEVELOPMENT OF REGIONAL IMPACT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a development order for the Westshore Areawide DRI (the "Development"), an Areawide Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 88-1 specifically approved Phase I development which included 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval) which approval was subject to a trade-off mechanism; and

WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council on June 2, 1992, approved a first amendment to the Original Development Order for the Westshore Areawide DRI (hereinafter referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council on December 21, 1993, approved a second amendment to the development order for the Westshore Areawide DRI (hereinafter referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council on July 15, 1999, approved a third amendment to the development order for the Westshore Areawide DRI (hereinafter referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 2001-148, passed and ordained by the City Council on July 19, 2001, approved a fourth amendment to the development order for the Westshore Areawide DRI (hereinafter referred to as the "Fourth Amendment"); (hereinafter the Original Development Order, as amended by the First Amendment, Second Amendment, Third Amendment and Fourth Amendment shall collectively be referred to as the "Development Order"); and

WHEREAS, on September 3, 2004, the Westshore Alliance (the "Developer") filed a Notification of Proposed Change to a Previously Approved

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1 Areawide Development of Regional Impact, Subsection 380.06(19), Florida
2 Statutes, for the Westshore Areawide DRI (the "NOPC"); and
3

4 WHEREAS, the NOPC proposed to amend the Development Order by
5 incorporating a revised Equivalency Matrix which would increase the maximum
6 number of multi-family dwelling units (dus) that may be developed in Revised
7 Phase I from 3000 to 4000 dus. (the "Proposed Change"); and
8

9 WHEREAS, the Proposed Change shall constitute the Fifth Amendment to
10 the Original Development Order (hereinafter referred to as the "Fifth
11 Amendment"); (hereinafter the Original Development Order, as amended by the
12 First Amendment, Second Amendment, Third Amendment, Fourth Amendment and
13 Fifth Amendment shall collectively be referred to as the "Amended Development
14 Order"); and
15

16 WHEREAS, the City Council has reviewed and considered the NOPC as
17 well as all related testimony and evidence submitted by the Applicant concerning the
18 Proposed Changes; and
19

20 WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the Proposed
21 Change is presumed to create a substantial deviation; and
22

23 WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes,
24 applicant has submitted clear and convincing evidence rebutting this presumption;
25 and
26

27 WHEREAS, the City Council, as the governing body of the local
28 government having jurisdiction pursuant to Chapter 380, Florida Statutes, is
29 authorized and empowered to consider the NOPC and to adopt this Amended
30 Development Order; and
31

32 WHEREAS, the public notice requirements of Chapter 380, Florida
33 Statutes, and Section 27-418, City of Tampa Code of Ordinances (the "City
34 Code"), have been fulfilled; and
35

36 WHEREAS, the City Council has received and considered the report and
37 recommendations of the Tampa Bay Regional Planning Council (the "TBRPC");
38 and
39

40 WHEREAS, all interested parties and members of the public have been
41 afforded an opportunity to be heard at the public hearing on the Proposed Change
42 before the City Council; and
43

44 WHEREAS, the City Council, on March 17, 2005, held a duly noticed
45 public hearing on the NOPC to the Development Order, and has reviewed and
46 considered the NOPC and supporting documentation, as well as testimony and
47 evidence submitted by certain parties and members of the general public; and
48

49 WHEREAS, Section 380.06, Florida Statutes, requires that a development
50 order be adopted to reflect the City Council's approval of the proposed changes.

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1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
2 THE CITY OF TAMPA, FLORIDA:
3

4 Section 1. *Findings of Fact.* That City Council, having received the
5 above referenced documents, and having received all related comments, testimony
6 and evidence submitted by all persons and members of the general public, finds that
7 there is substantial, competent evidence to support the following findings of fact:
8

9 a. The findings of fact and conclusions of law made in the
10 Development Order are incorporated herein by reference, provided that to the extent
11 that a finding of fact or conclusion of law in the original Development Order, or any
12 amendments thereto, conflicts with another finding or conclusion in a different
13 amendment, the more recent in time shall control.
14

15 b. The Applicant submitted to the City of Tampa (the "City") the
16 NOPC, attached hereto and incorporated herein by reference as Composite Exhibit
17 "A;"
18

19 c. The real property, which is the subject of the ADA, is
20 legally described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the
21 City Clerk's office.
22

23 d. The Westshore Alliance constitutes a "Developer" as defined in
24 Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an
25 areawide application for development approval and receive a development order.
26

27 e. The Developer submitted to the City of Tampa the Notice of
28 Change, which proposed to amend the Development Order to incorporate a revised
29 equivalency matrix (the "Proposed Change").
30

31 f. The Proposed Change is consistent with the local and state
32 comprehensive plans.
33

34 g. The Proposed Change is consistent with all applicable local,
35 regional and state land development laws and regulations.
36

37 h. The Developer previously demonstrated that the property owners
38 within the Westshore Areawide DRI consent to or do not object to the Areawide
39 DRI.
40

41 i. The Development is not located in an area of critical state concern
42 as designated pursuant to Section 380.05, Florida Statutes, as amended;
43

44 j. The Proposed Change is consistent with the report and
45 recommendations of the TBRPC and satisfies the provisions of Subsection
46 380.06(14), Florida Statutes, as amended;
47

48 k. The Proposed Change is presumed to create a substantial deviation
49 under Subsection 380.06(19), Florida Statutes.
50

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1 1. Based upon the analyses which are part of Composite Exhibit "A"
2 and the record of the proceedings, and the conditions contained herein, the
3 Applicant has submitted clear and convincing evidence to rebut the presumption
4 created under Subsection 380.06(19), Florida Statutes;

5
6 m. The Proposed Change does not create additional regional impacts to
7 the previously approved Development, nor does it create any type of regional
8 impact not previously reviewed, and therefore it does not constitute a substantial
9 deviation pursuant to Subsection 380.06(19), Florida Statutes;

10
11 n. All statutory procedures have been adhered to;

12
13 Section 2. *Conclusions of Law.* That the City Council having made the
14 above findings of fact, renders the following conclusions of law:

15
16 a. These proceedings have been conducted pursuant to
17 applicable laws and regulations, and based upon the record in this proceeding, the
18 City is authorized to approve development as described herein, subject to the
19 amendments, conditions, restrictions and limitations set forth herein.

20
21 b. Based upon the analyses which are part of the Notice of Change, the
22 record of the proceeding and the aforementioned reviews, and the conditions
23 contained herein, the Developer has submitted clear and convincing evidence to rebut
24 the presumption created under Subsection 380.06(19), Florida Statutes.

25
26 c. Based on the foregoing and pursuant to Subsection 380.06(19),
27 Florida Statutes, the Proposed Change is found not to be a substantial deviation to the
28 previously approved Development Order.

29
30 Section 3. *Order.* That, having made the above findings of fact and
31 conclusions of law, it is hereby ordered:

32
33 a. The Proposed Change is hereby approved and the
34 Development Order is hereby amended to incorporate the NOPC.

35
36 b. Section 4(C) of Development Order is hereby amended to refer to
37 the revised Equivalency Matrix, dated September 2004, attached hereto as Exhibit 1
38 and incorporated herein by reference.

39
40 c. All residential development approved by the Development
41 Order together with this Proposed Change shall be subject to payment of the
42 Hillsborough County school impact fee in accordance with the laws of Hillsborough
43 County, Florida as the same may be amended from time to time.

44
45 d. In connection with new residential development approved as part of
46 this Proposed Change, solely, a park and recreation fee shall be paid to the City of
47 Tampa prior to the issuance of any certificate of occupancy for each residential
48 dwelling unit or units approved by this Proposed Change. The fee per residential
49 dwelling unit shall equal \$214.00. All fees collected by the City of Tampa as result
50 of this condition shall be placed in a separate account and shall be used solely for

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1 the expansion and construction of additional park and recreational facilities within
2 the boundaries of the Westshore Areawide Development of Regional Impact. No
3 park and recreation fee shall be required in connection with any previously
4 approved residential development in the Amended Development Order.
5

6 e. All development approved by the Development Order together with
7 this Proposed Change shall be subject to the City of Tampa Transportation Impact
8 Fee Ordinance in effect at the time of permitting.
9

10 f. Section 4X. of the Development Order is hereby deleted.
11

12 Section 4. *Development Order, As Amended.* The Development
13 Order, as previously amended, is hereby reaffirmed in its entirety except as
14 amended by this Resolution.
15

16 Section 5. *Definitions.* The definitions contained in Chapter 380,
17 Florida Statutes, shall control the interpretation and construction of any terms of
18 this Ordinance.
19

20 Section 6. *Binding Effect.* This Ordinance shall be binding upon the
21 Applicant, its assigns, and its successors in interest.
22

23 Section 7. *Governmental Agencies.* It is understood that any reference
24 herein to any governmental agency shall be construed to mean any future
25 instrumentality which may be created or designated as successor in interest to, or
26 which otherwise possesses any of the powers and duties of any referenced
27 governmental agency in existence on the effective date of this Ordinance.
28

29 Section 8. *Severance.* In the event that any portion or section of this
30 Ordinance is determined to be invalid, illegal, or unconstitutional by a court or
31 agency of competent jurisdiction, such decision shall in no manner affect the
32 remaining portions or sections of this Ordinance which shall remain in full force
33 and effect.
34

35 Section 9. *Transmittals.* The City Clerk is directed to send copies of
36 this Amended Development Order within five (5) days of the effective date of this
37 Order, to the Developer, Hillsborough County, HARTLine, Florida Department of
38 Transportation, Florida Department of Community Affairs and the Tampa Bay
39 Regional Planning Council.
40

41 Section 10. *Rendition.* This Amended Development Order shall be
42 deemed rendered upon transmittal of copies of this Order to the recipients specified
43 in Chapter 380, Florida Statutes.
44

45 Section 11. *Recording.* The Applicant shall record a notice of adoption
46 of this Ordinance pursuant to Chapter 380, Florida Statutes.
47

48 Section 12. *Effective Date.* This Ordinance shall become a law as
49 provided in the City of Tampa Home Rule Charter and shall take effect upon
50 transmittal to the parties specified in Section 9 hereof.

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1 Section 13. This Amended Development Order shall take effect
2 immediately upon becoming a law.
3
4
5
6

7 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY
8 OF TAMPA, FLORIDA ON MAR 31 2005, 2005.
9
10

11 ATTEST:

CITY COUNCIL:

12
13
14 Shirley J. Knowles
15 CITY CLERK

Everilyn M. Miller
CHAIRPERSON

APPROVED by me on MAR 31 2005

Pam Iorio
PAM IORIO, MAYOR

16
17
18
19
20
21
22
23
24
25 APPROVED AS TO FORM:

Morris C. Massey
26 Chief Assistant City Attorney
27
28
29
30
31
32
33
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35
36
37
38
39
40
41
42

43 State of Florida
44 County of Hillsborough

45 This is to certify that the foregoing is a
46 true and correct copy of ordinance 2005-85
47 on file on my office

48 Witness my hand and official seal this 1st day
49 of April, 2005

Shirley J. Knowles
CITY CLERK / DEPUTY CITY CLERK
50

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
850/487-4545

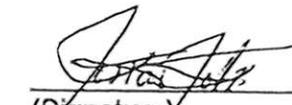
**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Ronald T. Rotella, the undersigned authorized representative of the Westshore Alliance hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the WESTSHORE AREAWIDE DRI No. 141 development located in Tampa, Florida, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

9/3/04

(Date)



(Signature)
Ronald T. Rotella, Executive Director
Westshore Alliance

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2. Applicant (name, address, phone):

Westshore Alliance
5444 Bay Center Drive, Suite 115
Tampa, Florida 33609
Phone: (813) 289-5488
Fax: (813) 289-6727

3. Authorized Agents (name, address, phone):

Mr. Ronald T. Rotella
Westshore Alliance
5444 Bay Center Drive, Suite 115
Tampa, Florida 33609
Phone: (813) 289-5488
Fax: (813) 289-6727

Mr. David M. Mechanik
101 East Kennedy Boulevard, Suite 3140
Tampa, Florida 33602-5151
Phone: (813) 276-1920
Fax: (813) 276-1560

Mr. Randy Coen
Coen & Company
P.O. Box 10658
Tampa, Florida 33679-0658
Phone: (813) 253-5779
Fax: (813) 253-3037

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change:

City of Tampa, Hillsborough County, Florida. Sections 15, 16, 17, 18, 19, 20, 21, and 22, Township 29 South, Range 18 East.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed changes to the Development Order are as follows (each requested change is followed by a discussion and rationale for each change):

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- A. The first change requests a modification to the approved Equivalency Matrix to increase in the maximum number of multi-family dwelling units (dus) that may be developed in Revised Phase I from 3,000 dus to 4,000 dus.

Discussion and Rationale

The intent of this request is to permit additional residential development within the Westshore Business District. The previous NOPC approved the development of 2,000 multi-family dwelling units. In addition, the previous NOPC approved an Equivalency Matrix which permitted development of up to 1,000 additional multi-family dwelling units. The inclusion of this residential land use was previously requested/encouraged by the Florida Department of Transportation, the City of Tampa, and the Florida Department of Community Affairs as a means of providing housing proximate to employment opportunities within the Westshore Business District.

Based on these previous approvals, requests, and encouragement, the Westshore Alliance has actively supported residential development within the business district. To date nearly 2,000 dus are have been approved in the business district, with 406 dwelling units constructed and an additional 1,500 either under construction or going through the approval process at this time. As a result of this success, the Westshore Alliance is requesting that the maximum number of multi-family dwelling units permitted by the Equivalency Matrix be increased by 1,000 dwelling units.

Appendix A provides a revised Equivalency Matrix and an examination of any additional impacts (traffic, water, waste water, solid waste, or affordable housing) that may occur as a result of the proposed increase in the maximum number of multi-family dwelling units permitted to be developed in the Westshore Business District.

- B. The second change request an increase in the approved capacity amounts for water, wastewater, and solid waste cited in the Development Order.

Discussion and Rationale

The current Development Order identifies utility capacity limitations for water, wastewater, solid water, and electric in Section 4.M. Increases in the water, waste water, and solid waste amounts are necessary to effectuate the change identified in Item A., above. Appendix A provides information identifying the additional capacity requirements necessary to support the Revised Phase I Equivalency Matrix modification. It is the applicant's understanding that such capacities are available. Responses from the entities confirming the availability of such capacity will be provided when received.

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6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

No changes.

7. List all the dates and resolutions numbers (or other appropriate identification numbers) of all modifications or amendments to the original approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart).

The original DRI Development Order for the Westshore Areawide DRI No. 141, Ordinance No. 88-1 (the "Development Order"), was adopted by City Council on January 11, 1988.

The first amendment to the Development Order, Ordinance No. 92-80 (the "First Amendment"), was adopted by City Council on May 28, 1992. The First Amendment imposed a fee of ten cents per square foot to fund the costs associated with administering the existing Westshore Areawide DRI and obtaining approval for a second phase to the Westshore Areawide DRI. The First Amendment also amended the Development Order to change the name of the Developer from the Westshore Development Association the Westshore Alliance.

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project may occur prior to December 31, 2010; and approved a restated Development Order.

Has there been a change in local government jurisdiction for any portion of the development since the last approval or the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

No.

8. Describe any lands purchased or optioned within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

Not applicable.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

The proposed changes are not less than 40%.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., Florida Statutes.

Yes _____

No X _____

10. Does the proposed change result in a change to the build-out date or any phasing date of the project? If so, indicate the proposed new build-out or phasing dates.

No

11. Will the proposed change require an amendment to the local government comprehensive plan?

No

12. Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), Florida Statutes and 9J-2.025, Florida Administrative Code:

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously provide DRI or development order conditions.

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Not Applicable.

13. Pursuant to Subsection 380.06(19)(f), Florida Statutes, include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. all proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements, including locations, square footage, number of units; and other major characteristics or components of the proposed change;

Attached hereto as Appendix B.

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development.

Not Applicable.

- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable, construction has commenced

- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

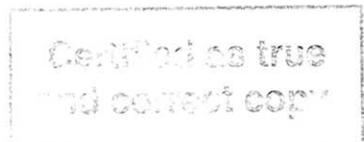
Not Applicable.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not Applicable.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), Florida Administrative Code.

Not Applicable.



APPENDIX

A. Equivalency Matrix

B. Amended Development Order Language

Equivalency Matrix

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TECHNICAL MEMORANDUM

EQUIVALENCY MATRIX

Westshore Areawide NOPC

The approved land use equivalency matrix is modified herein to increase the maximum of Multi-Family dwelling units (from 3,000 dus to 4,000 dus) based on the exchange of one land use to another, while keeping unchanged the impacts of the development. The revised equivalency matrix is presented in Table 1 and is based on net external two-way p.m. peak hour project traffic for the development. The minimum/maximum range of development identified in Table 1 were developed based on the most restrictive public facility demand factor (i.e., transportation, water, wastewater, solid waste, electric, and affordable housing), identified under the worse case development scenario presented in Table 2.

Table 2 - Worse Case Equivalency Utilization Comparison revealed that Revised Phase I development could potentially exceed the approved development scenario in terms of water usage, wastewater, and solid waste disposal.

As a result of the potential additional water, wastewater, and solid waste demands, associated with the proposed change, the City of Tampa was contacted to determine the availability of additional water, wastewater, solid waste and electrical service. It appears that sufficient capacity exists to serve the additional utility demands of the project. Confirmation of the applicant request for additional water, wastewater, and solid waste will be provided as soon as available.

Based on the foregoing analysis, additional utility capacities requested, and limitations identified in the Equivalency Matrix (i.e., minimum and maximum land use totals), no additional regionally significant adverse impacts will occur as a result of the proposed Equivalency Matrix modification.

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TABLE 1
EQUIVALENCY MATRIX¹

Westshore Areawide NOPC

Change From: Change To:	Office	Retail	Hotel	Light Industrial	Multi-Family
Office	N/A	2,303 sf/ksf (2.3033) ³	346 sf/room (0.3456) ³	754 sf/ksf (0.7537) ³	465 sf/du (0.4651) ³
Retail	434 sf/ksf (0.4342) ^{2,3}	N/A	150 sf/room (0.1500) ³	327 sf/ksf (0.3272) ³	202 sf/du (0.2019) ³
Hotel	2.89 rooms/ksf (2.8936) ³	6.66 rooms/ksf (6.6649) ³	N/A	2.18 rooms/ksf (2.1809) ³	1.35 rooms/du (1.3457) ³
Light Industrial	1,327 sf/ksf (1.3268) ³	3,056 sf/ksf (3.0561) ³	459 sf/rooms (0.4585) ³	N/A	617 sf/du (0.6171) ³
Multi-Family	2.15 dus/ksf (2.1502) ³	4.95 dus/ksf (4.9526) ³	0.74 dus/room (0.7431) ³	1.62 dus/ksf (1.6206) ³	N/A

1 Land use exchanges are based on net external two-way p.m. peak hour project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, electric and affordable housing are not exceeded.

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Office	4,000,000 sf	7,500,000 sf
Retail	1,000,000 sf	2,500,000 sf
Hotel	1,000 rooms	2,500 rooms
Light Industrial	0 sf	300,000 sf
Multi-Family	0 dus	4,000 dus

2. Example exchange:

Add 100,000sf of Retail by decreasing Office: 100ksf of Retail divided 0.4342 = 241.1382ksf of Office;
Reduce Office by 241,138 sf.

3 Actual equivalency factor for use in calculations.



TABLE 2

WORSE CASE EQUIVALENCY UTILIZATION COMPARISON

Westshore Areawide NOPC

Worse Case Development Scenario		REVISED PHASE 1 ¹						
Land Use	Size	Net External Two-Way Traffic (vph)	Water (gpd)	Wastewater (gpd)	Solid Waste (lbs./day)	Electric (kwh/day)	Affordable Housing (emp.)	
Office	6,253,548 sf	6,804	963,046	875,497	62,535	437,748	18,768	
Retail	1,000,000 sf	2,455	110,000	100,000	50,000	80,000	2,330	
Hotel	2,000 rooms	742	440,000	400,000	14,000	160,000	1,840	
Light Industrial	300,000 sf	240	16,500	15,000	15,000	12,000	492	
Multi-Family	3,000 dus.	2,024	880,000	800,000	24,000	160,000	0	
TOTAL		12,265	2,409,546	2,190,497	165,535	849,743	23,430	
Approved Amount ²		12,558	2,261,168	2,055,607	164,186	969,000	40,699	
Percent Change		-2.3%	+6.6%	+6.6%	+0.8%	-13.3%	-42.4%	
Additional Amount Required		-293	+148,378	+134,890	+1,349	-119,252	-17,269	

¹ All rates taken from previous NOPC, copies of applicable pages appended.

² Water, wastewater, solid waste, and electric amounts obtained from previous NOPC approval, copies of applicable pages appended.

Equivalency Matrix Appendix

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NOTIFICATION OF PROPOSED CHANGE
TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06 (19)
FLORIDA STATUTES

SUFFICIENCY RESPONSE
FOR
WESTSHORE AREAWIDE DRI



Prepared for:
Westshore Alliance
Tampa, Florida

Prepared By:
Fowler, White, Gillen, Boggs,
Villareal & Banker, P.A.
Tampa, Florida

and

WilsonMiller, Inc.
Tampa, Florida

March, 2001

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UTILITY RATE COMPARISON
Westshore Areawide NOPC

Land Use	Water (gpd)		Wastewater (gpd)		Solid Waste (lbs/day)		Electric (kwh/day)	
	DRI ¹	Current ²	DRI ¹	Current ³	DRI ¹	Current ⁴	DRI ¹	Current ⁵
Office	180	154	140	140	10	10	80	70
Retail	140	110	100	100	25	25	80	60
Hotel	150	220	100	200	7	7	80	80
Light Industrial	96	55	83	50	50	50	40	40
Multi-Family	240	220	200	200	6	6	40	40

1. Rate obtained from Westshore Areawide DRI documentation
2. Rate derived from City of Tampa Wastewater rates, i.e., wastewater rate times 110%. The City of Tampa water level of service is population based at 145 gpd per person and thus not directly applicable to land use.
3. Rate obtained from City of Tampa Comprehensive Plan, January 1998, copy of applicable page appended.
4. DRI rate was based on available information and area survey. The City of Tampa solid waste level of service is population based at 6.5 lbs/day/person and thus not directly applicable to land use.
5. DRI rates were based on TECO information and current rates reflect available updated TECO information.

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Amended Development Order Language

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TABLE 1
EQUIVALENCY MATRIX¹
Westshore Areawide NOPC

Change From: Change To:	Office	Retail	Hotel	Light Industrial	Multi-Family
Office	N/A	2,303 sf/ksf (2.3033) ³	346 sf/room (0.3456) ³	754 sf/ksf (0.7537) ³	465 sf/du (0.4651) ³
Retail	434 sf/ksf (0.4342) ^{2,3}	N/A	150 sf/room (0.1500) ³	327 sf/ksf (0.3272) ³	202 sf/du (0.2019) ³
Hotel	2.89 rooms/ksf (2.8936) ³	6.66 rooms/ksf (6.6649) ³	N/A	2.18 rooms/ksf (2.1809) ³	1.35 rooms/du (1.3457) ³
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Multi-Family	2.15 dus/ksf (2.1502) ³	4.95 dus/ksf (4.9526) ³	0.74 dus/room (0.7431) ³	1.62 dus/ksf (1.6206) ³	N/A

1 Land use exchanges are based on net external two-way p.m. peak hour project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, electric and affordable housing are not exceeded.

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Office	4,000,000 sf	7,500,000 sf
Retail	1,000,000 sf	2,500,000 sf
Hotel	1,000 rooms	2,500 rooms
Light Industrial	0 sf	300,000 sf
Multi-Family	0 dus	4,000 dus

2. Example exchange:

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Reduce Office by 241,138 sf.

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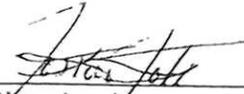
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
850/487-4545

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Ronald T. Rotella, the undersigned authorized representative of the Westshore Alliance hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the WESTSHORE AREAWIDE DRI No. 141 development located in Tampa, Florida, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

9/23/04
(Date)


(Signature)
Ronald T. Rotella, Executive Director
Westshore Alliance

2. Applicant (name, address, phone):

Westshore Alliance
5444 Bay Center Drive, Suite 115
Tampa, Florida 33609
Phone: (813) 289-5488
Fax: (813) 289-6727

3. Authorized Agents (name, address, phone):

Mr. Ronald T. Rotella
Westshore Alliance
5444 Bay Center Drive, Suite 115
Tampa, Florida 33609
Phone: (813) 289-5488
Fax: (813) 289-6727

Mr. David M. Mechanik
101 East Kennedy Boulevard, Suite 3140
Tampa, Florida 33602-5151
Phone: (813) 276-1920
Fax: (813) 276-1560

Mr. Randy Coen
Coen & Company
P.O. Box 10658
Tampa, Florida 33679-0658
Phone: (813) 253-5779
Fax: (813) 253-3037

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change:

City of Tampa, Hillsborough County, Florida. Sections 15, 16, 17, 18, 19, 20, 21, and 22, Township 29 South, Range 18 East.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed changes to the Development Order are as follows (each requested change is followed by a discussion and rationale for each change):

- A. The first change requests a modification to the approved Equivalency Matrix to increase in the maximum number of multi-family dwelling units (dus) that may be developed in Revised Phase I from 3,000 dus to 4,000 dus.

Discussion and Rationale

The intent of this request is to permit additional residential development within the Westshore Business District. The previous NOPC approved the development of 2,000 multi-family dwelling units. In addition, the previous NOPC approved an Equivalency Matrix which permitted development of up to 1,000 additional multi-family dwelling units. The inclusion of this residential land use was previously requested/encouraged by the Florida Department of Transportation, the City of Tampa, and the Florida Department of Community Affairs as a means of providing housing proximate to employment opportunities within the Westshore Business District.

