#65
Area 4

CITY OF TAMPA

Bob Buckhorn, Mayor | Planning and Development Department

July 7, 2017

Mr. John Meyer
Tampa Bay Regional Planning Council
4000 Gateway Center Boulevard, Ste. 100
Pinellas Park, FL 33782

Re: Extension of Tampa Palms Area 4 DRI
(Executive Orders 11-128, 172, 11-202, 15-158, 15-173, 16-136,16-205,16-230,16-233
16-274,16-288,17-16,17-43,17-67,17-115,17-120,17-146,17-166,17-174,17-177 & 178

Dear John:

Pursuant to Section 252.363, Florida Statutes, the City was provided notice of the Developer/Owners intent to exercise the tolling and extension rights for the Tampa Palms Area 4 DRI Build Out and Expiration dates. The extension dates are as follows:

Executive Orders 11-128, 11-172, 11-202 – 325 days:
Expiration of Build Out: **November, 21, 2018**
Expiration of Development Order: **November 23, 2023**

Executive Orders 12-140, 12-192, 12-217, 12-199 – 61 days + 6 months and 60 days + 60 months
Expiration of Build Out: **March 19, 2020**
Expiration of Development Order: **March 17, 2025**

Executive Orders 15-158, 15-173 - 447 days:
Expiration of Build Out: **June 9, 2021**
Expiration of Development Order: **September 23, 2024**

Executive Orders 16-136, 16-205, 16-230, 16-233 - 925 days:
Expiration of Build Out: **December 21, 2023**
Expiration of Development Order: **December 18, 2028**

Executive Orders 16-274, 16-288, 17-16,17-43,17-67,17-115,17-120,17-146,17-166, 17-174, 17-177 and 178
619 days (254 days plus 2 6 month periods
Expiration of Build Out: **August 31, 2025**
Expiration of Development Order: **August 29, 2030**

Please advise if you have any questions.

Regards,

Susan Johnson
Subdivision/DRI Coordination
City of Tampa, Florida

CITY OF TAMPA

Bob Buckhorn, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

Via Certified Mail/Return Receipt Requested

November 14, 2013

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

Re: File No. DZ85-75
Tampa Palms DRI
Ordinance No. 2013-145

Dear Sir:

The City Council of the City of Tampa met in regular session on November 7, 2013, at 9:00 a.m. in the City Council Chambers.

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

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

Sincerely,

Shirley Foxx-Knowles

Shirley Foxx-Knowles, CMC
City Clerk

SFK/dm

Enclosure: Certified Copy of Ordinance 2013-145

ORDINANCE NO. 2013-145

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TWENTY-FIFTH (25TH) AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY NEW TAMPA, INC., A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the **"Development Order"**); and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the **"City"**) annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the **"First Amendment"**), approved changes to the Tampa Palms Master Plan as described in a document entitled *"Proposed Master Plan Revisions"*; and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the **"Second Amendment"**), adopted the Amendment to the Development order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council (**"TBRPC"**), the State of Florida Department of Community Affairs (**"DCA"**) and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the **"1988 Development Agreement"**) relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the **"Third Amendment"**), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

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DZ85-75

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the **"Fourth Amendment"),** approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by ordinance No. 91-228 (the **"Fifth Amendment"),** approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the **"Sixth Amendment"),** approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13,1993, DCA filed a Notice of Appeal (**"Appeal"**) of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.06, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 **("Settlement Agreement"),** in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the **"Seventh Amendment"),** approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the **"Sixth Amendment");** and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the **"Eighth Amendment"),** approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single-family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the **"Ninth Amendment"),** which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3

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to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235 (the **"Tenth Amendment"),** which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single-family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification of Proposed Change (**"NOPC"**); and

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 (the **"Eleventh Amendment"),** which Ordinance for Area I adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the **"Twelfth Amendment"),** which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the **"Master Plan"),** including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the NOPC; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the **"Thirteenth Amendment"),** which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-01 (the **"Fourteenth Amendment"),** which Ordinance approved an amendment applicable to Area 2 of the Tampa Palms DRI, allowing the use of certain property for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-02 (the **"Fifteenth Amendment"),** which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

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WHEREAS, on September 30, 1999, the City adopted Ordinance No. 99-219 (the **"Sixteenth Amendment"),** which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors in Area 4 of the Tampa Palms DRI; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 (the **"Seventeenth Amendment")** approved an amendment to the Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility has been constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237 (the **"Eighteenth Amendment")** approved an amendment to the Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 (the **"Nineteenth Amendment")** approved an amendment to the Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on November 16, 2000, the City, by Ordinance No. 2000-310 (the **"Twentieth Amendment")** approved an amendment approving changes to Area 4 to, among other things, revise obligations pertaining to parks, and to revise Map H to reflect the correct boundary and acreage of preservation lands; and

WHEREAS, on April 26, 2001, the City, by Ordinance No. 2001-94 (the **"Twenty-First Amendment")** approved an amendment to the Development Order, which included an amendment to permit the use of a trade-off mechanism to allow the development of up to 37,500 gross square feet of professional and medical offices on 3.5 acres of the property located in Area 2, Parcel 7A of Tampa Palms, in exchange for the previously approved multi-family development on the site; and

WHEREAS, on May 29, 2003, the City, by Ordinance No. 2003-129 (the **"Twenty-Second Amendment")** approved an amendment to the Development Order to extend the build out date for development within Area 2, Phase 2, Parcel 7B; and

WHEREAS, on March 25, 2004, the City by Ordinance No. 2004-76 (the **"Twenty-Third Amendment"**) approved an amendment to the Development Order for a curb cut associated with the Notification Property pursuant to the Tenth Amendment to the DRI as it affects development within Area 3; and

WHEREAS, on May 26, 2006, the City, by Ordinance No. 2006-127 (the **"Twenty-Fourth Amendment"**) approved an amendment to the Development Order for the extension of the expiration date of Phase 3 solely associated with Area 4 to December 31, 2009, an amendment to the provisions for the East-West Road, an amendment to a

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conversion matrix, an assignment of certain development rights within Area 4 and amendments to Map H.

WHEREAS, on January 10, 2013, New Tampa, Inc., a Florida corporation ("Notification Party"), a property owner within Area 3 of the DRI (the "Notification Property"), submitted a NOPC providing for a request for approval of a three-year extension of the build out date for Area 3 only; revision of language relating to a park conveyance; creation of a new Land Use Equivalency Matrix that will allow trade-offs for Senior Housing, Assisted Living, Mini-storage and Hotel use; and an increase of 116,713 square feet of commercial uses, a copy of which NOPC is attached hereto as Exhibit "A".

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 NOPC and related documents, and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial competent, clear, and convincing evidence to support the following findings of fact:

A. The Notification Party, as the developer of the Notification Property, submitted the NOPC to the City.

B. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237, 2000-257, 2000-310, 2001-94, 2003-129, 2004-76, and 2006-127 is a valid final development order within the provisions of Section 163.3167(8), F.S.

C. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

D. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

E. The changes proposed by the NOPC do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

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Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the changes to the Development Order as set forth in this Ordinance **("Area 3 Changes")**, is consistent with the approved master plan Map H, as provided for herein, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area, and will be consistent with the State Comprehensive Plan.

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

C. The Area 3 Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Area 3 Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Area 3 Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Area 3 Changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Ordinance satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and the Notification Party are authorized to approve and conduct, respectively, development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

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Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. The Build-out date solely relating to Area 3 shall be extended from December 31, 2019, to December 31, 2022, and the Expiration Date from April 26, 2024 to April 26, 2027.

B. The approved uses in Area 3 shall be amended to allow for a total of 558,213 square feet of commercial uses in community commercial parcels.

C. Amended Terms: The Development Order applicable to the Notification Property, including, without limitation, the Seventeenth Amendment, is hereby amended as follows:

i. Section 3.B.(1) of the Seventeenth Amendment is hereby deleted in its entirety and replaced with the following:

"The owner of the Notification property, its successors or assigns, shall be required to convey to the City of Tampa, a 5.0 acre park site as defined in the City of Tampa Comprehensive Plan in the area shown on the revised Master Plan (the "Park Property"). Within five (5) years of the effective date of this ordinance or the development of Parcel 38B or 38F, whichever occurs first, the owner of the Notification Property shall provide public access and utilities to the Park Property sufficient to satisfy the needs of an active park of similar size or quality, as provided for in more detail in the Tampa Palms Area 3 Park Agreement ."

ii. The Development Order is amended to provide:

"The Developer shall notify the Tampa Bay Regional Planning Council and the Florida Department of Economic Opportunity upon the submittal to the City of Tampa of a request to utilize the Land Use Equivalency Matrix in order to convert uses, and will report any conversion made in the Annual Report."

D. Map H shall be amended to include a note referencing a new Land Use Equivalency Matrix for Area 3, a copy of which is attached hereto and made part of this Ordinance as Exhibit "B".

E. A copy of the amended Map H is attached hereto and made part of this Ordinance as Exhibit "C".

Section 4. Concurrency: The Area 3 Changes are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 5. Development Order, as Amended. This Ordinance shall constitute the Twenty-Fifth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos.

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9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-249, 2000-237, 2000-257, 2000-310, 2001-94, 2003-129, 2004-76, and 2006-127, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 6. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 7. Binding Effect. This Ordinance shall be binding upon the Notification Party and all owners of the Notification Property, and their assigns and successors in interest.

Section 8. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections 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 it becoming law, to the Florida Department of Economic Opportunity (Bureau of State Planning), the Tampa Bay Regional Planning Council and New Tampa, Inc., c/o Fowler White Boggs P.A., 501 E. Kennedy Boulevard, Suite 1700, Tampa, Florida 33602.

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

Section 11. Recording. The Notification Party shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

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

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON NOV 07 2013.

ATTEST:

CHAIRMAN/~~CHAIRMAN PRO-TEM~~
CITY COUNCIL

CITY CLERK/~~DEPUTY CITY CLERK~~

APPROVED BY ME ON NOV 07 2013

BOB BUCKHORN, MAYOR

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY BY:

E/S
REBECCA M. KERT
ASSISTANT CITY ATTORNEY

Ordinance_Tampa Palms DRI_Final to CC_100813

State of Florida
County of Hillsborough
This is to certify that the foregoing is a true and correct copy of Ord. No. 2013-145 on file on my office
Witness my hand and official seal this 14th of Nov. 2013
CITY CLERK/~~DEPUTY CITY CLERK~~

New Tampa, Inc.

Tampa Palms DRI No. 65 – Area 3

NOTICE OF PROPOSED CHANGE

January 2013

Andrea Zelman, Esquire
Fowler White Boggs P.A.
501 E. Kennedy Boulevard, Suite 1700
Tampa, Florida 33602
(813) 222-3335

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and correct copy

NEW TAMPA, INC.
Tampa Palms DRI No. 65 – Area 3
Notice of Proposed Change
January 2013

INDEX

1. Distribution List
2. Notification of Proposed Change Form RPM-BSP-PROPCHANGE-1
3. Exhibit "A-1": Legal Description of Area 3
4. Exhibit "A-2": Legal Description of DRI Property
5. Exhibit B: Traffic Analysis (Submitted under separate cover)
6. Exhibit C: Substantial Deviation Determination Chart
7. Exhibit D: Updated Development Map
8. Exhibit E: Amendment to Development Order

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NEW TAMPA, INC.
TAMPA PALMS DRI No. 65 – AREA 3
2013 NOPC DISTRIBUTION LIST

AGENCY	CONTACT	QUANTITY
TBRPC	**Mr. John Meyer** DRI Coordinator Tampa Bay Regional Planning Council 4000 Gateway Centre Boulevard, Suite 100 Pinellas Park, FL 33782	**2**
TBRPC	**Mr. Roy Chapman** Tampa Bay Regional Planning Council Johnson Engineering, Inc. 20525 Amberfield Drive Land O' Lakes, Florida 34638	**1**
City of Tampa	**Ms. Susan Johnson** City of Tampa 1400 North Boulevard, 2nd Floor Tampa, FL 33607	**5**
Hillsborough County	**Mr. Charles White** Senior Planning Manager Hillsborough County Planning & Growth Management Department 601 E. Kennedy Boulevard, 20th Floor Tampa, FL 33602	**1**
Hillsborough County	**Mr. BudWhitehead** Planning Manager Hillsborough County MPO 601 E. Kennedy Boulevard, 18th Floor Tampa, FL 33602	**1**
HART	**Ms. Linda Walker** Planner II – Land Use Hillsborough Area Regional Transit 201 E. Kennedy Boulevard, Suite 900 Tampa, FL 33602-5829	**1**
FDCA	**Mr. Chris Wigglesworth** Regional Planning Administrator Florida Department of Economic Opportunity 107 East Madison Street, Caldwell Building Tallahassee, FL 32399-4120	**1**

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FDOT	**Mr. Daniel Santos** DRI Coordinator Florida Department of Transportation District Seven 11201 North McKinley Drive Tampa, FL 33612	1
FDOT	**Mr. Bob Johnson** URS Corporation 7650 W. Courtney Campbell Causeway Tampa, FL 33607-1462	1

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FORM DEO-BCP-PROPCHANGE-1
Rule 73C-40.010, FAC. Effective 11-20-90 (Renumbered 10-01-11)

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF COMMUNITY PLANNING & DEVELOPMENT
The Caldwell Building, MSC 160
107 East Madison Street
Tallahassee, Florida 32399

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, Warren Kinsler, the undersigned authorized representative of NEW TAMPA, INC. give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(18), Florida Statutes. In support thereof, I submit the following information concerning the Tampa Palms, Area 3 development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of Community Planning, Department of Economic Opportunity.

NEW TAMPA, INC.,
a Florida corporation

1-4-2013
Date

By: _____
Warren Kinsler, President

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

New Tampa, Inc.
6000 Compton Estate Drive
Tampa, Florida 33627

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

Andrea E. Zelman, Esquire
Fowler White Boggs Banker P.A.
501 E. Kennedy Boulevard, Suite 1700
Tampa, Florida 33602
Telephone: (813) 222-3335
Facsimile: (813) 229-8313
azelman@fowlerwhite.com

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

Area 3 Property:

City of Tampa, Hillsborough County, Sections 23, 25, 26, 27, 35, and 36, Township 27 South, Range 19 East. The legal description is attached as **Exhibit "A-1"**.

Tampa Palms DRI Property:

Sections 21-28 and 33-36, Township 27 South, Range 19 East, and Sections 1-4, Township 28 South, Range 19 East, in Hillsborough County, Florida. The legal description is attached as **Exhibit "A-2"**.

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

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

The Applicant is proposing to increase the approved commercial square footage within Area 3 from 441,500 sq.ft. to 558,213 sq.ft. (i.e., an increase of 116,713 sq.ft.). Applicant has submitted an analysis attached as **Exhibit "B"**, dated November, 2012, demonstrating that with this increase, the roadways and

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intersections within the area will operate within the adopted level of service standards at build out.

The Applicant is also proposing to amend a condition in the Development Order relating to the conveyance of a 5.0 acre park, so as to clarify the time by which improvements to the park must be made. In addition, the Applicant is proposing revisions to the Land Use Equivalency Matrix for Area 3.

Finally, the Applicant is also proposing a three year extension of the build-out and expiration dates for Area 3.

No other changes are proposed.

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

The completed Substantial Deviation Determination Chart is attached hereto as **Exhibit "C".**

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 governmental adopted a new DRI development order for the project?**

On October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

On November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

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On June 20, 1991, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

On October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

On December 19, 1991, the City, by Ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

On March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, which reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment that had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

On May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

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The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

On August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order for Area 1 approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed the Sixth Amendment; and

On June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3A and to delete 55 single-family units from Parcel 4A2; and

On October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, adoption of site specific conversion factors to allow conversion among certain land uses, and amending the Phasing Schedule and Phasing Map to move the Public Facilities site from Phase 3 to Phase 2 and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

On November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**"), which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein. Such amendment also included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites; changes to park locations; realignment of the major roadways; deletion of an interchange; relocation of Commercial parcels; and to reflect other applicable revisions and relocations in land uses described in the notification submitted therewith; and

On December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance for Area 1 adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multifamily uses, which

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conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

On August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the notification submitted in connection therewith; and

On March 20, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**"), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

On January 7, 1999, the City, by Ordinance No. 99-01 (the "**Fourteenth Amendment**"), approved an amendment to the Development Order approving changes involving Area 2 for a church, school, day care facility and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

On January 7, 1999, the City, by Ordinance No. 99-02 (**the "Fifteenth Amendment"**) approved an amendment to the Development Order approving changes involving Area 2, Tract 6A, in order to authorize the use of that parcel as a school in addition to its use as a church; and

On September 30, 1999, the City, by Ordinance No. 99-219 (the "**Sixteenth Amendment**") approved an amendment to the Development Order approving a one-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors; and

On November 18, 1999, the City, by Ordinance No. 99-249 (the "**Seventeenth Amendment**") approved an amendment to the Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility has been constructed; and

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On September 7, 2000, the City, by Ordinance No. 2000-237 (the "**Eighteenth Amendment**") approved an amendment to the Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

On September 28, 2000, the City, by Ordinance No. 2000-257 (the "**Nineteenth Amendment**") approved an amendment to the Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

On November 16, 2000, the City, by Ordinance No. 2000-310 (the "**Twentieth Amendment**") approved an amendment approving changes to Area 4 to, among other things, revise obligations pertaining to parks, and to revise Map H to reflect the correct boundary and acreage of preservation lands; and

On April 26, 2001, the City, by Ordinance No. 2001-94 (the "**Twenty-first Amendment**") approved an amendment to the Development Order, which included an amendment to permit the use of a trade-off mechanism to allow the development of up to 37,500 gross square feet of professional and medical offices on 3.5 acres of the property located in Area 2, Parcel 7A of Tampa Palms, in exchange for the previously approved multi-family development on the site.

On May 29, 2003, the City, by Ordinance No. 2003-129 (the "**Twenty-Second Amendment**") approved an amendment to the Development Order to extend the build out date for development within Area 2, Phase 2, Parcel 7B.

On March 24, 2004, the City, by Ordinance No. 2004-76 (the "**Twenty-Third Amendment**") approved an amendment to the Development Order to allow a curb cut within Area 3.

On May 26, 2006, the City, by Ordinance No. 2006-127 (the "**Twenty-Fourth Amendment**") approved an amendment to the Development Order for the extension of the expiration date of Phase 3 solely associated with Area 4 to December 31, 2009, an amendment to the provisions for the East-West Road, an amendment to a conversion matrix, an assignment of certain development rights within Area 4 and amendments to Map H.

As a result of legislation enacted within the last 5-6 years , and Executive Orders issued by the Governor that allowed for permit extensions, the build-out date for Area 3 has been extended to April 30, 2019, and the expiration date to April 26, 2024.

There have been no changes in jurisdiction since the last Development Order amendment.

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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 lands have been purchased or optioned within 1/4 mile of the original DRI site.

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

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.**

Yes, the proposed change will extend the build out date for Area 3 only to December 31, 2022.

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

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

No, no amendment to the City of Tampa comprehensive plan is required.

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

An updated development map for Area 3 is attached as **Exhibit "D"**.

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**

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other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

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

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

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

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

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

The proposed amendment to the Development Order is attached as **Exhibit "E"**.

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EXHIBIT "A-1"
Area 3 Legal Description

A portion of Sections 23, 25, 26, 27, 35, and 36, lying northerly of the northerly right-of-way line of a Tampa Electric Company 200 foot Transmission line, as described in Official Record Book 1169, page 54, of the public records of Hillsborough County, Florida, westerly of the westerly right-of-way line of Interstate Highway 75 (State Road 93A) and easterly of the easterly right-of-way line of County Road 581, all lying and being in Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 23, thence along the South boundary line of said Section 23, N 87° 30' 46" W, for 923.32 feet, to a point of intersection with said westerly right-of-way line of Interstate Highway 75, said point being the Point of Beginning; thence along said westerly right-of-way line, for the following two (2) courses, S 17° 05' 00" E, for 2,927.23 feet, to a point of curvature of a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 5,871.58 feet, a central angle of 33°01' 07", and arc length of 3,395.21 feet, and a chord bearing S 33° 35' 33" E for 3,348.42 feet, thence leaving said westerly right-of-way line, N 88° 24' 29" W for 2,563.10 feet; thence N 71° 42' 07" W for 425.04 feet; thence N 53° 07' 23" W for 370.87 feet; thence N 81° 06' 54" W for 1,663.76 feet; thence N 65° 55' 53" W for 1,399.60 feet; thence N 76° 30' 58" W, for 318.55 feet; thence N 75° 30' 42" W for 893.57 feet; thence S 42° 40' 36" W for 133.49 feet to a point on the northerly right-of-way line of said Tampa Electric Company 200 foot Transmission Line; thence along said northerly right-of-way line, N 47° 19' 24" W, for 1,905.76 feet to a Tampa Electric Company right-of-way monument said monument being the point of intersection with the easterly right-of-way line of said County Road 581; thence along said right-of-way line N 41° 43' 43" E for 6,294.64 feet, to the point of intersection with the westerly right-of-way line of said Interstate Highway 75; thence along said westerly right-of-way line for the following ten (10) courses, S 48° 14' 32" E, for 38.00 feet; thence N 41° 45' 28" E, for 296.82 feet; thence N 45° 34' 19" E, for 463.03 feet; thence N 70° 14' 42" E for 180.33 feet; thence S 60° 24' 32" E for 180.33 feet; thence S 35° 44' 09" E, for 298.37 feet; thence S 33° 26' 43" E for 480.71 feet to a point of curvature of a curve concave to the Southwest; thence southeasterly along the arc of said curve, having a radius of 1,815.86 feet, a central angle of 15° 12' 58" an arc length of 482.24 feet, and a chord bearing S 25° 50' 14" E, for 480.82 feet; thence S 18° 13' 45" E, for 1,199.31 feet; thence S 17° 05' 00" E for 140.09 feet to the Point of Beginning.

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EXHIBIT "A-2"

DRI PROPERTY LEGAL DESCRIPTION

The East 3/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida.

AND:

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing being in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS:

That part of Sections 24, 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 25 for the Point of Beginning: thence N00°25'28"E, along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N01°21'46"W, along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N00°25'03"E, along the East boundary of said Section 24 a distance 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N89°27'50"W, along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S00°35'04"W, a distance of 420.87 feet; thence S10°37'07"E, a distance of 1366.34 feet; thence S00°35'04"W, a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S00°35'04"W, a distance of 4399.76 feet thence S50°31'25"E, a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S88°28'49"E, along the South boundary of said Section 25 a distance of 3220.04 feet to the Point of Beginning.

ALSO LESS:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of centerline of Trout Creek.

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida, lying South of Trout Creek, North of the Hillsborough River and Northeasterly of the following described line: Commence at the Northwest corner of said Section 36; run thence S88°28'49"E, along the North boundary of said Section 36, a distance of 2071.95 feet to the Point of Beginning: thence S50°31'25"E, a distance of 1310.59 feet to the beginning of a curve, concave Southwesterly, having a central angle of 37°15'04" and a radius of 5,780.00 feet; thence Southeasterly along the arc of said curve, an arc distance of 3757.90 feet (chord distance of

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3692.06 feet and chord bearing of S31°53'53"E,) to the North bank of the Hillsborough River and the Point of Termination.

ALSO LESS:

(A) That part of Sections 23, 26, 27, 33, and 34, Township 27 south, Range 19 East deeded to the State of Florida for road right-of-way for State Road S-581 by instruments recorded in Official Record Book 227 on Page 707, in Official Record Book 226 on Page 556, and in Official Record Book 241 on Page 76 of the Public Records of Hillsborough County, Florida

(B) The part of Section 21, 22, 26, 27, 35, and 36 Township 27 South, Range 19 East, condemned for transmission lines by Tampa Electric Company in Suit Number 41987-L Circuit Court, Hillsborough County, Florida

(C) That part of Sections 26, 27, 35, and 36, Township 27 South, Range 19 East, conveyed to County of Hillsborough for use and benefit of Road Department by instruments recorded September 3, 1965, in Official Record Book 1501 on Page 480, and in Official Record Book 1501 on Page 482 of the Public Records of Hillsborough County, Florida

ALSO LESS:

A parcel of land in the West one half of the Southwest one-quarter of Section 24, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly desribed as follows: Commence at the Northwest corner of said Section 24; said corner being marked by a 3" iron pipe; run thence S00°18'32"W, along the West boundary of said Section 24 for a distance of 2632.49 feet to the West quarter corner of said Section 24 and the Point of Beginning: of the parcel of land hereinafter described; run thence S89°27'50"E, along the Quarter section line of said Section 24, for a distance of 679.56 feet; run thence S00°35'04"W, for a distance of 420.88 feet; run thence S10°37'07"E, for a distance of 1166.17 feet; run thence S88°59'25"W, for a distance of 898.87 feet to a point on the aforesaid West boundary line of Section 24; run thence N00°18'32"E, along said West boundary line, for a distance of 1589.27 feet to the Point of Beginning.

AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S00°18'32"W, along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the Point of Beginning: of the parcel of land hereinafter described; thence continue S00°18'32"W, along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S88°59'25"W, for a distance of 717.67 feet; run thence N17°04'19"W, for a distance of 354.31 feet; run thence N13°04'19"W, for a distance of 550.00 feet; run thence N08°04'19"W, for a distance of 448.12 feet; run thence N03°11'04"W, for a distance of 293.89

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feet to a point on the Quarter section line of said Section 23; run thence S89°27'50"E, along said Quarter section line, for a distance of 1033.83 feet to the Point of Beginning.

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S89°25'23"W, along the South boundary of said Section 36, a distance of 800.00 feet; thence N00°46'24"W, parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the Point of Beginning: thence return S00°46'24"E, a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N10°50'51"W, a distance of 451.00 feet, more or less; thence N25°01'34"W, a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S77°08'37"E, along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No.75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet; a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of S23°13'45"E, to the Point of Beginning.

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EXHIBIT "A-2"
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EXHIBIT B

[SUBMITTED UNDER SEPARATE COVER]

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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces		N/A	
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External vehicle yrips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)		N/A	
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking spaces			
	# Gates			
	Apron area (gross square feet)			
	Site locational changes			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH *PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY* REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OF HIS AGENT.

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SUBSTANTIAL DEVIATION DETERMINATION CHART				
TYPE OF LAND USE	**CHANGE CATEGORY**	**PROPOSED PLAN**	**ORIGINAL PLAN**	**PREVIOUS D.O. CHANGE & DATE OF CHANGE**
	Airport acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA Representations			
Hospitals	# Beds		N/A	
	# Parking spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External vehicle trips			
	D.O. Conditions			
	ADA Representations			
Industrial	Acreage, including drainage, ROW, easements, etc.	No change		
	# Parking spaces			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH *PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY* REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OF HIS AGENT.

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SUBSTANTIAL DEVIATION DETERMINATION CHART				
TYPE OF LAND USE	**CHANGE CATEGORY**	**PROPOSED PLAN**	**ORIGINAL PLAN**	**PREVIOUS D.O. CHANGE & DATE OF CHANGE**
	Building (gross square feet)			
	# Employees			
	Chemical storage (barrels & pounds)			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA Representations			
Mining Operations	Acreage mined (year)		N/A	
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA Representations			

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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Office	Acreage, including drainage, ROW, easements, etc.	No change		
	Building (gross square feet)			
	# Parking spaces			
	# Employees			
	Building (gross square feet)			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA Representations			
Petroleum/Chemical Storage	Storage capacity (barrels &/or pounds)		N/A	
	Distance to navigable waters (feet)			
	Site location changes			
	Facility acreage, including drainage, ROW, easements, etc.			

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NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH *PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY* REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OF HIS AGENT.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
	# External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Ports (Marinas)	# Boats, wet storage		N/A	
	# Boats, dry storage			
	Dredge and fill (cu. yards)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA Representations			
Residential	# Dwelling units	No change	413 SF /2,587 MF	Changed to 455 SF/2,316 MF by 17th Amendment (Ord. No. 99-249)
	Type of dwelling units			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH *PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY* REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OF HIS AGENT.

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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
	# of lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
Wholesale, retail, service	Acreage, including drainage, ROW easements, etc.			
	Floor space (gross square feet)	558,213	441,500	
	# Parking spaces			
	# Employees			
	Site locational changes			Additional Access Point on Bruce B. Downs per 23rd Amendment (Ord. No. 2004-76)
	# External vehicle trips			
	D.O. Conditions			
	ADA Representations			

NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH *PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY* REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OF HIS AGENT.

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SUBSTANTIAL DEVIATION DETERMINATION CHART				
TYPE OF LAND USE	**CHANGE CATEGORY**	**PROPOSED PLAN**	**ORIGINAL PLAN**	**PREVIOUS D.O. CHANGE & DATE OF CHANGE**
Hotel/Motel	# Rental units	No change		
	Floor space (gross square feet)			
	# Parking spaces			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA Representations			
R.V. Park	Acreage, including drainage, ROW, easements, etc.	N/A		
	# Parking spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			

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NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OF HIS AGENT.

SUBSTANTIAL DEVIATION DETERMINATION CHART				
TYPE OF LAND USE	**CHANGE CATEGORY**	**PROPOSED PLAN**	**ORIGINAL PLAN**	**PREVIOUS D.O. CHANGE & DATE OF CHANGE**
	# External vehicle trips			
	D.O. Conditions			
	ADA Representations			
Open space (all natural and vegetated non-impervious surfaces)	Acreage	No change		
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA Representations			
Preservation, buffer or special protection areas preservation (cont.)	Acreage	No change		
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA Representations			

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NOTE: IF A RESPONSE IS TO BE MORE THAN ONE SENTENCE, ATTACH A DETAILED DESCRIPTION OF EACH *PROPOSED CHANGE AND COPIES OF THE PROPOSED MODIFIED SITE PLAN DRAWINGS. THE BUREAU MAY* REQUEST ADDITIONAL INFORMATION FROM THE DEVELOPER OF HIS AGENT.

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TWENTY-FIFTH (25TH) AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY NEW TAMPA, INC., A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the **"Development Order"**); and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the **"City"**) annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the **"First Amendment"**), approved changes to the Tampa Palms Master Plan as described in a document entitled *"Proposed Master Plan Revisions"*; and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the **"Second Amendment"**), adopted the Amendment to the Development order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council (**"TBRPC"**), the State of Florida Department of Community Affairs (**"DCA"**) and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the **"1988 Development Agreement"**) relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the **"Third Amendment"**), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the **"Fourth Amendment"**), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

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WHEREAS, on December 19, 1991, the City, by ordinance No. 91-228 (the **"Fifth Amendment"),** approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the **"Sixth Amendment"),** approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13,1993, DCA filed a Notice of Appeal (**"Appeal"**) of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.06, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 (**"Settlement Agreement"**), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the **"Seventh Amendment"),** approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the **"Sixth Amendment");** and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the **"Eighth Amendment"),** approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single-family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the **"Ninth Amendment"),** which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

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WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235 (the **"Tenth Amendment"**), which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single-family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification of Proposed Change (**"NOPC"**); and

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 (the **"Eleventh Amendment"**), which Ordinance for Area I adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the **"Twelfth Amendment"**), which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the **"Master Plan"**), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the NOPC; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the **"Thirteenth Amendment"**), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-01 (the **"Fourteenth Amendment"**), which Ordinance approved an amendment applicable to Area 2 of the Tampa Palms DRI, allowing the use of certain property for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-02 (the **"Fifteenth Amendment"**), which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

WHEREAS, on September 30, 1999, the City adopted Ordinance No. 99-219 (the **"Sixteenth Amendment"**), which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors in Area 4 of the Tampa Palms DRI; and

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and correct copy

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 (the **"Seventeenth Amendment"**) approved an amendment to the Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility has been constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237 (the **"Eighteenth Amendment"**) approved an amendment to the Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 (the **"Nineteenth Amendment"**) approved an amendment to the Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on November 16, 2000, the City, by Ordinance No. 2000-310 (the **"Twentieth Amendment"**) approved an amendment approving changes to Area 4 to, among other things, revise obligations pertaining to parks, and to revise Map H to reflect the correct boundary and acreage of preservation lands; and

WHEREAS, on April 26, 2001, the City, by Ordinance No. 2001-94 (the **"Twenty-First Amendment"**) approved an amendment to the Development Order, which included an amendment to permit the use of a trade-off mechanism to allow the development of up to 37,500 gross square feet of professional and medical offices on 3.5 acres of the property located in Area 2, Parcel 7A of Tampa Palms, in exchange for the previously approved multi-family development on the site; and

WHEREAS, on May 29, 2003, the City, by Ordinance No. 2003-129 (the **"Twenty-Second Amendment"**) approved an amendment to the Development Order to extend the build out date for development within Area 2, Phase 2, Parcel 7B; and

WHEREAS, on March 25, 2004, the City by Ordinance No. 2004-76 (the **"Twenty-Third Amendment"**) approved an amendment to the Development Order for a curb cut associated with the Notification Property pursuant to the Tenth Amendment to the DRI as it affects development within Area 3; and

WHEREAS, on May 26, 2006, the City, by Ordinance No. 2006-127 (the **"Twenty-Fourth Amendment"**) approved an amendment to the Development Order for the extension of the expiration date of Phase 3 solely associated with Area 4 to December 31, 2009, an amendment to the provisions for the East-West Road, an amendment to a conversion matrix, an assignment of certain development rights within Area 4 and amendments to Map H.

WHEREAS, on January ___, 2013, New Tampa, Inc., a Florida corporation ("Notification Party"), a property owner within Area 3 of the DRI (the "Notification Property"), submitted a NOPC providing for a request for approval of a three-year extension of the build out date for Area 3 only, revision of language relating to a park conveyance, and an increase of 116,713 square feet of commercial uses, a copy of which NOPC is attached hereto as Exhibit "A".

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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 NOPC and related documents, and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial competent, clear, and convincing evidence to support the following findings of fact:

A. The Notification Party, as the developer of the Notification Property, submitted the NOPC to the City.

B. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237, 2000-257, 2000-310, 2001-94, 2003-129, 2004-76, and 2006-127 is a valid final development order within the provisions of Section 163.3167(8), F.S.

C. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

D. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

E. The changes proposed by the NOPC do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the changes to the Development Order as set forth in this Ordinance (**"Area 3 Changes"**), is consistent with the approved master plan Map H, as provided for herein, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area, and will be consistent with the State Comprehensive Plan.

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

C. The Area 3 Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Area 3 Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Area 3 Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Area 3 Changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Ordinance satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and the Notification Party are authorized to approve and conduct, respectively, development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. The Build-out date solely relating to Area 3 shall be extended from December 31, 2019, to December 31, 2022, and the Expiration Date from April 26, 2024 to April 26, 2027.

B. The approved uses in Area 3 shall be amended to allow for a total of 558,213 square feet of commercial uses.

C. Amended Terms: The Development Order applicable to the Notification Property, including, without limitation, the Seventeenth Amendment, is hereby amended as follows:

Section 3.B.(1) of the Seventeenth Amendment is hereby deleted in its entirety and replaced with the following:

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"The owner of the Notification property, its successors or assigns, shall be required to convey to the City of Tampa, a 5.0 acre park site as defined in the City of Tampa Comprehensive Plan in the area shown on the revised Master Plan (the "Park Property"). Within five (5) years of the effective date of this ordinance or the development of Parcel 38, whichever occurs first, the owner of the Notification Property shall provide public access and utilities to the Park Property sufficient to satisfy the needs of an active park of similar size or quality."

D. Map H shall be amended to include a new Land Use Equivalency Matrix for Area 3, a copy of which is also attached hereto and made part of this Ordinance as Exhibit "B".

Concurrency: The Area 3 Changes are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Twenty-Fifth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-249, 2000-237, 2000-257, 2000-310, 2001-94, 2003-129, 2004-76, and 2006-127, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Notification Party and all owners of the Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of it becoming law, to the Florida Department of Economic Opportunity (Bureau of State Planning), the Tampa Bay Regional Planning Council and New Tampa, Inc., c/o Fowler White Boggs P.A., 501 E. Kennedy Boulevard, Suite 1700, Tampa, Florida 33602.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

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Section 10. Recording. The Notification Party shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON _____, 2013.

_____

CHAIRMAN
CITY COUNCIL

ATTEST:

_____

CITY CLERK/DEPUTY CITY CLERK

APPROVED BY ME ON _____

_____

BOB BUCKHORN, MAYOR

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY:

_____

JULIA MANDELL
ASSISTANT CITY ATTORNEY

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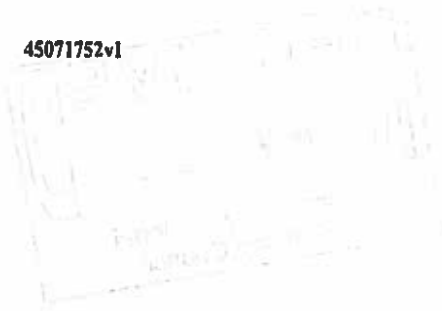

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OVERSIZED MAP H LOCATED IN ORIGINAL DEVELOPMENT ORDER FILE

EXHIBIT B

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TAMPA PALMS AREA 3 DRI LAND USE EQUIVALENCY MATRIX (MARCH 2013)

"A"		"B" EQUIVALENT USES									
LAND USES THAT ARE TO BE TRADED											
Description	ITE LUC	# OF SINGLE-FAMILY DWELLING UNITS	# OF SINGLE-FAMILY ATTACHED UNITS	# OF MULTI-FAMILY APARTMENTS	# SR. ADULT HOUSING DETACHED UNITS	# OF SR. ADULT HOUSING ATTACHED UNITS	# OF SQ. FT. RETAIL	# OF ALF BEDS	# OF SQ.FT. OF OFFICE	# OF SQ. FT. OF MINI-STORAGE	# OF HOTEL ROOMS
SINGLE FAMILY DETACHED DWELLING UNIT	210	(1.00)	(1.94)	(1.63)	(3.74)	(6.31)	(270.78)	(4.59)	(677.85)	(3156.25)	(1.71)
SINGLE FAMILY ATTACHED	230	(0.51)	(1.00)	(0.84)	(1.93)	(3.25)	(139.41)	(2.36)	(348.99)	(1625.00)	(0.88)
MULTI FAMILY APARTMENT	220	(0.61)	(1.19)	(1.00)	(2.30)	(3.88)	(166.22)	(2.82)	(416.11)	(1937.50)	(1.05)
SR. ADULT HOUSING DETACHED UNIT	251	(0.27)	(0.52)	(0.44)	(1.00)	(1.69)	(72.39)	(1.23)	(181.21)	(843.75)	(0.46)
SR. ADULT HOUSING ATTACHED UNIT	252	(0.16)	(0.31)	(0.26)	(0.59)	(1.00)	(42.90)	(0.73)	(107.38)	(500.00)	(0.27)
1000 SQ. FT OF RETAIL	820	(3.69)	(7.17)	(6.02)	(13.81)	(23.31)	(1000.00)	(16.95)	(2503.36)	(11656.25)	(6.32)
1 ALF Bed	254	(0.22)	(0.42)	(0.35)	(0.81)	(1.38)	(58.98)	(1.00)	(147.65)	(687.50)	(0.37)
1000 SQ. FT. OF MINI-STORAGE	150	(0.32)	(0.62)	(0.52)	(1.19)	(2.00)	(85.79)	(1.45)	(147.65)	(1000.00)	(0.54)
1000 SQ. FT. OF OFFICE	710	(1.48)	(2.87)	(2.40)	(5.52)	(9.31)	(399.48)	(6.77)	(1000.00)	(4656.25)	(2.53)
ONE HOTEL ROOM	310	(0.58)	(1.13)	(0.95)	(2.19)	(3.69)	(158.18)	(2.68)	(395.97)	(1843.75)	(1.00)

*Conversion rates are based on PM peak hour average vehicle trip ends, ITE Trip Generation Manual, 8th Edition.

* The calculations must always start in Column "A" and end in Column "B". Start in Column "A" at appropriate row, proceed horizontally, then vertically to the equivalent use in Column "B". The equivalent Column "B" land use is noted in the ( ) at the intersection of the "traded land use" horizontal row, and the "equivalent uses" vertical column. For example, one Single Family Detached unit (Column "A", second row) can be traded into 270.78 sq. feet of Retail. The intersection of the Single Family Detached unit row, and the Retail column is 270.78 Sq Feet.

*No individual land use category shall exceed the threshold for increases as established in Subsection 380.06(19), Florida Statutes without a Notice of Proposed Change Substantial Deviation Analysis.

Allowable Land Use Ranges

Land Use	Minimum	Maximum	Units
Retail	362,838	700,000	sq. ft.
Residential	1,950	4,050	dwelling units
Office	0	200,000	sq. ft.
Mini-Storage	0	500,000	sq. ft.
Assisted Living Facility (ALF)	0	500	beds
Hotel	0	200	rooms

#65

FOWLER WHITE BOGGS
Attorneys at Law
Est 1943

Andrea E. Zelman
Direct Dial: 813-222-3335
azelman@fowlerwhite.com

November 12, 2010

Ms. Susan L. Johnson
City of Tampa Growth Management and
Development Services Department
306 E. Jackson Street; 3d Floor
Tampa, FL 33602

Re: SB 1752 Notice of Extension Tampa Palms DRI (# 65) - Area 3

Dear Ms. ~~Johnson~~ Susan:

Pursuant to Senate Bill 1752 (Section 46), which provides for a two-year extension of local government-issued development orders and building permits, including DRI build out dates, this letter shall serve to notify the City of Tampa that the Developer, New Tampa, Inc., intends to use the statutory provision in order to extend the build out date for Tampa Palms-Area 3, to December 31, 2013.

Specifically, the build out date for Tampa Palms-Area 3 is December 31, 2011. You will recall that in July 2009, per SB 360 (Chapter 2009-06), which was enacted during the 2009 legislative session, New Tampa, Inc. extended the build out date for Area 3 from December 31, 2009 to December 31, 2011 (see attached letter dated January 13, 2010, in which you confirmed that extension). The newly-enacted SB 1752 (Section 46), allows for another two-year extension, and is specifically applicable to build out dates previously extended under Chapter 2009-06. Therefore, this letter shall serve to notify the City that New Tampa, Inc. is extending the build out date for Tampa Palms-Area 3 by another two years to December 31, 2013.

Please let us know if you have any questions or comments. Thank you in advance for your assistance.

Sincerely yours,

FOWLER WHITE BOGGS P.A.

Andrea E. Zelman
Attorney for New Tampa, Inc.

cc: John Meyer, TBRPC
Warren Kinsler, New Tampa, Inc.

#65

CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

December 22, 2011

Mr. Scott Steady
Williams Schifino
One Tampa City Center, Ste. 3200
Tampa, Florida 33602

Re: **Tampa Palms DRI (Area 4)**
Extension of Commencement/Phase/Build Out /Expiration Dates

Dear Scott:

We are in receipt of your request to extend the build out and expiration dates of the Development Order associated with the approval of the Tampa Palms Area 4 Development Regional Impact. The Florida Legislature recently enacted House Bill 7207 in recognition of 2011 real estate conditions, which extended certain permits issued by Florida Department of Environmental Protection and Water Management Districts. **This extension includes any local government issued development order or building permit that has an expiration date of January 1, 2012 through January 1, 2014.**

Based upon the information provided, we 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. The new dates are as follows:

- Buildout – December 31, 2017
- Expiration - December 29, 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

#65

FOWLER WHITE BOGGS
Attorneys at Law
Est 1943

Andrea E. Zelman
Direct Dial: 813-222-3335
azelman@fowlerwhite.com

November 12, 2010

Ms. Susan L. Johnson
City of Tampa Growth Management and
Development Services Department
306 E. Jackson Street; 3d Floor
Tampa, FL 33602

Re: SB 1752 Notice of Extension Tampa Palms DRI (# 65) - Area 3

Dear Ms. Johnson:

Pursuant to Senate Bill 1752 (Section 46), which provides for a two-year extension of local government-issued development orders and building permits, including DRI build out dates, this letter shall serve to notify the City of Tampa that the Developer, New Tampa, Inc., intends to use the statutory provision in order to extend the build out date for Tampa Palms-Area 3, to December 31, 2013.

Specifically, the build out date for Tampa Palms-Area 3 is December 31, 2011. You will recall that in July 2009, per SB 360 (Chapter 2009-06), which was enacted during the 2009 legislative session, New Tampa, Inc. extended the build out date for Area 3 from December 31, 2009 to December 31, 2011 (see attached letter dated January 13, 2010, in which you confirmed that extension). The newly-enacted SB 1752 (Section 46), allows for another two-year extension, and is specifically applicable to build out dates previously extended under Chapter 2009-06. Therefore, this letter shall serve to notify the City that New Tampa, Inc. is extending the build out date for Tampa Palms-Area 3 by another two years to December 31, 2013.

Please let us know if you have any questions or comments. Thank you in advance for your assistance.

Sincerely yours,

FOWLER WHITE BOGGS P.A.

Andrea E. Zelman
Attorney for New Tampa, Inc.

cc: John Meyer, TBRPC
Warren Kinsler, New Tampa, Inc.

CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

January 13, 2010

Ms. Andrea Zelman
Fowler, White et al
501 E. Kennedy Blvd., Ste. 1700
Tampa, Florida 33602

Re: Tampa Palms Area 3 - Extension of Build Out of Development of Regional Impact

Dear Andrea:

We are in receipt of your request to extend the build out and expiration date of the Tampa Palms (Area 3) Development of Regional Impact. The Florida Legislature recently enacted Senate Bill 360 in recognition of 2009 real estate conditions, which extended certain permits issued by Florida Department of Environmental Protection and Water Management Districts. **This extension includes any local government issued development order or building permit that has an expiration date of September 1, 2008 through January 1, 2012**

Based upon the information you provided, we have determined that the development order has met the provisions of SB 360 and is extended for two years from the date of its expiration. The new build out expiration date is **December 31, 2011**. Please be advised that the two 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 under its jurisdiction. Outside agencies which may have extra jurisdictional authority should be contacted for permit extensions separately.

Regards,

Susan Johnson
City of Tampa
DRI/Subdivision Coordination

65

FOWLER WHITE BOGGS
Attorneys at Law
Est 1943

Andrea E. Zelman
Direct Dial: 813-222-3335
azelman@fowlerwhite.com

December 23, 2009

Ms. Susan L. Johnson
City of Tampa Growth Management and
Development Services Department
306 E. Jackson Street; 3d Floor
Tampa, FL 33602

Re: SB 360 Notice of Extension Tampa Palms DRI (# 65) - Area 3

Dear Ms. Johnson

Pursuant to Senate Bill 360, (Section 14, Chapter 2009-96),which provides for a two-year extension of local government-issued development orders and building permits , including DRI build out dates, this letter shall serve to notify the City of Tampa that the Developer, New Tampa, Inc., intends to use the statutory provision in order to extend the build out date for Tampa Palms-Area 3, to December 31, 2011.

Specifically, the build out date for Tampa Palms-Area 3 is December 31, 2009. You will recall that in July 2007, per HB 7203, which was enacted during the 2007 legislative session and codified at Section 380.06(19)(c), Fla. Stat., New Tampa, Inc. extended the build out date for Area 3 from December 31, 2006 to December 31, 2009. The newly-enacted SB 360 (Section 14, Chapter 2009-96), allows for a two-year extension, and is specifically applicable to build out dates previously extended under Section 380.06(19(c). Therefore, this letter shall serve to notify the City that New Tampa, Inc. is extending the build out date for Tampa Palms-Area 3 by another two years to December 31, 2011.

An agent authorization form is attached. Please let us know if you have any questions or comments. Thank you in advance for your assistance.

Sincerely yours,

FOWLER WHITE BOGGS P.A.

Andrea E. Zelman
Attorney for New Tampa, Inc.

cc: John Meyer, TBRPC

OWNER/AGENT AFFIDAVIT

I, Warren Kinsler / New Tampa, Inc.
(Print Owner's name here)

am the owner of the property to which this Notification of **a Time Extension for an Approved Project or Development** is being sought (in accordance with DRI #65 - Tampa Palms Area 3 and Senate Bill 360), and hereby give authorization to Andrea Zelman / Fowler White Boggs P.A. to act in my behalf as my agent in this matter in accordance with the notification requirements.

Owner's Signature: _____

Date: 12/21/09

Owner's Address: 6000 Compton Eskes Way
Tampa, FL 33647

NOTARIAL CERTIFICATE

COUNTY OF: Hillsborough STATE OF: Florida

On this the 21st day of December, 2009, before me, the undersigned Notary Public of the State of Florida, personally appeared Warren Kinsler
(Name (s) of individual(s) who appeared before notary)

a whose name(s) is/are subscribed to within this document and hereby acknowledged and executed same.

WITNESS my hand and official seal. (SEAL/STAMP)

Mary H. Reinhard
NOTARY PUBLIC

NOTARY PUBLIC-STATE OF FLORIDA
Mary H. Reinhard
Commission #DD759533
Expires: FEB. 25, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

☒ Personally known to me, or ☐ Produced Identification: _____
(Type of Identification Produced)

☐ DID take an oath, or ☐ DID NOT take an oath.

#65

CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

December 23, 2009

Mr. John Meyers
Tampa Bay Regional Planning Council
4000 Gateway Center Blvd., Ste. 100
Pinellas Park, Florida 33602

Re: Tampa Palms Area 4 (Public Facility Site) - Extension of Build Out of Development of Regional Impact

Dear John:

The Florida Legislature recently enacted Senate Bill 360 in recognition of 2009 real estate conditions, which extended certain permits issued by Florida Department of Environmental Protection and Water Management Districts. **This extension includes any local government issued development order or building permit that has an expiration date of September 1, 2008 through January 1, 2012**

Based upon the information in our files, we have determined that the Tampa Palms Area 4 development order has met the provisions of SB 360 and is extended for two years from the date of its expiration. The new build out expiration date is **December 31, 2011**. Please be advised that the two 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.

Regards,

Susan Johnson
City of Tampa
DRI/Subdivision Coordination

CITY OF TAMPA

Pam Iorio, Mayor

Growth Management & Development Services

Land Development Coordination

December 23, 2009

Mr. Scott Steady
Williams, Schifino
201 North Franklin Street, Ste. 3200
Tampa, Florida 33602

Re: Tampa Palms Area 4 - Extension of Build Out of Development of Regional Impact (Ord. 2006-127)

Dear Scott:

We are in receipt of your request to extend the build out and expiration date of the Tampa Palms (Area 4) DRI . The Florida Legislature recently enacted Senate Bill 360 in recognition of 2009 real estate conditions, which extended certain permits issued by Florida Department of Environmental Protection and Water Management Districts. **This extension includes any local government issued development order or building permit that has an expiration date of September 1, 2008 through January 1, 2012**

Based upon the information you provided, we have determined that the development order has met the provisions of SB 360 and is extended for two years from the date of its expiration. The new build out expiration date is **December 31, 2011**. Please be advised that the two 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 under its jurisdiction. Outside agencies which may have extra jurisdictional authority should be contacted for permit extensions separately.

Regards,

Susan Johnson
City of Tampa
DRI/Subdivision Coordination

#65/ Area 3

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

June 21, 2007

Ms. Andrea E. Zelman
Fowler White etal
Post Office Box 1438
Tampa, Florida 33601

Re: TAMPA PALMS AREA 3; File Number AGM-08-2007-003

Dear Ms. Zelman:

Enclosed is a copy of the executed agreement for TAMPA PALMS AREA 3. Please record this agreement or a notice of preliminary development agreement with the clerk of the circuit court pursuant to subparagraph 380.06(8)(a)10., Florida Statutes, and provide the Department with a copy of the recorded agreement within two weeks.

If you have any questions, please call Brenda Winningham in the Office of Comprehensive Planning at (850) 488-4925.

Sincerely,

D. Ray Eubanks

D. Ray Eubanks, Administrator
Plan and DRI Processing Unit

DRE/dh

Enclosure
cc: Mr. John Meyer, Tampa Bay RPC (with enclosure)
City of Tampa (with enclosure)

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781
Internet address: http://www.dca.state.fl.us

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

PRELIMINARY DEVELOPMENT AGREEMENT

THIS AGREEMENT is entered into by and between NEW TAMPA, INC., a Florida corporation ("Developer") and the STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS ("Department"), subject to all other governmental approvals and solely at the risk of the Developer.

WHEREAS, the Department is the state-land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, which includes provisions relating to developments of regional impact ("DRI"), and

WHEREAS, the Department is authorized to enter into preliminary development agreements pursuant to Subsection 380.06(8) and 380.032(3), Florida Statutes, and Rule 9J-2.0185, Florida Administrative Code ("FAC"); and

WHEREAS, the Developer represents and states that:

A. The property that is the subject of this Agreement is referred to as Area 3 of the Tampa Palms DRI, located within the City of Tampa, Florida. Attached hereto as Exhibit A is the legal description for that property referred to as Area 3 of the Tampa Palms DRI.

B. The development order for the Tampa Palms DRI (DRI No. 65) was originally adopted by the Hillsborough County Board of County Commissioners on October 1, 1980. After the property was annexed into the City of Tampa in 1985, the City adopted the development order previously adopted by Hillsborough County. The development order has been amended twenty-four times, the latest occurring on June 1, 2006 (Ordinance No. 2006-127). The property within the Tampa Palms DRI has been divided into four areas, with the majority of the amendments applying to only one of the four areas.

C. While the original development order did not establish a clear expiration date for the DRI, the City of Tampa established, based on buildout dates contained within the development order, December 31, 2006 as the expiration date for the DRI. However, the development order has been amended, by Ordinance No. 2003-129 and Ordinance No. 2006-127, to extend the buildout dates for Areas 2 and 4, respectively.

D. On or about November 12, 2006, the Developer submitted a Notification of Proposed Change in order to extend the buildout date for Area 3 from December 31, 2006 to December 31, 2007.

E. The development order, as amended, permitted 455 single family and 2,316 multi-family units, in addition to 441,500 square feet of community commercial uses within Area 3 of the Tampa Palms DRI. The Developer has, to date, constructed 131 single family dwelling units, 624 multi-family units, and 254,795 square feet of community commercial use. The Developer proposes to permit the construction of up to 186,705 square feet of commercial uses, 200 single family homes, and 250 multi-family dwelling units, prior to issuance of an amended development order as a result of the Notice of Proposed Change submitted in November 2006. Attached hereto as Exhibit B is a map of Area 3 that shows the general location of the development proposed in this Agreement. The Developer has fully complied with Chapter 380,

Florida Statutes, by filing the above referenced Notification of Proposed Change, which notification is subject to a substantial deviation determination that is currently being conducted by the Tampa Bay Regional Planning Council and other reviewing agencies.

F. The preliminary development authorized by this Agreement is limited to lands within the boundaries of Area 3 of the original development order and which are suitable for development.

G. The existing public infrastructure will accommodate the uses planned for the preliminary development authorized by this Agreement, when such development will utilize public infrastructure.

H. The preliminary development authorized by this Agreement will not result in material adverse impacts to existing or planned facilities.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein, it is hereby understood and agreed as follows:

1. The Developer asserts and warrants that all of the above referenced recitals made to the Department are true, accurate and complete and are incorporated herein and made a part of this Agreement. Based upon said representations and statements, the Department concludes that this Agreement is in the best interest of the State, and is beneficial to the Department in its role as the State agency with the responsibility for the administration and enforcement of Chapter 380, Florida Statutes.

2. The Developer has filed a Notification of Proposed Change (NOPC) for the extension of the buildout date that will allow the preliminary development approved herein, which notification of proposed change is subject to substantial deviation determination as defined by Chapter 380.06(19), Florida Statutes. The NOPC assessed all the cumulative impacts associated with Area 3, including the preliminary development authorized by this Agreement, and included a comprehensive Transportation Analysis identifying the cumulative impacts of development and appropriate mitigation of impacts pursuant to Rule 9J-2.045, FAC.

3. Time is of the essence. Failure to diligently proceed in good faith to obtain a final development order shall constitute a breach of this Agreement. In the event of such a breach, the Developer shall immediately cease all development which is not authorized absent this Agreement.

4. The Developer may undertake the following preliminary development after the date of execution of this Agreement and prior to issuance of an amended development order covering the extension of the buildout date for Area 3. The Developer shall be permitted to develop 186,705 square feet of community commercial uses, 200 single family homes and 250 multi-family dwelling units. No other development shall occur until such time as a final development order is approved extending the buildout date or otherwise allowing for additional development not contemplated by this Agreement. The preliminary development authorized by this Agreement shall be subject to the terms and conditions of the final development order.

5. The Developer shall not claim vested rights, or assert equitable estoppel, arising from this Agreement or any expenditures or actions taken in reliance on this Agreement to continue with any development beyond the preliminary development authorized by this Agreement. This Agreement shall not entitle the Developer to a final DRI development order approving the extended buildout date nor to particular conditions in a final development order.

6. In the event of a breach of this Agreement or failure to comply with any condition of this Agreement, or if this Agreement is based on materially inaccurate information, the Department may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, Florida Statutes, including a suit to enjoin all development.

7. Nothing in this Agreement shall constitute a waiver by any party of the right to appeal any development order pursuant to Section 380.07, Florida Statutes.

8. The restrictions and conditions of the final amended development order covering the extension of the buildout date for Area 3, issued pursuant to Chapter 380, Florida Statutes, shall supersede the restrictions and conditions upon development of the project as set forth in this Agreement.

9. This Agreement affects the rights and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to determine or influence the authority or decisions of any other state or local government or agency in the issuance of any other permits or approvals which might be required by state law or local ordinance for any development authorized by this Agreement. This Agreement shall not prohibit the Tampa Bay Regional Planning Council (TBRPC) from reviewing or commenting on any regional issue that the TBRPC determines should be included in the TBRPC's report on the NOPC submitted for the extension of the buildout date.

10. The terms and conditions of this Agreement shall inure to the benefit of and be binding on the heirs, personal representatives, successors and assigns of the parties hereto. The Developer shall ensure and provide that any successor in interest and to any lands or parcels affected by this Agreement is bound by the terms of this Agreement. The Developer shall record a Notice of this Agreement which complies with Section 380.06(8)(a)10., Florida Statutes, in the Official Records of Hillsborough County, Florida, and shall provide the Department with a copy of the recorded Notice (including book and page number) within two (2) weeks of the date of execution of this Agreement.

11. The date of execution of this Agreement shall be the date that the last party signs and acknowledges this Agreement.

NEW TAMPA INC.,
a Florida corporation

By: _____
Print Name: WARREN KINSLER
Its: WK
Date: 5-22-07

"DEVELOPER"

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 22nd day of May _____, 2007, by WARREN KINSLER, as President of NEW TAMPA, INC., a Florida corporation. He is personally known to me.

_____
Notary Public
My Commissioner Expires NOV. 21, 2008

PENNY LETSON
MY COMMISSION #DD373520
EXPIRES: NOV 21, 2008
Bonded through 1st State Insurance

DEPARTMENT OF
COMMUNITY AFFAIRS

By: _____
Print Name: Charles Gauthier
Its: Director, Community Planning
Date: 6/19/07

"DEPARTMENT"

Approved as to form and legal
sufficiency:

_____
Attorney, Department of Community Affairs

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 19th day of June _____, 2007, by Charles Gauthier _____, Director of Community Planning of the DEPARTMENT OF COMMUNITY AFFAIRS on behalf of the Department. He is personally known to me ~~or has produced~~ _____ ~~as identification.~~

_____
Notary Public
My Commissioner Expires 3/1/2011

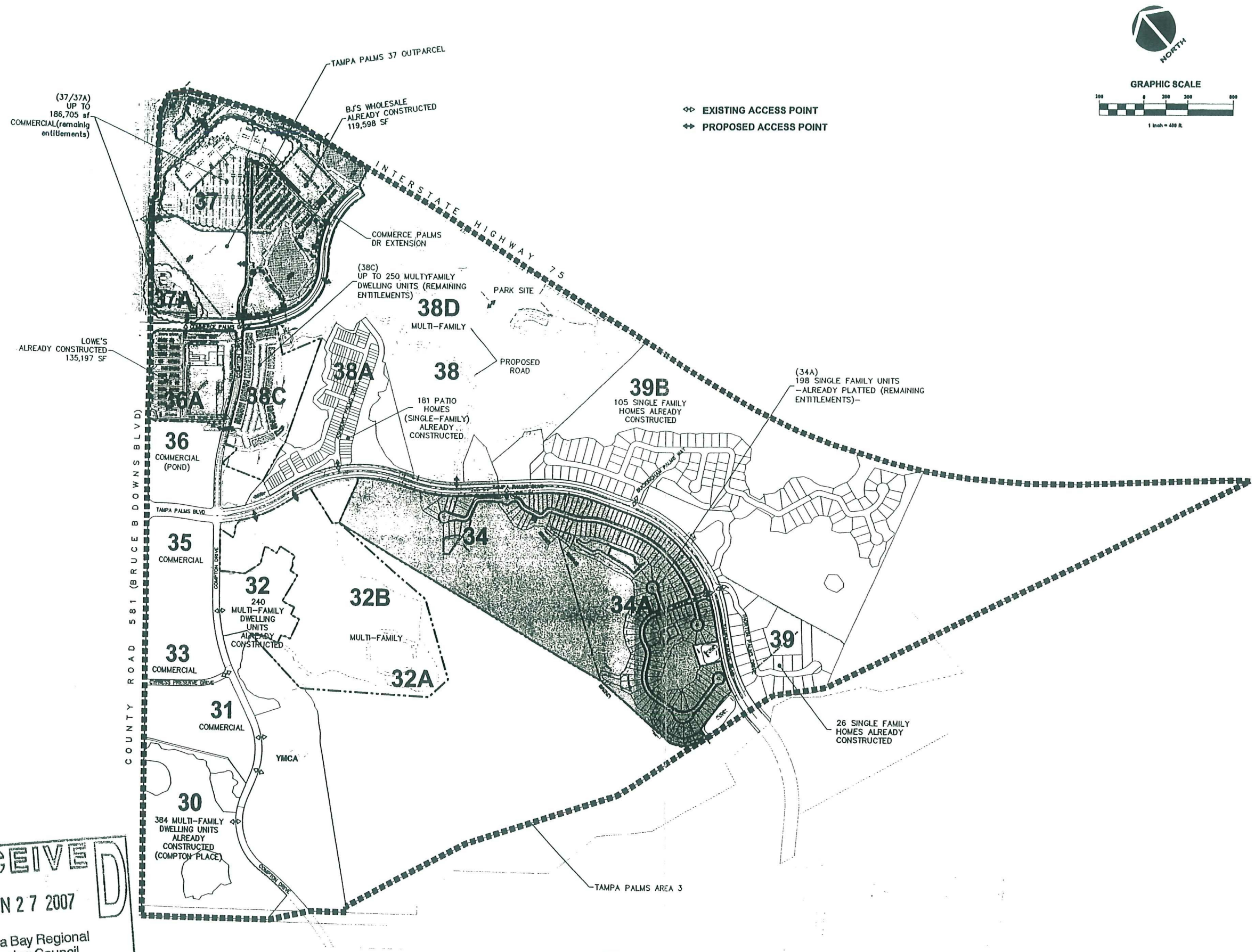
BETH A. FROST
Comm# DD0632676
Expires 3/1/2011
Florida Notary Assn., Inc

Area 3 Legal Description

A portion of Sections 23, 25, 26, 27, 35, and 36, lying northerly of the northerly right-of-way line of a Tampa Electric Company 200 foot Transmission line, as described in Official Record Book 1167, page 54, of the public records of Hillsborough County, Florida, westerly of the westerly right-of-way line of Interstate Highway 75 (State Road 93A) and easterly of the easterly right-of-way line of County Road 581, all lying and being in Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 23, thence along the South boundary line of said Section 23, N 87° 30' 46" W, for 923.32 feet, to a point of intersection with said westerly right-of-way line of Interstate Highway 75, said point being the Point of Beginning; thence along said westerly right-of-way line, for the following two (2) courses, S 17° 05' 00" E, for 2,927.23 feet, to a point of curvature of a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 5,871.58 feet, a central angle of 33°01' 07", and arc length of 3,395.21 feet, and a chord bearing S 33° 35' 33" E for 3,348.42 feet, thence leaving said westerly right-of-way line, N 88° 24' 29" W for 2,563.10 feet; thence N 71° 42' 07" W for 425.04 feet; thence N 53° 07' 23" W for 370.87 feet; thence N 81° 06' 54" W for 1,663.76 feet; thence N 65° 55' 53" W for 1,399.60 feet; thence N 76°30' 58" W, for 318:55 feet; thence N 75° 30' 42" W for 893.57 feet; thence S 42° 40' 36" W for 133.49 feet to a point on the northerly right-of-way line of said Tampa Electric Company 200 foot Transmission Line; thence along said northerly right-of-way line, N 47° 19' 24" W, for 1,905.76 feet to a Tampa Electric Company right-of-way monument said monument being the point of intersection with the easterly right-of-way line of said County Road 581; thence along said right-of-way line N 41° 43' 43" E for 6,294.64 feet, to the point of intersection with the westerly right-of-way line of said Interstate Highway 75; thence along said westerly right-of-way line for the following ten (10) courses, S 48° 14' 32" E, for 38.00 feet; thence N 41° 45' 28" E, for 296.82 feet; thence N 45° 34' 19" E, for 463.03 feet; thence N 70° 14' 42" E for 180.33 feet; thence S 60° 24' 32" E for 180.33 feet; thence S 35° 44' 09" E, for 298.37 feet; thence S 33° 26' 43" E for 480.71 feet to a point of curvature of a curve concave to the Southwest; thence southeasterly along the arc of said curve, having a radius of 1,815.86 feet, a central angle of 15° 12' 58" an arc length of 482.24 feet, and a chord bearing S 25° 50' 14" E, for 480.82 feet; thence S 18° 13' 45" E, for 1,199.31 feet; thence S 17° 05' 00" E for 140.09 feet to the Point of Beginning.

EXHIBIT "A"



RECEIVED
JUN 27 2007
Tampa Bay Regional Planning Council

EXHIBIT "B"

NO.	REVISIONS	DATE
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		

SEAL

April 05, 2007

Developed by
NEW TAMPA, INC.
6000 COMPTON ESTATES WAY
TAMPA, FLORIDA 33647
(813) 910-7914

MCKIM & CREED
3802 Ehrlich Road, Suite 306
Tampa, Florida 33624
Phone: (813) 543-3740
Fax: (813) 546-3744
AA0002667 EB0006691
www.mckimcreed.com

TAMPA PALMS AREA 3
EXHIBIT
TAMPA FLORIDA

DRAWN BY:	JB
DESIGNER:	JB
PROJECT MANAGER:	SW
QA/QC:	AG
MCE PROJ #	4589
DATE:	Apr 05, 2007
SCALE:	1"=400'

SHEET
1

S:\4589\Dgn\2001-4589-Tampa Palms Exhibit2.dwg (Layout1) Plotted on: Apr 05, 2007 - 4:20pm by JHincapie

#65

FOWLER WHITE
BOGGS BANKER
ATTORNEYS AT LAW
ESTABLISHED 1943

Andrea E. Zelman
Direct Dial: 813-222-3335
azelman@fowlerwhite.com

June 20, 2007

BY FACSIMILE AND U.S. MAIL

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

Mr. John Meyer
DRI Coordinator
Tampa Bay Regional Planning Council
4000 Gateway Centre Boulevard
Suite 100
Pinellas Park, FL 33781

Re: DRI No. 65 - Tampa Palms Area 3 Notice of Proposed Change
City of Tampa File No. DZ85-75

Dear Susan and John:

As you know, the above-referenced Notice of Proposed Change was submitted in order to obtain a one year extension of the build out date. Last night Governor Crist approved and signed House Bill No. 7203, which will amend Section 380.06(19)(c) of the Florida Statutes to provide that all phase, build out and expiration dates for projects that are developments of regional impact and under active construction on July 1, 2007 are automatically extended for three years. Therefore, as John and I discussed last week, there is no longer any need to proceed with this Notice of Proposed Change, and we are therefore hereby withdrawing it.

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

Sincerely,

FOWLER WHITE BOGGS BANKER P.A.

Andrea E. Zelman

Andrea E. Zelman

MF

cc: Mr. Roy Chapman
Mr. John Healey
Mr. Charles White
Mr. Joe Zambito
Ms. Linda Walker
Ms. Brenda Winningham
Mr. Kent Fast
Mr. Domingo Noriega
Mr. Warren Kinsler
Rebecca Kert, Esq.
Ms. Elizabeth Rodriguez

Dictated by Ms. Zelman but signed in her absence to avoid delay in mailing.

1958417v1

#65

CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

June 6, 2006

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

File No. DZ85-75 Tampa Palms DRI

Dear Sir:

The City Council of the City of Tampa met in regular session on June 1, 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

Shirley Foxx-Knowles
City Clerk

SFK/sb

Enclosure: Certified Copy of Ordinance 2006-127
CERTIFIED MAIL

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

cc: Cert. File, Inc. - TBRPC

ORDINANCE NO. 2006-127

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TWENTY-FOURTH (24TH) AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY ST. JAMES UNITED METHODIST CHURCH OF TAMPA PALMS, INC., A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the **"Development Order");** and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the **"City")** annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the **"First Amendment"),** approved changes to the Tampa Palms Master Plan as described in a document entitled *"Proposed Master Plan Revisions";* and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the **"Second Amendment"),** adopted the Amendment to the Development order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council **("TBRPC"),** the State of Florida Department of Community Affairs **("DCA")** and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the **"1988 Development Agreement")** relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the **"Third Amendment"),** approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

Certified as true and correct copy

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the **"Fourth Amendment"),** approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by ordinance No. 91-228 (the **"Fifth Amendment"),** approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the **"Sixth Amendment"),** approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13,1993, DCA filed a Notice of Appeal (**"Appeal"**) of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.06, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 **("Settlement Agreement"),** in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the **"Seventh Amendment"),** approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the **"Sixth Amendment");** and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the **"Eighth Amendment"),** approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single-family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the **"Ninth Amendment"),** which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to

Certified as true
and correct copy

move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235 (the **"Tenth Amendment"),** which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single-family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification of Proposed Change **("NOPC");** and

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 (the **"Eleventh Amendment"),** which Ordinance for Area I adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the **"Twelfth Amendment"),** which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the **"Master Plan"),** including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the NOPC; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the **"Thirteenth Amendment"),** which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-01 (the **"Fourteenth Amendment"),** which Ordinance approved an amendment applicable to Area 2 of the Tampa Palms DRI, allowing the use of certain property for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-02 (the **"Fifteenth Amendment"),** which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

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WHEREAS, on September 30, 1999, the City adopted Ordinance No. 99-219 (the **"Sixteenth Amendment"),** which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors in Area 4 of the Tampa Palms DRI; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 (the **"Seventeenth Amendment")** approved an amendment to the Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility has been constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237 (the **"Eighteenth Amendment")** approved an amendment to the Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 (the **"Nineteenth Amendment")** approved an amendment to the Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on November 16, 2000, the City, by Ordinance No. 2000-310 (the **"Twentieth Amendment")** approved an amendment approving changes to Area 4 to, among other things, revise obligations pertaining to parks, and to revise Map H to reflect the correct boundary and acreage of preservation lands; and

WHEREAS, on April 26, 2001, the City, by Ordinance No. 2001-94 (the **"Twenty-First Amendment")** approved an amendment to the Development Order, which included an amendment to permit the use of a trade-off mechanism to allow the development of up to 37,500 gross square feet of professional and medical offices on 3.5 acres of the property located in Area 2, Parcel 7A of Tampa Palms, in exchange for the previously approved multi-family development on the site; and

WHEREAS, on May 29, 2003, the City, by Ordinance No. 2003-129 (the **"Twenty-Second Amendment")** approved an amendment to the Development Order to extend the build out date for development within Area 2, Phase 2, Parcel 7B; and

WHEREAS, on March 25, 2004, the City by Ordinance No. 2004-76 (the **"Twenty-Third Amendment")** approved an amendment to the Development Order for a curb cut associated with the Notification Property pursuant to the Tenth Amendment to the DRI as it affects development within Area 3; and

WHEREAS, on June 28, 2005, St. James United Methodist Church of Tampa Palms, Inc., a Florida not-for-profit corporation **("Notification Party"),** a property owner within Area 4 of the DRI (the **"Notification Property"),** submitted a NOPC providing for a request for approval

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for the extension of the expiration date of Phase 3 solely associated with Area 4 to December 31, 2009, an amendment to the provisions for the East-West Road, an amendment to a conversion matrix, an assignment of certain development rights within Area 4 and amendments to Map H, a copy of which NOPC is attached hereto as **Exhibit "A."**

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 NOPC and related documents, and having received all related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial competent, clear, and convincing evidence to support the following findings of fact:

A. The Notification Party, as the developer of the Notification Property, submitted the NOPC to the City.

B. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237, 2000-257, 2000-310, 2001-94, 2003-129, and 2004-76 is a valid final development order within the provisions of Section 163.3167(8), F.S.

C. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

D. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

E. The changes proposed by the NOPC do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the changes to the Development Order as set forth in this Ordinance (**"Area 4 Changes"**), is consistent with the approved master plan Map H, as provided for herein, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area, and will be consistent with the State Comprehensive Plan.

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B. The Area 4 Changes are consistent with local land development regulations and the adopted local comprehensive plan.

C. The Area 4 Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Area 4 Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Area 4 Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Area 4 Changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Ordinance satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and the Notification Party are authorized to approve and conduct, respectively, development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. The Expiration date of Phase 3 limited to and solely relating to Area 4 shall be extended from December 31, 2006, to December 31, 2009. Ordinance No. 94-210, and any Exhibits thereto (and any applicable subsequent Amendments), are hereby amended to provide for the Phase 3 extension date of December 31, 2009, limited to and solely relating to Area 4.

B. The third sub-paragraph under Section 3 paragraph G of Ordinance No. 94-210 (and the same language found in Ordinance No. 96-167) which states:

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"Prior to construction of the East-West Road, a Notification of Proposed Change application, pursuant to Section 380.06, Florida Statutes, shall be submitted by an owner of the East-West Road right-of-way to review the impacts of the alignment and construction of the East-West Road and any other related issues."

is hereby stricken and is restated and replaced herein with the following:

"The City of Tampa is in the process of finalizing the Project Development and Environment Study (PD&E) for the East-West Roadway. The study's purpose is to establish the location and design concepts for a proposed east-west road located between I-275 and CR 581. As depicted on Revised Map "H" approved herein, a corridor alignment has been selected and the City is in the process of acquiring the property within the corridor including land for drainage and wetland mitigation to facilitate road construction. The PD&E study has involved extensive environmental analysis and the City and/or road construction agency will fulfill all permitting requirements established as part of the review and approval of the road. Final conditions established as part of the approved PD&E Study, along with any other required environmental permitting processes, will be the basis for all necessary environmental approvals regarding road construction."

C. Notwithstanding any provision therein to the contrary, Section 3, paragraph F of Ordinance No. 94-210, and Exhibit G of Ordinance No. 94-210, (and any applicable subsequent Amendment) are hereby amended to permit the Conversion/Trade-Off of Single Family units to Business/Commercial or Neighborhood Commercial square footage based on the average trip rates during the PM peak hour of adjacent street traffic for single-family detached housing and specialty retail center as published in "Trip Generation," Institute of Transportation Engineers, 7th edition, 2003.

D. The available unutilized 15,000 sq. ft. of Neighborhood Commercial in Area 4 approved pursuant to Ordinance No. 96-167 (Twelfth Amendment), is hereby assigned to the 12.5-acre parcel identified in note 10 of Map H listed in "NOTES PERTAINING TO AREA 4" less the property included in the deed recorded in Official Records Book 10456, Page 244, public records of Hillsborough County, Florida (hereinafter the "Benefited Property"). Further, all of the additional Business/Commercial or Neighborhood Commercial square footage created through the conversion of the available unutilized 62 single family units in Area 4 converted pursuant to the Conversion/Trade-Off rate provided in paragraph 3C above is hereby assigned to the Benefited Property upon the adoption of this Ordinance.

E. The following changes to the revised Map H attached hereto are approved.

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(1) Elimination of the access/connection from the 1.8-acre driveway located next to the fire station site to the 29.6-acre parcel developed as the Mayfair Subdivision.

F. Map H: Map H is hereby amended to reflect the Area 4 Changes, including, without limitation, otherwise in the form as attached hereto as **Exhibit "B" ("Revised Master Plan").** The Revised Master Plan is hereby approved and adopted and becomes a part of the Development Order. The Revised Master Plan includes the following revised notes and new note, which are also made conditions hereof:

(1) The following Notes listed under "NOTES PERTAINING TO AREA 4" on Revised Map H shall be revised as follows:

a. Note 6 shall be amended to read: The public facility site located in Area 4 may only be utilized by governmental agencies or public utilities to provide protective, administrative, social and general recreational services directly to the public, or for a private church, such church use to be allowed only if approved through the rezoning public hearing process.

b. Note 10 shall be amended to read: The 12.5 acre parcel shown as multi-family may be developed as currently approved (single-family/multi-family) or as any combination of single-family, multi-family or neighborhood commercial which is allowed by conversions in accordance with Section 3 Paragraph F of Ordinance 94-210 of the Development Order (as amended). In addition, a church and related church facilities and public facilities (as defined in Note 6) shall also be permitted uses in combination with those approved herein.

(2) New Notes 11, 12, 13 and 14 shall be added under "NOTES PERTAINING TO AREA 4" on Revised Map H as follows:

a. Note 11. The existing 4.0-acre public facility site may be exchanged for a public facility site (the size and location to be agreed upon by the City) located within the 12.5-acre parcel identified in Note 10 above. In order to accomplish the exchange, the associated PD(A) zoning for Area 4 must be amended through the required public hearing process before City Council.

b. Note 12. The number and location of access points/curb cuts from Road B to the 12.5-acre parcel shall be approved by the City's transportation department. The depicted connection between the 5.5-acre Church parcel and the 12.5-acre parcel is conceptually

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approved herein, and requires the approval of the applicable agencies.

c. Note 13. The intersection of Road B and County Road 581 is provided as a full access intersection with a median cut on County Road 581, subject to the approval of Hillsborough County. Signalization will be provided by the developer when the intersection meets signal warrants pursuant to a signal analysis, upon request by the City of Tampa Transportation Department. The cost of the signal will be born by St. James United Methodist Church or its assignees.

d. Note 14. Future development is subject to the City of Tampa Impact Fee Ordinance in effect at the time of permitting.

G. Concurrency: The Area 4 Changes are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Twenty-Fourth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-249, 2000-237, 2000-257, 2000-310, 2001-94, 2003-129, and 2004-76 which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Notification Party and all owners of the Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of it becoming law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and St. James United Methodist Church of Tampa Palms, Inc., c/o Williams Schifino Mangione & Steady, P.A., 201 North Franklin Street, Suite 2600, Tampa, Florida 33602.

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Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. The Notification Party shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 25 2006 **, 2006.**

Gwendolyn M. Miller

CHAIRMAN/CHAIRMAN PRO-TEM, CITY COUNCIL

ATTEST:

Shirley Ivie-Knowles

CITY CLERK/DEPUTY CITY CLERK

APPROVED BY ME ON MAY 26 2006

Pa Iorio

PAM IORIO, MAYOR

PREPARED BY AND APPROVED AS TO LEGAL SUFFICIENCY:

REBECCA M. KERT
ASSISTANT CITY ATTORNEY

136096v4

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of ordinance 2006-127 on file on my office
Witness my hand and official seal this 5th day of June, 20 06

Shirley Ivie-Knowles
CITY CLERK/DEPUTY CITY CLERK

DRI #65

TAMPA PALMS, AREA 4

Revised Map H

Located in Original Development Order Book

#65a

CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

March 30, 2004

Tampa Bay Regional Planning Council
Attention: John Meyer
9455 Koger Boulevard
St. Petersburg, FL 33702

File No. DZ85-75 Tampa Palms DRI Amendment

Dear Sir:

The City Council of the City of Tampa met in regular session on March 25, 2004 at 9:00 a.m. During that session, the enclosed ordinance was adopted regarding the above listed petition.

If you have any questions, please contact my office or the office of Land Development Coordination.

Sincerely,

Shirley Foxx-Knowles
SB

Shirley Foxx-Knowles
City Clerk

SFK/sb

Enclosure: Certified Copy of Ordinance 2004-76
CERTIFIED MAIL

CC & CM - Tampa Bay Regional Planning Council

ORDINANCE NO. 2004-76

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TWENTY-THIRD (23RD) AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY NEW TAMPA, INC., FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24,1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled "*Proposed Master Plan Revisions*"; and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20,199 1, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

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WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13,1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.06, F.S.; and

The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single-family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to

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park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17,1994, the City adopted Ordinance No. 94-235 (the "**Tenth Amendment**'), which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single-family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification of Proposed Change ("**NOPC**"); and

WHEREAS, on December 7,1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance for Area I adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the NOPC; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**"), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-01 (the "**Fourteenth Amendment**"), which Ordinance approved an amendment applicable to Area 2 of the Tampa Palms DRI, allowing the use of certain property for a church, school, daycare facility, and a Hartline Park and Ride

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Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-02 (the "**Fifteenth Amendment**'), which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

WHEREAS, on September 30, 1999, the City adopted Ordinance No. 99-219 (the "**Sixteenth Amendment**"), which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors in Area 4 of the Tampa Palms DRI; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 (the "**Seventeenth Amendment**") approved an amendment to the Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility has been constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237 (the "**Eighteenth Amendment**") approved an amendment to the Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 (the "**Nineteenth Amendment**") approved an amendment to the Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on November 16, 2000, the City, by Ordinance No. 2000-310 (the "**Twentieth Amendment**") approved an amendment approving changes to Area 4 to, among other things, revise obligations pertaining to parks, and to revise Map H to reflect the correct boundary and acreage of preservation lands; and

WHEREAS, on April 26, 2001, the City, by Ordinance No. 2001-94 (the "**Twenty-first Amendment**") approved an amendment to the Development Order, which included an amendment to permit the use of a trade-off mechanism to allow the development of up to 37,500 gross square feet of professional and medical offices on 3.5 acres of the property located in Area 2, Parcel 7A of Tampa Palms, in exchange for the previously approved multi-family development on the site.

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WHEREAS, on May 29, 2003, the City, by Ordinance No. 2003-129 (the **"Twenty-Second Amendment"**) approved an amendment to the Development Order to extend the build out date for development within Area 2, Phase 2, Parcel 7B; and

WHEREAS, on November 3, 2003, New Tampa, Inc., a Florida corporation ("**Notification Party**") , the developer of Area 3 of the DRI (the "**Notification Property**"), submitted a NOPC providing for a request for approval of a curb cut associated with the Notification Property pursuant to the Tenth Amendment to the DRI as it affects development within Area 3, a copy of which NOPC is attached hereto as **Exhibit "A"**.

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 NOPC and related documents, and having received all related comments, testimony, and evidence submitted by each party and related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following finds of fact:

A. The Notification Party, as the developer of the Notification Property, submitted the NOPC to the City.

B. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237, 2000-257, 2000-310, 2001-94, and 2003-129 is a valid final development order within the provisions of Section 163.3167(8), F.S.

C. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

D. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

E. The changes proposed by the NOPC do not individually or cumulatively create additional regional impacts on transportation

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or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the changes to the Development Order as set forth in this Ordinance ("**Area 3 Changes**"), is consistent with the approved master plan Map H, last revised on January 16, 2002, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area, and will be consistent with the State Comprehensive Plan.

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

C. The Area 3 Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Area 3 Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Area 3 Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DR] review, pursuant to Section 380.06, F.S.

E. The Area 3 Changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Ordinance satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and the Notification Party are authorized to approve and conduct,

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respectively, development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Map H: Map H is hereby amended to reflect the Area 3 Changes, including, without limitation, the additional right in only access point on Bruce B. Downs Boulevard and otherwise in the form as attached hereto as **Exhibit "B"** (**"Revised Master Plan"**). The Revised Master Plan is hereby approved and adopted and becomes a part of the Development Order. The Revised Master Plan includes the following notes, which are also made conditions hereof:

1. In order to account for the addition of the deceleration lane to accommodate the right-in driveway on Bruce B. Downs Boulevard (C.R.581), the Developer shall re-construct the bicycle path, in accordance with City of Tampa standards, to provide an adequate buffer between pedestrian/bicycle and vehicular traffic. The redesign and reconstruction of the bicycle path with the additional curb cut and deceleration lane shall include adequate signage, striping and other measures necessary for pedestrian protection. The bicycle path shall be constructed pursuant to applicable FDOT and City of Tampa standards, at the Developer's sole expense.

2. The Developer shall extend the existing right turn lane on Commerce Palms Drive along the frontage of the property to provide vehicular access from the site to Commerce Palms Drive. The Developer shall construct this extension pursuant to City of Tampa standards, at the Developer's sole expense. This improvement shall be completed prior to issuance of the first certificate of occupancy for Parcel 37.

3. Upon issuance of an Access Management (Driveway) Permit from Hillsborough County for the right-in curb cut on C.R. 581, the Developer shall dedicate right-of-way to the City of Tampa and/or Hillsborough County, at no expense to either jurisdiction, as follows: twenty (20) feet along the C.R. 581 frontage along Parcel 37-A and 37(as depicted on Map H), and five (5) feet of right-of-way along Commerce Palms Drive at C.R. 581, gradually increasing in width as the right-of-way line

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approaches the first parcel driveway on Commerce Palms Drive, as depicted on Exhibit C to this 23rd Amendment to the Development Order.

4. The landscape buffers for the parcel located east of Bruce B. Downs and North of Commerce Palms Drive (37-A), shall be reduced to 0' in width along the right of way of C.R. 581/Bruce B. Downs and to 5' along Commerce Palms Drive.

B. Concurrency: The Area 3 Changes are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Twenty-Third Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-249, 2000-237, 2000-257, 2000-310, 2001-94 and 2003-129, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Notification Party and all owners of the Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of it becoming law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and New Tampa, Inc., c/o Fowler White Boggs Banker P.A., 501 E. Kennedy Boulevard, Suite 1700, Tampa, Florida 33602.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Certified as true and correct copy.

Section 10. Recording. The Notification Party shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

Certified as true and correct copy.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAR 25 2004, 2004.

