

#83

MECHANIK NUCCIO WILLIAMS HEARNE & WESTER

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OF COUNSEL:
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*NORTH TAMPA OFFICE: 18560 N. DALE MABRY HWY.
LUTZ, FLORIDA 33548
TEL: 813 / 968-1002
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REPLY TO: ☒ TAMPA
☐ NORTH TAMPA

February 10, 2005

VIA - FEDERAL EXPRESS

Mr. Charles Gauthier
Bureau Chief of Local Planning
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

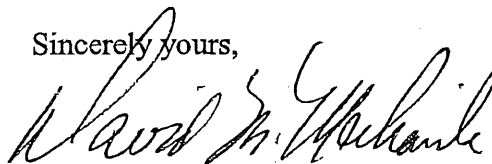
Re: Tampa Bay Park DRI #83/ Essentially Built-out Agreement

Dear Charlie:

In reviewing our files, it was determined that we never sent a recorded copy of the above Essentially Built Out Agreement (the "Agreement") to the Department of Community Affairs. A copy is enclosed with this letter.

Please call me if you have questions. Thank you for your attention to this matter.

Sincerely yours,



David M. Mechanik

DMM/aqp
Enclosure

cc: Mr. Manny L. Pumariega (w/enclosure)(via facsimile)
Mr. Scott Rogers (w/enclosure)(via facsimile)
Mr. Steve Meyers (w/enclosure)(via facsimile)
Ms. Susan Johnson (w/enclosure)(via facsimile)

Received Time Feb.10. 3:03PM

Return to:
 Mechanik Nuccio
 101 E Kennedy Blvd
 Suite 3140
 Tampa FL 33602-5151

**ESSENTIALLY BUILT-OUT AGREEMENT
 PURSUANT TO §380.032(3) AND §380.06(15)(g)3, FLORIDA STATUTES**

This Agreement ("Agreement") is entered into by and between Highwoods/Florida Holdings, L.P., a Delaware limited partnership ("Highwoods"), the City of Tampa, Florida, a Florida municipal corporation (the "City") and the State of Florida, Department of Community Affairs ("Department") subject to all other governmental approvals and solely at Highwoods own risk.

WHEREAS, Highwoods is a duly constituted and active Delaware limited partnership and is the owner and developer of Tampa Bay Park development of regional impact ("DRI");

WHEREAS, the City is a municipal corporation organized and existing under the laws of the State of Florida;

WHEREAS, the Department is the State of Florida's land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380 of the Florida Statutes, which includes provisions relating to DRIs;

WHEREAS, pursuant to Subsections 380.032(3) and 380.06(15)(g)3, F.S., the Department is authorized to enter into agreements as may be necessary to effectuate the provisions and purposes of Chapter 380, F.S.;

WHEREAS, Highwoods, the City and the Department desire to enter into this Agreement pursuant to Subsection 380.032(3), F.S.;

WHEREAS, on January 22, 1980, the City Council of the City enacted by Ordinance No. 7368-A a Development Order for Tampa Bay Park, a Development of Regional Impact (DRI No. 64);

WHEREAS, on November 10, 1981, the City Council of the City enacted by Ordinance No. 7819-A a substantial deviation to the DRI which, among other things, added additional property to the DRI and resulted in the DRI being renumbered as No. 83;

WHEREAS, on September 15, 1983, the City Council of the City enacted by Ordinance No. 8348-A an amendment to the DRI which, among other things, reconfigured the office facilities and phases of the DRI (the "First Amendment");

WHEREAS, on August 10, 1989, the City Council of the City enacted by Ordinance No. 89-191 an amendment to the DRI which, among other things, extended the build-out date for Phase I and Phase III to December 31, 1992 and extended the expiration date of the DRI to December 31, 1995 (the "Second Amendment");

INSTR # 2003534724

O BK 13411 PG 1142

Pgs 1142 - 1148; (7pgs)

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RICHARD AKE CLERK OF COURT

HILLSBOROUGH COUNTY

DEPUTY CLERK V Rocha

Received Time Feb.10. 3:03PM

WHEREAS, on January 25, 1990, the City Council of the City enacted by Ordinance No. 90-16 an amendment to the DRI which, among other things, approved additional square footages to Phase III of the DRI (the "Third Amendment");

WHEREAS, on April 1, 1993, the City Council of the City enacted by Ordinance No. 93-49 an amendment to the DRI which, among other things, extended the build-out date of the remaining Phase I and Phase III office entitlements to November 9, 1995, and extended the expiration date of the development order to November 10, 2000 (the "Fourth Amendment");

WHEREAS, on February 21, 1996, the City Council of the City enacted by Ordinance No. 96-43 an amendment to the DRI which, among other things, extended the build-out date of the remaining Phase I and Phase III office entitlements to November 9, 1998 (the "Fifth Amendment");

WHEREAS, on December 9, 1997, the City Council of the City enacted by Ordinance No. 97-241 an amendment to the DRI which, among other things, extended the build-out date of the remaining Phase I and Phase III office entitlements to December 31, 2001, and extended the expiration date of the development order to December 31, 2003 (the "Sixth Amendment") (hereinafter the Development Order and all amendments thereto are collectively referred to as the "Development Order");

WHEREAS, the DRI is currently approved for 1,101,200 square feet of gross office uses, which is equivalent to 1,011,100 square feet of net rentable office uses;

WHEREAS, a total of 1,034,726 square feet of gross office uses have been constructed, which is equivalent to 953,177 square feet of net rentable office uses;

WHEREAS, a total of 66,474 square feet of gross office uses remains undeveloped, which is equivalent to 57,923 square feet of net rentable office uses;

WHEREAS, Highwoods desires to: (a) convert up to 150,000 square feet of net rentable existing office uses to an adult school that includes vocational classes and classes that culminate in the award of certificates and degrees, which conversion shall be on a one square foot of office to one square foot of school basis, (b) construct a parking garage consisting of 393 spaces on the site of an existing surface parking lot with 106 spaces, resulting in a net increase of 287 spaces, and (c) potentially develop the remaining 66,474 gross square feet of office use entitlements that remain under the DRI's Development Order (collectively referred to as the "Future Development");

WHEREAS, the school will generate comparable vehicular trips than the equivalent amount of office space; and

WHEREAS, all of the DRI's Development Order requirements for the contribution of funds, land and public facilities expressly designated and used to mitigate impacts attributable to the approved development have been satisfied.

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

1. The parties agree that pursuant to Section 380.06(15)(g)3., F.S., the DRI is "essentially built-out" because: (a) the development is in compliance with all applicable terms and conditions of the Development Order except the build-out date, and (b) the Future Development will not create the likelihood of any additional impacts not previously reviewed.
2. Notwithstanding the build-out date contained within the Development Order and due to the essentially built out status of the DRI, the Future Development may proceed in accordance with the applicable terms and conditions of the Development Order without further DRI review, including review under Section 380.06(19), F.S. A revised Map "H" is attached hereto and incorporated by reference as Exhibit A. The Future Development shall not be required to undergo a concurrency or transportation analysis for a period of five (5) years from the effective date of this Agreement and then such analysis shall only be required if the Future Development is not constructed by that date. Except as provided herein, the Future Development and any additional changes to the DRI shall be subject to the City of Tampa's Code of Ordinances and the City of Tampa's Comprehensive Plan. In addition, construction of the 66,474 gross square feet of office shall be subject to the City of Tampa Transportation Impact Fee Ordinance and, if required by the City Transportation division, a site specific traffic analysis.
3. The parties agree that the DRI shall be bound by the development table attached hereto as Exhibit B and that a request for development in excess of the Future Development is unlikely to occur. Nevertheless, in the unlikely event that development in excess of the Future Development is requested, such development shall be subject to Section 380.06(19)(b), F.S. and Highwoods shall be required to complete a cumulative analysis of the impacts for the proposed additional development and existing development within the DRI.
4. After the effective date of this Agreement, Highwoods shall no longer be required to file annual reports pursuant to Section 380.06(18), F.S.
5. Highwoods asserts and warrants that all of the representations and statements made in this Agreement are true, accurate and complete. Based upon such representations and statements, the Department concludes that this Agreement is in the best interest of the State, is necessary to and beneficial to the Department in its role as the state agency with responsibility for the administration and enforcement of Chapter 380, F.S. and reasonably applies and effectuates the provisions and purposes of Chapter 380, F.S.
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 upon materially inaccurate information, the Department or the City may terminate this Agreement or file suit to enforce this Agreement as provided in Sections 380.06 and 380.11, F.S.
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, F.S., except as acknowledged herein.

8. This Agreement affects the rights and obligations of the parties under Chapter 380, F.S. 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 regional planning agency from commenting on any regional issue. Any amendment to or modification of this Agreement shall not be effective unless contained in a written document signed by the parties.

9. The terms and conditions of this Agreement shall inure to the benefit of and be binding upon the heirs, personal representatives, successors and assigns of the parties hereto. Highwoods shall ensure and provide that any successor in interest in and to any lands or parcels affected by this Agreement shall be bound by the terms of this Agreement. Highwoods shall record this Agreement in the Official Records of Hillsborough County, Florida, and shall provide the Department with a copy of the recoded Agreement, including Book and Page number within two (2) weeks of the date of execution of this Agreement.

10. The effective date and/or date of execution of this Agreement shall be date that the last party signs and acknowledges the terms of this Agreement.

(The remaining portion of this page has been intentionally left blank.)

Attest:

CITY OF TAMPA, FLORIDA

Shirley Fox-Krembs
City Clerk/Deputy City Clerk

Pam Iorio
Pam Iorio, Mayor

Approved as to form:

Gina K. Gius
Assistant City Attorney

The execution of this document was authorized
by Resolution No. 2003-1019

Gina K. Gius
(signature)

☐ City Attorney☒ Chief Assistant City Attorney

Attest:

HIGHWOODS/FLORIDA HOLDINGS
LP, a Delaware limited partnership

By: Alice Grimm

By: Stephen A. Meyers
Print Name: Stephen A. Meyers
Its: Vice President

Attest:

DEPARTMENT OF COMMUNITY
AFFAIRS

Bonnie Fourn

Colleen M. Castille
Colleen Castille, Secretary

Approved as to form:

Daniel J. Loda
Counsel
Department of Community Affairs

EXHIBIT B**TAMPA BAY PARK - DEVELOPMENT TABLE
APPROVED FUTURE DEVELOPMENT**

The following table reflects the future development approved as a part of the Essentially Built-Out Agreement for the Tampa Bay Park DRI.

Adult Education School	Convert up to 150,000 square feet of existing Office uses to 150,000 square feet of School uses on a one square foot (1 s.f.) to one square foot (1 s.f.) basis
Parking Garage	Construct a parking garage consisting of 393 spaces, which results in a net increase of 287 spaces in place of the existing 106 space surface parking lot
Office Space	Construct the approved but undeveloped remaining 57,923 net rentable square feet of Office uses (66,474 square feet of Office uses)

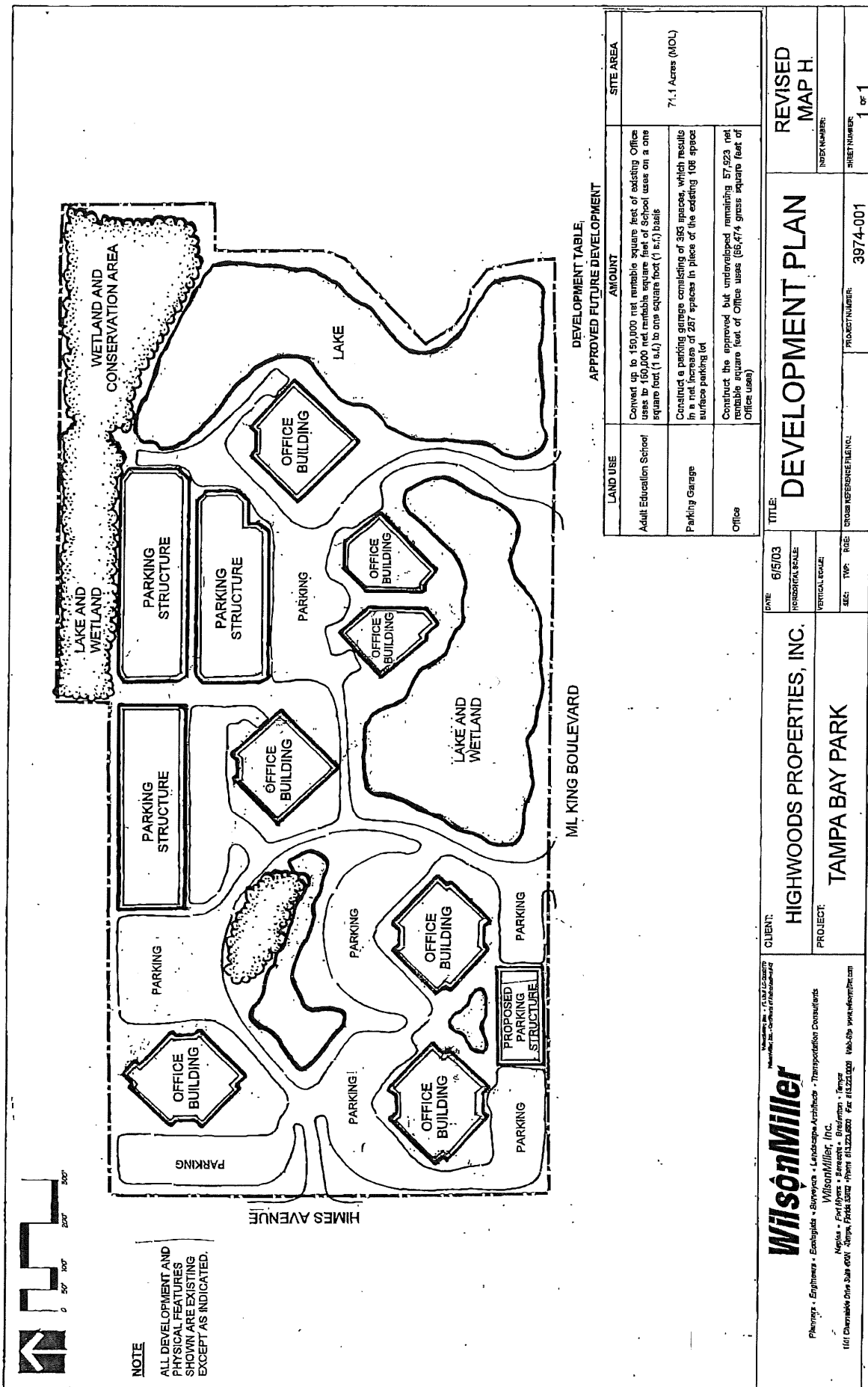


EXHIBIT "A"

john meyer

From: Sandy Marshall [Sandy.Marshall@ci.tampa.fl.us]
Sent: Friday, February 11, 2005 3:29 PM
To: Susan Johnson
Subject: Re: Reso 2003-1019

Susan

RESOLUTION NO. 2003-1019 approving an essentially built-out agreement between Highwoods/Florida Holdings, L.P., the City of Tampa, and State of Florida, Department of Community Affairs, for provision of converting, constructing and developing existing uses in available areas, **was adopted on August 21, 2003.**

Sandy

Sandra S. Marshall
Deputy City Clerk
Phone: (813) 274-7077
Fax: (813) 274-8306
Sandy.Marshall@tampagov.net

>>> Susan Johnson 2/11/2005 1:44:35 PM >>>
What was the date this resolution was approved. Thanks.

