HILL WARD HENDERSON
ATTORNEYS AT LAW

January 16, 2018

RECEIVED
BY:
DATE: 1/16/2018

Via Hand Delivery

Ms. Catherine Coyle
Planning & Zoning Administrator
City of Tampa
Development Services Building, 3rd Floor
1400 North Boulevard
Tampa, Florida 33607

Re: Application for Chapter 27 Text Amendments
Sections 27-181.5(c) and 27-184 – Table 184, City of Tampa Code
Tampa Bay Performing Arts Center d/b/a "The Straz Center"

Dear Ms. Coyle:

We represent the Tampa Bay Performing Arts Center, Inc., doing business as the Straz Center (the "Straz Center"), in connection with proposed improvements to its "Arrival Plaza" adjacent to Tyler Street in the Central Business District (the "District"). As you are aware, the Arrival Plaza is the front door of the Straz Center, and is used by pedestrians and vehicles alike for the purpose of accessing one of the largest performing arts centers in the South.

These proposed improvements to the Arrival Plaza for the Straz Center are the result of: (a) the City's contemplated realignment of Tyler Street and Cass Street adjacent to or near the Straz Center; (b) the City's approval of the development of a large multi-family residential tower immediately north of the Arrival Plaza for the Straz Center (the "AER Tower"); and (c) the already intensifying traffic and parking challenges being faced by the Straz Center. In fact, both the City and the developer of the AER Tower recognized that the realignment of Tyler and Cass Streets, together with the development of the AER Tower project, would have a detrimental impact on access to and operation of the Straz Center, which is already experiencing access, operational and parking issues for performances.

Consequently, changes to the Arrival Plaza, including its expansion, were proposed by the Straz Center, and are recognized by both the City and the developer of the AER Tower as partial mitigation for these negative impacts in their plans and agreements. In fact, the developer of the AER Tower and the Straz Center have entered into an agreement wherein the developer of the AER Tower has agreed to monetarily contribute to the modification and expansion of the Arrival Plaza for the Straz Center, which is one of many steps being taken by the Straz Center to address its existing and future traffic and parking challenges.

3700 BANK OF AMERICA PLAZA, 101 E KENNEDY BLVD, TAMPA, FL 33602-5195
TEL: 813-221-3900 FAX: 813-221-2900 WWW.HWHLAW.COM

The Straz Center, therefore, in November of 2017 filed plans with the City and requested permits for the modifications to its Arrival Plaza as previously contemplated by the Straz Center, the City and the developer of the AER Tower. However, last week, the Straz Center was advised by the City that these plans cannot be permitted by the City because: (1) the plans for the improvements to the Arrival Plaza show eight (8) handicapped parking spaces; (2) part of the Arrival Plaza is currently used for valet and short-term parking for performances and events at the Straz Center; and (3) no surface parking is allowed in the "Waterfront Overlay" of the Central Business District as set forth in Chapter 27 of the City of Tampa Code ("City Code").

The Arrival Plaza does not currently operate and is not intended to operate in the future as a typical surface parking lot. It is, however, the front door to the Straz Center, and is the only location within the current footprint of the Straz Center, which can both facilitate vehicular and pedestrian access to the front door of the Straz Center and accommodate parking for disabled persons near that front door. Also, similar to other large institutional uses in the Central Business District, the Arrival Plaza provides the only suitable location for valet parking services and for parking for performances and business conducted at the Straz Center.

Therefore, in accordance with Sections 27-148 and 27-149 of the City Code, enclosed with this letter are the following items:

1. The text changes proposed by the Straz Center to Sections 27-181.5(c) and 27-184 – Table 184 of the City Code, which are labeled as **Exhibit A** to this letter, and which would allow surface parking within the Waterfront Overlay, but only if part of or incidental to a vehicular use area providing access to an existing public or private institutional use or assembly use as said vehicular use area is now existing or as it may be modified or expanded in the future;

2. A sworn statement executed by me verifying that the Straz Center is the "Applicant" in connection with the proposed text amendments attached hereto as **Exhibit A** and that I am acting as the Straz Center's authorized agent in this matter; and

3. The Straz Center's check in the amount of $648.00 to pay the City's filing fee for processing the proposed text amendments attached hereto as **Exhibit A**.

This letter is intended to set forth the reasons (stated above) why Sections 27-181.5(c) and 27-814 – Table 184 should be amended. In addition, I would note that the Tampa Comprehensive Plan recognizes that the "Central Business District" is the "enduring heart of the metropolitan area", and the Straz Center is a key component of what makes the Central Business District that "enduring heart", especially in regards to the performing arts, entertainment and education in the form of the Pallavi Patel Conservatory for the Performing Arts. However, a properly functioning Arrival Plaza, which allows some limited parking, is important to the continued health and vitality of the Straz Center.