Linda Saul-Sena
CHAIRMAN\CHAIRMAN PRO-TEM,
CITY COUNCIL

ATTEST:

Shirley Fox-Knowles
CITY CLERK\DEPUTY CITY CLERK

APPROVED BY ME ON MAR 29 2004

Pam Iorio
PAM IORIO, MAYOR

PREPARED BY AND APPROVED
AS TO LEGAL SUFFICIENCY:

MORRIS C. MASSEY
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ordinance 2004-76
on file on my office
Witness my hand and official seal this 30th day
of March 2004
Shirley Fox-Knowles
CITY CLERK / DEPUTY CITY CLERK

Exhibits

A – NOPC (November 3, 2003) and February 19, 2004 letter revising the application

B- Map H-Revised Master Plan

C- Drawing Depicting Right of Way Dedication along Commerce Palms Drive

Certified as true
and correct copy.

NOPC Application included with Ordinance

2004-76 is located in project file

MAP H

Located in Original Development Order file

#65

CITY OF TAMPA

Pam Iorio, Mayor

Office of the City Clerk

Shirley Foxx-Knowles
City Clerk

June 29, 2003

Tampa Bay Regional Planning Council
Attention: John Meyer, DRI Coordinator
9455 Koger Blvd.
St. Petersburg FL 33702

RE: File No. DZ85-75 22nd Amendment to Tampa Palms,Area 2, Parcel "7B"
Ordinance 2003-129

Dear Sir:

The City Council of the City of Tampa met in regular session on June 5, 2003, at 9:00 a.m. During this session, the enclosed ordinance (2003-129) was adopted, approving an ordinance rendering the twenty-second amendment to a development order for Tampa Palms, Area 2, Parcel "7B".

A certified copy of the ordinance is hereby transmitted.

Sincerely,

Shirley Foxx-Knowles
City Clerk

SFK/gsg

Enclosure: Certified copy of Ordinance 2003-129

CC
Cert Mail
TBRPC

ORDINANCE NO. 2003-129

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TWENTY-SECOND (22nd) AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY BAYFAIR PROPERTIES, INC., FOR TAMPA PALMS, PHASE 2, AREA 2, PARCEL "7B", A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled *"Proposed Master Plan Revisions"*; and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

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WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.06, F.S.; and

The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single-family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway

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corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235 (the "**Tenth Amendment**"), which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single-family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification of Proposed Change ("**NOPC**"); and

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh** Amendment"), which Ordinance for Area I adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the NOPC; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**"), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-01 (the "**Fourteenth Amendment**"), which Ordinance approved an amendment applicable to Area 2 of the Tampa Palms DRI, allowing the use of certain

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property for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-02 (the "**Fifteenth Amendment**"), which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

WHEREAS, on September 30, 1999, the City adopted Ordinance No. 99-219 (the "**Sixteenth Amendment**"), which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors in Area 4 of the Tampa Palms DRI; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 (the "**Seventeenth Amendment**") approved an amendment to the Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility has been constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237 (the "**Eighteenth Amendment**") approved an amendment to the Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 (the "**Nineteenth Amendment**") approved an amendment to the Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on November 16, 2000, the City, by Ordinance No. 2000-310 (the "**Twentieth Amendment**") approved an amendment approving changes to Area 4 to, among other things, revise obligations pertaining to parks, and to revise Map H to reflect the correct boundary and acreage of preservation lands; and

WHEREAS, on April 26, 2001, the City, by Ordinance No. 2001-94 (the "**Twenty-first Amendment**") approved an amendment to the Development Order, which included an amendment to permit the use of a trade-off mechanism to allow the development of up to 37,500 gross square feet of professional and medical offices on 3.5 acres of the property located in Area 2, Parcel 7A of Tampa Palms, in exchange for the previously approved multi-family development on the site; and

Certified as true and correct copy.

WHEREAS, on February 14, 2003, BAYFAIR Properties, Inc., a Florida corporation ("**Notification Party**"), the developer of Phase 2, Area 2, Parcel 7B of the DRI (the "**Notification Property**"), submitted a NOPC providing to extend the current date of build out of the development (**Parcel "7B", Tampa Palms Area 2, Phase 2**), a copy of which NOPC is attached hereto as **Exhibit "A"**.

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

Section 1. Findings of Fact. The City Council, having received the NOPC and related documents, and having received all related comments, testimony, and evidence submitted by each party and related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following finds of fact:

A. The Notification Party, as the developer of the Notification Property, submitted the NOPC to the City.

B. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-46, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 00-237, 00-257, 00-310 and 01-94 is a valid final development order within the provisions of Section 163.3167(8), F.S.

C. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

D. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

E. The changes proposed by the NOPC do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the changes to the Development Order as set forth in this Ordinance ("**Phase 2, Area 2, Parcel 7B Changes**"), are consistent with the approved master plan (Map H),

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last revised on January 16, 2002, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area, and will be consistent with the State Comprehensive Plan.

B. The Phase 2, Area 2, Parcel 7B changes are consistent with local land development regulations and the adopted local comprehensive plan.

C. The Phase 2, Area 2, Parcel 7B changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Phase 2, Area 2, Parcel 7B changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Phase 2, Area 2, Parcel 7B changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Phase 2, Area 2, Parcel 7B changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Ordinance satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and the Notification Party are authorized to approve and conduct, respectively, development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

Certified as true and correct copy.

A. Build Out Date: The build out date for Phase 2, Area 2 Parcel 7B is hereby extended from December 31, 2001 to December 30, 2006.

B. Expiration Date: The expiration date for Phase 2, Area 2 Parcel 7B is hereby extended from December 31, 2001 to December 31, 2007.

C. Concurrency: The Phase 2, Area 2, Parcel 7B changes are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Twenty-Second Amendment to Ordinance No. 88-58A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-93, 91-98, 91-228, 93-46, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 00-237, 00-257, 00-310 and 01-94, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Notification Party and all owners of the Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of it becoming law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and BAYFAIR Properties, Inc., c/o James H. Shimberg, Jr., Holland & Knight LLP, 400 North Ashley Drive, Suite 2300, Tampa, Florida 33602.

Certified as true and correct copy.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. The Notification Party shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON MAY 29 2003 **, 2003.**

ATTEST:

Shirley Fox-Knowles

CITY CLERK/~~DEPUTY CITY CLERK~~

Linda Saul-Sena

CHAIRMAN, CITY COUNCIL

APPROVED BY ME ON JUN 05 2003

PAM IORIO, MAYOR

APPROVED BY:

Gina K. Grimes

GINA K. GRIMES
CHIEF ASSISTANT CITY ATTORNEY

TPA1 #1274187 v1

State of Florida
County of Hillsborough
This is to certify that the foregoing is a
true and correct copy of Ordinance 2003-129
on file in my office
Witness my hand and official seal this 9th day
of June, 2003

Shirley Fox-Knowles
CITY CLERK / DEPUTY CITY CLERK

#65

CITY OF TAMPA

Janett S. Martin, CMC, City Clerk — Office of City Clerk

May 2, 2001

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

File No. DZ85-75, 21st amendment to Tampa Palms Area 2 parcel 7A DRI

Dear Sir:

The City Council of the City of Tampa met in regular session on April 26, 2001, at 9:00 a.m. During this session, the enclosed ordinance (2001-94) was adopted, approving an ordinance creating the 21st amendment to the DRI.

Sincerely,

Janett S. Martin, CMC
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 2001-94

315 E. Kennedy Blvd., City Hall • Tampa, FL 33602 • 813/274-8396 • FAX: 813/274-8306
l: ctyclerk@ci.tampa.fl.us

CC-
TBRPC

ORDINANCE NO. 2001-94

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TWENTY-FIRST AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY WATERFORD CONSTRUCTION AND DEVELOPMENT INC., REGARDING TAMPA PALMS AREA 2, PARCEL 7A, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Tampa Palms Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions"; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order

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approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 ("Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46 ("Sixth Amendment"), approved an amendment to the Tampa Palms Development Order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park land use designation; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 ("Seventh Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the buildout date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "Sixth Amendment"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 ("Eighth Amendment"), approved an amendment to the Tampa Palms Development Order to add 36 multi-family family units to Parcel 3A, and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City, by Ordinance No. 94-120 ("Ninth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 4 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines for access, utilities, and infrastructure, removal of a golf course, changes to the park and church locations, addition of potential

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future roadway corridors, relocation of Business/Commercial and Neighborhood Commercial parcels, adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses; and amendments to the Phasing Schedule and Phasing Map to remove the Public Facilities site from Phase 3 to Phase 2 and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City, by Ordinance No. 94-235-A ("Tenth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 3 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, changes to park location, changes to the Regional Commercial, Community Commercial and Neighborhood Commercial, deletion of the interchange in Area 3 along Interstate 75, realignment of Tampa Palms Boulevard and Compton Drive, approval of new tradeoff ratios, removal of a church site, removal of a fire station, and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on December 7, 1995, the City, by Ordinance 95-258 ("Eleventh Amendment"), approved a specific trade-off mechanism whereby a maximum of 23 of the 32 acres of Office Park in Area 1 could be converted to up to 336 multi-family residential units; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 ("Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the notification submitted in connection therewith; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 ("Thirteenth Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 ("Fourteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2 for a church, school, day care facility and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 ("Fifteenth Amendment") approved an amendment to the Tampa Palms Development Order

Certified as true and correct copy.

approving changes involving Area 2, Tract 6A, in order to authorize the use of that parcel as a school in addition to its use as a church; and

WHEREAS, on September 30, 1999, the City, by Ordinance No. 99-219 ("Sixteenth Amendment") approved an amendment to the Tampa Palms Development Order approving a one-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with
the construction of any or all of the roads to be located within the roadway corridors; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 ("Seventeenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility is to be constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237 ("Eighteenth Amendment") approved an amendment to the Tampa Palms Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 ("Nineteenth Amendment") approved an amendment to the Tampa Palms Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on November 16, 2000, the City, by Ordinance 2000-310 (the "Twentieth Amendment") approved an amendment approving changes to Area 4 to, among other things, revise obligations pertaining to parks, and to revise Map H to reflect the correct boundary and acreage of preservation lands; and

WHEREAS, on February 5, 2001, Waterford Construction and Development Inc., (the applicant) filed a Notification of Proposed Change (NOPC) pertaining to Area 2, Parcel 7A (the Notification Property, the legal description of which is attached hereto as Exhibit A)of the Tampa Palms DRI, and seeking approval of a redesignation of that property (as more fully described in the NOPC, attached hereto as Exhibit B), pursuant to Section 380.06(19) Florida Statutes , which NOPC as well as responses to agency comments were submitted as part of the record to this Ordinance and are on file in the Office of the City Clerk; 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 the Notification and to approve amendments to DRIs; and

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WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the Proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following findings of fact:

A. The owner of the Notification Property described in Exhibit "A" attached hereto, submitted the Notification to the City.

B. The Notification is attached hereto as Exhibit "B," and the Revised Master Plan, Map H, dated April 12, 2001 is attached hereto as Exhibit "C" (the "Revised Master Plan").

C. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237 and 2000-257 (the "Development Order") is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was determined not to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

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F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create 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 (2000).

Section 2. Conclusions of Law. The City Council, having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Revised Master Plan, attached hereto as Exhibit "C" will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and Waterford Construction and Development Inc. are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

Certified as true and correct copy.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification attached hereto and made a part hereof as Exhibit "B," are hereby approved and adopted and become a part of the Tampa Palms DRI Development Order, except as specifically modified herein.

B. Adoption of Revised Master Plan: The Revised Master Plan, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "C," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

C. The Development Order is hereby amended to permit the use of a trade-off mechanism to allow the development of up to 37,500 gross square feet (g.s.f.) of professional and medical offices on 3.5 acres of property located in Area 2, Parcel 7A of Tampa Palms (Exhibit A), in exchange for the previously-approved multi-family development on the site. Map H is hereby revised to change the reference from multi-family residential use to professional and medical office use, subject to reversion to multi-family should the developer elect to not use the trade-off mechanism.

D. Effect of Revisions: The Revised Master Plan attached hereto and made a part hereof as Exhibit "C" which incorporates the above described revisions and re-locations, is hereby approved and adopted and shall supersede all previously adopted master plans, land use table and phasing schedule information.

E. Concurrency: The Proposed Changes approved by this Twenty First Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Twenty First Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237, 2000-257 and 2000-310, which collectively shall constitute the Development Order for Tampa Palms (Ordinance 93-46, the Sixth Amendment was specifically repealed in Ordinance 93-

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109.) All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer, and all owners of Notification Property and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and Waterford Construction and Development Inc., c/o Mr. Michael Horner 14502 North Dale Mabry Highway, Ste. 200, Tampa, Florida 33618.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. Waterford Construction and Development Inc. shall record a notice of adoption of this Ordinance, pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City 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, FLORIDA, ON APR 2 6 2001.

ATTEST:

Janet S. Martin
CITY CLERK

Gwendolyn M. Miles
CHAIRMAN, CITY COUNCIL
PRO-TEM

Approved by me on MAY 0 1 2001

MAYOR

APPROVED AS TO FORM
BY:

ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2001-94 on file in my office
Witness my hand and official seal this 2nd day of May 20 01

JANET S. MARTIN, CITY CLERK
CITY CLERK

BY: GAIL A. ANDERSON, DEPUTY CITY CLERK

EXHIBIT "A"

NOTIFICATION PROPERTY LEGAL DESCRIPTION

Ord 2001-94

PARCEL LEGAL DESCRIPTION

DESCRIPTION: ALL of TRACT "7A" of TAMPA PALMS AREA 2 UNIT 6B/7A, according to the plat thereof as recorded in Plat Book 65, Page 3, Public Records of Hillsborough County, Florida, lying in Section 33, Township 27 South, Range 19 East Hillsborough County, Florida, and being more particularly described as follows:

BEGINNING at the Northerlymost corner of LANDSCAPE TRACT "L2-8" of said plat of TAMPA PALMS AREA 2 UNIT 6B/7A, run thence along the Northwesterly boundary of said LANDSCAPE TRACT "L2-8", S.41°43'50"W., 435.53 feet to a point on the Northeasterly boundary of a CONSERVATION EASEMENT AREA "D2-14A" of said TAMPA PALMS AREA 2 UNIT 6B/7A; thence along said Northeasterly boundary of CONSERVATION EASEMENT AREA "D2-14A" the following five (5) courses: 1) N.41°01'03"W., 45.48 feet; 2) N.38°06'00"W., 65.74 feet; 3) N.52°51'54"W., 144.73 feet; 4) N.47°28'55"W., 61.59 feet; 5) N.62°22'46"W., 42.48 feet to a point on the Southeasterly boundary of LAKE TRACT "191" according to the plat of TAMPA PALMS AREA 2 UNIT 6A/7B, as recorded in Plat Book 63, Page 27, Public Records of Hillsborough County, Florida; thence along said Southeasterly boundary of LAKE TRACT "191" and the Southeasterly boundary of TRACT "7B" of TAMPA PALMS AREA 2 UNIT 6A,7B, N.41°43'50"E., 440.12 feet to a point on a curve on the Southwesterly right-of-way line of AMBERLY DRIVE, of the aforesaid plat of TAMPA PALMS AREA 2 UNIT 6B/7A; thence along said Southwesterly right-of-way line the following two (2) courses: 1) Southeasterly, 32.90 feet along the arc of a curve to the left having a radius of 650.00 feet and a central angle of 02°54'00" (chord bearing S.46°49'10"E., 32.90 feet) to a point of tangency; 2) S.48°16'10"E., 324.00 feet to the POINT OF BEGINNING.

Containing 3.500 acres, more or less.

EXHIBIT "A"

EXHIBIT "B"

NOTIFICATION AND RESPONSES

JRL 2001-94

Application for NOPC Approval

An Application for Notice of Proposed Change ('NOPC') Amending the Tampa Palms DRI for Professional Office Uses at the Southwest Corner of Bruce Downs Blvd. and Amberly Drive

Prepared For:

Waterford Construction and Development
3040 West Bearss Avenue
Tampa, FL 33618

Prepared By:

Michael D. Horner and Associates
14502 North Dale Mabry Highway
Suite 200
Tampa, FL 33618
Phone: (813) 962-2395
Fax: (813) 961-3924

Date: January 18, 2001

Exhibit B

Application for NOPC Approval

An Application for Notice of Proposed Change ('NOPC') Amending the Tampa Palms DRI for Professional Office Uses at the Southwest Corner of Bruce Downs Blvd. and Amberly Drive

Prepared For:

Waterford Construction and Development
3040 West Bearss Avenue
Tampa, FL 33618

Prepared By:

Michael D. Horner and Associates
14502 North Dale Mabry Highway
Suite 200
Tampa, FL 33618
Phone: (813) 962-2395
Fax: (813) 961-3924

Date: January 18, 2001

MICHAEL D. HORNER & ASSOCIATES

PLANNING CONSULTANTS

14502 North Dale Mabry Highway • Suite 200 • Tampa, Florida 33618
(813) 962-2395 • Fax (813) 961-3924
e-mail: MDHPlan@aol.com

January 18, 2001

City of Tampa
Land Development Coordination
306 East Jackson Street
3rd Floor/3 East
Tampa, FL 33602

ATTN: Ms. Susan Johnson
DRI Coordinator

RE: Notice of Proposed Change (NOPC)
Tampa Palms/Waterford Construction & Devel.

Dear Ms. Johnson,

Attached please find our completed applications required under Florida Statute for the review and approval of a Notice of Proposed Change (NOPC) to the Tampa Palms DRI for professional office uses.

This parcel is approximately 3.5 acres and lies at the southwesterly corner of Bruce B. Downs Boulevard and Amberly Drive and is currently approved for 105 multi family units at a density of 35 units/acre under the original approved Map H for the Tampa Palms DRI. Subsequent amendments permitted single family uses within multi family parcels and this property was platted for approximately 17 single family homes, two of which have been built and are being incorporated into our development plan.

As you are aware, this is the same parcel which was under consideration for a Walgreens Drug Store in 1998 which also underwent formal NOPC and rezoning reviews and was ultimately denied by Tampa City Council under Z98-23 and NOPC DZ 85-75. It is our belief that this proposal is far more compatible with existing land uses and will generate no significant impacts to the infrastructure as well as being dormant during evening and weekend periods. These buildings will also be detached and will be similar in size and scale to single family residences with complete architectural control and recorded covenants for the master association.

Our traffic analysis has been completed and is attached under separate cover with copies delivered to respective review agencies as noted on the transmittal sheet with all other review agencies being mailed their copies as well. Turning movement counts have been conducted and it appears the existing left turn storage lane into this development off of Amberly Drive is sufficient for accommodating AM peak traffic movements. Our consultant has worked closely with the City Transportation staff on methodology and other trip assignment assumptions.

Please also note that we have filed a concurrent rezoning application on this parcel which we intend to track with this NOPC review period as close as possible. Upon setting of public hearing dates, we can coordinate the respective reviews of the agencies and attempt to allow both the NOPC and rezoning applications to proceed together. We understand that additional comments may be requested affecting the setting of public hearing dates however we are optimistic this nominal change can be processed with minimum delays and concerns.

Please contact our office with any questions or informational requirements you may have.

Sincerely,
MICHAEL D. HORNER AND ASSOCIATES

Michael D. Horner, AICP, Principal
cc: Transmittal to all Agencies; Enclosures; Hand Delivery to City; John Westfall, President

North
SUBJECT

DEPARTMENT OF COMMUNITY AFFAIRS NOPC APPLICATION

FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF COMMUNITY PLANNING
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 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, Michael D. Horner, AICP, the undersigned owner/authorized representative of Waterford Const. (developer), hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the Tampa Palms, Parcel 7a, Area 2 (original & current project names) development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa (local government), to the Tampa Bay Regional Planning Council, and to the Bureau of Local Planning, Department of Community Affairs.

Jan. 18, 2001
Date

Signature

Michael D. Horner, AICP

2. Applicant (name, address, phone):

Waterford Construction and Development Inc.
3040 West Bearss Avenue
Tampa, FL 33618
(813) 962-6544 John Westfall, President

3 Authorized Agent (name, address, phone):

Michael D. Horner, AICP
14502 North Dale Mabry Highway
Suite 200
Tampa, FL 33618
(813) 962-2395

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

Proposed Change: City of Tampa, Hillsborough County; Section 33, Township 27, Range 19 East and more particularly described on Exhibit "A" Legal Description. Tampa Palms DRI Property: Sections 21-28 and 33-36 of Township 27 South, Range 19 East and Sections 1-4, Township 28 South, Range 19 East, Hillsborough County, FL, more particularly described as "Exhibit A-2".

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 requirement, or to the representations contained in either the development order or the Application for Development Approval:

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

The applicant is proposing to amend Map H of the Master Plan to include a trade off mechanism for professional offices on 3.5 acres. The land is presently approved as multi-family at a density of 35 units/acre over the 3.5 acres or 105 total units. Development will commence immediately upon construction plan approval in the Fall of 2001 with one continuous phase and should be completed within one year of commencement. Attached is revised Map H reflecting the requested change to platted parcel 7A within Area 2 of Tampa Palms.

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

The completed Substantial Deviation Determination Chart is attached hereto as Exhibit "B" (appendix)

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 governmental adopted a new DRI development order for the project?**

Please see the attached Appendix documents for a complete chronology to date of all DRI/NOPC changes reviewed and approved by the local government for this subject DRI.

There have been no changes in jurisdiction since the last Development Order amendment.

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 lands have been purchased or optioned within 1/4 mile of the original DRI site.

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

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

YES _____ NO ____X_____

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

No, the proposed change will not result in a change to the build out-date.

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

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

No. No amendment to the City of Tampa comprehensive plan is required.

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

An updated master site plan is attached as Map H.

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;

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

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

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

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

f. Proposed amended development order specifications for the annual report, including the dates of submission, contents, and parties to whom the report is submitted as specific

The proposed Development Order amendment is attached as Exhibit "B".

PRIOR APPROVED NOPC AMENDMENTS TO TAMPA PALMS DRI

(Amendments One through Twenty)

Prior Tampa Palms NOPC Changes

i. On October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

ii. On November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

iii. On January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

iv. On April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

v. On September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled "*Proposed Master Plan Revisions*"; and

vi. On September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

vii. On December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the

property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

viii. On June 20, 1992, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

ix. On October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

x. On December 19, 1991, the City, by ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

xi. On March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

xii. On May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

xiii. The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

xiv. On August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adopted of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for

certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

xv. On June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single family units from Parcel 4A2; and

xvi. On October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

xvii. On November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**'), which Ordinance adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification; and

xviii. On December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

xix. On August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

xx. On March 20, 1997, the City adopted Ordinance 97-61 (the "Thirteenth Amendment), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use.

xxi. On January 7, 1999, the City adopted Ordinance 99-01 (the "Fourteenth Amendment"), which Ordinance approved changes to Area 2 for church, school and Hartline agreements and to reflect other applicable revisions and relocations in land uses described in the Notification; and

xxii. On January 7, 1999, the City adopted Ordinance 99-02 (the "Fifteenth Amendment"), which Ordinance approved adding a school to an approved church use in Area 2 and to reflect other applicable revisions and relocations in land uses described in the Notification; and

xxiii. On September 30, 1999, the City adopted Ordinance 99-219 (the "Sixteenth Amendment"), which Ordinance granted and approved a one year extension for the City of Tampa to notify owners of roadway corridors (East/West Road and Road B) of intent to proceed with construction of any and all roads in said corridors; and

xxiv. On November 18, 1999, the City adopted Ordinance 99-249 (the "Seventeenth Amendment"), which Ordinance approved changes for a Park site and YMCA site in Area 3 and to reflect other applicable revisions and relocations in land uses described in the Notification; and

xxiv. On September 7, 2000, the City adopted Ordinance 2000-237 (the "Eighteenth Amendment"), which Ordinance expanded certain square footage for a shopping center as described in the Notification; and

xxvi. On September 28, 2000, the City adopted Ordinance 2000-257 (the "Nineteenth Amendment"), which Ordinance approved revisions re: Area 4 on behalf of Lennar Homes, Petitioner for certain single family use allocations utilizing trade off mechanisms as described in the Notification; and

xxvii. On November 16, 2000, the City adopted Ordinance 2000-310 (the "Twentieth Amendment"), which Ordinance approved inclusion of recreation lands as described in the Notification; .

(End of Amendments)

TAMPA PALMS DRI ORDINANCES – HISTORY

8858-A	04/18/85	Original DRI Ordinance, converting the Hillsborough County DRI (County Resolution 80-823) to City of Tampa DRI
9015-A	09/15/85	First Amendment
9016-A	09/15/85	Second Amendment
9359-A	12/30/88	1988 Development Agreement
91-98	06/20/91	Third Amendment
91-193	10/10/91	Fourth Amendment
91-228	12/19/91	Fifth Amendment
93-46	03/25/93	Sixth Amendment
93-109	08/05/93	Seventh Amendment, repealed 6th after settlement with DCA RE Land use
94-121	06/30/04	Eighth Amendment, adding 36 multi-family family units toParcel 3A and deleting 55 single family units fromn Parcel 4A2
94-210	06/30/94	Ninth Amendment (comprehensive)
94-235	11/17/94	Tenth Amendment
95-258	12/07/95	Eleventh Amendment adopted trade off mechanism RE land uses
96-167	08/15/96	Twelfth Amendment, changes to Map H including School Site
97-61	03/20/97	Thirteenth Amendment changes to Area 1, adding to community/commercial
99-01	01/07/99	Fourteenth Amendment, Area 2 changes including church, school, Hartline
99-02	01/07/99	Fifteenth Amendment, adding school to Church use in Area 2
99-219	09/30/99	Sixteenth Amendment RE one-year extension of deadline for City to notify owners of roadway corridors (East/West Road and Road B) of intent to proceed with construction of any and all roads in said corridors
99-249	11/18/99	Seventeenth Amendment RE Area 3 Park Site and YMCA Site
2000-237	09/07/00	Eighteenth Amendment RE expanding square footage for a shopping center
2000-257	09/28/00	Nineteenth Amendment RE Area 4 (Lennar Homes, Pet.)
2000-310	11/16/00	Twentieth Amendment RE recreation lands inclusions

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PARCEL LEGAL DESCRIPTION OF SUBJECT TRACT

(Exhibit "A-1")

PARCEL LEGAL DESCRIPTION

DESCRIPTION: ALL of TRACT "7A" of TAMPA PALMS AREA 2 UNIT 6B/7A, according to the plat thereof as recorded in Plat Book 65, Page 3, Public Records of Hillsborough County, Florida, lying in Section 33, Township 27 South, Range 19 East Hillsborough County, Florida, and being more particularly described as follows:

BEGINNING at the Northerlymost corner of LANDSCAPE TRACT "L2-8" of said plat of TAMPA PALMS AREA 2 UNIT 6B/7A, run thence along the Northwesterly boundary of said LANDSCAPE TRACT "L2-8", S.41°43'50"W., 435.53 feet to a point on the Northeasterly boundary of a CONSERVATION EASEMENT AREA "D2-14A" of said TAMPA PALMS AREA 2 UNIT 6B/7A; thence along said Northeasterly boundary of CONSERVATION EASEMENT AREA "D2-14A" the following five (5) courses: 1) N.41°01'03"W., 45.48 feet; 2) N.38°06'00"W., 65.74 feet; 3) N.52°51'54"W., 144.73 feet; 4) N.47°28'55"W., 61.59 feet; 5) N.62°22'46"W., 42.48 feet to a point on the Southeasterly boundary of LAKE TRACT "191" according to the plat of TAMPA PALMS AREA 2 UNIT 6A/7B, as recorded in Plat Book 63, Page 27, Public Records of Hillsborough County, Florida; thence along said Southeasterly boundary of LAKE TRACT "191" and the Southeasterly boundary of TRACT "7B" of TAMPA PALMS AREA 2 UNIT 6A,7B, N.41°43'50"E., 440.12 feet to a point on a curve on the Southwesterly right-of-way line of AMBERLY DRIVE, of the aforesaid plat of TAMPA PALMS AREA 2 UNIT 6B/7A; thence along said Southwesterly right-of-way line the following two (2) courses: 1) Southeasterly, 32.90 feet along the arc of a curve to the left having a radius of 650.00 feet and a central angle of 02°54'00" (chord bearing S.46°49'10"E., 32.90 feet) to a point of tangency; 2) S.48°16'10"E., 324.00 feet to the POINT OF BEGINNING.

Containing 3.500 acres, more or less.

EXHIBIT "A"

LEGAL DESCRIPTION OF ORIGINAL TAMPA PALMS DRI AREA

(Exhibit "A-2")

PART 1 - APPLICATION INFORMATION AND INSTRUCTIONS

DEVELOPMENT INFORMATION

5. ATTACH A LEGAL DESCRIPTION OF THE DEVELOPMENT SITE. INCLUDE SECTION, TOWNSHIP AND RANGE.

Rev. - December 11, 1978
Rev. - October 8, 1974
Rev. - November 15, 1974
Rev. - May 28, 1975
Rev. - July 30, 1976

TAMPA PALMS

Legal Description

The East 3/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida

also

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing lying in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS AND EXCEPT:

That part of Sections 24, and 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

EXHIBIT A-2

Commence at the Southeast corner of said Section 25 for the POINT OF BEGINNING: thence N00°25'28"E along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N01°21'46"W along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N00°25'03"E along the East boundary of said Section 24 a distance of 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N89°27'50"W along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S00°35'04"W a distance of 420.87 feet; thence S10°37'07"E a distance of 1366.34 feet; thence S00"35'04"W a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S00°35'04"W a distance of 4399.76 feet thence S50°31'25"E a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S88°28'49"E along the South boundary of said Section 25 a distance of 3220.04 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of centerline of Trout Creek.

ALSO LESS AND EXCEPT:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida, lying South of Trout Creek, North of the Hillsborough River and Northeasterly of the following described line:

Commence at the Northwest corner of said Section 36; run thence S88°28'49"E along the North boundary of said Section 36, a distance of 2071.95 feet to the POINT OF BEGINNING; thence S50°31'25"E a distance of 1310.59 feet to the beginning of a curve, concave Southwesterly, having a central angle of 37°15'04" and a radius of 5,780.00 feet; thence Southeasterly along the arc of said curve, an arc distance of 3757.90 feet (chord distance of 3692.06 feet and chord bearing of S31°53'53"E) to the North bank of the Hillsborough River and the Point of Termination.

ALSO LESS AND EXCEPT:

(A) That part of Sections 23, 26, 27, 33 and 34, Township 27 South, Range 19 East deeded to the State of Florida for road right-of-way for State Road S-581 by instruments recorded in Official Record Book 227 on Page 707, in Official Record Book 226 on Page 556, and in Official Record Book 241 on Page 76 of the Public Records of Hillsborough County, Florida

(B) That part of Sections 21, 22, 26, 27, 35 and 36 Township 27 South, Range 19 East, condemned for transmission lines by Tampa Electric Company in Suit Number 41987-L Circuit Court, Hillsborough County, Florida

(C) That part of Sections 26, 27, 35 and 36, Township 27 South, Range 19 East, conveyed to County of Hillsborough for use and benefit of Road Department by instruments recorded September 3, 1965, in Official Record Book 1501 on Page 480, and in Official Record Book 1501 on Page 482 of the Public Records of Hillsborough County, Florida

ALSO LESS AND EXCEPT:

A parcel of land in the West one-half of the Southwest one-quarter of Section 24, Township 27 South, Range 19 East, Hillsborough County,

Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 24; said corner being marked by a 3" iron pipe; run thence South 00°18'32"W along the West boundary of said Section 24 for a distance of 2632.49 feet to the West quarter corner of said Section 24 and the POINT OF BEGINNING of the parcel of land hereinafter described; run thence South 89°27'50"E along the Quarter section line of said Section 24, for a distance of 679.56 feet; run thence South 00°35'04"W for a distance of 420.88 feet; run thence South 10°37'07"E for a distance of 1166.17 feet; run thence South 88°59'25"W for a distance of 898.87 feet to a point on the aforesaid West boundary line of Section 24; run thence North 00°18'32"E along said West boundary line, for a distance of 1589.27 feet to the POINT OF BEGINNING.

AND

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 23; run thence South 00°18'32"W along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the POINT OF BEGINNING of the parcel of land hereinafter described; thence continue South 00°18'32"W along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence South 88°59'25"W for a distance of 717.67 feet; run thence North 17°04'19"W for a distance of 354.31 feet; run thence North 13°04'19"W for a distance of 550.00 feet; run thence North 08°04'19"W for a distance of 448.12 feet; run thence

North 03°11'04"W for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence South 89°27'50"E, along said Quarter section line, for a distance of 1033.83 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast corner of said Section 36; thence South 89°25'23"W along the South boundary of said Section 36, a distance of 800.00 feet; thence North 00°46'24"W parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the POINT OF BEGINNING; thence return South 0°46'24"E, a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence North 10°50'51"W, a distance of 451.00 feet, more or less; thence North 25°01'34"W, a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence South 77°08'37"E along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet, a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of South 23°13'45"E, to the POINT OF BEGINNING.

Subject to easements, reservations and restrictions of record. The above described parcel contains 5311 acres, more or less.

PROPOSED CHANGE TO TAMPA PALMS DEVELOPMENT ORDER

(Exhibit "B")

EXHIBIT "B"

PROPOSED CHANGE: Tampa Palms DRI as Amended;

Waterford Construction and Development, Inc., proposes an amendment to the Development Order to permit the use of a trade off mechanism for professional office development on 3.5 acres of land, previously approved for multi-family (attached) up to 35 units per acre or 105 units.

Revised Map H is amended to reflect this change and is enclosed herein.

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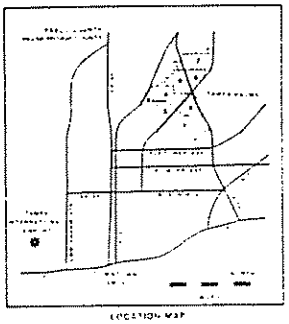
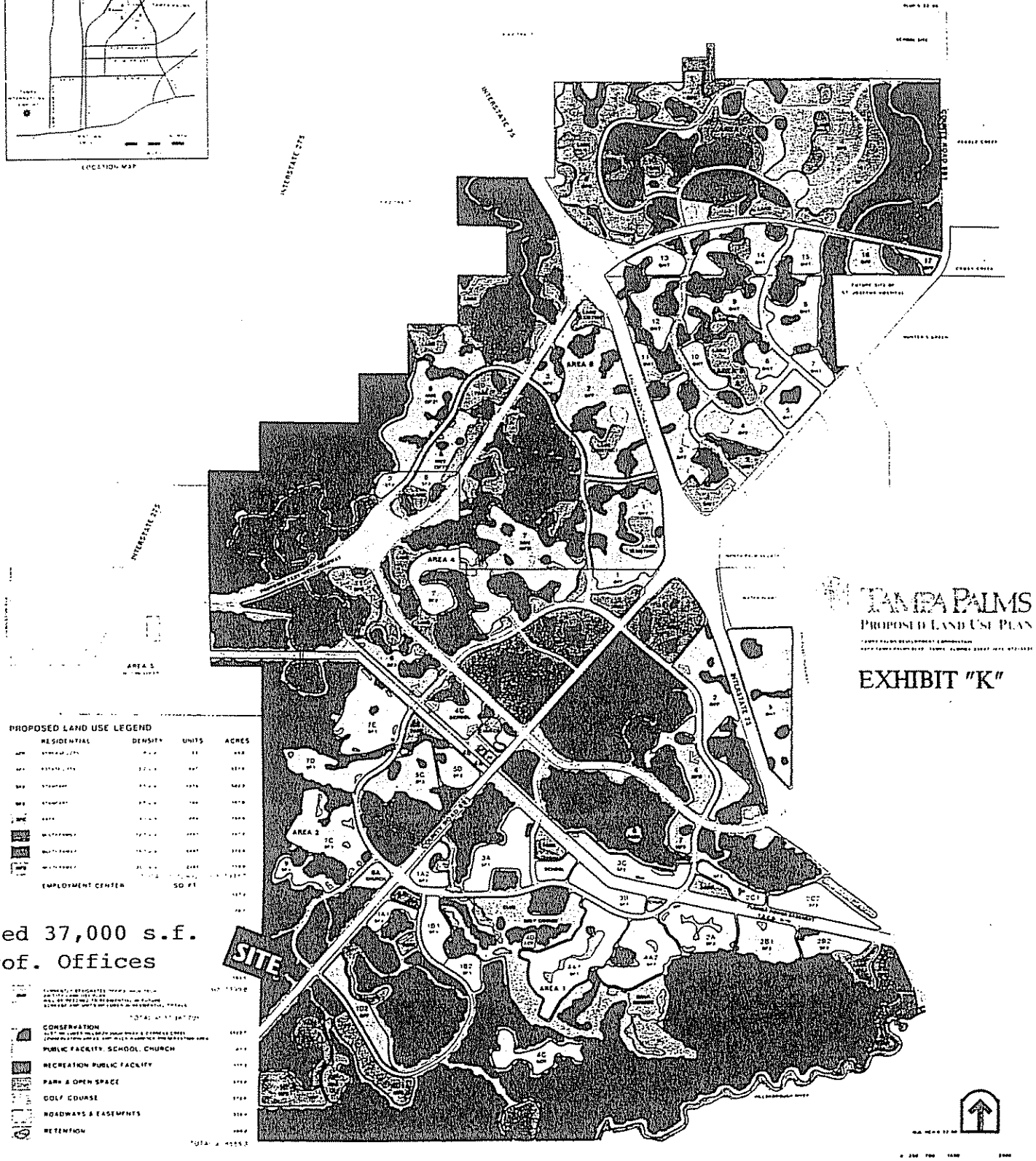
REVISED MAP "H" INCORPORATING PROPOSED CHANGE

REVISED MAP "H"



LOCATION MAP



TAMPA PALMS
PROPOSED LAND USE PLAN

EXHIBIT "K"

Proposed 37,000 s.f.
Prof. Offices

GULFSTREAM

#656

Revised Master Plan

Map H

Located in Original Development Order Book

SURROUNDING PROPERTY OWNER LIST WITHIN 150 FEET OF DRI

Waterford Construction and Development Inc.
PD Rezoning/Prof. Office Park

SURROUNDING PROPERTY OWNERS LIST

(Bruce B. Downs & Amberley Site - NOPC)

	FOLIO NUMBER	NAME AND ADDRESS
1.	34787.0100	WDN PROPERTIES LTD C/O MARVIN F POER AND COMPANY 1025 S SEMORAN BLVD STE 1083 WINTER PARK, FL 32792-
2.	34811.0200	Champions Racquet Club of Tampa Bay, Inc. c/o 14500 N. 46th Street SPORTS PROPERTIES L.C. Tampa, Fl 33613
3.	34779.0000	Hillsborough County Board of County Commissioners c/o Real Prop Custodian P.O. Box 1110 Tampa, FL 33601
4.	34780.0000	Hillsborough County Board of County Commissioners c/o Real Prop Custodian P.O. Box 1110 Tampa, FL 33601
5.	34781.0000	Hillsborough County Board of County Commissioners c/o Real Prop Custodian P.). Box 1110 Tampa, FL 33601
6.	34765.0000	SPV Real Estate Partners No. 1 LP Suite 2000 1999 Avenue of The Stars Los Angeles, CA 90068 CRESCENT RESOURCES INC ATTN PROPERTY TAX P O BOX 1003 CHARLOTTE, NC 28201
7.	34765.0150	City of Tampa Real Estate Div 5th Flr N 306 E. Jackson Street Tampa, FL 33602
8.	34760.1000	Southwest Florida Water Management District 2379 Broad Street Brooksville, FL 33512

dmp72941

SEE ATTACHED PRINT-OUTS FOR LEGAL DESCRIPTIONS

9.	33973.1000	Southwest Florida Water Management District 2379 Broad Street Brooksville, FL 33512
10.	33972.1000	Southwest Florida Water Management District 2379 Broad Street Brooksville, FL 33512
11.	33584.0100	Lennar Homes Inc. 700 NW 107th Ave. Miami, FL 33172
12.	33981.0000	Lennar Homes Inc. 700 NW 107th Ave. Miami, FL 33172
13.	33964.0000	Lennar Homes Inc. 700 NW 107th Ave. Miami, FL 33172
14.	33969.0000	Lennar Homes Inc. 700 NW 107th Ave. Miami, FL 33172
15.	36499.0000	TIITF/Bd of Regents Univ of S Fla c/o DNR-Douglas Bldg. Tallahassee, FL 32399
16.	33982.0000	The Giunta Group Ltd, et al c/o Edward Giunta II P.O. Box 2601 Tampa, FL 33601
17.	34755.0000	The Giunta Group Ltd, et al c/o Edward Giunta II P.O. Box 2601 Tampa, FL 33601
18.	33968.2022	United Services Automobile Assoc Attn Accts Payable B-1-W 9800 Fredricksburg Rd. San Antonio, TX 78288

LENNAR LAND PARTNERS

C/O LENNAR CORPORATION
700 NW 107TH AVE
MIAMI, FL 33172-3161

dmp72941

SEE ATTACHED PRINT-OUTS FOR LEGAL DESCRIPTIONS

19.	33968.2028	SWF South Limited Partnership 15436 N. Florida Avenue Tampa, FL 33613
20.	34786.0100	JRK-Florida Partners Limited Partnership c/o JRK Asset Mgmt Inc. 11766 Wilshire Bv #1270 Los Angeles, CA 90025
21.	34762.0000	SPV Real Estate Partners No. 1 LP Suite 2000 1999 Avenue of the Stars Los Angeles, CA 90068 → REF. PLAT
22.	33969.0500	Casperson Finn M W Trustee P.O. Box 800 Andover, NJ 07821
23.	33969.0000	Lennar Homes Inc. 700 NW 107th Avenue Miami, FL 33172 → LENNAR LAND PARTNERS C/O LENNAR CORPORATION 700 NW 107TH AVE MIAMI, FL 33172-3161
24.	33962.0000	Tampa Electric Co. P.O. Box 111 Tampa, FL 33601
25.	33961.0025	City of Tampa Real Estate Div 5th Fl N 306 E. Jackson Street Tampa, FL 33602
~~26.~~	~~34765.0000~~	SPV Real Estate Partners No. 1 LP Suite 2000 1999 Avenue of the Stars Los Angeles, CA 90068 DUPLICATE
27.	34755.5000	Palms Center Limited c/o Wegman Associates Inc. Ste 701-B 8001 N. Dale Mabry Hwy Tampa, Fl 33614

dmp72941

SEE ATTACHED PRINT-OUTS FOR LEGAL DESCRIPTIONS

28.	33969.0200	W S Company P.O. Box 1678 Dover, FL 33527
29.	33970.0200	Tampa Electric Co. P.O. Box 111 Tampa, FL 33601
30.	33970.0100	City of Tampa Real Estate Div 5th Flr N 306 E. Jackson Street Tampa, FL 33602

NOTE: Numbers 3, 4 and 5 are duplicates.
Numbers 6, 21 and 26 are duplicates.
Numbers 7, 25 and 30 are duplicates.
Numbers 8, 9 and 10 are duplicates.
Numbers 11, 12, 13, 14 and 23 are duplicates.
Numbers 16 and 17 are duplicates.
Numbers 24 and 29 are duplicates.

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dmp72941

SEE ATTACHED PRINT-OUTS FOR LEGAL DESCRIPTIONS

SUBSTANTIAL DETERMINATION AND DEVIATION CHART

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces	N/A		
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)	N/A		
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Airports (cont.)	# External Vehicle Trips	N/A		
	D.O. Conditions			
	ADA representations			
Hospitals	# Beds	N/A		
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial	Acreage, including drainage, ROW, easements, etc.	N/A		
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	chemical storage (barrels and pounds)			
	Site locational changes			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Industrial (cont.)	# External vehicle trips	N/A		
	D.O. Conditions			
	ADA representations			
Mining Operations	Acreage mined (year)	N/A		
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Office	Acreage, including drainage, ROW, easements, etc.	3.5 Acres	105 units	Ord. 94-235 11/9
	Building (gross square feet)	37,000 s.f.		
	# Parking Spaces	170 mol		
	# Employees	n/a		
	Site locational changes			
	# External vehicle trips	attached		
	D.O. Conditions	trade off		

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Office (cont.)	ADA representations			
Petroleum/Chemical Storage	Storage Capacity (barrels and/or pounds)	N/A		
	Distance to Navigable Waters (feet)			
	Site locations changes			
	Facility Acreage, including drainage, ROW, easements, ect.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas)	# Boats, wet storage	N/A		
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage	N/A		
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			
Preservation, Buffer or Special Protection Areas Preservation (cont.)	Acreage	N/A		
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA representations			

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Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Hotel/Motel	# Rental Units	N/A		
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
R.V. Park	Acreage, including drainage, ROW, easements, etc.	N/A		
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Residential	# Dwelling units	N/A		
	Type of dwelling units			
	# of lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.	N/A		
	Floor Space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

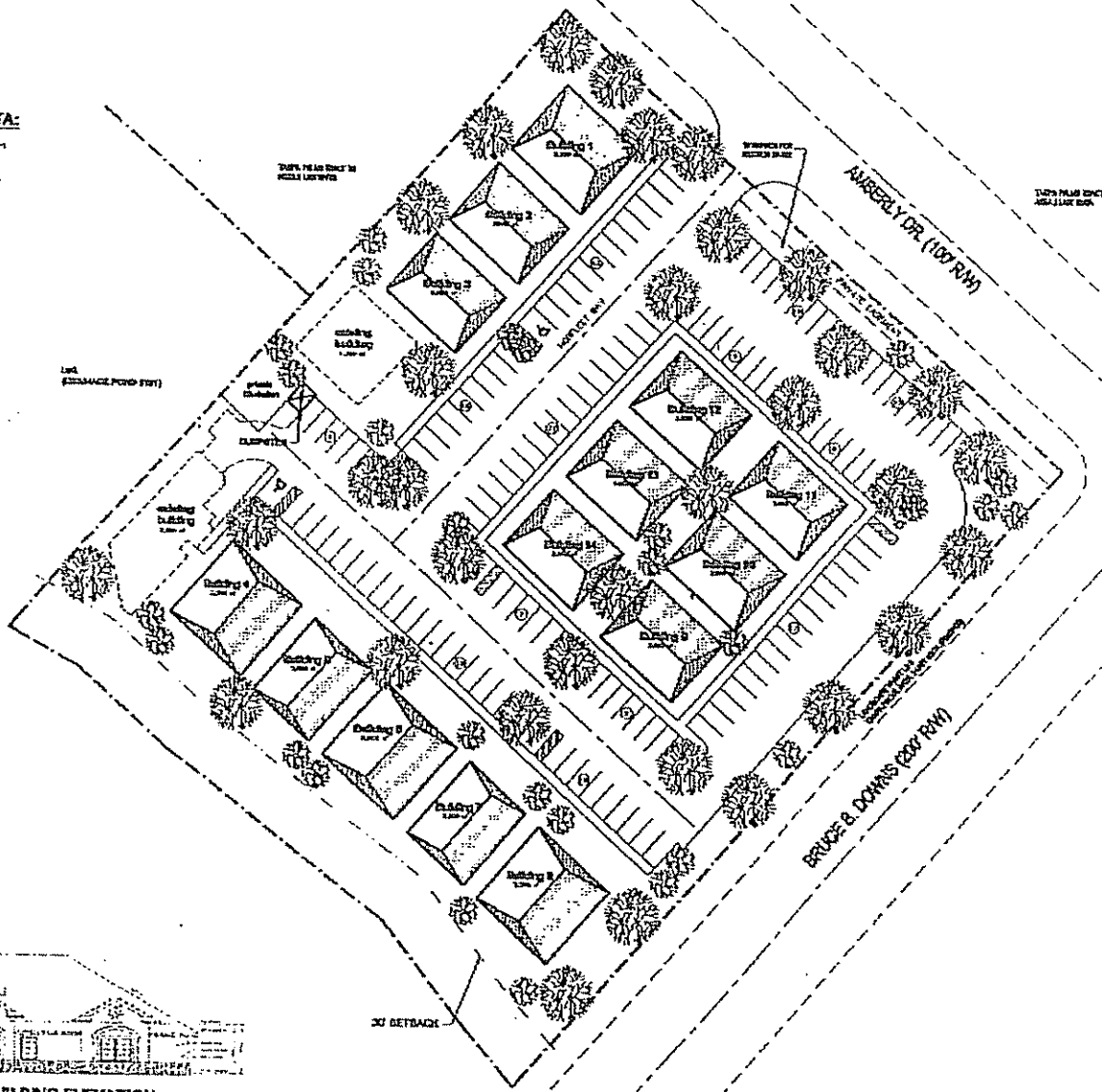
Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

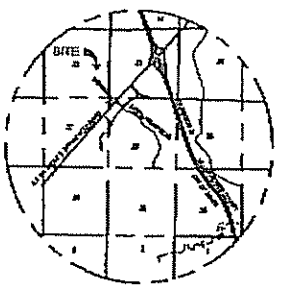
REDUCED SITE PLAN AERIAL PHOTOGRAPHS LOCATION MAP

LEGAL DESCRIPTION:

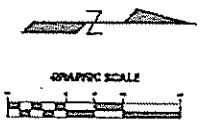
SITE DATA:

TRANSPORTATION DATA:





LOCATION MAP



GRAPHIC SCALE

TYPICAL BUILDING ELEVATION

CITY COUNCIL CHAIRMAN

CITY CLERK

DEVELOPMENT COORDINATION MANAGER

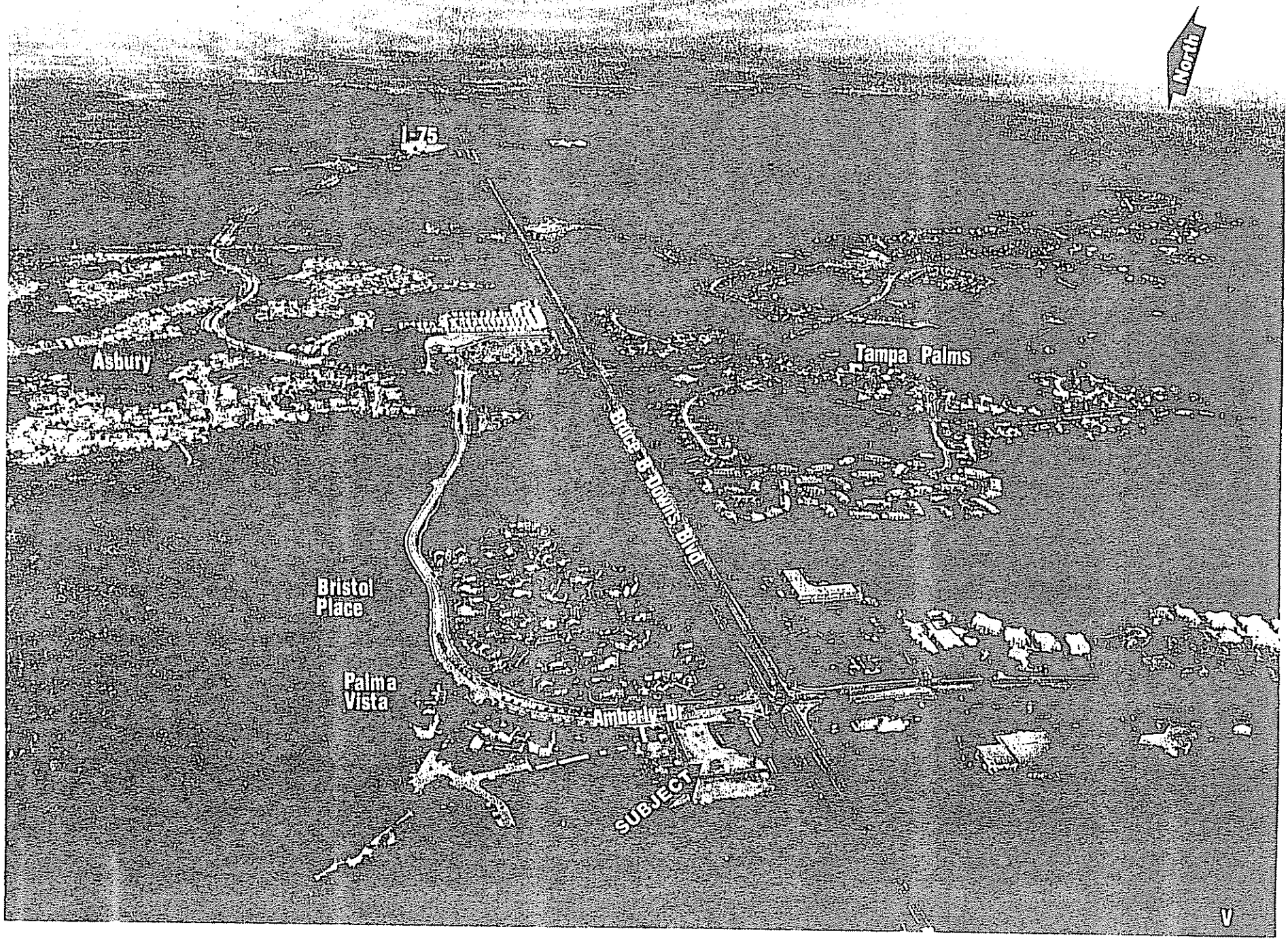
BURCH & Associates, Inc.

SOUTHEAST COMMUNITY DEV. CORP.

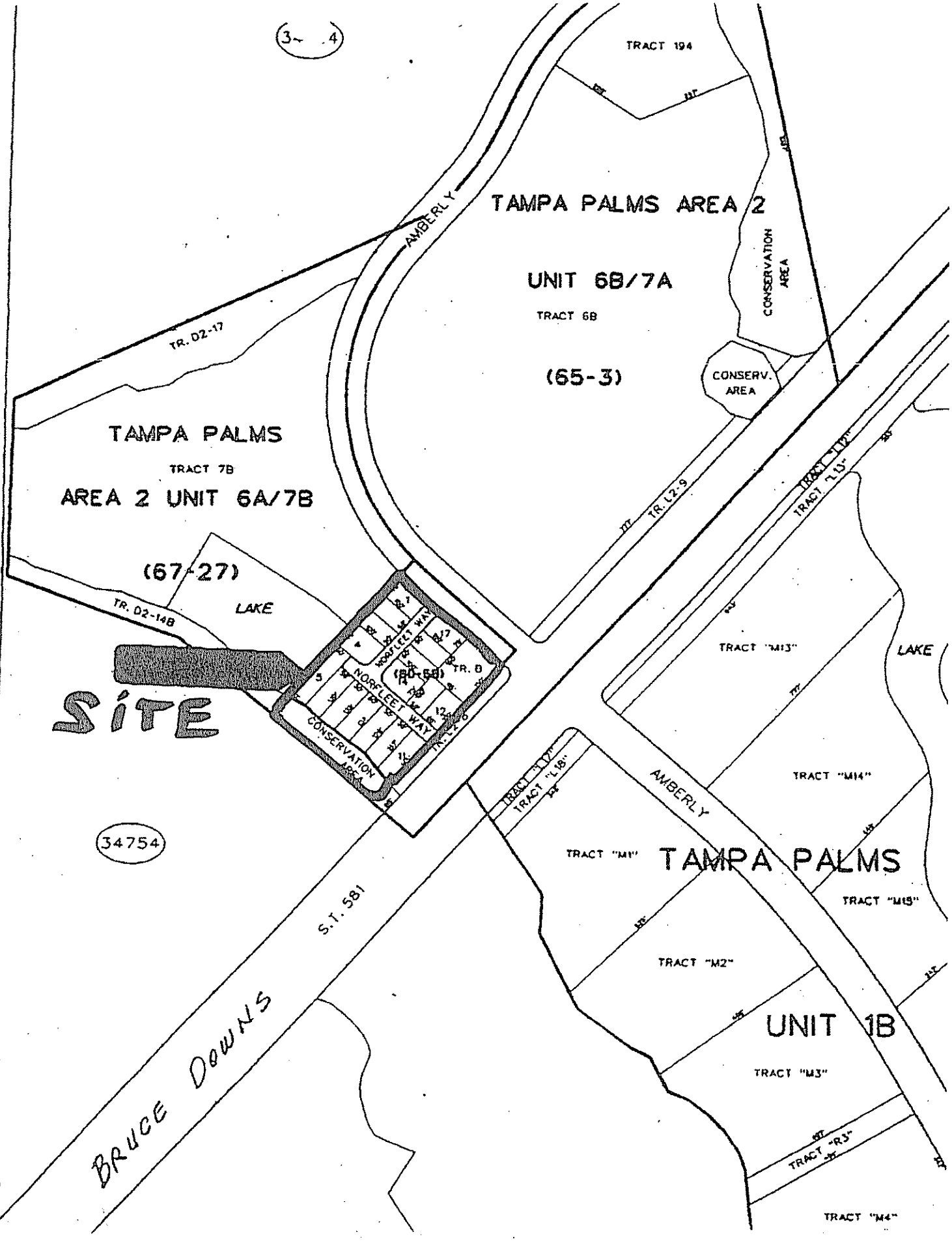
AMBERLY DRIVE

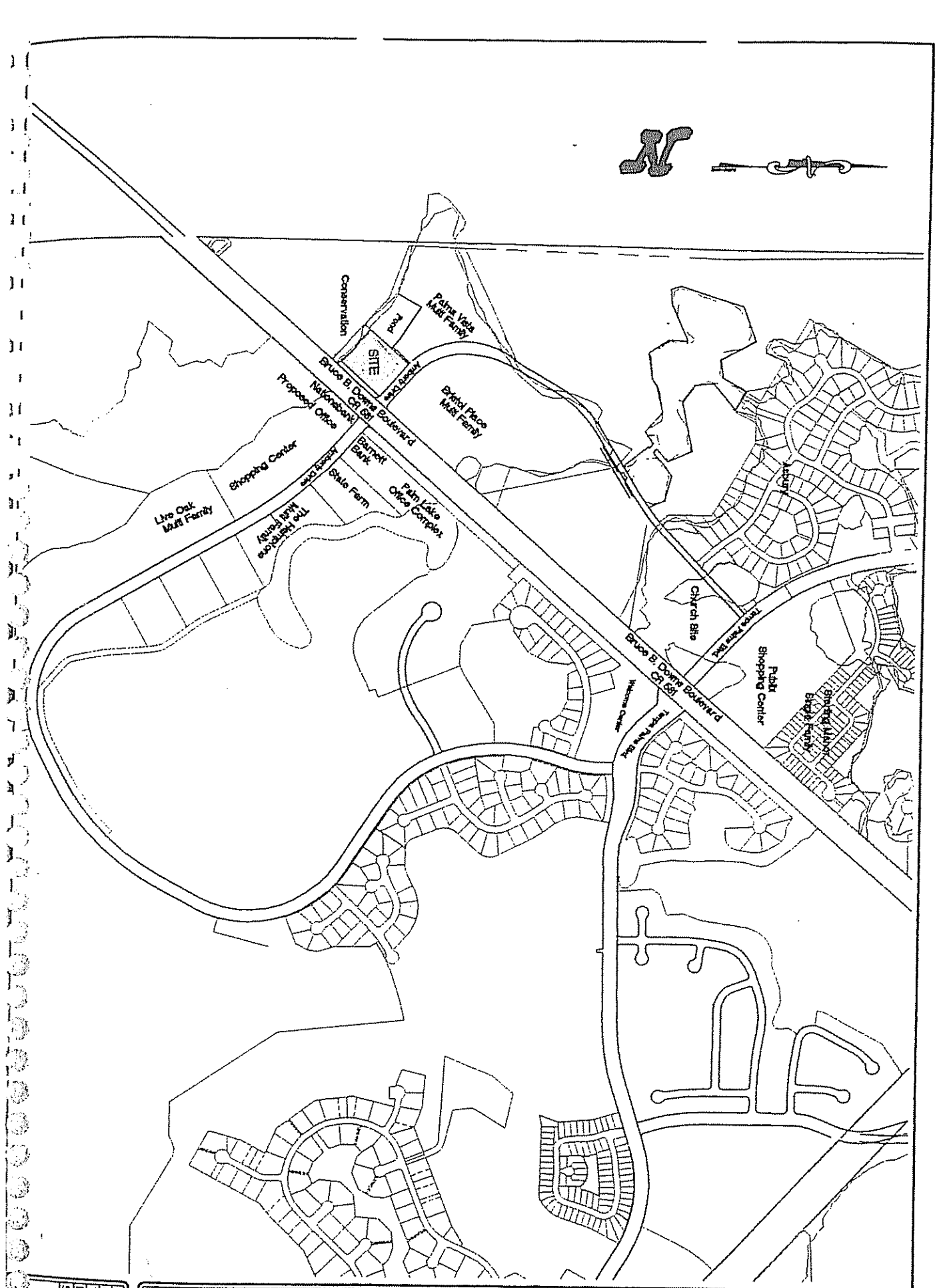
MASTER LAYOUT

1


North
I-75
Asbury
Tampa Palms
Bristol Place
Palma Vista
Amberly Dr
SUBJECT

NORTH
SUBJECT


3-4
TRACT 194
TAMPA PALMS AREA 2
UNIT 6B/7A
TRACT 6B
(65-3)
AMBERLY
CONSERVATION AREA
CONSERV. AREA
TR. D2-17
TAMPA PALMS
TRACT 7B
AREA 2 UNIT 6A/7B
(67-27)
LAKE
TR. D2-14B
TR. L2-9
TRACT "L17"
TRACT "L13"
TRACT "M13"
LAKE
SITE
NORFLEET WAY
(80-58)
TR. 8
CONSERVATION AREA
TRACT "L12"
TRACT "L18"
TRACT "M14"
AMBERLY
34754
TRACT "M1"
TAMPA PALMS
TRACT "M15"
S.T. 581
TRACT "M2"
UNIT 1B
TRACT "M3"
TRACT "R3"
BRUCE DOWNS
TRACT "M4"



Tampa Palms Reference Map

Tampa, Florida

Waterford Const
Tampa, FL

Rev.	Revisions	Date
5		
4		
3		
2		
1		

Sheet 1

Drawn:
Checked:
Time:
Date:
Scale:

Elizabeth Rodriguez & Associates
10333 Del Mar Circle
Tampa, FL 33624

Transportation Impact Analysis for Proposed Office Development at Amberly Road

January 18, 2001

Transportation Site Impact Analysis
For Proposed 37,000 Sq. Ft. Office Park -
Tampa Palms at Amberly Road

DRI/NOPC Issues

This proposal is to construct a 37,000 square foot office park on a parcel in the Tampa Palms Development of Regional Impact (DRI) that is currently approved for multi-family development. The following table compares the trip generation of the proposed and approved land uses. Trip generation was calculated using the Sixth Edition of the ITE Trip Generation manual.

Land Use	PM trips	Daily trips
105 MF DUs (Approved)	68	696
37K sq ft Office Park	56	423
Proposed Net Reduction	12	273
Proposed Percent Decrease	18%	39%

Localized Traffic Operations Issues

In developing a methodology for this site impact analysis, city staff asked the developer to verify whether the existing left turn lane on Amberly (for turns into the site) would be of adequate length to accommodate project traffic.

Intuitively, one would assume that the turn lane would be adequate; given that the lane was designed to accommodate project traffic from the approved development described above, and that the proposed project traffic is actually less. Nonetheless, a Harmelink analysis was conducted, and the appropriate curve is attached to this document.

The Harmelink analysis was performed for the a.m. peak hour, because clearly no turn lane is needed for the p.m. peak hour. Per ITE Trip Generation rates, there are only 6 inbound trips in the p.m. peak, which certainly would not warrant a turn lane.

A turn movement count was conducted on Thursday, January 18, 2001. From that count it was determined that there would be an advancing background volume of 149 trips + 58 project trips for a total advancing volume of 207 trips. The opposing volume (per the count) is 263 trips.

The percent lefts 58/207 is 28% - but, the 30% Harmelink curve is being used as a "worst case." The 40 mph Harmelink curve is being used, because that is the posted speed on this segment of Amberly.

The point on the appropriate curve where the advancing and opposing volumes meet is plotted on the attached curve. It is clearly within the range where no left turn lane is required. Thus, the existing left turn lane does not need to be lengthened.

Amberly/BBDowns Intersection – Staff also requested Highway Capacity Software (HCS) analyses of the intersection with and without project traffic. As stated above, turn movement counts were conducted. Project traffic was hand-assigned using the turning percentages. HCS analyses are attached. They indicate that the intersection operates at an acceptable LOS D, with and without project traffic.

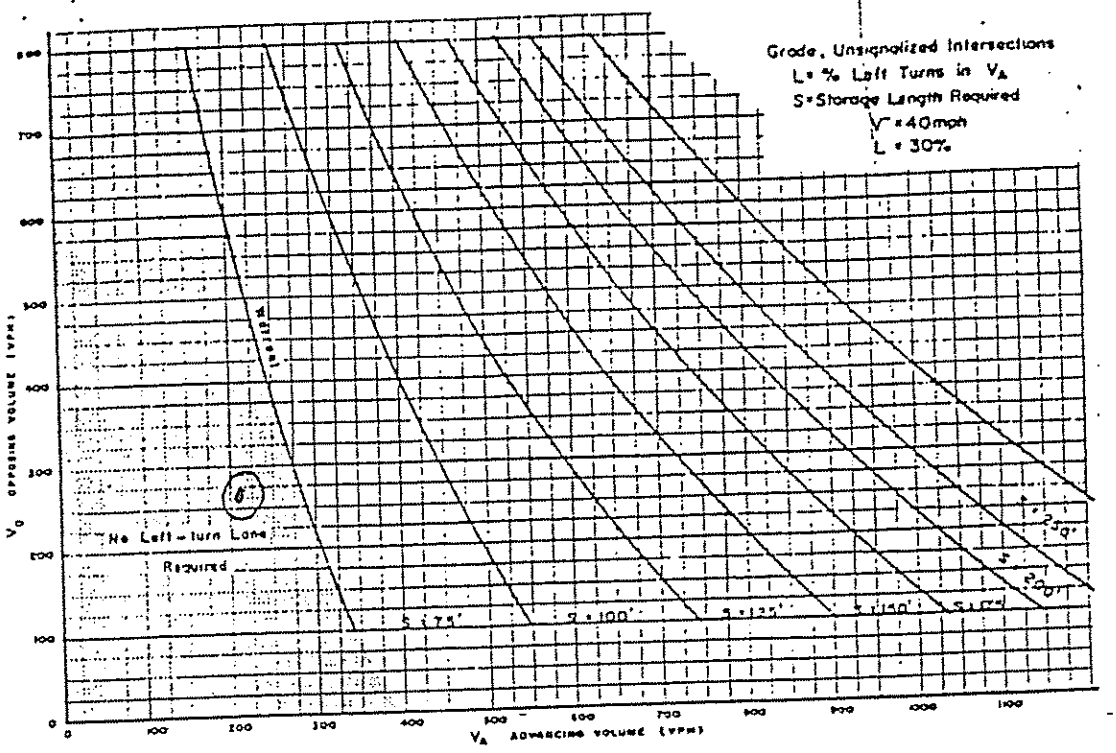


Figure 6. Warrant for left-turn storage lanes on two-lane highways.

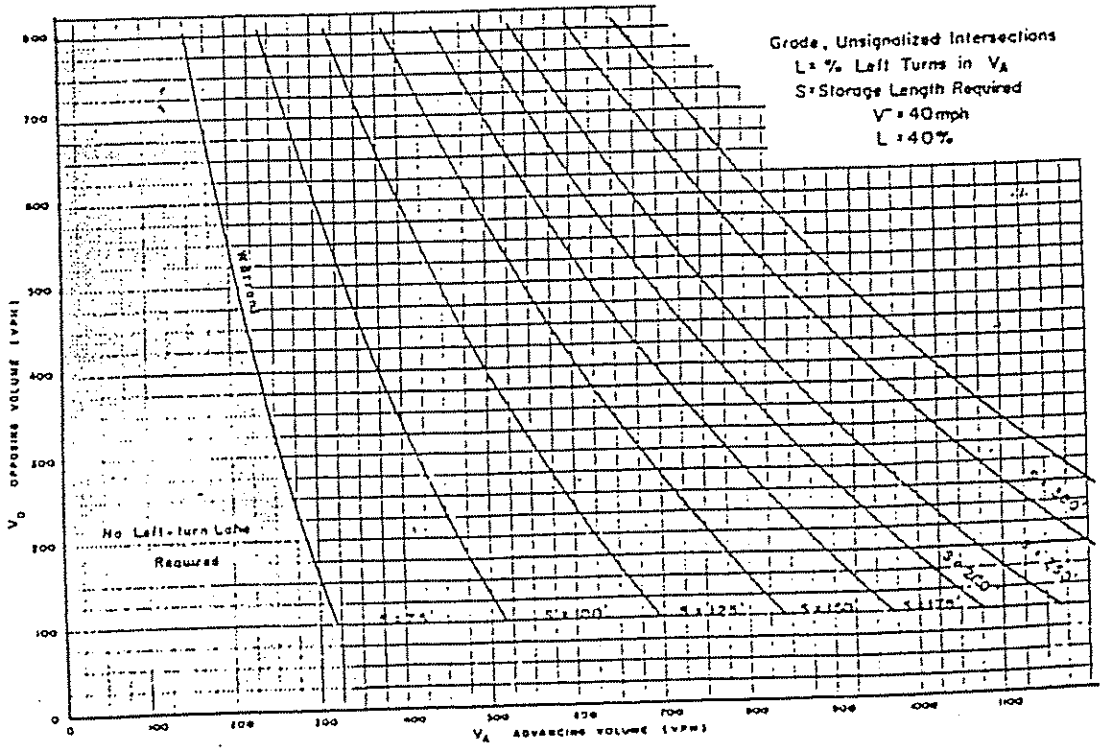


Figure 7. Warrant for left-turn storage lanes on two-lane highways.

Fax:

OPERATIONAL ANALYSIS

?ction:	Amberly/BBDowns
?ate:	
?:	
? No:	
?riod Analyzed:	PM - w/out project
	1/19/01
st Street Name:	Amberly
outh Street Name:	BBDowns

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
	12	47	90	247	35	135	215	2283	325	117	1418	13
	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
ol	3	13	25	69	10	38	60	634	90	33	394	4
ol												
		0			0			0			0	
t	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
t												
Veh	0	0	0	0	0	0	0	0	0	0	0	0
s		1	1	1		1	1		1	2	1	
		L	T	R		L	T	R		L	T	R
th	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
			22			35			90			4
	13	52	76	274	39	111	239	2537	261	130	1576	10
dLn												
ns												
			0			0			0			0
	0	0	0	0	0	0	0	0	0	0	0	0

0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
t	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
pe	3	3	3	3	3	3	3	3	3	3	3	3

	1.000			1.000			1.000			1.000	
2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
	0.0			0.0			0.0			0.0	

PHASE DATA

nation	1	2	3	4			5	6	7	8
	P	P			NB	Left	P	P		
		P				Thru		P		
		P				Right		P		
						Ped				
	P	P			SB	Left	P	P		
		P				Thru		P		
		P				Right		P		
						Ped				
	P	P			EB	Right	P	P		
	P	P			WB	Right		P		
	5.0	18.0					5.0	80.0		
	1.0	1.0					1.0	1.0		
	3.0	0.0					3.0	3.0		

121.0 secs

VOLUME ADJUSTMENT WORKSHEET

t ume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
	0.90	13	1	L		13		
	0.90	52	1	T		52		
	0.90	76	1	R	22	76		
	0.90	274	1	L		274		
	0.90	39	1	T		39		
	0.90	111	1	R	35	111		
	0.90	239	1	L		239		
3	0.90	2537	2	T		2537		
	0.90	261	1	R	90	261		
	0.90	130	1	L		130		
	0.90	1576	2	T		1576		
	0.90	10	1	R	4	10		

: entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
nd						Sec LT Adj/LT Sat:			0.644	1223
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
nd						Sec LT Adj/LT Sat:			0.606	1152
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
und						Sec LT Adj/LT Sat:			0.091	173
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
und						Sec LT Adj/LT Sat:				
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615

CAPACITY ANALYSIS WORKSHEET

Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
id						
	13	1805	0.01	0.066	119	0.11
	0	1223	0.00	0.157	192	0.00
	13			0.223	311	0.04
	52	1900	0.03	0.149	283	0.18
	76	1615	0.05	0.893	1441	0.05
d						
	119	1805	0.07	0.066	119	1.00
	155	1152	0.13	0.157	181	0.86
	274			0.223	300	0.91
	39	1900	0.02	0.149	283	0.14
	111	1615	0.07	0.810	1308	0.08
nd						
	119	1805	0.07	0.066	119	1.00
	120	173	0.69	0.669	116	1.03
	239			0.736	235	1.02
	2537	3610	0.70	0.661	2387	1.06
	261	1615	0.16	0.917	1482	0.18

119	1805	0 07	0.066	119	1.C
11			0.669		
130			0.736		
1576	3610	0.44	0.661	2387	0.66
10	1615	0.01	0.917	1482	0.01

Sum (v/s) critical = 0.00
e, L = 0.00 sec Critical v/c(X) = 0.00

LEVEL OF SERVICE WORKSHEET

Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental Factor k	Del d2	Res Del d3	Lane Group Delay	LOS	Approach Delay	LOS
3 36.8	1.000	311	0.50	0.3	0.0	37.1	D		
9 45.1	1.000	283	0.50	1.4	0.0	46.5	D	44.6	D
3 0.7	1.000	1441	0.50	0.1	0.0	0.8	A		
	1.000	300	0.50	33.9	0.0				
44.8	1.000	283	0.50	1.0	0.0	45.8	D	45.8	D
2.3	1.000	1308	0.50	0.1	0.0	2.5	A		
16.5	1.000	235	0.50	63.2	0.0	79.6	E		
20.5	1.000	2387	0.50	37.8	0.0	58.3	E	60.2	E
0.5	1.000	1482	0.50	0.3	0.0	0.8	A		
	1.000		0.50		0.0				
12.3	1.000	2387	0.50	1.5	0.0	13.8	B	13.8	B
0.4	1.000	1482	0.50	0.0	0.0	0.4	A		

tion Delay = 39.5 (sec/veh) Intersection LOS = D

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

	EB	WB	NB	SB
.21.0 sec				
for Lane Group, G	27.0	27.0	89.0	89.0
me for Lane Group, g	19.00	19.00	81.00	81.00
Green Time, go	18.0	18.0	80.0	80.0
Lane Group, N	1	1	1	1
Lanes, No	1	1	2	2
Flow Rate, Vlt	13	274	239	130
Turns in Opposing Flow, Plto	0.00	0.00	0.00	0.00
Flow Rate, Vo	39	52	1576	2537
Group, tl	1.00	1.00	1.00	1.00
e: LTC=VltC/3600	0.44	9.21	8.03	4.37
Lane, Per Cycle: Volc=VoC/3600fluo	1.31	1.75	27.88	44.88

a * (LTC ** b))]-tl, gf<=g
eue Ratio: qro=1-Rpo(go/C
lc**0.762)[(qro**1.061)-tl], gq<=g
gq>=gf, =g-gf if gq<gf
, n>=0

(N-1)g/(gf+gu/El1+4.24)))
9-7)
**n)/Plto, El2>=1.0
:)/g or fmin=2(1+Pl)/g
q-gf,0)
ju/g][1/{1+Pl(El1-1)}], (min=fmin;max=1.00)
]+gdiff[1/{1+Plt(El2-1)}]
+Plt(El1-1)],(min=fmin;max=1.0) or flt=[fm+0.91(N-1)]/N**

	1.00	1.00	1.00	1.00
	0.0	0.0	0.0	0.0
	0.85	0.85	0.34	0.34
	2.28	3.06	35.04	81.00
	16.72	15.94	45.96	0.00
	1.14	1.53	17.52	40.50
	1.00	1.00	1.00	1.00
	1.00	1.00	1.00	1.00
	1.37	1.38	6.23	16.90
	1.00	1.00	1.00	1.00
	0.21	0.21	0.05	0.05
	0.00	0.00	0.00	0.00
	0.64	0.61	0.09	0.05
	0.644	0.606	0.091	0.950

case of single-lane approach opposed by multilane approach,

or shared left-turn lanes with N>1, then assume de-facto
lane and redo calculations.
ted left-turns with multiple exclusive left-turn lanes, flt=fm.
case of multilane approach opposed by single-lane approach
, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

	EB	WB	NB	SB
C 121.0 sec				
Time for Lane Group, G				
en Time for Lane Group, g				
ctive Green Time, go				
es in Lane Group, N				
osing Lanes, No				
-Turn Flow Rate, Vlt				
Left Turns in Lane Group, Plt				
Left Turns in Opposing Flow, Plto				
ing Flow Rate, Vo				
Lane Group, tl				

Cycle: LTC=VltC/3600
per Lane, Per Cycle: Volc=VoC/3600fluo
on Ratio, Rpo (Table 9-2 or Eqn 9-7)
(LTC ** b))]-tl, gf<=g
Ratio: qro=1-Rpo(go/C)
0.762)[(qro**1.061)-tl], gq<=g
=gf, =g-gf if gq<gf
=0

)g/(gf+gu/El1+4.24)))
)
/Plto, El2>=1.0
or fmin=2(1+Pl)/g
,0)
][1/{1+Pl(El1-1)}], (min=fmin;max=1.00)

...+Plt(E11-1)],(min=fmin;max=1.0) or flt=[fm+0.91(N-1)]**
...mary

case of single-lane approach opposed by multilane approach,

or shared left-turn lanes with N>1, then assume de-facto
lane and redo calculations.
tted left-turns with multiple exclusive left-turn lanes, flt=fm.
case of multilane approach opposed by single-lane approach .
, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

	EBLT	WBLT	NBLT	SBLT
From Vol Adjustment Worksheet, v	13	274	239	130
...m Capacity Worksheet, X	0.00	0.86	1.03	
... effective green, g	19.00	19.00	81.00	81.00
...se effective green, gq	2.28	3.06	35.04	81.00
...ental Permitted LT Worksheet), gu	16.72	15.94	45.96	0.00
C 121.0 Red =(C-g-gq-gu), r	94.0	94.0	32.0	32.0
3600(max(X,1.0))), qa	0.00	0.08	0.07	
...epartures: s/3600, sp	0.501	0.501	0.501	0.501
departures: s(gq+gu)/(gu*3600), ss	0.39	0.38	0.08	
	0.01	0.24	1.36	
	0.09	1.94	0.65	
...ing of green arrow, Qa	1	2	3	
...ning of unsaturated green, Qu	0.34	7.15	3.48	
..., Qr	0.01	4.94	0.15	
d1	0.00		1.39	
	36.8		16.5	

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

...l Dur. Unmet Demand t hrs.	Uniform Delay: Unadj. ds	Uniform Delay: Adj. d1 sec	Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec

Intersection Delay	39.5	sec/veh	Intersection LOS	D

Fax:

OPERATIONAL ANALYSIS

Amberly/BBDowns

yzed: PM - w/[redacted] project
1/19/01
Name: Amberly
et Name: BBDowns

VOLUME DATA

tbound T	R	Westbound L	T	R	Northbound L	T	R	Southbound L	T	R
53	119	247	36	135	220	2283	325-	117	1418	14
.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
8	33	69	10	38	61	634	90	33	394	4
			0			0			0	
900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
	0		0	0		0	0		0	0
1	1		1	1		1	2	1		1
	R		L	T	R		T	R	L	T	R
.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
	22			35			90			4
	108	274	40	111	244	2537	261	130	1576	11
	0									
	0	0	0	0	0	0	0	0	0	0

Area Type: All other areas

OPERATING PARAMETERS

nd R	Westbound L	T	R	Northbound L	T	R	Southbound L	T	R
0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	3	3	3	3	3	3	3	3	3

Ext.	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Factor		1.000			1.000			1.000			1.000			1.000				
st Time	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
of g	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Min g		0.0			0.0			0.0			0.0			0.0				

PHASE DATA

se Combination	1	2	3	4			5	6	7	8
Left	P	P			NB	Left	P	P		
Thru		P				Thru		P		
Right		P				Right		P		
Peds						Ped				
Left	P	P			SB	Left	P	P		
Thru		P				Thru		P		
Right		P				Right		P		
Peds						Ped				
Right	P	P			EB	Right	P	P		
Right	P	P			WB	Right		P		

n	5.0	18.0	5.0	80.0
ow	1.0	1.0	1.0	1.0
Red	3.0	0.0	3.0	3.0

e Length: 121.0 secs

VOLUME ADJUSTMENT WORKSHEET

./ ment	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
ound									
eft	14	0.90	16	1	L		16		
hru	63	0.90	70	1	T		70		
ght	119	0.90	108	1	R	22	108		
ound									
ft	247	0.90	274	1	L		274		
ru	36	0.90	40	1	T		40		
ght	135	0.90	111	1	R	35	111		
bound									
ft	220	0.90	244	1	L		244		
ru	2283	0.90	2537	2	T		2537		
ght	325	0.90	261	1	R	90	261		
ound									
ft	117	0.90	130	1	L		130		
ru	1418	0.90	1576	2	T		1576		
ght	14	0.90	11	1	R	4	11		

ıe entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
und										
1900	1.000	1.000	1.000	1.000	1.000	Sec LT Adj/LT Sat:			0.641	1218
1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
						1.00	1.00	0.850	----	1615
ınd										
1900	1.000	1.000	1.000	1.000	1.000	Sec LT Adj/LT Sat:			0.555	1055
1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
						1.00	1.00	0.850	----	1615
ound										
900	1.000	1.000	1.000	1.000	1.000	Sec LT Adj/LT Sat:			0.091	173
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
						1.00	1.00	0.850	----	1615
und										
900	1.000	1.000	1.000	1.000	1.000	Sec LT Adj/LT Sat:				
900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
						1.00	1.00	0.850	----	1615

CAPACITY ANALYSIS WORKSHEET

;ane ;roup	Adj Flow Rate (v)	Adj Sat Flow Rate (s)	Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
d						
	16	1805	0.01	0.066	119	0.13
	0	1218	0.00	0.157	191	0.00
	16			0.223	310	0.05
	70	1900	0.04	0.149	283	0.25
	108	1615	0.07	0.893	1441	0.07
ı						
	119	1805	0.07	0.066	119	1.00
	155	1055	0.15	0.157	166	0.93
	274			0.223	285	0.96
	40	1900	0.02	0.149	283	0.14
	111	1615	0.07	0.810	1308	0.08
d						
	119	1805	0.07	0.066	119	1.00
	125	173	0.72	0.669	116	1.08
	244			0.736	235	1.04
	2537	3610	0.70	0.661	2387	1.06
	261	1615	0.16	0.917	1482	0.18

i.		119	1805	0.07	0.066	19	1.00	
c.		11			0.669			
ft	L	130			0.736			
ru	T	1576	3610	0.44	0.661	2387	0.66	
ght	R	11	1615	0.01	0.917	1482	0.01	

st Time/Cycle, L = 0.00 sec Sum (v/s) critical = 0.00
Critical v/c(X) = 0.00

LEVEL OF SERVICE WORKSHEET

r/ e	Ratios v/c	Ratios g/C	Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental Factor k	Incremental Del d2	Res Del d3	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
tbound												
	0.05	0.223	36.9	1.000	310	0.50	0.3	0.0	37.2	D		
	0.25	0.149	45.5	1.000	283	0.50	2.1	0.0	47.6	D	45.7	D
	0.07	0.893	0.7	1.000	1441	0.50	0.1	0.0	0.8	A		
:bound												
	0.96	0.223		1.000	285	0.50	44.3	0.0				
	0.14	0.149	44.8	1.000	283	0.50	1.0	0.0	45.8	D	45.8	D
	0.08	0.810	2.3	1.000	1308	0.50	0.1	0.0	2.5	A		
hbound												
	1.04	0.736	16.5	1.000	235	0.50	69.1	0.0	85.5	F		
	1.06	0.661	20.5	1.000	2387	0.50	37.8	0.0	58.3	E	60.7	E
	0.18	0.917	0.5	1.000	1482	0.50	0.3	0.0	0.8	A		
hbound												
		0.736		1.000		0.50		0.0				
	0.66	0.661	12.3	1.000	2387	0.50	1.5	0.0	13.8	B	13.8	B
	0.01	0.917	0.4	1.000	1482	0.50	0.0	0.0	0.4	A		

Intersection Delay = 39.7 (sec/veh) Intersection LOS = D

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

ROACH

	EB	WB	NB	SB
Length, C 121.0 sec				
Green Time for Lane Group, G	27.0	27.0	89.0	89.0
ive Green Time for Lane Group, g	19.00	19.00	81.00	81.00
ng Effective Green Time, go	18.0	18.0	80.0	80.0
of Lanes in Lane Group, N	1	1	1	1
of Opposing Lanes, No	1	1	2	2
ed Left-Turn Flow Rate, Vlt	16	274	244	130
tion of Left Turns in Opposing Flow, Plto	0.00	0.00	0.00	0.00
ed Opposing Flow Rate, Vo	40	70	1576	2537
ime for Lane Group, tl	1.00	1.00	1.00	1.00
urns per Cycle: LTC=VltC/3600	0.54	9.21	8.20	4.37
ng Flow per Lane, Per Cycle: Volc=VoC/3600fluo	1.34	2.35	27.88	44.88

pposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)	1.00	1.00	1.00	1.00
f=[Gexp(- a * (LTC ** b))]-tl, gf<=g	.0	0.0	0.0	0.0
pposing Queue Ratio: qro=1 po(go/C)	0.85	0.85	0.34	0.34
q=(4.943Volc**0.762)[(qro**1.061)-tl], gq<=g	2.34	4.17	35.04	81.00
l =g-gq if gq>=gf, =g-gf if gq<gf	16.66	14.83	45.96	0.00
=(gq-gf)/2, n>=0	1.17	2.08	17.52	40.50
cho=1-Plto	1.00	1.00	1.00	1.00
l*=Plt[1+{(N-1)g/(gf+gu/El1+4.24)))	1.00	1.00	1.00	1.00
l1 (Figure 9-7)	1.37	1.41	6.23	16.90
l2=(1-Ptho**n)/Plto, El2>=1.0	1.00	1.00	1.00	1.00
lin=2(1+Plt)/g or fmin=2(1+Pl)/g	0.21	0.21	0.05	0.05
liff=max(gq-gf,0)	0.00	0.00	0.00	0.00
n=[gf/g]+[gu/g][1/{1+Pl(El1-1)}], (min=fmin;max=1.00)	0.64	0.56	0.09	0.05
.t=fm=[gf/g]+gdiff[1/{1+Plt(El2-1)}]				
.gu/g][1/(1+Plt(El1-1)],(min=fmin;max=1.0) or flt=[fm+0.91(N-1)]/N**				
flt	0.641	0.555	0.091	0.950

r special case of single-lane approach opposed by multilane approach,
e text.
If Pl>=1 for shared left-turn lanes with N>1, then assume de-facto
left-turn lane and redo calculations.
For permitted left-turns with multiple exclusive left-turn lanes, flt=fm.
r special case of multilane approach opposed by single-lane approach
when gf>gq, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH	EB	WB	NB	SB
cle Length, C 121.0 sec				
tual Green Time for Lane Group, G				
fective Green Time for Lane Group, g				
posing Effective Green Time, go				
ber of Lanes in Lane Group, N				
ber of Opposing Lanes, No				
usted Left-Turn Flow Rate, Vlt				
portion of Left Turns in Lane Group, Plt				
portion of Left Turns in Opposing Flow, Plto				
usted Opposing Flow Rate, Vo				
t Time for Lane Group, tl				
t Turns per Cycle: LTC=VltC/3600				
psing Flow per Lane, Per Cycle: Volc=VoC/3600fluo				
psing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)				
[Gexp(- a * (LTC ** b))]-tl, gf<=g				
psing Queue Ratio: qro=1-Rpo(go/C)				
(4.943Volc**0.762)[(qro**1.061)-tl], gq<=g				
=g-gq if gq>=gf, =g-gf if gq<gf				
rq-gf)/2, n>=0				
p=1-Plto				
=Plt[1+{(N-1)g/(gf+gu/El1+4.24)))				
(Figure 9-7)				
(1-Ptho**n)/Plto, El2>=1.0				
=2(1+Plt)/g or fmin=2(1+Pl)/g				
f=max(gq-gf,0)				
gf/g]+[gu/g][1/{1+Pl(El1-1)}], (min=fmin;max=1.00)				

lt=fm=[gf/g]+gdiff[1/{1+Plt(El2-1)}]
[gu/g][1/(1+Plt(El1-1)],(m]=fmin;max=1.0) or flt=[fm .91(N-1)]/N**
flt Primary

or special case of single-lane approach opposed by multilane approach,
ee text.
If Pl>=1 for shared left-turn lanes with N>1, then assume de-facto
left-turn lane and redo calculations.
* For permitted left-turns with multiple exclusive left-turn lanes, flt=fm.
or special case of multilane approach opposed by single-lane approach
r when gf>gq, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

	EBLT	WBLT	NBLT	SBLT
dj. LT Vol from Vol Adjustment Worksheet, v	16	274	244	130
/c ratio from Capacity Worksheet, X	0.00	0.93	1.08	
rimary phase effective green, g	19.00	19.00	81.00	81.00
econdary phase effective green, gq	2.34	4.17	35.04	81.00
From Supplemental Permitted LT Worksheet), gu	16.66	14.83	45.96	0.00
ycle length, C 121.0 Red =(C-g-gq-gu), r	94.0	94.0	32.0	32.0
rrivals: v/(3600(max(X,1.0))), qa	0.00	0.08	0.07	
rimary ph. departures: s/3600, sp	0.501	0.501	0.501	0.501
econdary ph. departures: s(gq+gu)/(gu*3600), ss	0.39	0.38	0.08	
Perm	0.01	0.26	1.36	
Prot	0.11	1.94	0.65	
Case	1	2	3	
ueue at begining of green arrow, Qa	0.42	7.15	3.48	
ueue at beginning of unsaturated green, Qu	0.01	5.08	0.15	
esidual queue, Qr	0.00		1.39	
niform Delay, d1	36.9		16.5	

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

pr/ ne oup	Initial Unmet Demand Q veh	Dur. Unmet Demand t hrs.	Uniform Delay Unadj. ds	Uniform Delay Adj. d1 sec	Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec
stbound								
stbound								
rthbound								
uthbound								

Intersection Delay	39.7	sec/veh	Intersection LOS	D

Elizabeth Rodriguez & Associates
10333 Del Mar Circle
Tampa, FL 33624
(813) 963-3462

Transportation Impact Analysis for Proposed Office Development at Amberly Road
Supplemental A.M. Peak Period Analysis

This a.m. peak hour supplemental analysis was conducted at the request of the City of Tampa transportation staff. Left turn storage needs on Amberly and the operations of the Amberly/BB Downs intersection were analyzed for the a.m. condition.