2/11/2005

#183



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

December 12, 1997

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

RE: Petition No. DZ79-7A, for ACP change to Tampa Bay Park
Ordinance No. 97-241

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 No. 97-241

Certified Mail

ORDINANCE NO. 97-241

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY ACP-Tampa Bay Limited Partnership, FOR TAMPA BAY PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT AND SUBSEQUENT AMENDMENTS THERETO; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7368-A passed and ordained by the City Council of the City of Tampa, Florida, on January 22, 1980, approved a Development Order for Tampa Bay Park, a Development of Regional Impact (the "Development Order"); and

WHEREAS, Ordinance No. 7819-A passed and ordained by the City Council of the City of Tampa, Florida, on November 10, 1981, approved a Development Order for Tampa Bay Park Expansion, as a substantial deviation amending the Development Order; and

WHEREAS, Ordinance No. 8348-A passed and ordained by the City Council of the City of Tampa, Florida, on September 15, 1983, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 89-191 passed and ordained by the City Council of the City of Tampa, Florida on August 10, 1989 approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 90-16 passed and ordained by the City Council of the City of Tampa, Florida on January 25, 1990 approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 93-49 passed and ordained by the City Council of the City of Tampa, Florida on April 1, 1993, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 96-43 passed and ordained by the City Council of the City of Tampa, Florida, on February 21, 1996 approved an Amendment which was not a substantial deviation to the Development Order; and

**Certified as true
and correct copy.**

WHEREAS, ACP-Tampa Bay Limited Partnership has filed a Notice of Proposed Change, dated September 11, 1997 (including the attached transportation assessment) and has responded to agency comments with sufficiency responses dated October 24, 1997 and incorporated herein by reference, which now proposes extension of the buildout date of the Development Order, the termination date of the Development Order and the date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning or intensity reduction, as amended by Ordinance Nos. 7819-A, 8348-A, 89-191, 90-16, 93-49, and 96-43 (collectively, the "Development Order as amended"), beyond that contained in the Applications for Development Approval (the "ADAs") approved and incorporated by reference in the Development Order as amended; and

WHEREAS, ACP-Tampa Bay Limited Partnership proposes to amend the Development Order to allow extension of the project build-out by 3 years, 52 days to December 31, 2001, extension of the Development Order termination date and extension of the date until which the local government agrees that the change to the DRI shall not be subject to down-zoning or intensity reduction by 3 years, 51, days to December 31, 2003.

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by ACP-Tampa Bay Limited Partnership concerning the extension of the expiration, buildout and intensity reduction dates; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1991) is authorized and empowered to consider Notices of Proposed Change to Developments of Regional Impact and to adopt and amend Development Orders concerning such development; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing on the subject proposed amendment before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on this proposed amendment to the Development Order as amended and has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by each party and

**Certified as true
and correct copy.**

members of the general public; and

WHEREAS, Section 380.06, Florida Statutes, requires that a development order be amended to reflect approval of changes to the approved development which have been found not to constitute substantial deviations, 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, findings that there is substantial competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Proposed Change attached hereto as "Exhibit A".

B. That the Developer proposes to further extend the estimated build-out date 3 years, 52 days, from November 9, 1998 to December 31, 2001, extend the Development Order termination date, and the date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning or intensity reduction by 3 years, 51 days to December 31, 2003, and that the Developer has satisfied the commencement requirement for the Development of the remaining unbuilt square footage. The Developer has rebutted the presumption that these changes constitute a substantial deviation, by clear and convincing evidence.

C. That the development will comply with all local land development regulations and the local comprehensive plan, respectively, and is vested from compliance with concurrency, pursuant to Chapter 163.3167(8), Florida Statutes.

D. That the development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with the State Comprehensive Plan.

E. That a comprehensive review of the impacts generated by the Notice of Proposed Change has been conducted by the City of Tampa.

F. That the development is not located in an area of critical state concern as designated pursuant to Section 380.05,

Florida Statutes (1991) as amended.

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

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. That review by the City, the Tampa Bay Regional Planning Council, DCA, and other participating agencies and interested citizens reveals that the impacts of the proposed change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Amendment.

C. That based on the foregoing and pursuant to Chapter 380.06 (19), Florida Statutes, the proposed change, specifically the extension of the Development Build-out date, is found not to be substantial deviation to the previously approved Development Order as amended.

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

A. Commencement and Buildout of Development. That the estimated buildout of the remaining unbuilt approved square footage consisting of the following:

Phase I: Office - 4,934 net rentable square feet

Phase III: Office - 276,922 net rentable square feet

is hereby extended to December 31, 2001 and the project having commenced prior to January 1, 1992 may, in the event of building permit expiration, proceed under the terms of this amended Order. Any development activity wherein permits have been approved by the City prior to the build-out date of this Order may be completed so long as total project development is substantially completed (90%) within one year (December 31, 2002) of the Phase III build-out date as provided herein.

Section 4. Transportation. Due to traffic congestion on the roadways serving the Tampa Bay Park development, and that the City has proposed a transportation concurrency exception area

**Certified as true
and correct copy.**

(TCEA) pursuant to Section 163.3180(5), Florida Statutes and Rule 9J-5.0055(6), Florida Administrative Code, the developer commits to coordinate with the City of Tampa and assist the City in improving mobility through encouraging various modes of transportation to serve the site including mass transit, pedestrian and bicycle modes of transport.

Section 5. That this Ordinance ("Development Order Extension Amendment") shall constitute an amendment to Ordinance No. 7368-A, Ordinance No. 8348-A, Ordinance No. 7819-A, Ordinance No. 89-191, Ordinance No. 90-16, Ordinance No. 93-49, and Ordinance No. 96-43 (previously defined collectively as the "Development Order as amended") of the City Council. All provisions of the Development Order as amended, except as amended hereby, shall be and remain in full force and effect and shall be considered conditions to this Development Order Extension Amendment unless inconsistent with the terms and conditions of this Development Order Extension Agreement, in which case the terms and conditions of this Development Order Extension Amendment shall govern.

Section 6. Binding Effect. That this ordinance shall be binding upon the Developer, its assigns and successors-in-interest.

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

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

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within (5) days of the effective date of this Ordinance, to the owner, ACP-Tampa Bay Limited Partnership, 201 East Pine Street, Suite 701, Orlando, Florida 32801, the Florida Department of Community Affairs (Bureau of land and Water Management), and the Tampa Bay Regional Planning Council.

Certified as true
and correct copy.

Section 10. Recordation. That the Developer shall record a notice of adoption of this Development Order Amendment as required pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

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 DEC 04 1997.

ATTEST:

Janett S. Martin

Ronnie Moser
CHAIRMAN, CITY COUNCIL

Prepared and Approved by:

Approved by me on DEC 09 1997

Andrew Jones
ASSISTANT CITY ATTORNEY

Rich A. Russo
MAYOR

State of Florida
County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of Ordinance 97-241
or file in my office
Witness my hand and official seal this 15th day
of Dec, 19 97

Janett S. Martin
CITY CLERK

EXHIBIT A

NOTICE OF PROPOSED CHANGE

TAMPA BAY PARK DRI # 64

**Certified as true
and correct copy.**

LAND DEVELOPMENT COORDINATION DIVISION
DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
306 EAST JACKSON STREET
CITY HALL PLAZA
3RD FLOOR, NORTH WING
TAMPA, FLORIDA 33602
(813) 274-8405

**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 DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, **David A. Winters**, the undersigned owner/authorization representative of **ACP - Tampa Bay Limited Partnership**, hereby give notice of 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 Bay Park** 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 Florida Department of Community Affairs, and the **Tampa Bay Regional Planning Council**.

9-11-97

(Date)



(Signature)

**Certified as true
and correct copy.**

2. Applicant (name, address, phone).

**ACP - Tampa Bay Limited Partnership
201 E. Pine Street, Suite 701
Orlando, Florida 32801
Attention: David A. Winters
(407) 849-2275**

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

**Dames & Moore
One N. Dale Mabry Hwy, Suite 700
Tampa, Florida 33609
Attention: Sean T. Stewart
(813) 875-1115**

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

City of Tampa, County of Hillsborough, Sections 3, Township 29 South, Range 18 East.

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

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

The proposed change is to extend the build out year for the project to December 31, 2001, an extension of three years. Please see the attached Exhibit A which provides a transportation analysis supporting the extension.

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.

See attached chart.

7. List all the dates and resolution number (or other appropriate identification numbers) of all modification 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

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and correct copy.**

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?

Original DRI Phase I:

Ordinance No. 7308-A, approved January 22, 1980. Approved for 406,000 net rentable square feet office, 34.88 acres.

Amendment to DRI (Addition of Phase II and III - Substantial Deviation)

Ordinance No. 7819-A, approved November 10, 1981. Added 36 acres to the original site. Approved 550,000 net rentable square feet office.

Amendment to Ordinance No. 78-19A (Non-Substantial Deviation)

Ordinance No. 8348-A, approved September 15, 1983. Permitted reconfiguration of previously approved Phases II and III.

Amendment to Ordinance No.'s 8348-A and 7819-A (Non-Substantial Deviation)

Ordinance No. 89-191, approved August 10, 1989. Extended the expiration date of the Development Order to December 31, 1995. Extended the estimated buildout date to December 31, 1992. Set January 1, 1992 as the commencement date for development of the unbuilt square footage unless time period extended by City.

Amendment to Ordinance Nos. 7819-A, 8348-A and 89-191 (Non-substantial Deviation)

Ordinance No. 90-16, approved January 25, 1990. Reconfigured Phase III. Approved increase in Phase III square footage by 59,900 gross square feet (55,100 net rentable) of office use. Permitted flexibility in location of square footage among new and existing buildings.

Amendment to Ordinance Nos. 7819-A, 8348-A, 89-191 and 90-16 (Non-substantial deviation)

Ordinance No. 93-49, approved April 1, 1993. Extended estimated buildout date to November 9, 1995. Extended expiration date to November 10, 2000. Recognized project commencement prior to January 1, 1992.

Amendment to Ordinance Nos. 7819-A, 8348-A, 89-191, 90-16 and 93-49 (Non-substantial deviation)

Ordinance no. 96-43, approved on February 21, 1996. Extended the estimated buildout date to November 9, 1998. Provided that any development activity which obtains permits prior to

**Certified as true
and correct copy.**

the buildout date may be completed so long as the development activity is substantially completed (90%) within one year of the Phase III buildout date. Provided that the estimated remaining unbuilt approved square footage consists of:

Phase I: Office 4,934 net rentable square feet.

Phase II: Office 276,922 net rentable square feet.

There has not been a change in the local government jurisdiction for any portion of the development since the last amendment to the Development Order was issued.

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

No land has been purchased or optioned within 1/4 mile of the original site other than the 36 acres included in the 1981 substantial deviation and approved for office park use on November 10, 1981 by Ordinance No. 7819-A.

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.

The new build out date for the project will be December 31, 2001.

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

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No.

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.

No changes are proposed 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 quantity:

- a. All proposed specific changes to the nature, phasing, and build out date of the 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;

See Exhibit B for the proposed Amendments to the Development Order.

- 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;

No change in the legal description is proposed.

- 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 ¹date that reasonably reflects the time required to complete the development;

The Developer proposes to extent the development order termination date from November 10, 2000 to December 31, 2003.

- 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

The Developer proposes to extend the 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 to December 31, 2003.

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- 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.

No change in the development order specifications for the annual report are proposed.

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SUBSTANTIAL DEVIATION DETERMINATION CHART¹

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Attraction/Recreation	# Parking Spaces		N/A	
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. Conditions			
Airports	ADA representations			
	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.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			

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¹Information assumes, for analysis purposes, development of the maximum amount of office uses and deletion of the entire amount of approved industrial uses. Actual development will be determined by use of the trade-off mechanism.

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
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		N/A	
Industrial	Acreage, including drainage, ROW, easements, etc. # Parking Spaces Building (gross square feet) # Employees Chemical storage (barrels and lbs.) Site Locational changes # External Vehicle Trips D.O. conditions ADA representations		N/A	

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
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.	Buildout date December 31, 2001	January 22, 1985	Ordinance No. 96-43 2/21/96
	Building (gross square feet)			
	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions ADA representations			

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Petroleum/Chemical Storage	Storage Capacity (barrels and/or lbs.)		N/A	
	Distance to Navigable Water (feet)			
	Site locational changes			
	Facility Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
	# boats, wet storage		N/A	
	# boats, dry storage			
	Dredge and Fill (cu.yds.)			
Ports (Marinas)	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Residential	# dwelling units Types of dwelling units # lots Acreage, including drainage, ROW, easements, etc. # External Vehicle Trips D.O. conditions ADA representations		N/A	
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		N/A	

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Hotel/Motel	# Rental Units			
	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			
Open Space (All natural and vegetated non-impervious surfaces)	Acreage		N/A	
	Site Locational Changes			
	Type of open space			
	D.O. conditions			
	ADA representations			

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TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Preservation, Buffer or Special Protection Areas	Acreage Site locational changes Development of site proposed D.O. conditions ADA representations		N/A	

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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EXHIBIT A

**BUILD OUT YEAR EXTENSION
TRANSPORTATION ANALYSIS**

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**TAMPA BAY PARK
DRI NO. 83**

**NOTICE OF PROPOSED CHANGE
TRANSPORTATION ANALYSIS**

PREPARED FOR:

**PREPARED BY:
DAMES & MOORE
ONE NORTH DALE MABRY HIGHWAY
SUITE 700
TAMPA, FLORIDA 33609
(813) 875-1115**

SEPTEMBER 1997

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1.0 INTRODUCTION

Tampa Bay Park (TBP) is an approved Development of Regional Impact (DRI) located within the City of Tampa. TBP is requesting an extension of the buildout date for the remaining development entitlement. The original approved buildout date for the TBP Development Order was November 9, 1985. Subsequently, several Notice of Proposed Change (NOPC) applications have been filed to extend the buildout date beyond 1985. The most recent NOPC was conducted in 1995 and was granted a buildout date of 1998. This current NOPC will seek approval to extend the buildout date to December 31, 2001. No other DRI Development Order changes to the project are proposed. This transportation analysis discusses the proposed impacts on the study area network around the site by extending the buildout date.

2.0 PROJECT LOCATION AND DESCRIPTION

The development (TBP) site is located in the northeast corner of Himes Avenue and Dr. Martin Luther King, Jr. Boulevard in Tampa. Tampa Bay Center Mall lies directly south of the site and St. Joseph's Hospital is located to the east. Also located to the southwest of the site is Tampa Stadium. Figure 1 illustrates the project site location.

The development consists of a 70.9-acre office complex with approximately 804,100 square feet (s.f.) constructed of a total approved 1,101,200 gross s.f. An extension of the buildout date for the remaining 297,100 gross s.f. is being requested through this NOPC traffic analysis. The project site has two full access signalized driveways onto Dr. Martin Luther King, Jr. Boulevard and one full access signalized driveway onto Himes Avenue. The Tampa Bay Center Mall shares the signals with the project site at the two driveways on Dr. Martin Luther King, Jr. Boulevard.

