

#161



CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

March 30, 2012

Mr. David Mechanik
Mechanik Nuccio
305 S. Boulevard.
Tampa, Florida 33606

Re: University Center Research and Development Park DRI
Extension of Phase/Build Out /Expiration Dates

Dear Dave:

As you know, I issued you a letter on December 22, 2011 which extended the build out and expiration dates of this project pursuant to House Bill 7207. The dates approved in that letter were approximately two weeks longer than the statutory extension allowed.

Based upon a review of the Development Orders, as amended, I have determined that the project has met the provisions of HB 7207 and is extended for four years from its approved phased build out and expiration date which was established in 2005 pursuant to Ordinance 162 . The new dates are as follows and will revise those in my December 22nd letter:

- Buildout – December 15, 2017
- Expiration - December 15, 2022

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
DRI/ Subdivision Coordination
City of Tampa, Florida

Cc: John Meyer, TBRPC

#161



CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

May 27, 2009

Mr. David Mechanik
Mechanik, Nuccio et al
305 South Boulevard
Tampa, Florida 33606

Re: USF Research and Development Park – Development of Regional Impact
(Build Out Date Extension)

Dear Mr. Mechanik:

City of Tampa staff has reviewed the documentation you provided to demonstrate that the Tampa Bay Center Development of Regional Impact (DRI) was under active construction on July 1, 2007 and, therefore, eligible for the 3 year build out date extension authorized under Florida Statutes 380.06(19), Florida Statutes.

This letter is to confirm that based upon the information submitted, the project was under active construction on July 1, 2007. Therefore, the projects build out is extended by three (3) years to December 31, 2013 with the expiration date also extended by a 3 year period to December 31, 2018.

If you have any questions, please contact me at (813) 274-8405.

Regards,

Susan Johnson,
DRI Coordinator
City of Tampa, Florida

Cc: John Meyer

#161



CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

August 2, 2006

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

File No. DZ89-93

University Center Research and Development Park

Dear Sir:

The City Council of the City of Tampa met in regular session on July 27, 2006 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 2006-170
CERTIFIED MAIL

ORDINANCE NO. 2006-170

AN ORDINANCE AMENDING ORDINANCE NO. 2006-73, PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA ON MARCH 23, 2006 PERTAINING TO A THIRD AMENDMENT TO A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE UNIVERSITY CENTER RESEARCH AND DEVELOPMENT PARK, DRI NO. 161 BY CORRECTING A SCRIVENERS ERROR; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 2006-73, passed and ordained by the City Council of the City of Tampa on March 23, 2006, approved a Third Amendment to a Development Order pursuant to Chapter 380, Florida Statutes, for the University Center Research and Development Park, DRI No. 161; and

WHEREAS, an incorrect ordinance number was referenced in the third whereas recital clause; and

WHEREAS, it is therefore necessary to amend Ordinance No. 2006-73 by changing said ordinance number from "Ordinance No. 05-132" to "Ordinance No. 2005-162."

NOW THEREFORE,

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

Section 1. That Ordinance No 2006-73 is hereby amended by changing the reference to the ordinance number in the third whereas recital clause from "Ordinance No. 05-132" to "Ordinance No. 2005-162."

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

Section 3. That if any part of this ordinance shall be 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

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON JUL 27 2006.

ATTEST:

Shirley Saxe-Knowles
CITY CLERK / DEPUTY CITY CLERK

Franklin M. Miller
CHAIRMAN / CHAIRMAN PRO-TEM
CITY COUNCIL

APPROVED by me on JUL 27 2006

Pam Iorio
PAM IORIO, MAYOR

PREPARED AND APPROVED AS TO
LEGAL SUFFICIENCY:

REBECCA M. KERT
ASSISTANT CITY ATTORNEY

H:\MCM\DR\University Center R & D - Scriv. Error Ord. - 06-23-06

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ordinance 2006-17
on file on my office
Witness my hand and official seal this 28th
day of July, 2006

Shirley Saxe-Knowles
CITY CLERK / DEPUTY CITY CLERK

#161



CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

April 6, 2006

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

File No. DZ89-93

University Center Research and Development Park DRI

Dear Sir:

The City Council of the City of Tampa met in regular session on March 23, 2006 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 2006-73
CERTIFIED MAIL

315 E. Kennedy Blvd., Third Floor • Tampa, Florida 33602 • (813) 274-8397 • FAX: (813) 274-8306


www.tampagov.net

ORDINANCE NO. 2006-73

**AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
APPROVING A THIRD AMENDMENT TO A
DEVELOPMENT ORDER RENDERED PURSUANT TO
CHAPTER 380, FLORIDA STATUTES, FOR THE
UNIVERSITY CENTER RESEARCH AND
DEVELOPMENT PARK, DRI NO. 161; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, Ordinance No. 90-19, passed and ordained by the City Council of the City of Tampa ("City Council") on January 14, 1990, approved a development order for the University Center Research and Development Park ("Development"), a Development of Regional Impact ("DRI"), (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 94-176, passed and ordained by the City Council on September 15, 1994, approved an amendment to the Original Development Order (hereinafter referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 05-132, passed and ordained by the City Council on June 9, 2005, approved an amendment to the Original Development Order (hereinafter referred to as the "Second Amendment") (the Original Development Order as amended by the First and Second Amendments shall hereinafter be referred to as the "Development Order"); and

WHEREAS, on August 10, 2005, University of South Florida Research Foundation, Inc. (the "Applicant") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06, Florida Statutes (the Notification of Proposed Change is hereinafter referred to as the "Notice of Change" and is attached hereto as Exhibit "A," and

WHEREAS, the Notice of Change proposed to amend the Development Order to incorporate an Equivalency Matrix, attached hereto as Exhibit "B," which would allow a trade-off from the currently approved Research and Development use to additional hotel rooms (hereinafter the above changes shall be collectively referred to as the "Proposed Change"); and

WHEREAS, the Proposed Change shall constitute the Third Amendment to the Original Development Order (the Original Development Order as amended by the First, Second and Third Amendments shall hereinafter be referred to as the "Amended 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 public notice requirements of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code of Ordinances ("City Code"), have been fulfilled; and

Certified as true
and correct copy

WHEREAS, the City Council has conducted a duly noticed public hearing on the Proposed Change and has reviewed and considered the Proposed Change, as well as all testimony and evidence submitted by certain parties and members of the general public; and

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

WHEREAS, the City Council has reviewed and considered the Notice of Change and the Proposed Change, as well as all related testimony and evidence submitted by each party 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.

NOW THEREFORE,

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

Section 1. Findings of Fact. The 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 Applicant submitted to the City the Notice of Change attached hereto as Exhibit A.

B. That the Notice of Change proposes to amend the Development Order to incorporate an Equivalency Matrix, attached hereto as Exhibit "B".

C. That the Proposed Change is consistent with all local land use development regulations and the local comprehensive plan.

D. 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, and is consistent with the State Comprehensive Plan.

E. That the Development is not located in an area of critical state concern as designated by Section 380.05, Florida Statutes, as amended.

F. That the Proposed Change is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended.

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and correct copy

G. That the Proposed Change is presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes;

H. That based upon the analyses which are part of Exhibit A, 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.

I. The Proposed Change does not create additional regional impacts to the previously approved Development, nor does it create any type of regional impact not previously reviewed, provided the conditions of this Amended Development Order are met;

J. That all statutory procedures have been adhered to;

K. That the Findings of Fact and Conclusions of Law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, 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.

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 Development as described herein, is authorized subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That the Proposed Change is presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes;

C. That the review by the City, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

D. That the Proposed Change does not create additional regional impacts to the previously approved Development, nor does it create any type of regional impact not previously reviewed provided the conditions of this Amended Development Order are met;

E. That based on the foregoing and pursuant to Section 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:

Certified as true
and correct copy

A. The total approved land uses and sizes for the University Center Research and Development Park are as follows:

Research & Development Park	1,205,000 g.s.f.
Hotel	350 hotel rooms

B. That the Proposed Change is hereby approved and the Development Order is hereby amended to incorporate the Notice of Change.

C. That the Development Order is hereby amended to incorporate the Equivalency Matrix as follows: 1 hotel room is equivalent to 675 square feet of Research and Development Park. Maximum total hotel rooms for the DRI will not exceed 700 rooms (including permitted hotel rooms as provided in Section 3.A above and the use of this Equivalency Matrix)

D. That prior to obtaining construction permits for additional hotel rooms approved under this Third Amendment to the Original Development Order, the Developer shall verify with the appropriate City departments that the City can serve any water, wastewater and solid waste demands created by use of the Equivalency Matrix.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 90-19 and shall constitute, collectively, the Development Order for the DRI as passed and ordained by the City Council. All provisions of the Development Order except those specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development Order 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. This Ordinance shall be binding upon the Applicant, its assigns, and its successors in interest.

Section 7. Governmental Agencies. 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. 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 hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Applicant (c/o Mechanik, Nuccio,

Certified as true
and correct copy

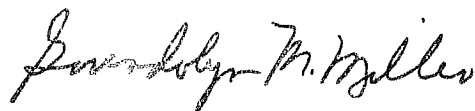
Williams Hearne and Wester, 101 E. Kennedy Blvd, Suite 3140, Tampa, Florida 33602, Attn: David M. Mechanik), the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

Section 10. Rendition. 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 11. Recordation. The Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

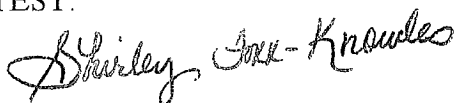
Section 12. Effective Date. This Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect immediately upon being rendered in accordance with law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON MAR 23 2006



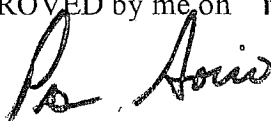
CHAIRMAN/CHAIRMAN PRO-TEM
CITY COUNCIL

ATTEST:



CITY CLERK/DEPUTY CITYCLERK

APPROVED by me on MAR 25 2006



PAM IORIO, MAYOR

APPROVED AS TO LEGAL
SUFFICIENCY:

E/S

REBECCA M. KERT
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ordinance 2006-73
on file on my office

Witness my hand and official seal this 6th day
of April, 2006

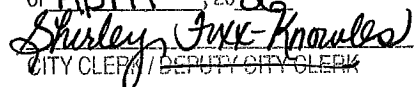

CITY CLERK / DEPUTY CITY CLERK

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

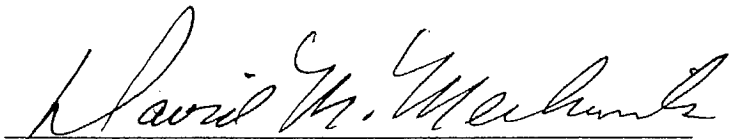
**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

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, David M. Mechanik and/or Mechanik Nuccio Williams Hearne and Wester, P.A., the undersigned authorized representative of the University of South Florida Research Foundation, Inc., 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 University Center Research and Development Park development, 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, Hillsborough County, the Tampa Bay Regional Planning Council, the Florida Department of Transportation and the Bureau of Local Planning, Department of Community Affairs.

8-10-05

(Date)



(Signature)

David M. Mechanik, Esq.
Mechanik Nuccio Williams Hearne and Wester

Certified as true
and correct copy

2. Applicant (name, address, phone).

University of South Florida Research Foundation, Inc.
3702 Spectrum Boulevard, Suite 155
Tampa, FL 33612
(813) 974-0994
Attn: Allison Madden, Assistant Director

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

David M. Mechanik, Esq.
Mechanik Nuccio Williams Hearne & Wester, P.A.
101 E. Kennedy Boulevard, Suite 3140
Tampa, Florida 33602
(813) 276-1920; (813) 276-1560 (FAX)
dmm@floridalandlaw.com

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

City of Tampa, Hillsborough County, Sections 8 and 9, Township 28 South, Range 19 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.

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.

This Notification of a Proposed Change ("NOPC") proposes to incorporate an equivalency matrix, as attached hereto as Exhibit "A", which would allow a trade-off from the currently approved Research and Development use to additional hotel rooms. Hereinafter the foregoing described change shall be referred to as the "Proposed Change." Supporting documentation for the proposed trade-off mechanism is attached hereto as Exhibit "B".

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). 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 Development Order for the University Center Research and Development Park Development of Regional Impact ("DRI") #161, City of Tampa Ordinance No. 90-19, was adopted by the City of Tampa on January 14, 1990 (hereinafter referred to as the "Original Development Order").

The Original Development Order was amended by City of Tampa Ordinance 94-176 on September 16, 1994. It extended the i) project buildout date to December 15, 2001; ii) effective date of the Development Order to December 15, 2006; and iii) date after which the development may be down-zoned or reduced in intensity or unit density by the City of Tampa to December 15, 2006.

The Original Development Order was amended by City of Tampa Ordinance No. 162 on June 9, 2005. It extended i) the project buildout date to December 15, 2010; ii) the effective date of the Development Order to December 15, 2010; iii) the date after which the development may be down-zoned or reduced in intensity or unit density by the City of Tampa to December 15, 2015; and it amended the land use categories to clarify land use types by changing from Office/Industrial to Research and Development without increasing development totals.

There 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 such lands have been purchased.

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.**

The Proposed Change does not result in a change to the buildout date.

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

The Proposed Change do not require an amendment to the local government comprehensive plan.

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.

No change affecting the master site plan or other map of the development is proposed. Accordingly, an updated master site plan or other map has been omitted as an attachment to this NOPC.