Based on these previous approvals, requests, and encouragement, the Westshore Alliance has actively supported residential development within the business district. To date nearly 2,000 dus are have been approved in the business district, with 406 dwelling units constructed and an additional 1,500 either under construction or going through the approval process at this time. As a result of this success, the Westshore Alliance is requesting that the maximum number of multi-family dwelling units permitted by the Equivalency Matrix be increased by 1,000 dwelling units.

Appendix A provides a revised Equivalency Matrix and an examination of any additional impacts (traffic, water, waste water, solid waste, or affordable housing) that may occur as a result of the proposed increase in the maximum number of multi-family dwelling units permitted to be developed in the Westshore Business District.

- B. The second change request an increase in the approved capacity amounts for water, wastewater, and solid waste cited in the Development Order.

Discussion and Rationale

The current Development Order identifies utility capacity limitations for water, wastewater, solid water, and electric in Section 4.M. Increases in the water, waste water, and solid waste amounts are necessary to effectuate the change identified in Item A., above. Appendix A provides information identifying the additional capacity requirements necessary to support the Revised Phase I Equivalency Matrix modification. It is the applicant's understanding that such capacities are available. Responses from the entities confirming the availability of such capacity will be provided when received.

6. **Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.**

No changes.

7. **List all the dates and resolutions numbers (or other appropriate identification numbers) of all modifications or amendments to the original approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart).**

The original DRI Development Order for the Westshore Areawide DRI No. 141, Ordinance No. 88-1 (the "Development Order"), was adopted by City Council on January 11, 1988.

The first amendment to the Development Order, Ordinance No. 92-80 (the "First Amendment"), was adopted by City Council on May 28, 1992. The First Amendment imposed a fee of ten cents per square foot to fund the costs associated with administering the existing Westshore Areawide DRI and obtaining approval for a second phase to the Westshore Areawide DRI. The First Amendment also amended the Development Order to change the name of the Developer from the Westshore Development Association the Westshore Alliance.

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project may occur prior to December 31, 2010; and approved a restated Development Order.

Has there been a change in local government jurisdiction for any portion of the development since the last approval or the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

No.

8. Describe any lands purchased or optioned within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

Not applicable.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

The proposed changes are not less than 40%.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., Florida Statutes.

Yes _____

No X

10. Does the proposed change result in a change to the build-out date or any phasing date of the project? If so, indicate the proposed new build-out or phasing dates.

No

11. Will the proposed change require an amendment to the local government comprehensive plan?

No

12. Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), Florida Statutes and 9J-2.025, Florida Administrative Code:

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously provide DRI or development order conditions.

Not Applicable.

13. Pursuant to Subsection 380.06(19)(f), Florida Statutes, include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

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Attached hereto as Appendix B.

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development.

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Not applicable, construction has commenced

- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

Not Applicable.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not Applicable.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), Florida Administrative Code.

Not Applicable.

APPENDIX

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B. Amended Development Order Language

Equivalency Matrix

TECHNICAL MEMORANDUM

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Westshore Areawide NOPC

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As a result of the potential additional water, wastewater, and solid waste demands, associated with the proposed change, the City of Tampa was contacted to determine the availability of additional water, wastewater, solid waste and electrical service. It appears that sufficient capacity exists to serve the additional utility demands of the project. Confirmation of the applicant request for additional water, wastewater, and solid waste will be provided as soon as available.

Based on the foregoing analysis, additional utility capacities requested, and limitations identified in the Equivalency Matrix (i.e., minimum and maximum land use totals), no additional regionally significant adverse impacts will occur as a result of the proposed Equivalency Matrix modification.

TABLE 1

EQUIVALENCY MATRIX¹

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Change From: Change To:	Office	Retail	Hotel	Light Industrial	Multi-Family
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Hotel	2.89 rooms/ksf (2.8936) ³	6.66 rooms/ksf (6.6649) ³	N/A	2.18 rooms/ksf (2.1809) ³	1.35 rooms/du (1.3457) ³
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1 Land use exchanges are based on net external two-way p.m. peak hour project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, electric and affordable housing are not exceeded.

Land Use	Minimum	Maximum
Office	4,000,000 sf	7,500,000 sf
Retail	1,000,000 sf	2,500,000 sf
Hotel	1,000 rooms	2,500 rooms
Light Industrial	0 sf	300,000 sf
Multi-Family	0 dus	4,000 dus

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Add 100,000sf of Retail by decreasing Office: 100ksf of Retail divided 0.4342 = 241.1382ksf of Office;
Reduce Office by 241,138 sf.

3 Actual equivalency factor for use in calculations.

TABLE 2

WORSE CASE EQUIVALENCY UTILIZATION COMPARISON

Westshore Areawide NOPC

Worse Case Development Scenario		REVISED PHASE 1 ¹						
Land Use	Size	Net External Two-Way Traffic (vph)	Water (gpd)	Wastewater (gpd)	Solid Waste (lbs./day)	Electric (kwh/day)	Affordable Housing (emp.)	
Office	6,253,548 sf	6,804	963,046	875,497	62,535	437,748	18,768	
Retail	1,000,000 sf	2,455	110,000	100,000	50,000	80,000	2,330	
Hotel	2,000 rooms	742	440,000	400,000	14,000	160,000	1,840	
Light Industrial	300,000 sf	240	16,500	15,000	15,000	12,000	492	
Multi-Family	3,000 dus.	2,024	880,000	800,000	24,000	160,000	0	
TOTAL		12,265	2,409,546	2,190,497	165,535	849,743	23,430	
Approved Amount ²		12,558	2,261,168	2,055,607	164,186	969,000	40,699	
Percent Change		-2.3%	+6.6%	+6.6%	+0.8%	-13.3%	-42.4%	
Additional Amount Required		-293	+148,378	+134,890	+1,349	-119,252	-17,269	

¹ All rates taken from previous NOPC, copies of applicable pages appended.

² Water, wastewater, solid waste, and electric amounts obtained from previous NOPC approval, copies of applicable pages appended.

Equivalency Matrix Appendix

NOTIFICATION OF PROPOSED CHANGE
TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06 (19)
FLORIDA STATUTES

SUFFICIENCY RESPONSE
FOR
WESTSHORE AREAWIDE DRI



Prepared for:
Westshore Alliance
Tampa, Florida

Prepared By:
Fowler, White, Gillen, Boggs,
Villareal & Banker, P.A.
Tampa, Florida

and

WilsonMiller, Inc.
Tampa, Florida

March, 2001

**UTILITY RATE COMPARISON
Westshore Areawide NOPC**

Land Use	Water (gpd)		Wastewater (gpd)		Solid Waste (lbs/day)		Electric (kwh/day)	
	DRI ¹	Current ²	DRI ¹	Current ³	DRI ¹	Current ⁴	DRI ¹	Current ⁵
Office	180	154	140	140	10	10	80	70
Retail	140	110	100	100	25	25	80	60
Hotel	150	220	100	200	7	7	80	80
Light Industrial	96	55	83	50	50	50	40	40
Multi-Family	240	220	200	200	6	6	40	40

1. Rate obtained from Westshore Areawide DRI documentation
2. Rate derived from City of Tampa Wastewater rates, i.e., wastewater rate times 110%. The City of Tampa water level of service is population based at 145 gpd per person and thus not directly applicable to land use.
3. Rate obtained from City of Tampa Comprehensive Plan, January 1998, copy of applicable page appended.
4. DRI rate was based on available information and area survey. The City of Tampa solid waste level of service is population based at 6.5 lbs/day/person and thus not directly applicable to land use.
5. DRI rates were based on TECO information and current rates reflect available updated TECO information.

Amended Development Order Language

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FILED BY THE WESTSHORE ALLIANCE FOR THE WESTSHORE AREAWIDE DEVELOPMENT OF REGIONAL IMPACT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a development order for the Westshore Areawide DRI (the "Development"), an Areawide Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 88-1 specifically approved Phase I development which included: 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval) which approval was subject to a trade-off mechanism; and

WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council on June 2, 1992, approved a first amendment to the Original Development Order for the Westshore Areawide DRI (hereinafter referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council on December 21, 1993, approved a second amendment to the development order for the Westshore Areawide DRI (hereinafter referred to as the "Second Amendment"); and

WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council on July 15, 1999, approved a third amendment to the development order for the Westshore Areawide DRI (hereinafter referred to as the "Third Amendment"); and

WHEREAS, Ordinance No. 2001-14-8, passed and ordained by the City Council on July 19, 2001, approved a fourth amendment to the development order for the Westshore Areawide DRI (hereinafter referred to as the "Fourth Amendment"); (hereinafter the Original Development Order, as amended by the First Amendment, Second Amendment, Third Amendment and Fourth Amendment shall collectively be referred to as the "Amended and Restated Development Order"); and

WHEREAS, on _____, 2004, the Westshore Alliance (the "Developer") filed a Notification of Proposed Change to a Previously Approved Areawide Development of Regional Impact, Subsection 380.06(19), Florida Statutes, for the Westshore Areawide DRI (the "NOPC"); and

WHEREAS, the NOPC proposed to amend the Development Order by incorporating a revised Equivalency Matrix which would increase the maximum number of multi-family dwelling units (dus) that may be developed in Revised Phase I from 3000 to 4000 dus. (the "Proposed Change"); and

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

WHEREAS, the City Council has reviewed and considered the NOPC as well as all related testimony and evidence submitted by the Applicant concerning the Proposed Changes; and

WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the Proposed Change is presumed to create a substantial deviation; and

WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant has submitted clear and convincing evidence rebutting this presumption; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the NOPC and to adopt this Development Order; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code of Ordinances (the "City Code"), have been fulfilled; and

WHEREAS, the City Council has received and considered the report and recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Changes before the City Council; and

WHEREAS, the City Council, on _____, held a duly noticed public hearing on the NOPC to the Development Order, and has reviewed and considered the NOPC and supporting documentation, as well as testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be adopted to reflect the City Council's approval of the proposed changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, 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, finds that there is substantial, competent evidence to support the following findings of fact:

- a. The findings of fact and conclusions of law made in the Development Order are

incorporated herein by reference, provided that to the extent that a finding of fact or conclusion of law in the original Development Order, or any amendments thereto, conflicts with another finding or conclusion in a different amendment, the more recent in time shall control.

b. The Applicant submitted to the City of Tampa (the "City") the NOPC, attached hereto and incorporated herein by reference as Composite Exhibit "A;"

c. The real property, which is the subject of the ADA, is legally described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City Clerk's office.

d. The Westshore Alliance constitutes a "Developer" as defined in Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an areawide application for development approval and receive a development order.

e. Westshore Alliance submitted to the City of Tampa the Notice of Change, which proposed to amend the Development Order to incorporate a revised equivalency matrix (the "Proposed Change").

f. The Proposed Change is consistent with the local and state comprehensive plans.

g. The Proposed Change is consistent with all applicable local, regional and state land development laws and regulations.

h. Developer previously demonstrated that the property owners within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.

i. The Development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes, as amended;

j. The Proposed Changes are consistent with the report and recommendations of the TBRPC and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended;

k. The Proposed Change is presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.

l. Based upon the analyses which are part of Composite Exhibit AA@ and the record of the proceedings, and the conditions contained herein, the Applicant has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes;

m. The Proposed Changes do not create additional regional impacts to the previously approved Development, nor do they create any type of regional impact not previously reviewed, and therefore do not constitute a substantial deviation pursuant to Subsection 380.06(19), Florida Statutes;

n. That all statutory procedures have been adhered to;

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

a. These proceedings have been conducted pursuant to applicable laws and regulations, and based upon the record in this proceeding, the City is authorized to approve development as described herein, subject to the amendments, conditions, restrictions and limitations set forth herein.

b. Based upon the analyses which are part of the Notice of Change, the record of the proceeding and the aforementioned reviews, and the conditions contained herein, the Developer has submitted clear and convincing evidence to rebut the presumption created under Subsection 380.06(19), Florida Statutes.

c. Based on the foregoing and pursuant to Subsection 380.06(19), Florida Statutes, the Proposed Change is found not to be a substantial deviation to the previously approved Development Order.

Section 3. Order. That, having made the above findings of fact and conclusions of law, it is hereby ordered:

a. The Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the NOPC.

b. Section 4(C) of the Amended and Restated Development Order is hereby amended to refer to the revised Equivalency Matrix, dated _____, attached hereto as Exhibit 1 and incorporated herein by reference.

Section 4. Development Order, As Amended. The Amended and Restated Development Order, as previously amended, is hereby reaffirmed in its entirety except as amended by this Resolution.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Applicant, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

Section 8. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent

jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 9. Transmittals. The City Clerk is directed to send copies of this Order within five (5) days of the effective date of this Order, to the Developer, Hillsborough County, HARTLine, Florida Department of Transportation, Florida Department of Community Affairs and the Tampa Bay Regional Planning Council.

Section 10. Rendition. This Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380, Florida Statutes.

Section 11. This Order shall take effect immediately upon becoming a law.

Section 12. Recording. That the Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 13. Effective Date. That this Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9 hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON _____, 2004.

CHAIRPERSON, CITY COUNCIL

APPROVED by me on

ATTEST

DEPUTY CLERK

MAYOR

APPROVED as to form by:

ASSISTANT CITY ATTORNEY



CITY OF TAMPA

Janett S. Martin, CMC, City Clerk

Office of City Clerk

July 24, 2001

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

File No. DZ86-66 – Amending and Restating the Development Order for the Westshore
Areawide DRI.

Dear Sir:

The City Council of the City of Tampa met in regular session on July 19, 2001, at 9:00 a.m. During this session, the enclosed ordinance (2001-148) was adopted, approving an ordinance creating an amendment to the Westshore DRI.

Sincerely,

Janett S. Martin, CMC
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 2001-148 by certified mailing.

CC-
TERPC

ORDINANCE NO. 2001-148

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING AND RESTATING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, FILED BY THE WESTSHORE ALLIANCE FOR THE WESTSHORE AREA WIDE DEVELOPMENT OF REGIONAL IMPACT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 19, 1985, pursuant to Ordinance No. 9035-A, on file with the City Clerk's office, the City Council of the City of Tampa ("City Council") approved the petition to file an Areawide Application for Development Approval ("ADA") for the Westshore Business District area, legally described in Composite Exhibit "B" to City of Tampa Ordinance No. 88-1, on file with the City of Tampa Clerk's office (the "Clerk's office"); and

WHEREAS, on July 2, 1986, the Developer filed an ADA, supplemented by sufficiency responses filed October 1986, January 1987, and March 1987, which ADA together with such sufficiency responses and all other supporting documents (hereinafter collectively referred to as the "ADA"), were filed with the City of Tampa, Florida (the "City") for the development of the Areawide DRI area (the ADA is on file with the City Clerk's office as Composite Exhibit "C" of Ordinance No. 88-1); and

WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of the City of Tampa, Florida, on January 7, 1988, approved a development order for the Westshore Areawide DRI (the "Development"), an Areawide Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Order"); and

WHEREAS, Ordinance No. 88-1 specifically approved Phase I development which included: 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval) which approval was subject to a trade-off mechanism; and

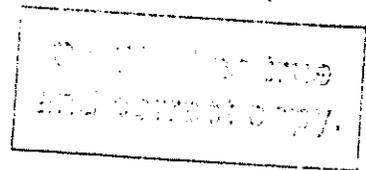
WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council of the City of Tampa, Florida, on June 2, 1992, approved a first amendment to the development order for the Westshore Areawide DRI; and

WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council of the City of Tampa, Florida, on December 21, 1993, approved a second amendment to the development order for the Westshore Areawide DRI; and

WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council of the City of Tampa, Florida on July 15, 1999, approved a third amendment to the development order for the Westshore Areawide DRI; and

WHEREAS, actual development which has been allocated utilizing the trade-off mechanism, for Phase I includes: 2,163,991 sq. ft. Office, 988,000 sq. ft. Retail, 875 Hotel Rooms; and

WHEREAS, on November 13, 2000, the Westshore Alliance (the "Developer") filed a Notification of Proposed Change to a Previously Approved Areawide Development of Regional Impact, Subsection 380.06(19), Florida Statutes, for the Westshore Areawide DRI (the "NOPC"),



supplemented by sufficiency responses filed March 2001, attached hereto as Composite Exhibit "A"; and

WHEREAS, the NOPC proposed to amend the Development Order to: (1) specifically approve Phase IIA of the project, consisting of: 4,400,000 sq. ft. of office uses, 500,000 sq. ft. of retail uses, 750 hotel rooms, 200,000 sq. ft. of light industrial uses, and 2,000 multi-family dwelling units; (2) increase the approved capacity amounts for water, wastewater, solid waste, and electric; (3) include an Equivalency Matrix to allow for the simultaneous exchange of approved land uses for Revised Phase I; (4) extend the termination date for this Development Order to December 31, 2015; (5) establish that no downzoning of the project may occur prior to December 31, 2010; and (6) approve a restated Development Order; and

WHEREAS, the previously approved Phase I is being consolidated with approved Phase IIA as "Revised Phase I", which phase is specifically approved and includes cumulatively 6,563,991 sq. ft. Office, 1,488,000 sq. ft. Retail, 1,625 Hotel Rooms, 200,000 sq. ft. Light Industrial and 2,000 Multifamily units; and

WHEREAS, the remainder of Phase II, which consists of 3,809,347 sq. ft. Office and 1,810 Hotel Rooms, will now be referred to as "Revised Phase II" which has been conceptually approved; but which will require further Section 380.06, F.S. transportation analysis submitted through the NOPC process, prior to specific approval; and

WHEREAS, the Developer has demonstrated that the proposed NOPC does not constitute a substantial deviation; and

WHEREAS, the Development Order as set forth herein has been amended and restated to incorporate all of the conditions applicable to this project, and this Ordinance shall supercede Ordinance No. 88-1, as amended; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the NOPC and to adopt this Development Order: and

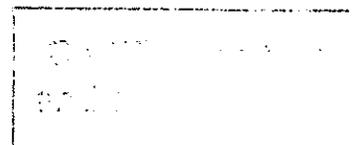
WHEREAS, the City Council has held a duly noticed public hearing on the NOPC to the Development Order, and has reviewed and considered the NOPC and supporting documentation, as well as testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be adopted to reflect the City Council's approval of the proposed changes.

NOW, THEREFORE, be it ordained by the City Council of the City of Tampa, Florida:

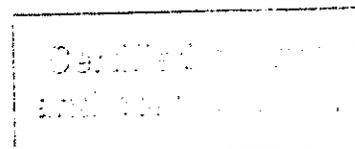
Section 1. That this ordinance, including all exhibits hereto, shall constitute the Development Order ("Order") of the City issued for the Westshore Areawide Development of Regional Impact. This Order shall replace previously approved Ordinance No. 88-1, as amended. By reference, the exhibits to this Order, and the ADA, are incorporated herein as if fully set forth. The scope of development to be permitted by this Order includes the development and activities described in the ADA, as modified herein.

Section 2. That having received, reviewed and considered the above referenced documents, all relevant comments and testimony submitted by each party and members of the general public, and having determined that such documents, comments and testimony provide



substantial competent evidence to support the findings herein, the City Council makes the following findings of facts:

- A. The findings and determinations of fact set forth in the recitals to this Order are hereby confirmed and incorporated herein as if fully set forth.
- B. The real property, which is the subject of the AADA, is legally described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City Clerk's office.
- C. The Westshore Alliance (Developer) is approved as developer for the DRI.
- D. Developer has demonstrated its legal, financial, and administrative ability to perform the commitments made in the ADA and the conditions of this Development Order.
- E. Developer previously demonstrated that the property owners within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.
- F. The area and the anticipated development are consistent with the local and state comprehensive plans.
- G. The Developer filed the ADA pursuant to Subsection 380.06(25), Florida Statutes, which authorizes an association to apply for areawide development approval and receive an Areawide DRI development order for a specific area. Developer is not the owner of property within the Areawide DRI area, nor will it develop any specific project. With the assistance of the private sector, and utilizing applicable portions of the Westshore Area Study, conducted by consultants for the City ("City Study"), which study included all of the Areawide DRI Area, and other areas in addition to the Areawide DRI Area, Developer has developed a conceptual master plan for development of the Areawide DRI Area, which is attached as Composite Exhibit "D" to Ordinance No. 88-1, on file with the City Clerk's office.
- H. The ADA, and the NOPC have identified and assessed probable regional impacts. The Areawide DRI Area is approved as a single area of high intensity development and the impacts that development within the area will have on land, transportation, environment, energy and other resources and systems inside and outside the Areawide DRI, have been reviewed and assessed.
- I. Development within the Areawide DRI has been and is expected to continue to be accomplished by a variety of developers over an extended period of time. These developers may need to respond to market demands and technologies that can only be estimated in the ADA and NOPC. This Order may have to be amended from time to time, to more clearly and correctly serve as an evolving guide which recognizes the variations in market demand and technologies.
- J. The NOPC proposes development within the Areawide DRI for the land uses, quantities and Phases set out below.
- K. The neighborhoods immediately adjacent to the DRI Area have been and will be impacted by the scope and intensity of development permitted in the DRI Area. As a result, special measures have been implemented to protect these neighborhoods.
- L. The proposed development is not located in an area of critical state concern as



designated pursuant to Chapter 380.

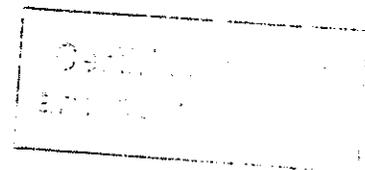
- M. All proposed development is required by conditions to this Order, to be consistent with all applicable local, regional and state land development laws and regulations.
- N. While the levels of development approved may exceed the levels which may be constructed under existing or proposed zoning (Chapter 27, City of Tampa Code), this Order in no way permits development which is inconsistent with the applicable zoning code.
- O. A comprehensive review of the probable impacts to be generated by the proposed development was conducted by various City departments and TBRPC staff at the time the Areawide DRI was approved. The City has reviewed the NOPC to identify and assess any additional impacts created by the proposed changes.

Section 3. That, having made the findings of fact contained in Section 2 above, the City Council hereby makes the following conclusion of law:

- A. The Westshore Alliance constitutes a "Developer" as defined in Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an areawide application for development approval and receive a development order.
- B. Review by the City, and other participating agencies reveals that through the application of the terms and conditions of the ADA and this Order, regional impacts are adequately addressed pursuant to the requirements of Chapter 380.
- C. These proceedings have been conducted pursuant to applicable laws and regulations. Based upon the record in this proceeding, the City is authorized to approve development as described herein, subject to the conditions set forth in Section 4, below.

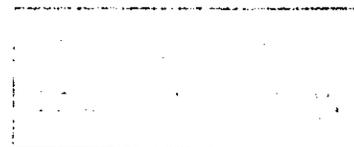
Section 4. That, having made the findings of fact and reached the conclusions of law set forth above, it is ordered that development as proposed in the ADA is hereby approved, subject to the following conditions:

- A. This Order is rendered in respect to the total quantities for the given land use categories set forth in Exhibit "B" hereto for Revised Phase I. If approval is granted by City Council for property to no longer remain as part of the Areawide DRI, the development totals determined by City Council as being associated with that property, pursuant to the process set forth in Subsection 4.T. herein, shall be subtracted from the appropriate development totals. If existing DRIs within the Areawide boundaries opt into the Areawide DRI, the development totals associated with the property will be added to the totals shown on Exhibit "B" as appropriate. If such a DRI opts in, its development rights are added to the totals and may be used by any property in the Areawide DRI through the processes established in this Order. Remaining Phase II DRI development approvals not consolidated into Revised Phase I, shall require further Chapter 380 analysis, review and approval.
- B. Square footage totals shall be monitored by the Department of Land Development Coordination ("DLDC") according to the following procedures:
 - 1. Any person, corporation or government agency proposing development,



redevelopment or expansion within the Areawide DRI area shall calculate the gross building square footage of each category of land use as set forth in above. Said square footage shall be submitted with Commercial Site Plan Review application for the purpose of monitoring the amount of available space reserved and consumed.

2. All square footage totals referenced in building permits issued for development of any size within the Areawide DRI boundaries will be subtracted from the threshold limits established above.
3. Square footage shall be deemed reserved upon approval of the Commercial Site Plan.
4. The Commercial Site Plan and space (square footage) reservation will be valid for a period of six (6) months. Building permits must be obtained within said six months to insure space reservation. If permits are not obtained, the space shall automatically return to the surplus threshold capacity.
5. If available land use totals reach between 60% and 95% of Revised Phase I, DRI scale projects may apply for an Advance Reservation of square footage, subject to the following conditions:
 - a. An Advance Reservation request may only be made: (1) when the current zoning of the property allows for the use being proposed or, (2) concurrent with the submittal and receipt of a rezoning application, which application, if approved, will allow for the use being proposed;
 - b. An Advance Reservation request shall be submitted in writing, on those forms provided by the Building and Construction Services Department ("BCS") specifically for such requests. The BCS shall respond, in writing, within 15 calendar days, as to the availability of the requested square footage. If the square footage amount is available, the BCS shall reserve the requested square footage in the name of the applicant and for the real property identified in the application and shall so advise the applicant in its written response. If all of the requested square footage is not available, the BCS shall so advise the applicant in writing, together with information concerning trade-offs or other alternatives available under the Areawide DRI Development Order.
 - c. All Advance Reservation applications shall include the payment of a fee of twenty-five cents (\$0.25) per square foot, payable to the Westshore Alliance, as the Developer of the Areawide DRI. Such monies shall be earmarked by the Westshore Alliance to the specific property identified in the application and are hereby deemed to run with that land as a future credit against required future payments to the Westshore Alliance, in its capacity as the Developer of the Areawide DRI. The Westshore Alliance shall use such monies solely for the purpose of funding the costs of the Developer in administrating the DRI, including compliance with reporting requirements and preparing, filing and processing Notifications of a Proposed Change to the Areawide DRI, whether such changes constitute a substantial deviation or not. Upon request, the Westshore Alliance shall provide the City with an accounting of such monies received and expended.



