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FRANCES HENRIQUEZ  
City Clerk

January 8, 1985

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

RE: Petition No.: DZ84-61 - Ordinance No. 8761-A  
Petitioner : Albritton Interests

Gentlemen:

I am transmitting the above Ordinance No. 8761-A on referenced DRI for Island Center, adopted by the City Council on January 3, 1985, and signed by the Mayor on January 4, 1985.

If further information is needed, please do not hesitate to contact my office.

Sincerely,

*Frances Henriquez*  
(Mrs.) Frances Henriquez  
City Clerk

FH/jmd

Attachment

CERTIFIED MAIL

ORDINANCE NO. 8761 -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 ALBRITTON INTERESTS, FOR ISLAND CENTER, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on July 5, 1984, Albritton Interests ("the Developer") filed an Application for Development Approval (which, together with later filed sufficiency responses, is hereafter referred to as the "ADA") of a Development of Regional Impact ("DRI") with the City of Tampa ("the City"), Hillsborough County City-County Planning Commission, Hillsborough County Environmental Protection Commission, Florida Department of Community Affairs and the Tampa Bay Regional Planning Council ("TBRPC"), pursuant to the provisions of Section 380.06, Florida Statutes (1983), as amended ("Chapter 380"), and Section 43-96.2, City of Tampa Code; and

WHEREAS, the ADA proposes the development of Island Center, a multi-story office building development located on a 2.92-acre site at Rocky Point Drive South of Courtney Campbell Causeway and East from Rocky Point Drive to the Shoreline of Old Tampa Bay.

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Chapter 380 is authorized and empowered to consider ADA's for DRI's; and

WHEREAS, the public notice requirements of Chapter 380, and Section 43-96.2, City of Tampa Code have been satisfied; and

WHEREAS, the City Council has on December 20, 1984, held a duly noticed public hearing on the ADA 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 TBRPC; and

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

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

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

Section 1. That this Ordinance shall constitute the Development Order ("Order") of the City Council issued in response to the ADA filed by the Developer, for development of Island Center, a DRI. 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 as composite Exhibit A.

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

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

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- B. That the Developer submitted to the City an ADA which is attached hereto as part of composite Exhibit A, and by reference made a part hereof, to the extent that it is not inconsistent with the terms and conditions of this Order.
- C. That the Developer proposes the development of Island Center, a multi-story office building with a total site area of approximately 2.92 acres, located approximately at Rocky Point Drive South of Courtney Campbell Causeway and East from Rocky Point Drive to the Shoreline of Old Tampa Bay.
- D. That the proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes (1983), as amended.
- E. That the project is consistent with all local land development regulations.
- F. That this Order is consistent with the report and recommendations of the TBRPC.
- G. That the development will not unreasonably interfere with the achievement or objectives of the adopted State Land Development Plan applicable to the area.
- H. That a comprehensive review of the impact generated by the development has been conducted by the City's department and the TBRPC.

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

- A. That these proceedings have been duly conducted pursuant to applicable law 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 Chapter 380, within the terms and conditions of this Order and the ADA.

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 DRI process.  
Further review pursuant to Chapter 380, may be required if a substantial deviation, as defined in Chapter 380, occurs. The Developer shall be given due notice of, and an opportunity to be heard at any hearing to determine whether or not a proposed change to the development is a substantial deviation. Substantial deviation may occur by failure to comply with the conditions herein, failure to follow the plans and specifications submitted in the ADA and supplementary information, or by activities which are not commenced until after the expiration of the period of the effectiveness of this Order.
- B. The Developer shall submit annual reports on the DRI to the City, the TBRPC, the State Land Planning Agency, and other agencies as may be appropriate, on

the anniversary of the effective date of this Order for each following year until such time as all terms and conditions of this Order are satisfied. Such report shall be submitted to the Director, Department of Housing, Inspections and Community Services (hereinafter "HICS") 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 and conditions 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:

1. Changes in the plan of development or phasing for the reporting year and for the next year;
  2. A summary comparison of developed activity proposed and actually conducted for the reporting year;
  3. Undeveloped tracts of land, other than individual single family lots, that have been sold to a separate entity or developer;
  4. Identification of and intended use of lands purchased, leased or optioned by the developer adjacent to the original DRI site since the development order was issued;
  5. An assessment of the development's and local government's compliance with conditions of approval contained in the DRI development order;
  6. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting year and to be filed during the next year;
  7. A statement that all persons have been sent copies of the annual report in conformance with Subsections 380.06(14) and (16), Florida Statutes (1983); and
  8. 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(14)(d), Florida Statutes (1983).
- C. The Developer shall satisfy the following conditions in order to mitigate this project's transportation impacts:
1. Prior to any building permits being issued for this development, the following improvements must have 100% of the funding established through private contributions and/or inclusion in the annual element of a governmental agency's capital improvement program.
    - (a) Additional westbound to southbound left-turn lane of adequate length, from Courtney Campbell Causeway to Rocky Point Road. This improvement will establish dual left-turn lanes at this location.