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;**

Please see the proposed Amended Development Order attached as Exhibit "C".

- 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.

APPENDIX

Certified as true
and correct copy

EXHIBIT "A"

Trade-off Mechanism Transportation Analysis

Certified as true
and correct copy

TRADE-OFF MECHANISM TRANSPORTATION ANALYSIS

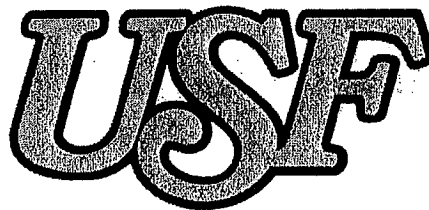
FOR

**UNIVERSITY TECHNOLOGY CENTER
RESEARCH & DEVELOPMENT PARK
DRI No. 161**

NOTICE OF PROPOSED CHANGE

PREPARED FOR:

***University of
South Florida***



USF RESEARCH FOUNDATION, INC.

PREPARED BY:

ICON
CONSULTANT GROUP
INCORPORATED

*10006 North Dale Mabry Highway, Suite 201
Tampa, Florida 33618
Telephone: (813) 962-8689
Fax: (813) 963-1610*

Contact Person: Angelo G. Belluccia, PE

AUGUST 2005

**Certified as true
and correct copy**

**NOTICE OF PROPOSED CHANGE
TO AN APPROVED
DEVELOPMENT OF REGIONAL IMPACT
APPLICATION FOR DEVELOPMENT APPROVAL
UNDER SECTION 380.06, FLORIDA STATUTES**

**UNIVERSITY CENTER RESEARCH AND DEVELOPMENT PARK
DRI NO. 161**

TRANSPORTATION TRADE-OFF MECHANISM

INTRODUCTION

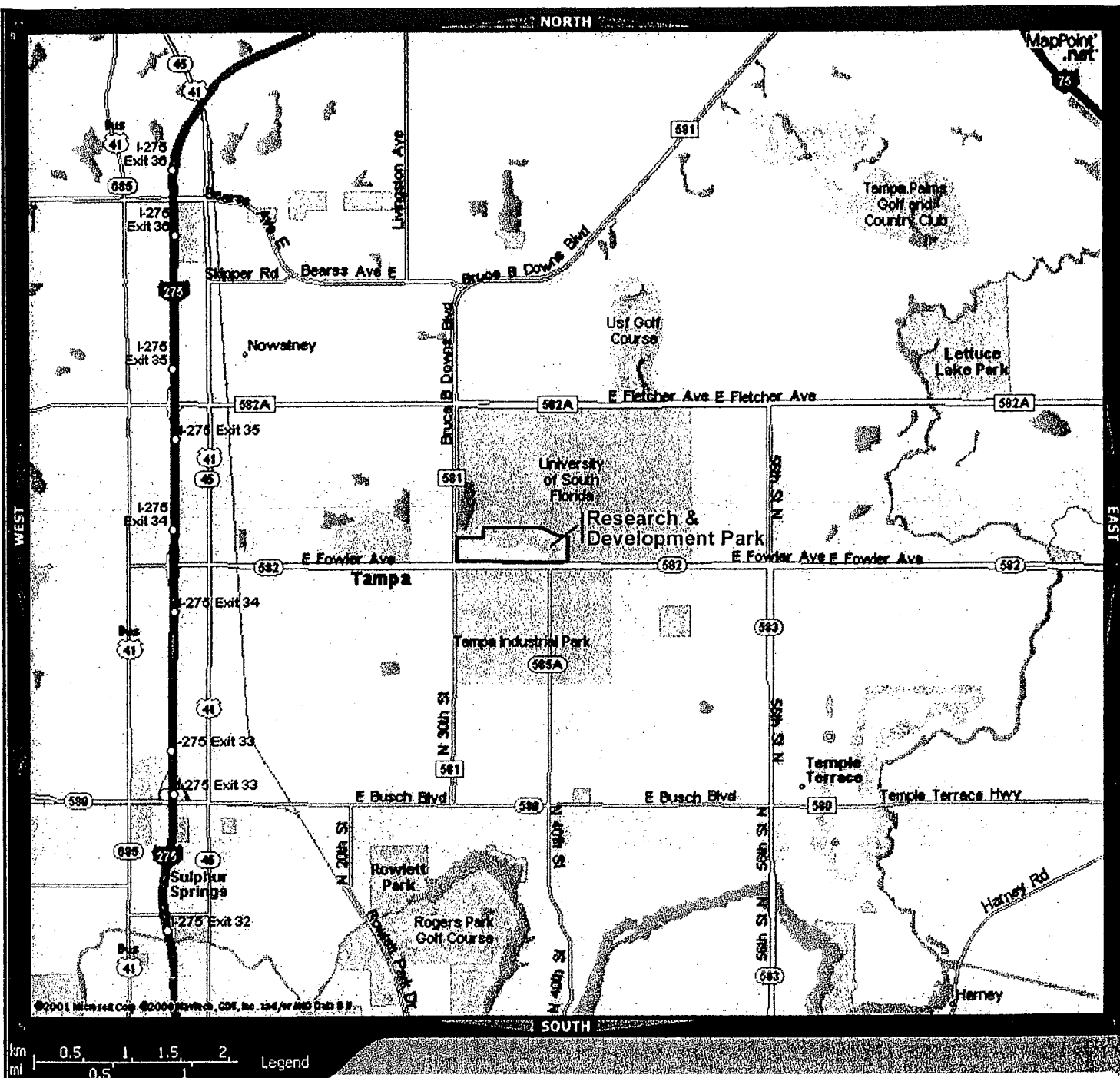
This transportation trade-off mechanism analysis is submitted in support of a Notice of Proposed Change (NOPC) to the USF Research Foundation's (USFRF) University Center Research & Development Park, DRI No. 161 (the "Project").

The Project is located in Tampa, Florida, at the southwest area of the USF Tampa Campus, bounded by Bruce B. Downs Blvd. and Fowler Avenue on the West and South, respectively. Figure 21-1 illustrates the location of the Project.

Per the direction of TBRPC's DRI Coordinator, the analysis has been prepared pursuant to methodology discussions in April and July 2005 with Roy Chapman, TBRPC reviewer.

The purpose of this transportation analysis is to support a trade-off from the currently approved Research and Development land uses to additional Hotel rooms.

Certified as true
and correct copy



Certified as true
and correct copy

SOURCE: MapPoint.net Location Maps

SCALE: see above

ICON
CONSULTANT GROUP
INCORPORATED

University Technology Center
Research & Development Park
DRI # 161
Tampa, Florida

LOCATION
MAP

FIGURE
21-1

TRANSPORTATION TRADE-OFF MECHANISM

The Transportation Trade-off Mechanism is prepared for the Research and Development Park DRI. The total approved land uses and sizes are as follows:

Research & Development Park (LUC 760) 1,205,000 square feet
Hotel (LUC 310) 350 rooms

The Application requests trading off research and development use to obtain additional hotel rooms. As discussed in methodology conversations, the trade-off is based on the total pm peak hour trip generation rates as identified in the latest approved NOPC Application. Table 1 reports the calculated trade-off. Provided in Appendix B are copies from the 2003 latest approved NOPC with the trip generation information.

One (1) Hotel Room generates the same number of total pm peak hour trips as 675 square feet of Research and Development. The maximum total hotel rooms for the DRI will not exceed 700.

An example calculation is provided below:

Equivalency: 1 Hotel Room is equivalent to 675 square feet of Research and Development

Example Request: Say an additional 350 hotel rooms.

350 rooms X 675 square feet = 236,250 R&D Park square feet.

Check: 350 room hotel generates 207 pm peak hour trips.
236,250 square feet of R&D generates 207 pm peak hour trips.

Certified as true
and correct copy

TABLE 1
Transportation Trade-Off Mechanism
USF Research & Development Park DRI
2005 NOPC

Proposed Land Use			ITE Trip Generation (1)		
Land Use	ITE Land Use Code	Size	Inbound	Outbound	Total
Hotel (Rooms)	310	350	110	97	207
R & D Park	760	1,205,000	158	898	1,056
Totals			268	995	1,263

Notes

(1) Based on approved trip generation presented in latest NOPC Application. See Appendix A.

Research to Hotel Land Use Trade Off

	Research	Hotel
In	0.131	0.314
Out	0.745	0.277
	0.876	0.591

Hotel to Research

Ratio b/a
2.397
0.372
0.675

1 Hotel room = Research

675 sq ft

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and correct copy

APPENDIX A

2003 NOPC APPLICATION INFORMATION

Certified as true
and correct copy

TRANSPORTATION ANALYSIS

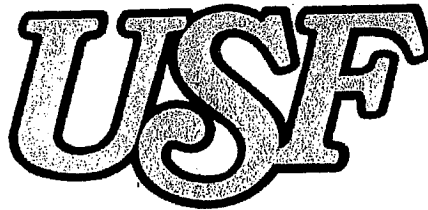
FOR

UNIVERSITY TECHNOLOGY CENTER
RESEARCH & DEVELOPMENT PARK
DRI No. 161

NOTICE OF PROPOSED CHANGE

PREPARED FOR:

***University of
South Florida***



USF RESEARCH FOUNDATION, INC.

PREPARED BY:

ICON
CONSULTANT GROUP
INCORPORATED

10006 North Dale Mabry Highway, Suite 201
Tampa, Florida 33618
Telephone: (813) 962-8689
Fax: (813) 963-1610

Contact Person: Angelo G. Belluccia, PE

Date Submitted: OCTOBER 29, 2003

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TABLE 21-3

PM Peak Hour

Trip Generation, Internal Capture, Transit Mode Split,
& USF Campus - USF R&D Park Interaction

Proposed Land Use	ITE Land Use Code	Size	ITE Trip Generation (1)			Internal Trips (2)			Transit Mode Split (4)			USF Campus - USF R&D Park Trip Interaction (5)			Net External Trips		
			Inbound	Outbound	Total	Inbound	Outbound	Total	Inbound	Outbound	Total	Inbound	Outbound	Total	Inbound	Outbound	Total
Hotel (Rooms) (3)	310	350	110	97	207	2	0	2	5	5	10	32	29	61	71	63	134
& D Park	760	1,205,000	158	898	1,056	0	2	2	8	44	52	47	264	311	103	588	691
Totals			268	995	1,263	2	2	4	13	49	62	79	293	372	174	651	825

Notes:

ITE Trip Generation, 6th Edition, 1997.

ITE Trip Generation Handbook, Oct. 1998

(see attached ITE Multi-Use Development Trip Generation & Internal Capture Summary)

Conference room square feet is located in the hotel. ITE Land Use code includes conference facilities

Assumes a 5% transit mode split, as agreed in the Traffic methodology statement.

Interacting trips between the USF Campus and the USF R&D Park DRI.

The 30% level was agreed by the Reviewing Agencies in September 2003.

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EXHIBIT "B"

Equivalency Matrix Supporting Documentation

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EQUIVALENCY MATRIX

USF Research & Development Park NOPC

A land use equivalency matrix was prepared in order to allow for the simultaneous increase and decrease of two of the approved land uses (Research & Development and Hotel) within the development, while ensuring that there are no additional regional significant adverse impacts associated with the proposed exchanges of land uses. The equivalency matrix presented in Table 1 is based on two-way p.m. peak hour peak project traffic (as typically required by the Tampa Bay Regional Planning Council for trades of this type) for the USF Research & Development Park DRI. The minimum/maximum ranges of development identified in Table 1 were developed based on non-exceedance of the available quantities of the most restrictive public facility or service demand factor (i.e., transportation, water, wastewater, solid waste, and affordable housing), as identified in Tables 3 and 4. Thus, the equivalency matrix provides the opportunity to exchange development entitlements between approved land uses in a manner which ensures that additional adverse regional impacts will not result from such an exchange.

The Trip Generation data provided in Table 2 was developed by Icon Consulting Group to identify project traffic by land use and the resulting two-way p.m. peak hour trip rates. As indicated within Table 2, the total p.m. peak hour project trips for each land use represents the total approved project traffic volume.

The Utility/Employment Equivalency Comparison provided in Table 3 was developed to determine if the approved water demands, wastewater generation, solid waste disposal, or affordable housing-related employment would serve as "limiting factors" to the transportation equivalency matrix exhibited in Table 1. The limiting factor rates per base unit were obtained from the DRI/ADA documentation upon which the USF Research & Development Park DRI was

Planning & Transportation Services

Mailing Address: P.O. Box 10658 Tampa, Florida 33679-0658
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Fax: 813.253.3037

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approved, and updated to reflect current utility generation rates as defined in the City of Tampa Comprehensive Plan. Table 3 concludes that the exchanges permitted in the Equivalency Matrix may result in an exceedance of approved water, wastewater, and solid waste quantities. However, it is our understanding that additional water, wastewater and solid waste capacities are available from the City of Tampa if required. Therefore these exceedances are not adverse.

Table 4 identifies the approved quantities for water, wastewater, solid waste, and affordable housing for the development. Table 4 also identifies a worst-case development scenario utilizing the Equivalency Matrix. A comparison of the approved infrastructure amounts with the worst-case development scenario infrastructure amounts indicates that additional water and wastewater capacities will be required to serve the development if the worst-case development scenario is constructed. An additional .0932mgd of water and .0916mgd of wastewater would be needed to serve the development. Solid waste was not ultimately identified as requiring additional capacities.