The two attached trip generation spreadsheets (based upon the Sixth Edition of the ITE Trip Generation Manual) show that trip generation in the a.m. peak does exceed that of the approved multi-family units by 13 trips. However, it is important to note that the proposed office park is expected to generate far fewer (a net reduction of 340) trips on a daily basis, as well as 20 fewer trips in the crucial p.m. peak hour.

Left Turn Storage

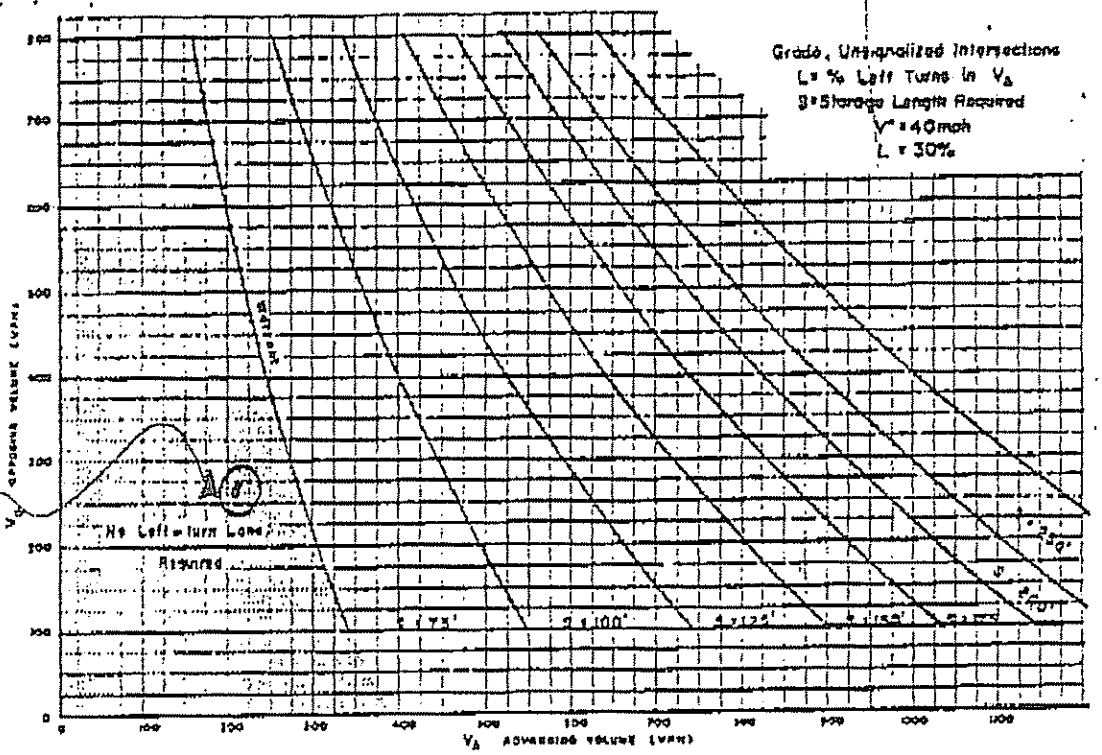
A turn movement count was conducted on Wednesday, February 28, 2001. From that count it was determined that there would be advancing background volume of 85 trips + 61 project trips (to be conservative, all inbound project traffic was assumed to be making a left into the site). The opposing volume, per the count, is 345 a.m. peak hour trips.

The percentage lefts is 41% - so the 40% Harmelink curve (attached) is being used. The 40 mph Harmelink curve is being used, because this is the posted speed on that segment of Amberly.

The point on the 40%/40 mph curve where the advancing and opposing volumes meet is plotted on the attached curve. It is clearly within the range where no left turn lane is required. Thus, the existing left turn lane does not need to be lengthened. Consequently, the driveway can remain in its current location.

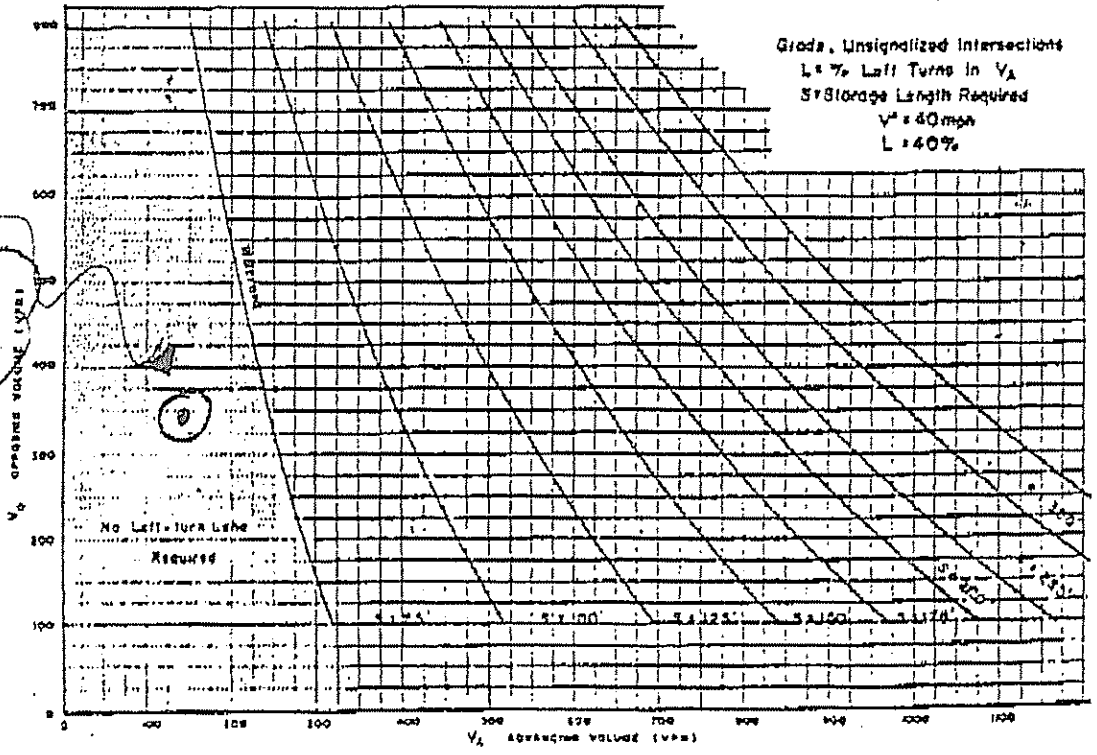
Amberly/BB Downs Intersection

Highway Capacity Software (HCS) analyses with and without project traffic were conducted for the a.m. peak hour. As stated above, turn movement counts were conducted. Project traffic was hand-assigned using the tuning percentages. The HCS analyses are attached. They indicate that the intersection operates at an acceptable LOS D, with and without project traffic.



P.M. peak

Figure 6. Warrant for left-turn storage lanes on two-lane highways.



A.M. peak

Figure 7. Warrant for left-turn storage lanes on two-lane highways.

OFFICE PARK LUC 750

A

G.F.A. AREA IN 1000'S	DAILY	P.M. PEAK	IN	OUT
37	423	56	8	47

A.M. PEAK	IN	OUT
68	61	7

MULTI-FAMILY DV LING UNITS (APARTMEN S)

E

USE W/CAUTION W/LOW NUI ER OF DU'S

DWELLING UNITS	DAILY	P.M.	OUT	IN
105	763	76	25	51
		A.M.	OUT	IN
		55	47	9

HCS: Signalized Intersections Release 3.2

Inter: BBDowns/Amberly
Analyst:
Date: 3/2/01
E/W St: Amberly

City/St:
Proj #:
Period: a.m. w/out project
N/S St: BBDowns

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	1	1	1	1	1	2	1	1	2	1
LGConfig	L	T	R	L	T	R	L	T	R	L	T	R
Volume	17	38	290	51	58	187	24	1312	81	50	2103	3
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	P				NB Left	P		
Thru	P				Thru	P		
Right	P				Right	P		
Peds					Peds			
WB Left	P				SB Left	P		
Thru	P				Thru	P		
Right	P				Right	P		
Peds					Peds			
NB Right	P				EB Right	P		
SB Right	P				WB Right	P		
Green	25.0					50.0		
Yellow	3.0					3.0		
All Red	1.5					1.5		

Cycle Length: 84.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound								
L	404	1359	0.05	0.298	21.2	C		
T	565	1900	0.07	0.298	21.4	C	3.6	A
R	1615	1615	0.20	1.000	0.3	A		
Westbound								
L	412	1386	0.14	0.298	22.3	C		
T	565	1900	0.11	0.298	21.8	C	8.2	A
R	1615	1615	0.13	1.000	0.2	A		
Northbound								
L	90	152	0.30	0.595	16.7	B		
T	2149	3610	0.68	0.595	13.3	B	12.6	B
R	1615	1615	0.06	1.000	0.1	A		
Southbound								
L	120	201	0.47	0.595	22.0	C		
T	2149	3610	1.09	0.595	64.9	E	63.8	E
R	1615	1615	0.00	1.000	0.0+	A		

Intersection Delay = 37.8 (sec/veh) Intersection LOS = D

HCS: Signalized Intersections Release 3.2

Inter: BBDowns/Amberly
Analyst:
Date: 3/2/01
E/W St: Amberly

City/St:
Proj #:
Period: a.m. w/ project
N/S St: BBDowns

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	1	1	1	1	1	1	2	1	1	2	1
LGConfig	L	T	R	L	T	R	L	T	R	L	T	R
Volume	17	38	296	51	91	187	51	1312	81	50	2103	4
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			0			0			0			0

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	P				NB Left P			
Thru	P				Thru P			
Right	P				Right P			
Peds					Peds			
WB Left	P				SB Left P			
Thru	P				Thru P			
Right	P				Right P			
Peds					Peds			
NB Right	P				EB Right P			
SB Right	P				WB Right P			
Green	25.0				50.0			
Yellow	3.0				3.0			
All Red	1.5				1.5			

Cycle Length: 84.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound								
L	391	1314	0.05	0.298	21.3	C		
T	565	1900	0.07	0.298	21.4	C	3.6	A
R	1615	1615	0.20	1.000	0.3	A		
Westbound								
L	412	1386	0.14	0.298	22.3	C		
T	565	1900	0.18	0.298	22.6	C	9.8	A
R	1615	1615	0.13	1.000	0.2	A		
Northbound								
L	90	152	0.63	0.595	40.4	D		
T	2149	3610	0.68	0.595	13.3	B	13.5	B
R	1615	1615	0.06	1.000	0.1	A		
Southbound								
L	120	201	0.47	0.595	22.0	C		
T	2149	3610	1.09	0.595	64.9	E	63.8	E
R	1615	1615	0.00	1.000	0.0+	A		

EXHIBIT "B"

PROPOSED CHANGE: Tampa Palms DRI as Amended;

Waterford Construction and Development, Inc., proposes an amendment to the Development Order to permit the use of a trade off mechanism for professional office development on 3.5 acres of land, previously approved for multi-family (attached) up to 35 units per acre or 105 units.

Revised Map H is amended to reflect this change and is enclosed herein.

MICHAEL D. HOKNER
& ASSOCIATES
PLANNING CONSULTANTS
14502 N. Dale Mabry Hwy., Suite 200
Tampa, Florida 33618

January 30, 2001

Ms. Susan Johnson
City Hall, 3rd Floor, North Wing
306 East Jackson Street
Tampa, Florida 33602

Dear Ms. Johnson:

RE: Tampa Palms NOPC (DRI #200)
3.5 acre tract at Amberly Road and Bruce B. Downs

This letter to address the questions raised in Mr. Kent Fast's January 26, 2001, letter to you. Mr. Fast concurred with the land use proposed at the subject site, and with the proposed access to Amberly Road. But, he suggested that Land Use Code (LUC) 720 – Medical/Dental Office Building might be more appropriate than LUC 750 – Office Park.

As I explained to Mr. Fast when we talked on the telephone, LUC 750 – Office Park, is definitely the more appropriate LUC for two reasons. First, there is nothing restricting the proposed office park to medical/dental uses. Similar office parks that this developer has built now house, for example, engineering firms and CPA offices.

Secondly, LUC 720 – Medical/Dental Office Building refers to one building (singular). However, multiple small buildings are proposed for this site. And, Mr. Fast's letter states that, "I realize that the planned development may closely resemble a cluster of relatively small buildings rather than a single building. If that were the case, the trip generation could be less."

In summary, LUC 750 – Office Park is the more appropriate LUC and, as it is the one used in my study, no changes to the study are warranted at this time.

Sincerely,

Elizabeth Rodriguez
Principal

CC: John Meyer, TBRPC
Michael D. Horner, Michael D. Horner & Associates
Marina Pennington, DCA
Kent Fast, FDOT
Mahdi Mansour, City of Tampa

Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

JAN 29 2001

January 26, 2001

Ms. Susan Lynn Johnson
City Hall, 3rd Floor, North Wing
306 East Jackson Street
Tampa, Florida 33602

Re: Tampa Palms NOPC (DRI # 200)
3.5 acre tract at Amberly Road and Bruce B. Downs
Hillsborough County, Florida

Dear Ms. Johnson:

I spoke with Ms. Elizabeth Rodriguez (the applicant's representative) regarding the construction of 37,000 square feet of professional/medical offices on a 3.5 acre parcel along Bruce B Downs. As I told Ms. Rodriguez, generally I welcome the concept of a land development other than residential for that area. From a traffic standpoint, the directional distribution may slightly help the traffic situation, as compared to multi family residential development. I would encourage the developer to orient the project driveway onto Amberly Drive.

However, I question the use of ITE land use code 750 (office park) to calculate the traffic generated by the proposed development. In my professional opinion, ITE land use code 720 (medical-dental office building) would be more appropriate. Using ITE code 720, the projected traffic generation would increase to 161 PM peak hour trips, and 1337 daily trips. I realize that the planned development may closely resemble a cluster of relatively small buildings rather than a single building. If that were the case, the trip generation could be less. I wanted to raise the point for the City's consideration. I have no strong objection to the proposed change. Thank you for this opportunity to comment.

Sincerely,

Kent Fast

Kent Fast, AICP
DRI Coordinator

cc: John Healey, Hillsborough County
John Meyer, Tampa Bay RPC
Michael Horner, Principal, Michael D. Horner and Associates
Elizabeth Rodriguez, Elizabeth Rodriguez & Associates
Marina Pennington, Dept. of Community Affairs

F:\pl730kf\dri_revi\dri01\010126.200

#65

CITY OF TAMPA

Janett S. Martin, CMC, City Clerk — Office of City Clerk

November 21, 2000

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

File No. DZ85-75 - Ordinance 2000-310

Dear Sirs:

The City Council of the City of Tampa met in regular session on November 16, 2000, at 9:00 a.m. During this session, the enclosed ordinance was adopted, approving the twentieth amendment to the development order for Tampa Palms, for the petition filed by Lennar Homes Inc., which amends Map H, Master Plan for Tampa Palms regarding park areas.

Sincerely,

Janett S. Martin, CMC
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 2000-310

315 E. Kennedy Blvd., City Hall • Tampa, FL 33602 • 813/274-8396 • FAX: 813/274-8306
l: ctyclerk@ci.tampa.fl.us

CC - TBRPC

ORDINANCE NO. 2000-310

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TWENTIETH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY LENNAR HOMES, INC., REGARDING TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Tampa Palms Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions"; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park

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mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 ("Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46 ("Sixth Amendment"), approved an amendment to the Tampa Palms Development Order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park land use designation; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 ("Seventh Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the buildout date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "Sixth Amendment"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 ("Eighth Amendment"), approved an amendment to the Tampa Palms Development Order to add 36 multi-family family units to Parcel 3A, and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City, by Ordinance No. 94-120 ("Ninth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 4 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines for access, utilities, and infrastructure, removal of a golf course, changes to the park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood

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Commercial parcels, adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses; and amendments to the Phasing Schedule and Phasing Map to remove the Public Facilities site from Phase 3 to Phase 2 and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City, by Ordinance No. 94-235-A ("Tenth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 3 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, changes to park location, changes to the Regional Commercial, Community Commercial and Neighborhood Commercial, deletion of the interchange in Area 3 along Interstate 75, realignment of Tampa Palms Boulevard and Compton Drive, approval of new tradeoff ratios, removal of a church site, removal of a fire station, and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on December 7, 1995, the City, by Ordinance 95-258 ("Eleventh Amendment"), approved a specific trade-off mechanism whereby a maximum of 23 of the 32 acres of Office Park in Area 1 could be converted to up to 336 multi-family residential units; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 ("Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the notification submitted in connection therewith; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 ("Thirteenth Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 ("Fourteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2 for a church, school, day care facility and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 ("Fifteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2, Tract 6A, in order to authorize the use of that parcel as a school in addition to its use as a church; and

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WHEREAS, on September 30, 1999, the City, by Ordinance No. 99-219 ("Sixteenth Amendment") approved an amendment to the Tampa Palms Development Order approving a one-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 ("Seventeenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility is to be constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237 ("Eighteenth Amendment") approved an amendment to the Tampa Palms Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 ("Nineteenth Amendment") approved an amendment to the Tampa Palms Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on April 21, 2000, Lennar Homes, Inc. ("Lennar"), the owner of the majority of the undeveloped area of Tampa Palms lying northeast of the TECO Easement and northwest of County Road 581, more commonly known as Area 4 of the Tampa Palms DRI ("Notification Property"), described in Exhibit "A," attached hereto, filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), F.S." (hereinafter referred to as the "Notification"), and subsequently in response to review agency comments filed responses (hereinafter referred to as "Responses") which Notification and Responses are attached hereto as Exhibit "B"; and

WHEREAS, the changes proposed in the Notification are amendments to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including (i) revising Map H to reflect the correct boundary and acreage of preservation lands, replace an 11.6 acre active park with a 6.2 acre passive park, remove a 2.5 acre neighborhood commercial site, modify 2.0 acres of area now designated as "lake" to be a single-family parcel, and reflect the appropriate corridor for the east/west roadway; (ii) revise the owner's obligations pertaining to parks to reflect the Map H changes; (iii) allow flexibility in the use of the 12.5 acre multi-family parcel; and (iv) amendments to certain development order conditions described in the Notification (hereinafter referred to as "Proposed Changes"); and

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WHEREAS, the City Council, as the governing body of the local government having jurisdiction pursuant to Chapter 380, is authorized and empowered to consider the Notification and to approve amendments to DRIs; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the Proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following findings of fact:

A. The owner of the Notification Property described in Exhibit "A" attached hereto, submitted the Notification to the City.

B. The Notification is attached hereto as Exhibit "B," and the Revised Master Plan, Map H, dated August 29, 2000 is attached hereto as Exhibit "C" (the "Revised Master Plan").

C. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237 and 2000-257 (the "Development Order") is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was determined not to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

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E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create 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 (1999).

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Revised Master Plan, attached hereto as Exhibit "C" will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the

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various departments of the City and Lennar are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification attached hereto and made a part hereof as Exhibit "B," are hereby approved and adopted and become a part of the Tampa Palms DRI Development Order, except as specifically modified herein.

B. Adoption of Revised Master Plan: The Revised Master Plan, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "C," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

C. Section 3, Paragraph H, of Ordinance 94-210, the Ninth Amendment is hereby amended to read:

Parks: The owner of the Notification Property, its successors or assigns, shall be required to provide park sites as shown on the Revised Master Plan.

The owner shall develop a 20.1-24.2 acre active park site ("Active Park") located northwest of Tampa Palms Boulevard for the benefit of the homeowners of the Notification Property. The owner will commence construction of the first half of the Active Park on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property. The owner will commence construction of the second half of the Active Park on or before the issuance of a certificate of occupancy for the 840th residential unit within the Notification Property. Improvements and amenities to the Active Park shall include one or more of (but not be limited to) the following amenities: clubhouse, playground equipment, tennis, racket ball, a pool, basketball courts and fitness course. The final acreage amount of the Active Park and the final selection of these improvements and amenities will be made by the owner, its successors or assigns. The owner shall be prohibited from reducing the aggregate size of the Active Park to less than 20.1 acres and shall be prohibited from reducing the total Park acreage for Area 4 to less than 45.2 acres.

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The owner shall maintain the remainder of the park sites as passive parks and shall provide pedestrian access to the passive park sites prior to or in conjunction with commencement of development of any adjacent development parcel. More specifically, pedestrian access to the 40.3 acre passive park site (which means pedestrian access to two parcels of passive park area: the small parcel that adjoins a 39.8 acre single family parcel and the large parcel separated from the small parcel by jurisdictional area) and the 9.8 acre passive park site shall occur prior to or in conjunction with the issuance of the first certificate of occupancy within any developable pod that immediately adjoins the respective passive parks. Since residential development does not adjoin the four acre and one acre passive park sites, pedestrian access to these more isolated sites will occur at the same time that pedestrian access to the 9.8 acre passive park is required. The owner may dedicate the Passive Parks for public use on recorded subdivision plats of DRI property. The locations of the proposed Active Park and the proposed Passive Parks, as shown on the Revised Master Plan, are intended to provide residents the opportunity to move easily among a variety of recreational and open space areas.

The approved Passive Park acreage may be reduced slightly to reflect the approved alignment of the Roadway Corridors (the East West Road and the extension of Road B). The owner of the Road Corridor right-of-way and the Notification Property will work to provide the most efficient road alignment that maximizes the amount of Passive Park acreage. Any reduction in Passive Park acreage resulting from the alignment of the Road Corridors shall not be considered a substantial deviation, provided, however, the total Park acreage for Area 4 is not reduced below 45.2 acres. As described in Section 3, Paragraph G of Ordinance 94-210, which is further amended herein, a notice of proposed change application for the East-West Road shall be processed to review the alignment and construction of the East-West Road. The final amount of each Park acreage and the parcel configurations shall be provided at that time.

The owner has dedicated to the City 40 acres of upland real property for purposes of a public City recreation complex.

The owner will provide an environmental awareness program for residents of the Notification Property. This program will include one or all of the following: providing educational flyers in model/sales centers, habitat identification signs, exhibits, displays.

D. Section 3, Paragraph G of Ordinance 94-210 (the Ninth Amendment), as previously amended by Ordinance No. 96-167 (Twelfth Amendment), Ordinance No. 99-219 (Sixteenth Amendment), and Ordinance No. 2000-257 (Nineteenth Amendment), is hereby amended to read:

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Future Alternative Roadway Corridors: The City is considering construction of an east-west arterial roadway as depicted on Revised Map H, which arterial will connect to I-75 through Area 8 of Tampa Technology Park DRI and to I-275 through a 160' right-of-way traversing so-called Area 5 to the west of Area 4 of Tampa Palms. The connection to I-275 will consist of a NB to EB exit from I-275 and a WB to SB entrance to I-275. Together, this east-west arterial and connection to I-75 and I-275 are referred to herein as the East-West Road. Any time prior to October 7, 2002, the City may notify in writing the owner(s) of the property through which the East-West Road and Road B, including the extension of Road B shown on the revised Master Plan (together, the "Roadway Corridors"), of the City's intention to proceed with construction of any or all of the roads to be located within the Roadway Corridors. Any such written notice from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the road(s). Upon receipt of such a written notice, the owner(s) of the property required for construction within the Roadway Corridor(s) shall dedicate by fee simple deed, (i) for the East-West Road, 160 feet of right-of-way (except that 150 feet of right-of-way shall be dedicated for those portions of the East-West Road which abut portions of Area 4 designated for single-family residential development); and, (ii) for Road B, 80 feet of right-of-way, for so much of the Roadway Corridor(s) as the City or implementing agency intends to construct roads. Transportation impact fee credits for the right-of-way dedication, calculated in accordance with the City Transportation Impact Fee Ordinance in effect at the time of the dedication, shall be granted to the owner(s) and shall be useable or assignable by such owner(s), as allowed by law.

Nothing herein shall prohibit the owner(s) from pursuing construction and dedication of all or part of either of the Roadway Corridors in advance of the City.

Nothing herein shall prohibit the owner(s) and the City from entering into a development agreement to define further the construction of the Roadway Corridors.

Prior to construction of the East-West Road, a notification of proposed change application, pursuant to Section 380.06, Florida Statutes, shall be submitted by the City of Tampa to review the impacts of the alignment and construction of the East-West Road and any other related issues.

Park, residential and nonresidential development parcel configurations as shown on the Revised Map H as being within and/or adjacent to the East-West Road may be adjusted to accommodate the final alignment of the East-West Road and to maintain the approved development entitlements.

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These adjustments shall not be determined to be substantial deviations. The final development parcel configurations will be depicted on a revised master plan to be adopted when the notification of proposed change application for the East-West Road is processed. The owner of the East-West Road right-of-way shall work cooperatively with Lennar on the parcel configuration.

E. Effect of Revisions: The Revised Master Plan attached hereto and made a part hereof as Exhibit "C" which incorporates the above described revisions and re-locations, is hereby approved and adopted and shall supersede all previously adopted master plans, land use table and phasing schedule information.

F. Concurrency: The Proposed Changes approved by this Twentieth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

G. Section L of Ordinance No. 96-167, pertaining to the 2.5 acre Neighborhood Commercial parcel is hereby deleted in its entirety. Notwithstanding the removal of the 2.5 acre Neighborhood Commercial parcel from the Revised Master Plan, the 15,000 square feet of Neighborhood/Commercial use remains available for use on any other Area 4 parcel which is designated for commercial use.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Twentieth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237 and 2000-257 which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment was specifically repealed in Ordinance 93-109.) All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer, and all owners of Notification Property and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent

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jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and Lennar Homes, Inc., c/o Mr. Robert Ahrens, President, Central/West Florida Land Division, 1110 Douglas Avenue, Suite 2040, Altamonte Springs, Florida 32714.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. Lennar shall record a notice of adoption of this Ordinance, pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City 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, FLORIDA, ON NOV 16 2000.

ATTEST:

CITY CLERK

CHAIRMAN, CITY COUNCIL
PRO-TEM

Approved by me on NOV 17 2000

ACTING MAYOR

APPROVED AS TO FORM AND CONTENT BY:

ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

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#211268 v5 - Lennar/Tampa Palms/Ordinance

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2000-310 on file in my office
Witness my hand and official seal this 17th day of Nov, 2000

JANETT S. MARTIN, CITY CLERK
BY: SANDRA S. MARSHALL, DEPUTY CITY CLERK

EXHIBIT "A"

NOTIFICATION PROPERTY LEGAL DESCRIPTION

Certified as true
and correct copy.

Legal Description:

TAMPA PALMS AREA 4 ZONING

DESCRIPTION: A parcel of land lying in Sections 21, 22, 23, 26 and 27, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 22, run thence along the North boundary of the Northwest 1/4 of said Section 22, S.89°45'09"E., 2663.36 feet to the Northeast corner of said Northwest 1/4 of Section 22; thence along the East boundary of said Northwest 1/4 of Section 22, S.00°04'06"W., 2640.14 feet to the center of said Section 22; thence along the North boundary of the Southeast 1/4 of said Section 22, S.89°52'54"E., 2659.65 feet to the Northeast corner of said Southeast 1/4 of Section 22; thence along the North boundary of the South 1/2 of the aforesaid Section 23, S.89°30'00"E., 2688.71 feet to a point on the Northwesterly right-of-way line of the Northwest Frontage Road of Interstate Highway No. 75 at County Road No. 581; thence along said Northwesterly right-of-way line the following four (4) courses: 1) S.39°27'46"W., 436.67 feet; 2) S.41°45'14"W., 298.06 feet to a point of curvature; 3) Southerly, 180.64 feet along the arc of a curve to the left having a radius of 115.00 feet and a central angle of 90°00'00" (chord bearing S.03°14'46"E., 162.63 feet) to a point of tangency; 4) S.48°14'46"E., 3.00 feet to a point on the Northwesterly right-of-way line of County Road No. 581; thence along said Northwesterly right-of-way line of County Road No. 581, S.41°43'09"W., 5803.83 feet to the most Easterly corner of the property described in Official Record Book 4862, Page 0334, of the Public Records of Hillsborough County, Florida; thence along the Northeasterly boundary of said property, N.48°16'51"W., 295.00 feet; thence along the Northwesterly boundary of said property, S.41°43'09"W., 292.93 feet to a point on the Northeasterly boundary of a 100 foot wide Florida Power Corporation Easement as described in Deed Book 1627, Page 87, of the Public Records of Hillsborough County, Florida; thence along the Northeasterly boundary of said property described in Deed Book 1627, Page 87, also being the Southwesterly boundary of the aforesaid property described in Official Record Book 4862, Page 0334, S.47°21'09"E., 295.04 feet to a point on the aforesaid Northwesterly right of way line of County Road No. 581; thence along said Northwesterly right-of-way line, S.41°43'09"W., 100.01 feet to a point on the Southwesterly boundary of the aforesaid property described in Deed Book 1627, Page 87; thence along said Southwesterly boundary and the Northeasterly boundary of a 200 foot wide Tampa Electric Company right-of-way as described in Official Record Book 1169, Page 54, of the Public Records of Hillsborough County, Florida, N.47°21'09"W., 4677.06 feet; thence along the Southerly boundary of said property described in Official Record Book 1169, Page 54, N.88°58'22"W., 3960.45 feet to a point on the West boundary of the Southeast 1/4 of the Southwest 1/4 of the aforesaid Section 21; thence along said West boundary, N.00°01'35"E., 896.96 feet; thence along the West boundary of the Northeast 1/4 of said Southwest 1/4 of Section 21, N.00°12'27"W., 1327.00 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 21, N.00°23'57"W., 1326.75 feet; thence along the West boundary of the Northeast 1/4 of said Northwest 1/4 of Section 21, N.00°21'27"W., 1324.11 feet to the Northwest corner of said Northeast 1/4 of the Northwest 1/4 of Section 21, thence along the North boundary of said Northeast 1/4 of the Northwest 1/4 of Section 21, S.88°40'19"E., 1344.34 feet; thence along the North boundary of the Northeast 1/4 of said Section 21, S.88°54'49"E., 2663.84 feet to the BEGINNING.

Containing 1196.982 acres, more or less.

LESS:

TAMPA PALMS AREA 4 UNIT 2 / 3A, as Recorded in Plat Book 69, Page 51, Public Records of Hillsborough County, Florida.

Containing 33.634 acres, more or less.

ALSO LESS:

THAT Portion of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the North boundary of the Southwest 1/4 of Section 23, Township 27 South, Range 19 East

Containing 22.635 acres, more or less.

Certified as true and correct copy.

EXHIBIT A

ALSO LESS:

ST. JAMES UNITED METHODIST CHURCH AT TAMPA PALMS LOT 1

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

From the Northwest corner of Section 26, Township 27 South, Range 19 East, run thence S.89°31'00"E., 545.40 feet along the North boundary of said Section 26 to a point on the Northwesterly right-of-way line of County Road No. 581; thence S.41°43'09"W., 3135.87 feet along said right-of-way line to a point of curvature; thence Southwesterly, 54.98 feet along the arc of curve to the right having a radius of 35.00 feet and a central angle of 90°00'00" (chord bearing S.86°43'09"W., 49.50 feet); thence N.48°16'51"W., 166.62 feet to the POINT OF BEGINNING; thence N.48°16'51"W., 238.38 feet to a point of curvature; thence Northwesterly, 101.30 feet along the arc of a curve to the right having a radius of 550.00 feet and a central angle of 10°33'10" (chord bearing N.43°00'16"W., 101.16 feet) to a point of tangency; thence N.37°43'41"W., 96.00 feet to a point of curvature; thence Northwesterly, 119.72 feet along the arc of a curve to the left having a radius of 650.00 feet and a central angle of 10°33'10" (chord bearing N.43°00'16"W., 119.55 feet) to a point of tangency; thence N.48°16'51"W., 7.79 feet; thence N.41°43'09"E., 568.43 feet; thence S.67°22'16"E., 77.39 feet; thence S.37°59'25"E., 127.64 feet; thence S.22°09'50"E., 100.86 feet; thence S.06°28'17"W., 67.57 feet; thence S.01°09'15"W., 103.71 feet; thence S.30°02'26"E., 65.66 feet; thence N.78°52'57"W., 36.60 feet; thence S.49°42'17"W., 48.11 feet; thence N.75°05'17"W., 50.52 feet; thence S.25°06'14"W., 79.36 feet; thence S.35°45'25"W., 101.69 feet; thence S.03°05'18"W., 57.99 feet; thence S.30°39'52"E., 55.12 feet; thence S.50°45'37"E., 67.59 feet; thence S.41°43'09"W., 83.52 feet to the POINT OF BEGINNING.

Containing 5.522 acres, more or less.

ALSO LESS:

TAMPA PALMS AREA 4 G.T.E. REMOTE SWITCHING UNIT

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

From the Northwest corner of the Southwest 1/4 of said Section 23, run thence along the North boundary of said Southwest 1/4 of Section 23, S.89°30'00"E., 781.98 feet to a point on the Westerly boundary of Commerce Park Boulevard, TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the map or plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said Westerly boundary the following five (5) courses: 1) S.00°43'09"W., 218.38 feet to a point of curvature; 2) Southwesterly, 406.31 feet along the arc of a curve to the right having a radius of 1940.00 feet and a central angle of 12°00'00" (chord bearing S.05°43'09"W., 405.57 feet) to a point of tangency; 3) S.12°43'09"W., 245.64 feet to a point of curvature; 4) Southwesterly, 53.03 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 86°48'35" (chord bearing S.56°07'26"W., 48.10 feet) to a point of reverse curvature; 5) Northwesterly, 13.36 feet along the arc of a curve to the left having a radius of 1672.00 feet and a central angle of 00°27'28" (chord bearing N.80°42'00"W., 13.36 feet); thence continue Northwesterly, 312.44 feet along the arc of said curve to the left having a radius of 1672.00 feet and a central angle of 10°42'24" (chord bearing N.86°16'57"W., 311.99 feet) to a point of compound curvature; thence Southwesterly, 446.01 feet along the arc of a curve to the left having a radius of 1425.00 feet and a central angle of 17°55'59" (chord bearing S.79°23'52"W., 444.19 feet) to a point of tangency; thence S.70°25'52"W., 76.05 feet to a point of curvature; thence Southwesterly, 194.32 feet along the arc of a curve to the left having a radius of 1660.00 feet and a central angle of 06°42'25" (chord bearing S.66°04'39"W., 194.21 feet) to the POINT OF BEGINNING; thence continue Southwesterly, 28.02 feet along the arc of said curve to the left having a radius of 1660.00 feet and a central angle of 00°58'01" (chord bearing S.63°14'26"W., 28.02 feet); thence N.24°43'21"W., 159.61 feet; thence N.65°16'39"E., 57.04 feet; thence S.59°26'02"E., 107.05 feet; thence S.65°16'39"W., 90.00 feet; thence S.24°43'21"E., 70.61 feet to the POINT OF BEGINNING.

Containing 0.223 acres, more or less.

Certified as true and correct copy.

ALSO LESS:

TAMPA PALMS AREA 4 TAMPA PALMS BOULEVARD 9TH. EXTENSION PUMP STATION

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

From the Northwest corner of the Southwest 1/4 of said Section 23, run thence along the North boundary of said Southwest 1/4 of Section 23, S.89°30'00"E., 781.98 feet; thence S.00°43'09"W., 218.38 feet to a point of curvature; thence Southwesterly, 406.31 feet along the arc of a curve to the right having a radius of 1940.00 feet and a central angle of 12°00'00" (chord bearing S.06°43'09"W., 405.57 feet) to a point of tangency; thence S.12°43'09"W., 245.64 feet to a point of curvature; thence Southwesterly, 53.03 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 86°48'35" (chord bearing S.56°07'26"W., 48.10 feet) to a point of reverse curvature; thence Northwesterly, 13.36 feet along the arc of a curve to the left having a radius of 1672.00 feet and a central angle of 00°27'28" (chord bearing N.80°42'00"W., 13.36 feet); thence continue Northwesterly, 312.44 feet along the arc of said curve to the left having a radius of 1672.00 feet and a central angle of 10°42'24" (chord bearing N.86°16'57"W., 311.99 feet) to a point of compound curvature; thence Southwesterly, 446.01 feet along the arc of a curve to the left having a radius of 1425.00 feet and a central angle of 17°55'59" (chord bearing S.79°23'52"W., 444.19 feet) to a point of tangency; thence S.70°25'52"W., 76.05 feet to a point of curvature; thence Southwesterly, 25.40 feet along the arc of a curve to the left having a radius of 1660.00 feet and a central angle of 00°52'36" (chord bearing S.69°59'34"W., 25.40 feet) to the POINT OF BEGINNING; thence continue Southwesterly, 168.92 feet along the arc of said curve to the left having a radius of 1660.00 feet and a central angle of 05°49'49" (chord bearing S.66°38'21"W., 168.84 feet); thence N.24°43'21"W., 70.61 feet; thence N.65°16'39"E., 90.00 feet; thence S.59°59'26"E., 36.48 feet; thence S.76°53'16"E., 73.10 feet to the POINT OF BEGINNING.

Containing 0.199 acres, more or less.

TOGETHER WITH:

TAMPA PALMS AREA 8 (TAMPA TECHNOLOGY PARK WEST) LAND SWAP PARCEL

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

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°37'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING.

Containing 17.341 acres, more or less.

ALSO TOGETHER WITH:

LOT 2 of TAMPA PALMS AREA 4 UNIT 2 / 3A, as Recorded in Plat Book 69, Page 51, Public Records of Hillsborough County, Florida.

Containing 14.381 acres, more or less.

ALTOGETHER Containing 1166.491 acres, more or less.

Certified as true and correct copy.

EXHIBIT "B"

NOTIFICATION AND RESPONSES
Index

1. Submittal of the NOPC Application, dated April 21, 2000.
2. Letter to Susan Johnson, dated June 20, 2000, amending NOPC application.
3. Letter to Susan Johnson, dated July 26, 2000, amending NOPC application.
4. Letter to Susan Johnson, dated August 29, 2000, amending NOPC application.
5. Letter to Susan Johnson, dated September 7, 2000, amending NOPC application.
6. Letter to Susan Johnson, dated October 26, 2000, amending NOPC application.
7. Letter to Susan Johnson, dated October 31, 2000, amending NOPC application.

Certified as true and correct copy.

EXHIBIT "C"

TAMPA PALMS REVISED MASTER PLAN,
DATED AUGUST 29, 2000

Certified as true
and correct copy.

Revised Master Plan

Map H

Located in Original Development Order Book

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF RESOURCE MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850) 488-8466

RPM-BSP-PROPCHANGE-1

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 council, and the state land planning agency according to this form.

1. I, ROGER A. LARSON, the undersigned authorized representative of LENNAR HOMES, INC., hereby give notice of a proposed change to a previously approved Development of Regional Impact (DRI) in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, the Applicant submits the following information concerning the TAMPA PALMS development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed Notification to the City of Tampa (the "City"), to the Tampa Bay Regional Council ("TBRPC"), and to the Bureau of Resource Management, Department of Community Affairs ("DCA").

Authorized Representative for Lennar:

4/21/00
(Date)

Roger A. Larson, Esquire

Certified as true and correct copy.

2. Applicant:

Lennar Homes, Inc.
Attn: Robert Ahrens, President
Central/West Florida Land Division
1110 Douglas Avenue, Suite 2040
Altamonte Springs, FL 32714
Phone: 407-682-9291
Fax: 407-682-1977

3. Authorized Agents:

Roger A. Larson, Esquire
Timothy A. Johnson, Jr., Esquire
Johnson, Blakely, Pope, Bokor,
Ruppel & Burns, P.A.
P.O. Box 1368
Clearwater, Florida 33757-1368
Phone: (727) 461-1818
Fax: (727) 441-8617

4. Location of approved DRI and proposed change:

The TAMPA PALMS DRI is located within the incorporated area of the City. More specifically, the DRI real property lies in Section 27, Township 27 South, Range 19 East, in Hillsborough County, Florida (DRI Property).

The changes proposed in this application involve Area 4 of the DRI Property, which is more particularly described on Exhibit "A" attached hereto and incorporated herein. Although reference is made throughout this application to changes to Tampa Palms, the Applicant is not proposing changes to any portion of the DRI Property other than Area 4.

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

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be

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requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

Tampa Palms Area 4 is approximately 75 percent built at this time, and development approvals have been received for over 85 percent of the project. On November 30, 1998, Lennar Land Partners, an affiliate of the Applicant, sold approximately 827 acres (368.4 acres of which is located in Area 4) to Hillsborough County, Florida, in connection with the Environmental Lands Acquisition and Protection Program ("ELAPP"). Based on the remaining lands after the ELAPP sale and the configuration of the Area 4 parcels remaining to be developed, the Applicant would like to make certain revisions to Map H to be consistent with the ELAPP sale and to have flexibility with regard to development of the 14.1 acre business commercial/hotel parcel and the 12.5 acre multi-family parcel; however the Applicant is not requesting any additional entitlements.

The Applicant is filing this Notification of Proposed Change Application (NOPC) to:

(1) Revise Map H to reflect the appropriate boundary lines and acreage of the ELAPP Lands in Area 4;

(2) Replace the 11.6 acre active park in the southwesterly portion of Area 4 with a 6.2 acre passive park and revise the park requirements set forth in the development order accordingly;

(3) Remove the 2.5-acre neighborhood commercial site in the southwesterly portion of Area 4;

(4) Update the corridor for the East-West Road to reflect its current location;

(5) Revise Road B with regard to points of connection;

(6) Revise Map H to provide that the 14.1-acre business commercial/hotel parcel in the northeasterly portion of Area 4 may be developed as currently approved (Business/Commercial and Hotel) or as any mix of

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Business/Commercial, Hotel and/or Multi-Family which is allowed by trade-off mechanisms in accordance with Section 3, Paragraph F, Ordinance No. 94-210 of the Development Order;

(7) Revise Map H to provide that the 12.5 acre multi-family parcel in the southeasterly portion of Area 4 may be developed as currently approved or as any combination of Single-Family, Multi-Family or Neighborhood Commercial which is allowed by trade-off mechanisms in accordance with Section 3, Paragraph F of Ordinance No. 94-210, of the Development Order;

(8) Revise Map H to clarify the access from 18.5 acre and 11.2 acre single-family parcels of Area 4 and extension of Road A into the adjoining property (outside of the DRI).

Attached hereto as Exhibit "B" is a Revised Master Plan, Map H for Tampa Palms Area 4, dated April 21, 2000, prepared by Heidt & Associates, Inc. ("Revised Map H").

As shown on Revised Map H, the Applicant is not seeking to increase any of the existing development entitlements for Area 4; however, due to the ELAPP sale and changes in the configuration and use of some of the parcels, as stated above, Revised Map H reflects revised acreages for Area 4 as follows:

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AREA 4 ACREAGE COMPARISON

LAND USES	APPROVED ACREAGE	PROPOSED ACREAGE	NET INCREASE/DECREASE
Residential – 0-5 units/acre	258.3 acres	197.7 acres	-60.6 acres
Commercial	25.2 acres	22.7 acres	-2.5 acres
Community Facilities Parks	117.8 acres 90.9 acres	72.1 acres 45.2 acres	-45.7 acres[1] -45.7 acres[1]
Recreational Facilities Parks	90.9 acres 90.9 acres	45.2 acres 45.2 acres	-45.7 acres[1] -45.7 acres[1]
Open Space	749.9 acres	818.6 acres	+68.7 acres

The following paragraphs address each of the proposed changes in more detail:

1. ELAPP. The open space acreage on Revised Map H has increased as a result of the lands sold to Hillsborough County as part of the ELAPP sale.

2. Replacement of 11.6-acre Active Park. The 11.6 acre active park shown on the currently approved Map H is partially located in an area which has now been set aside for possible construction of an east-west road connecting I-75 with I-275 and it is no longer feasible or logical to develop an active park at that location. The development order requires that the owner commence construction of this park on or before the issuance of certificates of occupancy for 950 residential units in Area 4. The park is no longer needed in light of a new 40-acre park in Area 8 which has been facilitated by the Applicant. Revised Map H proposes a 6.2 acre passive park in place of the 11.6 acre active park. In addition, the 40.3 acre passive park has been removed from Revised Map H because it is located within the ELAPP lands. These proposed changes will require the revision

[1] The 45.7 acre reduction in parkland is comprised of a 40.3 acre passive park site which was included in the ELAPP sale and the replacement of an 11.6 acre active park with a 6.2 acre passive park.

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of the minimum Active Park and Park acreages set forth in Section 3, Paragraph H of Ordinance 94-210. (See Note #7 on Revised Map H.)

3. Removal of 2.5-acre Neighborhood Commercial Site. The 2.5-acre neighborhood commercial site is also partially located in an area that has been set aside for possible construction of the East-West Road connecting I-75 with I-275. This area is also in close proximity to the ELAPP Lands and the Cypress Creek Conservation Area and is no longer a feasible location for a neighborhood commercial use. The Applicant is not proposing to reduce the 15,000 square foot neighborhood commercial entitlement associated with this park but to place the commercial development on another parcel in Area 4 suitable for commercial development, such as the 12.5 acre multi-family parcel which is hereinafter proposed for flexible development. (See Note #11 on Revised Map H.) Accordingly, Section 3 (L), Ordinance 94-210 of the Development Order, which pertains to the possible relocation of this site, should be deleted in its entirety.

4. East-West Road. Ordinance No. 99-219 extended by approximately one year the date by which the City must notify the owner of the City's intention to proceed with the development of the East-West Road as set forth in Section 3(F) of Ordinance No. 96-167. Although Section 3(F) calls for the determination of the width of the corridor at such time as it is determined in Tampa Technology Park, a pending NOPC in Tampa Technology Park designates the corridor as 150 feet in width. The Revised Map H reflects the extension of the 150 foot corridor from its location as set forth on the Map H, Master Plan for Tampa Technology Park.

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5. Road B. Revised Map H reflects the current terminus of Road B and an arrow as to the point of connection.

6. 14.1 acre Business Commercial/Hotel Parcel. The Applicant is requesting that the 14.1 acre business commercial/hotel parcel in the northeasterly portion of Area 4 may be developed as it is currently planned or as any combination of Business Commercial, Hotel and/or Multi-family which is allowed through trade-off mechanisms set forth in the development order. (See Note #10 on Revised Map H.)

7. 12.5 acre Multi-family Parcel. The Applicant is requesting that the 12.5 acre multi-family parcel may be developed as any combination of Multi-family, Single-family and/or Neighborhood Commercial that is allowed through existing entitlements and trade-off mechanisms set forth in the development order. For example, there will be 15,000 square feet of Neighborhood Commercial entitlements available as a result of removal of the 2.5 acre parcel that would be available to be on any other parcel designated for commercial use. (See Note #11 on Revised Map H.)

8. Revision of Map H. Revised Map H includes arrows from the 18.5 acre and 11.2 acre single-family parcels of Area 4 and extension of Road A into the adjoining property outside of the DRI.

The precise language proposed as amendments to the Development Order that would effectuate these changes is presented in a proposed ordinance attached hereto as **Exhibit "C"**.

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

Please refer to the Substantial Deviation Determination Chart, attached hereto as Exhibit "D".

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 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?

On October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "Development Order"); and

On November 19, 1980, the Board of County Commissioner of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

On January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

On April 18, 1985, the City, by Ordinance 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

On September 5, 1985, the City, by Ordinance 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions; and

On September 5, 1985, the City, by Ordinance No. 9016-A (the "Second Amendment"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

On December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the

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then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "1988 Development Agreement") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

On June 20, 1992, the City, by Ordinance No. 91-98 (the "Third Amendment"), approved an amendment to the Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

October 10, 1991, the City, by Ordinance No. 91-193 (the "Fourth Amendment"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

On December 19, 1991, the City, by Ordinance No. 91-228 (the "Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

On March 25, 1993, the City, by Ordinance 93-46 (the "Sixth Amendment"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

On May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

On August 5, 1993, the City, by Ordinance No. 93-109 (the "Seventh Amendment"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the

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build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "Sixth Amendment"); and

On June 30, 1994, the City, by Ordinance No. 94-121 (the "Eighth Amendment"), approved an amendment to the Development order to add 36 multi-family units to Parcel 3A and to delete 55 single family units from Parcel 4A2; and

On October 20, 1994, the City adopted Ordinance No. 94-210 (the "Ninth Amendment"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notifications submitted in connection therewith; and

On November 17, 1994, the City adopted Ordinance No. 94-235-A (the "Tenth Amendment"), which Ordinance adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single family, retail or office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification; and

On December 7, 1995, the City adopted Ordinance No. 95-258 (the "Eleventh Amendment"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

On August 15, 1996, the City adopted Ordinance No. 96-167 (the "Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

On March 20, 1997, the City adopted Ordinance No. 97-61 (the "Thirteenth Amendment"), which Ordinance approved an amendment to the approved plan of

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development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

On January 7, 1999, the City adopted Ordinance 99-01 (the "Fourteenth Amendment") which Ordinance approved property in Area 2 for a church, school, day care facility and a Hart Line Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

On January 7, 1999, the City adopted Ordinance 99-02 (the "Fifteenth Amendment") which Ordinance approved property in Area 2 for a school use ancillary to a church site; and

On October 7, 1999, the City adopted Ordinance 99-219 (the "Sixteenth Amendment") which Ordinance approved a five-year extension of the deadline for the City to designate the East/West Roadway.

There has not been a change in the local government jurisdiction of any portion of the development since the last amendment to the 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, and intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

No additional lands have been purchased or optioned.

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

The Proposed Changes do not trigger any of the numerical criteria set forth in Paragraph 380.06(19)(b), Florida Statutes.

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

Yes XX No _____

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

No.

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

No.

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

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

Please refer to Revised Master Plan, Map H for Tampa Palms Area 4, attached hereto as Exhibit "B."

13. Pursuant to Subsection 380.06(10)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

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

Attached hereto as Exhibit "C" is a proposed Ordinance setting forth the precise development order amendment language.

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.

04/21/00 11:15 AM d-2
34119.97527
#205712 v1 - Lennar/TTW/NOPC2000

Legal Description:

TAMPA PALMS AREA 4 ZONING

DESCRIPTION: A parcel of land lying in Sections 21, 22, 23, 26 and 27, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 22, run thence along the North boundary of the Northwest 1/4 of said Section 22, S.89°45'09"E., 2663.36 feet to the Northeast corner of said Northwest 1/4 of Section 22; thence along the East boundary of said Northwest 1/4 of Section 22, S.00°04'06"W., 2640.14 feet to the center of said Section 22; thence along the North boundary of the Southeast 1/4 of said Section 22, S.89°52'54"E., 2659.65 feet to the Northeast corner of said Southeast 1/4 of Section 22; thence along the North boundary of the South 1/2 of the aforesaid Section 23, S.89°30'00"E., 2688.71 feet to a point on the Northwesterly right-of-way line of the Northwest Frontage Road of Interstate Highway No. 75 at County Road No. 581; thence along said Northwesterly right-of-way line the following four (4) courses: 1) S.39°27'48"W., 436.67 feet; 2) S.41°45'14"W., 298.06 feet to a point of curvature; 3) Southerly, 180.64 feet along the arc of a curve to the left having a radius of 115.00 feet and a central angle of 90°00'00" (chord bearing S.03°14'46"E., 162.63 feet) to a point of tangency; 4) S.48°14'46"E., 3.00 feet to a point on the Northwesterly right-of-way line of County Road No. 581; thence along said Northwesterly right-of-way line of County Road No. 581, S.41°43'09"W., 5803.83 feet to the most Easterly corner of the property described in Official Record Book 4862, Page 0334, of the Public Records of Hillsborough County, Florida; thence along the Northeasterly boundary of said property, N.48°16'51"W., 295.00 feet; thence along the Northwesterly boundary of said property, S.41°43'09"W., 292.93 feet to a point on the Northeasterly boundary of a 100 foot wide Florida Power Corporation Easement as described in Deed Book 1627, Page 87, of the Public Records of Hillsborough County, Florida; thence along the Northeasterly boundary of said property described in Deed Book 1627, Page 87, also being the Southwesterly boundary of the aforesaid property described in Official Record Book 4862, Page 0334, S.47°21'09"E., 295.04 feet to a point on the aforesaid Northwesterly right of way line of County Road No. 581; thence along said Northwesterly right-of-way line, S.41°43'09"W., 100.01 feet to a point on the Southwesterly boundary of the aforesaid property described in Deed Book 1627, Page 87; thence along said Southwesterly boundary and the Northeasterly boundary of a 200 foot wide Tampa Electric Company right-of-way as described in Official Record Book 1169, Page 54, of the Public Records of Hillsborough County, Florida, N.47°21'09"W., 4677.06 feet; thence along the Southerly boundary of said property described in Official Record Book 1169, Page 54, N.88°58'22"W., 3960.45 feet to a point on the West boundary of the Southeast 1/4 of the Southwest 1/4 of the aforesaid Section 21; thence along said West boundary, N.00°01'35"E., 896.96 feet; thence along the West boundary of the Northeast 1/4 of said Southwest 1/4 of Section 21, N.00°12'27"W., 1327.00 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 21, N.00°23'57"W., 1326.75 feet; thence along the West boundary of the Northeast 1/4 of said Northwest 1/4 of Section 21, N.00°27'27"W., 1324.77 feet to the Northwest corner of said Northeast 1/4 of the Northwest 1/4 of Section 21, thence along the North boundary of said Northeast 1/4 of the Northwest 1/4 of Section 21, S.88°40'19"E., 1344.34 feet; thence along the North boundary of the Northeast 1/4 of said Section 21, S.88°54'49"E., 2663.84 feet to the BEGINNING.

Containing 1196.982 acres, more or less.

LESS:

TAMPA PALMS AREA 4 UNIT 2 / 3A, as Recorded in Plat Book 69, Page 51, Public Records of Hillsborough County, Florida.

Containing 33.634 acres, more or less.

ALSO LESS:

THAT Portion of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the North boundary of the Southwest 1/4 of Section 23, Township 27 South, Range 19 East.

Containing 22.635 acres, more or less.

Certified as true and correct copy.

EXHIBIT A

ALSO LESS:

ST. JAMES UNITED METHODIST CHURCH AT TAMPA PALMS LOT 1

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

From the Northwest corner of Section 26, Township 27 South, Range 19 East, run thence S.89°31'00"E., 545.40 feet along the North boundary of said Section 26 to a point on the Northwesterly right-of-way line of County Road No. 581; thence S.41°43'09"W., 3135.87 feet along said right-of-way line to a point of curvature; thence Southwesterly, 54.98 feet along the arc of curve to the right having a radius of 35.00 feet and a central angle of 90°00'00" (chord bearing S.86°43'09"W., 49.50 feet); thence N.48°16'51"W., 166.62 feet to the POINT OF BEGINNING; thence N.48°16'51"W., 238.38 feet to a point of curvature; thence Northwesterly, 101.30 feet along the arc of a curve to the right having a radius of 550.00 feet and a central angle of 10°33'10" (chord bearing N.43°00'16"W., 101.16 feet) to a point of tangency; thence N.37°43'41"W., 96.00 feet to a point of curvature; thence Northwesterly, 119.72 feet along the arc of a curve to the left having a radius of 650.00 feet and a central angle of 10°33'10" (chord bearing N.43°00'16"W., 119.55 feet) to a point of tangency; thence N.48°16'51"W., 7.79 feet; thence N.41°43'09"E., 568.43 feet; thence S.67°22'16"E., 77.39 feet; thence S.37°59'25"E., 127.64 feet; thence S.22°09'50"E., 100.86 feet; thence S.06°28'17"W., 67.57 feet; thence S.01°09'15"W., 103.71 feet; thence S.30°02'26"E., 65.66 feet; thence N.78°52'57"W., 36.60 feet; thence S.49°42'17"W., 48.11 feet; thence N.75°05'17"W., 50.52 feet; thence S.28°06'14"W., 79.36 feet; thence S.35°45'25"W., 101.69 feet; thence S.03°05'18"W., 57.99 feet; thence S.30°39'52"E., 55.12 feet; thence S.50°45'37"E., 67.59 feet; thence S.41°43'09"W., 83.52 feet to the POINT OF BEGINNING.

Containing 5.522 acres, more or less.

ALSO LESS:

TAMPA PALMS AREA 4 G.T.E. REMOTE SWITCHING UNIT

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

From the Northwest corner of the Southwest 1/4 of said Section 23, run thence along the North boundary of said Southwest 1/4 of Section 23, S.89°30'00"E., 781.98 feet to a point on the Westerly boundary of Commerce Park Boulevard, TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the map or plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said Westerly boundary the following five (5) courses: 1) S.00°43'09"W., 218.38 feet to a point of curvature; 2) Southwesterly, 406.31 feet along the arc of a curve to the right having a radius of 1940.00 feet and a central angle of 12°00'00" (chord bearing S.06°43'09"W., 405.57 feet) to a point of tangency; 3) S.12°43'09"W., 245.64 feet to a point of curvature; 4) Southwesterly, 53.03 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 86°48'35" (chord bearing S.56°07'26"W., 48.10 feet) to a point of reverse curvature; 5) Northwesterly, 13.36 feet along the arc of a curve to the left having a radius of 1672.00 feet and a central angle of 00°27'28" (chord bearing N.80°42'00"W., 13.36 feet); thence continue Northwesterly, 312.44 feet along the arc of said curve to the left having a radius of 1672.00 feet and a central angle of 10°42'24" (chord bearing N.86°16'57"W., 311.99 feet) to a point of compound curvature; thence Southwesterly, 446.01 feet along the arc of a curve to the left having a radius of 1425.00 feet and a central angle of 17°55'59" (chord bearing S.79°23'52"W., 444.19 feet) to a point of tangency; thence S.70°25'52"W., 76.05 feet to a point of curvature; thence Southwesterly, 194.32 feet along the arc of a curve to the left having a radius of 1660.00 feet and a central angle of 06°42'25" (chord bearing S.68°04'39"W., 194.21 feet) to the POINT OF BEGINNING; thence continue Southwesterly, 28.02 feet along the arc of said curve to the left having a radius of 1660.00 feet and a central angle of 00°58'01" (chord bearing S.63°14'26"W., 28.02 feet); thence N.24°43'21"W., 159.61 feet; thence N.65°16'39"E., 57.04 feet; thence S.59°26'02"E., 107.05 feet; thence S.65°16'39"W., 90.00 feet; thence S.24°43'21"E., 70.61 feet to the POINT OF BEGINNING.

Containing 0.223 acres, more or less.

Certified as true and correct copy

ALSO LESS:

TAMPA PALMS AREA 4 TAMPA PALMS BOULEVARD 9TH. EXTENSION PUMP STATION

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

From the Northwest corner of the Southwest 1/4 of said Section 23, run thence along the North boundary of said Southwest 1/4 of Section 23, S.89°30'00"E., 781.98 feet; thence S.00°43'09"W., 218.38 feet to a point of curvature; thence Southwesterly, 406.31 feet along the arc of a curve to the right having a radius of 1940.00 feet and a central angle of 12°00'00" (chord bearing S.06°43'09"W., 405.57 feet) to a point of tangency; thence S.12°43'09"W., 245.64 feet to a point of curvature; thence Southwesterly, 53.03 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 86°48'35" (chord bearing S.56°07'26"W., 48.10 feet) to a point of reverse curvature; thence Northwesterly, 13.36 feet along the arc of a curve to the left having a radius of 1672.00 feet and a central angle of 00°27'28" (chord bearing N.80°42'00"W., 13.36 feet); thence continue Northwesterly, 312.44 feet along the arc of said curve to the left having a radius of 1672.00 feet and a central angle of 10°42'24" (chord bearing N.86°16'57"W., 311.99 feet) to a point of compound curvature; thence Southwesterly, 446.01 feet along the arc of a curve to the left having a radius of 1425.00 feet and a central angle of 17°55'59" (chord bearing S.79°23'52"W., 444.19 feet) to a point of tangency; thence S.70°25'52"W., 76.05 feet to a point of curvature; thence Southwesterly, 25.40 feet along the arc of a curve to the left having a radius of 1660.00 feet and a central angle of 00°52'36" (chord bearing S.69°59'34"W., 25.40 feet) to the POINT OF BEGINNING; thence continue Southwesterly, 168.92 feet along the arc of said curve to the left having a radius of 1660.00 feet and a central angle of 05°49'49" (chord bearing S.66°38'21"W., 168.84 feet); thence N.24°43'21"W., 70.61 feet; thence N.65°16'39"E., 90.00 feet; thence S.59°59'26"E., 36.48 feet; thence S.76°53'16"E., 73.10 feet to the POINT OF BEGINNING.

Containing 0.199 acres, more or less.

TOGETHER WITH:

TAMPA PALMS AREA 8 (TAMPA TECHNOLOGY PARK WEST) LAND SWAP PARCEL

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

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING.

Containing 17.341 acres, more or less.

ALSO TOGETHER WITH:

LOT 2 of TAMPA PALMS AREA 4 UNIT 2 / 3A, as Recorded in Plat Book 69, Page 51, Public Records of Hillsborough County, Florida.

Containing 14.381 acres, more or less.

ALTOGETHER Containing 1166.491 acres, more or less.

Certified as true and correct copy

EXHIBIT A

EXHIBIT B

THE TAMPA PALMS (AREA 4)
REVISED MAP H

Certified as true
and correct copy.

JOHNSON, BLAKELY, POPE, BOKOR, RUPPEL & BURNS, P.A.
ATTORNEYS AND COUNSELLORS AT LAW

• E. D. ARMSTRONG III
BRUCE W. BARNES
JOHN T. BLAKELY
BRUCE H. BOKOR
GUY M. BURNS
JONATHAN S. COLEMAN
MICHAEL T. CRONIN
ROBERT M. DAISLEY
ELIZABETH J. DANIELS
MARION HALE
SCOTT C. ILGENFRITZ
FRANK R. JAKES
TIMOTHY A. JOHNSON, JR.
SHARON E. KRICK
ROGER A. LARSON
JOHN R. LAWSON, JR.*
MICHAEL G. LITTLE
MICHAEL C. MARKHAM
STEPHANIE T. MARQUARDT
A.R. "CHARLIE" NEAL
F. WALLACE POPE, JR.
ROBERT V. POTTER, JR.
DONALD P. REED
DARRYL R. RICHARDS
PETER A. RIVELLINI
DENNIS G. RUPPEL*
CHARLES A. SAMARKOS
CLAY C. SCHUETT
PHILIP M. SHASTEEN
JOAN M. VECCHIOLI
STEVEN H. WEINBERGER
AMBER F. WILLIAMS
JULIUS J. ZSCHAU

*OF COUNSEL

PLEASE REPLY TO CLEARWATER

FILE NO. 34119.97526

June 20, 2000

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

Re: Tampa Palms DRI (Area 4) NOPC Application

Dear Susan:

On behalf of the applicant, Lennar Homes, Inc., we hereby amend the referenced application to withdraw the request that the 14.1-acre business commercial/hotel parcel in the northeasterly portion of Area 4 may be developed as currently approved or as any mix of business commercial, hotel and/or multi-family allowed by trade-off mechanisms.

Accordingly, enclosed are 14 copies of each of the following:

1. Revised Map H, dated June 12, 2000. (Note #10 that appeared on the Revised Map H, dated April 21, 2000, has been deleted.)

2. Revised proposed ordinance. (Page 4 was revised to remove reference to the 14.1-acre business commercial/hotel parcel.)

Certified [illegible]
and [illegible]

CLEARWATER OFFICE
911 CHESTNUT STREET
POST OFFICE BOX 1368
CLEARWATER, FLORIDA 33756-1368
TELEPHONE: (727) 461-1818
TELECOPIER (727) 462-0365

TAMPA OFFICE
100 NORTH TAMPA STREET
SUITE 1800
POST OFFICE BOX 1100
TAMPA, FLORIDA 33602-5145
TELEPHONE (813) 225-2500
TELECOPIER (727)462-0365

NAPLES OFFICE
975 SIXTH AVE. S
POST OFFICE BOX 1368
NAPLES, FLORIDA 34102
TELEPHONE: (941) 435-0035
TELECOPIER: (941) 435-9992

T: 1 D

By copy of this letter, we have provided the Revised Map H and ordinance to the reviewing agencies on the enclosed distribution list.

If you have any questions or need any additional information in connection with the NOPC application, please feel free to call my legal assistant, Jayne Sears, or me.

Very truly yours,

Timothy A. Johnson, Jr.

TAJ/js
encls.
cc w/encl: Distribution List
Mr. Robert Ahrens
Jeffery S. Hills, P.E.

#216046 v1

Certified as true
and correct copy

#165c

JOHNSON, BLAKELY, POPE, BOKOR, RUPPEL & BURNS, P.A.
ATTORNEYS AND COUNSELLORS AT LAW

E. D. ARMSTRONG III
BRUCE W. BARNES
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JOAN M. VECCHIOLI
STEVEN H. WEINBERGER
AMBER F. WILLIAMS
JULIUS J. ZSCHAU

*OF COUNSEL

PLEASE REPLY TO CLEARWATER

FILE NO. 34119.97526

July 26, 2000

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

Re: Tampa Palms DRI (Area 4) NOPC Application

Dear Susan:

On behalf of the applicant, Lennar Homes, Inc., and at the request of the City, we hereby amend the referenced application to request one additional amendment to the development order, as follows:

> Amendment of the first sentence of Section 3, Paragraph G of Ordinance 94-210 (the Ninth Amendment), as previously amended by Ordinance No. 96-167 (Twelfth Amendment) and Ordinance No. 99-219 (Sixteenth Amendment), to read as follows:
>
> Future Alternative Roadway Corridors: Any time ~~within one (1) years after the effective date of this Ordinance~~ prior to October 7, 2002, the City may notify in writing the owner(s) of the roadway corridors (the East-West Road and Road B, including the extension of Road B,) shown on the revised Master Plan (the "Roadway Corridors"), of the City's intention to proceed with construction of any or all of the roads to be located within the Roadway Corridors.

Enclosed is a proposed ordinance amending the development order. The ordinance has been revised to add a new Section 3.D containing the above amendment and renumber subsequent sections.

CLEARWATER OFFICE
911 CHESTNUT STREET
POST OFFICE BOX 1368
CLEARWATER, FLORIDA 33756-1368
TELEPHONE: (727) 461-1818
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975 SIXTH AVE. S
POST OFFICE BOX 1368
NAPLES, FLORIDA 34102
TELEPHONE: (941) 435-0035
TELECOPIER: (941) 435-9992

By copy of this letter, we have provided the revised NOPC submittal to the reviewing agencies on the enclosed distribution list.

If you have any questions or need any additional information in connection with the NOPC application, please feel free to call my legal assistant, Jayne Sears, or me.

Very truly yours,

Timothy A. Johnson, Jr. (js)

Timothy A. Johnson, Jr.

SIGNED IN ATTORNEY'S ABSENCE
TO PREVENT DELAY IN MAILING

TAJ/js
encls.
cc w/encl: Distribution List
Mr. Robert Ahrens
Jeffery S. Hills, P.E.

#218387 v1

Certified

ORDINANCE NO. 00-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE SEVENTEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY LENNAR HOMES, INC., REGARDING TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Tampa Palms Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions"; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-96 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park

mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 ("Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46 ("Sixth Amendment"), approved an amendment to the Tampa Palms Development Order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park land use designation; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 ("Seventh Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the buildout date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "Sixth Amendment"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 ("Eighth Amendment"), approved an amendment to the Tampa Palms Development Order to add 36 multi-family family units to Parcel 3A, and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City, by Ordinance No. 94-120 ("Ninth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 4 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines for access, utilities, and infrastructure, removal of a golf course, changes to the park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and

Neighborhood Commercial parcels, adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses; and amendments to the Phasing Schedule and Phasing Map to remove the Public Facilities site from Phase 3 to Phase 2 and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City, by Ordinance No. 94-235-A ("Tenth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 3 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, changes to park location, changes to the Regional Commercial, Community Commercial and Neighborhood Commercial, deletion of the interchange in Area 3 along Interstate 75, realignment of Tampa Palms Boulevard and Compton Drive, approval of new tradeoff ratios, removal of a church site, removal of a fire station, and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on December 7, 1995, the City, by Ordinance 95-258 ("Eleventh Amendment"), approved a specific trade-off mechanism whereby a maximum of 23 of the 32 acres of Office Park in Area 1 could be converted to up to 336 multi-family residential units; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 ("Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the notification submitted in connection therewith; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 ("Thirteenth Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 ("Fourteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2 for a church, school, day care facility and a Hardline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 ("Fifteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2, Tract 6A, in order to authorize the use of that parcel as a school in addition to its use as a church; and

WHEREAS, on October 7, 1999, the City, by Ordinance No. 99-219 ("Sixteenth Amendment") approved an amendment to the Tampa Palms Development Order approving a one-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors; and

WHEREAS, on April 21, 2000, Lennar Homes, Inc. ("Lennar"), the owner of the majority of the undeveloped area of Tampa Palms lying northeast of the TECO Easement and northwest of County Road 581, more commonly known as Area 4 of the Tampa Palms DRI ("Notification Property"), described in Exhibit "A," attached hereto, filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), F.S." (hereinafter referred to as the "Notification"), and subsequently in response to review agency comments filed responses (hereinafter referred to as "Responses") which Notification and Responses are attached hereto as Exhibit "B"; and

WHEREAS, the changes proposed in the Notification are amendments to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including (i) revising Map H to reflect the correct boundary and acreage of preservation lands, replace an 11.6 acre active park with a 6.2 acre passive park, remove a 2.5 acre neighborhood commercial site and reflect the appropriate corridor for the east/west roadway; (ii) revise the owner's obligations pertaining to parks to reflect the Map H changes; (iii) allow flexibility in the use of the 12.5 acre multi-family parcel; (iv) a two-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors and (v) amendments to certain development order conditions described in the Notification (hereinafter referred to as "Proposed Changes"); 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 the Notification and to approve amendments to DRIs; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the Proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following findings of fact:

A. The owner of the Notification Property described in Exhibit "A" attached hereto, submitted the Notification to the City.

B. The Notification is attached hereto as Exhibit "B," and the Revised Master Plan, Map H, dated June 12, 2000 is attached hereto as Exhibit "C" (the "Revised Master Plan").

C. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02 and 99-219 (the "Development Order") is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was determined not to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create 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 (1999).

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Revised Master Plan, attached hereto as Exhibit "C" will not unreasonably interfere with the achievement

of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and Lennar are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification attached hereto and made a part hereof as Exhibit "B," are hereby approved and adopted and become a part of the Tampa Palms DRI Development Order, except as specifically modified herein.

B. Adoption of Revised Master Plan: The Revised Master Plan, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "C," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

C. Section 3, Paragraph H, of Ordinance 94-210, the Ninth Amendment is hereby amended to read:

Parks: The owner of the Notification Property, its successors or assigns, shall be required to provide park sites as shown on the Revised Master Plan.

The owner shall develop ~~two~~ a 20.1-24.2 acre Active Park sites located northwest of Tampa Palms Boulevard for the benefit of the homeowners of the Notification Property~~: (i) a 20.1-24.2 acre park located northwest of Tampa Palms Boulevard and (ii) a 11.3-11.6 acre park located along the western boundary line~~. The owner will commence construction of the first half of the approximate 24.2 acre park site on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property. The owner will commence construction of the second half of the approximate 24.2 acre park site on or before the issuance of certificates of occupancy for the 840th residential unit within the Notification Property. ~~The owner will commence construction of the approximate 11.6 acre active park site on or before the issuance of certificates of occupancy for 950 residential units within the Notification Property.~~ Improvements and amenities to ~~these two~~this active park sites shall include one or more of (but not be limited to) the following amenities: clubhouse, playground equipment, tennis, racket ball, a pool, basketball courts and fitness course. The final acreage amount of ~~each~~ the Active Park and the final selection of these improvements and amenities will be made by the owner, its successors or assigns. The owner, shall be prohibited from reducing the aggregate size of the ~~two~~ Active Park sites to less than ~~31.4~~ 20.1 acres and shall be prohibited from reducing the total Park acreage for Area 4 to less than ~~86.5~~ 45.2 acres.

The owner shall maintain the ~~55.1 acres of the~~ remainder of the park sites as passive parks and shall provide pedestrian access to the passive park sites prior to or in conjunction with commencement of development of any adjacent development parcel. More specifically, pedestrian access to the 40.3 acre passive park site (which means pedestrian access to two parcels of passive park area: the small parcel that adjoins a 39.8 acre single family parcel and the large parcel separated from the small parcel by jurisdictional area) and the 9.8 acre passive park site shall occur prior to or in conjunction with the issuance of the first certificate of occupancy within any developable pod that immediately adjoins the respective passive parks. Since residential development does not adjoin the four

acre and one acre passive park sites, pedestrian access to these more isolated sites will occur at the same time that pedestrian access to the 9.8 acre passive park is required. The owner may dedicate the Passive Parks for public use on recorded subdivision plats of DRI property. The locations of the proposed Active Parks and the proposed Passive Parks, as shown on the Revised Master Plan, are intended to provide residents the opportunity to move easily among a variety of recreational and open space areas.

The approved Passive Park acreage may be reduced slightly to reflect the approved alignment of the Roadway Corridors (the East West Road and the extension of Road B). The owner of the Road Corridor right-of-way and the Notification Property will work to provide the most efficient road alignment that maximizes the amount of Passive Park acreage. Any reduction in Passive Park acreage resulting from the alignment of the Road Corridors shall not be considered a substantial deviation, provided, however, the total Park acreage for Area 4 is not reduced below ~~86.5~~ 45.2 acres. As described in Section 3, Paragraph G of Ordinance 94-210, which is further amended herein, a notice of proposed change application for the East-West Road shall be processed to review the alignment and construction of the East-West Road. The final amount of each Park acreage and the parcel configurations shall be provided at that time.

The owner shall dedicate to the City, or the City shall otherwise provide for, up to 40 acres of upland real property for purposes of a public City recreation complex (the "Public Park Property"). The Public Park Property shall be either within the Notification Property, the DRI Property, or located on other real property located within the area commonly known as University North or New Tampa and which is developable, accessible, and useable by the residents of Tampa Palms as well as other City residents. Unless the City otherwise provides the Public Park Property, the owner shall dedicate the Public Park Property on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property, or upon identification of a funding source by the City Parks Department for construction of amenities on the Public Park Property, whichever occurs first.

Nothing herein shall prohibit the owner and the City from entering into a development agreement to define further the provision of the Public Park Property.

The owner will provide an environmental awareness program for residents of the Notification Property. This program will include one or all of the following: providing educational flyers in model/sales centers, habitat identification signs, exhibits, displays.

D. The first sentence of Section 3, Paragraph G of Ordinance 94-210 (the Ninth Amendment), as previously amended by Ordinance No. 96-167 (Twelfth Amendment) and Ordinance No. 99-219 (Sixteenth Amendment), is hereby amended to read:

Future Alternative Roadway Corridors: ~~Any time within one (1) years after the effective date of this Ordinance~~ prior to October 7, 2002, the City may notify in writing the owner(s) of the roadway corridors (the East-West Road and Road B, including the extension of Road B,) shown on the revised Master Plan (the "Roadway Corridors"), of the City's intention to proceed with construction of any or all of the roads to be located within the Roadway Corridors.

E. Effect of Revisions: The Revised Master Plan attached hereto and made a part hereof as Exhibit "C" which incorporates the above described revisions and re-locations, is hereby approved and adopted and shall supersede all previously adopted master plans, land use table and phasing schedule information.

F. Concurrency: The Proposed Changes approved by this Seventeenth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

G. Section L of Ordinance No. 96-167, pertaining to the 2.5 acre Neighborhood Commercial parcel is hereby deleted in its entirety. Notwithstanding the removal of the 2.5 acre Neighborhood Commercial parcel from the Revised Master Plan, the 15,000 square feet of Neighborhood/Commercial use remains available for use on any other Area 4 parcel which is designated for commercial use.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Seventeenth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02 and 99-219, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment was specifically repealed in Ordinance 93-109.) All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer, and all owners of Notification Property and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and Lennar Homes, Inc., c/o Mr. Robert Ahrens, President, Central/West Florida Land Division, 1110 Douglas Avenue, Suite 2040, Altamonte Springs, Florida 32714.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. Lennar shall record a notice of adoption of this Ordinance, pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City 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, FLORIDA, ON _____.

ATTEST:

_____
CHAIRMAN, CITY COUNCIL

_____
CITY CLERK

Approved by me on _____

APPROVED AS TO FORM AND CONTENT BY:

_____
MAYOR

_____
ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

07/25/00 9:51 AM d-1
34119.097525
#211268 v1 - Lennar/Tampa Palms/Ordinance

EXHIBIT "A"

NOTIFICATION PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

NOTIFICATION AND RESPONSES
Index

1. Submittal of the NOPC Application, dated April 21, 2000.

2. Letter to Susan Johnson, dated June 20, 2000, amending NOPC application.

3. Letter to Susan Johnson, dated July 26, 2000, amending NOPC application.

EXHIBIT "C"

TAMPA PALMS REVISED MASTER PLAN,
DATED JUNE 12, 2000

Certified as true
and correct copy.

JOHNSON, BLAKELY, POPE, BOKOR, RUPPEL & BURNS, P.A.
ATTORNEYS AND COUNSELLORS AT LAW

E. D. ARMSTRONG III
BRUCE W. BARNES
JOHN T. BLAKELY
BRUCE H. BOKOR
GUY M. BURNS
JONATHAN S. COLEMAN
MICHAEL T. CRONIN
ROBERT M. DAISLEY
ELIZABETH J. DANIELS
MARION HALE
SCOTT C. ILGENFRITZ
FRANK R. JAKES
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SHARON E. KRICK
ROGER A. LARSON
JOHN R. LAWSON, JR.*
MICHAEL G. LITTLE
MICHAEL C. MARKHAM
STEPHANIE T. MARQUARDT
A.R. "CHARLIE" NEAL
F. WALLACE POPE, JR.
ROBERT V. POTTER, JR.
DONALD P. REED
DARRYL R. RICHARDS
PETER A. RIVELLINI
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JOAN M. VECCHIOLI
STEVEN H. WEINBERGER
AMBER F. WILLIAMS
JULIUS J. ZSCHAU

*OF COUNSEL

PLEASE REPLY TO CLEARWATER

FILE NO. 34119.97526

August 29, 2000

Via Facsimile and U.S. Mail

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

Re: Tampa Palms DRI (Area 4) NOPC Application

Dear Susan:

On behalf of the applicant, Lennar Homes, Inc., we hereby amend the referenced application to include the following request:

Addition of a 2.0 acre single-family parcel located north of Tampa Palms Boulevard, easterly of Road A and westerly of Commerce Park Boulevard. This area is shown on the approved Map H as a 3.3 acre lake. The proposed Revised Map H, dated June 12, 2000, reflects a modification of this area to a 1.3 acre lake and a 2.0 acre single-family site.

Although the change is reflected on Revised Map H previously submitted, we did not specifically list this change in our NOPC application and, therefore, now call it to your attention. Enclosed is a revised proposed ordinance which mentions the addition of the 2.0 acre single-family site in detail.

Please note that this change does not involve a request for any additional units.

By copy of this letter, we have provided the revised NOPC submittal to the reviewing agencies on the enclosed distribution list.

CLEARWATER OFFICE
911 CHESTNUT STREET
POST OFFICE BOX 1368
CLEARWATER, FLORIDA 33757-1368
TELEPHONE: (727) 461-1818
TELECOPIER (727) 462-0365

TAMPA OFFICE
100 NORTH TAMPA STREET
SUITE 1800
POST OFFICE BOX 1100
TAMPA, FLORIDA 33602-5145
TELEPHONE (813) 225-2500
TELECOPIER (727)462-0365

NAPLES OFFICE
975 SIXTH AVE. S
POST OFFICE BOX 1368
NAPLES, FLORIDA 34102
TELEPHONE: (941) 435-0035
TELECOPIER: (941) 435-9992

If you have any questions or need any additional information in connection with the NOPC application, please feel free to call my legal assistant, Jayne Sears, or me.

Very truly yours,

Timothy A. Johnson, Jr.