3.0 TRANSPORTATION METHODOLOGY

An analysis was performed to estimate the impacts of extending the buildout to 2001. Background traffic was determined by counts obtained from the City of Tampa and the Florida Department of Transportation (FDOT) and factored by a growth rate to determine future year volumes. Traffic generated from the remaining development increment was added to existing counts to determine total traffic volumes. The project traffic distribution and study area network were based on work previously completed by Dames & Moore for TBP and accepted by all reviewing agencies. Total traffic volumes were then analyzed by general analysis techniques to identify opportunities and constraints of the roadway network to accommodate the extended buildout.

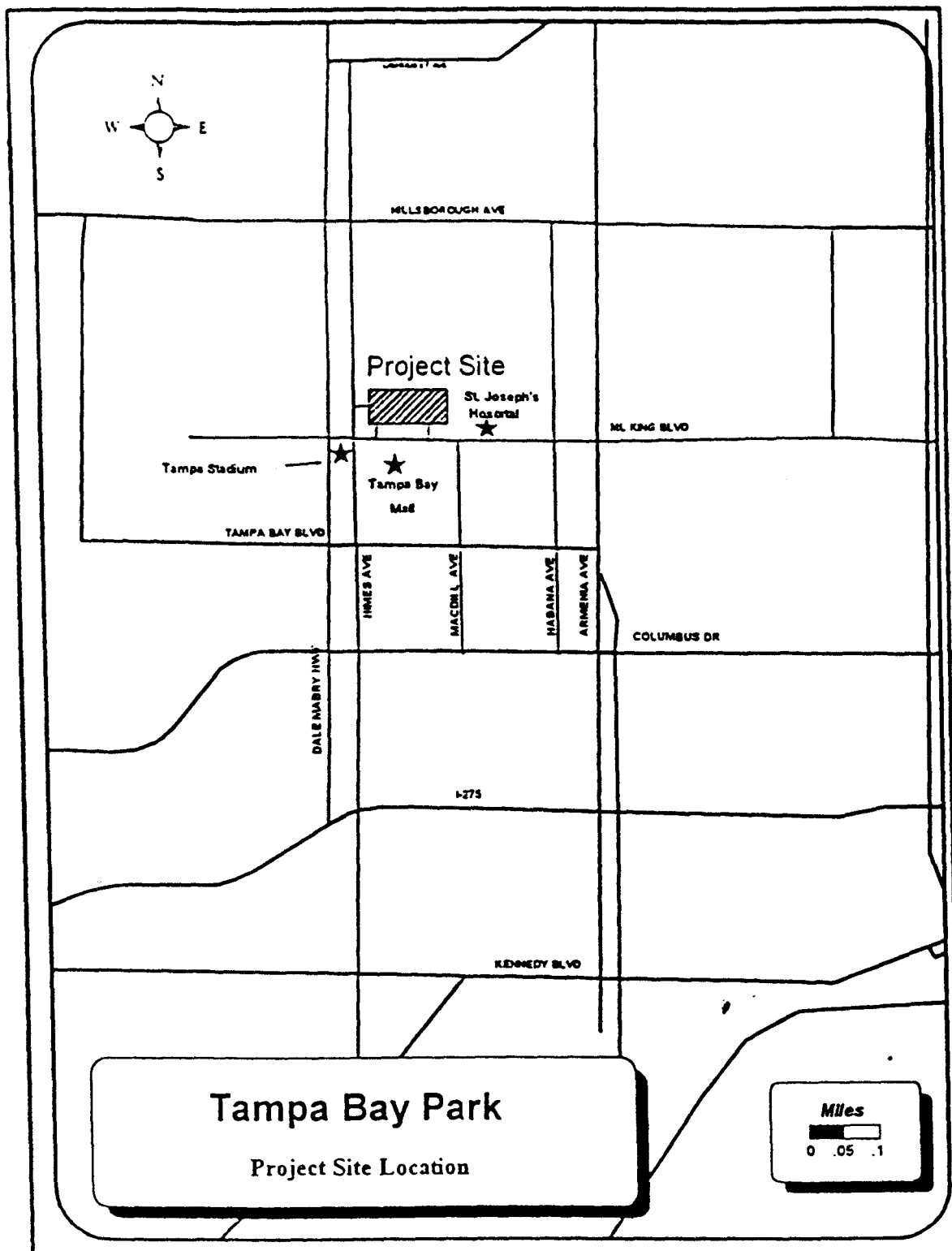


Figure 1. Project Site Location

A comparative analysis was also performed to illustrate the similarities and differences with the original DRI analysis completed in 1981 and approved for a buildout date of 1985. This comparative analysis was done to demonstrate that the proposed buildout extension is not a substantial deviation from the original DRI analysis. This methodology is consistent with all previous studies performed for TBP.

4.0 TRANSPORTATION ANALYSIS

4.1 Existing Conditions

Existing peak-hour conditions were analyzed based upon current count information received from the City of Tampa and the FDOT. FDOT generalized service volume tables from the 1995 LOS Manual were used to determine a level of service for each link within the study area. All of the roads were classified as Class Ia (arterials with 0.00 to 2.49 signalized intersections per mile) in accordance with the FDOT generalized service volume tables, which was consistent with the previous NOPC completed in 1995 and actual field conditions. The results of this analysis are displayed in Table 1.

4.2 Background Traffic

Future non-project traffic (background traffic) was estimated for the proposed project buildout year of 2001 by increasing current year or existing traffic by annual growth rates. These growth rates were estimated by determining a linear growth rate from historical count information obtained from the City of Tampa and the FDOT. The growth rates were estimated on a corridor level basis and are shown in Table 2. Worksheets indicating the development of these rates are provided in Appendix A.

TABLE 1
EXISTING CONDITIONS

1997 EXISTING VOLUMES										
ON STREET	FROM	TO	COMMITTED LANES	DAILY AADT	DATE	SOURCE	PEAK HOUR NB/EB	SB/MB	PEAK HOUR LOS NB/EB	SB/MB
DR. M.L. KING JR. BLVD I-275	FLORIDA BOULEVARD	FLORIDA BOULEVARD	4LU	34612	1996	FDOT COUNT		1575	1575 C	C
	ARMENIA	ARMENIA	4LU	34417	1995	FDOT COUNT		1754	1378 D	B
	HABANA	HABANA	4LU	34220	1996	CITY COUNT		1744	1370 D	B
	MACDILL	MACDILL	5LU	35281	1995	CITY COUNT		1830	1381 D	B
	PROJECT	PROJECT	4LD	33260	1995	CITY COUNT		1725	1302 C	B
	HIMES	HIMES	4LD	29951	1996	CITY COUNT		1445	1281 B	B
	DALE MABRY	DALE MABRY	4LD	29951	1996	CITY COUNT		1172	1554 B	C
	DALE MABRY	LOIS	6LD	32692	1995	CITY COUNT		1220	1755 B	B
	DALE MABRY	LOIS	2LU	14774	1996	CITY COUNT		713	631 C	B
DALE MABRY HWY.	I-275	SPRUCE	6LD	67867	1996	CITY COUNT		3336	2842 F	F
	SPRUCE	COLUMBUS	6LD	68026	1995	CITY COUNT		3343	2847 F	F
	COLUMBUS	DR. M.L. KING JR.	6LD	73768	1995	CITY COUNT		3893	2820 F	D
	DR. M.L. KING JR.	HILLSBOROUGH	6LD	72150	1995	CITY COUNT		3808	2758 F	D
	HILLSBOROUGH	LAMBRIGHT	6LD	81565	1996	CITY COUNT		4231	3191 F	F
	LAMBRIGHT	BUSCH	6LD	82641	1996	FDOT COUNT		4267	3233 F	F
HILLSBOROUGH AVE.	BOULEVARD	ARMENIA	4LU	36081	1995	CITY COUNT		1767	1698 D	D
	ARMENIA	HABANA	4LU	39004	1995	CITY COUNT		1917	1632 F	C
	HABANA	HIMES	4LU	39004	1995	CITY COUNT		1917	1632 F	C
	HIMES	DALE MABRY	4LD	49019	1995	CITY COUNT		2320	2141 F	F
	DALE MABRY	LOIS	4LD	56518	1995	CITY COUNT		2572	2571 F	F
HIMES AVE.	COLUMBUS	DR. M.L. KING JR.	4LD	28233	1995	CITY COUNT		1542	1027 C	B
	DR. M.L. KING JR.	PROJECT	4LD	23365	1995	CITY COUNT		1277	851 B	B
	PROJECT	HILLSBOROUGH	4LD	23385	1995	CITY COUNT		1277	851 B	B
COLUMBUS DR.	HILLSBOROUGH	LAMBRIGHT	2LU	20844	1996	CITY COUNT		1138	759 F	C
	BOULEVARD	HOWARD	4LU	16366	1996	CITY COUNT		953	536 B	B
	HOWARD	HIMES	4LU	23815	1996	CITY COUNT		1235	932 B	B
ARMENIA AVE.	DALE MABRY	LOIS	6LD	41505	1995	CITY COUNT		2379	1398 C	B
	SLIGH	HILLSBOROUGH	4LU	22522	1995	CITY COUNT		1332	717 B	B
	HILLSBOROUGH	DR. M.L. KING JR.	4LU	23229	1995	CITY COUNT		1311	803 B	B
HABANA AVE.	DR. M.L. KING JR.	TAMPA BAY	4LU	24690	1995	CITY COUNT		1303	944 B	B
	TAMPA BAY	COLUMBUS	2LO	13715	1996	CITY COUNT		0	1246 N/A	B
	COLUMBUS	I-275	2LO	18616	1996	CITY COUNT		0	1694 N/A	B
TAMPA BAY	DR. M.L. KING JR.	TAMPA BAY	2LU	8899	1995	CITY COUNT		502	308 B	B
	TAMPA BAY	COLUMBUS	2LU	7164	1995	CITY COUNT		404	248 B	B
MACDILL AVE.	TAMPA BAY	COLUMBUS	2LU	10894	1995	CITY COUNT		496	495 B	B

Source: Dames & Moore, 1997

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**TABLE 2
GROWTH RATES**

Road Corridor	Growth Rate
Dr. M.L. King Jr. Blvd.	1.8%
Dale Mabry Hwy.	1.4%
Hillsborough Ave.	1.0%
Himes Ave.	2.2%
Columbus Dr.	1.9%
Armenia Ave.	1.2%
Habana Ave.	1.5%
MacDill Ave.	1.5%
Source: Dames & Moore, 1997	

As shown in Table 2, the growth rates varied from 1.0% per year on Hillsborough Avenue to 2.2% per year on Himes Avenue. Based on available information, these growth rates are appropriate for this area.

4.3 Project Traffic

Traffic generation for the remaining 297,100 gross s.f. of general office space was estimated using the 5th Edition of the Institute of Transportation Engineers (ITE), Trip Generation. As applied in the previous studies for TBP, ITE land use code 710 (General Office Building) was used to estimate generate project traffic. From this analysis, it was estimated that 3,196 total daily trips and 415 p.m. peak-hour trips will be generated by the additional square footage. The constructed 804,100 square feet of office is built-out and traffic associated with this portion of development was considered as part of existing traffic volumes. The trip generation analysis is summarized in Table 3.

**TABLE 3
TRIP GENERATION**

	Daily	P.M. Peak Hour	
		In	Out
Total Site (1,101,200 s.f)	8,605	185	904
Already Constructed (804,100 s.f)	6,785	147	717
Total New Project* (297,100 s.f.)	<u>3,196</u>	<u>71</u>	<u>344</u>
Source: ITE, Trip Generation, 3rd Edition, 1991 Dames & Moore, 1997			

* The total new project was considered a separate component/facility from the rest of the site and, thus, the trip generation for this portion was estimated as such.

The p.m. peak-hour trips reported in Table 3 were added to the background traffic volumes using the trip distribution from the previous NOPC completed in 1995. Project traffic volumes and distribution are illustrated in Appendix B.

4.4 Future Conditions

Future p.m. peak-hour conditions on the study network were analyzed using the background and project traffic volumes discussed above and the FDOT generalized service volume tables. Table 4 shows the results of the analysis.

A comparative analysis was also performed to show similarities and differences between the original DRI analysis with a 1985 buildout date and the proposed 2001 buildout year analysis. The comparative analysis approach was used in the previous NOPC completed in 1995. This comparative analysis is shown in Table 5.

As indicated in Table 5, all roadways will maintain the same level of service (LOS) except Himes Avenue from Columbus Drive to the project site and Armenia Avenue from Sligh Avenue to Hillsborough Avenue. In these cases, the LOS estimated in 2001 is still acceptable (LOS C). In many instances, the levels of service actually

**TABLE 4
FUTURE CONDITIONS**

ON STREET	FROM	TO	2001 TOTAL VOLUMES					PEAK HOUR LOS	
			2001 COMMITTED LANES	DAILY AADT	PEAK HOUR NB/EB	SBWB	NB/EB	SBWB	LOS
DR. M.L. KING JR. BLVD.	I-275	FLORIDA	4LU	37348	1710	1694	D	D	D
	FLORIDA	BOULEVARD	4LU	37170	1907	1483	F	F	C
	BOULEVARD	ARMENIA	4LU	37007	1901	1474	F	F	C
	ARMENIA	HABANA	5LU	38242	2003	1487	F	F	C
	HABANA	MACDILL	4LD	38135	1898	1403	F	F	B
	MACDILL	PROJECT	4LD	32677	1606	1383	C	C	B
	PROJECT	HIMES	4LD	32773	1267	1733	B	B	C
	HIMES	DALE MABRY	6LD	35717	1318	1950	B	B	B
	DALE MABRY	LOIS	2LU	15963	786	690	C	C	C
DALE MABRY HWY.	I-275	SPRUCE	6LD	72042	3530	3034	F	F	F
	SPRUCE	COLUMBUS	6LD	72205	3538	3041	F	F	F
	COLUMBUS	DR. M.L. KING JR.	6LD	78306	4120	3016	F	F	F
	DR. M.L. KING JR.	HILLSBOROUGH	6LD	76468	347	2917	F	F	F
	HILLSBOROUGH	LAMBRIGHT	6LD	86837	4539	3383	F	F	F
	LAMBRIGHT	BUSCH	6LD	87751	4574	3423	F	F	F
HILLSBOROUGH AVE.	BOULEVARD	ARMENIA	6LD	39852	1863	1770	B	B	B
	ARMENIA	HABANA	6LD	40971	2035	1704	B	B	B
	HABANA	HIMES	6LD	41034	2000	1747	B	B	B
	HIMES	DALE MABRY	6LD	51872	2426	2321	C	C	C
	DALE MABRY	LOIS	6LD	59259	2682	2724	D	D	D
HIMES AVE.	COLUMBUS	DR. M.L. KING JR.	4LD	31153	1686	1157	C	C	B
	DR. M.L. KING JR.	PROJECT	4LD	25864	1397	967	B	B	B
	PROJECT	HILLSBOROUGH	4LD	27142	1569	951	C	C	B
	HILLSBOROUGH	LAMBRIGHT	2LU	23059	276	831	F	F	D
COLUMBUS DR.	BOULEVARD	HOWARD	4LU	17710	1035	579	B	B	B
	HOWARD	HIMES	4LU	25837	1349	1007	B	B	B
	DALE MABRY	LOIS	6LD	44782	2566	1509	C	C	B
ARMENIA AVE.	SLIGH	HILLSBOROUGH	4LU	23751	1411	755	C	C	B
	HILLSBOROUGH	DR. M.L. KING JR.	4LU	24396	1378	842	B	B	B
	DR. M.L. KING JR.	TAMPA BAY	4LU	25861	1368	997	B	B	B
	TAMPA BAY	COLUMBUS	2LO	14449	0	1316	N/A	N/A	B
	COLUMBUS	I-275	2LO	19582	0	1784	N/A	N/A	B
HABANA AVE.	DR. M.L. KING JR.	TAMPA BAY	2LU	9509	534	333	B	B	B
	TAMPA BAY	COLUMBUS	2LU	7688	430	270	B	B	B
MACDILL AVE.	TAMPA BAY	COLUMBUS	2LU	11658	527	537	B	B	B

