

DRI
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W

1 After Recording, Return to:

2 City of Tampa
3 Office of the City Clerk
4 315 East Kennedy Blvd
5 Old City Hall, 3rd Floor
6 Tampa, Florida 33602
7
8
9

10 ORDINANCE NO. 2018- 142

11 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
12 AMENDING A DEVELOPMENT ORDER PURSUANT
13 TO SECTION 380.06, FLORIDA STATUTES, FILED BY
14 THE WESTSHORE ALLIANCE FOR THE WESTSHORE
15 AREAWIDE DEVELOPMENT OF REGIONAL IMPACT,
16 DRI #141 A PREVIOUSLY APPROVED DEVELOPMENT
17 OF REGIONAL IMPACT; AND PROVIDING AN
18 EFFECTIVE DATE.
19

20
21
22 WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of
23 the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a
24 development order for the Westshore Areawide DRI (the "Development"), an
25 Areawide Development of Regional Impact ("DRI") (hereinafter referred to as the
26 "Original Development Order"); and
27

28 WHEREAS, Ordinance No. 88-1 specifically approved Phase I development
29 which included 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval)
30 which approval was subject to a trade-off mechanism; and
31

32 WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council
33 on May 28, 1992, approved a first amendment to the Original Development Order for
34 the Westshore Areawide DRI (hereinafter referred to as the "First Amendment"); and
35

36 WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council
37 on December 16, 1993, approved a second amendment to the development order for
38 the Westshore Areawide DRI (hereinafter referred to as the "Second Amendment");
39 and
40

41 WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council
42 on July 15, 1999, approved a third amendment to the development order for the
43 Westshore Areawide DRI (hereinafter referred to as the "Third Amendment"); and
44

45 WHEREAS, Ordinance No. 2001-148, passed and ordained by the City
46 Council on July 19, 2001, approved a fourth amendment to the development order for
47 the Westshore Areawide DRI (hereinafter referred to as the "Fourth Amendment");
48 and
49
50

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and correct copy

D2.86-666

1 WHEREAS, Ordinance No. 2005-85, passed and ordained by the City
2 Council on March 31, 2005, approved a fifth amendment to the development order
3 for the Westshore Areawide DRI (hereinafter referred to as the "Fifth Amendment");
4 and
5

6 WHEREAS, Ordinance No. 2008-138, passed and ordained by the City
7 Council on August 21, 2008, approved a sixth amendment to the development order
8 for the Westshore Areawide DRI (hereinafter referred to as the "Sixth Amendment");
9 and
10

11 WHEREAS, Ordinance No. 2008-197, passed and ordained by the City
12 Council on November 20, 2008, was a scrivener's error to Ordinance 2008-138; and
13

14 WHEREAS, on November 14, 2017, the Westshore Alliance (the
15 "Developer") filed a Notice of Proposed Change to a previously approved Areawide
16 Development of Regional Impact ("DRI") pursuant to Section 380.06(19), Florida
17 Statutes 2017 for the Westshore Areawide DRI ("NOPC"); and
18

19 WHEREAS, the NOPC proposes to amend the Development Order to: (1)
20 modify the approved Equivalency Matrix to increase the maximum number of multi-
21 family units from 4,000 to 5,000 units and to increase the number of hotel rooms
22 from 2,500 to 3,500 rooms; (2) to increase the approved capacity amounts for water
23 and wastewater; (3) to recognize the previous legislative extensions of the build-out
24 and expiration dates of the DRI to November 20, 2024, and November 20, 2029,
25 respectively and to extend the date by which no down-zoning can occur to November
26 20, 2029; and (4) to change the reporting frequency from annual to biennial; and
27

28 WHEREAS, the Proposed Change shall constitute the Seventh Amendment to
29 the Original Development Order (hereinafter referred to as the "Seventh
30 Amendment"); (hereinafter the Original Development Order, as amended by the First
31 Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth
32 Amendment, and Sixth Amendment shall collectively be referred to as the "Amended
33 Development Order"); and
34

35 WHEREAS, the City Council has reviewed and considered the NOPC as well
36 as all related testimony and evidence submitted by the Applicant concerning the
37 Proposed Changes; and
38

39 WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the Proposed
40 Change is presumed to create a substantial deviation; and
41

42 WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant
43 has submitted clear and convincing evidence rebutting this presumption; and
44

45 WHEREAS, the City Council, as the governing body of the local government
46 having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and
47 empowered to consider the NOPC and to adopt this Amended Development Order;
48 and
49

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

1 WHEREAS, the City Council has received and considered the report and
2 recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and
3

4 WHEREAS, all interested parties and members of the public have been
5 afforded an opportunity to be heard at the public hearing on the Proposed Change
6 before the City Council; and
7

8 WHEREAS, the City Council, on August 9, 2018, held a duly noticed public
9 hearing on the NOPC, and has reviewed and considered the NOPC and supporting
10 documentation, as well as testimony and evidence submitted by certain parties and
11 members of the general public; and
12

13 WHEREAS, Section 380.06, Florida Statutes, requires that a development
14 order be adopted to reflect the City Council's approval of the proposed changes.
15

16 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
17 THE CITY OF TAMPA, FLORIDA:
18

19 Section 1. *Findings of Fact.* That City Council, having received the
20 above referenced documents, and having received all related comments, testimony
21 and evidence submitted by all persons and members of the general public, finds that
22 there is substantial, competent evidence to support the following findings of fact:
23

24 a. The findings of fact and conclusions of law made in the
25 Development Order are incorporated herein by reference, provided that to the extent
26 that a finding of fact or conclusion of law in the original Development Order, or any
27 amendments thereto, conflicts with another finding or conclusion in a different
28 amendment, the more recent in time shall control.
29

30 b. The Applicant submitted to the City of Tampa (the "City") the
31 NOPC, attached hereto and incorporated herein by reference as Composite Exhibit
32 "A".
33

34 c. The real property, which is the subject of the ADA, is legally
35 described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City
36 Clerk's office.
37

38 d. The Westshore Alliance constitutes a "Developer" as defined in
39 Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an
40 areawide application for development approval and receive a development order.
41

42 e. The Developer submitted to the City of Tampa the NOPC, which
43 proposed to amend the Development Order to modify the approved Equivalency
44 Matrix to increase the maximum number of multi-family units from 4,000 to 5,000
45 units and to increase the number of hotel rooms from 2,500 to 3,500 rooms; to
46 increase the approved capacity amounts for water and wastewater; to recognize the
47 previous legislative extensions of the build-out and expiration dates of the DRI to
48 November 20, 2024, and November 20, 2029, respectively and to extend the date by
49 which no down-zoning can occur to November 20, 2029; and to change the reporting
50 frequency from annual to biennial.

1 f. The Proposed Change is consistent with the local and state
2 comprehensive plans.

3
4 g. The Proposed Change is consistent with all applicable local, regional
5 and state land development laws and regulations.

6
7 h. The Developer previously demonstrated that the property owners
8 within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.

9
10 i. The Development is not located in an area of critical state concern as
11 designated pursuant to Section 380.05, Florida Statutes, as amended.

12
13 j. The Proposed Change is consistent with the report and
14 recommendations of the TBRPC and satisfies the provisions of Subsection
15 380.06(14), Florida Statutes, as amended.

16
17 k. The Proposed Change is presumed to create a substantial deviation
18 under Subsection 380.06(19), Florida Statutes.

19
20 l. Based on Composite Exhibit "A" and the record of the proceedings,
21 Applicant has submitted clear and convincing evidence to rebut the presumption
22 created under Subsection 380.06(19), Florida Statutes.

23
24 m. The Proposed Change does not create additional regional impacts to
25 the previously approved Development, nor does it create any type of regional impact
26 not previously reviewed, and therefore it does not constitute a substantial deviation
27 pursuant to Subsection 380.06(19), Florida Statutes.

28
29 n. All statutory procedures have been adhered to.

30
31 Section 2. *Conclusions of Law.* That the City Council having made the
32 above findings of fact, renders the following conclusions of law:

33
34 a. These proceedings have been conducted pursuant to applicable laws
35 and regulations, and based upon the record in this proceeding, the City is authorized
36 to approve development as described herein, subject to the amendments, conditions,
37 restrictions and limitations set forth herein.

38
39 b. Based upon the analyses which are part of the NOPC, the record of
40 the proceeding and the aforementioned reviews, and the conditions contained herein,
41 the Developer has submitted clear and convincing evidence to rebut the presumption
42 created under Subsection 380.06(19), Florida Statutes.

43
44 c. Based on the foregoing and pursuant to Subsection 380.06(19),
45 Florida Statutes, the Proposed Change is found not to be a substantial deviation to the
46 previously approved Development Order.

47
48 Section 3. *Order.* That, having made the above findings of fact and
49 conclusions of law, it is hereby ordered:
50

**Certified as true
and correct copy**

1 a. The Proposed Change is hereby approved and the Development
2 Order is hereby amended to incorporate the NOPC.

3
4 b. Section 4(C) of the Development Order (Fifth Amendment) is
5 hereby amended to approve the Equivalency Matrix, attached hereto as Exhibit "B".
6

7 c. Section 4. K of the Development Order (Fourth Amendment) is
8 hereby amended to revise the capacities for water and wastewater services as follows:
9

10 Water: 2,891,214 gpd

11 Wastewater: 2,628,376 gpd
12

13 d. Section 8 of the Development Order (Sixth Amendment) is hereby
14 amended as follows:

15
16 Subject to the conditions of suspension or rescission as hereinafter provided,
17 this Order shall remain in effect until November 20, 2029. The date of buildout of
18 Revised Phase 1 and Revised Phase II shall be November 20, 2024. The property
19 within the Areawide DRI shall not be subject to downzoning or intensity reduction
20 until November 20, 2029.
21

22 e. Section 4. H of the Development Order (Fourth Amendment) is
23 hereby modified to strike references to an annual report and substitute therefor the
24 word "biennial". The next biennial report after adoption of this Seventh Amendment
25 shall be due on May 31, 2018; thereafter, biennial reports shall be due on even
26 numbered years until build-out.
27

28 f. Section 4. U. 4. of the Development Order (Fourth Amendment) is
29 hereby modified solely to update the Westshore Residential Neighborhood
30 Improvement fee to Eighteen Cents (\$0.18) per square foot.
31

32 g. Section 4. V.1. of the Development Order (Fourth Amendment) is
33 hereby modified solely to update the Westshore Areawide administrative fee to Forty
34 Cents (\$0.40) per square foot.
35

36 h. The park and recreation fee assessed pursuant to Section 4.d. of the
37 Development Order (Fifth Amendment) shall remain in effect and be applicable to the
38 increased residential units approved herein.
39

40 i. The increased water and sewer capacities approved herein shall not
41 vest any development against aid in construction, installation or connection fees. The
42 Utility Service Commitment Process will serve to identify project impacts as
43 individual developments are submitted for review and approval.
44

45 Section 4. *Development Order, As Amended.* The Development Order,
46 as previously amended, is hereby reaffirmed in its entirety except as amended by this
47 Resolution.
48

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

Certified as true
and correct copy

1 Section 6. *Binding Effect.* This Ordinance shall be binding upon the
2 Applicant, its assigns, and its successors in interest.
3

4 Section 7. *Governmental Agencies.* It is understood that any reference
5 herein to any governmental agency shall be construed to mean any future
6 instrumentality which may be created or designated as successor in interest to, or
7 which otherwise possesses any of the powers and duties of any referenced
8 governmental agency in existence on the effective date of this Ordinance.
9

10 Section 8. *Severance.* In the event that any portion or section of this
11 Ordinance is determined to be invalid, illegal, or unconstitutional by a court or
12 agency of competent jurisdiction, such decision shall in no manner affect the
13 remaining portions or sections of this Ordinance which shall remain in full force and
14 effect.
15