TAJ/js
encl.
cc w/encl: Mr. Robert Ahrens
Jeffery S. Hills, P.E.
Distribution List

#220947 v1

Certified as true
and correct copy

NOPC DISTRIBUTION LIST

Agency	Number of Submittals
Mr. John Meyer Tampa Bay Regional Planning Council 9455 Koger Boulevard, Suite 219 St. Petersburg, FL 33702	2 + TA
Mr. Don Skelton Florida Department of Transportation, District 7 11201 N. McKinley Drive, MS-7-300 Tampa, FL 33612	2 + TA
Ms. Kathy Liles Mr. Mack Craig Mr. Louis Fernandez Florida Department of Environmental Protection 3804 Coconut Palm Drive Tampa, FL 33619	2
Mr. George W. Percy State Historic Preservation Officer Chief, Bureau of Historic Preservation Division of Historical Resources Department of the State The Capitol Tallahassee, FL 32399	Q30 & Legal
Mr. James Beever, III Office of Environmental Services Florida Game & Fresh Water Commission 29200 Tucker's Grade Punta Gorda, FL 33955	1
Mr. Mark Phelps Southwest Florida Water Management District 2379 Broad Street Brooksville, FL 34609-6899	6
Mr. Richard Deadman Ms. Debra Parrish Office of Intergovernmental Programs Department of Environmental Protection 39000 Commonwealth Blvd., MS-47 Tallahassee, FL 32399	

Mr. Dennis Harmon, Director Office of Tourism, Trade & Economic Development 2001 Capitol The Executive Office of the Governor Tallahassee, FL 32399-0001	1
Ms. Maria Abadal Department of Community Affairs Division of Resource Planning & Management 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100	2 + TA
Mr. A. J. Salem Planning Division U.S. Army Corps of Engineers 400 West Bay Street (32202) Post Office Box 4970 Jacksonville, FL 32232-0019	1
Dr. Russell Nelson Marine Fisheries Commission 2540 Executive Center Circle W. Suite 106 Tallahassee, FL 32301	1
Mr. Jerry Maxwell, General Manager West Coast Regional Water Supply 2535 Landmark Drive, Suite 211 Clearwater, FL 33761	1
District Conservationist U.S. District of Agriculture Soil Conservation Service 1001 E. Baker Street, Suite 403 Plant City, FL 33566	1
Ms. Barbara Lenczewski Florida Natural Areas Inventory 1018 Thomasville Road, Suite 200-C Tallahassee, FL 32303	1

Certified as true
and correct copy

Mr. David Ferrell, Field Supervisor U.S. Fish & Wildlife Service 1360 U.S. Hwy. One Suite 5 Post Office Box 2676 Vero Beach, FL 32961-2676	1
Mr. Donald Palmer, Wildlife Biologist U.S. Fish & Wildlife Service 6620 South Pointe Drive S. Suite 310 Jacksonville, FL 32216	1
Ms. Jean Murphy Urban Wildlife Specialist Department of Wildlife & Range Sciences 12175 125th Street North Largo, FL 34644	1
Mr. Joe Zambito, Sr. Planning Manager Hillsborough County MPO 601 E. Kennedy Boulevard, 18th Floor Tampa, FL 33602	1 + TA
Mr. John Healey Hillsborough County Planning & Growth Management Department 601 E. Kennedy Blvd., 20th Floor Tampa, FL 33602	2 + TA
Ms. Susan Johnson DRI/Subdivision Coordinator Development Coordination City of Tampa Zoning Dept. 306 East Jackson Street, 3rd Floor North Tampa, FL 33602	14 + 2 TA
Mr. Tom LaFountain Hillsborough County Environmental Protection Commission Wetlands Section 1410 N. 21st Street Tampa, FL 33605	1

Certified as true
and correct

ORDINANCE NO. 00-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE SEVENTEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY LENNAR HOMES, INC., REGARDING TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Tampa Palms Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions"; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park

mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 ("Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46 ("Sixth Amendment"), approved an amendment to the Tampa Palms Development Order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park land use designation; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 ("Seventh Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the buildout date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "Sixth Amendment"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 ("Eighth Amendment"), approved an amendment to the Tampa Palms Development Order to add 36 multi-family family units to Parcel 3A, and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City, by Ordinance No. 94-120 ("Ninth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 4 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines for access, utilities, and infrastructure, removal of a golf course, changes to the park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and

Neighborhood Commercial parcels, adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses; and amendments to the Phasing Schedule and Phasing Map to remove the Public Facilities site from Phase 3 to Phase 2 and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City, by Ordinance No. 94-235-A ("Tenth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 3 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, changes to park location, changes to the Regional Commercial, Community Commercial and Neighborhood Commercial, deletion of the interchange in Area 3 along Interstate 75, realignment of Tampa Palms Boulevard and Compton Drive, approval of new tradeoff ratios, removal of a church site, removal of a fire station, and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on December 7, 1995, the City, by Ordinance 95-258 ("Eleventh Amendment"), approved a specific trade-off mechanism whereby a maximum of 23 of the 32 acres of Office Park in Area 1 could be converted to up to 336 multi-family residential units; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 ("Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the notification submitted in connection therewith; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 ("Thirteenth Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 ("Fourteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2 for a church, school, day care facility and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 ("Fifteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2, Tract 6A, in order to authorize the use of that parcel as a school in addition to its use as a church; and

WHEREAS, on October 7, 1999, the City, by Ordinance No. 99-219 ("Sixteenth Amendment") approved an amendment to the Tampa Palms Development Order approving a one-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors; and

WHEREAS, on April 21, 2000, Lennar Homes, Inc. ("Lennar"), the owner of the majority of the undeveloped area of Tampa Palms lying northeast of the TECO Easement and northwest of County Road 581, more commonly known as Area 4 of the Tampa Palms DRI ("Notification Property"), described in Exhibit "A," attached hereto, filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), F.S." (hereinafter referred to as the "Notification"), and subsequently in response to review agency comments filed responses (hereinafter referred to as "Responses") which Notification and Responses are attached hereto as Exhibit "B"; and

WHEREAS, the changes proposed in the Notification are amendments to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including (i) revising Map H to reflect the correct boundary and acreage of preservation lands, replace an 11.6 acre active park with a 6.2 acre passive park, remove a 2.5 acre neighborhood commercial site, modify 2.0 acres of area now designated as "lake" to be a single-family parcel, and reflect the appropriate corridor for the east/west roadway; (ii) revise the owner's obligations pertaining to parks to reflect the Map H changes; (iii) allow flexibility in the use of the 12.5 acre multi-family parcel; (iv) a two-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors and (v) amendments to certain development order conditions described in the Notification (hereinafter referred to as "Proposed Changes"); 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 the Notification and to approve amendments to DRIs; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the Proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following findings of fact:

A. The owner of the Notification Property described in Exhibit "A" attached hereto, submitted the Notification to the City.

B. The Notification is attached hereto as Exhibit "B," and the Revised Master Plan, Map H, dated June 12, 2000 is attached hereto as Exhibit "C" (the "Revised Master Plan").

C. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02 and 99-219 (the "Development Order") is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was determined not to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create 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 (1999).

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Revised Master Plan, attached hereto as Exhibit "C" will not unreasonably interfere with the achievement

of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and Lennar are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification attached hereto and made a part hereof as Exhibit "B," are hereby approved and adopted and become a part of the Tampa Palms DRI Development Order, except as specifically modified herein.

B. Adoption of Revised Master Plan: The Revised Master Plan, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "C," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

C. Section 3, Paragraph H, of Ordinance 94-210, the Ninth Amendment is hereby amended to read:

Parks: The owner of the Notification Property, its successors or assigns, shall be required to provide park sites as shown on the Revised Master Plan.

The owner shall develop ~~two~~ a 20.1-24.2 acre Active Park sites located northwest of Tampa Palms Boulevard for the benefit of the homeowners of the Notification Property~~: (i) a 20.1-24.2 acre park located northwest of Tampa Palms Boulevard and (ii) a 11.3-11.6 acre park located along the western boundary line~~. The owner will commence construction of the first half of the approximate 24.2 acre park site on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property. The owner will commence construction of the second half of the approximate 24.2 acre park site on or before the issuance of certificates of occupancy for the 840th residential unit within the Notification Property. ~~The owner will commence construction of the approximate 11.6 acre active park site on or before the issuance of certificates of occupancy for 950 residential units within the Notification Property.~~ Improvements and amenities to ~~these two~~this active park sites shall include one or more of (but not be limited to) the following amenities: clubhouse, playground equipment, tennis, racket ball, a pool, basketball courts and fitness course. The final acreage amount of ~~each~~ the Active Park and the final selection of these improvements and amenities will be made by the owner, its successors or assigns. The owner, shall be prohibited from reducing the aggregate size of the ~~two~~ Active Park sites to less than ~~31.4~~ 20.1 acres and shall be prohibited from reducing the total Park acreage for Area 4 to less than ~~86.5~~ 45.2 acres.

The owner shall maintain the ~~55.1 acres of the~~ remainder of the park sites as passive parks and shall provide pedestrian access to the passive park sites prior to or in conjunction with commencement of development of any adjacent development parcel. More specifically, pedestrian access to the 40.3 acre passive park site (which means pedestrian access to two parcels of passive park area: the small parcel that adjoins a 39.8 acre single family parcel and the large parcel separated from the small parcel by jurisdictional area) and the 9.8 acre passive park site shall occur prior to or in conjunction with the issuance of the first certificate of occupancy within any developable pod that immediately adjoins the respective passive parks. Since residential development does not adjoin the four

acre and one acre passive park sites, pedestrian access to these more isolated sites will occur at the same time that pedestrian access to the 9.8 acre passive park is required. The owner may dedicate the Passive Parks for public use on recorded subdivision plats of DRI property. The locations of the proposed Active Parks and the proposed Passive Parks, as shown on the Revised Master Plan, are intended to provide residents the opportunity to move easily among a variety of recreational and open space areas.

The approved Passive Park acreage may be reduced slightly to reflect the approved alignment of the Roadway Corridors (the East West Road and the extension of Road B). The owner of the Road Corridor right-of-way and the Notification Property will work to provide the most efficient road alignment that maximizes the amount of Passive Park acreage. Any reduction in Passive Park acreage resulting from the alignment of the Road Corridors shall not be considered a substantial deviation, provided, however, the total Park acreage for Area 4 is not reduced below ~~86.5~~ 45.2 acres. As described in Section 3, Paragraph G of Ordinance 94-210, which is further amended herein, a notice of proposed change application for the East-West Road shall be processed to review the alignment and construction of the East-West Road. The final amount of each Park acreage and the parcel configurations shall be provided at that time.

The owner shall dedicate to the City, or the City shall otherwise provide for, up to 40 acres of upland real property for purposes of a public City recreation complex (the "Public Park Property"). The Public Park Property shall be either within the Notification Property, the DRI Property, or located on other real property located within the area commonly known as University North or New Tampa and which is developable, accessible, and useable by the residents of Tampa Palms as well as other City residents. Unless the City otherwise provides the Public Park Property, the owner shall dedicate the Public Park Property on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property, or upon identification of a funding source by the City Parks Department for construction of amenities on the Public Park Property, whichever occurs first.

Nothing herein shall prohibit the owner and the City from entering into a development agreement to define further the provision of the Public Park Property.

The owner will provide an environmental awareness program for residents of the Notification Property. This program will include one or all of the following: providing educational flyers in model/sales centers, habitat identification signs, exhibits, displays.

EXHIBIT "A"

NOTIFICATION PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

NOTIFICATION AND RESPONSES
Index

1. Submittal of the NOPC Application, dated April 21, 2000.

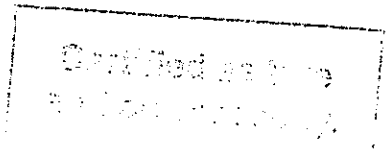
2. Letter to Susan Johnson, dated June 20, 2000, amending NOPC application.

3. Letter to Susan Johnson, dated July 26, 2000, amending NOPC application.

4. Letter to Susan Johnson, dated August 29, 2000, amending NOPC application.

EXHIBIT "C"

TAMPA PALMS REVISED MASTER PLAN,
DATED JUNE 12, 2000



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STEPHANIE T. MARQUARDT
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JOAN M. VECCHIOLI
STEVEN H. WEINBERGER
AMBER F. WILLIAMS
JULIUS J. ZSCHAU

*OF COUNSEL

PLEASE REPLY TO CLEARWATER

FILE NO. 34119.97526

September 7, 2000

Via Federal Express
Susan Johnson, DRI Coordinator
City of Tampa
3rd Floor North
306 East Jackson Street
Tampa, FL 33602

Re: Tampa Palms DRI (Area 4) NOPC Application

Dear Susan:

On behalf of the applicant, Lennar Homes, Inc., we enclose a Revised Map H for Tampa Palms DRI, dated August 29, 2000. The revised map reflects corrected acreages in the Area 4 table.

The "Area 4 Acreage Comparison" set forth in our NOPC application should read as follows:

AREA 4 ACREAGE COMPARISON

LAND USES	APPROVED ACREAGE	PROPOSED ACREAGE	NET INCREASE/DECREASE
Residential – 0-5 units/acre	258.3 acres	~~197.7~~199.7 acres	~~-60.6~~ –58.6 acres
Commercial	25.2 acres	22.7 acres	-2.5 acres
Community Facilities	117.8 acres	72.1 acres	-45.7 acres[1]
Parks	90.9 acres	45.2 acres	-45.7 acres[1]
Recreational Facilities	90.9 acres	45.2 acres	-45.7 acres[1]
Parks	90.9 acres	45.2 acres	-45.7 acres[1]
Open Space	749.9 acres	~~818.6~~813.7 acres	+~~68.7~~63.8 acres

[1] The 45.7 acre reduction in parkland is comprised of a 40.3 acre passive park site which was included in the ELAPP sale and the replacement of an 11.6 acre active park with a 6.2 acre passive park.

CLEARWATER OFFICE
911 CHESTNUT STREET
POST OFFICE BOX 1368
CLEARWATER, FLORIDA 33757-1368
TELEPHONE (727) 461-1818
TELECOPIER (727) 462-0365

TAMPA OFFICE
100 NORTH TAMPA STREET
SUITE 1800
POST OFFICE BOX 1100
TAMPA, FLORIDA 33602-5145
TELEPHONE (813) 225-2500
TELECOPIER (727)462-0365

NAPLES OFFICE
975 SIXTH AVE S.
POST OFFICE BOX 1368
NAPLES, FLORIDA 34102
TELEPHONE (941) 435-0035
TELECOPIER (941) 435-9992

Enclosed is a revised ordinance, reflecting the appropriate date of Map H.

By copy of this letter, we are providing the Revised Map H, dated August 29, 2000, to all parties on the Distribution List.

If you have any questions or need any additional information in connection with the NOPC application, please feel free to call my legal assistant, Jayne Sears, or me.

Very truly yours,

Timothy A. Johnson, Jr. (js)

Timothy A. Johnson, Jr.

TAJ/js
encl.
cc w/encl: Mr. Robert Ahrens
Jeffery S. Hills, P.E.
Distribution List

SIGNED IN ATTORNEY'S ABSENCE
TO PREVENT DELAY IN MAILING

#221669 v1

Certified as a true
and correct copy

JOHNSON, BLAKELY, POPE, BOKOR, RUPPEL & BURNS, P.A.
ATTORNEYS AND COUNSELLORS AT LAW

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STEVEN H. WEINBERGER
AMBER F. WILLIAMS
JULIUS J. ZSCHAU

*OF COUNSEL

PLEASE REPLY TO CLEARWATER

FILE NO. 34119.97526

October 26, 2000

Via Federal Express

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

Re: Tampa Palms DRI (Area 4) NOPC Application

Dear Susan:

On behalf of the applicant, Lennar Homes, Inc., we hereby enclose 14 sets of an amended Proposed DRI Development Order Ordinance in connection with the referenced NOPC application. The revisions to the ordinance are shown by revision-marks – strike-throughs show deleted text and underlines show added text.

The only substantial revision is the change shown in Section 3.D of the ordinance. This provision describes the width of the East-West Road as 160 feet (except that the Road shall be 150 feet where it abuts single-family residential development). The ordinance has also been amended to require the City, rather than the owner, to submit the NOPC relative to the East-West Road, which is consistent with the requirement in the Tampa Technology Park DRI development order. Other changes to the ordinance pertain to adding reference to Ordinance #2000-257 (Nineteenth Amendment), which was adopted on September 28, 2000.

By copy of this letter, we are providing the revised ordinance to all parties on the Distribution List.

CLEARWATER OFFICE
911 CHESTNUT STREET
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CLEARWATER, FLORIDA 33757-1368
TELEPHONE: (727) 461-1818
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975 SIXTH AVE. S
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TELEPHONE: (941) 435-0035
TELECOPIER: (941) 435-9992

If you have any questions or need any additional information in connection with the NOPC application, please feel free to call my legal assistant, Jayne Sears, or me.

Very truly yours,

Timothy A. Johnson, Jr.

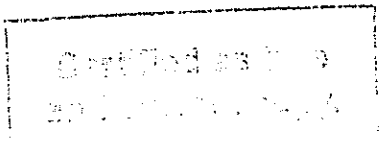
TAJ/js
encl.
cc w/encl: Mr. Robert Ahrens
Jeffery S. Hills, P.E.
Distribution List

#225159 v1

Certified as true
and correct copy

NOPC DISTRIBUTION LIST

Agency	Number of Submittals
Mr. John Meyer Tampa Bay Regional Planning Council 9455 Koger Boulevard, Suite 219 St. Petersburg, FL 33702	2 + TA
Mr. Don Skelton Florida Department of Transportation, District 7 11201 N. McKinley Drive, MS-7-300 Tampa, FL 33612	2 + TA
Ms. Kathy Liles Mr. Mack Craig Mr. Louis Fernandez Florida Department of Environmental Protection 3804 Coconut Palm Drive Tampa, FL 33619	2
Mr. George W. Percy State Historic Preservation Officer Chief, Bureau of Historic Preservation Division of Historical Resources Department of the State The Capitol Tallahassee, FL 32399	Q30 & Legal
Mr. James Beever, III Office of Environmental Services Florida Game & Fresh Water Commission 29200 Tucker's Grade Punta Gorda, FL 33955	1
Mr. Mark Phelps Southwest Florida Water Management District 2379 Broad Street Brooksville, FL 34609-6899	6
Mr. Richard Deadman Ms. Debra Parrish Office of Intergovernmental Programs Department of Environmental Protection 39000 Commonwealth Blvd., MS-47 Tallahassee, FL 32399	



Mr. Dennis Harmon, Director Office of Tourism, Trade & Economic Development 2001 Capitol The Executive Office of the Governor Tallahassee, FL 32399-0001	1
Ms. Maria Abadal Department of Community Affairs Division of Resource Planning & Management 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100	2 + TA
Mr. John R. Hall Regulatory Division U.S. Army Corps of Engineers 400 West Bay Street (32202) Post Office Box 4970 Jacksonville, FL 32232-0019	1
Mr. Jerry Maxwell, General Manager West Coast Regional Water Supply 2535 Landmark Drive, Suite 211 Clearwater, FL 33761	1
District Conservationist U.S. District of Agriculture Soil Conservation Service 1001 E. Baker Street, Suite 403 Plant City, FL 33566	1
Ms. Barbara Lenczewski Florida Natural Areas Inventory 1018 Thomasville Road, Suite 200-C Tallahassee, FL 32303	1

Certified as true
and correct copy.

Mr. David Ferrell, Field Supervisor U.S. Fish & Wildlife Service 1360 U.S. Hwy. One Suite 5 Post Office Box 2676 Vero Beach, FL 32961-2676	1
Mr. Donald Palmer, Wildlife Biologist U.S. Fish & Wildlife Service 6620 South Pointe Drive S. Suite 310 Jacksonville, FL 32216	1
Mr. Joe Zambito, Sr. Planning Manager Hillsborough County MPO 601 E. Kennedy Boulevard, 18th Floor Tampa, FL 33602	1 + TA
Mr. John Healey Hillsborough County Planning & Growth Management Department 601 E. Kennedy Blvd., 20th Floor Tampa, FL 33602	2 + TA
Ms. Susan Johnson DRI/Subdivision Coordinator Development Coordination City of Tampa Zoning Dept. 306 East Jackson Street, 3rd Floor North Tampa, FL 33602	14 + 2 TA
Mr. Tom LaFountain Hillsborough County Environmental Protection Commission Wetlands Section 1410 N. 21st Street Tampa, FL 33605	1

Certified as true
and correct copy.

ORDINANCE NO. 00-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE ~~SEVENTEENTH~~ TWENTIETH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY LENNAR HOMES, INC., REGARDING TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Tampa Palms Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions"; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park

mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 ("Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46 ("Sixth Amendment"), approved an amendment to the Tampa Palms Development Order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park land use designation; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 ("Seventh Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the buildout date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "Sixth Amendment"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 ("Eighth Amendment"), approved an amendment to the Tampa Palms Development Order to add 36 multi-family family units to Parcel 3A, and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City, by Ordinance No. 94-120 ("Ninth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 4 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines for access, utilities, and infrastructure, removal of a golf course, changes to the park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and

Neighborhood Commercial parcels, adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses; and amendments to the Phasing Schedule and Phasing Map to remove the Public Facilities site from Phase 3 to Phase 2 and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City, by Ordinance No. 94-235-A ("Tenth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 3 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, changes to park location, changes to the Regional Commercial, Community Commercial and Neighborhood Commercial, deletion of the interchange in Area 3 along Interstate 75, realignment of Tampa Palms Boulevard and Compton Drive, approval of new tradeoff ratios, removal of a church site, removal of a fire station, and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on December 7, 1995, the City, by Ordinance 95-258 ("Eleventh Amendment"), approved a specific trade-off mechanism whereby a maximum of 23 of the 32 acres of Office Park in Area 1 could be converted to up to 336 multi-family residential units; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 ("Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the notification submitted in connection therewith; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 ("Thirteenth Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 ("Fourteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2 for a church, school, day care facility and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 ("Fifteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2, Tract 6A, in order to authorize the use of that parcel as a school in addition to its use as a church; and

WHEREAS, on ~~October 7~~September 30, 1999, the City, by Ordinance No. 99-219 ("Sixteenth Amendment") approved an amendment to the Tampa Palms Development Order approving a one-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 ("Seventeenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility is to be constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237 ("Eighteenth Amendment") approved an amendment to the Tampa Palms Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 ("Nineteenth Amendment") approved an amendment to the Tampa Palms Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on April 21, 2000, Lennar Homes, Inc. ("Lennar"), the owner of the majority of the undeveloped area of Tampa Palms lying northeast of the TECO Easement and northwest of County Road 581, more commonly known as Area 4 of the Tampa Palms DRI ("Notification Property"), described in Exhibit "A," attached hereto, filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), F.S." (hereinafter referred to as the "Notification"), and subsequently in response to review agency comments filed responses (hereinafter referred to as "Responses") which Notification and Responses are attached hereto as Exhibit "B"; and

WHEREAS, the changes proposed in the Notification are amendments to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including (i) revising Map H to reflect the correct boundary and acreage of preservation lands, replace an 11.6 acre active park with a 6.2 acre passive park, remove a 2.5 acre neighborhood commercial site, modify 2.0 acres of area now designated as "lake" to be a single-family parcel, and reflect the appropriate corridor for the east/west roadway; (ii) revise the owner's obligations pertaining to parks to reflect the Map H changes; (iii) allow flexibility in the use of the 12.5 acre multi-family parcel; ~~(iv) a two-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors~~ and (iv) amendments to certain

development order conditions described in the Notification (hereinafter referred to as "Proposed Changes"); 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 the Notification and to approve amendments to DRIs; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the Proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following findings of fact:

A. The owner of the Notification Property described in Exhibit "A" attached hereto, submitted the Notification to the City.

B. The Notification is attached hereto as Exhibit "B," and the Revised Master Plan, Map H, dated August 29, 2000 is attached hereto as Exhibit "C" (the "Revised Master Plan").

C. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, ~~and~~ 99-219, 99-249, 2000-237 and 2000-257 (the "Development Order") is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was determined not to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create 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 (1999).

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Revised Master Plan, attached hereto as Exhibit "C" will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and Lennar are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification attached hereto and made a part hereof as Exhibit "B," are hereby approved and adopted and become a part of the Tampa Palms DRI Development Order, except as specifically modified herein.

B. Adoption of Revised Master Plan: The Revised Master Plan, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "C," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

C. Section 3, Paragraph H, of Ordinance 94-210, the Ninth Amendment is hereby amended to read:

Parks: The owner of the Notification Property, its successors or assigns, shall be required to provide park sites as shown on the Revised Master Plan.

The owner shall develop ~~two~~ a 20.1-24.2 acre active park sites ("Active Park") located northwest of Tampa Palms Boulevard for the benefit of the homeowners of the Notification Property~~: (i) a 20.1-24.2 acre park located northwest of Tampa Palms Boulevard and (ii) a 11.3-11.6 acre park located along the western boundary line~~. The owner will commence construction of the first half of the ~~approximate 24.2 acre park site~~Active Park on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property. The owner will commence construction of the second half of the ~~approximate 24.2 acre park site~~ Active Park on or before the issuance of a certificates of occupancy for the 840th residential unit within the Notification Property. ~~The owner will commence construction of the approximate 11.6 acre active park site on or before the issuance of certificates of occupancy for~~

~~950 residential units within the Notification Property.~~ Improvements and amenities to the ~~these two~~this Active Park ~~sites~~ shall include one or more of (but not be limited to) the following amenities: clubhouse, playground equipment, tennis, racket ball, a pool, basketball courts and fitness course. The final acreage amount of ~~each~~ the Active Park and the final selection of these improvements and amenities will be made by the owner, its successors or assigns. The owner, shall be prohibited from reducing the aggregate size of the ~~two~~ Active Park ~~sites~~ to less than ~~31.4~~ 20.1 acres and shall be prohibited from reducing the total Park acreage for Area 4 to less than ~~86.5~~ 45.2 acres.

The owner shall maintain the ~~55.1 acres of the~~ remainder of the park sites as passive parks and shall provide pedestrian access to the passive park sites prior to or in conjunction with commencement of development of any adjacent development parcel. More specifically, pedestrian access to the 40.3 acre passive park site (which means pedestrian access to two parcels of passive park area: the small parcel that adjoins a 39.8 acre single family parcel and the large parcel separated from the small parcel by jurisdictional area) and the 9.8 acre passive park site shall occur prior to or in conjunction with the issuance of the first certificate of occupancy within any developable pod that immediately adjoins the respective passive parks. Since residential development does not adjoin the four acre and one acre passive park sites, pedestrian access to these more isolated sites will occur at the same time that pedestrian access to the 9.8 acre passive park is required. The owner may dedicate the Passive Parks for public use on recorded subdivision plats of DRI property. The locations of the proposed Active Parks and the proposed Passive Parks, as shown on the Revised Master Plan, are intended to provide residents the opportunity to move easily among a variety of recreational and open space areas.

The approved Passive Park acreage may be reduced slightly to reflect the approved alignment of the Roadway Corridors (the East West Road and the extension of Road B). The owner of the Road Corridor right-of-way and the Notification Property will work to provide the most efficient road alignment that maximizes the amount of Passive Park acreage. Any reduction in Passive Park acreage resulting from the alignment of the Road Corridors shall not be considered a substantial deviation, provided, however, the total Park acreage for Area 4 is not reduced below ~~86.5~~ 45.2 acres. As described in Section 3, Paragraph G of Ordinance 94-210, which is further amended herein, a notice of proposed change application for the East-West Road shall be processed to review the alignment and construction of the East-West Road. The final amount of each Park acreage and the parcel configurations shall be provided at that time.

The owner ~~shall~~ has dedicated to the City~~, or the City shall otherwise provide for, up to~~ 40 acres of upland real property for purposes of a public City recreation complex ~~(the "Public Park Property"). The Public Park Property shall be either within the Notification Property, the DRI Property, or located on other real property located within the area commonly known as University North or New Tampa and which is developable, accessible, and useable by the residents of Tampa Palms as well as other City residents. Unless the City otherwise provides the Public Park Property, the owner shall dedicate the Public Park Property on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property, or upon identification of a funding source by the City Parks Department for construction of amenities on the Public Park Property, whichever occurs first.~~

~~Nothing herein shall prohibit the owner and the City from entering into a development agreement to define further the provision of the Public Park Property.~~

The owner will provide an environmental awareness program for residents of the Notification Property. This program will include one or all of the following: providing educational flyers in model/sales centers, habitat identification signs, exhibits, displays.

D. ~~The first sentence of~~ Section 3, Paragraph G of Ordinance 94-210 (the Ninth Amendment), as previously amended by Ordinance No. 96-167 (Twelfth Amendment), Ordinance No. 99-219 (Sixteenth Amendment), and Ordinance No. 2000-257 (Nineteenth Amendment). is hereby amended to read:

Future Alternative Roadway Corridors: Any time prior to October 7, 2002, the City may notify in writing the owner(s) of the roadway corridors (the East-West Road and Road B, including the extension of Road B) shown on the revised Master Plan (the "Roadway Corridors"), of the City's intention to proceed with construction of any or all of the roads to be located within the Roadway Corridors. Any such written notice from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the road(s). Upon receipt of such a written notice, the owner(s) of the Roadway Corridor(s) shall dedicate by fee simple deed, (i) for the East-West Road, 160 feet of right-of-way (except that 150 feet of right-of-way shall be dedicated for those portions of the East-West Road which abut portions of Area 4 designated for single-family residential development; ~~the lesser of (i) 200 feet of right-of-way or (ii) the right-of-way dimension established in the development order for the Tampa Technology Park for the East-West Road;~~ and, (ii) for Road B, 120 feet of right-of-way. Transportation impact fee credits for the right-of-way dedication, calculated in accordance with the City Transportation Impact

Fee Ordinance in effect at the time of the dedication, or as described in an adopted development agreement, shall be granted to the owner(s) and shall be useable by such owner(s) or assignable by such owner(s), at such owner(s)' sole discretion, upon notice to the City Transportation Division, solely for use by other persons or entities developing lands within the DRI only, unless otherwise authorized by City Code or policy.

Nothing herein shall prohibit the owner(s) from pursuing construction and dedication of either or both the Roadway Corridors in advance of the City.

Nothing herein shall prohibit the owner(s) and the City from entering into a development agreement to define further the construction of roads to be located within the Roadway Corridors.

Prior to construction of the East-West Road, a notification of proposed change application, pursuant to Section 380.06, Florida Statutes, shall be submitted by the ~~owner of the East-West Road and any other related issues.~~ City.

Park, residential and nonresidential development parcel configurations as shown on the Revised Master Plan as being within and/or adjacent to the East-West Road may be adjusted to accommodate the final alignment of the East-West Road and to maintain the approved development entitlements. These adjustments shall not be determined to be substantial deviations. The final development parcel configurations will be depicted on a revised master plan to be adopted when the notification of proposed change application for the East-West Road is processed. The owner of the East-West Road right-of-way shall work cooperatively with Lennar on the parcel configuration.

E. Effect of Revisions: The Revised Master Plan attached hereto and made a part hereof as Exhibit "C" which incorporates the above described revisions and re-locations, is hereby approved and adopted and shall supersede all previously adopted master plans, land use table and phasing schedule information.

F. Concurrency: The Proposed Changes approved by this ~~Seventeenth~~ Twentieth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

G. Section L of Ordinance No. 96-167, pertaining to the 2.5 acre Neighborhood Commercial parcel is hereby deleted in its entirety. Notwithstanding the removal of the 2.5 acre Neighborhood Commercial parcel from the Revised Master Plan, the 15,000 square feet of

Neighborhood/Commercial use remains available for use on any other Area 4 parcel which is designated for commercial use.

Section 4. Development Order, as Amended. This Ordinance shall constitute the ~~Seventeenth~~ Twentieth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, ~~and~~ 99-219, 99-249, 2000-237 and 2000-257 which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment was specifically repealed in Ordinance 93-109.) All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer, and all owners of Notification Property and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and Lennar Homes, Inc., c/o Mr. Robert Ahrens, President, Central/West Florida Land Division, 1110 Douglas Avenue, Suite 2040, Altamonte Springs, Florida 32714.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. Lennar shall record a notice of adoption of this Ordinance, pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City 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, FLORIDA, ON _____.

ATTEST:

_____
CHAIRMAN, CITY COUNCIL

_____
CITY CLERK

Approved by me on _____

APPROVED AS TO FORM AND CONTENT BY:

_____
MAYOR

_____
ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY
10/26/00 10:34 AM~~09/07/00 2:24 PM~~ d-1
34119.097526
#211268 v2 - Lennar/Tampa Palms/Ordinance

Certified as true and correct copy

EXHIBIT "A"

NOTIFICATION PROPERTY LEGAL DESCRIPTION

EXHIBIT "B"

NOTIFICATION AND RESPONSES
Index

1. Submittal of the NOPC Application, dated April 21, 2000.
2. Letter to Susan Johnson, dated June 20, 2000, amending NOPC application.
3. Letter to Susan Johnson, dated July 26, 2000, amending NOPC application.
4. Letter to Susan Johnson, dated August 29, 2000, amending NOPC application.
5. Letter to Susan Johnson, dated September 7, 2000, amending NOPC application.
6. Letter to Susan Johnson, dated October 26, 2000, amending NOPC application.

EXHIBIT "C"

TAMPA PALMS REVISED MASTER PLAN,
DATED AUGUST 29, 2000

Certified as true
and correct copy.

JOHNSON, BLAKELY, POPE, BOKOR, RUPPEL & BURNS, P.A.
ATTORNEYS AND COUNSELLORS AT LAW

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JOHN T. BLAKELY
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F. WALLACE POPE, JR.
ROBERT V. POTTER, JR.
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PHILIP M. SHASTEEN
JOAN M. VECCHIOLI
STEVEN H. WEINBERGER
AMBER F. WILLIAMS
JULIUS J. ZSCHAU

*OF COUNSEL

PLEASE REPLY TO CLEARWATER

FILE NO. 34119.97526

October 31, 2000

Via Federal Express
Susan Johnson, DRI Coordinator
City of Tampa, 3rd Floor North
306 East Jackson Street
Tampa, FL 33602

Re: Tampa Palms DRI (Area 4) NOPC Application

Dear Susan:

On behalf of the applicant, Lennar Homes, Inc., we hereby enclose 14 sets of an amended Proposed DRI Development Order Ordinance in connection with the referenced NOPC application.

As shown by revision-marks, Section 3.D, pertaining to the East-West Road and Road B, was revised as requested by the City.

By copy of this letter, we are providing the revised ordinance to all parties on the Distribution List. If you have any questions or need any additional information in connection with the NOPC application, please feel free to call my legal assistant, Jayne Sears, or me.

Very truly yours,

Timothy A. Johnson, Jr.

TAJ/js
encl.
cc w/encl: Mr. Robert Ahrens
Jeffery S. Hills, P.E.
Distribution List

#225159 v1

CLEARWATER OFFICE
911 CHESTNUT STREET
POST OFFICE BOX 1368
CLEARWATER, FLORIDA 33757-1368
TELEPHONE: (727) 461-1818
TELECOPIER (727) 462-0365

TAMPA OFFICE
100 NORTH TAMPA STREET
SUITE 1800
POST OFFICE BOX 1100
TAMPA, FLORIDA 33602-5145
TELEPHONE (813) 225-2500
TELECOPIER (727)462-0365

NAPLES OFFICE
975 SIXTH AVE. S
POST OFFICE BOX 1368
NAPLES, FLORIDA 34102
TELEPHONE: (941) 435-0035
TELECOPIER: (941) 435-9992

ORDINANCE NO. 00-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TWENTIETH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY LENNAR HOMES, INC., REGARDING TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Tampa Palms Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions"; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park

mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 ("Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46 ("Sixth Amendment"), approved an amendment to the Tampa Palms Development Order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park land use designation; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 ("Seventh Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the buildout date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "Sixth Amendment"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 ("Eighth Amendment"), approved an amendment to the Tampa Palms Development Order to add 36 multi-family family units to Parcel 3A, and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City, by Ordinance No. 94-120 ("Ninth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 4 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines for access, utilities, and infrastructure, removal of a golf course, changes to the park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood

Commercial parcels, adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses; and amendments to the Phasing Schedule and Phasing Map to remove the Public Facilities site from Phase 3 to Phase 2 and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City, by Ordinance No. 94-235-A ("Tenth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 3 which included updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, changes to park location, changes to the Regional Commercial, Community Commercial and Neighborhood Commercial, deletion of the interchange in Area 3 along Interstate 75, realignment of Tampa Palms Boulevard and Compton Drive, approval of new tradeoff ratios, removal of a church site, removal of a fire station, and to reflect other applicable revisions and relocations in land uses described in the notification submitted in connection therewith; and

WHEREAS, on December 7, 1995, the City, by Ordinance 95-258 ("Eleventh Amendment"), approved a specific trade-off mechanism whereby a maximum of 23 of the 32 acres of Office Park in Area 1 could be converted to up to 336 multi-family residential units; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 ("Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the notification submitted in connection therewith; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 ("Thirteenth Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 ("Fourteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2 for a church, school, day care facility and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 ("Fifteenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 2, Tract 6A, in order to authorize the use of that parcel as a school in addition to its use as a church; and

WHEREAS, on September 30, 1999, the City, by Ordinance No. 99-219 ("Sixteenth Amendment") approved an amendment to the Tampa Palms Development Order approving a one-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 ("Seventeenth Amendment") approved an amendment to the Tampa Palms Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility is to be constructed; and

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WHEREAS, on September 28, 2000, the City, by Ordinance No. 2000-257 ("Nineteenth Amendment") approved an amendment to the Tampa Palms Development Order approving an extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors to October 7, 2002; and

WHEREAS, on April 21, 2000, Lennar Homes, Inc. ("Lennar"), the owner of the majority of the undeveloped area of Tampa Palms lying northeast of the TECO Easement and northwest of County Road 581, more commonly known as Area 4 of the Tampa Palms DRI ("Notification Property"), described in Exhibit "A," attached hereto, filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), F.S." (hereinafter referred to as the "Notification"), and subsequently in response to review agency comments filed responses (hereinafter referred to as "Responses") which Notification and Responses are attached hereto as Exhibit "B"; and

WHEREAS, the changes proposed in the Notification are amendments to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including (i) revising Map H to reflect the correct boundary and acreage of preservation lands, replace an 11.6 acre active park with a 6.2 acre passive park, remove a 2.5 acre neighborhood commercial site, modify 2.0 acres of area now designated as "lake" to be a single-family parcel, and reflect the appropriate corridor for the east/west roadway; (ii) revise the owner's obligations pertaining to parks to reflect the Map H changes; (iii) allow flexibility in the use of the 12.5 acre multi-family parcel; and (iv) amendments to certain development order conditions described in the Notification (hereinafter referred to as "Proposed Changes"); 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 the Notification and to approve amendments to DRIs; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the Proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06(19), Florida Statutes, requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following findings of fact:

A. The owner of the Notification Property described in Exhibit "A" attached hereto, submitted the Notification to the City.

B. The Notification is attached hereto as Exhibit "B," and the Revised Master Plan, Map H, dated August 29, 2000 is attached hereto as Exhibit "C" (the "Revised Master Plan").

C. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237 and 2000-257 (the "Development Order") is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was determined not to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

Certified as true and correct

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create 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 (1999).

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Revised Master Plan, attached hereto as Exhibit "C" will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the

various departments of the City and Lennar are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification attached hereto and made a part hereof as Exhibit "B," are hereby approved and adopted and become a part of the Tampa Palms DRI Development Order, except as specifically modified herein.

B. Adoption of Revised Master Plan: The Revised Master Plan, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "C," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

C. Section 3, Paragraph H, of Ordinance 94-210, the Ninth Amendment is hereby amended to read:

Parks: The owner of the Notification Property, its successors or assigns, shall be required to provide park sites as shown on the Revised Master Plan.

The owner shall develop a 20.1-24.2 acre active park site ("Active Park") located northwest of Tampa Palms Boulevard for the benefit of the homeowners of the Notification Property. The owner will commence construction of the first half of the Active Park on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property. The owner will commence construction of the second half of the Active Park on or before the issuance of a certificate of occupancy for the 840th residential unit within the Notification Property. Improvements and amenities to the Active Park shall include one or more of (but not be limited to) the following amenities: clubhouse, playground equipment, tennis, racket ball, a pool, basketball courts and fitness course. The final acreage amount of the Active Park and the final selection of these improvements and amenities will be made by the owner, its successors or assigns. The owner shall be prohibited from reducing the aggregate size of the Active Park to less than 20.1 acres and shall be prohibited from reducing the total Park acreage for Area 4 to less than 45.2 acres.

The owner shall maintain the remainder of the park sites as passive parks and shall provide pedestrian access to the passive park sites prior to or in conjunction with commencement of development of any adjacent development parcel. More specifically, pedestrian access to the 40.3 acre passive park site (which means pedestrian access to two parcels of passive park area: the small parcel that adjoins a 39.8 acre single family parcel and the large parcel separated from the small parcel by jurisdictional area) and the 9.8 acre passive park site shall occur prior to or in conjunction with the issuance of the first certificate of occupancy within any developable pod that immediately adjoins the respective passive parks. Since residential development does not adjoin the four acre and one acre passive park sites, pedestrian access to these more isolated sites will occur at the same time that pedestrian access to the 9.8 acre passive park is required. The owner may dedicate the Passive Parks for public use on recorded subdivision plats of DRI property. The locations of the proposed Active Park and the proposed Passive Parks, as shown on the Revised Master Plan, are intended to provide residents the opportunity to move easily among a variety of recreational and open space areas.

The approved Passive Park acreage may be reduced slightly to reflect the approved alignment of the Roadway Corridors (the East West Road and the extension of Road B). The owner of the Road Corridor right-of-way and the Notification Property will work to provide the most efficient road alignment that maximizes the amount of Passive Park acreage. Any reduction in Passive Park acreage resulting from the alignment of the Road Corridors shall not be considered a substantial deviation, provided, however, the total Park acreage for Area 4 is not reduced below 45.2 acres. As described in Section 3, Paragraph G of Ordinance 94-210, which is further amended herein, a notice of proposed change application for the East-West Road shall be processed to review the alignment and construction of the East-West Road. The final amount of each Park acreage and the parcel configurations shall be provided at that time.

The owner has dedicated to the City 40 acres of upland real property for purposes of a public City recreation complex.

The owner will provide an environmental awareness program for residents of the Notification Property. This program will include one or all of the following: providing educational flyers in model/sales centers, habitat identification signs, exhibits, displays.

D. Section 3, Paragraph G of Ordinance 94-210 (the Ninth Amendment), as previously amended by Ordinance No. 96-167 (Twelfth Amendment), Ordinance No. 99-219 (Sixteenth Amendment), and Ordinance No. 2000-257 (Nineteenth Amendment), is hereby amended to read:

Future Alternative Roadway Corridors: The City is considering construction of an east-west arterial roadway as depicted on Revised Map H, which arterial will connect to I-75 through Area 8 of Tampa Technology Park DRI and to I-275 through a 160' right-of-way traversing so-called Area 5 to the west of Area 4 of Tampa Palms. The connection to I-275 will consist of a NB to EB exit from I-275 and a WB to SB entrance to I-275. Together, this east-west arterial and connection to I-75 and I-275 are referred to herein as the East-West Road. Any time prior to October 7, 2002, the City may notify in writing the owner(s) of the property through which the ~~roadway corridors (the~~ East-West Road and Road B~~)~~ shown on the revised Master Plan (together, the "Roadway Corridors"), of the City's intention to proceed with construction of any or all of the roads to be located within the Roadway Corridors. Any such written notice from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the road(s). Upon receipt of such a written notice, the owner(s) of the property required for construction within the Roadway Corridor(s) shall dedicate by fee simple deed, (i) for the East-West Road, 160 feet of right-of-way (except that 150 feet of right-of-way shall be dedicated for those portions of the East-West Road which abut portions of Area 4 designated for single-family residential development); and, (ii) for Road B, ~~120~~ 80 feet of right-of-way, for so much of the Roadway Corridor(s) as the City or implementing agency intends to construct roads. Transportation impact fee credits for the right-of-way dedication, calculated in accordance with the City Transportation Impact Fee Ordinance in effect at the time of the dedication, ~~or as described in an adopted development agreement,~~ shall be granted to the owner(s) and shall be useable or assignable by such owner(s), ~~or assignable by such owner(s), at such owner(s)' sole discretion, upon notice to the City Transportation Division, solely for use by other persons or entities developing lands within the DRI only, unless otherwise authorized by City Code or policy.~~as allowed by law.

Nothing herein shall prohibit the owner(s) from pursuing construction and dedication of all or part of either ~~or both~~of the Roadway Corridors in advance of the City.

Nothing herein shall prohibit the owner(s) and the City from entering into a development agreement to define further the construction of ~~roads to be located within~~ the Roadway Corridors.

Prior to construction of the East-West Road, a notification of proposed change application, pursuant to Section 380.06, Florida Statutes, shall be submitted by the City of Tampa to review the impacts of the alignment and construction of the East-West Road and any other related issues.

Park, residential and nonresidential development parcel configurations as shown on the Revised ~~Master Plan~~Map H as being within and/or adjacent to the East-West Road may be adjusted to accommodate the final alignment of the East-West Road and to maintain the approved development entitlements. These adjustments shall not be determined to be substantial deviations. The final development parcel configurations will be depicted on a revised master plan to be adopted when the notification of proposed change application for the East-West Road is processed. The owner of the East-West Road right-of-way shall work cooperatively with Lennar on the parcel configuration.

E. Effect of Revisions: The Revised Master Plan attached hereto and made a part hereof as Exhibit "C" which incorporates the above described revisions and re-locations, is hereby approved and adopted and shall supersede all previously adopted master plans, land use table and phasing schedule information.

F. Concurrency: The Proposed Changes approved by this Twentieth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

G. Section L of Ordinance No. 96-167, pertaining to the 2.5 acre Neighborhood Commercial parcel is hereby deleted in its entirety. Notwithstanding the removal of the 2.5 acre Neighborhood Commercial parcel from the Revised Master Plan, the 15,000 square feet of Neighborhood/Commercial use remains available for use on any other Area 4 parcel which is designated for commercial use.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Twentieth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249, 2000-237 and 2000-257 which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment was specifically repealed in Ordinance 93-109.) All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer, and all owners of Notification Property and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and Lennar Homes, Inc., c/o Mr. Robert Ahrens, President, Central/West Florida Land Division, 1110 Douglas Avenue, Suite 2040, Altamonte Springs, Florida 32714.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. Lennar shall record a notice of adoption of this Ordinance, pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City 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, FLORIDA, ON _____.

ATTEST:

_____
CHAIRMAN, CITY COUNCIL

_____
CITY CLERK

Approved by me on _____

APPROVED AS TO FORM AND CONTENT BY:

_____
MAYOR

_____
ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

10/31/00 2:19 PM ~~10/26/00 4:21 PM~~ d-1
34119.097526
#211268 v3 - Lennar/Tampa Palms/Ordinance

EXHIBIT "A"

NOTIFICATION PROPERTY LEGAL DESCRIPTION

Certified as true
and correct copy.

EXHIBIT "B"

NOTIFICATION AND RESPONSES
Index

1. Submittal of the NOPC Application, dated April 21, 2000.

2. Letter to Susan Johnson, dated June 20, 2000, amending NOPC application.

3. Letter to Susan Johnson, dated July 26, 2000, amending NOPC application.

4. Letter to Susan Johnson, dated August 29, 2000, amending NOPC application.

5. Letter to Susan Johnson, dated September 7, 2000, amending NOPC application.

6. Letter to Susan Johnson, dated October 26, 2000, amending NOPC application.

7. Letter to Susan Johnson, dated October 31, 2000, amending NOPC application.

Certified as true
and correct copy.

EXHIBIT "C"

TAMPA PALMS REVISED MASTER PLAN,
DATED AUGUST 29, 2000

Certified as true
and correct copy.

#65

CITY OF TAMPA

Janett S. Martin, CMC, City Clerk — Office of City Clerk

October 5, 2000

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

File No. DZ85-75 – Ordinance 2000-257

Dear Sirs:

The City Council of the City of Tampa met in regular session on September 28, 2000, at 9:00 a.m. During this session, the enclosed ordinance was adopted, approving the eighteenth amendment to a development order for Tampa Palms, ,pursuant to the petition filed by Lennar Homes Inc., regarding area 4 of Tampa Palms.

Sincerely,

Janett S. Martin, CMC
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 2000-257

315 E. Kennedy Blvd., City Hall • Tampa, FL 33602 • 813/274-8396 • FAX: 813/274-8306
l: ctyclerk@ci.tampa.fl.us

cc-TBRPC

ORDINANCE NO. 2000-257

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE NINETEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, PERTAINING TO ONE OF THE PROPOSED CHANGES REQUESTED BY LENNAR HOMES, INC., REGARDING AREA 4 OF TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No.80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa ("City") annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City ,by Ordinance 88-58-A, adopted the Tampa Palms Development Order adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City of Tampa Ordinance No. 9359-A, as amended by Ordinance No. 9466-A; and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third

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Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre Park mitigation area and development of a multi-family development of a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City by Ordinance No. 91-228 ("Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46, ("Sixth Amendment"), approved an amendment to the Tampa Palms DRI Development order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park Land Use designation; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 ("Seventh Amendment"), repealed Ordinance No. 93-46 and approved numerous changes to Map H, a conversion factor for the Business/Commercial Park Land Use designation, and a new phasing schedule; and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 ("Eighth Amendment"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3A and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 ("Ninth Amendment"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocation in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235 ("Tenth Amendment"), which Ordinance approved amendments regarding a

Certified as true and correct copy.

trade-off mechanism whereby certain lands designated for multi-family use can be converted to single family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multifamily uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines; removal of church sites; changes to park locations; realignment of the major roadways; deletion of an interchange. relocation of Commercial parcels; and other revisions and relocations in land uses described in the Notification; and

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 ("Eleventh Amendment"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 ("Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H. master Plan for Tampa Palms ("Master Plan"), including the addition of a school site, relocations of approved commercial entitlements, road realignments, changes to park sizes and locations, and amendments to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 ("Thirteenth Amendment"), approved an amendment to the Development Order approving changes involving Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 ("Fourteenth Amendment"), approved an Amendment to the Development Order, which amendment approved the use of property in Area 2 for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 ("Fifteenth Amendment"), approved an Amendment to the Development Ordinance approving changes involving Area 2, Tract 6A in order to authorize the use of that parcel as a school in addition to its current use as a church; and

Certified as true and correct copy.

WHEREAS, on September 30, 1999, the City, by Ordinance No. 99-219 (the "Sixteenth Amendment") approved an Amendment to the Development Order approving a one-year extension of the deadline for the City to notify owners of the roadway corridors (East/West Road and Road B) of the City's intention to proceed with the construction of any or all of the roads to be located within the roadway corridors; and

WHEREAS, on November 18, 1999, the City, by Ordinance No. 99-249 (the "Seventeenth Amendment"), approved an amendment to the Development Order approving changes involving Area 3 as it related to a park site and a site on which a YMCA facility is to be constructed; and

WHEREAS, on September 7, 2000, the City, by Ordinance No. 2000-237, (the "Eighteenth Amendment"), approved an amendment to the Development Order to allow for a 34,805 square foot expansion to an existing shopping center located in Area 2; and

WHEREAS, on April 21, 2000, Lennar Homes, Inc. (the "Applicant") filed a Notification of Proposed Change to a previously approved Development of Regional Impact (the "NOPC"), (which NOPC was amended on June 20, July 26 and August 29, 2000) pertaining to Area 4 and seeking approval for, among other things, a two-year extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors (the "Proposed Change") in Area 4 of the Tampa Palms DRI, as more fully described in Exhibit "A" attached hereto (the"Notification Property") pursuant to Section 380.06(19) Florida Statutes, which NOPC as well as responses to agency comments were submitted as part of the record to this Ordinance and are on file in the Office of the City Clerk; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the NOPC; and

WHEREAS, the City Council has held a duly noticed public hearing on the NOPC and has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Florida Statutes Section 380.06(19) requires that the Development Order be amended to reflect City Council's approval of the change to the Tampa Palms DRI Development Order.

Certified as true and correct copy.

NOW, THEREFORE,

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

Section 1. Findings of Fact. The City Council, having received the above-referenced documents, and having reviewed all related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial, competent, clear and convincing evidence to support the following Findings of Fact:

A. The applicant submitted the NOPC to the City requesting, among other things, approval of a two year extension to that period of time during which the City may notify in writing the owner(s) of certain roadway corridors (the East-West Road and Road B, including the extension of Road B) of the City's intention to proceed with construction of any or all of the roads to be located in those roadway corridors.

B. A comprehensive review of the impacts generated by this particular Proposed Change has been conducted by the City's Departments, the TBRPC and the DCA.

C. The Proposed Change does not individually nor cumulatively with prior changes, create additional regional impact 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 (1993).

Section 2. Conclusions of Law. The City Council having made the above Findings of Fact, renders the following Conclusions of Law:

A. Development of the Proposed Change, which development is consistent with the approved master plan, Map H, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

B. The Proposed Change is consistent with all local land use development regulations and the adopted local comprehensive plan.

Certified as true
and correct copy.

C. The Proposed Change does not create additional regional impacts to public facilities over those approved under the Development order, as amended, nor impacts that were not previously reviewed. The Proposed Change is exempt from the Provisions of Ordinance No. 90-32, City Concurrency Management System and the Tampa Palms DRI remain vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Change and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S.

E. This Order satisfies the provisions of Section 380.06(15) and (19), F.S., as amended.

F. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record in these proceedings, the various departments of the City and Applicant are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

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

A. The Proposed Change as described herein and in the Notification of Proposed Change, attached hereto and made a part hereof as Exhibit "B", is hereby approved and adopted.

B. Concurrency. The change approved by this Nineteenth Amendment to the Tampa Palms DRI Development Order is exempt from the provisions of Ordinance No. 90-32, City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

C. Section 3, Paragraph F of Ordinance No. 96-167, the Twelfth Amendment, which paragraph amended Section 3,

Certified as true and correct copy.

Paragraph G of Ordinance 94-210, the Ninth Amendment, and as previously amended by Ordinance No. 99-219, the Sixteenth Amendment, is hereby amended in order to change the first Sentence thereof as follows:

> Future Alternative Roadway Corridors: **Any time prior to October 7, 2002, the City may notify in writing the owner(s) of the roadway corridors (the East-West Road and Road B, including the extension of Road B), shown on the revised Master Plan (the "Roadway Corridors"), of the City's intention to proceed with construction of any or all of the roads to be located within the Roadway Corridors.**

Section 4. Development Order, as Amended. This Ordinance shall constitute the Nineteenth Amendment to Ordinance No. 8858-A, as amended by Ordinance No. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, 99-249 and 2000-237, which collectively shall constitute the Tampa Palms DRI Development Order. All provisions of the Tampa Palms DRI Development Order, except those provisions specifically modified herein, shall remain in full force and effect, and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance in which case the terms and conditions of this Ordinance shall govern.

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

Section 6. Binding Effect. That this Ordinance shall be binding upon the Applicant, 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 law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay

Certified as true and correct copy.

Regional Planning Council and to the City of Tampa:

City of Tampa Transportation Division
306 E. Jackson Street
4th Floor East
Tampa, Florida 33602

Section 9. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance pursuant to Chapter 380, Florida Statutes.

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

Section 11. Effective Date. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON SEP 28 2000.

CHAIRMAN, CITY COUNCIL

ATTEST:

CITY CLERK

APPROVED BY ME ON SEP 29 2000.

DICK A. GRECO, MAYOR

APPROVED AS TO FORM:

ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

H:\DRI\TPDRI.ORD

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2000-257 on file in my office
Witness my hand and official seal this 5th day of Oct, 2000

CITY CLERK

#65

CITY OF TAMPA

Janett S. Martin, CMC, City Clerk — Office of City Clerk

September 11, 2000

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

File No. DZ85-75 – Ordinance 2000-237

Dear Sirs:

The City Council of the City of Tampa met in regular session on September 7, 2000, at 9:00 a.m. During this session, the enclosed ordinance was adopted, approving the eighteenth amendment to a development order for Tampa Palms, ,pursuant to the petition filed by Faison-City Plaza Limited Partnership.

Sincerely,

Janett S. Martin, CMC
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 2000-237

315 E. Kennedy Blvd., City Hall • Tampa, FL 33602 • 813/274-8396 • FAX: 813/274-8306
l: ctyclerk@ci.tampa.fl.us

ORDINANCE NO. 2000-237

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE EIGHTEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY FAISON-CITY PLAZA LIMITED PARTNERSHIP, FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled "*Proposed Master Plan Revisions*"; and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1992, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

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WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adopted of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**"), which Ordinance adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification; and

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**") which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial

Certified as true and correct copy.

approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, On January 7, 1999, the City adopted Ordinance No. 99-01 (the "**Fourteenth Amendment**"), which Ordinance approved an amendment to Area 2 of the Tampa Palms DRI, allowing the use of certain property for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, On January 7, 1999, the City adopted Ordinance No. 99-02 (the "**Fifteenth Amendment**"), which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

WHEREAS, On September 30, 1999, the City adopted Ordinance No. 99-219 (the "**Sixteenth Amendment**"), which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located withing the roadway corridors in Area 4 of the Tampa Palms DRI; and

WHEREAS, On November 18, 1999, the City Adopted Ordinance No. 99-249 (the"**Seventeenth Amendment**"), which Ordinance approved an amendment providing certain changes to the Tenth Amendment to the Tampa Palms DRI as it affects Area 3 of the Tampa Palms DRI.

WHEREAS, on May 19, 2000 Faison-City Plaza Limited Partnership, the owner of approximately 15 acres, known as Lot 1, Unit 5A, Area 2 of Tampa Palms DRI filed an application entitled *Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Statutes*" copies of which Notification is attached hereto as **Exhibit "B"**; and

WHEREAS, the changes proposed in the Notification authorize the addition of 34,805 square feet of retail space to be added to Area 2 development; and

WHEREAS, the City Council, as the governing body of the local governmental having jurisdiction pursuant to Chapter 380, is authorized and empowered to consider the Notification and to approve amendments to DRI's; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06, F.S., requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes:

NOW, THEREFORE

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

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 each party and related comments,

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testimony, and evidence submitted by each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following finds of fact:

A. The owner of the Notification Property, submitted the Notification, described in **Exhibit "A"** attached hereto, to the City.

B. The Notification, includes a Summary of the Proposed Changes, attached hereto as **Exhibit "B"**.

C. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, and 99-249, is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The proposed changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Proposed Changes, summarized in **Exhibit "B"** attached hereto, which development is consistent with the approved master plan, Map H, dated May 19, 2000, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remain vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Section 380.06(15) and (19), F.S., as amended.

Certified as true and correct copy.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and School Board of Hillsborough County are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes to permit a 34,805 square foot expansion to an existing shopping center ("City Plaza") located within a Business/Community/Commercial area in Area 2 on Map H, as described in the Notification and summarized in Exhibit "B" attached hereto and made a part hereof, are hereby approved and adopted and become a part of the Development Order, except as specifically modified herein.

B. Map H: The Proposed Changes, as shown on Map H attached hereto and made a part hereof, are hereby approved and adopted and become a part of the Development Order.

C. Concurrency: The Proposed Changes approved by this Eighteenth Amendment to the Development Order are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. Amended Terms: The Parcel designated on the Revised Master Plan for the Notification Property allows the expansion of the existing commercial shopping center by 34,805 square feet.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Eighteenth Amendment to Ordinance No. 88-58-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219 and 99-249 which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer and all owners of Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of it becoming law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and Faison-City Plaza Limited Partnership., c/o Piper Marbury Rudnick & Wolfe LLP, 101 E. Kennedy Boulevard, Suite 2000, Tampa, Florida 33602.

Certified as true and correct copy.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. Faison-City Plaza Limited Partnership shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

Certified as true and correct copy.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON SEP 07 2000

ATTEST:

CHAIRMAN, CITY COUNCIL

CITY CLERK

Approved by me on SEP 07 2000

MAYOR

Approved by

ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 2000-237 on file in my office
Witness my hand and official seal this 8th day of Sept 2000

CITY CLERK

EXHIBIT "A"

Area of Proposed Change

Lot 1, TAMPA PALMS, AREA 2, UNIT 5A, according to the plat thereof recorded in Plat book 62, page 10 of the Public Records of Hillsborough County, Florida; said lands lying and being in Hillsborough County, Florida.

Certified as true and correct copy.

EXHIBIT "B"

Proposed Change

Faison-City Plaza Limited Partnership., proposes an amendment to the Development Order to permit a 34,805 square foot expansion to an existing shopping center (City Plaza) within the Area 2 portion of the Tampa Palms DRI. Map H is amended to show the change.

Certified as true and correct copy.

FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
904/488-9210

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, Rick Harcrow, AICP, of Piper Marbury Rudnick & Wolfe LLP, the undersigned authorized representative of FAISON-CITY PLAZA LIMITED PARTNERSHIP, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(18), Florida Statutes. In support thereof, I submit the following information concerning Lot 1, Tampa Palms, Area 2, Unit 5A development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

PIPER MARBURY RUDNICK & WOLFE LLP

Date: 05/19/2000

By: _____
Rick Harcrow, AICP

Certified as true and correct copy.

DRI 2000-237

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

Faison-City Plaza Limited Partnership
16000 Tampa Palms Boulevard West
Tampa, FL 33647
(813) 229-8545

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

Rick Harcrow, AICP
Piper Marbury Rudnick & Wolfe LLP
101 East Kennedy Boulevard, Suite 2000
Tampa, Florida 33602

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

Proposed Change: City of Tampa, Hillsborough County, Section 27, Township 27 South, Range 19 East and more particularly described on **Exhibit "A-1"**.

Tampa Palms DRI Property: Sections 21-28 and 33-36, Township 27 South, Range 19 East and Sections 1-4, Township 28 South, Range 19E, Hillsborough County, Florida more particularly described on **Exhibit "A-2"**.

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

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

The applicant is proposing to amend Map H of the Master Plan to add 34,805 square fee of commercial uses on a 15 acre parcel. The land is presently occupied by a commercial shopping center of 124,650 square feet. Development would commence in the fall of 2000 and be complete within one year, as one phase. Attached is revised **Map H** showing the requested change to platted Lot 1, Unit 5A within Area 2 of Tampa Palms.

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

The completed Substantial Deviation Determination Chart is attached hereto as Exhibit "B".

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 governmental adopted a new DRI development order for the project?**

i. On October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

ii. On November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

iii. On January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

iv. On April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

v. On September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled "*Proposed Master Plan Revisions*"; and

vi. On September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

vii. On December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a

Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

viii. On June 20, 1992, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

ix. On October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

x. On December 19, 1991, the City, by ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

xi. On March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

xii. On May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

xiii. The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

xiv. On August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adopted of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the

relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

xv. On June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single family units from Parcel 4A2; and

xvi. On October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

xvii. On November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**'), which Ordinance adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification; and

xviii. On December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

xix. On August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the

addition of the school site and amendments to certain development order conditions described in the Notification; and

xx. On March 20, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**'), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use.

xxi. On January 7, 1999, the City adopted Ordinance No. 99-01 (the "**Fourteenth Amendment**"), which Ordinance approved an amendment to Area 2 of the Tampa Palms DRI, allowing the use of certain property for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

xxii. On January 7, 1999, the City adopted Ordinance No. 99-02 (the "**Fifteenth Amendment**"), which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

xxiii. On September 30, 1999, the City adopted Ordinance No. 99-219 (the "**Sixteenth Amendment**"), which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located withing the roadway corridors in Area 4 of the Tampa Palms DRI; and

xxiv. On November 18, 1999, the City Adopted Ordinance No. 99-249 (the"**Seventeenth Amendment**"), which Ordinance approved an amendment providing certain changes to the Tenth Amendment to the Tampa Palms DRI as it affects Area 3 of the Tampa Palms DRI.

There have been no changes in jurisdiction since the last Development Order amendment.

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

No lands have been purchased or optioned within ¼ mile of the original DRI site.

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

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

YES _____ NO ____X____

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

No, the proposed change does not result in a change to the build-out date.

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

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

No, no amendment to the City of Tampa comprehensive plan is required.

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

An updated master site plan is attached as Map H.

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;**

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

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

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

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

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

The proposed development order amendment is attached as Exhibit "C".

EXHIBIT "A-1"

Area of Proposed Change

Lot 1, **TAMPA PALMS, AREA 2, UNIT 5A**, according to the plat thereof recorded in Plat book 62, page 10 of the Public Records of Hillsborough County, Florida; said lands lying and being in Hillsborough County, Florida.

Exhibit "A-2"

Tampa Palms
Development of Regional Impact

The East ¾ of Section 21; the West ½ and the Southeast ¼ of Section 22; the South ½ of Section 23; the South ½ of Section 24; all of Sections 25, 26, and 27, and the East ½ of Section 28; the East ½ of Section 33; all of Sections 34 and 35; the West ½, the Northeast ¼ and that part of the Southeast ¼ lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida

ALSO

All of Section 1 lying North of the Hillsborough River; all of the North ½ of Section 2 lying North and West of the Hillsborough River; all of the North ½ of Section 3, less the South ½ of Government Lots 3 and 4; all of the Northeast ¼ of Section 4, less the South ½ of Government Lots 1 and 2; all of the foregoing lying in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS AND EXCEPT:

That part of Sections 24, and 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast corner of said Section 25 for the POINT OF BEGINNING: thence North 00°25'28" East along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the Southeast ¼; thence North 01°21'46" West along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence North 00°25"03" East along the East boundary of Section 24 a distance of 2664.72 feet to the Northeast corner of the South ½ of said Section 24; thence North 89°27'50" West along the North boundary of the South ½ of said Section 24 a distance of 4494.89 feet; thence South 00°35'04" West a distance of 420.87 feet; thence South 10°37'07" East a distance of 1366.34 feet; thence South 00°35"04" West a distance of 876.88 feet to a point on the South boundary of said Section 24; thence South 00°35'04" West a distance of 4399.76 feet thence South 50° 31'25" East a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence South 88°28'49" East along the South boundary of said Section 25 a distance of 3220.04 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida, lying North and East of centerline of Trout Creek.

ALSO LESS AND EXCEPT:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida, lying South of Trout Creek, North of the Hillsborough River and Northeasterly of the following described line:

Commence at the Northwest corner of said Section 36; run thence South 88°28'49" East along the North boundary of said Section 36, a distance of 2071.95 feet to the POINT OF BEGINNING; thence South 50°31'25" East a distance of 1310.59 feet to the beginning of a curve, concave Southwesterly, having a central angle of 37°15'04" and a radius of 5780.00 feet; thence Southeasterly along the arc of said curve, an arc distance of 3757.90 feet (chord distance of 3692.06 feet and chord bearing of South 31°53'53" East) to the North bank of the Hillsborough River and the Point of Termination.

ALSO LESS AND EXCEPT:

(A) That part of Sections 23, 26, 27, 33 and 34, Township 27 South, Range 19 East deeded to the State of Florida for road right-of-way for State Road S-581 by instruments recorded in Official Records Book 227 on Page 707, in Official Records Book 226 on Page 556, and in Official Records Book 241 on Page 76 of the Public Records of Hillsborough County, Florida.

(B) That part of Sections 21, 22, 26, 27, 35 and 36 Township 27 South, Range 19 East, condemned for transmission lines by Tampa Electric Company in Suit Number 41987-L Circuit Court, Hillsborough County, Florida

(C) That part of Sections 26, 27, 35 and 36, Township 27 South, Range 19 East, conveyed to County of Hillsborough for use and benefit of Road Department by instruments recorded September 3, 1965, in Official Records Book 1501 on Page 480, and in Official Records Book 1501 on Page 482 of the Public Records of Hillsborough County, Florida

ALSO LESS AND EXCEPT:

A parcel of land in the West ½ of the Southwest ¼ of Section 24, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 24; said corner being marked by a 3" iron pipe; run thence South 00°18'32" West along the West boundary of said Section 24 for a distance of 2632.49 feet to the West quarter corner of said Section 24 and the POINT OF BEGINNING of the parcel of land hereinafter described; run thence South 89°27'50" East along the Quarter section line of said Section 24, for a distance of 679.56 feet; run thence South 00°35'04" West for a distance of 420.88 feet; run thence South 10°37'07" East for a distance of 1166.17 feet; run thence South 88°59'25" West for a distance of 898.87 feet to a point on the aforesaid West boundary line of Section 24; run thence North 00°18'32" East along said West boundary line, for a distance of 1589.27 feet to the POINT OF BEGINNING.

AND

A parcel of land lying in the East ½ of the Southeast ¼ of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 23; run thence South 00°18'32" West along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter of said Section 23 and the POINT OF BEGINNING of the parcel of land hereinafter described; thence continue South 00°18'32" West along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence South 88°59'25" West for a distance of 717.67 feet; run thence North 17°04'19" West for a distance of 354.31 feet; run thence North 13°04'19" West for a distance of 550.00 feet; run thence North 08°04'19" West for a distance of 448.12 feet; run thence North 03°11'04" West for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence South 89°27'50" East, along said Quarter section line, for a distance of 1033.83 feet to the POINT OF BEGINNING.

AND LESS AND EXCEPT:

A parcel of land lying in Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast corner of said Section 36; thence South 89°25'23" West along the South boundary of said Section 36, a distance of 800.00 feet; thence North 00°46'24" West parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the POINT OF BEGINNING; thence return South 0°46'24" East, a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence North 10°50'51" West, a distance of 451.00 feet, more or less; thence North 25°01'34" West, a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence South 77°08'37" East along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-line, having a radius of 5567.58 feet, a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of South 23°13'45" East, to the POINT OF BEGINNING.

Subject to easements, reservations and restrictions of record. The above described parcel contains 5311.00 acres, more or less.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces	N/A		
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)	N/A		
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Airports (cont.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Hospitals	# Beds	N/A		
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial	Acreage, including drainage, ROW, easements, etc.	N/A		
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	Chemical storage (barrels and pounds)			
	Site locational changes			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Industrial (cont.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Mining Operations	Acreage mined (year)	N/A		
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O Conditions			
	ADA representations			
Office	Acreage, including drainage, ROW, easements, etc.	No Change		
	Building (gross square feet)			
	# Parking spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Office (cont.)	ADA representations			
Petroleum/Chemical Storage	Storage Capacity (barrels and/or pounds)	N/A		
	Distance to Navigable Waters (feet)			
	Site locations changes			
	Facility Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas)	# Boats, wet storage	N/A		
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Residential	# Dwelling units	No Change		
	Type of dwelling units			
	# of lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.	No Change		
	Floor Space (gross square feet)	159,455*	124,650*	
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

*The site is proposed for a retail space addition of 34,805 square feet to an existing shopping center.

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

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SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Hotel/Motel	# Rental Units	No Change		
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
R.V. Park	Acreage, including drainage, ROW, easements, etc.	N/A		
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage	No change		
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			
Preservation, Buffer or Special Protection Areas Preservation (cont.)	Acreage	No Change		
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

ORDINANCE NO. 2000-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE FIFTEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED FOG DEVELOPMENT, INC., FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled "*Proposed Master Plan Revisions*"; and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1992, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adopted of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**'), which Ordinance adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification; and

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**") which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial

testimony, and evidence submitted by each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following finds of fact:

A. The owner of the Notification Property, submitted the Notification, described in **Exhibit "A"** attached hereto, to the City.

B. The Notification, includes a Summary of the Proposed Changes, attached hereto as **Exhibit "B"**.

C. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219, and 99-249, is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The proposed changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Proposed Changes, summarized in **Exhibit "B"** attached hereto, which development is consistent with the approved master plan, Map H, dated May 19, 2000, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remain vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Section 380.06(15) and (19), F.S., as amended.

approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, On January 7, 1999, the City adopted Ordinance No. 99-01 (the "**Fourteenth Amendment**"), which Ordinance approved an amendment to Area 2 of the Tampa Palms DRI, allowing the use of certain property for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, On January 7, 1999, the City adopted Ordinance No. 99-02 (the "**Fifteenth Amendment**"), which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

WHEREAS, On September 30, 1999, the City adopted Ordinance No. 99-219 (the "**Sixteenth Amendment**"), which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located withing the roadway corridors in Area 4 of the Tampa Palms DRI; and

WHEREAS, On November 18, 1999, the City Adopted Ordinance No. 99-249 (the"**Seventeenth Amendment**"), which Ordinance approved an amendment providing certain changes to the Tenth Amendment to the Tampa Palms DRI as it affects Area 3 of the Tampa Palms DRI.

WHEREAS, on May 19, 2000 Faison-City Plaza Limited Partnership, the owner of approximately 15 acres, known as Lot 1, Unit 5A, Area 2 of Tampa Palms DRI filed an application entitled *Notification of Proposed Change to a Previously Approved Development of Regional Impact (DRI) Subsection 380.06(19), Florida Status*" copies of which Notification is attached hereto as **Exhibit "B"**; and

WHEREAS, the changes proposed in the Notification authorize the addition of 34,805 square feet of retail space to be added to Area 2 development; and

WHEREAS, the City Council, as the governing body of the local governmental having jurisdiction pursuant to Chapter 380, is authorized and empowered to consider the Notification and to approve amendments to DRI's; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06, F.S., requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes:

NOW, THEREFORE

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

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 each party and related comments,

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and School Board of Hillsborough County are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification and summarized in Exhibit "B" attached hereto and made a part hereof, are hereby approved and adopted and become a part of the Development Order, except as specifically modified herein.

B. Map H: The Proposed Changes, as shown on Map H attached hereto and made a part hereof, are hereby approved and adopted and become a part of the Development Order.

C. Concurrency: The Proposed Changes approved by this Eighteenth Amendment to the Development Order are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. Amended Terms: The Parcel designated on the Revised Master Plan for the Notification Property allows the expansion of the existing commercial shopping center by 34,805 square feet.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Eighteenth Amendment to Ordinance No. 88-58-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, 99-219 and 99-249 which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer and all owners of Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of it becoming law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and Faison-City Plaza Limited Partnership., c/o Piper Marbury Rudnick & Wolfe LLP, 101 E. Kennedy Boulevard, Suite 2000, Tampa, Florida 33602.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. Faison-City Plaza Limited Partnership shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

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

ATTEST:

_____ _____
CHAIRMAN, CITY COUNCIL

_____

_____
CITY CLERK

Approved by me on _____

_____
MAYOR

Approved by

_____
ASSISTANT CITY ATTORNEY

EXHIBIT "B"

Proposed Change

Faison-City Plaza Limited Partnership., proposes an amendment to the Development Order to permit a 34,805 square foot expansion to an existing shopping center (City Plaza) within the Area 2 portion of the Tampa Palms DRI. Map H is amended to show the change.

TRANSPORTATION ANALYSIS

CITY PLAZA SHOPPING CENTER

Prepared For

TRAMMELL CROW COMPANY

Prepared By

LINCKS & ASSOCIATES, INC.
Engineers - Planners
Tampa, Florida

Certified as true and correct copy.

Ord 2000-237

TRANSPORTATION ANALYSIS

CITY PLAZA SHOPPING CENTER

Prepared For

TRAMMEL CROW COMPANY

Prepared By

LINCKS & ASSOCIATES, INC.
5023 West Laurel Street
Tampa, Florida 33607
813-289-0039

June, 2000

Project No. L00107-U

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INTRODUCTION

The purpose of this report is to provide a Transportation Analysis in conjunction with the Notice of Proposed Change (NOPC) for the proposed expansion of the City Plaza Shopping Center located in the northwest quadrant of the intersection of Bruce B. Downs Boulevard and Tampa Palms Boulevard in the City of Tampa, as shown in Figure 1. The property was rezoned in 1987 to permit an approximately 159,455 square foot shopping center which included a 24,000 square foot, 1,250 seat movie theater. Phase I of the shopping center, approximately 124,650 square feet, was constructed and is currently in operation. Phase II, the theater plus additional retail area, has not been constructed.

Subsequent to the rezoning of the shopping center and construction of Phase I, the entitlements allocated to the property under the DRI were modified to include only on the existing square footage constructed (124,650 square feet), not the approved square footage (159,455 square feet). The developer of the shopping center proposes to construct the square footage allocated to Phase II under the 1987 rezoning to permit retail uses.

This report will provide a trip generation comparison of the originally approved 159,455 square foot shopping center with the movie theater to the proposed 159,455 square foot shopping center with no movie theater.

In addition, this report will evaluate the traffic impact of the additional retail square footage on the adjacent transportation system.

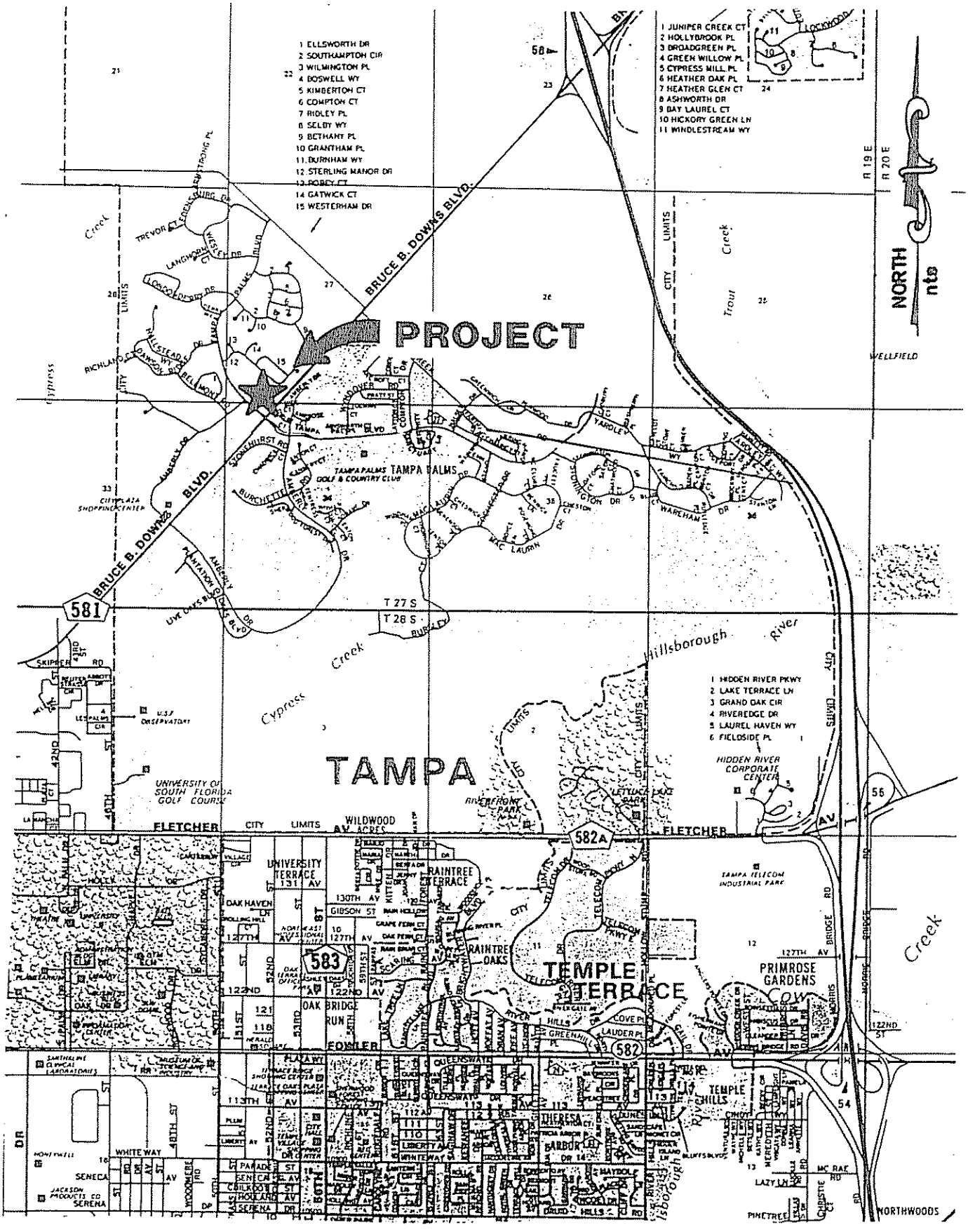

FIGURE 1
PROJECT LOCATION

LINCKS & ASSOCIATES, INC.

TRIP GENERATION COMPARISON

Table 1 provides a trip generation comparison of the originally approved development scenario for the property (i.e., 135,455 square foot shopping center and 24,000 square foot, 1,250 seat movie theater) and the proposed development scenario, 159,455 square foot shopping center. As shown in Table 1, the proposed development scenario would result is a net decrease in the new external PM peak hour project trip ends.

TRANSPORTATION ANALYSIS

Estimated Project Average Daily Traffic

The trip rates utilized in this report were obtained from the latest computerized version of "Trip Generation by Microtrans" which utilizes the ITE Trip Generation, 6th Edition, 1997, as its data base. Based on these trip rates, it is estimated that the proposed expansion will attract approximately 1,348 additional daily trip ends, as shown in Table 2.

Project Peak Hour Traffic

Again, based on the ITE Trip Generation data, the proposed expansion would attract approximately 30 additional trip ends during the AM peak hour with 18 inbound and 12 outbound. During the PM peak hour, the proposed expansion would attract approximately 128 additional trip ends with 61 inbound and 67 outbound, as shown in

TABLE 1

TRIP GENERATION COMPARISON

Scenario	Land Use	Size	PM Peak Hour Trip Ends (1) In	Out	Total	New External PM Peak Hour Trip Ends (2) In	Out	Total
Original Approval	Shopping Center	135,455 SF	368	400	768	231	252	483
	Theater	1,250 seats	88	88	176	79	79	158
			456	488	944	310	331	641
Proposed	Shopping Center	159,455 SF	410	445	855	271	294	565
		Difference	46	43	89	39	37	76

(1) Source: ITE Trip Generation, 6th Edition, 1997.

(2) New External Trip Ends Calculation -

Original Approval -

- Internal Capture - It is assumed that 10% of the movie theater trip ends are internal to the shopping center.
- Passerby Capture - 135,455 SF Shopping Center
  - Ln (T) = -0.291 ln (135.455) + 5.001 = 35.61%

- In - (368 - 9) x .3561 = 128
- Out - (400 - 9) x .3561 = 139
  267

TABLE 1 (Continued)

TRIP GENERATION COMPARISON

Proposed -

- Passerby Capture - 159.455 SF Shopping Center
  - Ln (T) = -0.291 ln (159.455) + 5.001 = 33.96%

- In - 410 x .3396 = 139
- Out - 445 x .3396 = 151
  290

TABLE 2

ESTIMATED DAILY TRIP GENERATION

Scenario	Land Use	Size	Trip Rate (1)	Trip Ends
Existing	Shopping Center	124,650 SF	63.01/1,000 SF	7,854
Proposed	Shopping Center	159,455 SF	57.71/1,000 SF	9,202
	Difference	34,805 SF		1,348

(1) Source: Institute of Transportation Engineers' (ITE) Trip Generation, 6th Edition, 1997.

Table 3. Since this shopping center attracts significantly more traffic during the PM peak hour than the AM peak hour, therefore, this analysis will be limited to the PM peak hour.

Studies contained in the ITE Trip Generation Handbook, indicate that a percentage of the shopping center's trips already exist on the adjacent roadways – passerby capture. However, to present a worst case analysis, it will be assumed that the trips associated with the expansion are all new trips.

Project Trip Distribution

The trip distribution of the traffic associated with the proposed expansion was based on the existing traffic distribution of the shopping center.

Figure 2 illustrates the distribution of the additional PM peak hour trip ends.

Existing Traffic

Lincks & Associates, Inc. personnel conducted PM peak hour turning movement counts at the intersection of Bruce B. Downs Boulevard and Tampa Palms Boulevard on May 11, 2000. Figure 3 illustrates the existing traffic and Figure 4 illustrates the existing plus project traffic.

TABLE 3

ESTIMATED PROJECT PEAK HOUR TRIP ENDS (1)

Scenario	Land Use	Size	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Existing	Shopping Center	124,650 SF	111	71	182	349	378	727
Proposed	Shopping Center	159,455 SF	129	83	212	410	445	855
	Difference	34,805 SF	18	12	30	61	67	128

(1) Source: Institute of Transportation Engineers' (ITE) Trip Generation, 6th Edition, 1997.

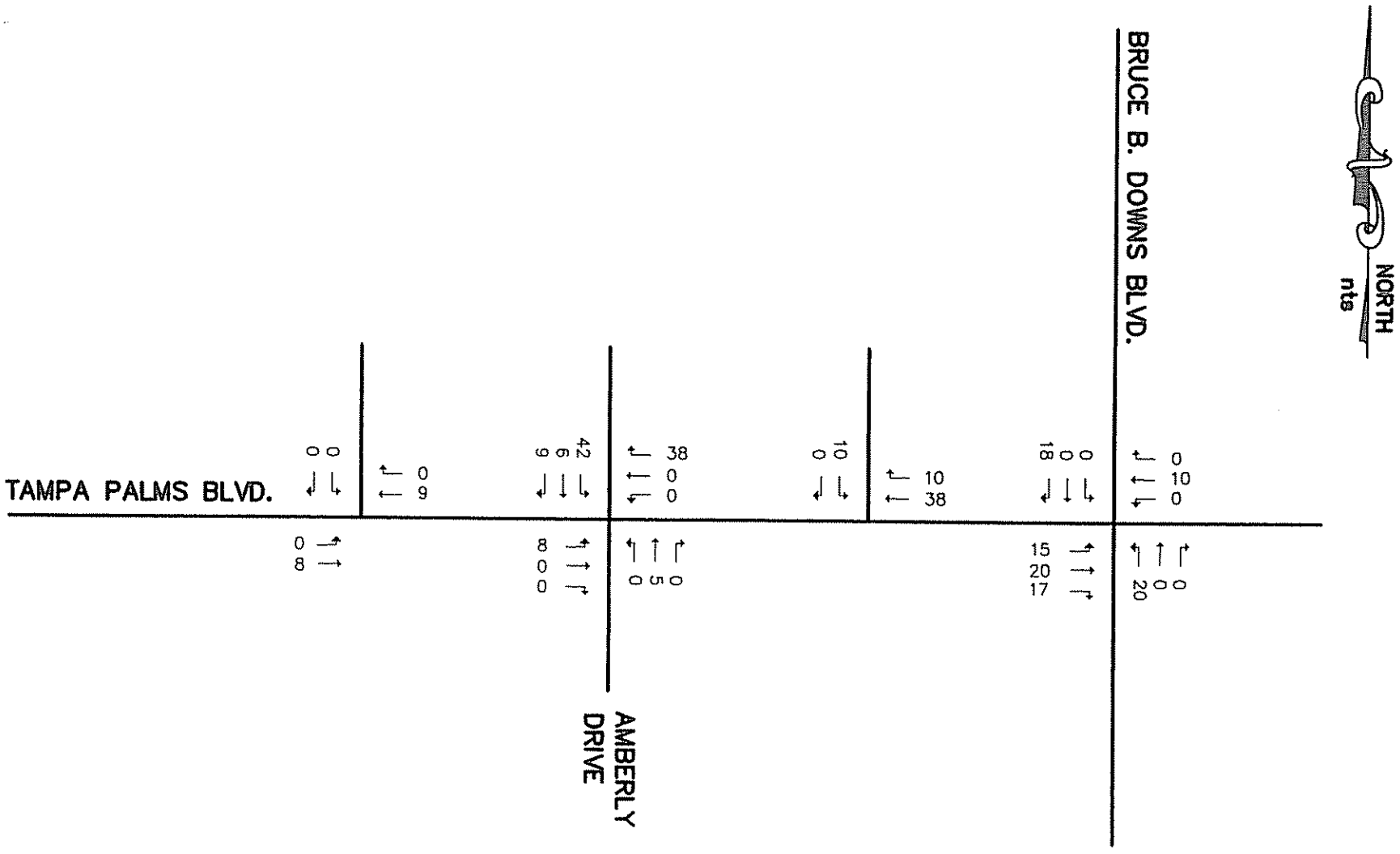

FIGURE 2
ADDITIONAL PM PEAK HOUR PROJECT TRAFFIC

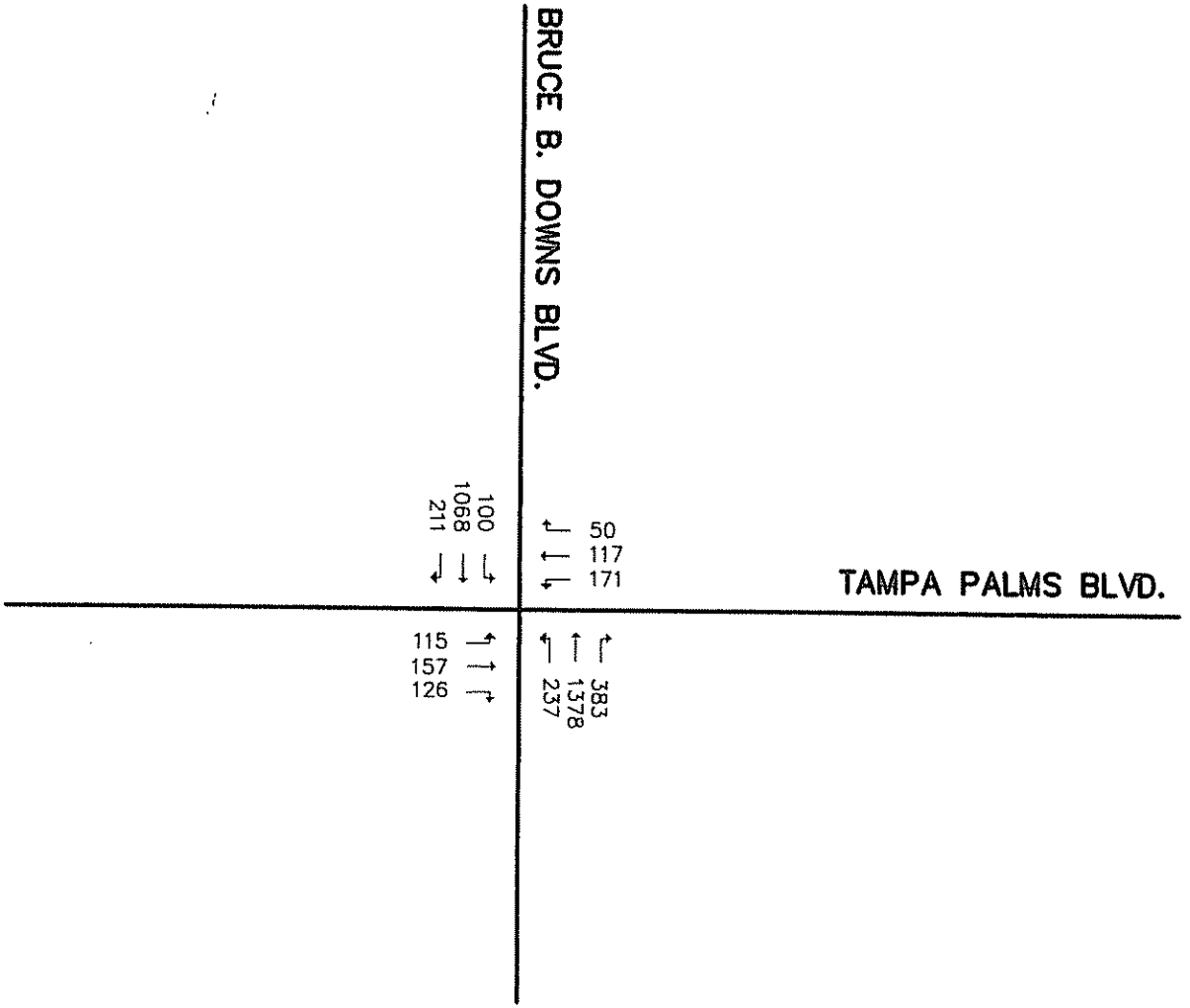

FIGURE 3
EXISTING PM PEAK
HOUR TRAFFIC

LINCKS & ASSOCIATES, INC.