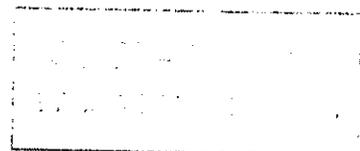
d. The Advanced Reservation, if approved as provided for in paragraph 5(a) above, shall be effective for a period of 180 days from and after the date of the BCS letter approving the application. If a Commercial Site Plan (for the uses and square footage applied for) is not approved within that 180-day period, then the BCS Advance Reservation shall be deemed null and void, without any further action by the BCS. Notwithstanding the above, if the BCS finds that the applicant has exercised reasonable diligence in pursuing that approval, then the BCS may approved one (1) extension, of up to 180 days, for completing the Commercial Site Plan approval process. No extensions which may be granted in the building permitting or Commercial Site Plan approval process, including buy not limited to any extensions provided for in Chapter 5, City of Tampa Code, shall have the effect of extending this 180-day period together with the one (1) extension time period, if any. The same applicant may not apply for an Advanced Reservation for all or part of the same property identified in the application for a period of ninety (90) days from the date the original application was deemed null and void.

C. Trade-offs will be permitted as provided below:

1. The trade-offs among the office, retail, hotel, light industrial, and multi-family uses are established as set forth in Exhibit "C", attached hereto. To the extent that square footage amounts remain in the development totals authorized herein, tradeoffs among office, retail, hotel, light industrial, and multi-family uses shall be automatically applied at the time of the reservation of square footage referred to in Section 4.B.3. above.
2. The process for receiving and processing trade-offs for land uses other than those shown-on Exhibit "C", attached hereto, shall be as follows:
 - A. Developer shall apply in writing requesting a trade-off.
 - B. DLDC shall review the request and advise the applicant of its recommendation in writing within twenty-one (21) days of its receipt.
 - C. If approved, DLDC shall make the trade-off and reserve the space. If DLDC recommends against the trade-off, the applicant may appeal to the City Council within seven (7) days of notification of DLDC's recommendation and shall be scheduled at a noticed public hearing with written notice to TBRPC, DCA and the Neighborhood Committee referred to in Subsection 4.U. herein.

D. The Westshore Alliance is the agency within the Westshore DRI area responsible for developing and implementing Transportation Demand Management Strategies aimed at reducing traffic congestion in this area. In order to ensure that new development occurring under this areawide DRI participates in Transportation Demand Management Strategies, all applicants drawing down square footage from available entitlement must join and continue membership in the Westshore Alliance. Proof of membership in Alliance must be provided to the City of Tampa prior to new development receiving building permit approval.

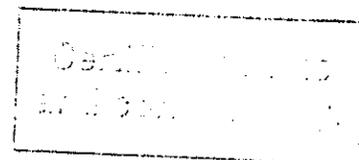
E. A substantial deviation shall be presumed to occur:



1. By failure to comply with any condition established by this Order: or
 2. By failure to meet commitments, or failure to abide by solutions proposed to mitigate impacts, as set out herein, or as set forth in the ADA; or
 3. By commencing projects covered by this Order after the term of this Order, and any extensions to it; or
 4. By the occurrence of any other deviation, which pursuant to Chapter 380, is considered a substantial deviation, and consistent with the applicable adopted F.A.C. Rules.
- F. The determination of (i) whether a deviation will occur, and (ii) whether that deviation is a substantial deviation, as defined in Section 4.E. above, shall be made pursuant to 380.06, as amended.
1. The initial administrative review and determination shall be made by the DLDC based upon the terms and conditions set forth in this Order, together with all other applicable laws and regulations.
 2. The Westshore Alliance shall apply on the forms provided by the DCA.
- G. The transportation impacts of the Areawide DRI shall be deemed to be mitigated by payment of the City of Tampa Transportation Impact Fee. Development square footage associated with DCA-approved preliminary development agreements which reference inclusion into the Areawide DRI, shall, for the amounts of development for which building permits have been pulled and for which construction has commenced, pay the City of Tampa Transportation Impact Fee.

The contributions and/or fees provided by this section shall be applied to the transportation network within the city study area which is substantially impacted by traffic from the approved development, in the manner as provided for all impact fees under the adopted local transportation impact fee ordinance.

A study of site-specific transportation improvements necessitated by development that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be required of those projects at the time of Commercial Site Plan Review. The purpose of such study is to identify transportation improvements. For purposes of this section site-specific transportation improvements are defined as: Capital improvements necessary for direct access/egress to the development in question. Direct access/egress site-specific improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left-turn lanes leading to those site driveways; (3) traffic control measures/devices for those site driveways; (4) acceleration/deceleration lanes associated with those site driveways; (5) median cuts/closings associated with those site driveways; (6) improvements to roads immediately adjacent to the site and necessary to allow direct access to the site; and (7) improvements to other roads immediately adjacent to the site and necessary to allow direct access to the site. Such site-specific improvements may be established by the Transportation Department as a condition to Commercial Site Plan Approval. The developer may appeal the Transportation Department imposed condition(s) to the City Council. The appeal shall be scheduled by City Council for the next regularly scheduled Council meeting.



H. In order to document progress toward the established thresholds, Developer shall file with the City, TBRPC, DCA, and all affected permit agencies, as a part of its annual report, a summary of:

1. Authorized development within the Areawide DRI, for the past reporting year and cumulatively; and
2. Remaining surplus development capacities within the established thresholds; and
3. The status of any requirements of this Order which were to have been acted upon during the past reporting year.
4. Summary of land use categories for which development notices were filed during the year;
5. Summary of land use categories constructed during the year;
6. Summary of status of transportation facilities, public transit usage, vehicle occupancy rates, and parking usage.
7. A map with latest available traffic counts on roads shown on the E-1 network.
8. A status report of CIP improvements.
9. Summary of land use trade-offs processed in accordance with Section 4.C. hereof.
10. All items required by Section 380.06, Florida Statutes for the annual report.

The annual reports are due on January 10 of each year. The reports submitted in calendar years 2005 and 2010 shall include a projection of any revised demands for water supply, wastewater treatment capacity, solid waste disposal capacity, electrical capacity together with a revised report on transportation improvements proposed for the following five (5) year period.

To the extent that the city routinely maintains/collect the information required in such annual reports, the City shall make such information available to the Developer for use in preparing such annual reports.

Prior to application for permits for any development (including redevelopment) within the areas outlined on the "Environmental" map attached as Exhibit "H" to Ordinance No. 88-1, on file with the City Clerk's office, a detailed vegetation and wildlife survey, accepted by the Florida Fish and Wildlife Conservation Commission, shall be provided for approval by the Hillsborough County Environmental Protection Commission. Preservation or mitigation shall be incorporated into development plans as required. (This map is based on Exhibit 18-1 supplied in the ADA.) This shall not obviate the need to obtain all applicable state and local dredge/fill and land alteration permits.

Prior to application for permits for any development (or redevelopment) within the



areas outlined on the "Archaeological" map Exhibit "I-1" attached to Ordinance No 88-1, on file with the City Clerk's office, a site-specific archaeological survey, conducted by an approved consultant, shall be submitted by the individual developer and approved by the Florida Department of State, Bureau of Historic Resources. Mitigative measures recommended by the Bureau shall be accomplished prior to any site development permit approval. (This map is based on the map provided by the Bureau of Historic Resources.) Prior to application for permits for any development (or redevelopment) on sites included on Exhibit "I-2" of Ordinance No. 88-1, on file with the City Clerk's office, listing the historically significant sites identified by the Tampa/Hillsborough County Historic Preservation Board, notice of such plans for development shall be provided by the individual developer to the Preservation Board. Preservation or mitigative measures mandated by the Preservation Board, pursuant to its lawfully mandated authority, shall be incorporated into the site development permits.

Upon the issuance of Areawide DRI Commercial Site Plan approvals for 1,500,000 square feet of office development, the following conditions shall apply to proposed development projects which meet or exceed 80% of the applicable DRI statutory thresholds:

1. Prior to the issuance of certificates of occupancy for such proposed project, the project developer shall provide to the City, TBRPC, the Hillsborough County Environmental Protection Commission and the Florida Department of Environmental Protection a project-specific air quality analysis consistent with either (i) 1987 DER recommended air quality impact assessment guidelines, or (ii) the then-applicable, adopted DRI/ADA air quality question(s) regarding mobile source impacts. If the analysis indicates that air quality will not meet applicable standards, as a direct result of the vehicular emissions associated with the trips generated by this project, the project developer shall also prepare and submit to the same agencies a proposed plan for mitigation of the identified project air quality impacts.
 2. After review of the analysis and proposed mitigation plan and after receiving comments and recommendations from the above agencies, DLDC may establish conditions requiring implementation of measures for mitigating the project's air quality impacts. The project developer may appeal the decision of DLDC to City Council. The appeal shall be scheduled by the City Council at the next available Council meeting.
 3. The appropriate mitigation measures shall be in place prior to the issuance of certificates of occupancy for square footage amounts which equal or exceed 80% of the applicable DRI threshold. The project developer shall verify the implementation and effectiveness of the required mitigation measures in the appropriate subsequent annual report through submission of data to the Westshore Alliance for inclusion in the annual report.
- I. Individual developers within the Areawide DRI shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. Each developer of an office building equal to or greater than 240,000 square feet in size or a hotel equal to or greater than 280 rooms shall prepare a plan to ensure the safe and orderly evacuation of employees and hotel guests as necessary, when a Level A through E evacuation order, as appropriate, is issued by

(1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; (3) providing suitable shelter for hotel guests through development of a host facility arrangement with similar facilities outside any evacuation zone; and (4) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. These plans shall be included in the first annual report submitted after occupancy of each such building within the Areawide area. Developer shall provide in each annual report a list of developments which have not complied with this provision.

- J. Separate hazardous waste storage areas shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in subsection 403.703(21), F.S., and listed in Title 40 CFR Part 261.)

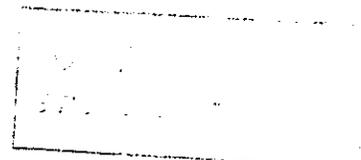
Each developer of an office building or of multiple-tenant high tech research space equal to or greater than 240,000 square feet in size shall:

- a. Be required to provide, to occupying businesses, a statement that indicates the types of wastes and materials that are hazardous and are to be stored or disposed of only in specifically designated containers;
- b. Shall require that each occupying business which uses other than ordinary office supplies to file a statement with the Hillsborough County Department of Emergency Management and the City of Tampa Fire Department listing the types and quantities of hazardous material normally kept on-site. A statement of compliance shall be included in the annual report; and
- c. Advise purchasers and lessees, and stipulate at the time of purchase of lease that statutes and regulations exist and that penalties may accrue from failure to properly transport, store, handle, and dispose of hazardous wastes and materials.

- K. The responsible entities shall provide capacity for the Areawide DRI, as set forth below:

<u>Water</u> -	4.148 Million Gallons Per Day
<u>Wastewater</u> -	3.096 Million Gallons Per Day
<u>Solid Waste</u> -	184.6 Tons Per Day
<u>Electrical</u> -	25.33 Kilowatt (Millions) Hours Per Day

- L. The total daily water requirements set forth in 4.K. above, shall be supplied by the City at the standard charge for water service. Construction of on-site improvements for water service shall be the responsibility of individual developers and connection fees, installation charges and, if applicable grants-in-aid-of-construction for off-site improvements in the water system, necessitated by the development, shall be



assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.

- M. The average daily flows of wastewater shall be accepted by the City at the standard charge for wastewater service. The City shall maintain the wastewater system as described in the ADA. Construction of on-site improvements for wastewater shall be the responsibility of individual developers and connection fees, installation charges and, if applicable grants-in-aid-of-construction for off-site improvements to the wastewater system necessitated by the development, shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.
- N. The collection of the total daily generation of solid waste, as set forth in Section 4.K. above, shall be provided in accordance with applicable ordinances of the city at the standard charges for solid waste collection. The City Solid Waste Department shall continue to have the authority not to allow disposal of any hazardous material from an Areawide DRI Development. If applicable, grants-in-aid-of-construction for off-site improvements to the solid waste disposal system necessitated by Development shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.
- O. The developers of specific projects within the Areawide DRI area shall meet all applicable local, regional, state and federal laws, rules and regulations relative to storm water management/water quality in effect at the time of permitting. Any substantial redevelopment of presently developed sites shall meet the applicable "new development" criteria. Any proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the applicable regulations. The City shall continue measures to ensure the protection to the water quality, including, but not limited to, public street and public parking lot cleaning, clearance of storm sewers on a regular basis and construction of additional manholes to facilitate storm water clearing, all as referenced in the ADA. Individual developers of projects which meet or exceed 80% of applicable DRI statutory thresholds shall implement private street and private parking lot sweeping/cleaning measures. It is understood that the City reserves the right to receive grants-in-aid-of construction for off-site stormwater system improvements, necessitated by the development. Such assessments shall be assumed by the specific project developers, when assessed by the City, all in accordance with City policies and regulations in effect now or that may exist in the future. Further, it is understood that the City reserves the right to establish and assess a stormwater-as-utility fee. Finally the City reserves the, right to assess utility fee for drainage connections or outfall fees, at such time as the master basin plan improvements have been constructed and if a site specific developer desires to eliminate either existing or proposed on-site retention/detention facilities.
- P. No publicly owned lands or public access lands presently used for recreation purposes shall be displaced by Areawide DRI development, unless the project is specifically approved by the City Council following established procedures.
- Q. All appropriate construction requirements, as mandated by the City's participation in the National Flood Insurance Program, shall be utilized to mitigate potential flood damage.



- R. The City and developer shall encourage the implementation of energy conservation techniques proposed in the ADA.
- S. All development pursuant to this Order shall be in accordance with applicable building codes, land development regulations, ordinances and other laws.
- T. If an existing DRI with approved Development Order located within the geographic boundaries wishes to be included with under this Order, the Developer shall file a notice with the DLDC. Only those phases not yet under construction may be brought under the Areawide DRI. The development will be subject to all the terms and conditions of this Order.

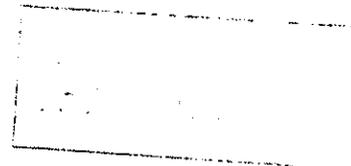
Any developer/owner who no longer wants certain property to remain as part of this Areawide DRI after the adoption of this Order, shall file a petition with DLDC, a form to be provided by DLDC. At a minimum, the information requested shall include the following:

1. The location and legal description of the property, including the size of the property in square feet or acres.
2. Proposed development plan for the subject property, as shown in a validated Commercial Site Plan application.
3. Other property of the developer/owner located within the Areawide DRI area.
4. Reasons for opting out of the Areawide DRI area.

DLDC shall review the petition and make a recommendation to City Council following the time schedule set forth in the appeal of the City Staff determination procedures section of this Order. The DLDC recommendation shall consider the Master Plan (Exhibit D); the land uses associated with Traffic Analysis Zone(s) in which the parcel is located; the existing zoning of the parcel; the site plan, if any, for development on the parcel; and, the existing and surrounding uses and levels of development of those uses. Based upon these factors, DLDC shall recommend a potential development total for City Council's review and its determination of the development totals to be removed from the Areawide DRI.

If approval is granted by City Council for property to no longer remain as a part of the Areawide DRI, the amount of development on an approved Commercial Site Plan for such property shall be deducted from the appropriate totals shown on Exhibit E, as appropriate. To the extent that building permits have not been issued for all or any portion of the development approved by such Commercial Site Plan approval, within six (6) months of such approval, then in that event the amount of development for which permits were not obtained shall be added back to the totals shown in Exhibit E; and the property for which building permits have not issued shall thereafter again be subject to the conditions of this Order.

- U. Residential neighborhood concerns identified by the City Study, rather than the ADA, are hereby addressed, as follows:
 1. These local improvements are not the result of any regional improvements necessitated by the development authorized herein. Therefore any



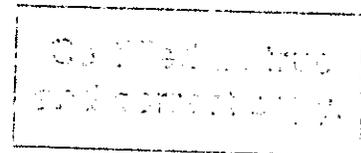
modifications to this subsection are not considered "changes" as used in Chapter 380.06 and are not, therefore, subject to substantial deviation determinations or other regional DRI provisions of this Order.

2. A Westshore Residential Neighborhood Improvements Committee, has been created which includes representatives from each of the residential neighborhoods, generally known as Beach Park, Carver City, Lincoln Gardens and that neighborhood in the general vicinity of 4320 Lemon Street. City Council, upon recommendation of the Mayor, shall make the final determination as to the structure and member composition of this Committee.
3. The City, prior to the expenditure of any funds collected pursuant to Subsection 4.U. of this Order, shall receive and consider the recommendations of such Committee for the location, type and priority of the residential neighborhood improvements contemplated herein. Those improvements may include, but are specifically not limited to: the construction of cul-de-sacs, sidewalks, speed bumps, additional traffic signage and traffic control devices. (See Exhibit "J").
4. The City shall collect at the time of issuance of certificates of occupancy from all development within the Areawide DRI, Ten Cents (\$0.10) per square foot. This amount shall be increased annually by the percentage increase of the FDOT Price Trends Index. Those monies shall be placed in a special, Westshore Residential Neighborhood Improvement interest-bearing account and the principal and any accrued interest shall only be expended within the City Study area. (See Exhibit "J").
5. The Westshore Alliance shall assist the adjacent neighborhoods and such Committee to ensure that developments approved under this Order comply with all applicable City code requirements which regulate site-specific development.

V. It is the Developer's intent that the cost for obtaining approval of the Areawide DRI and other administrative expenses associated with the Order be borne equally by all development which benefits from the terms of this Order. The following assessment shall be applied to all new or additional development with the Areawide DRI:

1. Prior to issuance by the City, of any building permit for new or additional development within the Areawide DRI, a fee of Twenty-Five Cents (\$0.25) per square foot shall be assessed and collected by the Developer. This amount shall be increased annually by the percentage increase of the FDOT Price Trends Index. The Developer shall issue a Certificate of Payment to the Payor as proof of payment. In order to obtain a building permit, the Payor must present the Certificate of Payment to the City.

The money collected by the Developer shall be placed in an interest bearing account and shall be available to be drawn upon by the Developer to fund the cost of obtaining approval of the Areawide DRI, fund any amendments proposed to the Areawide DRI, pay for costs associated with reporting requirements or other maintenance items related to the Areawide DRI. Eligible costs shall include administrative costs, consultants costs, legal costs, and other expenses directly related to the above described tasks.



Any property owner within the Areawide DRI may prepay the assessment provided for in this Subsection 4.V. and obtain a credit for the assessment against any future development. The credit may also be transferred to other Property owners within the Areawide DRI; however, the responsibility for accounting for the credit shall be borne solely by the Developer.

The Developer shall be responsible for the administration of the assessment which shall include collection of the fee, issuing certificates of payment and accounting of the assessments collected and the expenditures made by the Developer from the account.

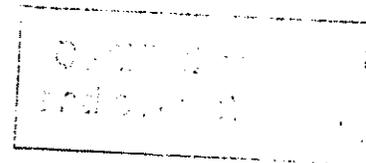
- W. In order to provide funding for additional transportation improvements for the Areawide DRI, the Developer shall, within sixty (60) days of approval of this Development Order Amendment, request that the City establish the Westshore Areawide Special Assessment District (District). The District will be created to provide for the levy, collection and enforcement of non-ad valorem special assessments on an area no smaller than the DRI boundaries and shall include assessments for specified property developable with office, commercial, industrial, hotel and multi-family residential uses. Specifically, the Developer shall request that the City adopt a resolution at a public hearing prior to January 1, 2002, stating its intent to use the uniform method for the levy, collection and enforcement of non-ad valorem special assessments, in accordance with Section 197.3632, Fla. Stat. The Developer shall further request that the City, prior to September 15, 2002, adopt a non-ad valorem special assessment roll levying special assessments on specified property within the District and certify the adopted non-ad valorem special assessment roll to the Hillsborough County Tax Collector, in accordance with Section 197.3632, Fla. Stat. The Developer shall request that the City annually levy the non-ad valorem special assessments within the District, which assessments shall be used solely to fund, in full or in part, the following types of transportation improvements:

1. Transportation System Management (TSM)
2. Transportation Demand Management (TDM)
3. Intelligent Transportation Systems (ITS)
4. Operational Improvements
5. Capacity Improvements

Improvements to be funded with the non-ad valorem special assessments shall be approved by the City and the Developer. The designation of improvements to be funded which may affect State road(s) shall be made by the City and the Developer, in cooperation with the FDOT.

- X. Development of residential uses within the Areawide DRI boundaries shall require review by the City of Tampa Parks Department to identify impacts and any required mitigation.
- Y. Any development which has obtained entitlements under this Development Order shall remain an active member of the Westshore Alliance for purposes of utilization of the entitlements or modification thereof. Proof of membership shall be required at time of application for any permits from the City of Tampa.

Section 5. Developer has produced a brochure explaining the Areawide DRI and



summarizing its procedures and conditions. A constant supply shall be available from the Developer offices, for distribution to landowners, developers and interested parties.

Section 6. After this Order is issued, changes to the areawide development plan shall be subject to the provisions of Section 380.06(19), Florida Statutes, except that the percentages and numerical criteria shall be double those listed in Section 380.06(19)(b), Florida Statutes.

Section 7. The definitions contained in Chapter 380 shall control the construction of any terms used in this Order.

Section 8. Subject to the conditions of suspension or rescission as hereinafter provided, this Order shall remain in effect until December 31, 2015. The property within the Areawide DRI shall not be subject to downzoning or intensify reduction until December 31, 2010.

Section 9. This Order shall not repeal, nor amend in any way, any currently effective DRI Development Orders for development within the Areawide DRI Area, previously rendered by the City Council pursuant to Chapter 380, Florida Statutes, unless they opt into the Areawide DRI; nor shall it repeal or amend in any way site plan-controlled zoning district.

Section 10. Any development within the DRI must conform with all development regulations in effect at the time of permitting except as otherwise provided herein. No assurance is given that the amount of development proposed is consistent with what can be built under land development regulations.

Section 11. The City Clerk is directed to send copies of this Order within five (5) days of the effective date of this Order, to the Developer, Hillsborough County, HARTLine, the FDOT, the DCA and TBRPC.

Section 12. This Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 13. This Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUL 19 2001, 2001.

ATTEST:

Janett S. Martin
CITY CLERK

Gwendolyn M. Miller
CHAIRMAN, CITY COUNCIL
PRO-TEM
APPROVED BY ME ON: _____

APPROVED AS TO FORM:

Andrea E. Zelman
ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

ACTING MAYOR

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2001-148 on file in my office

Witness my hand and official seal this 22nd day of July, 20 01

JANETT S. MARTIN, CITY CLERK
BY Sandra S. Marshall
SANDRA S. MARSHALL, DEPUTY CITY CLERK

EXHIBIT "A"

Certified as true
and correct copy.

EXHIBIT "B"

Revised Phase I

Office:	6,563,991 sq. ft.
Retail	1,488,000 sq. ft.
Hotel Rooms	1,625 Rooms
Light Industrial	200,000 sq. ft.
Multi-Family Units	2,000 Units

Revised Phase II

Office	3,809,347 sq. ft.
Hotel Rooms	1,810 Rooms

Certified as true
and correct copy.

EXHIBIT "C"

(See attached)

Certified as true
and correct copy.

Certified as true
and correct copy.

Notice of Proposed Change Application

Located in the NOPC File for DRI #141

as

Composite Exhibit "A"



CITY OF TAMPA

Janett S. Martin, City Clerk

Civil Service Board

July 22, 1999

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

RE: Petition No. DZ86-66 Westshore Areawide DRI
Ordinance 99-160

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 99-160

Certified Mail

RECEIVED

JUL 23 1999

Tampa Bay Regional
Planning Council

ORDINANCE NO. 99-160

10-
TBF 11

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A THIRD AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE WESTSHORE ALLIANCE FOR THE WESTSHORE AREAWIDE DRI, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of the City of Tampa, Florida, on January 7, 1988, approved a development order for the Westshore Areawide DRI (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council of the City of Tampa, Florida, on June 2, 1992, approved a first amendment to the development order for the Westshore Areawide DRI (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council of the City of Tampa, Florida, on December 21, 1993, approved a second amendment to the development order for the Westshore Areawide DRI (hereinafter said Ordinance shall be referred to as the "Second Amendment"); and

WHEREAS, on January 26, 1999, the Westshore Alliance (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.08(19), Florida Statutes, for the Westshore Areawide DRI (the "Notification"), attached hereto as Composite Exhibit "A"; and

WHEREAS, the Notification proposed to amend the Development Order to extend the date of buildout of Phase I (December 15, 1999) of the Westshore Areawide DRI by six (6) years (December 15, 2005) (hereinafter said change shall be referred to as the "Proposed Change"); and

WHEREAS, the Developer maintains the proposed Notification to amend the Development Order to extend the buildout of Phase I does not constitute a substantial deviation, as shown in Composite Exhibit "A", even though the extension of the date of buildout exceeds five (5) years; and

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

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order; and

WHEREAS, the City Council has held a duly noticed public hearing on the Proposed Change to the Development Order and has reviewed and considered the above referenced documents as well as testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

Certified as true
and correct copy.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Finding of Fact. That City Council, 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, finds that there is substantial, competent evidence to support the following findings of fact:

- A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit "A".
- B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.
- C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- D. That the Developer has provided clear and convincing evidence demonstrating that the Proposed Change does not create additional regional impacts or impacts that were not previously reviewed.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.
- B. That based on the foregoing and pursuant to Subsection 380.06 (19) Florida Statutes, the Proposed Change is found not to be a substantial deviation to the previously approved Development Order.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

- A. That the Proposed Change is hereby approved and the Development Order, as amended by the First and Second Amendments, is hereby amended to incorporate the Notification.
- B. That the Development Order, as previously amended by the First and Second Amendments, is hereby amended to extend the dates of buildout of development of Phase I of the Westshore Areawide DRI by six (6) years. Accordingly, the Phase I buildout date is December 15, 2005.

