



Rezoning Application: RZ PD 23-0884
Zoning Hearing Master Date: NOVEMBER 13, 2023
BOCC Land Use Meeting Date: JANUARY 9, 2024

1.0 APPLICATION SUMMARY

Applicant: LCD Acquisitions, LLC
FLU Category: OC-20
Service Area: Tampa
Site Acreage: 4.31 +/-
Community Plan Area: University
Overlay: None
Special District: None



Introduction Summary:

History: The site is presently zoned PD 83-0211; most recently modified by PRS 15-0667, approved for 45,000 SF of retail use.

Current Request: The applicant requests to rezone the subject site from Planned Development (PD 83-0211) to Planned Development (PD) for a mixed-use building utilizing the Flex Provision and Mixed-Use Bonus. This application seeks entitlements to construct a vertically integrated mixed-use project on the 4.31-acre site featuring a total of 215 dwelling units and ground-floor retail. The project proposes to include three separate courtyard areas totaling nearly 18,000 sf, 1,550 sf of ground level retail, a lobby/leasing/amenity space, and a rooftop amenity level. A companion PRS 24-0111 to remove the subject parcel from the current PD has been submitted.

Zoning:	Existing	Proposed
District(s)	PD	PD
Typical General Use(s)	University Interest Office, Institutional and Regional Commercial	Mixed-use Student Housing/retail
Acreage	19.42 +/-	4.37 +/-
Density/Intensity	.75 Max F.A.R.	50/DU Acre w/ 1,550 SF Retail / 0.0082 F.A.R.
Mathematical Maximum*	N/A	215 DU/Acre

*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	PD	PD
Lot Size / Lot Width	4.31 +/-	4.31 +/- Acres / 381'
Setbacks/Buffering and Screening	Per PD	South 30' setback / 8' Type A North 30' setback / 5' Type A West 3' setback / 3' Type A East 30' setback / 5' Type A
Height	35'	80'

Additional Information:

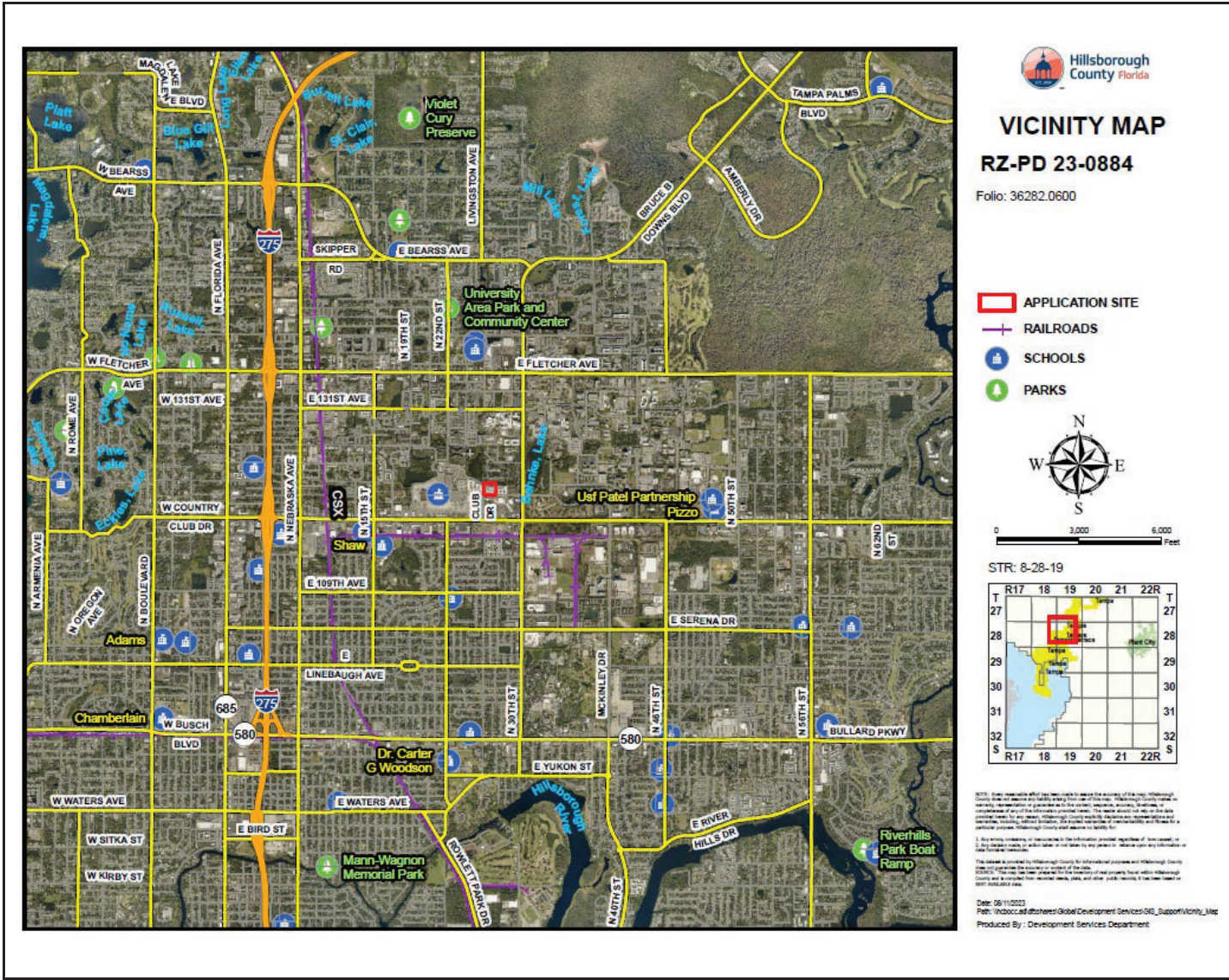
PD Variation(s)	LDC Part 6.06.00 (Landscaping/Buffering) LDC Part 6.05.00 (Parking/Loading)
Waiver(s) to the Land Development Code	

Planning Commission Recommendation:
Inconsistent

Development Services Recommendation:
Not Supportable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

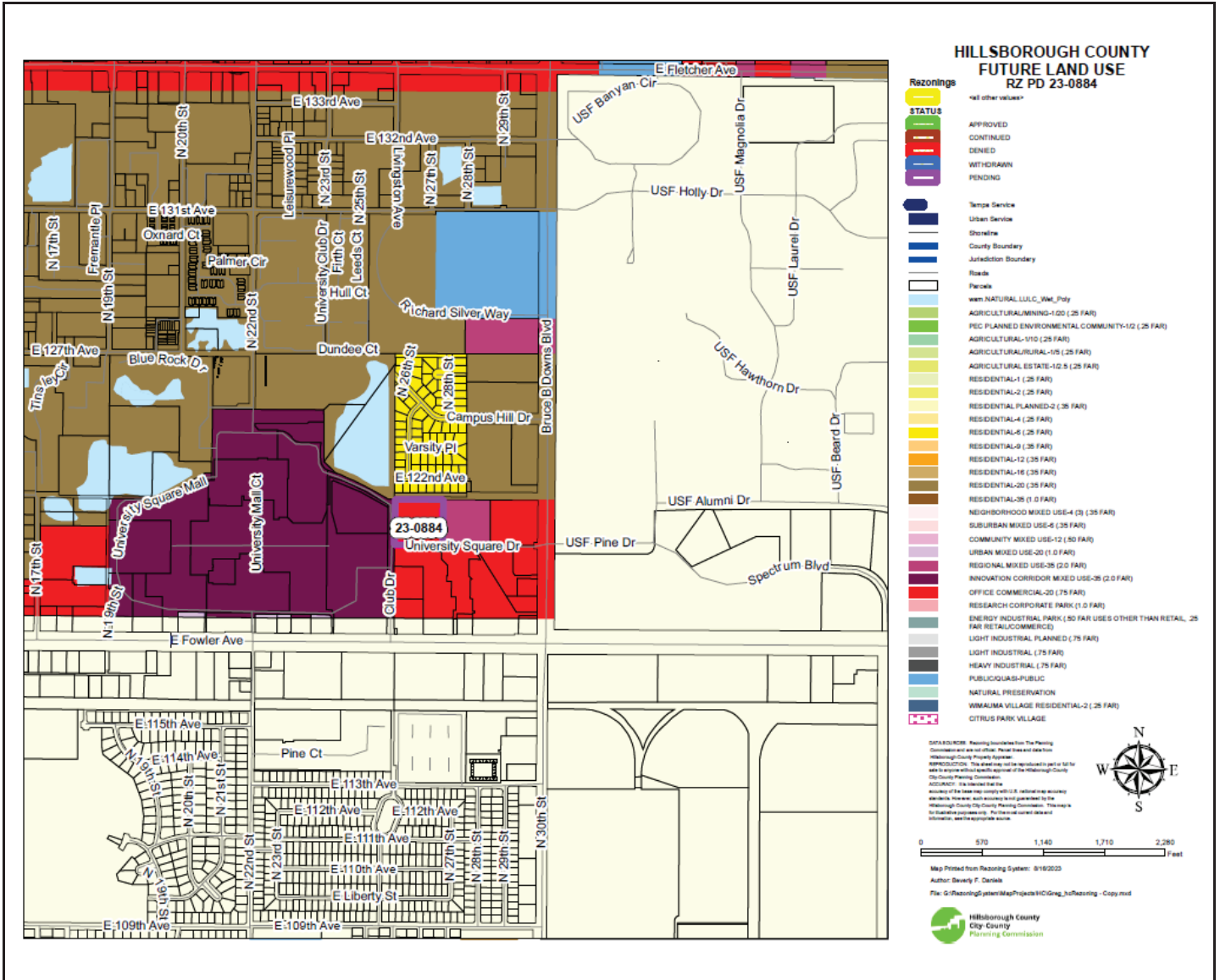


Context of Surrounding Area:

The subject site is located adjacent to Phase I to the east of the proposed project. Single-family residential areas and public institutional areas towards the north. Towards the east, there are multifamily and mixed-use buildings, while towards the south and west, there are light commercial uses.

2.0 LAND USE MAP SET AND SUMMARY DATA

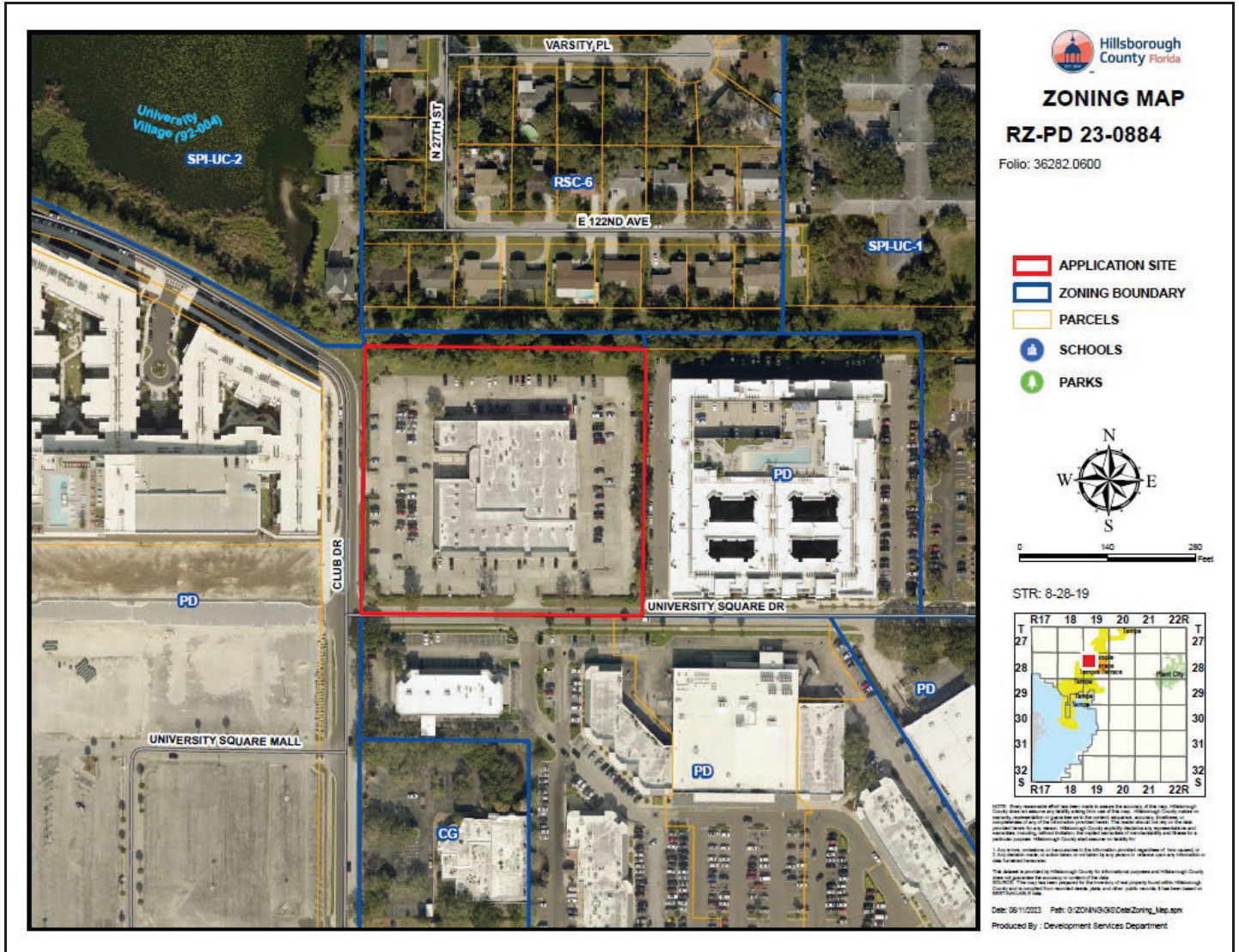
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Office Commercial-20 (OC-20)
Maximum Density/F.A.R.:	20 DU/ Acre .75 up to a maximum of 600,000 square feet, however, the commercial component cannot exceed 350,000 square feet. All development which exceeds .35 FAR must be for office or residential support uses, not retail.
Typical Uses:	Community commercial type uses, office uses, mixed-use developments, and comparable residential uses

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

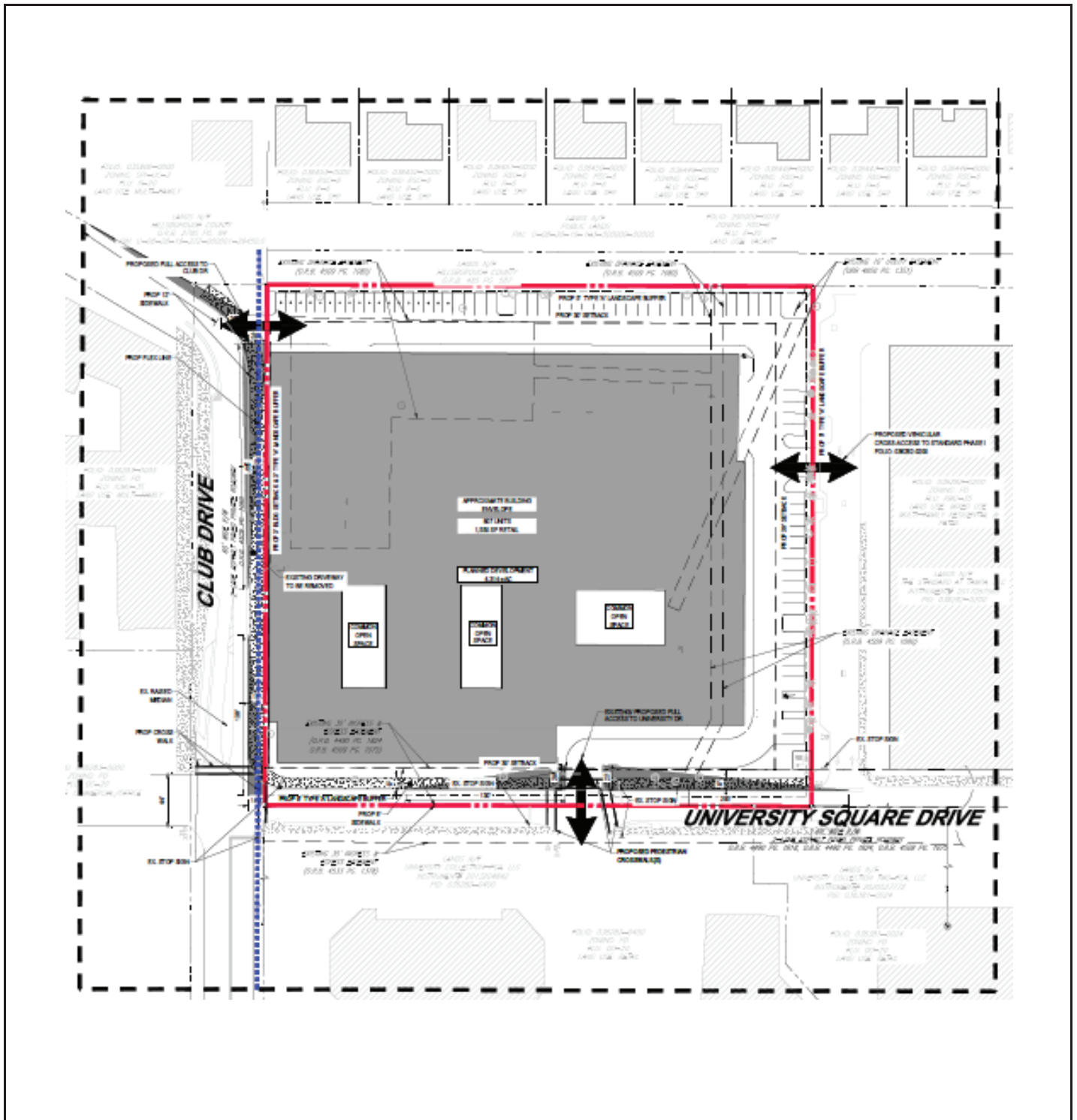


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	RSC-6	6 DU/ Acre	Residential, Single-Family Conventional	Single Family Residential
South	PD 83-0211	.24	Commercial retail shopping center	Commercial retail shopping center
East	PD 16-1346	50 DU/Acre .01 F.A.R. Retail	Student Housing/Multi-Family Mixed Use	Student Housing/Multi-Family Mixed Use
West	PD 22-1640	35 DU/ Acre .50 F.A.R.	Mixed-use	Mixed-use

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 OF STAFF REPORT)

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
University Square Dr.	Private	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other
Club Dr.	Private	8 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other

Project Trip Generation			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	2,909	75	224
Proposed	2,370	65	189
Difference (+/1)	-530	-10	-35

*Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Vehicular	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East	X	None	None	Meets LDC
West	X	Vehicular & Pedestrian	Vehicular & Pedestrian	Meets LDC
Notes:				

Design Exception/Administrative Variance: Not Applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Pedestrian access improvements provided.
Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input checked="" type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Impact/Mobility Fees: Multi-Family Units 3-10 story) Fee estimate is based on a 1,200-square-foot Mobility: \$6,661 * 215 units = \$1,432,115 Parks: \$1,555 * 215 units = \$ 334,325 School: \$3,891 * 215 units = \$ 836,565 Fire: \$249 * 215 units = \$ 53,535 Total Multi-Family (3-10 story) = \$2,656,540		Retail - Shopping Center (Per 1,000 s.f.) Mobility: \$13,562*1.55 = \$21,021.10 Fire: \$313*1.55 = \$485.15		
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The subject property is located at the intersection of University Square Drive and Club Drive on approximately 4.31 acres. The site has a Future Land Use Designation of Office Commercial-20 (OC-20), which allows for consideration of up to 20 dwelling units per gross acre and a maximum Floor Area Ratio (FAR) of 0.75. The site is surrounded by Special Public Interest-University Community zoning to the north and PD zoning to the east, south, and west. There is residential, Single-Family Conventional to the immediate North. A continuation of the current PD to the south across University Drive contains Commercial General (CG) uses.

Phase I of this project located directly to the east of this proposed project was approved per PD 16-1346 with similar development standards. However, the site applied for Residential-35, through CPA 16-21A, in July 2016. The amendment was approved by the Board of County Commissioners as a small-scale amendment on December 8, 2016.

The Planning Commission has found the request inconsistent with Hillsborough County Comprehensive Plan. The applicant proposes to flex the adjacent Regional Mixed-Use 35 (RMU-35) category that is located to the east. In addition, per Policy 19.3, the applicant is requesting a density bonus by using 35 dwelling units per acre as a base density to achieve a total of 50 dwelling units per gross acre. The Planning Commission has opined that the Flex does not change the Future Land Use Map (FLUM) category and cannot be used as a basis for a bonus in the plan in accordance with Future Land Use Element (FLUE) Policies 7.3 and 7.4. The applicant contends that applicable policies do not preclude utilization of the both the flex and mixed-use density bonus as requested. To qualify for the mixed-use density bonus, the developer must allocate at least 10% of the total building square footage for uses other than the primary use when vertically integrating two uses. Despite the proposal's total building size being 187,926 square feet, only 1,550 square feet of retail is included, indicating that the second use proposed comprises less than 1% of the total square footage.

Per Section 6.06.06, *Buffering and Screening Requirements*: Along the Northern and Eastern property boundary of the subject property, the applicant is proposing (Type A screening) with a five (5) foot buffer in lieu of the required twenty (20) foot buffer with Type B screening. There is a County-owned drainage canal that acts as an additional buffer area between the proposed development and single-family properties to the north, in addition to the proposed 30-foot setback. Along the eastern boundary the existing Phase I of the "Standard" currently provides a 5' landscaped buffer. Adding 5' along the eastern portion of the subject site will result in a 10' landscape buffer between practically identical uses. Staff does not object and concurs with the applicant's justification for the variation.


The subject property is within the Urban Service Area. Potable water and sanitary sewer services are provided to the subject property by the City of Tampa.