16 Section 9. *Transmittals.* The City Clerk is directed to send copies of
17 this Amended Development Order within five (5) days of the effective date of this
18 Order, to the Developer, Hillsborough County, HARTLine, Florida Department of
19 Transportation, Florida Department of Economic Opportunity and the Tampa Bay
20 Regional Planning Council.
21

22 Section 10. *Rendition.* This Amended Development Order shall be
23 deemed rendered upon transmittal of copies of this Amended Development Order to
24 the recipients specified in Chapter 380, Florida Statutes.
25

26 Section 11. *Recording.* The Applicant shall record a notice of adoption
27 of this Ordinance pursuant to Chapter 380, Florida Statutes.
28

29 Section 12. *Effective Date.* This Ordinance shall become a law as
30 provided in the City of Tampa Home Rule Charter and shall take effect upon
31 transmittal to the parties specified in Section 9 hereof.
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**Certified as true
and correct copy**

1 Section 13. This Amended Development Order shall take effect
2 immediately upon becoming a law.
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4

5
6 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY
7 OF TAMPA, FLORIDA ON AUG 23 2018, 2018.
8
9

10 ATTEST:

CITY COUNCIL:

11
12
13
14 Shirley Fox-Knowles
15 CITY CLERK

[Signature]
CHAIRPERSON

16
17 APPROVED by me on AUG 27 2018
18

19
20 Bob Buckhorn
21
22 Bob Buckhorn, MAYOR
23

24
25
26 PREPARED AND APPROVED AS TO
27 LEGAL SUFFICIENCY BY:

State of Florida

County of Hillsborough

This is to certify that the foregoing is a
true and correct copy of
on file in my office

Witness my hand and official seal this 29th day
of August, 2018

28
29
30
31 E/S
32 REBECCA M. KERT
33 SENIOR ASSISTANT CITY ATTORNEY
34
35
36

Shirley Fox-Knowles
CITY CLERK/DEPUTY CITY CLERK

37 K:/Debbie/DRIs/Westshore/Draft Ordinance_07232018
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NOTICE OF PROPOSED CHANGE

for

WESTSHORE AREAWIDE DRI #141

Prepared for:

Westshore Alliance

Prepared by:

Mechanik Nuccio Hearne & Wester, P.A.

305 S. Boulevard
Tampa, Florida 33606

and



P.O. Box 10658 Tampa, Florida 33679-0658

November 2017

EXHIBIT "A"

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
850/487-4545

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

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Ann Kulig, the undersigned authorized representative of the Westshore Alliance hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the WESTSHORE AREAWIDE DRI No. 141 development located in Tampa, Florida, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to the City of Tampa, to the Tampa Bay Regional Planning Council, and to the Bureau of State Planning, Department of Community Affairs.

11/14/17
(Date)

Ann Kulig
(Signature)
Ann Kulig, Executive Director
Westshore Alliance

**Certified as true
and correct copy**

2. Applicant (name, address, phone):

Westshore Alliance
3109 W. Dr. Martin Luther King Jr. Blvd., Suite 140
Tampa, Florida 33607
Phone: (813) 289-5488
Fax: (813) 289-6727

3. Authorized Agents (name, address, phone):

Ms. Ann Kulig, Executive Director
Westshore Alliance
5444 Bay Center Drive, Suite 115
Tampa, Florida 33609
Phone: (813) 289-5488
Fax: (813) 289-6727

Mr. David M. Mechanik
Mechanik Nuccio Hearne & Wester, P.A.
305 S. Boulevard
Tampa, Florida 33606-2150
Phone: (813) 276-1920
Fax: (813) 276-1560

Mr. Randy Coen
Coen & Company
P.O. Box 10658
Tampa, Florida 33679-0658
Phone: (813) 877-7989
Fax: (813) 877-7609

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

City of Tampa, Hillsborough County, Florida. Sections 15, 16, 17, 18, 19, 20, 21, and 22, 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 representations contained in either the development order or the Application for Development Approval.

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

The proposed changes to the Development Order are as follows (each requested change is followed by a discussion and rationale for each change):

- A. The first change requests a modification to the approved Equivalency Matrix to increase in the maximum number of multi-family dwelling units (dus) that may be developed in Revised Phase I from 4,000 dus to 5,000 dus and to increase the maximum number of hotel rooms that may be developed in Revised Phase 1 from 2,500 rooms to 3,500 rooms.

Discussion and Rationale

The purpose of this request is to permit additional residential and hotel development within the Westshore Business District. The previous NOPC approved the development of 4,000 multi-family dwelling units. The inclusion of this residential land use was previously requested/encouraged by the Florida Department of Transportation, the City of Tampa, and the Florida Department of Community Affairs (N/K/A Department of Economic Opportunity) as a means of providing housing proximate to employment opportunities within the Westshore Business District.

Based on these previous approvals, requests, and encouragement, the Westshore Alliance has actively supported residential development within the business district. To date nearly 3,000 dus are have been approved in the business district. As a result of this success, the Westshore Alliance is requesting that the maximum number of multi-family dwelling units permitted by the Equivalency Matrix be increased by 1,000 dwelling units.

The Westshore Business District continues to attract hotel development. To date nearly 2,000 hotel rooms have been approved in the business district and additional hotel developments are currently being processed for approval consideration. As a result of this development demand, the Westshore Alliance is requesting that the maximum number of hotel rooms permitted by the Equivalency Matrix be increased by 1,000 rooms.

Appendix A, attached, provides a revised Equivalency Matrix and an examination of any potential additional impacts (traffic, water, waste water, solid waste, and affordable housing) that may occur as a result of the proposed increase in the maximum number of multi-family dwelling units and hotel rooms permitted to be developed in the Westshore Business District.

- B. The second change requests an increase in the approved capacity amounts for water and wastewater cited in the Development Order.

Discussion and Rationale

The current Development Order identifies utility capacity limitations for water, wastewater, solid water, and electric in Section 4.M. Increases in the water and waste water amounts are necessary to effectuate the change identified in Item A., above. Appendix A provides information identifying the additional capacity requirements necessary to support the Revised Phase I Equivalency Matrix modification. It is the applicant's understanding that such capacities

are available. Responses from the entities confirming the availability of such capacity will be provided when received.

- C. The third change requests that the phase buildout dates and expiration date of the Development Order be updated to reflect the current buildout dates and expiration date. The down-zoning protection date is requested to be extended to August 23, 2028 to coincide with the development order expiration date of the project.

Discussion and Rationale

The phase buildout dates have been previously extended to August 24, 2023 and the Development Order Expiration date has been previously extended to August 23, 2028 via a number of legislatively granted extensions. The down-zoning protection date is updated to coincide with the buildout dates of the project.

- D. The fourth change requests the DRI Annual Report be submission be changed from annual to biennial.

Discussion/Rationale

DRI Annual Reports are currently permitted to be submitted on a biennial basis and this request would allow the Applicant to file a report every two years.

- 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.**

No changes in land use types are being proposed.

- 7. **List all the dates and resolutions numbers (or other appropriate identification numbers) of all modifications or amendments to the original approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart).**

The original DRI Development Order for the Westshore Areawide DRI No. 141, Ordinance No. 88-1 (the "Development Order"), was adopted by City Council on January 7, 1988.

The first amendment to the Development Order, Ordinance No. 92-80 (the "First Amendment"), was adopted by City Council on May 28, 1992. The First Amendment imposed a fee of ten cents per square foot to fund the costs

associated with administering the existing Westshore Areawide DRI and obtaining approval for a second phase to the Westshore Areawide DRI. The First Amendment also amended the Development Order to change the name of the Developer from the Westshore Development Association the Westshore Alliance.

The second amendment to the Development Order, Ordinance No. 93-197 (the "Second Amendment"), was adopted by City /Council on December 16, 1993. The Second Amendment extended the buildout date of Phase I of the Westshore Areawide DRI to December 15, 1999 (an extension of four years, eleven months and fifteen days).

The third amendment to the Development Order, Ordinance No. 99-160, (the "Third Amendment"), was adopted by City Council on July 15, 1999. The Third Amendment extended the buildout date of Phase I of the Westshore Areawide DRI to December 15, 2005, an extension of six years.

The fourth amendment to the Development Order, Ordinance No. 2001-148 ("fourth amendment") was adopted by City Council on July 19, 2001. The fourth amendment specifically approved Revised Phase I of the project, consisting of: 4,400,000 sq. ft. of office uses, 500,000 sq. ft. of retail uses, 750 hotel rooms, 200,000 sq. ft. of light industrial uses, and 2,000 multi-family dwelling units with a buildout date of December 31, 2010; increased the approved capacity amounts for water, wastewater, solid waste, and electric; included an Equivalency Matrix to allow for the simultaneous exchange of approved land uses for Revised Phase I; extend the termination date for this Development Order to December 31, 2015; established that no downsizing of the project may occur prior to December 31, 2010; and approved a restated Development Order.

The fifth amendment to the Development Order, Ordinance No. 2005-85 (the "Fifth Amendment"), was adopted by City Council on March 31, 2005. The Fifth Amendment modified the Equivalency Matrix to increase the number of residential units that could be developed from 3,000dus to 4,000dus and updated the amount of water, waste water, and solid waste capacities available.

The sixth amendment to the Development Order, Ordinance No. 2008-138 (the "Sixth Amendment"), was adopted by City Council on August 21, 2008. The Sixth Amendment extended the buildout dates of Phase I, Phase 2, and the no down zoning of the project provision to December 31, 2013; extended the termination date of the Development Order to December 31, 2018; expanded the manner in which fees and contributions required by the Development Order could be applied to transportation and transit improvements; and exempted projects which provide affordable housing from certain Development Order assessments.

The seventh amendment to the Development Order, Ordinance No. 2008-197 (the "Seventh Amendment"), was adopted by City Council on November 20, 2008. The Seventh Amendment corrected a Scrivener's Error in the Sixth Amendment to correct the omission of the NOPC as an exhibit.

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and correct copy**

While not a Development Order Amendment, the buildout date has been previously extended to August 24, 2023 and the Expiration to August 23, 2028 via Section 252.363, Florida Statutes via a number of legislative extensions.

Has there been a change in local government jurisdiction for any portion of the development since the last approval or the development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

No.

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.**

Not applicable.

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

The proposed changes are not less than 40%.

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

Yes _____

No X

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

No, the proposed change simply reflects the current buildout and expiration dates of the DRI as approved via a number of legislative extensions.

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

No

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

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

Not Applicable.

13. Pursuant to Subsection 380.06(19)(f), Florida Statutes, include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. all proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; ~~to commitments and representations in the Application for Development Approval;~~ to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

Please see a proposed draft amendment to the Development Order which incorporates all of the requested changes, attached hereto as Appendix B.

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

Not Applicable.

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

Not applicable, construction has commenced

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

Not Applicable, the proposed change simply reflects the current approved date of expiration of the Development Order, via a number of legislative extensions.

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

Yes, the proposed change extends the down-zoning protection date of August 23, 2028 to coincide with the current approved development order expiration date for the project.

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and correct copy

- 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), Florida Administrative Code.

Yes, the request is to submit on a biennial basis.

Certified as true
and correct copy

APPENDIX

A. Equivalency Matrix

B. Amended Development Order Language

Certified as true
and correct copy

APPENDIX A - Equivalency Matrix

Certified as true
and correct copy

TECHNICAL MEMORANDUM

EQUIVALENCY MATRIX

Westshore Areawide NOPC

The approved land use equivalency matrix is proposed to be modified to increase the maximum of multi-family dwelling units (from 4,000 dus to 5,000 dus) and to increase the maximum number of hotel rooms (from 2,500 rooms to 3,500 rooms) based on the exchange of one land use to another, while keeping unchanged the impacts of the development. The revised equivalency matrix is presented in Table 1 and is based on updated net external two-way p.m. peak hour project traffic for the development presented in Table 2. The minimum/maximum ranges of development identified in Table 1 were developed based on the most restrictive public facility demand factor (i.e., transportation, water, wastewater, solid waste, electric, and affordable housing), identified under the worst case development scenario presented in Table 3.