Based upon the foregoing analysis and the limitations identified in the Equivalency Matrix (i.e., minimum and maximum land use totals), no additional regionally significant transportation, water, wastewater, solid waste, or affordable housing adverse impacts will occur as a result of the proposed exchanges.

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TABLE 1
EQUIVALENCY MATRIX ¹
USF Research & Development Park

Change From:	Change To:	Ratio
Research & Development	N/A	1.48 rms / ksf 1.4822

¹ Land use exchanges are based on 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, and affordable housing are not exceeded.

<u>Land Use</u>	<u>Minimum</u>	<u>Maximum</u>
Hotel	350 rm	700 rm
R&D	968,750 sf	1,205,000 sf

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Table 2
Projected P.M. Peak Hour Trip Generation¹
USF Research & Development Park DRI

Proposed Land Use			ITE Trip Generation			Two-Way Trip Rate
Land Use	ITE ² Land Use Code	Size	Inbound	Outbound	Total	
Hotel (rooms)	310	350	110	97	207	0.591 /room
R&D Park (sf)	760	1,205,000	158	898	1,056	0.876 /ksf
Totals			268	995	1,263	

¹ Icon Consulting Group, Inc. July 26, 2005

² ITE's Trip Generation Manual, 7th Edition. See trip generation analysis prepared by Icon Consulting Group.

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TABLE 3
UTILITY/EMPLOYMENT EQUIVALENCY COMPARISON¹
USF Research & Development Park

Land Use	Base Size	Hotel Equivalent		Maximum Allowable Additional Development
		Size	Comment	
Research & Development	1,000 sf	1.48 rms	-	
Water	154 gpd	326.09 gpd	> Research & Development	Hotel exceeds R&D based on Water, Wastewater and Solid Waste. See Table 3 for additional Water, Wastewater and Solid Waste capacities may be needed.
Wastewater	140 gpd	296.45 gpd	> Research & Development	
Solid Waste	10 lbs/day	10.38 lbs/day	> Research & Development	
Aff. Housing	2.88 emp.	1.10 emp.	< Research & Development	

1. R & D and Hotel utility rates based on City of Tampa Comprehensive criteria. Hotel room rates are: water - 220gpd; wastewater 200gpd; solid waste 7lbs/day; and affordable housing 0.74emp./room. DRI/ADA R&D and Hotel rates attached for reference purposes. Affordable housing calculations based on current median family annual income of \$51,250 for the Tampa St. Petersburg MSA.

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Table 4
ALTERNATIVE WORST-CASE INFRASTRUCTURE DEMAND
USF Research & Development Park

ALTERNATIVE WORST-CASE DEVELOPMENT SCENARIO		TRANSPORTATION / UTILITY DEMANDS ¹				
Land Use	Size	Traffic (vpd)	Water (gpd)	Wastewater (gpd)	Solid Waste (lbs/day)	Employment
Research & Development (ksf)	969	849	149,188	135,625	9,688	2,790
Hotel (rm)	700	414	154,000	140,000	4,900	518
TOTALS		1,262	303,188	275,625	14,588	3,308
Approved Development Maximums ²		1,283	210,000	184,000	18,442	3,583
Percent Change ³		-1.6%	44.4%	49.8%	-20.9%	-7.7%

¹ See Table 3 for infrastructure rates.

² See attached DRI/ADA documentation for approved infrastructure and ICON Consulting Group documentation for trip generation rates.

³ Negative percentage indicates that approved amount is not exceeded. Positive percentage indicates that additional capacity is required.

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**APPENDIX
TO
EQUIVALENCY MATRIX MEMORANDUM**

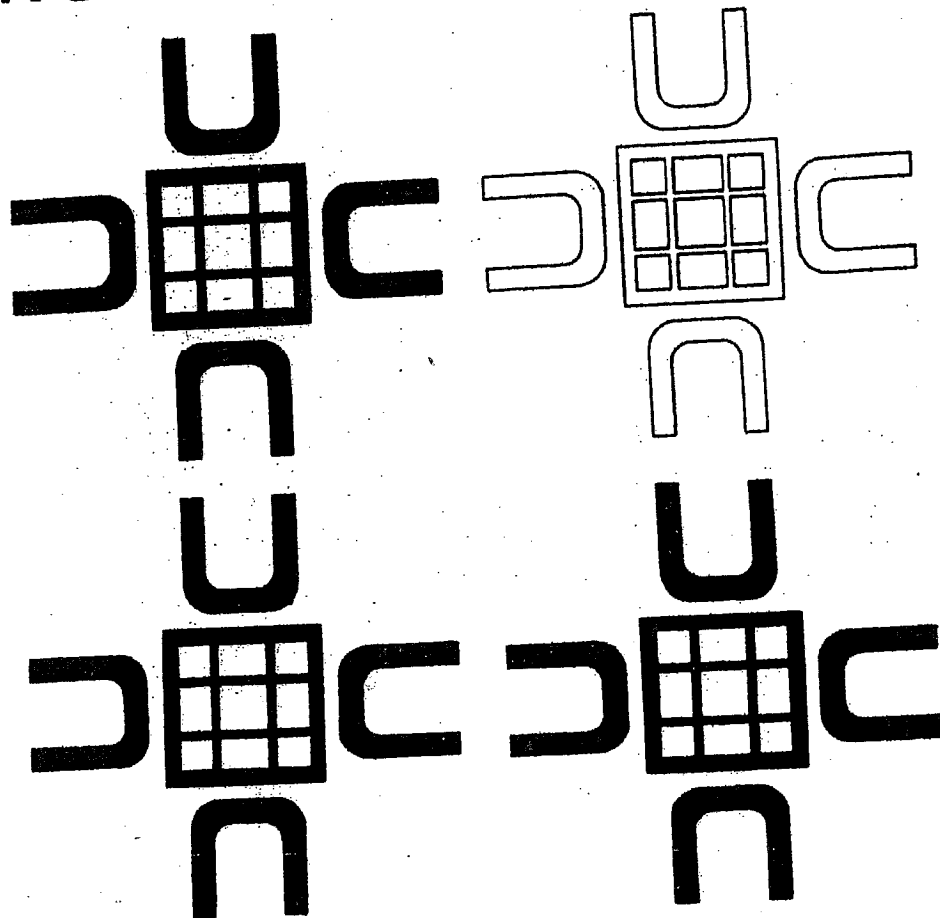
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101
DEVELOPMENT OF REGIONAL IMPACT
APPLICATION FOR DEVELOPMENT

APPROVAL

NOA 9/89

UNIVERSITY CENTER RESEARCH AND DEVELOPMENT PARK



TAMPA BAY AREA RESEARCH
AND DEVELOPMENT AUTHORITY

R D P ASSOCIATES I , LTD .

POST, BUCKLEY, SCHUH & EERNIGAN, INC.

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TABLE 21-1
ESTIMATED WASTEWATER GENERATION
AVERAGE DAILY FLOW BY PHASE
(IN MGD)

	<u>Overnight Accommodation Facility</u>	<u>Office, School/ Institutional</u>	<u>Light Industrial - Research</u>	<u>Totals</u>
Phase 1 (1990-1991)	0.028	0.016	0.003	0.047
Phase 2 (1992-1996)	0.037	0.046	0.054	0.137
PROJECT TOTALS	0.065	0.062	0.057	0.184

TABLE 23-1
ESTIMATED POTABLE WATER DEMAND
AVERAGE DAILY DEMAND BY PHASE
(IN MGD)

	<u>Overnight Accommodation Facility</u>	<u>Office, School/Institutional, Light Industrial - Research</u>	<u>Totals</u>
Phase I (1990-1991)	0.030	0.025	0.055
Phase II (1992-1996)	0.039	0.116	0.155
PROJECT TOTALS	0.069	0.141	0.210

TABLE 24-1

**ESTIMATED DAILY SOLID WASTE GENERATION
(IN TONS, BASED ON LOOSE CUBIC YARDS)**

	<u>Overnight Accommodation Facility</u>	<u>Office, School/ Institutional</u>	<u>Light Industrial - Research</u>	<u>Totals</u>
Phase 1 (1990-1991)	0.665	1.100	0.190	1.955
Phase 2 (1992-1996)	0.886	3.150	3.230	7.266
PROJECT TOTALS	1.551	4.250	3.420	9.221

Sufficiency

**RESPONSE TO PRELIMINARY ASSESSMENT
OF THE
UNIVERSITY CENTER RESEARCH AND
DEVELOPMENT PARK**

OCTOBER, 1989

**Submitted To:
TAMPA BAY REGIONAL PLANNING COUNCIL**

**RDP ASSOCIATES NO. ONE, LTD.
7601 Courtney Campbell Causeway
Suite 1100
Tampa, Florida 33607**

**POST, BUCKLEY, SCHUH & JERNIGAN, INC.
Engineers, Planners, Architects
5300 West Cypress Street, Suite 300
Tampa, Florida 33607**

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TABLE S.R. 20-2
EMPLOYMENT AND EARNINGS OF THE PERMANENT WORK FORCE
UNIVERSITY CENTER RESEARCH AND DEVELOPMENT PARK DRI

<u>S/C</u>	<u>Employment I Group Description</u>	<u>Employment End of</u>		<u>Average Annual Earnings²</u>	
		<u>Phase I</u>	<u>Phase II</u>	<u>At Project Buildout</u>	
	<u>Manufacturing</u>			<u>Per Worker</u>	<u>Total Payroll</u>
27	Printing/Publishing	25	273		
28	Chemicals/Allied				
	Products	65	178		
30	Rubber/Plastics	35	128		
36	Electrical/Electronic				
	Equipment	35	273		
38	Instruments/Related				
	Products	<u>75</u>	<u>648</u>		
	Subtotal	235	1500	\$23,500	\$35.3 million
	SERVICES				
701	Lodging Places	117	117		
721	Personal Services	6	91		
73	Business Services	230	873		
80	Health Services	110	933		
82	Education/Business				
	Schools	100	225		
89	Arch/Eng/Acctg	<u>33</u>	<u>363</u>		
	Subtotal	596	2602	\$24,500	\$63.7 million
	Project Total	831	4102	\$24,134	\$99.0 million

1. Estimates reflect assumed absorption of space by various user groups according to the principal activities of users. The large business services category includes computer programming, computer-related services, R&D labs and testing labs when these are the principal activities in the space even though such activities are companies in other groups (e.g. manufacturing or trade).
2. Earnings reflect 1989 dollar values and represent only covered wages and salaries. Earnings such as tips and commissions are not reflected in the information shown. The per worker earning is based on averages for each industry group. An atypical profile with higher average earnings per worker is expected for R&D-type activities, but no source to confirm this is readily available.

POST, BUCKLEY, SCHUH & JERNIGAN, INC.

TABLE S.R. 20-3

**EMPLOYMENT DISTRIBUTION BY EARNINGS LEVEL
CONSTRUCTION PHASE AND PERMANENT EMPLOYMENT
JUNE, 1989**

I. CONSTRUCTION EMPLOYMENT

Earnings Level (1988) Dollars	<u>Phase 1</u>	<u>Phase 2</u>	<u>Phase 3</u>	<u>Percent of All Employees</u>
Less Than \$10,000	9	8	4	2%
\$10,000-\$14,999	60	53	27	13%
\$15,000-\$19,999	176	156	78	38%
\$20,000-\$24,999	92	32	41	20%
\$25,000-\$29,999	60	53	27	13%
\$30,000-\$39,999	42	37	18	9%
\$40,000-\$49,999	14	12	6	3%
\$50,000 and over	9	8	4	2%
TOTAL	462	409	205	100%

II. PERMANENT EMPLOYMENT

Earnings Level (1988) Dollars	<u>Phase 1</u>	<u>Phase 2</u>	<u>Phase 3</u>	<u>Percent of All Employees</u>
Less Than \$10,000	44	28	80	2%
\$10,000-\$14,999	165	105	550	13%
\$15,000-\$19,999	363	231	1235	30%
\$20,000-\$24,999	264	168	780	24%
\$25,000-\$29,999	121	77	535	11%
\$30,000-\$39,999	66	42	417	6%
\$40,000-\$49,999	44	28	255	7%
\$50,000 and over	33	21	250	6%
TOTAL	1100	1000	4102	100%