5.2 Recommendation

Notwithstanding the issue regarding whether utilization of both the flex and mixed-use density bonus can be considered for the project, the request is not in compliance with the mixed-use density bonus criteria. Therefore, while staff finds the proposed rezoning compatible with the development pattern of medium to high-density housing in the area, the request is not supportable based on non-compliance with the mixed-use density bonus criteria.

6.0 PROPOSED CONDITIONS

N/A

<p>Zoning Administrator Sign-Off:</p>	 <p>J. Brian Grady Mon Nov 13 2023 09:01:12</p>
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SITE, SUBDIVISION, AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtaining all necessary building permits for on-site structures.

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

The applicant has also requested variations from the Land Development Code, Parts 6.05.00 (Parking and Loading), and 6.06.06 (Landscaping/Buffering). The applicant's requests and justifications for variations are found to meet the applicable criteria of LDC Part 5.03.06.C.6.a.1-4.

Variations Requested:

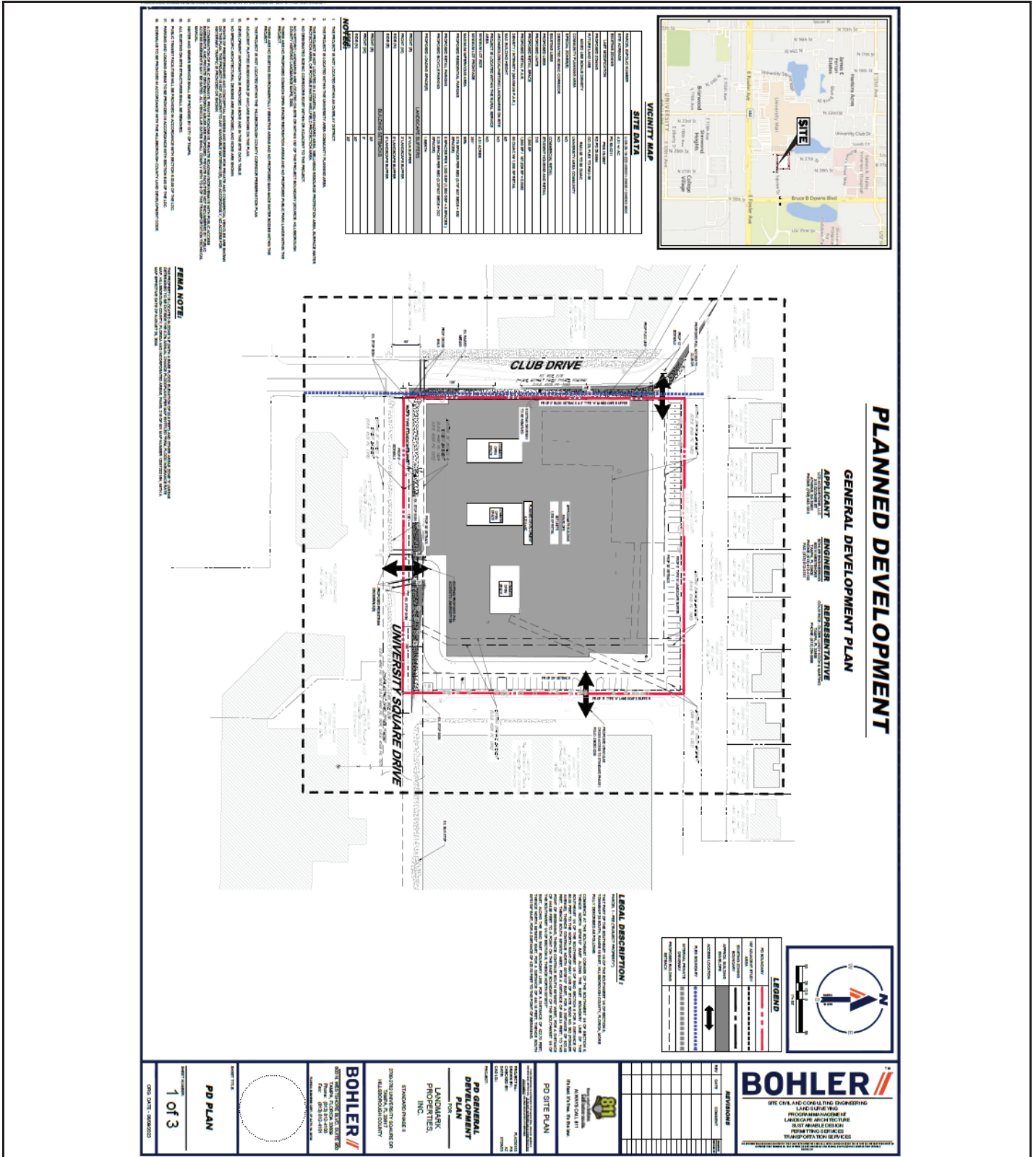
Variation Request 1: LDC Sec. 6.05.00 (Parking/loading)

- a. To allow .78 parking spaces per bed for a total of 638 and 8 for retail (with restricted uses)

Variation Request 2: The applicant is requesting a variation to Hillsborough County LDC Section 6.06.06 Landscaping and Buffering Requirements.

- a. To allow 5' Type A buffer along the north property boundary where 20' Type B is required
- b. To allow 5' Type A buffer along the east property boundary where 20' Type B is required

8.0 PROPOSED SITE PLAN (FULL)



9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 11/02/2023

REVIEWER: Richard Perez, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: USF/ Northwest

PETITION NO: PD 23-0884

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

CONDITIONS OF APPROVAL

1. The project shall permit one vehicular and pedestrian access connections on University Square Dr. and one vehicular and pedestrian access connections on Club Dr. The developer shall construct one vehicular and pedestrian cross-access connection to the east as shown on the PD site plan.
2. As University Square Dr. is an unplatted roadway, that portion of the University Square Dr. owned and maintained the developer shall be designated as a Shared Access Facility.
3. Required Crosswalks:
 - a. A crosswalk shall be provided across the vehicular ingress/egress serving the property from University Square Drive.
 - b. Crosswalks shall be provided across University Square Drive along the existing/proposed vehicular access to the subject site and commercial development south of University Square Drive.
 - c. Crosswalks shall be provided on the north side and east side of the University Square Dr. and Club Dr. intersection.
4. Required Sidewalks:
 - a. A 12-foot concrete sidewalk will be provided along Club Drive.
 - b. An 8-foot concrete sidewalk will be provided along University Square Drive.
5. The building location proposed along University Square Drive shall not impede the ability to accommodate a future 3-lane section at the intersection of University Square Drive and Club Drive if warranted.
6. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
7. At least 90 percent of the residents at all times shall be registered students at the University of South Florida (USF). Proof of registration shall be in the form of a current valid student identification card issued by USF or the USF Medical Center, and a 120 Form or equivalent documentation issued by USF at registration. The information on these documents shall match.

- a. The owner/operator of the housing project shall maintain records to verify that at least 90 percent of the residents at all times are registered students at USF, as required above. Said records shall be provided to Hillsborough County for inspection and verification within 30 days of request.
 - b. Notwithstanding, nothing in these conditions shall be deemed to prohibit any individual who has not attained the age of 18 years from being domiciled with a parent or other legal custodian who is a registered student at USF, regardless of whether such individual is a registered student at USF. Additionally, nothing in these conditions shall be deemed to prohibit an individual from being domiciled with his or her spouse who is a registered student at USF, regardless of whether such individual is a registered student at USF.
8. Student housing vehicle parking shall be provided at a minimum rate of 0.78 spaces per resident allowed by final occupancy permit. Additionally, a minimum of .25 bicycle parking space per resident shall be provided pursuant to the standards contained within Section 6.05.02.P.2. of the Hillsborough County Land Development Code. Notwithstanding the above, any student housing related bicycle parking provided in excess of the above ratio shall make the student housing parking requirements eligible for consideration of an administrative parking reduction of up to five percent of all required student housing parking spaces (or one vehicle parking space, whichever is greater).
9. Accessory retail shall exclude the following uses:
- eating establishments,
 - drinking establishments,
 - convenience stores,
 - liquor stores,
 - marijuana dispensaries,
 - personal services, and
 - all drive thru uses.

Other Conditions

Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:

- Depict and callout the portion of University Square Dr. shown on the PD site plan within the easement area as a shared access facility.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 4.71 ac. parcel from Planned Development (PD) 83-0211, as most recently amended by PRS 15-0667, to a new PD. The subject property is identified within PD83-0211/PRS 15-0667 as Parcel “E” and current has mix of commercial uses. The applicant is seeking entitlements for an 807-unit bed student housing project, to occur within a maximum of 214 dwelling units. The applicant will be required to initiate a concurrent PD modification to remove the subject property from the larger PD 83-0211. The Future Land Use designation is Office Commercial 20 (OC-20).

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of trips generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Calculations are based on data from the 11th Edition of the Institute of Transportation Engineer’s Trip Generation Manual.

Staff notes that due to the proximity of HART service, USF’s Bullrunner Service, as well as the campus itself, a significant portion of these trips are anticipated to occur via transit, bicycle or pedestrian modes, rather than vehicular trips. The data below represents a worst-case scenario for vehicular trip impacts.

Existing Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 43,093 sf Retail (ITE LUC 821)	2,909	75	224

Proposed Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 807-beds, Off-Campus Student Apartment (ITE LUC 226)	2,074	57	169
PD, 1,550 sf Strip Retail Plaza “Retail” (ITE LUC 822)	296	8	20
TOTAL	2,370	65	189

Trip Generation Difference:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(-) 530	(-) 10	(-) 35

The proposed rezoning is anticipated to decrease the number of trips potentially generated by development of the subject parcel (by -530 average daily trips, -10 trips in the a.m. peak hour, and -35 trips in the p.m. peak hour).

Staff notes that the applicant’s submitted transportation analysis utilized the Strip Retail Plaza ITE land use code to analyze the trips generated from the 1,550 sf of “accessory retail”, but the applicant does not define specific retail uses. Without this information, staff cannot evaluate accurately the worst-case scenario trip generation for the “retail” uses because of many potential high trip generating retail uses that exceed the trip generation for a Strip Retail Plaza which could potentially occupy the space such as eating establishments, drinking establishments and convenience stores. As such staff has utilized the highest peak hour trip rate for the proposed “retail” uses based on the 1,550sf Strip Retail Plaza (20 trips / 1.55 thousand square feet) or 12.9 peak hour trips per 1,000 sf. Based on this rate, staff is proposing to prohibit the following retail uses that exceed 12.9 highest peak hour trips: eating establishments, drinking establishments, convenience stores, liquor stores, marijuana dispensaries, and all drive thru uses.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

University Square Dr. is a 2-lane, undivided, unplatted, private street (shared access facility) with +/- 12-foot lanes. There is a sidewalk along the south side of University Square Dr. and +/- 8-ft sidewalks on the north side east of the project. There are no marked bicycle facilities. There is a USF Bull Runner transit stop shelter located on the north side of University Square Drive approximately 260 feet east of the project.

The proposed PD site plan includes an 8-foot sidewalk along the project frontage to connect to the 8 foot sidewalk immediately adjacent to the east.

Club Dr. is a 2-lane, an undivided private street with +/- 10-foot lanes, a median treatment at the intersection with University Square Dr., and on-street parking on the west side. There is a +/- 12-foot sidewalk along the west side of Club Dr. There are no marked bicycle facilities.

The proposed PD site plan includes an 12-foot sidewalk along the project frontage.

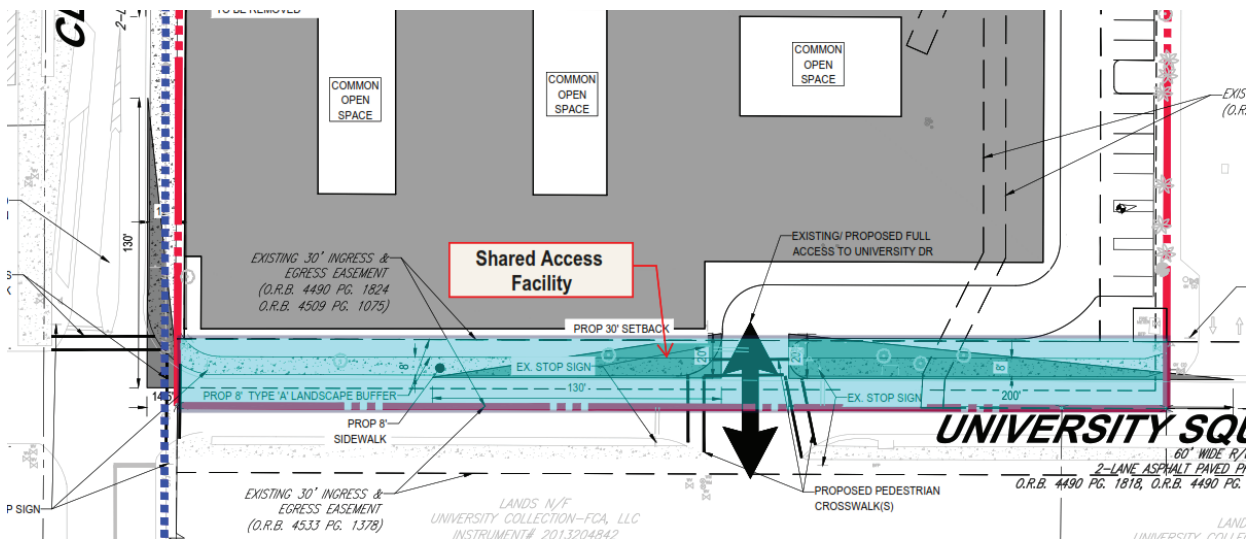
The closest functionally classified roadway is Bruce B. Downs Blvd. (aka 30th Street). It is a regulated 6 lane principal characterized by +/- 12 foot lanes. There are marked bicycle facilities on both sides. There are +/- 5 foot sidewalks on both sides of 30th Street south of University Square Boulevard, and a +/- 5 foot sidewalk on the west side of 30th Street north of University Square Boulevard.

SITE ACCESS AND CONNECTIVITY

Primary vehicular and pedestrian access to the site is proposed at the existing location on University Square Drive., and relocated access connection on Club Dr. Vehicular and pedestrian cross access is provided to east as required per LDC, Sec. 6.04.03.Q. and will connect to the existing stub out constructed by the adjacent development, Planned Development 16-1346.

Based on the applicant's submitted site access analysis, neither driveway requires turn lane improvements per LDC 6.04.04.D.

As University Square Dr. is an unplatted, private street it is deemed a shared access facility, as indicated in the existing PD, and has existing easements, recorded with the County Clerk of Court, over the portion of the roadway within the project, to allowing ingress and egress to adjacent properties. As such as condition of approval is recommended to depict and callout the area within the PD site plan within the easement areas as a shared access facility. See annotated excerpt of PD site plan below.



Additional, staff raised the concern for the proposed location of the building footprint potentially being an impediment to future access needs at the intersection of the University Square Dr. and Club Dr. which serves the remainder of the existing Planned Development and adjacent properties to the east fronting on University Square Dr. Based on the applicant’s submitted site access analysis, substantial number of westbound right and left turning movements (125 rights and 192 lefts in the PM peak hour peak season traffic plus project traffic) from University Square Dr. to Club Dr. are not shown to exceed intersection operational capacity. However, additional trips from existing entitlements in the immediate area and potential redevelopment the remaining commercial parcels within the existing PD, e.g. University Collection shopping center, future turn lanes may need to be accommodated at said intersection on the subject property’s portion of University Square Dr. The applicant has submitted analysis to demonstrated that a future turn lane can be accommodated at the intersection without impacting the proposed location of the new building footprint.

Staff notes that safe pedestrian access at the intersection of University Square Dr. and Club Dr. as well as between the project’s University Square Dr. driveway and the driveway serving the commercial shopping center on the south side will be addressed with marked crosswalk treatments as per the PD site plan and the proposed conditions of approval.

Staff notes that the HART service, USF’s Bullrunner Service, operates along University Square Dr. and has a sheltered stop located approximately 260 feet east of the subject property.

VEHICULAR AND BICYCLE PARKING

Consistent with student housing projects that have been previously approved within the last several years, vehicular parking was being proposed at a rate of .78 spaces per resident. Bicycle parking will be provided at a minimum rate of 1 bicycle parking space per 10.7 spaces beds. These rates were arrived at through earlier “modern” style student housing projects (such as this project) which have occurred in previous years, presumably through the Determination of an Unlisted Use process described in Section 6.05.02.G.1. and G.2. of the LDC. In recent years staff has allowed student housing developers to carry forward that rate. As staff believes the bicycle parking to be insufficient for the intended use, in order to incentivize the provision of additional bicycle parking, and consistent with Section 6.05.02.P.1. of the LDC, staff had previously included in other projects (and proposed to carry forward within this project) a condition which provided the possibility for a 5% vehicular parking reduction for any bicycle parking provided in excess of the minimums.

The applicant proposes to provide parking for the 1,550 sf of “retail” uses at a rate of 5 space per 1,000 sf or 8 parking spaces. Based on the County Land Development Code, Sec. 6.05.02 parking table there are several retail uses that require a higher parking rate than what is proposed. Since the applicant did not provide a specific list of retail uses that may occupy the “retail” space, staff cannot ensure that 8 parking spaces will be sufficient to meet the demand a said retail uses with a higher parking rate than 5 space per 1,000. As such, to ensure that sufficient parking is provided for this project, staff is recommending to prohibit the following retail uses: eating establishments, drinking establishments and personal services.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Bruce B. Downs Blvd.	Fletcher Ave.	Fowler Ave.	E	C

Source: Hillsborough County 2020 Level of Service Report.

**COUNTY OF HILLSBOROUGH
LAND USE HEARING OFFICER'S RECOMMENDATION**

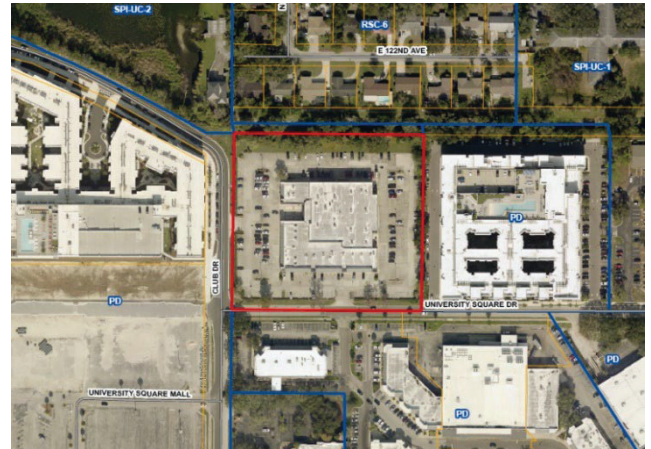
Application number:	RZ-PD 23-0884
Hearing date:	November 13, 2023
Applicant:	LCD Acquisitions, LLC
Request:	Rezone to Planned Development
Location:	2700 University Square Drive, Tampa
Parcel size:	4.31 acres +/-
Existing zoning:	PD 83-0211
Future land use designation:	OC-20 (20 du/ga; 0.35/0.75 FAR)
Service area:	Urban
Community planning area:	University Area Community

A. APPLICATION REVIEW

**DEVELOPMENT SERVICES STAFF REPORT
APPLICATION REVIEW SUMMARY AND RECOMMENDATION**

1.0 APPLICATION SUMMARY

Applicant: LCD Acquisitions, LLC
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Setbacks/Buffering and Screening	Per PD	South 30' setback / 8' Type A North 30' setback / 5' Type A West 3' setback / 3' Type A East 30' setback / 5' Type A
Height	35'	80'

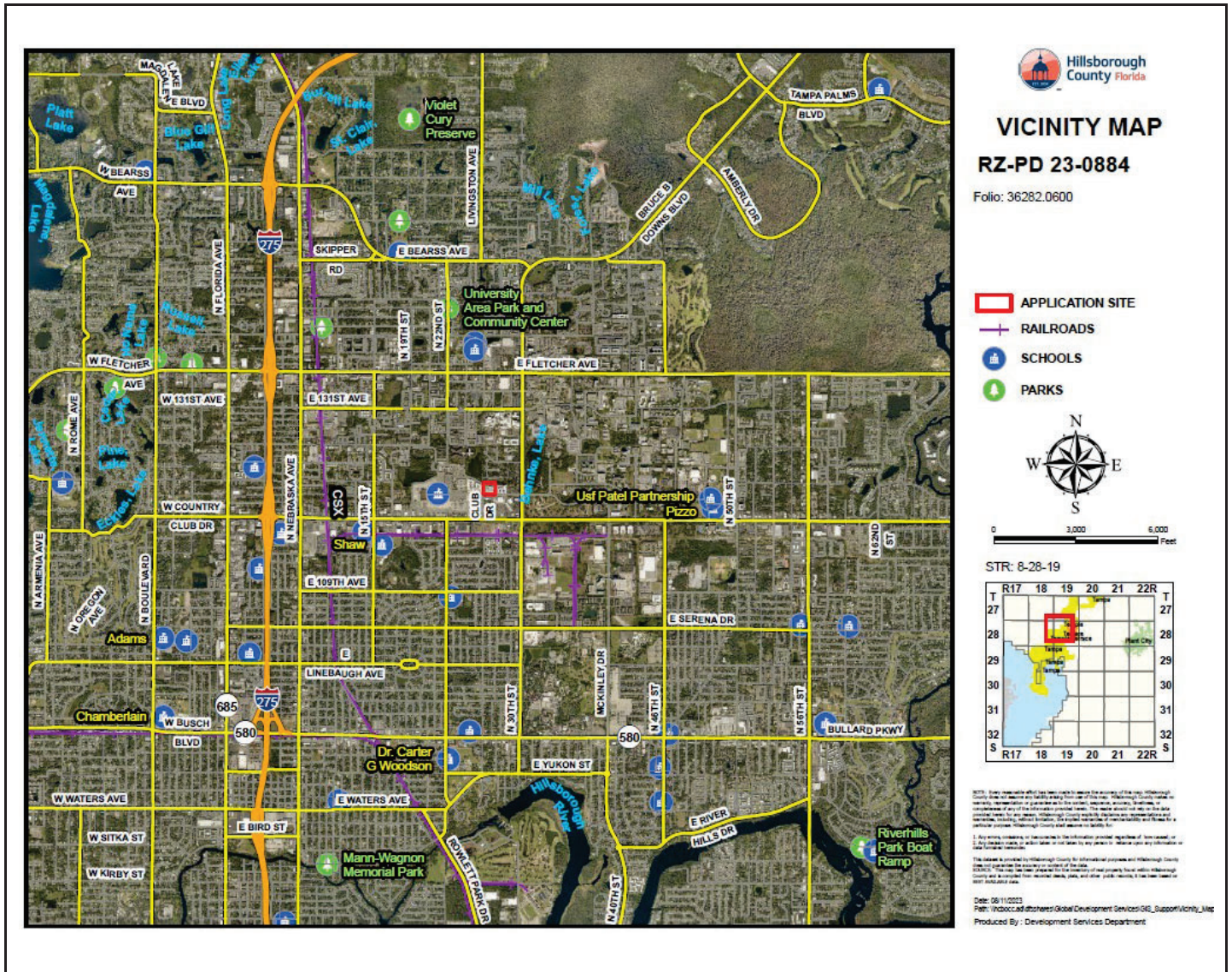
Additional Information:

