

ORDINANCE NO. 8022-A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY LINCOLN PROPERTY COMPANY OF FLORIDA, INC. FOR THE URBAN CENTRE, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on March 19, 1982, Lincoln Property Company of Florida, Inc. filed an Application for Development Approval of a Development of Regional Impact (ADA) with the City of Tampa, Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission, Florida Department of Veteran and Community Affairs and the Tampa Bay Regional Planning Council, pursuant to the provisions of Section 380.06, Florida Statutes (1980) and Section 43-96.2, City of Tampa Code; and

WHEREAS, the application proposes the development of The Urban Centre for hotel, office and allied commercial uses, in the City of Tampa, located on approximately 7.76 acres; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1980) is authorized and empowered to consider applications for development approval for developments of regional impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes (1980), and Section 43-96.2, City of Tampa Code, have been satisfied; and

WHEREAS, the City Council has on July 29, 1982, held a duly noticed public hearing on the application for development approval and has heard and considered testimony and documents received thereon; and

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

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the application hearing on the subject development of regional impact, before the City Council, and

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

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

Section 1. That this ordinance shall constitute the development order for the City Council issued in response to the application for development approval (ADA) filed by Lincoln Property Company of Florida, Inc., for development of The Urban Centre, a development of regional impact. The scope of development to be permitted pursuant to this order includes the operations described in the ADA and the supporting documents, which by reference are made a part hereof.

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

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

- B. That Lincoln Property Company of Florida, Inc. (Developer) submitted to the City of Tampa (City) an ADA and sufficiency response which are attached hereto as composite Exhibit B, and by reference made a part hereof, to the extent that they are not inconsistent with the terms and conditions of this development order.
- C. That the developer proposes the development of The Urban Centre, to include hotel, office and allied commercial uses with a total site area of approximately 7.76 acres, located in the Westshore business district of the City of Tampa.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1980).
- E. That the project is consistent with all local land development regulations.
- F. That the development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council (TBRPC).
- G. That the development will not unreasonably interfere with the achievement or objectives of the adopted state land development plan applicable to the area.
- H. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.

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

- A. That these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in this proceeding, the developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.
  
- B. That review by the City, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the ADA, to the extent not inconsistent with this Development Order.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is Ordered that the ADA is hereby approved, subject to the following conditions, restrictions, and limitations:

- A. Substantial Deviation; Retriggering of Development of Regional Impact Process.

Further review pursuant to Chapter 380, Florida Statutes may be required if a substantial deviation, as defined in Chapter 380, Florida Statutes, occurs. The developer shall be given due notice of, and an opportunity to be heard at, any hearing to determine whether or not a proposed change to the development is a substantial deviation. Substantial deviation may occur by failure to comply with the conditions herein, failure to follow the plans and specifications submitted in the ADA and supplementary information, or by activities which are not commenced

until after the expiration of the period of effectiveness of this order.

- B. The developer shall submit an annual report on the development of regional impact to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on the anniversary of the effective date of this development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Director, Department of Housing, Inspection and Community Services, who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this development order. Developer shall be notified of any City Council hearing wherein such report is to be reviewed, provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. The report shall contain:

1. A description of all development activity conducted pursuant to this Development Order during the year immediately preceding the submission of the annual report;
2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately subsequent to the submission of the annual report;

3. A statement listing anticipated applications for development permits, required pursuant to applicable regulations, which the developer proposes to submit during the year immediately following submittal of the annual report;
4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to the developer in its capacity as developer of The Urban Centre; and
5. A statement that all persons have received copies of the annual report, as required under Section 380.06(16), Florida Statutes (1980).

It is the intent herein, that the foregoing requirements for submittal of the annual report shall be in addition to and not in lieu of any submittal requirements for an annual report as promulgated by the State Land Planning Agency.