Source: Dames & Moore, 1997

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TABLE 5
LOS COMPARATIVE ANALYSIS BETWEEN ORIGINAL DRI ANALYSIS AND THE 2001 BUILDOUT YEAR

ON STREET	FROM	TO	1985 DRI		2001 EXTENSION	
			P.M. PEAK HOUR TWO WAY VOLUMES	LEVELS OF SERVICE	P.M. PEAK HOUR LEVELS OF SERVICE	NB/EB SB/WB
DR. M.L. KING JR. BLVD.	I-275	FLORIDA	N/A		D	D
	BOULEVARD	ARMENIA	N/A		F	C
	ARMENIA	HABANA	F		F	C
	HABANA	MACDILL	F		F	B
	MACDILL	PROJECT	E		C	B
	PROJECT	HIMES	D		B	C
	HIMES	DALE MABRY	E		B	B
DALE MABRY HWY.	DALE MABRY	LOIS	C		C	C
	I-275	SPRUCE	F		F	F
	COLUMBUS	DR. M.L. KING JR.	F		F	F
	DR. M.L. KING JR.	HILLSBOROUGH	F		F	F
	HILLSBOROUGH	LAMBRIGHT	F		F	F
	LAMBRIGHT	BUSCH	F		F	F
	BUSCH					
HILLSBOROUGH AVE.	BOULEVARD	ARMENIA	F		J	B
	ARMENIA	HABANA	F		B	B
	HABANA	HIMES	F		B	B
	HIMES	DALE MABRY	F		C	C
	DALE MABRY	LOIS	F		D	D
	LOIS					
HIMES AVE.	COLUMBUS	DR. M.L. KING JR.	B		C	B
	DR. M.L. KING JR.	PROJECT	A		B	B
	PROJECT	HILLSBOROUGH	C		C	B
	HILLSBOROUGH	LAMBRIGHT	F		F	D
COLUMBUS DR.	BOULEVARD	HOWARD	B		B	B
	HOWARD	HIMES	D		B	B
	DALE MABRY	LOIS	F		C	B
ARMENIA AVE.	SLIGH	HILLSBOROUGH	B		C	B
	HILLSBOROUGH	DR. M.L. KING JR.	E		B	B
	DR. M.L. KING JR.	TAMPA BAY	C		B	B
	TAMPA BAY	COLUMBUS	C		N/A	B
	COLUMBUS	I-275	C		N/A	B
HABANA AVE.	DR. M.L. KING JR.	TAMPA BAY	C		B	B
	TAMPA BAY	COLUMBUS	C		B	B
	COLUMBUS					
MACDILL AVE.	TAMPA BAY	COLUMBUS	C		B	B

Source: Dames & Moore, 1997

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improve due to recent roadway improvements in the area (i.e., Hillsborough Avenue and Columbus Drive) and an increase in service volumes in the FDOT generalized tables, thus, creating the propensity to have better levels of service.

Table 6 illustrates a comparison of volume to capacity (v/c) ratios between the original buildout year analysis of 1985 and the proposed buildout year analysis of 2001. This comparison was also used in the previous NOPC completed in 1995.

TABLE 6
VOLUME TO CAPACITY COMPARISON

ROAD CORRIDOR	1985 AVERAGE TOTAL VOLUME	1985 AVERAGE DAILY CAPACITY	2001 AVERAGE TOTAL VOLUME	2001 AVERAGE DAILY CAPACITY	1985 AVERAGE V/C RATIO	2001 AVERAGE V/C RATIO
Dr. M.L. King Jr. Blvd.	31,800	34,700	33,670	34,980	0.9	1.0
Dale Mabry Hwy.	56,800	49,100	78,940	53,700	1.2	1.5
Hillsborough Ave.	40,600	34,200	46,600	53,700	1.2	0.9
Himes Ave.	23,400	30,900	26,800	30,920	0.8	0.9
Columbus Dr.	27,900	30,100	29,440	40,510	0.9	0.7
Armenia Ave.	19,700	23,500	21,630	28,920	0.8	0.7
Habana Ave.	8,500	15,700	8,590	16,600	0.5	0.5
MacDill Ave.	9,200	15,700	11,660	16,600	0.6	0.7
AVERAGE V/C					0.86	0.86
Source: Dames & Moore, 1997						

As shown in this table, the results indicated that, overall, the volume to capacity ratios are equivalent. The only road corridors to experience higher v/c ratios are Dr. Martin Luther King, Jr. Boulevard, Dale Mabry Highway, Himes Avenue, and MacDill Avenue. However, it should be noted that the new project trips will only make up approximately 1.1 percent of the total volume on Dr. Martin Luther King, Jr. Boulevard and approximately 0.5 percent of the total volume on Dale Mabry Highway. In addition, new project trips will account for only 2.5 percent of the total volume on Himes Avenue and 0.8 percent of the total volume on Mac Dill Avenue. As shown by these results, impacts generated by new project trips on the adjacent road corridors will be negligible. The rest of the v/c ratios either remained the same or improved. The improvements may be attributed to the explanation previously described. The overall average for the study network remained the same at 0.86. These findings are similar to the previous NOPC analysis prepared for TBP in 1995.

5.0 CONCLUSION

In summary, the buildout extension request to 2001 is not a substantial deviation because overall traffic conditions are equivalent to those reported and approved in the 1981 DRJ analysis. Also, review of the analysis indicates that no new improvements are needed to accommodate the extension of buildout to December 31, 2001. Therefore, the project should be approved to allow this extension.

APPENDIX A
GROWTH RATE WORKSHEETS

**Certified as true
and correct copy.**

Dale Mabry Hwy.

			<u>'92</u>	<u>'96</u>
Dale Mabry	Spruce Columbus		55,831	69,000
	Columbus Dr. MLK Jr.		78,808	75,000
	Dr. MLK Jr. Hillstorough		<u>71,880</u>	<u>74,500</u>
			206,519	218,500
			1.4% / yr.	

Growth Rate = 1.4% / yr

Hillstorough Ave.

			<u>'91</u>	<u>'96</u>
Hillstorough	E. of Dale Mabry		45,623	43,500
	W. of Florida		<u>29,943</u>	<u>35,500</u>
			75,566	79,000
			1.0% / yr.	

Growth Rate = 1.0% / yr.

A-1

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and correct copy.

Dr. ML King Jr. Blvd.

			<u>'92</u>	<u>'96</u>
Dr. ML King Jr.	I-275	Florida	31,775	34,000
	Florida	Boulevard	29,932	37,000
	Boulevard	Armenia	34,239	37,000
	Armenia	Habana	32,441	31,000
	Himes	Dale Mabry	<u>29,674</u>	<u>31,000</u>
			158,061	170,000
			1.8%/yr.	

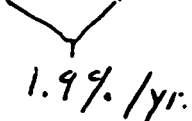
Growth Rate = 1.8% / yr.

Himes Ave.

			<u>'90</u>	<u>'95</u>
Himes	Hillborough	Columbus	68,398	76,451
			2.2%/yr.	

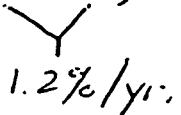
Growth Rate = 2.2% / yr.

Columbus Dr.

			<u>1992</u>	<u>1996</u>
Columbus	Beukeland	Howard	15,106	16,060
	Howard	Himes	<u>18,805</u>	<u>20,556</u>
			33,911	36,616
				

Growth Rate = 1.9% / yr.

Armenia Ave.

			<u>1993</u>	<u>1995</u>
Armenia	Sligh	Hillslorough	21,782	21,991
	Hillslorough	Dr. MLK	22,481	22,681
	Dr. MLK	Tampa Bay	<u>22,906</u>	<u>24,108</u>
			67,169	68,780
				

Growth Rate = 1.2% / yr.

Habana / Mac Dill

			<u>'91</u>	<u>'95</u>
Habana	Dr. MLK	Tampa Bay	8,199	8,638
	Tampa Bay	Columbus	7,340	6,954
Mac Dill	Dr. MLK	Tampa Bay	6,103	7,944
	Tampa Bay	Columbus	10,428	10,574
			<u>32,070</u>	<u>34,110</u>
			\searrow 1.5% / yr	

Growth Rate for both facilities = 1.5%/yr

APPENDIX B
PROJECT TRAFFIC AND DISTRIBUTION

**Certified as true
and correct copy.**

PROJECT VOLUMES

ON STREET	FROM	TO	COMMITTED LANES	PERCENT ASSIGN	DAILY	PEAK HOUR NB/EB	SB/MTB
DR. M.L. KING JR. BLVD.	I-275	FLORIDA	4LU	5.5%	176	19	
	FLORIDA	BOULEVARD	4LU	6.5%	208	23	
	BOULEVARD	ARMENIA	4LU	8.0%	256	28	
	ARMENIA	HABANA	5LU	11.0%	352	38	
	HABANA	MACDILL	4LD	13.0%	415	45	
	MACDILL	PROJECT	4LD	16.0%	511	55	
	PROJECT	HIMES	4LD	19.0%	607	8	
	HIMES	DALE MABRY	6LD	19.0%	607	8	
	DALE MABRY	LOIS	2LU	3.0%	96	1	
DALE MABRY HWY.	I-275	SPRUCE	6LD	8.5%	272	3	
	SPRUCE	COLUMBUS	6LD	9.0%	288	4	
	COLUMBUS	DR. M.L. KING JR.	6LD	10.0%	320	4	
	DR. M.L. KING JR.	HILLSBOROUGH	6LD	6.0%	192	21	
	HILLSBOROUGH	LAMBRIGHT	6LD	19.0%	607	66	
	LAMBRIGHT	BUSCH	6LD	12.0%	384	42	
HILLSBOROUGH AVE.	BOULEVARD	ARMENIA	4LU	7.0%	224	24	
	ARMENIA	HABANA	4LU	12.0%	384	41	
	HABANA	HIMES	4LU	14.0%	447	6	
	HIMES	DALE MABRY	4LD	27.0%	863	12	
	DALE MABRY	LOIS	4LD	14.0%	447	6	
HIMES AVE.	COLUMBUS	DR. M.L. KING JR.	4LD	11.0%	352	4	
	DR. M.L. KING JR.	PROJECT	4LD	11.0%	352	4	
	PROJECT	HILLSBOROUGH	4LD	51.0%	1630	176	
	HILLSBOROUGH	LAMBRIGHT	2LU	10.0%	320	34	
COLUMBUS DR.	BOULEVARD	HOWARD	4LU	2.0%	64	7	
	HOWARD	HIMES	4LU	5.0%	160	17	
	DALE MABRY	LOIS	6LD	1.0%	32	0	
ARMENIA AVE.	SLIGH	HILLSBOROUGH	4LU	4.0%	128	14	
	HILLSBOROUGH	DR. M.L. KING JR.	4LU	1.0%	32	3	
	DR. M.L. KING JR.	TAMPA BAY	4LU	2.0%	64	1	
	TAMPA BAY	COLUMBUS	2LO	2.0%	64	0	
	COLUMBUS	I-275	2LO	2.0%	64	0	
HABANA AVE.	DR. M.L. KING JR.	TAMPA BAY	2LU	2.0%	64	1	
	TAMPA BAY	COLUMBUS	2LU	2.0%	64	1	
MACDILL AVE.	TAMPA BAY	COLUMBUS	2LU	3.0%	96	1	

B-1

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and correct copy.

EXHIBIT B

TRANSPORTATION ANALYSIS

AGENCY SUFFICIENCY RESPONSES



DAMES & MOORE

A DAMES & MOORE GROUP COMPANY

One North Dale Mabry Highway
Suite 700
Tampa, Florida 33609
813 875 1115 Tel
813 874 7424 Fax

October 24, 1997

Mr. Kent Fast
Transportation Planner
Florida Department of Transportation
11201 N. McKinley Drive
Tampa, Florida 33612

RE: Tampa Bay Park NOPC

Dear Kent:

We have received your review comments regarding the Tampa Bay Park NOPC application. Your comments are provided below in bold, followed by our responses.

1. In Table B-1, Himes Avenue between Columbus and Lambright appears to carry a substantial percentage of project traffic. Table 4 indicates that the two lane portion of Himes between Hillsborough and Lambright will have a peak hour LOS F for northbound traffic and D for southbound traffic. Please explain why this segment of roadway should not be improved as a result of this project.

The LOS F condition documented for future conditions on Himes Avenue is at the same level as studied in the original DRI transportation study. As shown in Table 5, the original DRI identified a LOS F condition for this segment. The traffic conditions are equivalent to those reported and approved in the 1981 DRI transportation study and development order. Therefore, the segment of Himes Avenue from Hillsborough to Lambright will not require an improvement as a result of the project.

2. Also, please label Table 4 to show what year "Future Conditions" represents.

Table 4 has been relabeled to include the 2001 future buildout date.

3. Also, please indicate the source of traffic volumes for Himes Avenue as depicted on page A-2.

Comment: The traffic counts used for Himes Avenue were obtained from the City of Tampa's Concurrency Spreadsheet dated August 1997. The volume reflects a cumulative volume on three segments. This was done to develop an overall estimate of growth on the corridor. The average daily volume on Himes Avenue on each segment is currently at approximately 25,000.

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and correct copy.**



DAMES & MOORE

A DAMES & MOORE GROUP COMPANY

Mr. Kent Fast

October 24, 1997

Page 2

I appreciate your time and look forward to talking with you to resolve your comments. If you have any questions regarding the information provided, please call me at your convenience.

Sincerely,

Dames & Moore, Inc.