Table 3 - Worse Case Equivalency Utilization Comparison revealed that Revised Phase I development could potentially exceed the approved development scenario in terms of water usage and wastewater disposal. No other exceedances or impacts were identified.

As a result of the potential additional water and wastewater demands, associated with the proposed change, the City of Tampa was contacted to determine the availability of additional water and wastewater service. It appears that sufficient capacity exists to serve the additional utility demands of the project. Confirmation of the Applicant's request for additional water and wastewater will be provided as soon as available.

Based on the foregoing analysis, additional utility capacities requested, and limitations identified in the Equivalency Matrix (i.e., minimum and maximum land use totals), no additional regionally significant adverse impacts will occur as a result of the proposed Equivalency Matrix modification.

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TABLE 1

EQUIVALENCY MATRIX¹

Westshore Areawide NOPC

| Change From: Change To: | Office | Retail | Hotel | Light Industrial | Multi-Family |
|----------------------------|---|---|--|---|--|
| Office | N/A | 2,540 sf/ksf (2.5396) ³ | 335 sf/room (0.3349) ³ | 724 sf/ksf (0.7242) ³ | 467 sf/du (0.4686) ³ |
| Retail | 394 sf/ksf (0.3938) ^{2,3} | N/A | 132 sf/room (0.1319) ³ | 285 sf/ksf (0.2851) ³ | 185 sf/du (0.1845) ³ |
| Hotel | 2.99 rooms/ksf (2.9862) ³ | 7.58 rooms/ksf (7.5840) ³ | N/A | 2.16 rooms/ksf (2.1625) ³ | 1.40 rooms/du (1.3995) ³ |
| Light Industrial | 1,381 sf/ksf (1.3809) ³ | 3,507 sf/ksf (3.5070) ³ | 462 sf/rooms (0.6242) ³ | N/A | 647 sf/du (0.6471) ³ |
| Multi-Family | 2.13 dus/ksf (2.1339) ³ | 5.42 dus/ksf (5.4193) ³ | 0.71 dus/room (0.7146) ³ | 1.55 dus/ksf (1.5453) ³ | N/A |

1 Land use exchanges are based on net external two-way p.m. peak hour project traffic. Use of this matrix shall be limited to the following minimums and maximums to ensure that impacts for transportation, water, wastewater, solid waste, electric and affordable housing are not exceeded.

| <u>Land Use</u> | <u>Minimum</u> | <u>Maximum</u> |
|------------------|----------------|----------------|
| Office | 4,000,000 sf | 7,500,000 sf |
| Retail | 1,000,000 sf | 2,500,000 sf |
| Hotel | 1,000 rooms | 3,500 rooms |
| Light Industrial | 0 sf | 300,000 sf |
| Multi-Family | 0 dus | 5,000 dus |

2. Example exchange:

Add 100,000sf of Retail by decreasing Office: 100ksf of Retail divided 0.3938 = 253.936ksf of Office;
Reduce Office by 253,936 sf.

3 Actual equivalency factor for use in calculations.

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TABLE 2
REVISED PHASE I PM PEAK HOUR TRIP GENERATION
Westshore Areawide NOPC

| Land Use ¹ | ITE Land Use Code | Size ² | Gross P.M. Peak Hour | | Internal Capture ² | | Transit Capture ² | | Passer-by Capture ² | | Net P.M. Peak Hour | | Two-way External Trip Rate ³ |
|-----------------------|-------------------|-------------------|----------------------|---------------|-------------------------------|--------------|------------------------------|------------|--------------------------------|--------------|--------------------|--------------|---|
| | | | In | Out | In | Out | In | Out | In | Out | In | Out | |
| Office | 710 | 6,563,991 sf | 1,469 | 7,240 | 220 | 1,082 | 44 | 216 | 0 | 0 | 1,205 | 5,912 | 1.084/ksf |
| Retail | 820 | 1,488,000sf | 3,928 | 4,254 | 589 | 638 | 118 | 128 | 1,254 | 1,358 | 1,967 | 2,130 | 2.753/ksf |
| Hotel | 310 | 1,625 rms | 462 | 488 | 69 | 73 | 106 | 112 | 0 | 0 | 287 | 303 | 0.363/rm |
| Light Indus. | 110 | 200,000sf | 24 | 168 | 4 | 25 | 1 | 5 | 0 | 0 | 19 | 138 | 0.785/ksf |
| Multi-Family | 220 | 2,000dus | 808 | 432 | 121 | 65 | 24 | 13 | 0 | 0 | 663 | 354 | 0.508/du |
| Totals | | | 6,691 | 12,552 | 1,033 | 1,883 | 293 | 474 | 1,254 | 1,358 | 4,141 | 8,837 | |

¹ Source: ITE's Trip Generation Manual, 9th Edition, update from 2004 NOPC Table 2, copy attached.

² Trip Generation, internal Capture, Transit Capture, and Passer-by calculations completed using the same methodology approved in the 2004 NOPC.

³ Net two-way pm peak hour traffic divided by size.

TABLE 3
WORST CASE EQUIVALENCY UTILIZATION COMPARISON
Westshore Area-wide NOPC

| Worse Case Development Scenario | | REVISED PHASE I ¹ | | | | | | |
|---------------------------------|--------------|---|------------------|------------------|------------------------|--------------------|---------------------------|--|
| Land Use | Size | Net External Two-Way Traffic (vph) ³ | Water (gpd) | Wastewater (gpd) | Solid Waste (lbs./day) | Electric (kwh/day) | Affordable Housing (emp.) | |
| Office | 5,916,974 sf | 6,414 | 911,214 | 828,376 | 59,170 | 414,188 | 17,810 | |
| Retail | 1,000,000 sf | 2,753 | 110,000 | 100,000 | 50,000 | 60,000 | 2,330 | |
| Hotel | 3,500 rooms | 1,271 | 770,000 | 700,000 | 24,500 | 280,000 | 3,220 | |
| Light Industrial | 0 sf | 0 | 0 | 0 | 0 | 0 | 0 | |
| Multi-Family | 5,000 dus. | 2,540 | 1,100,000 | 1,000,000 | 30,000 | 200,000 | 0 | |
| TOTAL | | 12,978 | 2,891,214 | 2,628,376 | 163,670 | 954,188 | 23,366 | |
| Approved Amount ² | | 12,978 | 2,409,546 | 2,190,497 | 165,535 | 969,000 | 40,699 | |
| Percent Change | | 0% | +10.0% | +19.9% | -0.1% | -1.5% | -42.6% | |
| Additional Amount Required | | 0 | +262,838 | +437,879 | -1,865 | -14,812 | -17,333 | |

¹ All rates taken from previous NOPC. Copies of applicable pages appended.

² Water, wastewater, solid waste, and electric amounts obtained from previous NOPC approval. Copies of applicable pages appended.

³ Trip Generation updated, see Table 2. Office development limited by external project traffic volume.

Equivalency Matrix Appendix

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General Light Industrial (110)

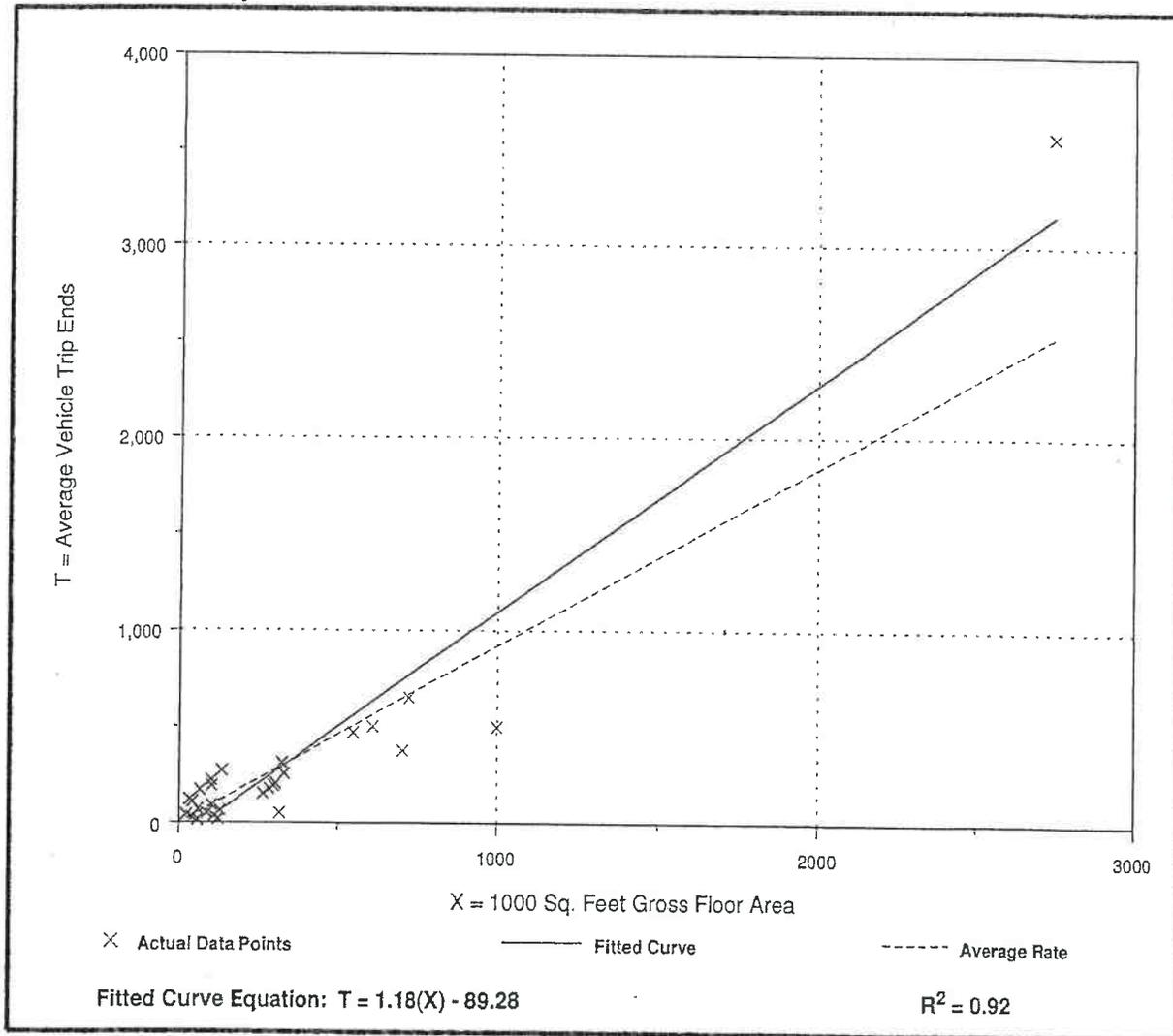
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

Number of Studies: 29
 Average 1000 Sq. Feet GFA: 336
 Directional Distribution: 88% entering, 12% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.92 | 0.17 - 4.00 | 1.07 |

Data Plot and Equation



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General Light Industrial (110)