- (b) Additional southbound through lane on Rocky Point Road for adequate distance to accept dual left turns from Courtney Campbell Causeway. This improvement will establish two southbound through lanes.
- (c) Addition of an eastbound to southbound right-turn lane with adequate storage length and appropriate taper. This improvement will establish an exclusive right-turn lane in addition to the existing two through lanes and one left-turn lane.
- (d) Associated signalization, striping and signing improvements and modifications needed to accommodate the above geometric improvements.

2. The following improvements are needed to serve the development's traffic and background traffic on these roadways. The Developer shall contribute to the City the sum of \$163,570.00 in order to mitigate the project's share of the impact of the following required improvements. This sum must be received by the City prior to the first building permit for this project being issued or prior to April 1, 1985, whichever comes first:

- (a) Widening of northbound approach of Rocky Point Road to Courtney Campbell Causeway to provide adequate width and length in the existing right-turn lane for the necessary storage length and taper to serve the eastbound right-turn movement.
- (b) Addition of a northbound lane with adequate storage to be shared by the northbound through and the northbound to eastbound right-turn movements. This improvement will establish a shared through and right-turn lane in addition to the single left and right lanes.
- (c) Extension of a six-lane section proposed by the Florida Department of Transportation (FDOT) for Courtney Campbell Causeway from Eisenhower Boulevard to Rocky Point Road through and across the intersection for an adequate length to insure the intersection operates as if Courtney Campbell Causeway were a six-lane facility.
- (d) The six laning of Courtney Campbell Causeway from Eisenhower to Rocky Point Road.
- (e) Associated signalization, striping and signing improvements and modifications needed to accommodate the above geometric improvements.

The designs for all the above improvements in Sections C 1. and C 2. must be reviewed and approved by the FDOT and the City. Also, construction easements satisfactory to the City and the FDOT shall be established in order for the City and FDOT to construct the above improvement on the privately owned land of Rocky Point Island. The ownership of the property will return to the private property owners after the necessary construction is completed.

- 3. The annual report shall include hourly traffic count information for a 24-hour period taken at

all access points to the development. If the count information indicates that the actual development traffic exceeds the traffic projected in the ADA by 10% or more, an additional traffic study will be required to assess the adverse impacts, if any, of this increase. The Developer will be responsible for contributing his fair share of the costs of the improvements needed to mitigate the impacts identified. The Developer shall have the right to appeal to the City Council of the City of Tampa, the determination of adverse impacts and amount of contribution.

- D. The Developer's final development plan shall designate and map preservation and conservation areas in accordance with TBRPC's adopted growth policy Future of the Region, Sections 2.701, Preservation, and 2.702, Conservation.
- E. The Developer shall ensure that the final site plan and drainage system shall provide for the preservation of all mangroves on site, including an appropriate buffer, and shall assure that no stormwater runoff via sheet flow be directed through on-site mangroves. In addition, the Island Center Drainage Plan shall be reviewed by TBRPC prior to construction to ensure that the runoff from the first one-half inch of rainfall is retained or detained with filtration and ultimate discharge to protect the preservation and conservation areas identified pursuant to TBRPC's growth policy, Future of the Region, mangrove stands and Class 2 waters.
- F. The Developer shall institute the wind and soil erosion control measures referenced in the ADA for minimizing adverse water and air quality impacts.
- G. The Developer shall be the responsible entity for the maintenance of on-site stormwater management systems.
- H. The Developer shall implement the energy conservation measures as set forth in the ADA.
- I. The total daily generation of solid waste from the commencement of construction to build-out of the project as referenced in the ADA will be accepted by the City. The Developer shall provide separate hazardous waste storage containers/areas within the project. These containers/areas shall be accessible to all project businesses and shall be clearly marked and/or colored so as to clearly distinguish the containers/areas intended for hazardous wastes and materials.
- The Developer shall provide to all Island Center businesses information that:
- (1) Indicates types of waste and materials that are considered to be hazardous and are to be stored or disposed of only in the specially-designated containers.
  - (2) Indicates the location of the specially-designated hazardous waste and materials containers; and
  - (3) Advises of applicable statutes and regulations regarding hazardous wastes and materials.