Angelo G. Belluccia, PE

Attachment - Revised Table 4 to include Future Conditions date

cc: Mr. Tim Butts, TBRPC
Mr. Steve Luce, Hillsborough County
Ms. Marina Pennigton, DCA
Ms. Susan Johnson, City of Tampa
Mr. Mahdi Mansour, City of Tampa
Mr. Sean Stewart, D&M

**Certified as true
and correct copy.**

TABLE 4
2001 FUTURE CONDITIONS

ON STREET	FROM	TO	COMMITTED LANES	2001 TOTAL VOLUMES			PEAK HOUR LOS	
				DAILY AADT	PEAK HOUR NB/EB	SBWB	NB/EB	SBWB
DR. M.L. KING JR. BLVD.	I-275	FLORIDA	4LU	37348	1710	1694 D	D	
	FLORIDA	BOULEVARD	4LU	37170	1907	1483 F	C	
	BOULEVARD	ARMENIA	4LU	37007	1901	1474 F	C	
	ARMENIA	HABANA	5LU	38242	2003	1487 F	C	
	HABANA	MACDILL	4LD	36135	1898	1403 F	B	
	MACDILL	PROJECT	4LD	32677	1606	1383 C	B	
	PROJECT	HIMES	4LD	32773	1267	1733 B	C	
	HIMES	DALE MABRY	6LD	35717	1318	1950 B	B	
DALE MABRY HWY.	DALE MABRY	LOIS	2LU	15963	766	690 C	C	
	I-275	SPRUCE	6LD	72042	3530	3034 F	F	
	SPRUCE	COLUMBUS	6LD	72205	3538	3041 F	F	
	COLUMBUS	DR. M.L. KING JR.	6LD	78306	1120	3016 F	F	
	DR. M.L. KING JR.	HILLSBOROUGH	6LD	76468	4047	2917 F	F	
	HILLSBOROUGH	LAMBRIGHT	6LD	86837	4539	3383 F	F	
	LAMBRIGHT	BUSCH	6LD	87751	4574	3423 F	F	
	HILLSBOROUGH AVE.	BOULEVARD	ARMENIA	6LD	39852	1863	1770 B	B
ARMENIA		HABANA	6LD	40971	2035	1704 B	B	
HABANA		HIMES	6LD	41034	2000	1747 B	B	
HIMES		DALE MABRY	6LD	51872	2426	2321 C	C	
DALE MABRY		LOIS	6LD	59259	2682	2724 D	D	
HIMES AVE.		COLUMBUS	DR. M.L. KING JR.	4LD	31153	1686	1157 C	B
		DR. M.L. KING JR.	PROJECT	4LD	25864	1397	967 B	B
		PROJECT	HILLSBOROUGH	4LD	27142	1569	951 C	B
	HILLSBOROUGH	LAMBRIGHT	2LU	23059	1276	831 F	D	
COLUMBUS DR.	BOULEVARD	HOWARD	4LU	17710	1035	579 B	B	
	HOWARD	HIMES	4LU	25837	1349	1007 B	B	
	DALE MABRY	LOIS	6LD	44782	2566	1509 C	B	
ARMENIA AVE.	SLUGH	HILLSBOROUGH	4LU	23751	1411	755 C	B	
	HILLSBOROUGH	DR. M.L. KING JR.	4LU	24396	1378	842 B	B	
	DR. M.L. KING JR.	TAMPA BAY	4LU	25961	1368	997 B	B	
	TAMPA BAY	COLUMBUS	2LO	14449	0	1316 N/A	B	
	COLUMBUS	I-275	2LO	19592	0	1784 N/A	R	
HABANA AVE.	DR. M.L. KING JR.	TAMPA BAY	2LU	9509	534	333 B	B	
	TAMPA BAY	COLUMBUS	2LU	7668	430	270 B	B	
MACDILL AVE.	TAMPA BAY	COLUMBUS	2LU	11658	527	537 B	R	

Source: Dames & Moore, 1997

Certified as true
and correct copy.

Memo



DAMES & MOORE

A DAMES & MOORE GROUP COMPANY

One North Dale Mabry
Suite 700
Tampa, FL 33609
(813) 875-1115 Tel
(813) 874-7424 Fax

TO:	INFO:	FILE:
Darrin Taylor, DCA Kent Fast, FDOT Mahdi Mansour, City	Gerry Harter, D&M Sean Stewart, D&M David Winters, ACP	23124-004
FROM: Angelo Belluccia		
DATE: November 6, 1997		
SUBJECT: Tampa Bay Park NOPC		

Per discussions with Darrin Taylor, attached is a supplemental traffic analysis to support the extension of the Tampa Bay Park DRI buildout date. This traffic analysis uses the City of Tampa's adopted capacities and adopted v/c ratios standards. With these more specific capacities and adopted standards, the five percent study area and the operation of the roadway segments were redefined. From review of this information, it can be determined that there are no significantly impacted roadway facilities. For those roadways in the defined study area, these results are consistent with the City of Tampa's Comp Plan.

If you have any questions regarding the attached analysis, please contact me at (813) 875-1115.

s:\agb\dca.wpt

Certified as true
and correct copy.

Original and copy.

[illegible][illegible]

- (1) Obtained from MDOT, 1997
- (2) City of Tampa's Concurrency Spreadsheet, Aug. 13, 1997 and Comprehensive Plan
- (3) 2001 Background plus Project Traffic



CITY OF TAMPA

Janett S. Martin, City Clerk

Office of City Clerk

February 23, 1996

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

RE: Petition No. Z79-7A
Ordinance No. 96-43

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: Ordinance No. 96-43 (Tampa Bay Park)

cc: Land Development Coordination

ORDINANCE NO. 96-43

TBRPC
{certified}
mail

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY O'CONNOR REALTY ADVISORS INCORPORATED, FOR TAMPA BAY PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT AND SUBSEQUENT AMENDMENTS THERETO; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7368-A passed and ordained by the City Council of the City of Tampa, Florida, on January 22, 1980, approved a Development Order for Tampa Bay Park, a Development of Regional Impact (the "Development Order"); and

WHEREAS, Ordinance No. 7819-A passed and ordained by the City Council of the City of Tampa, Florida, on November 10, 1981, approved a Development Order for Tampa Bay Park Expansion, as a substantial deviation amending the Development Order; and

WHEREAS, Ordinance No. 8348-A passed and ordained by the City Council of the City of Tampa, Florida, on September 15, 1983, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 89-191 passed and ordained by the City Council of the City of Tampa, Florida on August 10, 1989 approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 90-16 passed and ordained by the City Council of the City of Tampa, Florida on January 25, 1990 approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 93-49 passed and ordained by the City Council of the City of Tampa, Florida, on April 1, 1993, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, O'Connor Realty Advisors Incorporated has filed a Notice of Proposed Change pursuant to Florida Statutes § 380.06(19), dated November 6, 1995 (including the attached November 6, 1995 transportation assessment) and has responded to review agency comments with sufficiency responses dated December 22, 1995 and January 5, 1996 attached collectively as "Cumulative Exhibit A" and incorporated herein by reference, which now proposes extension of the buildout date of the Development Order as amended by Ordinance Nos. 7819-A, 8348-A, 89-191, 90-16 and 93-49 (collectively, the "Development Order as amended"), beyond that

Certified as true
and correct copy

contained in the Applications for Development Approval (the "ADAs") approved and incorporated by reference in the Development Order as amended; and

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by O'Connor Realty Advisors Incorporated concerning the extension of the expiration, buildout and commencement dates; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes is authorized and empowered to consider Notices of Proposed Change to Developments of Regional Impact and to adopt and amend Development Orders concerning such development; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing on the subject proposed amendment before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on this proposed amendment to the Development Order, as amended, 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, Section 380.06, Florida Statutes, requires that a development order be amended to reflect approval of changes to the approved development which have been found not to constitute substantial deviations; 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 Notice of Proposed Change attached hereto as "Cumulative Exhibit A" and incorporated herein by reference.

B. That the Developer proposes to further extend the estimated build-out date 3 years, from November 9, 1995 to November 9, 1998; and that the Developer

has satisfied the commencement requirement for the Development of the remaining unbuilt square footage. The cumulative extension of the build-out date of the 1981 Development Order is proposed to be for a period of 13 years, 9 months and 18 days (January 22, 1985 to November 9, 1998). The Developer has rebutted the presumption that these changes constitute a substantial deviation, by clear and convincing evidence.

B. That the development will comply with all local land development regulations and the local comprehensive plan, respectively, and is vested from compliance with concurrency, pursuant to Chapter 163.3167(8), Florida Statutes.

C. That the development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with the State Comprehensive Plan.

D. That the development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

E. That a comprehensive review of the impacts generated by the Notice of Proposed Change has been conducted by the City and the Tampa Bay Regional Planning Council.

F. That the development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1991) as amended.

G. That the proposed change does 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 does the change create impacts not previously reviewed.

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

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. The review by the City, the Tampa Bay Regional Planning Council, DCA, and other participating agencies and interested citizens reveals that the impacts of the proposed change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Amendment.

C. That based on the foregoing, and pursuant to Chapter 380.06 (19), Florida Statutes, the proposed change, specifically the extension of the Development build-out date, is found individually and cumulatively not to be a substantial deviation to the previously approved Development Order as amended.

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

A. Commencement and Buildout of Development. That the estimated buildout of the remaining unbuilt approved square footage consisting of the following:

Phase I: Office - 4,934 net rentable square feet

Phase III: Office - 276,922 net rentable square feet

is hereby extended to November 9, 1998 and the project having commenced prior to January 1, 1992 may, in the event of building permit expiration, proceed under the terms of this amended Order. Any development activity wherein permits have been approved by the City prior to the build-out date of this Order may be completed so long as total project development is substantially completed (90%) within one year of the Phase III build-out date as provided herein.

Section 4. Development Order as Amended. That this Ordinance ("Development Order Extension Amendment") shall constitute an Amendment to Ordinance No. 7368-A, Ordinance No. 8348-A, Ordinance No. 7819-A, Ordinance No. 89-191, Ordinance No. 90-16 and Ordinance No. 93-49 (previously defined collectively as the "Development Order as amended") of the City Council. All provisions of the Development Order as amended, except as amended hereby, shall be and remain in full force and effect and shall be considered conditions to this Development Order Extension Amendment unless inconsistent with the terms and conditions of this Development Order Extension Agreement, in which case the terms and conditions of this Development Order Extension Amendment shall govern.

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

Section 6. Binding Effect. That this ordinance shall be binding upon the Developer, its assigns and successors-in-interest.

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

governmental agency in existence on the effective date of this Development Order Extension Agreement.

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

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance, to the owner, (O'Connor Realty Advisors Incorporated, 399 Park Avenue, 25th Floor, New York, New York 10022), the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

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. Recordation. That the Developer shall record a notice of adoption of this Development Order Amendment as required pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 12. Effective Date. That this Ordinance shall become 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 OF TAMPA, FLORIDA, ON FEB 15 1996.

ATTEST:

Janett S. Martin
CITY CLERK

Ronnie Mason
CHAIRMAN, CITY COUNCIL

Prepared and Approved by:

Gina K. Gines
ASSISTANT CITY ATTORNEY

APPROVED by me on FEB 21 1996
Phil A. Russo
MAYOR

I:\W-LU\1915\039\ORDINAN.DMS
11/30/96

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 96-43 on file in my office. Witness my hand and official seal this 23rd day of Feb, 19 96.

Janett S. Martin
CITY CLERK

Exhibits in

NOPC File → ORI #83

NOPC # 2/96.

Tim

4/10/96

ORDINANCE NO. 96-43

TBRPC
{certified}
mail

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY O'CONNOR REALTY ADVISORS INCORPORATED, FOR TAMPA BAY PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT AND SUBSEQUENT AMENDMENTS THERETO; PROVIDING AN EFFECTIVE DATE HEREOF.

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WHEREAS, Ordinance No. 89-191 passed and ordained by the City Council of the City of Tampa, Florida on August 10, 1989 approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 90-16 passed and ordained by the City Council of the City of Tampa, Florida on January 25, 1990 approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 93-49 passed and ordained by the City Council of the City of Tampa, Florida, on April 1, 1993, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, O'Connor Realty Advisors Incorporated has filed a Notice of Proposed Change pursuant to Florida Statutes § 380.06(19), dated November 6, 1995 (including the attached November 6, 1995 transportation assessment) and has responded to review agency comments with sufficiency responses dated December 22, 1995 and January 5, 1996 attached collectively as "Cumulative Exhibit A" and incorporated herein by reference, which now proposes extension of the buildout date of the Development Order as amended by Ordinance Nos. 7819-A, 8348-A, 89-191, 90-16 and 93-49 (collectively, the "Development Order as amended"), beyond that

Certified as true
and correct copy.

contained in the Applications for Development Approval (the "ADAs") approved and incorporated by reference in the Development Order as amended; and

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by O'Connor Realty Advisors Incorporated concerning the extension of the expiration, buildout and commencement dates; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes is authorized and empowered to consider Notices of Proposed Change to Developments of Regional Impact and to adopt and amend Development Orders concerning such development; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing on the subject proposed amendment before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on this proposed amendment to the Development Order, as amended, 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, Section 380.06, Florida Statutes, requires that a development order be amended to reflect approval of changes to the approved development which have been found not to constitute substantial deviations; 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 Notice of Proposed Change attached hereto as "Cumulative Exhibit A" and incorporated herein by reference.

B. That the Developer proposes to further extend the estimated build-out date 3 years, from November 9, 1995 to November 9, 1998; and that the Developer

has satisfied the commencement requirement for the Development of the remaining unbuilt square footage. The cumulative extension of the build-out date of the 1981 Development Order is proposed to be for a period of 13 years, 9 months and 18 days (January 22, 1985 to November 9, 1998). The Developer has rebutted the presumption that these changes constitute a substantial deviation, by clear and convincing evidence.

B. That the development will comply with all local land development regulations and the local comprehensive plan, respectively, and is vested from compliance with concurrency, pursuant to Chapter 163.3167(8), Florida Statutes.

C. That the development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with the State Comprehensive Plan.

D. That the development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

E. That a comprehensive review of the impacts generated by the Notice of Proposed Change has been conducted by the City and the Tampa Bay Regional Planning Council.

F. That the development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1991) as amended.

G. That the proposed change does 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 does the change create impacts not previously reviewed.

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

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. The review by the City, the Tampa Bay Regional Planning Council, DCA, and other participating agencies and interested citizens reveals that the impacts of the proposed change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Amendment.

C. That based on the foregoing, and pursuant to Chapter 380.06 (19), Florida Statutes, the proposed change, specifically the extension of the Development build-out date, is found individually and cumulatively not to be a substantial deviation to the previously approved Development Order as amended.

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

A. Commencement and Buildout of Development. That the estimated buildout of the remaining unbuilt approved square footage consisting of the following:

Phase I: Office - 4,934 net rentable square feet

Phase III: Office - 276,922 net rentable square feet

is hereby extended to November 9, 1998 and the project having commenced prior to January 1, 1992 may, in the event of building permit expiration, proceed under the terms of this amended Order. Any development activity wherein permits have been approved by the City prior to the build-out date of this Order may be completed so long as total project development is substantially completed (90%) within one year of the Phase III build-out date as provided herein.

Section 4. Development Order as Amended. That this Ordinance ("Development Order Extension Amendment") shall constitute an Amendment to Ordinance No. 7368-A, Ordinance No. 8348-A, Ordinance No. 7819-A, Ordinance No. 89-191, Ordinance No. 90-16 and Ordinance No. 93-49 (previously defined collectively as the "Development Order as amended") of the City Council. All provisions of the Development Order as amended, except as amended hereby, shall be and remain in full force and effect and shall be considered conditions to this Development Order Extension Amendment unless inconsistent with the terms and conditions of this Development Order Extension Agreement, in which case the terms and conditions of this Development Order Extension Amendment shall govern.