Appendix A - Income Limits Schedule

7

City (County)	Percentage Category	Florida Housing Finance Corporation Multifamily Rental Programs and SHIP (all) 2005 Income Limits Adjusted To Household Size								Multifamily Rental Bond Income Limits NOT by Household Size		
		Number of Persons in Household								Lower		
		1	2	3	4	5	6	7	8	85%	90%	Eligible 150%
Tampa-St. Petersburg- Clearwater MSA (Hernando/Hillsborough/ Pasco/Pinellas)	20%	7,300	8,340	9,380	10,440	11,260	12,100	12,940	13,760	33,830	41,750	78,825
	30%	10,950	12,550	14,100	15,550	16,900	18,150	19,400	20,650			
	35%	12,775	14,595	16,415	18,270	19,705	21,175	22,645	24,080			
	40%	14,600	16,680	18,760	20,880	22,520	24,200	25,880	27,520			
	45%	16,425	18,765	21,105	23,490	25,335	27,225	29,115	30,960			
	50%	18,250	20,850	23,450	26,100	28,150	30,250	32,350	34,400			
	55%	20,075	22,935	25,795	28,710	30,965	33,275	35,585	37,840			
	60%	21,900	25,020	28,140	31,320	33,780	36,300	38,820	41,280			
	80%	29,250	33,400	37,600	41,750	45,100	48,450	51,800	55,100			
	120%	43,800	50,940	58,280	65,640	72,560	79,480	86,400	93,320			
West Palm Beach- Boca Raton MSA (Palm Beach)	25%	11,000	12,550	14,125	15,700	16,950	18,200	19,475	20,725	40,820	50,250	93,150
	30%	13,200	15,050	16,950	18,850	20,350	21,850	23,350	24,850			
	35%	15,400	17,570	19,775	21,980	23,730	25,480	27,265	29,015			
	40%	17,600	20,080	22,600	25,120	27,120	29,120	31,160	33,160			
	45%	19,800	22,590	25,425	28,260	30,510	32,760	35,055	37,305			
	50%	22,000	25,100	28,250	31,400	33,900	36,400	38,950	41,450			
	55%	24,200	27,610	31,075	34,540	37,290	40,040	42,845	45,595			
	60%	26,400	30,120	33,900	37,680	40,680	43,680	46,740	49,740			
	80%	35,150	40,200	45,200	50,250	54,250	58,300	62,300	66,300			
	120%	52,800	60,240	67,800	75,360	81,360	87,360	93,480	99,480			
Baker County	30%	10,800	12,350	13,900	15,400	16,850	17,900	19,188	20,350	33,410	41,100	78,825
	35%	12,600	14,385	16,205	17,950	19,425	20,860	22,295	23,730			
	40%	14,400	16,440	18,520	20,560	22,200	23,840	25,480	27,120			
	45%	16,200	18,485	20,835	23,130	24,975	26,820	28,665	30,510			
	50%	18,000	20,550	23,150	25,700	27,750	29,800	31,850	33,900			
	55%	19,800	22,605	25,465	28,270	30,525	32,780	35,035	37,280			
	60%	21,600	24,660	27,780	30,840	33,360	35,760	38,220	40,680			
	80%	28,800	32,900	37,000	41,100	44,400	47,700	51,000	54,300			
	120%	43,200	49,320	55,560	61,880	66,600	71,520	76,440	81,360			

Florida Housing Finance Corporation

February 2005

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TABLE 20-2
EMPLOYMENT AND EARNINGS OF THE PERMANENT WORK FORCE
UNIVERSITY CENTER RESEARCH AND DEVELOPMENT PARK DRI

<u>S/C</u>	<u>Employment I Group Description Manufacturing</u>	<u>Employment End of</u>		<u>Average Annual Earnings² At Project Buildout</u>	
		<u>Phase I</u>	<u>Phase II</u>	<u>Per Worker</u>	<u>Total Payroll</u>
27	Printing/Publishing	25	200		
28	Chemicals/Allied				
	Products	65	105		
30	Rubber/Plastics	35	55		
36	Electrical/Electronic				
	Equipment	35	200		
38	Instruments/Related				
	Products	<u>75</u>	<u>575</u>		
	Subtotal	235	1135	\$23,500	\$26.7 million
SERVICES					
701	Lodging Places	117	273		
721	Personal Services	6	91		
73	Business Services	230	800		
80	Health Services	110	860		
82	Education/Business				
	Schools	100	225		
89	Arch/Eng/Acctg	<u>33</u>	<u>363</u>		
	Subtotal	596	2612	\$21,360	\$55.8 million
	Project Total	831	3747	\$22,171	\$82.5 million

1. Estimates reflect assumed absorption of space by various user groups according to the principal activities of users. The large business services category includes computer programming, computer-related services, R&D labs and testing labs when these are the principal activities in the space even though such activities are companies in other groups (e.g. manufacturing or trade).
2. Earnings reflect 1989 dollar values and represent only covered wages and salaries. Earnings such as tips and commissions are not reflected in the information shown. The per worker earning is based on averages for each industry group. An atypical profile with higher average earnings per worker is expected for R&D-type activities, but no source to confirm this is readily available.

POST, BUCKLEY, SCHUH & JERNIGAN, INC.

EXHIBIT "C"

Proposed Amended Development Order

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
APPROVING AN AMENDMENT TO A DEVELOPMENT
ORDER RENDERED PURSUANT TO CHAPTER 380,
FLORIDA STATUTES, FOR THE UNIVERSITY CENTER
RESEARCH AND DEVELOPMENT PARK, DRI NO. 161;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Ordinance No. 90-19, passed and ordained by the City Council of the City of Tampa ("City Council") on January 14, 1990, approved a development order for the University Center Research and Development Park ("Development"), a Development of Regional Impact ("DRI"), (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 94-176, passed and ordained by the City Council on September 15, 1994, approved an amendment to the Original Development Order (hereinafter referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 05-132, passed and ordained by the City Council on June 9, 2005, approved an amendment to the Original Development Order (hereinafter referred to as the "Second Amendment") (the Original Development Order as amended by the First and Second Amendments shall hereinafter be referred to as the "Development Order"); and

WHEREAS, on August 10, 2005, University of South Florida Research Foundation, Inc. (the "Applicant") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06, Florida Statutes (the Notification of Proposed Change is hereinafter referred to as the "Notice of Change" and is attached hereto as Exhibit "A;") and

WHEREAS, the Notice of Change proposed to amend the Development Order to incorporate an Equivalency Matrix, attached hereto as Exhibit "B," which would allow a trade-off from the currently approved Research and Development use to additional hotel rooms (hereinafter the above changes shall be collectively referred to as 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 of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code of Ordinances ("City Code"), have been fulfilled; and

WHEREAS, the City Council has conducted a duly noticed public hearing on the Proposed Change and has reviewed and considered the Proposed Change, as well as all testimony and evidence submitted by certain parties and members of the general public; and

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

WHEREAS, the City Council has reviewed and considered the Notice of Change and the Proposed Change, as well as all related testimony and evidence submitted by each party 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.

NOW THEREFORE,

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

Section 1. Findings of Fact. The 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 Applicant submitted to the City the Notice of Change attached hereto as Exhibit A.

B. That the Notice of Change proposes to amend the Development Order to incorporate an Equivalency Matrix, attached hereto as Exhibit "B".

C. That the Proposed Change is consistent with all local land use development regulations and the local comprehensive plan.

D. 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, and is consistent with the State Comprehensive Plan.

E. That the Development is not located in an area of critical state concern as designated by Section 380.05, Florida Statutes, as amended.

F. That the Proposed Change is consistent with the report and recommendations of the TBRPC and satisfies the provisions of Subsection 380.06(14), Florida Statutes, as amended.

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G. That the Proposed Change is presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes;

H. That based upon the analyses which are part of Exhibit A, 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.

I. The Proposed Change does not create additional regional impacts to the previously approved Development, nor does it create any type of regional impact not previously reviewed, provided the conditions of this Amended Development Order are met;

J. That all statutory procedures have been adhered to;

K. That the Findings of Fact and Conclusions of Law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, 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.

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 Development as described herein, is authorized subject only to the amendments, conditions, restrictions and limitations set forth herein.

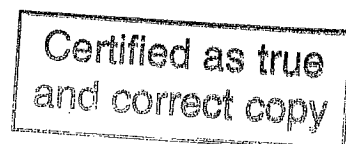
B. That the Proposed Change is presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes;

C. That the review by the City, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

D. That the Proposed Change does not create additional regional impacts to the previously approved Development, nor does it create any type of regional impact not previously reviewed provided the conditions of this Amended Development Order are met;

E. That based on the foregoing and pursuant to Section 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 is hereby amended to incorporate the Notice of Change.

B. That the Development Order is hereby amended incorporate the Equivalency Matrix, attached hereto as Exhibit B.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 90-19 and shall constitute, collectively, the Development Order for the DRI as passed and ordained by the City Council. All provisions of the Development Order except those specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development Order 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. This Ordinance shall be binding upon the Applicant, its assigns, and its successors in interest.

Section 7. Governmental Agencies. 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. 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 hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Applicant (c/o Mechanik, Nuccio, Williams Hearne and Wester, 101 E. Kennedy Blvd, Suite 3140, Tampa, Florida 33602, Attn: David M. Mechanik), the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

Section 10. Rendition. 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 11. Recordation. The Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes.

Certified as true
and correct copy

Section 12. Effective Date. This Ordinance shall become a law as provided in the City of Tampa Home Rule Charter and shall take effect immediately upon being rendered in accordance with law.

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

CHAIRPERSON, CITY COUNCIL

ATTEST:

APPROVED by me on

DEPUTY CLERK

MAYOR

APPROVED as to form by:

ASSISTANT CITY ATTORNEY

Certified as true
and correct copy

ICON
CONSULTANT GROUP
INCORPORATED

OCT 26 2005

October 24, 2004

Susan Johnson
DRI Coordinator
City of Tampa
306 E. Jackson Street, 3rd Floor, North Wing
Tampa, Florida 33602

Re: NOPC, DRI #161
Responses to Sufficiency Comments
University Center Research and Development Park
Tampa, Florida

Dear Susan:

Enclosed for your filing, please find Responses to Sufficiency Comments for the above referenced Development of Regional Impact Notice of Proposed Change. This is being filed in behalf of the owners listed in the Application. We are also submitting copies of the enclosed to all applicable agencies as provided to us by the Tampa Bay Regional Planning Council.

If you have any questions, please contact David Mechanik's office (276-1920) or our office. Thank you.

Sincerely,

ICON Consultant Group, Inc.



Angelo Belluccia, P.E.
Principal

Enclosures (12 copies)

cc: Morris Massey, Esq.
Dr. Carl Carlucci
Dr. Rod Casto
Allison Madden
David Mechanik, Esq.
Bill Morrison
Agency Distribution List:

John Meyer, TBRPC (2 copies)
John Healey, Hillsborough County
Kent Fast, FDOT
Brenda Winningham, DCA (2 copies)

Certified as true
and correct copy

**DRI #161 - University Center R/D Park, Notice of Proposed Change,
City of Tampa**

**First Sufficiency - Comments/Request for Additional Information
dated September 9, 2005**

FDOT

Comment: Extracted from FDOT's letter dated September 8, 2005:

"In theory, the traffic flow to adjacent streets would become more balanced by this change. In addition, the relative mix of land uses would not change substantially. The Department does not oppose the change."

Response: *We agree with FDOT's comment.*

Tampa Bay Regional Planning Council

1. **Comment:** Please confirm that the applicant could convert 236,250 sq. ft. of Research / Development for a maximum of 350 additional hotel rooms. This would result in an increased demand for 40,617 gallons of water per day, 36,925 gallons of wastewater treatment per day and the generation of an additional 87.5 pounds of solid waste per day. Please provide a correspondence from the utility service provider(s) indicating their ability and willingness to meet any additional demand. In addition, it would be appropriate to include a Development Order condition requiring verification of adequate water and wastewater capacity prior to each corresponding conversion of use.

Response: *Revised language has been prepared in the draft Development Order attached to this response as Appendix A. The language requires that the developer obtain commitments from applicable City departments that they can provide additional water, wastewater and solid waste demand prior to commencement of construction of the additional hotel rooms.*

2. **Comment:** Please provide separate p.m. peak hour trip generation comparisons for 236,250 sq. ft. of Research/Development and 350 hotel rooms. Please provide these breakdowns in terms of inbound, outbound and total trips.

Response: *For information purposes, the breakdowns for inbound, outbound and total trips are provided below. As commented by FDOT, the directional*

trip distribution on the adjacent street would be more balanced by this trade-off. The methodology allows the use of the total trip generation for the trade-off was discussed with TBRPC's traffic consultant prior to the analysis.

Max Trade-off Scenario			ITE Trip Generation (1)		
Land Use	ITE Land Use Code	Size	Inbound	Outbound	Total
Hotel (Rooms)	310	350 rooms	110	97	207
R & D Park	760	236250 sq ft	31	176	207

Certified as true and correct copy

**DRI #161 - University Center R/D Park, Notice of Proposed Change,
City of Tampa**

**First Sufficiency - Comments/Request for Additional Information
dated September 9, 2005**

APPENDIX A

Certified as true
and correct copy

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
APPROVING AN AMENDMENT TO A DEVELOPMENT
ORDER RENDERED PURSUANT TO CHAPTER 380,
FLORIDA STATUTES, FOR THE UNIVERSITY CENTER
RESEARCH AND DEVELOPMENT PARK, DRI NO. 161;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Ordinance No. 90-19, passed and ordained by the City Council of the City of Tampa ("City Council") on January 14, 1990, approved a development order for the University Center Research and Development Park ("Development"), a Development of Regional Impact ("DRI"), (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 94-176, passed and ordained by the City Council on September 15, 1994, approved an amendment to the Original Development Order (hereinafter referred to as the "First Amendment"); and

WHEREAS, Ordinance No. 05-132, passed and ordained by the City Council on June 9, 2005, approved an amendment to the Original Development Order (hereinafter referred to as the "Second Amendment") (the Original Development Order as amended by the First and Second Amendments shall hereinafter be referred to as the "Development Order"); and

WHEREAS, on August 10, 2005, University of South Florida Research Foundation, Inc. (the "Applicant") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06, Florida Statutes (the Notification of Proposed Change is hereinafter referred to as the "Notice of Change" and is attached hereto as Exhibit "A;" and

WHEREAS, the Notice of Change proposed to amend the Development Order to incorporate an Equivalency Matrix, attached hereto as Exhibit "B," which would allow a trade-off from the currently approved Research and Development use to additional hotel rooms (hereinafter the above changes shall be collectively referred to as the "Proposed Change"); and

WHEREAS, the Proposed Change shall constitute the Third Amendment to the Original Development Order (the Original Development Order as amended by the First, Second and Third Amendments shall hereinafter be referred to as the "Amended 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 public notice requirements of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code of Ordinances ("City Code"), have been fulfilled; and

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and correct copy

WHEREAS, the City Council has conducted a duly noticed public hearing on the Proposed Change and has reviewed and considered the Proposed Change, as well as all testimony and evidence submitted by certain parties and members of the general public; and

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

WHEREAS, the City Council has reviewed and considered the Notice of Change and the Proposed Change, as well as all related testimony and evidence submitted by each party 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.