PD Variation(s)	LDC Part 6.06.00 (Landscaping/Buffering) LDC Part 6.05.00 (Parking/Loading)
Waiver(s) to the Land Development Code	

Planning Commission Recommendation: Inconsistent	Development Services Recommendation: Not Supportable
--	--

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

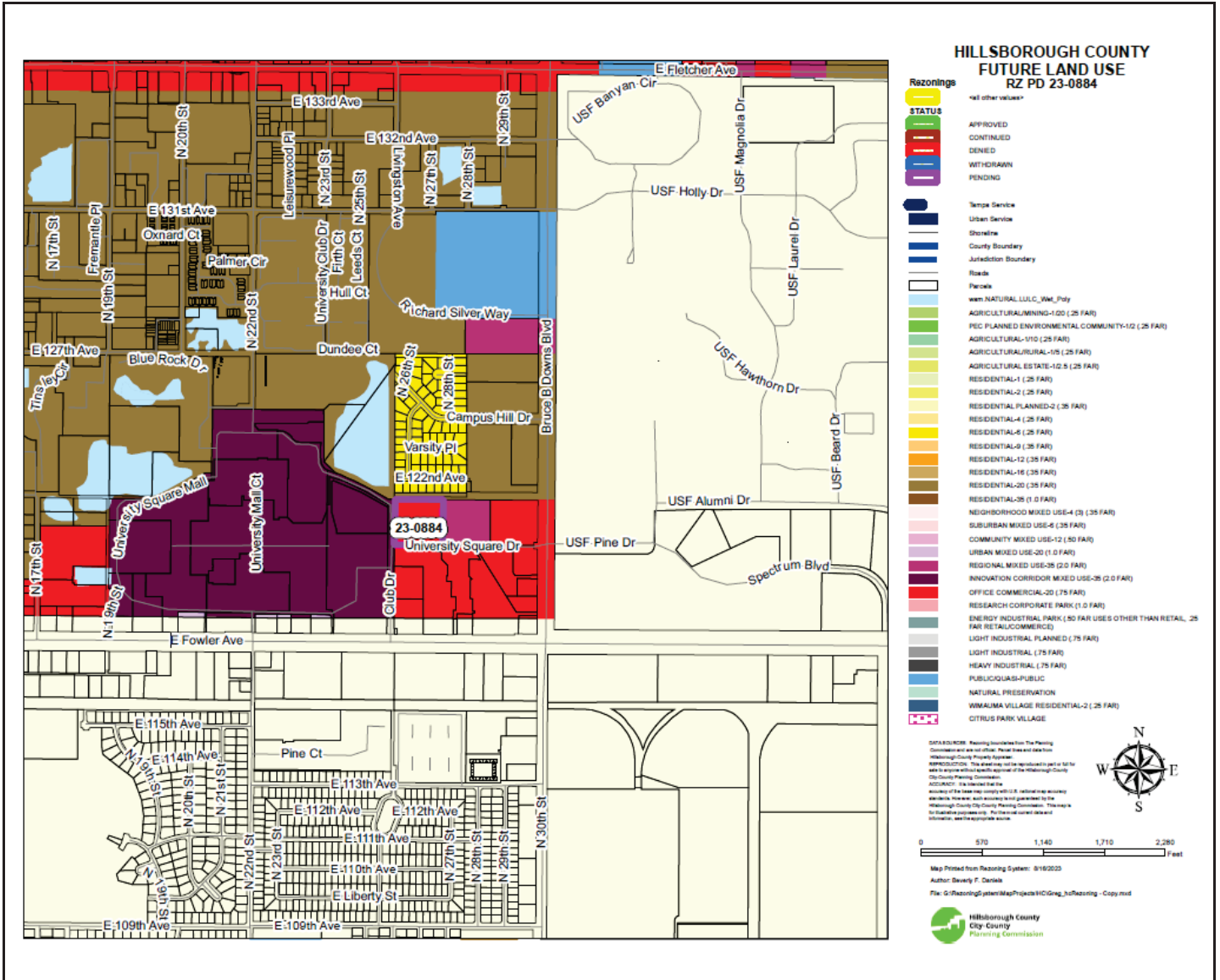


Context of Surrounding Area:

The subject site is located adjacent to Phase I to the east of the proposed project. Single-family residential areas and public institutional areas towards the north. Towards the east, there are multifamily and mixed-use buildings, while towards the south and west, there are light commercial uses.

2.0 LAND USE MAP SET AND SUMMARY DATA

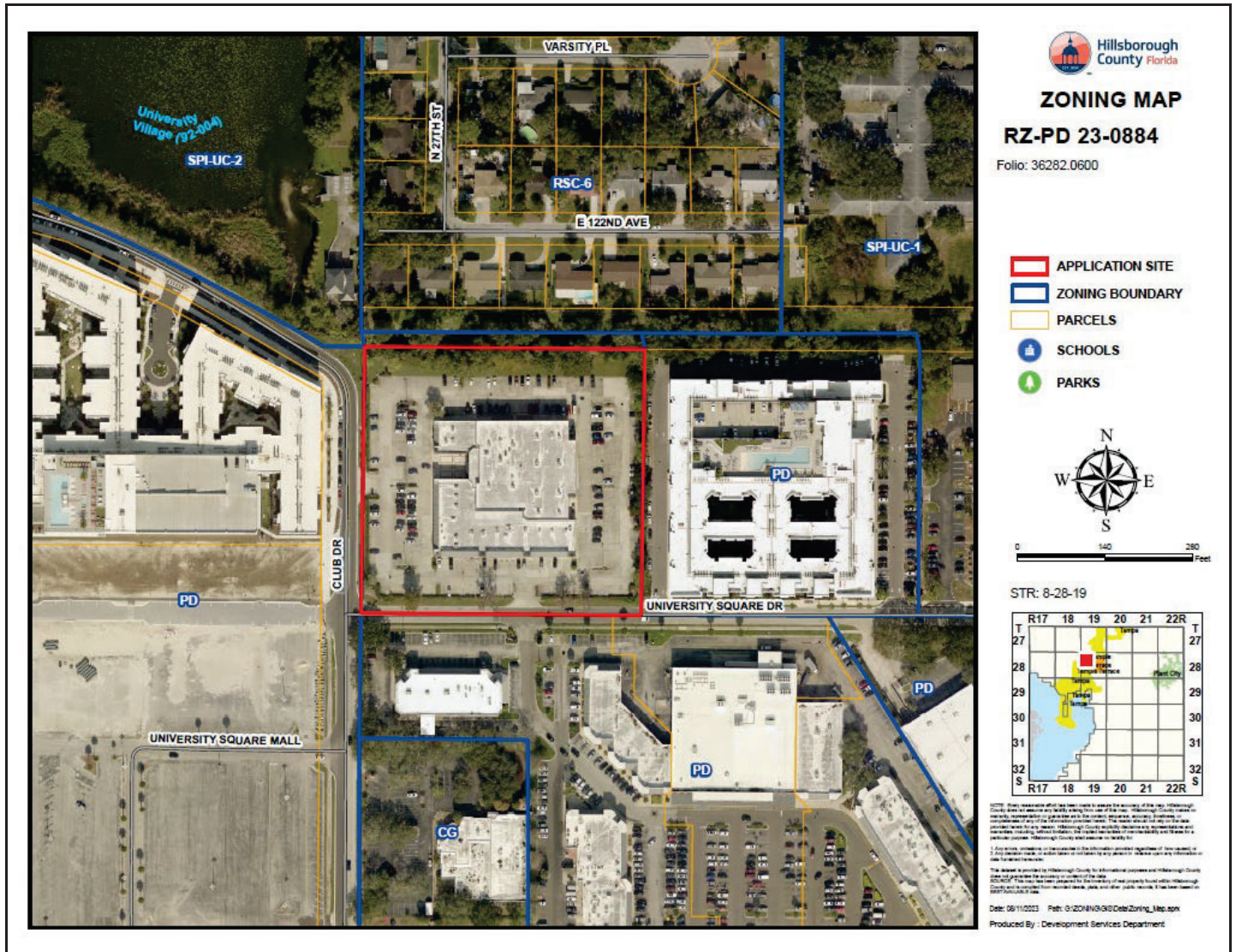
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Office Commercial-20 (OC-20)
Maximum Density/F.A.R.:	20 DU/ Acre .75 up to a maximum of 600,000 square feet, however, the commercial component cannot exceed 350,000 square feet. All development which exceeds .35 FAR must be for office or residential support uses, not retail.
Typical Uses:	Community commercial type uses, office uses, mixed-use developments, and comparable residential uses

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

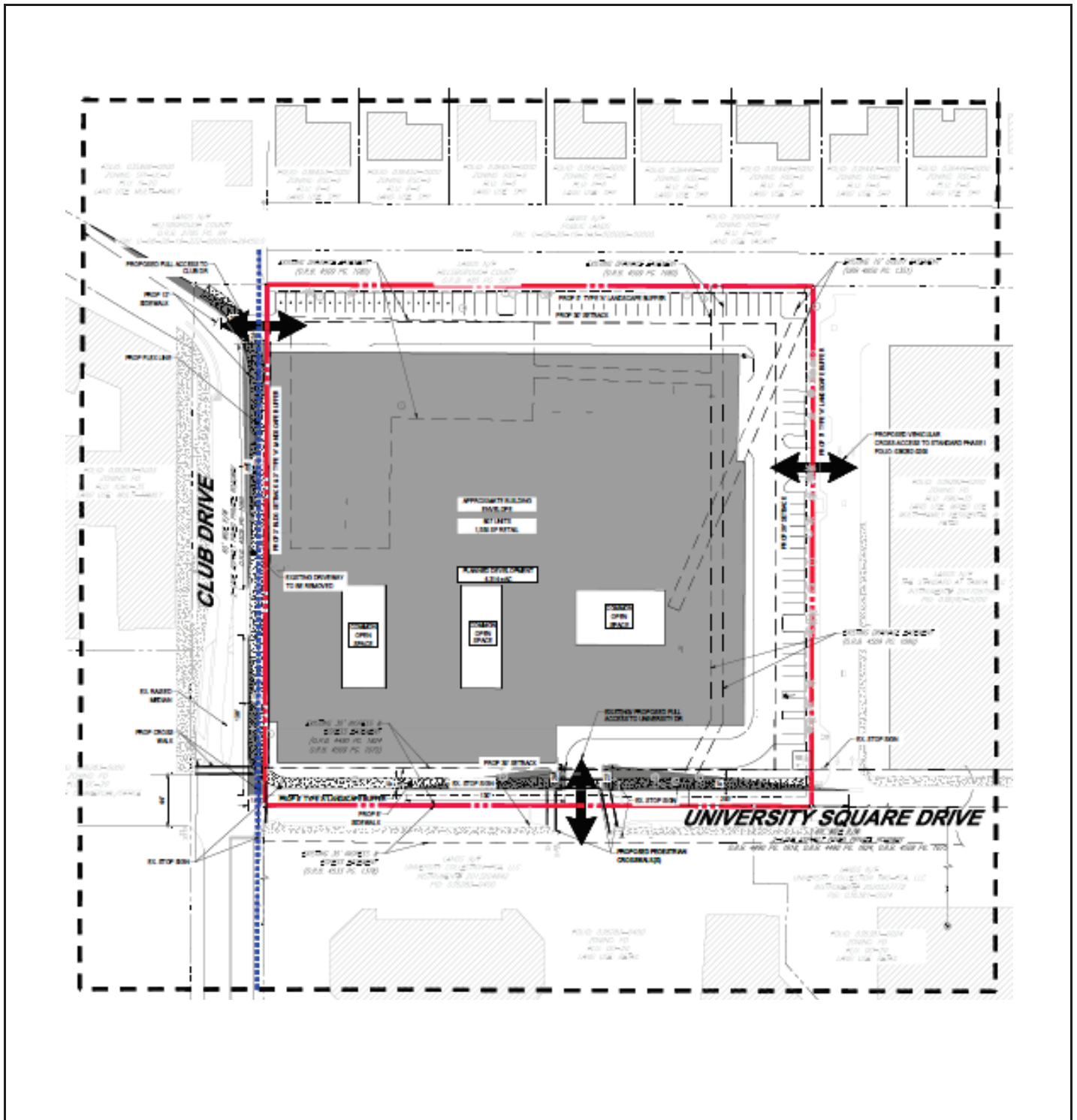


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	RSC-6	6 DU/ Acre	Residential, Single-Family Conventional	Single Family Residential
South	PD 83-0211	.24	Commercial retail shopping center	Commercial retail shopping center
East	PD 16-1346	50 DU/Acre .01 F.A.R. Retail	Student Housing/Multi-Family Mixed Use	Student Housing/Multi-Family Mixed Use
West	PD 22-1640	35 DU/ Acre .50 F.A.R.	Mixed-use	Mixed-use

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 OF STAFF REPORT)

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
University Square Dr.	Private	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other
Club Dr.	Private	8 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other

Project Trip Generation			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	2,909	75	224
Proposed	2,370	65	189
Difference (+/1)	-530	-10	-35

*Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Vehicular	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East	X	None	None	Meets LDC
West	X	Vehicular & Pedestrian	Vehicular & Pedestrian	Meets LDC
Notes:				

Design Exception/Administrative Variance: Not Applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Pedestrian access improvements provided.
Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input checked="" type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Impact/Mobility Fees: Multi-Family Units 3-10 story) Fee estimate is based on a 1,200-square-foot Mobility: \$6,661 * 215 units = \$1,432,115 Parks: \$1,555 * 215 units = \$ 334,325 School: \$3,891 * 215 units = \$ 836,565 Fire: \$249 * 215 units = \$ 53,535 Total Multi-Family (3-10 story) = \$2,656,540	Retail - Shopping Center (Per 1,000 s.f.) Mobility: \$13,562*1.55 = \$21,021.10 Fire: \$313*1.55 = \$485.15			
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The subject property is located at the intersection of University Square Drive and Club Drive on approximately 4.31 acres. The site has a Future Land Use Designation of Office Commercial-20 (OC-20), which allows for consideration of up to 20 dwelling units per gross acre and a maximum Floor Area Ratio (FAR) of 0.75. The site is surrounded by Special Public Interest-University Community zoning to the north and PD zoning to the east, south, and west. There is residential, Single-Family Conventional to the immediate North. A continuation of the current PD to the south across University Drive contains Commercial General (CG) uses.

Phase I of this project located directly to the east of this proposed project was approved per PD 16-1346 with similar development standards. However, the site applied for Residential-35, through CPA 16-21A, in July 2016. The amendment was approved by the Board of County Commissioners as a small-scale amendment on December 8, 2016.

The Planning Commission has found the request inconsistent with Hillsborough County Comprehensive Plan. The applicant proposes to flex the adjacent Regional Mixed-Use 35 (RMU-35) category that is located to the east. In addition, per Policy 19.3, the applicant is requesting a density bonus by using 35 dwelling units per acre as a base density to achieve a total of 50 dwelling units per gross acre. The Planning Commission has opined that the Flex does not change the Future Land Use Map (FLUM) category and cannot be used as a basis for a bonus in the plan in accordance with Future Land Use Element (FLUE) Policies 7.3 and 7.4. The applicant contends that applicable policies do not preclude utilization of the both the flex and mixed-use density bonus as requested. To qualify for the mixed-use density bonus, the developer must allocate at least 10% of the total building square footage for uses other than the primary use when vertically integrating two uses. Despite the proposal's total building size being 187,926 square feet, only 1,550 square feet of retail is included, indicating that the second use proposed comprises less than 1% of the total square footage.

Per Section 6.06.06, *Buffering and Screening Requirements*: Along the Northern and Eastern property boundary of the subject property, the applicant is proposing (Type A screening) with a five (5) foot buffer in lieu of the required twenty (20) foot buffer with Type B screening. There is a County-owned drainage canal that acts as an additional buffer area between the proposed development and single-family properties to the north, in addition to the proposed 30-foot setback. Along the eastern boundary the existing Phase I of the "Standard" currently provides a 5' landscaped buffer. Adding 5' along the eastern portion of the subject site will result in a 10' landscape buffer between practically identical uses. Staff does not object and concurs with the applicant's justification for the variation.


The subject property is within the Urban Service Area. Potable water and sanitary sewer services are provided to the subject property by the City of Tampa.

5.2 Recommendation

Notwithstanding the issue regarding whether utilization of both the flex and mixed-use density bonus can be considered for the project, the request is not in compliance with the mixed-use density bonus criteria. Therefore, while staff finds the proposed rezoning compatible with the development pattern of medium to high-density housing in the area, the request is not supportable based on non-compliance with the mixed-use density bonus criteria.

6.0 PROPOSED CONDITIONS

N/A

<p>Zoning Administrator Sign-Off:</p>	 <p>J. Brian Grady Mon Nov 13 2023 09:01:12</p>
<p>SITE, SUBDIVISION, AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.</p> <p>Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtaining all necessary building permits for on-site structures.</p>	

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

The applicant has also requested variations from the Land Development Code, Parts 6.05.00 (Parking and Loading), and 6.06.06 (Landscaping/Buffering). The applicant's requests and justifications for variations are found to meet the applicable criteria of LDC Part 5.03.06.C.6.a.1-4.

Variations Requested:

Variation Request 1: LDCSec. 6.05.00 (Parking/loading)

- a. To allow .78 parking spaces per bed for a total of 638 and 8 for retail (with restricted uses)

Variation Request 2: The applicant is requesting a variation to Hillsborough County LDC Section 6.06.06 Landscaping and Buffering Requirements.

- a. To allow 5' Type A buffer along the north property boundary where 20' Type B is required
- b. To allow 5' Type A buffer along the east property boundary where 20' Type B is required

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 11/02/2023

REVIEWER: Richard Perez, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: USF/ Northwest

PETITION NO: PD 23-0884

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

CONDITIONS OF APPROVAL

1. The project shall permit one vehicular and pedestrian access connections on University Square Dr. and one vehicular and pedestrian access connections on Club Dr. The developer shall construct one vehicular and pedestrian cross-access connection to the east as shown on the PD site plan.
2. As University Square Dr. is an unplatted roadway, that portion of the University Square Dr. owned and maintained the developer shall be designated as a Shared Access Facility.
3. Required Crosswalks:
 - a. A crosswalk shall be provided across the vehicular ingress/egress serving the property from University Square Drive.
 - b. Crosswalks shall be provided across University Square Drive along the existing/proposed vehicular access to the subject site and commercial development south of University Square Drive.
 - c. Crosswalks shall be provided on the north side and east side of the University Square Dr. and Club Dr. intersection.
4. Required Sidewalks:
 - a. A 12-foot concrete sidewalk will be provided along Club Drive.
 - b. An 8-foot concrete sidewalk will be provided along University Square Drive.
5. The building location proposed along University Square Drive shall not impede the ability to accommodate a future 3-lane section at the intersection of University Square Drive and Club Drive if warranted.
6. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
7. At least 90 percent of the residents at all times shall be registered students at the University of South Florida (USF). Proof of registration shall be in the form of a current valid student identification card issued by USF or the USF Medical Center, and a 120 Form or equivalent documentation issued by USF at registration. The information on these documents shall match.

- a. The owner/operator of the housing project shall maintain records to verify that at least 90 percent of the residents at all times are registered students at USF, as required above. Said records shall be provided to Hillsborough County for inspection and verification within 30 days of request.
 - b. Notwithstanding, nothing in these conditions shall be deemed to prohibit any individual who has not attained the age of 18 years from being domiciled with a parent or other legal custodian who is a registered student at USF, regardless of whether such individual is a registered student at USF. Additionally, nothing in these conditions shall be deemed to prohibit an individual from being domiciled with his or her spouse who is a registered student at USF, regardless of whether such individual is a registered student at USF.
8. Student housing vehicle parking shall be provided at a minimum rate of 0.78 spaces per resident allowed by final occupancy permit. Additionally, a minimum of .25 bicycle parking space per resident shall be provided pursuant to the standards contained within Section 6.05.02.P.2. of the Hillsborough County Land Development Code. Notwithstanding the above, any student housing related bicycle parking provided in excess of the above ratio shall make the student housing parking requirements eligible for consideration of an administrative parking reduction of up to five percent of all required student housing parking spaces (or one vehicle parking space, whichever is greater).
9. Accessory retail shall exclude the following uses:
- eating establishments,
 - drinking establishments,
 - convenience stores,
 - liquor stores,
 - marijuana dispensaries,
 - personal services, and
 - all drive thru uses.