**Certified as true
and correct copy.**

C. That Ordinance 88-1, Section 4, Subsection B, Item 5 is amended to read as follows:

5. If available land use totals reach 60% of a development phase, DRI scale projects may apply for an Advance Reservation of square footage, subject to the following conditions:
 - a. An Advance Reservation request may only be made: (1) when the current zoning of the property allows for the use being proposed or, (2) concurrent with the submittal and receipt of a rezoning application, which application, if approved, will allow for the use being proposed;
 - b. An Advance Reservation request shall be submitted in writing, on those forms provided by the BCS specifically for such requests. The BCS shall respond, in writing, with 15 calendar days, as to the availability of the requested square footage. If the square footage amount is available, the BCS shall reserve the requested square footage in the name of the applicant and for the real property identified in the application and shall so advise the applicant in its written response. If all of the requested square footage is not available, the BCS shall so advise the applicant in writing, together with information concerning trade-offs or other alternatives available under the Areawide DRI Development Order.
 - c. All Advance Reservation applications shall include the payment of a fee of fifteen cents (\$0.15) per square foot, payable to the Westshore Alliance, as the Developer of the Areawide DRI. Such monies shall be earmarked by the Westshore Alliance to the specific property identified in the application and are hereby deemed to run with that land as a future credit against required future payments to the Westshore Alliance, in its capacity as the Developer of the Areawide DRI. The Westshore Alliance shall use such monies solely for the purpose of funding the costs of the Developer in administering the DRI, including compliance with reporting requirements and preparing, filing and processing Notifications of a Proposed Change to the Areawide DRI, whether such changes constitute a substantial deviation or not. Upon request, the Westshore Alliance shall provide the City with an accounting of such monies received and expended.

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and correct copy.**

d. The Advanced Reservation, if approved as provided for in paragraph 5(a) above, shall be effective for a period of 180 days from and after the date of the BCS letter approving the application. If a Commercial Site Plan (for the uses and square footage applied for) is not approved within that 180-day period, then the BCS Advance Reservation shall be deemed null and void, without any further action by the BCS. Notwithstanding the above, if the BCS finds that the applicant has exercised reasonable diligence in pursuing that approval, then the BCS may approved one (1) extension, of up to 180 days, for completing the Commercial Site Plan approval process. No extensions which may be granted in the building permitting or Commercial Site Plan approval process, including, but not limited to any extensions provided for in Chapter 5, City of Tampa Code, shall have the effect of extending this 180-day period together with the one (1) extension time period, if any. The same applicant may not apply for an Advanced Reservation for all or part of the same property identified in the application for a period of ninety (90) days from the date the original application was deemed null and void.

D. That the Westshore Alliance is the agency within the Westshore DRI area responsible for developing and implementing Transportation Demand Management Strategies aimed at reducing traffic congestion in this area. In order to ensure that new development occurring under this areawide DRI participates in Transportation Demand Management Strategies, all applicants drawing down square footage from available entitlement must join and continue membership in the Westshore Alliance. Proof of membership in the Alliance must be provided to the City of Tampa prior to new development receiving building permit approval.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 88-1, as previously amended by Ordinance No. 92-80 and Ordinance 197, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

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and correct copy.**

- Section 7 Governmental Agencies That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance
- Section 8 Severance That in the event that any portion or sections of this Ordinance is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.
- Section 9. Transmittals That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.
- Section 10. Rendition That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.
- Section 11. Recording That the developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes
- Section 12 Effective Date That this Ordinance shall become law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9, hereof

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUL 15 1999

Everedlyn M. Miller
PRO-TEM CHAIRMAN, CITY COUNCIL

APPROVED by me JUL 20 1999

ATTEST:
Janett S. Martin
CITY CLERK

Nick A. Greco
MAYOR

APPROVED as to form by:

Andrew G. ...
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 99-160 on file in my office
Witness my hand and official seal this 20th day of July 19 99

Janett S. Martin
CITY CLERK

Effective Date

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2555 Shumard Oak Blvd.
Tallahassee, FL 32399-2100
850/487-4545

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06 (19), FLORIDA STATUTES

Subsection 380.06 (19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Ronald T. Rotella, the undersigned authorized representative of the Westshore Alliance, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06 (19), Florida Statutes. In support thereof, I submit the following information concerning the Westshore Areawide DRI development, which project information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this complete notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

1/26/99

(Date)



Ronald T. Rotella, Executive Director
The Westshore Alliance

EXHIBIT "A"

**Certified as true
and correct copy.**

2. Applicant (name, address, phone).

Westshore Alliance
5444 Bay Center Drive, Suite 115
Tampa, FL 33609
(813) 289-5488

3. Authorized Agent (name, address, phone).

Ronald T. Rotella
Westshore Alliance
5444 Bay Center Drive, Suite 115
Tampa, FL 33609
(813) 289-5488

4. Location (City, County Township/Range/Section) of approved DRI and proposed change.

Sections 15, 16, 17, 18, 19, 20, 21 and 22, all in Township 29 South, Range 18 East, in the City of Tampa, Hillsborough County, Florida.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing additional lands, commencement date, build-out date, development order conditions and requirements, or in the representations contained in either the development order or the application for development approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed change which forms the basis of this Notice of Proposed Change is to extend the date of buildout of Phase I of the Westshore Areawide DRI by six (6) years resulting in a revised buildout date of December 15, 2005.

The Westshore Areawide DRI was originally granted specific DRI approval for development of Phase I, with a buildout date of December 31, 1995. In 1993, the Phase I buildout date was extended to December 15, 1999, an extension of four (4) years, eleven (11) months and fifteen (15) days. The extension was approved as a non-substantial change pursuant to Section 389.06 (19)(e) 2, Florida Statutes (F. S.).

This Notification of Proposed Change (NOPC) requests an additional six-year extension of the Phase I buildout date to December 15, 2005. Combined with the previous extension, the extension exceeds seven and is, therefore, presumed to create a substantial deviation pursuant to Section 380.06 (19) c, F. S. The presumption may be rebutted by clear and convincing evidence at a public hearing held by the local government.

Buildout extension criteria were added to the DRI law at the same time as another provision was added requiring that no DRI approval be granted unless adequate provision is made for the public facilities to accommodate impacts of the development (Section 380.06 [15] e.2, F. S.). The "adequate provision" determination is made based on a presumption that the development's public facility impacts will occur on or before the approved buildout date. Delay of the buildout date gives time for facility capacity to be consumed by other new development so that the capacity available at the new buildout date may not be adequate to accommodate the project's impacts, thereby undermining the earlier "adequate provision" determination. The

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extension threshold indicates a change that is presumed to result in greater needs so as to require additional review and a new "adequate provision" determination.

The applicant contends that the original DRI studies so greatly overestimated total public facility demand at the 1995 Phase I buildout that those forecasts are well above even the current projections of total demand in 2005, the buildout year now proposed. Consequently, public facility needs in the proposed buildout year will be no greater than those which were taken into account in the original Phase I approval.

Using the thoroughfare network as an example, the attached table and map compare traffic volumes projected for 1995 in the original Westshore Areawide DRI work program to volumes forecast in the adopted Hillsborough Metropolitan Planning Organization (MPO) plan for 2005. The MPO plan takes into account traffic from existing development and expected traffic from the area's future growth both within and beyond Westshore.

The 2005 volumes projected for the MPO plan are below the DRI study's 1995 estimates on nearly 80 percent of the 104 segments; many are substantially below. When viewed overall, the comparison indicates that traffic in the study area was substantially over-projected in the original DRI study, and that volumes forecast for 1995 are not likely to be reached until well after 2005. The 2005 forecasts are significantly lower throughout the eastern half of the study area and on "Gateway" routes leading to/from those sectors. Higher 2005 volumes on some links appear to be a consequence of different modeling methods or assumptions since the segments showing higher 2005 volumes are for the most part balanced by corresponding lower volumes on alternative routes to/from the same general direction so as to denote no actual increase in traffic from those cardinal directions. It should be noted that DRI procedures did not allow certain key network improvements to be considered in the DRI modeling and that this could have significantly affected the way trips were distributed in the 1995 forecasts. Among those were: the Veterans Expressway (modeled as Eisenhower Boulevard); widening of the Howard Frankland; and widening of Hillsborough Avenue. All of those improvements are now in place and are incorporated in the 2005 modeling projections.

The only other notable differences occur on Cypress Avenue west of Westshore Boulevard and on the frontage road connecting Cypress to Spruce Street south of Tampa International Airport. These also may be a consequence of model distribution differences, together with slightly greater forecasts of development in that immediate sector of the DRI area than was anticipated in the DRI study. The latter effect is not a DRI substantial deviation issue, however, since development distribution within the DRI area was clearly recognized as an estimate rather than a proposal, and the DRI approval did not constrain the manner in which development within the area would actually be distributed.

The unique nature of the Westshore Areawide DRI requires a different perspective for considering changes and how impacts should be addressed. The approved development was and remains an estimate of the development that will take place on land in about 1,200 different ownerships. Impacts identified in DRI review are cumulative over many projects, and measures to mitigate them are not attributable to individual projects. Mechanisms for sharing impact mitigation are part of the current development order, and these should remain valid without adjustment through the extended development phase.

The "plan" guiding that development was and still is the adopted City of Tampa comprehensive plan, together with implementing programs of the City and other entities with jurisdiction or responsibility to serve the area and regulate so as to prevent adverse impacts. Any change in impacts or needs resulting from the slower development pact can and are being effectively identified and addressed through those in-place, ongoing programs. Such changes should not necessitate revision of the current DRI development order's mechanisms for monitoring development activity and evaluating specific impacts of individual projects.

The Westshore Alliance as DRI applicant isn't able to make plan changes or mitigation commitments in the same way a single, owner-DRI developer does. Its membership includes only a small number of the 1,200 individual landowners, and it has no authority to regulate development activity by those owners. The Alliance continues to handle and fund DRI activities because coordinated planning through the DRI process benefits its members and the overall Westshore area. Very little of the development is in DRI-sized projects whose requirements to identify and address regional impacts are satisfied under the Areawide DRI approval. If

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extending the Phase I buildout date were to require a lengthy and costly reassessment of impacts and could have potential to introduce more stringent requirements than are now in the development order or are imposed under the ongoing regulatory programs, the Alliance is not likely to win support to continue to keep the Areawide DRI program active. The consequence would be the loss of the coordinated planning that the areawide DRI process offers, that benefits both the Westshore area and all public agencies who plan for and manage the area's growth and development.

This Notice of Proposed Change does not propose a change which involves the master site plan.

6. Complete the attached Substantial Deviation Determination Chart for all land use type approved in the development. If no change is proposed or has occurred, please indicate no change.

No change in land use types or amounts is proposed. Accordingly, the Chart has been omitted as an attachment to this Notice of Proposed Change.

7. List all the dates and resolutions numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

The original DRI Development Order for the Westshore Areawide DRI, Ordinance No. 88-1 (the "Development Order"), was adopted by City Council on January 11, 1988.

The first amendment to the Development Order, Ordinance No. 92-80 (the "First Amendment"), was adopted by City Council on June 2, 1992. The First Amendment proposed the imposition of a fee of ten cents per square foot to fund the costs associated with administering the existing Westshore Areawide DRI and proceed with approval for a second phase to the Westshore Areawide DRI. The First Amendment also proposed to amend the Development Order to change the name of the Developer from the Westshore Development Association to the Westshore Alliance.

The second amendment to the Development Order, Ordinance No. 197 (the "Second Amendment"), was adopted by City Council on December 16, 1993. The Second Amendment proposed the extension of the buildout date of Phase I of the Westshore Areawide DRI to December 15, 1999 (a change of four years, eleven months and fifteen days).

There has been no change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

8. Describe any lands purchased or optioned within ¼ mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

No additional lands have been purchased or optioned within ¼ mile of the original DRI site.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06 (19) (b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06 (19) (e) 2., F. S.?	
YES _____ <input checked="" type="checkbox"/>	NO _____

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10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

Yes, the proposed change will result in a new buildout date for Phase I of December 15, 2005.

11. Will the proposed change require an amendment to the local government comprehensive plan?

No amendment to the Future of Hillsborough Comprehensive Plan for the City of Tampa will be required by the proposed change.

12. Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F. S., and 9J-2.025, Florida Administrative Code:

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

The proposed change does not require revision of the master site plan (Map H) or any other maps of the development.

13. Pursuant to Subsection 380.06 (19) (f), F. S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, numbers of units; and other major characteristics or components of the proposed change;

The specific language is included in the proposed Amended Development Order for the Westshore Areawide DRI, attached as Exhibit "A" to this Notice of Proposed Change.

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

Not applicable.

- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

No change.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

No change.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F. A. C.

Not applicable.

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**Comparison of 24-Hour Traffic On The
Westshore Area Road Network (E-1 Network):
1995 DRI Study Projections VS. 2005 Hillsborough MPO Plan Projections**

NUMBER	Westshore Area Roadways	Segment	Traffic DRI Study	Projections MPO Plan	Comparison of 1995 DRI Study
			For 1995	For 2005	vs. 2005 MPO Projections**
1	Boy Scout Blvd	Memorial to Westshore Blvd	44900	45315	-415
2	Boy Scout Blvd	Westshore Blvd to Lois Ave	68500	50879	17621
3	Boy Scout Blvd	Lois Ave to Columbus Dr	92900	53385	39515
4	M.L.K.Jr Blvd	Westshore Blvd to Lois Ave	20610	10224	10386
5	M.L.K.Jr Blvd	Lois Ave to Dale Mabry Hwy	30837	16089	14748
6	M.L.K.Jr Blvd	Dale Mabry Hwy to Himes Ave	21300	43222	-21922
7	Columbus Dr	Boy Scout Blvd to Dale Mabry Hwy	92100	56636	35464
8	Columbus Dr	Dale Mabry Hwy to Himes Ave	75600	35462	40138
9	Courtesy Campbell	Rocky Point to Eisenhower	84950	50653	34297
10	Cypress St	Frontage Road to Westshore Blvd	11450	22359	-10909
11	Cypress St	West Shore Blvd to Lois Ave	46700	23045	23655
12	Cypress St	Lois Ave to I-275	38250	16416	21834
13	Cypress St	I-275 to Dale Mabry Hwy	38250	16416	21834
14	Cypress St	Dale Mabry Hwy to Himes Ave	28200	16128	12072
15	Dale Mabry Hwy	Kennedy Blvd to Cypress St	74950	45244	29706
16	Dale Mabry Hwy	Cypress St to I-275	78150	51267	26883
17	Dale Mabry Hwy	I-275 to Spruce St	125234	59821	65413
18	Dale Mabry Hwy	Spruce St to Columbus Dr	107878	59089	48789
19	Dale Mabry Hwy	Columbus Dr to Tampa Bay Blvd	116860	83994	32866
20	Dale Mabry Hwy	Tampa Bay Blvd to M.L.K.Jr Blvd	90502	83994	6508
21	Dale Mabry Hwy	M.L.K.Jr Blvd to Hillsborough	101301	77955	23346
22	Frontage Road	Boy Scout to Cypress	400	11777	-11377
23	Hillsborough Ave	Eisenhower Blvd to Westshore Blvd	37600	63129	-25529
24	Hillsborough Ave	Westshore Blvd to Lois Ave	49934	63280	-13346
25	Hillsborough Ave	Lois Ave to Dale Mabry Hwy	58424	74245	-15821
26	Hillsborough Ave	Dale Mabry Hwy to Himes Ave	62900	69551	-6651
27	Himes Ave	Kennedy Blvd to Cypress St	18142	17079	1063
28	Himes Ave	Cypress St to I-275	21642	27609	-5967
29	Himes Ave	I-275 to Columbus Dr	33566	19244	14322
30	Himes Ave	Columbus Dr to Tampa Bay Blvd	32839	24207	8632
31	Himes Ave	Tampa Bay Blvd to M.L.K.Jr Blvd	23527	37626	-14099
32	Himes Ave	M.L.K.Jr Blvd to Hillsborough Ave	32602	26272	6330
33	I-275	City Limits to Kennedy Blvd	103900	115661	-11761
34	I-275	Kennedy Blvd to Memorial Hwy	85200	115661	-30461
35	I-275	Memorial Hwy to Westshore Blvd	188900	146830	42070
36	I-275	Westshore Blvd to Lois Ave	203000	182637	20363
37	I-275	Lois Ave to Dale Mabry Hwy	203600	171463	32137
38	I-275	Dale Mabry Hwy to Himes Ave	180600	168153	12447
39	Kennedy Blvd	I-275 to Hoover Blvd	18700	11839	6861
40	Kennedy Blvd	Hoover Blvd to Memorial Hwy	47400	24128	23272
41	Kennedy Blvd	Memorial Hwy to Westshore Blvd	90950	60716	30234
42	Kennedy Blvd	Westshore Blvd to Lois Ave	47000	50742	-3742
43	Kennedy Blvd	Lois Ave to Dale Mabry Hwy	63350	55474	7876
44	Kennedy Blvd	Dale Mabry Hwy to Himes Ave	42850	38314	4536

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Comparison of 24-Hour Traffic On The
Westshore Area Road Network (E-1 Network):
1995 DRI Study Projections VS. 2005 Hillsborough MPO Plan Projections

NUMBER	Westshore Area Roadways	Segment	Traffic DRI Study	Projections MPO Plan	Comparison of 1995 DRI Study
			For 1995	For 2005	vs. 2005 MPO Projections**
45	Lois Ave	Kennedy Blvd to I-275	42350	24060	18290
46	Lois Ave	I-275 to Cypress St	16700	22761	-6061
47	Lois Ave	Cypress St to Spruce St	17200	14015	3185
48	Lois Ave	Spruce St to Boy Scout Blvd	10200	9749	451
49	Lois Ave	Tampa Bay Blvd to M.L.K.Jr Blvd	11902	10616	1286
50	Lois Ave	M.L.K.Jr Blvd to Hillsborough Ave	19160	14162	4998
51	Memorial Hwy	Kennedy Blvd to I-275	70800	44194	26606
52	Memorial Hwy	I-275 to Spruce St	163200	149957	13243
53	Memorial Hwy	Spruce St to Courtney Campbell	190800	162130	28670
54	NW X-Way (Toll Rd)	Courtney Campbell to Independence	147150	168000	-20850
55	NW X-Way (Toll Rd)	Independence to Memorial Hwy	94850	182000	-87150
56	NW X-Way (Toll Rd)	Memorial Hwy to Hillsborough Ave	84800	142800	-58000
57	Spruce St	Lois Ave to Dale Mabry Hwy	23500	8436	15064
58	Spruce St	Dale Mabry Hwy to Himes Ave	33500	11660	21840
59	Tampa Bay Blvd	Westshore Blvd to Lois Ave	10156	4713	5443
60	Tampa Bay Blvd	Lois Ave to Dale Mabry Hwy	22139	19594	2545
61	Tampa Bay Blvd	Dale Mabry Hwy to Himes Ave	38100	10072	28028
62	Trask St	Boy Scout to Cypress St	17800	7368	10432
63	Westshore Blvd	Kennedy Blvd to I-275	98950	36398	62552
64	Westshore Blvd	I-275 to Cypress St	76400	41252	35148
65	Westshore Blvd	Cypress St to Spruce/Boy Scout	39254	31318	7936
66	Westshore Blvd	Tampa Bay Blvd to M.L.K.Jr Blvd	12019	9199	2820
67	Westshore Blvd	M.L.K.Jr Blvd to Hillsborough Ave	37537	12021	25516
68	Anderson Rd.	Hillsborough to Sligh	41350	14661	26689
69	Anderson Rd.	Sligh to Waters	45000	33558	11442
70	MLK Boulevard	Himes to Mac Dill	25800	39204	-13404
71	MLK Boulevard	Mac Dill to Habana	44350	45062	-712
72	MLK Boulevard	Habana to Armenia	48500	43971	4529
73	Columbus Drive	Himes to Mac Dill	57800	33933	23867
74	Columbus Drive	Mac Dill to Habana	57000	32840	24160
75	Columbus Drive	Habana to Howard	48300	31442	16858
76	Courtney Campbell Cswy.	County Line to Rocky Point	44600	46901	-2301
77	Dale Mabry	Kennedy to Azeele	69700	40575	29125
78	Dale Mabry	Azeele to Swann	67850	36766	31084
79	Dale Mabry	Hillsborough to Sligh	105700	79949	25751
80	Dale Mabry	Sligh to Waters	73500	63751	9749
81	Eisenhower Blvd. (Veterans X-W	Hillsborough to Sligh	56000	69939	-13939
82	Eisenhower Blvd. (Veterans X-W	Sligh to Waters	36200	69959	-33759
83	Hillsborough Avenue	Memorial to Hanley	58200	50767	7433
84	Hillsborough Avenue	Hanley to Eisenhower	57600	64463	-6863
85	Hillsborough Avenue	Himes to Habana	64900	61556	3344
86	Hillsborough Avenue	Habana to Armenia	66100	62210	3890
87	Himes Avenue	Kennedy to Azeele	36900	16563	20337
88	Himes Avenue	Azeele to Swann	34900	17103	17797

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Comparison of 24-Hour Traffic On The
Westshore Area Road Network (E-1 Network):
1995 DRI Study Projections VS. 2005 Hillsborough MPO Plan Projections

NUMBER	Westshore Area Roadways	Segment	Traffic DRI Study	Projections MPO Plan	Comparison of 1995 DRI Study
			For 1995	For 2005	vs. 2005 MPO Projections**
89	Himes Avenue	Hillsborough to Sligh	41800	18644	23156
90	Himes Avenue	Sligh to Walters	33800	12602	21198
91	Independence Pkwy.	Memorial to Eisenhower	31600	40209	-8609
93	1-275	Himes to Howard/Armenia	226500	177407	49093
94	Kennedy Boulevard	Himes to Mac Dill	53200	32545	20655
95	Kennedy Boulevard	Mac Dill to Habana	52700	36088	16612
96	Lois Avenue	Kennedy to Azeela	27500	15251	12249
97	Lois Avenue	Azeela to Swann	21200	16204	4996
98	Memorial Hwy.	Hillsborough to Independence	55400	37736	17664
99	Memorial Hwy.	Independence to Eisenhower	52400	14824	37576
100	Tampa Bay Blvd.	Himes to Mac Dill	25000	12832	12168
101	Tampa Bay Blvd.	Mac Dill to Habana	27800	11519	16281
102	Tampa Bay Blvd.	Habana to Armenia	28800	14392	14408
103	Westshore Blvd.	Kennedy to Azeela	88200	32577	55623
104	Westshore Blvd.	Azeela to Swann	78800	26874	51926

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and correct copy.**

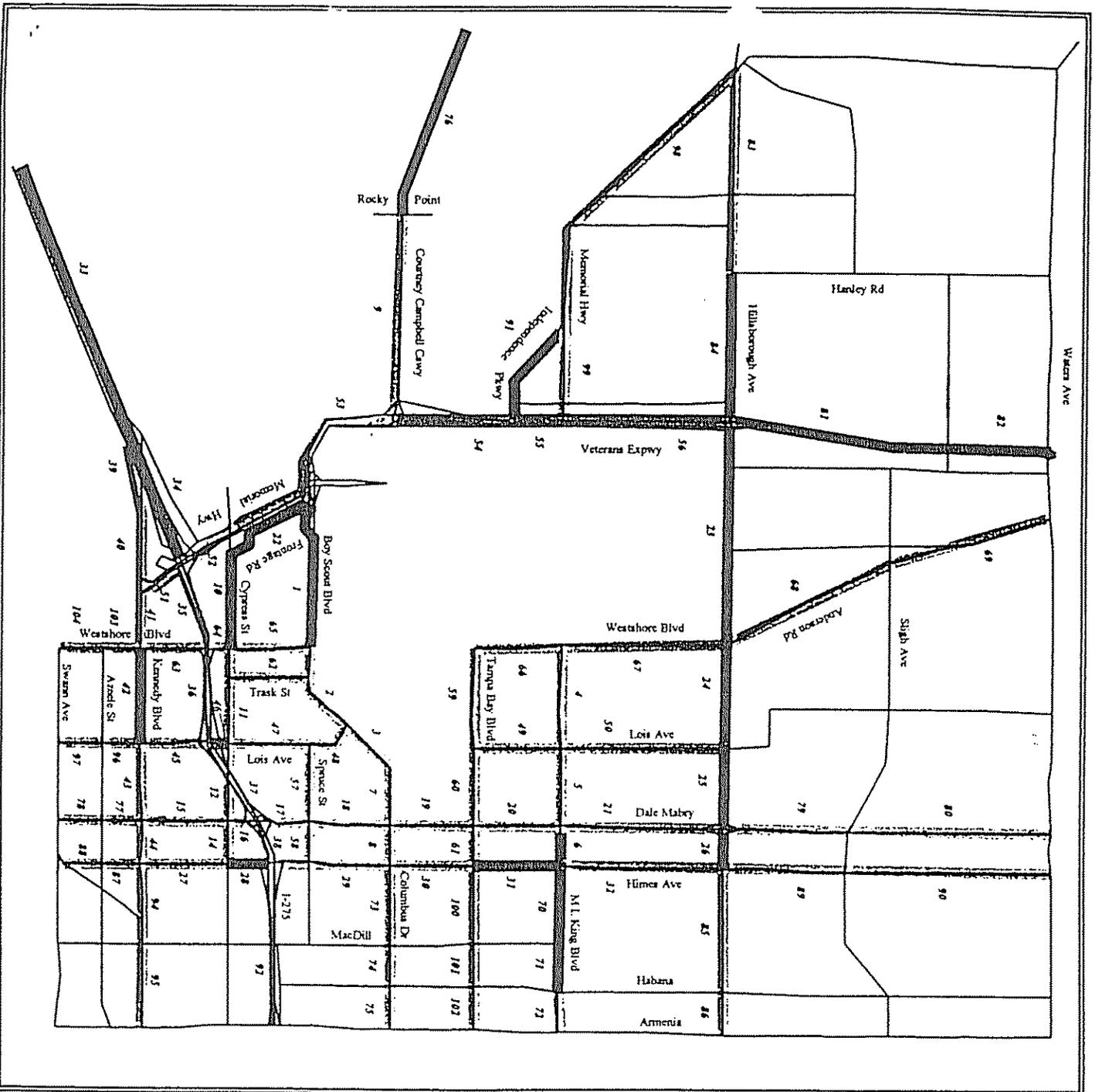
**NOTE: A minus sign (-) indicates the 2005 projections are greater than those of the 1995 study.