NOW THEREFORE,

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

Section 1. Findings of Fact. The 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 Applicant submitted to the City the Notice of Change attached hereto as Exhibit A.

B. That the Notice of Change proposes to amend the Development Order to incorporate an Equivalency Matrix, attached hereto as Exhibit "B".

C. That the Proposed Change is consistent with all local land use development regulations and the local comprehensive plan.

D. 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, and is consistent with the State Comprehensive Plan.

E. That the Development is not located in an area of critical state concern as designated by Section 380.05, Florida Statutes, as amended.

Certified as true
and correct copy

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 is hereby amended to incorporate the Notice of Change.

B. That the Development Order is hereby amended incorporate the Equivalency Matrix, attached hereto as Exhibit B.

C. That prior to obtaining construction permits for additional hotel rooms approved under this Third Amendment to the Original Development Order, the Developer shall verify with the appropriate City departments that it can serve any water, wastewater and solid waste demands created by use of the Equivalency Matrix.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Third Amendment to Ordinance No. 90-19 and shall constitute, collectively, the Development Order for the DRI as passed and ordained by the City Council. All provisions of the Development Order except those specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development Order 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. This Ordinance shall be binding upon the Applicant, its assigns, and its successors in interest.

Section 7. Governmental Agencies. 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. 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 hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Applicant (c/o Mechanik, Nuccio, Williams Hearne and Wester, 101 E. Kennedy Blvd, Suite 3140, Tampa, Florida 33602, Attn: David M. Mechanik), the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

Certified as true and correct copy

Section 10. Rendition. 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 11. Recordation. 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 immediately upon being rendered in accordance with law.

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

CHAIRPERSON, CITY COUNCIL

ATTEST:

APPROVED by me on

DEPUTY CLERK

MAYOR

APPROVED as to form by:

ASSISTANT CITY ATTORNEY

Certified as true
and correct copy

EXHIBIT B

Certified as true
and correct copy

EXHIBIT B
UNIVERSITY CENTER RESEARCH & DEVELOPMENT PARK
DRI #161
Tampa, Florida

LAND USE EQUIVALENCY MATRIX

FROM \ TO	Research & Development	Hotel
Research & Development	N/A	1000 sq ft R&D = 1.48 Hotel Rooms
Hotel	1 Hotel Room = 675 sq ft R&D	N/A

A maximum of an **additional** 350 hotel rooms will be allowed.
This reflects a **total** maximum of 700 hotel rooms.

An example calculation is provided below:

Example Request: Say an additional 350 hotel rooms is requested.
 $350 \text{ rooms} \times 675 \text{ square feet} = 236,250 \text{ R\&D Park square feet.}$

Certified as true
and correct copy

ICON



CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

June 13, 2005

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

File No. DZ89-93

University Center Research and Development Park DRI

Dear Sir:

The City Council of the City of Tampa met in regular session on June 9, 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 2005-162
CERTIFIED MAIL

ORDINANCE NO. 162

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING A SECOND AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE UNIVERSITY CENTER RESEARCH AND DEVELOPMENT PARK, DRI NO. 161; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 90-19, passed and ordained by the City Council of the City of Tampa ("City Council") on January 14, 1990, approved a development order for the University Center Research and Development Park ("Development"), a Development of Regional Impact ("DRI"), (hereinafter said Ordinance shall be referred to as the "Original Development Order"); and

WHEREAS, Ordinance No. 94-176, passed and ordained by the City Council on September 15, 1994, approved an amendment to the Original Development Order (hereinafter referred to as the "First Amendment") (the Original Development Order as amended by the First Amendment shall hereinafter be referred to as the "Development Order"); and

WHEREAS, on December 12, 2001, University of South Florida Research Foundation, Inc. (the "Applicant") filed a Notification of Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06, Florida Statutes; and

WHEREAS, because a corresponding transportation analysis was not provided as requested, the application was invalidated by the City of Tampa and the Tampa Bay Regional Planning Council; and

WHEREAS, on October 30, 2003, the Applicant filed a revised Notification of Proposed Change to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06, Florida Statutes; and

WHEREAS, on February 4, 2004 and March 12, 2004 the Applicant filed supplemental responses to agency comments (the Notification of Proposed Change and supplemental responses are hereinafter collectively referred to as the "Notice of Change" are on file in the City Clerk's Office and are considered as Exhibit A to this Ordinance); and

WHEREAS, the Notice of Change proposed to amend the Development Order to extend the buildout date of the Development by nine (9) years to December 15, 2010; to automatically extend the termination date of the Development Order by a like period of time, to December 15, 2015; to extend the date before which the development may not be downzoned or reduced in unit density or intensity by the City of Tampa by nine (9) years to December 15, 2015; to amend the land use categories to clarify land use types by changing from Office/Industrial to Research and Development without increasing development totals; and to incorporate the Revised Map H,

Certified as true
and correct copy.

attached hereto as Exhibit B, to reflect the above clarification in land use types (hereinafter the above changes shall be collectively referred to as the "Proposed Changes"); and

WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, an extension of the date of buildout of a development, or any phase thereof, by seven (7) or more years shall be presumed to create a substantial deviation; and

WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, the 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 Proposed Changes and to amend the Development Order; and

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

WHEREAS, the City Council has conducted a duly noticed public hearing on the Proposed Changes and has reviewed and considered the Proposed Changes, as well as all testimony and evidence submitted by certain parties and members of the general public; and

WHEREAS, the City Council has received and considered the report and recommendations of the Tampa Bay Regional Planning Council ("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 has reviewed and considered the Notice of Change and the Proposed Changes, as well as all related testimony and evidence submitted by each party 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.

NOW THEREFORE,

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

Section 1. Findings of Fact. The 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:

Certified as true
and correct copy.

A. That the Applicant submitted to the City the Notice of Change, which is on file in the City Clerk's Office, and is considered as Exhibit A to this Ordinance and is incorporated herein by this reference.

B. That the Notice of Change proposes to amend the Development Order to extend the buildout date of the Development by nine (9) years to December 15, 2010; to automatically extend the termination date of the Development Order by a like period of time, to December 15, 2015; to extend the date before which the development may not be downzoned or reduced in unit density or intensity by the City of Tampa by nine (9) years to December 15, 2015; to amend the land use categories to clarify land use types by changing from Office/Industrial to Research and Development without increasing development totals; and to incorporate the Revised Map H, dated February 2005, attached hereto as Exhibit B, to reflect the above clarification in land use types (hereinafter the above changes shall be collectively referred to as the "Proposed Changes").

C. That the Proposed Changes are consistent with all local land use development regulations and the local comprehensive plan.

D. 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.

E. That the Development is not located in an area of critical state concern as designated by Section 380.05, Florida Statutes, as amended.

F. That the Proposed Changes are consistent with the report and recommendations of the TBRPC and satisfy the provisions of Subsection 380.06(14), Florida Statutes, as amended.

G. That the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes.

H. That based upon the analyses which are part of Exhibit A, 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.

I. That while the Development lies within the City of Tampa Transportation Concurrency Exception Area, (1) construction of a northbound through lane, (2) construction of a southbound through lane, and (3) construction of a second eastbound to northbound turn lane at the Fowler Avenue and McKinley Drive/Spectrum Boulevard intersection (the "Intersection Improvements"), are needed as a result of the Proposed Changes;

J. 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, provided the conditions of this Amended Development Order are met;

K. That all statutory procedures have been adhered to;

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and correct copy.

L. That the Findings of Fact and Conclusions of Law made in the Development Order are hereby reaffirmed and are incorporated herein by reference, provided, however, 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.

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 Development as described herein, is authorized subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. That the Proposed Changes are presumed to create a substantial deviation under Subsection 380.06(19), Florida Statutes;

C. That the review by the City, TBRPC and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

D. That 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 provided the conditions of this Amended Development Order are met;

E. That based on the foregoing and pursuant to Section 380.06(19), Florida Statutes, 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 Notice of Change, subject to the payment by the Applicant of \$350,000 to the City of Tampa, in cash and not by way of impact fee credits, under the following schedule:

1. \$100,000 to be paid upon final approval of this Amended Development Order, subject to no appeals; and

2. \$100,000 to be paid at the time of issuance of a final Certificate of Occupancy for the first building for which a building permit is issued after approval of this Amended Development Order, subject to no appeals; and

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and correct copy.

3. \$150,000 to be paid at the time of issuance of a final Certificate of Occupancy for the second building for which a building permit is issued after approval of this Amended Development Order, subject to no appeals.

B. That the City shall use the above payment to construct the Intersection Improvements or other improvements within the transportation impact area of the Development which would benefit the regional roadway network, after consultation with FDOT.

C. Impact fee credits for the above payment shall be determined in accordance with the City of Tampa Transportation Impact Fee Ordinance.

D. That the Development Order is hereby amended as follows:

1. Section 4.C.1 of the Development Order is hereby amended to extend the project build-out by nine (9) years to December 15, 2010, and to convert the office and industrial land uses to 1,205,000 square feet of research and development use.

2. Section 8 of the Development Order is hereby amended to extend the effective date of the Development Order by nine (9) years to December 15, 2015.

3. Section 9 of the Development Order is hereby amended to extend the date before which the development may not be downzoned or reduced in unit density or intensity by the City of Tampa by nine (9) years to December 15, 2015.

4. The Development Order is hereby amended to incorporate the Revised Map H, dated February 2005, attached hereto as Exhibit B, to amend the land use categories to clarify land use types by changing from Office/Industrial to Research and Development without increasing development totals.

Section 4. Development Order, As Amended. This Ordinance shall constitute the Second Amendment to Ordinance No. 90-19 and shall constitute, collectively, the Development Order for the DRI as passed and ordained by the City Council. All provisions of the Development Order except those specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development Order 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. This Ordinance shall be binding upon the Applicant, its assigns, and its successors in interest.

Section 7. Governmental Agencies. 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

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and correct copy.

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 hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Applicant (c/o Mechanik, Nuccio, Williams Hearne and Wester, 101 E. Kennedy Blvd, Suite 3140, Tampa, Florida 33602, Attn: David M. Mechanik), the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

Section 10. Rendition. 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 11. Recordation. 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 immediately upon being rendered in accordance with law.

Certified as true
and correct copy.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON JUN 09 2005.



CHAIRMAN/CHAIRMAN PRO-TEM
CITY COUNCIL

ATTEST:

APPROVED by me on JUN 10 2005



CITY CLERK/DEPUTY CITY CLERK



PAM IORIO, MAYOR

APPROVED AS TO LEGAL SUFFICIENCY:

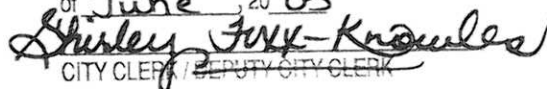
E/S

MORRIS C. MASSEY
SENIOR CHIEF ASSISTANT
CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ordinance 2005-162
on file on my office

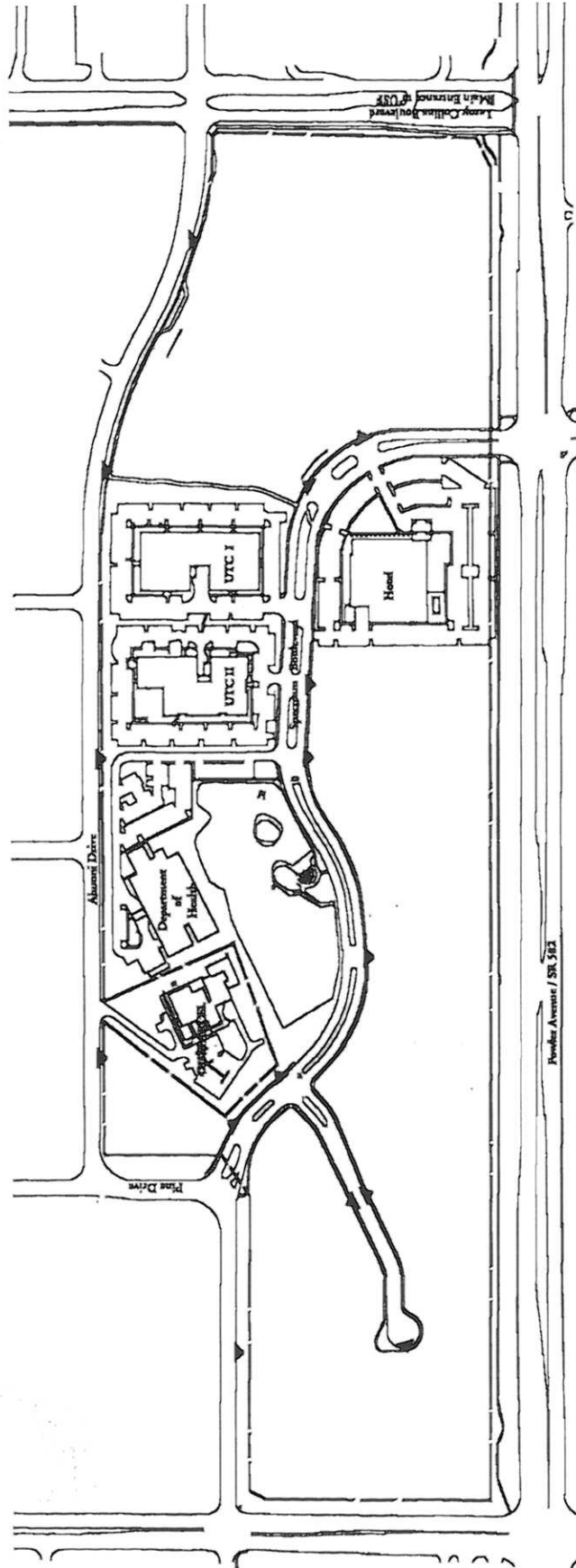
Witness my hand and official seal this 13th day
of June, 20 05


CITY CLERK / DEPUTY CITY CLERK

LAND DEVELOPMENT SCHEDULE

	<u>Development Total</u>	<u>Constructed</u>	<u>Remaining</u>
Research & Development	1,205,000 SF	147,345 SF	1,057,655 SF
Hotel	350 rooms	240 rooms	110 rooms

Total Acreage: 83.77 M.O.L.