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

Section 6. Binding Effect. That this ordinance shall be binding upon the Developer, its assigns and successors-in-interest.

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

governmental agency in existence on the effective date of this Development Order Extension Agreement.

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

Section 9. Transmittals. That the City Clerk is directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance, to the owner, (O'Connor Realty Advisors Incorporated, 399 Park Avenue, 25th Floor, New York, New York 10022), the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

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. Recordation. That the Developer shall record a notice of adoption of this Development Order Amendment as required pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 12. Effective Date. That this Ordinance shall become 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 OF TAMPA, FLORIDA, ON FEB 15 1996.

ATTEST:

Janett S. Martin
CITY CLERK

Ronnie Mason
CHAIRMAN, CITY COUNCIL

Prepared and Approved by:

Gina K. Gines
ASSISTANT CITY ATTORNEY

APPROVED by me on FEB 21 1996
Rich A. DeLo
MAYOR

State of Florida
County of Hillsborough

This is to certify that the foregoing is a true and correct copy of Ordinance 96-43 on file in my office. Witness my hand and official seal this 23rd day of Feb, 19 96.

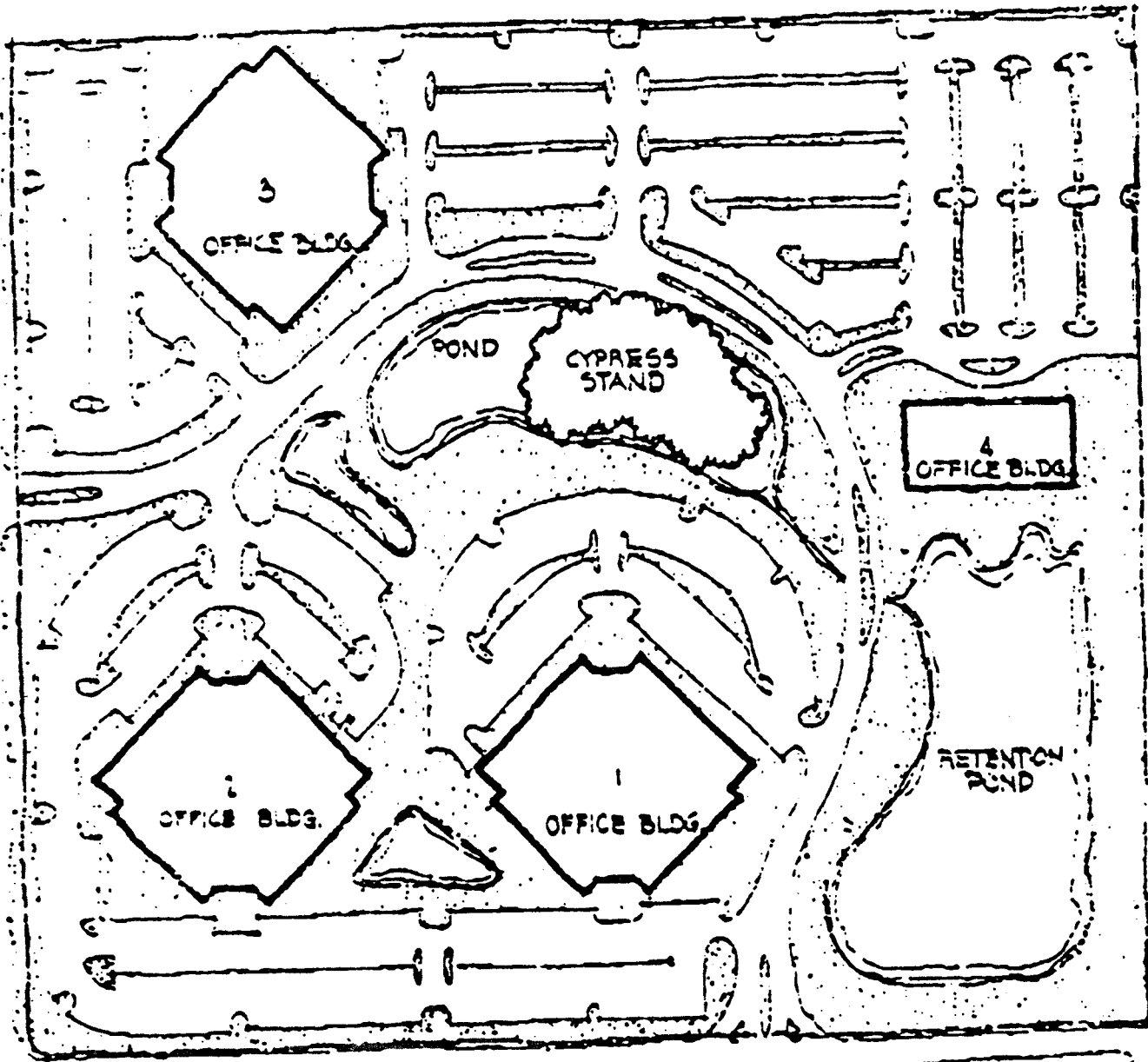
Janett S. Martin
CITY CLERK

I:\W-LU\1915\039\ORDINAN.DMS
11/30/96

From 1993 Annual Report

MAP H

DEVELOPMENT PLAN



100' 200'
FEET

SOURCE: ROY ASHLEY & ASSOCIATES

DESCRIPTION: Part of the Southeast 1/4 of the Southwest 1/4 of Section 3, Township 29 South, Range 18 East, Hillsborough County, Florida, being more particularly described as follows. For a point of reference commence at the Southwest corner of the Southeast 1/4 of the Southwest 1/4 of the said Section 3 and run thence N.01°15'42"E., along the West boundary thereof a distance of 30.00 feet to the North right-of-way line of Buffalo Avenue (S.R. 574-A) for the POINT OF BEGINNING of the tract herein described; thence continue N.01°15'42"E., along the West boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 3 a distance of 1315.03 feet to the Northwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 3; thence S.89°43'13"E., along the North boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 3 a distance of 1334.78 feet, to the Northeast corner of the Southeast 1/4 of the Southwest 1/4 of said Section 3; thence S.01°10'29"W., along the East boundary of the Southeast 1/4 of the Southwest 1/4 of said Section 3 a distance of 336.65 feet; thence S.01°10'32"W., 50.04 feet; thence N.89°40'14"W., 129.04 feet; thence S.00°13'35"E., 286.45 feet to a point of curvature; thence Southwesterly 61.30 feet along the arc of a curve to the right having a radius of 75.00 feet and a chord bearing and distance of S.23°11'15"W., 59.61 feet to a point of tangency; thence S.46°36'05"W., 313.68 feet; thence S.28°29'26"E., 95.30 feet to a point of curvature; thence Southeasterly 57.21 feet along the arc of a curve to the left having a radius of 65.00 feet and chord bearing and distance of S.53°42'19"E., 55.38 feet to a point of tangency; thence S.78°55'12"E., 85.54 feet to a point of curvature; thence Southeasterly 48.07 feet along the arc of a curve to the right having a radius of 35.00 feet and a chord bearing and distance of S.39°34'24"E., 44.38 feet to a point of tangency; thence S.00°13'35"E., 17.03 feet to a point of curvature; thence Southeasterly 41.93 feet along the arc of a curve to the left having a radius of 100.00 feet and a chord bearing and distance of S.12°14'22"E., 41.63 feet to a point of reverse curvature; thence Southeasterly 41.93 feet along the arc of a curve to the right having a radius of 100.00 feet and a chord bearing and distance of S.12°14'22"E., 41.63 feet to a point of tangency; thence S.00°13'35"E., 98.72 feet to the North right-of-way line of Buffalo Avenue (S.R. 574-A); thence S.89°42'14"W., along said North right-of-way line, a distance of 756.94 feet; thence N.89°39'22"W., along said North right-of-way line a distance of 440.00 feet to the Point of Beginning.

Containing 36.21 acres more or less.

JLR
Ced City
Cottmail

ORDINANCE NO. 93-49

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE LANDMARKS GROUP, FOR TAMPA BAY PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT AND SUBSEQUENT AMENDMENTS THERETO; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7368-A passed and ordained by the City Council of the City of Tampa, Florida, on January 22, 1980, approved a Development Order for Tampa Bay Park, a Development of Regional Impact (the "Development Order"); and

WHEREAS, Ordinance No. 7819-A passed and ordained by the City Council of the City of Tampa, Florida, on November 10, 1981, approved a Development Order for Tampa Bay Park Expansion, as a substantial deviation amending the Development Order; and

WHEREAS, Ordinance No. 8348-A passed and ordained by the City Council of the City of Tampa, Florida, on September 15, 1983, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 89-191 passed and ordained by the City Council of the City of Tampa, Florida on August 10, 1989 approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 90-16 passed and ordained by the City Council of the City of Tampa, Florida on January 25, 1990 approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, the Landmarks Group has filed a Notice of Proposed Change, dated December 17, 1992 (including the attached November 16, 1992 transportation assessment) and has responded to agency comments with a sufficiency responses dated January 20, 1993 and March 1, 1993 attached hereto as "Composite Exhibit A" and incorporated herein by reference, which now proposes extensions of the expiration date of the Development Order as amended by Ordinance Nos. 7819-A, 8348-A 89-191 and 90-16 (collectively, the "Development Order as amended"), and the project buildout date beyond that contained in the Applications for Development Approval (the "ADAs") approved and incorporated by reference in the Development Order as amended; and

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by the Landmarks Group concerning the extension of the expiration, and buildout dates and project commencement; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1991) is authorized and empowered to consider Notices of Proposed Change to Developments of Regional Impact and to adopt and amend Development Orders concerning such development; and

WHEREAS, the public notice requirements of Chapter 380, Florida Statutes, and Section 27-418, City of Tampa Code have been satisfied; and

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing on the subject proposed amendment before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on this proposed amendment to the Development Order as amended 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, Section 380.06, Florida Statutes, requires that a development order be amended to reflect approval of changes to the approved development which have been found not to constitute substantial deviations; 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, findings that there is substantial competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Proposed Change attached hereto as a part of Composite Exhibit A.

B. That the Developer proposes to further extend the expiration date of the Development Order 4 years, 10 months and 10 days from December 31, 1995 to November 10, 2000, that the Developer proposes to further extend the estimated build-out date 2 years, 10 months and 10 days December 31, 1992 to November 9, 1995; and that the Developer has satisfied the commencement requirement for Development of the remaining unbuilt square footage. The cumulative extension of the expiration date of the 1981 Development Order is proposed to be for a period of 12 years (November 10, 1988 to November 10, 2000). The cumulative extension of the build-out date of the 1981 Development Order is proposed to be for a period of 10 years, 9 months and 18 days (January 22, 1985 to November 9, 1995). The Developer has rebutted the presumption that these changes constitute a substantial deviation, by clear and convincing evidence.

C. That the development will comply with all local land development regulations and the local comprehensive plan, respectively, and is vested from compliance with concurrency, pursuant to Chapter 163.3167(8), Florida Statutes.

D. That the development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area and is consistent with the State Comprehensive Plan.

E. That the development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

F. That a comprehensive review of the impacts generated by the Notice of Proposed Change has been conducted by the City and the Tampa Bay Regional Planning Council.

G. That the development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1991) as amended.

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

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. The review by the City, the Tampa Bay Regional Planning Council, DCA, and other participating agencies and interested citizens reveals that the impacts of the proposed change are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Amendment.

C. That based on the foregoing, and pursuant to Chapter 380.06 (19), Florida Statutes, the proposed changes, specifically the extension of the development order expiration date, the satisfaction of the estimated commencement date and extension of the Development build-out date, are found not to be substantial deviations to the previously approved Development Order as amended.

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

A. Prior to the issuance of the Certificate of Occupancy for the office building, the applicant shall become a participating member of the Westshore Alliance Transportation Management Association ("TMA") and shall use reasonable efforts to implement recommendations from the TMA to the extent reasonable.

B. Commencement and Buildout of Development. That the estimated buildout of the remaining unbuilt approved square footage consisting of the following:

Phase I: Office - 4,934 net rentable square feet

Phase III: Office - 276,922 net rentable square feet

is hereby extended to November 9, 1995 and the project having commenced prior to January 1, 1992 may in the event of building permit expiration, proceed under the terms of this amended order. Any development activity wherein permits have been approved by the City prior to the build-out date of this Order may be completed so long as total project development is substantially completed (90%) within one year of the Phase III build-out date as provided herein.

C. Expiration of Development Order. That the Development Order as amended shall remain in effect through November 10, 2000.

D. Downzoning and Intensity Reduction. That the development of the remaining unbuilt square footage authorized by the Development Order as amended shall not be subject to downzoning, intensity or unit reductions prior to November 10, 2000, unless the City can demonstrate that:

(1) substantial changes in the conditions underlying the approval of the Order have occurred; or

(2) the Order was based upon substantially inaccurate information provided by the Developer; or

(3) the change is clearly established by the City to be essential to the public health, safety, or welfare.

Any down-zoning or reduction of intensity shall be effected only through the usual and customary procedures required by statute and/or ordinance for changes in local land development regulations.

For the purposes of this Order, the term "down-zone" shall refer only to changes in zoning or development regulations which decrease the development rights approved by this Order, and nothing in this paragraph shall be construed to prohibit legally enacted changes in zoning regulations which do not decrease the development rights granted to the Developer by this Order. The inclusion of this section is not to be construed as evidencing any present foreseeable intent on the part of the City to down-zone or alter the density or intensity of the development, but is included herein to comply with Section 380.06(15)(c)3, Florida Statutes (1991). A change in the land use plan category applicable to Tampa Bay Park which authorizes the intensities and densities of use approved herein shall not constitute a down-zone.

Certified as true
and correct copy.

Section 4. That this Ordinance ("Development Order Extension Amendment") shall constitute an Amendment to Ordinance No. 7368-A, Ordinance No. 8348-A, Ordinance No. 7819-A and Ordinance No. 89-191 (previously defined collectively as the "Development Order as amended") of the City Council. All provisions of the Development Order as amended, except as amended hereby, shall be and remain in full force and effect and shall be considered conditions to this Development Order Extension Amendment unless inconsistent with the terms and conditions of this Development Order Extension Amendment, in which case the terms and conditions of this Development Order Extension Amendment shall govern.

Section 5. Binding Effect. That this ordinance shall be binding upon the Developer, its assigns and successors-in-interest.

Section 6. Government Agencies. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order Amendment.

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 directed to send copies of this Ordinance, within five (5) days of the effective date of this Ordinance, to the owner, (The Landmarks Group, 3407 West Martin Luther King, Jr. Blvd., Suite 200, Tampa, Florida 33607), the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

Section 9. Recordation. That the Developer shall record a notice of adoption of this Development Order Amendment as required pursuant to Chapter 380, Florida Statutes, and shall furnish the City Clerk a copy of the recorded notice.

Section 10. 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 APR 01 1993.