Other Conditions

Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:

- Depict and callout the portion of University Square Dr. shown on the PD site plan within the easement area as a shared access facility.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 4.71 ac. parcel from Planned Development (PD) 83-0211, as most recently amended by PRS 15-0667, to a new PD. The subject property is identified within PD83-0211/PRS 15-0667 as Parcel “E” and current has mix of commercial uses. The applicant is seeking entitlements for an 807-unit bed student housing project, to occur within a maximum of 214 dwelling units. The applicant will be required to initiate a concurrent PD modification to remove the subject property from the larger PD 83-0211. The Future Land Use designation is Office Commercial 20 (OC-20).

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of trips generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Calculations are based on data from the 11th Edition of the Institute of Transportation Engineer’s Trip Generation Manual.

Staff notes that due to the proximity of HART service, USF’s Bullrunner Service, as well as the campus itself, a significant portion of these trips are anticipated to occur via transit, bicycle or pedestrian modes, rather than vehicular trips. The data below represents a worst-case scenario for vehicular trip impacts.

Existing Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 43,093 sf Retail (ITE LUC 821)	2,909	75	224

Proposed Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 807-beds, Off-Campus Student Apartment (ITE LUC 226)	2,074	57	169
PD, 1,550 sf Strip Retail Plaza “Retail” (ITE LUC 822)	296	8	20
TOTAL	2,370	65	189

Trip Generation Difference:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(-) 530	(-) 10	(-) 35

The proposed rezoning is anticipated to decrease the number of trips potentially generated by development of the subject parcel (by -530 average daily trips, -10 trips in the a.m. peak hour, and -35 trips in the p.m. peak hour).

Staff notes that the applicant’s submitted transportation analysis utilized the Strip Retail Plaza ITE land use code to analyze the trips generated from the 1,550 sf of “accessory retail”, but the applicant does not define specific retail uses. Without this information, staff cannot evaluate accurately the worst-case scenario trip generation for the “retail” uses because of many potential high trip generating retail uses that exceed the trip generation for a Strip Retail Plaza which could potentially occupy the space such as eating establishments, drinking establishments and convenience stores. As such staff has utilized the highest peak hour trip rate for the proposed “retail” uses based on the 1,550sf Strip Retail Plaza (20 trips / 1.55 thousand square feet) or 12.9 peak hour trips per 1,000 sf. Based on this rate, staff is proposing to prohibit the following retail uses that exceed 12.9 highest peak hour trips: eating establishments, drinking establishments, convenience stores, liquor stores, marijuana dispensaries, and all drive thru uses.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

University Square Dr. is a 2-lane, undivided, unplatted, private street (shared access facility) with +/- 12-foot lanes. There is a sidewalk along the south side of University Square Dr. and +/- 8-ft sidewalks on the north side east of the project. There are no marked bicycle facilities. There is a USF Bull Runner transit stop shelter located on the north side of University Square Drive approximately 260 feet east of the project.

The proposed PD site plan includes an 8-foot sidewalk along the project frontage to connect to the 8 foot sidewalk immediately adjacent to the east.

Club Dr. is a 2-lane, an undivided private street with +/- 10-foot lanes, a median treatment at the intersection with University Square Dr., and on-street parking on the west side. There is a +/- 12-foot sidewalk along the west side of Club Dr. There are no marked bicycle facilities.

The proposed PD site plan includes an 12-foot sidewalk along the project frontage.

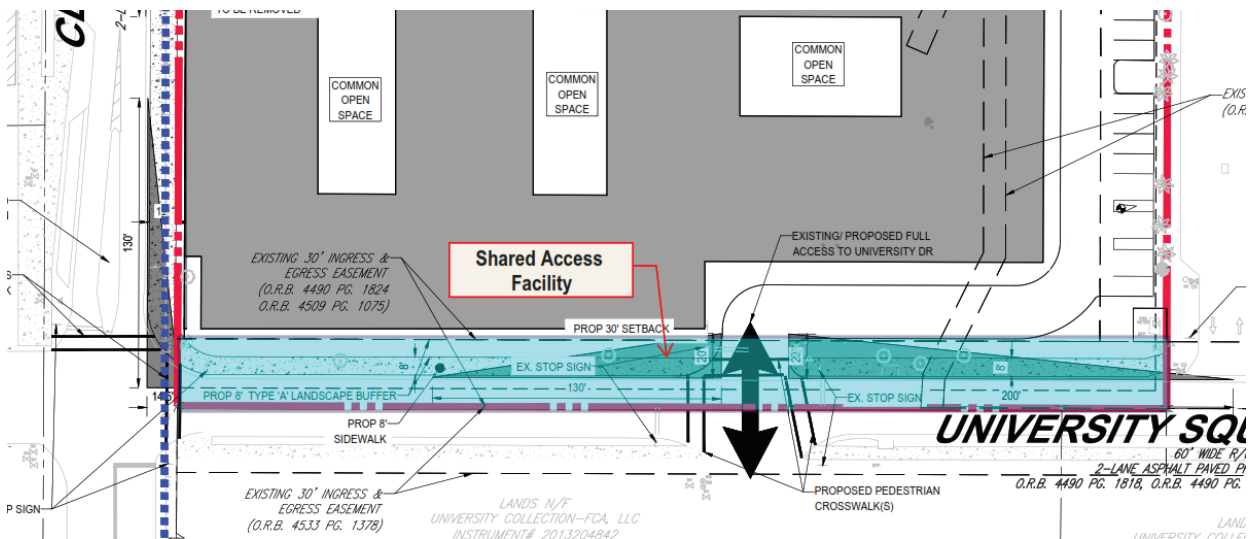
The closest functionally classified roadway is Bruce B. Downs Blvd. (aka 30th Street). It is a regulated 6 lane principal characterized by +/- 12 foot lanes. There are marked bicycle facilities on both sides. There are +/- 5 foot sidewalks on both sides of 30th Street south of University Square Boulevard, and a +/- 5 foot sidewalk on the west side of 30th Street north of University Square Boulevard.

SITE ACCESS AND CONNECTIVITY

Primary vehicular and pedestrian access to the site is proposed at the existing location on University Square Drive., and relocated access connection on Club Dr. Vehicular and pedestrian cross access is provided to east as required per LDC, Sec. 6.04.03.Q. and will connect to the existing stub out constructed by the adjacent development, Planned Development 16-1346.

Based on the applicant's submitted site access analysis, neither driveway requires turn lane improvements per LDC 6.04.04.D.

As University Square Dr. is an unplatted, private street it is deemed a shared access facility, as indicated in the existing PD, and has existing easements, recorded with the County Clerk of Court, over the portion of the roadway within the project, to allowing ingress and egress to adjacent properties. As such as condition of approval is recommended to depict and callout the area within the PD site plan within the easement areas as a shared access facility. See annotated excerpt of PD site plan below.



Additional, staff raised the concern for the proposed location of the building footprint potentially being an impediment to future access needs at the intersection of the University Square Dr. and Club Dr. which serves the remainder of the existing Planned Development and adjacent properties to the east fronting on University Square Dr. Based on the applicant’s submitted site access analysis, substantial number of westbound right and left turning movements (125 rights and 192 lefts in the PM peak hour peak season traffic plus project traffic) from University Square Dr. to Club Dr. are not shown to exceed intersection operational capacity. However, additional trips from existing entitlements in the immediate area and potential redevelopment the remaining commercial parcels within the existing PD, e.g. University Collection shopping center, future turn lanes may need to be accommodated at said intersection on the subject property’s portion of University Square Dr. The applicant has submitted analysis to demonstrate that a future turn lane can be accommodated at the intersection without impacting the proposed location of the new building footprint.

Staff notes that safe pedestrian access at the intersection of University Square Dr. and Club Dr. as well as between the project’s University Square Dr. driveway and the driveway serving the commercial shopping center on the south side will be addressed with marked crosswalk treatments as per the PD site plan and the proposed conditions of approval.

Staff notes that the HART service, USF’s Bullrunner Service, operates along University Square Dr. and has a sheltered stop located approximately 260 feet east of the subject property.

VEHICULAR AND BICYCLE PARKING

Consistent with student housing projects that have been previously approved within the last several years, vehicular parking was being proposed at a rate of .78 spaces per resident. Bicycle parking will be provided at a minimum rate of 1 bicycle parking space per 10.7 spaces beds. These rates were arrived at through earlier “modern” style student housing projects (such as this project) which have occurred in previous years, presumably through the Determination of an Unlisted Use process described in Section 6.05.02.G.1. and G.2. of the LDC. In recent years staff has allowed student housing developers to carry forward that rate. As staff believes the bicycle parking to be insufficient for the intended use, in order to incentivize the provision of additional bicycle parking, and consistent with Section 6.05.02.P.1. of the LDC, staff had previously included in other projects (and proposed to carry forward within this project) a condition which provided the possibility for a 5% vehicular parking reduction for any bicycle parking provided in excess of the minimums.

The applicant proposes to provide parking for the 1,550 sf of “retail” uses at a rate of 5 space per 1,000 sf or 8 parking spaces. Based on the County Land Development Code, Sec. 6.05.02 parking table there are several retail uses that require a higher parking rate than what is proposed. Since the applicant did not provide a specific list of retail uses that may occupy the “retail” space, staff cannot ensure that 8 parking spaces will be sufficient to meet the demand a said retail uses with a higher parking rate than 5 space per 1,000. As such, to ensure that sufficient parking is provided for this project, staff is recommending to prohibit the following retail uses: eating establishments, drinking establishments and personal services.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Bruce B. Downs Blvd.	Fletcher Ave.	Fowler Ave.	E	C

Source: Hillsborough County 2020 Level of Service Report.

B. HEARING SUMMARY

This case was heard by the Hillsborough County Zoning Hearing Master on November 13, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Applicant

Mr. David Singer spoke on behalf of the applicant. Mr. Singer presented the rezoning request, responded to the hearing officer's questions, and provided testimony as reflected in the hearing transcript attached to and made a part of this recommendation.

Development Services Department

Ms. Camile Krochta, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the revised staff report previously submitted to the record, a copy of which is attached to and made a part of this recommendation.

Planning Commission

Mr. Bryce Fehringer, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record.

Proponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in support of the application. There were none.

Opponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in opposition to the application. There were none.

Development Services Department

Ms. Heinrich stated the Development Services Department had nothing further.

Applicant Rebuttal

Mr. Singer provided rebuttal testimony as reflected in the hearing transcript attached to and made a part of this recommendation.

The hearing officer closed the hearing on RZ-PD 23-0884.

C. EVIDENCE SUBMITTED

Mr. Singer submitted to the record at the hearing a copy of the applicant's presentation slides, a letter from the applicant's legal counsel, excerpts from the Unincorporated Hillsborough Comprehensive Plan, the Planning Commission staff report for RZ 16-1346, and proposed approval conditions for RZ-PD 23-0884.

Ms. Heinrich submitted to the record at the hearing a revised Development Services Department staff report and attachments.

D. FINDINGS OF FACT

1. The Subject Property consists of approximately 4.31 acres at 2700 University Square Drive, Tampa.
2. The Subject Property is zoned PD 83-0211 and is designated OC-20 on the comprehensive plan Future Land Use Map. The OC-20 future land use designation allows for consideration of up to 20 dwelling units per gross acre, and a maximum Floor Area Ratio of 0.75. The Subject Property's PD 83-0211 zoning was most recently modified by PRS 15-0667 and allows 45,000 square feet of retail use. The Subject Property is in the Urban Services Area and is within the boundaries of the University Area Community Plan.
3. The general area surrounding the Subject Property consists of single-family residential, public institutional, multi-family, mixed-use, and light commercial uses. Adjacent properties include an approximately 60-foot-wide drainage area drainage canal to the north, and a single-family subdivision zoned RSC-6 situated north of the drainage canal; the mixed-use University Square Mall property with PD 22-1640 zoning to the west; the University Collection shopping center with PD 83-0211 zoning to the south across the University Square Drive private roadway; and The Standard, a mixed-use building with multi-family residential and retail space zoned PD 16-1346 to the east. A single-story apartment complex is located east of The Standard, and the University of South Florida campus is located further to the east across Bruce B. Downs Boulevard.
4. The Subject Property is developed with a retail and commercial strip center, which the Hillsborough County Property Appraiser's website shows was built in 1985.
5. The applicant is requesting to rezone the Subject Property to a Planned Development to allow a vertically integrated mixed-use project with 215 student housing dwelling units with 807 beds, 1,550 square feet of ground-level retail space, three courtyard areas with a total of nearly 18,000 square feet, a lobby-leasing-amenity space, and a rooftop amenity level. The applicant is requesting application of the comprehensive plan's flex provisions and mixed-use bonus provisions to achieve the proposed density of 50 dwelling units per acre.
6. A companion Minor Modification, PRS 24-0111, has been submitted to remove the Subject Property from PD 83-0211.
7. The applicant is proposing 30-foot-wide building setbacks on the Subject Property's south, north, and east boundaries, and a 3-foot-wide building setback on the west boundary. The applicant is proposing an 8-foot-wide buffer on the Subject Property's south boundary, a 3-foot-wide buffer on the west boundary, and 5-foot-wide buffers on the north and east boundaries. The applicant is proposing

Type A screening on the north, south, east, and west. The applicant is proposing a maximum building height of eighty feet.

8. Folio 036282-0200 is adjacent to the east of the Subject Property. In July 2016 the Board of County Commissioners adopted CPA 16-21A designating folio 036282-0200 as Res-35 on the Future Land Use Map. The applicant in this case is requesting application of comprehensive plan Future Land Use Policies to flex the Res-35 designation on folio 036282-0200 to the Subject Property. The applicant is also seeking application of the mixed-use density bonus Future Land Use Policies to achieve a density of 50 units per acre.
9. Like the Subject Property, folio 036282-0200 is a 4.31-acre parcel. Folio 036282-0200 is zoned PD 16-1346 and is developed with a project named "The Standard," which is a mixed-use building with similar development standards as the applicant is requesting in this case. The Standard was approved as a 6-story building with a maximum height of 85 feet and a floor area of 278,000 square feet, including the parking garage. The Standard was approved with Planned Development zoning that applied the comprehensive plan's mixed-use density bonus provisions to achieve 50 units per acre. The Standard was approved as a mixed-use project with a building area of 278,000 square feet for 214 student housing units with 765 beds, and 2,001 square feet of ground-level retail space. The ground-level retail space of The Standard is approximately .72 percent of the building's total square footage.
10. Future Land Use Objective 7 states, "The Future Land Use Map is a graphic illustration of the county's policies governing the determination of its pattern of development in the unincorporated areas of Hillsborough County through the year 2025." Future Land Use Policies 7.1 through 7.4 state:

Policy 7.1:

The Future Land Use Map shall be used to make an initial determination regarding the permissible locations for various land uses and the maximum possible levels of residential densities and/or non-residential intensities, subject to any special density provisions, locational criteria and exceptions of the Future Land Use Element text.

Policy 7.2:

All land use category boundaries on the Future Land Use Map coinciding with and delineated by man-made or natural features, such as but not limited to roads, section lines, property boundaries, surface utility rights-of-way, railroad tracks, rivers, streams or other water bodies or wetlands are precise lines.

Policy 7.3:

The land use category boundaries may be considered for interpretation as flexible boundaries in accordance with the Flex Provision as follows:

Through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining or separated by a man made or natural feature from the existing boundary line.

The line may be relocated a maximum of 500 feet from the existing land use boundary of the adopted Land Use Plan Map. Right-of-Way is not included in the measurement of the 500 foot flex. No new flexes can be extended from an existing flexed area.

All flexes must be parallel to the land use category line.

Flexes are not permitted in the Rural Area or in areas specified in Community Plans. Flexes are also not permitted from the Urban Service Area into the Rural Area. All flexes in the Rural Area approved prior to July 2007 are recognized and are not to be considered non-conforming.

Flexes to increase residential density are not permitted in the Coastal High Hazard Area.

Flexes are not permitted from a municipality into the unincorporated county.

A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.

Applicants requesting a flex must provide written justification that they meet the criteria for a flex as outlined below.

The Board of County Commissioners may flex the plan category boundary to recognize or grant a zoning district which is not permitted in the land use category but lies within the distance of a conforming land use category, as described above. Prior to the determination by the Board of County Commissioner, the staff of the Planning Commission shall make a recommendation on the consistency of the request with the Comprehensive Plan.

11. Future Land Use Objective 19 states, “All development in the mixed use categories shall be integrated and interconnected to each other. Future Land Use Policies 19.1 through 19.3 state:

Policy 19.1

Larger new projects proposed in all mixed use plan categories shall be required to develop with a minimum of 2 land uses in accordance with the following:

Requirements for 2 land uses will apply to properties 10 acres or greater in the RMU-35, UMU-20, and CMU-12 land use categories, and to properties 20 acres or greater in the SMU-6 and NMU-4 land use categories.

At least 10% of the total building square footage in the project shall be used for uses other than the primary use.

The mix of uses may be horizontally integrated (located in separate building). Horizontal integration may also be achieved by utilizing off-site uses of a different type located within ¼ mile of the project, on the same side of the street of a collector or arterial roadway connected by a continuous pedestrian sidewalk.

The land uses that may be included in a mixed use project include: retail commercial, office, light industrial, residential, residential support uses, and civic uses provided that the use is permitted in the land use category.

These requirements do not apply within ½ of a mile of an identified Community Activity Centers (if other mixed use standards have been adopted for that area or when the project is exclusively industrial).

Policy 19.2:

In the mixed use land use categories, when two or more uses are required on the same project, then the development shall be implemented through a zoning district that demonstrates street connectivity, description of land uses, and site placement, access locations and internal connections at a minimum.

Policy 19.3: Incentives for Mixed Use

The following incentives are available to encourage mixed use and vertically integrated mixed use projects within the Urban Service Area:

Parking structures shall not count towards the FAR for projects that include 3 or more land uses or vertically integrate two land uses.

Projects that either include 3 or more land uses or vertically integrate two land uses may utilize a density bonus to the next higher land use category or the following FAR bonus:

Property with a Future Land Use Category of 35 units per acre and/or 1.00 FAR and higher and within the USA – may increase up to 50 units and/or an additional .50 FAR

Property within a Future Land Use Category of 9 units per acre and/or .5 FAR and higher and within the USA – Increase in FAR by .25

Property within a Future Land Use Category of 4 units per acre and/or .25 FAR and higher and within the USA – Increase in FAR by .10

When considering mixed use projects of 3 or more land uses, a different housing type (multi-family, attached single family or detached single family) may be considered as one of the uses.

12. Planning Commission staff found the comprehensive plan's flex policies do not change the Subject Property's Future Land Use Map category and cannot be used as a basis for a mixed-use density bonus. On this basis, Planning Commission staff concluded the applicant cannot combine the flex provision and the density bonus provision. The applicant's agent testified at the hearing that Planning Commission staff's finding is contrary to the plain language of the comprehensive plan.
13. Future Land Use Policy 7.1 provides the "Future Land Use Map shall be used to make an initial determination on locations for land uses and maximum densities." Future Land Use Policy 7.3 provides land use category boundaries may be considered for interpretation as flexible boundaries in accordance with the flex provisions listed within the policy. The first provision within the policy states, "through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining..." Therefore, under the plain language of Future Land Use Policy 7.3, the flex provision operates to extend the land use category boundaries to include adjoining property. No provision was found in the comprehensive plan's Future Land Use Element that supported Planning Commission staff's interpretation that the applicant cannot combine the flex provisions and density bonus provisions.
14. Planning Commission staff and Development Services Department staff found the comprehensive plan's mixed-use density bonus provisions require the applicant to allocate at least ten percent of the total building square footage for uses other than

the primary use when vertically integrating two uses. Since the proposed building area is 187,926 square feet and only 1,550 square feet of retail space is included, staff concluded the proposal does not meet the mixed-use density bonus criteria because the use other than the primary use is less than ten percent of the total building square footage.

15. As noted above, folio 036282-0200 is adjacent to the east of the Subject Property and was approved in 2017 in RZ 16-1346 for a similar project as the applicant in this case is requesting. That project, The Standard, applied the comprehensive plan's mixed-use density bonus provisions to achieve 50 units per acre on folio 036282-0200, which is a 4.31-acre parcel like the Subject Property in this case. The proposed building area of The Standard was 278,000 square feet, with 214 student housing units and 2,001 square feet of ground-level retail space. Therefore, the ground-level retail space was approximately .72 percent of the building's total square footage.
16. The Planning Commission staff report in RZ 16-1346 stated:

The Planned Development, if approved, will allow for a multi-family project geared toward student housing, at 50 dwelling units per gross acre. Given it[s] location just northwest of the intersection of 30th Street and Fowler Avenue, as well as just west of the University of South Florida campus, the density bonus is warranted. One of the building[s] will include 2001 square feet of retail space as well.
17. The Development Services Department staff report in RZ 16-1346 stated:

The subject property has a current future land use designation of RMU-35 (Regional Mixed Use – 35), per CPA 16-21A. As stated above, the project is proposing to vertically integrate 2 land uses, multi-family residential (student housing) and retail (2,001 square feet), to be eligible for a density bonus from 35 DU/GA to 50 DU/GA, if approved. This would permit a maximum density of 215 units on the subject property (4.31 AC x 50 DU/GA). The proposed development standards and square footage are consistent with the proposed RMU-35 future land use designation and density bonus.
18. In RZ 16-1346, the total proposed retail space was only .72 percent of the building area. Yet Planning Commission and Development Services Department staff found in that case that the proposed development was eligible for the mixed-use density bonus. In this case, the total proposed retail space is approximately .83 percent of the building area, which is a higher percentage than in RZ 16-1346. Yet, in this case Planning Commission and Development Services Department staff found the proposed development must allocate at least 10 percent of the total building square footage for uses other than the primary use when vertically integrating two uses. Staff's interpretation of the comprehensive plan's mixed-use density bonus provisions in this case is inconsistent with staff's interpretation of

those same provisions in RZ 16-1346 on property of the same size as and directly abutting the Subject Property in this case.

