

#71
CITY CLERK

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FRANCES HENRIQUEZ
City Clerk

February 15, 1982

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

Re: Ordinance No. 7880-A

Gentlemen:

I am transmitting the above ordinance which was adopted by the city council and became law with the mayor's signature.

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

Sincerely,

Frances Henriquez
(Mrs) Frances Henriquez
City Clerk

eph

Enclosure

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 TAMPA FINANCIAL CENTER, A PARTNERSHIP, FOR THE TAMPA FINANCIAL CENTER, A DEVELOPMENT OF REGIONAL IMPACT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, on July 29, 1981, Tampa Financial Center, a Partnership, filed an application for Development of Regional Impact with the City of Tampa, Hillsborough County, Hillsborough County City-County Planning Commission, Hillsborough County Environment Protection Commission, Florida Department of Veteran and Community Affairs and the Tampa Bay Regional Planning Council, pursuant to the provisions of Section 380.06, Florida Statutes (1980), and Section 43-96.2, City of Tampa Code, and

WHEREAS, the application proposed a development of a multi-story office building, in the City of Tampa, located on a site bounded on the north by Jackson Street, on the south by Washington Street, on the west by Florida Avenue, and on the east by Marion Street, and

WHEREAS, the City Council as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes (1981), 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 (1981), and Section 43-96.2, City of Tampa Code, have been satisfied, and

WHEREAS, the City Council has on January 28, 1982 held a duly noticed public hearing on the application for development approval and has heard and considered testimony and documents received thereon, and

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

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

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

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

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

Section 2. That City Council, having received the above referenced documents, and having received all related comments, testimony and evidence submitted by each party and members of the general public, 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 Tampa Financial Center, a Partnership, (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 to develop a thirty story office building, on a site bounded on the north by Jackson Street, on the south by Washington Street, on the west by Florida Avenue, and on the east by Marion Street.
- D. That the proposed development is not located in an area of critical State concern as designated pursuant to Section 380.05, Florida Statutes (1981).
- 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 approval of the proposed development, as identified in the ADA subject to certain conditions. All such conditions are reflected 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 (1981), within the terms and conditions of this Development Order and the ADA, to the extent not inconsistent with this Development Order.

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

A. Substantial 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 Chapter 380, 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 this Development Order for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Director, Department of Housing, 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 this Development Order and may issue further orders and conditions to insure compliance with the terms and conditions of this Development Order. The Developer shall be notified of any City Council hearing wherein such report is to be reviewed; provided, however, that receipt and review by the City Council shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. The report shall contain:

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

3. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to the Developer; and,
4. A statement that copies of the annual report have been submitted to all persons, as required under Section 380.06(16), Florida Statutes (1981).

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. That the total daily water requirements at build-out as referenced in the ADA will be supplied by the City of Tampa at the standard charge for water service. Further, that connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the water system, shall be assumed by the Developer, when assessed by the City, as project plans become final; all in accordance with City policies and regulations.
- D. That the average daily flows of waste water at build-out as referenced in the ADA will be accepted by the City of Tampa at the standard charge for waste water service. Further, that connection fees, installation charges and, if applicable, grants-in-aid-of-construction for off-site improvements to the waste water system, shall be assumed by the Developer, when assessed by the City, as project plans become final; all in accordance with City policies and regulations.
- E. That the collection of the total daily generation of solid waste at build-out as referenced in the ADA will be provided by the City of Tampa at the standard charge for solid waste collection. Further, that the City of Tampa Sanitation Department shall have the authority not to allow disposal of any hazardous material from the subject development.
- F. That, as referenced in the ADA, no storm water runoff shall be generated by the parking facility. Water use for maintenance of the parking garage shall pass through an oil and sediment separator before entering the storm water system, as referenced in the ADA.
- G. That the Developer shall implement erosion control measures during construction, as referenced in the ADA.
- H. That, in the event that any significant historical or archaeological sites or artifacts are discovered during site preparation, or construction, or both, the Bureau of Historic Site and Properties, Florida Department of State, shall be notified, to determine the importance of the findings and the appropriate measures to be undertaken to insure their preservation.

I. That the Developer, when and as required by the City, shall assist in the study of the traffic generated by the proposed Tampa Financial Center by providing up to date traffic information for its development. This study shall be an integral part of the overall transportation plan for the Central Business District/Harbor Island area of the City of Tampa. This overall transportation plan shall include all traffic to be generated by projects in this area and shall address transportation system management techniques, mass transportation systems, highway construction, and other matters necessary to provide an effective and efficient movement of people and goods. Further, that the Developer shall encourage its lessees to maximize the use of flex time and car-pooling traffic management strategies. Further, that the Developer shall study the economic and practical feasibility of providing bicycle parking and facilities (preferably lockers and showers) on site. If determined to be feasible, the Developer shall construct such facilities within the development. A copy of the feasibility study shall be provided to the City of Tampa.

J. That all development pursuant to this Order shall be in accordance with applicable local building codes, ordinances, and other laws.

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

Section 6. That the Development Order shall remain in effect for a period of ten (10) years from the date of the rendition of this Order, provided that the Order may be extended by City Council upon the finding of excusable delay in any proposed development activity.

Section 7. That this Development Order shall be binding upon the Developer, its heirs, assignees, or successors in interest.

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

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

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

Section 11. That pursuant to Chapter 380, Florida Statutes, 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.

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

Section 13. That this Ordinance shall take effect immediately upon becoming a law, and a copy hereof shall be posted on the bulletin board in the hall of the First Floor of the City Hall in the City of Tampa, Florida, for the convenience of the public.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
FLORIDA, ON FEB 11 1982.

Lloyd Copeland

CHAIRMAN, CITY COUNCIL

ATTEST:

Frances Henriquez

CITY CLERK

APPROVED by me on FEB 12 1982

Bob McManamy

MAYOR

Prepared and Approved by:

Jul Latta

ASSISTANT CITY ATTORNEY