▼ Access Points

ICON
CONSULTANT GROUP
INCORPORATED

University Technology Center Research &
Development Park
DRI # 161
Tampa, Florida

**MASTER SITE
PLAN**

REVISED
MAP
H

USF 0002 / 14 February 2005

EXHIBIT "B"

Certified by
true & correct copy.

DRI #161

ORDINANCE NO. 2005-162

**NOTICE OF PROPOSED CHANGE APPLICATION AND
SUFFICIENCY RESPONSE LOCATED IN DRI PROJECT
FILE.**

IC
TBRPC

ORDINANCE NO. 126

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FOR THE UNIVERSITY CENTER RESEARCH AND DEVELOPMENT PARK, DRI NO. 161; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa (hereinafter referred to as "City"), is the governing body of the unit of local government having jurisdiction over the issuance and conditions of issuance of a development order pursuant to Subsection 380.06, F.S.; and

WHEREAS, Ordinance No. 90-19, was passed by the City Council of the City of Tampa on January 14, 1990, and approved a development order (the "Development Order") for the University Center Research and Development Park (the "DRI"); and

WHEREAS, RDP Associates No. One LTD (the "Developer") filed an application dated June 3, 1994 and entitled "Notification of Proposed Change" to a Previously Approved Development of Regional Impact pursuant to Subsection 380.06, F.S., ("Notice of Change") attached hereto as Exhibit A; and

WHEREAS, the Developer proposes to amend the Development Order to allow an extension of project build-out of four years, eleven months and fifteen days to extend the effective date of the Development Order by four years, eleven months and fifteen days and extend the date after which the DRI may be down-zoned or reduced in

Certified as true and correct copy.
--

intensity or unit density by the City of Tampa by four years, eleven months and fifteen days, to December 31, 2006; and

WHEREAS, the City has reviewed the proposed changes and has determined that they do not constitute a substantial deviation either singularly or cumulatively as defined in Section 380.06(19), F.S.; and

WHEREAS, the City has conducted a duly noticed public hearing regarding the proposed changes to the Development Order and during the conduct of said hearing, solicited and evaluated comments, testimony and reports, both verbal and written, from interested parties concerning the proposed changes to the Development Order; and

WHEREAS, the City has reviewed the Notice of Change, as well as related testimony and evidence submitted by all parties and members of the general public.

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

Section 1. Findings of Fact. That the 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 Notice of Change 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 development as described herein, is authorized subject only to the amendments,

conditions, restrictions and limitations set forth herein.

- B. That the review by the City, Tampa Bay Regional Planning Council and other participating agencies and interested citizens concludes that the impacts of the Proposed Changes are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.
- C. 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 Notice of Change.
- B. That the Development Order is hereby amended as follows:
 - 1. Section 4.C.1 of the Development Order is hereby amended to extend the project build-out by four years, eleven months and fifteen days to December 15, 2001.
 - 2. Section 8 of the Development Order is hereby amended to extend the effective date of the

Development Order by four years, eleven months and fifteen days to December 15, 2006.

3. Section 9 of the Development Order is hereby amended to extend the date after which the development may be down-zoned or reduced in intensity or unit density by the City of Tampa by four years, eleven months and fifteen days to December 15, 2006.

Section 4. Development Order, As Amended. This Ordinance shall constitute the First Amendment to Ordinance No. 90-19 and shall constitute, collectively, the Development Order for the DRI as passed and ordained by the City Council. All provisions of the Development Order except those specifically modified herein, shall remain in full force and effect and shall be considered conditions of the Development Order 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 becoming a law, to the applicant (c/o Holland & Knight, 400 North Ashley, Suite 2300, Tampa, Florida 33602, Attn: Richard E. Davis), 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 become a law as provided in the City of Tampa Home Rule Charter and shall take effect immediately upon being rendered in accordance with law.

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

SEP 15 1994

ATTEST: Janett S. Martini
City Clerk

APPROVED AS TO FORM AND
CORRECTNESS:

Gene K. G.
Assistant City Attorney

Joe Greco
CHAIRMAN, CITY COUNCIL

APPROVED BY ME ON SEP 16 1994

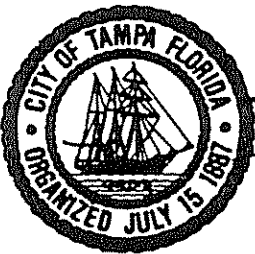
Sandra W. Freedman
Mayor

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ord #94-176
on file in my office.

Witness my hand and official seal this 20th day
of Sept, 1994.

Janett S. Martini
CITY CLERK



CITY OF TAMPA

OFFICE OF CITY CLERK

CODE ENFORCEMENT BOARD

January 29, 1990

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

RE: File No. DZ89-93
Ordinance No. 90-19

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process.

If further information is needed, please contact Susan Swift Mihalik, Manager, Land Development Coordination, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure: Ordinance 90-19

CERTIFIED MAIL

cc: Susan Swift Mihalik, Land Development Coordination

mailed 1/30/90
received 1/31/90

Sept. 14
1989
Hill

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 RDP ASSOCIATES NO. ONE LTD, FOR UNIVERSITY CENTER RESEARCH AND DEVELOPMENT PARK, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on August 8, 1989, RDP ASSOCIATES NO. ONE LTD (the "Developer") filed an Application for Development Approval (which together with later filed sufficiency responses, is hereafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with the City of Tampa (the "City"), Hillsborough County City-County Planning Commission, Florida Department of Community Affairs ("DCA"), the Tampa Bay Regional Planning Council ("TBRPC"), and other appropriate agencies pursuant to the provisions of Section 380.06 F.S. (1989), as amended ("Chapter 380"), and Section 43A-300, City of Tampa Code; and

WHEREAS, the ADA proposes the development of University Center Research and Development Park, an 83.77-acre research and development project located in the northeast quadrant of the intersection of 30th Street and Fowler Avenue in Tampa, Florida; 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 ADAs for DRIs; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43A-302, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on January 25, 1990, held a duly noticed public hearing on the ADA and has heard and considered testimony and documents received thereon; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the application hearing on the subject DRI, 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 ("Order") of the City Council issued in response to the ADA filed by the Developer, for the development of University Center Research and Development Park, a DRI. The scope of development to be permitted pursuant to this Order includes the land use, operations, and activities described in the ADA and the supporting documents, which by reference are made a part hereof as composite Exhibit "A."

Section 2. That the 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 that 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 "B," attached hereto and by reference made a part hereof.
- B. That the Developer submitted to the City an ADA and Sufficiency Response which is attached hereto as a part of the composite Exhibit "A," and made a part hereof (including, but not limited to, commitments made by the Developer as set forth in Exhibit A-1 attached

A 189-93

hereto), to the extent that it is not inconsistent with the terms and conditions of this Order.

- C. That the Developer proposes the development of the University Center Research and Development Park, a research and development project located on an 83.77-acre site in the northeast quadrant of the intersection of 30th Street and Fowler Avenue in Tampa, Florida.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05 F.S. (1989).
- E. That the proposed development is consistent with the adopted local land development regulations and the City's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning Act, Chapter 163 F.S. (1989), and the goals and policies of the Comprehensive Regional Policy Plan and the State Comprehensive Plan.
- F. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.
- G. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.
- H. That this Order is consistent with the report and recommendations of the TBRPC which were submitted pursuant to Subsection 380.06(12), F.S. (1989).
- I. That this Order satisfies the provisions of Section 380.06(15) F.S. (1989).

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 law and regulations, and based upon the record in these proceedings, 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 below.
- B. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, within the terms and conditions of this Order and the ADA. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered that the Project as proposed in the ADA is hereby specifically approved, subject to the following conditions, restrictions and limitations.

- A. Substantial Deviations. Further review, pursuant to Chapter 380, shall be required if a substantial deviation, as defined in Subsection 380.06(19) of Chapter 380 occurs. All changes to this Order and substantial deviation determinations shall be accomplished pursuant to Subsection 380.06(19) F.S. 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.

B. Annual Reports. The Developer shall submit an annual report on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on January 25, 1991, and on January 25th of each following year until such time as all terms and conditions of this Order are satisfied. The report shall be submitted on such forms as may from time to time be designated by the State. The 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 Order. The annual report shall contain the following information:

1. Changes in the plan of development, or representations contained in the ADA, or phasing for the reporting year and for the next year.
2. A summary comparison of development activity proposed and actually conducted for the reporting year;
3. Undeveloped tracts of land that have been sold to a separate entity or developer during the reporting year;
4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;
5. An assessment of the development's and local government's compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;
6. Any known incremental DRI applications for development approval or request for a substantial deviation determination that were filed in the reporting year together with any to be filed during the next year;
7. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.065(15) and (18) F.S. (1989);
8. A copy of any notice of the adoption of this Order or the subsequent modification of this Order that is recorded by the Developer pursuant to Subsection 380.06(15)(f) F.S. (1989);
9. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;
10. An assessment of the effectiveness of TSM measures as described in Section 4C.3., below;
11. Hourly traffic counts for 24-hour period taken at access points from the site to public rights-of-way, if and as required by the City, and utilizing generally accepted traffic engineering practices and procedures.

12. Identification of a change, if any, in local government jurisdiction for any portion of the development during the reporting year.

- C. Transportation Conditions. The following conditions are established for purposes of mitigating impacts of this development on regional transportation facilities. Issuance of building permits by the City for the project shall require a determination by the City of compliance with the conditions set forth herein. In addition to the mitigation measures set forth herein, Developer shall pay City of Tampa transportation impact fees, provided however that Developer shall receive credit against such impact fees for improvements constructed, right-of-way dedicated and/or cash contributed in accordance with applicable law. The credits provided for herein shall not be construed as a limitation of credits described in paragraph O, below.

1. The total project described below is specifically approved.

PROJECT DESCRIPTION

		<u>Office</u> <u>(Sq. Ft.)</u>	<u>Conf.</u> <u>(Sq. Ft.)</u>	<u>Hotel</u> <u>Rooms</u>	<u>Industrial</u> <u>(Sq. Ft.)</u>
*: 1990 through 1996		750,000	50,000	350	455,000

TOTALS

*A Preliminary Development Agreement (PDA) has been approved for this project which included 245,000 square feet of office and light industrial uses and 150 hotel rooms. These development amounts are included in the Project Description.

2. When Certificates of Occupancy have been issued for 500,000 square feet of office space (or the equivalent thereof in terms of trip generation) an annual monitoring program to provide peak-hour traffic counts at the project entrance shall be instituted to verify that the projected number of external trips for the Development are not exceeded. Counts shall continue on an annual basis through build-out. This information shall be supplied in the required Annual Report. If an annual report is not submitted within 30 days of its due date, or if the Annual Report indicates that the total trips exceed projected counts by more than 15 percent or other applicable substantial deviation criteria, the Developer shall submit a notice of proposed change and a substantial deviation determination shall be conducted pursuant to Subsection 380.06(19), Florida Statutes. The Development Order shall be amended, if necessary, to change or require additional roadway improvements.

If the variance is determined to be a substantial deviation, the revised transportation analysis required pursuant to Subsection 380.06(19), Florida Statutes, shall be based upon results of the monitoring program and agreements reached at another transportation methodology meeting to be held prior to the preparation of the new analysis.

3. Pipelining Project.

(a) It is the intent of this section to permit the Developer to mitigate its development impacts on the substantially affected regionally significant roadway network by adequately providing, in the manner set forth below, for the public transportation facilities necessary to accommodate the traffic impacts of the development. The requirements set forth below have been determined to make adequate provision for, or to provide reasonable assurances of the availability of, the public transportation facilities necessary to accommodate the traffic impacts of the development. The requirements set forth below have further been determined to be consistent with City, TBRPC, DCA, FDOT AND MPO policies and Rule 9J-2.0255, Florida Administrative Code. The pipeline proportionate share calculation for the development in accordance with current adopted methods, procedures and policies of the City of Tampa, TBRPC, and the Florida Department of Transportation has been determined to be \$972,433.00.