19. In addition, Planning Commission staff in RZ 16-1346 found the mixed-use density bonus was warranted given the location just northwest of the 30th Street and Fowler Avenue intersection and just west of the University of South Florida campus, and that the project provided a transition between intensive commercial development along Fowler Avenue to less intense residential uses to the north.
20. The plain language of the comprehensive plan's mixed-use density bonus provisions in Future Land Use Policy 19.1 states the "requirements for 2 land uses will apply to properties 10 acres or greater in the RMU-35...land use categories..." The Subject Property in this case, like folio 036282-0200 in RZ 16-1346, is only 4.31 acres and therefore is not "10 acres or greater."
21. The plain language of the comprehensive plan's mixed-use density bonus provisions in Future Land Use Policy 19.3 states, "Projects that *either* include 3 or more land uses *or* vertically integrate two land uses may utilize a density bonus to the next higher land use category or the following FAR bonus..." (emphasis added). The proposed Planned Development in this case does propose to vertically integrate two land uses.
22. The applicant's request to apply the comprehensive plan's flex provisions to extend the boundary of the Res-35 land use designation on adjacent folio 036282-0200 to the Subject Property appears consistent with the plain language of the comprehensive plan's flex provisions at Future Land Use Objective 7 and related policies.
23. The applicant's request to apply the mixed-use density bonus to achieve a density of 50 units per acre appears consistent with the plain language of the comprehensive plan's mixed-use density provisions at Future Land Use Objective 19 and related policies.
24. There appears to be no comprehensive plan provision that prohibits application of a mixed-use density bonus to a parcel on which a land use designation boundary has been extended through the comprehensive plan's flex provisions.
25. The applicant's request to apply the comprehensive plan's mixed-use bonus provisions appears consistent with the past interpretation of these policies by Planning Commission staff and Development Services Department staff.
26. The applicant is requesting a PD variation to LDC Part 6.06.00, Buffering and Screening Requirements. Specifically, the applicant is requesting a variation to LDC section 6.06.06.A. and C. to allow a five-foot-wide buffer with Type A screening in lieu of the required 20-foot-wide buffer with Type B screening along the Subject Property's north and east boundaries. Development Services

Department staff does not object and concurs with the applicant's justifications for the variation.

27. The applicant is requesting a PD variation to LDC Part 6.05.00, Parking and Loading. Specifically, the applicant is requesting a variation to LDC section 6.05.02.E. to allow .78 parking spaces per bed for a total of 638 spaces for residential uses, and 8 spaces for restricted retail uses. Transportation Review staff did not object to the variation.
28. The LDC at section 5.03.06.C.6.a. states:

The purpose of the Planned Development District is to allow flexibility in certain site development standards in order to achieve creative, innovative, and/or mixed use development. The following non-district regulations may be varied as part of a Planned Development based upon the criteria contained herein:

- (1) Part 6.05.00, Parking and Loading Requirements;
- (2) Part 6.06.00, Landscaping, Irrigation, and Buffering Requirements; and
- (3) Part 6.07.00, Fences and Walls.
- (4) Requests to vary any other non-district regulations in this Code must be reviewed and approved through separate application in accordance with Part 11.04.00.

29. The LDC at section 5.03.06.D. states:

Recommendations of the Zoning Hearing Master and the Zoning Administrator shall include a finding regarding whether the variations requested as part of a Planned Development rezoning meet the criteria. Approval of any planned development that includes a variation of non-district regulations shall constitute a finding by the BOCC that the variations meet the criteria contained herein.

30. Findings on variances pursuant to the criteria of LDC section 5.03.06.C.6.b.:

- (1) **The variation is necessary to achieve creative, innovative, and/or mixed use development that could not be accommodated by strict adherence to current regulations.**

Variation to LDC section 6.06.06.A. and C. to allow a five-foot-wide buffer with Type A screening in lieu of the required 20-foot-wide buffer with Type B screening along the Subject Property's north and east boundaries. Yes. The Subject Property's north boundary abuts a 60-foot-wide drainage area,

and the east boundary abuts folio 036282-0200, which is developed with a multi-family student housing mixed-use project substantially similar to the proposed Planned Development in this case. The record supports a finding that the variation is necessary to achieve creative, innovative, or mixed-use development that could not be accommodated by strict adherence to current regulations.

Variation to LDC section 6.05.02.E. to allow .78 parking spaces per bed for a total of 638 spaces for residential uses, and 8 spaces for restricted retail uses. Yes. The Subject Property's north boundary abuts a 60-foot-wide drainage area, and the east boundary abuts folio 036282-0200, which is developed with a multi-family student housing mixed-use project substantially similar to the proposed Planned Development in this case. Transportation conditions require the developer to provide .25 bicycle parking spaces per resident. The record supports a finding that the variation is necessary to achieve creative, innovative, or mixed-use development that could not be accommodated by strict adherence to current regulations.

(2) The variation is mitigated through enhanced design features that are proportionate to the degree of variation.

Variation to LDC section 6.06.06.A. and C. to allow a five-foot-wide buffer with Type A screening in lieu of the required 20-foot-wide buffer with Type B screening along the Subject Property's north and east boundaries. Yes. The Subject Property's north boundary abuts a 60-foot-wide drainage area, and the east boundary abuts folio 036282-0200, which is developed with a multi-family student housing mixed-use project substantially similar to the proposed Planned Development in this case. The record supports a finding that the variation is mitigated through enhanced design features that are proportionate to the degree of variation.

Variation to LDC section 6.05.02.E. to allow .78 parking spaces per bed for a total of 638 spaces for residential uses, and 8 spaces for restricted retail uses. Yes. The Subject Property's north boundary abuts a 60-foot-wide drainage area, and the east boundary abuts folio 036282-0200, which is developed with a multi-family student housing mixed-use project substantially similar to the proposed Planned Development in this case. Transportation conditions require the developer to provide .25 bicycle parking spaces per resident. The record supports a finding that the variation is mitigated through enhanced design features that are proportionate to the degree of variation.

(3) The variation is in harmony with the purpose and intent of the Hillsborough County Land Development Code.

Variation to LDC section 6.06.06.A. and C. to allow a five-foot-wide buffer with Type A screening in lieu of the required 20-foot-wide buffer with Type

B screening along the Subject Property's north and east boundaries. Yes. The record demonstrates the proposed Planned Development will allow development of student housing in a mixed-use project substantially similar to a project abutting the Subject Property to the east. The record supports a finding that the variation is in harmony with the purpose and intent of the LDC to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County.

Variation to LDC section 6.05.02.E. to allow .78 parking spaces per bed for a total of 638 spaces for residential uses, and 8 spaces for restricted retail uses. Yes. The record demonstrates the proposed Planned Development will allow development of student housing in a mixed-use project substantially similar to a project abutting the Subject Property to the east. The record supports a finding that the variation is in harmony with the purpose and intent of the LDC to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County.

(4) The variation will not substantially interfere with or injure the rights of adjacent property owners.

Variation to LDC section 6.06.06.A. and C. to allow a five-foot-wide buffer with Type A screening in lieu of the required 20-foot-wide buffer with Type B screening along the Subject Property's north and east boundaries. Yes. The Subject Property's north boundary abuts a 60-foot-wide drainage area, and the east boundary abuts folio 036282-0200, which is developed with a multi-family student housing mixed-use project substantially similar to the proposed Planned Development in this case. The record supports a finding that the variation will not substantially interfere with or injure the rights of adjacent property owners.

Variation to LDC section 6.05.02.E. to allow .78 parking spaces per bed for a total of 638 spaces for residential uses, and 8 spaces for restricted retail uses. Yes. The Subject Property's north boundary abuts a 60-foot-wide drainage area, and the east boundary abuts folio 036282-0200, which is developed with a multi-family student housing mixed-use project substantially similar to the proposed Planned Development in this case. Transportation conditions require the developer to provide .25 bicycle parking spaces per resident. The record supports a finding that the variation will not substantially interfere with or injure the rights of adjacent property owners.

31. Transportation Review staff found the proposed rezoning is anticipated to decrease the number of trips potentially generated by the Subject Property's development by 530 average daily trips, including a reduction of 10 trips in the a.m. peak hour and a reduction of 35 trips in the p.m. peak hour.

32. Development Services Department staff found the proposed Planned Development is compatible with the development pattern of medium to high-density housing in the surrounding area. However, Development Services Department staff found the proposed rezoning unsupportable on the basis of failure to comply with the comprehensive plan's mixed-use density bonus criteria.
33. Planning Commission staff found the proposed Planned Development is inconsistent with the intent of the flex provision, mixed use bonus, and compatibility policies of the Future Land Use Element. Planning Commission staff concluded the proposed Planned Development would allow for development that is inconsistent with the Goals, Objectives, and Policies of the Unincorporated Hillsborough County Comprehensive Plan.

**E. FINDINGS OF COMPLIANCE OR NON-COMPLIANCE
WITH COMPREHENSIVE PLAN**

Subject to approval of PRS 24-0111, considering the record as a whole, the evidence demonstrates the proposed Planned Development is in compliance with and does further the intent of the Goals, Objectives, and Policies of Unincorporated Hillsborough County Comprehensive Plan.

F. CONCLUSIONS OF LAW

A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” § 163.3194(3)(a), Fla. Stat. (2022). Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant's testimony and evidence, there is substantial competent evidence demonstrating the requested Planned Development is consistent with the Unincorporated Hillsborough County Comprehensive Plan and does comply with the applicable requirements of the Hillsborough County Land Development Code, subject to approval of PRS 24-0111.

G. SUMMARY

H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **APPROVAL** of the Planned Development rezoning subject to approval of PRS 24-0111, and subject to the approval conditions submitted to the record and attached to this recommendation.

Pamela Jo Hatley
Pamela Jo Hatley PhD, JD
Land Use Hearing Officer

December 6, 2023
Date:

Approval of the request, subject to the conditions listed below, is based on the general site plan submitted September 27, 2023.

1. Development shall be limited to:
 - a. Student housing with a maximum of 215 units and 807 residents. One bedroom studios, multi-bedroom suites or a mixture thereof may be utilized; however, each studio or suite shall include a kitchen; and,
 - b. An accessory retail component consisting of no more than 1,550 square feet of floor space. A Certificate of Occupancy for the retail space shall be issued prior to, or concurrent with, the Certificate(s) of Occupancy for the residential space.
2. At least 90 percent of the residents at all times shall be registered students at the University of South Florida (USF). Proof of registration shall be in the form of a current valid student identification card issued by USF or the USF Medical Center, and a 120 Form or equivalent documentation issued by USF at registration. The information on these documents shall match.
 - a. The owner/operator of the housing project shall maintain records to verify that at least 90 percent of the residents at all times are registered students at USF, as required above. Said records shall be provided to Hillsborough County for inspection and verification within 3 days of request.
 - b. Notwithstanding, nothing in these conditions shall be deemed to prohibit any individual who has not attained the age of 18 years from being domiciled with a parent or other legal custodian who is a registered student at USF, regardless of whether such individual is a registered student at USF. Additionally, nothing in these conditions shall be deemed to prohibit an individual from being domiciled with his or her spouse who is a registered student at USF, regardless of whether such individual is a registered student at USF.
3. Development standards shall be as follows:

Minimum lot size:	4.31 acres
Minimum lot width:	381 feet
Minimum front yard setback (S):	30 feet
Minimum front yard setback (W):	3 feet
Minimum side yard setback (N):	30 feet
Minimum side yard setback (E):	30 feet
Maximum building height:	80 feet
Maximum impervious surface:	90 percent

Structures within the project are exempt from being setback an additional one foot for every one foot of structure height over 30 feet (Per Section 6.01.01 (endnote 15)).

4. The retail component of the project shall be vertically integrated and entirely enclosed within the southernmost residential structure along University Square Drive. The retail component cannot be a standalone use.

1. The project shall permit one vehicular and pedestrian access connections on University Square Dr. and one vehicular and pedestrian access connections on Club Dr. The developer shall construct one vehicular and pedestrian cross-access connection to the east as shown on the PD site plan.
2. As University Square Dr. is an unplatted roadway, that portion of the University Square Dr. owned and maintained the developer shall be designated as a Shared Access Facility.
5. Student housing vehicle parking shall be provided at a minimum rate of 0.78 spaces per resident allowed by final occupancy permit. Additionally, a minimum of .25 bicycle parking space per resident shall be provided pursuant to the standards contained within Section 6.05.02.P.2. of the Hillsborough County Land Development Code. Notwithstanding the above, any student housing related bicycle parking provided in excess of the above ratio shall make the student housing parking requirements eligible for consideration of an administrative parking reduction of up to five percent of all required student housing parking spaces (or one vehicle parking space, whichever is greater).
8. The building location proposed along University Square Drive will not impede the ability to accommodate a future 3-lane section at the intersection of University Square Drive and Club Drive if warranted.
9. Required Crosswalks:
 - a. A crosswalk shall be provided across the vehicular ingress/egress serving the property from University Square Drive.
 - b. Crosswalks shall be provided across University Square Drive along the existing/proposed vehicular access to the subject site and commercial development south of University Square Drive.
 - c. Crosswalks shall be provided on the north side and east side of the University Square Dr. and Club Dr. intersection.
10. Required Sidewalks:
 - a. A 12-foot concrete sidewalk will be provided along Club Drive.
 - b. An 8-foot concrete sidewalk will be provided along University Square Drive.
6. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
11. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
12. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise.

13. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
14. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
15. Accessory retail shall exclude the following uses:
 - eating establishments,
 - drinking establishments,
 - convenience stores,
 - liquor stores,
 - marijuana dispensaries,
 - personal services, and
 - all drive thru uses.

Other Conditions

Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:

- Depict and callout the portion of University Square Dr. shown on the PD site plan within the easement area as a shared access facility.

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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-----X
                                     )
IN RE:                             )
                                     )
ZONE HEARING MASTER                )
HEARINGS                            )
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, November 13, 2023

TIME: Commencing at 6:00 p.m.
Concluding at 9:07 p.m.

LOCATION: Hillsborough County BOCC
601 East Kennedy Boulevard
Tampa, Florida 33601

Reported by:
Diane DeMarsh, AAERT No. 1654

1 MS. HEINRICH: Our next item is Item D.6, PD Rezoning
2 23-0884. The applicant is requesting to rezone a portion of
3 PD 83-0211 to the proposed PD. Camile Krochta with Development
4 Services will provided Staff finding after the applicant's
5 presentation.

6 HEARING MASTER: All right. Thank you.

7 MR. SINGER: Good evening. My name's David Singer
8 with the law firm of Older Lundy at 1000 West Cass Street here
9 in Tampa. I'm joined by Colin Rice, my colleague. We're going
10 to go old school tonight and use the Elmo as opposed to the
11 technology provided on the computer. I'm joined with Chase
12 Powell and Miguel Chico from the Applicant Group, LDC
13 Acquisitions, along with Michael Yates from Palm Traffic.

14 We're here this evening to request rezone for a new PD
15 for the property located at 2700 University Square Drive.

16 To orient you, we are within the university area
17 community within the urban service area and very near the City
18 of Tampa jurisdictional boundary. The property is between two
19 of the regions anchors, the university square mall to the west
20 and USF to the east just across Bruce B. Downs. We're proposing
21 a compatible mixed use infill development to connect these
22 institutions. Zooming in, you get a better sense of existing
23 efforts to connect the institutions through this infill
24 development. Immediately to the east is a development called
25 The Standard. This was rezoned in 2017 by the same applicant

1 group and it has a density of 50 units per acre equal to what we
2 are requesting this evening.

3 To the north is a county owned strip of land that
4 holds drainage ditch and offers additional buffering to existing
5 residential uses. There's approximately 60 feet between the
6 subject site and the nearest residential property boundary and
7 the northernmost boundary of our project. This is in addition
8 to the 30-foot north setback. There'd be over 90 feet between
9 our structure and the nearest single-family home. This is
10 consistent with what was proposed and approved in 2017. To the
11 west is the innovative university mall project, which includes a
12 myriad of uses, including very small multi-family development.
13 And to the south is commercial development, a portion of which
14 actually is subject to this PD approval, we're seeking to rezone
15 out of this evening. Companion PRS application number 24-0111,
16 removing these 4.31 acres is filed to run concurrent with this
17 application at the January board of County Commissioners
18 hearing.

19 The site currently functions is a strip commercial
20 center constructed in 1985. In the top view you see here is
21 facing east from club drive and the bottom view is facing north
22 from University Square Drive. This is the standard development
23 right next door. Again, it's owned and operated by the
24 applicants. The current proposal is nearly identical to this
25 very successful, very compatible housing development. The

1 future land use shows ROC 20 property positioned between two
2 high density categories. RMU-35 to the east and ICMU-35 to
3 west. The public quasi-public designation to the east is the
4 USF campus sitting within the City of Tampa.

5 For additional context, the site just south of Fowler
6 marked by a red star is approved at over 42 units per acre
7 within the City of Tampa, less than a quarter mile away and with
8 the application of the Florida legislatures new live local act,
9 you can see that developed at over 100 units per acre. This is
10 the site plan, the applicant is proposing to develop the 4.31
11 acre site into a vertically integrated mixed use project with a
12 residential density of 50 units per acre, not to exceed 215
13 units, along with 1,550 square foot retail component. We're
14 proposing a three-foot setback along the west with 30-foot
15 setbacks along all the other frontages. Vehicular access would
16 be provided directly off both University Square Drive and Club
17 Drive. Those are both private roads. The cross access is
18 provided to the standard -- the sister property to the east.
19 Note that the northern setback of this site and the eastern
20 sister site are the same.

21 In coordination county transportation engineers
22 comments, the applicant proposes to install crosswalks at
23 vehicular ingress/egress serving the property across university
24 square across that private road to the existing commercial
25 development to the south. Additionally, to connect the project

1 to mall, they will build a crosswalk and a 12-foot sidewalk at
2 Club Drive to the west. An eight-foot sidewalk is proposed to
3 the south along University Square Drive. For parking, the site
4 will include 0.78 vehicle parking spaces, per bed and 202
5 bicycle parking spaces. The comprehensive plan is full of
6 language concerning pedestrian conductivity. This proposal
7 promotes many of its goals and its, including Future Land Use
8 Policy 16.10, Community Design Element Policy 2-1.3 and the
9 university area's community plans vision is to, quote, achieve a
10 pedestrian friendly mixed use area that will serve the needs of
11 the citizens of the university area community, unquote.

12 This proposal is why we support it. None of the
13 engineering, spacial, transportation, environmental, safety or
14 compatibility elements are of any concern. This project is
15 exactly what this part of the university area community calls
16 for. Our team along with the applicant team held a neighborhood
17 meeting last month and we were joined by three long term
18 residents of the single-family neighborhood to the north. They
19 had no objections to the proposal before this evening. They
20 were also very complimentary of their years' long relationship
21 living nearby by the standard, which again approved back in
22 2017.

23 This project would be developed in an extremely
24 similar manner to the established standard project with a nearly
25 identical building footprint and an equivalent density of 50

1 dwelling units per acre. And I want to emphasize that this
2 proposal will represent a net decrease in vehicular trip
3 generation. The site is currently operating as a commercial
4 strip center. The County's traffic engineer agrees, has no
5 objection. The staff report also says the following, quote,
6 staff finds the proposed rezoning compatible with the
7 development pattern medium to high density housing in the area,
8 unquote.

9 So after all that we get to the crux of the discussion
10 tonight. That is not an agreement between the applicant and the
11 Staff. Despite these findings of consistency by the Staff, they
12 found it not supportable in their report. This is seemingly
13 based on compatibility or consistency, but on an opinion
14 relating to the comp plan's flex provision and how it inner
15 plays with its bonus provision. Our office submitted a
16 memorandum addressing this in detail on November the 8th of
17 2023, it is in the record. We will provide you another copy
18 tonight for your convenience.

19 In short, County Staff feels that one cannot bonus a
20 flex. This is not in the Comprehensive Plan anywhere. Nowhere
21 does it say that a parcel once flexed doesn't mean that it's all
22 the way flexed into that category. The County Commission has
23 made the flex available to applicants to make the development
24 process easier, not more difficult. Future Land Use Policy 7.3
25 specifies when a flex provision may be considered for any given

1 projects. And this application squarely meets those elements.

2 When those elements are met, the Comprehensive Plan
3 Land Use Categories, quote, may be considered for interpretation
4 as flexible boundaries, unquote. They can move by 500 feet in
5 either direction. There is no suggestion that those boundaries,
6 once flexed do not carry the rights, the recognition and the
7 privileges of that flex into category. And this seems obvious
8 because, of course, why would anyone flex at all if they don't
9 have the rights into the new category that the flex into?

10 Our initial submittal narrative dated August the 3rd
11 2023 addresses each of the 7.3 flex criteria in detail. We meet
12 all those criteria. There is no disagreement about if we meet
13 those criteria. They are shared in full here and I am not going
14 to belabor you by reading all of them, but we will introduce
15 them into the record.

16 So here this parcel position in between two very
17 intense land uses. Our site is outlined in green. We elected
18 to flex from the RMU-35 to the east. But as you can see the
19 ICMU-35 category exists immediately to the west as well. We
20 could have flexed from either direction. It must follow. It
21 just must. That once a flex is complete, it is considered part
22 of the designation it receives. Again, nowhere in the code of
23 the Comp Plan does it suggest otherwise and why would it?

24 For analogy purposes, this would be like a minor
25 league baseball player, AAA Durham, being promoted in the Tampa

1 Bay Rays and being told even though he's on the race, even
2 though he can play at the stadium, he couldn't wear the uniform.
3 It would be nonsensical for the flex not to enjoy all the
4 benefits of this new category. Why flex in otherwise?