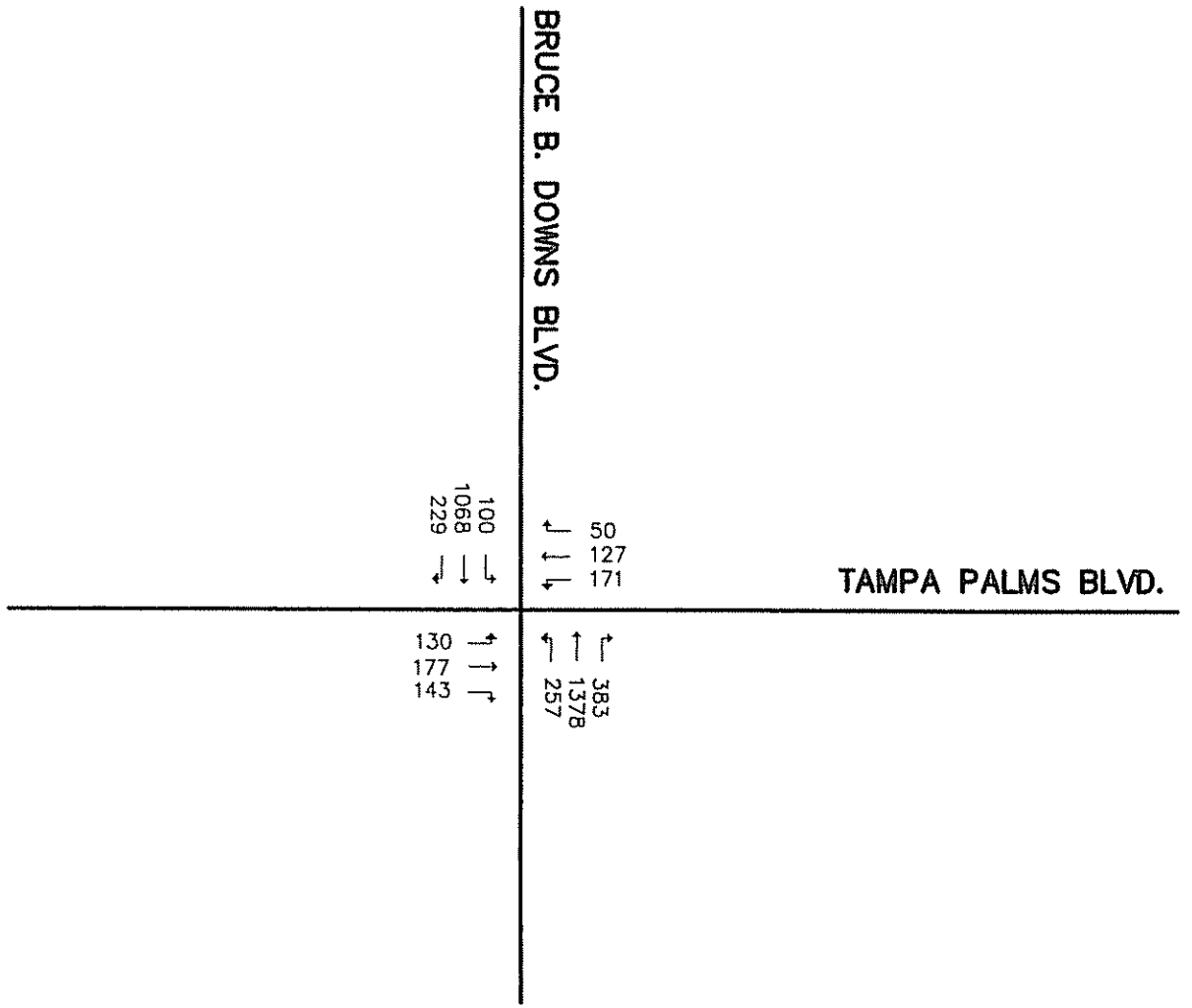

FIGURE 4
EXISTING PLUS PROJECT
PM PEAK HOUR TRAFFIC

LINCKS & ASSOCIATES, INC.

Intersection Analysis

Capacity calculations were conducted for the PM peak hour at the intersection of Bruce B. Downs Boulevard and Tampa Palms Boulevard.

These calculations were performed utilizing the methodology described in Chapter 9, Signalized Intersections, of the Transportation Research Board (TRB) Special Report, the Highway Capacity Manual. These calculations were performed both with and without the proposed expansion.

Signalized intersection analysis indicates that this intersection operates at a Level of Service D with the existing traffic and existing geometry. With the additional traffic associated with the proposed expansion, the intersection should continue to operate at a Level of Service D, as shown in Table 4.

CONCLUSION

As shown in Table 1, the proposed change would result in a net decrease in the PM peak hour project traffic. In addition, the adjacent roadway system would operate at an acceptable level of service with the proposed addition.

TABLE 4

ESTIMATED PM PEAK HOUR INTERSECTION
LEVEL OF SERVICE (SIGNALIZED)

Intersection	Existing Traffic Existing Geometry V/C	LOS	Delay	Existing Plus Project Traffic Existing Geometry V/C	LOS	Delay
Bruce B. Downs Blvd. and Tampa Palms Blvd.	0.75	D	38.5	0.76	D	38.8

APPENDIX

TRIP GENERATION

Summary of Trip Generation Calculation
For 135.455 T.G.L.A. of Shopping Center
June 16, 2000

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	61.17	0.00	1.00	8286
7-9 AM Peak Hour Enter	0.86	0.00	1.00	116
7-9 AM Peak Hour Exit	0.55	0.00	1.00	75
7-9 AM Peak Hour Total	1.41	0.00	1.00	191
4-6 PM Peak Hour Enter	2.72	0.00	1.00	368
4-6 PM Peak Hour Exit	2.95	0.00	1.00	400
4-6 PM Peak Hour Total	5.66	0.00	1.00	767
Saturday 2-Way Volume	81.69	0.00	1.00	11065
Saturday Peak Hour Enter	4.08	0.00	1.00	553
Saturday Peak Hour Exit	3.77	0.00	1.00	511
Saturday Peak Hour Total	7.85	0.00	1.00	1063

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	LN(T) = .643LN(X) + 5.866, R^2 = 0.78
7-9 AM Peak Hr. Total:	LN(T) = .596LN(X) + 2.329
	R^2 = 0.51 , 0.61 Enter, 0.39 Exit
4-6 PM Peak Hr. Total:	LN(T) = .66LN(X) + 3.403
	R^2 = 0.81 , 0.48 Enter, 0.52 Exit
AM Gen Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit
PM Gen Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit
Sat. 2-Way Volume:	LN(T) = .628LN(X) + 6.229, R^2 = 0.82
Sat. Pk Hr. Total:	LN(T) = .651LN(X) + 3.773
Sun. 2-Way Volume:	T = 15.632(X) + 4214.458, R^2 = 0.52
Sun. Pk Hr. Total:	T = 3.12(X) + 0
	R^2 = 0 , 0.49 Enter, 0.51 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
For 124.65 T.G.L.A. of Shopping Center
May 17, 2000

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	63.01	0.00	1.00	7854
7-9 AM Peak Hour Enter	0.89	0.00	1.00	111
7-9 AM Peak Hour Exit	0.57	0.00	1.00	71
7-9 AM Peak Hour Total	1.46	0.00	1.00	182
4-6 PM Peak Hour Enter	2.80	0.00	1.00	349
4-6 PM Peak Hour Exit	3.03	0.00	1.00	378
4-6 PM Peak Hour Total	5.83	0.00	1.00	727
Saturday 2-Way Volume	84.26	0.00	1.00	10503
Saturday Peak Hour Enter	4.20	0.00	1.00	524
Saturday Peak Hour Exit	3.88	0.00	1.00	484
Saturday Peak Hour Total	8.08	0.00	1.00	1007

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	LN(T) = .643LN(X) + 5.866, R^2 = 0.78
7-9 AM Peak Hr. Total:	LN(T) = .596LN(X) + 2.329
	R^2 = 0.51 , 0.61 Enter, 0.39 Exit
4-6 PM Peak Hr. Total:	LN(T) = .66LN(X) + 3.403
	R^2 = 0.81 , 0.48 Enter, 0.52 Exit
AM Gen Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit
PM Gen Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit
Sat. 2-Way Volume:	LN(T) = .628LN(X) + 6.229, R^2 = 0.82
Sat. Pk Hr. Total:	LN(T) = .651LN(X) + 3.773
Sun. 2-Way Volume:	T = 15.632(X) + 4214.458, R^2 = 0.52
Sun. Pk Hr. Total:	T = 3.12(X) + 0
	R^2 = 0 , 0.49 Enter, 0.51 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Summary of Trip Generation Calculation
For 159.455 T.G.L.A. of Shopping Center
May 17, 2000

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	57.71	0.00	1.00	9202
7-9 AM Peak Hour Enter	0.81	0.00	1.00	129
7-9 AM Peak Hour Exit	0.52	0.00	1.00	83
7-9 AM Peak Hour Total	1.32	0.00	1.00	210
4-6 PM Peak Hour Enter	2.57	0.00	1.00	410
4-6 PM Peak Hour Exit	2.79	0.00	1.00	445
4-6 PM Peak Hour Total	5.36	0.00	1.00	855
Saturday 2-Way Volume	76.88	0.00	1.00	12259
Saturday Peak Hour Enter	3.85	0.00	1.00	614
Saturday Peak Hour Exit	3.56	0.00	1.00	568
Saturday Peak Hour Total	7.41	0.00	1.00	1182

Note: A zero indicates no data available.
The above rates were calculated from these equations:

24-Hr. 2-Way Volume:	LN(T) = .643LN(X) + 5.866, R^2 = 0.78
7-9 AM Peak Hr. Total:	LN(T) = .596LN(X) + 2.329
	R^2 = 0.51 , 0.61 Enter, 0.39 Exit
4-6 PM Peak Hr. Total:	LN(T) = .66LN(X) + 3.403
	R^2 = 0.81 , 0.48 Enter, 0.52 Exit
AM Gen Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit
PM Gen Pk Hr. Total:	0
	R^2 = 0 , 0 Enter, 0 Exit
Sat. 2-Way Volume:	LN(T) = .628LN(X) + 6.229, R^2 = 0.82
Sat. Pk Hr. Total:	LN(T) = .651LN(X) + 3.773
Sun. 2-Way Volume:	T = 15.632(X) + 4214.458, R^2 = 0.52
Sun. Pk Hr. Total:	T = 3.12(X) + 0
	R^2 = 0 , 0.49 Enter, 0.51 Exit

Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

HCM PRINTOUTS

HCS: Signalized Intersections Release 3.1c

Inter: CR 581 & Tampa Palms Blvd. City/St: Tampa, Florida
Analyst: Lincks & Assoicates, Inc. Proj #: Existing Traffic
Date: 5/12/2000 Period: PM Peak Hour
E/W St: Tampa Palms Blvd. N/S St: CR 581

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	1	2	1	1	1	1	1	2	1	1	2	1
LGConfig	L	T	R	L	T	R	L	T	R	L	T	R
Volume	115	157	126	171	117	50	237	1378	383	100	1068	211
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
RTOR Vol			106			33			97			127

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination		1	2	3	4			5	6	7	8
EB	Left	A		A		NB	Left	A	A		
	Thru			A			Thru		A	A	
	Right			A			Right		A	A	
	Peds						Peds				
WB	Left	A	A	A		SB	Left	A			
	Thru		A	A			Thru			A	
	Right		A	A			Right			A	
	Peds						Peds				
NB	Right					EB	Right				
SB	Right					WB	Right				
Green		11.0	10.0	14.0				15.0	15.0	43.0	
Yellow		0.0	0.0	4.0				0.0	0.0	4.0	
All Red		0.0	0.0	2.0				0.0	0.0	2.0	

Cycle Length: 120.0 secs

Intersection Performance Summary

Appr/ Lane Grp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound								
L	314		0.41	0.208	41.3	D		
T	421	3610	0.41	0.117	49.8	D	46.3	D
R	188	1615	0.12	0.117	47.7	D		
Westbound								
L	336		0.57	0.292	36.4	D		
T	380	1900	0.34	0.200	41.8	D	38.6	D
R	323	1615	0.06	0.200	38.9	D		
Northbound								
L	451	1805	0.58	0.250	41.4	D		
T	1745	3610	0.88	0.483	33.2	C	32.3	C
R	781	1615	0.41	0.483	20.3	C		
Southbound								
L	226	1805	0.49	0.125	50.6	D		
T	1294	3610	0.92	0.358	47.3	D	46.2	D
R	579	1615	0.16	0.358	26.3	C		

Intersection Delay = 38.5 (sec/veh) Intersection LOS = D

HCS: Signalized Intersections Release 3.1c

lichael Yates
incks & Associates, Inc.
023 W Laurel Street
ampa, Florida 33627

hone: (813) 289-0039 Fax: (813) 287-0674
-Mail: MRYATES@lincks.com

OPERATIONAL ANALYSIS

ntersection:	CR 581 & Tampa Palms Blvd.
ity/State:	Tampa, Florida
nalyst:	Lincks & Assoicates, Inc.
roject No:	Existing Traffic
ime Period Analyzed:	PM Peak Hour
ate:	5/12/2000
ast/West Street Name:	Tampa Palms Blvd.
orth/South Street Name:	CR 581

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
olume	115	157	126	171	117	50	237	1378	383	100	1068	211
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
K 15 Vol	32	44	35	48	33	14	66	383	106	28	297	59
i Ln Vol												
% Grade		0			0			0			0	
deal Sat	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
arkExist												
NumPark												
% Heavy Veh	0	0	0	0	0	0	0	0	0	0	0	0
o. Lanes	1	2	1	1	1	1	1	2	1	1	2	1
LGConfig	L	T	R	L	T	R	L	T	R	L	T	R
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
TOR Vol			106			33			97			127
dj Flow	128	174	22	190	130	19	263	1531	318	111	1187	93
%InSharedLn												
rop Turns												
umPeds			0			0			0			0
NumBus	0	0	0	0	0	0	0	0	0	0	0	0

uration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Init Unmet	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Arriv. Type	3	3	3	3	3	3	3	3	3	3	3	3
Unit Ext.	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
f Factor		1.000			1.000			1.000			1.000	
Lost Time	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Ext of g	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
ed Min g		3.0			3.0			3.0			3.0	

PHASE DATA

Phase Combination		1	2	3	4			5	6	7	8
EB	Left	A		A		NB	Left	A	A		
	Thru			A			Thru		A	A	
	Right			A			Right		A	A	
	Peds						Peds				
NB	Left	A	A	A		SB	Left	A			
	Thru		A	A			Thru			A	
	Right		A	A			Right			A	
	Peds						Peds				
EB	Right					EB	Right				
WB	Right					WB	Right				
Green		11.0	10.0	14.0				15.0	15.0	43.0	
Yellow		0.0	0.0	4.0				0.0	0.0	4.0	
All Red		0.0	0.0	2.0				0.0	0.0	2.0	

Cycle Length: 120.0 secs

VOLUME ADJUSTMENT WORKSHEET

Appr./ Movement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
Eastbound									
Left	115	0.90	128	1	L		128		
Thru	157	0.90	174	2	T		174		
Right	126	0.90	22	1	R	106	22		
Westbound									
Left	171	0.90	190	1	L		190		
Thru	117	0.90	130	1	T		130		
Right	50	0.90	19	1	R	33	19		
Northbound									
Left	237	0.90	263	1	L		263		
Thru	1378	0.90	1531	2	T		1531		
Right	383	0.90	318	1	R	97	318		
Southbound									
Left	100	0.90	111	1	L		111		
Thru	1068	0.90	1187	2	T		1187		
Right	211	0.90	93	1	R	127	93		

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

Appr/ Lane Group	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
Eastbound							Sec LT Adj/LT Sat:			0.674	1280
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
T	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
Westbound							Sec LT Adj/LT Sat:			0.280	532
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
R	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
Northbound							Sec LT Adj/LT Sat:				
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
T	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
Southbound							Sec LT Adj/LT Sat:				
L	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
R	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)		Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound								
Pri.		128	1805		0.07	0.092	165	0.78
Sec.		0	1280		0.00	0.117	149	0.00
Left	L	128				0.208	314	0.41
Thru	T	174	3610	#	0.05	0.117	421	0.41
Right	R	22	1615		0.01	0.117	188	0.12
Westbound								
Pri.		190	1805	#	0.11	0.142	256	0.74
Sec.		0	532		0.00	0.150	80	0.00
Left	L	190				0.292	336	0.57
Thru	T	130	1900		0.07	0.200	380	0.34
Right	R	19	1615		0.01	0.200	323	0.06
Northbound								
Pri.								
Sec.								
Left	L	263	1805		0.15	0.250	451	0.58
Thru	T	1531	3610	#	0.42	0.483	1745	0.88
Right	R	318	1615		0.20	0.483	781	0.41
Southbound								
Pri.								
Sec.								
Left	L	111	1805	#	0.06	0.125	226	0.49
Thru	T	1187	3610		0.33	0.358	1294	0.92
Right	R	93	1615		0.06	0.358	579	0.16

Sum (v/s) critical = 0.64

Lost Time/Cycle, L = 18.00 sec Critical v/c(X) = 0.75

LEVEL OF SERVICE WORKSHEET

Appr/ Lane Grp	Ratios v/c	Ratios g/C	Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental Factor k	Incremental Del d2	Res Del d3	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound												
	0.41	0.208	40.5	1.000	314	0.11	0.9	0.0	41.3	D		
	0.41	0.117	49.2	1.000	421	0.11	0.7	0.0	49.8	D	46.3	D
	0.12	0.117	47.5	1.000	188	0.11	0.3	0.0	47.7	D		
Westbound												
	0.57	0.292	34.2	1.000	336	0.16	2.2	0.0	36.4	D		
	0.34	0.200	41.2	1.000	380	0.11	0.5	0.0	41.8	D	38.6	D
	0.06	0.200	38.9	1.000	323	0.11	0.1	0.0	38.9	D		
Northbound												
	0.58	0.250	39.5	1.000	451	0.17	1.9	0.0	41.4	D		
	0.88	0.483	27.8	1.000	1745	0.40	5.4	0.0	33.2	C	32.3	C
	0.41	0.483	19.9	1.000	781	0.11	0.3	0.0	20.3	C		
Southbound												
	0.49	0.125	48.9	1.000	226	0.11	1.7	0.0	50.6	D		
	0.92	0.358	36.8	1.000	1294	0.44	10.5	0.0	47.3	D	46.2	D
	0.16	0.358	26.2	1.000	579	0.11	0.1	0.0	26.3	C		

Intersection Delay = 38.5 (sec/veh) Intersection LOS = D

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH	EB	WB	NB	SB
ycle Length, C 120.0 sec				
ctual Green Time for Lane Group, G	25.0	35.0		
ffective Green Time for Lane Group, g	14.0	18.0		
pposing Effective Green Time, go	24.0	14.0		
umber of Lanes in Lane Group, N	1	1		
umber of Opposing Lanes, No	1	2		
djusted Left-Turn Flow Rate, Vlt	128	190		
roportion of Left Turns in Opposing Flow, Plto	0.00	0.00		
djusted Opposing Flow Rate, Vo	130	174		
ost Time for Lane Group, tl	6.00	6.00		
eft Turns per Cycle: LTC=VltC/3600	4.27	6.33		
pposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo	4.33	3.05		
pposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)	1.00	1.00		
f=[Gexp(- a * (LTC ** b))]-tl, gf<=g	0.0	0.0		
pposing Queue Ratio: qro=1-Rpo(go/C)	0.80	0.88		
q=(4.943Volc**0.762)(qro**1.061)-tl, gq<=g	0.00	10.14		
u =g-gq if gq>=gf, =g-gf if gq<gf	14.00	7.86		
=(gq-gf)/2, n>=0	0.00	5.07		
tho=1-Plto	1.00	1.00		
l*=Plt[1+{(N-1)g/(gf+gu/El1+4.24)}]	1.00	1.00		
El1 (Figure 9-7)	1.48	1.56		
El2=(1-Ptho**n)/Plto, El2>=1.0	1.00	1.00		
min=2(1+Plt)/g or fmin=2(1+Pl)/g	0.29	0.22		
diff=max(gq-gf,0)	0.00	0.00		
m=[gf/g]+[gu/g][1/{1+Pl(El1-1)}], (min=fmin;max=1.00)	0.67	0.28		
lt=fm=[gf/g]+gdiff[1/{1+Plt(El2-1)}]				
[gu/g][1/(1+Plt(El1-1)],(min=fmin;max=1.0) or flt=[fm+0.91(N-1)]/N**				
flt	0.674	0.280		

or special case of single-lane approach opposed by multilane approach,
ee text.
If Pl>=1 for shared left-turn lanes with N>1, then assume de-facto
left-turn lane and redo calculations.
** For permitted left-turns with multiple exclusive left-turn lanes, flt=fm.
or special case of multilane approach opposed by single-lane approach
r when gf>gq, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH	EB	WB	NB	SB
Cycle Length, C 120.0 sec				
Actual Green Time for Lane Group, G				
Effective Green Time for Lane Group, g				
Opposing Effective Green Time, go				
Number of Lanes in Lane Group, N				
Number of Opposing Lanes, No				
Adjusted Left-Turn Flow Rate, Vlt				
Proportion of Left Turns in Lane Group, Plt				
Proportion of Left Turns in Opposing Flow, Plto				
Adjusted Opposing Flow Rate, Vo				
Lost Time for Lane Group, tl				
Left Turns per Cycle: LTC=VltC/3600				
Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo				
Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)				
gf=[Gexp(- a * (LTC ** b))]-tl, gf<=g				
Opposing Queue Ratio: qro=1-Rpo(go/C)				
gq=(4.943Volc**0.762)(qro**1.061)-tl, gq<=g				
gu =g-gq if gq>=gf, =g-gf if gq<gf				
n=(gq-gf)/2, n>=0				
Ptho=1-Plto				
Pl*=Plt[1+{(N-1)g/(gf+gu/El1+4.24)}]				
El1 (Figure 9-7)				
El2=(1-Ptho**n)/Plto, El2>=1.0				
fmin=2(1+Plt)/g or fmin=2(1+Pl)/g				
gdiff=max(gq-gf,0)				
fm=[gf/g]+[gu/g][1/{1+Pl(El1-1)}], (min=fmin;max=1.00)				
flt=fm=[gf/g]+gdiff[1/{1+Plt(El2-1)}] +[gu/g][1/(1+Plt(El1-1)],(min=fmin;max=1.0) or flt=[fm+0.91(N-1)]/N**				
flt Primary				

For special case of single-lane approach opposed by multilane approach, see text.

If Pl>=1 for shared left-turn lanes with N>1, then assume de-facto left-turn lane and redo calculations.

* For permitted left-turns with multiple exclusive left-turn lanes, flt=fm.

For special case of multilane approach opposed by single-lane approach or when gf>gq, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

	EBLT	WBLT	NBLT	SBLT
Adj. LT Vol from Vol Adjustment Worksheet, v	128	190		
v/c ratio from Capacity Worksheet, X	0.41	0.57		
Primary phase effective green, g	11.0	17.0		
Secondary phase effective green, gq	0.00	10.14		
(From Supplemental Permitted LT Worksheet), gu	14.00	7.86		
Cycle length, C 120.0 Red =(C-g-gq-gu), r	95.0	85.0		
Arrivals: v/(3600(max(X,1.0))), qa	0.04	0.05		
Primary ph. departures: s/3600, sp	0.501	0.501		
Secondary ph. departures: s(gq+gu)/(gu*3600), ss	0.36	0.34		
Perm	0.10	0.36		
Prot	0.68	0.63		
XCase	1	1		
Queue at beginning of green arrow, Qa	3.38	4.49		
Queue at beginning of unsaturated green, Qu	0.00	0.54		
Residual queue, Qr	0.00	0.00		
Uniform Delay, d1	40.5	34.2		

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

Appr/ Lane Group	Initial Unmet Demand Q veh	Dur. Unmet Demand t hrs.	Uniform Delay Unadj. ds	Uniform Delay Adj. d1 sec	Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec
Eastbound								
Westbound								
Northbound								
Southbound								

Intersection Delay 38.5 sec/veh Intersection LOS D

ERROR MESSAGES

No errors to report.

HCS: Signalized Intersections Release 3.1c

nter: CR 581 & Tampa Palms Blvd.
Analyst: Lincks & Assoicates, Inc.
Date: 5/12/2000
/W St: Tampa Palms Blvd.

City/St: Tampa, Florida
Proj #: Existing + Project Traffic
Period: PM Peak Hour
N/S St: CR 581

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
o. Lanes	1	2	1	1	1	1	1	2	1	1	2	1
GConfig	L	T	R	L	T	R	L	T	R	L	T	R
Volume	130	177	143	171	127	50	257	1378	383	100	1068	229
Lane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
TOR Vol			106			33			97			127

Duration 0.25 Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4		5	6	7	8
EB Left	A		A		NB Left	A	A		
Thru			A		Thru		A	A	
Right			A		Right		A	A	
Peds					Peds				
WB Left	A	A	A		SB Left	A			
Thru		A	A		Thru			A	
Right		A	A		Right			A	
Peds					Peds				
B Right					EB Right				
B Right					WB Right				
Green	11.0	10.0	14.0			15.0	15.0	43.0	
ellow	0.0	0.0	4.0			0.0	0.0	4.0	
ll Red	0.0	0.0	2.0			0.0	0.0	2.0	

ycle Length: 120.0 secs

Intersection Performance Summary

ppr/ ane rp	Lane Group Capacity	Adj Sat Flow Rate (s)	Ratios v/c	Ratios g/C	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
astbound								
	313		0.46	0.208	41.9	D		
	421	3610	0.47	0.117	50.3	D	47.0	D
	188	1615	0.22	0.117	48.6	D		
estbound								
	324		0.59	0.292	37.0	D		
	380	1900	0.37	0.200	42.1	D	39.2	D
	323	1615	0.06	0.200	38.9	D		
orthbound								
	451	1805	0.63	0.250	43.0	D		
	1745	3610	0.88	0.483	33.2	C	32.6	C
	781	1615	0.41	0.483	20.3	C		
outhbound								
	226	1805	0.49	0.125	50.6	D		
	1294	3610	0.92	0.358	47.3	D	45.9	D
	579	1615	0.20	0.358	26.7	C		

Intersection Delay = 38.8 (sec/veh) Intersection LOS = D

HCS: Signalized Intersections Release 3.1c

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.one: (813) 289-0039 Fax: (813) 287-0674
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OPERATIONAL ANALYSIS

.ntersection:	CR 581 & Tampa Palms Blvd.
:ity/State:	Tampa, Florida
;nalyst:	Lincks & Assoicates, Inc.
:roject No:	Existing + Project Traffic
:ime Period Analyzed:	PM Peak Hour
)ate:	5/12/2000
;ast/West Street Name:	Tampa Palms Blvd.
;orth/South Street Name:	CR 581

VOLUME DATA

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
/olume	130	177	143	171	127	50	257	1378	383	100	1068	229
?HF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
K 15 Vol	36	49	40	48	35	14	71	383	106	28	297	64
ri Ln Vol												
; Grade		0			0			0			0	
deal Sat	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
arkExist												
lumPark												
Heavy Veh	0	0	0	0	0	0	0	0	0	0	0	0
o. Lanes	1	2	1	1	1	1	1	2	1	1	2	1
GConfig	L	T	R	L	T	R	L	T	R	L	T	R
ane Width	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0
TOR Vol			106			33			97			127
dj Flow	144	197	41	190	141	19	286	1531	318	111	1187	113
InSharedLn												
rop Turns												
umPeds			0			0			0			0
lumBus	0	0	0	0	0	0	0	0	0	0	0	0

uration 0.25 Area Type: All other areas

OPERATING PARAMETERS

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Init Unmet	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Arriv. Type	3	3	3	3	3	3	3	3	3	3	3	3
Unit Ext.	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Factor		1.000			1.000			1.000			1.000	
Lost Time	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Ext of g	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
ed Min g		3.0			3.0			3.0			3.0	

PHASE DATA

Phase Combination		1	2	3	4			5	6	7	8
NB	Left	A		A		NB	Left	A	A		
	Thru			A			Thru		A	A	
	Right			A			Right		A	A	
	Peds						Peds				
WB	Left	A	A	A		SB	Left	A			
	Thru		A	A			Thru			A	
	Right		A	A			Right			A	
	Peds						Peds				
EB	Right					EB	Right				
SB	Right					WB	Right				
Green		11.0	10.0	14.0				15.0	15.0	43.0	
Yellow		0.0	0.0	4.0				0.0	0.0	4.0	
All Red		0.0	0.0	2.0				0.0	0.0	2.0	

Cycle Length: 120.0 secs

VOLUME ADJUSTMENT WORKSHEET

ppr./ ovement	Mvt Volume	PHF	Flow Rate	No. Lanes	Lane Group	RTOR	Adjusted Flow Rate In Lane Grp	Prop. Left Turns	Prop. Right Turns
astbound									
Left	130	0.90	144	1	L		144		
Thru	177	0.90	197	2	T		197		
Right	143	0.90	41	1	R	106	41		
estbound									
Left	171	0.90	190	1	L		190		
Thru	127	0.90	141	1	T		141		
Right	50	0.90	19	1	R	33	19		
Northbound									
Left	257	0.90	286	1	L		286		
Thru	1378	0.90	1531	2	T		1531		
Right	383	0.90	318	1	R	97	318		
outhbound									
Left	100	0.90	111	1	L		111		
Thru	1068	0.90	1187	2	T		1187		
Right	229	0.90	113	1	R	127	113		

* Value entered by user.

SATURATION FLOW ADJUSTMENT WORKSHEET

ppr/ ane roup	Ideal Sat Flow	f W	f HV	f G	f P	f BB	f A	f LU	f RT	f LT	Adj Sat Flow
astbound							Sec LT Adj/LT Sat:			0.667	1267
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
estbound							Sec LT Adj/LT Sat:			0.239	454
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	1.000	1.000	1900
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
orthbound							Sec LT Adj/LT Sat:				
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615
outhbound							Sec LT Adj/LT Sat:				
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	----	0.950	1805
	1900	1.000	1.000	1.000	1.000	1.000	1.00	0.95	1.000	1.000	3610
	1900	1.000	1.000	1.000	1.000	1.000	1.00	1.00	0.850	----	1615

CAPACITY ANALYSIS WORKSHEET

Appr/ Mvmt	Lane Group	Adj Flow Rate (v)	Adj Sat Flow Rate (s)		Flow Ratio (v/s)	Green Ratio (g/C)	--Lane Group-- Capacity (c)	v/c Ratio
Eastbound								
Pri.		144	1805		0.08	0.092	165	0.87
Sec.		0	1267		0.00	0.117	148	0.00
Left	L	144				0.208	313	0.46
Thru	T	197	3610	#	0.05	0.117	421	0.47
Right	R	41	1615		0.03	0.117	188	0.22
Westbound								
Pri.		190	1805	#	0.11	0.142	256	0.74
Sec.		0	454		0.00	0.150	68	0.00
Left	L	190				0.292	324	0.59
Thru	T	141	1900		0.07	0.200	380	0.37
Right	R	19	1615		0.01	0.200	323	0.06
Northbound								
Pri.								
Sec.								
Left	L	286	1805	#	0.16	0.250	451	0.63
Thru	T	1531	3610		0.42	0.483	1745	0.88
Right	R	318	1615		0.20	0.483	781	0.41
Southbound								
Pri.								
Sec.								
Left	L	111	1805		0.06	0.125	226	0.49
Thru	T	1187	3610	#	0.33	0.358	1294	0.92
Right	R	113	1615		0.07	0.358	579	0.20

Sum (v/s) critical = 0.65

Lost Time/Cycle, L = 18.00 sec Critical v/c(X) = 0.76

LEVEL OF SERVICE WORKSHEET

Appr/ Lane Grp	Ratios v/c	Ratios g/C	Unf Del d1	Prog Adj Fact	Lane Grp Cap	Incremental Factor k	Incremental Del d2	Res Del d3	Lane Group Delay	Lane Group LOS	Approach Delay	Approach LOS
Eastbound												
	0.46	0.208	40.9	1.000	313	0.11	1.1	0.0	41.9	D		
	0.47	0.117	49.5	1.000	421	0.11	0.8	0.0	50.3	D	47.0	D
	0.22	0.117	48.0	1.000	188	0.11	0.6	0.0	48.6	D		
Westbound												
	0.59	0.292	34.3	1.000	324	0.18	2.8	0.0	37.0	D		
	0.37	0.200	41.5	1.000	380	0.11	0.6	0.0	42.1	D	39.2	D
	0.06	0.200	38.9	1.000	323	0.11	0.1	0.0	38.9	D		
Northbound												
	0.63	0.250	40.1	1.000	451	0.21	2.9	0.0	43.0	D		
	0.88	0.483	27.8	1.000	1745	0.40	5.4	0.0	33.2	C	32.6	C
	0.41	0.483	19.9	1.000	781	0.11	0.3	0.0	20.3	C		
Southbound												
	0.49	0.125	48.9	1.000	226	0.11	1.7	0.0	50.6	D		
	0.92	0.358	36.8	1.000	1294	0.44	10.5	0.0	47.3	D	45.9	D
	0.20	0.358	26.6	1.000	579	0.11	0.2	0.0	26.7	C		

Intersection Delay = 38.8 (sec/veh) Intersection LOS = D

SUPPLEMENTAL PERMITTED LT WORKSHEET
for exclusive lefts

APPROACH	EB	WB	NB	SB
Cycle Length, C 120.0 sec				
ctual Green Time for Lane Group, G	25.0	35.0		
ffective Green Time for Lane Group, g	14.0	18.0		
Opposing Effective Green Time, go	24.0	14.0		
Number of Lanes in Lane Group, N	1	1		
umber of Opposing Lanes, No	1	2		
djusted Left-Turn Flow Rate, Vlt	144	190		
Proportion of Left Turns in Opposing Flow, Plto	0.00	0.00		
djusted Opposing Flow Rate, Vo	141	197		
ost Time for Lane Group, tl	6.00	6.00		
Left Turns per Cycle: LTC=VltC/3600	4.80	6.33		
pposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo	4.70	3.46		
pposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)	1.00	1.00		
gf=[Gexp(- a * (LTC ** b))]-tl, gf<=g	0.0	0.0		
Opposing Queue Ratio: qro=1-Rpo(go/C)	0.80	0.88		
q=(4.943Volc**0.762)(qro**1.061)-tl, gq<=g	0.00	11.15		
u =g-gq if gq>=gf, =g-gf if gq<gf	14.00	6.85		
n=(gq-gf)/2, n>=0	0.00	5.57		
Ptho=1-Plto	1.00	1.00		
l*=Plt[1+{(N-1)g/(gf+gu/El1+4.24)}]	1.00	1.00		
El1 (Figure 9-7)	1.50	1.59		
El2=(1-Ptho**n)/Plto, El2>=1.0	1.00	1.00		
fmin=2(1+Plt)/g or fmin=2(1+Pl)/g	0.29	0.22		
gdiff=max(gq-gf,0)	0.00	0.00		
fm=[gf/g]+[gu/g][1/{1+Pl(El1-1)}], (min=fmin;max=1.00)	0.67	0.24		
lt=fm=[gf/g]+gdiff[1/{1+Plt(El2-1)}] [gu/g][1/(1+Plt(El1-1)],(min=fmin;max=1.0) or flt=[fm+0.91(N-1)]/N**				
flt	0.667	0.239		

For special case of single-lane approach opposed by multilane approach, see text.
If Pl>=1 for shared left-turn lanes with N>1, then assume de-facto left-turn lane and redo calculations.
** For permitted left-turns with multiple exclusive left-turn lanes, flt=fm.
For special case of multilane approach opposed by single-lane approach or when gf>gq, see text.

SUPPLEMENTAL PERMITTED LT WORKSHEET
for shared lefts

APPROACH	EB	WB	NB	SB
Cycle Length, C 120.0 sec				
Actual Green Time for Lane Group, G				
Effective Green Time for Lane Group, g				
Opposing Effective Green Time, go				
Number of Lanes in Lane Group, N				
Number of Opposing Lanes, No				
Adjusted Left-Turn Flow Rate, Vlt				
Proportion of Left Turns in Lane Group, Plt				
Proportion of Left Turns in Opposing Flow, Plto				
Adjusted Opposing Flow Rate, Vo				
Lost Time for Lane Group, tl				
Left Turns per Cycle: LTC=VltC/3600				
Opposing Flow per Lane, Per Cycle: Volc=VoC/3600fluo				
Opposing Platoon Ratio, Rpo (Table 9-2 or Eqn 9-7)				
gf=[Gexp(- a * (LTC ** b))]-tl, gf<=g				
Opposing Queue Ratio: qro=1-Rpo(go/C)				
gq=(4.943Volc**0.762)(qro**1.061)-tl, gq<=g				
gu =g-gq if gq>=gf, =g-gf if gq<gf				
n=(gq-gf)/2, n>=0				
Ptho=1-Plto				
Pl*=Plt[1+{(N-1)g/(gf+gu/El1+4.24)))				
El1 (Figure 9-7)				
El2=(1-Ptho**n)/Plto, El2>=1.0				
fmin=2(1+Plt)/g or fmin=2(1+Pl)/g				
gdiff=max(gq-gf,0)				
fm=[gf/g]+[gu/g][1/{1+Pl(El1-1)}], (min=fmin;max=1.00)				
Alt=fm=[gf/g]+gdiff[1/{1+Plt(El2-1)}] +[gu/g][1/(1+Plt(El1-1)],(min=fmin;max=1.0) or flt=[fm+0.91(N-1)]/N**				
flt Primary				

For special case of single-lane approach opposed by multilane approach, see text.

If Pl>=1 for shared left-turn lanes with N>1, then assume de-facto left-turn lane and redo calculations.

** For permitted left-turns with multiple exclusive left-turn lanes, flt=fm.

For special case of multilane approach opposed by single-lane approach or when gf>gq, see text.

SUPPLEMENTAL UNIFORM DELAY WORKSHEET

	EBLT	WBLT	NBLT	SBLT
j. LT Vol from Vol Adjustment Worksheet, v	144	190		
c ratio from Capacity Worksheet, X	0.46	0.59		
imary phase effective green, g	11.0	17.0		
condary phase effective green, gq	0.00	11.15		
rom Supplemental Permitted LT Worksheet), gu	14.00	6.85		
cle length, C 120.0 Red =(C-g-gq-gu), r	95.0	85.0		
rivals: v/(3600(max(X,1.0))), qa	0.04	0.05		
imary ph. departures: s/3600, sp	0.501	0.501		
econdary ph. departures: s(gq+gu)/(gu*3600), ss	0.35	0.33		
Perm	0.11	0.42		
Prot	0.77	0.63		
Case	1	1		
ueue at beginning of green arrow, Qa	3.80	4.49		
ueue at beginning of unsaturated green, Qu	0.00	0.59		
esidual queue, Qr	0.00	0.00		
niform Delay, d1	40.9	34.3		

DELAY/LOS WORKSHEET WITH INITIAL QUEUE

ppr/ ane roup	Initial Unmet Demand Q veh	Dur. Unmet Demand t hrs.	Uniform Delay Unadj. ds	Uniform Delay Adj. d1 sec	Initial Queue Param. u	Final Unmet Demand Q veh	Initial Queue Delay d3 sec	Lane Group Delay d sec
astbound								
estbound								
orthbound								
outhbound								

Intersection Delay 38.8 sec/veh Intersection LOS D

ERROR MESSAGES

No errors to report.

#65

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

November 24, 1999

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

RE: Petition No. DZ85-75
Ordinance 99-249

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 99-249

Certified Mail

315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/274-8396 • FAX: 813/274-8306
email: i:ctyclerk@ci.tampa.fl.us

ORDINANCE NO. 99-249

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE SEVENTEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY NEW TAMPA, INC., FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled "*Proposed Master Plan Revisions*"; and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

Certified as true and correct copy.

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.06, F.S.; and

The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single-family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**'), which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single-family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification of Proposed Change ("NOPC"); and

Certified as true and correct copy.

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance for Area 1 adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the NOPC; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**"), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-01 (the "**Fourteenth Amendment**"), which Ordinance approved an amendment applicable to Area 2 of the Tampa Palms DRI, allowing the use of certain property for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City adopted Ordinance No. 99-02 (the "**Fifteenth Amendment**"), which Ordinance approved an amendment providing for changes involving Area 2, Tract 6A of the Tampa Palms DRI in order to authorize the use of that parcel as a school in addition to its current use as a church; and

WHEREAS, on September 30, 1999, the City adopted Ordinance No. 99-219 (the "**Sixteenth Amendment**"), which Ordinance approved an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors in Area 4 of the Tampa Palms DRI; and

WHEREAS, on August 11, 1999, New Tampa, Inc., a Florida corporation ("**Notification Party**") , the developer of Area 3 of the DRI (the "**Notification Property**"), submitted a NOPC providing for certain changes to the Tenth Amendment to the DRI as it affects development with Area 3, a copy of which is attached hereto as **Exhibit "A"**;

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

Section 1. Findings of Fact. The City Council, having received the NOPC and related documents, and having received all related comments, testimony, and evidence submitted by each party and related comments, testimony, and evidence submitted by each party and members of the

Certified as true and correct copy.

general public, finds there is substantial competent, clear and convincing evidence to support the following finds of fact:

A. The Notification Party, as the developer of the Notification Property, submitted the NOPC to the City.

B. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, and 99-219 is a valid final development order within the provisions of Section 163.3167(8), F.S.

C. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

D. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

E. The changes proposed by the NOPC do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the changes to the Development Order as set forth in this Ordinance ("**Area 3 Changes**"), is consistent with the approved master plan, Map H, last revised on November 1, 1999, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Area 3 Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Area 3 Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Area 3 Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Area 3 Changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

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F. This Ordinance satisfies the provisions of Section 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and the Notification Party are authorized to approve and conduct, respectively, development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Map H: Map H is hereby amended to reflect the Area 3 Changes, including, without limitation, the conditions stated thereon with respect to the Tenth Amendment to the Development Order which have been modified by this Seventeenth Amendment to the Development Order, and otherwise in the form as attached hereto as **Exhibit "B"** ("**Revised Master Plan**"). The Revised Master Plan is hereby approved and adopted and becomes a part of the Development Order.

B. Amended Terms: The Development Order applicable to the Notification Property, including, without limitation, the Tenth Amendment, are hereby amended as follows:

(1) Section 3.G. of the Tenth Amendment is hereby deleted in its entirety and replaced with the following:

"The owner of the Notification Property, its successors or assigns, shall be required to provide a 5.0-acre park site as defined in the City of Tampa Comprehensive Plan in the area shown on the Revised Master Plan, and a site consisting of at least 11.5 acres for development of a YMCA facility in the area shown on the Revised Master Plan (the "YMCA Site"), in satisfaction of the original 16.5-acre park requirement as set forth in the Development Order.

Prior to issuance of the Certificate of Occupancy for the 801st residential unit within the Notification Property, construction of the 5.0-acre park shall commence. Construction of the YMCA Site shall commence within eighteen (18) months of the effective date of the Seventeenth Amendment; provided, however, that in the event construction of the site has not so commenced, the Developer shall have the right to notify the City's Zoning Administrator or DRI Coordinator, which notification shall automatically cause the YMCA Site to be reverted to the uses as designated on Map H prior to the effectiveness of this Seventeenth Amendment. In the event the Developer so elects to revert the use of the YMCA Site, then the Developer

Certified as true and correct copy.

shall immediately identify locations within Area 3 for the construction of the 3.0-acre active park to be commenced prior to the issuance of the 625th Certificate of Occupancy within Area 3, and construction of the 8.5-acre active/passive upland park to be commenced prior to the issuance of the 801st Certificate of Occupancy within Area 3, which parks once identified may be relocated in accordance with Note #9 on Map H. The location of all parks shall be subject to review and approval by the City of Tampa. Nothing herein shall be construed as requiring more than either (a) 16.5 acres of parks, or (b) 5.0 acres of park and the YMCA Site, as elected by the Developer.

In connection with the construction of multi-family villages with at least 350 units, and in addition to the required 5.0 acres of park and the YMCA Site, the owner must provide a swimming pool, clubhouse, exercise equipment and an outdoor play area for children.

The owner will provide an environmental awareness program for residents of the Notification Property. This program will include one or all of the following: providing educational flyers in model/sales centers, habitat identification signs, exhibits, displays."

(2) The Development Order, including, without limitation, the Tenth Amendment and Map H, are hereby amended by modifying the 2.5-acre public facility requirement set forth therein as follows:

"The 2.5-acre site currently designated as public facility on Map H, may be relocated or eliminated by administrative action of the City Director of Business & Community Services without the requirement of an amendment to the Zoning Master Plan for Area 3, an amendment to the Development Order, or other City Council action. Upon any such relocation or elimination, as evidenced by a letter issued by the Director, the 2.5-acre site currently designated as public facility on Map H will become commercially-designated property based on the existing adjacent land uses or such other adjacent land use existing at the time of such relocation or elimination, and the related landscape buffer shown on Map H adjacent thereto will be eliminated. Parcel entitlements shall not exceed the commercial development entitlements then-authorized for Area 3, and shall be subject to trade-off as permitted in Section 3.D. of the Tenth Amendment and Note 1 of Map H."

C. Tradeoff: In accordance with the terms of Section 3.D. of the Tenth Amendment, the City acknowledges the Developer's trade off of 271 multi-family units previously approved for development in the area of the YMCA Site, for 42 single-family units approved for Parcel 39B as shown on the Revised Master Plan.

D. Concurrency: The Area 3 Changes are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Certified as true and correct copy.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Seventeenth Amendment to Ordinance No. 88-58-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, 97-61, 99-01, 99-02, and 99-219, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Notification Party and all owners of the Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of it becoming law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and New Tampa, Inc., c/o Tew, Zinober, Barnes, Zimmet & Unice, 2655 McCormick Drive, Clearwater, Florida 33579.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. The Notification Party shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

Certified as true and correct copy.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON NOV 18 1999.

CHAIRMAN, CITY COUNCIL

ATTEST: Janett S. Martin
CITY CLERK

Approved by me on NOV 22 1999

MAYOR

Approved by

ASSISTANT CITY ATTORNEY

State of Florida
County of Hillborough

This is to certify that the foregoing is a true and correct copy of Ordinance 99-249 on file in my office
Witness my hand and official seal this 23rd day of Nov., 19 99

Janett S. Martin
CITY CLERK

FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
904/488-9210

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, Warren Kinsler, the undersigned authorized representative of NEW TAMPA, INC. give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(18), Florida Statutes. In support thereof, I submit the following information concerning the Tampa Palms, Area 3 development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

NEW TAMPA, INC.,
a Florida corporation

August 10, 1999
Date

By: _____
Warren Kinsler, President

Certified as true and correct copy.

Ord 99-249

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

New Tampa, Inc.
6000 Compton Estate Drive
Tampa, Florida 33627

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

Donna J. Feldman, Esquire
Tew, Zinober, Barnes, Zimmet & Unice
2655 McCormick Drive
Clearwater, FL 33579
Tel. (727) 799-2882
Fax (727) 726-0058

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

Area 3 Property:

City of Tampa, Hillsborough County, Section 23, 25, 26, 27, 35, and 36, Township 27 South, Range 19 East. The legal description is attached as Exhibit "A-1".

Tampa Palms DRI Property:

Sections 21-28 and 33-36, Township 27 South, Range 19 East, and Sections 1-4, Township 28 South, Range 19 East, in Hillsborough County, Florida. The legal description is attached as Exhibit "A-2".

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

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

The applicant is proposing to amend Map H of the Master Plan to relocate park acreage, amend the conditions relating to the timing of construction of parks, and provide for the administrative relocation or elimination of the public facility site consisting of 2.5 acres of upland area.

A. The original Development Order (Resolution 80-823) provided for 16.5 acres of parks within Area 3. The Tenth Amendment to the DO relocated the parks into three (3) locations (5-acre, 3-acre and 8.5-acre sites). Map H sets forth Condition Nos. 5, 6 and 9, regarding the construction of such park sites. (Note that Condition Nos. 6 and 9 are duplicative.)

After adoption of the Tenth Amendment, the City requested developers within the North Tampa area to donate a park site for the provision of a YMCA facility, to include the YMCA building, an outdoor swimming pool to be funded by the City. The Developer of Area 3 has agreed to provide 12.04 upland acres of land for the YMCA facility (consisting in part of the 8.5-acre site and the 3-acre site), provided the DO is amended to relocate the 8.5 acre and 3-acre park site locations into one contiguous area, as shown on revised Map H attached hereto, and amend the conditions related to park construction.

The 16.5 acre maximum park area requirement within Area 3 will be satisfied by the development of the YMCA facility by the YMCA and the City, and the development of the 5-acre park site. Therefore, the conditions requiring the Developer to construct parks as a condition to the issuance of certificates of occupancy within Area 3, being Condition Nos. 5, 6 and 9, as shown on revised Map H adopted pursuant to the Tenth Amendment, should be deleted. Approval of this NOPC shall constitute satisfaction of such condition. In addition, Subsection 3.G. of Ordinance 94-235-A should be deleted in its entirety.

The YMCA will be providing a facility as soon as possible. Permitting has commenced for site work and design of the facilities is well underway. A preliminary site plan has been submitted to, and reviewed by the City. The location of the main facility and pool is shown just north of the power lines along Compton Drive on revised Map H. The balance of the site is planned for active recreational uses (e.g., soccer fields and/or baseball/football fields). The recreational area is shown on revised Map H, but may be relocated upon completion of site plan review and site design.

Based on the relocation of the park site, the Developer is trading off an approved 271 multi-family units (based on 30 units/acre) within the YMCA site, for an approved 42 single-family units (based on 5 units/acre) within the area from which the 8.5-acre park site is being relocated. Based on the tradeoff conditions approved by the Tenth Amendment, and the net effect of such tradeoff based on the relocation of the park site, such adjustments are permissible and present no substantial deviation from the previously approved DRI.

B. The fire/police station for which the public facility site was originally designated has been relocated and constructed in Area 4 of Tampa Palms. No additional fire/police station site is required within Tampa Palms, and no public facility use is currently planned. The City has expressed some interest in locating municipal office space and/or a service center within Tampa Palms. The Developer requests approval of the relocation of the public facility site to a location suitable for the City's needs, if any, or the elimination of such site if not needed by the City, such relocation or elimination to be approved administratively by the City staff without an additional NOPC or City Council approval, and to be completed within one (1) year from the date on which amendment approved pursuant hereto is adopted. Upon such relocation or elimination, the 2.5 acre site currently designated public facility would become commercially-designated property automatically based on the adjacent commercially-designated land uses, and the related landscape buffer shown on Map H would be eliminated.

no!

No other changes are proposed.

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

The completed Substantial Deviation Determination Chart is attached hereto as Exhibit "B".

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 governmental adopted a new DRI development order for the project?**

i. On October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

ii. On November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

iii. On January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

iv. On April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

v. On September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled "*Proposed Master Plan Revisions*"; and

vi. On September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

vii. On December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

viii. On June 20, 1992, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

ix. On October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

x. On December 19, 1991, the City, by ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

xi. On March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

xii. On May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

xiii. The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

xiv. On August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order for Area 1 approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

xv. On June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single-family units from Parcel 4A2; and

xvi. On October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

xvii. On November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**"), which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single-family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein; jurisdictional wetland lines; and potential encroachments of the jurisdictional wetland lines, removal of church sites; changes to park locations; realignment of the major roadways; deletion of an interchange; relocation of Commercial parcels; and to reflect other applicable revisions and relocations in land uses described in the Notification; and

xviii. On December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance for Area 1 adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

xix. On August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

xx. On March 20, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**"), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use.

There have been no changes in jurisdiction since the last Development Order amendment.

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 ½ mile on a project master site plan or other map.**

No lands have been purchased or optioned within 1/4 mile of the original DRI site.

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

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

YES ___X___ NO _____

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

No, the proposed change does not result in a change to the build-out date or any phasing dates.

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

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

No, no amendment to the City of Tampa comprehensive plan is required.

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

An updated master site plan in the form of Map H is attached hereto as Exhibit "C".

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;**

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

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

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

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

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

The proposed development order amendment is attached as Exhibit "D".

LIST OF EXHIBITS
TO NEW TAMPA, INC. NOPC (AREA 3)

Exhibit "A-1"	Legal Description of Area 3 Property
Exhibit "A-2"	Legal Description of DRI Property
Exhibit "B"	Substantial Deviation Determination Chart
Exhibit "C"	Revised Map H
Exhibit "D"	Amendment to Development Order

EXHIBIT "A-1"
Area 3 Legal Description

A portion of Sections 23, 25, 26, 27, 35, and 36, lying northerly of the northerly right-of-way line of a Tampa Electric Company 200 foot Transmission line, as described in Official Record Book 1169, page 54, of the public records of Hillsborough County, Florida, westerly of the westerly right-of-way line of Interstate Highway 75 (State Road 93A) and easterly of the easterly right-of-way line of County Road 581, all lying and being in Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 23, thence along the South boundary line of said Section 23, N 89° 30' 46" W, for 923.32 feet, to a point of intersection with said westerly right-of-way line of Interstate Highway 75, said point being the Point of Beginning; thence along said westerly right-of-way line, for the following two (2) courses, S 17° 05' 00" E, for 2,927.23 feet, to a point of curvature of a curve concave to the Northeast; thence Southeasterly along the arc of said curve, having a radius of 5,891.58 feet, a central angle of 33°01' 07", and arc length of 3,395.21 feet, and a chord bearing S 33° 35' 33" E for 3,348.42 feet, thence leaving said westerly right-of-way line, N 88° 24' 29" W for 2,563.10 feet; thence N 71° 42' 07" W for 425.04 feet; thence N 53° 07' 23" W for 370.87 feet; thence N 81° 06' 54" W for 1,663.76 feet; thence N 65° 55' 53" W for 1,399.60 feet; thence N 76°30' 58" W, for 318.55 feet; thence N 75° 30' 42" W for 893.57 feet; thence S 42° 40' 36" W for 133.49 feet to a point on the northerly right-of-way line of said Tampa Electric Company 200 foot Transmission Line; thence along said northerly right-of-way line, N 47° 19' 24" W, for 1,905.76 feet to a Tampa Electric Company right-of-way monument, said monument being the point of intersection with the easterly right-of-way line of said County Road 581; thence along said right-of-way line N 41° 43' 43" E for 6,294.64 feet, to the point of intersection with the westerly right-of-way line of said Interstate Highway 75; thence along said westerly right-of-way line for the following ten (10) courses, S 48° 14' 32" E, for 38.00 feet; thence N 41° 45' 28" E, for 296.82 feet; thence N 45° 34' 19" E, for 463.03 feet; thence N 70° 14' 42" E, for 180.33 feet; thence S 60° 24' 32" E for 180.33 feet; thence S 35° 44' 09" E, for 298.37 feet; thence S 33° 26' 43" E for 480.71 feet to a point of curvature of a curve concave to the Southwest; thence southeasterly along the arc of said curve, having a radius of 1,815.86 feet, a central angle of 15° 12' 58" an arc length of 482.24 feet, and a chord bearing S 25° 50' 14" E, for 480.82 feet; thence S 18° 13' 45" E, for 1,199.31 feet; thence S 17° 05' 00" E for 140.09 feet to the Point of Beginning.

EXHIBIT "A-2"

DRI PROPERTY LEGAL DESCRIPTION

The East 3/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida.

AND:

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing being in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS:

That part of Sections 24, 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 25 for the Point of Beginning: thence N00°25'28"E, along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N01°21'46"W, along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N00°25'03"E, along the East boundary of said Section 24 a distance 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N89°27'50"W, along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S00°35'04"W, a distance of 420.87 feet; thence S10°37'07"E, a distance of 1366.34 feet; thence S00°35'04"W, a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S00°35'04"W, a distance of 4399.76 feet thence S50°31'25"E, a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S88°28'49"E, along the South boundary of said Section 25 a distance of 3220.04 feet to the Point of Beginning.

ALSO LESS:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of centerline of Trout Creek.

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida, lying South of Trout Creek, North of the Hillsborough River and Northeasterly of the following described line: Commence at the Northwest corner of said Section 36; run thence S88°28'49"E, along the North boundary of said Section 36, a distance of 2071.95 feet to the Point of Beginning: thence S50°31'25"E, a distance of 1310.59 feet to the beginning of a curve, concave Southwesterly, having a central angle of 37°15'04" and a radius of 5,780.00 feet; thence Southeasterly along the arc of said curve, an arc distance of 3757.90 feet (chord distance of

3692.06 feet and chord bearing of S31°53'53"E,) to the North bank of the Hillsborough River and the Point of Termination.

ALSO LESS:

(A) That part of Sections 23, 26, 27, 33, and 34, Township 27 south, Range 19 East deeded to the State of Florida for road right-of-way for State Road S-581 by instruments recorded in Official Record Book 227 on Page 707, in Official Record Book 226 on Page 556, and in Official Record Book 241 on Page 76 of the Public Records of Hillsborough County, Florida

(B) The part of Section 21, 22, 26, 27, 35, and 36 Township 27 South, Range 19 East, condemned for transmission lines by Tampa Electric Company in Suit Number 41987-L Circuit Court, Hillsborough County, Florida

(C) That part of Sections 26, 27, 35, and 36, Township 27 South, Range 19 East, conveyed to County of Hillsborough for use and benefit of Road Department by instruments recorded September 3, 1965, in Official Record Book 1501 on Page 480, and in Official Record Book 1501 on Page 482 of the Public Records of Hillsborough County, Florida

ALSO LESS:

A parcel of land in the West one-half of the Southwest one-quarter of Section 24, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly desribed as follows: Commence at the Northwest corner of said Section 24; said corner being marked by a 3" iron pipe; run thence S00°18'32"W, along the West boundary of said Section 24 for a distance of 2632.49 feet to the West quarter corner of said Section 24 and the Point of Beginning: of the parcel of land hereinafter described; run thence S89°27'50"E, along the Quarter section line of said Section 24, for a distance of 679.56 feet; run thence S00°35'04"W, for a distance of 420.88 feet; run thence S10°37'07"E, for a distance of 1166.17 feet; run thence S88°59'25"W, for a distance of 898.87 feet to a point on the aforesaid West boundary line of Section 24; run thence N00°18'32"E, along said West boundary line, for a distance of 1589.27 feet to the Point of Beginning.

AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S00°18'32"W, along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the Point of Beginning: of the parcel of land hereinafter described; thence continue S00°18'32"W, along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S88°59'25"W, for a distance of 717.67 feet; run thence N17°04'19"W, for a distance of 354.31 feet; run thence N13°04'19"W, for a distance of 550.00 feet; run thence N08°04'19"W, for a distance of 448.12 feet; run thence N03°11'04"W, for a distance of 293.89

feet to a point on the Quarter section line of said Section 23; run thence S89°27'50"E, along said Quarter section line, for a distance of 1033.83 feet to the Point of Beginning.

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S89°25'23"W, along the South boundary of said Section 36, a distance of 800.00 feet; thence N00°46'24"W, parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the Point of Beginning: thence return S00°46'24"E, a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N10°50'51"W, a distance of 451.00 feet, more or less; thence N25°01'34"W, a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S77°08'37"E, along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No.75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet; a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of S23°13'45"E, to the Point of Beginning.

fc: d:\files\tpapalms\exhibit.a-2

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces		N/A	
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)		N/A	
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Airports (Contractor.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Hospitals	# Beds		N/A	
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial	Acreage, including drainage, ROW, easements, etc.	No change		
	# Parking spaces			
	Building (gross square feet)			
	# Employees			
	Chemical storage (barrels and pounds)			
	Site locational changes			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Industrial (Contractor.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Mining Operations	Acreage mined (year)		N/A	
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O Conditions			
	ADA representations			
Office	Acreage, including drainage, ROW, easements, etc.		No change	
	Building (gross square feet)			
	# Parking spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Office (Contractor.)	ADA representations			
Petroleum/Chemical Storage	Storage Capacity (barrels and/or pounds)		N/A	
	Distance to Navigable Waters (feet)			
	Site locations changes			
	Facility Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas)	# Boats, wet storage		N/A	
	# Boats, dry storage			
	Dredge and fill (cubic yards, yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Residential	# Dwelling units	455 SF/2,316 MF	413 SF/2,587 MF	
	Type of dwelling units	Increased SF/decreased MF		
	# of lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes	8.50 acres added to SF 9.04 acres eliminated from MF		
	# External vehicle trips			
	D.O. Conditions			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.	No change		
	Floor Space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Hotel/Motel	# Rental Units	No change		
	Floor space (gross square feet)			
	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
R.V. Park	Acreage, including drainage, ROW, easements, etc.		N/A	
	# Parking Spaces			
	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage	No Change		
	Site locational changes			
	Type of open space			
	D.O. Conditions			
	ADA representations			
Preservation, Buffer or Special Protection Areas Preservation (Contractor.)	Acreage	No Change		
	Site locational changes			
	Development of site proposed			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

ORDINANCE NO. 99-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE FOURTEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY NEW TAMPA, INC., FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the "**First Amendment**"), approved changes to the Tampa Palms Master Plan as described in a document entitled "*Proposed Master Plan Revisions*"; and

WHEREAS, on September 8, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.06, F.S.; and

The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single-family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**"), which Ordinance for Area 3 adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single-family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification; and

WHEREAS, on December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance for Area 1 adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance for Area 4 approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an

amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

WHEREAS, on March 22, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**") which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use:

NOW, THEREFORE

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

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 each party and related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following finds of fact:

A. The owner of the Notification Property submitted the Notification, described in **Exhibit "A"** attached hereto, to the City.

B. The Notification includes a Summary of the Proposed Changes attached hereto as **Exhibit "B"**.

C. The Development Order, as adopted by Ordinance No. 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, and 97-61 is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was not determined to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Proposed Changes, summarized in **Exhibit "B"** attached hereto, which development is consistent with the approved master plan, Map H, dated _____, 1999, will not unreasonably interfere with the achievement of the objectives to the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Section 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and New Tampa, Inc., are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

H. The review by the City, DCA, the TBRPC and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification and summarized in **Exhibit "B"** attached hereto and made a part hereof, are hereby approved and adopted and become a part of the Development Order, except as specifically modified herein.

B. Map H: The Proposed Changes, as shown on Map H attached hereto and made a part hereof, are hereby approved and adopted and become a part of the Development Order.

C. Concurrency: The Proposed Changes approved by this Fourteenth Amendment to the Development Order are exempt from the provisions of Ordinance No. 90-31 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Fourteenth Amendment to Ordinance No. 88-58-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235-A, 95-258, 96-167, and 97-61, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109). All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer and all owners of the Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of it becoming law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and New Tampa, Inc., c/o Tew, Zinober, Barnes, Zimmet & Unice, 2655 McCormick Drive, Clearwater, Florida 33579.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. New Tampa, Inc. shall record a notice of adoption of this ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City Home Rule Charter and shall take effect immediately upon being rendered in accordance with the law.

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

ATTEST:

_____ _____

CHAIRMAN, CITY COUNCIL

_____

_____

CITY CLERK

Approved by me on _____

_____

MAYOR

Approved by

_____

ASSISTANT CITY ATTORNEY

EXHIBIT "B"

Summary of Proposed Changes

The applicant is amending Map H of the Master Plan to relocate park acreage, amending the conditions relating to the timing of construction of parks, and providing for the administrative relocation or elimination of the 2.5 acre public facility site.

A. The original Development Order (Resolution 80-823) provided for 16.5 acres of parks within Area 3. The Tenth Amendment to the DO relocated the parks into three (3) locations (5-acre, 3-acre and 8.5-acre sites). Map H sets forth Condition Nos. 5, 6 and 9, regarding the construction of such park sites. (Note that Condition Nos. 6 and 9 are duplicative.)

The Developer of Area 3 has agreed to provide a total of 12.04 upland acres for the YMCA facility (consisting in part of the 8.5-acre site and the 3-acre site), provided the DO is amended to relocate the 8.5-acre and 3-acre park site locations into one contiguous area, as shown on revised Map H attached hereto, and amend the conditions related to park construction.

The 16.5 acre maximum park area requirement within Area 3 will be satisfied by the development of the YMCA facility by the YMCA and the City, and the development of the 5-acre park site. Therefore, the conditions requiring the Developer to construct parks as a condition to the issuance of certificates of occupancy within Area 3, being Condition Nos. 5, 6 and 9, as shown on revised Map H adopted pursuant to the Tenth Amendment, are hereby deleted. Approval of the pending NOPC and this Amendment shall constitute satisfaction of such condition. In addition, Subsection 3.G. of Ordinance 94-235-A is hereby deleted in its entirety.

Based on the relocation of the park site, the Developer is trading off an approved 271 units of multi-family development (based on 30 units/acre) within the YMCA site, for an approved 42 single-family units (based on 5 units/acre) within the area from which the 8.5 acre park site is being relocated. Based on the tradeoff conditions approved by the Tenth Amendment, and the net effect of such tradeoff based on the relocation of the park site, such adjustments are permissible and present no substantial deviation from the previously approved DRI.

B. The fire/police station for which the public facility site was originally designated has been relocated and constructed in Area 4 of Tampa Palms. No additional fire/police station site is required within Tampa Palms, and no public facility use is currently planned. The relocation of the public facility site to a location suitable for the City's needs, if any, or the elimination of such site if not needed by the City, shall be approved administratively by the City staff without an additional NOPC or City Council approval, and to be completed within one (1) year from the date on which the Amendment to which this Exhibit "B" is attached is approved by the City Council. Upon such relocation or elimination, the 2.5 acre site currently designated public facility shall become commercially-designated property automatically based on the adjacent commercially-designated land uses, and the related landscape buffer shown on Map H shall be eliminated.

Master Plan (the "Roadway Corridors"), of the City's intention to proceed with construction of any or all of the roads to be located within the Roadway Corridors.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Sixteenth Amendment to Ordinance No. 8858-A, as amended by Ordinance No. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235A, 95-258, 96-167, 97-61, 99-01 and 99-02, which collectively shall constitute the Tampa Palms DRI Development Order. All provisions of the Tampa Palms DRI Development Order, except those provisions specifically modified herein, shall remain in full force and effect, and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance in which case the terms and conditions of this Ordinance shall govern.

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

Section 6. Binding Effect. That this Ordinance shall be binding upon the Applicant, 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 law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and to the City of Tampa:

City of Tampa Transportation Division
306 E. Jackson Street
4th Floor East
Tampa, Florida 33602

Section 9. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance pursuant to Chapter 380, Florida Statutes.

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

Section 11. Effective Date. That this Ordinance shall take effect immediately upon becoming a law.

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

ATTEST:

_____
CITY CLERK

_____
CHAIRMAN, CITY COUNCIL

APPROVED by me on _____

_____
MAYOR

APPROVED AS TO FORM BY:

_____
ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

EXHIBIT "A"

AREA 4, LEGAL DESCRIPTION

THE NOTIFICATION PROPERTY

EXHIBIT "B"

THE NOTIFICATION OF PROPOSED CHANGE

Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (The "Master Plan"), including the addition of a school site, relocations of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendments to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 (the "Thirteenth Amendment"), approved an amendment to the Development Order approving changes involving Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 (the "Fourteenth Amendment"), approved an Amendment to the Development Order, which amendment approved the use of property in Area 2 for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 (the "Fifteenth Amendment"), approved an Amendment to the Development Order approving changes involving Area 2, Tract 6A in order to authorize the use of that parcel as a school in addition to its current use as a church; and

WHEREAS, on _____, the City of Tampa (the "Applicant") filed a Notification of Proposed Change to a previously approved Development of Regional Impact (the "NOPC") for approval of an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors (the "Proposed Changes") in Area 4 of the Tampa Palms DRI, as more fully described in Exhibit "A" attached hereto (the "Notification Property") pursuant to Section 380.06(19) Florida Statutes, which NOPC as well as responses to agency comments were submitted as part of the record to this Ordinance and are on file in the Office of the City Clerk; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the NOPC; and

WHEREAS, the City Council has held a duly noticed public hearing on the NOPC and has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Florida Statutes Section 380.06(19) requires that the Development Order be amended to reflect City Council's approval of the changes to the Tampa Palms DRI Development Order.

NOW, THEREFORE,

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

Section 1. Findings of Fact. The City Council, having received the above-referenced documents, and having reviewed all related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial, competent, clear and convincing evidence to support the following Findings of Fact:

A. The applicant submitted the NOPC to the City requesting approval of a five-year extension to that period of time during which the City may notify in writing the owner(s) of certain roadway corridors (the East-West Road and Road B, including the extension of Road B,) of the City's intention to proceed with construction of any or all of the roads to be located in those roadway corridors.

B. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

C. The NOPC provisions do not, individually nor cumulatively with prior changes, create additional regional impact 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 (1993).

Section 2. Conclusions of Law. The City Council having made the above Findings of Fact, renders the following Conclusions of Law:

A. Development of the Proposed Changes, which development is consistent with the approved master plan, Map H, dated July 22, 1996, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI remain vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S.

E. This Order satisfies the provisions of Section 380.06(15) and (19), F.S., as amended.

F. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record in these proceedings, the various departments of the City and Applicant are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

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

A. The Proposed Changes as described herein and in the Notification of Proposed Change, attached hereto and made a part hereof as Exhibit "B", are hereby approved and adopted.

B. Concurrency. The changes approved by this Sixteenth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance No. 90-32, City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

C. Section 3, Paragraph F of Ordinance No. 96-167, the Twelfth Amendment, which paragraph amended Section 3, Paragraph G of Ordinance 94-210, the Ninth Amendment, is hereby amended in order to change the first Sentence thereof as follows:

> **Future Alternative Roadway Corridors: Any time within five (5) years after the effective date of this Ordinance, the City may notify in writing the owner(s) of the roadway corridors (the East-West Road and Road B, including the extension of Road B,) shown on the revised**

designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

On January 7, 1999 the City adopted Ordinance 99-01 (the "**Fourteenth Amendment**") which use approved property in Area 2 for a church, school, day care facility and a Hart Line Park and Ride facility, with specific conditions regarding access to the property via Methodist Place; and

On January 7, 1999 the City adopted Ordinance 99-02 (the "**Fifteenth Amendment**") which use approved property in Area 2 for a school use ancillary to a church site.

8. Describe any lands purchased or optioned within 1/4 mile of 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 lands have been purchased or optioned within 1/4 mile of the original DRI site.

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

No change of entitlements.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.A.
YES _____ NO _____

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

No, the proposed change does not result in a change to the build-out date, or phasing date.

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

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

No, no amendment to the City of Tampa comprehensive plan

is required.

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

The proposed change is a textual change to the Development Order and will not necessitate a change to the master plan.

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;

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

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

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

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

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

The proposed development order amendment is attached as **Exhibit "A"**.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Attraction/Recreation	# Parking Spaces			
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. Conditions			
	ADA Representations			
Airports	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including drainage, ROW, easements, etc.			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

No change is proposed to approved entitlements.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Airports (cont.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Hospitals	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	External Vehicle Trips			
	D.O. conditions			
	ADA representations			
Industrial	Acreage, including drainage, ROW, easements, etc.			
	# Parking spaces			
	Building (gross square feet)			
	#Employees			
	Chemical storage (barrels and pounds)			
	Site locational changes			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

No change is proposed to approved entitlements.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Industrial (cont.)	# External Vehicle Trips			
	D.O. Conditions			
	ADA representations			
Mining Operations	Acreage mined (year)			
	Water withdrawal (gal/day)			
	Size of mine (acres), including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			
Office	Acreage, including drainage, ROW, easement, etc.			
	Building (gross square feet)			
	# Parking spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

No change is proposed to approved entitlements.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Office (cont.)	ADA representations			
Petroleum/Chemical Storage	Storage Capacity (barrel and/or pounds)			
	Distance to Navigable Waters (feet)			
	Site Locations changes			
	Facility Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle trips			
	D.O. Conditions			
	ADA representations			
Ports (Marinas)	# Boats, wet storage			
	# Boats, dry storage			
	Dredge and fill (cu. yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

No change is proposed to approved entitlements.

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE & DATE OF CHANGE
Residential	# Dwelling units			
	Type of dwelling units			
	# of lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
Wholesale, Retail, Service	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External vehicle trips			
	D.O. Conditions			
	ADA representations			

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.

No change is proposed to approved entitlements.

ORDINANCE NO. 99-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE SIXTEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE CITY OF TAMPA REGARDING TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Developer Order; and

WHEREAS, on January 24, 1985, the City of Tampa ("City") annexed the Tampa Palms property, pursuant to Ordinance 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance 8858-A, adopted the Tampa Palms Development Order adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions; and

WHEREAS, on September 5, 1985, the City of Tampa by Ordinance 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City of Tampa Ordinance No. 9359-A, as amended by Ordinance No. 9466-A; and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 (the "Fifth Amendment"), approved an amendment to Ordinance No. 91-93 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46, (the "Sixth Amendment"), approved an amendment to the Tampa Palms DRI Development order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park Land Use designation; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "Seventh Amendment"), repealed Ordinance No. 93-46 and approved numerous changes to Map H, a conversion factor for the Business/Commercial Park Land Use designation, and a new phasing schedule; and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the "Eighth Amendment"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the "Ninth Amendment"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocation in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235-A (the "Tenth Amendment"), which Ordinance approved amendments regarding a trade-off mechanism whereby certain lands designated for multi-family use can be converted to single family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multifamily uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines; removal of church sites; changes to park locations; realignment of the major roadways; deletion of an interchange; relocation of Commercial parcels; and other revisions and relocations in land uses described in the Notification; and

WHEREAS, on December 7,1995, the City adopted Ordinance No. 95-258 (the "Eleventh Amendment"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the "Twelfth

ALSO LESS:

TAMPA PALMS AREA 4 TAMPA PALMS BOULEVARD 9TH. EXTENSION PUMP STATION

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

From the Northwest corner of the Southwest 1/4 of said Section 23, run thence along the North boundary of said Southwest 1/4 of Section 23, S.89°30'00"E., 781.98 feet; thence S.00°43'09"W., 218.38 feet to a point of curvature; thence Southwesterly, 406.31 feet along the arc of a curve to the right having a radius of 1940.00 feet and a central angle of 12°00'00" (chord bearing S.06°43'09"W., 405.57 feet) to a point of tangency; thence S.12°43'09"W., 245.64 feet to a point of curvature; thence Southwesterly, 53.03 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 86°48'35" (chord bearing S.56°07'26"W., 48.10 feet) to a point of reverse curvature; thence Northwesterly, 13.36 feet along the arc of a curve to the left having a radius of 1672.00 feet and a central angle of 00°27'28" (chord bearing N.80°42'00"W., 13.36 feet); thence continue Northwesterly, 312.44 feet along the arc of said curve to the left having a radius of 1672.00 feet and a central angle of 10°42'24" (chord bearing N.86°16'57"W., 311.99 feet) to a point of compound curvature; thence Southwesterly, 446.01 feet along the arc of a curve to the left having a radius of 1425.00 feet and a central angle of 17°55'59" (chord bearing S.79°23'52"W., 444.19 feet) to a point of tangency; thence S.70°25'52"W., 76.05 feet to a point of curvature; thence Southwesterly, 25.40 feet along the arc of a curve to the left having a radius of 1660.00 feet and a central angle of 00°52'36" (chord bearing S.69°59'34"W., 25.40 feet) to the POINT OF BEGINNING; thence continue Southwesterly, 168.92 feet along the arc of said curve to the left having a radius of 1660.00 feet and a central angle of 05°49'49" (chord bearing S.66°38'21"W., 168.84 feet); thence N.24°43'21"W., 70.61 feet; thence N.65°16'39"E., 90.00 feet; thence S.59°59'26"E., 36.48 feet; thence S.76°53'16"E., 73.10 feet to the POINT OF BEGINNING.

Containing 0.199 acres, more or less.

TOGETHER WITH:

TAMPA PALMS AREA 8 (TAMPA TECHNOLOGY PARK WEST) LAND SWAP PARCEL

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

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING.

Containing 17.341 acres, more or less.

ALSO TOGETHER WITH:

LOT 2 of TAMPA PALMS AREA 4 UNIT 2 / 3A, as Recorded in Plat Book 69, Page 51, Public Records of Hillsborough County, Florida.

Containing 14.381 acres, more or less.

ALTOGETHER Containing 1166.491 acres, more or less.

Exhibit A
Page 3 of 3

EXHIBIT "B"

THE NOTIFICATION OF PROPOSED CHANGE

FORM RPM-BSP-PROPCHANGE-1

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF LOCAL PLANNING
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399
904/488-9210

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. Elton Smith, the undersigned authorized representative of City of Tampa, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(18), Florida Statutes. In support thereof, I submit the following information concerning the Tampa Palms development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

7/23/99
Date

E G Smith
Signature

Exhibit B

2. Applicant (name, address, phone): City of Tampa
306 E. Jackson St.
Tampa, FL 33602

3. Authorized Agent (name, address, phone): Elton Smith
Transportation Division
City of Tampa, Florida
306 E. Jackson St.
Tampa, FL 33602

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change: Tampa, Hillsborough County, Township 27S/Range 19E/Section 27

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

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

The City is seeking a five year extension of the timing requirement as contained in Section 3.F. of Ordinance 96-167, which requires the City to notify in writing the owners of the roadway corridor (East/West Road and Road B) of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors. The proposed change relates to timing only and makes no other changes relating to the roadway corridor.

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

The Notification of Proposed Change makes no changes to approved entitlements.

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 governmental adopted a new DRI development order for the project?

On October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI (the "**Development Order**"); and

On November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Development Order; and

On January 24, 1985, the City of Tampa (the "**City**") annexed the Tampa Palms Property, pursuant to Ordinance No. 8768-A; and

On April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

On September 5, 1985, the City, by Ordinance 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions; and

On September 5, 1985, the City, by Ordinance No. 9016-A (the "**Second Amendment**"), adopted the Amendment to the Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of Commissioners; and

On December 30, 1988, the City, the Tampa Bay Regional Planning Council ("**TBRPC**"), the State of Florida Department of Community Affairs ("**DCA**") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement (the "**1988 Development Agreement**") relating to the property affected by the Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

On June 20, 1992, the City, by Ordinance No. 91-98 (the "**Third Amendment**"), approved by amendment to the Development Order approving changes to the Tampa Palm Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

On October 10, 1991, the City, by Ordinance No. 91-193 (the "**Fourth Amendment**"), approved an amendment to the

Development Order to amend the legal description for Tampa Palms; and

On December 19, 1991, the City, by Ordinance No. 91-228 (the "**Fifth Amendment**"), approved an amendment to Ordinance No. 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

On March 25, 1993, the City, by Ordinance 93-46 (the "**Sixth Amendment**"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

On May 13, 1993, DCA filed a Notice of Appeal ("**Appeal**") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

The City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("**Settlement Agreement**"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

On August 5, 1993, the City, by Ordinance No. 93-109 (the "**Seventh Amendment**"), approved an amendment to the Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the build-out date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance No. 93-46 (the "**Sixth Amendment**"); and

On June 30, 1994, the City, by Ordinance No. 94-121 (the "**Eighth Amendment**"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single family units from Parcel 4A2; and

On October 20, 1994, the City adopted Ordinance No. 94-210 (the "**Ninth Amendment**"), which Ordinance amended the

Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing of Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revision sand relocations in land uses described in Notifications submitted in connection therewith; and

On November 17, 1994, the City adopted Ordinance No. 94-235-A (the "**Tenth Amendment**"), which Ordinance adopted a trade-off mechanism, whereby certain lands designated for multi-family use can be converted to single family, retail or office or multi-family uses, which conversion must be made in accordance with the ratios and upon the conditions set forth therein, jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, and to reflect other applicable revisions and relocations in land uses described in the Notification; and

On December 7, 1995, the City adopted Ordinance No. 95-258 (the "**Eleventh Amendment**"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the rations and upon the conditions set forth therein; and

On August 15, 1996, the City adopted Ordinance No. 96-167 (the "**Twelfth Amendment**"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (the "**Master Plan**"), including addition of a school site, relocation of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendment to the Phasing Schedule to reflect the addition of the school site and amendments to certain development order conditions described in the Notification; and

On March 20, 1997, the City adopted Ordinance No. 97-61 (the "**Thirteenth Amendment**"), which Ordinance approved an amendment to the approved plan of development and Development Order conditions for Area I of the Tampa Palms DRI to add 20,000 square feet to the currently

#65

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

October 14, 1999

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

RE: Petition No. DZ85-75 - Tampa Palms
Ordinance 99-219

Dear Sir:

The enclosed document is being transmitted for your information and record keeping process. If further information is needed, please contact the office of Land Development Coordination, at (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Certified copy of Ordinance 99-219

Certified Mail

315 E. Kennedy Blvd., City Hall • Tampa, Florida 33602 • 813/274-8396 • FAX: 813/274-8306
email: i:ctyclerk@ci.tampa.fl.us

#65

ORDINANCE NO. 99-219

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE SIXTEENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE CITY OF TAMPA REGARDING TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Developer Order; and

WHEREAS, on January 24, 1985, the City of Tampa ("City") annexed the Tampa Palms property, pursuant to Ordinance 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance 8858-A, adopted the Tampa Palms Development Order adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions; and

WHEREAS, on September 5, 1985, the City of Tampa by Ordinance 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City of Tampa Ordinance No. 9359-A, as amended by Ordinance No. 9466-A; and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City by Ordinance No. 91-193 ("Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 (the "Fifth

Amendment"), approved an amendment to Ordinance No. 91-93 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance No. 93-46, (the "Sixth Amendment"), approved an amendment to the Tampa Palms DRI Development order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park Land Use designation; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "Seventh Amendment"), repealed Ordinance No. 93-46 and approved numerous changes to Map H, a conversion factor for the Business/Commercial Park Land Use designation, and a new phasing schedule; and

WHEREAS, on June 30, 1994, the City, by Ordinance No. 94-121 (the "Eighth Amendment"), approved an amendment to the Development Order to add 36 multi-family units to Parcel 3 A and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City adopted Ordinance No. 94-210 (the "Ninth Amendment"), which Ordinance amended the Development Order for Area 4, updating jurisdictional wetland lines and potential encroachments thereof for access, utilities and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood/Commercial parcels, the adoption of site specific conversion factors to allow conversions among certain land uses, and amending the Phasing Schedule and Phasing Map to move the public facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocation in land uses described in Notification submitted in connection therewith; and

WHEREAS, on November 17, 1994, the City adopted Ordinance No. 94-235-A (the "Tenth Amendment"), which Ordinance approved amendments regarding a trade-off mechanism whereby certain lands designated for multi-family use can be converted to single family, retail or office uses and whereby certain lands designated for retail use can be converted to office or multifamily uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines; removal of church sites; changes to park locations; realignment of the major roadways; deletion of an interchange; relocation of Commercial parcels; and other revisions and relocations in land uses described in the Notification; and

WHEREAS, on December 7,1995, the City adopted Ordinance No. 95-258 (the "Eleventh Amendment"), which Ordinance adopted a trade-off mechanism whereby certain lands designated for office park use can be converted to multi-family uses, which conversions must be made in accordance with the ratios and upon the conditions set forth therein; and

WHEREAS, on August 15, 1996, the City adopted Ordinance No. 96-167 (the "Twelfth Amendment"), which Ordinance approved an amendment to the approved Map H, Master Plan for Tampa Palms (The "Master Plan"), including the addition of a school site, relocations of approved commercial entitlements, road realignments, changes to park sizes and locations, an amendments to the Phasing Schedule to reflect the addition of the school site and amendments to certain

development order conditions described in the Notification; and

WHEREAS, on March 20, 1997, the City, by Ordinance No. 97-61 (the "Thirteenth Amendment"), approved an amendment to the Development Order approving changes involving Area 1 of the Tampa Palms DRI to add 20,000 square feet to the currently designated Community/Commercial approved square footage allocated on the land use table, which square footage is to be used for the construction of a commercial development for retail use; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-01 (the "Fourteenth Amendment"), approved an Amendment to the Development Order, which amendment approved the use of property in Area 2 for a church, school, daycare facility, and a Hartline Park and Ride Facility, with specific conditions regarding access to the property via Methodist Place; and

WHEREAS, on January 7, 1999, the City, by Ordinance No. 99-02 (the "Fifteenth Amendment"), approved an Amendment to the Development Order approving changes involving Area 2, Tract 6A in order to authorize the use of that parcel as a school in addition to its current use as a church; and

WHEREAS, on July 23, 1999, the City of Tampa (the "Applicant") filed a Notification of Proposed Change to a previously approved Development of Regional Impact (the "NOPC") for approval of an extension of time for that time period during which the City may notify in writing the owner(s) of certain roadway corridors of the City's intention to proceed with construction of any or all of the roads to be located within the roadway corridors (the "Proposed Changes") in Area 4 of the Tampa Palms DRI, as more fully described in Exhibit "A" attached hereto (the "Notification Property") pursuant to Section 380.06(19) Florida Statutes, which NOPC as well as responses to agency comments were submitted as part of the record to this Ordinance and are on file in the Office of the City Clerk; and

WHEREAS, on August 26, 1999, Lennar Homes, Inc. filed a notice of its intent to join with the City of Tampa as an Applicant for this NOPC; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the NOPC; and

WHEREAS, the City Council has held a duly noticed public hearing on the NOPC and has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Florida Statutes Section 380.06(19) requires that the Development Order be amended to reflect City Council's approval of the changes to the Tampa Palms DRI Development Order.