After reviewing this application, please let me know if you have any questions or require additional information for the processing of the proposed text amendments attached hereto as **Exhibit A**. Also, please let me know when these proposed text amendments will be presented to the Planning Commission and City Council for review and approval.

Sincerely,

Morris C. Massey

cc: Sal Territo, City Attorney (w/attachments):
Rebecca Kert, Asst. City Attorney (w/attachments)
Client

EXHIBIT A

**TO CHAPTER 27 TEXT AMENDMENT APPLICATION
FILED BY THE STRAZ CENTER
ON OR ABOUT JANUARY 16, 2018**

Sec. 27-181.5. - Waterfront overlay; riverwalk design regulations.

Requirements. The following requirements shall apply to all property located in the Waterfront Overlay:

(a) *Variations.* Variations of the Waterfront Overlay requirements for building setback, building design, off-street parking, loading, and/or Riverwalk improvements may be considered through the design district review process, subject to the procedure and review criteria set forth in section 27-60.1.

(b) *Riverwalk.* The Riverwalk design standards are established to provide a design framework, which requires a certain level of quality, enhances the water's edge to attract pedestrian use, and provides a continuity of pedestrian scale and rhythm between ownership parcels. Refer to section 27-183, Table 183 for additional standards.

(1) Any property owner or authorized entity proposing to construct any portion of the Riverwalk or connection thereto, or to construct a building or structure on any property within the Waterfront Overlay, shall construct that portion of the Riverwalk (respective to the subject property) in compliance with the design standards set forth in the "The Tampa Riverwalk Masterplan," completed in July 2006, herein adopted by reference. Previous standards for the Riverwalk, adopted by reference in this code (prior to June 1, 2016), were set forth in the "Riverwalk Design Standards," June 1989 edition.

(2) *General.* The elevation along the riverwalk shall be held to specifications to ensure handicapped requirements are met. Continuity of the riverwalk across ownership parcels shall be maintained to facilitate public access use and enjoyment. The design of the riverwalk shall be integrated with all intersecting streetscape designs.

(3) *Encroachments.* No construction, improvements, structures, decorations, signs, furniture, awnings and displays will be undertaken or placed on, in, under, or over the Riverwalk, without the written approval of the property owner and the city or an authorized Riverwalk management association, if such entity lawfully operates and holds such authority.

(c) *Building design, off-street parking, and loading requirements.* All new construction and major renovations of properties/structures within the Waterfront Overlay, shall meet the requirements set forth in section 27-183, Table 183. All off-street, surface parking spaces/lots/areas are prohibited in the waterfront overlay (refer to section 27-184, Table 184) except that surface parking, which is part of or incidental to a vehicular use area providing access to an existing Public or Private Institutional Use or an existing public Assembly Use as listed in CBD Table 184, as said vehicular use area is now existing or as it may be modified or enlarged in the future, shall be permitted.

Sec. 27-184. - Official schedule of permitted principal, accessory and special uses; required off-street parking ratios by use.

(a) Except as otherwise specifically stated in this chapter, the use of and required parking count for land, water, and structures within the Center City (CBD) shall only be permitted in accord with Table 184 below. All other uses of land, water, and structures in the CBD, which are not expressly listed in Table 184, are prohibited uses and shall not be established in the CBD.

TABLE 184 TABLE OF USES; PERMIT REQUIREMENTS; REQUIRED PARKING RATIOS BY USE				
KEY:	X - Permitted principal use	S1 - Special use—Zoning administrator review		Blank - Prohibited use
	A - Permitted accessory use	S2 - Special use—City council review		N/A - not applicable
Use (listed by subcategory)		**District**		**Required Off-Street Parking Spaces (minimum ratios by use) [A-N]**
		CBD-1	**CBD-2**	
RESIDENTIAL USES				
Adaptive reuse		X	X	Provide for Ratio(s) for new adapted use(s) as below
Congregate living facility:				
Large group care facility		X	X	1/5 occupants
Small group care facility		X	X	
Dwelling units, single-, two-, or multi-		X	X	1/unit 0.5/unit [K]
Home occupation		A	A	N/A
Hotels and motels		X	X	1/4 lodging units
Private pleasure craft		S1	S1	N/A