With reference to the Westshore Alliance Areawide Development of Regional Impact (DRI), Ordinance 88-1, with first amendment (Ordinance 92-80) on June 2, 1992, with the second amendment (Ordinance 197) on December 21, 1993, and with the third amendment in process (Notice of Proposed Change filed January 26, 1999), the Westshore Alliance hereby submits an amendment to the NOPC currently in process.

This amendment to the NOPC in process refers to Ordinance 88-1, Section 4, Subsection B, Item 5. Item 5 is requested to be amended to the following language and to be added to the current NOPC:

5. If available land use totals reach 60% of a development phase, DRI scale projects may apply for an Advance Reservation of square footage, subject to the following conditions:
 - a. An Advance Reservation request may only be made: (1) when the current zoning of the property allows for the use being proposed or, (2) concurrent with the submittal and receipt of a rezoning application, which application, if approved, will allow for the use being proposed;
 - b. An Advance Reservation request shall be submitted in writing, on those forms provided by the BCS specifically for such requests. The BCS shall respond, in writing, with 15 calendar days, as to the availability of the requested square footage. If the square footage amount is available, the BCS shall reserve the requested square footage in the name of the applicant and for the real property identified in the application and shall so advise the applicant in its written response. If all of the requested square footage is not available, the BCS shall so advise the applicant in writing, together with information concerning trade-offs or other alternatives available under the Areawide DRI Development Order.
 - c. All Advance Reservation applications shall include the payment of a fee of fifteen cents (\$0.15) per square foot, payable to the Westshore Alliance, as the Developer of the Areawide DRI. Such monies shall be earmarked by the Westshore Alliance to the specific property identified in the application and are hereby deemed to run with that land as a future credit against required future payments to the Westshore Alliance, in its capacity as the Developer of the Areawide DRI. The Westshore Alliance shall use such monies solely for the purpose of funding the costs of the Developer in administrating the DRI, including compliance with reporting requirements and preparing, filing and processing Notifications of a Proposed Change to the Areawide DRI, whether such changes constitute a substantial deviation or not. Upon request, the Westshore Alliance shall provide the City with an accounting of such monies received and expended.
 - d. The Advanced Reservation, if approved as provided for in paragraph 5(a) above, shall be effective for a period of 180 days from and after the date of the BCS letter approving the application. If a Commercial Site Plan (for the uses and square footage applied for) is not approved within that 180-day period, then the BCS Advance Reservation shall be deemed null and void, without any further action by the BCS. Notwithstanding the above, if the BCS finds that the applicant has exercised reasonable diligence in pursuing that approval, then the BCS may approved one (1) extension, of up to 180 days, for completing the Commercial Site Plan approval process. No extensions which may be granted in the building permitting or Commercial Site Plan approval process, including, but not limited to any extensions provided for in Chapter 5, City of Tampa Code, shall have the effect of extending this 180-day period together with the one (1) extension time period, if any. The same applicant may not apply for an Advanced Reservation for all or part of the same property identified in the application for a period of ninety (90) days from the date the original application was deemed null and void.

**Certified as true
and correct copy.**



**TRAFFIC PROJECTION
COMPARISONS:
1995 DRI Study v.
2005 MPO Plan**

*Westshore Area-wide DRI NOPC
January, 1999*

- DRI 1995 Projection Higher
- MPO 2005 Projection Higher
- Road Segment (see table)

**Certified as true
and correct copy.**



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

December 23, 1993

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 32702

RE: Petition No. DZ86-66
Ordinance No. 93-197

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact the office of Land Development Coordination,
(813) 223-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Land Development Coordination



315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/223-8396

Printed on Recycled Paper

T.O. 11111
C. Copy / C. Mail

ORDINANCE NO. 197

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE WESTSHORE ALLIANCE (FORMERLY KNOWN AS THE WESTSHORE DEVELOPMENT ASSOCIATION) FOR THE WESTSHORE AREAWIDE DRI, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of the City of Tampa, Florida, on January 7, 1988, approved a development order for the Westshore Areawide DRI (the "Development"), a Development of Regional Impact ("DRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council of the City of Tampa, Florida, on June 2, 1992, approved a first amendment to the development order for the Westshore Areawide DRI (hereinafter said Ordinance shall be referred to as the "First Amendment"); and

WHEREAS, on October 29, 1993, the Westshore Alliance (formerly known as the Westshore Development Association) (the "Developer") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact Subsection 380.06(19), Florida Statutes, for the Westshore Areawide DRI (the "Notification"), attached hereto as Composite Exhibit "A"; and

WHEREAS, the Notification proposed to amend the Development Order to extend the date of buildout of Phase I of the Westshore Areawide DRI by four (4) years, eleven (11) months and fifteen (15) days (hereinafter said change shall be referred to as the "Proposed Change"); and

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

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

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Change; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Change and to amend the Development Order; and

WHEREAS, the public notice requirements have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Proposed Change before the City Council; and

WHEREAS, the City Council has reviewed and considered the above-referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect the City Council's approval of changes to an adopted development order.

Certified as true
and correct copy.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, 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, finds that there is substantial, competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notification attached hereto as Composite Exhibit "A".

B. That the Proposed Change is consistent with all local land development regulations and the local comprehensive plan.

C. That the Proposed Change does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

D. That in accordance with Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is not a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

Section 2. Conclusions of Law. That the City Council having made the above findings of fact, renders the following conclusions of law:

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That based on the foregoing and pursuant to Subsection 380.06(19)(e)2., Florida Statutes, the Proposed Change is found not to be a substantial deviation under the provisions of Subsection 380.06(19), Florida Statutes, and is not subject to a public hearing pursuant to Subsection 380.06(19)(f)3., Florida Statutes, or a determination pursuant to Subsection 380.06(19)(f)5., Florida Statutes.

Section 3. Order. That having made the above findings of fact, and conclusions of law, it is ordered:

A. That the Proposed Change is hereby approved and the Development Order, as amended by the First Amendment, is hereby amended to incorporate the Notification.

B. That the Development Order, as previously amended by the First Amendment, is hereby amended to extend the dates of buildout of development of Phase I of the Westshore Areawide DRI by four (4) years, eleven (11) months and fifteen (15) days. Accordingly, the Phase I buildout date is December 15, 1999.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 88-1, as previously amended by Ordinance No. 92-80, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 7. Governmental Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possess any of the powers and duties of any referenced governmental agency in existence on the effective date of this Ordinance.

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

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of its being passed and ordained by the City Council, to the Developer, the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 10. Rendition. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 11. Recording. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 12. Effective Date. That this Ordinance shall become law as provided in the City of Tampa Home Rule Charter and shall take effect upon transmittal to the parties specified in Section 9, hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON ~~DEC 16 1993~~.

Joe Greco
CHAIRMAN, CITY COUNCIL

APPROVED by me DEC 21 1993

ATTEST:

Janett S. Martini
CITY CLERK

Sandra W. Friedman
MAYOR

APPROVED as to form by:

Gina L. James
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 93-197 on file in my office.

Witness my hand and official seal this 21st day of Dec 19 93.

Janett S. Martini
CITY CLERK

Effective Date
11/20/90

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, FL 32399
904/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Ronald T. Rotella, the undersigned authorized representative of the Westshore Alliance (formerly known as the Westshore Development Association), hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Westshore Areawide DRI development, which project information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of Resource Management, Department of Community Affairs.

10/29/93
(Date)

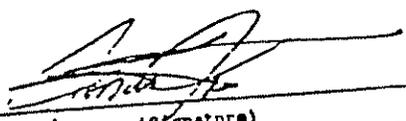

(Signature)
Ronald T. Rotella, Executive Director
for the Westshore Alliance (formerly
known as the Westshore Development
Association)

EXHIBIT "A"

Certified as true
and correct copy.

2. Applicant (name, address, phone).

Westshore Alliance
(formerly known as the Westshore
Development Association)
5445 West Cypress Street
Suite 101
Tampa, Florida 33607
Phone: (813) 289-5488

3. Authorized Agent (name, address, phone).

Ronald T. Rotella
Westshore Alliance
5445 West Cypress Street
Suite 101
Tampa, Florida 33607

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

Sections 15, 16, 17, 18, 19, 20, 21 and 22, all in Township 29 South, Range 18 East, in the City of Tampa, Hillsborough County, Florida.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or in the representations contained in either the development order or the application for development approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

The proposed change which forms the basis of this Notice of Proposed Change is to extend the date of buildout of Phase I of the Westshore Areawide DRI by four (4) years, eleven (11) months and fifteen (15) days resulting in a revised buildout date of December 15, 1999.

Subsection 380.06(19)(e)2., F.S., as amended by Chapter 92-129, Laws of Florida, provides that the extension of the date of buildout of a development, or phase of a development, by a total of less than five (5) years is not a substantial deviation and is not subject to a public hearing.

This Notice of Proposed Change does not propose a change which involves the master site plan.

Certified as true
and correct copy.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, please indicate no change.

No change in land use types or amounts is proposed. Accordingly, the Chart has been omitted as an attachment to this Notice of Proposed Change.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

The original DRI Development Order for the Westshore Areawide DRI, Ordinance No. 88-1 (the "Development Order"), was adopted by City Council on January 11, 1988.

The first amendment to the Development Order, Ordinance No. 92-80 (the "First Amendment"), was adopted by City Council on June 2, 1992. The First Amendment proposed the imposition of a fee of ten cents per square foot to fund the costs associated with administering the existing Westshore Areawide DRI and proceed with approval for a second phase to the Westshore Areawide DRI. The First Amendment also proposed to amend the Development Order to change the name of the Developer from the Westshore Development Association to the Westshore Alliance.

There has been no change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

No additional lands have been purchased or optioned within 1/4 mile of the original DRI site.

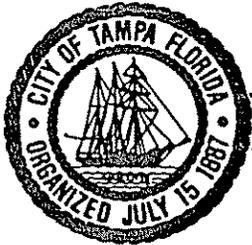
9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

The proposed changes are less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Certified as true
and correct copy.

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;
Not applicable.
- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;
Not applicable.
- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;
No change.
- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and
No change.
- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.
Not applicable.

Certified as true
and correct copy.



CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

June 3, 1992

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

RE: Petition No. DZ86-66
Ordinance No. 92-80

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

mailed 6/3/92

received 6/5/92

TBRPC

ORDINANCE NO. 92- 80

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE WESTSHORE ALLIANCE FOR THE WESTSHORE BUSINESS DISTRICT AREAWIDE DEVELOPMENT OF REGIONAL IMPACT, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of the City of Tampa, Florida, on January 11, 1988, approved a Development Order for the Westshore Business District (the "Development"), an Areawide Development of Regional Impact ("ADRI") (hereinafter said Ordinance shall be referred to as the "Development Order"); and

WHEREAS, on February 17, 1992, the Westshore Alliance (the "Developer") filed a Notification of Proposed Change to a previously approved Areawide Development of Regional Impact pursuant to §380.06(19), Florida Statutes, for the Westshore Business District ADRI (the "Notification"), attached hereto as Exhibit A; and

WHEREAS, the Notification proposed to amend the Development Order to impose a fee of ten cents per square foot to fund the costs associated with administering the existing ADRI and proceeding with approval for a second phase to the ADRI; and proposed to amend the Development Order to change the name of the Developer from the "Westshore Development Association" to the "Westshore Alliance" (hereinafter said changes shall be referred to as the "Proposed Changes"); and

WHEREAS, the imposition of the ten cent fee in the Proposed Changes was initiated solely by the Developer and is not a request by the City nor as a result of any City requirement or regulation; and

WHEREAS, the Proposed Changes to the Development Order shall constitute the First Amendment to the Development Order; and

WHEREAS, the City Council has reviewed and considered the Notification as well as all related testimony and evidence submitted by the Developer concerning the Proposed Changes; and

WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the Proposed Changes and to amend the Development Order; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and the City of Tampa Code, have been fulfilled; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the proposed changes before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on the Proposed Changes to the Development Order and has reviewed and considered the above referenced documents as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires a development order be amended to reflect a City Council's approval of changes to the adopted development order.

NOW, THEREFORE,

Ordained at the
a meeting of the
City Council of the
City of Tampa, Florida

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. Findings of Fact. That City Council, 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, finds that there is substantial, competent, clear and convincing evidence to support the following Findings of Fact:

- A. That the Developer submitted to the City the Notification attached hereto as Exhibit A.
- B. That the Proposed Changes are consistent with all local land use development regulations and the local comprehensive plan.
- C. That 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.
- D. That the Proposed Changes are consistent with the report and recommendations of the Tampa Bay Regional Planning Council.
- E. That a comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City and the Tampa Bay Regional Planning Council.
- F. That the Proposed Changes do not create additional regional impacts or impacts that were not previously reviewed nor impacts that meet or exceed any of the criteria set forth in Section 380.06(19), Florida Statutes (1991).

Section 2. Conclusions of Law. That the City Council having made the above Findings of Fact, renders the following Conclusions of Law:

- A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.
- B. That based on the foregoing and pursuant to Section 380.06(19), Florida Statutes (1991), the proposed changes are found not to be substantial deviations to the previously approved Development Order.

Section 3. Order. That having made the above Findings of Fact and Conclusions of Law, it is ordered:

- A. That the Proposed Changes are hereby approved and the Development Order is hereby amended to incorporate the Notification.
- B. That Section 4 of the Development Order is hereby amended by adding a new Subsection X. to read as follows:
 - "X. It is the Developer's intent that the cost for obtaining approval of the ADRI and other administrative expenses associated with the Development Order be borne equally by all development which benefits from the term of this Development Order. The following assessment shall be applied to all new or additional development within the ADRI:



1. Prior to issuance by the City, of any building permit for new or additional development within the ADRI, a fee of Ten Cents (\$0.10) per square foot shall be assessed and collected by the Developer. The Developer shall issue a Certificate of Payment to the Payor as proof of payment. In order to obtain a building permit, the Payor must present the Certificate of Payment to the City.

The money collected by the Developer shall be placed in an interest bearing account and shall be available to be drawn upon by the Developer to fund the cost of obtaining approval of the ADRI, fund any amendments proposed to the ADRI, pay for costs associated with reporting requirements or other maintenance items related to the ADRI. Eligible costs shall include administrative costs, consultants costs, legal costs and other expenses directly related to the above described tasks.

Any property owner within the ADRI may prepay the assessment provided for in this Subsection 4.X. and obtain a credit for the assessment against any future development. The credit may also be transferred to other property owners within the ADRI; however, the responsibility for accounting for the credit shall be borne solely by the Developer.

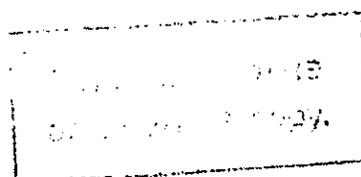
The Developer shall be responsible for the administration of the assessment which shall include collection of the fee, issuing certificates of payment and accounting for credits as provided herein. The Developer shall include in the annual report, a brief accounting of the assessments collected and the expenditures made by the Developer from the account."

- C. That the Development Order is hereby amended by changing the name of the Developer, from the "Westshore Development Association" to the "Westshore Alliance", wherever the former name appears in the Development Order.

Section 4. Development Order, As Amended. This Ordinance shall constitute the First Amendment to Ordinance No. 88-1, which shall constitute, collectively, the Development Order for the Development as passed and ordained by the City Council. All provisions of the Development Order except those specifically modified herein by this First Amendment, shall remain in full force and effect and shall be considered conditions of the Development unless inconsistent with the terms and conditions of this Ordinance in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms of this Ordinance

Section 6. Binding Effect. That this Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.



Section 7. Severance. That in the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 8. Transmittals. That the City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its effective date, to the Developer (The Westshore Alliance, 1408 North Westshore Boulevard, Suite 1009, Tampa, Florida 33607), the Florida Department of Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 9. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance in the manner and to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recordation. That the Developer shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 11. Effective Date. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 28 1992 *

ATTEST:

Frances Henriquez

CITY CLERK

Joe Green
CHAIRMAN, CITY COUNCIL

APPROVED by me on JUN 02 1992

PREPARED BY:

Gina K. Grimes
GINA K. GRIMES
ASSISTANT CITY ATTORNEY

Sandra L. Friedman
MAYOR

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance no 92-50 on file in my office.

Witness my hand and official seal this 2nd day

of June, 1992.

Frances Henriquez
CITY CLERK

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904/488-4925

NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Theodore C. Taub, the undersigned authorized representative of the Westshore Alliance, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Westshore Areawide Development of Regional Impact development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and the Bureau of State Planning, Department of Community Affairs.

February 17, 1992
(Date)

Theodore C. Taub
(Signature)

EXHIBIT A

2. Applicant (name, address, phone).

Westshore Alliance
1408 N. Westshore Boulevard
Suite 1009
Tampa, Florida 33607
(813) 289-5488
Telecopier (813) 289-6727

3. Authorized Agent (name, address, phone).

Theodore C. Taub
Theodore C. Taub, P.A.
100 S. Ashley Drive, Suite 2100
P.O. Box 3430 (Zip Code 33601)
Tampa, Florida 33602
(813) 228-8000
Telecopier (813) 229-0550

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.

City of Tampa, Hillsborough County.
Township, Range, and Section: not applicable.

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be required by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

There are two changes proposed to the Development Order for the Westshore Areawide DRI. The first change is very minor and merely changes the name of the Developer from the Westshore Development Association to the Westshore Alliance, its successor. The change of the Developer is a change in name only and was accomplished by the organization on March 17, 1989.

The second change is an addition to the Development Order to establish the method for financing the administrative costs associated with receiving approval of the ADRI. The proposed

Certified as true
and correct copy.

financing method is an assessment on all development or redevelopment within the areawide DRI. The proposed assessment in the amount of 10¢ per square foot of development will be collected by the Developer with confirmation of payment submitted to the City prior to the issuance of a building permit. The funds collected shall be placed in an interest bearing account and shall be used by the Developer for the purpose of funding the approval process for the ADRI, any amendments proposed for the ADRI, any costs associated with the reporting requirements and any other maintenance items related to the ADRI. The proposed change also authorizes any developer to prepay into this account and obtain a credit of the assessment against his future development.

There are no changes proposed to the master site plan with regard to the type and/or intensity of the uses nor to the schedule adopted in the existing Development Order.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

As stated above, there are no changes proposed to the types of uses nor to the intensity or scheduling of those uses.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

There have not been any previously adopted changes to the original Development Order. There has not been a change in local government jurisdiction which remains the City of Tampa.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

Although the Westshore Alliance is the developer for the purposes of the Development Order, the Westshore Alliance itself does not buy, own, sell or develop real estate within or adjacent to the areawide DRI.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES

X

NO

The proposed changes to the Development Order do not relate to any of the criteria listed §380.06(19)(b), Fla. Stat.

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

The proposed change does not request a change to the buildout date or any of the phasing of the areawide DRI.

11. Will the proposed change require an amendment to the local government comprehensive plan?

The proposed change will not require an amendment to the City of Tampa Comprehensive Plan.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06(15), F.S., and 9J-2.025, Florida Administrative Code:

12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

The proposed change will not revise the master site plan as adopted in the existing Development Order.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

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- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change or land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;
- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;
- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;
- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;
- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and
- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025 (7), F.A.C.

The developer proposes adding an additional section within Section 4 on page 12 of the Development Order. The specific language of the new section 4.X is as follows:

- X. The cost for obtaining approval of the ADRI and other administrative expenses associated with this Order shall be borne equally by development which benefits from the terms of this Order. The following assessment is determined to be reasonable and shall be applied to all development or redevelopment within the ADRI.

1. Prior to the issuance of any building permit by the City, a fee of ten cents (\$.10) per square foot of development shall be assessed and collected by the Developer. The Developer shall issue a certificate of payment to the payee as proof of payment. In order to obtain a building permit, the payee must present the certificate of payment to the City. The money collected

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by the Developer shall be placed in an interest bearing account and shall be available to be drawn upon by the Developer to fund the cost of obtaining approval of the ADRI, fund any amendments proposed to the ADRI, pay for costs associated with reporting requirements, and other maintenance items related to the ADRI. Eligible costs shall include administrative costs, consultants' costs, legal costs and expenses directly related to the above described tasks.

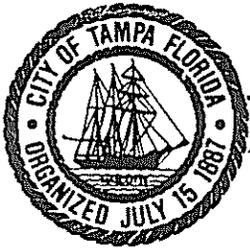
2. Any developer may prepay into the interest bearing account the assessment provided for in this subsection 4.X. and obtain a credit for the assessment against their future development. The credit may be transferred to other developers within the ADRI; however, the responsibility for accounting for the credit shall be borne solely by the Developer.

3. The Developer shall be responsible for the administration of the assessment which shall include, collecting the fee, issuing certificates of payment, and accounting for credits as provided herein. The Developer shall include in the annual report a brief accounting of the assessments collected and the expenditures made by the Developer from the account.

The second proposed change to the Development Order is to change the name of the developer to the Westshore Alliance with the following language:

The name of the Developer shall be amended from the "Westshore Development Association" to the "Westshore Alliance" wherever the referenced name appears in the Development Order.

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CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

January 12, 1988

Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Florida 33702

RE: Petition No. DZ86-66
Petitioner: Westshore Development Association

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift, Manager, Land Development Coordination, 223-8405.

Sincerely,

Frances Henriquez
City Clerk

FH/eag

Enclosure: Ord. No. 88-1

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

315 E. Kennedy Blvd. City Hall • Tampa, Florida 33602 • 813/223-8396

MASTEK
DO-141

TBRPC

ORDINANCE NO. 88-1

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, ON THE APPLICATION FOR DEVELOPMENT APPROVAL FILED BY THE WESTSHORE BUSINESS DISTRICT, AN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 19, 1985, by Ordinance No. 9035-A, attached hereto as Exhibit "A", the City Council of the City of Tampa ("City Council") approved the petition of the Westshore Development Association ("WDA" or "Developer") to file an Areawide Application for Development approval ("AADA") for Westshore Business District area, legally described in Composite Exhibit "B" hereto ("ADRI"); and

WHEREAS, on July 2, 1986, the Developer filed an AADA, supplemented by sufficiency responses filed in October 1986, January 1987 and March 1987, which AADA together with such sufficiency responses and all other submitted supporting documents (hereinafter "AADA"), Composite Exhibit "C", hereto, with the City of Tampa, Florida ("City") for the development of the DRI area; and

WHEREAS, the AADA has been filed in accordance with Chapter 380.06(25), Florida Statutes (1985), as amended, which specifically authorizes an association to file an AADA and receive a development order under the Areawide Development of Regional Impact (hereinafter "ADRI"); and

WHEREAS, the AADA proposes continued mixed-use development within the DRI area for commercial, office and hotel uses; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, is authorized and empowered to consider AADA's; and

WHEREAS, the Developer has provided copies of the AADA, which was filed with the City, to Hillsborough County City-County Planning Commission ("HCCCPC"), Metropolitan Planning Organization ("MPO"), Hillsborough County Environmental Protection Commission, Florida Department of Transportation ("FDOT"), Florida Department of Community Affairs ("FDCA"), and the Tampa Bay Regional Planning Council ("TBRPC"), as well as numerous other agencies, as required; and

WHEREAS, pursuant to Chapter 380.06, TBRPC has submitted its final report and recommendations to the City for review and consideration; and

WHEREAS, the City Council conducted a public hearing with respect to the AADA, on November 24, 1987, after the prescribed notice had been issued; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the hearing before the City Council; and

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

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That this ordinance, including all exhibits hereto, shall constitute the Development Order ("Order") of the City issued in response to the AADA filed by Developer. By

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reference, the exhibits to this Order, and the AADA, itself, are hereby incorporated herein as if fully set forth. The scope of development to be permitted by this Order includes the development and activities described in the AADA, as modified herein.