NOW, THEREFORE,

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

Section 1. Findings of Fact. The City Council, having received the above-referenced documents, and having reviewed all related comments, testimony, and evidence submitted by each party and members of the general public, finds there is substantial, competent, clear and convincing evidence to support the following Findings of Fact:

A. The applicants submitted the NOPC to the City requesting approval of a one-year extension to that period of time during which the City may notify in writing the owner(s) of certain roadway corridors (the East-West Road and Road B, including the extension of Road B,) of the City's intention to proceed with construction of any or all of the roads to be located in those roadway corridors.

B. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

C. The NOPC provisions do not, individually nor cumulatively with prior changes, create additional regional impact 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 (1993).

Section 2. Conclusions of Law. The City Council having made the above Findings of Fact, renders the following Conclusions of Law:

A. Development of the Proposed Changes, which development is consistent with the approved master plan, Map H, dated July 22, 1996, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the Provisions of Ordinance 90-32, City Concurrency Management System and the Tampa Palms DRI

remain vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S.

E. This Order satisfies the provisions of Section 380.06(15) and (19), F.S., as amended.

F. These proceedings have been duly conducted pursuant to applicable law and regulations and based upon the record in these proceedings, the various departments of the City and Applicant are authorized to approve/conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

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

A. The Proposed Changes as described herein and in the Notification of Proposed Change, attached hereto and made a part hereof as Exhibit "B", are hereby approved and adopted.

B. Concurrency. The changes approved by this Sixteenth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance No. 90-32, City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

C. Section 3, Paragraph F of Ordinance No. 96-167, the Twelfth Amendment, which paragraph amended Section 3, Paragraph G of Ordinance 94-210, the Ninth Amendment, is hereby amended in order to change the first Sentence thereof as follows:

> **Future Alternative Roadway Corridors: Any time within one (1) years after the effective date of this Ordinance, the City may notify in writing the owner(s) of the roadway corridors (the East-West Road and Road B, including the extension of Road B,) shown on the revised Master Plan (the "Roadway Corridors"), of the City's intention to proceed with construction of any or all of the roads to be located within the Roadway Corridors.**

Section 4. Development Order, as Amended. This Ordinance shall constitute the

Sixteenth Amendment to Ordinance No. 8858-A, as amended by Ordinance No. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, 94-210, 94-235A, 95-258, 96-167, 97-61, 99-01 and 99-02, which collectively shall constitute the Tampa Palms DRI Development Order. All provisions of the Tampa Palms DRI Development Order, except those provisions specifically modified herein, shall remain in full force and effect, and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance in which case the terms and conditions of this Ordinance shall govern.

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

Section 6. Binding Effect. That this Ordinance shall be binding upon the Applicant, 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 law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and to the City of Tampa:

City of Tampa Transportation Division
306 E. Jackson Street
4th Floor East
Tampa, Florida 33602

Section 9. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance pursuant to Chapter 380, Florida Statutes.

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

Section 11. Effective Date. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON SEP 30 1999.

ATTEST:

Janett S. Martin
CITY CLERK

Evelyn M. Miller
CHAIRMAN, CITY COUNCIL
PRO-TEM

APPROVED by me on OCT 07 1999

MAYOR

APPROVED AS TO FORM BY:

ANDREA E. ZELMAN
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillborough

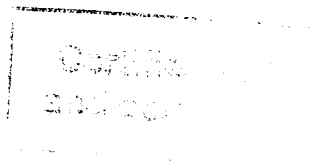
This is to certify that the foregoing is a true and correct copy of Ordinance 99-219 on file in my office
Witness my hand and official seal this 12th day of Oct., 1999.

Janett S. Martin
CITY CLERK

EXHIBIT "A"

AREA 4, LEGAL DESCRIPTION

THE NOTIFICATION PROPERTY



Legal Description:

TAMPA PALMS AREA 4 ZONING

DESCRIPTION: A parcel of land lying in Sections 21, 22, 23, 26 and 27, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 22, run thence along the North boundary of the Northwest 1/4 of said Section 22, S.89°45'09"E., 2663.36 feet to the Northeast corner of said Northwest 1/4 of Section 22; thence along the East boundary of said Northwest 1/4 of Section 22, S.00°04'06"W., 2640.14 feet to the center of said Section 22; thence along the North boundary of the Southeast 1/4 of said Section 22, S.89°52'54"E., 2659.65 feet to the Northeast corner of said Southeast 1/4 of Section 22; thence along the North boundary of the South 1/2 of the aforesaid Section 23, S.89°50'00"E., 2688.73 feet to a point on the Northwesterly right-of-way line of the Northwest Frontage Road of Interstate Highway No. 75 at County Road No. 581; thence along said Northwesterly right-of-way line the following four (4) courses: 1) S.39°27'48"W., 436.67 feet; 2) S.41°45'14"W., 298.06 feet to a point of curvature; 3) Southerly, 180.64 feet along the arc of a curve to the left having a radius of 115.00 feet and a central angle of 90°00'00" (chord bearing S.03°14'46"E., 162.63 feet) to a point of tangency; 4) S.48°14'46"E., 3.00 feet to a point on the Northwesterly right-of-way line of County Road No. 581; thence along said Northwesterly right-of-way line of County Road No. 581, S.41°43'09"W., 5803.83 feet to the most Easterly corner of the property described in Official Record Book 4862, Page 0334, of the Public Records of Hillsborough County, Florida; thence along the Northeasterly boundary of said property, N.48°16'51"W., 295.00 feet; thence along the Northwesterly boundary of said property, S.41°43'09"W., 292.93 feet to a point on the Northeasterly boundary of a 100 foot wide Florida Power Corporation Easement as described in Deed Book 1627, Page 87, of the Public Records of Hillsborough County, Florida; thence along the Northeasterly boundary of said property described in Deed Book 1627, Page 87, also being the Southwesterly boundary of the aforesaid property described in Official Record Book 4862, Page 0334, S.47°21'09"E., 295.04 feet to a point on the aforesaid Northwesterly right of way line of County Road No. 581; thence along said Northwesterly right-of-way line, S.41°43'09"W., 100.01 feet to a point on the Southwesterly boundary of the aforesaid property described in Deed Book 1627, Page 87; thence along said Southwesterly boundary and the Northeasterly boundary of a 200 foot wide Tampa Electric Company right-of-way as described in Official Record Book 1169, Page 54, of the Public Records of Hillsborough County, Florida, N.47°21'09"W., 4677.06 feet; thence along the Southerly boundary of said property described in Official Record Book 1169, Page 54, N.88°58'22"W., 3960.45 feet to a point on the West boundary of the Southeast 1/4 of the Southwest 1/4 of the aforesaid Section 21; thence along said West boundary, N.00°01'33"E., 896.96 feet; thence along the West boundary of the Northeast 1/4 of said Southwest 1/4 of Section 21, N.00°12'27"W., 1327.00 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 21, N.00°23'57"W., 1326.75 feet; thence along the West boundary of the Northeast 1/4 of said Northwest 1/4 of Section 21, N.00°27'27"W., 1324.77 feet to the Northwest corner of said Northeast 1/4 of the Northwest 1/4 of Section 21, thence along the North boundary of said Northeast 1/4 of the Northwest 1/4 of Section 21, S.88°40'19"E., 1344.34 feet; thence along the North boundary of the Northeast 1/4 of said Section 21, S.88°54'49"E., 2663.84 feet to the BEGINNING.

Containing 1196.982 acres, more or less.

LESS:

TAMPA PALMS AREA 4 UNIT 2 / 3A, as Recorded in Plat Book 69, Page 51, Public Records of Hillsborough County, Florida.

Containing 33.634 acres, more or less.

ALSO LESS:

THAT Portion of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the North boundary of the Southwest 1/4 of Section 23, Township 27 South, Range 19 East.

Containing 22.635 acres, more or less.

Exhibit A

ALSO LESS:

ST. JAMES UNITED METHODIST CHURCH AT TAMPA PALMS LOT 1

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

From the Northwest corner of Section 26, Township 27 South, Range 19 East, run thence S.89°31'00"E., 545.40 feet along the North boundary of said Section 26 to a point on the Northwesterly right-of-way line of County Road No. 581; thence S.41°43'09"W., 3135.87 feet along said right-of-way line to a point of curvature; thence Southwesterly, 54.98 feet along the arc of curve to the right having a radius of 35.00 feet and a central angle of 90°00'00" (chord bearing S.86°43'09"W., 49.50 feet); thence N.48°16'51"W., 166.62 feet to the POINT OF BEGINNING; thence N.48°16'51"W., 238.38 feet to a point of curvature; thence Northwesterly, 101.30 feet along the arc of a curve to the right having a radius of 550.00 feet and a central angle of 10°33'10" (chord bearing N.43°00'16"W., 101.16 feet) to a point of tangency; thence N.37°43'41"W., 96.00 feet to a point of curvature; thence Northwesterly, 119.72 feet along the arc of a curve to the left having a radius of 650.00 feet and a central angle of 10°33'10" (chord bearing N.43°00'16"W., 119.55 feet) to a point of tangency; thence N.48°16'51"W., 7.79 feet; thence N.41°43'09"E., 568.43 feet; thence S.67°22'16"E., 77.39 feet; thence S.37°59'25"E., 127.64 feet; thence S.22°09'50"E., 100.86 feet; thence S.06°28'17"W., 67.57 feet; thence S.01°09'15"W., 103.71 feet; thence S.30°02'26"E., 65.66 feet; thence N.78°52'57"W., 36.60 feet; thence S.49°42'17"W., 48.11 feet; thence N.75°05'17"W., 50.52 feet; thence S.28°06'14"W., 79.36 feet; thence S.35°45'25"W., 101.69 feet; thence S.03°05'18"W., 57.99 feet; thence S.30°39'52"E., 55.12 feet; thence S.50°45'37"E., 67.59 feet; thence S.41°43'09"W., 83.52 feet to the POINT OF BEGINNING.

Containing 5.522 acres, more or less.

ALSO LESS:

TAMPA PALMS AREA 4 G.T.E. REMOTE SWITCHING UNIT

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

From the Northwest corner of the Southwest 1/4 of said Section 23, run thence along the North boundary of said Southwest 1/4 of Section 23, S.89°30'00"E., 781.98 feet to a point on the Westerly boundary of Commerce Park Boulevard, TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the map or plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said Westerly boundary the following five (5) courses: 1) S.00°43'09"W., 218.38 feet to a point of curvature; 2) Southwesterly, 406.31 feet along the arc of a curve to the right having a radius of 1940.00 feet and a central angle of 12°00'00" (chord bearing S.06°43'09"W., 405.57 feet) to a point of tangency; 3) S.12°43'09"W., 245.64 feet to a point of curvature; 4) Southwesterly, 53.03 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 86°48'35" (chord bearing S.56°07'26"W., 48.10 feet) to a point of reverse curvature; 5) Northwesterly, 13.36 feet along the arc of a curve to the left having a radius of 1672.00 feet and a central angle of 00°27'28" (chord bearing N.80°42'00"W., 13.36 feet); thence continue Northwesterly, 312.44 feet along the arc of said curve to the left having a radius of 1672.00 feet and a central angle of 10°42'24" (chord bearing N.86°16'57"W., 311.99 feet) to a point of compound curvature; thence Southwesterly, 446.01 feet along the arc of a curve to the left having a radius of 1425.00 feet and a central angle of 17°55'59" (chord bearing S.79°23'52"W., 444.19 feet) to a point of tangency; thence S.70°25'52"W., 76.05 feet to a point of curvature; thence Southwesterly, 194.32 feet along the arc of a curve to the left having a radius of 1660.00 feet and a central angle of 06°42'25" (chord bearing S.68°04'39"W., 194.21 feet) to the POINT OF BEGINNING; thence continue Southwesterly, 28.02 feet along the arc of said curve to the left having a radius of 1660.00 feet and a central angle of 00°58'01" (chord bearing S 63°14'26"W., 28.02 feet); thence N.24°43'21"W., 159.61 feet; thence N.65°16'39"E., 57.04 feet; thence S.59°26'02"E., 107.05 feet; thence S.65°16'39"W., 90.00 feet; thence S.24°43'21"E., 70.61 feet to the POINT OF BEGINNING.

Containing 0.223 acres, more or less.

65

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

November 21, 1994

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

RE: Petition No. DZ85-75
Ordinance No. 94-235

Dear Sir:

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

If further information is needed, please contact the office of Land Development Coordination, (813) 223-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Ordinance No. 94-235

CERTIFIED MAIL

cc: Land Development Coordination

TBRPC Certified copy

ORDINANCE NO. 94-235-A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE TENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY NEW TAMPA, INC., FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms property, pursuant to Ordinance 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance 8858-A, adopted the Tampa Palms Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance 9015-A (the "First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions;" and

WHEREAS, on September 5, 1985, the City, by Ordinance 9016-A (the "Second Amendment"), adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the "Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance 91-193 (the "Fourth Amendment"), approved an amendment to the Tampa Palms

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Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance 91-228 (the "Fifth Amendment"), approved an amendment to Ordinance 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the "Sixth Amendment"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance 93-109 (the "Seventh Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the buildout date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance 93-46 (the "Sixth Amendment"); and

WHEREAS, on June 16, 1994, New Tampa, Inc. ("New Tampa"), the owner of the majority of undeveloped area of Tampa Palms lying northeast of the TECO Easement and northwest of County Road 581, more commonly known as Area 3 of the Tampa Palms DRI ("Notification Property"), described in Exhibit "A," attached hereto, filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), F.S." (hereinafter referred to as the "Notification"), and subsequently in response to review agency comments filed responses (hereinafter referred to as "Responses") which Notification and Responses are attached hereto as Exhibit "B"; and

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WHEREAS, the changes proposed in the Notification are amendments to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines, removal of church sites, changes to park locations, realignment of the major roadways, deletion of an interchange, relocation of Commercial parcels, the adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses and to reflect other applicable revisions and relocations in land uses described in the Notification (hereinafter referred to as "Proposed Changes"); and

WHEREAS, on June 30, 1994, the City, by Ordinance 94-121 (the "Eighth Amendment"), approved an amendment to the Tampa Palms Development Order to add 36 multi-family units to Parcel 3A, and to delete 55 single family units from Parcel 4A2; and

WHEREAS, on October 20, 1994, the City, by Ordinance 94-210 (the "Ninth Amendment"), approved an amendment to the Tampa Palms Development Order for Area 4 including updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines for access, utilities, and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood Commercial parcels, the adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses; and amendments to the Phasing Schedule and Phasing Map to move the Public Facilities site from Phase 3 to Phase 2 and to reflect other application revisions and relocations in land uses described in the Notification (hereinafter referred to as "Proposed Changes"); 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 the Notification and to approve amendments to DRIs; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the Proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

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WHEREAS, Section 380.06, F.S., requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following findings of fact:

A. The owner of the Notification Property described in Exhibit "A" attached hereto, submitted the Notification to the City.

B. The Notification, includes a Summary of the Proposed Changes, attached hereto as Exhibit "C," and an amendment to the Master Plan, to that shown on the Revised Map H, Master Plan (dated November 3, 1994), a copy of which is attached hereto as Exhibit "D" (the "Revised Master Plan").

C. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, and Ordinance 94-210 is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was determined not to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Revised Master Plan, attached hereto as Exhibit "D," which reflects the Proposed Changes, summarized in Exhibit "C" attached hereto, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and New Tampa are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

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A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification and summarized in Exhibit "C" attached hereto and made a part hereof, are hereby approved and adopted and become a part of the Tampa Palms DRI Development Order, except as specifically modified herein.

B. Adoption of Revised Master Plan: The Revised Master Plan, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "D", is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

C. Jurisdictional Wetland Encroachment: Access to parcels through jurisdictional wetland areas and other such jurisdictional wetland encroachments for infrastructure, specifically limited to utilities and utility easements, drainage retention areas, ponds, rights-of-way or access easements, and grade transitions from roadway surfaces that might extend beyond the rights-of-way, and for impacts to isolated, small wetlands, may be reviewed, approved and permitted in accordance with adopted rules established by the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the Environmental Protection Commission of Hillsborough County, without further DRI review. The owner of the Notification Property shall demonstrate to the City and respective environmental agencies that the cumulative impacts and encroachments into the wetlands necessary for access and infrastructure to Notification Property parcels (as specified above) will not affect more than one percent (1%) of the total Open Space area for the DRI Property.

The proposed master plan graphically shows an increase in Total Open Space from 3,238.5 to 3,508.41. One percent (1%) of the total Open Space for the DRI is approximately 34 acres. This is the maximum amount of encroachment approved herein. As such, the total Open Space tabulations have been reduced from 3,508.41 to 3474.41 on the Revised Master Plan. Total DRI Open Space, including the reduction by 34 acres, therefore has been increased from 3,238.5 acres to 3,474.41 acres, and the total Open Space for the Notification Property likewise has been increased from 290.2 acres to 367.4 acres. After reducing the tabulations as described herein, there is a net increase in total DRI Open Space when the original (1980) Open Space total is compared to the adjusted total Open Space. The net increase is 235.91 acres (3,238.5 acres approved in 1980 plan compared to 3,474.41 acres, the revised Open Space approved herein). The exact location of the 34 acres of jurisdictional wetland

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encroachments will be determined at the time of permitting.

The owner of the Notification Property will also commit to mitigate (i.e. create new wetlands [which includes placing a conservation easement over non-jurisdictional wetlands] or enhancing existing degraded wetlands, as determined at the time of permitting) any such encroachments at a minimum ratio of one acre replacement/mitigation for one acre of impacted wetland. Mitigation will be provided by the owner either within the Notification Property, the DRI Property or on other real property located within the City that is also within the Hillsborough River drainage basin area. This mitigation area shall not include conservation areas already designated as such in Area 1 of Tampa Palms. The City will have an opportunity to review the owner's proposed mitigation area for reasonableness. Should the owner choose mitigation site(s) not within the DRI site, i.e. off-site, the following additional conditions shall apply:

1. Ownership of any off-site mitigation areas shall remain in control of the owner of the Notification Property, its successors or assigns, unless as a result of permitting requirements, the off-site mitigation area meeting the foregoing requirements is a part of a mitigation bank, in which event ownership shall be as identified in the permitting conditions.

2. Off-site mitigation areas shall be encumbered by a perpetual conservation easement for the protection of the resources being mitigated.

3. Any costs associated with providing for, constructing, monitoring and maintaining the off-site mitigation area(s), shall be borne by the owner of the Notification Property, its successors or assigns.

4. Timing of off-site mitigation shall be in accordance with environmental agency permits.

5. At such time hereafter as a Notice of Proposed Change Application may be submitted affecting the Notification Property (the "Next NOPC"), any off-site mitigation plan approved by applicable permitting agencies shall be incorporated into any development order amendment resulting from the Next NOPC. This change shall <u>not</u> be determined to be a substantial deviation. In no event shall the Next

NOPC be filed more than two (2) years after the approval of the off-site mitigation plan.

D. Trade-Off Mechanism: Parcels designated on the Revised Master Plan for the Notification Property with an asterisk as Community Commercial may be developed as office or residential. Parcels designated on the Revised Master Plan for the Notification Property with an asterisk as multi-family may be developed as office, commercial or single-family residential. A trade-off from multi-family to single-family and from commercial to office shall not require a rezoning, however, all other trade-offs shall require a rezoning. At least 30 days prior to filing a plat or filing an application for a building permit for development utilizing the trade-off mechanism, the owner shall provide DCA and the City with notice of its intent to utilize the trade-off mechanism. The overall trade-off ratios are described in Exhibit "E", attached hereto. The owner shall, however, maintain a minimum of 100,000 square feet of commercial within the Notification Property. Additionally, a maximum of 250,000 square feet of office shall be permitted with the use of the trade-off mechanism and any square footage for office shall be traded from the commercial square footage.

Except as provided below, in the event that one or more trade-off ratios are used, the total number of all residential units and commercial square footage for the Notification Property shall not exceed 3,000 units and 441,500 square feet of commercial until Subsection E is satisfied and, thereafter, development shall not exceed 6,158 units and 700,000 square feet of commercial without undergoing a substantial deviation determination.

The owner may reduce the approved 441,500 square feet of commercial and increase the residential units above 3,000 consistent with the trade-off mechanism provided a minimum of 100,000 square feet of commercial is maintained. The owner may decrease the residential units below 3,000 and increase the commercial square footage provided a Notification of Proposed Change is submitted which is specifically limited to the demonstration that there will be no increase in regional impacts on the roadway network as a result of the trade-off.

The annual report shall include a summary of the trade-off ratios used for the reporting year.

E. Final Approval: The Interstate 75 interchange previously shown on Map H within Area 3 shall be deleted (hereinafter referred to as the "Area 3 Interchange").

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The Notification Property is vested for 6,158 residential units and 700,000 square feet of community commercial. However, prior to site plan approval for the entitlements associated with the Regional Shopping Center, hereinafter called "Additional Entitlements" (that development which exceeds the combined impacts of 441,500 square feet of commercial and 3,000 residential units), the owner must file a Notification of Proposed Change with the review limited to two areas. First, the mix of residential units and its impact on schools. Second, the submission of a traffic analysis updating the analysis prepared in September, 1994, by Kimley-Horn and Associates titled "Tampa Palms Area 3 Transportation Analysis of Proposed Land Use Plan and supplemental analyses dated October 4, 1994 and October 18, 1994" addressing the impacts of the Additional Entitlements on the roadways within the Tampa Palms DRI area. The analysis shall include:

1. The East-West Corridor area where the Additional Entitlements have a significant effect on future traffic volumes.

2. Funding commitments for roadway improvements needed to mitigate for the Additional Entitlements.

3. The change in traffic impacts generated by Additional Entitlements arising from the deletion of the Area 3 Interchange.

F. Traffic Intersection Improvement Contribution: Prior to issuance of the first certificate of occupancy for commercial uses within the Notification Property, Owner shall pay to City the costs for the hardwire interconnect, system detectors and roadside master for a closed loop signal system on County Road 581 from Tampa Palms Boulevard (lying between Areas 1 and 2 of Tampa Palms) through the southbound access ramp to Interstate 75 (a total of 4 signal locations (the "Improvements"). Prior to construction by the City, the owner may elect to provide the Improvements. Notwithstanding the above, this obligation shall not arise until signalization has been installed or let for contract for Tampa Palms Boulevard North or Commerce Boulevard, whichever occurs first. In no event shall Owner's total responsibility for the Improvements be greater than $175,000.00. City shall provide developer with a certified engineer's cost estimate for the Improvements if the Improvements are not completed prior to the date such contribution is required from Owner. If the Improvements have been completed prior to the date the contribution is required, City shall provide Owner with a certificate setting forth the actual cost incurred by City in connection with the Improvements. Immediately after the effective date of this amendment to the Development Order, City shall

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expeditiously proceed with completion of the Improvements.

G. Parks: The owner of the Notification Property, its successors or assigns, shall be required to provide active park sites as defined in the City of Tampa Comprehensive Plan and as shown on the Revised Master Plan.

Prior to the issuance of the first Certificate of Occupancy within the Notification Property, construction of one of the three parks (or the relocated park) shall commence. Prior to issuance of Certificates of Occupancy for the 401st residential unit within the Notification Property, construction of a second park shall commence. Prior to issuance of Certificates of Occupancy for the 801st residential unit, construction of the third park shall commence. Construction of the 3.0 acre park must commence prior to the first Certificate of Occupancy for the 25 acre multi-family site, unless this park acreage is relocated. Nothing herein shall be construed as requiring more than 16.5 acres of parks.

In connection with the construction of multi-family villages with at least 350 units, and in addition to the required 16.5 acres of park, the owner must provide a swimming pool, clubhouse, exercise equipment and an outdoor play area for children.

The owner will provide an environmental awareness program for residents of the Notification Property. This program will include one or all of the following: providing educational flyers in model/sales centers, habitat identification signs, exhibits, displays.

Within the 8.5 acre park site, there shall be: No alteration to trees or indigenous understory vegetation with the exception of control of exotic and invasive species; within the passive park areas, park activities shall be limited to interpretive boardwalks, tent camping, picnic shelters and picnic tables; and active park activities are limited to areas previously disturbed.

H. Wetland Setbacks: Developers of the Notification Property shall comply with Chapter 13, City of Tampa Code, regarding wetland setbacks and upland tree preservation. Developers of the Notification Property will, at time of plat, delineate the required thirty feet (30') wetland setback as a "30' Wetland Setback Buffer Zone." Except as provided herein, the buffer zone shall

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be retained in its natural condition. This requirement does not prohibit developers from pursuing administrative or judicial approval of variances or deviations from Chapter 13 in accordance with applicable rules of procedure, up to a maximum cumulative acreage to be identified in the rezoning performance standards.

I. School Impact Fees: The Notification Property is approved for 413 single family units and 5745 multi-family dwelling units. For purposes of school impacts, in the event the owner seeks to increase single family dwelling units without showing a corresponding decrease in multi-family entitlements, the owner shall be responsible for impact fees for the net increase in its impact on school needs.

J. Effect of Revisions: The Revised Master Plan attached hereto and made a part hereof as Exhibit "D," which incorporates the above described revisions and re-locations, are hereby approved and adopted and shall supersede all previously adopted master plans, land use tables and phasing schedules.

K. Concurrency: The Proposed Changes approved by this Tenth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Tenth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, 94-121, and 94-210, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment, was specifically repealed in Ordinance 93-109.) All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer and all owners of Notification Property, and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall

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not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and New Tampa, Inc., c/o Warren Kinsler, President, 16812 North Dale Mabry, Tampa, Florida 33624.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. New Tampa, Inc., shall record a notice of adoption of this Ordinance and shall furnish the City Clerk a copy of the recorded notice.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City 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, FLORIDA, ON NOV 17 1994.

ATTEST:

Janett S. Martin
CITY CLERK

Ronnie Mason
CHAIRMAN, CITY COUNCIL

Approved by me on NOV 18 1994

MAYOR

Approved by

Gina K. Grimes
GINA GRIMES
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 94-335 on file in my office.

Witness my hand and official seal this 21st day of Nov, 1994.

JANETT S. MARTIN, CITY CLERK

BY: CITY CLERK
NANCY TOWNSEND, DEPUTY CITY CLERK

12/27/04

Exhibits in NOPC File.

Tim

CITY OF TAMPA

Janett S. Martin, City Clerk — Office of City Clerk

October 24, 1994

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

RE: Petition No. DZ85-75
Ordinance No. 94-210

Dear Sirs:

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

If further information is needed, please contact the office of Land Development Coordination. (813) 274-8405.

Sincerely,

Janett S. Martin
City Clerk

JM/gg

Enclosure: Ordinance No. 94-210

TBRPC

ORDINANCE NO. 94-210

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE ~~EIGHTH~~ 7 AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY LENNAR HOMES, INC., FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT ("DRI"); PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa (the "City") annexed the Tampa Palms property, pursuant to Ordinance 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance 8858-A, adopted the Tampa Palms Development Order previously adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance 9015-A (the "First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions;" and

WHEREAS, on September 5, 1985, the City, by Ordinance 9016-A (the "Second Amendment"), adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the "Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park

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mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance 91-193 (the "Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms; and

WHEREAS, on December 19, 1991, the City, by Ordinance 91-228 (the "Fifth Amendment"), approved an amendment to Ordinance 91-193 to adopt a substituted graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993, the City, by Ordinance 93-46 (the "Sixth Amendment"), approved certain amendments to the approved Map H, Master Plan for Tampa Palms, that reflected administrative approvals granted to developers of Tampa Palms subsequent to the First Amendment which had not been reviewed pursuant to Section 380.06, F.S. and changes to the approved Map H, which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo substantial deviation review determination pursuant to Section 380.06, F.S.; and

WHEREAS, on May 13, 1993, DCA filed a Notice of Appeal ("Appeal") of Ordinance 93-46 with the Florida Land and Water Judicatory Commission (Case No. 93-038) as authorized by Section 380.07, F.S.; and

WHEREAS, the City and DCA in an effort to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Order No. 93-46 and adopt an ordinance containing the provisions which addressed DCA's concerns set forth in the Settlement Agreement; and

WHEREAS, on August 5, 1993, the City, by Ordinance 93-109 (the "Seventh Amendment"), approved an amendment to the Tampa Palms Development Order approving changes involving relocation of land uses, approved adoption of a Revised Map H Master Plan, dated March 10, 1993, revised June 15, 1993, which reflected the relocation of land uses and a revised land use table, approved changes to the buildout date for the project and phases thereof, approved a conversion factor for certain land uses, and repealed Ordinance 93-46 (the "Sixth Amendment"); and

WHEREAS, on March 8, 1994, Lennar Homes, Inc. ("Lennar"), the owner of the majority of undeveloped area of Tampa Palms lying northeast of the TECO Easement and northwest of County Road 581, more commonly known as Area 4 of the Tampa Palms DRI ("Notification Property"), described in Exhibit "A," attached hereto, filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), F.S." (hereinafter referred to as the "Notification"), and subsequently in response to review

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agency comments filed responses (hereinafter referred to as "Responses") which Notification and Responses are attached hereto as Exhibit "B"; and

WHEREAS, the changes proposed in the Notification are amendments to the approved Map H, Master Plan for Tampa Palms (the "Master Plan"), including updating jurisdictional wetland lines and potential encroachments of the jurisdictional wetland lines for access, utilities, and infrastructure, removal of a golf course, changes to park and church locations, addition of potential future roadway corridors, relocation of Business/Commercial and Neighborhood Commercial parcels, the adoption of site specific conversion factors to allow the conversion of certain land uses into other land uses, and amendments to the Phasing Schedule and Phasing Map to move the Public Facilities site from Phase 3 to Phase 2 and to reflect other applicable revisions and re-locations in land uses described in the Notification (hereinafter referred to as "Proposed Changes"); and

WHEREAS, On June 30, 1994, the City, by Ordinance 94-121 (the "Eighth Amendment"), approved an amendment to the Tampa Palms Development Order to add 36 multi-family units to Parcel 3A, and to delete 55 single family units from Parcel 4A2; 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 the Notification and to approve amendments to DRIs; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the Notification; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which includes the Proposed Changes, and has reviewed the Notification, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Section 380.06, F.S., requires that the Development Order be amended to reflect the City Council's approval of the Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is

substantial competent, clear and convincing evidence to support the following findings of fact:

A. The owner of the Notification Property described in Exhibit "A" attached hereto, submitted the Notification to the City.

B. The Notification, includes a Summary of the Proposed Changes, attached hereto as Exhibit "C," and an amendment to the Master Plan, to that shown on the Revised Map H, Master Plan (dated October 3, 1994), a copy of which is attached hereto as Exhibit "D" (the "Revised Master Plan").

C. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109 and Ordinance 94-121, is a valid final development order within the provisions of Section 163.3167(8), F.S.

D. Ordinance 93-109, relating to the Settlement Agreement, was determined not to be a substantial deviation and did not limit the rights afforded under Section 163.3167(8), F.S.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. The Notification did not assume that the interchange at I-75, east of Area 3 of the DRI, was existing, nor did the Notification propose its deletion or omission from the DRI. Further Section O.3 of the adopted Development Order provides that "in conjunction with the application for detailed site plan approval of the Regional Shopping Center, developer shall provide the City with assurance that adequate transportation facilities are available to service the project."

G. The Proposed Changes do not individually or cumulatively create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor do they create impacts that were not previously reviewed.

Section 2. Conclusions of Law. The City Council having made the above findings of fact, reaches the following Conclusions of Law:

A. Development in accordance with the Revised Master Plan, attached hereto as Exhibit "D," which reflects the Proposed Changes, summarized in Exhibit "C" attached hereto, will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development

Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The Proposed Changes do not create additional regional impacts to public facilities over those approved under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

D. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

E. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S., except as such rights may have been modified by previous amendments.

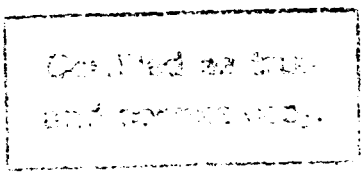
F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations and, based upon the record in these proceedings, the various departments of the City and Lennar are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

H. The review by the City, DCA, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. Adoption of Proposed Changes: The Proposed Changes, as described in the Notification and summarized in Exhibit "C" attached hereto and made a part hereof, are hereby approved and adopted and become a part of the



Tampa Palms DRI Development Order, except as specifically modified herein.

B. Adoption of Revised Master Plan: The Revised Master Plan, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "D," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

C. Adoption of Revised Phasing Schedule: The Revised Phasing Schedule, which reflects the Proposed Changes and is attached hereto and made a part hereof as Exhibit "E," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

D. Adoption of Revised Phasing Map H_2: The Phasing Map H_2, which reflects the Proposed Changes and is attached hereto as Exhibit "F," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

E. Jurisdictional Wetland Encroachment: Access to parcels through jurisdictional wetland areas and other such jurisdictional wetland encroachments for infrastructure, specifically limited to utilities and utility easements, drainage retention areas, ponds, rights-of-way or access easements, and grade transitions from roadway surfaces that might extend beyond the rights-of-way, may be reviewed, approved and permitted in accordance with adopted rules established by the U.S. Army Corps of Engineers, the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and the Environmental Protection Commission of Hillsborough County, without further DRI review. The owner of the Notification Property shall demonstrate to the City and respective environmental agencies that the cumulative impacts and encroachments into the wetlands necessary for access and infrastructure to Notification Property parcels (as specified above), excluding encroachments and mitigation for the East-West Road, will not affect more than one percent (1%) of the total Open Space area for the DRI Property. [One percent (1%) of the total Open Space for the DRI is approximately 34.1 acres. This is the maximum amount of encroachment approved herein. As such, the total Open Space tabulations have been reduced by this amount on the Revised Master Plan. Total DRI Open Space therefore has been reduced from 3,431.31 acres to 3,397.21 acres, and the total Open Space for Area 4 only likewise has been reduced from 784 acres to 749.9 acres. After reducing the tabulations as described herein, there is a net increase in total DRI Open Space when the original (1980) Open Space total is compared to the adjusted total Open Space. The net increase is 158.71 acres (3,238.5 acres approved in 1980 plan compared to 3,397.21 acres, the revised

Open Space approved herein). The 34.1 acres of jurisdictional wetland encroachments will occur in subcategories designated Cypress Creek Conservation Area and Drainage Retention Areas, however the exact location will be determined at the time of permitting.] The owner of the Notification Property will also commit to mitigate (i.e. create new wetlands or enhance existing wetlands, as determined at the time of permitting) any such encroachments at a minimum ratio of one acre replacement/mitigation for one acre of impacted wetland. Mitigation will be provided by the owner either within the Notification Property, the DRI Property or on other real property located within the City that is also within the Cypress Creek drainage basin area. The City will have an opportunity to review the owner's proposed mitigation area for reasonableness. Should the owner choose mitigation site(s) not within the DRI site, i.e. off-site, the following additional conditions shall apply:

1. Ownership of any off-site mitigation areas shall remain in control of the owner of the Notification Property, its successors or assigns, unless as a result of permitting requirements, the off-site mitigation area meeting the foregoing requirements is a part of a mitigation bank, in which event ownership shall be as identified in the permitting conditions.

2. Off-site mitigation areas shall be encumbered by a perpetual conservation easement for the protection of the resources being mitigated.

3. Any costs associated with providing for, constructing, monitoring and maintaining the off-site mitigation area(s), shall be borne by the owner of the Notification Property, its successors or assigns.

4. Timing of off-site mitigation shall be in accordance with environmental agency permits.

5. At such time hereafter as a Notice of Proposed Change Application may be submitted affecting the Notification Property (the "Next NOPC"), any off-site mitigation plan approved by applicable permitting agencies shall be incorporated into any development order amendment resulting from the Next NOPC. This change shall <u>not</u> be determined to be a substantial deviation. In no event shall the Next NOPC be filed more than two (2) years after the approval of the off-site mitigation plan.

F. <u>Conversion Factors</u>: Parcels designated on the Revised Master Plan for the Notification Property, as Business/Commercial, or as Neighborhood Commercial, may be developed as multi-family residential. Multi-family

residential units resulting from a conversion from commercial uses may be (i) located on parcels where multi-family residential units are allowed, or (ii) converted to single family residential and located on parcels where single family residential units are allowed, subject however to the conversion factors, described herein. The overall conversion factors from Business/Commercial, or from Neighborhood Commercial, to multi-family residential uses are described in Exhibit "G," attached hereto. The owner shall, however, maintain a minimum of 27,000 square feet of Business/Commercial or Neighborhood Commercial.

One parcel on the Notification Property designated on the Revised Master Plan, as single family residential, may be developed as multi-family residential. A conversion factor of one (1) single family unit equals 1.5 multi-family units or 1:1.5 is permitted. The referenced residential parcel is 39.1 acres in size, is located between Tampa Palms Blvd. and C.R. 581, and is sufficiently distinguished on the Revised Master Plan.

Nothing herein shall prohibit the Developer from utilizing the conversion factor adopted pursuant to Ordinance 93-109, the Seventh Amendment, which permits the conversion of multi-family units to single family units in accordance with the following conversion factor - 1 multi family unit equals 0.67 single family unit. In the event that one or more conversion factors are used, the total number of all residential units for the Notification Property shall not exceed 2,238 units.

G. Future Alternative Roadway Corridors: Anytime within five (5) years after the effective date of this Ordinance, the City may notify in writing the owner(s) of the roadway corridors shown on the Revised Master Plan (the "Roadway Corridors"), of the City's intention to proceed with construction of either or both of the roads to be located within the Roadway Corridors. Any such written notice from the City shall include a schedule for the City's diligent pursuit to design, permit and construct the road(s). Upon receipt of such a written notice, the owner(s) of the Roadway Corridor(s) shall dedicate by fee simple deed, up to 200 feet of right-of-way for the East-West Road and 120 feet of right-of-way for Road B. Transportation impact fee credits for the right-of-way dedication, calculated in accordance with the City Transportation Impact Fee Ordinance in effect at the time of the dedication, shall be granted to the owner(s) and shall be useable by such owner(s) or assignable by such owner(s), at such owner(s)' sole discretion, upon notice to the City Transportation Division, solely for use by other persons or entities developing lands within the DRI only, unless otherwise authorized by City Code or policy.

Nothing herein shall prohibit the owner(s) from pursuing construction and dedication of either or both the Roadway Corridors in advance of the City.

Prior to construction of the East-West Road, a Notification of Proposed Change application, pursuant to Section 380.06, Florida Statutes, shall be submitted by the owner of the East-West Road right-of-way to review the impacts of the alignment and construction of the East-West Road and any other related issues.

H. Parks: The owner of the Notification Property, its successors or assigns, shall be required to provide park sites as shown on the Revised Master Plan.

The owner shall develop the 20.1 acre park located northwest of Tampa Palms Boulevard and the 11.3 acre park located along the northern boundary line as active park sites for the benefit of the home owners of the Notification Property. The owner will commence construction of the first half of the 20.1 acre park site on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property. The owner will commence construction of the second half of the 20.1 acre park site on or before the issuance of certificates of occupancy for the 840th residential unit within the Notification Property. The owner will commence construction of the 11.3 acre active park sites on or before the issuance of certificates of occupancy for 950 residential units within the Notification Property. Improvements and amenities to these two active park sites shall include one or more of (but not be limited to) the following amenities: clubhouse, playground equipment, tennis, racket ball, a pool and basketball courts. The final selection of these improvements and amenities will be made by the owner, its successors or assigns.

The owner shall maintain the 55.1 acres of the remainder of the park sites as passive parks and shall provide pedestrian access to the passive park sites prior to or in conjunction with commencement of development of any adjacent development parcel. More specifically, pedestrian access to the 40.3 acre passive park site (which means pedestrian access to two parcels of passive park area: the small parcel that adjoins a 53.8 acre single family parcel and the large parcel separated from the small parcel by jurisdictional area) and the 9.8 acre passive park site shall occur prior to or in conjunction with the issuance of the first certificate of occupancy within any developable pod that immediately adjoins the respective passive parks. Since residential development does not adjoin the four acre and one acre passive park sites, pedestrian access to these more isolated sites will occur at the same time that pedestrian access to the 9.8 acre passive park is required.

The owner shall also dedicate up to 40 acres of upland real property to the City for purposes of a public City recreation complex (the "Public Park

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Property"). The Public Park Property to be provided by the owner shall be either within the Notification Property, the DRI Property, or located on other real property located within the City which real property is contiguous to the DRI Property. Prior to dedication of the Public Park Property, the City of Tampa Parks Department shall confirm that the Public Park Property proposed for dedication is developable, accessible, and useable by the residents of Tampa Palms as well as other City residents. The owner shall dedicate this Public Park Property on or before the issuance of certificates of occupancy for 600 residential units within the Notification Property, or upon identification of a funding source by the City Parks Department for construction of amenities on the Public Park Property, whichever occurs first.

The owner will provide an environmental awareness program for residents of the Notification Property. This program will include one or all of the following: providing educational flyers in model/sales centers, habitat identification signs, exhibits, displays.

I. Wetland Setbacks: Developers of the Notification Property shall comply with Chapter 13, City of Tampa Code, regarding wetland setbacks and upland tree preservation. Developers of the Notification Property will, at time of plat, delineate the required thirty feet (30') wetland setback as a "30' Wetland Setback Buffer Zone." Except as provided herein, the buffer zone shall be retained in its natural condition. This requirement does not prohibit developers from pursuing administrative or judicial approval of variances or deviations from Chapter 13 in accordance with applicable rules of procedure, up to a maximum cumulative acreage to be identified in the rezoning performance standards.

J. School Impact Fees: Developers of the Notification Property shall comply with the adopted School Impact Fee Ordinance for any residential units it develops in excess of 1,185 for the Notification Property.

K. Future Well Site: Upon written request by the City Water Department, one production well site will be provided in Tampa Technology Park West, subject to all required permitting, in addition to any monitoring wells that may be required by Southwest Florida Water Management District. The well site will be mutually agreeable to the owner of the Notification Property, its successors, or assigns, and the City.

L. Effect of Revisions: The Revised Master Plan attached hereto and made a part hereof as Exhibit "D," and the Revised Phasing Schedule, attached hereto and made a part hereof as Exhibit "E," and the Revised Phasing Map H_2, attached hereto and made a part hereof as Exhibit "F," all of which incorporate the above described revisions and re-locations, are

Certified as true and correct copy.

hereby approved and adopted and shall supersede all previously adopted master plans, land use tables and phasing schedules.

M. Concurrency: The Proposed Changes approved by this Ninth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance 90-32 City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Ninth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193, 91-228, 93-109, and 94-121, which collectively shall constitute the Development Order for Tampa Palms. (Ordinance 93-46, the Sixth Amendment was specifically repealed in Ordinance 93-109.) All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. Definitions. The Definitions contained in Chapter 380, F.S., shall control the interpretation and construction of any terms of this Ordinance.

Section 6. Binding Effect. This Ordinance shall be binding upon the Developer, and all owners of Notification Property and their assigns and successors in interest.

Section 7. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 8. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its becoming a law, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and Lennar Homes, Inc., c/o Mr. Wayne Von Dreele, Regional President, 1110 Douglas Ave., Suite 2040 Altamonte Springs, Florida 32714.

Section 9. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 10. Recording. Lennar Homes, Inc., shall record a notice of adoption of this Ordinance, and shall furnish the City Clerk a copy of the recorded notice.

Certified as true and correct copy.

Section 11. Effective Date. This Ordinance shall become a law as provided in the City 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, FLORIDA, ON OCT 20 1994.

ATTEST:

Janett S. Martin
CITY CLERK

Joe Greco
CHAIRMAN, CITY COUNCIL

Approved by me on OCT 21 1994

Sandra W. Freedman
MAYOR

Approved by

Gina K. Grimes
GINA GRIMES
ASSISTANT CITY ATTORNEY

10/19/94 5:13 PM d-32
34119.89820
#0019998.01

State of Florida
County of Hillsborough

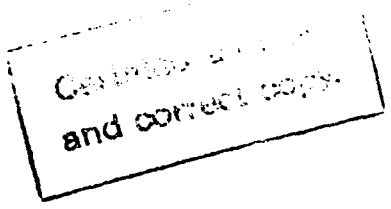
This is to certify that the foregoing is a true and correct copy of Ordinance 94-210 on file in my office.

Witness my hand and official seal this 21st day of Oct JANETT S. MARTIN, CITY CLERK

BY: Gail A. Anderson
GAIL A. ANDERSON, DEPUTY CITY CLERK

EXHIBIT "A"

NOTIFICATION PROPERTY LEGAL DESCRIPTION



SB 4
743

CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

July 6, 1994

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 32702

RE: Petition No. DZ85-75
Ordinance No. 94-121

Dear Sir:

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

If further information is needed, please contact the office of Land Development Coordination, (813) 223-8405.

Sincerely,

Janett S. Martin

Janett S. Martin
City Clerk

JM/gg

Enclosure: Ordinance No. 94-121
CERTIFIED MAIL

cc: Land Development Coordination

ORDINANCE NO. 94-151

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING THE EIGHTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY 75/275 CORP. FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa ("City") annexed the Tampa Palms property, pursuant to Ordinance 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance 8858-A, adopted the Tampa Palms Development Order adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions;" and

WHEREAS, on September 5, 1985, the City of Tampa, by Ordinance 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City of Tampa Ordinance No. 9359-A, as amended by Ordinance No. 9466-A; and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

Certified as true and correct copy

WHEREAS, on October 10, 1991, the City, by Ordinance No. 91-193 (the "Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms to that described in Exhibit "A", attached hereto; and

WHEREAS, on December 19, 1991, the City, by Ordinance No. 91-228 (the "Fifth Amendment"), approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on March 25, 1993 the City, by Ordinance No 93-46, (the "Sixth Amendment"), approved an amendment to the Tampa Palms DRI Development Order approving numerous changes to Map H and a conversion factor for the Business/Commercial Park Land Use designation; and

WHEREAS, on August 5, 1993, the City, by Ordinance No. 93-109 (the "Seventh Amendment"), repealed Ordinance No. 93-46 and approved numerous changes to Map H, a conversion factor for the Business/Commercial Park Land Use designation, and a new phasing schedule; and

WHEREAS, on March 3, 1994, 75/275 Corp. (the "Applicant") filed a "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), Florida Statutes (the "NOPC"), which NOPC is attached hereto as Exhibit "B"; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the NOPC; and

WHEREAS, the City Council has held a duly noticed public hearing on the NOPC and has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Florida Statutes Section 380.06(19) requires that the Development Order be amended to reflect City Council's approval of the changes to the Tampa Palms DRI Development Order.

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial, competent, clear and convincing evidence to support the following Findings of Fact:

A. That the Applicant submitted to the City the NOPC.

B. That the changes requested in the NOPC are consistent with all local land use development regulations and the comprehensive plan.

C. That the NOPC provisions 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 a comprehensive review of the impacts generated by the NOPC provisions has been conducted by the City.

E. That the NOPC provisions do not, individually nor cumulatively with prior changes, 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 (1993).

Section 2. Conclusions of Law. 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, including Sections 380.06(15) and (19), Florida Statutes, and based upon the record of these proceedings, the Applicant is authorized to conduct the development as described herein, subject only to the amendments, conditions, restrictions, and limitations set forth herein.

B. The review by the City, and other participating agencies and interested citizens reveals that the impacts of the NOPC provisions are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That the City, having considered all previous changes and the changes proposed in the NOPC, concludes that such changes individually and cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, Florida Statutes; further, nothing herein shall limit or modify the rights originally approved by the Tampa Palms DRI Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

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

A. Revised Plans and Phasing Schedules. The Revised Map H Master Plan, the Revised Phasing Schedule and the Revised Phasing Map H_2, which were Exhibits "D", "E" and "F" respectively to Ordinance No. 93-109 (the Seventh Amendment to the Tampa Palms DRI Development Order), are hereby amended to reflect the revisions and relocations in land uses described below:

1. Add 36 multi-family units to Parcel 3A, a 14.27 acre parcel at the southwest corner of North Tampa Palms Boulevard and C.R. 581, which is currently approved for 214 multifamily units. This change will result in a total of 250 units on Lot 3, a 12.11 acre portion of Parcel 3A (214 units + 36 units = 250 total units).

2. Delete 55 single family units from the 58.05 acre platted portion of Parcel 4A2, a 58.64 acre parcel on South Tampa Palms Boulevard currently approved for 127 units (127 units - 55 units = 72 total units).

B. Supersedence. The Revised Map H Master Plan attached hereto and made a part hereof as Exhibit "C", and the Revised Phasing Schedule, attached hereto and made a part hereof as Exhibit "D", and the Revised Phasing Map H_2, attached hereto and made a part hereof as Exhibit "E", all of which incorporate the above listed revisions and relocations, are hereby approved and adopted and shall supersede all previously adopted master plans, land use tables, and phasing schedules.

C. Concurrency. The changes approved by this Eighth Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance No. 90-32, City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Eighth Amendment to Ordinance No. 8858-A, as amended by Ordinance No. 9015-A, 9016-A, 91-98, 91-193, 91-228, and 93-109 which collectively shall constitute the Tampa Palms DRI Development Order. All provisions of the Tampa Palms DRI Development Order, except those provisions specifically modified herein, shall remain in full force and effect, and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance in which case the terms and conditions of this Ordinance shall govern.

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

Section 6. Binding Effect. That this Ordinance shall be binding upon the Applicant, 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 Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and the Developer/Owner:

75/275 Corporation
c/o John Zielenbach
15310 Amberly Drive, Suite 207
Tampa, Florida 33647

Section 9. Rendition. That this Ordinance shall be deemed rendered upon transmittal of the copies of this Ordinance pursuant to Chapter 380, Florida Statutes.

Section 10. Recordation. That the Applicant shall record a notice of adoption of this Ordinance pursuant to Chapter 380, Florida Statutes, or the City may do so if Applicant fails to do the same.

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 upon transmittal to the parties specified in Section 8 hereof.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUN 30 1994.

ATTEST:

Janett S. Martin
CITY CLERK

Joe Greco
CHAIRMAN, CITY COUNCIL

APPROVED by me on JUL 25 1994

Sandra Freedman
MAYOR

Approved by

Gina K Grimes
GINA GRIMES
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 94-121 on file in my office.

Witness my hand and official seal this 6th day of July, 19 94.

Janett S. Martin

05/27263.3
06/14/94 at 1:38pm

Legal Description:

EXHIBIT "A"

TAMPA PALMS DRI LEGAL DESCRIPTION

The East 1/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida.

AND:

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing being in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS:

That part of Sections 24, 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 25 for the Point of Beginning; thence N.00°25'28"E., along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N.01°21'46"W., along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N.00°25'03"E., along the East boundary of said Section 24 a distance of 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N.89°27'50"W., along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S.00°35'04"W., a distance of 420.87 feet; thence S.10°37'07"E., a distance of 1366.34 feet; thence S.00°35'04"W., a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S.00°35'04"W., a distance of 4399.76 feet thence S.50°31'25"E., a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S.88°28'49"E., along the South boundary of said Section 25 a distance of 3220.04 feet to the Point of Beginning.

ALSO LESS:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of centerline of Trout Creek.

Certified as true and correct copy.

Exhibit A

AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S.00°18'32"W., along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the Point of Beginning of the parcel of land hereinafter described; thence continue S.00°18'32"W., along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S.88°59'25"W., for a distance of 717.67 feet; run thence N.17°04'19"W., for a distance of 354.31 feet; run thence N.13°04'19"W., for a distance of 550.00 feet; run thence N.08°04'19"W., for a distance of 448.12 feet; run thence N.03°11'04"W., for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence S.89°27'50"E., along said Quarter section line, for a distance of 1033.83 feet to the Point of Beginning.

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S.89°25'23"W., along the South boundary of said Section 36, a distance of 800.00 feet; thence N.00°46'24"W., parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the Point of Beginning; thence return S.00°46'24"E., a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N.10°50'51"W., a distance of 451.00 feet, more or less; thence N.25°01'34"W., a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S.77°08'37"E., along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet, a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of S.23°13'45"E., to the Point of Beginning.

Certified as true and correct copy.

AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S.00°18'32"W., along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the Point of Beginning; of the parcel of land hereinafter described; thence continue S.00°18'32"W., along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S.88°59'25"W., for a distance of 717.67 feet; run thence N.17°04'19"W., for a distance of 354.31 feet; run thence N.13°04'19"W., for a distance of 550.00 feet; run thence N.08°04'19"W., for a distance of 448.12 feet; run thence N.03°11'04"W., for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence S.89°27'50"E., along said Quarter section line, for a distance of 1033.83 feet to the Point of Beginning.

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S.89°25'23"W., along the South boundary of said Section 36, a distance of 800.00 feet; thence N.00°46'24"W., parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the Point of Beginning; thence return S.00°46'24"E., a distance of 293.00 feet, more or less to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N.10°50'51"W., a distance of 451.00 feet, more or less; thence N.25°01'34"W., a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S.77°08'37"E., along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet, a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing S.23°13'45"E., to the Point of Beginning.

Certified as true and correct copy.

Exhibit A

AND:

LEGAL DESCRIPTION FOR
PROPERTY TRANSFERRING FROM
TAMPA TECHNOLOGY PARK TO TAMPA PALMS

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

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

Containing 17.341 acres, more or less.

Certified as true and correct copy.

Exhibit A

LESS:

Legal Description for the USAA Property
Transferring from Tampa Palms to
Tampa Technology Park DRI

DESCRIPTION: A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southwest corner of the Northwest 1/4 of said Section 23, run thence S.89°30'00"E., 939.98 feet along the South boundary of said Northwest 1/4 of Section 23 to the POINT OF BEGINNING; thence continue along said South boundary S.89°30'00"E., 1748.61 feet to a point on the curved boundary of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said boundary the following five (5) courses: 1) Southwesterly, 364.46 feet along the arc of a curve to the right having a radius of 725.00 feet and a central angle of 28°48'11" (chord bearing S.54°45'47"W., 360.64 feet) to a point of tangency; 2) S.69°09'52"W., 198.98 feet to a point of curvature; 3) Southwesterly, 86.30 feet along the arc of a curve to the left having a radius of 220.00 feet and a central angle of 22°28'31" (chord bearing S.57°55'36"W., 85.75 feet); 4) S.65°33'00"W., 624.10 feet; 5) S.87°41'28"W., 679.25 feet to a point on the East right-of-way line of Commerce Park Boulevard shown on said plat of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1; thence along said East right-of-way the following three (3) courses: 1) N.16°04'00"E., 44.82 feet to a point on a non-tangent curve; 2) Northeasterly, 365.56 feet along the arc of a curve to the left having a radius of 2098.00 feet and a central angle of 09°59'00" (chord bearing N.05°42'39"E., 365.10 feet) to a point of tangency; 3) N.00°43'09"E., 218.98 feet to the POINT OF BEGINNING.

Containing 17.341 acres, more or less.

Certified as true and correct copy.

Exhibit A

REVISED PHASING SCHEDULE

LAND USE	PHASE 1 (1980 - 1993)	PHASE 2 (1990-2001)	PHASE 3 (1995-2006)	TOTAL
Residential SF MF Total	 1008 units 2126 units 3134 units	 2160 units 846 units 3006 units	 881 units 6276 units 7157 units	 4049 units 9248 units 13,297 units
Parks	148.92 ac.	0 ac.	103 ac.	251.92 ac.
Golf Course	278.05 ac.	0 ac.	257 ac.	535.05 ac.
School	15.06 ac.	30.97 ac.	0 ac.	46.03 ac.
Church	0 ac.	17.91 ac.	13 ac.	30.91 ac.
Commercial B/C C/C N/C Total	 16.08 ac. 17.31 ac. 0 ac. 33.39 ac.	 16 ac. 0 ac. 0 ac. 16 ac.	 0 ac. 5 ac. 5.5 ac. 10.5 ac.	 32.08 ac. 22.31 ac. 5.5 ac. 59.89 ac.
Hotel	0 ac.	0 ac.	12 ac.	12 ac.
Office Park	9 ac.	23 ac.	0 ac.	32 ac.
R & D	0 ac.	0 ac.	73 ac.	73 ac.
Regional Shopping Center	0 ac.	0 ac.	72 ac.	72 ac.
Public Facility	2 ac.	0 ac.	8 ac.	10 ac.

EXHIBIT "D"

Legal Description:

TAMPA PALMS AREA 4 ZONING

DESCRIPTION: A parcel of land lying in Sections 21, 22, 23, 26 and 27, Township 27 South, Range 19 East, Hillsborough County, Florida, said parcel being more particularly described as follows:

BEGINNING at the Northwest corner of said Section 22, run thence along the North boundary of the Northwest 1/4 of said Section 22, S.89°45'09"E., 2663.36 feet to the Northeast corner of said Northwest 1/4 of Section 22; thence along the East boundary of said Northwest 1/4 of Section 22, S.00°04'06"W., 2640.14 feet to the center of said Section 22; thence along the North boundary of the Southeast 1/4 of said Section 22, S.89°52'54"E., 2659.65 feet to the Northeast corner of said Southeast 1/4 of Section 22; thence along the North boundary of the South 1/2 of the aforesaid Section 23, S.89°30'00"E., 2688.71 feet to a point on the Northwesterly right-of-way line of the Northwest Frontage Road of Interstate Highway No. 75 at County Road No. 581; thence along said Northwesterly right-of-way line the following four (4) courses: 1) S.39°27'48"W., 436.67 feet; 2) S.41°45'14"W., 298.06 feet to a point of curvature; 3) Southerly, 180.64 feet along the arc of a curve to the left having a radius of 115.00 feet and a central angle of 90°00'00" (chord bearing S.03°14'46"E., 162.63 feet) to a point of tangency; 4) S.48°14'46"E., 3.00 feet to a point on the Northwesterly right-of-way line of County Road No. 581; thence along said Northwesterly right-of-way line of County Road No. 581, S.41°43'09"W., 5803.83 feet to the most Easterly corner of the property described in Official Record Book 4862, Page 0334, of the Public Records of Hillsborough County, Florida; thence along the Northeasterly boundary of said property, N.48°16'51"W., 295.00 feet; thence along the Northwesterly boundary of said property, S.41°43'09"W., 292.93 feet to a point on the Northeasterly boundary of a 100 foot wide Florida Power Corporation Easement as described in Deed Book 1627, Page 87, of the Public Records of Hillsborough County, Florida; thence along the Northeasterly boundary of said property described in Deed Book 1627, Page 87, also being the Southwesterly boundary of the aforesaid property described in Official Record Book 4862, Page 0334, S.47°21'09"E., 295.04 feet to a point on the aforesaid Northwesterly right of way line of County Road No. 581; thence along said Northwesterly right-of-way line, S.41°43'09"W., 100.01 feet to a point on the Southwesterly boundary of the aforesaid property described in Deed Book 1627, Page 87; thence along said Southwesterly boundary and the Northeasterly boundary of a 200 foot wide Tampa Electric Company right-of-way as described in Official Record Book 1169, Page 54, of the Public Records of Hillsborough County, Florida, N.47°21'09"W., 4677.06 feet; thence along the Southerly boundary of said property described in Official Record Book 1169, Page 54, N.88°58'22"W., 3960.45 feet to a point on the West boundary of the Southeast 1/4 of the Southwest 1/4 of the aforesaid Section 21; thence along said West boundary, N.00°01'33"E., 896.96 feet; thence along the West boundary of the Northeast 1/4 of said Southwest 1/4 of Section 21, N.00°12'27"W., 1327.00 feet; thence along the West boundary of the Southeast 1/4 of the Northwest 1/4 of said Section 21, N.00°23'57"W., 1326.75 feet; thence along the West boundary of the Northeast 1/4 of said Northwest 1/4 of Section 21, N.00°21'21"W., 1324.11 feet to the Northwest corner of said Northeast 1/4 of the Northwest 1/4 of Section 21, thence along the North boundary of said Northeast 1/4 of the Northwest 1/4 of Section 21, S.88°40'19"E., 1344.34 feet; thence along the North boundary of the Northeast 1/4 of said Section 21, S.88°54'49"E., 2663.84 feet to the BEGINNING.

Containing 1196.982 acres, more or less.

LESS:

TAMPA PALMS AREA 4 UNIT 2 / 3A, as Recorded in Plat Book 69, Page 51, Public Records of Hillsborough County, Florida.

Containing 33.634 acres, more or less.

ALSO LESS:

THAT Portion of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida, lying South of the North boundary of the Southwest 1/4 of Section 23, Township 27 South, Range 19 East.

Containing 22.635 acres, more or less.

ALSO LESS:

ST. JAMES UNITED METHODIST CHURCH AT TAMPA PALMS LOT 1

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

From the Northwest corner of Section 26, Township 27 South, Range 19 East, run thence S.89°31'00"E., 545.40 feet along the North boundary of said Section 26 to a point on the Northwesterly right-of-way line of County Road No. 581; thence S.41°43'09"W., 3135.87 feet along said right-of-way line to a point of curvature; thence Southwesterly, 54.98 feet along the arc of curve to the right having a radius of 35.00 feet and a central angle of 90°00'00" (chord bearing S.86°43'09"W., 49.50 feet); thence N.48°16'51"W., 166.62 feet to the POINT OF BEGINNING; thence N.48°16'51"W., 238.38 feet to a point of curvature; thence Northwesterly, 101.30 feet along the arc of a curve to the right having a radius of 550.00 feet and a central angle of 10°33'10" (chord bearing N.43°00'16"W., 101.16 feet) to a point of tangency; thence N.37°43'41"W., 96.00 feet to a point of curvature; thence Northwesterly, 119.72 feet along the arc of a curve to the left having a radius of 650.00 feet and a central angle of 10°33'10" (chord bearing N.43°00'16"W., 119.55 feet) to a point of tangency; thence N.48°16'51"W., 7.79 feet; thence N.41°43'09"E., 568.43 feet; thence S.67°22'16"E., 77.39 feet; thence S.37°59'25"E., 127.64 feet; thence S.22°09'50"E., 100.86 feet; thence S.06°28'17"W., 67.57 feet; thence S.01°09'15"W., 103.71 feet; thence S.30°02'26"E., 65.66 feet; thence N.78°52'57"W., 36.60 feet; thence S.49°42'17"W., 48.11 feet; thence N.75°05'17"W., 50.52 feet; thence S.28°06'14"W., 79.36 feet; thence S.35°45'25"W., 101.69 feet; thence S.03°05'18"W., 57.99 feet; thence S.30°39'52"E., 55.12 feet; thence S.50°45'37"E., 67.59 feet; thence S.41°43'09"W., 83.52 feet to the POINT OF BEGINNING.

Containing 5.522 acres, more or less.

ALSO LESS:

TAMPA PALMS AREA 4 G.T.E. REMOTE SWITCHING UNIT

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

From the Northwest corner of the Southwest 1/4 of said Section 23, run thence along the North boundary of said Southwest 1/4 of Section 23, S.89°30'00"E., 781.98 feet to a point on the Westerly boundary of Commerce Park Boulevard, TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, according to the map or plat thereof as recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said Westerly boundary the following five (5) courses: 1) S.00°43'09"W., 218.38 feet to a point of curvature; 2) Southwesterly, 406.31 feet along the arc of a curve to the right having a radius of 1940.00 feet and a central angle of 12°00'00" (chord bearing S.06°43'09"W., 405.57 feet) to a point of tangency; 3) S.12°43'09"W., 245.64 feet to a point of curvature; 4) Southwesterly, 53.03 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 86°48'35" (chord bearing S.56°07'26"W., 48.10 feet) to a point of reverse curvature; 5) Northwesterly, 13.36 feet along the arc of a curve to the left having a radius of 1672.00 feet and a central angle of 00°27'28" (chord bearing N.80°42'00"W., 13.36 feet); thence continue Northwesterly, 312.44 feet along the arc of said curve to the left having a radius of 1672.00 feet and a central angle of 10°42'24" (chord bearing N.86°16'57"W., 311.99 feet) to a point of compound curvature; thence Southwesterly, 446.01 feet along the arc of a curve to the left having a radius of 1425.00 feet and a central angle of 17°55'59" (chord bearing S.79°23'52"W., 444.19 feet) to a point of tangency; thence S.70°25'52"W., 76.05 feet to a point of curvature; thence Southwesterly, 194.32 feet along the arc of a curve to the left having a radius of 1660.00 feet and a central angle of 06°42'25" (chord bearing S.68°04'39"W., 194.21 feet) to the POINT OF BEGINNING; thence continue Southwesterly, 28.02 feet along the arc of said curve to the left having a radius of 1660.00 feet and a central angle of 00°58'01" (chord bearing S 63°14'26"W., 28.02 feet); thence N.24°43'21"W., 159.61 feet; thence N.65°16'39"E., 57.04 feet; thence S.59°26'02"E., 107.05 feet; thence S.65°16'39"W., 90.00 feet; thence S.24°43'21"E., 70.61 feet to the POINT OF BEGINNING.

Containing 0.223 acres, more or less.

ALSO LESS:

TAMPA PALMS AREA 4 TAMPA PALMS BOULEVARD 9TH. EXTENSION PUMP STATION

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

From the Northwest corner of the Southwest 1/4 of said Section 23, run thence along the North boundary of said Southwest 1/4 of Section 23, S.89°30'00"E., 781.98 feet; thence S.00°43'09"W., 218.38 feet to a point of curvature; thence Southwesterly, 406.31 feet along the arc of a curve to the right having a radius of 1940.00 feet and a central angle of 12°00'00" (chord bearing S.06°43'09"W., 405.57 feet) to a point of tangency; thence S.12°43'09"W., 245.64 feet to a point of curvature; thence Southwesterly, 53.03 feet along the arc of a curve to the right having a radius of 35.00 feet and a central angle of 86°48'35" (chord bearing S.56°07'26"W., 48.10 feet) to a point of reverse curvature; thence Northwesterly, 13.36 feet along the arc of a curve to the left having a radius of 1672.00 feet and a central angle of 00°27'28" (chord bearing N.80°42'00"W., 13.36 feet); thence continue Northwesterly, 312.44 feet along the arc of said curve to the left having a radius of 1672.00 feet and a central angle of 10°42'24" (chord bearing N.86°16'57"W., 311.99 feet) to a point of compound curvature; thence Southwesterly, 446.01 feet along the arc of a curve to the left having a radius of 1425.00 feet and a central angle of 17°55'59" (chord bearing S.79°23'52"W., 444.19 feet) to a point of tangency; thence S.70°25'52"W., 76.05 feet to a point of curvature; thence Southwesterly, 25.40 feet along the arc of a curve to the left having a radius of 1660.00 feet and a central angle of 00°52'36" (chord bearing S.69°59'34"W., 25.40 feet) to the POINT OF BEGINNING; thence continue Southwesterly, 168.92 feet along the arc of said curve to the left having a radius of 1660.00 feet and a central angle of 05°49'49" (chord bearing S.66°38'21"W., 168.84 feet); thence N.24°43'21"W., 70.61 feet; thence N.65°16'39"E., 90.00 feet; thence S.59°59'26"E., 36.48 feet; thence S.76°53'16"E., 73.10 feet to the POINT OF BEGINNING.

Containing 0.199 acres, more or less.

TOGETHER WITH:

TAMPA PALMS AREA 8 (TAMPA TECHNOLOGY PARK WEST) LAND SWAP PARCEL

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

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING.

Containing 17.341 acres, more or less.

ALSO TOGETHER WITH:

LOT 2 of TAMPA PALMS AREA 4 UNIT 2 / 3A, as Recorded in Plat Book 69, Page 51, Public Records of Hillsborough County, Florida.

Containing 14.381 acres, more or less.

ALTOGETHER Containing 1166.491 acres, more or less.

EXHIBIT "B"

NOTIFICATION AND RESPONSES

INDEX

LENNAR NOPC

(March 8, 1994)

1. March 8, 1994 NOPC Application
2. Correspondence dated 3/8/94 transmitting individual sets of jurisdictional lines.
3. July 7, 1994, transmittal of responses
4. August 19, 1994 transmittal of responses
5. August 24, 1994, transmittal of revised DO
6. August 26, 1994, transmittal of revised DO
7. Sept. 12, 1994, correspondence to HCCCPC re: DO commitments
8. Sept. 19, 1994, transmittal of revised DO
9. September 22, 1994, transmittal of revised DO
10. September 30, 1994, correspondence to Terry Cullen
11. October 4, 1994, correspondence to John Baker
12. October 5, 1994, transmittal of revised DO

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EXHIBIT "C"

SUMMARY OF PROPOSED CHANGES

EXHIBIT "C"

Summary of Proposed Changes

1. Updated Jurisdictional Lines: The Applicant is proposing to amend the Tampa Palms Master Plan for the Notification Property to reflect updated jurisdictional lines resulting from jurisdictional determinations made since the DRI Development Order was adopted in 1980. As a result of updating the jurisdictional lines, the Applicant is increasing the amount of "Ponds and Lakes," "Drainage Retention Areas," and "Cypress Creek Conservation Area." Table 1 below further compares Open Space land use categories.

2. Jurisdictional Wetland Encroachment: The Applicant is proposing to encroach into certain environmental jurisdictional areas in order to provide access to development and park parcels within the Notification Property, and for infrastructure (specifically limited to utilities and utility easements, drainage retention areas, ponds, rights-of-way or access easements, and grade transitions from roadway surfaces that might extend beyond the rights-of-way.). The Applicant agrees to demonstrate to the City and respective environmental agencies that the cumulative impacts and encroachments into wetlands, excluding encroachments for the proposed East-West Corridor, will not affect more than one percent (1%) of the total DRI Open Space area for the DRI Property, and that mitigation for such impacts shall be provided within the Notification Property, the DRI Property or other real property in the City within the Cypress Creek drainage basin area. As a result of this proposed change, and at the request of the reviewing agencies, the Applicant reduced the total DRI Open Space from 3,431.31 to 3,397.21 acres on the Revised Master Plan, and the total Open Space for Area 4 only was likewise reduced from 784 acres to 749.9 acres. After reducing the tabulations as described herein, there is a net increase in total DRI Open Space when the original (1980) Open Space total is compared to the revised total Open Space. The net increase is 158.71 acres (3,238.5 acres approved in 1980 plan compared to 3,397.21 acres, the revised Open Space approved herein). Should the owner choose mitigation site(s) not within the DRI site, i.e., off-site, then certain other conditions shall be required.

3. Removal of Golf Course: The Applicant is proposing to remove 257 acres of golf course from Area 4 of the Tampa Palms DRI. This reduction is reflected in the Tampa Palms Open Space Comparisons below.

4. Park Amendments: The Applicant is amending the Park locations for Area 4, to those shown on the Revised Master Plan. In comparison, the 1980 Tampa Palms Master Plan proposed three park sites and one club site for Area 4, for a total of 14 acres. The 1993 approved Master Plan showed four park sites, one clubhouse, and 35.5 acres reserved land, for a total of 86.5 acres of park. The 1994 Proposed Plan shows two active park sites, totaling 31.4 acres, and 55.1 acres of passive park

acreage. The net effects of the proposed Park and Club changes are shown on Table 1 below.

5. Future Corridors for Roadways: The Tampa Palms Master Plan has been amended to reflect the approximate locations of two potential future roadway corridors being considered by the City as part of its long range transportation planning program. The future roadway corridors are conceptual and will require further detailed analysis by either the City or the Applicant to establish specific need for the construction of one or both roadways to be located in the corridors. Prior to construction of the East-West Road, a Notification of Proposed Change application, pursuant to Ch. 380.06, Florida Statutes, shall be submitted by the owner of the East-West Road right-of-way to review the impacts of the alignment and construction of the East-West Road and any other related issues.

6. Relocation of Business/Commercial: The Applicant is proposing to relocate 8.6 acres of Business/Commercial from the northwest quadrant of Tampa Palms Boulevard North and County Road 581 to the southwest quadrant of Roadway A " (the road in the middle of the "Piano Tract") and County Road 581.

7. Relocation of Neighborhood Commercial: The Applicant is proposing to relocate the approved 2.5 acre Neighborhood Commercial site from its approved location to the intersection of Roadway A and Tampa Palms Boulevard North.

8. Conversion Factors: The Applicant is proposing adoption of two new conversion factors for the Notification Property.

(1) One specific 39.1 acre parcel designated on the Revised Master Plan as single family may be developed as multi-family residential. The proposed conversion would permit one single-family unit to convert to 1.5 multi-family units.

(2) Two Business/Commercial parcels and one Neighborhood Commercial parcel may be developed as multi-family residential. Multi-family residential units resulting from a conversion from commercial uses may be (i) located on parcels where multi-family is allowed, or (ii) converted to single family residential and located on parcels where single family residential units are allowed, subject however, to the conversion factors described herein. The overall conversion factors are detailed in Tables 2, 3 and 4 of the transportation report in the NOPC. The owner shall, however, maintain a minimum of 27,000 square feet of Business/Commercial or Neighborhood Commercial.

(The Applicant also has the ability to utilize the existing adopted conversion factor that converts multi-family units to single family units at a rate of one multi-family unit equals 0.67 single family units. In the event

that one or more conversion factors are used, the total number of all residential units for the Notification Property shall not exceed 2,238 units.)

9. Relocation of Church Site: The Applicant is amending the church location for Area 4 to those shown on the Revised Master Plan. In comparison, the 1980 Tampa Palms Master Plan showed one church site in Area 4 (totaling 4 acres), the 1993 approved Master Plan showed two church sites in Area 4 (totaling 9.52 acres), and the 1994 Proposed Plan shows two church sites in Area 4 (totaling 10.5 acres).

10. Amend Phasing Schedule for Public Facilities site: At the request of the City, the Applicant is proposing an amendment to the Phasing Schedule and the Phasing Map to move the Public Facilities site from phase 3 to phase 2.

Table 1

	TAMPA PALMS OPEN SPACE COMPARISONS					
	1980	1980	1993	1993	1994	1994
	Areas 1-4	Area 4	Areas 1-4	Area 4	Areas 1-4	Area 4
Park & Club	212.5	38	251.92	86.5	252.62	86.5
Golf Course	486.5	237	535.05	257	278.05	0
HRCA	860	0	860	0	860	0
CCCA	622	399	622	399	666.7	410.1
Rock Hammock	115	0	115	0	115	0
Ponds & Lakes	183	30	285.17	32	310.17	57
DRA	630	130	738.07	95.5	858.27	-215.6
Levvee	49	21	0	0	0	0
Landscape Buffers	80.5	15	90.5	15	90.5	14.8
Total	3238.5	870	3497.71	885	* 3431.31	* 784

* Subject to the terms of the Development Order, the owners of the Area 4 Notification Property may impact and mitigate up to 1% of the total DRI Open Space, or 34.1 acres. The Revised Master Plan (Map H) land use tabulations reflect this potential reduction. The reductions are likely to occur in the CCCA and the DRA subcategories.

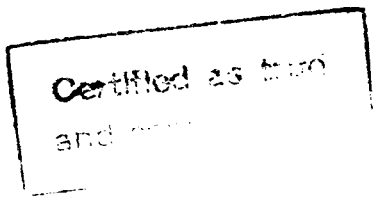
#0019998.01

EXHIBIT "D"

TAMPA PALMS REVISED MASTER PLAN,
DATED OCTOBER 3, 1994

EXHIBIT "E"

REVISED PHASING SCHEDULE



REVISED PHASING SCHEDULE
(September, 1994)

LAND USE	PHASE 1 (1980-1993)	PHASE 2 (1990-2001)	PHASE 3 (1995-2006)	TOTAL
Residential				
SF	1008 units	2160 units[1]	881 units	4049 units[1]
MF	2126 units	846 units[2]	6276 units	9248 units[2]
Total	3134 units	3006 units	7157 units	13,297 units
Parks	148.92 ac.	0 ac.	103.7 ac.[3]	252.62ac.[3]
Golf Course	278.05 ac.	0 a.c.	0 ac.[4]	278.05 ac.[4]
School	15.06 ac.	30.97 ac.	0 ac.	46.03 ac.
Church	0 ac.	25.91 ac.[5]	9 ac.	31.91 ac.[5]
Commerical				
B/C	16.08 ac.	16 ac.	0 ac.	32.08 ac.
C/C	17.31 ac.	0 ac.	5 ac.	22.31 ac.
N/C	0 ac.	0 ac.	5.5 ac.	5.5 ac.
Total	33.39 ac.	16 ac.	10.5 ac.	59.89 ac.
Hotel	0 ac.	0 ac.	12 ac./400rm[6]	12 ac./400rm[6]
Office Park	9 ac.	23 ac.	0 ac.	32 ac.
R & D	0 ac.	0 ac.	73 ac.	73 ac.
Regional Shopping Center	0 ac.	0 ac.	72 ac.	72 ac.
Public Facilities and Fire	2 ac.	4 ac.[7]	4 ac.[7]	10 ac.

[1] 75/275 Corp. reduced SF units from 2215 to 2160 (difference of 55 units).
[2] 75/275 Corp. increased from 810 to 846 (an increase of 36 units).
[3] Park acreage was corrected to reflect more accurate park acreage. In addition to the 252.62 acres of approved Park, the Owner of Area 4 will dedicate, to the City, up to 40 acres of additional Park.
[4] 257 acre golf course in Area 4 was deleted.
[5] Relocate and increase of one church site in Area 4.
[6] Clarification that the hotel site is approved for a 400 room Hotel and may be constructed on a site less than 12 acres.
[7] The Public Facilities site in Area 4 moved from Phase 3 to Phase 2.

EXHIBIT "F"

REVISED PHASING MAP H_2

EXHIBIT "G"

B/C OR NC TRADE-OFF TO MULTI FAMILY

EXHIBIT G

Business/Commercial and Neighborhood Commercial Trade-Off to Multi-Family

The land use trade-off mechanism permits Business/Commercial (B/C) square footage or neighborhood commercial (NC) square footage to be traded for multi-family dwellings. Because retail trip-generation rates change with the size of retail facilities, and because internal capture relationships change as the quantity of uses provided within the site changes, a "flat-rate" relationship is not possible. The tables provided below establish the relationship between square feet of B/C or NC traded and the number of multi-family dwellings gained. The relationships are documented in Exhibit "C" – Transportation Study of the Tampa Palms Area 4 Notice of Proposed Change transmitted March 8, 1994.

The trade-off mechanism has been developed for three parcels of land in Area Four of Tampa Palms, one NC parcel containing 27,225 s.f.g.l.a of floor area (Table 1), and two B/C parcels containing 85,920 s.f.g.l.a. and 76,200 s.f.g.l.a. (Tables 2 and 3) respectively.

An example of the application of these tables is as follows: Suppose the developer of the B/C parcel containing 85,920 s.f.g.l.a. desired to develop only 62,000 s.f.g.l.a of B/C, and trade the difference of 23,920 s.f.g.l.a. for multi-family dwellings. By interpolating between the information for 20,000 s.f.g.l.a (or 20 ksfgla) and 30 ksfgla traded in Table 2, as follows:

$$\text{No. of m.d.u.} = 119 + \frac{(23{,}920 \text{ sfgla} - 20{,}000 \text{ sfgla}) * (181 \text{ mdu} - 119 \text{ mdu})}{(30{,}000 \text{ sfgla} - 20{,}000 \text{ sfgla})}$$

$$= 143 \text{ m.d.u.}$$

an additional 143 multi-family dwellings could be built in Area Four.

//

Table 1
Retail to Multi-Family Dwelling Unit Trade-Off Relationship

KSFGLA Traded [1]	KSFGLA Developed	MDU Gained [2]	Rate MDU/KSFGLA
2	25.225	5	2.50
4	23.225	10	2.50
6	21.225	15	2.50
8	19.225	20	2.50
10	17.225	26	2.60
12	15.225	32	2.67
14	13.225	39	2.79
16	11.225	47	2.94
18	9.225	54	3.00
20	7.225	63	3.15
22	5.225	74	3.36
24	3.225	87	3.63
26	1.225	104	4.00
27.225	0	130	4.59

NOTES: (1) KSFGLA = Thousand square feet gross leasable area; (2) MDU = Multi-Family dwelling unit.

Table 2
Business/Commercial to Multi-Family Dwelling Unit Trade-Off Relationship

KSFGLA Traded	KSFGLA Developed	MDU Gained	Rate MDU/KSFGLA
10	75.92	59	5.90
20	65.92	119	5.95
30	55.92	181	6.03
40	45.92	246	6.15
50	35.92	292	5.84
60	25.92	332	5.53
70	15.92	378	5.40
80	5.92	438	5.48
85.92	0	506	5.89

Table 3 Business/Commercial to Multi-Family Dwelling Unit Trade-Off Relationship			
KSFGLA Traded	KSFGLA Developed	MDU Gained	Rate MDU/KSFGLA
10	66.2	60	6.00
20	56.2	123	6.15
30	46.2	188	6.27
40	36.2	235	5.88
50	26.2	274	5.48
60	16.2	320	5.33
70	6.2	379	5.41
76.2	0	450	5.91

Community Affairs (Bureau of State Planning), and the Tampa Bay Regional Planning Council.

Section 5. Binding Effect. That this Ordinance shall be binding upon the Developer, the Owners and their successors and assigns.

Section 6. 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 Florida Statutes Chapter 380.

Section 7. Recording. That the Developer (USAA) shall record a Notice of Adoption of this Ordinance pursuant to Florida Statutes Chapter 380.

Section 8. Effective Date. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON DEC 19 1991.

ATTEST:

CITY CLERK

Joe Greco
CHAIRMAN, CITY COUNCIL

APPROVED by me on DEC 20 1991

MAYOR

Prepared by:

ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance No 91-228 on file in my office.

Witness my hand and official seal this 23rd day of Dec, 1991

CITY CLERK

ORDINANCE NO. 93-109

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, REPEALING ORDINANCE NO. 93-46 AND APPROVING THE SEVENTH AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY SWF SOUTH LIMITED PARTNERSHIP AND SWF COMMERCIAL LIMITED PARTNERSHIP FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa ("City") annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, on April 18, 1985, the City, by Ordinance No. 8858-A, adopted the Tampa Palms Development Order adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9015-A (the "First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions"; and

WHEREAS, on September 5, 1985, the City, by Ordinance No. 9016-A (the "Second Amendment"), adopted the Amendment to the Tampa Palms Development Order adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City, the Tampa Bay Regional Planning Council ("TBRPC"), the State of Florida Department of Community Affairs ("DCA") and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order (City of Tampa Ordinance No. 9359-A, as amended by Ordinance No. 9466-A); and

WHEREAS, on June 20, 1991, the City, by Ordinance No. 91-98 (the "Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, on October 10, 1991, the City, by Ordinance No.91-193 (the "Fourth Amendment"), approved an amendment to the Tampa Palms Development Order to amend the legal description for Tampa Palms to that described in Exhibit "A", attached hereto; and

WHEREAS, on December 19, 1991, the City by Ordinance No.91-228 (the "Fifth Amendment") approved an amendment to Ordinance No. 91-193 to adopt a more acceptable graphic representation of the change in boundary of the Tampa Palms DRI; and

WHEREAS, on September 10, 1992, SWF South Limited Partnership and SWF Commercial Limited Partnership ("SWF Partnerships") the owner of certain undeveloped areas of Tampa Palms, filed an application entitled "Notification of Proposed Change to a Previously Approved Development of Regional Impact ("DRI") pursuant to Section 380.06(19), Florida Statutes" (hereinafter referred to as "Notification"), which Notification as well as responses to agency comments were submitted as part of the record

Certified as true and correct copy

to this Ordinance and are on file in the office of the City Clerk. (A table of contents of the Notification and Responses to agency comments is attached hereto as Exhibit "B"); and

WHEREAS, the changes proposed in the Notification are amendments to the approved Map H, Master Plan for Tampa Palms, which reflect approvals granted to Developers of Tampa Palms subsequent to the First Amendment which have not been reviewed pursuant to Section 380.06, Florida Statutes, and changes to the approved Map H which were approved pursuant to the 1988 Development Agreement and which were required thereby to undergo a substantial deviation review determination pursuant to Section 380.06, Florida Statutes. A list of changes is attached hereto as Exhibit "C." Exhibit "C" included changes defined as "Past Changes" or "Development Agreement Changes." Development Agreement Changes are a limited number of changes addressed in the 1988 Development Agreement. Subsequent to the filing of the Notification and pursuant to agency comments, Map H had been amended to include a revised note addressing the "Land Swap Change" associated with the United Services Automobile Association ("USAA") parcel. In addition, a conversion factor was proposed regarding the Business/Commercial Park Land Use designation. Map H (dated March 10, 1993), the changes listed in Exhibit "C" and the proposed conversion factor shall be collectively referred to hereinafter as "Proposed Changes"; and

WHEREAS, at a duly noticed public hearing on March 25, 1993 the City, by Ordinance No. 93-46, (the "Sixth Amendment"), approved the Proposed Changes as amendments to the "Tampa Palms DRI Development Order" (Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193 and 91-228); and

WHEREAS, on May 13, 1993 DCA filed a Notice of Appeal ("Appeal") of Ordinance No. 93-46 with the Florida Land and Water Adjudicatory Commission (Case No. 93-038) as authorized by Section 380.07, Florida Statutes; and

WHEREAS, the City and DCA in an effort to avoid the expense and delay of lengthy litigation and to resolve the pending Appeal entered into a Settlement Agreement, effective June 25, 1993 ("Settlement Agreement"), in which the City and DCA agreed to request the Tampa City Council to repeal Ordinance No. 93-46 and adopt this Ordinance containing the provisions set out hereinbelow which address DCA's concerns ("Settlement Agreement provisions"); and

WHEREAS, on June 17, 1993, the Tampa City Council adopted Resolution No. 93-856 which set the public hearing to again consider the Proposed Changes set forth in the Notification, as well as the Settlement Agreement provisions which address DCA's concerns; 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 and Settlement Agreement provisions; and

WHEREAS, the City Council has held a duly noticed public hearing on the Notification, which included the Proposed Changes, and Settlement Agreement provisions and has reviewed the above-referenced documents, as well as [illegible] testimony and evidence submitted by each party and members of the general public; and

WHEREAS, Florida Statutes Section 380.06(19) requires that the Development Order be amended to reflect City Council's approval of the changes to the Tampa Palms DRI Development Order.