OFFICE USES			
Dental/Medical/Veterinary	X	X	1.25/doctor, dentist, veterinarian
Business/Professional	X	X	1/1000 SF (UFA)
PRIVATE INSTITUTIONAL USES			
Club	X	X	2/1000 SF (UFA)
Day care and nursery	X	X	1/employee on largest shift Plus 1/vehicle operated by facility
Hospital or Clinic	X	X	1/patient bed Plus 1/exam room
Place of religious assembly or general assembly	X	X	0.10/seat (fixed)
Private school: elementary, middle (junior high), secondary (senior high), all post-secondary (business, vocational, trade, college or university)	X	X	1/classroom (elementary/middle) 0.10/student (secondary) 0.50/student (all post-secondary)
Private cultural facility	X	X	3/1000 SF (GFA)
PUBLIC INSTITUTIONAL USES			
Public cultural, service, or use facility	X	X	3/1000 SF (UFA) (cultural) 1/employee on largest shift (service) 0.50/1000 SF (GFA)
Public school: elementary, middle (junior high), secondary (senior high), all post-secondary (business, vocational, trade, college or university)	X	X	1/classroom (elementary/middle) 0.10/student (secondary) 0.50/student (all post-secondary)

RECREATIONAL, ASSEMBLY USES			
Community garden, private	S1[7]	S1[7]	N/A
Recreation facility:			
Private or commercial	X	X	2/1000 SF (UFA)
Temporary special events	S1[7]	S1[7]	0.10/participant (including event staff) [M]
OTHER COMMERCIAL AND NON-RESIDENTIAL USES			
Alcoholic beverage sales [5]:			
Bar or lounge	S1/S2	S1/S2	[H]
Convenience retail (package only)	S1/S2	S1/S2	
Hotel w/100+ rooms (on premises only)	S1/S2	S1/S2	
Large venue (on premises/package)	S1/S2	S1/S2	
Restaurant (on premises only)	S1/S2	S1/S2	
Shopper's goods retail (package only)	S1/S2	S1/S2	
Small venue (on premises/package)	S1/S2	S1/S2	
Sidewalk café	S1	S1	
Special restaurant (on premises only)	S1/S2	S1/S2	
Specialty retail (package only)	S1/S2	S1/S2	
Temporary (on premises only)	S1	S1	
Air-conditioned storage	S2[7]	S2[7]	1/100 storage units
Bank	X	X	2/1000 SF (UFA)

Bank, drive-in	S1[7]	S1[7]	2/1000 SF (UFA) Plus queuing - 92' min length
Catering shop	X	X	1/delivery vehicle
Dry cleaning plant, small	X	X	1/delivery vehicle
Heliport/helistop	X	X	N/A
Kennel, small [6]	X	X	1/employee on largest shift
Marina	X	X	1/employee on largest shift Plus 0.25/slip or berth
Medical marijuana dispensary [8]	X	X	1/1000 SF (GFA)
Microbrewery (Production Limits: up to 60,000 barrels annually)	X	X	0.50/employee on largest shift Plus 0.10/seat for on-site beverage consumption (fixed or unfixed)
Parking, off-street (structured or surface lot)	X	X	Principal or Special Event [1,2,3]: As provided on lot All other Parking Use-types [N]: As required by related uses(s)
Personal services	X	X	1/1000 SF (GFA)
Pharmacy	X	X	1/1000 SF (GFA)
Printing: Light and publishing	X	X	1/1000 SF (GFA)
Radio/TV studio	X	X	1/1000 SF (GFA) (non-assembly area) Plus 0.10/seat (fixed)
Research activity	X	X	1/employee on largest shift

Restaurant	X	X	N/A
Restaurant, drive-in	S2[7]	S2[7]	4/1000 SF (UFA) Plus queuing - 92' min length
Retail sales: bakery, specialty, convenience, shopper's	X	X	N/A - bakery, specialty, convenience 1/1000 SF (UFA) - Shopper's
Temporary film production [4]	X	X	N/A
Transportation service facility	S1[7]	S1[7]	1/employee on largest shift
Vehicle repair, minor	X	X	1/employee on largest shift Plus adequate on-site vehicle storage [L]

TABLE 184 NOTES

GENERAL NOTES:

[1] Off-street surface parking, regardless of specific use-type (i.e. principal, accessory, temporary, special event, interim, commercial, etc.), is prohibited in the Waterfront Overlay except that surface parking, which is part of or incidental to a vehicular use area providing access to an existing Public or Private Institutional Use or an existing public Assembly Use as listed in CBD Table 184, as said vehicular use area is now existing or as it may be modified or enlarged in the future, shall be permitted.

[2] Off-street structured parking (i.e. stand-alone parking structures) in the Waterfront Overlay, shall (at a minimum) include the 'Active Space Depth' within the streetwall as required in Table 183.1E, and along the entire façade(s) facing the Waterfront/Riverwalk. All other structured parking use-types may be permitted in the Waterfront Overlay, subject to all applicable public realm, site, and building regulations of this subdivision. Refer to Tables 183, 183.1, 183.1A-D for additional building standards applicable to the Waterfront Overlay.