Section 2. That having received, reviewed and considered the above referenced documents, all relevant comments and testimony submitted by each party and members of the general public, and having determined that such documents, comments and testimony provide substantial competent evidence to support the findings herein, the City Council makes the following findings of facts:

- A. The findings and determinations of fact set forth in the recitals to this Order are hereby confirmed and incorporated herein as if fully set forth.
- B. The real property, which is the subject of the AADA, is legally described in Exhibit "B."
- C. Westshore Development Association (Developer) was approved as developer for the DRI by City Council pursuant to Ordinance 9035-A.
- D. Developer has demonstrated its legal, financial, and administrative ability to perform the commitments made in the AADA and the conditions of this Development Order.
- E. Developer has demonstrated that the property owners within the Westshore ADRI consent to or do not object to the proposed ADRI.
- F. The area and the anticipated development are consistent with local, regional and state comprehensive plans.
- G. The Developer filed the AADA pursuant to the Areawide Development of Regional Impact subsection of Chapter 380.06, which authorizes an association to apply for areawide development approval and receive an areawide DRI development order for a specific area. Developer is not the owner of property within the ADRI area, nor will it develop any specific project. With the assistance of the private sector, and utilizing applicable portions of the Westshore Area Study, conducted by consultants for the City ("City Study"), which study included all of the ADRI Area, and other areas in addition to the ADRI Area, Developer has developed a conceptual master plan for development of the ADRI Area, which is attached hereto as Composite Exhibit "D".
- H. The purpose of the AADA is to identify and assess probable regional impacts and to obtain approval for development in accordance with the general guidelines as developed in the AADA. The concept is to recognize the ADRI Area as a single area of high intensity development and to review and assess impacts that development within the area will have on land, transportation, environment, energy and other resources and systems inside and outside the ADRI.
- I. Development within the ADRI has been and is expected to continue to be accomplished by a variety of developers over an extended period of time. These developers may need to respond to market demands and technologies that can only be estimated in the AADA. This Order may have to be amended from time to time, to more clearly and correctly serve as an evolving guide which recognizes the variations in market demand and technologies.
- J. The AADA proposes development within the ADRI for the land uses, quantities and Phases set out below.

- K. The neighborhoods immediately adjacent to the DRI Area will be impacted by the scope and intensity of development permitted in the DRI Area. As a result, special measures are needed to protect these neighborhoods.
- L. The proposed development is not located in an area of critical state concern as designated pursuant to Chapter 380.
- M. All proposed development is required by conditions to this Order, to be consistent with all applicable local, regional and state land development laws and regulations.
- N. While the levels of development approved may exceed the levels which may be constructed under existing or proposed zoning (Chapter 43 and Chapter 43A, City of Tampa Code), this Order in no way permits development which is inconsistent with the applicable zoning.
- O. This Order is consistent with the report and recommendations of TBRPC. TBRPC recommends approval of the proposed development subject to conditions which are reflected herein.
- P. A comprehensive review of the probable impacts that will be generated by the proposed development has been conducted by various City departments and TBRPC staff.

Section 3. That, having made the findings of fact contained in Section 2 above, the City Council hereby makes the following conclusion of law:

- A. The Westshore Development Association constitutes a "Developer" as defined in Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an areawide application for development approval and receive a development order.
- B. Review by the City, the TBRPC and other participating agencies and interested citizens reveals that through the application of the terms and conditions of the AADA and this Order, regional impacts are adequately addressed pursuant to the requirements of Chapter 380.
- C. These proceedings have been conducted pursuant to applicable laws and regulations. Based upon the record in this proceeding, the City is authorized to approve development as described herein, subject to the conditions set forth in Section 4, below.

Section 4. That, having made the findings of fact and reached the conclusions of law set forth above, it is ordered that development as proposed in the AADA is hereby approved, subject to the following conditions:

- A. This Order is rendered in respect to the total quantities for the given land use categories set forth in Exhibit E hereto, for Phase I. If approval is granted by City Council for property to no longer remain as part of the ADRI, the development totals determined by City Council as being associated with that property, pursuant to the process set forth in Subsection 4.V. herein, shall be subtracted from the appropriate development totals. If existing DRI's within the Areawide boundaries opt into the ADRI, the development totals associated with the property will be added to the totals shown on Exhibit E as appropriate. If such a DRI opts in, its development rights are added to the totals and may be used by any property in the ADRI through the

processes established in this Development Order. Phase II DRI development approvals shall require further Chapter 380 analysis, review and approval.

B. Square footage totals shall be monitored by the Department of Housing and Development Coordination ("HDC") according to the following procedures:

1. Any person, corporation or government agency proposing development, redevelopment or expansion within the ADRI area shall calculate the gross building square footage of each category of land use as set forth in above. Said square footage shall be submitted with Commercial Site Plan Review application for the purpose of monitoring the amount of available space reserved and consumed.
2. All square footage totals referenced in building permits issued for development of any size within the ADRI boundaries will be subtracted from the threshold limits established above.
3. Square footage shall be deemed reserved upon approval of the Commercial Site Plan (as outlined in Chapter 25 of the City of Tampa Code).
4. The Commercial Site Plan and space (square footage) reservation will be valid for a period of six (6) months. Building permits must be obtained within said six months to insure space reservation. If permits are not obtained, the space shall automatically return to the surplus threshold capacity.
5. If available land use totals reach 60% of a development phase DRI scale projects may apply for an Advance Reservation.

a. In order to Advance Reserve, DRI-sized projects shall obtain and file the appropriate form with HDC. HDC will respond in writing within fifteen (15) days as to the availability of space. If space is available, HDC shall reserve the requested amount and notify the "developer" in the above stated letter. If space is not available, HDC will provide written information about possible trade-offs or other alternatives available under this Development Order.

b. Advance Reserve applicants must obtain Commercial Site Plan approval within six (6) months from the effective date of the reservation.

c. If Commercial Site Plan approval is not obtained within the six (6) month period, the square footage previously reserved shall automatically be returned to the surplus threshold capacity.

C. Trade-offs will be permitted as provided below:

1. The trade-offs among the office, hotel and retail uses are established as set forth in Exhibit F. To the extent that square footage amounts remain in the development totals authorized herein, trade-offs among office, hotel and retail uses shall be automatically applied at the time of the reservation of square footage referred to in Section 4.B.3. above.
2. The process for receiving and processing trade-offs for land uses other than those shown on Exhibit F shall be as follows:

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- A. Developer shall apply in writing requesting a trade-off.
- B. HDC shall review the request and advise the applicant of its recommendation in writing within twenty-one (21) days of its receipt.
- C. If approved, HDC shall make the trade-off and reserve the space. If HDC recommends against the trade-off, the applicant may appeal to the City Council within seven (7) days of notification of HDC's recommendation and shall be scheduled at a noticed public hearing with written notice to TBRPC, DCA and the Neighborhood Committee referred to in Subsection 4.W. herein.
- D. A substantial deviation shall be presumed to occur:
 - 1. By failure to comply with any condition established by this Order; or
 - 2. By failure to meet commitments, or failure to abide by solutions proposed to mitigate impacts, as set out herein, or as set forth in the AADA; or
 - 3. By commencing projects covered by this Order after the term of this Order, and any extensions to it; or
 - 4. By the occurrence of any other deviation, which pursuant to Chapter 380, is considered a substantial deviation, and consistent with the applicable adopted F.A.C. Rules.
- E. The determination of (i) whether a deviation will occur, and (ii) whether that deviation is a substantial deviation, as defined in Section 4C above, shall be made pursuant to 380.06, as amended.
 - 1. The initial administrative review and determination shall be made by the HDC based upon the terms and conditions set forth in this Order, together with all other applicable laws and regulations.
 - 2. The WDA shall apply on the forms provided by the TBRPC.
- F. The transportation impacts of the ADRI shall be deemed to be mitigated by payment of a transportation impact assessment pursuant to the schedule shown on Exhibit G. If the transportation impact fee schedule for the Westshore District as shown on Exhibit G, is not adopted as part of revisions to the city-wide transportation impact fee system within 180 days of the effective date of this Order, then, in that event, ADRI transportation impacts shall be deemed to be mitigated by the payment of the then-existing applicable transportation impact fees. If revisions to the city-wide transportation impact fees are adopted within 180 days of the effective date of this Order, then, in that event, developments within the ADRI shall immediately become subject to the newly adopted impact fees. Development square footage associated with DCA-approved P.D.A.'s which reference inclusion into the ADRI, shall, for the amounts of development for which building permits have been pulled and for which construction has commenced, shall pay the transportation impact fee amount in effect on the 181st day after the effective date of this Order, or upon the effective date of the adoption of a revised city-wide transportation impact, if such should occur prior to the 181st day referenced above.

The contributions and/or fees provided by this section shall be applied to the transportation network within the city study area which is substantially impacted by traffic from the approved development, in the manner as provided for all impact fees under the adopted local transportation impact fee ordinance. Designation of the area in which such funds are to be expended is deemed to satisfy the pipelining provisions of the Florida Department of Community Affairs Transportation Policy Rule (9J2.0255 F.A.C.).

The transportation impact of the ADRI are deemed to be mitigated by the payment of the transportation impact assessment which is deemed equal to a proportionate share calculation consistent with applicable TBRPC Proportionate Share/Pipeline policy. Developers shall receive credit for such payments against impact fees.

A study of site-specific transportation improvements necessitated by development that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be required of those projects at the time of Commercial Site Plan Review. The purpose of such study is to identify non-regional transportation improvements. For purposes of this section site-specific transportation improvements are defined as: Capital improvements necessary for direct access/egress to the development in question. Direct access/egress site-specific improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left-turn lanes leading to those site driveways; (3) traffic control measures/devices for those site driveways; (4) acceleration/deceleration lanes associated with those site driveways; (5) median cuts/closings associated with those site driveways; (6) improvements to frontage roads immediately adjacent to the site and necessary to allow direct access to the site; and (7) improvements to other roads immediately adjacent to the site and necessary to allow direct access to the site. Such site-specific improvements may be established by the Transportation Division of the Department of Public Works as a condition to Commercial Site Plan Approval. The developer may appeal the Division imposed condition(s) to the City Council. The appeal shall be scheduled by City Council for the next regularly scheduled Council meeting.

- G. In order to document progress toward the established thresholds, Developer shall file with the City, TBRPC, FDCA, and all affected permit agencies, as a part of its annual report, a summary of:
1. Authorized development within the ADRI, for the past reporting year and cumulatively; and
 2. Remaining surplus Development Capacities within the established thresholds; and
 3. The status of any requirements of this Order which were to have been acted upon during the past reporting year.
 4. Summary of land use categories for which development notices were filed during the year;
 5. Summary of land use categories constructed during the year;
 6. Summary of status of transportation facilities, public transit usage, vehicle occupancy rates, and parking usage.

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7. A map with latest available traffic counts on roads shown on the E-1 network.
8. A status report of CIP improvements.
9. All items required by F.S. Sec. 380.06 for the annual report.

The annual reports are due on January 10 of each year. The reports submitted in calendar years 1991, 1995 and 2000 shall include a projection of any revised demands for water supply, wastewater treatment capacity, solid waste disposal capacity, electrical capacity together with a revised report on transportation improvements proposed for the following five (5) year period.

To the extent that the City routinely maintains/collect the information required in such annual reports, the City shall make such information available to the Developer for use in preparing such annual reports.

Prior to application for permits for any development (including redevelopment) within the areas outlined on the attached "Environmental" map Exhibit H a detailed vegetation and wildlife survey, accepted by the Florida Game and Fresh Water Fish Commission, shall be provided for approval by the Environmental Protection Commission. Preservation or mitigation shall be incorporated into development plans as required. (This map is based on Exhibit 18-1 supplied in the ADA.) This shall not obviate the need to obtain all applicable state and local dredge/fill and land alteration permits.

Prior to application for permits for any development (or redevelopment) within the areas outlined on the attached "Archaeological" map Exhibit I a site-specific archaeological survey, conducted by an approved consultant, shall be submitted by the individual developer and approved by the Florida Department of State, Bureau of Historic Resources. Mitigative measures recommended by the Bureau shall be accomplished prior to any site development permit approval. (This map is based on the map provided by the Bureau of Historic Resources.) Prior to application for permits for any development (or redevelopment) on sites included on the attached list Exhibit I-2 of historically significant sites identified by the Tampa/Hillsborough County Historic Preservation Board, notice of such plans for development shall be provided by the individual developer to the Preservation Board. Preservation or mitigative measures mandated by the Preservation Board, pursuant to its lawfully mandated authority, shall be incorporated into the site development permits.

Upon the issuance of ADRI Commercial Site Plan approvals for 1,500,000 square feet of office development, the following conditions shall apply to proposed development projects which meet or exceed 80% of the applicable DRI statutory thresholds:

1. Prior to the issuance of certificates of occupancy for such proposed project, the project developer shall provide to the City, TBRPC, the Hillsborough County Environmental Protection Commission and the Florida Department of Environmental Regulation a project-specific air quality analysis consistent with either (i) 1987 DER recommended air quality impact assessment guidelines or (ii) the then-applicable, adopted DRI/ADA air quality question(s)

regarding mobile source impacts. If the analysis indicates that air quality will not meet applicable standards, as a direct result of the vehicular emissions associated with the trips generated by this project, the project developer shall also prepare and submit to the same agencies a proposed plan for mitigation of the identified project air quality impacts.

2. After review of the analysis and proposed mitigation plan and after receiving comments and recommendations from the above agencies, HDC may establish conditions requiring implementation of measures for mitigating the project's air quality impacts. The project developer may appeal the decision of HDC to City Council. The appeal shall be scheduled by the City Council at the next available Council meeting.
 3. The appropriate mitigation measures shall be in place prior to the issuance of certificates of occupancy for square footage amounts which equal or exceed 80% of the applicable DRI threshold. The project developer shall verify the implementation and effectiveness of the required mitigation measures in the appropriate subsequent annual report through submission of data to the WDA for inclusion in the annual report.
- K. Individual developers within the Westshore DR shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. Each developer of an office building equal to or greater than 240,000 square feet in size or a hotel equal to or greater than 280 rooms shall prepare a plan to ensure the safe and orderly evacuation of employees and hotel guests as necessary, when a Level A through E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; (3) providing suitable shelter for hotel guests through development of a host facility arrangement with similar facilities outside any evacuation zone; and (4) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. These plans shall be included in the first annual report submitted after occupancy of each such building within the Areawide area. Developer shall provide in each annual report a list of developments which have not complied with this provision.
- L. Separate hazardous waste storage areas shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in subsection 403.703(21), F.S., and listed in Title 40 CFR part 261.)

Each developer of an office building or of multiple-tenant high tech research space equal to or greater than 240,000 square feet in size shall:

- a. Be required to provide, to occupying businesses, a statement that indicates the types of wastes and materials that are hazardous and are to be stored or disposed of only in specifically designated containers;

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b. Shall require that each occupying business which uses other than ordinary office supplies to file a statement with the Hillsborough County Department of Emergency Management and the City of Tampa Fire Department listing the types and quantities of hazardous material normally kept on-site. A statement of compliance shall be included in the annual report; and

c. Advise purchasers and lessees, and stipulate at the time of purchase of lease that statutes and regulations exist and that penalties may accrue from failure to properly transport, store, handle, and dispose of hazardous wastes and materials.

M. The responsible entities shall provide capacity for the ADRI, as set forth below:

	<u>1985</u>	<u>1990</u>	<u>1995</u>
<u>Water</u> - Million Gallons Per Day	1.75 mgd	2.68	3.82
<u>Wastewater</u> - Millions Gallons Per Day	1.23	1.93	2.79
<u>Solid Waste</u> - Tons Per Day	98.8	116.0	150.8
<u>Electrical</u> - Kilowatt (Millions) Hours Per Day	25.73	21.27	25.33

N. The total daily water requirements set forth in 4(M) above, shall be supplied by the City at the standard charge for water service. Construction of on-site improvements for water service shall be the responsibility of individual developers and connection fees, installation charges and, if applicable grants-in-aid-of-construction for off-site improvements in the water system, necessitated by the development, shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.

O. The average daily flows of wastewater shall be accepted by the City at the standard charge for wastewater service. The City shall maintain the wastewater system as described in the AADA. Construction of on-site improvements for wastewater shall be the responsibility of individual developers and connection fees, installation charges and, if applicable grants-in-aid-wof-ccnstruction for off-site improvements to the wastewater system necessitated by the development, shall be assumed by the developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.

P. The collection of the total daily generation of solid waste, as set forth in Section 4(M) above, shall be provided in accordance with applicable ordinances of the City at the standard charges for solid waste collection. The City Sanitation Department shall continue to have the authority not to allow disposal of any hazardous material from a DRI Area Development. If applicable, grants-in-aid-of-construction for off-site improvements to the solid waste disposal system necessitated by Development shall be assumed by the developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.

Q. The developers of specific projects within the DRI area shall meet all applicable local, regional, state and

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federal laws, rules and regulations relative to storm water management/water quality in effect at the time of permitting including Chapter 40D-4, Rules of SWFWMD, and Chapter 17.3, F.A.C. Any substantial redevelopment of presently developed sites shall meet the applicable "new development" criteria. Any proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978) to the extent that those Guidelines are not inconsistent with applicable City policies. The City shall continue measures to ensure the protection to the water quality, including, but not limited to, public street and public parking lot cleaning, clearance of storm sewers on a regular basis and construction of additional manholes to facilitate storm water clearing, all as referenced in the AADA. Individual developers of projects which meet or exceed 80% of applicable DRI statutory thresholds shall implement private street and private parking lot sweeping/cleaning measures. It is understood that the City reserves the right to receive grants-in-aid-of construction for off-site stormwater system improvements, necessitated by the development. Such assessments shall be assumed by the specific project developers, when assessed by the City, all in accordance with City policies and regulations in effect now or that may exist in the future. Further, it is understood that the City reserves the right to establish and assess a stormwater-as-utility fee. Finally the City reserves the right to assess utility fee for drainage connections or outfall fees, at such time as the master basin plan improvements have been constructed and if a site specific developer desires to eliminate either existing or proposed on-site retention/detention facilities.

- R. No publicly owned lands or public access lands presently used for recreation purposes shall be displaced by ADRI development, unless the project is specifically approved by the City Council following established procedures.
- S. All appropriate construction requirements, as mandated by the City's participation in the National Flood Insurance Program, shall be utilized to mitigate potential flood damage.
- T. The City and developer shall encourage the implementation of energy conservation techniques proposed in the AADA.
- U. All development pursuant to this Order shall be in accordance with applicable building codes, land development regulations, ordinances and other laws.
- V. If an existing DRI with approved Development Order located within the geographic boundaries wishes to be included with under this Development Order, the Developer shall file a notice with HDC. Only those phases not yet under construction may be brought under the ADRI. The development will be subject to all the terms and conditions of this Development Order.

That any developer/owner who no longer wants certain property to remain as part of this DRI, after the adoption of this Order, shall file a petition with HDC, on a form to be provided by HDC. At a minimum, the information requested shall include the following:

1. The location and legal description of the property, including the size of the property in square feet or acres.

Certified as true
and correct copy.

2. Proposed development plans for the subject property, as shown in a validated Commercial Site Plan application.
3. Other property of the developer/owner located within the DRI area.
4. Reasons for opting out of the DRI area.

HDC shall review the petition and make a recommendation to City Council following the time schedule set forth in the appeal of the City Staff determination procedures section of this Order. The HDC recommendation shall consider the Master Plan (Exhibit D); the land uses associated with Traffic Analysis Zone(s) in which the parcel is located; the existing zoning of the parcel; the site plan, if any, for development on the parcel; and, the existing and surrounding uses and levels of development of those uses. Based upon these factors, HDC shall recommend a potential development total for City Council's review and its determination of the development totals to be removed from the ADRI.

If approval is granted by City Council for property to no longer remain as a part of the ADRI, the amount of development on an approved Commercial Site Plan for such property shall be deducted from the appropriate totals shown on Exhibit E, as appropriate. To the extent that building permits have not been issued for all or any portion of the development approved by such Commercial Site Plan approval, within six (6) months of such approval, then in that event the amount of development for which permits were not obtained shall be added back to the totals shown in Exhibit E; and the property for which building permits have not issued shall thereafter again be subject to the conditions of this Order.

W. Residential neighborhood concerns identified by the City Study, rather than the AADA, are hereby addressed, as follows:

1. These local improvements are not the result of any regional improvements necessitated by the development authorized herein. Therefore any modifications to this subsection are not considered "changes" as used in Chapter 380.06 and are not, therefore, subject to substantial deviation determinations or other regional DRI provisions of this order.
2. Within 60 days of the effective date of this order, the Mayor shall recommend to City Council a Westshore Residential Neighborhood Improvements Committee, which shall, at a minimum, include representative(s) from each of the residential neighborhoods, generally known as Beach Park, Carver City, Lincoln Gardens and that neighborhood in the general vicinity of 4320 Lemon Street. City Council, upon recommendation of the Mayor, shall make the final determination as to the structure and member composition of this Committee.
3. The City, prior to the expenditure of any funds collected pursuant to Subsection 4.W. of this Order, shall receive and consider the recommendations of such Committee for the location, type and priority of the residential neighborhood improvements contemplated herein. Those improvements may include, but are specifically not limited to: the construction of cul-de-sacs, sidewalks, speed bumps, additional traffic signage and traffic control devices. (See Exhibit J).

Certified as true
and correct copy.

4. The City shall collect at the time of issuance of certificates of occupancy from all development within the ADRI ten (10) cents per square foot. Those monies shall be placed in a special, Westshore Residential Neighborhood Improvement interest-bearing account and the principal and any accrued interest shall only be expended within the City Study area. (See Exhibit J).
5. The WDA shall assist the adjacent neighborhoods and such Committee to ensure that developments approved under this Order comply with all applicable City code requirements which regulate site-specific development.

Section 5. Developer shall produce, print and distribute to all landowners, developers and interested parties, a brochure explaining the ADRI and summarizing its procedures and conditions. Said brochure shall be completed no later than sixty (60) days from the end of the appeal period; and a constant supply shall be available from the Developer offices.

Section 6. After this Development Order is issued, changes to the areawide development plan shall be subject to the provisions of Section 380.06(19), Florida Statutes (1985), except that the percentages and numerical criteria shall be double those listed in Section 380.06(19)(b), Florida Statutes (1985).

Section 7. That the definitions contained in Chapter 380 shall control the construction of any terms used in this Order.

Section 8. (a) That, subject to the conditions of suspension or rescission as hereinafter provided, this Order shall remain in effect until December 31, 2000.

Section 9. This Order shall not repeal, nor amend in any way, any currently effective DR Development Orders for development within the ADRI Area, previously rendered by the City Council pursuant to chapter 380 unless they opt into the ADRI; nor shall it repeal or amend in any way any site-plan-controlled zoning district except that all zoning districts will be subject to the impact assessments herein or subsequently enacted.

Section 10. The City is presently undergoing zoning conformance and intends to rezone the property subject to this ADRI to comply to the land use plan and Chapter 43-A, City of Tampa Code. The proposed rezoning may affect the density and intensity of development on individual parcels. Any development within the ADRI must conform with all development regulations in effect at the time of permitting except as otherwise provided herein. No assurance is given that the amount of development proposed is consistent with what can be built under land development regulations.

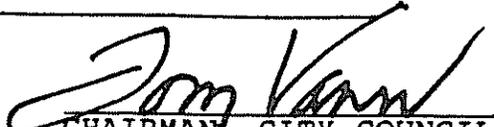
Section 11. That the City Clerk is directed to send copies of this Order within five (5) days of the effective date of this Order to the Developer, Hillsborough County, the Hillsborough County Transit Authority, the FDOT, the FDCA and the TBRPC.

Section 12. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Certified as true and correct copy.
--

Section 13. That this Ordinance (Order) shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall of the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, JAN 07 1988 ON


CHAIRMAN, CITY COUNCIL

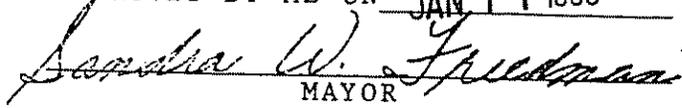
ATTEST:


CITY CLERK

Approved as to form:

APPROVED BY ME ON JAN 11 1988


PAMELA K. AKIN
Assistant City Attorney


MAYOR

(State of Florida)
County of Hillsborough)

This is to certify that the foregoing is a true and correct copy of ORDINANCE NO 88-1 on file in my office.

Witness my hand and official seal this 11th day of January, 1988.


CITY CLERK.

ORDINANCE NO. 9035 -A

AN ORDINANCE APPROVING THE PETITION OF THE WESTSHORE DEVELOPMENT ASSOCIATION TO AUTHORIZE SUBMISSION OF AN AREA WIDE DEVELOPMENT OF REGIONAL IMPACT APPLICATION FOR DEVELOPMENT APPROVAL PURSUANT TO CHAPTER 380, FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on July 23, 1985, the WESTSHORE DEVELOPMENT ASSOCIATION (the Petitioner) filed a petition requesting to be authorized as developer for an Area Wide Development of Regional Impact (DRI) in the Westshore Area, the boundaries of which are more particularly described in Exhibit A attached hereto; and

WHEREAS, the City Council, as the governing body of the local government, has jurisdiction pursuant to Chapter 380.06(24), Florida Statutes, and is authorized and empowered to consider this petition; and

WHEREAS, the public notice requirements of Chapter 380.06(24), Florida Statutes, have been satisfied; and

WHEREAS, the City Council on September 19, 1985, at 7:00 o'clock p.m., held a duly noticed public hearing on the petition and heard and considered the testimony and documents received thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing before City Council;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That the City Council makes the following findings of fact:

1. That the WESTSHORE DEVELOPMENT ASSOCIATION, hereinafter referred to as the Petitioner, is financially capable of processing the Application for Development Approval to final approval.
2. That the defined planning area described in Exhibit A, attached hereto and made a part hereof, and the anticipated development therein, are of a character, magnitude and location such that the proposed Area Wide DRI would be in the public interest.
3. That the Area Wide DRI will be consistent with any adopted State Land Development Plan, Regional Policy Plan, the Tampa 2000 Plan and the City of Tampa Code.
4. That the Area Wide DRI will, in a reasonable and appropriate manner, require construction, extension or increase in the capacity of public facilities and services, efficient utilization of such facilities and services, and discourage urban sprawl.

Section 2. That the City Council makes the following conclusions of law:

1. The City Council must approve the Petitioner as Developer if the Petitioner and the defined planning area meet the standards and criteria established by the State Land Planning Agency, pursuant to 380.06(24)(e), Florida Statutes.
2. That Rule 9J-3.06, Florida Administrative Code, states the criteria on which the petition must be evaluated, and said criteria have been met.