ATTEST:

Frances Henriquez
CITY CLERK

Prepared and Approved by:

Lina K. G...
ASSISTANT CITY ATTORNEY

Joe G...
CHAIRMAN, CITY COUNCIL

APPROVED by me on APR 05 1993
Sandra W. Friedman

W-LU/1915/039/ORD

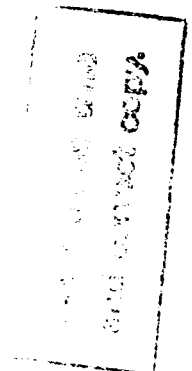
State of Florida
County of Hillsborough

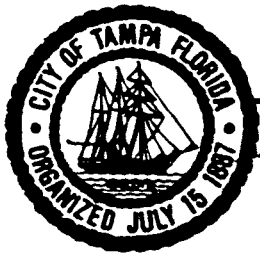
This is to certify that the foregoing is a true and correct copy of Ordinance no 93-49 on file in my office.

Witness my hand and official seal this 30 day of April, 19 93.
By: Frances Henriquez CITY CLERK
CITY CLERK

COMPOSITE EXHIBIT "A"

- 1. NOTIFICATION OF A PROPOSED CHANGE DATED DECEMBER 16, 1992.**
- 2. LETTER DATED NOVEMBER 16, 1992 FROM JOSEPH J. GRIMAIL OF DAMES & MOORE TO BART ABSTEIN OF THE LANDMARKS GROUP.**
- 3. LETTER DATED JANUARY 20, 1993 FROM JOSEPH J. GRIMAIL OF DAMES & MOORE TO MARINA PENNINGTON AND JOHN BAKER OF THE DEPARTMENT OF COMMUNITY AFFAIRS.**
- 4. LETTER DATED MARCH 1, 1993 FROM JOSEPH J. GRIMAIL OF DAMES & MOORE TO SUZANNE COOPER OF TAMPA BAY REGIONAL PLANNING COUNCIL.**





CITY OF TAMPA

83

OFFICE OF CITY CLERK

CODE ENFORCEMENT BOARD

January 29, 1990

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

RE: File No. Z79--7A
Ordinance No. 90-16

Dear Sir:

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

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

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure: Ordinance 90-16

CERTIFIED MAIL

cc: Susan Swift Mihalik, Land Development Coordination

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

ORDINANCE NO. 90-16

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE LANDMARKS GROUP, FOR TAMPA BAY PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT AND SUBSEQUENT AMENDMENTS THERETO; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7368-A passed and ordained by the City Council of the City of Tampa, Florida, on January 22, 1980, approved a Development Order for Tampa Bay Park, a Development of Regional Impact (the "Development Order"); and

WHEREAS, Ordinance No. 7819-A passed and ordained by the City Council of the City of Tampa, Florida, on November 10, 1981, approved a Development Order for Tampa Bay Park Expansion, as a substantial deviation amending the Development Order; and

WHEREAS, Ordinance No. 8348-A passed and ordained by the City Council of the City of Tampa, Florida, on September 15, 1983, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, Ordinance No. 89-191 passed and ordained by the City Council of the City of Tampa, Florida, on August 10, 1989, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, the Landmarks Group has filed a Notice of Proposed Change, attached hereto as Exhibit "A" and incorporated herein by reference, which now proposes a reconfiguration of and increase in square footage for Phase III of the DRI approved pursuant to the Development Order as amended by Ordinance Nos. 7819-A, 8348-A and 89-191 (collectively, the "Development Order as amended"); and

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by the Landmarks Group concerning the reconfiguration of and increase in square footage for Phase III; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1989) is authorized and empowered to consider Notices of Proposed Change to Developments of Regional Impact and to adopt and amend Development Orders concerning such developments; and

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

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing on the subject proposed amendment before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on this proposed amendment to the Development Order as amended 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, Section 380.06, Florida Statutes, requires that a development order be amended to reflect approval of changes to the approved development which have been found not to constitute substantial deviations;

NOW, THEREFORE

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

Section 1. That City Council, having received the above-referenced documents, and having received all related comments, testimony and evidence submitted by all persons and members of the general public, finds that there is substantial competent evidence to support the following finding of fact:

A. That the Developer submitted to the City the Notice of Proposed Change attached hereto as "Exhibit A".

B. That the Developer proposes to reconfigure the remaining Phase III development and increase the square footage in Phase III by 59,900 gross square feet.

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

D. That the development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. That the development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

F. That a comprehensive review of the impacts generated by the Notice of Proposed Change has been conducted by the City and the Tampa Bay Regional Planning Council.

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

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. The review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens reveals that the impacts of the proposed change are adequately addressed pursuant to the requirements of Florida Statutes, Chapter 380 within the terms and conditions of this Ordinance.

C. That based on the foregoing, and pursuant to Chapter 380.06(19), Florida Statutes, the proposed change, specifically the reconfiguration of and increase in square footage for Phase III are found not to be substantial deviations to the previously approved Development Order as amended.

Section 3. That, having made the above findings of fact, and conclusions of law, it is ordered that the proposed change is hereby accepted and approved subject to the following conditions, restrictions and limitations:

Increase in Phase III Square Footage. The total square footage of office development approved for Phase III is hereby increased from 456,000 gross square feet (418,000 net rentable square feet) to 515,900 gross square feet (473,500 rentable square feet).

Because 224,100 gross square feet (196,578 net rentable square feet) have already been built in Phase III, there remains 291,800 gross square feet (276,922 net rentable square feet) of Phase III development which are approved for future development.

The Phase III square footage previously approved and as increased by this amendment may be reconfigured among one or more office buildings located on the site identified in the ADA for the Phase II building which was redesignated as the Phase III location by the 1983 amendment to the D.O. The parking structure on the site identified in the ADA shall also be increased as needed to serve the increased square footage of office space, which, at a minimum, shall be sufficient to meet City of Tampa Code Chapter 43-A parking requirements.

As a condition of this approval of the additional 59,900 gross square feet of office in Phase III, the Developer, his successor or assigns, shall pay applicable City of Tampa impact fees for said additional 59,900 square feet, in accordance with the City of Tampa Code.

Section 4. That this Ordinance ("Development Order Amendment") shall constitute an Amendment to Ordinance No. 7368-A, Ordinance No. 8348-A, Ordinance No. 7819-A, and Ordinance No. 89-191 (previously defined collectively as the "Development Order as amended") of the City Council. All provisions of the Development Order as amended, except as amended hereby shall be and remain in full force and effect and shall be considered conditions to this Development Order Amendment unless inconsistent with the terms and conditions of this Development Order Amendment, in which case the terms and conditions of this Development Order Amendment shall govern.

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

Section 6. That this Development Order Amendment shall be binding upon the Developer, assigns, and successors in interest.

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

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

Section 9. That the City Clerk is directed to send copies of this Development Order Amendment, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

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

Section 11. That the Developer shall record a notice of adoption of this Development Order Amendment pursuant to Florida Statutes, Chapter 380.

Section 12. 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 JAN 25 1990.

ATTEST:

[Signature]
CITY CLERK

[Signature]
CHAIRMAN, CITY COUNCIL

APPROVED by me on JAN 29 1990

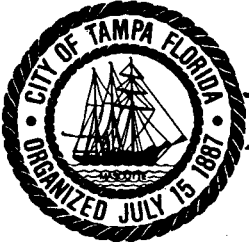
[Signature]
SANDRA W. FREEDMAN, MAYOR

PREPARED AND APPROVED BY:

[Signature]
GINA K. GRIMES
ASSISTANT CITY ATTORNEY

Tampa Bay Park
Amendment to Development Order Exhibits
(Originals filed in the Office of the City Clerk)

Exhibit A - Notice of Proposed Change



CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

RECEIVED
AUG 16 1989

August 16, 1989

Tampa Bay Regional
Planning Council

Tampa Bay Regional Planning Council
9455 Koger Blvd.
St. Petersburg, Florida 33702

Re: Petition No.: Z79-7
Petitioner: Landmarks Group
Ordinance No.: 89-191

Dear Sirs:

The enclosed document(s) is being transmitted to you for your information and record keeping process.

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

Sincerely,

Frances Henriquez bsm

(Mrs.) Frances Henriquez
City Clerk

Enclosures

CERTIFIED MAIL

FH/ssm

cc: Susan Mihalik, Land Development Coordination

TRIP

ORDINANCE NO. 89-191

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, APPROVING AN AMENDMENT TO A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, FILED BY THE LANDMARKS GROUP, FOR TAMPA BAY PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT AND SUBSEQUENT AMENDMENTS THERETO; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7368-A passed and ordained by the City Council of the City of Tampa, Florida, on January 22, 1980, approved a Development Order for Tampa Bay Park, a Development of Regional Impact (the "Development Order"); and

WHEREAS, Ordinance No. 7819-A passed and ordained by the City Council of the City of Tampa, Florida, on November 10, 1981, approved a Development Order for Tampa Bay Park Expansion, as a substantial deviation amending the Development Order; and

WHEREAS, Ordinance No. 8348-A passed and ordained by the City Council of the City of Tampa, Florida, on September 15, 1983, approved an Amendment which was not a substantial deviation to the Development Order; and

WHEREAS, the Landmarks Group has filed a Notice of Proposed Change, attached hereto as Exhibit A and incorporated herein by reference, which now proposes extensions of the expiration date of the Development Order as amended by Ordinance Nos. 7819-A and 8348-A (collectively, the "Development Order as amended"), and the project buildout date beyond that contained in the ADAs approved and incorporated by reference in the Development Order as amended; and

WHEREAS, the City Council has reviewed the above-referenced documents, as well as all related testimony and evidence submitted by the Landmarks Group concerning the extension of the expiration and buildout dates; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1989) is authorized and empowered to consider Notices of Proposed Change to Developments of Regional Impact and to adopt and amend Development Orders concerning such developments; and

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

WHEREAS, all interested parties and members of the public were afforded an opportunity to participate in the hearing on the subject proposed amendment before the City Council; and

WHEREAS, the City Council has held a duly noticed public hearing on this proposed amendment to the Development Order as amended 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, Section 380.06, Florida Statutes, requires that a development order be amended to reflect approval of changes to the approved development which have been found not to constitute substantial deviations;

NOW, THEREFORE

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

Section 1. 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

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general public, finds that there is substantial competent evidence to support the following findings of fact:

A. That the Developer submitted to the City the Notice of Proposed Change attached hereto as "Exhibit A".

B. That the Developer proposes to extend the expiration date of the Development Order from November 1988 to December 31, 1995 and that the Developer proposes to extend the estimated build-out date from November 1985 to December 31, 1992.

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

D. That the development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.

E. That the development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council.

F. That a comprehensive review of the impacts generated by the Notice of Proposed Change has been conducted by the City and the Tampa Bay Regional Planning Council.

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

A. That these proceedings have been duly conducted pursuant to applicable law and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

B. The review by the City, the Tampa Bay Regional Planning Council and other participating agencies and interested citizens reveals that the impacts of the proposed change are adequately addressed pursuant to the requirements of Florida Statutes, Chapter 380 within the terms and conditions of this Ordinance.

C. That based on the foregoing, and pursuant to Chapter 380.06 (19), Florida Statutes, the proposed change, specifically the extension of the development order expiration date and the extension of the estimated build-out date, are found not to be substantial deviations to the previously approved Development Order as amended.

Section 3. That, having made the above findings of fact, and conclusions of law, it is ordered that the proposed change is hereby accepted and approved subject to the following conditions, restrictions and limitations:

A. Commencement and Buildout of Development. That development of the remaining unbuilt approved square footage consisting of the following:

Phase I: Office - 4,934 net rentable square feet

Phase III: Office - 221,822 net rentable square feet

shall commence by January 1, 1992, unless the time period for commencement is extended by the City. The estimated buildout for Phase I and III for such development is hereby extended to December 31, 1992.

B. Expiration of Development Order. That the Development Order as amended shall remain in effect through December 31, 1995. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be

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extended by City Council on the finding of excusable delay in any proposed development activity.

C. Annual Report. The Developer shall submit annual reports on the DRI to the City, the Tampa Bay Regional Planning Council, the State Land Planning Agency, and other agencies as may be appropriate, on July 1, 1990, and on July 1st of each following year until such time as all terms and conditions of this Order are satisfied. The report shall be submitted on such forms as may from time to time be designated by the State. Such reports shall be submitted to the Director of HDC who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of this Order and may issue further orders to insure compliance with the terms and conditions of this Order. The Developer shall be notified of any City Council hearing wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of this Order. The annual report shall contain the following information:

1. Changes in the plan of development, or representations contained in the ADA, or phasing for the reporting year and for the next year;
2. A summary comparison of development activity proposed and actually conducted for the reporting year;
3. Undeveloped tracts of land that have been sold to a separate entity or developer during the reporting year;
4. Identification of, and intended use of, lands purchased, leased, or optioned by the Developer adjacent to the original DRI site during the reporting year;
5. An assessment of the development's and local governments' compliance with conditions of approval contained in this Order, and the commitments contained in the ADA;
6. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.065 (15) and (18), Florida Statutes (1988 Supp.);
7. A copy of any notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Developer pursuant to Subsection 380.06(15)(f)(1), Florida Statutes (1987);
8. An indication of a change, if any, in local government jurisdiction for any portion of the development during the reporting year;
9. A list of significant local, state, and federal permits which have been obtained, or which are pending, with respect to the reporting year, by agency, type of permit, permit number, and purpose of each;

Section 4. That this Ordinance ("Development Order Extension Amendment") shall constitute an Amendment to Ordinance No. 7368-A, Ordinance No. 8348-A, and Ordinance No. 7819-A (previously defined collectively as the "Development Order as amended") of the City Council. All provisions of the Development Order as amended, except as amended hereby shall be and remain in full force and effect and shall be considered conditions to this Development Order Extension Amendment unless inconsistent with the terms and conditions of this Development Order Extension Amendment, in which case the terms and conditions of this Development Order Extension Amendment shall govern.

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Section 5. That the definitions contained in Florida Statutes, Chapter 380 shall control the interpretation and construction of any terms of this Development Order Extension Amendment.

Section 6. That this Development Order Extension Amendment shall be binding upon the Developer, assigns, and successors in interest.

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

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

Section 9. That the City Clerk is directed to send copies of this Development Order Extension Amendment, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

Section 10. That this Development Order Extension Amendment shall be deemed rendered upon transmittal of the copies of this Development Order Extension Amendment to the recipients specified in Florida Statutes, Chapter 380.

Section 11. That the Developer shall record a notice of adoption of this Development Order Extension Amendment pursuant to Florida Statutes, Chapter 380.

Section 12. 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 10 1989.

ATTEST;

Frances Henriquez
CITY CLERK

Lee Samuel
CHAIRMAN, CITY COUNCIL

APPROVED by me on AUG 11 1989

Sandra W. Freedman
SANDRA W. FREEDMAN, MAYOR

PREPARED AND APPROVED 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 #89-191 on file in my office.

Witness my hand and official seal this 16 day of Aug, 1989.
By: Frances Henriquez
CITY CLERK.