- C. The developer shall contribute to the City, at the time of issuance of the first construction permit for Phase I, including but not limited to site clearing, foundation, building, etc., subsequent to the issuance of permits obtained in the course of necessary demolition on the site, in full discharge of its responsibility to mitigate the transportation system impacts of Phases I and II of The Urban Centre, the sum of \$220,000.00, as a grant-in-aid of construction, which has been determined to be at least equal to the proportionate share of the cost of improvements assignable to The Urban Center. The first construction permit, referred to above shall be applied for not later than close of business of the last business day of 1983. The following transportation improvements, including all necessary related striping, signing and signalization modifications, have been identified as needed to accommodate development of The Urban Centre:

1. At the Kennedy Boulevard/Memorial Highway intersection convert an existing EB (eastbound) through lane to a left-turn lane.
2. At the Kennedy Boulevard/Occident Street intersection make the following improvements:
  - a) Install a controller with coordinator to be interfaced with the existing interconnect system.
  - b) An exclusive, NB (northbound) left-turn lane and an exclusive through and right-turn lane shall be delineated on the south approach to the Kennedy Boulevard/Occident Street intersection.
3. At the Kennedy Boulevard/Lois Avenue intersection revise the current signal phasing to include an exclusive left-turn phase for the EB (eastbound) left-turn movement.
4. At the West Shore Boulevard/Site Entrance intersection install a traffic signal and interconnect it with the Kennedy Boulevard/West Shore Boulevard intersection.
5. At the Kennedy Boulevard/West Shore Boulevard intersection add one (SB) southbound left-turn lane, one WB (westbound) left-turn lane, an additional NB (northbound) through lane and an EB (eastbound) right-turn lane.
6. At the Boy Scout/Lois Avenue intersection construct an additional southwest-bound left-turn lane.

7. At the Kennedy Boulevard/Lois Avenue intersection convert an existing, EB (eastbound) through lane to an exclusive left-turn lane and add an exclusive, SB (southbound) right-turn lane.

Further, the developer shall file a traffic study examining the neighborhood diversion problem in the area of the proposed development (bounded by Kennedy Boulevard, Westshore Boulevard, Hoover Boulevard and Beach Way) and recommend solutions to the existing and future traffic problems of the neighborhood. Submission of the study shall be required and made a part of the Community Unit (CU) rezoning review. As a result of the above study, additional improvements may be identified as necessary. Construction and funding thereof may be required as part of the Community Unit (CU) rezoning review.

- D. No later than 15 months after issuance of a building permit for Phase I, the City shall: 1) award contracts for, and exert its best efforts to complete construction of the improvements identified in C.2, C.4, and C.5 above; and 2) award contracts for construction of the improvements identified in C.1, C.3, C.6 and C.7 above.
- E. The developer shall participate in a transportation system management (TSM) program which should be developed through the coordinated efforts of the City, Hillsborough County, Florida Department of Transportation, Metropolitan Planning Organization, Hillsborough Area Regional Transit Authority, Tampa Bay Regional Planning Council and the developer. However, this shall in no way be construed to impose

any additional financial obligations upon the developer beyond those stipulated in Paragraph C above.

- F. The developer shall implement a program designed to inform all hotel guests at The Urban Centre of official hurricane evacuation plans in the event of a major hurricane land fall in the Tampa Bay region, and promote awareness and cooperation with local and regional authorities having jurisdiction in the event evacuation orders are issued by the authorities.
  
- G. The total daily water requirements from commencement of construction through build-out and operation of the project as referenced in the ADA will be supplied by the City of Tampa at the standard charge for water service. Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the water system necessitated by this development, shall be assumed by the developer, when assessed by the City, as project plans become final, all in accordance with established city policies and regulations.
  
- H. The average daily flows of waste water from commencement of construction through build-out and operation of the project as referenced in the ADA will be accepted by the City of Tampa at the standard charge for waste water service. Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the waste water system necessitated by this development, shall be assumed by the developer, when assessed by the City, as project plans become

final, all in accordance with established city policies and regulations. Grants-in-aid of construction, if required by the City, shall be reduced by a credit for Average Daily Flows generated by the previously existing development on the site and by a credit for Sewer Improvement Fees.