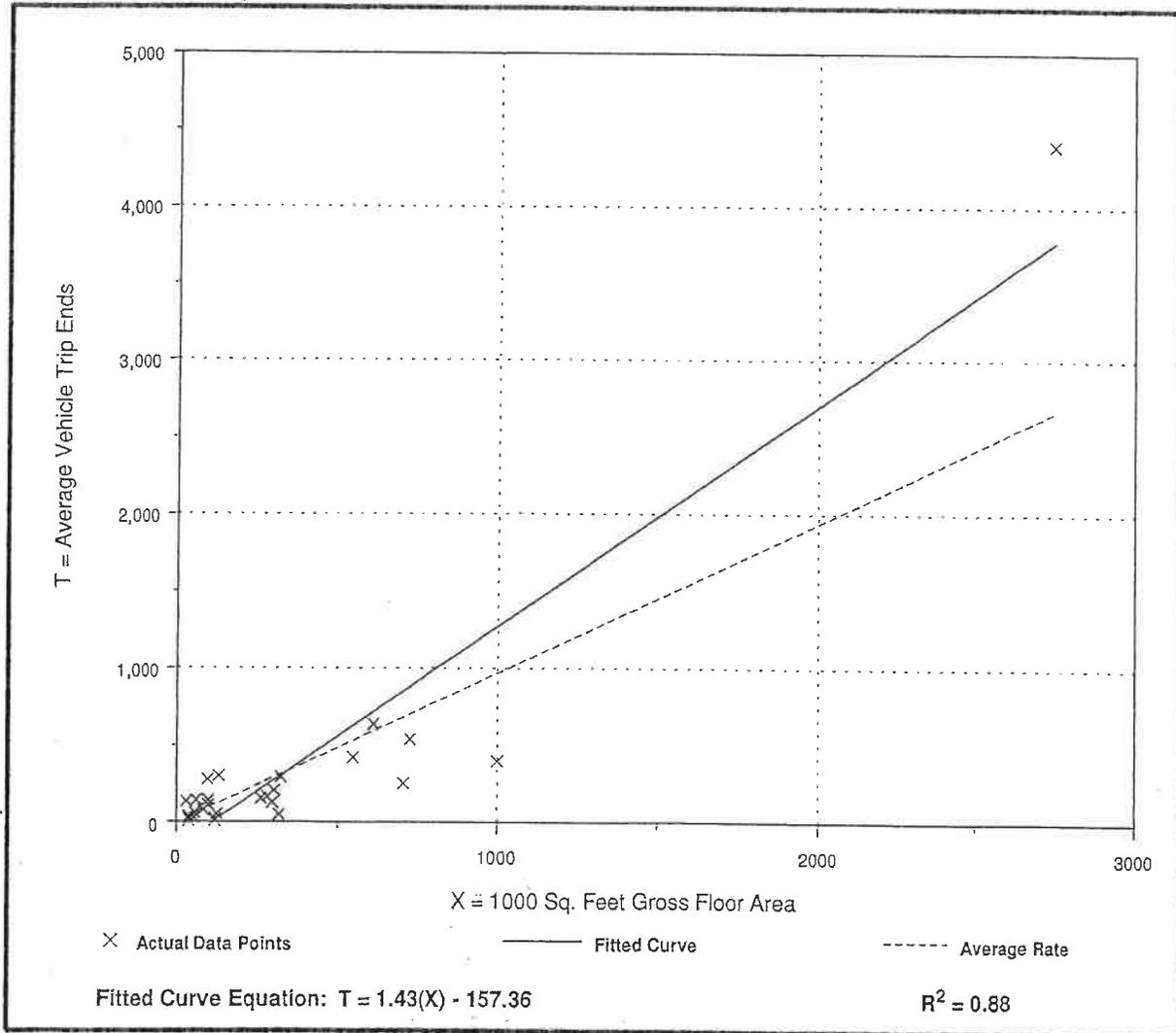
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 27
 Average 1000 Sq. Feet GFA: 345
 Directional Distribution: 12% entering, 88% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.97 | 0.08 - 4.50 | 1.16 |

Data Plot and Equation



Apartment (220)

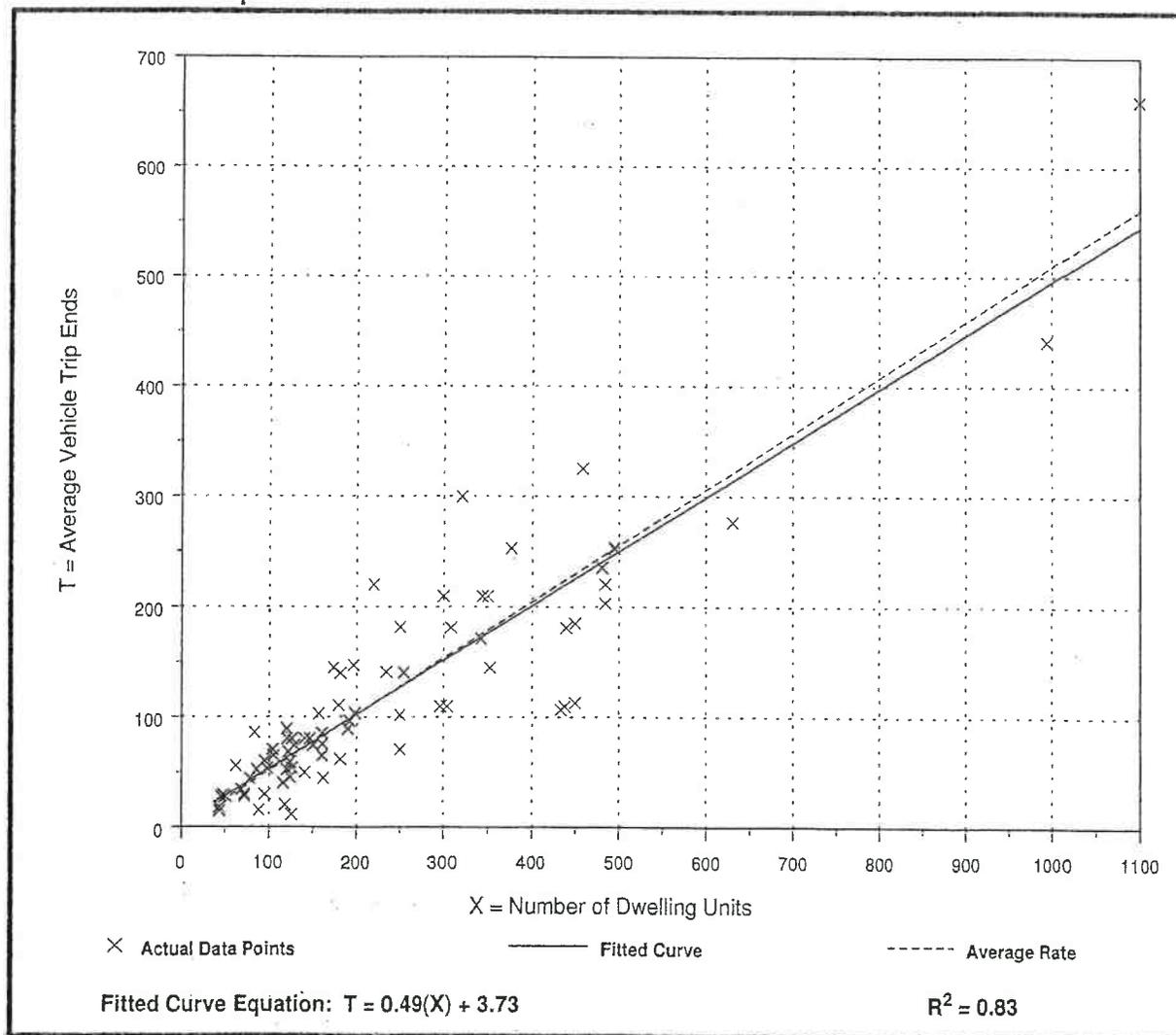
Average Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

Number of Studies: 78
 Avg. Number of Dwelling Units: 235
 Directional Distribution: 20% entering, 80% exiting

Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.51 | 0.10 - 1.02 | 0.73 |

Data Plot and Equation



Apartment (220)

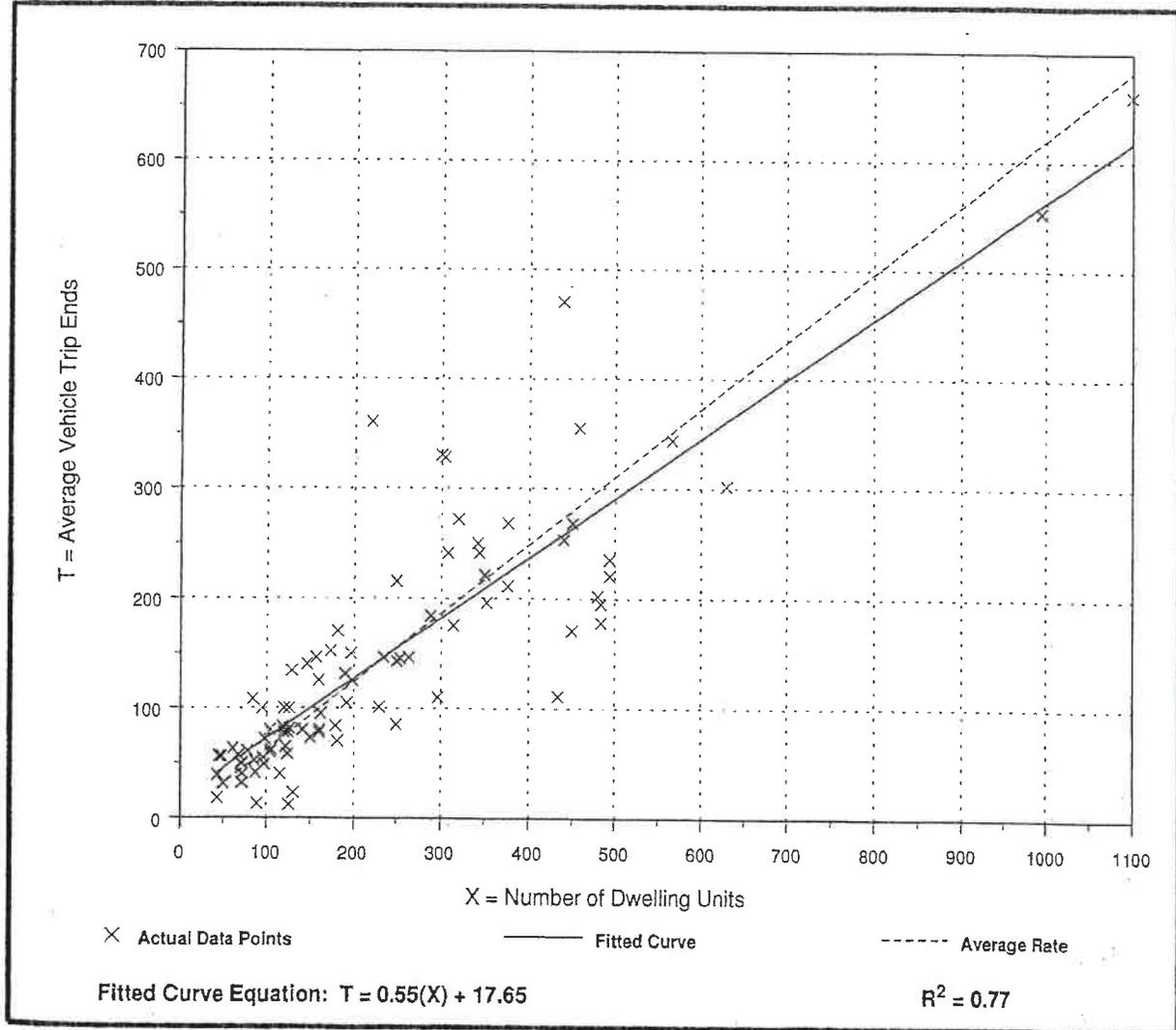
Average Vehicle Trip Ends vs: Dwelling Units
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 90
 Avg. Number of Dwelling Units: 233
 Directional Distribution: 65% entering, 35% exiting

Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.62 | 0.10 - 1.64 | 0.82 |

Data Plot and Equation



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Hotel (310)

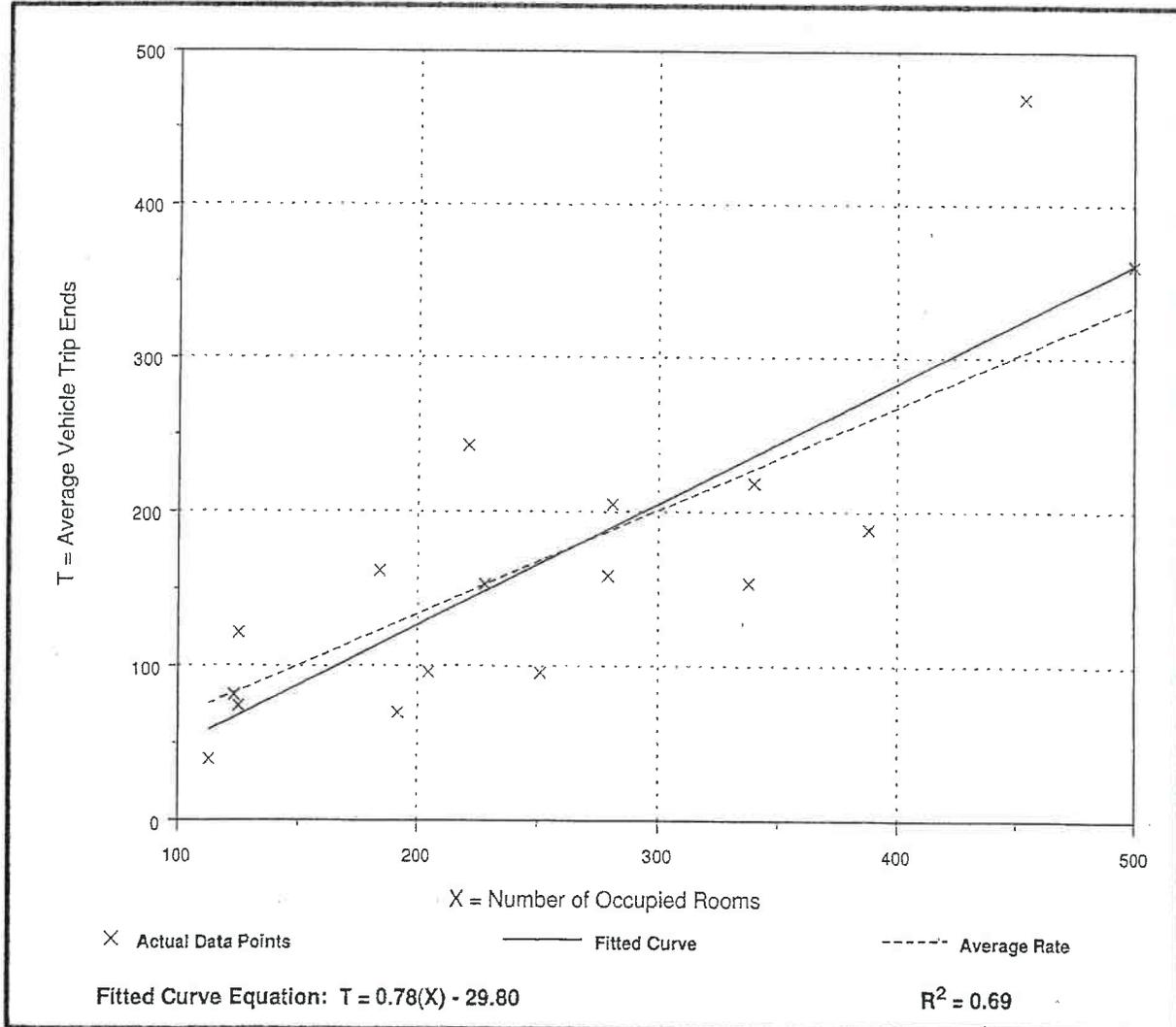
Average Vehicle Trip Ends vs: Occupied Rooms
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.

Number of Studies: 17
 Average Number of Occupied Rooms: 256
 Directional Distribution: 58% entering, 42% exiting

Trip Generation per Occupied Room

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.67 | 0.35 - 1.10 | 0.84 |

Data Plot and Equation



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Hotel (310)

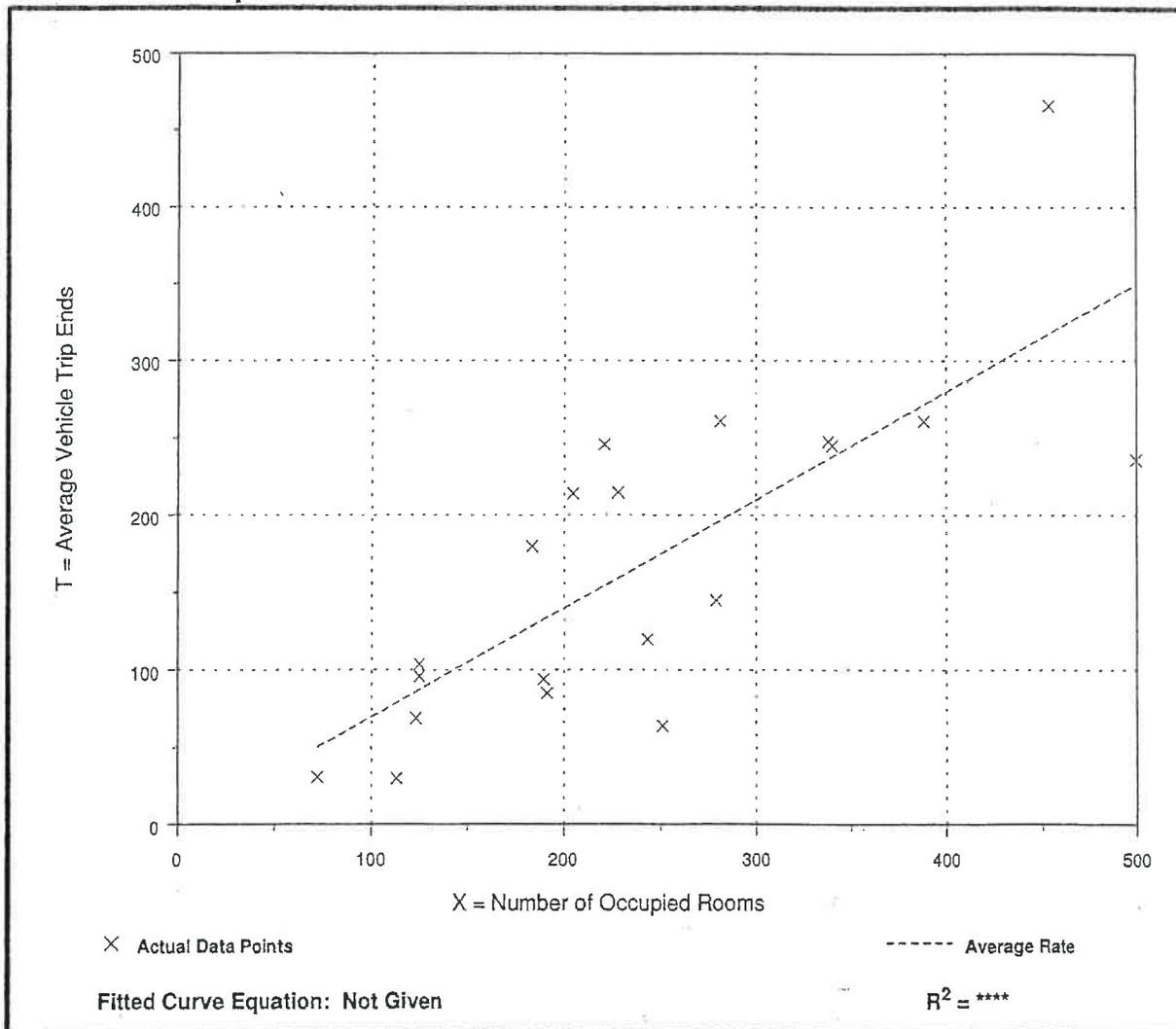
Average Vehicle Trip Ends vs: Occupied Rooms
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 20
 Average Number of Occupied Rooms: 243
 Directional Distribution: 49% entering, 51% exiting

Trip Generation per Occupied Room

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.70 | 0.25 - 1.11 | 0.87 |

Data Plot and Equation



General Office Building (710)

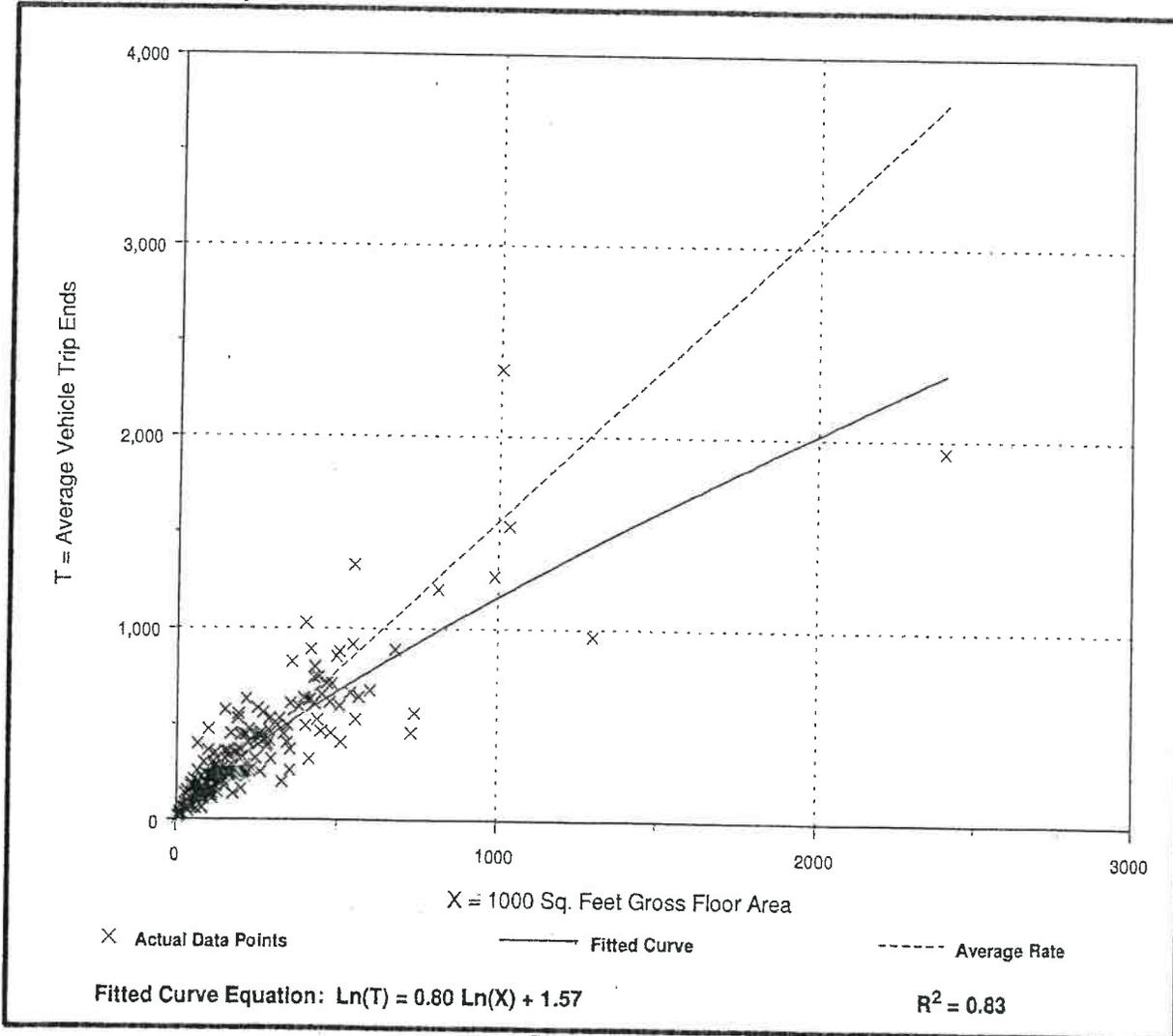
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
A.M. Peak Hour