5 Again, nowhere in the code or the comp plan does it
6 say that some of the benefits of the flex category can be used,
7 but others cannot. Once it's clear that the flex is
8 appropriate, then we get to the bonus analysis. The bonus we
9 seek is the mixed use bonus. Again, the university area
10 community plan envisions a pedestrian friendly mixed use area
11 that will serve the needs of the citizens of the university area
12 community. And the mixed use bonus is supposed to incentivize
13 that. That is the very same bonus used by the sister project to
14 the east with what would be the exact same land use designation.
15 But again, the Staff Report makes another improper conclusion to
16 claim the bonus is not available.

17 In short, they just apply the wrong policy. Rather
18 than reference Policy 19.3, which outlines mixed use density
19 bonus provision, the Staff Report Cites Policy 19.1. 19.1 is a
20 policy that requires, quote larger unquote, new projects and
21 mixed land use -- and mixed use land categories to include 10%
22 of the square footage as a different land use, larger,
23 quote-unquote, means projects ten acres or greater.

24 Our project is 4.31 acres, so this 10% requirement
25 does not apply. For more analysis on this, I will refer you to

1 the memorandum submitted into the record on November 8th, but
2 once again, this seems fairly obvious and straightforward. 19.1
3 simply just doesn't apply.

4 So what we're left with is a project eligible for --
5 eligible for flex designation. Everybody agrees on that. And
6 then a bonus opportunity. Nowhere in the code or comp plan says
7 otherwise. This project is virtually identical to the standard
8 development next door, which was found supportable by Staff and
9 approved in 2017. The only meaningful difference between the
10 2017 proposal and the 2023 proposal is that we have chosen to
11 use the flex provision, a tool made available by the County
12 Commission to make development easier. It simply has to be that
13 if you flex, you flex. There is nothing otherwise in the code
14 or the comp plan. This project is consistent with existing
15 development, therefore in harmony with Future Land Use Policy
16 16.10, that encourages more pedestrian activity while decreasing
17 trip generation. There is a natural significant separation
18 between the subject site and any single-family residential. At
19 our community meeting, no neighbors appear to oppose the
20 project. We're not aware of any opposition.

21 To wrap up, we are all beholding to the language of
22 the code. I've done this for almost two decades now. And what
23 we always do when we submit a development application is make
24 sure that we are adhering to the specific provisions and a
25 specific language of the code. The Staff ensures it. We have

1 interplay between applicant and Staff very frequently with the
2 admonition from Staff saying you must adhere to the strict
3 language of the code.

4 It seems with this application the tables have turned
5 a bit and the Staff is saying we feel that there is no ability
6 to bonus a flex, but they can't point to a code provision that
7 says you cannot bonus a flex. And again, it seems nonsensical
8 to be able to enjoy the benefits, all of them, of the category
9 you flex into but then stop short of one critical component
10 that's unwritten.

11 So with all that, we ask that you approve this
12 application tonight and we're here to answer questions for you.

13 HEARING MASTER: All right. Well a couple of
14 questions. First of all, and maybe you covered this and I
15 missed it, but your numbers, your -- how many units are you
16 seeking to --

17 MR. SINGER: Not to exceed 215.

18 HEARING MASTER: Okay. And that is with the bonus?

19 MR. SINGER: Correct.

20 HEARING MASTER: And without the bonus, how many could
21 you achieve?

22 MR. SINGER: We would be limited to 35 units an acre
23 times 4.31 acres. So we would lose 60 to 70 units.

24 HEARING MASTER: Okay. And so as it stands -- and I
25 will hear from, of course, Development Services and the Planning

1 Commission, but as it stands, the application has been found
2 inconsistent with the Comprehensive Plan. And it's the
3 applicant's burden, of course, to prove consistency. Can you
4 point me to any competent substantial evidence in the record,
5 then, that I can find consistency?

6 MR. SINGER: Yes. I would point you to the code
7 provision 7.3. And when you read the Land Use 7.3, nowhere does
8 it say that you cannot enjoy all the benefits of the category
9 you flex into. It -- it's a strange position that the county's
10 asking us to prove a negative.

11 HEARING MASTER: So it sounds like, really it's a --
12 it's a matter of interpretation.

13 MR. SINGER: I would agree that it's a matter of
14 interpretation, but when something is not specifically listed,
15 it enures to the benefit of the applicant. That is the law in
16 Florida and has been for a very long time.

17 HEARING MASTER: Okay. Is there anything in your
18 record that you've submitted from a certified planner or
19 anything that discusses that interpretation or that has a
20 professional opinion otherwise?

21 MR. SINGER: I don't know that there is a professional
22 opinion otherwise because it seems so blatantly obvious that
23 when you are grandfathered or brought into or flexed into a
24 category, that everything about that category is to your
25 benefit. But, no, there's nothing that --

1 HEARING MASTER: Okay.

2 MR. SINGER: -- we have from planning position. But I
3 would encourage your read our memorandum --

4 HEARING MASTER: I certainly will.

5 MR. SINGER: -- into the record.

6 HEARING MASTER: I assure you I will.

7 MR. SINGER: Okay.

8 HEARING MASTER: Thank you for that. All right.

9 Thank you, Mr. Singer.

10 Development services, please.

11 MS. KROCHTA: Good evening, Camile Krochta,

12 Development Services.

13 As the applicant stated, they are requesting to rezone
14 the subject parcel located the University Square Drive and Club
15 Drive from Plan Development PD 83-0211 to Plan Development for a
16 mixed use building utilizing the flex provision and mixed use
17 bonus.

18 This application will seek entitlement to construct
19 the vertically integrated mixed use project on the 4.31 acre
20 site featuring a total of 215 student housing dwelling units and
21 ground floor retail.

22 I know that there is a similar project with similar
23 development standards next door, phase one of this project.
24 However, for zoning compatibility, we find that does not meet
25 the requirements of the mixed use density bonus as the developer

1 must allocate at least 10% of the total building square footage
2 for uses other than the primary use. And -- and as stated, only
3 1,550 square feet, which comprises less than one percent of the
4 total square footage of the building, about 187,000 plus square
5 feet of the primary use.

6 Notwithstanding the issue regarding whether the
7 utilization of both the flex and mixed use density bonus can be
8 considered for the project, Staff finds the proposed rezoning
9 compatible with development pattern in the area of medium to
10 high density uses in the area, but the request is not
11 supportable by Staff based on noncompliance with the mixed use
12 density bonus criteria. And this concludes my staff report.

13 HEARING MASTER: All right. Thank you. Planning
14 Commission.

15 MR. FEHRINGER: Bryce Fehringer, Planning Commission
16 Staff.

17 The subject property is in the office commercial 20
18 Future Land Use Category. It is in the urban service area and
19 is located within the limits of the university area community
20 plan. The subject site is surrounded by Residential 20 and
21 Residential six to the north, regional mixed use 35 to the east,
22 office commercial 20 further east and to the south an innovation
23 corridor mixed use 35 to the west.

24 The applicant proposes to flex the adjacent regional
25 mixed 35 category that is located to the east in accordance with

1 the Future Land Element Policies 7.3 and 7.4. A flex does not
2 ultimately change the future land use map category and therefore
3 cannot be used as a base for a bonus within the comprehensive
4 plan. Rather, it is something above and beyond what is
5 underlying as the maximum density and intensity set on a site.
6 Based entities and intensities are established with the Future
7 Land Use Map and can only be changed through a comprehensive
8 plan map amendment. While the density and intensity of the
9 RMU-35, Future Land Use Category may be compatible with the
10 surrounding land uses and their densities and intensities, the
11 overall request does not further the goals, objectives and
12 policies of the comprehensive plan.

13 The proposed rezoning does not meet the intent of the
14 neighborhood protection policies of the Future Land Use Element.
15 There is no way to ensure a gradual transition in intensity
16 between land uses with all the variations requested. Due to the
17 intensity of the proposed uses encroaching into the residential
18 uses adjacent to the north, Planning Commission Staff does not
19 support multiple variations based on conflicts with several
20 comprehensive plan compatibility policies.

21 The community design component discusses how new
22 development shall be compatible with the established character
23 of the surrounding area. It encourages commercial developments
24 that enhance the county's character. The development pattern
25 and character in this area of the university square mall does

1 contain mixed use commercial and residential developments as
2 well as single-family residential uses to the north. However,
3 the proposed site design variations prevent compatibility
4 concerns and therefore conflict with this policy direction. The
5 proposed plan development meets the intent of goals two and five
6 of the university area community plan as it includes
7 redevelopment opportunity within the urban and redevelopment
8 area map. However, goal three in the plan aims to use landscape
9 buffers and urban design features and techniques to reduce
10 conflicts between land uses and the proposed density in the OC
11 20 site design variations may not provide the opportunity for a
12 gradual transition in intensity between a single family
13 residential development to the north.

14 Based upon the above considerations, Planning
15 Commission Staff finds the proposed plan development
16 inconsistent with the Unincorporated Hillsborough County
17 Comprehensive Plan.

18 HEARING MASTER: All right. Thank you. Is there
19 anyone here or online who wishes to speak in support of this
20 application? I'm not hearing anyone.

21 Is there anyone here or online who wishes to speak in
22 opposition to this application? I do not hear anyone.

23 Development Services, anything further?

24 MS. HEINRICH: No, ma'am.

25 HEARING MASTER: All right. Thank you. Applicant,

1 anything further?

2 MR. SINGER: Again, David Singer for the applicant. I
3 know it's been a long evening and so I'll keep this very brief.

4 In regards to Development Services and zoning's
5 presentation, I would again say section 19.1 does not apply.
6 Section 19.3 does apply. I would encourage, again, you to
7 reference our memorandum on that. It is very clear. We are
8 less than ten acres. It's a 4.31 acre site. Therefore, there's
9 no 10% requirement for that mixed use component.

10 As to the Planning Commission, again, I would point
11 you to Land Use Policies themselves. There's not a policy that
12 the Planning Commission can identify that says you cannot bonus
13 a flexed designation. It does not exist. And because it does
14 not exist, of course, it means that it enures to the applicant.
15 Thank you.

16 HEARING MASTER: Thank you. All right. This closes
17 the hearing on rezoning PD 23-0884.

18 And this concludes the Zoning Hearing Master meeting
19 for this evening.

20 (Off the record at 9:07 p.m.)

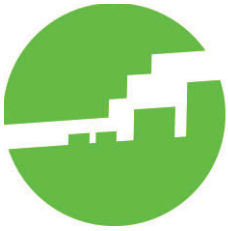
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**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: November 13, 2023 Report Prepared: November 1, 2023	Petition: PD 23-0884 2700 University Square Drive <i>North of University Square Drive between Club Drive and Bruce B. Downs Boulevard</i>
Summary Data:	
Comprehensive Plan Finding	INCONSISTENT
Adopted Future Land Use	Office Commercial-20 (20 du/ga; 0.35/0.75 FAR)
Service Area	Urban
Community Plan	University Area Community
Request	Rezoning from Planned Development (PD 83-0211) to Planned Development (PD) for a mixed-use building utilizing the Flex Provision and Mixed-Use Bonus
Parcel Size (Approx.)	4.31 +/- acres (187,743 square feet)
Street Functional Classification	University Square Drive - Local Club Drive - Collector Bruce B. Downs Boulevard - Arterial E. Fowler Avenue - Principal Arterial
Locational Criteria	N/A
Evacuation Area	None



Context

- The subject site is located north of University Square Drive between Club Drive and Bruce B. Downs Boulevard on approximately 4.31 acres. The site is north of East Fowler Avenue and east of the University Square Mall
- The site is in the Urban Service Area and within the limits of the University Area Community Plan.
- The site has a Future Land Use Designation of Office Commercial-20 (OC-20), which allows for consideration of up to 20 dwelling units per gross acre and a maximum Floor Area Ratio (FAR) of 0.75. Typical allowable uses in OC-20 include community commercial type uses, office uses, mixed use developments, and compatible residential uses. The intent of the OC-20 category is to recognize existing commercial and office centers and provide for future development opportunities.
- The subject site is surrounded by Residential-20 (RES-20) and Residential-6 (RES-6) to the north, Regional Mixed Use-35 (RMU-35) to the east, OC-20 further east and to the south, and Innovation Corridor Mixed Use-35 (ICMU-35) to the west. Surrounding uses include single family residential and public institutional to the north, multifamily and mixed use to the east, and light commercial to the south and west. In addition to the west is multi-family.
- The subject site is zoned Planned Development (PD). The site is mainly surrounded by Residential, Single-Family Conventional-6 (RSC-6), and Special Public Interest-University Community (SPI-UC-1, SPI-UC-2) zoning to the north and PD zoning to the east, south, and west. Further south is the Commercial, General (CG) zoning district.
- The applicant requests to rezone the subject site from Planned Development (PD 83-0211) to Planned Development (PD) for a mixed-use building utilizing the Flex Provision and Mixed-Use Bonus.

Compliance with Comprehensive Plan:

The following Goals, Objectives, and Policies apply to this rezoning request and are used as a basis for an inconsistency finding.

FUTURE LAND USE ELEMENT

Urban Service Area

Objective 1: Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede agriculture. Building permit activity and other similar measures will be used to evaluate this objective.

Policy 1.2: Minimum Density All new residential or mixed use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities.

Policy 1.4: *Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*

Relationship to the Future Land Use Map

Policy 7.3:

The land use category boundaries may be considered for interpretation as flexible boundaries in accordance with the Flex Provision as follows:

- *Through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining or separated by a man made or natural feature from the existing boundary line.*
- *The line may be relocated a maximum of 500 feet from the existing land use boundary of the adopted Land Use Plan Map. Right-of-Way is not included in the measurement of the 500 foot flex.*
- *No new flexes can be extended from an existing flexed area.*
- *All flexes must be parallel to the land use category line.*
- *Flexes are not permitted in the Rural Area or in areas specified in Community Plans. Flexes are also not permitted from the Urban Service Area into the Rural Area. All flexes in the Rural Area approved prior to July 2007 are recognized and are not to be considered non-conforming.*
- *Flexes to increase residential density are not permitted in the Coastal High Hazard Area.*
- *Flexes are not permitted from a municipality into the unincorporated county.*
- *A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.*
- *Applicants requesting a flex must provide written justification that they meet the criteria for a flex as outlined below.*
- *The Board of County Commissioners may flex the plan category boundary to recognize or grant a zoning district which is not permitted in the land use category but lies within the distance of a conforming land use category, as described above. Prior to the determination by the Board of County Commissioner, the staff of the Planning Commission shall make a recommendation on the consistency of the request with the Comprehensive Plan*

Policy 7.4:

The criteria for consideration of a flex request are as follows:

- *The availability and adequacy of public facilities to serve the proposed development accommodated by the flex;*
- *The compatibility with surrounding land uses and their density and intensity;*
- *The utilization of the flex furthers other goals, objectives and policies of the Future Land Use Element.*

Land Use Categories

Objective 8: *The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for*

an area. A table of the land use categories and description of each category can be found in Appendix A.

Policy 8.1: *The character of each land use category is defined by building type, residential density, functional use, and the physical composition of the land. The integration of these factors sets the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive, but are intended to be illustrative of the character of uses permitted within the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.*

Relationship to Land Development Regulations

Objective 9: *All existing and future land development regulations shall be made consistent with the Comprehensive Plan, and all development approvals shall be consistent with those development regulations as per the timeframe provided for within Chapter 163, Florida Statutes. Whenever feasible and consistent with Comprehensive Plan policies, land development regulations shall be designed to provide flexible, alternative solutions to problems.*

Policy 9.1: *Each land use plan category shall have a set of zoning districts that may be permitted within that land use plan category, and development shall not be approved for zoning that is inconsistent with the plan.*

Policy 9.2: *Developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County, the state of Florida and the federal government unless such requirements have been previously waived by those governmental bodies.*

Neighborhood/Community Development

Objective 16: Neighborhood Protection – *The neighborhood is the functional unit of community development. There is a need to protect existing, neighborhoods and communities and those that will emerge in the future. To preserve, protect, and enhance neighborhoods and communities, all new development must conform to the following policies.*

Policy 16.1: *Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as:*

- a) *locational criteria for the placement of non-residential uses as identified in this Plan,*
- b) *limiting commercial development in residential land use categories to neighborhood scale;*
- c) *requiring buffer areas and screening devices between unlike land uses;*

Policy 16.2: *Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering, and screening techniques and control of specific land uses.*

Policy 16.3: *Development and redevelopment shall be integrated with the adjacent land uses through:*

- a) *the creation of like uses; or*
- b) *creation of complementary uses; or*
- c) *mitigation of adverse impacts; and*

d) transportation/pedestrian connections

Policy 16.5: *Development of higher intensity non-residential land uses that are adjacent to established neighborhoods shall be restricted to collectors and arterials and to locations external to established and developing neighborhoods.*

Policy 16.10: *Any density increase shall be compatible with existing, proposed or planned surrounding development. Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as”. Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*

Mixed Use Land Use Categories

Objective 19: *All Development In The Mixed Use Categories Shall Be Integrated And Interconnected To Each Other.*

Policy 19.3: Incentives for Mixed Use

The following incentives are available to encourage mixed use and vertically integrated mixed use projects within the Urban Service Area:

Parking structures shall not count towards the FAR for projects that include 3 or more land uses or vertically integrate two land uses.

Projects that either include 3 or more land uses or vertically integrate two land uses may utilize a density bonus to the next higher land use category or the following FAR bonus:

Property with a Future Land Use Category of 35 units per acre and/or 1.00 FAR and higher and within the USA – may increase up to 50 units and/or an additional .50 FAR

Property within a Future Land Use Category of 9 units per acre and/or .5 FAR and higher and within the USA – Increase in FAR by .25

Property within a Future Land Use Category of 4 units per acre and/or .25 FAR and higher and within the USA – Increase in FAR by .10

When considering mixed use projects of 3 or more land uses, a different housing type (multi-family, attached single family or detached single family) may be considered as one of the uses.

Community Design Component (CDC)

4.3 COMMERCIAL CHARACTER

GOAL 9: *Evaluate the creation of commercial design standards in a scale and design that complements the character of the community.*

Policy 9-1.2: *Avoid “strip development” patterns for commercial uses.*

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

OBJECTIVE 12-1: *New developments should recognize the existing community and be designed in a way that is compatible with the established character of the surrounding neighborhood.*

Policy 12-1.4: *Compatibility may be achieved through the utilization of site design techniques including but not limited to transitions in uses, buffering, setbacks, open space and graduated height restrictions, to affect elements such as height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.*

7.0 SITE DESIGN

7.1 DEVELOPMENT PATTERN

GOAL 17: *Develop commercial areas in a manner which enhances the County's character and ambiance.*

OBJECTIVE 17-1: *Facilitate patterns of site development that appear purposeful and organized.*

Policy 17-1.4: *Affect the design of new commercial structures to provide an organized and purposeful character for the whole commercial environment.*

LIVABLE COMMUNITIES ELEMENT: University Area Community

Goal 2: Eliminate Obsolete Land Uses

The community supports:

- *providing greater flexibility in land-use and density for future development while ensuring that neighborhood buffers and urban amenities are enhanced;*
- *creating unified pedestrian links between land uses by means of community Main Streets and sidewalks;*
- *encouraging the redevelopment of sub-standard and deteriorated housing focused along main streets through mixed land uses and higher densities; and*

Goal 3: Create Community Identity

The community supports:

- *using landscape buffers and urban design features/techniques to reduce conflicts between land uses, to promote high quality development, and to create an identifiable community character;*

Goal 5: Economic Development

The community supports:

- *implementing the Urban Infill and Redevelopment Area delineated on the Urban and Infill Redevelopment Area Map and as defined by s. 163.2514 (2), F.S. The geographic limits of this area is bounded by I-275 to the west, Skipper Road to the north, Bruce B. Downs to the east, and Fowler Avenue to the south. Within this area, the following components will be promoted: economic development; job creation; housing; transportation; crime*

prevention; neighborhood revitalization and preservation; and land use incentives to encourage urban infill and redevelopment within the University Area Community;

Staff Analysis of Goals Objectives and Policies:

The subject site is located north of University Square Drive between Club Drive and Bruce B. Downs Boulevard on approximately 4.31 acres. The site is in the Urban Service Area and within the limits of the University Area Community Plan. Surrounding uses include single family residential and public institutional to the north, multifamily and mixed use to the east, and light commercial to the south and west. In addition to the west is multi-family. The site is north of East Fowler Avenue and east of the University Square Mall. The applicant requests to rezone the subject site from Planned Development (PD 83-0211) to Planned Development (PD) for a mixed-use building with 1,550 square feet of retail and 215 residential units by utilizing the Flex Provision and Mixed-Use Bonus.

The site is in the Office Commercial-20 (OC-20) Future Land Use (FLU) category which allows consideration of up to 20 dwelling units per gross acre or a maximum Floor Area Ratio (FAR) of 0.75. The applicant proposes to flex the adjacent Regional Mixed-Use 35 (RMU-35) category that is located to the east in accordance with Future Land Use Element (FLUE) Policies 7.3 and 7.4. A flex does not ultimately change the Future Land Use Map (FLUM) category and therefore cannot be used as a base for a bonus in the Plan. Rather, it is something above and beyond what is underlying as the maximum density and intensity set on a site. Base densities and intensities are established by the FLUM and can only be changed through a Comprehensive Plan Map Amendment. While the density and intensity of the RMU-35 category may be compatible with the surrounding land uses and their density and intensity, the overall request does not further the Goals, Objectives, and Policies of the Comprehensive Plan, which is one of the criteria under Policy 7.4. The applicant is requesting a density bonus in accordance with Policy 19.3 by utilizing 35 dwelling units per acre as a base density to achieve 50 dwelling units per gross acre. A flex does not fundamentally change a parcel's Future Land Use designation and therefore, a bonus cannot be obtained on top of a flex. Furthermore, in order to achieve a density bonus, when vertically integrating two uses, at least 10% of the total building square footage in the project shall be used for uses other than the primary use. The proposal includes only 1,550 square feet of retail when the total building size is 187,926 square feet, indicating that the second use proposed comprises less than 1% of the total square footage. A density bonus is not something that is guaranteed by right, therefore a second use that is not substantially contributing to the overall project does not meet the intent of Policy 19.3.