- (1) The Developer shall partially fund the construction of an improvement on Fowler Avenue in the amount of One Million Ninety Two Thousand Dollars and no cents (\$1,092,000.00) (which sum constitutes the pipeline proportionate share amount together with a sum attributable to FDOT cost inflation factors) in accordance with the Joint Participation Agreement ("JPA") between the Developer and the State of Florida Department of Transportation ("FDOT"), attached hereto as Exhibit "C." The improvement to Fowler Avenue contemplates the widening of Fowler Avenue from 4 to 6 lanes, the description of said improvement and the scope thereof being specifically described in the JPA. (Hereinafter the roadway improvement described in the JPA shall be referred to as the "Fowler Avenue Project" and the Developer's contribution under the JPA shall be referred to as the "Fowler Avenue Project Contribution.")
- (2) The status of the Fowler Avenue Project shall be assessed in the Annual Report required under paragraph III.K. of this Development Order.
- (3) In the event that the JPA is terminated for failure of the Developer to post the letter of credit or other form of security as required under the JPA, development shall immediately cease and the Developer shall lose its right to the pipeline option. Termination of the JPA for any other reason shall be subject to the requirements of Rule 9J-2.0255(7)(a)1.b., F.A.C.

4. Transportation Systems Management.

- (a) Developer shall notify the City, in writing, when it has requested building permit approvals, which development, when certified for occupancy, shall, in combination with development previously approved, equal 500,000 square feet of office space (or the equivalent thereof in terms of trip generation). Upon the actual issuance of certificates of occupancy for 500,000 square feet of office space (or equivalent thereof in terms of trip generation), the Developer shall prepare and submit to the City, TBRPC, the Tampa Urban Area Metropolitan Planning Organization ("MPO"), FDOT, and HART, a Transportation Systems Management ("TSM") Program which will divert a number of vehicle trips from the PM peak hour which is consistent with the assumptions used to prepare the ADA. The TSM Program shall be developed in cooperation with FDOT, the Tampa Urban Area MPO, HART, and TBRPC. The TSM Program shall set forth objectives for the reduction of total peak hour trips being generated by project uses as estimated in the ADA, and shall set forth strategies for accomplishing those objectives.
5. The Developer shall, in accordance with applicable regulations, receive approval of FDOT and the City of Tampa Transportation Division, prior to approval of any commercial site plan utilizing an access point from the site onto Fowler Avenue. This provision is not intended to influence the ultimate decision by the approving agency for such access point(s) at Fowler Avenue.
6. The Developer shall be responsible for reimbursing the responsible entity for repair, rehabilitation, and/or restoration of public roads damaged beyond normal wear and tear by construction equipment traveling to and from the project to a condition the same or similar to that projected exclusive of the impact of such construction activities.
7. The Developer shall be responsible for maintenance of the streets and traffic signals within the project.
8. Prior to issuance of the final certificate of occupancy for 245,000 square feet of office and light industrial uses, the Developer shall provide a transit stop with passenger amenities, including bus shelter and information display. The location and design of the transit stop is to be agreed upon by HARTline and the Developer within twelve months after the date of adoption of this Development Order. The transit stop shall be so located as to serve the users of the project. Any disputes as to location and design of transit amenities shall be resolved by City of Tampa staff. Stop locations shall be accessible via walkways and crosswalks for pedestrian and handicap movements to all buildings within the development site. Sufficient area lighting and informational signage shall be provided at such transit stop locations.

Prior to receipt of Certificates of Occupancy for development beyond the PDA increment, the Developer shall provide two transit stops with passenger amenities, including bus shelter and information display, and pullout bay along the arterial roadways adjacent to the project. One to be located along 30th Street between the intersection of 30th and Fowler Avenue and the intersection of 30th Street and Pine Drive, the other along Fowler Avenue between the intersection of 30th Street and Fowler Avenue and the intersection of Fowler Avenue and South Palm Drive. The location and design of these transit stops are to be agreed upon by HARTline and the Developer prior to site plan approval. The transit stop shall be so located as to serve the users of the project. Any disputes as to location and design of transit amenities shall be resolved by City of Tampa staff. Stop locations shall be accessible via walkways and crosswalks for pedestrians and handicap movements to all buildings within the development site. Sufficient area lighting and informational signage shall be provided at said stop locations.

The Developer in coordination with HARTline, will monitor transit usage on the site. The Developer shall be responsible for the installation and maintenance of all transit amenities.

D. Hurricane Evacuation and Floodplain Management.

1. The Developer shall promote awareness of, and shall cooperate with, local and regional authorities having jurisdiction to issue hurricane evacuation orders. The Developer shall prepare a plan in coordination with local emergency management officials to ensure the safe and orderly evacuation of hotel guests and those employees who, for security or administrative reasons, are on the premises after an evacuation order is issued by (a) ordering all buildings closed for the duration of a hurricane evacuation order; (b) informing all employees of evacuation routes out of the flood-prone area and measures to be followed in the event of same; and (c) making all efforts to coordinate with and inform appropriate public authorities of building closings, security and safety measures, and evacuation plans. This plan shall be included in the first annual report submitted after occupancy of any portion of the project.
2. There shall be no loss of hydrologic storage capacity within the 25-year floodplain.
3. Elevations for all habitable structures shall be at or above the base flood elevation.

E. Land and Air

1. The soil conservation measures referenced on Page 14-1, 14-3 and 14-4 of the ADA and the measures to reduce dust referenced on Page 13-2 of the ADA shall be implemented.
2. The Developer shall inform all tenants and occupants of the University Center Research and Development Park about their responsibility to comply with Florida's Right-to-Know Law and their

responsibilities pursuant to Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986. Insofar as the developer is an employer and is located within the project, it shall comply with Florida's Right-to-Know Law and with SARA Title III, respectively.

3. If required by the FDER the Developer shall conduct additional air quality modeling at the Pine Drive/30th Street intersection. Should an exceedence be established, a mitigation plan shall be developed.

F. Drainage.

1. The Developer has submitted the Final Drainage Plan for the project to the City, FDER and TERPC for review and to the City and SWFWMD for approval.
2. The Final Drainage Plan includes the following parameters:
 - (a) The proposed stormwater management systems shall be designed, constructed, and maintained to meet or exceed Chapter 17-25, FAC, and 40D-4, Rules of SWFWMD and City of Tampa code requirements. Treatment shall be provided by biological filtration, if feasible.
 - (b) Best Management Practices for reducing water quality impacts, as required by the City and SWFWMD shall be implemented including a street cleaning program for parking and roadway areas within the development.
 - (c) In the absence of the dedication to, and acceptance by the City of specific drainage facilities, the Developer, its successors or assigns, shall be the responsible entity for the maintenance of the on-site stormwater management systems.
3. Drainage design guidelines and/or development controls for construction activities shall be prepared by the Developer and reviewed by the City for use in an effort to control erosion during construction.

- G. Wildlife. In the event that any species listed in Section 39-27.003-.005, Florida Administrative Code are observed frequenting the site for nesting, feeding or breeding, proper mitigation measures shall be employed in cooperation with the Florida Game and Fresh Water Fish Commission.

H. Historical and Archaeological Sites

The discovery of any historical or archaeological resources shall be reported to the Florida Division of Historical Resources and the disposition of such resources shall be determined in cooperation with the Division of Historical Resources and City of Tampa.

I. Energy.

1. As indicated by letter dated June 22, 1989 (page 25-3 of the ADA) Tampa Electric Company

("TECO") will supply electrical power to the project. Developer will cooperate with TECO during the development of a detailed site and landscaping plan to facilitate substation placement, easements, and rights of way relative to the development site.

2. All University Center Research and Development Park tenants, businesses, residents, etc. shall be encouraged to:

- use energy alternatives, such as solar energy, resource recovery, waste heat recovery and cogeneration, where economically feasible;
- obtain energy audits provided by energy companies or other qualified agencies;
- install water-heater timers and set water heaters at 130 degrees Fahrenheit or lower;
- use landscaping and building orientation to reduce heat gain, where feasible, for all Tampa Bay Research and Development Park construction;
- promote energy conservation by employees, buyers, suppliers and the public, as appropriate;
- reduce levels of operation of all air conditioning, heating, and lighting systems during non-business hours, as appropriate;
- institute and utilize recycling programs;
- utilize energy efficient packaging and/or recyclable materials; and
- install total energy systems on large facilities when cost effective.

3. A report on the implementation of, and participation in, these and other energy programs shall be included in each annual report.

J. Solid Waste.

1. In the May 30, 1989 letter, the City Sanitation Department stated that it has the capability of collecting and disposing of the solid waste generated by the project. No solid waste shall be permanently stored or disposed of onsite.
2. Within one year of the effective date of the Development Order, or prior to issuance of building permits for any light industrial or connected use within University Center Research and Development Park, whichever occurs later, the developer shall prepare a hazardous materials management plan. The plan shall:
 - advise of applicable statutes and regulations regarding hazardous wastes and materials;
 - indicate the types of waste and materials that are considered to be hazardous and are to be stored or disposed of in specially designated containers;

- describe generally improper, but common, disposal methods;
 - describe generally appropriate disposal methods;
 - provide a list of agencies which can be consulted regarding the proper handling and disposal of hazardous materials;
 - describe a program to inform owners and tenants of the information contained in the plan;
 - describe construction requirements for hazardous waste holding areas; and
 - describe typical spill clean-up methods.
3. All University Center Research and Development Park tenants that generate hazardous waste should utilize waste exchanges. A report of such use shall be included in each annual report.
 4. University Center Research and Development Park shall develop an on-going survey which will locate and catalog tenant businesses where hazardous materials and waste are stored, handled or transported. The ultimate fate or disposal of the substances shall also be recorded. The results of this survey shall be reported to the City of Tampa and TBRPC on an annual basis.
 5. Underground storage of hazardous wastes on-site shall be prohibited.

K. Wastewater.

1. By letter dated June 20, 1989, the City Department of Sanitary Sewers indicated its willingness and ability to supply wastewater service to the project at its standard charges for such services.
2. Connection fees, grants-in-aid of construction for off-site improvements to the wastewater system necessitated by this development shall be assumed by the Developer, its successors or assigns, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.
3. University Center sewer lines shall be monitored for leaks and ruptures once every three (3) years until such time as said lines are dedicated to the City. The entity(ies) responsible to carry out the monitoring shall be the Developer or its assigns. Faulty lines shall be replaced by the Developer until dedicated to the City.
4. Unless otherwise permitted according to applicable rules and regulations, disposal of commercial and industrial hazardous waste into the sewer system shall be prohibited.

L. Water Supply.

1. The total daily water requirements from the commencement of construction through the build-out

of the project as referenced in the ADA will be supplied by the City at the standard charges for water service. Connection fees, grants-in-aid of construction for offsite improvements to the water system necessitated by this development shall be assumed by the Developer, its successors or assigns, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.

2. The Developer shall submit a plan to the City and the TBRPC for the use of non-potable water for irrigation in the first annual report following issuance of the first certificate of occupancy. The plan shall be implemented in accordance with applicable rules and regulations of the City.
 3. The Developer, its successors or assigns, shall be responsible for installation, maintenance, and operation of any non-potable on-site wells.
 4. Water saving devices shall be incorporated into the project's design and construction guidelines to the extent mandated by the City of Tampa Code and Florida Water Conservation Act, Section 533.14. F.S. (1987).
 5. Fire flows, sufficient numbers of fire hydrants, and properly sized water mains shall be provided to the development in accordance with City laws, rules, and regulations as the responsibility of the Developer.
 6. Internal water distribution facilities not located within public easements or rights-of-way shall be maintained by the Developer, owner or its successors or assigns.
 7. No individual private wells requiring consumptive use permits shall be permitted; provided that this section shall not be construed to prohibit irrigation wells less than the consumptive use threshold.
 8. Planning and development of this project shall conform to the rules and guidelines adopted by the Southwest Florida Water Management District for the Northern Tampa Bay Water Use Caution Area.
- M. Other Public Facilities, Utilities, and Services. The City shall assure the adequacy and availability of the following public services for the project: police, emergency medical, and fire.
- N. Maintenance of Open Space and Recreation Areas. The Developer, its successors or assigns, shall be the responsible entities for the maintenance of all open space areas of the project site including recreation areas. No more than 50% of the existing trees will be removed for infrastructure and parcel development. Grand trees will be preserved in accordance with the City of Tampa Code. Bikeways and pedestrian pathways will be provided as detailed in the Application.
- O. Credits Against Local Impacts and Exactions. To the extent that the Developer, or its successors, or assigns are required hereunder to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the Developer, or its

successors or assigns are also subject by City ordinance to impact fees or exactions to meet the same needs, the City shall establish and implement a procedure for crediting, and shall credit the Order exaction or fee toward the impact fee or exaction imposed by City ordinance for the same need in accordance with such procedures. If the City imposes or increases an impact fee or exaction by ordinance after issuance of this Order, the Developer, its successors or assigns may petition the City, and the City shall modify the affected provisions of this Order to give the Developer, or its successors or assigns credit for any contribution of land for a public facility, or construction, expansion or contribution of funds for land acquisition or construction or expansion of a public facility, or a portion thereof, required by the Order toward an impact fee or exaction for the same need. This section does not apply to internal, on-site facilities required by local regulations.