Section 3. That Petitioner is hereby authorized to submit the Application for Development Approval for the area described in Exhibit A.

Certified as true
and correct copy.

Section 4. That the City Clerk is hereby directed to transmit copies of this Ordinance, within thirty (30) days of the effective date of this Ordinance, to the Petitioner, the Florida Department of Community Affairs, TERPC, and all property owners within the DRI boundary.

Section 5. That the Petitioner pay the expense of transmission of the Ordinance to the property owners within the DRI boundary.

Section 6. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380.

Section 7. That this Ordinance shall take effect immediately upon becoming a law, and a copy thereof shall be posted on the bulletin board in the hall of the first floor of the City Hall of the City of Tampa, Florida for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA ON OCT 3 1985.

ATTEST:

Francis Henriquez
CITY CLERK

Anderson W. Spaldman
CHAIRMAN, CITY COUNCIL

APPROVED by me on Oct. 7, 1985

Prepared and Approved by:

Pamela K. Akin
PAMELA K. AKIN
ASSISTANT CITY ATTORNEY

[Signature]
MAYOR

DZ85-122

Certified as true
and correct copy.

RTMRY CAMPBELL
CAUSEWAY

NORTH

OLD TAMPA BAY

HOWARD FRANKLIN
BRIDGE

EISENHOWER

TAMPA INTERNATIONAL AIRPORT

MEMORIAL
HWY.

BOY SCOUT

I-275

CLEVELAND

W. JOHN F. KENNEDY

WEST SHORE

BLVD.

COLUMBUS

MANHATTAN

AVE.

SPRUCE

BLVD.

AVE.

S

I-275

MABRY

ST.

Certified as true
and correct copy.

DRIVE

AVE.

GLEN

10/2/54
M.P.C.

EXHIBIT A

EXHIBIT A IS A COPY OF CITY OF TAMPA
ORDINANCE NO. 9035-A WHICH IS ON FILE
IN THE OFFICE OF THE CITY CLERK.

(ORDINANCE NO. 9035-A APPROVED THE
PETITION OF THE WDA TO FILE AN AADA.)

MASTER
D.O. # 141

EXHIBIT B

EXHIBIT B IS A COMPOSITE LISTING OF
ALL LEGAL DESCRIPTIONS INCLUDED
WITHIN THE ADRI. IT IS ON FILE IN THE
OFFICE OF THE CITY CLERK.

EXHIBIT C

EXHIBIT C IS A COMPOSITE EXHIBIT OF
ALL AADA FILINGS AND DOCUMENTS, AND
IS ON FILE IN THE OFFICE OF THE CITY
CLERK.

EXHIBIT D

EXHIBIT D IS A COMPOSITE EXHIBIT
CONSISTING OF THE ADOPTED TAMPA
COMPREHENSIVE LAND USE PLAN MAP, A
1990 C.I.P. ANALYSIS SUMMARY, A 1995
C.I.P. ANALYSIS SUMMARY, AND A 1995 DRI
AREA EMPLOYMENT PROJECTIONS SUMMARY TABLE.
THE EXHIBIT IS ON FILE IN THE OFFICE OF
THE CITY CLERK.

EXHIBIT "E"

The AADA proposed development within the DRI area for the land uses, quantities and phases set forth below, subject, however, to any requirements for that development, set forth herein. The figures shown below represent the maximum development for each land use category, at the phase build out, subject, however to the trade-off provisions set forth below:

Land Use Category	Phase 1 (Through Dec. 31, 1995) ²	Phase 2 ¹ (Through Dec. 3, 2010)
Office	4,741,503 ³	12,950,850
Retail	38,066	299,000
Hotel	(203)	3,435
Industrial	(214,328)	(1,339,520)
Wholesale	(132,650)	(278,210)
Other	(269,740)	(243,900)

¹Conceptual approval only is sought; specific approval being subject to the additional requirements set forth herein.

²The dates shown are estimates only, based on market analysis; phase build out is to be determined from the square footage of development which occurs.

³The achievement of any of these land use development totals may be subject to the application of the trade-off mechanisms established herein.

Put in one hypothetical scenario, the development totals, stated in all positive numbers, might appear as follows:

Office:	3,143,724	gross sq. feet
Retail:	350,000	gross sq. feet
Hotel:	500	rooms

Notes:

1. g.s.f. = gross square footage
2. g.l.a. = gross leaseable area
3. Trade-offs based on Trip Generation, (3rd Edition), Institute of Transportation Engineers, 1983.
4. Trade-offs based on P.M. peak hour, two-way total trip generation rate estimates for all land uses, and adjacent street capture considerations for retail land uses only. Adjacent street capture rates as follows were assumed:

<u>Retail size (g.l.a.)</u>	<u>Assumed Adjacent Street Capture Percentage</u>
≤ 50 ksf	60
50 - 99 ksf	60
100 -199 ksf	50
200 -299 ksf	50
300 -399 ksf	50
400 -499 ksf	38
500 -999 ksf	25
≥ 1,000 ksf	25

5. Trade-off relationships are based on typical pm peak hour trip generation rates for retail and office land uses. The Trip Generation reference provides additional information regarding variation of peak hour trip generation rates by size of facility. A developer may, and the City reserves the right to refine the trade-off relationships based on this additional information.

Example of Use:

Developer wishes to trade 20,000 s.f. g.l.a. of retail land uses for office floor area. Size of retail entitlement is 345,000 s.f. g.s.f. How many g.s.f. of office may the developer receive?

1. Convert g.s.f. retail to g.l.a. retail. Assume 10 percent of g.s.f. is not leaseable. Thus,

$$0.9 (345,000 \text{ g.s.f.}) = 310,500 \text{ s.f. g.l.a.}$$

2. Convert 20,000 s.f. g.l.a. to office for the appropriate retail size ranges:

<u>Retail Size</u>	<u>g.l.a. Traded</u>	<u>Conversion Rate</u>	<u>Equivalent Office g.s.f.</u>
200 - 299 ksf	9,500	1.07	10,165
300 - 399 ksf	<u>10,500</u>	1.22	<u>12,810</u>
	20,000 s.f. g.l.a.		22,975 g.s.f.

- Notes:
1. g.s.f. = gross square footage
 2. g.l.a. = gross leaseable area
 3. Trade-offs based on Trip Generation, (3rd Edition), Institute of Transportation Engineers, 1983.
 4. Trade-offs based on P.M. peak hour, two-way total trip generation rate estimates for all land uses, and adjacent street capture considerations for retail land uses only. Adjacent street capture rates as follows were assumed:

<u>Retail size (g.l.a.)</u>	<u>Assumed Adjacent Street Capture Percentage</u>
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50 - 99 ksf	60
100 - 199 ksf	50
200 - 299 ksf	50
300 - 399 ksf	50
400 - 499 ksf	38
500 - 999 ksf	25
≥ 1,000 ksf	25

5. Trade-off relationships are based on typical pm peak hour trip generation rates for retail and office land uses. The Trip Generation reference provides additional information regarding variation of peak hour trip generation rates by size of facility. A developer may, and the City reserves the right to refine the trade-off relationships based on this additional information.

Example of Use:

Developer wishes to trade 20,000 s.f. g.l.a. of retail land uses for office floor area. Size of retail entitlement is 345,000 s.f. g.s.f. How many g.s.f. of office may the developer receive?

TRANSPORTATION IMPACT FEE

EXHIBIT "G"

Land Use Type	Unit	Fee
RESIDENTIAL		
Single Family Detached	du	\$2,077
Under 1500 s.f.	du	\$2,770
1500 - 2499 s.f.	du	\$3,268
2500 s.f. & over		
Single Family Semi-Detached	du	\$2,105
Mobile Home	du	\$1,337
Multi Family		
1-2 Stories	du	\$1,449
3 Stories and over	du	\$1,114
ACLF/Retirement Home	du	\$786
LODGING		
Hotel/motel	room	\$2,299
INDUSTRIAL		
General Light Industry	1000 s.f.	\$1,830
General Heavy Industrial	1000 s.f.	\$499
Warehouse	1000 s.f.	\$1,631
Mini Warehouse	1000 s.f.	\$932
Utilities	employee	\$233
MEDICAL		
Nursing Home	bed	\$702
Hospital	bed	\$3,793
OFFICE		
Under 100,000 s.f.	1000 s.f.	\$5,890
100,000 - 199,999 s.f.	1000 s.f.	\$4,759
200,000 s.f. and over	1000 s.f.	\$3,627
Research Facility	1000 s.f.	\$1,764
RETAIL		
Shopping Center		
Convenience	1000 s.f.	\$6,854
Under 50,000 s.f.	1000 s.f.	\$5,408
50,000 - 99,999 s.f.	1000 s.f.	\$6,502
100,000 - 199,999 s.f.	1000 s.f.	\$6,865
200,000 - 299,999 s.f.	1000 s.f.	\$7,058
300,000 - 399,999 s.f.	1000 s.f.	\$7,207
400,000 - 999,999 s.f.	1000 s.f.	\$6,399
1,000,000 s.f. & over	1000 s.f.	\$5,865
Wholesale	1000 s.f.	\$1,537
Furniture	1000 s.f.	\$161
Hardware/Paint Store	1000 s.f.	\$3,585
RESTAURANT		
Restaurant	1000 s.f.	\$7,468
Restaurant with Drive Thru	1000 s.f.	\$10,440
SERVICES		
Bank	1000 s.f.	\$9,643
Bank with drive thru	1000 s.f.	\$10,855
Savings & Loan	1000 s.f.	\$3,481
Insurance	1000 s.f.	\$3,827
Day Care Center	student	\$541
Service Station/Car Wash	1000 s.f.	\$10,274
RECREATION		
General Recreation	parking space	\$953
Golf Course	parking space	\$1,628
Tennis	slip	\$922
Racquet Club/Health Club	1000 s.f.	\$2,652
INSTITUTIONAL		
Elementary School	student	\$252
Jr. High/Middle School	student	\$252
High School	student	\$353
Junior Technical/College	student	\$404
College	student	\$605
Church	1000 s.f.	\$1,943
General Aviation	flight	\$1,018
Civic Center	1000 s.f.	\$8,319

EXHIBIT H

EXHIBIT H IS AN AERIAL PHOTOGRAPH
WITH OVERLAYS OF ENVIRONMENTAL AREAS.
A DUPLICATE ORIGINAL IS ON FILE IN THE
OFFICE OF THE CITY CLERK.

EXHIBIT I

EXHIBIT I-1 IS AN AERIAL PHOTOGRAPH WITH OVERLAYS OF ARCHEOLOGICALLY SIGNIFICANT AREAS DELINEATED. EXHIBIT I-2 IS THE REFERENCED PRESERVATION BOARD LIST. BOTH ITEMS ARE ON FILE IN THE OFFICE OF THE CITY CLERK.

EXHIBIT "J"

WESTSHORE DRI
NEIGHBORHOOD IMPROVEMENTS

Sidewalks (\$10.80/ linear ft.)	Arterials Between North A & Kennedy Area #4 (Main Streets)	5,000 ft. 2,000 ft. 2,400 ft.	\$ 54,000 21,600 25,920
Traffic Control Devices (signs/speed humps)	Area 1 = 2 Area 2 = 6 Area 3 = 9 Area 4 = 7 Total 24 =		7,200
Cul de sacs	3 @ \$10,000		30,000
Crosswalks	6 @ 1,000		6,000
Bus Shelters	19 @ 6,500		123,500
I-275 Buffering	Areas 2 and 3 (3,600 linear feet)		360,000
	TOTAL		\$628,220

NOTES

1. Calculations for sidewalks were based on an average 8' wide concrete sidewalk.
2. Traffic control devices may include speed humps, signage or Cul-De-Sacs depending on results of future studies. Costs provided represent a unit value for speed humps or signage, Cul-De-Sacs would be an additional \$10,000 for each location.
3. Pedestrian crosswalks include painting and signage only. These are not light controlled cross-walks.
4. Bus shelter costs are based on upgrading the standard Hart Line shelter presently costing approximately \$6,500 to construct.
5. Interstate buffering includes landscaping and sound attenuation barrier.

TAUB & WILLIAMS

ATTORNEYS AT LAW

2100 ASHLEY TOWER

100 SOUTH ASHLEY DRIVE

TAMPA, FLORIDA 33602

SFA ✓
5/17
100

MARK S. BENTLEY
BRIAN A. BOLVES
ROBERT W. BOOS
KEITH W. BRICKLEMYER
PATRICK G. EMMANUEL, JR.
BRIAN D. FORBES
BRUCE S. GOLDSTEIN
KENNETH E. GRAVES
JORYN JENKINS
RALPH P. MANGIONE
MARSHA G. RYDBERG
WILLIAM J. SCHIFINO, JR.
JAMES B. SOBLE
THEODORE C. TAUB
ROBERT V. WILLIAMS

MAILING ADDRESS:
POST OFFICE BOX 3430
TAMPA, FLORIDA 33601

TAMPA (813) 226-8000
PINELLAS (813) 447-5622
TELECOPIER (813) 229-0550

March 18, 1988

Tampa Bay Regional Planning Council
9455 Koger Blvd.
Suite 219
St. Petersburg, FL 33702
ATTN: Julia Greene, Executive Director

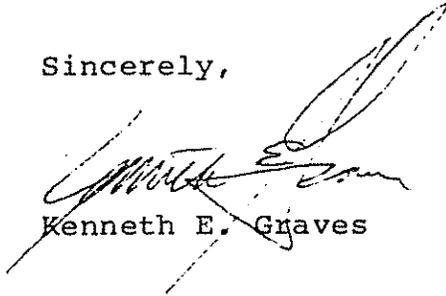
Re: Developer Agreement for Westshore Business District
Tampa, FL

Dear Julia:

Pursuant to paragraph 12 of the subject agreement, please find attached a copy of the fully executed and recorded agreement.

Thanks again for your interest and cooperation in this matter.

Sincerely,



Kenneth E. Graves

KEG/sab
cc: Ron Rotella

6-1-88
100

DEVELOPER AGREEMENT

FOR WESTSHORE BUSINESS DISTRICT IN TAMPA, FLORIDA

This Developer Agreement is entered into between and among the WESTSHORE DEVELOPMENT ASSOCIATION (hereinafter "WDA" or "Developer"), the Tampa Bay Regional Planning Council (hereinafter "TBRPC"), and the STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS (hereinafter "Department") subject to all other governmental approvals and solely at the Developer's own risk.

W I T N E S S E T H

WHEREAS, the Department is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to Areawide Developments of Regional Impact ("ADRI"); and

WHEREAS, pursuant to Subsection 380.032(3) Florida Statutes, the Department is authorized to enter into agreements with developers as may be necessary to effectuate the provisions and purposes of Chapter 380, Florida Statutes; and

WHEREAS, the TBRPC is the applicable regional planning council responsible for the review of local government-approved ADRI Development Orders, including the City of Tampa's Westshore ADRI Development Order, and

WHEREAS, the TBRPC is authorized to enter into agreements with the Department and with Developers or both, pursuant to Section 186.505(5), Florida Statutes, as necessary to the performance of its powers and duties; and

WHEREAS, the Department and TBRPC are aware of the potential growth management and governmental efficiency objectives which may be furthered with successful implementation of the ADRI concept; and

WHEREAS, WDA is the Developer under the Westshore ADRI Development Order, City of Tampa Ordinance No.88-1 (the "Development Order"), which was adopted and became effective on January 11, 1988, and a copy of which is attached hereto as Exhibit "A"; and

Return to: KEG

RICHARD AKE
CLERK OF CIRCUIT COURT
HILLSBOROUGH COUNTY

RECORD VERIFIED
Richard Ake
Clerk of Circuit Court
Hillsborough County, Fla.
By Amberley A. Steele, D.C.

10-21-88 10:00 AM

WHEREAS, it is understood and acknowledged by all parties that, as the first-in-the-state ADRI, the WDA ADRI Development Order was and is singularly unique in terms of the methodologies utilized to arrive at the specific conditions of the Development Order; and

WHEREAS, it is further understood and acknowledged by all parties that the singular uniqueness referred to above absolutely limits the precedential value of such ADRI and all or any of its specific conditions to this ADRI and, thus, such conditions will not necessarily by reason of the Development Order or this Agreement, as a matter of fact or law, be applicable to other ADRI's or to other, site-specific DRI's; and

WHEREAS, the Development Order provides at Section 4(F) that if the City of Tampa transportation impact fee schedule, attached as Exhibit "G" to said Development Order, is not adopted as part of the revisions to the city-wide transportation impact fee system within one hundred eighty (180) days of the effective date of the Development Order, then ADRI transportation impacts will be deemed to be mitigated by the payment of the then-existing applicable transportation impact fees; and

WHEREAS, the Development Order provides at Section 4(F) that if revisions to the city-wide Transportation Impact Fee are adopted within one hundred eighty days (180) of the effective date of this Development Order, then, in that event, developments within the ADRI shall become subject to those newly adopted impact fees; and

WHEREAS, the Department's and TBRPC's opportunity to appeal the Development Order will have expired prior to both: (i) the Tampa City Council's adoption, if any, of revised Transportation Impact Fees within the one hundred eighty day (180) period or (ii) the expiration of the one hundred eighty day (180) period allowed for the City of Tampa impact fee ordinance revisions; and

WHEREAS, both the Department and TBRPC desire to create an opportunity to analyze the issue of the minimum acceptable Transportation Impact Fee amount, when and if the Tampa City Council should act or fail to act as specified above, and

WHEREAS, the Developer desires to avoid an appeal of the Development Order by the Department or TBRPC or both pending the proposed revisions to the City of Tampa Transportation Impact Fee ordinance while at the same time providing reasonable comfort to the Department and TBRPC that the Transportation Impact Fee assessment schedule will adequately address the regional transportation impacts associated with the development of the Westshore Business District; and

WHEREAS, it is the intent of this Agreement to re-trigger, under the circumstances set forth herein, the rights of the Department and TBRPC to review the City's action in adopting or failing to adopt revised Transportation Impact Fees, through the mechanism of a substantial deviation determination process; and

WHEREAS, because this Agreement ensures appeal rights for the Department and TBRPC, this Agreement is beneficial to the Department and TBRPC in their respective roles as the state agency and regional planning council with responsibilities for the administration and enforcement of Chapter 380, Florida Statutes.

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

1. The Developer agrees that, if the City of Tampa either:
(i) adopts revisions to its current transportation impact fee ordinance, or (ii) fails to adopt any revisions to the current transportation impact fee ordinance within the one hundred eighty (180) day period following the adoption of the Development Order, so that the amount assessed for a square foot of office development for an office in excess of 200,000 square feet (the "peg amount". The peg amount is that amount which is to be assessed for one square foot of space within an office project of "200,000 square feet and over". The relationship between the peg amount and the amount shown on Exhibit "G" to the Development Order, for the same unit of space [\$3.627] shall, as necessary, be applied to other land use types and units for development other than offices of 200,000 square feet or over. See Exhibit "B".) in

the Westshore impact district is less than two dollars and nine cents (\$2.09), then WDA shall submit a formal petition to Tampa City Council requesting approval of two dollars and nine cents (\$2.09) for the peg amount as a "proposed change" to the Development Order, and requesting that a substantial deviation determination public hearing on such request take place in accordance with Section 380.06 (19). WDA's request shall be simultaneously submitted to the Department and TBRPC pursuant to section 380.06(19)(f)(2). WDA agrees to the most expeditious timetable for such hearing; it agrees not to seek continuances or deferrals of any nature. The determination as to whether or not the requested change is a substantial deviation will be controlled by Section 4(E) of the Development Order and Section 380.06(19), Florida Statutes.

2. WDA shall file the substantial deviation petition referred to in Paragraph 1 above on the one hundred thirty fifth day (135th) after the effective date of the Development Order if, on that date, the Tampa City Council has not yet put on first reading a revised Transportation Impact Fee Ordinance which includes a peg amount at or above two dollars and nine cents (\$2.09) for the Westshore Impact Fee District. Further, if at any time within the 180 day period referred to in Paragraph 1 above and in Section 4(F) of the Development Order, Tampa City Council should put on first reading a revised Transportation Impact Fee Ordinance with a peg amount below two dollars and nine cents (\$2.09) for the Westshore Impact Fee District, then, in that event, within one working day of such first reading, if not before, WDA shall file the same substantial deviation request referred to in this paragraph and in Paragraph 1 above. Further, if the Tampa City Council places on first reading a revised Transportation Impact Fee Ordinance which includes a peg amount at or above two dollars and nine cents (\$2.09) for the Westshore Impact Fee District within the one hundred eighty day (180) period, but fails to adopt such revised Ordinance within the one hundred eighty day period, then, in that event, WDA shall file the formal petition referred to in this paragraph and in Paragraph 1 above on the one hundred and eightieth (180) day.

3. Immediately upon filing the substantial deviation petition of proposed change, WDA shall provide documents, materials and assistance, as necessary, to the Department and TBRPC to assist in preparations for the substantial deviation determination public hearing, and appeal, if any, on the issue of that Transportation Impact Fee which would be deemed to adequately mitigate the Regional Transportation Impacts of the ADRI. WDA shall actively participate in and support the TBRPC and Department in that public hearing and appeal, if any.

4. Notwithstanding anything herein or within the Development Order to the contrary, WDA agrees that its members who desire to develop after the notice of proposed change is filed and whose development would meet or exceed eighty percent (80%) of the applicable DRI statutory threshold, shall pay a regional transportation impact assessment of \$2.09 (the "peg amount") or the applicable impact amount (pursuant to the Development Order), whichever is greater.

5. Because of the Developer's commitments in Paragraphs 1 through 4 above, the Department and TBRPC hereby agree not to appeal the Development Order, except as provided for herein.

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

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

Further, the two dollar and nine cent (\$2.09) peg amount referred to above is intended to create a "floor" below which the Transportation Impact Fee would not be deemed by the Department and TBRPC to adequately mitigate the regional transportation impacts of the ADRI; it is not intended to suggest or imply what amount the Tampa City Council may or should establish as an amount which adequately addresses all transportation impacts created by all development including ADRI approved development.

8. The terms and conditions of the Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. Should the WDA dissolve, its individual members at the time of the execution of this Agreement shall be deemed to be its successors, together with any association formed to or which does assume the WDA's powers and duties, relative to this Agreement.

9. The parties to this Agreement understand and acknowledge that the singular uniqueness of the methodology utilized to arrive at the specific conditions of the Development Order absolutely limits the precedential value of this ADRI and all or any of its specific conditions to this DRI and, further agree, that such Development Order conditions will not necessarily, by reason of the Development Order or this Agreement, be applicable to other ADRI's or to other site-specific DRI's.

10. This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

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

12. The Developer shall record a fully executed copy of this Agreement in the Public Records of Hillsborough County, Florida, within twenty one days (21) of the date of execution of this Agreement and shall forward a recorded copy to the Department and TBRPC.

WITNESSES:

Theresa Senayo
Mariano O'Neill

WESTSHORE DEVELOPMENT ASSOCIATION

By: [Signature]
Its: President

Dated: February 16, 1988

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 16th day of February, 1988, by Alfred S. Austin, President of Westshore Development Association.

Stella Norris
Notary Public
My Commission Expires: Notary Public, State of Florida at Large
My Commission Expires Aug. 1, 1991

WITNESSES:

[Signature]
[Signature]

STATE OF FLORIDA DEPARTMENT
OF COMMUNITY AFFAIRS

By: Thomas G. Pelham
Thomas G. Pelham, Esquire
Secretary

Dated: 2-17-88

APPROVED AS TO LEGAL FORM AND
SUFFICIENCY

[Signature]
Office of the General Counsel of
the Department of Community
Affairs

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 17th day of February, 1988, by Thomas G. Pelham of the Department of Community Affairs, an agency of the State of Florida, on behalf of the Department.

Jane R. Barr
Notary Public
My Commission Expires:

WITNESSES:

Alu Ann Law
Barbara A.

TAMPA BAY REGIONAL PLANNING COUNCIL

By: [Signature]

Its: [Signature]

Dated: 2/23/88

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 23 day of February, 1988, by Barbara A. Law of the Tampa Bay Regional Planning Council.

[Signature]
Notary Public
My Commission Expires

Notary Public, State of Florida
My Commission Expires Oct. 10, 1991
Signed this 1st day of February, 1988.

ORDINANCE NO. 88-1OFF. REC. 5352 G 886
RENDERING A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, DEVELOPMENT ORDER PURSUANT TO SECTION 380.06, FLORIDA STATUTES, ON THE APPLICATION FOR DEVELOPMENT APPROVAL FILED BY THE WESTSHORE BUSINESS DISTRICT, AN AREAWIDE DEVELOPMENT OF REGIONAL IMPACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 19, 1985, by Ordinance No. 9035-A, attached hereto as Exhibit "A", the City Council of the City of Tampa ("City Council") approved the petition of the Westshore Development Association ("WDA" or "Developer") to file an Areawide Application for Development approval ("AADA") for Westshore Business District area, legally described in Composite Exhibit "B" hereto ("ADRI"); and

WHEREAS, on July 2, 1986, the Developer filed an AADA, supplemented by sufficiency responses filed in October 1986, January 1987 and March 1987, which AADA together with such sufficiency responses and all other submitted supporting documents (hereinafter "AADA"), Composite Exhibit "C", hereto, with the City of Tampa, Florida ("City") for the development of the DRI area; and

WHEREAS, the AADA has been filed in accordance with Chapter 380.06(25), Florida Statutes (1985), as amended, which specifically authorizes an association to file an AADA and receive a development order under the Areawide Development of Regional Impact (hereinafter "ADRI"); and

WHEREAS, the AADA proposes continued mixed-use development within the DRI area for commercial, office and hotel uses; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380, is authorized and empowered to consider AADA's; and

WHEREAS, the Developer has provided copies of the AADA, which was filed with the City, to Hillsborough County City-County Planning Commission ("HCCCPC"), Metropolitan Planning Organization ("MPO"), Hillsborough County Environmental Protection Commission, Florida Department of Transportation ("FDOT"), Florida Department of Community Affairs ("FDCA"), and the Tampa Bay Regional Planning Council ("TBRPC"), as well as numerous other agencies, as required; and

WHEREAS, pursuant to Chapter 380.06, TBRPC has submitted its final report and recommendations to the City for review and consideration; and

WHEREAS, the City Council conducted a public hearing with respect to the AADA, on November 24, 1987, after the prescribed notice had been issued; and

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the hearing before the City Council; and

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

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:

Section 1. That this ordinance, including all exhibits hereto, shall constitute the Development Order ("Order") of the City issued in response to the AADA filed by Developer. By

DZ 86-66

reference, the exhibits to this Order, and the AADA, itself, are hereby incorporated herein as if fully set forth. The scope of development to be permitted by this Order includes the development and activities described in the AADA, as modified herein.