The proposed Planned Development includes variations to building coverage, impervious surface, setbacks, parking, and buffers. The proposed rezoning does not meet the intent of the Neighborhood Protection Policies of the Future Land Use Element (Objective 16 and Policies 16.1, 16.2, 16.3, 16.5, 16.10) as there is no way to ensure a gradual transition in intensity between land uses with all of the variations requested. The proposed building is comparable to some of the developments in the immediate vicinity of the University Square Mall, however there is a single-family residential neighborhood directly to the north to consider. Due to the intensity of the proposed uses encroaching into the residential uses adjacent to the north, Planning Commission staff does not support multiple variations based on conflicts with several Comprehensive Plan compatibility policies.

FLUE Objective 9, FLUE Policy 9.1 and FLUE Policy 9.2 require that all development meet or exceed the land development regulations in Hillsborough County. At the time of filing

this report, no comments were filed in Optix by the Development Services Department or County Transportation staff.


Objective 12-1 and Policy 12-1.4 of the Community Design Component (CDC) discuss how new development shall be compatible with the established character of the surrounding area. Goal 17 of the CDC encourages commercial developments that enhance the County's character. Objective 17-1 and Policy 17.1-4 seek to facilitate patterns of development that are organized and purposeful. The development pattern and character in this area of the University Square Mall does contain mixed use commercial and residential developments, as well as single family residential to the north. However, the proposed site design variations cause compatibility concerns.

The proposed Planned Development meets the intent of Goals 2 and 5 of the University Area Community Plan as it includes a redevelopment opportunity within the Urban and Infill Redevelopment Area Map. However, Goal 3 in the plan aims to use landscape buffers and urban design features/techniques to reduce conflicts between land uses, and the proposed density in the OC-20 and site design variations may not provide the opportunity for a gradual transition in intensity between the single-family residential development to the north.

Overall, staff finds that the proposed Planned Development would allow for a development that is inconsistent with the intent of the flex provision, mixed use bonus, and compatibility policies outlined in the Future Land Use Element. The proposed Planned Development would allow for development that is inconsistent with the Goals, Objectives, and Policies of the *Unincorporated Hillsborough County Comprehensive Plan*.

Recommendation

Based upon the above considerations, Planning Commission staff finds the proposed Planned Development **INCONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*.



**APPLICANT
PROPOSED
CONDITIONS**

Approval of the request, subject to the conditions listed below, is based on the general site plan submitted September 27, 2023.

1. Development shall be limited to:
 - a. Student housing with a maximum of 215 units and 807 residents. One bedroom studios, multi-bedroom suites or a mixture thereof may be utilized; however, each studio or suite shall include a kitchen; and,
 - b. An accessory retail component consisting of no more than 1,550 square feet of floor space. A Certificate of Occupancy for the retail space shall be issued prior to, or concurrent with, the Certificate(s) of Occupancy for the residential space.
2. At least 90 percent of the residents at all times shall be registered students at the University of South Florida (USF). Proof of registration shall be in the form of a current valid student identification card issued by USF or the USF Medical Center, and a 120 Form or equivalent documentation issued by USF at registration. The information on these documents shall match.
 - a. The owner/operator of the housing project shall maintain records to verify that at least 9 percent of the residents at all times are registered students at USF, as required above. Said records shall be provided to Hillsborough County for inspection and verification within 3 days of request.
 - b. Notwithstanding, nothing in these conditions shall be deemed to prohibit any individual who has not attained the age of 18 years from being domiciled with a parent or other legal custodian who is a registered student at USF, regardless of whether such individual is a registered student at USF. Additionally, nothing in these conditions shall be deemed to prohibit an individual from being domiciled with his or her spouse who is a registered student at USF, regardless of whether such individual is a registered student at USF.
3. Development standards shall be as follows:

Minimum lot size:	4.31 acres
Minimum lot width:	381 feet
Minimum front yard setback (S):	30 feet
Minimum front yard setback (W):	3 feet
Minimum side yard setback (N):	30 feet
Minimum side yard setback (E):	30 feet
Maximum building height:	80 feet
Maximum impervious surface:	90 percent

Structures within the project are exempt from being setback an additional one foot for every one foot of structure height over 30 feet (Per Section 6.01.01 (endnote 15)).

4. The retail component of the project shall be vertically integrated and entirely enclosed within the southernmost residential structure along University Square Drive. The retail component cannot be a standalone use.

1. The project shall permit one vehicular and pedestrian access connections on University Square Dr. and one vehicular and pedestrian access connections on Club Dr. The developer shall construct one vehicular and pedestrian cross-access connection to the east as shown on the PD site plan.
2. As University Square Dr. is an unplatted roadway, that portion of the University Square Dr. owned and maintained the developer shall be designated as a Shared Access Facility.
5. Student housing vehicle parking shall be provided at a minimum rate of 0.78 spaces per resident allowed by final occupancy permit. Additionally, a minimum of .25 bicycle parking space per resident shall be provided pursuant to the standards contained within Section 6.05.02.P.2. of the Hillsborough County Land Development Code. Notwithstanding the above, any student housing related bicycle parking provided in excess of the above ratio shall make the student housing parking requirements eligible for consideration of an administrative parking reduction of up to five percent of all required student housing parking spaces (or one vehicle parking space, whichever is greater).
8. The building location proposed along University Square Drive will not impede the ability to accommodate a future 3-lane section at the intersection of University Square Drive and Club Drive if warranted.
9. Required Crosswalks:
 - a. A crosswalk shall be provided across the vehicular ingress/egress serving the property from University Square Drive.
 - b. Crosswalks shall be provided across University Square Drive along the existing/proposed vehicular access to the subject site and commercial development south of University Square Drive.
 - c. Crosswalks shall be provided on the north side and east side of the University Square Dr. and Club Dr. intersection.
10. Required Sidewalks:
 - a. A 12-foot concrete sidewalk will be provided along Club Drive.
 - b. An 8-foot concrete sidewalk will be provided along University Square Drive.
6. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
11. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
12. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise.

13. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
14. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
15. Accessory retail shall exclude the following uses:
 - eating establishments,
 - drinking establishments,
 - convenience stores,
 - liquor stores,
 - marijuana dispensaries,
 - personal services, and
 - all drive thru uses.

Other Conditions

Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:

- Depict and callout the portion of University Square Dr. shown on the PD site plan within the easement area as a shared access facility.



**GENERAL
SITE PLAN
FOR
CERTIFICATION**



DEVELOPMENT SERVICES

PO Box 1110, Tampa, FL 33601-1110
(813) 272-5600

**HILLSBOROUGH COUNTY
DEVELOPMENT SERVICES DEPARTMENT**

GENERAL SITE PLAN REVIEW/CERTIFICATION

**BOARD OF COUNTY
COMMISSIONERS**

Harry Cohen
Ken Hagan
Pat Kemp

Gwendolyn "Gwen" Myers
Michael Owen
Donna Cameron Cepeda
Joshua Wostal

COUNTY

ADMINISTRATOR Bonnie
M. Wise **COUNTY**

ATTORNEY Christine M.
Beck **INTERNAL AUDITOR**
Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

Project Name: The Mark at Tampa

Zoning File: RZ-PD (23-0884) **Modification:** PRS (24-0111)

Atlas Page: None **Submitted:** 12/18/23

To Planner for Review: 12/18/23 **Date Due:** ASAP

Contact Person: David B. Singer; P. Colin Rice **Phone:** 813-254-8998/dsinger@olderlundylaw.com; crice@olderlundylaw.com

Right-Of-Way or Land Required for Dedication: Yes No

The Development Services Department HAS NO OBJECTION to this General Site Plan.

The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:

Staff recommended Non support for PD 23-0884, Therefore, Staff disapproves of this general site plan unless approved by the BoCC on January 9, 2024

Reviewed by: Camille Krochta

Date: December 19, 2023

Date Agent/Owner notified of Disapproval: _____



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 11/02/2023

REVIEWER: Richard Perez, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: USF/ Northwest

PETITION NO: PD 23-0884

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

CONDITIONS OF APPROVAL

1. The project shall permit one vehicular and pedestrian access connections on University Square Dr. and one vehicular and pedestrian access connections on Club Dr. The developer shall construct one vehicular and pedestrian cross-access connection to the east as shown on the PD site plan.
2. As University Square Dr. is an unplatted roadway, that portion of the University Square Dr. owned and maintained the developer shall be designated as a Shared Access Facility.
3. Required Crosswalks:
 - a. A crosswalk shall be provided across the vehicular ingress/egress serving the property from University Square Drive.
 - b. Crosswalks shall be provided across University Square Drive along the existing/proposed vehicular access to the subject site and commercial development south of University Square Drive.
 - c. Crosswalks shall be provided on the north side and east side of the University Square Dr. and Club Dr. intersection.
4. Required Sidewalks:
 - a. A 12-foot concrete sidewalk will be provided along Club Drive.
 - b. An 8-foot concrete sidewalk will be provided along University Square Drive.
5. The building location proposed along University Square Drive shall not impede the ability to accommodate a future 3-lane section at the intersection of University Square Drive and Club Drive if warranted.
6. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
7. At least 90 percent of the residents at all times shall be registered students at the University of South Florida (USF). Proof of registration shall be in the form of a current valid student identification card issued by USF or the USF Medical Center, and a 120 Form or equivalent documentation issued by USF at registration. The information on these documents shall match.

- a. The owner/operator of the housing project shall maintain records to verify that at least 90 percent of the residents at all times are registered students at USF, as required above. Said records shall be provided to Hillsborough County for inspection and verification within 30 days of request.
 - b. Notwithstanding, nothing in these conditions shall be deemed to prohibit any individual who has not attained the age of 18 years from being domiciled with a parent or other legal custodian who is a registered student at USF, regardless of whether such individual is a registered student at USF. Additionally, nothing in these conditions shall be deemed to prohibit an individual from being domiciled with his or her spouse who is a registered student at USF, regardless of whether such individual is a registered student at USF.
8. Student housing vehicle parking shall be provided at a minimum rate of 0.78 spaces per resident allowed by final occupancy permit. Additionally, a minimum of .25 bicycle parking space per resident shall be provided pursuant to the standards contained within Section 6.05.02.P.2. of the Hillsborough County Land Development Code. Notwithstanding the above, any student housing related bicycle parking provided in excess of the above ratio shall make the student housing parking requirements eligible for consideration of an administrative parking reduction of up to five percent of all required student housing parking spaces (or one vehicle parking space, whichever is greater).
9. Accessory retail shall exclude the following uses:
- eating establishments,
 - drinking establishments,
 - convenience stores,
 - liquor stores,
 - marijuana dispensaries,
 - personal services, and
 - all drive thru uses.

Other Conditions

Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:

- Depict and callout the portion of University Square Dr. shown on the PD site plan within the easement area as a shared access facility.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 4.71 ac. parcel from Planned Development (PD) 83-0211, as most recently amended by PRS 15-0667, to a new PD. The subject property is identified within PD83-0211/PRS 15-0667 as Parcel “E” and current has mix of commercial uses. The applicant is seeking entitlements for an 807-unit bed student housing project, to occur within a maximum of 214 dwelling units. The applicant will be required to initiate a concurrent PD modification to remove the subject property from the larger PD 83-0211. The Future Land Use designation is Office Commercial 20 (OC-20).

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of trips generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Calculations are based on data from the 11th Edition of the Institute of Transportation Engineer’s Trip Generation Manual.

Staff notes that due to the proximity of HART service, USF’s Bullrunner Service, as well as the campus itself, a significant portion of these trips are anticipated to occur via transit, bicycle or pedestrian modes, rather than vehicular trips. The data below represents a worst-case scenario for vehicular trip impacts.

Existing Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 43,093 sf Retail (ITE LUC 821)	2,909	75	224

Proposed Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 807-beds, Off-Campus Student Apartment (ITE LUC 226)	2,074	57	169
PD, 1,550 sf Strip Retail Plaza “Retail” (ITE LUC 822)	296	8	20
TOTAL	2,370	65	189

Trip Generation Difference:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(-) 530	(-) 10	(-) 35

The proposed rezoning is anticipated to decrease the number of trips potentially generated by development of the subject parcel (by -530 average daily trips, -10 trips in the a.m. peak hour, and -35 trips in the p.m. peak hour).

Staff notes that the applicant’s submitted transportation analysis utilized the Strip Retail Plaza ITE land use code to analyze the trips generated from the 1,550 sf of “accessory retail”, but the applicant does not define specific retail uses. Without this information, staff cannot evaluate accurately the worst-case scenario trip generation for the “retail” uses because of many potential high trip generating retail uses that exceed the trip generation for a Strip Retail Plaza which could potentially occupy the space such as eating establishments, drinking establishments and convenience stores. As such staff has utilized the highest peak hour trip rate for the proposed “retail” uses based on the 1,550sf Strip Retail Plaza (20 trips / 1.55 thousand square feet) or 12.9 peak hour trips per 1,000 sf. Based on this rate, staff is proposing to prohibit the following retail uses that exceed 12.9 highest peak hour trips: eating establishments, drinking establishments, convenience stores, liquor stores, marijuana dispensaries, and all drive thru uses.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

University Square Dr. is a 2-lane, undivided, unplatted, private street (shared access facility) with +/- 12-foot lanes. There is a sidewalk along the south side of University Square Dr. and +/- 8-ft sidewalks on the north side east of the project. There are no marked bicycle facilities. There is a USF Bull Runner transit stop shelter located on the north side of University Square Drive approximately 260 feet east of the project.

The proposed PD site plan includes an 8-foot sidewalk along the project frontage to connect to the 8 foot sidewalk immediately adjacent to the east.

Club Dr. is a 2-lane, an undivided private street with +/- 10-foot lanes, a median treatment at the intersection with University Square Dr., and on-street parking on the west side. There is a +/- 12-foot sidewalk along the west side of Club Dr. There are no marked bicycle facilities.

The proposed PD site plan includes an 12-foot sidewalk along the project frontage.

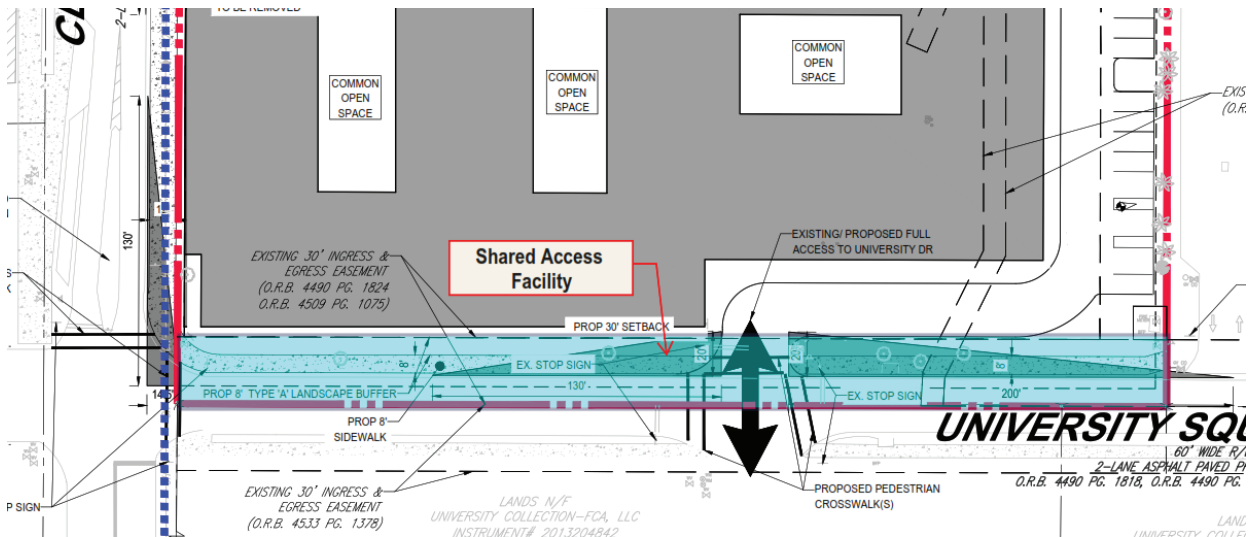
The closest functionally classified roadway is Bruce B. Downs Blvd. (aka 30th Street). It is a regulated 6 lane principal characterized by +/- 12 foot lanes. There are marked bicycle facilities on both sides. There are +/- 5 foot sidewalks on both sides of 30th Street south of University Square Boulevard, and a +/- 5 foot sidewalk on the west side of 30th Street north of University Square Boulevard.

SITE ACCESS AND CONNECTIVITY

Primary vehicular and pedestrian access to the site is proposed at the existing location on University Square Drive., and relocated access connection on Club Dr. Vehicular and pedestrian cross access is provided to east as required per LDC, Sec. 6.04.03.Q. and will connect to the existing stub out constructed by the adjacent development, Planned Development 16-1346.

Based on the applicant's submitted site access analysis, neither driveway requires turn lane improvements per LDC 6.04.04.D.

As University Square Dr. is an unplatted, private street it is deemed a shared access facility, as indicated in the existing PD, and has existing easements, recorded with the County Clerk of Court, over the portion of the roadway within the project, to allowing ingress and egress to adjacent properties. As such as condition of approval is recommended to depict and callout the area within the PD site plan within the easement areas as a shared access facility. See annotated excerpt of PD site plan below.



Additional, staff raised the concern for the proposed location of the building footprint potentially being an impediment to future access needs at the intersection of the University Square Dr. and Club Dr. which serves the remainder of the existing Planned Development and adjacent properties to the east fronting on University Square Dr. Based on the applicant’s submitted site access analysis, substantial number of westbound right and left turning movements (125 rights and 192 lefts in the PM peak hour peak season traffic plus project traffic) from University Square Dr. to Club Dr. are not shown to exceed intersection operational capacity. However, additional trips from existing entitlements in the immediate area and potential redevelopment the remaining commercial parcels within the existing PD, e.g. University Collection shopping center, future turn lanes may need to be accommodated at said intersection on the subject property’s portion of University Square Dr. The applicant has submitted analysis to demonstrated that a future turn lane can be accommodated at the intersection without impacting the proposed location of the new building footprint.

Staff notes that safe pedestrian access at the intersection of University Square Dr. and Club Dr. as well as between the project’s University Square Dr. driveway and the driveway serving the commercial shopping center on the south side will be addressed with marked crosswalk treatments as per the PD site plan and the proposed conditions of approval.

Staff notes that the HART service, USF’s Bullrunner Service, operates along University Square Dr. and has a sheltered stop located approximately 260 feet east of the subject property.

VEHICULAR AND BICYCLE PARKING

Consistent with student housing projects that have been previously approved within the last several years, vehicular parking was being proposed at a rate of .78 spaces per resident. Bicycle parking will be provided at a minimum rate of 1 bicycle parking space per 10.7 spaces beds. These rates were arrived at through earlier “modern” style student housing projects (such as this project) which have occurred in previous years, presumably through the Determination of an Unlisted Use process described in Section 6.05.02.G.1. and G.2. of the LDC. In recent years staff has allowed student housing developers to carry forward that rate. As staff believes the bicycle parking to be insufficient for the intended use, in order to incentivize the provision of additional bicycle parking, and consistent with Section 6.05.02.P.1. of the LDC, staff had previously included in other projects (and proposed to carry forward within this project) a condition which provided the possibility for a 5% vehicular parking reduction for any bicycle parking provided in excess of the minimums.

The applicant proposes to provide parking for the 1,550 sf of “retail” uses at a rate of 5 space per 1,000 sf or 8 parking spaces. Based on the County Land Development Code, Sec. 6.05.02 parking table there are several retail uses that require a higher parking rate than what is proposed. Since the applicant did not provide a specific list of retail uses that may occupy the “retail” space, staff cannot ensure that 8 parking spaces will be sufficient to meet the demand a said retail uses with a higher parking rate than 5 space per 1,000. As such, to ensure that sufficient parking is provided for this project, staff is recommending to prohibit the following retail uses: eating establishments, drinking establishments and personal services.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Bruce B. Downs Blvd.	Fletcher Ave.	Fowler Ave.	E	C

Source: Hillsborough County 2020 Level of Service Report.

Transportation Comment Sheet

3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
University Square Dr.	Private	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other
Club Dr.	Private	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	2,909	75	224
Proposed	2,370	65	189
Difference (+/-)	-530	-10	-189

*Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East	X	None	None	Meets LDC
West	X	None	Vehicular & Pedestrian	Meets LDC
Notes:				

Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
Notes:		

4.0 Additional Site Information & Agency Comments Summary

Transportation	Objections	Conditions Requested	Additional Information/Comments
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Pedestrian access improvements provided.

COMMISSION

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 Harry Cohen VICE-CHAIR
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 Ken Hagan
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 Gwendolyn "Gwen" W. Myers
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 Michael Lynch WETLANDS DIVISION
 Rick Muratti, Esq. LEGAL DEPT
 Steffanie L. Wickham WASTE DIVISION
 Sterlin Woodard, P.E. AIR DIVISION

AGENCY COMMENT SHEET

REZONING	
HEARING DATE: 11/13/2023 PETITION NO.: 23-0884 EPC REVIEWER: Melissa Yanez CONTACT INFORMATION: (813) 627-2600 X 1360 EMAIL: yanezm@epchc.org	COMMENT DATE: 8/29/2023 PROPERTY ADDRESS: 2700 - 2782 University Square Dr, Tampa, FL 33612 FOLIO #: 0362820600 STR: 08-28S-19E
REQUESTED ZONING: Modification to PD	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	NA
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Desktop Review, soil survey and EPC file search.
INFORMATIONAL COMMENTS: Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) reviewed aerials, soil surveys, and historical records, to determine the limits of wetlands and other surface waters regulated by Chapter 1-11, Wetlands, Rules of the EPC. The review revealed that no wetlands or other surface waters exist within the above referenced parcel. Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.	