[3] See section 27-283.13(b) for special event parking regulations.

[4] See Section 27-150 for regulations applicable to Temporary Film Production.

[5] Refer to Articles XI Special Use Permits and XXII Alcoholic Beverages for applicable provisions. Requests may process as an administrative special use permit (S-1) only when sales meet the specific use standards in sec. 27-132(a). If any waivers are needed, the request shall process as an (S-2), per

applicable requirements of sec. 27-132(a) and (b). *[Does not apply to sidewalk café or temporary sales permit applications; S2 process is not applicable to either of these permit types.]*
[6] Refer to sec. 27-282.25 for applicable provisions.
[7] Refer to specific use standards in sec. 27-132.
[8] Refer to section 27-282.29 for supplemental regulations related to this use. Any request to reduce distance requirements set forth in this section, shall be processed as a special use-2 permit (refer to article II, division 5). Requirements of this section shall serve as supplemental special use criteria (refer to section 27-132).
PARKING-RELATED NOTES:
[A] UFA means 'usable floor area'.
[B] Reuse of existing structures with no change of use shall not be required to provide additional parking to meet the standards set forth in this table above.
[C] Any building within the District that is erected, expanded, increased in floor area or seating capacity or is deemed a change of use shall meet the applicable parking requirements as set forth above.
[D] Compact spaces may be utilized for up to one hundred (100) percent of the required parking.
[E] Parking stalls for motorcycles may be provided for up to twenty (20) percent of the required off-street parking, in lieu of required standard or compact vehicle parking stalls.
[F] No parking allowed forward of or to the side of building on Primary Order Street Frontage.
[G] A parking structure may be considered for use as shared parking and counted towards meeting the required parking ratios of this table, for multiple buildings/developments, regardless of distance separation, when: (1) such parking structure is located within CBD boundary; (2) such multiple buildings/developments and parking structure are under common ownership or control.
[H] To calculate required parking, refer to parking ratio for principal use(s) with which the alcoholic beverage sales is(are) associated. For 'bar or lounge,' use parking ratio for 'retail sales'.
[I] Loading. Refer to Table 184.1 below.

[J] Up to 20% of required parking may be off-set with the installation of on-site bicycle racks at a rate of 1 vehicle stall = 2 bicycle slots.
[K] Development must qualify for applicable HUD funding/assistance and be for persons fifty-five (55) and older to use this parking ratio.
[L] Public lands and/or public rights-of-way shall not be used to park, stage, queue, or otherwise store vehicles waiting for repair.
[M] 'Participant' shall include event attendees, volunteers, and staff/workers. Event parking shall be provided in addition to the required parking for the underlying use(s) on the subject property(-ies). If the underlying uses(s) will not be operating at any time during the event, then those required spaces for such use(s) may be included in the event's parking count.
[N] Refer to sec. 27-185.1 for additional surface parking lot standards.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

BEFORE ME, the undersigned authority, on this day personally appeared Morris C. Massey, who after being duly sworn on oath, deposes, swears and affirms the following:

1. That I am the authorized agent for the Tampa Bay Performing Arts Center, Inc., doing business as the David A. Straz, Jr. Center for the Performing Arts (the "Straz Center") in connection with an application being filed on or about this date to amend Sections 27-181.5(c) and 27-184 – Table 184 of the City of Tampa Code ("Proposed Text Amendment");

2. That the Straz Center is the applicant in connection with the Proposed Text Amendment attached hereto;

3. That the mailing address of The Straz Center is 1010 Macinnes Place, Tampa, Florida 33602, Attention: President and/or Chief Operating Officer;

4. That my contact information is Morris C. Massey, Hill Ward Henderson, 101 East Kennedy Blvd., Suite 3700, Tampa, Florida 33602, Phone: (813) 221-3900 and E-mail: morris.masssey@hwhlaw.com;

5. That, to best of my knowledge and believe, the Proposed Text Amendment application attached to this Affidavit is true and correct.

FURTHER, THE UNDERSIGNED SAYS NOTHING.

Dated this 16th day of January, 2018

MORRIS C. MASSEY

SWORN TO AND SUBSCRIBED under oath before me this 16th day of January, 2018 by Morris C. Massey, who is personally known to me.

[AFFIX NOTARY SEAL OR STAMP]

Name: _____
(Print or Type Name)
Notary Public, State of Florida

CAROL J. HARVEY
MY COMMISSION # FF 241520
EXPIRES: October 17, 2019
Bonded Thru Notary Public Underwriters