TBRC

ORDINANCE NO. 8348 -A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING A DEVELOPMENT ORDER RENDERED PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL ("ADA") FILED BY THE LANDMARKS GROUP, FOR AN EXPANSION TO TAMPA BAY PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7819-A passed and ordained by the City Council of the City of Tampa, Florida, on November 10, 1981, approved a Development Order for Tampa Bay Park Expansion, a Development of Regional Impact (the "Development Order"); and

WHEREAS, the Landmarks Group now proposes that the configuration of the office facilities to be developed pursuant to the Development Order be modified from the description contained in the ADA approved and incorporated in said Development Order by reference; and

WHEREAS, the City Council has reviewed the above referenced documents, as well as all related testimony and evidence concerning the reconfiguration of development submitted by The Landmarks Group; and

WHEREAS, the reconfiguration of the development proposed by The Landmarks Group is found not to be a substantial deviation to the previously approved Development of Regional Impact; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1980), is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact and to adopt and amend Development Orders concerning such developments; and

WHEREAS, Section 380.06, Florida Statutes (1980), requires that a development order be amended to reflect approval of changes to the approved development which have been found not to constitute substantial deviations; now, therefore,

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

Section 1. That this Ordinance ("Development Order Amendment") shall constitute an amendment to Ordinance No. 7819-A, the Development Order of the City Council issued in response to the Application for Development Approval (ADA) filed by The Landmarks Group, for an expansion to Tampa Bay Park, a Development of Regional Impact. This Development Order Amendment is adopted to approve, as not constituting a substantial deviation from the development approved by Ordinance No. 7819-A as described in the ADA at pages 12-1, 12-2 and 12-7, and in Maps H-1, Phasing Plan, and H-2, Final Development Plan, a reconfiguration of the approved development within the following parameters:

- a. Phase II - consisting of one four-story (instead of six-story) office building containing 131,600 (instead of 275,000) square feet of net leasable area, located on the site identified in the ADA for the Phase III building but having a smaller ground floor coverage area, served by 528 at grade parking spaces located on a portion of the site of the parking structure to be constructed in Phase III, and constructed and occupied no earlier than projected in the ADA; and
- b. Phase III - consisting of one office building of from four to eight (instead of six-story) stories, containing from 131,600 to 418,400 (instead of 275,000) net leasable square feet, located on the site identified in the ADA for the Phase II building and

having a ground floor site coverage area no larger than projected in the ADA; [served by a parking structure on the site identified in the ADA, completed prior to occupancy of the Phase III office building and having a ground floor site coverage area no larger than projected in the ADA, with a ratio of parking spaces to net leasable floor area no lower than projected in the ADA (3.06 spaces per 1,000 square feet net leasable area) and no higher than 3.6 spaces per 1,000 square feet net leasable area for a possible maximum of 1,980 (instead of 1,684) parking spaces] with a construction commencement date of no earlier than September, 1983, (unchanged) an initial occupancy date of no earlier than October, 1984, occupancy of no more than 143,400 net leasable square feet (the quantity by which Phase II has been reduced) prior to January, 1985 (the originally proposed initial occupancy date for Phase III), and full occupancy no earlier than July, 1985 (the originally proposed full occupancy date for Phase III).

Section 2. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order Amendment.

Section 3. That in the event that any portion or section of this Development Order Amendment is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order Amendment which shall remain in full force and effect.

Section 4. That the City Clerk is directed to send copies of this Development Order Amendment, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Community Affairs (Bureau of Land and Water Management), and the Tampa Bay Regional Planning Council.

Section 5. 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 15 1983.

ATTEST:

Frances Henrriquez
CITY CLERK

Sandra W. Friedman
CHAIRMAN, CITY COUNCIL

Prepared and Approved by:

Kenneth E. Jones
ASSISTANT CITY ATTORNEY

APPROVED by me on 9-19-83
Bob Martinez
MAYOR

APR
-60

OFFICE OF **CITY CLERK** THIRD FLOOR, CITY HALL, TAMPA, FLORIDA 33602 • 813/223-8396

FRANCES HENRIQUEZ
City Clerk

November 18, 1981

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

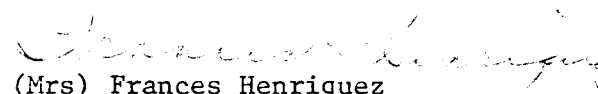
Re: Ordinance No. 7819-A

Gentlemen:

I am transmitting the above ordinance which was adopted by the City Council and signed by the Mayor.

Please let me know if I can be of further service.

Sincerely,


(Mrs) Frances Henriquez
City Clerk

eph

Enclosure

ORDINANCE NO. 7819 -A

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RENDERING A DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR DEVELOPMENT APPROVAL FILED BY THE LANDMARKS GROUP, FOR AN EXPANSION TO TAMPA BAY PARK, A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 7368-A passed and ordained by the City Council of the City of Tampa, Florida, on January 22, 1980, approved a Development Order for Tampa Bay Park, a Development of Regional Impact (original Development Order); and

WHEREAS, The Landmarks Group now proposes to develop additional office facilities on a 36 acre site immediately adjacent to the existing Tampa Bay Park; and

WHEREAS, by Resolution No. 9611-G, passed and adopted by the City Council of the City of Tampa, Florida, on May 28, 1981, the additional development proposed by The Landmarks Group was deemed to be a substantial deviation to the previously approved Development of Regional Impact; and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1980), is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

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

WHEREAS, the City Council has on October 27, 1981 held a duly noticed public hearing on the Application for Development Approval and has heard and considered testimony and documents received thereon; and

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

WHEREAS, all interested parties and members of the public were afforded the opportunity to participate in the application hearing on the subject Development of Regional Impact, before the City Council; and

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

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

Section 1. That this Ordinance shall constitute the Development Order of the City Council issued in response to the Application for Development Approval (ADA) filed by The Landmarks Group, for an expansion to Tampa Bay Park, a Development of Regional Impact. The scope of development to be permitted pursuant to this Order includes the operations described in the ADA and the supporting documents, which by reference are made a part hereof.

Section 2. 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, find there is substantial competent evidence to support the following findings of fact:

- A. That the real property which is the subject of the ADA is legally described as set forth in Exhibit "A", attached hereto and by reference made a part hereof.
- B. That The Landmarks Group (Developer) submitted to the City of Tampa (City) an ADA and sufficiency response which are attached hereto as composite Exhibit "B", and by reference made a part hereof, to the extent that they are not inconsistent with the terms and conditions of this Development Order.
- C. That the Developer proposes an expansion to Tampa Bay Park, a previously approved Development of Regional Impact, with the total site area of approximately 36 acres, located near the intersection of West Buffalo Avenue and North Himes Avenue in the City of Tampa, Hillsborough County, Florida.
- D. That the proposed development is not located in an area of critical State concern as designated pursuant to Section 380.05, Florida Statutes (1979).
- E. That the project is consistent with all local land development regulations.
- F. That the development is consistent with the report and recommendations of the Tampa Bay Regional Planning Council (TBRPC). That report, recommended that the Tampa Bay Park Office Complex as presented in the ADA, be approved, subject to certain stipulations, to be considered as additional conditions to the City's previously approved Development Order for Tampa Bay Park. All such conditions and stipulations are addressed herein.
- G. That the development will not unreasonably interfere with the achievement or the objectives of the adopted State land development plan applicable to the area.
- H. That a comprehensive review of the impact generated by the development has been conducted by the City's departments and the TBRPC.

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

- A. That these proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in this proceeding, the Developer and the various departments of the City are authorized to conduct development as described herein, subject to the conditions, restrictions and limitations set forth herein.

- B. That 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 Section 380.06, Florida Statutes, within the terms and conditions of this Development Order and the ADA, to the extent not inconsistent with this Development Order, nor inconsistent with the original Development Order adopted and ordained by Ordinance No. 7368-A.

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

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

Further review pursuant to Chapter 380, Florida Statutes, may be required if a substantial deviation, as defined in Section 380.06(7)(g) and (h), Florida Statutes, occurs. Further, substantial deviation may occur by failure to comply with the conditions herein, failure to follow the plans and specifications submitted in the ADA and supplementary information, or by activities which are not commenced until after the expiration of the period of effectiveness of this order. Any substantial deviation, as described above, shall cause a termination of all development activity and a retriggering of the Development of Regional Impact process.

- B. The Developer shall submit an annual report on the Development of Regional Impact to the City, the TBRPC, the State land planning agency, and other agencies as may be appropriate, on the anniversary of the effective date of the original Development Order approved by Ordinance No. 7368-A, approved and ordained by City Council of the City of Tampa on January 22, 1980, until and including such time as all terms and conditions of the original Development Order and this Development Order are satisfied. Such report shall be submitted to the Director, Department of Housing, Inspections and Community Services, who shall, after appropriate review, submit it for review by the City Council. The City Council shall review the report for compliance with the terms and conditions of the original Development Order and this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of the original Development Order or this Development Order. The Developer shall be notified of any City Council hearing wherein such report is to be reviewed, provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of the original Development Order or of this Development Order. The report shall contain:

1. A description of all development activity conducted pursuant to the original Development Order or 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 the original Development Order or 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 the original Development Order or 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 the Developer; and,
5. A statement that all persons have received copies of the annual report, as required under Section 380.06(16), Florida Statutes (1980).

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

C. Water Quality Monitoring Program.

That the Developer shall institute a Water Quality Monitoring Program for this project, the parameters of which shall be in conformance with the Department of Environmental Regulations requirements as part of the dredge and fill permit. The monitoring program shall include testing once per month during construction and for one year thereafter. Parameters for this Water Quality Monitoring Program shall include at a minimum: Dissolved Oxygen, Bio-Chemical Oxygen Demand, Chlorophyll A, Temperature, Conductivity, PH, Turbidity, Solids (Suspended, Total, Residual and Dissolved), Nutrients - Metals (Mercury and Lead), Grease and Oil.

D. That the Developer shall institute a continuing maintenance program of the drainage system, to include the following:

1. Periodic cleaning of the sediment basin;
2. Establishment and maintenance of vegetative areas around the littoral edges of the lakes, as referenced in the ADA; and,
3. Landscaping maintenance to prevent over-nutrification of the drainage system.

- E. That the Developer shall establish and maintain all wetland vegetation as referenced in the DRI ADA.
- F. That the Developer shall submit to the City of Tampa for approval a summary of the final soil borings testing results.
- G. That the Developer shall consider the inclusion of the following energy conservation measures for this development:
 - 1. The most energy efficient exterior lighting, consistent with the lighting needs of this project, shall be used.
 - 2. The present full landscaping practices shall be continued.
 - 3. The energy monitoring program shall be continued indefinitely. If not already included, the monitoring system shall be modified to allow for the monitoring/billing of individual tenant's energy usage.
- H. Transportation Improvements to be Implemented by the Developer.

That the Developer commits to assume the costs of the following transportation facility improvements which were identified as necessary in the ADA and which shall be completed prior to occupancy of the specified phases of the proposed office complex:

- 1. The existing signal at the intersection of Buffalo Avenue with the Burdines' entrance drive shall be modified to serve the new entrance to Tampa Bay Park, specifically including, if determined to be warranted by the Director, Department of Public Works, a protected left turn phase for eastbound traffic turning northbound into Tampa Bay Park, prior to the completion of Phase II.
- 2. A left turn (eastbound to northbound), storage lane shall be constructed at the intersection of Buffalo Avenue with the Burdines' entrance drive by the completion of Phase II.
- 3. That the existing left turn (southbound to eastbound) storage lane, on Himes Avenue, at the west entrance to Tampa Bay Park shall be extended to 250 feet by the completion of Phase III.

That the Developer commits to assume the full construction, equipment and installation costs of the following transportation facility improvements which were identified as necessary in the ADA and which shall be completed in

accordance with transportation improvement program commitments stipulated to by the responsible governmental entities for the widening of Buffalo Avenue to six lanes between Armenia Avenue and Dale Mabry Highway:

1. That the turn storage lanes and traffic signals at the intersection of Buffalo Avenue with the Burdines/Tampa Bay Park Phase II and III entrance drives, shall be modified to accommodate the addition of one eastbound and one westbound through lane to the intersection.
2. That the turn storage lanes and traffic signals at the intersection of Buffalo Avenue with the Sears/Tampa Bay Park Phase I entrance drives shall be modified to accommodate the addition of one eastbound and one westbound through lane to the intersection.

I. Transportation Facility Improvements as Committed by the City of Tampa.

The following transportation facility improvements identified in the ADA shall be supported by the City of Tampa representatives on the Metropolitan Planning Organization for inclusion in the appropriate governmental work programs as established or recommended by the Metropolitan Planning Organization:

1. That Buffalo Avenue shall be widened to six lanes from Armenia Avenue to Dale Mabry Highway.

J. Applicable Local Codes.

That all development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws, specifically including the Tampa Fire Prevention Code.

Section 5. That the conditions for development approved in this Development Order, are in addition to and not in lieu of those conditions previously established in the original Development Order approved and ordained by City Council of the City of Tampa by Ordinance No. 7368-A on January 22, 1980.

Section 6. That the definitions contained in Chapter 380, Florida Statutes, shall control the interpretation and construction of any terms in this Development Order.

Section 7. That this Development Order shall be deemed rendered as of the date this Ordinance becomes a law.

Section 8. That the Development Order shall remain in effect for a period of seven years from the date of rendition, provided that the order may be extended by City Council upon the finding of excusable delay in any proposed development activity.

Section 9. That this Development Order shall be binding upon the Developer, its heirs, assignees or successors in interest.

Section 10. That it is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

Section 11. That in the event that any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner effect the remaining portions or sections of this Development Order which shall remain in full force and effect.

Section 12. That the City Clerk is directed to send copies of this Development Order, within five (5) days of the effective date of this Ordinance, to the Developer, the Florida Department of Veteran and Community Affairs (Bureau of Land and Water Management), and the TBRPC.

Section 13. That within forty-five (45) days after this Order is rendered the Developer, TBRPC, by vote at a regularly scheduled meeting, or the State land planning agency, may appeal this order to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the Commission. The appellant shall furnish a copy of the notice of appeal to the opposing party, as the case may be, and to the City. The filing of the notice of appeal shall stay the effectiveness of this Order and shall stay any judicial proceedings in relation to the Development Order, until after the completion of the appeal process, pursuant to Chapter 380, Florida Statutes.

Section 14. 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 NOV 10 1981.

Lloyd Copeland

CHAIRMAN, CITY COUNCIL

ATTEST:

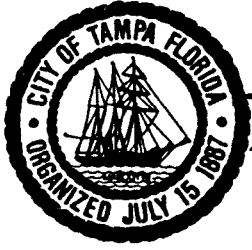
Frances Henriquez
CITY CLERK

APPROVED by me on NOV 17 1981

Bob ...
MAYOR

Prepared and Approved by:

Kenneth E. Jones
ASSISTANT CITY ATTORNEY



CITY OF TAMPA

Frances Henriquez, City Clerk

OFFICE OF CITY CLERK

April 6, 1993

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

RE: Petition No. Z79-7A
Ordinance No. 93-49

Dear Sir:

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

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

Sincerely,

(Mrs.) Frances Henriquez
City Clerk

FH/gg

Enclosure: Ordinance

CERTIFIED MAIL

cc: Susan Swift, Land Development Coordination

mailed 4/6/93

received 4/7/93

*Exhibits in File marked:
DEI #83- Tampa Bay Park Phases II & 3
Ordinance 93-49, Exhibits
for D.O. Amendment*