Certified as true and correct copy.

NOW, THEREFORE,

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

Section 1. Findings of Fact. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial, competent, clear and convincing evidence to support the following Findings of Fact:

A. That the Developer submitted to the City the Notification.

B. That the Proposed Changes and the Settlement Agreement provisions are consistent with all local land use development regulations and the comprehensive plan.

C. That the Proposed Changes and the Settlement Agreement provisions 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 a comprehensive review of the impacts generated by the Proposed Changes and the Settlement Agreement provisions has been conducted by the City.

E. That the Proposed Changes and the Settlement Agreement provisions do not, individually nor cumulatively with prior changes, 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).

F. Amending the Tampa Palms DRI Development Order to reflect the Proposed Changes satisfies the substantial deviation determination review condition set forth in paragraph 8 of the 1988 Development Agreement.

G. Amending the Tampa Palms DRI Development Order to reflect the Settlement Agreement provisions satisfies the requirements of Section 2 of the Settlement Agreement.

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, including Section 380.06(15) and (19), Florida Statutes, and based upon the record of these proceedings, the Developer is authorized to conduct the Development as described herein, subject only to the amendments, conditions, restrictions and limitations set forth herein.

B. The review by the City, and other participating agencies and interested citizens reveals that impact of the Proposed Changes and the Settlement Agreement provisions are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Ordinance.

C. That the City, having considered all previous changes, the Proposed Changes and the Settlement Agreement provisions, concludes that such changes and provisions individually and cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, Florida Statutes; further, as such, nothing herein shall limit or modify the rights

Certified as true and correct copy.

originally approved by the Tampa Palms DRI Development Order or the protection afforded under Section 163.3167(b), Florida Statutes.

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

A. Repeal of Ordinance No. 93-46. Ordinance No. 93-46 (the Sixth Amendment to the Tampa Palms DRI Development Order) is hereby repealed in its entirety and all provisions thereof are deemed to be null and void and of no further force or legal effect.

B. Relocations in land-uses. The changes involving relocations of land uses which are narratively described in Exhibit "C", attached hereto and made part hereof, are hereby approved and adopted and are reflected in Revised Map H Master Plan adopted in subsection 3.C. below.

C. Revised Map H Master Plan. The Revised Map H Master Plan dated March 10, 1993, and revised June 15, 1993, attached hereto and made part hereof as Exhibit "D", which reflects the relocations in land uses described in Exhibit "C", and contains a Revised Land Use Table which conforms the land use acreages on the Table to the land use acreages shown on the Map, is hereby approved and adopted.

D. Revised Phasing Schedule and Revised Phasing Map H.

1. The build-out dates for the project Phases referred to and listed in the Tampa Palms Application for Development Approval pages 12-1 through 12-9, 12-12 and 12-13 (including Tables $12A_1$, $12A_2$ and $12B_1$) are hereby extended to the dates and Phases set forth in the Revised Phasing Schedule, attached hereto and made a part hereof as Exhibit "E".

2. All future requests for extensions to the Phase build-out dates set forth in the Exhibit "E" Revised Phasing Schedule shall be presumed to be a substantial deviation, which presumption may be rebutted by clear and convincing evidence; except however, as to property which was located in original Phase 4 (as identified on Application for Development Approval Map H_2), and which is now located in Phase 2 (as identified on Revised Phasing Map H_2), the Revised Phasing Schedule shall be construed as granting only a two (2) year extension to the build-out date, and future requests for extensions to the Phase build-out dates for such property shall be governed by the presumptions set forth in Section 380.06(19)(c), Florida Statutes, and the provisions of Section 380.06(19)(e)2., Florida Statutes.

3. The Revised Phasing Map H_2 dated June 15, 1993, attached hereto and made part hereof as Exhibit "F", which graphically depicts the Revised Phasing Schedule, is hereby approved and adopted.

4. Only the following types of development or development related activity shall be authorized in Revised Phase 3 prior to January 1, 1995:

a. review of DRI Applications for Development Approvals and Notices of Proposed Change and subsequent approvals thereof; or

b. rezoning approval; or

c. City of Tampa Code Chapter 23, Subdivision, Preliminary plat approval; or

d. City of Tampa Code Chapter 23, Subdivision, Construction drawing approval; or

e. construction of infrastructure pursuant solely to Construction drawing approval referenced in d. above; or

f. site clearing, tree removal, grading and filling pursuant solely to construction of infrastructure pursuant to Construction drawing approval, referenced in d. above; or

g. City of Tampa Code Chapter 5, Building Code, commercial site plan review only (not commercial site plan approval)

h. all or any combination of a. - g. above.

E. Conversion Factors.

1. A conversion factor of 1 square foot of retail development equaling 1.38 square feet of office development is hereby established for the Business/ Commercial (B/C) land use designation provided for on the Exhibit "D" Revised Map H Master Plan. Development of the Business/Commercial parcels shall occur consistent with the 1:1.38 conversion factor.

2. Parcels designated on the Exhibit "D" Revised Map H Master Plan as multi-family may be developed as single family, subject however to a conversion factor of one (1) multi-family dwelling unit equalling .67 single family unit or 1:.67.

F. Supersedence. The Exhibit "D" Revised Map H Master Plan and Land Use Table, and the Exhibit "E" Revised Phasing Schedule, and Exhibit "F" Revised Phasing Map H_2, shall supersede all previously adopted master plans, land use tables, phasing plans and phasing maps.

G. Concurrency. The changes approved by this Seventh Amendment to the Tampa Palms DRI Development Order are exempt from the provisions of Ordinance No. 90-32, City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

H. 1988 Development Agreement. The obligation of the Owners/Developer, under the 1988 Development Agreement to submit changes for a substantial deviation determination review and determination, pursuant to Section 380.06(19), Florida Statutes, has been satisfied. With the approval of this Ordinance, the terms of the 1988 Development Agreement have been fully complied with and there are no outstanding obligations, requirements or actions which must be taken pursuant to the 1988 Development Agreement. In addition, all changes listed in Exhibit "H" to the 1988 Development Agreement which are not addressed and approved in this Ordinance shall have no legal effect. The property on which those changes listed in Exhibit "H" to the 1988 Development Agreement which are not addressed and approved in this Ordinance shall only have those rights associated with the land use designation provided of on Exhibit "D" Revised Map H Master Plan.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Seventh Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193 and 91-228, which collectively shall constitute the Tampa Palms DRI Development Order. (Ordinance No. 93-46, the Sixth Amendment is specifically repealed herein.) All provisions of the Tampa Palms DRI Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

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

Section 6. Binding Effect. That this Ordinance shall be binding upon the Owner(s) and Developer, its assigns, and its successors in interest.

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

Section 8. Transmittals. That the City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of its effective date, to the Florida Department of Community Affairs (Bureau of State Planning), the Tampa Bay Regional Planning Council and the following Developers/Owners:

SWF South Limited Partnership
& SWF Commercial Limited Partnership
c/o J. Robert Sierra
5902 Tampa Palms Boulevard
Tampa, Florida 33647

Lennar Homes
c/o Mr. T. Jeffery Dodson
Land Division President
1110 Douglas Ave., Suite 3000
Altamonte Aprings, Florida 32714

Federal Deposit Insurance Corporation
c/o Ted Conner, Esq.
P.O. Box 725003
Orlando, Florida 32872-5003

Collins Center Fund, Inc.
c/o Roderick N. Petrey
701 Brickell Avenue
Suite 3000
Miami, Florida 33131

Kentucky Central Life Insurance Company
c/o Mr. John Rampulla
Kincaid Tower
300 West Vine St.
Lexington, Kentucky 40507

M/I Schottenstein Homes
c/o Larry Peebles
3870 Tampa Road, Suite D.
Oldsmar, Florida 34677

Certified as true and correct copy.

Pulte Homes
c/o Vince Smith
12973 Telcom Parkway
P.O. Box 270900
Tampa, Florida 33688

75/275 Corporation
c/o John Zeilenbach
15310 Amberly Drive
Suite 207
Tampa, Florida 33647

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, or the City may do so if Developer fails to do the same.

Section 11. Effective Date. That this Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON AUG 05 1993.

ATTEST:

Frances Hennigan
CITY CLERK

Joe Brito
CHAIRMAN, CITY COUNCIL

APPROVED by me on AUG 06 1993

Sandra W. Freedman

PREPARED BY:

Gina K. Grimes
GINA K. GRIMES
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance no 93-109 on file in my office.

Witness my hand and official seal this 6th day of Aug, 1993.

Frances Hennigan
CITY CLERK

Legal Description:

EXHIBIT "A"

TAMPA PALMS DRI LEGAL DESCRIPTION

The East 1/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida.

AND:

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing being in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS:

That part of Sections 24, 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 25 for the Point of Beginning; thence N.00°25'28"E., along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N.01°21'46"W., along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N.00°25'03"E., along the East boundary of said Section 24 a distance of 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N.89°27'50"W., along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S.00°35'04"W., a distance of 420.87 feet; thence S.10°37'07"E., a distance of 1366.34 feet; thence S.00°35'04"W., a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S.00°35'04"W., a distance of 4399.76 feet thence S.50°31'25"E., a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S.88°28'49"E., along the South boundary of said Section 25 a distance of 3220.04 feet to the Point of Beginning.

ALSO LESS:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of centerline of Trout Creek.

Certified as true and correct copy.

AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S.00°18'32"W., along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the Point of Beginning; of the parcel of land hereinafter described; thence continue S.00°18'32"W., along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S.88°59'25"W., for a distance of 717.67 feet; run thence N.17°04'19"W., for a distance of 354.31 feet; run thence N.13°04'19"W., for a distance of 550.00 feet; run thence N.08°04'19"W., for a distance of 448.12 feet; run thence N.03°11'04"W., for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence S.89°27'50"E., along said Quarter section line, for a distance of 1033.83 feet to the Point of Beginning.

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S.89°25'23"W., along the South boundary of said Section 36, a distance of 800.00 feet; thence N.00°46'24"W., parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the Point of Beginning; thence return S.00°46'24"E., a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N.10°50'51"W., a distance of 451.00 feet, more or less; thence N.25°01'34"W., a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S.77°08'37"E., along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet; a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of S.23°13'45"E., to the Point of Beginning.

Certified as true and correct copy.

AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S.00°18'32"W., along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the Point of Beginning of the parcel of land hereinafter described; thence continue S.00°18'32"W., along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S.88°59'25"W., for a distance of 717.67 feet; run thence N.17°04'19"W., for a distance of 354.31 feet; run thence N.13°04'19"W., for a distance of 550.00 feet; run thence N.08°04'19"W., for a distance of 448.12 feet; run thence N.03°11'04"W., for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence S.89°27'50"E., along said Quarter section line, for a distance of 1033.83 feet to the Point of Beginning.

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S.89°25'23"W., along the South bounds of said Section 36, a distance of 800.00 feet; thence N.00°46'24"W., parallel to and 800.00 feet West of the E boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the Point of Beginning; thence return S.00°46'24"E., a distance of 293.00 feet, more or less to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N.10°50'51"W., a distance of 451.00 feet, more or less; thence N.25°01'34"W., a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S.77°08'37"E., along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet, a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing S.23°13'45"E., to the Point of Beginning.

Certified as true and correct copy.

AND:

LEGAL DESCRIPTION FOR
PROPERTY TRANSFERRING FROM
TAMPA TECHNOLOGY PARK TO TAMPA PALMS

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

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

Containing 17.341 acres, more or less.

Certified as true and correct copy.

Exhibit A

LESS:

Legal Description for the USAA Property
Transferring from Tampa Palms to
Tampa Technology Park DRI

DESCRIPTION: A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southwest corner of the Northwest 1/4 of said Section 23, run thence S.89°30'00"E., 939.98 feet along the South boundary of said Northwest 1/4 of Section 23 to the POINT OF BEGINNING; thence continue along said South boundary S.89°30'00"E., 1748.61 feet to a point on the curved boundary of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said boundary the following five (5) courses: 1) Southwesterly, 364.46 feet along the arc of a curve to the right having a radius of 725.00 feet and a central angle of 28°48'11" (chord bearing S.54°45'47"W., 360.64 feet) to a point of tangency; 2) S.69°09'52"W., 198.98 feet to a point of curvature; 3) Southwesterly, 86.30 feet along the arc of a curve to the left having a radius of 220.00 feet and a central angle of 22°28'31" (chord bearing S.57°55'36"W., 85.75 feet); 4) S.65°33'00"W., 624.10 feet; 5) S.87°41'28"W., 679.25 feet to a point on the East right-of-way line of Commerce Park Boulevard shown on said plat of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1; thence along said East right-of-way the following three (3) courses: 1) N.16°04'00"E., 44.82 feet to a point on a non-tangent curve; 2) Northeasterly, 365.56 feet along the arc of a curve to the left having a radius of 2098.00 feet and a central angle of 09°59'00" (chord bearing N.05°42'39"E., 365.10 feet) to a point of tangency; 3) N.00°43'09"E., 218.98 feet to the POINT OF BEGINNING.

Containing 17.341 acres, more or less.

Certified as true and correct copy.

Exhibit A

EXHIBIT "B"

NOTIFICATION OF PROPOSED CHANGE
AND RESPONSES TO AGENCY COMMENTS
TABLE OF CONTENTS

- Notification of Proposed Change dated September 10, 1992
- October 30, 1992 letter from Tindale/Oliver & Associates, Inc. to Susan Lynn-Johnson relative to comments of Traffic Engineering Division and Land Development Coordination
- October 30, 1992 letter from Scott Steady to J. Thomas Beck relative to DCA's comments and concerns.
- January 22, 1993 letter from Scott Steady to J. Thomas Beck relative to DCA's comments and concerns.
- January 29, 1993 letter from Scott Steady to John Baker relative to DCA's concerns regarding the Business/Commercial conversion factor.
- January 29, 1993 memorandum from Bill Oliver to Scott Steady relative to Business/ Commercial conversion factor

Certified to be a true and correct copy.

(Notification of Proposed Change and Responses to Agency Comments on file in Office of City Clerk)

PROPOSED CHANGES

The following is a list of proposed changes to the adopted Tampa Palms Master Plan, Map H. The changes are described as either "Past Changes" or "Development Agreement Changes." "Past Changes" include those changes which have been administratively approved since the First Amendment and which are substantially, if not entirely, constructed. "Development Agreement Changes" include those changes which were addressed in the 1988 Development Agreement.

AREA 1

1. Past Change: The Hillsborough River Park reflects an approved/platted 42 acre park, 14 acres of upland and 28 acres of wetland. In 1985 the park was shown as a 19 acre park.

2. Past Change: Manors of Nottingham is an approved/platted partially constructed single-family residential project comprised of 12.77 acres. In 1985 the development pod was shown as a 13 acre multi-family project.

3. Past Change: The Sanctuary, TP Unit 4B, is an approved/platted and partially constructed single-family development comprised of 15.13 acres. In 1985 the area was shown as a 14 acre multi-family project.

4. Past Change: TP 4D is an approved single-family residential parcel comprised of 5.42 acres. The parcel was shown on the 1985 Plan as golf course.

AREA 2

5. Past Change: A 22 acre multi-family project was converted to a 37.37 acre multi-family project.

6. Past Change: A portion of a 23 acre single-family project was converted to two church sites totaling 8.57 acres. Realignment of the roadway split the remaining property.

7. Past Change: Unit 7C reflects an approved/platted 77.78 acre single-family subdivision. The 1985 plan showed this area as residential, roadways, church, pond, 3 acre park and golf course.

8. Past Change: The Cypress Creek Levee System was eliminated.

9. Past Change: Unit 7D reflects an approved/platted 51.43 acre single-family residential subdivision. The 1985 plan showed this area as residential, golf course, levee, pond and retention.

EXHIBIT "C"

10. Past Change: Unit 7E Unit 1 is an approved 30.91 acre single-family residential subdivision. In 1985 this area was shown as residential, golf course, levee and retention.

11. Past Change: Unit 7E2 is an approved 40.26 acre single-family residential subdivision. In 1985 this area was shown as single family and golf course.

12. Past Change: Unit 5A is an approved/platted 15 acre commercial development known as City Plaza. In 1985 this area was shown as a five acre Community Commercial area, a two acre fire station, a four acre public facility site and a residential area. Approval of the site necessitates the transfer of approved Business/Commercial entitlements. The proposed designations are 10 acres of Business/Commercial and five acres of Community Commercial.

13. Past Change: Unit 5B is an approved/platted 26.07 acre single-family residential subdivision. In 1985 this area was residential, golf course, roads and ponds.

14. Development Agreement Change: Unit 5C1 is an approved/platted 26.57 acre single-family residential subdivision. In 1985 this area was residential and a portion of the junior high site. Construction plan approval was granted for the project in May, 1988. Final plat approval was granted in February 1989. Construction has occurred since. The project is substantially built.

15. Development Agreement Change: Unit 5C2 is a 26.84 acre single-family residential subdivision created from a residential area and a portion of the junior high school site. Construction plan approval was granted originally on May 19, 1988, revised and approved again on February 24, 1992. Final plat approval is pending.

16. Development Agreement Change: Unit 5E is an approved 15 acre park site, which includes a CDD maintenance facility for parks. In 1985 the area was shown as a 10 acre park and a portion of the junior high site.

17. Development Agreement Change: A 25 acre junior high school site was approved and platted. The location of the platted junior high school site shifted slightly from the 1985 Plan as a result of other residential plat approvals. Final plat approval for the school was granted on May 26, 1988.

18. Past Change: Internal roadway alignments changed. Roads were constructed per agency review and permits. No changes were made to approved access points to regional roadways.

and correct copy

AREA 4

19. Development Agreement Change: A 5.52 acre church site was created from a single-family residential subdivision and golf course.

20. Development Agreement Change: A 2 acre fire station was created from a residential land use. The fire station is constructed.

21. Development Agreement Change: An approximate 4 acre public facilities site was created from a residential pod. This new 4 acre public facilities site was the result of displacing a 4 acre public facilities site in Area 2 when City Plaza was constructed.

22. Development Agreement Change: The roadway to connect Tampa Palms and Tampa Technology Park shifted to the east in conjunction with development of USAA. The road was approved and constructed.

23. Development Agreement Change: The 1985 Tampa Palms Master Plan showed a 26 acre Business/Commercial pod located in the northeastern portion of Area 4. Of this 26 acre Business/Commercial parcel, 10 acres has been relocated/allocated to the City Plaza site. Sixteen acres of approved Business/Commercial acreage remain but cannot be shown in the location approved in 1985 due to the deletion of 17.34 acres of Tampa Palms property for USAA and the relocation of the roadway connecting Tampa Palms and Tampa Technology Park. Similarly a 12 acre hotel site was shown in the northeastern portion of Area 4. The approved acreage cannot be shown in the location approved in 1985 due to the deletion of 17.34 acres of Tampa Palms property for the USAA and relocation of the roadway. At the City's request the proper locations of the approved uses are not addressed in this Interim NOPC application but will be presented in future NOPC applications. A note is added to the Tampa Palms Master Plan, Map H, to explain this situation.

AREAS 1, 2, 3, AND 4

24. Past Change: The original (1980) Application for Development Approval included a Map H_2, Phasing Plan, which graphically depicted geographic boundaries for Phases One, Two, Three and Four. This Phasing Plan was never implemented. Permits were issued and projects developed without regard to the Phasing Plan. Project development has occurred in all four geographic phasing areas. The Applicant is requesting that references to geographic phasing be eliminated. A note eliminating geographic phasing has been added to the Tampa Palms Master Plan, Map H, to reflect this change.

EXHIBIT "D"

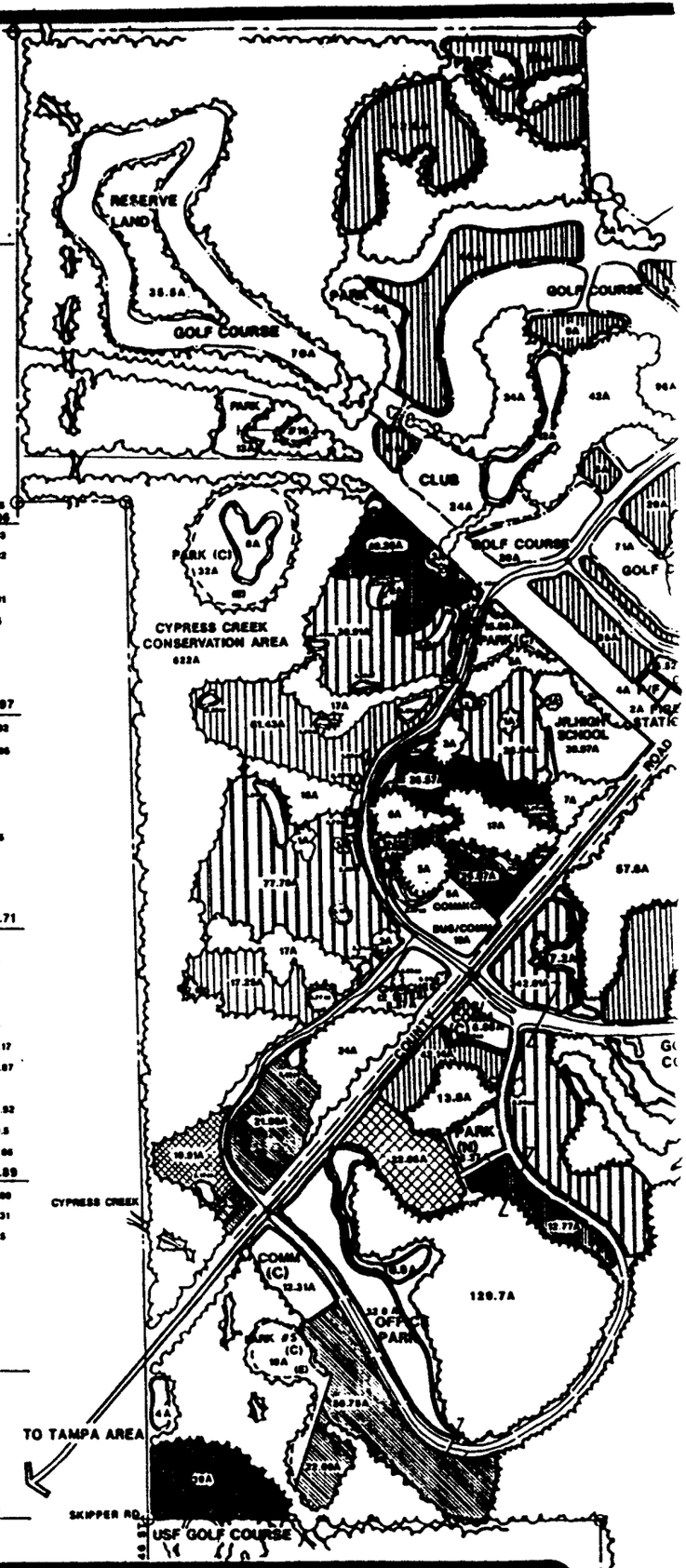
REVISED MAP H
MASTER PLAN
dated March 10, 1993
revised June 15, 1993

Certified as true
and correct copy.

Revised Land Use Table

RESIDENTIAL	UNITS/ACRE	UNITS
SINGLE FAMILY		4,304
ESTATE	2.2	
STANDARD	3.8	
PATIO	5	
MULTI-FAMILY		9,212
	10	
	15	
	20	
	25	
	30	
	35	
TOTAL UNITS:		13,316

	ACRES
COMMUNITY FACILITIES	**338.99**
SCHOOLS (1)ELEM.(1)JR.HIGH	46.88
PARKS	251.82
CHURCHES	30.91
FIRE STATIONS (AC. INCL. IN PUBLIC FACILITIES)	3.5
PUBLIC FACILITIES	10
RECREATIONAL FACILITIES	**786.97**
PARKS (AC. INCL. IN COMMUN. FACIL.)	251.82
HILLSBOROUGH RIVER GOLF & C.CLUB	279.66
CYPRESS CREEK GOLF & C.CLUB	257
(B) HILLSBOROUGH RIVER BOATING CENTER (AC. INCL. IN PKS.)	42
(R) RACQUETBALL & TENNIS CLUB (AC INCL. IN PKS.)	6.5
OPEN SPACE	**3,497.71**
REGIONAL	
HILLSBOROUGH RIVER CONSER. AREA	866
CYPRESS CREEK CONSERVATION AREA	622
LOCAL	
ROCK HAMMOCK PRESERVATION AREA	115
PONDS & LAKES	205.17
DRAINAGE RETENTION AREAS	736.87
PARKS (AC.INCL.IN COMMUN.FACIL.)	251.82
LANDSCAPED ROADWAY BUFFERS	90.5
GOLF COURSES (AC.INCL.IN REC.FAC.)	535.86
EMPLOYMENT CENTERS	**248.89**
COMMERCIAL BUSINESS/COMM.	32.80
COMMUNITY/COMM.	22.31
NEIGHBORHOOD/COMM.	8.5
HOTEL	12
REGIONAL SHOPPING CENTER	72
OFFICE PARK	32
RESEARCH & DEVELOPMENT INDUST.PK.	73
CIRCULATION SYSTEMS	**189**
INTERSTATE	
PARKWAY	100
MAJOR COLLECTORS	
MINOR COLLECTORS	
CYCLING & PEDESTRIAN PATHWAYS	
TOTAL ACREAGE	**5,408.5**



Certified as true and correct copy.

EXHIBIT "D"

Tampa Palms

PREPARED FOR: SWF PARTNERSHIPS, INC.

PREPARED BY: HEIDT & ASSOCIATES, INC.

MAP H

REVISED MASTER PLAN

SCALE 0 600' 1200' 2400'

REVISED PHASING SCHEDULE

LAND USE	Phase 1 (1980-1993)	Phase 2 (1990-2001)	Phase 3 (1995-2006)	TOTAL
Residential				
SF	1008 units	2215 units	881 units	4104 units
MF	2126 units	810 units	6276 units	9212 units
Total	3134 units	3025 units	7157 units	13,316 units
Parks	148.92 ac.	0 ac.	103 ac.	251.92 ac.
Golf Course	278.05 ac.	0 ac.	257 ac.	535.05 ac.
School	15.06 ac.	30.97 ac.	0 ac.	46.03 ac.
Church	0 ac.	17.91 ac.	13 ac.	30.91 ac.
Commercial				
B/C	16.08 ac.	16 ac.	0 ac.	32.08 ac.
C/C	17.31 ac.	0 ac.	5 ac.	22.31 ac.
N/C	0 ac.	0 ac.	5.5 ac.	5.5 ac.
Total	33.39 ac.	16 ac.	10.5 ac.	59.89 ac.
Hotel	0 ac.	0 ac.	12 ac.	12 ac.
Office Park	9 ac.	23 ac.	0 ac.	32 ac.
R & D	0 ac.	0 ac.	73 ac.	73 ac.
Regional Shopping Center	0 ac.	0 ac.	72 ac.	72 ac.
Public Facility	2 ac.	0 ac.	8 ac.	10 ac.

Certified as true

EXHIBIT "E"

EXHIBIT "F"

REVISED PHASING MAP H_2

dated June 15, 1993

Certified as true and correct copy.

CITY OF TAMPA

Frances Henriquez, City Clerk — OFFICE OF CITY CLERK

March 30, 1993

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

RE: Petition No. DZ85-75
Ordinance No. 93-46

Dear Sir:

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

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

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

mailed 3/30/93
received 3/31/93

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

Exhibits A, B, C & D are filed as "DRI #65 - Tampa Palms Exhibits to Ordinance No. 93-46"

CITY OF TAMPA

Frances Henriquez, City Clerk — OFFICE OF CITY CLERK

June 25, 1991

RECEIVED
JUN 26 1991
Tampa Bay Regional Planning Council

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

RE: Petition No. DZ85-75
Ordinance No. 91-98

Dear Sir:

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

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

Sincerely,

Frances Henriquez JS

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

mailed 6/25/91
received 6/26/91

TBRPC
not copy
not mail

ORDINANCE NO. 91-98

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING ORDINANCE NO. 8858-A, AS AMENDED, A DEVELOPMENT ORDER ISSUED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, TAMPA PALMS, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR AMENDMENTS TO THE MASTER PLAN; DETERMINING THAT SAID AMENDMENTS ARE NOT A SUBSTANTIAL DEVIATION, PURSUANT TO CHAPTER 380.06, FROM THE MASTER PLAN APPROVED IN THE DEVELOPMENT ORDER, ORDINANCE NO. 8858-A, AS AMENDED; DETERMINING THAT SAID AMENDMENTS ARE CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN; DETERMINING THAT SAID AMENDMENTS ARE EXEMPT FROM PROVISIONS OF ORDINANCE 90-32, CONCURRENCY MANAGEMENT SYSTEM; DETERMINING THAT SAID AMENDMENTS SATISFY RESPONSIBILITIES OF THE OWNER PURSUANT TO THE 1990 DEVELOPMENT AGREEMENT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of the County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms, DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa annexed the Tampa Palms property, pursuant to Ordinance 8768-A; and

WHEREAS, on April 18, 1985, the City of Tampa, by Ordinance 8858-A, adopted the Tampa Palms Development Order adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City of Tampa, by Ordinance 9015-A, approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions;" and

WHEREAS, on September 5, 1985, the City of Tampa, by Ordinance 9016-A, adopted the Amendment to the Tampa Palms Development Order previously adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City of Tampa, the Tampa Bay Regional Planning Council (TBRPC), the State of Florida Department of Community Affairs (DCA) and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order, City of Tampa Ordinance No. 9359-A, as amended by Ordinance No. 9466-A; and

WHEREAS, on February 26, 1990, the City of Tampa, the TBRPC, the DCA, Tampa Palms Development Corporation, Good/Gulfstream Holding Corporation, CFD Properties, Inc. and TPA Apartments Joint Venture (TBR) entered into a Development Agreement which was recorded in the Official Records of Hillsborough County at O.R. Book 5920 Page 829 (the "TBR Development Agreement") relating to the property affected by the Tampa Palms Development Order as described in Exhibit "A" attached hereto; and

Certified as true
and correct copy.

WHEREAS, (pril 1, 1991, SWF Sou imited Partnership and SWF Commer..al Limited Partnership ("S.. Partnerships") the owner of certain undeveloped areas of Tampa Palms, filed an application entitled "Notice of Proposed Change to a Preciously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.069(19), F.S." (the "Application") to amend the legal description for Tampa Palms; and to revise Map H for Tampa Palms; and to extend the date of buildout for Tampa Palms, and of each phase thereof; and to satisfy the park mitigation requirements of the TBR Development Agreement; and

WHEREAS, TBR requires expedited action on that portion of the Application dealing with the TBR Development Agreement due to time constraints established by contractual obligations; 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 Amendments to DRIS; and

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

WHEREAS, the City Council has determined that it is appropriate to act on that portion of the Application regarding the TBR Development Agreement and to continue the balance of the Application to a subsequent hearing.

NOW, THEREFORE,

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

Section 1. Development Order, as Amended. This Ordinance shall constitute the Third Amendment to the Tampa Palms DRI Development Order.

Section 2. Findings of Fact. 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 there is substantial competent evidence to support the following findings of fact:

A. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A and 9016A, is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes.

B. As part of the Application, SWF Partnerships are proposing an Amendment to the Tampa Palms DRI Development Order to revise the approved Map H, Master Plan for Tampa Palms to provide a park mitigation area pursuant to the requirements as set out in the TBR Development Agreement (the "Park Amendment"). A copy of the Revised Map H, Master Plan (Revisions dated May 30, 1991), is attached hereto as Exhibit "B."

Certified as true
and correct copy.

C. A comprehensive review of the impacts generated by the Park Amendment has been conducted by the City's Departments, the TBRPC and the DCA.

D. The Park Amendment does not increase the external traffic impact of the development, nor does it create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original projections set forth in the application for Development Approval.

E. The Park Amendment satisfies the requirement to provide park mitigation as set forth in paragraph 4 of the TBR Development Agreement.

F. The area actually set aside as Conservation in the Tampa Palms DRI after approval of the Park Amendment will not be reduced below that set aside before approval of the Park Amendment.

G. Development in accordance with the Park Amendment to Revised Map H, Master Plan (Revisions dated May 30, 1991), will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

H. The Park Amendment is consistent with local land development regulations and the adopted local comprehensive plan.

I. The Park Amendment is consistent with the report and recommendations of the TBRPC.

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

A. The Park Amendment does not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Chapter 380.06, Florida Statutes, and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

B. The Park Amendment does not create additional impacts to public facilities over those treated under the Development Order, as amended. The Park Amendment is exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

Certified as true and correct copy.

C. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the City and SWF Partnerships are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

D. The review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

Section 4. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. The locations of Park #16, Park #5 and the adjacent multi family tract as shown on the Revised Map H, Master Plan (Revisions dated May 30, 1991) (Exhibit "B" attached hereto), are hereby approved and adopted and become part of the Tampa Palms DRI Development Order. Provision of the thirteen acre park (Park #16) depicted on said Revised Map H, Master Plan, and generally located in Area 4 and bounded by the Tampa Electric Company/Florida Power Corp. rights-of-way, is the sole and exclusive mitigation for the impacts of the Tampa Bay Resources' multi-family development known as Live Oaks Plantation, Phase III, and no other mitigation shall be required.

B. SWF Partnerships shall develop Park #16 as a passive park, with no active recreational facilities. SWF Partnerships shall provide legal public access to Park #16 and shall construct a boardwalk, or other accessway acceptable to the City, to Park #16 through either the TECO or Florida Power easements or other easement reasonably acceptable to the City. Said legal access shall be provided prior to or in conjunction with commencement of development of any adjacent parcels.

C. SWF Partnerships shall provide public access and park directional signage to Park #5 by construction of an asphalt and boardwalk pathway a minimum of six feet wide over and through the Access Tract R3 between Tracts M-3 and M-4. Construction of said boardwalk shall

Certified as true and correct copy.

comply with all applicable permitting regulations and shall be completed within six (6) months after the date this Order becomes non-appealable under Section 380.07, Florida Statutes.

D. The Park Amendment does not constitute a substantial deviation, pursuant to Chapter 380.06, Florida Statutes, and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

E. The Amendment is exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

Section 5. Monitoring. The director of the Housing, Inspections, and Community Services Department of the City (the "Director") shall be responsible for monitoring all terms and conditions of the Tampa Palms Development Order, as hereby amended. For purposes of this condition, the Director may rely upon or utilize the information supplied by any City department or agency having particular responsibility over the area or subject involved. The Director shall report to the City Council any findings of deviation from the terms and conditions of the Tampa Palms Development Order. The Director shall issue a notice of such noncompliance to the Developer, and, if the deviation is not corrected within a reasonable amount of time, shall recommend that the City Council establish a hearing to consider such deviations.

Section 6. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance, to SWF Partnerships, DCA, and TBRPC.

Section 7. Recording. SWF Partnerships shall record a notice of adoption of this Ordinance, and shall furnish the City Clerk a copy of the recorded notice.

Section 8. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 9. Binding Effect. This Ordinance shall be binding upon the Developer, the owners, their assigns and their successors in interest.

Certified as true and correct co...

Section 10. Effective Date. This Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON JUN 20 1991.

ATTEST:

Joe Greco
CHAIRMAN, CITY COUNCIL

Frances Henriquez
CITY CLERK

APPROVED by me on JUN 20 1991

Sandra W. Freedman
MAYOR

Prepared and Approved by

Gina K. Grimes
GINA GRIMES
Assistant City Attorney

T6234o

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance no 91-98 on file in my office.

Witness my hand and official seal this 25th day of June, 1991.

FRANCES HENRIQUEZ, CITY CLERK
By: Deputy City Clerk

TAMPA PALMS

LEGAL DESCRIPTION

The East 3/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida.

AND:

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing being in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS:

That part of Sections 24, 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 25 for the **Point of Beginning:** thence N.00°25'28"E., along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N.01°21'46"W., along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N.00°25'03"E., along the East boundary of said Section 24 a distance of 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N.89°27'50"W., along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S.00°35'04"W., a distance of 420.87 feet; thence S.10°37'07"E., a distance of 1366.34 feet; thence S.00°35'04"W., a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S.00°35'04"W., a distance of 4399.76 feet thence S.50°31'25"E., a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S.88°28'49"E., along the South boundary of said Section 25 a distance of 3220.04 feet to the **Point of Beginning.**

ALSO LESS:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of centerline of Trout Creek.

Certified as true
and correct copy.

That part of Section " wnship 27 South, Range 19 East, Hillsborough County, Florida, lying South of Trout Creek, North of the Hillsborough River and Northeasterly of the follow...g described line: Commence at the Northwest corner of said Section 36; run thence S.88°28'49"E., along the North boundary of said Section 36, a distance of 2071.95 feet to the Point of Beginning: thence S.50°31'25"E., a distance of 1310.59 feet to the beginning of a curve, concave Southwesterly, having a central angle of 37°15'04" and a radius of 5,780.00 feet; thence Southeasterly along the arc of said curve, an arc distance of 3757.90 feet (chord distance of 3692.06 feet and chord bearing of S.31°53'53"E.) to the North bank of the Hillsborough River and the Point of Termination.

ALSO LESS:

(A) That part of Sections 23, 26, 27, 33, and 34, Township 27 south, Range 19 East deeded to the State of Florida for road right-of-way for State Road S-581 by insurments recorded in Official Record Book 227 on Page 707, in Official Record Book 226 on Page 556, and in Official Record Book 241 on Page 76 of the Public Records of Hillsborough County, Florida

(B) The part of Section 21, 22, 26, 27, 35, and 36 Township 27 South, Range 19 East, condemned for transmission lines by Tampa Electric Company in Suit Number 41987-L Circuit Court, Hillsborough County, Florida

(C) That part of Sections 26, 27, 35, and 36, Township 27 South, Range 19 East, conveyed to County of Hillsborough for use and benefit of Road Department by instruments recorded September 3, 1965, in Official Record Book 1501 on Page 480, and in Official Record Book 1501 on Page 482 of the Public Records of Hillsborough County, Florida

ALSO LESS:

A parcel of land in the West one-half of the Southwest one-quarter of Section 24, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northwest corner of said Section 24; said corner being marked by a 3" iron pipe; run thence S.00°18'32"W., along the West boundary of said Section 24 for a distance of 2632.49 feet to the West quarter corner of said Section 24 and the Point of Beginning: of the parcel of land hereinafter described; run thence S.89°27'50"E., along the Quarter section line of said Section 24, for a distance of 679.56 feet; run thence S.00°35'04"W., for a distance of 420.88 feet; run thence S.10°37'07"E., for a distance of 1166.17 feet; run thence S.88°59'25"W., for a distance of 898.87 feet to a point on the aforesaid West boundary line of Section 24; run thence N.00°18'32"E., along said West boundary line, for a distance of 1589.27 feet to the Point of Beginning.

Certified as true and correct copy.

AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S.00°18'32"W., along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the **Point of Beginning:** of the parcel of land hereinafter described; thence continue S.00°18'32"W., along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S.88°59'25"W., for a distance of 717.67 feet; run thence N.17°04'19"W., for a distance of 354.31 feet; run thence N.13°04'19"W., for a distance of 550.00 feet; run thence N.08°04'19"W., for a distance of 448.12 feet; run thence N.03°11'04"W., for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence S.89°27'50"E., along said Quarter section line, for a distance of 1033.83 feet to the **Point of Beginning.**

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S.89°25'23"W., along the South boundary of said Section 36, a distance of 800.00 feet; thence N.00°46'24"W., parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the **Point of Beginning:** thence return S.00°46'24"E., a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N.10°50'51"W., a distance of 451.00 feet, more or less; thence N.25°01'34"W., a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S.77°08'37"E., along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet; a delta of 14°12'56:, an arc of 1381.35 feet, a chord of 1377.81 fee, and a chord bearing of S.23°13'45"E., to the **Point of Beginning.**

Certified as true
and correct copy.

DRI #165/
165/
200

CITY OF TAMPA

Frances Henriquez, City Clerk — OFFICE OF CITY CLERK

RECEIVED
DEC 27 1991
Tampa Bay Regional Planning Council

December 23, 1991

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

RE: Petition No. DZ85-75
Ordinance No. 91-228

Dear Sir:

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

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

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

mailed 12/26/91
received 12/27/91

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

WHEREAS, Section 380.06, F.S., requires that the Development Order be amended to reflect the Proposed Changes; and

WHEREAS, the City Council has determined that it is appropriate to act on the Notification and Proposed Changes;

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent, clear and convincing evidence to support the following findings of fact:

A. The real property which is the subject of this amendment is legally described as set forth in Exhibit "A" attached hereto.

B. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A, 9016-A, 91-98, 91-193, and 91-228, is a valid final development order within the provisions of Section 163.3167(8), F.S.

C. The Notification, attached hereto as Exhibit "B," includes those changes which are attached hereto as Exhibit "C," and necessitates amending the approved Map H, Master Plan for Tampa Palms, to that shown on the Revised Map H, Master Plan (dated March 10, 1993), a copy of which is attached hereto as Exhibit "D."

D. The Proposed Changes contain the same mix of residential and nonresidential uses as was reviewed and approved for development in the First Amendment and will not result in an increase in the number of residential units or density approved in the First Amendment for the Tampa Palms DRI.

E. A comprehensive review of the impacts generated by the Proposed Changes has been conducted by the City's Departments, the TBRPC and the DCA.

F. Based on the information submitted as part of the Notification, the Proposed Changes do not create additional regional impacts on transportation or other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, from the original projections set forth in the Application for

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Development Approval, nor do they create impacts that were not previously reviewed.

G. Amending the Tampa Palms DRI Development Order to reflect the Proposed Changes satisfies the substantial deviation determination review condition set forth in paragraph 8 of the 1988 Development Agreement.

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

A. Development in accordance with the Revised Map H, Master Plan (dated March 10, 1993), attached hereto as Exhibit "D," which reflects the changes attached hereto as Exhibit "C," and the conversion factor for the Business/Commercial Park Land Use designation will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and will be consistent with the State Comprehensive Plan.

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

C. The City has, at its proceedings, considered all previous changes and the Proposed Changes and concludes that such changes cumulatively do not constitute a substantial deviation requiring further DRI review, pursuant to Section 380.06, F.S.

D. The Proposed Changes do not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Section 380.06, F.S., and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), F.S.

E. The Proposed Changes do not create additional regional impacts to public facilities over those treated under the Development Order, as amended, nor impacts that were not previously reviewed. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

F. This Order satisfies the provisions of Sections 380.06(15) and (19), F.S., as amended.

G. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record

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in these proceedings, the various departments of the City and property owners within Tampa Palms are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

H. The review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, F.S.

Section 3. **Order**. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. The changes attached hereto and made a part hereof as Exhibit "C," which narratively described the amendments reflected in the Revised Map H, Master Plan (dated March 10, 1993) are hereby approved and adopted and shall become a part of the Tampa Palms DRI Development Order.

B. The Revised Map H, Master Plan (dated March 10, 1993, which reflects the changes listed in Exhibit "C,") is attached hereto and made a part hereof as Exhibit "D," is hereby approved and adopted and shall become part of the Tampa Palms DRI Development Order.

C. A conversion factor of 1 square foot of retail development equaling 1.38 square feet of office development is hereby established for the Business/Commercial Park Land Use designation provided for on the Revised Map H, Master Plan attached as Exhibit "D." Development of the Business/Commercial Park parcels shall occur consistent with the 1 : 1.38 conversion factor.

D. The Proposed Changes are exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System and the Tampa Palms DRI remains vested thereunder.

Section 4. **Development Order, as Amended**. This Ordinance shall constitute the Sixth Amendment to Ordinance No. 8858-A, as amended by Ordinance Nos. 9015-A, 9016-A, 91-98, 91-193 and 91-228, which collectively shall constitute the Development Order for Tampa Palms. All provisions of the Development Order, except those provisions specifically modified herein, shall remain in full force and effect and shall be considered conditions for development unless inconsistent with the terms and conditions of this Ordinance, in which case the terms and conditions of this Ordinance shall govern.

Section 5. **Transmittals**. The City Clerk is hereby directed to send copies of this Ordinance by certified mail, within five (5)

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days of the effective date of this Ordinance, to SWF Partnerships, c/o J. Robert Sierra (5902 Tampa Palms Boulevard, Tampa, Florida 33647), DCA, and TBRPC.

Section 6. **Recording.** SWF Partnerships shall record a notice of adoption of this Ordinance, and shall furnish the City Clerk a copy of the recorded notice.

Section 7. **Rendition.** This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Section 8. **Binding Effect.** All terms and conditions of this Ordinance shall be binding upon the Developer, and all owners of property in the Tampa Palms DRI development and their assigns and successors in interest.

Section 9. **1988 Development Agreement.** The obligation of the Owners/Developer, under the 1988 Development Agreement to submit changes for a substantial deviation determination review and determination, pursuant to Section 380.06(19), F.S., has been satisfied. With the approval of this Ordinance, the terms of the 1988 Development Agreement have been fully complied with and there are no outstanding obligations, requirements or actions which must be taken pursuant to the 1988 Development Agreement. In addition, all changes listed in Exhibit "H" to the 1988 Development Agreement which are not addressed and approved in this Ordinance shall have no legal effect. The property on which those changes listed in Exhibit "H" to the 1988 Development Agreement which are not addressed and approved in this Ordinance shall only have those rights associated with the land use designation provided for on Revised Map H, Master Plan attached as Exhibit "D."

Section 10. **Severance.** In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 11. **Effective Date.** 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 MAR 25 1993.

ATTEST:

Joe Chillura
CHAIRMAN, CITY COUNCIL

Frances Henriquez
CITY CLERK

APPROVED by me on MAR 29 1993

Approved by

Martha W. Freeman
MAYOR

RLKL
GINA GRIMES
ASSISTANT CITY ATTORNEY

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance no. 93-46 and Exhibits A, B, C & D as listed on file in my office.
Witness my hand and official seal this 30th day of March, 1993.

FRANCES HENRIQUEZ, CITY CLERK
By:
CITY Deputy Clerk

- 7 -

LIST OF EXHIBITS

EXHIBIT A - Legal Description of Tampa Palms

EXHIBIT B - Notification of Proposed Change & Responses to Agency Comments

EXHIBIT C - Proposed Changes

EXHIBIT D - Map H - Master Plan dated March 10, 1993

ORDINANCE NO. 91-228

AN ORDINANCE AMENDING ORDINANCE NO. 91-193 WHICH APPROVED AN AMENDMENT TO THE TAMPA PALMS DRI DEVELOPMENT ORDER; CLARIFYING THE CHANGE APPROVED; SUBSTITUTING A REVISED MAP H TO MORE ACCURATELY REFLECT SAID CHANGE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 10, 1991 the City of Tampa adopted Ordinance No. 91-193 approving an amendment to a development order for Tampa Palms, a previously approved development of regional impact ("DRI"); and

WHEREAS, the sole change approved by Ordinance No. 91-193 was a certain change to the Tampa Palms DRI Development Order, described in Ordinance No. 91-193 as the "Land Swap Change", which involved the addition and deletion of 17.341 acres to the Tampa Palms DRI legal description and boundaries; and

WHEREAS, to geographically depict the Land Swap Change a "Revised Map H" was attached as Exhibit B to Ordinance No. 91-193, which Revised Map H identified the location of the Land Swap Change, and was approved and adopted and became part of the Tampa Palms DRI Development Order; and

WHEREAS, while Revised Map H was adopted solely for purposes of depicting the Land Swap Change approved by the text of Ordinance No. 91-193, the Map reflected other proposed changes to the Tampa Palms DRI Development Order which have not yet been approved ("Other Proposed Changes"); and

WHEREAS, the Department of Community Affairs in its review of Ordinance No. 91-193, raised a concern that the inclusion in Revised Map H of the Other Proposed Changes may create an ambiguity as to what changes were approved by Ordinance No. 91-193; and

WHEREAS, to eliminate any potential ambiguity as to what changes were approved by Ordinance No. 91-193, the Department has requested that the City amend Ordinance No. 91-193 to expressly state that only the Land Swap Change is approved and to substitute a modified Revised Map H which incorporates only the Land Swap Change.

NOW, THEREFORE,

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

Section 1. That the foregoing recitals are true and correct and incorporated herein.

Section 2. That Section 3.B. of Ordinance No. 91-193 is hereby amended, in whole, to read as follows:

> "B. The addition and deletion of the 17.341 acres (the Land Swap Change), legally described in Exhibit A, the locations of which are shown on Revised Map H, attached hereto as Exhibit B and made part hereof, are hereby approved and adopted and become part of the Tampa Palms DRI Development Order. No other changes to the Tampa Palms DRI Development Order (other than the Land Swap Change) are approved hereby."

Section 3. The modified Revised Map H, attached hereto as Exhibit 1 is hereby substituted as and for Exhibit B of Ordinance No. 91-193.

Section 4. Transmittal. That the City Clerk is hereby directed to send copies of this Ordinance within five (5) days of its effective date to USAA, SWF South Limited Partnership and SWF Commercial Limited Partnership, the Florida Department of

CITY OF TAMPA

Frances Henriquez, City Clerk — Office of City Clerk

August 9, 1993

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg FL 32702

RE: File No. DZ85-75
Ordinance No. 93-109

Dear Sirs:

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

If further information is needed, please contact the Land Development Coordination Office, 223-8405.

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure

Certified Mail

cc: Land Development Coordination

mailed 8/9/93
received 8/13/93

CITY OF TAMPA

Frances Henriquez, City Clerk — OFFICE OF CITY CLERK

October 10, 1991

RECEIVED
OCT 16 1991
Tampa Bay Regional Planning Council

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

RE: Petition No. DZ85-75
Ordinance No. 91-193

Dear Sir:

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

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

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

mailed 10/15/91

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

#65

ORDINANCE NO. 91-193 TBRPC

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY SWF SOUTH LIMITED PARTNERSHIP AND SWF COMMERCIAL LIMITED PARTNERSHIP FOR TAMPA PALMS, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa annexed the Tampa Palms property, pursuant to Ordinance 8768-A; and

WHEREAS, on April 18, 1985, the City of Tampa, by Ordinance 8858-A, adopted the Tampa Palms Development Order adopted by Resolution No. 80-823 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on September 5, 1985, the City of Tampa, by Ordinance 9015-A ("First Amendment"), approved changes to the Tampa Palms Master Plan as described in a document entitled "Proposed Master Plan Revisions;" and

WHEREAS, on September 5, 1985, the City of Tampa, by Ordinance 9016-A ("Second Amendment"), adopted the Amendment to the Tampa Palms Development Order adopted by Resolution No. 80-1026 of the Hillsborough County Board of County Commissioners; and

WHEREAS, on December 30, 1988, the City of Tampa, the Tampa Bay Regional Planning Council (TBRPC), the State of Florida Department of Community Affairs (DCA) and the then owners of Tampa Palms and Tampa Technology Park entered into a Development Agreement ("the 1988 Development Agreement") relating to the property affected by the Tampa Palms Development Order and the Tampa Technology Park Development Order, City of Tampa Ordinance No. 9359-A, as amended by Ordinance No. 9466-A; and

WHEREAS, on January 6, 1989, the City approved Ordinance 89-16, to rezone property owned by United Services Automobile Association (USAA) in the Tampa Palms DRI from CU-A to PD-A to partially implement the 1988 Development Agreement; and

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WHEREAS, on June 2, 1989, the City approved Ordinance 89-133, to rezone additional property in the Tampa Palms DRI and to rezone property in the Tampa Technology Park DRI from CU-A to PD-A to partially implement the 1988 Development Agreement; and

WHEREAS, on April 1, 1991, SWF South Limited Partnership and SWF Commercial Limited Partnership ("SWF Partnerships") the owner of certain undeveloped areas of Tampa Palms, filed an application entitled "Notice of Proposed Change to a Previously Approved Development of Regional Impact (DRI) pursuant to Subsection 380.06(19), F.S." ("Notification"); and

WHEREAS, on June 13, 1991, SWF Partnerships submitted supplemental information ("Amended Notification") to amend and clarify statements presented in the April 1, 1991 Notification. Specifically SWF Partnerships proposed to amend the legal description for Tampa Palms to that described in Exhibit "A" attached hereto and made a part hereof by reference; and to revise Map H, Master Plan, to that shown on the Revised Map H Master Plan for Tampa Palms, a copy of which is attached hereto as Exhibit "B" and made a part hereof by reference; and to extend the date of buildout, and of each phase thereof, by four years, eleven months and fifteen days ("Proposed Changes"); and

WHEREAS, on June 20, 1991, the City of Tampa, by Ordinance No. 91-98 ("Third Amendment"), approved an amendment to the Tampa Palms Development Order approving changes to the Tampa Palms Master Plan to provide a 13 acre park mitigation area and development of a multi-family development on a 13 acre area originally designated for park use; and

WHEREAS, among the changes proposed in the Amended Notification is an amendment to the Tampa Palms legal description which will result in a swap of comparable acreages between the Tampa Palms and Tampa Technology Park DRIs (the "Land Swap Change") and will fulfill a requirement of the 1988 Development Agreement to remove the portion of the USAA property in Tampa Palms from the Tampa Palms legal description and place it in the Tampa Technology Park legal description;

WHEREAS, the Land Swap Change is the only one of the Proposed Changes immediately affecting the USAA property; and

WHEREAS, USAA requires expedited action on the Land Swap Change to enable it to continue to develop its property; 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 the Proposed Changes and to approve amendments to DRIs; and

Certified as true
and

WHEREAS, the City Council has held duly noticed public hearings on September 5, 1991 and September 26, 1991, on the Proposed Changes and has reviewed the above-referenced document, as well as all related testimony and evidence submitted by each party and members of the general public; and

NOW, THEREFORE,

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

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 each party and members of the general public, finds there is substantial competent evidence to support the following findings of fact:

A. The Tampa Palms DRI Development Order, as adopted by Ordinance 8858-A, and amended by Ordinances 9015-A and 9016-A, is a valid final development order within the provisions of Section 163.3167(8), Florida Statutes.

B. The recently adopted Development Order amendment, Ordinance No. 91-98, relating to the 13 acre park mitigation for a 13 acre multi-family project was determined not to be a substantial deviation and does not limit the rights afforded under Section 163.3167(8), Florida Statutes.

C. That among the changes proposed in the Amended Notification submitted to the City by SWF Partnerships is the Land Swap Change to amend the Tampa Palms DRI Development Order in accordance with the 1988 Development Agreement to delete approximately 17.34 acres of real property from the Tampa Palms DRI legal description (the "Deleted Property") so that all of the so-called "USAA property" will lie wholly within the Tampa Technology Park DRI, and to add approximately 17.34 acres of real property from the Tampa Technology Park DRI to Tampa Palms (the "Added

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and correct copy.

Property"). The revised legal description for the Tampa Palms DRI is set forth in Exhibit "A" attached hereto;

D. The Added Property contains the same mix of uplands and wetlands as the Deleted Property, and was reviewed and approved for development under the Tampa Technology Park DRI.

E. The Added Property will be designated "single family residential" and will be used to accommodate residential units already approved for Tampa Palms, with no increase in the number of residential units or density in the Tampa Palms DRI.

F. A comprehensive review of the impacts generated by the Amended Notification has been conducted by the City's Departments, the TBRPC staff and the DCA.

G. Based on the clear and convincing evidence submitted and the comments by the City, TBRPC and DCA staffs relative to the Amended Notification, the Land Swap Change does not increase the external traffic impact of the development, nor does it create additional impacts on other public facilities, including water, wastewater, drainage, solid waste, recreation and mass transit, nor any other new or additional regional impacts from the original projections set forth in the application for Development Approval, and therefore the Land Swap Change has no net effect on the criteria established in §380.06(19), Florida Statutes.

H. The Land Swap Change satisfies the substantial deviation determination review condition set forth in paragraph 8 of the 1988 Development Agreement.

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

A. Development in accordance with the Land Swap Change as shown on the Revised Map H, Master Plan dated September 4, 1991, a copy of which is attached hereto as Exhibit "B", will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

B. The Land Swap Change is consistent with local land development regulations and the adopted local comprehensive plan.

C. The Land Swap Change, when considered cumulatively with previous changes, does not constitute a substantial deviation from the Tampa Palms DRI Development Order, pursuant to Chapter 380.06, Florida Statutes, and nothing herein shall limit or modify the rights originally approved by the Development Order or the protection afforded under Section 163.3167(8), Florida Statutes.

D. The Land Swap Change does not create additional impacts to public facilities or any other regional impacts over those addressed in the Development Order, as amended. This amendment is exempt from the provisions of Ordinance 90-32, City of Tampa Concurrency Management System, and the Tampa Palms DRI remains vested thereunder.

E. The Land Swap Change is consistent with the written comments of the TBRPC staff.

F. These proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the various departments of the City and SWF Partnerships are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

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G. The review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

Section 3. Order. Having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. The amended Tampa Palms legal description, attached hereto and made a part hereof as Exhibit "A," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order.

B. The Revised Map H attached hereto and made a part hereof as Exhibit "B," is hereby approved and adopted and becomes part of the Tampa Palms DRI Development Order for purposes of approving the Land Swap Changes.

Section 4. Development Order, as Amended. This Ordinance shall constitute the Fourth Amendment to Ordinance No. 8858-A, as amended by Ordinance No. 9015-A ("First Amendment"), and Ordinance No. 9016-A ("Second Amendment") and Ordinance 91-98 ("Third Amendment"), which collectively shall constitute the Development Order, as amended, for Tampa Palms DRI. All provisions of the Development Order except those provisions specifically modified herein, shall remain in full force and effect, and to the extent any provisions of the Development Order are inconsistent with the terms and conditions of this Ordinance, the terms and conditions of this Ordinance shall govern.

Section 5. Transmittals. The City Clerk is hereby directed to send copies of this Ordinance by certified mail, within five (5) days of the effective date of this Ordinance, to SWF Partnerships, USAA, DCA and TBRPC.

Section 6. Recording. SWF Partnerships shall record a notice of adoption of this Ordinance, and shall furnish the City Clerk a copy of the recorded notice.

Section 7. Rendition. This Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

Certified as true and correct copy.

Section 8. Binding Effect. This Ordinance shall be binding upon the Developer, its assigns, and its successors in interest.

Section 9. Severance. In the event any portion or section of this Ordinance is determined to be invalid or unconstitutional by a court or agency of competent jurisdiction, such decision shall not affect the remaining portions or sections which shall remain in full force and effect.

Section 10. Effective Date. This Ordinance shall take effect immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON OCT 10 1991.

ATTEST:

Frances Henriquez
CITY CLERK

Joe Greco
CHAIRMAN, CITY COUNCIL

APPROVED by me on OCT 10 1991

Sandra H. Freedman
MAYOR

Approved by

Gina K. Grimes
GINA GRIMES
ASSISTANT CITY ATTORNEY

T0624p

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance No 91-193 on file in my office.

Witness my hand and official seal this 11th day of Oct, 19 91.

FRANCES HENRIQUEZ, CITY CLERK
By: CITY CLERK
Deputy City Clerk

Legal Description:

REVISED

EXHIBIT "A"

TAMPA PALMS DRI LEGAL DESCRIPTION

The East 3/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida.

AND:

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing being in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS:

That part of Sections 24, 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 25 for the Point of Beginning: thence N.00°25'28"E., along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N.01°21'46"W., along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N.00°25'03"E., along the East boundary of said Section 24 a distance of 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N.89°27'50"W., along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S.00°35'04"W., a distance of 420.87 feet; thence S.10°37'07"E., a distance of 1366.34 feet; thence S.00°35'04"W., a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S.00°35'04"W., a distance of 4399.76 feet thence S.50°31'25"E., a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S.88°28'49"E., along the South boundary of said Section 25 a distance of 3220.04 feet to the Point of Beginning.

ALSO LESS:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of centerline of Trout Creek.

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AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S.00°18'32"W., along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the Point of Beginning: of the parcel of land hereinafter described; thence continue S.00°18'32"W., along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S.88°59'25"W., for a distance of 717.67 feet; run thence N.17°04'19"W., for a distance of 354.31 feet; run thence N.13°04'19"W., for a distance of 550.00 feet; run thence N.08°04'19"W., for a distance of 448.12 feet; run thence N.03°11'04"W., for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence S.89°27'50"E., along said Quarter section line, for a distance of 1033.83 feet to the Point of Beginning.

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S.89°25'23"W., along the South boundary of said Section 36, a distance of 800.00 feet; thence N.00°46'24"W., parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the Point of Beginning: thence return S.00°46'24"E., a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N.10°50'51"W., a distance of 451.00 feet, more or less; thence N.25°01'34"W., a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S.77°08'37"E., along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet; a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of S.23°13'45"E., to the Point of Beginning.

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and correct copy

AND:

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows: Commence at the Northeast corner of said Section 23; run thence S.00°18'32"W., along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the Point of Beginning; of the parcel of land hereinafter described; thence continue S.00°18'32"W., along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence S.88°59'25"W., for a distance of 717.67 feet; run thence N.17°04'19"W., for a distance of 354.31 feet; run thence N.13°04'19"W., for a distance of 550.00 feet; run thence N.08°04'19"W., for a distance of 448.12 feet; run thence N.03°11'04"W., for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence S.89°27'50"E., along said Quarter section line, for a distance of 1033.83 feet to the Point of Beginning.

ALSO LESS:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows: Commence at the Southeast corner of said Section 36; thence S.89°25'23"W., along the South boundary of said Section 36, a distance of 800.00 feet; thence N.00°46'24"W., parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the Point of Beginning; thence return S.00°46'24"E., a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence N.10°50'51"W., a distance of 451.00 feet, more or less; thence N.25°01'34"W., a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence S.77°08'37"E., along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet, a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of S.23°13'45"E., to the Point of Beginning.

Certified as true and correct copy.

AND:

LEGAL DESCRIPTION FOR
PROPERTY TRANSFERRING FROM
TAMPA TECHNOLOGY PARK TO TAMPA PALMS

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

From the Southeast corner of the Northeast 1/4 of said Section 22, run thence N.89°52'54"W., 1014.52 feet along the South boundary of said Northeast 1/4 of Section 22 to the POINT OF BEGINNING; thence continue along said South boundary, N.89°52'54"W., 1645.13 feet to Southwest corner of said Northeast 1/4 of Section 22; thence along the West boundary of said Northeast 1/4 of Section 22, N.00°04'06"E., 681.12 feet; thence S.89°55'54"E., 242.68 feet; thence S.50°13'02"E., 512.61 feet; thence N.50°52'31"E., 518.31 feet; thence S.66°08'17"E., 43.74 feet; thence S.33°46'53"E., 32.57 feet; thence S.87°41'55"E., 34.29 feet; thence S.14°38'10"W., 166.29 feet; thence S.32°58'36"E., 111.60 feet; thence N.80°32'04"E., 56.96 feet; thence S.44°29'40"E., 329.75 feet; thence S.51°57'53"E., 25.34 feet; thence S.89°52'54"E., 187.56 feet; thence S.00°07'06"W., 140.76 feet to the POINT OF BEGINNING

Containing 17.341 acres, more or less.

LESS:

Legal Description for the USAA Property
Transferring from Tampa Palms to
Tampa Technology Park DRI

DESCRIPTION: A parcel of land in Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

From the Southwest corner of the Northwest 1/4 of said Section 23, run thence S.89°30'00"E., 939.98 feet along the South boundary of said Northwest 1/4 of Section 23 to the POINT OF BEGINNING; thence continue along said South boundary S.89°30'00"E., 1748.61 feet to a point on the curved boundary of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1, as Recorded in Plat Book 69, Page 52, Public Records of Hillsborough County, Florida; thence along said boundary the following five (5) courses: 1) Southwesterly, 364.46 feet along the arc of a curve to the right having a radius of 725.00 feet and a central angle of 28°48'11" (chord bearing S.54°45'47"W., 360.64 feet) to a point of tangency; 2) S.69°09'52"W., 198.98 feet to a point of curvature; 3) Southwesterly, 86.30 feet along the arc of a curve to the left having a radius of 220.00 feet and a central angle of 22°28'31" (chord bearing S.57°55'36"W., 85.75 feet); 4) S.65°33'00"W., 624.10 feet; 5) S.87°41'28"W., 679.25 feet to a point on the East right-of-way line of Commerce Park Boulevard shown on said plat of TAMPA PALMS AREA 4 UNIT 1 & AREA 8 UNIT 1; thence along said East right-of-way the following three (3) courses: 1) N.16°04'00"E., 44.82 feet to a point on a non-tangent curve; 2) Northeasterly, 365.56 feet along the arc of a curve to the left having a radius of 2098.00 feet and a central angle of 09°59'00" (chord bearing N.05°42'39"E., 365.10 feet) to a point of tangency; 3) N.00°43'09"E., 218.98 feet to the POINT OF BEGINNING.

Containing 17.341 acres, more or less.

ORDINANCE NO. 9015 -A

AN ORDINANCE AMENDING ORDINANCE NO. 8858-A, AS AMENDED, WHICH ADOPTED THE TAMPA PALMS DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, BY MAKING CERTAIN REVISIONS TO THE TAMPA PALMS MASTER PLAN; DETERMINING THAT SAID REVISION TO TAMPA PALMS' MASTER PLAN IS NOT A SUBSTANTIAL DEVIATION FROM THE MASTER PLAN AS APPROVED IN THE DEVELOPMENT ORDER, ORDINANCE NO. 8858-A, AS AMENDED, PURSUANT TO FLORIDA STATUTES 380.06; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-623, a Development Order for Tampa Palms DRI; and

WHEREAS, on November 19, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution 80-1026 an Amendment to the Tampa Palms Development Order; and

WHEREAS, on January 24, 1985, the City of Tampa annexed the Tampa Palms property, pursuant to Ordinance 8768-A; and

WHEREAS, on April 18, 1985, the City of Tampa, by Ordinance 8858-A, adopted the Tampa Palms Development Order, and on Sept 5, 1985 by Ordinance 2016-A, adopted the Amendment; and

WHEREAS, on June 5, 1985, the Good Property Company, as successor to the rights and obligations of the Deltona Corporation under the Tampa Palms Development Order, requested an amendment to the Tampa Palms Development Order in a document entitled "Proposed Master Plan Revisions," a copy of which is attached hereto as Exhibit "A" and made a part hereof by reference, which proposes certain revisions to the Master Plan portion of the Development Order to provide a more balanced distribution of land uses within the development (Hereafter all references to the Proposed Amendment shall refer to the Proposed Master Plan Revisions); 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 Amendments to DRI's; 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 an Amendment to the Tampa Palms Development Order.

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

A. That the real property that is the subject of the Development Order and the Proposed Master Plan Revisions is legally described as set forth in the Tampa Palms Application for Development Approval, previously filed with all reviewing agencies and attached to the original Tampa Palms Development Order.

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B. That the Developer proposes an Amendment to the Tampa Palms Development Order as described in the Proposed Master Plan Revisions in order to provide a more balanced distribution of land uses within the development.

C. That a comprehensive review of the impacts generated by the Proposed Master Plan Revisions has been conducted by the City's Departments and the TBRPC.

D. The Proposed Master Plan Revisions project a reduction in the external traffic impact of the development from the original traffic projections set forth in the Application for Development Approval.

E. Development in accordance with the Proposed Master Plan Revisions will not create additional adverse impacts over those treated under the original Master Plan.

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

A. That a development in accordance with the Proposed Master Plan Revisions will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

B. That the Proposed Master Plan Revisions are consistent with local land development regulations and the adopted local comprehensive plan.

C. That the Proposed Master Plan Revisions are consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

D. That the Proposed Master Plan Revisions do not constitute a substantial deviation from the Tampa Palms Development Order.

E. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in this proceeding, the various departments of the City and the Developer are authorized to approve/conduct development as described herein, subject to the conditions, restrictions, and limitations set forth herein.

F. That the review by the City, the TBRPC, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes.

Section 4. That, having made the above findings of fact and drawn the above conclusions of law, it is ordered as follows:

A. That the Proposed Master Plan Revisions, as set forth in Exhibit "A", are hereby approved and adopted and become part of the Tampa Palms Development Order.

B. The director of the Housing, Inspections, and Community Services Department of the City (the "Director") shall be responsible for monitoring all terms and conditions of the Tampa Palms Development Order, as hereby amended. For purposes of this condition, the Director may rely upon or utilize information supplied by any City

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department or agency having particular responsibility over the area or subject involved. The Director shall report to the City Council any findings of deviation from the terms and conditions of the Tampa Palms Development Order. The Director shall issue a notice of such noncompliance to the Developer, and, if the deviation is not corrected within a reasonable amount of time, shall recommend that the City Council establish a hearing to consider such deviations.

C. That the City Clerk is hereby directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs, and the Tampa Bay Regional Planning Council.

D. That the Developer shall record a notice of adoption of this Ordinance, and shall furnish the City Clerk a copy of the recorded notice.

E. That this Ordinance shall be deemed rendered upon transmittal of copies of this Ordinance to the recipients specified in Chapter 380, Florida Statutes.

F. 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 SEP 5 1985.

ATTEST:

CHAIRMAN, CITY COUNCIL

CITY CLERK

APPROVED by me on _____

MAYOR

Prepared and Approved by:

PAMELA K. AKIN
ASSISTANT CITY ATTORNEY

001846
001847

The Free Press

(Published Weekly)
Tampa, Hillsborough County, Florida

STATE OF FLORIDA,
COUNTY OF HILLSBOROUGH

Before the undersigned authority personally appeared JOHN N HARRISON, III, who on oath says that he is Publisher of THE FREE PRESS, a weekly newspaper published at Tampa, in Hillsborough County, Florida, that the attached copy of advertising being a true copy in the matter of

PUBLIC NOTICE September 1985 at 9:00 a.m.

File DZ85-75 Z85-113 Z85-111
D85-5 Z85-102 Z81-36A
E85-8 Ch.20 L85-32
DZ85-75 Z85-116

was published in said newspaper in the issues of

August 23, 1985

Affiant further says that the said THE FREE PRESS is a newspaper published at Tampa, in said Hillsborough County, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each week and has been entered as second class matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

This 27th day of August, 1985

SWORN TO and subscribed before me

This 27th day of August, 1985

Notary Public, State of Florida
My Commission Expires December 16, 1987

PUBLIC NOTICE

September 9, 1985 at 9:00 A.M. in Chamber 3rd Floor, City Hall, 315 E. Kennedy Blvd., Tampa, Florida, public hearings will be held to consider:

File DZ85-75

ORDINANCE NO. _____-A
AN ORDINANCE AMENDING ORDINANCE NO. 6868-A AS AMENDED WHICH ADOPTED THE TAMPA PALMS DEVELOPMENT ORDER PURSUANT TO CHAPTER 380 FLORIDA STATUTES BY MAKING CERTAIN REVISIONS TO THE TAMPA PALMS MASTER PLAN, DETERMINING THAT SAID REVISION TO TAMPA PALMS MASTER PLAN IS NOT A SUBSTANTIAL DEVIATION FROM THE MASTER PLAN AS APPROVED IN THE DEVELOPMENT ORDER ORDINANCE NO. 6868-A AS AMENDED PURSUANT TO FLORIDA STATUTES 380.06 PROVIDING AN EFFECTIVE DATE HEREOF

File D85-5

ORDINANCE NO. _____-A
AN ORDINANCE DEDICATING AND SETTING ASIDE THAT CERTAIN PARCEL OF LAND MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AS A PUBLIC PARK AND OPEN SPACE AREA AND DESIGNATING SAID PUBLIC PARK AND OPEN SPACE AREA BY NAME AS MARJORIE PARK PROVIDING AN EFFECTIVE DATE

File E85-8 Ch. 20

ORDINANCE NO. _____-A
AN ORDINANCE AMENDING CHAPTER 20 SECTION 64 SUBSECTION (a) ITEM 88 TO PROVIDE FOR ITINERANT CONTRACTORS TO REGISTER OCCUPATIONAL LICENSES AND PAY A REGISTRATION FEE PROVIDING AN EFFECTIVE DATE

File DZ85-75

ORDINANCE NO. _____-A
AN ORDINANCE ADOPTING THE AMENDMENT TO THE TAMPA PALMS DEVELOPMENT ORDER ORD NO. 79-19 ADOPTED BY RESOLUTION NO. 80-1026 OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA ON NOVEMBER 19, 1980 PROVIDING AN EFFECTIVE DATE HEREOF

File Z85-113

ORDINANCE NO. _____-A
AN ORDINANCE REZONING PROPERTY IN THE GENERAL VICINITY OF THE NORTHWEST CORNER OF THE INTERSECTION OF ARMENIA AVENUE AND CURTIS STREET IN THE CITY OF TAMPA, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1, FROM ZONING DISTRICT CLASSIFICATION R-1 TO C-1 AND C-1E PROVIDING AN EFFECTIVE DATE HEREOF

File Z85-102

ORDINANCE NO. _____-A
AN ORDINANCE REZONING PROPERTY IN THE GENERAL VICINITY OF FRONTING ON WESTSHORE BOULEVARD AT THE FOOT OF LAUREL STREET, IN THE CITY OF TAMPA, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1, FROM ZONING DISTRICT CLASSIFICATION C-2 TO CU, PROVIDING AN EFFECTIVE DATE HEREOF

File L85-32

ORDINANCE NO. _____-A
AN ORDINANCE MAKING LAWFUL THE SALE OF BEVERAGES CONTAINING ALCOHOL OF MORE THAN 1% BY WEIGHT: BEER, WINE AND LIQUOR - 4(COP-R) - FOR CONSUMPTION ON PREMISES ONLY IN CONNECTION WITH A RESTAURANT BUSINESS AT 1901 N. 13TH STREET, TAMPA, FLORIDA

File Z85-116

ORDINANCE NO. _____-A
AN ORDINANCE REZONING PROPERTY IN THE GENERAL VICINITY OF THE NORTHWEST QUADRANT OF I-75 AND FLETCHER AVENUE INTERCHANGE IN THE CITY OF TAMPA, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1, FROM ZONING DISTRICT CLASSIFICATION R-3M-16 TO CU, PROVIDING AN EFFECTIVE DATE HEREOF

File Z85-111

ORDINANCE NO. _____-A
AN ORDINANCE REZONING PROPERTY IN THE GENERAL VICINITY OF EAST SIDE OF COLUMBIA DRIVE AND BETWEEN THE DAVIS ISLAND BRIDGE AND ARBOR PLACE, DAVIS ISLAND, IN THE CITY OF TAMPA, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1, FROM ZONING DISTRICT CLASSIFICATION R-1A TO CU, PROVIDING AN EFFECTIVE DATE HEREOF

Z81-36A

ORDINANCE NO. _____-A
AN ORDINANCE REZONING PROPERTY IN THE GENERAL VICINITY OF 4119 NORTH TALIAFERRO, IN THE CITY OF TAMPA, FLORIDA, AND MORE PARTICULARLY DESCRIBED IN SECTION 1, FROM ZONING DISTRICT CLASSIFICATION IP TO IP, PROVIDING AN EFFECTIVE DATE HEREOF

will be considered for enactment by the Tampa City Council. Said ordinance(s) may be inspected at the office of the City Clerk, 3rd Floor, City Hall, 315 E. Kennedy, Tampa, Florida. Interested parties may appear and be heard at said meeting.

FRANCES HENRIQUEZ
City Clerk

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U01848

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TAMPA PALMS

attachment to Ord 9015-A

PROPOSED MASTER PLAN REVISIONS

- submitted to -

THE CITY OF TAMPA

- by -

THE GOOD PROPERTY COMPANY
5209 TAMPA PALMS BOULEVARD
TAMPA, FLORIDA 33549

Exhibit A

U01849

P B S J Post, Buckley, Schuh & Jernigan, Inc.
CONSULTING ENGINEERS and PLANNERS
5405 CYPRESS CENTER DRIVE SUITE 200 TAMPA FL 33609 • 813/877-7275 • TELEX 808435

June 5, 1985

Ms. Susan Swift, Manager
Land Development Coordination
Dept. of Housing, Inspections &
Community Services
City Hall Plaza, 3E
Tampa, Florida 33602

Subject: Tampa Palms - Proposed Master Plan Revisions

Dear Susan:

Enclosed please find three copies of a document submitted on behalf of the Good Property Company requesting approval of proposed Master Plan revisions for the Tampa Palms development. The proposed revisions involve relocations of certain land uses. These relocations result in a decrease of land designated for residential and commercial uses.

We have also provided an analysis of the requested master plan revisions within the context of the Development Order and C-U zoning approved for the project. This analysis demonstrates that the proposed revisions are consistent with the Development Order and zoning conditions.

We would appreciate the opportunity to meet with you and other appropriate City staff members to discuss the enclosed materials.

Very truly yours,

POST, BUCKLEY, SCHUH & JERNIGAN, INC.

Stephen

Stephen A. Meyers
Regional Planning Manager

SAM:dal

cc: M. Salmon
N. Hall
J. Apthorp

PL9:3

94801 001850

TAMPA PALMS

Proposed Master Plan Revisions

- submitted to -

The City of Tampa

by

The Good Property Company
5209 Tampa Palms Boulevard
Tampa, Florida 33549

prepared by

Post, Buckley, Schuh & Jernigan, Inc.
Engineers, Planners, Architects, Landscape Architects
5405 Cypress Center Drive, Suite 200
Tampa, Florida 33609

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INTRODUCTION

The Good Property Company hereby requests approval from the City of Tampa for revisions to the Master Plan for the Tampa Palms development involving relocation of certain land uses within the site. The Tampa Palms Development of Regional Impact (DRI) and Community Unit ("C-U") zoning district were approved by the Hillsborough County Board of County Commissioners, by resolution dated October 1, 1980, and adopted by the City Council on April 18, 1985. (The same Master Plan serves for both the DRI and C-U zoning district.) Resolution No. 80-823 of the Board of County Commissioners of Hillsborough County, adopting the Tampa Palms Development Order DRI No. 79-19 is attached as Exhibit A. Ordinance No. 3853-A of the City Council of the City of Tampa, adopting Resolution No. 80-823 of the Board of County Commissioners, is attached as Exhibit B. The order of the Board of County Commissioners approving the C-U zoning for Tampa Palms, providing that the conditions of the zoning approval are the same as those of the Development Order, is attached as Exhibit C.

The Good Property Company, which acquired Tampa Palms from The Deltona Corporation earlier this year, wishes to revise the Master Plan to provide a more balanced distribution of land uses within the 5,408± acre project. The development philosophy of the Good Property Company differs somewhat from that of the previous owner. The purpose of the requested Master Plan revisions is to implement this philosophy in the initial development area at Tampa Palms. The proposed modifications to the Master Plan are the result of several months of intensive study of site and market conditions, including discussions with staff of the City of Tampa. The applicant is committed to providing the highest quality community, a goal that would be facilitated by approval of the proposed Master Plan revisions.

PRIOR DETAILED SITE PLAN APPROVALS

Prior to selling Tampa Palms to the Good Property Company, the Deltona Corporation had completed detailed site plans, engineering and permitting for that portion of the development on the east side of CR 581 and south of the Florida Power Corporation and TECO electric power transmission line right-of-way. (See attached Exhibit D, the original Master Plan.) The Hillsborough County Department of Development Coordination approved the Detailed Site Development Plan for this area in a letter dated November 3, 1983. Final plats for this area were also approved and recorded by Hillsborough County late last year. These approvals reflected a refinement of the original Master Plan. Upon approval of the subject request, portions of the above referenced Detailed Site Development Plan will be superseded and subsequently revised to conform to the proposed Master Plan.

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NATURE OF PROPOSED PLAN REVISIONS

Planned unit development zoning, like the C-U district for Tampa Palms, contemplates modifications to the Master Plan in response to ongoing field studies and market forces. Such flexibility is necessary, particularly when developing an extremely large tract of land like Tampa Palms. Also, the long build-out period for large developments requires an ability to respond to changing market conditions if the overall project is to be successful.

Table 1 presents a summary of the proposed plan revisions by parcel number and land use designation compared to the original plan. The proposed revisions involve 215.1 acres of the 5,408 acre development, only about 4.0 percent of the total land area.

RATIONALE FOR PROPOSED REVISIONS

The Good Property Company intends to continue construction and development of Tampa Palms in the area for which permits were obtained by the prior owner, but requests approval of the proposed revisions to the Master Plan to establish a more complete and integrated development in this initial area. The 12 acre commercial site to be located at Parcel 1 is proposed to provide the initial residents of the development with convenient access to shopping. This shopping center would be large enough to accommodate a grocery store, a drug store and a variety of shops. It would replace two neighborhood commercial sites, five and three acres, respectively, in the current master plan (Parcels 3 and 5 on Exhibit D), neither of which is large enough to accommodate a grocery store and other necessary retail facilities. Since there are no other shopping areas nearby, the on-site shopping will be far more convenient for Tampa Palms residents.

The other land use to be relocated in the initial development area is office, another use classified more generally in the Master Plan among "Employment Center" uses. The Good Property Company is committed to offering initial residents of Tampa Palms a complete community, including convenient access to physicians, dentists, attorneys, accountants, and other professional services. The proposed Master Plan includes a 32 acre office park area (Parcel 2) that would accommodate the range of services required by the residents of the approximately 2,900 dwelling units comprising the initial development area. The office park may include supporting land uses such as restaurants, banks and business services. The office park would afford Tampa Palms residents convenient employment opportunities and, conversely, office park employees would have the ability to reside near their workplace in Tampa Palms.

ANALYSIS OF PROPOSED CHANGES

As stated above, all of the locational changes are shown on Exhibit E, the proposed General Site Development Plan (Master Plan) for Tampa Palms. In addition to this graphic information, the master plan also includes tabular

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TABLE 1
SUMMARY OF PROPOSED PLAN REVISIONS

PARCEL NUMBER[1]	ORIGINAL PLAN USE DESIGNATION	ACREAGE	DWELLING UNITS	PROPOSED PLAN USE DESIGNATION	ACREAGE	DWELLING UNITS
1	- Residential (Multi-family - 15 du/a)	32	480	- Commercial (Community)	12	-
				- Residential (Multi-family - 20 du/a)	37.9	758
2	- Residential (Multi-family - 15 du/a)	6	90	- Office Park	32	-
	- Residential (Multi-family - 20 du/a)	54	1,080			
3	- Commercial (Neighborhood)	5	-	- Residential (Multi-family - 15 du/a)	20.7	310
	- Church	6	-	Residential (Multi-family - 12 du/a)	13	156
	- Park	5	-	- Park	6	-
	- Residential (Multi-family - 25 du/a)	10.5	263			
	- Residential (Multi-family - 15 du/a)	13	195			
	- Residential (Multi-family - 10 du/a)	5.5	55			
4	- Residential (Single-family - 2.8 du/a)	6.1	17	- Business/Commercial	6.1	-

1 Refers to parcel numbers depicted on Exhibits D & E, the original and proposed Master Plans, respectively..

W3:4

TABLE 1
SUMMARY OF PROPOSED PLAN REVISIONS (Cont'd)

PARCEL NUMBER[1]	ORIGINAL PLAN USE DESIGNATION	ACREAGE	DWELLING UNITS	PROPOSED PLAN USE DESIGNATION	ACREAGE	DWELLING UNITS
5	- Commercial (Neighborhood)	3	-	- Residential (Single family - 2.2 du/a)	3	7
6	- Professional Office Park	19[2]	-	- Residential (Multi-family -15 du/a)	19	285
7	- Office	9	-	- Residential (Multi-family - 20 du/a)	33	660
	- Residential (Multi-family - 25 du/a)	24	600			
8	Business/Commercial Park	17	-	- Residential (Multi-family - 10 du/a)	17	170
	TOTALS	215.1	2,780		199.7[3]	2,346

2. Map H in the ADA showed a 16 acre Professional Office Park parcel, but the response to Question 31, Transportation, explicitly Table $31C_1$, identified a 19 acre Professional Office Park parcel.

3. The 15.4 acre difference from the original plan is due to an increase in Open Space adjacent to Parcels 1 and 2.

W3:4

data. Table 2 compares acreage for each land use designation on the original plan with the proposed plan. As can be seen on the table, "Employment Center" land uses, defined in the ADA to include office, retail, other commercial and industrial uses, has decreased from 251.5 to 248.6 acres. (See notes 2 and 3 to Table 2.) The total amount of "Residential" land has also decreased from 1,651 to 1516.7 acres. The proportion of residential land and the total number of units in several density categories has been revised. The result is a decrease in the total number of proposed dwelling units from 13,497 in the original plan to 12,778 in the proposed plan.

Compared with the original plan, for the proposed plan, the proportion of land in each use category is as follows:

- o 8.1% less total Residential land (5.3% fewer total Residential units);
- o 1.9% less total Community Facilities land;
- o 0.5% less total Recreational Facilities land;
- o 4.4% more total Open Space;
- o 1.2% less total Employment Center land; and
- o no change in land for Circulation Systems (roads).