Number of Studies: 218
Average 1000 Sq. Feet GFA: 222
Directional Distribution: 88% entering, 12% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 1.56 | 0.60 - 5.98 | 1.40 |

Data Plot and Equation



General Office Building (710)

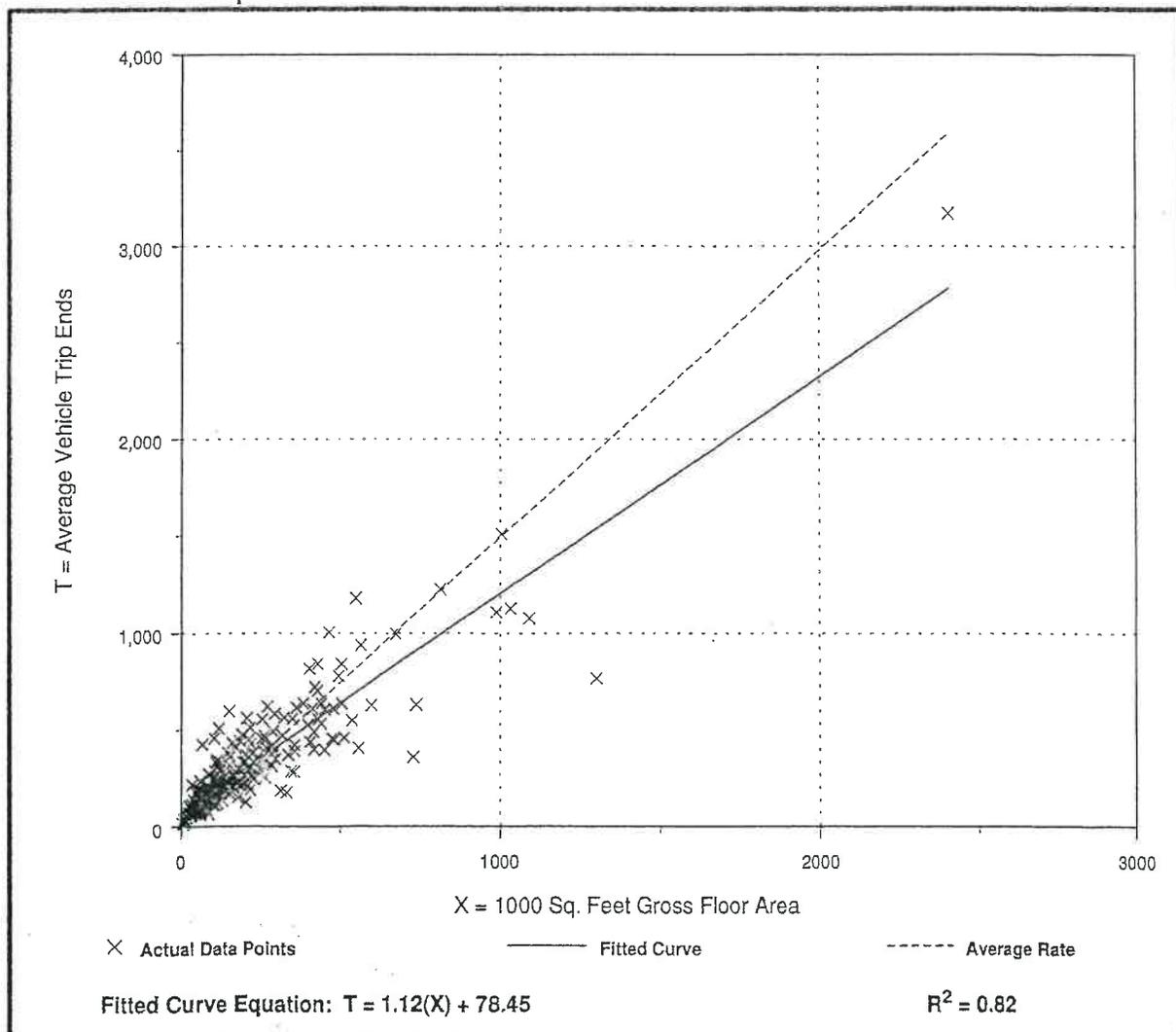
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday,
P.M. Peak Hour

Number of Studies: 236
Average 1000 Sq. Feet GFA: 215
Directional Distribution: 17% entering, 83% exiting

Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 1.49 | 0.49 - 6.39 | 1.37 |

Data Plot and Equation



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Shopping Center (820)

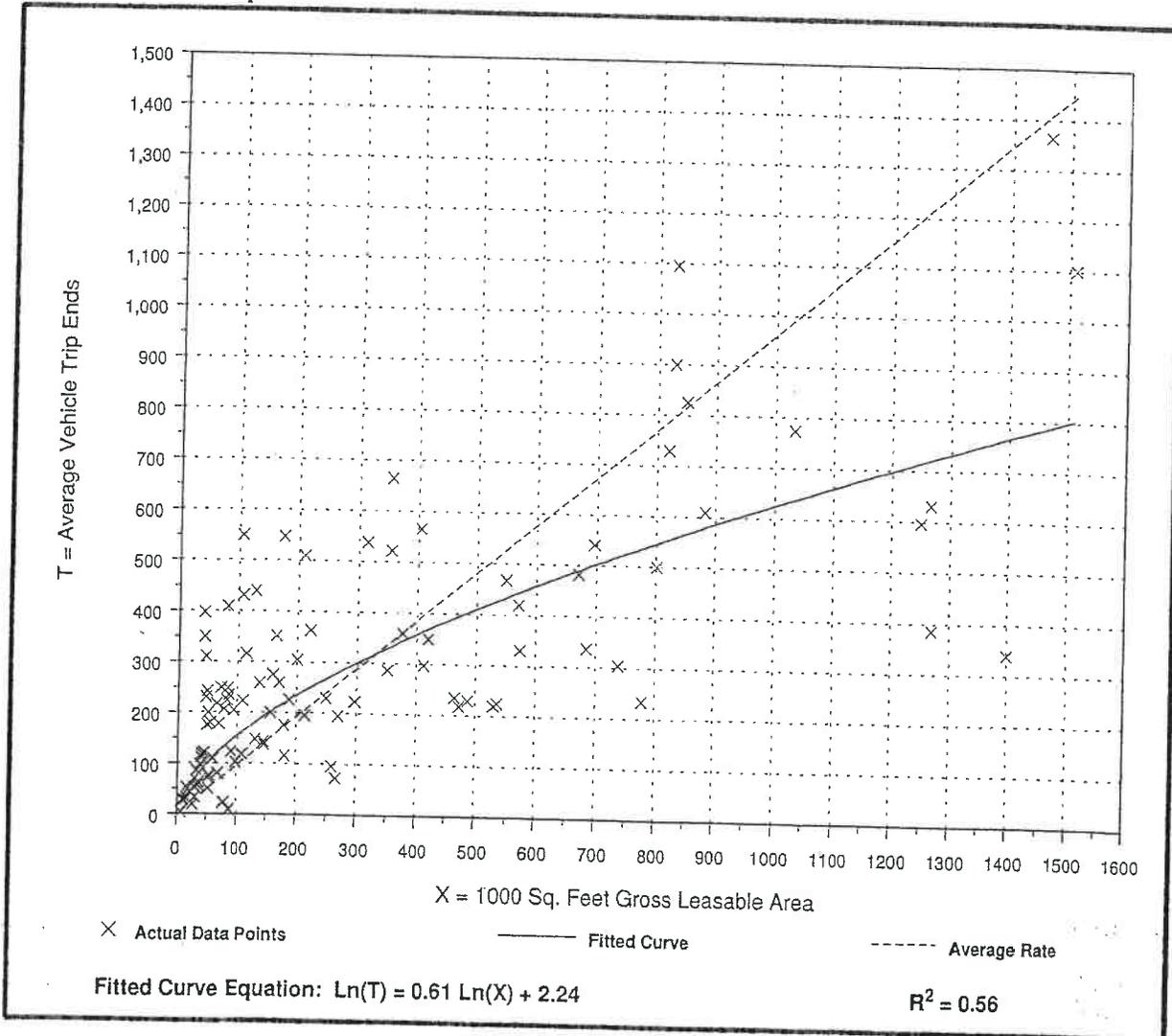
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Leasable Area
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Number of Studies: 104
Average 1000 Sq. Feet GLA: 310
Directional Distribution: 62% entering, 38% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.96 | 0.10 - 9.05 | 1.31 |

Data Plot and Equation



Shopping Center (820)

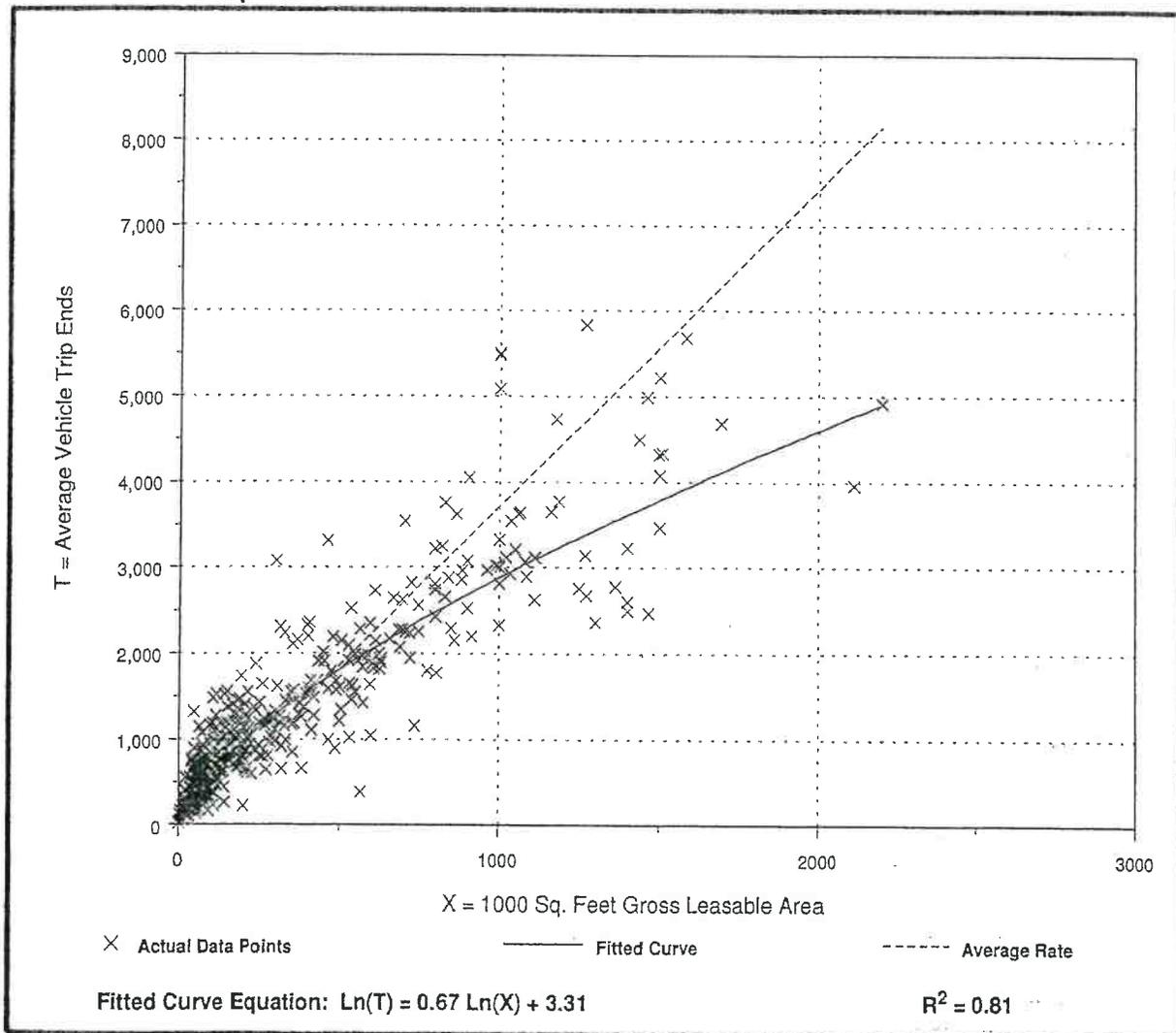
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Leasable Area
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.