Section 2. That having received, reviewed and considered the above referenced documents, all relevant comments and testimony submitted by each party and members of the general public, and having determined that such documents, comments and testimony provide substantial competent evidence to support the findings herein, the City Council makes the following findings of facts:

- A. The findings and determinations of fact set forth in the recitals to this Order are hereby confirmed and incorporated herein as if fully set forth.
- B. The real property, which is the subject of the AADA, is legally described in Exhibit "B."
- C. Westshore Development Association (Developer) was approved as developer for the DRI by City Council pursuant to Ordinance 9035-A.
- D. Developer has demonstrated its legal, financial, and administrative ability to perform the commitments made in the AADA and the conditions of this Development Order.
- E. Developer has demonstrated that the property owners within the Westshore ADRI consent to or do not object to the proposed ADRI.
- F. The area and the anticipated development are consistent with local, regional and state comprehensive plans.
- G. The Developer filed the AADA pursuant to the Areawide Development of Regional Impact subsection of Chapter 380.06, which authorizes an association to apply for areawide development approval and receive an areawide DRI development order for a specific area. Developer is not the owner of property within the ADRI area, nor will it develop any specific project. With the assistance of the private sector, and utilizing applicable portions of the Westshore Area Study, conducted by consultants for the City ("City Study"), which study included all of the ADRI Area, and other areas in addition to the ADRI Area, Developer has developed a conceptual master plan for development of the ADRI Area, which is attached hereto as Composite Exhibit "D".
- H. The purpose of the AADA is to identify and assess probable regional impacts and to obtain approval for development in accordance with the general guidelines as developed in the AADA. The concept is to recognize the ADRI Area as a single area of high intensity development and to review and assess impacts that development within the area will have on land, transportation, environment, energy and other resources and systems inside and outside the ADRI.
- I. Development within the ADRI has been and is expected to continue to be accomplished by a variety of developers over an extended period of time. These developers may need to respond to market demands and technologies that can only be estimated in the AADA. This Order may have to be amended from time to time, to more clearly and correctly serve as an evolving guide which recognizes the variations in market demand and technologies.
- J. The AADA proposes development within the ADRI for the land uses, quantities and Phases set out below.

- K. The neighborhoods immediately adjacent to the DRI Area will be impacted by the scope and intensity of development permitted in the DRI Area. As a result, special measures are needed to protect these neighborhoods.
- L. The proposed development is not located in an area of critical state concern as designated pursuant to Chapter 380.
- M. All proposed development is required by conditions to this Order, to be consistent with all applicable local, regional and state land development laws and regulations.
- N. While the levels of development approved may exceed the levels which may be constructed under existing or proposed zoning (Chapter 43 and Chapter 43A, City of Tampa Code), this Order in no way permits development which is inconsistent with the applicable zoning.
- O. This Order is consistent with the report and recommendations of TBRPC. TBRPC recommends approval of the proposed development subject to conditions which are reflected herein.
- P. A comprehensive review of the probable impacts that will be generated by the proposed development has been conducted by various City departments and TBRPC staff.

Section 3. That, having made the findings of fact contained in Section 2 above, the City Council hereby makes the following conclusion of law:

- A. The Westshore Development Association constitutes a "Developer" as defined in Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an areawide application for development approval and receive a development order.
- B. Review by the City, the TBRPC and other participating agencies and interested citizens reveals that through the application of the terms and conditions of the AADA and this Order, regional impacts are adequately addressed pursuant to the requirements of Chapter 380.
- C. These proceedings have been conducted pursuant to applicable laws and regulations. Based upon the record in this proceeding, the City is authorized to approve development as described herein, subject to the conditions set forth in Section 4, below.

Section 4. That, having made the findings of fact and reached the conclusions of law set forth above, it is ordered that development as proposed in the AADA is hereby approved, subject to the following conditions:

- A. This Order is rendered in respect to the total quantities for the given land use categories set forth in Exhibit E hereto, for Phase I. If approval is granted by City Council for property to no longer remain as part of the ADRI, the development totals determined by City Council as being associated with that property, pursuant to the process set forth in Subsection 4.V. herein, shall be subtracted from the appropriate development totals. If existing DRI's within the Areawide boundaries opt into the ADRI, the development totals associated with the property will be added to the totals shown on Exhibit E as appropriate. If such a DRI opts in, its development rights are added to the totals and may be used by any property in the ADRI through the

processes established in this Development Order. Phase II DRI development approvals shall require further Chapter 380 analysis, review and approval.

B. Square footage totals shall be monitored by the Department of Housing and Development Coordination ("HDC") according to the following procedures:

1. Any person, corporation or government agency proposing development, redevelopment or expansion within the ADRI area shall calculate the gross building square footage of each category of land use as set forth in above. Said square footage shall be submitted with Commercial Site Plan Review application for the purpose of monitoring the amount of available space reserved and consumed.
2. All square footage totals referenced in building permits issued for development of any size within the ADRI boundaries will be subtracted from the threshold limits established above.
3. Square footage shall be deemed reserved upon approval of the Commercial Site Plan (as outlined in Chapter 25 of the City of Tampa Code).
4. The Commercial Site Plan and space (square footage) reservation will be valid for a period of six (6) months. Building permits must be obtained within said six months to insure space reservation. If permits are not obtained, the space shall automatically return to the surplus threshold capacity.
5. If available land use totals reach 60% of a development phase DRI scale projects may apply for an Advance Reservation.

a. In order to Advance Reserve, DRI-sized projects shall obtain and file the appropriate form with HDC. HDC will respond in writing within fifteen (15) days as to the availability of space. If space is available, HDC shall reserve the requested amount and notify the "developer" in the above stated letter. If space is not available, HDC will provide written information about possible trade-offs or other alternatives available under this Development Order.

b. Advance Reserve applicants must obtain Commercial Site Plan approval within six (6) months from the effective date of the reservation.

c. If Commercial Site Plan approval is not obtained within the six (6) month period, the square footage previously reserved shall automatically be returned to the surplus threshold capacity.

C. Trade-offs will be permitted as provided below:

1. The trade-offs among the office, hotel and retail uses are established as set forth in Exhibit F. To the extent that square footage amounts remain in the development totals authorized herein, trade-offs among office, hotel and retail uses shall be automatically applied at the time of the reservation of square footage referred to in Section 4.B.3. above.
2. The process for receiving and processing trade-offs for land uses other than those shown on Exhibit F shall be as follows:

- A. Developer shall apply in writing requesting a trade-off.
- B. HDC shall review the request and advise the applicant of its recommendation in writing within twenty-one (21) days of its receipt.
- C. If approved, HDC shall make the trade-off and reserve the space. If HDC recommends against the trade-off, the applicant may appeal to the City Council within seven (7) days of notification of HDC's recommendation and shall be scheduled at a noticed public hearing with written notice to TBRPC, DCA and the Neighborhood Committee referred to in Subsection 4.W. herein.
- D. A substantial deviation shall be presumed to occur:
 - 1. By failure to comply with any condition established by this Order; or
 - 2. By failure to meet commitments, or failure to abide by solutions proposed to mitigate impacts, as set out herein, or as set forth in the AADA; or
 - 3. By commencing projects covered by this Order after the term of this Order, and any extensions to it; or
 - 4. By the occurrence of any other deviation, which pursuant to Chapter 380, is considered a substantial deviation, and consistent with the applicable adopted F.A.C. Rules.
- E. The determination of (i) whether a deviation will occur, and (ii) whether that deviation is a substantial deviation, as defined in Section 4C above, shall be made pursuant to 380.06, as amended.
 - 1. The initial administrative review and determination shall be made by the HDC based upon the terms and conditions set forth in this Order, together with all other applicable laws and regulations.
 - 2. The WDA shall apply on the forms provided by the TBRPC.
- F. The transportation impacts of the ADRI shall be deemed to be mitigated by payment of a transportation impact assessment pursuant to the schedule shown on Exhibit G. If the transportation impact fee schedule for the Westshore District as shown on Exhibit G, is not adopted as part of revisions to the city-wide transportation impact fee system within 180 days of the effective date of this Order, then, in that event, ADRI transportation impacts shall be deemed to be mitigated by the payment of the then-existing applicable transportation impact fees. If revisions to the city-wide transportation impact fees are adopted within 180 days of the effective date of this Order, then, in that event, developments within the ADRI shall immediately become subject to the newly adopted impact fees. Development square footage associated with DCA-approved P.D.A.'s which reference inclusion into the ADRI, shall, for the amounts of development for which building permits have been pulled and for which construction has commenced, shall pay the transportation impact fee amount in effect on the 181st day after the effective date of this Order, or upon the effective date of the adoption of a revised city-wide transportation impact, if such should occur prior to the 181st day referenced above.

The contributions and/or fees provided by this section shall be applied to the transportation network within the city study area which is substantially impacted by traffic from the approved development, in the manner as provided for all impact fees under the adopted local transportation impact fee ordinance. Designation of the area in which such funds are to be expended is deemed to satisfy the pipelining provisions of the Florida Department of Community Affairs Transportation Policy Rule (9J2.0255 F.A.C.).

The transportation impact of the ADRI are deemed to be mitigated by the payment of the transportation impact assessment which is deemed equal to a proportionate share calculation consistent with applicable TBRPC Proportionate Share/Pipeline policy. Developers shall receive credit for such payments against impact fees.

A study of site-specific transportation improvements necessitated by development that meets or exceeds 80% of the applicable DRI statutory thresholds, shall be required of those projects at the time of Commercial Site Plan Review. The purpose of such study is to identify non-regional transportation improvements. For purposes of this section site-specific transportation improvements are defined as: Capital improvements necessary for direct access/egress to the development in question. Direct access/egress site-specific improvements include, but are not limited to, the following: (1) site driveways and roads; (2) right and left-turn lanes leading to those site driveways; (3) traffic control measures/devices for those site driveways; (4) acceleration/deceleration lanes associated with those site driveways; (5) median cuts/closings associated with those site driveways; (6) improvements to frontage roads immediately adjacent to the site and necessary to allow direct access to the site; and (7) improvements to other roads immediately adjacent to the site and necessary to allow direct access to the site. Such site-specific improvements may be established by the Transportation Division of the Department of Public Works as a condition to Commercial Site Plan Approval. The developer may appeal the Division imposed condition(s) to the City Council. The appeal shall be scheduled by City Council for the next regularly scheduled Council meeting.

- G. In order to document progress toward the established thresholds, Developer shall file with the City, TBRPC, FDCA, and all affected permit agencies, as a part of its annual report, a summary of:
1. Authorized development within the ADRI, for the past reporting year and cumulatively; and
 2. Remaining surplus Development Capacities within the established thresholds; and
 3. The status of any requirements of this Order which were to have been acted upon during the past reporting year.
 4. Summary of land use categories for which development notices were filed during the year;
 5. Summary of land use categories constructed during the year;
 6. Summary of status of transportation facilities, public transit usage, vehicle occupancy rates, and parking usage.

7. A map with latest available traffic counts on roads shown on the E-1 network.
8. A status report of CIP improvements.
9. All items required by F.S. Sec. 380.06 for the annual report.

The annual reports are due on January 10 of each year. The reports submitted in calendar years 1991, 1995 and 2000 shall include a projection of any revised demands for water supply, wastewater treatment capacity, solid waste disposal capacity, electrical capacity together with a revised report on transportation improvements proposed for the following five (5) year period.

To the extent that the City routinely maintains/collect the information required in such annual reports, the City shall make such information available to the Developer for use in preparing such annual reports.

- H. Prior to application for permits for any development (including redevelopment) within the areas outlined on the attached "Environmental" map Exhibit H a detailed vegetation and wildlife survey, accepted by the Florida Game and Fresh Water Fish Commission, shall be provided for approval by the Environmental Protection Commission. Preservation or mitigation shall be incorporated into development plans as required. (This map is based on Exhibit 18-1 supplied in the ADA.) This shall not obviate the need to obtain all applicable state and local dredge/fill and land alteration permits.
- I. Prior to application for permits for any development (or redevelopment) within the areas outlined on the attached "Archaeological" map Exhibit I a site-specific archaeological survey, conducted by an approved consultant, shall be submitted by the individual developer and approved by the Florida Department of State, Bureau of Historic Resources. Mitigative measures recommended by the Bureau shall be accomplished prior to any site development permit approval. (This map is based on the map provided by the Bureau of Historic Resources.) Prior to application for permits for any development (or redevelopment) on sites included on the attached list Exhibit I-2 of historically significant sites identified by the Tampa/Hillsborough County Historic Preservation Board, notice of such plans for development shall be provided by the individual developer to the Preservation Board. Preservation or mitigative measures mandated by the Preservation Board, pursuant to its lawfully mandated authority, shall be incorporated into the site development permits.
- J. Upon the issuance of ADRI Commercial Site Plan approvals for 1,500,000 square feet of office development, the following conditions shall apply to proposed development projects which meet or exceed 80% of the applicable DRI statutory thresholds:
 1. Prior to the issuance of certificates of occupancy for such proposed project, the project developer shall provide to the City, TBRPC, the Hillsborough County Environmental Protection Commission and the Florida Department of Environmental Regulation a project-specific air quality analysis consistent with either (i) 1987 DER recommended air quality impact assessment guidelines or (ii) the then-applicable, adopted DRI/ADA air quality question(s)

regarding mobile source impacts. If the analysis indicates that air quality will not meet applicable standards, as a direct result of the vehicular emissions associated with the trips generated by this project, the project developer shall also prepare and submit to the same agencies a proposed plan for mitigation of the identified project air quality impacts.

2. After review of the analysis and proposed mitigation plan and after receiving comments and recommendations from the above agencies, HDC may establish conditions requiring implementation of measures for mitigating the project's air quality impacts. The project developer may appeal the decision of HDC to City Council. The appeal shall be scheduled by the City Council at the next available Council meeting.
 3. The appropriate mitigation measures shall be in place prior to the issuance of certificates of occupancy for square footage amounts which equal or exceed 80% of the applicable DRI threshold. The project developer shall verify the implementation and effectiveness of the required mitigation measures in the appropriate subsequent annual report through submission of data to the WDA for inclusion in the annual report.
- K. Individual developers within the Westshore DR shall promote awareness of, and shall cooperate with local and regional authorities having jurisdiction to issue hurricane evacuation orders. Each developer of an office building equal to or greater than 240,000 square feet in size or a hotel equal to or greater than 280 rooms shall prepare a plan to ensure the safe and orderly evacuation of employees and hotel guests as necessary, when a Level A through E evacuation order, as appropriate, is issued by (1) ordering all buildings closed for the duration of a hurricane evacuation order; (2) informing all hotel guests and employees of evacuation routes out of the flood prone area and measures to be followed in the event of same; (3) providing suitable shelter for hotel guests through development of a host facility arrangement with similar facilities outside any evacuation zone; and (4) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. These plans shall be included in the first annual report submitted after occupancy of each such building within the Areawide area. Developer shall provide in each annual report a list of developments which have not complied with this provision.
- L. Separate hazardous waste storage areas shall be clearly marked and/or colored so as to clearly distinguish the areas intended for hazardous wastes and materials. (Hazardous wastes are those substances and materials defined in subsection 403.703(21), F.S., and listed in Title 40 CFR part 261.)

Each developer of an office building or of multiple-tenant high tech research space equal to or greater than 240,000 square feet in size shall:

- a. Be required to provide, to occupying businesses, a statement that indicates the types of wastes and materials that are hazardous and are to be stored or disposed of only in specifically designated containers;

b. Shall require that each copying business which uses other than ordinary office supplies to file a statement with the Hillsborough County Department of Emergency Management and the City of Tampa Fire Department listing the types and quantities of hazardous material normally kept on-site. A statement of compliance shall be included in the annual report; and

c. Advise purchasers and lessees, and stipulate at the time of purchase of lease that statutes and regulations exist and that penalties may accrue from failure to properly transport, store, handle, and dispose of hazardous wastes and materials.

M. The responsible entities shall provide capacity for the ADRI, as set forth below:

	<u>1985</u>	<u>1990</u>	<u>1995</u>
<u>Water</u> - Million Gallons Per Day	1.75 mgd	2.68	3.82
<u>Wastewater</u> - Millions Gallons Per Day	1.23	1.93	2.79
<u>Solid Waste</u> - Tons Per Day	98.8	116.0	150.8
<u>Electrical</u> - Kilowatt (Millions) Hours Per Day	25.73	21.27	25.33

N. The total daily water requirements set forth in 4(M) above, shall be supplied by the City at the standard charge for water service. Construction of on-site improvements for water service shall be the responsibility of individual developers and connection fees, installation charges and, if applicable grants-in-aid-of-construction for off-site improvements in the water system, necessitated by the development, shall be assumed by the individual developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.

O. The average daily flows of wastewater shall be accepted by the City at the standard charge for wastewater service. The City shall maintain the wastewater system as described in the AADA. Construction of on-site improvements for wastewater shall be the responsibility of individual developers and connection fees, installation charges and, if applicable grants-in-aid-wof-ccnstruction for off-site improvements to the wastewater system necessitated by the development, shall be assumed by the developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.

P. The collection of the total daily generation of solid waste, as set forth in Section 4(M) above, shall be provided in accordance with applicable ordinances of the City at the standard charges for solid waste collection. The City Sanitation Department shall continue to have the authority not to allow disposal of any hazardous material from a DRI Area Development. If applicable, grants-in-aid-of-construction for off-site improvements to the solid waste disposal system necessitated by Development shall be assumed by the developer when assessed by the City, all in accordance with City policies and regulations, that exist now or that may exist in the future.

Q. The developers of specific projects within the DRI area shall meet all applicable local, regional, state and

federal laws, rules and regulations relative to storm water management/water quality in effect at the time of permitting including Chapter 40D-4, Rules of SWFWMD, and Chapter 17.3, F.A.C. Any substantial redevelopment of presently developed sites shall meet the applicable "new development" criteria. Any proposed retention/detention wetland systems shall be designed, constructed and maintained pursuant to the guidelines of the Stormwater and Lake Systems Maintenance and Design Guidelines (TBRPC, 1978) to the extent that those Guidelines are not inconsistent with applicable City policies. The City shall continue measures to ensure the protection to the water quality, including, but not limited to, public street and public parking lot cleaning, clearance of storm sewers on a regular basis and construction of additional manholes to facilitate storm water clearing, all as referenced in the AADA. Individual developers of projects which meet or exceed 80% of applicable DRI statutory thresholds shall implement private street and private parking lot sweeping/cleaning measures. It is understood that the City reserves the right to receive grants-in-aid-of construction for off-site stormwater system improvements, necessitated by the development. Such assessments shall be assumed by the specific project developers, when assessed by the City, all in accordance with City policies and regulations in effect now or that may exist in the future. Further, it is understood that the City reserves the right to establish and assess a stormwater-as-utility fee. Finally the City reserves the right to assess utility fee for drainage connections or outfall fees, at such time as the master basin plan improvements have been constructed and if a site specific developer desires to eliminate either existing or proposed on-site retention/detention facilities.

- R. No publicly owned lands or public access lands presently used for recreation purposes shall be displaced by ADRI development, unless the project is specifically approved by the City Council following established procedures.
- S. All appropriate construction requirements, as mandated by the City's participation in the National Flood Insurance Program, shall be utilized to mitigate potential flood damage.
- T. The City and developer shall encourage the implementation of energy conservation techniques proposed in the AADA.
- U. All development pursuant to this Order shall be in accordance with applicable building codes, land development regulations, ordinances and other laws.
- V. If an existing DRI with approved Development Order located within the geographic boundaries wishes to be included with under this Development Order, the Developer shall file a notice with HDC. Only those phases not yet under construction may be brought under the ADRI. The development will be subject to all the terms and conditions of this Development Order.

That any developer/owner who no longer wants certain property to remain as part of this DRI, after the adoption of this Order, shall file a petition with HDC, on a form to be provided by HDC. At a minimum, the information requested shall include the following:

1. The location and legal description of the property, including the size of the property in square feet or acres.

2. Proposed development plans for the subject property, as shown in a validated Commercial Site Plan application.
3. Other property of the developer/owner located within the DRI area.
4. Reasons for opting out of the DRI area.

HDC shall review the petition and make a recommendation to City Council following the time schedule set forth in the appeal of the City Staff determination procedures section of this Order. The HDC recommendation shall consider the Master Plan (Exhibit D); the land uses associated with Traffic Analysis Zone(s) in which the parcel is located; the existing zoning of the parcel; the site plan, if any, for development on the parcel; and, the existing and surrounding uses and levels of development of those uses. Based upon these factors, HDC shall recommend a potential development total for City Council's review and its determination of the development totals to be removed from the ADRI.

If approval is granted by City Council for property to no longer remain as a part of the ADRI, the amount of development on an approved Commercial Site Plan for such property shall be deducted from the appropriate totals shown on Exhibit E, as appropriate. To the extent that building permits have not been issued for all or any portion of the development approved by such Commercial Site Plan approval, within six (6) months of such approval, then in that event the amount of development for which permits were not obtained shall be added back to the totals shown in Exhibit E; and the property for which building permits have not issued shall thereafter again be subject to the conditions of this Order.

W. Residential neighborhood concerns identified by the City Study, rather than the AADA, are hereby addressed, as follows:

1. These local improvements are not the result of any regional improvements necessitated by the development authorized herein. Therefore any modifications to this subsection are not considered "changes" as used in Chapter 380.06 and are not, therefore, subject to substantial deviation determinations or other regional DRI provisions of this order.
2. Within 60 days of the effective date of this order, the Mayor shall recommend to City Council a Westshore Residential Neighborhood Improvements Committee, which shall, at a minimum, include representative(s) from each of the residential neighborhoods, generally known as Beach Park, Carver City, Lincoln Gardens and that neighborhood in the general vicinity of 4320 Lemon Street. City Council, upon recommendation of the Mayor, shall make the final determination as to the structure and member composition of this Committee.
3. The City, prior to the expenditure of any funds collected pursuant to Subsection 4.W. of this Order, shall receive and consider the recommendations of such Committee for the location, type and priority of the residential neighborhood improvements contemplated herein. Those improvements may include, but are specifically not limited to: the construction of cul-de-sacs, sidewalks, speed bumps, additional traffic signage and traffic control devices. (See Exhibit J).

4. The City shall collect at the time of issuance of certificates of occupancy from all development within the ADRI ten (10) cents per square foot. Those monies shall be placed in a special, Westshore Residential Neighborhood Improvement interest-bearing account and the principal and any accrued interest shall only be expended within the City Study area. (See Exhibit J).
5. The WDA shall assist the adjacent neighborhoods and such Committee to ensure that developments approved under this Order comply with all applicable City code requirements which regulate site-specific development.

Section 5. Developer shall produce, print and distribute to all landowners, developers and interested parties, a brochure explaining the ADRI and summarizing its procedures and conditions. Said brochure shall be completed no later than sixty (60) days from the end of the appeal period; and a constant supply shall be available from the Developer offices.

Section 6. After this Development Order is issued, changes to the areawide development plan shall be subject to the provisions of Section 380.06(19), Florida Statutes (1985), except that the percentages and numerical criteria shall be double those listed in Section 380.06(19)(b), Florida Statutes (1985).

Section 7. That the definitions contained in Chapter 380 shall control the construction of any terms used in this Order.

Section 8. (a) That, subject to the conditions of suspension or rescission as hereinafter provided, this Order shall remain in effect until December 31, 2000.

Section 9. This Order shall not repeal, nor amend in any way, any currently effective DR Development Orders for development within the ADRI Area, previously rendered by the City Council pursuant to chapter 380 unless they opt into the ADRI; nor shall it repeal or amend in any way any site-plan-controlled zoning district except that all zoning districts will be subject to the impact assessments herein or subsequently enacted.

Section 10. The City is presently undergoing zoning conformance and intends to rezone the property subject to this ADRI to comply to the land use plan and Chapter 43-A, City of Tampa Code. The proposed rezoning may affect the density and intensity of development on individual parcels. Any development within the ADRI must conform with all development regulations in effect at the time of permitting except as otherwise provided herein. No assurance is given that the amount of development proposed is consistent with what can be built under land development regulations.

Section 11. That the City Clerk is directed to send copies of this Order within five (5) days of the effective date of this Order to the Developer, Hillsborough County, the Hillsborough County Transit Authority, the FDOT, the FDCA and the TBRPC.

Section 12. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 13. That this Ordinance (Order) shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall of the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, JAN 07 1988 ON

Tom Vann
CHAIRMAN, CITY COUNCIL

ATTEST:

CITY CLERK

Approved as to form:

Pamela K. Akin
PAMELA K. AKIN
Assistant City Attorney

APPROVED BY ME ON JAN 11 1988

Sandra W. Freedman
MAYOR