In the context of Section 380.06 (17)(b) F.S., the proposed Master Plan does not represent a substantial deviation from the Development Order for DRI 79-19. The discussion below is keyed to the specific provisions in the statute that specify changes presumed not to be a substantial deviation.

1. Increase in number of dwelling units by more than 5 percent or 200 dwelling units, whichever is less. - The total number of dwelling units would be 5.3 percent less than that approved by the Development Order.

2. A decrease in the number of dwelling units which does not require a major redistribution of density. - The proposed decrease in the number of dwelling units does not require a major redistribution of density. A reduction of 719 units from the original plan is proposed. The proposed plan calls for approximately 2,900 dwelling units in the initial development area, compared to about 4,000 in the original plan. The balance of the project would include about 9,900 units compared with about 9,500 units in the original plan. This approximately 400 unit change in the number of units across the remainder of the 5,408± acre project represents less than a three percent relocation of the total number of units approved by the Development Order.

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TABLE 2
COMPARISON OF LAND USE CHARACTERISTICS OF
ORIGINAL AND PROPOSED TAMPA PALMS MASTER PLANS

	ORIGINAL PLAN		PROPOSED PLAN		
LAND USE	Acres	Units	Acres	Units	Net Change From Original Plan
RESIDENTIAL - TOTAL	1,651	13,497	1516.7	12,778	- 719du/- 5.3%
Single Family	1,221	3,110	1071.6	2,623	
Multi-Family	430	10,387	445.1	10,155	
COMMUNITY FACILITIES - TOTAL	294	-	288.5	-	- 5.5a/- 1.9%
Schools	40	-	40	-	
Parks	212.5	0	215	-	
Churches	31.5	-	23.5	-	
Fire Stations	3.5	-	3.5	-	
Public Facilities	6.5	-	6.5	-	
RECREATIONAL FACILITIES - TOTAL	724.5	-	721	-	- 3.5a/- 0.1%
Parks (ac. in Comm. Facilities)	212.5	-	215	-	
Hillsborough R. Golf & C.C.	182.5	-	176.5	-	
Cypress Creek Golf & C.C.	304	-	304	-	
Hillsborough R. Boating Ctr. (ac. in parks)	19		19	-	
Racquetball & Tennis Club (ac. in parks)	6.5	-	6.5	-	
OPEN SPACE - TOTAL	3,238.5 [1]	-	3,380.7	-	+ 142.2a/+ 4.4%
Regional - Hillsborough R. Conserv. Area	860	-	860	-	
Cypress Creek Conserv. Area	622	-	622	-	
Local - Rock Hammock Preserv. Area	115	-	115	-	
Ponds & Lakes	183	-	191	-	
Drainage Retention Areas	630	-	757.7	-	
Cypress Creek Levee	49	-	49	-	
Park (ac. in Comm. Fac.)	212.5	-	215	-	
Landscaped Roadway Buffers	90.5	-	90.5	-	
Golf Courses (ac. in Rec. Fac.)	486.5	-	480.5	-	

W3:1

TABLE 2
COMPARISON OF LAND USE CHARACTERISTICS OF
ORIGINAL AND PROPOSED TAMPA PALMS MASTER PLANS (Cont'd)

LAND USE	ORIGINAL PLAN Acres	ORIGINAL PLAN Units	PROPOSED PLAN Acres	PROPOSED PLAN Units	Net Change From Original Plan
EMPLOYMENT CENTERS - TOTAL	251.5	-	248.6	-	- 2.9a/- 1.2%[3]
Shopping - Regional	72	-	72	-	
Community	10	-	22	-	
Neighborhood	13.5	-	5.5	-	
Hotel	12	-	12	-	
Business/Commercial Park	43	-	32.1	-	
Office	9	-	0	-	
Professional Office Park	19 [2]	-	32	-	
Research & Development Ind. Park	73	-	73	-	
CIRCULATION SYSTEMS	189	-	189	-	NC
TOTAL	5,408.5[4]	-	5,408.5[4]	-	

[1] This is the arithmetically correct value. The land use table on the original plan shows an incorrect total of 3,236 acres.

[2] The original plan map shows 16 acres in this land use category, but the trip generation analysis on Table $31C_1$ of the ADA is based on 19 acres.

[3] Less than 0.1% increase using the original plan map, but a 2.9 acre (1.2%) decrease based on Table $31C_1$ of the ADA. See note 2 above.

[4] Values do not add to total due to presentation of same land uses in more than one category. See land use tables on Exhibits D and E.

NC = No Change

3. A decrease in common open space of not more than 5 percent or 50 acres. - The area set aside for common open space would increase by 4.4 percent (156.5 acres).

4. An increase in the area set aside for common open space. - See response to item 3. above.

5. An increase in floor area for non-residential use of 5 percent or 10,000 square feet, whichever is less. - No increase is proposed in the floor area for non-residential uses. The amount of land devoted to Employment Center land uses would decrease. (See notes 2 and 3 to Table 2.) The proposed plan does not increase the non-residential floor area.

6. A decrease in the regional impact of the development. - The traffic impacts of the proposed plan are slightly less than the original plan because of several factors described below.

7. Changes required by DER, DNR, SWFWMD or federal agency permits. - Numerous minor plan revisions have been caused by requirements of the FDER and other regulatory agencies. Such revisions include more precise delineation and modification of acreages for lakes and ponds, drainage retention areas, etc. conceptually illustrated on the original plan.

Similarly, in the context of Section 22 1. of the Hillsborough County Zoning Regulations, the proposed Master Plan does not represent a conceptual modification of the approved C-G General Site Development Plan. The discussion below is keyed to the provisions of Section 22. 1.

1. Dwelling unit increase over one percent - As noted above, the number of dwelling units has decreased.

2. Reduction of open space or a relocation of more than five percent - As noted above, the amount of Open Space has increased. There has been little relocation of Open Space; rather, additional Open Space has been provided adjacent to Open Space areas previously conceptually designated on the original Master Plan.

3. Increase in proposed floor area over five percent. - The smaller number of residential units will result in a decrease in residential floor area and coverage. No increase in non-residential floor area or coverage is proposed.

4. Increase in building coverage over five percent. - See response to item 3 above.

5. Increase in the number of floors of buildings or greater than 15 feet in height. - No increase in the number of floors of buildings or building heights is sought.

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6. Modification of the original design concept, such as addition of a land use category, change in traffic pattern or access and egress, or increase of 10 percent in total traffic generation. - No land use categories have been added. No change in traffic patterns is proposed, nor are access and egress modified. Total traffic generation and the number of external trips have decreased compared to the original plan as described below.

7. Any increase or decrease of more than 10 percent of the total land area of a particular land use - As shown in Table 2, no increase or decrease in land area allocated to a particular land use exceeds 4.4 percent.

TRANSPORTATION ANALYSIS

In order to address the traffic implications of the revisions to the Master Plan for Tampa Palms, a review of the original Master Plan and transportation element of the ADA, was completed.* After adjustments for the miscalculations specified in the footnote below, the same procedures and assumptions used in the ADA were applied to the revised master plan analysis. (The only exception is the use, where possible, of the 1983 ITE trip generation rates).

The results of the analysis are presented below in Table 3, which compares the original master plan to the proposed master plan. The reduction of 487 single family units, 233 multi-family units and 2.9 acres of "Employment Center" land uses results in a concomittant reduction in trips.

---

* Upon completion of this review, the following miscalculations were found.

- Miscalculations were found in Table 310-1 "Trip Generation Summary". The total non-residential trips should equal 101,738 resulting in 208,664 total trips rather than 207,834 trips as shown in the ADA.
- Using the methodology described in the ADA text for determining external trips and incorporating the miscalculation above results in an external/internal split of 50,164/50,255 trips rather than the 101,400/53,200 trips shown in the ADA, Table 310-1.
- The external trips shown on Map J12 of the ADA, when summed at cordon line points adjacent to the site, do not add up to the external trips identified in Table 310-1 of the ADA. The total external trips from the table equals 101,400; the sum of the cordon line counts equals 103,700.

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TABLE 3
Comparison of Trips*

		ORIGINAL PLAN	PROPOSED PLAN	NET CHANGE
1.	Total Trip Generation	207,834*	179,471	- 28,363
2.	Total External Trips	101,400*	100,882	- 513
3.	Total Trip Generation	208,664**	179,471	- 29,193
4.	Total External Trips	108,154**	100,882	- 7,772

As can be seen from the table above, the revised plan results in a reduction total trips generated of 13.6 percent for row 1 and for 14.0 percent for row 3. Also, there is a reduction of total external trips of 0.52 percent for row 2 and 6.7 percent for row 4. The computer print-out of the trip generation analysis for the proposed plan is attached as Appendix A.

The distribution of external trips for the proposed plan was performed at four cordon line locations adjacent to the site using the same distribution assumptions as shown on Map J12 of the ADA, with one exception.*** The cordon line locations and a comparison of the original Master Plan to the proposed Master Plan is shown in Table 4 below.

TABLE 4
External Trip Assignment

LOCATION	ORIGINAL PLAN	ORIGINAL PLAN (adjusted)****	PROPOSED PLAN
S.R. 581 Southwest of site	35,500	6,989	34,502
S.R. 581 Northeast of I-75	18,300	13,035	17,755
I-75 North of S.R. 581	8,300	8,652	8,071
I-75 South of Hillsborough River	41,600	43,478	40,555

At all locations, the external trip assignment for the proposed plan is less than that presented for the original plan in the ADA or the adjusted values for the original plan described in the footnote below.

---

* Row 1 and 2 values are as printed in the ADA.

** Row 3 and 4 values are derived from the ADA, but adjusted to account for miscalculations noted above.

*** Map J12 shows trips being assigned to a roadway crossing the Hillsborough River. This road is not shown on the original master plan and will probably not be built. Therefore, the trips that would have been assigned to that street were split evenly and assigned to C.R. 581 southwest of the site and to I-75 south of the Hillsborough River.

**** Adjusted for miscalculations described above.

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ROADWAY ACCESS IMPROVEMENTS

To facilitate access to the initial development area at Tampa Palms, the Good Property Company intends to initiate construction as soon as possible to widen CR 581 to four lanes from the "Commencement Point" (defined in paragraph III.D.1 (page nine) of the Development Order), to the intersection of the southernmost Tampa Palms collector roadway with CR 581. The commencement point is located just northeast of where Skipper Road intersects CR 581. Paragraph III.D.1 (b) of the Development Order requires construction of this road segment to commence when traffic volumes on that segment exceed 12,700 vehicles per day. While volumes on that segment have not reached this level, the Good Property Company believes that the improved accessibility resulting from early widening would benefit not only those residing and working at Tampa Palms, but the area as a whole.

Engineering design of this roadway is substantially complete and final construction plans will be submitted to Hillsborough County shortly. It is also pertinent to note that a portion of the widening to four lanes, in the immediate vicinity of the Tampa Palms Boulevard, has already been completed.

CONCLUSIONS

The foregoing comparisons of the original master plan to the proposed master plan, show that the acreage devoted to Residential and Employment Center land uses will decrease. This will result in a reduction in the traffic impacts generated by the development. The analysis also demonstrates that the proposed revisions are consistent with the approved Development Order and C-U zoning conditions for Tampa Palms.

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EXHIBIT A

0 0 1 8 6 2

0 0 1 8 6 3

DRAFT Exhibit
[illegible]
[illegible] 80

RESOLUTION OF THE [illegible] BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI [illegible]
DEVELOPMENT AREA

[illegible] of [illegible] [illegible] [illegible]

WHEREAS, Hillsborough County has received and considered recommendations from interested citizens, county and city officials as well as the report of Hillsborough County Administration.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. That the real property which is the subject of this application to the development of regional impact is legally described as set forth in Exhibit A attached hereto and made a part hereof by reference.

B. That the applicant for development approval of this development of regional impact is [illegible] application for development approval, appendix of [illegible] response which are attached hereto as Exhibit B and incorporated herein by reference to the extent not inconsistent with the terms and conditions of this development order. Hereinafter the application for development approval, the appendix and the sufficiency response will refer to the application for development approval, the appendix and the sufficiency response.

C. That the proposed development is not an area of critical state concern designated pursuant to the provisions of Section [illegible], Florida Statutes.

D. That development will be in accordance with this development order and the applicable [illegible] to the extent not inconsistent with the terms and conditions of this development order.

E. That a comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administrator, the Hillsborough County Environmental Protection Commission, the Hillsborough County City/County Planning Commission, and the Tampa Bay Regional Planning Council.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with all terms and conditions of this development order, the provisions of the applications as set forth in Exhibit B, the reports, recommendations and

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testimony heard and considered by the Hearing Officer/Board of County Commissioners it is concluded that:

1. The development will not unreasonably interfere with the achievements of the objectives of the adopted State Land Development Plan applicable to the area.

2. The development is consistent with the local development regulations; and

3. The development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

3. The review of this development pursuant to this development order or ordinance of Hillsborough County, Florida, is limited, and to the extent that further review is required by this development order, such review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

C. That review by the Southwest Florida Water Management District, the Hillsborough County City-County Planning Commission, the Hillsborough County Environmental Protection Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this development order and the application, to the extent not inconsistent with such laws and regulations.

D. The application for development approval is hereby approved subject to all terms and conditions of this development order.

III. CONDITIONS

A. Drainage

1. Those portions of the drainage system which will be dedicated to the County and for which maintenance will be the responsibility of the County shall be so designated on all plats of Tampa Palms. Provided, however, that the County shall not be responsible to provide maintenance of those drainage facilities dedicated to and accepted by the County to a greater level of maintenance than that provided to like drainage facilities in

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plan approval required under the County Zoning Code for construction of the "Regional Shopping Center", as shown on the application, assurance shall be provided to Hillsborough County and Tampa Bay Regional Planning Council that capacity to transmit and treat wastewater is available to serve the proposed maximum [illegible] Regional Shopping Center" facility.

2. Prior to the initiation of the first site plan [illegible] Zoning Code, the [illegible] shall submit to the [illegible] provide the County with assurance that adequate [illegible] facilities are available to serve [illegible] state transportation facilities at the adopted [illegible] submittal of the initial site plan [illegible] portation standards of Hillsborough County in effect at that time, the developer shall arrange [illegible] center in such a manner as to insure that the [illegible] facilities will be available [illegible]

P. Compatibility of Land Use

1. No commercial uses shall be permitted [illegible] adjacent to a site designated for [illegible] on the general site plan submitted as part of this application or any other site(s) subsequently designated [illegible] School Board for school purposes as provided in the Development Order No. 79-19. Review of each detailed site plan submitted in accordance with the Hillsborough County Zoning Regulations shall occur to determine conformity with this condition. If it should be determined that a site which is designated as a school site within the project will not be required for school purposes by the Hillsborough County School Board, then this requirement shall not apply. The [illegible] with this condition for review [illegible] on the submitted site plan [illegible]

"EXHIBIT B"
Page 15 of 21

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3. Conveyance of Land

1. All lands to [illegible] or other governmental entity [illegible] the land within which the sites are located. [illegible] sites are retained by the [illegible] the platting of the [illegible] by the developer [illegible] the user agency.

2. [illegible] designated for the [illegible].

IV. [illegible]

A. That the legal description [illegible] hereby incorporated by reference and made a part [illegible] ment order.

B. That all provisions contained [illegible] development approval pursuant [illegible] sidered conditions of this development order unless inconsistent with the terms and conditions of this development order.

C. This Resolution shall [illegible] of Hillsborough County in connection [illegible] ment approval for the Tampa Palms Development [illegible].

D. That the definitions found in Chapter [illegible] (1979), shall govern and apply to this development order.

E. This development order shall be binding upon the developer and its heirs, assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrument or which may be hereafter designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agencies existing on the effective date of this development order.

EXHIBIT B
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H That in the event that any portion or section of this development order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this development order which shall remain in full force and effect.

I Wherever this development order provides that the owner or developer is responsible for ongoing [illegible] Tampa Palms, the developer may transfer [illegible] sibilities to improve and maintain [illegible] ate private or public entities [illegible] Provided, however, that before such transfer [illegible] body to which responsibility has been [illegible] be approved by the County, upon determination that the entity in question can and will be responsible [illegible] quired in this development order.

I A certified true copy of this resolution shall be sent [illegible] in accordance with Section [illegible] Florida Statutes.

J A substantial deviation from the terms or conditions of this development order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regulation [illegible] reviewed by the Regional Planning Council may [illegible] Hillsborough County ordering termination of all [illegible] herein. Nothing herein shall be construed to limit [illegible] right of Hillsborough County to [illegible] mination pursuant to the provisions of [illegible] Florida Statutes.

"EXHIBIT B"
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to own, operate, manage, maintain, create cable TV system, operation or any part thereof within the property which is the subject of this development order or described in Exhibit A.

L. The District of the Hillsborough County Development Commission will be responsible for all terms and conditions of this development order as they apply to the particular [illegible] will be responsible for [illegible] which may be required by the Developer which are not corrected within a reasonable amount of time will be grounds that the Board of County Commissioners may consider such deviation. The Developer shall be given notice of any such hearing. In the event that circumstances require, the Board may do so to prevent irreparable harm, the Board may issue a notice of compliance.

M. The Developer shall submit a report in accordance with Section 380.06, Florida Statutes. Such report shall be due on the anniversary of the effective date of this development order for each phase until and including the terms and conditions of this development order are met. Such report shall be submitted to the Director of the Development Commission who will after appropriate review, forward it for receipt to the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this development order and may issue [illegible] and order. The Developer will be notified of such hearing wherein such report is to be reviewed. Provided, however, that receipt and

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review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms of [illegible] development order. The report shall contain:

1. A description of all development activity conducted pursuant to this development order during the year immediately preceding the submission of the annual report;

2. A description of all development activity proposed to be conducted pursuant to this development order during the year immediately subsequent to the submission of the annual report;

3. A statement setting forth the date of the annual review required pursuant to the annual report and any applicable local regulations which the developer proposes to submit during the year immediately following the filing of the annual report;

4. A statement setting forth the name and address of any heir, assignee or successor in interest to this development order, and

5. Shall contain a statement that all agencies known to have received copies of the annual report as required under Section 380.06(16), Florida Statutes.

It is the intent hereof that the foregoing requirements for submittal of the annual report shall be in addition to and not in lieu of any submittal requirement of any county and of any permit delegated by the State Land Planning Agency.

M. This development order shall become effective upon its adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

N. Upon adoption, this development order shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the Developer.

0 0 1 8 8 3

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, JAMES [illegible] CLERK

BY [illegible]

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA
DOCUMENT No. 80-223

EXHIBIT "A"
Page 21 of 21

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EXHIBIT B

001885

MAY 03 1985

OFFICE OF THE CITY CLERK 306 E. JACKSON ST. CITY HALL TAMPA FLORIDA 33602 • 813/223-8396

FRANCES HENRIQUEZ
City Clerk

April 20, 1985

Good Property Co.
5209 Tampa Palms Blvd.
Lutz, FL 33549

RE: Petition No: 85-75 Ordinance No: 8858 A
Petitioner: Tampa Palms

Gentlemen:

I am transmitting the above Ordinance on referenced DRI for Tampa Palms, adopted by the City Council on April 18, 1985.

If further information is needed, please do not hesitate to contact my office.

Sincerely,

Frances Henriquez

(Mrs.) Frances Henriquez
City Clerk

FH/mt

Attachment

CERTIFIED MAIL

FKH

ORDINANCE NO. 4858 -A

AN ORDINANCE ADOPTING THE TAMPA PALMS DEVELOPMENT ORDER DRI NO. 79-19, ADOPTED BY RESOLUTION NO. 80-823 OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, ON OCTOBER 1, 1980; PROVIDING FOR THE FILING OF ANNUAL REPORTS WITH THE DEPARTMENT OF HOUSING, INSPECTIONS AND COMMUNITY SERVICES; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on January 24, 1985, the City of Tampa annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, Florida Statute 380.06(14)(e) requires that if property subject to a DRI ". . . is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new Development Order that incorporates all previous rights and obligations specified in the prior Development Order."

NOW, THEREFORE,

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

Section 1. That Hillsborough County Resolution No. 80-823 is hereby adopted as the Development Order of the City of Tampa, which adoption incorporates all rights and obligations specified in said Hillsborough County Resolution No. 80-823, a copy of which is attached hereto and made a part hereof.

Section 2. That pursuant to Florida Statute 380.06(14)(e)1, the Department of Housing, Inspections and Community Services shall be the responsible local official for assuring compliance with the terms and conditions of the Development Order.

Section 3. Pursuant to Florida Statute 380.06(14)(e)2, all annual reports filed after the adoption of this Development Order shall be filed with the Department of Housing, Inspections and Community Services.

Section 4. That the rights and obligations set forth in said Resolution No. 80-823 shall enure to the benefit of and be binding upon the City of Tampa and the Developer and its heirs, successors and assigns.

Section 5. That the City Clerk is hereby directed to send 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 6. 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 7. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 8. That this Ordinance shall take effect immediately upon its 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 April 11, 1985.

ATTEST:

Frances Brenizer
CITY CLERK

Jan Vann
CHAIRMAN, CITY COUNCIL

Prepared and Approved By:

Pamela L. Mc...
ASSISTANT CITY ATTORNEY

APPROVED BY ME ON 4-9-85

MAYOR

D285-15
DS5-48

001887

EXHIBIT C

In the appeal of)
The Board of County Commissioners)
and The Deltona Corporation) Petition No. 80-85

This appeal came on to be heard on September 16, 1980, before this Board. The Zoning Hearing Officer granted, with conditions, The Deltona Corporation's petition to rezone property legally described as:

(see attached Exhibit A,

from AR to I-1.

The Board has reviewed the entire record on appeal and heard oral argument of the Appellant.

This Board has before it an appeal by the Petitioner, The Deltona Corporation, requesting that the decision of the Zoning Hearing Officer be consistent with the development order for DRI No. 79-19 considered by the Board of County Commissioners under Florida Statute §380.06. Additionally, this Board has before it a review of the decision of the Hearing Officer on its own motion for purposes of determining whether the decision is consistent with appropriate zoning standards in Hillsborough County.

A review of the record reveals three (3) issues which the Board must address:

(1) Whether the density of the proposed project is consistent with the Hillsborough County Horizon 2000 Plan.

(2) Whether commercial uses as depicted on the submitted site plan are compatible with potential school uses as depicted on that site plan.

(3) Whether the conditions for approval imposed by the Zoning Hearing Officer conform with the conditions of DRI No. 79-19.

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The Board has reviewed the record and heard argument with respect to the computation of the density for the proposed project. The Board notes that a difference of opinion between the Petitioner and the Planning Commission arises as to the appropriate method of computation of density. In this respect, the Board concludes that it is unnecessary to determine the validity of the respective arguments but instead refers to the previous decisions of this Board wherein flexibility of the density provisions within the Horizon 2000 Plan was recognized. The record in this case reveals that the subject property lies within a Suburban Development Area designated by the Hillsborough County Horizon 2000 Plan. The Plan provides a density range of 1.6 to 2.5 dwelling units per gross acre to be provided in the Suburban Development Areas. Utilizing the method of computation offered by the Planning Commission, the project density arrived at is somewhat less than 2.7 units per gross acre. Assuming without deciding whether this method is appropriate, we conclude that this density is within the area of permissable flexibility in determining compliance with the Plan. By taking notice of the comprehensive review of impacts in the application for development approval of DRI No. 79-13 and the imposition of conditions therein which minimize or eliminate the impacts, we conclude that a density of 2.7 dwelling units per gross acre in this project is consistent with the provisions of the Horizon 2000 Plan. For these reasons, we affirm the conclusion of the Zoning Hearing Officer with respect to his statement that the density is consistent with

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the Horizon 2000 Plan. The Board, however, does not necessarily adopt the reasoning of the Zoning Hearing Officer for his conclusion.

With respect to the second issue before the Board, it is concluded that commercial uses should not be located adjacent to schools. This conclusion is predicated upon the basic premise that zoning should achieve the separation of incompatible land uses. This policy is re-enforced by Policy 7.01 of the Horizon 2000 Plan which encourages such separation. We take notice of the fact that commercial activities may be intrusive and pose a safety hazard when considered in light of the fact that children and young adults are in attendance in schools. This is particularly true with respect to increased traffic which is expected in any commercial activity, and the fact that students must use the streets and crossroads to get to and from school. For these reasons, we conclude that commercial activities are incompatible with schools. Based upon this conclusion, this Board amends the decision of the Zoning Hearing Officer to add a condition to provide:

> No commercial uses may be established on property adjacent to a site designated for school purposes either as depicted on the general site plan submitted as part of this petition or any other site(s) subsequently designated by the Hillsborough County School Board for school purposes as provided in DRI Development Order No. 79-19. Review of each detailed site plan submitted in accordance with the Hillsborough County Zoning Regulations shall occur to determine conformity with this condition. If it should be determined that a site which is designated as a school site within the project will not be needed for school purposes by the Hillsborough County School Board, then this requirement shall not apply. The Petitioner may establish alternative sites in conformity with this condition for those commercial uses currently depicted on the submitted site plan adjacent to school sites.

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With respect to the third item of consideration, that of consistency with the Tampa Palms DRI No. 79-19, the Board takes notice of the review of impacts and the resulting order from that process. Specifically, the Board takes notice of the comprehensive review of DRI No. 79-19 by the Tampa Bay Regional Planning Council, the Hillsborough County City-County Planning Commission, the Environmental Protection Commission, the County Administration and interested persons. The Board in its review of the conditions imposed by the Zoning Hearing Officer in approving the subject zoning petition concludes that the provisions of Development Order No. 79-19 as adopted by the Board of County Commissioners on October 1, 1980, address each concern raised by the Zoning Hearing Officer.

This Board also notes that due to the comprehensive nature of regulation required by Florida Statute §380.06, that development activities are controlled in a manner similar to the C-U zoning requirements of Hillsborough County. Additionally, development must occur in accordance with both DRI Development Order No. 79-19 as well as the C-U zoning order. Thus, in order for development to occur in an orderly fashion and to avoid potential inconsistent requirements of the developer, it is concluded that the conditions for approval of the zoning should be the same as those of the DRI Development Order No. 79-19. For these reasons, the decision of the Zoning Hearing Officer is amended to delete all the conditions of approval and to include in their place as conditions of approval of the subject zoning petition, all terms and conditions of DRI

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Development Order No. 79-19. In accordance with this provision, DRI Development Order No. 79-19 is attached hereto and incorporated herein by reference and marked Exhibit B.

Except as to the extent found inconsistent with the terms of this opinion, the decision of the Zoning Hearing Officer is hereby affirmed. No development of the property which is the subject of this petition shall occur except in conformity with this opinion, the decision of the Zoning Hearing Officer to the extent not inconsistent herewith, and all terms and conditions of DRI Development Order No. 79-19.

SO ORDERED this 1st day of October, 1980.

ATTEST: JAMES F. TAYLOR, JR.
Clerk Circuit Court

By: Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

By: Chairman

Date Signed: 10/8/80

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EXHIBIT D

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EXHIBIT E

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APPENDIX A

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APPENDIX A

----------DATE: 6/03/85

GENERATION - AT BUILD OUT FOR PROPOSED PLAN

LAND USES	UNITS	DAILY RATE	
1=OFFICE (OVER 200,000)	480	11	-> @ 15.0 SF/AC
2=	0	0	
3=R&D PARK (AC)	788	5.3	-> @ 10.8 SF/AC
4=SCHOOL	2190	1.02	
5=HOTEL	400	10.5	
6=COMM. (UNDER 100,000)	163	82	-> @ 16.9 SF/AC(<100 SF/SITE)
7=COMM. (UNDER 50,000)	9	117.9	-> @ 16.9 SF/AC(<50 SF/SITE)
8=COMM. (OVER 100,000	120	56.7	-> @ 10.8 SF/AC(>100 SF/SITE)
9=BUS./COMM.	249	50	-> SAME RATE AS ADA
10=REGIONAL CENTER	800	37.2	
11=SINGLE FAMILY	2623	10	
12=APARTMENT	5078	6.1	-> 50% OF MF TOTAL
13=CONDOMINIUM	5078	5.2	-> 50% OF MF TOTAL
14=PUBLIC FACILITIES	7	200	-> SAME RATE AS ADA
15=PARKS	165	6	
16=	0	0	
17=GOLF CLUB	481	6.9	
18=RACKET CLUB	7	200	-> SAME RATE AS ADA

TOTAL TRIPS GENERATED	DAILY TRIPS	
1	5280	
2	0	
3	4179	
4	2234	
5	4200	
6	13966	
7	4468	
8	8004	
9	17469	
10	29760	
11	26230	->RES.
12	30972	TOTAL= 59606
13	29403	
14	1300	
15	991	
16	0	
17	3315	
18	1300	
TOTALS	179471	

INTERNAL/EXTERNAL SPLIT METHOD FROM ADA)

TRIP PURPOSE	% INT.	% EXT.
WORK	6	24
SHOPPING	18	3
SOCIAL/REC.	8	6
SCHOOL	1	1
MISC.	11	15
NON-HOME BASE	3	4
TOTAL=	47	53

TOTAL INTERNAL TRIPS= 39296
TOTAL EXTERNAL TRIPS= 100882

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Hillsborough County. The developer or its successors in interest may wish to provide a higher level of maintenance provided that the mechanism by which such additional maintenance is to be provided shall be approved by the County.

2. The developer has submitted a preliminary drainage plan of Tampa Palms which is intended to provide the criteria for the conceptual drainage plan [illegible] follow be-[illegible] ment within it as a result [illegible] and approval of detailed drainage [illegible] of Tampa Palms [illegible].

3. The developer shall submit a [illegible] and specific drainage data and [illegible] at the time of the preliminary subdivision plat of Tampa Palms is submitted for approval of the County in accordance with the Hillsborough County Subdivision Regulations.

4. All drainage flood control structures shall be non-adjustable.

5. Before commencement of construction of the Cypress Creek levee, a qualified engineering firm shall show appropriate "competent" hydrologic/hydraulic data to show that the levee will cause no flooding problems. These data shall be reviewed and approved by any local, state or federal agency having jurisdiction over the levee construction or maintenance.

6. The developer shall insure that drainage systems and structures are designed in such a way to minimize potential problems of mosquitoes and the control of nuisance aquatic weeds. The developer may elect to utilize swale drainage within the public rights-of-way.

7. The developer shall use water resistant base materials where directed to do so for streets by the County.

8. The developer shall be responsible for maintenance of drainage features which are located in those portions of the drainage areas which are not dedicated to the County in order to help control mosquitoes and aquatic weeds.

9. The developer shall design drainage control structures to permit reasonable access for the control of aquatic weeds.

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The County shall be responsible for control of aquatic weeds only on those lands conveyed to the County.

10. Developer shall delineate natural flood water storage areas on a map of the Tampa Palms site and shall be responsible to protect these areas from filling. Such plat shall be revised as by the appropriate agency to reflect [illegible]

11. The developer shall [illegible] geotechnical investigation regarding potential [illegible] site by a qualified [illegible] report shall [illegible] including the findings [illegible] appropriate government agency [illegible] to mitigate sinkhole problems.

12. The developer shall [illegible] investigation by a qualified hydrologist/geohydrologist to determine recharge and discharge characteristics and if any adverse impacts will occur to the capability [illegible] of the Tampa Palms development. If such investigations reveal any adverse impacts as determined by any appropriate government agency, the development and/or [illegible] will be conditioned to eliminate or minimize such impact.

13. A water quality monitoring program shall be continued in the Hillsborough River, with [illegible] approved by Environmental Protection Commission. Approval of future development phases or proposed modifications will be continued upon the condition that there will be no further degradation of water quality below State Drinking Water Standards within the Hillsborough River, resulting from the development of Tampa Palms.

14. The developer shall cause to be [illegible] report on the structural and functional adequacy of the Cypress Creek levee design by a qualified engineering firm. This report shall evaluate input based on land use parameters, including future development in Pasco County and shall provide all [illegible] data to

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the Model. The report shall also [illegible] recommendations for modification of the levee design to be implemented by the developer. The report shall be submitted to Pasco County, Southwest Florida Water Management District in conjunction with applications to that agency for permits to construct the levee. The developer shall provide [illegible] subject to the [illegible]

[illegible] by a qualified professional engineer which addresses the impacts of post development pollutant loading and treatment [illegible] and recommendations for [illegible] which would [illegible] Drainage [illegible] into the Master Drainage Plan and be [illegible] approval by the appropriate agencies.

16. The developer shall cause to be prepared a report by a qualified drainage engineer which addresses the impacts of the selection of [illegible] development will have on [illegible] the Tampa Palms site used in the drainage design. [illegible] and re-design of the drainage system will be performed by the developer, if appropriate, [illegible] the engineering report.

17. No pesticides shall be used [illegible] the development. Alternative [illegible] design and management. Alternative means such as Environmental Protection Agency approved herbicides will be permitted as a last resort where [illegible] is essential and there is no feasible

18. Drainage shall be designed to maintain ground and surface water levels in such a manner as will not consequently alter the integrity and viability of the preserved wetland areas. A program monitoring wetland preserve areas shall be established and implemented by the developer. In the event of any violation of these [illegible] to wetland areas, the drainage plan or portion shall be redesigned by the developer.

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lakes shall conform to accepted criteria and practices and the developer shall initiate a monitoring program to be conducted by a qualified professional to determine the existence or potential for water quality problems. Lake maintenance procedures should be initiated by the developer if and when necessary to correct quality problems.

✓ [illegible] Developer will [illegible] to the County and the [illegible] Regional Planning Council to verify possession of all permits necessary to construct and maintain the proposed [illegible] as set forth in the application. No building construction permits will be issued for any area which requires the levee for flood protection without the 100 year frequency flood until such time that the levee is complete and functional for that area.

✓21. The responsibility for the Cypress Creek levee operation and maintenance shall be provided for by the developer prior to the construction of the levee or any operational portion thereof.

✓8. Wetlands

1. During the development of Tampa Palms, the developer shall, through design, construction and future management techniques, prevent damage to the natural integrity, character and ecological balance of [illegible] wetlands. The developer shall preserve in perpetuity the [illegible] within 1,421 acres of wetlands which are included within the conservation, preservation and drainage retention areas, as delineated on the application. The developer shall not disturb these wetland areas. The developer may dedicate or otherwise transfer title to said lands to an appropriate private or public body acceptable to the County provided the preservation of the wetlands is assured. These wetland areas are located [illegible] as shown on the figure entitled "Wetlands Overlay and Soils" in the application may be reviewed for [illegible] activities on a case by case basis with each plat.

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7.

OR 1870

[illegible] any proposed excavation [illegible] land clearing plans shall be submitted to Hillsborough County Environmental Protection Commission for review and approval. As a part of such submittal the developer shall include

[illegible] A map showing all wetland areas [illegible]

[illegible] on such wetland areas [illegible]

[illegible] explanation of how the development will [illegible] wetland areas to mitigate any loss of disturbed natural wetlands.

For any area of wetland disturbed, the developer shall create at least equal acreage of comparable wetlands to mitigate any loss of natural wetlands. In addition, the developer shall vegetate and otherwise manage any newly created wetland areas so they will approximate the functions of the natural wetland areas which they have replaced.

The above submittals shall be provided to all appropriate County agencies, as well as the Environmental Protection Commission, for review and approval as a condition to any plat approvals for Tampa Palms. Review and approval shall be in accordance with these conditions and all applicable laws, rules and ordinances in effect at the time of submittal of any plat or application for proposed excavation or land clearing.

C. Energy

Developer shall offer one or more packages of energy saving options to its prospective home buyers at Tampa Palms. These options shall emphasize a wide variety of active and passive devices and systems designed to reduce home energy consumption which devices and systems may include energy efficient appliances, solar and other natural heating and cooling systems, heat reduction or reclamation systems or devices, insulation, building exterior

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materials and colors efficient use of landscaping the use of energy reducing architectural features such as structure orientation and overhangs and other optional energy conservation features or innovations as may be economically and practically feasible. Developer shall incorporate such options [illegible] of one or more of its model homes and shall [illegible] that capable of informatively demonstrating to the [illegible] price of the [illegible] the projected energy [illegible] kilowatt hours [illegible] that [illegible] prices. Developer shall cooperate with [illegible] tection Commission [illegible] responsible for energy conservation) to explore alternative energy sources, and as such [illegible] veloper shall incorporate them into Tampa Palms [illegible] practical. The developer shall design and offer [illegible] customers in its first model line at least [illegible] designed to minimize fossil fuel energy consumption by [illegible] use of natural/passive energy sources.

The developer shall consider [illegible] business and industrial facilities at Tampa [illegible] practical time as an energy conservation [illegible] shall explore the practical use of trees [illegible] along public ways and in and around business [illegible] energy conservation measure.

3. Transportation

1. The developer shall design and [illegible] fourth lane of County Road 581 [illegible] the two (2) tangencies [illegible] tangent or the point otherwise known as the [illegible] 30th Street hereinafter referred to as [illegible] the southernmost point of the [illegible] Road 581 built as a result of [illegible] I-75 at County Road 581, or to the extent that [illegible]

UU 872

below. Such plans shall be submitted for review prior to their finalization. All [illegible] required in accordance with [illegible] Highway Officials and the Florida [illegible] Manual of Uniform Minimum Standards for [illegible] Maintenance for Streets and Highways [illegible] Construction Standards [illegible] County. After [illegible] improvements shall be accomplished [illegible] to six lanes by the [illegible] when traffic levels of the committed [illegible] warrant.

[illegible] portion of that portion of County Road [illegible] beginning at the "Commencement [illegible] collector road [illegible] to the Tampa Palms site plan submitted which [illegible] traffic which is in [illegible] vehicles per day [illegible] within 18 months [illegible] County Road 581

Exhibit "C"
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Traffic volumes shall be determined at a date to be designated [illegible] traffic engineering. Such determination shall be made in accordance with accepted traffic engineering practices.

In conjunction with filing of the first plat of Tampa Palms, the developer shall [illegible] sufficient to accommodate the construction of the sixth and sixth lane of [illegible]. The [illegible] shall be determined at the time of the proposed initiation of construction with Hillsborough County design and construction standards.

In the event that at such time as the certificates of occupancy have been issued in Tampa Palms, whichever occurs earlier, if the I-75 bypass is not complete or in the process of construction, the developer shall submit a revised traffic analysis to the County which demonstrates how adequate transportation facilities will be provided to serve Tampa Palms in the consideration of I-75. No construction permits in excess of [illegible] shall be issued until such time as developer has come forward to the satisfaction of the County that adequate transportation will continue to be available to serve

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-11-

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The developer shall provide the bikeway facilities as depicted in the site plan for development approval. Furthermore, the developer shall request from Hillsborough County Bicycle Pedestrian Advisory Committee to review the detailed alignment and design of the bikeways at the time they are submitted for being engineered. It is also stated in the application for development approval.

When applicable, the developer shall provide documentation from the Tampa Bay Area Regional Transit Authority to verify that it has provided Hillsborough County with such assistance and information as is required to obtain the applicable bus permit for County Road 581.

B. The developer shall work with the Hillsborough Transit Authority in encouraging transit usage for development-related traffic. A pull-and-ride lot shall be provided by the developer for this purpose.

C. Notwithstanding the foregoing, the property which is subject to this development order and all owners thereof shall be subject to any county or countywide uniform ad valorem charge or any other county-wide taxing mechanism that may be imposed to fund, in whole or in part, the costs of roadway maintenance and construction. Nothing herein shall be construed to limit

001875

or modify any legal remedies available to [illegible] without the validity of such County or its [illegible] wide assessment or tax as set forth in this [illegible]

F. Schools

1. Upon request of the [illegible] developer shall donate the elementary school [illegible] at the time of application for development approval, or if [illegible] the developer and the [illegible] At five-year intervals after the date of the development [illegible] to serve Dania Pointe, and at such time as [illegible] the developer shall [illegible] the School Board which meet the requirements [illegible]

G. Libraries

The developer shall dedicate, upon the request of the County, a site for use by the [illegible] library. The location of the site shall be mutually agreed upon between the County and the developer at the time the County seeks dedication.

H. Maintenance Unit

Developer shall dedicate upon request [illegible] one-acre site for use by the [illegible] The location of the site shall be mutually agreed upon between the County and the developer at the time the [illegible] dedication.

I. Parks and Recreation

1. All recreational lands and facilities, as set forth in the application for development approval, shall be set aside hands and be developed and maintained by the developer. In the event the County should desire to acquire all or both of the district park sites, adjacent to the school site as shown on the application, prior to the time such site or sites have been developed by developer to a community organization or other governmental entity, developer shall convey such park site or sites to the County at no cost at such time as the County has committed to development of the site(s). The County, however, reserves the right not to

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request conveyance of any park sites if it is agreed that the [illegible] County's interest

In the event that the [illegible] district park sites [illegible] one district park [illegible] added to the [illegible] order and shall commence [illegible] when such certificate [illegible] elect to accept only one district park site [illegible] remain responsible for a [illegible] park site when such certificate [illegible] on the property which is the subject of [illegible] at the County's option, at such later time as is mutually agreed upon between the [illegible]

✓ f. Fire Protection

1. The developer shall make [illegible] fire station sites, as delineated on the application, and shall convey such sites, either together or separately, to the County or [illegible] entity responsible for fire protection [illegible] Such conveyance shall be completed at no [illegible] the time of the sites. In addition, developer shall [illegible] in developing a regional fire protection plan which may require some adjustments in the proposed fire station locations and/or the Tampa Palms Masterplan. If a third fire station should be required, the developer shall reserve such site for future acquisition by the County.

✓ g. Police Protection

1. Developer shall explore "target-hardening" methods as

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which would serve to reduce certain [illegible] as defined at Tampa Public

In addition, in connection with any building construction to be

undertaken by developer, [illegible] shall inform [illegible]

Crime Prevention Team prior to finalization of building plans

determine what specific crime prevention [illegible]

should be implemented [illegible]

✓ [illegible]

construction of the [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

sequent development is available from the City of Tampa.

✓L. Water Service

1. At the time of submittal of each plat of Tampa Palms,

the developer shall provide documentation to the County and the

Regional Planning Council to verify that developer has provided

the City of Tampa Water Department with detailed [illegible] and

site plans in order to assess the impact of [illegible]

plat on the Hillsborough River [illegible]

✓M. Electric Service

1. At the time of submittal of each plat of Tampa Palms,

the developer shall provide assurance from Tampa Electric Company

that sufficient electrical generating and transmission facilities

are on line to serve the next platted area of Tampa Palms.

✓N. Prehistoric Sites Archaeology

1. The suggestions for mitigation of adverse impacts

to prehistorical sites as referenced in the Sufficiency Response,

shall be carried out by the developer prior to construction on or

near any of these sites.

O. Regional Shopping Center

1. In conjunction with the application for detailed site

UU18778

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board in its regular meeting of October 1 , 1980, as the same appears of record in Minute Book 76 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 8th day of October , 1980.

JAMES F. TAYLOR, JR., CLERK

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA
DOCUMENT No. 80-8-3

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Page 21 of 21

In the appeal or)
The Board of County Commissioners)
and The Deltona Corporation) Petition No. 80-85

This appeal came on to be heard on September 16, 1980, before this Board. The Zoning Hearing Officer granted, with conditions, The Deltona Corporation's petition to rezone property legally described as:

(see attached Exhibit A)

from A-A to C-U.

The Board has reviewed the entire record on appeal and heard oral argument of the Appellant.

This Board has before it an appeal by the Petitioner, The Deltona Corporation, requesting that the decision of the Zoning Hearing Officer be consistent with the development order for DRI No. 79-19 considered by the Board of County Commissioners under Florida Statute §380.06. Additionally, this Board has before it a review of the decision of the Hearing Officer on its own motion for purposes of determining whether the decision is consistent with appropriate zoning standards in Hillsborough County.

A review of the record reveals three (3) issues which the Board must address:

(1) Whether the density of the proposed project is consistent with the Hillsborough County Horizon 2000 Plan.

(2) Whether commercial uses as depicted on the submitted site plan are compatible with potential school uses as depicted on that site plan.

(3) Whether the conditions for approval imposed by the Zoning Hearing Officer conform with the conditions of DRI No. 79-19.

The Board has reviewed the record and heard argument with respect to the computation of the density for the proposed project. The Board notes that a difference of opinion between the Petitioner and the Planning Commission arises as to the appropriate method of computation of density. In this respect, the Board concludes that it is unnecessary to determine the validity of the respective arguments but instead refers to the previous decisions of this Board wherein flexibility of the density provisions within the Horizon 2000 Plan was recognized. The record in this case reveals that the subject property lies within a Suburban Development Area designated by the Hillsborough County Horizon 2000 Plan. The Plan provides a density range of 1.6 to 2.5 dwelling units per gross acre to be provided in the Suburban Development Areas. Utilizing the method of computation offered by the Planning Commission, the project density arrived at is somewhat less than 2.7 units per gross acre. Assuming without deciding whether this method is appropriate, we conclude that this density is within the area of permissable flexibility in determining compliance with the Plan. By taking notice of the comprehensive review of impacts in the application for development approval of DRI No. 79-19 and the imposition of conditions therein which minimize or eliminate these impacts, we conclude that a density of 2.7 dwelling units per gross acre in this project is consistent with the provisions of the Horizon 2000 Plan. For these reasons, we affirm the conclusion of the Zoning Hearing Officer with respect to his statement that the density is consistent with

the Horizon 2000 Plan. The Board, however, does not necessarily adopt the reasoning of the Zoning Hearing Officer for his conclusion.

With respect to the second issue before the Board, it is concluded that commercial uses should not be located adjacent to schools. This conclusion is predicated upon the basic premise that zoning should achieve the separation of incompatible land uses. This policy is re-enforced by Policy 7.01 of the Horizon 2000 Plan which encourages such separation. We take notice of the fact that commercial activities may be intrusive and pose a safety hazard when considered in light of the fact that children and young adults are in attendance in schools. This is particularly true with respect to increased traffic which is expected in any commercial activity, and the fact that students must use the streets and crossroads to get to and from school. For these reasons, we conclude that commercial activities are incompatible with schools. Based upon this conclusion, this Board amends the decision of the Zoning Hearing Officer to add a condition to provide:

> No commercial uses may be established on property adjacent to a site designated for school purposes either as depicted on the general site plan submitted as part of this petition or any other site(s) subsequently designated by the Hillsborough County School Board for school purposes as provided in DRI Development Order No. 79-19. Review of each detailed site plan submitted in accordance with the Hillsborough County Zoning Regulations shall occur to determine conformity with this condition. If it should be determined that a site which is designated as a school site within the project will not be needed for school purposes by the Hillsborough County School Board, then this requirement shall not apply. The Petitioner may establish alternative sites in conformity with this condition for those commercial uses currently depicted on the submitted site plan adjacent to school sites.

With respect to the third item of consideration, that of consistency with the Tampa Palms DRI No. 79-19, the Board takes notice of the review of impacts and the resulting order from that process. Specifically, the Board takes notice of the comprehensive review of DRI No. 79-19 by the Tampa Bay Regional Planning Council, the Hillsborough County City-County Planning Commission, the Environmental Protection Commission, the County Administration and interested persons. The Board in its review of the conditions imposed by the Zoning Hearing Officer in approving the subject zoning petition concludes that the provisions of Development Order No. 79-19 as adopted by the Board of County Commissioners on October 1, 1980, address each concern raised by the Zoning Hearing Officer.

This Board also notes that due to the comprehensive nature of regulation required by Florida Statute §380.06, that development activities are controlled in a manner similar to the C-U zoning requirements of Hillsborough County. Additionally, development must occur in accordance with both DRI Development Order No. 79-19 as well as the C-U zoning order. Thus, in order for development to occur in an orderly fashion and to avoid potential inconsistent requirements of the developer, it is concluded that the conditions for approval of the zoning should be the same as those of the DRI Development Order No. 79-19. For these reasons, the decision of the Zoning Hearing Officer is amended to delete all the conditions of approval and to include in their place as conditions of approval of the subject zoning petition, all terms and conditions of DRI

Development Order No. 79-19. In accordance with this provision, DRI Development Order No. 79-19 is attached hereto and incorporated herein by reference and marked Exhibit B.

Except as to the extent found inconsistent with the terms of this opinion, the decision of the Zoning Hearing Officer is hereby affirmed. No development of the property which is the subject of this petition shall occur except in conformity with this opinion, the decision of the Zoning Hearing Officer to the extent not inconsistent herewith, and all terms and conditions of DRI Development Order No. 79-19.

SO ORDERED this 1st day of October, 1980.

ATTEST: JAMES F. TAYLOR, JR.
Clerk Circuit Court

By: James F. Taylor
Deputy Clerk

FLORIDA

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

By Jerry M. Bowman
Chairman

Date Signed: 10/8/80

TAMPA PALMS

Legal Description

The East 3/4 of Section 21; the West 1/2 and the Southeast 1/4 of Section 22; the South 1/2 of Section 23; the South 1/2 of Section 24; all of Sections 25, 26, and 27, and the East 1/2 of Section 28; the East 1/2 of Section 33; all of Sections 34 and 35; the West 1/2, the Northeast 1/4 and that part of the Southeast 1/4 lying North of the Hillsborough River in Section 36; all of the foregoing being in Township 27 South, Range 19 East, all lying and being in Hillsborough County, Florida

also

All of Section 1 lying North of the Hillsborough River; all of the North 1/2 of Section 2 lying North and West of the Hillsborough River; all of the North 1/2 of Section 3, less the South 1/2 of Government Lots 3 and 4; all of the Northeast 1/4 of Section 4, less the South 1/2 of Government Lots 1 and 2; all of the foregoing lying in Township 28 South, Range 19 East, all lying and being in Hillsborough County, Florida.

LESS AND EXCEPT:

That part of Sections 24, and 25, Township 27 South, Range 19 East, Hillsborough County, Florida, described as follows:

"EXHIBIT A"
Page 1 of 5

Commence at the Southeast corner of said Section 25 for the POINT OF BEGINNING: thence N00°25'28"E along the East boundary of said Section 25 a distance of 2617.13 feet to the Northeast corner of the SE 1/4; thence N01°21'46"W along the East boundary of said Section 25 a distance of 2715.07 feet to the Northeast corner thereof; thence N00°25'03"E along the East boundary of said Section 24 a distance of 2664.72 feet to the Northeast corner of the South 1/2 of said Section 24; thence N89°27'50"W along the North boundary of the South 1/2 of said Section 24 a distance of 4494.89 feet; thence S00°35'04"W a distance of 420.87 feet; thence S10°37'07"E a distance of 1366.34 feet; thence S00°35'04"W a distance of 876.88 feet to a point on the South boundary of said Section 24; thence S00°35'04"W a distance of 4399.76 feet thence S50°31'25"E a distance of 1435.33 feet to a point on the South boundary of said Section 25; thence S88°28'49"E along the South boundary of said Section 25 a distance of 3220.04 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida lying North and East of centerline of Trout Creek.

ALSO LESS AND EXCEPT:

That part of Section 36, Township 27 South, Range 19 East, Hillsborough County, Florida, lying South of Trout Creek, North of the Hillsborough River and Northeasterly of the following described line:

Commence at the Northwest corner of said Section 36; run thence S88°28'49"E along the North boundary of said Section 35, a distance of 2071.95 feet to the POINT OF BEGINNING; thence S50°31'25"E a distance of 1310.59 feet to the beginning of a curve, concave Southwesterly, having a central angle of 37°15'04" and a radius of 5,780.00 feet; thence Southeasterly along the arc of said curve, an arc distance of 3757.90 feet (chord distance of 3692.06 feet and chord bearing of S31°53'53"E) to the North bank of the Hillsborough River and the Point of Termination.

ALSO LESS AND EXCEPT:

(A) That part of Sections 23, 25, 27, 33 and 34, Township 27 South, Range 19 East deeded to the State of Florida for road right-of-way for State Road S-581 by instruments recorded in Official Record Book 227 on Page 707, in Official Record Book 226 on Page 535, and in Official Record Book 241 on Page 76 of the Public Records of Hillsborough County, Florida

(B) That part of Sections 21, 22, 26, 27, 35 and 36 Township 27 South, Range 19 East, condemned for transmission lines by Tampa Electric Company in Suit Number 41987-L Circuit Court, Hillsborough County, Florida

(C) That part of Sections 26, 27, 35 and 36, Township 27 South, Range 19 East, conveyed to County of Hillsborough for use and benefit of Road Department by instruments recorded September 3, 1965, in Official Record Book 1531 on Page 480, and in Official Record Book 1501 on Page 462 of the Public Records of Hillsborough County, Florida

ALSO LESS AND EXCEPT:

A parcel of land in the West one-half of the Southwest one-quarter of Section 24, Township 27 South, Range 19 East, Hillsborough County,

Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 24; said corner being marked by a 3" iron pipe; run thence South 00°18'32"W along the West boundary of said Section 24 for a distance of 2632.49 feet to the West quarter corner of said Section 24 and the POINT OF BEGINNING of the parcel of land hereinafter described; run thence South 89°27'50"E along the Quarter section line of said Section 24, for a distance of 679.56 feet; run thence South 00°35'04"W for a distance of 420.83 feet; run thence South 10°37'07"E for a distance of 1166.17 feet; run thence South 88°59'25"W for a distance of 898.87 feet to a point on the aforesaid West boundary line of Section 24; run thence North 00°18'32"E along said West boundary line, for a distance of 1589.27 feet to the POINT OF BEGINNING.

AND

A parcel of land lying in the East one-half of the Southeast one-quarter of Section 23, Township 27 South, Range 19 East, Hillsborough County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 23; run thence South 00°18'32"W along the East boundary of said Section 23 for a distance of 2632.49 feet to the East quarter corner of said Section 23 and the POINT OF BEGINNING of the parcel of land hereinafter described; thence continue South 00°18'32"W along the East boundary of said Section 23, for a distance of 1589.27 feet; run thence South 88°59'25"W for a distance of 717.67 feet; run thence North 17°04'19"W for a distance of 354.31 feet; run thence North 13°04'19"W for a distance of 550.00 feet; run thence North 08°04'19"W for a distance of 448.12 feet; run thence

North 03°11'04"W for a distance of 293.89 feet to a point on the Quarter section line of said Section 23; run thence South 89°27'50"E, along said Quarter section line, for a distance of 1033.83 feet to the POINT OF BEGINNING.

ALSO LESS AND EXCEPT:

A parcel of land lying in Section 36, Township 27 South Range 19 East, Hillsborough County, Florida, described as follows:

Commence at the Southeast corner of said Section 36; thence South 89°25'23"W along the South boundary of said Section 36, a distance of 800.00 feet; thence North 00°46'24"W parallel to and 800.00 feet West of the East boundary of said Section 36, a distance of 1609.58 feet to the Westerly right-of-way line of proposed Interstate Highway No. 75 for the POINT OF BEGINNING; thence return South 0°46'24"E, a distance of 293.00 feet, more or less, to the Northerly bank of the Hillsborough River; thence Westerly, along said river bank, a distance of 170.00 feet, more or less; thence North 10°50'51"W, a distance of 451.00 feet, more or less; thence North 25°01'34"W, a distance of 1373.29 feet to the Southerly right-of-way line of a 200.00 foot Tampa Electric Company right-of-way; thence South 77°08'37"E along said Southerly right-of-way line, a distance of 278.99 feet to said Westerly right-of-way line of Interstate Highway No. 75; thence along a curve to the right, along said Westerly right-of-way line, having a radius of 5567.58 feet, a delta of 14°12'56", an arc of 1381.35 feet, a chord of 1377.81 feet, and a chord bearing of South 23°13'45"E, to the POINT OF BEGINNING.

Subject to easements, reservations and restrictions of record. The above described parcel contains 5311 acres, more or less.

"EXHIBIT A"
Page 5 of 5

DRAFT # 1
DMM & RED
11/18/80

RESOLUTION—TAMPA PALMS
DEVELOPMENT OF REGIONAL IMPACT

Upon motion of Commissioner Anderson , seconded by Commissioner Davin , the following Resolution was adopted by a unanimous vote:

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County, Florida, issued Development Order No. 79-19 for Tampa Palms pursuant to the provisions of Florida Statute §380.06; and

WHEREAS, the Tampa Regional Planning Council at its meeting on November 10, 1980, voted to request Hillsborough County to amend the Tampa Palms Development Order to provide for additional traffic review conditions; and

WHEREAS, representatives of Hillsborough County, the Tampa Bay Regional Planning Council, and The Deltona Corporation met to discuss proposed traffic conditions; and

WHEREAS, representatives of Tampa Bay Regional Planning Council have recommended that the condition as set forth in this Resolution meets the concerns addressed by the Regional Planning Council; and

WHEREAS, the staff of Hillsborough County has reviewed this condition and finds it to be consistent with the policies and objectives as expressed in Development Order relative to transportation impacts; and

WHEREAS, representatives of Deltona have indicated agreement with the imposition of such new condition; and

WHEREAS, the proposed condition does not constitute a substantial deviation from the terms of the Development Order No. 79-19 as defined by §380.06, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 19th DAY OF NOVEMBER, 1980:

1. That Development Order No. 79-19 is hereby amended to add the following condition:

> Upon issuance of the Certificate of Occupancy for the 6000th dwelling unit and again upon issuance of the Certificate of Occupancy for the 9500th dwelling unit, the County shall make a determination as to the adequacy of the following transportation facilities located within the primary impact areas as defined in Map J10 of the ADA:
>
> 1. SR 581 north of Tampa Palms to the Pasco County line;
>
> 2. 30th Avenue from Fletcher to Skipper Road; and
>
> 3. Fletcher Avenue from 30th Avenue to I-275.
>
> Such determination shall be made in accordance with accepted traffic engineering practices. If it is determined as a result of either such review that any of the described transportation facilities are inadequate as a result of trips generated within the primary impact area, the County shall stage development in this impact area in such a manner to insure that adequate transportation facilities will be available upon the completion of each stage.

2. That the foregoing condition is specifically intended by the Board of County Commissioners of Hillsborough County, Florida, to be an addition to, and not in lieu of, any condition imposed by Development Order No. 79-19, and to that extent all terms and conditions of that Development Order remain in full force and effect. Nothing herein shall be construed to limit or restrict the means chosen by Hillsborough County to implement or effectuate this condition in a manner consistent with applicable laws, ordinances, regulations or rules in effect at the time of review.

3. Upon adoption, this Resolution shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the developer.

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, JAMES F. TAYLOR, JR., Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Board in its regular meeting of November 19, 1980, as the same appears of record in Minute Book 76 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 25 day of Nov. , 1980.

JAMES F. TAYLOR, JR., CLERK

By: James F. Taylor
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA
DOCUMENT No. 80-1026

DRAFT Final
DMM
10/1/80

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF HILLSBOROUGH COUNTY, FLORIDA
DRI #79-19
DEVELOPMENT ORDER

Upon motion of Commissioner Davin , seconded by Commissioner Platt , the following Resolution was adopted this 1st day of October, 1980:

WHEREAS, on November 8, 1979, the Deltona Corporation filed an application for development approval of a development of regional impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, said application proposed construction of a planned community, Tampa Palms, in northern Hillsborough County located on 5,408.5 acres offering in full range of community support facilities to residents; and

WHEREAS, the Board of County Commissioners as the governing body of local government having jurisdiction pursuant to Section 380.06, Florida Statutes, is authorized and empowered to consider applications for development approval for developments of regional impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes have been satisfied; and

WHEREAS, the Board of County Commissioners has on August 7, 1980; August 19, 1980; August 22, 1980; September 4, 1980; September 16, 1980; and October 1, 1980, held a duly noticed public hearing on said application for development approval and has heard and considered testimony and documents received thereon; and

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

WHEREAS, Hillsborough County has solicited, received and considered reports, comments and recommendations from interested citizens, county and city agencies as well as the review and report of Hillsborough County Administration.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. That the real property which is the subject of the application for development approval is legally described as set forth on Exhibit A, attached hereto and made a part hereof by reference.

B. That The Deltona Corporation, hereinafter referred to a "developer", submitted to Hillsborough County, Florida, an application for development approval, appendix and sufficiency response which are attached hereto and marked Composite Exhibit B and incorporated herein by reference to the extent not inconsistent with the terms and conditions of this development order. Hereinafter the word "application" shall refer to the application for development approval, the appendix and the sufficiency response.

C. That the proposed development is not an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

D. That development will occur in accordance with this development order and the application as set forth in Exhibit B, to the extent not inconsistent with the terms and conditions of this development order.

E. That a comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council.

II. CONCLUSIONS OF LAW

A. Based upon the compliance with all terms and conditions of this development order, the provisions of the applications as set forth in Exhibit B, the reports, recommendations and

DRI #79-19

testimony heard onsidered by the Boara ' ounty Commissioners it is concluded that:

1. The development will not unreasonably interfere with the achievements of the objectives of the adopted State Land Development Plan applicable to the area.

2. The development is consistent with local land development regulations, and

3. The development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

B. The provisions of this development order shall not be construed as a waiver or exception of any rule, regulation, or ordinance of Hillsborough County, its agencies or commissions and to the extent that further review is provided for in this development order, such review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review.

C. That review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Hillsborough County Environmental Protection Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens reveals that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, within the terms and conditions of this development order and the application, to the extent not inconsistent with this development order.

D. The application for development approval is approved subject to all terms and conditions of this development order.

III. CONDITIONS

A. Drainage

1. Those portions of the drainage system which will be dedicated to the County and for which maintenance will be the responsibility of the County shall be delineated on all plats of Tampa Palms. Provided, however, that the County shall not be responsible to provide maintenance of those drainage facilities dedicated to and accepted by the County to a greater level of maintenance than that provided to like drainage facilities in

Hillsborough County. The developer or its successors in interest may elect to provide a higher level of maintenance provided that the mechanism by which such additional maintenance is to be provided shall be approved by the County.

2. The developer has submitted a conceptual drainage plan of Tampa Palms which is subject to revisions and modifications. Revisions of the conceptual drainage plan shall be modified by developer, if required by the County or any other appropriate government agency, as a result of review and approval of detailed drainage data and calculations at such time as each subdivision unit of Tampa Palms is submitted.

3. The developer shall submit a master drainage plan and detailed drainage data and calculations at such time as each subdivision unit of Tampa Palms is submitted for approval of the County in accordance with the Hillsborough County Subdivision Regulations.

4. All drainage flood control structures shall be non-adjustable.

5. Before commencement of construction of the Cypress Creek levee, a qualified engineering firm shall show appropriate "competent" hydrologic/hydraulic data to show that the levee will cause no flooding problems. These data shall be reviewed and approved by any local, state of federal agencies having jurisdiction over the levee construction or maintenance.

6. The developer shall insure that drainage systems and structures are designed in such a way to minimize potential problems of mosquitoes and the control of nuisance aquatic weeds. The developer may elect to utilize swale drainage within the public rights-of-way.

7. The developer shall use water resistant base materials where directed to do so for streets by the County.

8. The developer shall be responsible for maintenance of drainage features which are located in those portions of the drainage areas which are not dedicated to the County in order to help control mosquitoes and aquatic weeds.

9. The developer shall design drainage control structures to permit reasonable access for the control of aquatic weeds.

The County shall be responsible for control of aquatic weeds only on those lands conveyed to the County.

10. Developer shall delineate natural flood water storage areas on a map of the Tampa Palms site and shall be responsible to protect these areas from filling. Each plat shall be reviewed by the appropriate agency to insure compliance with this condition.

11. The developer shall cause to be performed an investigation regarding potential sinkhole activity on the Tampa Palms site by a qualified geologist. A report shall be prepared addressing the findings of site specific investigations. If investigations reveal the likelihood of sinkhole activity as determined by any appropriate government agency, appropriate actions (e.g., site plan modifications, engineering solutions) shall be taken by the developer to mitigate sinkhole problems.

12. The developer shall cause to be performed an investigation by a qualified hydrologist/geohydrologist to determine recharge and discharge characteristics, and if any adverse impacts will occur to the capacity of the Morris Bridge wellfield as a result of the Tampa Palms development. If such investigations reveal any adverse impacts as determined by any appropriate government agency, the development and/or discharge plan will be modified to eliminate or minimize such impacts.

13. A water quality monitoring program shall be continued in the Hillsborough River, with samples being collected and analyzed by Environmental Protection Commission. Approval of future development phases or proposed modifications will be contingent upon the condition that there will be no further degradation of water quality below State Drinking Water Standards within the Hillsborough River, resulting from the development of Tampa Palms.

14. The developer shall cause to be prepared a report on the structural and functional adequacy of the Cypress Creek levee design by a qualified engineering firm. This report shall evaluate input based on land use parameters, including future development in Pasco County and shall provide all input data to

the model. The report shall also, if appropriate, include recommendations for modification of the levee design to be implemented by the developer. The report shall be submitted to Southwest Florida Water Management District in conjunction with applications to that agency for permits to construct the levee. The developer shall transmit a copy of said report to the County.

15. The developer shall cause to be prepared a report by a qualified environmental engineer which addresses pre and post development pollutant loading and treatment rates and determines whether and to what extent post development pollutant loads from the Tampa Palms site will exceed pre-development conditions. Any recommendations for changes in design or operation of the drainage system resulting from this report shall be incorporated into the Master Drainage Plan and be submitted for review and approval by the appropriate agencies.

16. The developer shall cause to be prepared a report by a qualified drainage engineer which addresses the adequacy of the selection of post-development soil drainage conditions on the Tampa Palms site used in the drainage design. Re-evaluation and re-design of the drainage system shall be performed by the developer, if appropriate, based upon the result of the engineering report.

17. No pesticides shall be used at Tampa Palms by the developer. Aquatic plant control shall be by impoundment design and management. Alternative means using U. S. Environmental Protection Agency approved herbicides will be considered as a last resort where control is essential and other means have failed.

18. Drainage shall be designed to maintain ground and surface water levels in such a manner as would not subsequently alter the integrity and viability of the preserved wetland areas. A program monitoring wetland preservation area shall be established and conducted by the developer. In the event of any evidence of adverse effect to wetland areas, the drainage plan or operation shall be redesigned by the developer.

lakes shall conform to accepted criteria and practice, and the developer shall initiate a monitoring program to be conducted by a qualified professional to determine the existence or potential for lake quality problems. Lake maintenance procedures should be initiated by the developer if and when necessary to correct quality problems.

20. Developer shall present documentation to the County and the Tampa Bay Regional Planning Council to verify possession of all permits necessary to construct and maintain the proposed Cypress Creek levee system, as set forth in the application. No building construction permits will be issued in any area which depends on the levee for flood protection against the 100 year frequency flood until such time that the levee is complete and functional for that area.

21. The responsibility for the Cypress Creek levee operation and maintenance shall be provided for by the developer prior to the construction of the levee or any operational portion thereof.

B. Wetlands

1. During the development of Tampa Palms, the developer shall, through design, construction and proper water management techniques, prevent damage to the natural integrity, character and ecological balance of all wetland areas. The developer shall preserve in perpetuity the approximately 1,625 acres of wetlands which are included within the conservation, preservation and drainage retention areas, as delineated in the application. The developer shall not disturb these wetland areas. The developer may dedicate or otherwise transfer title to said lands to an appropriate private or public body acceptable to the County provided the preservation of the wetlands is assured. Those wetland areas indicated for potential disturbance as shown on the figure marked "Wetlands' Destiny 16B 1-1" in the application may be reviewed for development activities in conjunction with each plat.

Any proposed plat or any proposed excavation or land clearing plans shall be submitted to Hillsborough County Environmental Protection Commission for review and approval. As a part of each submittal the developer shall include:

(a) A map showing all wetland areas.

(b) A map showing all wetlands which might be disturbed by the proposed activity.

(c) Justification for any proposed infringement on natural wetland areas.

(d) Proposal of wetland areas to be created in mitigation of any disturbance of natural wetlands to include an explanation of both quantitative and qualitative factors demonstrating that the developer has created or will create comparable wetland areas to mitigate any loss of disturbed natural wetlands.

For any area of wetland disturbed, the developer shall create at least equal acreage of comparable wetlands to mitigate any loss of natural wetlands. In addition, the developer shall vegetate and otherwise manage any newly created wetland areas so they will approximate the functions of the natural wetland areas which they have replaced.

The above submittals shall be provided to all appropriate County agencies, as well as the Environmental Protection Commission, for review and approval as a condition to any plat approvals for Tampa Palms. Review and approval shall be in accordance with these conditions and all applicable laws, rules and ordinances in effect at the time of submittal of any plat or application for proposed excavation or land clearing.

C. Energy

Developer shall offer one or more packages of energy saving options to its prospective home buyers at Tampa Palms. These options shall emphasize a wide variety of active and passive devices and systems designed to reduce home energy consumption which devices and systems may include energy efficient appliances, solar and other natural heating and cooling systems, heat reduction or reclamation systems or devices, insulation, building exterior

materials and colors efficient use of landscaping, the use of energy reducing architectural features such as structure orientation and overhangs and such other optional energy conservation features or innovations as may be economically and practically feasible. Developer shall incorporate such option features in one or more of its model homes and shall develop an information package to affirmatively demonstrate to prospective purchasers the benefits of each energy savings option offered including the price of the option, the expected energy savings per year (in kilowatt hours), and the approximate number of years before the item is amortized through reduced electric bills (at today's prices). Developer shall cooperate with the Environmental Protection Commission (or such county agency that is from time to time responsible for energy conservation) to explore alternative energy sources and as such sources are advanced technologically, developer shall incorporate them into Tampa Palms to the extent practical. The developer shall design and offer its prospective customers in its first model line at least one (1) model home designed to minimize fossil fuel energy consumption by maximizing use of natural/passive energy sources.

The developer shall consider construction of shopping, business and industrial facilities at Tampa Palms at the earliest practical time as an energy conservation measure. Developer shall explore the practical use of trees and other landscaping along public ways and in and around business areas as an additional energy conservation measure.

D. Transportation

1. The developer shall design and construct a third and fourth lane of County Road 581/30th Street from the point where the two (2) tangencies for Skipper Road and 30th Street become one tangent or the point otherwise known as the Point of Tangent for 30th Street (hereinafter referred to as "Commencement Point") to the southernmost point of the four-lane construction of County Road 581 built as a result of construction of the interchange of I-75 at County Road 581, or in the event that such interchange is

not built, to th int where County Road ntersects with the northern property line of the property which is the subject of this development order as described on Exhibit A (hereinafter referred to as "Termination Point"). Said design and construction shall occur in the following manner:

(a) Design Standards. Within one year from the effective date of this order, the developer shall submit design plans and right-of-way requirements for the above described construction from the "Commencement Point" to the point where the southernmost collector road intersects with County Road 581 (as shown in the Tampa Palms site plan submitted herein). Such plans shall be subject to periodic County review prior to their finalization. The design plans for the remaining construction shall be submitted at least ninety (90) days prior to the date of commencement of construction of each segment as required in paragraph (b) below. Such plans shall be subject to periodic County review prior to their finalization. All design plans shall be prepared in accordance with American Association of State Transportation Highway Officials and the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways and Hillsborough County Road Construction Standards in effect at the time of submittal of such plans to the County. Additionally, such design and construction shall be accomplished in a manner as will facilitate further expansion to six lanes by the addition of two lanes within the median area of the constructed four lanes.

(b) Timing of Construction. Construction of that portion of County Road 581/30th Street beginning at the "Commencement Point" to the point where the southernmost collector road intersects with County Road 581 (as shown on the Tampa Palms site plan submitted herein), shall commence when traffic volumes on that portion of the subject road exceed 12,700 vehicles per day. Construction shall be completed on said portion within 18 months of commencement of construction.

Construction of that portion of County Road 581

beginning at the point where the southernmost collector road intersects with County Road 581 (as shown on the Tampa Palms site plan submitted herein), to the point where the northernmost collector road intersects with County Road 581 (as shown on the Tampa Palms site plans submitted herein), shall commence when traffic volumes on that portion of the subject road exceed 12,700 vehicles per day. Construction shall be completed within 18 months of commencement of construction.

Construction of that portion of County Road 581 beginning at the point wherein the northernmost collector road intersects with County Road 581 (as shown on the Tampa Palms site plans submitted herein), to the "Termination Point" shall commence when traffic volumes on that portion of the subject road exceed 12,700 vehicles per day. Construction shall be completed within 18 months of commencement of construction.

Traffic volumes shall be determined at points to be designated by the Director of Public Works or any successor officer of Hillsborough County charged with responsibility for traffic engineering. Such determination shall be made in accordance with accepted traffic engineering practices.

2. In conjunction with filing of the first plat of Tampa Palms, the developer shall dedicate to the County lands sufficient to accommodate the construction of the fifth and sixth lane of County Road 581. The location and extent of such dedication shall be determined at the time of the proposed dedication in accordance with Hillsborough County design and construction standards.

3. In the year 1985 or at such time as 1600 certificates of occupancy have been issued at Tampa Palms, whichever occurs earlier, if the I-75 by-pass is not complete or in the process of construction, developer shall submit a revised traffic analysis to the County which demonstrates how adequate transportation facilities will be provided to serve Tampa Palms without consideration of I-75. No construction permits in excess of 2000 shall be issued until such time as developer has demonstrated to the satisfaction of the County that adequate transportation will continue to be available to serve

Tampa Palms.

4. The developer shall be responsible for construction of all internal roadway improvements within Tampa Palms. Said roadways shall be constructed in accordance with the design and construction standards of Hillsborough County in effect at the time of construction.

5. The developer shall be responsible for all intersection improvements at the access points of Tampa Palms and County Road 581.

6. The developer shall be responsible for the construction and maintenance of all bikeways within Tampa Palms unless the County elects to assume all or a portion of said designated bikeways.

The developer shall provide the bikeway facilities as described in the application for development approval. Furthermore, the developer shall request the Hillsborough County Bicycle Pathway Advisory Committee to review the detailed alignment and design of the bikeways at the time these facilities are being engineered, as is also stated in the application for development approval.

no longer needed — 7. When applicable, the developer shall provide documentation to the Tampa Bay Regional Planning Council to verify that it has provided Hillsborough County with such assistance and information as are needed to obtain a complex source permit for County Road 581.

8. The developer shall work with the Hillsborough Transit Authority in encouraging transit usage for development-related traffic. A park-and-ride lot shall be provided by the developer for this purpose.

9. Notwithstanding the foregoing, the property which is subject to this development order and/or all owner(s) thereof shall be subject to any county or state-wide impact fee or user charge or any other county-wide assessment or tax that may be imposed to fund, in whole or in part, the costs of roadway maintenance or construction. Nothing herein shall be construed to limit

or modify any legal remedies developer may have to contest the validity of such county or statewide impact fee, user charge, county-wide assessment or tax as set forth in this paragraph (III. D. 9.).

E. Schools

1. Upon request of the School Board, developer shall donate the elementary school site, as shown on the application for development approval, or if such site does not meet the School Board's requirements, such other site as is mutually agreed to by the developer and the School Board. At five-year intervals after the date of the development order approval, developer and the School Board shall review the need for additional public school facilities to serve Tampa Palms, and at such time as additional school facilities are needed, developer shall donate additional school sites to the School Board which meet the requirements for school siting.

F. Libraries

The developer shall dedicate, upon the request of the County, a site for use by the County as a library. The location of the site shall be mutually agreed upon between the County and the developer at the time the County seeks dedication.

G. Maintenance Unit

Developer shall dedicate upon request of the County, a one-acre site for use by the County as a maintenance facility. The location of the site shall be mutually agreed upon between the County and the developer at the time the County seeks dedication.

H. Parks and Recreation

1. All recreational lands and facilities, as shown in the application for development approval, shall remain in private hands and be developed and maintained by the developer. In the event the County should desire to acquire either or both of the district park sites, adjacent to the school sites, as shown on the application, prior to the time such site or sites have been conveyed by developer to a community organization or other governmental entity, developer shall convey such park site or sites to the County at no cost at such time as the County has committed to development of the site(s). The County, however, reserves the right not to

request conveyance of any park sites if it is deemed to be in the County's interest.

In the event that the County elects not to accept the district park sites, the developer shall commence construction of one district park when 2500 certificates of occupancy have been issued on the property which is the subject of this development order and shall commence construction of a second district park when 6000 certificates of occupancy have been issued on the property which is the subject of this development order. Should the County elect to accept only one district park site, the developer shall remain responsible for a construction of the remaining district park site when 6000 certificates of occupancy have been issued on the property which is the subject of this development order or at the County's option, at such later time as is mutually agreed upon between the County and the developer.

I. Fire Protection

1. The developer shall hold title to the two fire station sites, as delineated on the application, and shall deed such sites, either together or separately, to the County or other governmental entity responsible for fire protection, at any time upon request. Such conveyance shall be completed at no cost to the donee of the sites. In addition, developer shall cooperate with local officials in developing a regional fire protection plan which may require some adjustments in the proposed fire station locations and/or the Tampa Palms Masterplan. If a third fire station site should be required, the developer shall reserve such site for future acquisition by the County.

J. Police Protection

1. Developer shall explore "target-hardening" mechanisms

which would serve reduce certain types of imes at Tampa Palms. In addition, in connection with any building construction to be undertaken by developer, developer shall cooperate with the Sheriff's Crime Awareness Team, prior to finalization of building plans, to determine what specific crime prevention hardware and techniques should be incorporated into the construction plans.

K. Sewer Service

1. The developer shall assume responsibility for the construction of the connecting sewer line from Tampa Palms to the existing 131st Street connector and shall donate the line to the City, as set forth in City of Tampa letter of commitment, September 24, 1979. At such time as the flows from Tampa Palms reach 1.25 million gallons per day (m.g.d.), the developer shall provide assurance to Hillsborough County and Tampa Bay Regional Planning Council that capacity to transmit and treat wastewater for subsequent development is available from the City of Tampa.

L. Water Service

1. At the time of submittal of each plat of Tampa Palms, the developer shall provide documentation to the County and the Regional Planning Council to verify that developer has provided the City of Tampa Water Department with detailed engineering and site plans in order to assess the impact of the development of that plat on the Hillsborough River potable surface water supply.

M. Electric Services

1. At the time of submittal of each plat of Tampa Palms, the developer shall provide assurance from Tampa Electric Company that sufficient electrical generating and transmission facilities are on line to serve the next platted area of Tampa Palms.

N. Prehistoric Sites/Archaeology

1. The suggestions for mitigation of adverse impacts to prehistorical sites as referenced in the Sufficiency Response, shall be carried out by the developer prior to construction on or near any of these sites.

O. Regional Shopping Center

1. In conjunction with the application for detailed site

plan approval required under the County Zoning Code for construction of the "Regional Shopping Center", as shown in the application, assurance shall be provided to Hillsborough County and Tampa Bay Regional Planning Council that capacity to transmit and treat wastewater is available to serve the projected needs of the "Regional Shopping Center" facility.

2. Prior to the detailed site plan approval of the Regional Shopping Center, as required under the Hillsborough County Zoning Code, the I-75 by-pass north of I-4 must be under construction.

3. In conjunction with the application for detailed site plan approval of the Regional Shopping Center, developer shall provide the County with assurance that adequate transportation facilities are available to service the project. In the event adequate transportation facilities are not available at the time of submittal of the detailed site plan as determined by the transportation standards of Hillsborough County in effect at that time, the developer shall agree to stage the construction of the shopping center in such a manner as to insure that adequate transportation facilities will be available upon completion of each stage.

P. Compatibility of Land Uses

1. No commercial uses may be established on property adjacent to a site designated for school purposes either as depicted on the general site plan submitted as part of this application or any other site(s) subsequently designated by the Hillsborough County School Board for school purposes as provided in DRI Development Order No. 79-19. Review of each detailed site plan submitted in accordance with the Hillsborough County Zoning Regulations shall occur to determine conformity with this condition. If it should be determined that a site which is designated as a school site within the project will not be needed for school purposes by the Hillsborough County School Board, then this requirement shall not apply. The Petitioner may establish alternative sites in conformity with this condition for those commercial uses currently depicted on the submitted site plan adjacent to school sites.

Q. Conveyance of Land

1. All lands to be subsequently conveyed to the County or other governmental entity shall be so conveyed at such time as the land within which the sites are located is platted. If any such sites are requested by the County or such other entity prior to the platting of the area of their location, such sites shall be conveyed by the developer upon request. Additionally, the specific location of any land to be conveyed shall be agreed upon by developer and the user agency.

R. Public Facilities

1. Any public facilities with the development should be designed for the handicapped.

IV GENERAL PROVISIONS

A. That the legal description as set forth on Exhibit A is hereby incorporated by reference and made a part of this development order.

B. That all provisions contained within the application for development approval marked "Composite Exhibit B" shall be considered conditions of this development order unless inconsistent with the terms and conditions of this development order.

C. This Resolution shall constitute the development order of Hillsborough County in response to the application for development approval for the Tampa Palms Development of Regional Impact.

D. That the definitions found in Chapter 380, Florida Statutes (1979), shall govern and apply to this development order.

E. This development order shall be binding upon the developer and its heirs, assignees or successors in interest. 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 agencies in existence on the effective date of this development order.

F. That in the event that any portion or section of this development order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this development order which shall remain in full force and effect.

G. Whenever this development order provides for review subsequent to the issuance of this order, the right to review shall include all government agencies and departments as is or may be designated by the Board of County Commissioners of Hillsborough County to review development of regional impact applications as well as all government agencies and departments set forth under applicable laws and rules governing developments of regional impact.

H. In each instance in this development order where the developer is responsible for ongoing maintenance of facilities at Tampa Palms, the developer may transfer any or all of its responsibilities to improve and maintain those facilities to an appropriate private or public body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County, upon determination that the entity in question can and will be responsible to provide maintenance as required in this development order.

I. A certified true copy of this Resolution shall be recorded in accordance with Section 380.06, Florida Statutes.

J. A substantial deviation from the terms or conditions of this development order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by the Regional Planning Council may result in Hillsborough County ordering termination of all development approved herein. Nothing herein shall be construed to limit or modify the right of Hillsborough County to make a substantial deviation determination pursuant to the provisions of Section 380.06(17)(a), Florida Statutes.

K. Nothing herein shall be construed to be a grant of authority to own, operate, manage, maintain, create, lay, cable for, interconnect or otherwise establish a cable T.V. system, operation or any part thereof within the property which is the subject of this development order as described in Exhibit A.

L. The Director of the Hillsborough County Office of Development Coordination shall be responsible for monitoring all terms and conditions of this development order. For purposes of this condition, the Director may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Director shall report to the County Administrator and to the Board of County Commissioners any findings of deviation from the terms and conditions of this development order. The Director shall issue a notice of such non-compliance to the developer and if the deviation is not corrected within a reasonable amount of time shall recommend that the Board of County Commissioners establish a hearing to consider such deviations. The developer shall be given notice of any such hearing. In the event that circumstances require immediate action, so as to prevent irreparable harm, the Director need not issue a notice of compliance.

M. The developer shall file an annual report in accordance with Section 380.06(16), Florida Statutes. Such report shall be due on the anniversary of the effective date of this development order for each following year until and including such time as all terms and conditions of this development order are satisfied. Such report shall be submitted to the Director of the Office of Development Coordination who shall after appropriate review, submit it for receipt by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this development order and may issue further orders and conditions to insure compliance with the terms and conditions of this development order. The developer shall be notified of any Board of County Commissioners hearing wherein such report is to be reviewed, Provided, however, that receipt and

review by the Board of County Commissioners will not be considered a substitute or a waiver of any terms or conditions of this development order. The report shall contain:

1. A description of all development activity conducted pursuant to this development order during the year immediately preceding the submission of the annual report;

2. A description of all development activities proposed to be conducted under the terms of this development order for the year immediately subsequent to the submission of the annual report;

3. A statement listing all applications for incremental review required pursuant to this development order or other applicable local regulations which the developer proposes to submit during the year immediately following submittal of the annual report;

4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this development order; and

5. Shall contain a statement that all persons have received copies of the annual report as required under Section 380.06(16), Florida Statutes.

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

M. This development order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes.

N. Upon adoption, this development order shall be transmitted by the Ex Officio Clerk to the Board of County Commissioners by certified mail to the State Land Planning Agency, the Tampa Bay Regional Planning Council, and the developer.

DK 1

ORDINANCE NO. 8858

AN ORDINANCE ADOPTING THE TAMPA PALMS DEVELOPMENT ORDER DRI NO. 79-19, ADOPTED BY RESOLUTION NO. 80-823 OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, ON OCTOBER 1, 1980; PROVIDING FOR THE FILING OF ANNUAL REPORTS WITH THE DEPARTMENT OF HOUSING, INSPECTIONS AND COMMUNITY SERVICES; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on October 1, 1980, the Board of County Commissioners of Hillsborough County adopted by Resolution No. 80-823, a Development Order for Tampa Palms DRI; and

WHEREAS, on January 24, 1985, the City of Tampa annexed the Tampa Palms property, pursuant to Ordinance No. 8768-A; and

WHEREAS, Florida Statute 380.06(14)(e) requires that if property subject to a DRI ". . . is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new Development Order that incorporates all previous rights and obligations specified in the prior Development Order."

NOW, THEREFORE,

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

Section 1. That Hillsborough County Resolution No. 80-823 is hereby adopted as the Development Order of the City of Tampa, which adoption incorporates all rights and obligations specified in said Hillsborough County Resolution No. 80-823, a copy of which is attached hereto and made a part hereof.

Section 2. That pursuant to Florida Statute 380.06(14)(e)1, the Department of Housing, Inspections and Community Services shall be the responsible local official for assuring compliance with the terms and conditions of the Development Order.

Section 3. Pursuant to Florida Statute 380.06(14)(e)3, all annual reports filed after the adoption of this Development Order shall be filed with the Department of Housing, Inspections and Community Services.

Section 4. That the rights and obligations set forth in said Resolution No. 80-823 shall enure to the benefit of and be binding upon the City of Tampa and the Developer and its heirs, successors or assigns.

Section 5. That the City Clerk is hereby directed to send 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 6. 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 7. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 8. 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 April 18, 1985.

ATTEST:

Frances Knuyer
CITY CLERK

Jim Vann
CHAIRMAN, CITY COUNCIL
VICE

Prepared and Approved By:

Pamela K. Akin
ASSISTANT CITY ATTORNEY

APPROVED BY ME ON 4-19-85

MAYOR

State of Florida)
County of Hillsborough)

This is to certify that the foregoing is a true and correct copy of Ordinance No. 8858A

Witness my hand and official seal this 30th day of April, 1985

Frances Knuyer
CITY CLERK

DZ85-75