Number of Studies: 426
 Average 1000 Sq. Feet GLA: 376
 Directional Distribution: 48% entering, 52% exiting

Trip Generation per 1000 Sq. Feet Gross Leasable Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 3.71 | 0.68 - 29.27 | 2.74 |

Data Plot and Equation



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Figure 5.7 Shopping Center (820)

Average Pass-By Trip Percentage vs: 1,000 Sq. Feet Gross Leasable Area
On a: Saturday, Midday Peak Period
Number of Studies: 11
Average 1,000 Sq. Feet GLA: 523

Data Plot

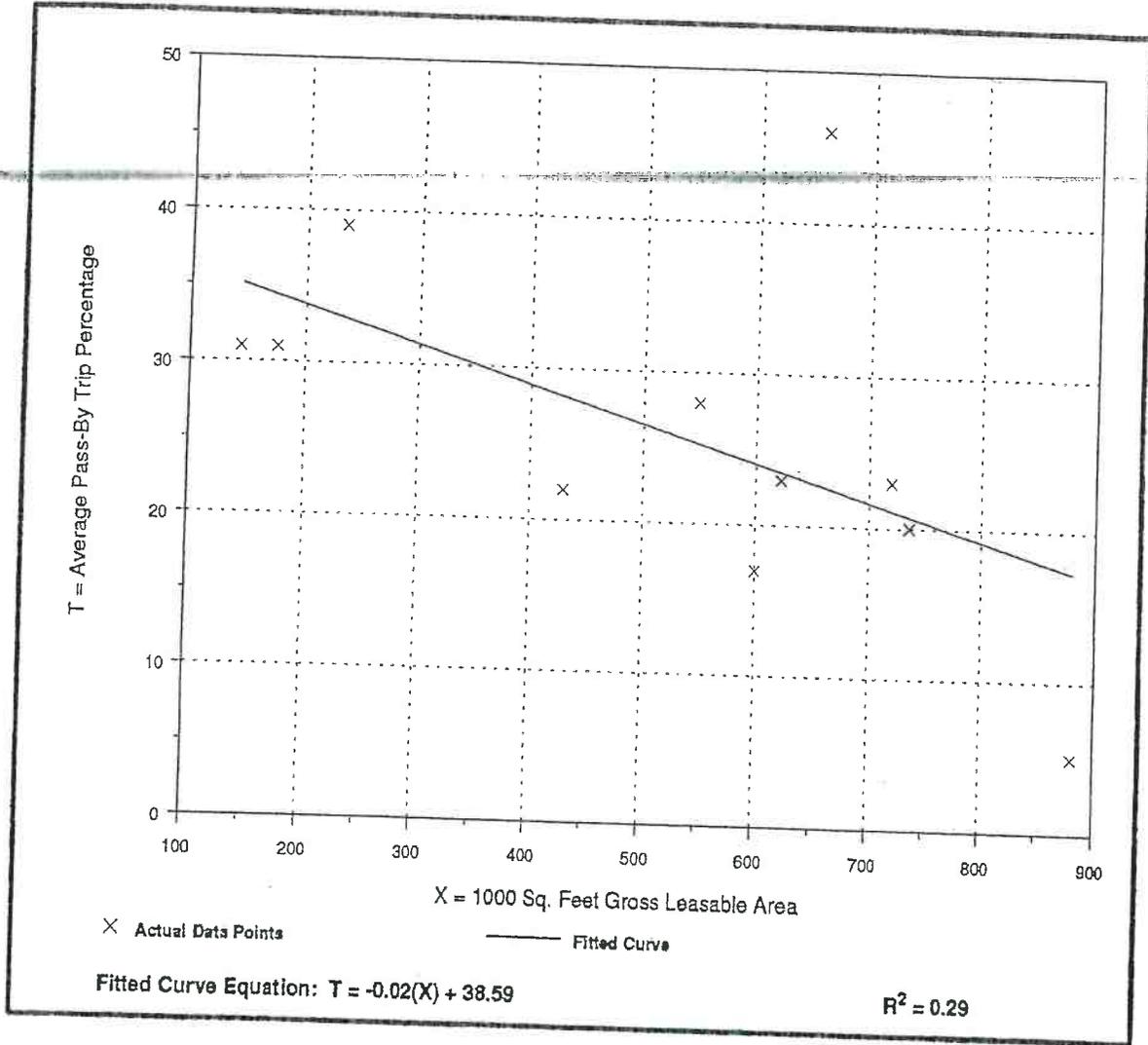


TABLE 2

PHASE I AND II PEAK HOUR TRIP GENERATION

Westshore Areawide NOPC

PM Phases I and IIA

| Land Use ¹ | ITE Land Use Code | Size ² | Gross P.M. Peak Hour | | Internal Capture ³ | | Transit Capture ⁴ | | Passer-by Capture ⁵ | | Net P.M. Peak Hour | | Two-way External Trip Date ⁶ |
|-----------------------|-------------------|-------------------|----------------------|---------------|-------------------------------|--------------|------------------------------|------------|--------------------------------|--------------|--------------------|--------------|---|
| | | | In | Out | In | Out | In | Out | In | Out | In | Out | |
| Office | 710 | 6,563,991 sf. | 1,485 | 7,226 | 223 | 1,084 | 45 | 217 | 0 | 0 | 1,218 | 5,925 | 1.088/ksf |
| Retail | 820 | 1,488,000 sf. | 3,609 | 3,912 | 541 | 587 | 108 | 117 | 1,169 | 1,269 | 1,790 | 1,939 | 2.506/ksf |
| Hotel | 310 | 1,358 rms | 407 | 417 | 61 | 63 | 94 | 96 | 0 | 0 | 252 | 259 | 0.376/rooms |
| Light Industrial | 110 | 200,000 sf. | 24 | 176 | 4 | 26 | 1 | 5 | 0 | 0 | 20 | 144 | 0.820/kst |
| Multi-Family | 220 | 2,000 dws | 824 | 408 | 124 | 61 | 25 | 12 | 0 | 0 | 676 | 335 | 0.506/du |
| Totals | | | 6,349 | 12,139 | 952 | 1,821 | 272 | 448 | 1,169 | 1,269 | 3,956 | 8,602 | |

¹ Source: ITE's Trip Generation Manual, 6th Edition, documentation provided in the Phase IIA Transportation Analysis provided as a part of this NOPC.
² Trip generation calculated using the following "Base Size" and "Remainder Size" development increments: Office calculated at 16 "Base Size" units (400,000 sf.) plus 1 "Remainder Size" unit (163,991 sf.); Retail calculated at 7 "Base Size" units (200,000 sf.) plus 1 "Remainder Size" unit (88,000 sf.); Hotel calculated at 8 "Base Size" units (150 rooms) plus 1 "Remainder Size" unit (158 rooms); Light Industrial calculated at 8 "Base Size" units (25,000 sf.); Multi-Family calculated at 8 "Base Size" units (250 dus).
³ Internal capture is based on an overall 15%; actual internalization percent will be the less of 15% or the FSUTMS model derived internal percentage.
⁴ Transit Rate is 3%. Hotel private transit rate is 20%.
⁵ Passerby Capture rate based on ITE Trip Generation Handbook, 1998, applicable pages provided in the Phase IIA Transportation Analysis cited above. Rate calculated for individual building size.
⁶ Net p.m. peak hour traffic divided by size.

UTILITY RATE COMPARISON
Westshore Areawide NOPC

| Land Use | Water (gpd) | | Wastewater (gpd) | | Solid Waste (lbs/day) | | Electric (kwh/day) | |
|------------------|------------------|----------------------|------------------|----------------------|-----------------------|----------------------|--------------------|----------------------|
| | DRI ¹ | Current ² | DRI ¹ | Current ³ | DRI ¹ | Current ⁴ | DRI ¹ | Current ⁵ |
| Office | 180 | 154 | 140 | 140 | 10 | 10 | 80 | 70 |
| Retail | 140 | 110 | 100 | 100 | 25 | 25 | 80 | 60 |
| Hotel | 150 | 220 | 100 | 200 | 7 | 7 | 80 | 80 |
| Light Industrial | 96 | 55 | 83 | 50 | 50 | 50 | 40 | 40 |
| Multi-Family | 240 | 220 | 200 | 200 | 6 | 6 | 40 | 40 |

1. Rate obtained from Westshore Areawide DRI documentation
2. Rate derived from City of Tampa Wastewater rates, i.e., wastewater rate times 110%. The City of Tampa water level of service is population based at 145 gpd per person and thus not directly applicable to land use.
3. Rate obtained from City of Tampa Comprehensive Plan, January 1998, copy of applicable page appended.
4. DRI rate was based on available information and area survey. The City of Tampa solid waste level of service is population based at 6.5 lbs/day/person and thus not directly applicable to land use.
5. DRI rates were based on TECO information and current rates reflect available updated TECO information.