- I. The total daily generation of solid waste from commencement of construction through build-out and operation of the project as referenced in the ADA will be accepted by the City of Tampa. A suitable arrangement for collection services shall be reviewed and approved by the City of Tampa.
- J. The following construction related stipulations, as committed in the ADA, shall be implemented:
  1. The construction techniques referenced in the ADA, and as mandated by the City of Tampa's participation in the National Flood Insurance Program, shall be utilized to mitigate potential flood damage.
  2. Dust control methods as referenced in the ADA shall be implemented during construction.
  3. Additional soil testing necessary to determine the best foundation method shall be undertaken as referenced in the ADA and submitted to the City of Tampa.
  4. If any of the existing buildings serving the present International Inn contain asbestos, the federally-mandated regulations, Title 40, Part 61, Subpart B must be adhered to during demolition. Further, the developer shall

implement the standard soil erosion control measures referenced in the ADA during construction as well as watering and other techniques to reduce dust emissions during the demolition period.

5. If any significant historical or archaeological sites or artifacts are discovered during site preparation and construction, Bureau of Historic Sites and Properties, Florida Department of State, shall be notified to determine their importance and appropriate measures to be undertaken to ensure their preservation.

K. The stormwater system for The Urban Centre shall be in accordance with applicable Florida Department of Environmental Regulation stormwater license regulations including retention parameters and methods designed to improve water quality in Tampa Bay, as referenced in the ADA. In addition, the developer shall contribute to the City a sum not to exceed \$62,000.00 as a grant-in-aid of construction, upon issuance of a building permit for Phase I for off-site improvements to the City's Cleveland Street storm sewer system. The amount contributed by the developer shall equal its proportionate share of the cost of constructing a relief line which will divert a portion of the peak volume carried by the Cleveland Street outfall. The developer's proportionate share shall be determined by dividing the Urban Centre's runoff volume, less the volume from the site using a .25 runoff coefficient, by the volume diverted by the relief line. In consideration of the above, the developer

shall be deemed to have fully discharged its responsibility with regard to stormwater including but not limited to any and all present and future City policies and regulations concerning quantity and quality of stormwater discharges through the effective period of this Development Order or through build-out, whichever is shorter, with the exception of any and all future assessments and user charges of at least basin-wide applicability. Maintenance responsibility for the on-site drainage system shall be the responsibility of the developer, its successors or assigns.

- L. The developer shall implement the energy conservation techniques proposed in the ADA at such time as the developer determines them to be cost effective.
- M. The developer or its assigns shall be responsible for the maintenance and operation of any on-site wells which are retained or developed and shall be responsible for properly capping any on-site wells which are abandoned.
- N. All development pursuant to this Order, shall be in accordance with applicable local building codes, ordinances, and other laws except as otherwise herein provided.

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

Section 6. That the Development Order shall remain in effect for a period of 10 years from the effective date of this development order. Any development activity, wherein plans have been submitted to the City for its review and approval

prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by City Council upon the finding of excusable delay in any proposed development activity.

Section 7. That this Development Order shall be binding upon the developer, assigns, or successors in interest.

Section 8. It is understood that any reference herein to any governmental agencies 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 development order.

Section 9. That in the event that any portion or section of this development order 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 Development Order which shall remain in full force and effect.

Section 10. That the City Clerk is directed to send copies of this Development Order, within five (5) days of the effective date of this ordinance, to the developer, the Florida Department of Veteran and Community Affairs and the TBRPC.

Section 11. That the developer shall record a notice of adoption of this development order as required pursuant to Section 380.06(14)(d), Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 12. That this Development Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380, Florida Statutes.

Section 13. That this ordinance 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 in 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 AUG 12 1982.

Lloyd Capland  
CHAIRMAN, CITY COUNCIL

ATTEST:

<sup>200-2026</sup>  
Francis Hernandez  
CITY CLERK

APPROVED by me on AUG 13 1982

Bob Martinez  
MAYOR

Prepared and Approved by

Kenneth E. Davis  
ASSISTANT CITY ATTORNEY