The Developer shall ensure that any hazardous waste will be transported and disposed of in a manner consistent with applicable regulations.

- J. That, the average daily flows of waste water from commencement of construction through build-out and operation of the project as referenced in the ADA will be accepted by the City at the standard charge for wastewater service. Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the waste-water system necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.
- K. That the total daily water requirements from commencement of construction through build-out and operation of the project as referenced in the ADA will be supplied by the City at the standard charge for water service. Connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the water system necessitated by this development, shall be assumed by the Developer, when assessed by the City, as project plans become final, all in accordance with established City policies and regulations.
- L. The City shall ensure the adequacy and availability of the following public services for this development: energy, police, emergency medical and fire. Further the developer shall be responsible for the cost of any water distribution capital improvements necessitated by this development to ensure adequate fire protection.
- M. If any significant historical or archaeological sites or artifacts are discovered during site preparation and construction, ultimate disposition of such resources will be determined in cooperation with the Florida Division of Archives.
- N. The Developer shall be the responsible entity for the maintenance of all open space areas on the project site.
- O. That all development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws, except as otherwise herein provided.
- P. The Developer shall perform additional foundation investigations to determine the most suitable foundation approach for project site. The investigation report and selected approach shall be approved by the City of Tampa. In addition, all elevations for habitable structures will be at or above the base flood elevation.
- Q. The Developer shall implement a program designed to inform all Island Center businesses of official hurricane evacuation plans in the event of a major hurricane landfall in the Tampa Bay region, and shall promote awareness of and cooperation with local and regional authorities having jurisdiction to issue hurricane evacuation orders.

In addition, Developer shall:

- (1) Prepare a plan to insure the safe and orderly evacuation of those employees who, for security or administrative reasons, are in the building



after an Evacuation Order is issued by: (a) ordering all buildings closed for the duration of the Hurricane Evacuation Order. (b) informing all employees of evacuation routes out of the flood prone area and the measures to be followed in the event of same, and (c) making all efforts to coordinate with and inform appropriate public authorities of buildings closed, security and safety measures and evacuation plans. This plan shall be included in the first annual report submitted after Project Buildout; and

- (2) Cooperate through the provision of data and information through management studies and hurricane evacuation studies to be conducted for the Rocky Point, Courtney Campbell Causeway areas.

R. The Developer shall cooperate in the Rocky Point Traffic Studies done pursuant to DCA Babcock Agreement and TDOT State Road 60 analysis through the provision of data and information relative to the project traffic.

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

Section 6. That this Order shall remain in effect for a period of five (5) years from the effective date of this Order. Any development activity wherein plans have been submitted to the City for its review and approval prior to the expiration date of this Order, may be completed, if approved. This Order may be extended by City Council on the finding of excusable delay in any proposed development activity.

Section 7. That this Order shall be binding upon the Developer, assigns or successors-in-interests.

Section 8. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successor-in-interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Order.

Section 9. That in the event that any portion or section of this Order is determined to be invalid, illegal, or unconstitutional by a court or agency of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Order which shall remain in full force and effect.

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

Section 11. That this Order shall be deemed rendered upon transmittal of copies of this Order to the recipients specified in Chapter 380.

Section 12. That the Developer shall record a notice of adoption of this Order as required pursuant to Chapter 380, and shall furnish the City Clerk a copy of the recorded notice.



PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
TAMPA, FLORIDA, ON JAN 11 1990.

Lee S. Simpson  
CHAIRMAN, CITY COUNCIL

APPROVED by me JAN 17 1990

ATTEST:

Francesca Hernandez  
CITY CLERK

David W. Henderson  
MAYOR

APPROVED as to form by:

Gina K. James  
ASSISTANT CITY ATTORNEY

State of Florida)  
County of Hillsborough)

This is to certify that the foregoing is a  
true and correct copy of Ordinance #90-02  
on file in my office.

Witness my hand and official seal this 17<sup>th</sup>  
day of Jan, 19 90 by Francesca Hernandez  
Deputy City Clerk  
CITY CLERK.