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APPENDIX B - Amended Development Order Language

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1 After Recording, Return to:

2 City of Tampa
3 Office of the City Clerk
4 315 East Kennedy Blvd
5 Old City Hall, 3rd Floor
6 Tampa, Florida 33602
7
8
9

10 ORDINANCE NO. 2018- _____
11

12 AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA,
13 ~~AMENDING A DEVELOPMENT ORDER PURSUANT~~
14 ~~TO SECTION 380.06, FLORIDA STATUTES, FILED BY~~
15 ~~THE WESTSHORE ALLIANCE FOR THE WESTSHORE~~
16 ~~AREAWIDE DEVELOPMENT OF REGIONAL IMPACT,~~
17 ~~DRI #141 A PREVIOUSLY APPROVED DEVELOPMENT~~
18 ~~OF REGIONAL IMPACT; AND PROVIDING AN~~
19 ~~EFFECTIVE DATE.~~
20

21
22
23
24 WHEREAS, Ordinance No. 88-1, passed and ordained by the City Council of
25 the City of Tampa, Florida ("City Council"), on January 7, 1988, approved a
26 development order for the Westshore Areawide DRI (the "Development"), an
27 Areawide Development of Regional Impact ("DRI") (hereinafter referred to as the
28 "Original Development Order"); and
29

30 WHEREAS, Ordinance No. 88-1 specifically approved Phase I development
31 which included 4,741,503 sq. ft. Office and 38,066 sq. ft. Retail (Phase I approval)
32 which approval was subject to a trade-off mechanism; and
33

34 WHEREAS, Ordinance No. 92-80, passed and ordained by the City Council
35 on May 28, 1992, approved a first amendment to the Original Development Order for
36 the Westshore Areawide DRI (hereinafter referred to as the "First Amendment"); and
37

38 WHEREAS, Ordinance No. 93-197, passed and ordained by the City Council
39 on December 16, 1993, approved a second amendment to the development order for
40 the Westshore Areawide DRI (hereinafter referred to as the "Second Amendment");
41 and
42

43 WHEREAS, Ordinance No. 99-160, passed and ordained by the City Council
44 on July 15, 1999, approved a third amendment to the development order for the
45 Westshore Areawide DRI (hereinafter referred to as the "Third Amendment"); and
46

47 WHEREAS, Ordinance No. 2001-148, passed and ordained by the City
48 Council on July 19, 2001, approved a fourth amendment to the development order for
49 the Westshore Areawide DRI (hereinafter referred to as the "Fourth Amendment");
50 and

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1 WHEREAS, Ordinance No. 2005-85, passed and ordained by the City
2 Council on March 31, 2005, approved a fifth amendment to the development order
3 for the Westshore Areawide DRI (hereinafter referred to as the "Fifth Amendment");
4 and
5

6 WHEREAS, Ordinance No. 2008-138, passed and ordained by the City
7 Council on August 21, 2008, approved a sixth amendment to the development order
8 for the Westshore Areawide DRI (hereinafter referred to as the "Sixth Amendment");
9 and
10

11 WHEREAS, Ordinance No. 2008-197, passed and ordained by the City
12 Council on November 20, 2008, approved a seventh amendment to the development
13 order for the Westshore Areawide DRI (hereinafter referred to as the "Seventh
14 Amendment"); and
15

16 WHEREAS, on _____, 2017, the Westshore Alliance (the
17 "Developer") filed a Notice of Proposed Change to a previously approved Areawide
18 Development of Regional Impact ("DRI") pursuant to Section 380.06(19), Florida
19 Statutes 2017 for the Westshore Areawide DRI ("NOPC"); and
20

21 WHEREAS, the NOPC proposed to amend the Development Order to modify
22 the approved Equivalency Matrix to increase the number of multifamily units to
23 5,000 units and to increase the number of hotel rooms to 3,500 rooms; to increase the
24 approved capacity amounts for water and wastewater; to recognize the previous
25 legislative extensions of the build-out and expiration dates of the DRI to August 24,
26 2023 and August 23, 2028, respectively and to extend the date by which no down-
27 zoning can occur to August 23, 2028; and to change the reporting period to biennial;
28 and
29

30 WHEREAS, the Proposed Change shall constitute the Eighth Amendment to
31 the Original Development Order (hereinafter referred to as the "Eighth
32 Amendment"); (hereinafter the Original Development Order, as amended by the First
33 Amendment, Second Amendment, Third Amendment, Fourth Amendment, Fifth
34 Amendment, Sixth Amendment, and Seventh Amendment shall collectively be
35 referred to as the "Amended Development Order"); and
36

37 WHEREAS, the City Council has reviewed and considered the NOPC as well
38 as all related testimony and evidence submitted by the Applicant concerning the
39 Proposed Changes; and
40

41 WHEREAS, pursuant to Section 380.06(19), Florida Statutes, the Proposed
42 Change is presumed to create a substantial deviation; and
43

44 WHEREAS, pursuant to Subsection 380.06(19)(c), Florida Statutes, applicant
45 has submitted clear and convincing evidence rebutting this presumption; and
46

47 WHEREAS, the City Council, as the governing body of the local government
48 having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and
49 empowered to consider the NOPC and to adopt this Amended Development Order;
50 and

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1 WHEREAS, the public notice requirements of Chapter 380, Florida Statutes,
2 and Section 27-418, City of Tampa Code of Ordinances (the "City Code"), have been
3 fulfilled; and
4

5 WHEREAS, the City Council has received and considered the report and
6 recommendations of the Tampa Bay Regional Planning Council (the "TBRPC"); and
7

8 WHEREAS, all interested parties and members of the public have been
9 afforded an opportunity to be heard at the public hearing on the Proposed Change
10 before the City Council; and
11

12 WHEREAS, the City Council, on _____, 2018, held a
13 duly noticed public hearing on the NOPC, and has reviewed and considered the
14 NOPC and supporting documentation, as well as testimony and evidence submitted
15 by certain parties and members of the general public; and
16

17 WHEREAS, Section 380.06, Florida Statutes, requires that a development
18 order be adopted to reflect the City Council's approval of the proposed changes.
19

20 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
21 THE CITY OF TAMPA, FLORIDA:
22

23 Section 1. *Findings of Fact.* That City Council, having received the
24 above referenced documents, and having received all related comments, testimony
25 and evidence submitted by all persons and members of the general public, finds that
26 there is substantial, competent evidence to support the following findings of fact:
27

28 a. The findings of fact and conclusions of law made in the
29 Development Order are incorporated herein by reference, provided that to the extent
30 that a finding of fact or conclusion of law in the original Development Order, or any
31 amendments thereto, conflicts with another finding or conclusion in a different
32 amendment, the more recent in time shall control.
33

34 b. The Applicant submitted to the City of Tampa (the "City") the
35 NOPC, attached hereto and incorporated herein by reference as Composite Exhibit
36 "A".
37

38 c. The real property, which is the subject of the ADA, is legally
39 described in Composite Exhibit "B" to Ordinance No. 88-1, on file with the City
40 Clerk's office.
41

42 d. The Westshore Alliance constitutes a "Developer" as defined in
43 Subsection 380.06(25) of Chapter 380, and is authorized by Chapter 380, to file an
44 areawide application for development approval and receive a development order.
45

46 e. The Developer submitted to the City of Tampa the NOPC, which
47 proposed to amend the Development Order to modify the approved Equivalency
48 Matrix to increase the number of multifamily units to 5,000 units and to increase the
49 number of hotel rooms to 3,500 rooms; to increase the approved capacity amounts for
50 water and wastewater; to recognize the previous legislative extensions of the build-

1 out and expiration dates of the DRI to August 24, 2023 and August 23, 2028,
2 respectively and to extend the date by which no down-zoning can occur to August 23,
3 2028; and to change the reporting period to biennial.
4

5 f. The Proposed Change is consistent with the local and state
6 comprehensive plans.
7

8 g. The Proposed Change is consistent with all applicable local, regional
9 and state land development laws and regulations.
10

11 h. The Developer previously demonstrated that the property owners
12 within the Westshore Areawide DRI consent to or do not object to the Areawide DRI.
13

14 i. The Development is not located in an area of critical state concern as
15 designated pursuant to Section 380.05, Florida Statutes, as amended.
16

17 j. The Proposed Change is consistent with the report and
18 recommendations of the TBRPC and satisfies the provisions of Subsection
19 380.06(14), Florida Statutes, as amended.
20

21 k. The Proposed Change is presumed to create a substantial deviation
22 under Subsection 380.06(19), Florida Statutes.
23

24 l. Based Composite Exhibit "A" and the record of the proceedings,
25 Applicant has submitted clear and convincing evidence to rebut the presumption
26 created under Subsection 380.06(19), Florida Statutes.
27

28 m. The Proposed Change does not create additional regional impacts to
29 the previously approved Development, nor does it create any type of regional impact
30 not previously reviewed, and therefore it does not constitute a substantial deviation
31 pursuant to Subsection 380.06(19), Florida Statutes.
32

33 n. All statutory procedures have been adhered to.
34

35 Section 2. *Conclusions of Law.* That the City Council having made the
36 above findings of fact, renders the following conclusions of law:
37

38 a. These proceedings have been conducted pursuant to applicable laws
39 and regulations, and based upon the record in this proceeding, the City is authorized
40 to approve development as described herein, subject to the amendments, conditions,
41 restrictions and limitations set forth herein.
42

43 b. Based upon the analyses which are part of the NOPC, the record of
44 the proceeding and the aforementioned reviews, and the conditions contained herein,
45 the Developer has submitted clear and convincing evidence to rebut the presumption
46 created under Subsection 380.06(19), Florida Statutes.
47

48 c. Based on the foregoing and pursuant to Subsection 380.06(19),
49 Florida Statutes, the Proposed Change is found not to be a substantial deviation to the
50 previously approved Development Order.

**Certified as true
and correct copy**

1 Section 3. *Order.* That, having made the above findings of fact and
2 conclusions of law, it is hereby ordered:
3

4 a. The Proposed Change is hereby approved and the Development
5 Order is hereby amended to incorporate the NOPC.
6

7 b. Section 4(C) of the Development Order (Fifth Amendment) is
8 hereby amended to approve the Equivalency Matrix, attached hereto as Exhibit "B".
9

10 c. Section 4. K of the Development Order (Fourth Amendment) is
11 hereby amended to revise the capacities for water and wastewater services as follows:
12

13 Water: 2,891,214 gpd
14 Wastewater: 2,628,376 gpd
15

16 d. Section 8 of the Development Order (Sixth Amendment) is hereby
17 amended as follows:
18

19 Subject to the conditions of suspension or rescission as hereinafter provided,
20 this Order shall remain in effect until August 23, 2028. The date of buildout of
21 Revised Phase I and Revised Phase II shall be August 24, 2023. The property within
22 the Areawide DRI shall not be subject to downzoning or intensity reduction until
23 August 23, 2028.
24

25 e. Section 4. H of the Development Order (Fourth Amendment) is
26 hereby modified to strike references to an annual report and substitute therefor the
27 word "biennial". The next biennial report after adoption of this Eighth Amendment
28 shall be due on January 10, 2020.
29

30 Section 4. *Development Order, As Amended.* The Development Order,
31 as previously amended, is hereby reaffirmed in its entirety except as amended by this
32 Resolution.
33

34 Section 5. *Definitions.* The definitions contained in Chapter 380,
35 Florida Statutes, shall control the interpretation and construction of any terms of this
36 Ordinance.
37

38 Section 6. *Binding Effect.* This Ordinance shall be binding upon the
39 Applicant, its assigns, and its successors in interest.
40

41 Section 7. *Governmental Agencies.* It is understood that any reference
42 herein to any governmental agency shall be construed to mean any future
43 instrumentality which may be created or designated as successor in interest to, or
44 which otherwise possesses any of the powers and duties of any referenced
45 governmental agency in existence on the effective date of this Ordinance.
46

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

**Certified as true
and correct copy**

1 Section 9. *Transmittals.* The City Clerk is directed to send copies of
2 this Amended Development Order within five (5) days of the effective date of this
3 Order, to the Developer, Hillsborough County, HARTLine, Florida Department of
4 Transportation, Florida Department of Community Affairs and the Tampa Bay
5 Regional Planning Council.
6

7 Section 10. *Rendition.* This Amended Development Order shall be
8 deemed rendered upon transmittal of copies of this Amended Development Order to
9 the recipients specified in Chapter 380, Florida Statutes.
10

11 Section 11. *Recording.* The Applicant shall record a notice of adoption
12 of this Ordinance pursuant to Chapter 380, Florida Statutes.
13

14 Section 12. *Effective Date.* This Ordinance shall become a law as
15 provided in the City of Tampa Home Rule Charter and shall take effect upon
16 transmittal to the parties specified in Section 9 hereof.
17

18 Section 13. This Amended Development Order shall take effect
19 immediately upon becoming a law.
20
21
22
23

24 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY
25 OF TAMPA, FLORIDA ON _____, 2018.
26
27

28 **ATTEST:**

CITY COUNCIL:

29
30
31
32
33 _____
34 CITY CLERK

CHAIRPERSON
APPROVED by me on _____

37
38
39
40 _____
41 Bob Buckhorn, MAYOR
42
43
44
45
46
47
48

49 Certified as true
50 and correct copy