P. Economy.

1. The Developer shall encourage the promotion of entries and small and minority-owned business start ups, as practicable. Project businesses shall utilize non-discriminatory employment programs.
2. The Developer shall encourage employers to institute programs to provide child care facilities at the place of employment or as a cooperative effort with businesses, as practicable.

Q. General Conditions.

1. Should development plans depart significantly from the parameters set forth in the ADA, the project shall be subject to substantial deviation determination pursuant to Section 380.06, F.S.
2. The approval of the University Center Research and Development Park satisfies the provision of Subsection 380.06(15), F.S., which specifies the inclusion of certain provisions in the Development Order.
3. The Developer's commitments set forth in the ADA, and as summarized at the conclusion of the final report by TBRPC shall be honored, except as they may be superseded by specific terms of the Development Order.
4. All outstanding amounts for initial review by TBRPC shall be paid within 15 days of billing. Payment for any future activities of the TBRPC with regard to this development including, but not limited to monitoring or enforcement actions, shall be paid to the TBRPC by the Developer in accordance with the DRI Fee Schedule.

Section 5. That the definitions contained in Chapter 380 shall control the interpretation and construction of any terms of this Order, unless the context indicates otherwise.

Section 6. That the term "Developer" as used in this Order is deemed to mean RDP Associates No. One LTD, its successors, or assigns and that the term "successors and assigns" of the Developer or its "successors-in-interest" is deemed to include, but is not limited to, any subsequently created condominiums or

merchants' association. For purposes of this Order, the authorized agent(s) for the Developer are:

Gerard Corbino
RDP Associates No. One LTD
7650 W. Courtney Campbell Causeway
Suite 1100
Tampa, Florida 33607-1432

Section 7. That Development of the Project shall commence by January 1, 1993 unless the time period for commencement is extended by the City.

Section 8. That this Order shall remain in effect until December 31, 2001. 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 on the finding of excusable delay in any proposed development activity.

Section 9. Prior to December 31, 2001, the City may not down-zone or reduce the intensity or unit density permitted by this Order, unless the City can demonstrate that: (a) substantial changes in the conditions underlying the approval of the Order have occurred; or (b) the Order was based upon substantially inaccurate information provided by the Developer; or (c) the change is clearly established by the City to be essential to the public health, safety, or welfare. Any down-zoning or reduction of intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations (including land use plan amendments and rezonings).

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order. The inclusion of this Section 9 is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3, F.S. (1988).

Section 10. Notwithstanding this Order, the Developer, at its sole option, may resubmit this project for review and approval under any Area Wide Application for Development Approval, pursuant to F.S., Subsection 380.06(25) F.S. (1987), as amended, if such application encompasses the development site. Any impacts assessed and satisfied pursuant to this Order shall be considered and credited to the Developer's obligations under any such Area Wide Development Order.

Section 11. That this Order shall be binding upon the Developer, its assigns, or successors-in-interest.

Section 12. All development undertaken pursuant to this Order shall be in accordance with all applicable local codes, ordinances in effect at the time of permitting, and other laws, except as otherwise specifically provided herein.

Section 13. That the Director of HDC is responsible for insuring compliance with this Order and the receipt of the Developer's contributions required in Section C.6.c above. Monitoring shall be accomplished by review of the Annual Report, building permits, certificates of occupancy, and by on-site observations.

Section 14. 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 Order.

Section 15. That this City Clerk is hereby directed to send certified copies of this Order, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs, and the TBRPC.

Section 16. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 330.

Section 17. That the Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380 and shall furnish the City Clerk a copy of the recorded notice.

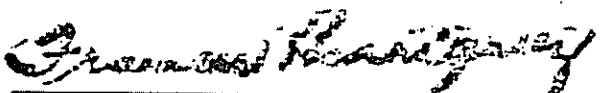
Section 18. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the first floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

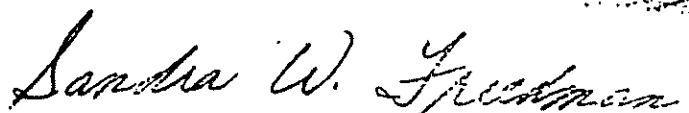
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JAN 25 1990.


CHAIRMAN, CITY COUNCIL

APPROVED by me on JAN 29 1990

ATTEST:


CITY CLERK


MAYOR

Prepared and Approved by:


CITY ATTORNEY

16617V 0053ORDI:126

University Center Research &
Development Park Development Order Exhibits
(originals filed in the office of the City Clerk)

- Composite Exhibit A- Application for Development Approval,
 Transportation Appendix, Sufficiency
 Response and Transportation Sufficiency
 Response
- Exhibit A-1 Developer Commitments
- Exhibit B - Legal Description
- Exhibit C - Joint Participation Agreement between the
 State of Florida Department of
 Transportation and RDP ASSOCIATES NO. ONE
 LTD.

EXHIBIT C

JOINT PARTICIPATION AGREEMENT

This Agreement, made and entered into this 24th day of January, 1990, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, a component agency of the State of Florida, hereinafter referred to as the "Department," and RDP ASSOCIATES NO. ONE LTD., a Florida partnership, hereinafter referred to as "RDP".

W I T N E S S E T H:

WHEREAS, RDP is the developer of a project known as University Center Research and Development Park which is currently undergoing development of regional impact (DRI) review (which development is designated DRI #162, and which shall hereinafter be referred to as "University Center"; and

WHEREAS, transportation impacts of the University Center are proposed to be mitigated, by the contribution by RDP to the Department of the amount of One Million Ninety Two Thousand Dollars and No cents (\$1,092,000.00) towards construction costs for the widening of Fowler Avenue in Hillsborough County, Florida from four (4) to six (6) lanes from Nebraska Avenue to 50th Street, which road construction project (Work Program Numbers 7113570, 7113948 and 7113832) is currently scheduled for construction in the Department's tentative Five Year Work Program; and is more fully described on Exhibit 1 attached hereto (hereinafter, the road construction project described on attached Exhibit 1 shall be referred to as the "Project"); and

WHEREAS, RDP's contribution toward construction of the Project will enable the Department to construct the Project during fiscal years 1991/1992 and 1992/1993; and

WHEREAS, the Project is one of the highest priority roadway improvements needed in Hillsborough County; and

WHEREAS, both parties and the City of Tampa wish to facilitate the earliest construction of the Project; and

WHEREAS, RDP's contribution toward construction of the Project will make available Department funds, which otherwise

would have been utilized for the Project, for other roadway projects in the City of Tampa during fiscal year 1995/1996; and

WHEREAS, the roadway link which is proposed to be improved under the Project is substantially impacted by University Center; and

NOW THEREFORE, for and in consideration of the mutual covenants herein set forth, the parties hereto agree as follows:

1. The purpose of this Agreement is to provide for the advance construction of the widening of Fowler Avenue in Hillsborough County from four (4) to six (6) lanes from Nebraska Avenue to 50th Street, the limits of which are more specifically described on Exhibit 1 attached hereto (hereinafter, the road construction project described on Exhibit 1 shall be referred to as the "Project"), and to facilitate RDP's contribution of One Million Ninety Two Thousand and No Cents (\$1,092,000.00) toward the construction of the Project.

2. RDP shall provide funds in the amount of One Million Ninety Two Thousand and No Cents (\$1,092,000.00) toward the construction of the Project, ("Project Sum") in accordance with the provisions of paragraph 5, below. The Department, under the terms set forth herein, shall provide any needed participating funds for the design, and construction costs exceeding RDP's \$1,092,000.00 contribution, and construction engineering inspection of the Project.

3. Upon the posting of the letter of credit or other form of security as set forth in paragraph 5 below, the Department shall prepare design plans for the Project. Following completion of design, the Department shall expeditiously commence construction of the Project which construction schedule is more specifically described in paragraph 4, below.

4. The Department agrees to commence construction of Segment 1 of the Project during fiscal year 1992/1993 and to commence construction of Segment 2 of the Project during fiscal years 1991/1992 and 1992/1993. Based on the Department's current estimates, it is anticipated that Segment 1 shall be completed

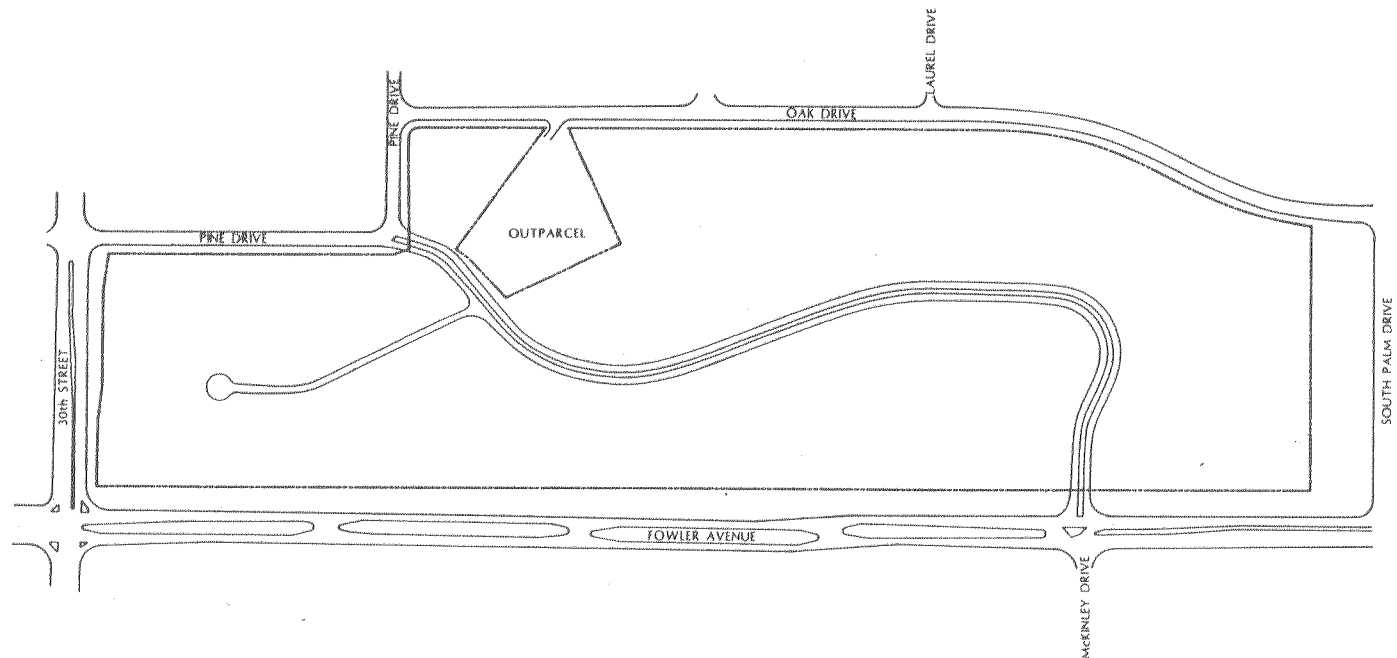
within eighteen (18) months of the Notice to Proceed on such segment and Segment 2 shall be completed within eighteen (18) months of the Notice to Proceed on such segment, provided, however, that in the event that the performance by the Department of commitments set forth herein shall be interrupted or delayed by war, riot, civil commotion, strike or in its acquisition of necessary permits, then the Department shall be excused from such performance for such period of time as is reasonably necessary after such occurrence to remedy the effects thereof.

5. No later than 6 months after the date of adoption of the development order, RDP shall post an irrevocable letter of credit, or other form of assurance acceptable to the Department, (the term letter of credit as used herein shall refer to an irrevocable letter of credit or other form of assurance acceptable to the Department) securing payment of the Project Sum in full at July 1, 1992, provided, however, that no further building permits shall be issued after 3 months from the date of adoption of the development order until the letter of credit is posted. Further, in the event that the Developer fails to post the letter of credit within 6 months of the date of adoption of the development order, the Developer shall lose its right to the pipeline option. Until the Project Sum is paid to the Department, RDP shall renew the Letter of Credit annually, on a date which is at least forty-five (45) days prior to the designated date of expiration of the Letter of Credit. The Letter of Credit shall state that RDP's failure to timely renew the Letter of Credit shall be an event under which the Department can draw on the Letter of Credit for payment of the Project Sum in full. In the event of RDP's failure to timely renew the Letter of Credit, the Department shall draw on the Letter of Credit to obtain the Project Sum and shall construct Segment 1 of the Project under the schedule set forth in paragraph 4, above. On July 1, 1992, RDP shall deposit with the Department the sum of One Million Ninety Two Thousand and No Cents (\$1,092,000.00). Upon the full payment of the Project Sum, RDP shall be released

AMOUNT AND TYPE OF DEVELOPMENT ADDED BY PHASES

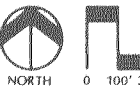
	PHASE 1 1990-1991	PHASE 2 1992-1996	DEVELOPMENT TOTAL
RESEARCH/OFFICE	220,000 s.f.	530,000 s.f.	750,000 s.f.
RESEARCH/LIGHT INDUSTRIAL	25,000 s.f.	430,000 s.f.	455,000 s.f.
OVERNIGHT ACCOMMODATIONS	150 ROOMS	200 ROOMS	350 ROOMS
CONFERENCE FACILITY		50,000 s.f.	50,000 s.f.

TOTAL ACERAGE 83.77 M.O.L.



MASTER SITE PLAN
MAP H

UNIVERSITY CENTER RESEARCH AND DEVELOPMENT



UDC