My/cb

ec: David B Singer - dsinger@olderlundylaw.com
 Colin Rice - Crice@olderlundylaw.com



Adequate Facilities Analysis: Rezoning

Date: 9/6/2023 **Acreage:** 4.31 (+/- acres)
Jurisdiction: Hillsborough County **Proposed Zoning:** Planned Development
Case Number: RZ PD 23-0884 **Future Land Use:** OC-20 flex to RMU-35
HCPS #: RZ 552 **Maximum Residential Units:** 215
Address: 2700 University Square Drive **Residential Type:** Multifamily
Parcel Folio Number(s): 036282.0600

School Data	Witter Elementary	Benito Middle	Freedom High
FISH Capacity Total school capacity as reported to the Florida Inventory of School Houses (FISH)	679	1325	2587
2022-23 Enrollment K-12 enrollment on 2022-23 40 th day of school. This count is used to evaluate school concurrency per Interlocal Agreements with area jurisdictions	456	1023	1840
Current Utilization Percentage of school capacity utilized based on 40 th day enrollment and FISH capacity	67%	77%	71%
Concurrency Reservations Existing concurrency reservations due to previously approved development. Source: CSA Tracking Sheet as of 7/6/2023	32	84	265
Students Generated Estimated number of new students expected in development based on adopted generation rates. Source: Duncan Associates, School Impact Fee Study for Hillsborough County, Florida, Dec. 2019	25	9	11
Proposed Utilization School capacity utilization based on 40 th day enrollment, existing concurrency reservations, and estimated student generation for application	76%	84%	82%

Notes: At this time, adequate capacity exists at Witter Elementary, Benito Middle, and Freedom High School for the proposed rezoning.

This is an analysis for adequate facilities only and is NOT a determination of school concurrency. A school concurrency review will be issued PRIOR TO preliminary plat or site plan approval.

Andrea A. Stingone

Andrea A. Stingone, M.Ed.
 Department Manager, Planning & Siting
 Growth Management Department
 Hillsborough County Public Schools
 E: andrea.stingone@hcps.net
 P: 813.272.4429 C: 813.345.6684



NOTE: THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.

TO: Zoning Review, Development Services

DATE: 11/01/2023

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Landmark Properties, Inc

PETITION NO: 23-0884

LOCATION: 2700-2782 University Square Dr

FOLIO NO: 36282.0600

Estimated Fees:

(Fee estimate is based on a 1,200 square foot, Multi-Family Units 3-10 story)

Mobility: \$6,661 * 215 units = \$1,432,115

Parks: \$1,555 * 215 units = \$ 334,325

School: \$3,891 * 215 units = \$ 836,565

Fire: \$249 * 215 units = \$ 53,535

Total Multi-Family (3-10 story) = \$2,656,540

Retail - Shopping Center

(Per 1,000 s.f.)

Mobility: \$13,562*1.55 = \$21,021.10

Fire: \$313*1.55 = \$485.15

Project Summary/Description:

Urban Mobility, Northeast Park, Northwest Fire - 215 multi-family units w/1,550 sq ft ground floor retail - non-specific retail, using Shopping Center estimate. Fees may be different based on actual use type. Credit for prior structure may be available.

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 30 Aug. 2023

REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management

APPLICANT: LCD Acquisitions, LLC

PETITION NO: RZ-PD 23-0884

LOCATION: 2700 University Square Dr., Tampa, FL 33612

FOLIO NO: 36282.0600

SEC: 08 TWN: 28 RNG: 19

- This agency has no comments.

- This agency has no objection.

- This agency has no objection, subject to listed or attached conditions.

- This agency objects, based on the listed or attached conditions.

COMMENTS: _____.

**WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER**

PETITION NO.: RZ-PD 23-0884 **REVIEWED BY:** Clay Walker, E.I. **DATE:** 8/28/2023

FOLIO NO.: 36282.0600

WATER

- The property lies within the City of Tampa Water Service Area. The applicant should contact the provider to determine the availability of water service.

- A ___ inch water main exists (adjacent to the site), (approximately ___ feet from the site) _____. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.

- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

WASTEWATER

- The property lies within the City of Tampa Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.

- A ___ inch wastewater force main exists (adjacent to the site), (approximately ___ feet from the site) _____. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.

- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: _____.



Agency Review Comment Sheet

NOTE: Wellhead Resource Protection Areas (WRPA), Potable Water Wellfield Protection Areas (PWWPA), and Surface Water Resource Protection Areas (SWRPA) reviews are based on the most current available data on the Hillsborough County maps, as set forth in Part 3.05.00 of the Land Development Code.

TO: Zoning Review, Development Services **REQUEST DATE:** 8/8/2023

REVIEWER: Kim Cruz, Environmental Supervisor **REVIEW DATE:** 8/10/2023

APPLICANT: LCD Acquisitions, LLC **PID:** 23-0884

LOCATION: 2700-2782 University Square Drive Tampa, FL 33612

FOLIO NO.: 36282.0600

AGENCY REVIEW COMMENTS:

Based on the most current data, the project is not located within a Wellhead Resource Protection Area (WRPA), Surface Water Resource Protection Area (SWRPA), and/or a Potable Water Wellfield Protection Area (PWWPA), as defined in Part 3.05.00 of the Land Development Code. Hillsborough County Environmental Services Division (EVSD) has no objection.



VERBATIM TRANSCRIPT

1 MS. HEINRICH: Our next item is Item D.6, PD Rezoning
2 23-0884. The applicant is requesting to rezone a portion of
3 PD 83-0211 to the proposed PD. Camile Krochta with Development
4 Services will provided Staff finding after the applicant's
5 presentation.

6 HEARING MASTER: All right. Thank you.

7 MR. SINGER: Good evening. My name's David Singer
8 with the law firm of Older Lundy at 1000 West Cass Street here
9 in Tampa. I'm joined by Colin Rice, my colleague. We're going
10 to go old school tonight and use the Elmo as opposed to the
11 technology provided on the computer. I'm joined with Chase
12 Powell and Miguel Chico from the Applicant Group, LDC
13 Acquisitions, along with Michael Yates from Palm Traffic.

14 We're here this evening to request rezone for a new PD
15 for the property located at 2700 University Square Drive.

16 To orient you, we are within the university area
17 community within the urban service area and very near the City
18 of Tampa jurisdictional boundary. The property is between two
19 of the regions anchors, the university square mall to the west
20 and USF to the east just across Bruce B. Downs. We're proposing
21 a compatible mixed use infill development to connect these
22 institutions. Zooming in, you get a better sense of existing
23 efforts to connect the institutions through this infill
24 development. Immediately to the east is a development called
25 The Standard. This was rezoned in 2017 by the same applicant

1 group and it has a density of 50 units per acre equal to what we
2 are requesting this evening.

3 To the north is a county owned strip of land that
4 holds drainage ditch and offers additional buffering to existing
5 residential uses. There's approximately 60 feet between the
6 subject site and the nearest residential property boundary and
7 the northernmost boundary of our project. This is in addition
8 to the 30-foot north setback. There'd be over 90 feet between
9 our structure and the nearest single-family home. This is
10 consistent with what was proposed and approved in 2017. To the
11 west is the innovative university mall project, which includes a
12 myriad of uses, including very small multi-family development.
13 And to the south is commercial development, a portion of which
14 actually is subject to this PD approval, we're seeking to rezone
15 out of this evening. Companion PRS application number 24-0111,
16 removing these 4.31 acres is filed to run concurrent with this
17 application at the January board of County Commissioners
18 hearing.

19 The site currently functions is a strip commercial
20 center constructed in 1985. In the top view you see here is
21 facing east from club drive and the bottom view is facing north
22 from University Square Drive. This is the standard development
23 right next door. Again, it's owned and operated by the
24 applicants. The current proposal is nearly identical to this
25 very successful, very compatible housing development. The

1 future land use shows ROC 20 property positioned between two
2 high density categories. RMU-35 to the east and ICMU-35 to
3 west. The public quasi-public designation to the east is the
4 USF campus sitting within the City of Tampa.

5 For additional context, the site just south of Fowler
6 marked by a red star is approved at over 42 units per acre
7 within the City of Tampa, less than a quarter mile away and with
8 the application of the Florida legislatures new live local act,
9 you can see that developed at over 100 units per acre. This is
10 the site plan, the applicant is proposing to develop the 4.31
11 acre site into a vertically integrated mixed use project with a
12 residential density of 50 units per acre, not to exceed 215
13 units, along with 1,550 square foot retail component. We're
14 proposing a three-foot setback along the west with 30-foot
15 setbacks along all the other frontages. Vehicular access would
16 be provided directly off both University Square Drive and Club
17 Drive. Those are both private roads. The cross access is
18 provided to the standard -- the sister property to the east.
19 Note that the northern setback of this site and the eastern
20 sister site are the same.

21 In coordination county transportation engineers
22 comments, the applicant proposes to install crosswalks at
23 vehicular ingress/egress serving the property across university
24 square across that private road to the existing commercial
25 development to the south. Additionally, to connect the project

1 to mall, they will build a crosswalk and a 12-foot sidewalk at
2 Club Drive to the west. An eight-foot sidewalk is proposed to
3 the south along University Square Drive. For parking, the site
4 will include 0.78 vehicle parking spaces, per bed and 202
5 bicycle parking spaces. The comprehensive plan is full of
6 language concerning pedestrian conductivity. This proposal
7 promotes many of its goals and its, including Future Land Use
8 Policy 16.10, Community Design Element Policy 2-1.3 and the
9 university area's community plans vision is to, quote, achieve a
10 pedestrian friendly mixed use area that will serve the needs of
11 the citizens of the university area community, unquote.

12 This proposal is why we support it. None of the
13 engineering, spacial, transportation, environmental, safety or
14 compatibility elements are of any concern. This project is
15 exactly what this part of the university area community calls
16 for. Our team along with the applicant team held a neighborhood
17 meeting last month and we were joined by three long term
18 residents of the single-family neighborhood to the north. They
19 had no objections to the proposal before this evening. They
20 were also very complimentary of their years' long relationship
21 living nearby by the standard, which again approved back in
22 2017.

23 This project would be developed in an extremely
24 similar manner to the established standard project with a nearly
25 identical building footprint and an equivalent density of 50

1 dwelling units per acre. And I want to emphasize that this
2 proposal will represent a net decrease in vehicular trip
3 generation. The site is currently operating as a commercial
4 strip center. The County's traffic engineer agrees, has no
5 objection. The staff report also says the following, quote,
6 staff finds the proposed rezoning compatible with the
7 development pattern medium to high density housing in the area,
8 unquote.

9 So after all that we get to the crux of the discussion
10 tonight. That is not an agreement between the applicant and the
11 Staff. Despite these findings of consistency by the Staff, they
12 found it not supportable in their report. This is seemingly
13 based on compatibility or consistency, but on an opinion
14 relating to the comp plan's flex provision and how it inner
15 plays with its bonus provision. Our office submitted a
16 memorandum addressing this in detail on November the 8th of
17 2023, it is in the record. We will provide you another copy
18 tonight for your convenience.

19 In short, County Staff feels that one cannot bonus a
20 flex. This is not in the Comprehensive Plan anywhere. Nowhere
21 does it say that a parcel once flexed doesn't mean that it's all
22 the way flexed into that category. The County Commission has
23 made the flex available to applicants to make the development
24 process easier, not more difficult. Future Land Use Policy 7.3
25 specifies when a flex provision may be considered for any given

1 projects. And this application squarely meets those elements.

2 When those elements are met, the Comprehensive Plan
3 Land Use Categories, quote, may be considered for interpretation
4 as flexible boundaries, unquote. They can move by 500 feet in
5 either direction. There is no suggestion that those boundaries,
6 once flexed do not carry the rights, the recognition and the
7 privileges of that flex into category. And this seems obvious
8 because, of course, why would anyone flex at all if they don't
9 have the rights into the new category that the flex into?

10 Our initial submittal narrative dated August the 3rd
11 2023 addresses each of the 7.3 flex criteria in detail. We meet
12 all those criteria. There is no disagreement about if we meet
13 those criteria. They are shared in full here and I am not going
14 to belabor you by reading all of them, but we will introduce
15 them into the record.

16 So here this parcel position in between two very
17 intense land uses. Our site is outlined in green. We elected
18 to flex from the RMU-35 to the east. But as you can see the
19 ICMU-35 category exists immediately to the west as well. We
20 could have flexed from either direction. It must follow. It
21 just must. That once a flex is complete, it is considered part
22 of the designation it receives. Again, nowhere in the code of
23 the Comp Plan does it suggest otherwise and why would it?

24 For analogy purposes, this would be like a minor
25 league baseball player, AAA Durham, being promoted in the Tampa

1 Bay Rays and being told even though he's on the race, even
2 though he can play at the stadium, he couldn't wear the uniform.
3 It would be nonsensical for the flex not to enjoy all the
4 benefits of this new category. Why flex in otherwise?

5 Again, nowhere in the code or the comp plan does it
6 say that some of the benefits of the flex category can be used,
7 but others cannot. Once it's clear that the flex is
8 appropriate, then we get to the bonus analysis. The bonus we
9 seek is the mixed use bonus. Again, the university area
10 community plan envisions a pedestrian friendly mixed use area
11 that will serve the needs of the citizens of the university area
12 community. And the mixed use bonus is supposed to incentivize
13 that. That is the very same bonus used by the sister project to
14 the east with what would be the exact same land use designation.
15 But again, the Staff Report makes another improper conclusion to
16 claim the bonus is not available.

17 In short, they just apply the wrong policy. Rather
18 than reference Policy 19.3, which outlines mixed use density
19 bonus provision, the Staff Report Cites Policy 19.1. 19.1 is a
20 policy that requires, quote larger unquote, new projects and
21 mixed land use -- and mixed use land categories to include 10%
22 of the square footage as a different land use, larger,
23 quote-unquote, means projects ten acres or greater.

24 Our project is 4.31 acres, so this 10% requirement
25 does not apply. For more analysis on this, I will refer you to

1 the memorandum submitted into the record on November 8th, but
2 once again, this seems fairly obvious and straightforward. 19.1
3 simply just doesn't apply.

4 So what we're left with is a project eligible for --
5 eligible for flex designation. Everybody agrees on that. And
6 then a bonus opportunity. Nowhere in the code or comp plan says
7 otherwise. This project is virtually identical to the standard
8 development next door, which was found supportable by Staff and
9 approved in 2017. The only meaningful difference between the
10 2017 proposal and the 2023 proposal is that we have chosen to
11 use the flex provision, a tool made available by the County
12 Commission to make development easier. It simply has to be that
13 if you flex, you flex. There is nothing otherwise in the code
14 or the comp plan. This project is consistent with existing
15 development, therefore in harmony with Future Land Use Policy
16 16.10, that encourages more pedestrian activity while decreasing
17 trip generation. There is a natural significant separation
18 between the subject site and any single-family residential. At
19 our community meeting, no neighbors appear to oppose the
20 project. We're not aware of any opposition.

21 To wrap up, we are all beholding to the language of
22 the code. I've done this for almost two decades now. And what
23 we always do when we submit a development application is make
24 sure that we are adhering to the specific provisions and a
25 specific language of the code. The Staff ensures it. We have

1 interplay between applicant and Staff very frequently with the
2 admonition from Staff saying you must adhere to the strict
3 language of the code.

4 It seems with this application the tables have turned
5 a bit and the Staff is saying we feel that there is no ability
6 to bonus a flex, but they can't point to a code provision that
7 says you cannot bonus a flex. And again, it seems nonsensical
8 to be able to enjoy the benefits, all of them, of the category
9 you flex into but then stop short of one critical component
10 that's unwritten.

11 So with all that, we ask that you approve this
12 application tonight and we're here to answer questions for you.

13 HEARING MASTER: All right. Well a couple of
14 questions. First of all, and maybe you covered this and I
15 missed it, but your numbers, your -- how many units are you
16 seeking to --

17 MR. SINGER: Not to exceed 215.

18 HEARING MASTER: Okay. And that is with the bonus?

19 MR. SINGER: Correct.

20 HEARING MASTER: And without the bonus, how many could
21 you achieve?

22 MR. SINGER: We would be limited to 35 units an acre
23 times 4.31 acres. So we would lose 60 to 70 units.

24 HEARING MASTER: Okay. And so as it stands -- and I
25 will hear from, of course, Development Services and the Planning

1 Commission, but as it stands, the application has been found
2 inconsistent with the Comprehensive Plan. And it's the
3 applicant's burden, of course, to prove consistency. Can you
4 point me to any competent substantial evidence in the record,
5 then, that I can find consistency?

6 MR. SINGER: Yes. I would point you to the code
7 provision 7.3. And when you read the Land Use 7.3, nowhere does
8 it say that you cannot enjoy all the benefits of the category
9 you flex into. It -- it's a strange position that the county's
10 asking us to prove a negative.

11 HEARING MASTER: So it sounds like, really it's a --
12 it's a matter of interpretation.

13 MR. SINGER: I would agree that it's a matter of
14 interpretation, but when something is not specifically listed,
15 it enures to the benefit of the applicant. That is the law in
16 Florida and has been for a very long time.

17 HEARING MASTER: Okay. Is there anything in your
18 record that you've submitted from a certified planner or
19 anything that discusses that interpretation or that has a
20 professional opinion otherwise?

21 MR. SINGER: I don't know that there is a professional
22 opinion otherwise because it seems so blatantly obvious that
23 when you are grandfathered or brought into or flexed into a
24 category, that everything about that category is to your
25 benefit. But, no, there's nothing that --

1 HEARING MASTER: Okay.

2 MR. SINGER: -- we have from planning position. But I
3 would encourage your read our memorandum --

4 HEARING MASTER: I certainly will.

5 MR. SINGER: -- into the record.

6 HEARING MASTER: I assure you I will.

7 MR. SINGER: Okay.

8 HEARING MASTER: Thank you for that. All right.

9 Thank you, Mr. Singer.

10 Development services, please.

11 MS. KROCHTA: Good evening, Camile Krochta,

12 Development Services.

13 As the applicant stated, they are requesting to rezone
14 the subject parcel located the University Square Drive and Club
15 Drive from Plan Development PD 83-0211 to Plan Development for a
16 mixed use building utilizing the flex provision and mixed use
17 bonus.

18 This application will seek entitlement to construct
19 the vertically integrated mixed use project on the 4.31 acre
20 site featuring a total of 215 student housing dwelling units and
21 ground floor retail.

22 I know that there is a similar project with similar
23 development standards next door, phase one of this project.
24 However, for zoning compatibility, we find that does not meet
25 the requirements of the mixed use density bonus as the developer

1 must allocate at least 10% of the total building square footage
2 for uses other than the primary use. And -- and as stated, only
3 1,550 square feet, which comprises less than one percent of the
4 total square footage of the building, about 187,000 plus square
5 feet of the primary use.

6 Notwithstanding the issue regarding whether the
7 utilization of both the flex and mixed use density bonus can be
8 considered for the project, Staff finds the proposed rezoning
9 compatible with development pattern in the area of medium to
10 high density uses in the area, but the request is not
11 supportable by Staff based on noncompliance with the mixed use
12 density bonus criteria. And this concludes my staff report.

13 HEARING MASTER: All right. Thank you. Planning
14 Commission.

15 MR. FEHRINGER: Bryce Fehringer, Planning Commission
16 Staff.

17 The subject property is in the office commercial 20
18 Future Land Use Category. It is in the urban service area and
19 is located within the limits of the university area community
20 plan. The subject site is surrounded by Residential 20 and
21 Residential six to the north, regional mixed use 35 to the east,
22 office commercial 20 further east and to the south an innovation
23 corridor mixed use 35 to the west.

24 The applicant proposes to flex the adjacent regional
25 mixed 35 category that is located to the east in accordance with

1 the Future Land Element Policies 7.3 and 7.4. A flex does not
2 ultimately change the future land use map category and therefore
3 cannot be used as a base for a bonus within the comprehensive
4 plan. Rather, it is something above and beyond what is
5 underlying as the maximum density and intensity set on a site.
6 Based entities and intensities are established with the Future
7 Land Use Map and can only be changed through a comprehensive
8 plan map amendment. While the density and intensity of the
9 RMU-35, Future Land Use Category may be compatible with the
10 surrounding land uses and their densities and intensities, the
11 overall request does not further the goals, objectives and
12 policies of the comprehensive plan.

13 The proposed rezoning does not meet the intent of the
14 neighborhood protection policies of the Future Land Use Element.
15 There is no way to ensure a gradual transition in intensity
16 between land uses with all the variations requested. Due to the
17 intensity of the proposed uses encroaching into the residential
18 uses adjacent to the north, Planning Commission Staff does not
19 support multiple variations based on conflicts with several
20 comprehensive plan compatibility policies.

21 The community design component discusses how new
22 development shall be compatible with the established character
23 of the surrounding area. It encourages commercial developments
24 that enhance the county's character. The development pattern
25 and character in this area of the university square mall does

1 contain mixed use commercial and residential developments as
2 well as single-family residential uses to the north. However,
3 the proposed site design variations prevent compatibility
4 concerns and therefore conflict with this policy direction. The
5 proposed plan development meets the intent of goals two and five
6 of the university area community plan as it includes
7 redevelopment opportunity within the urban and redevelopment
8 area map. However, goal three in the plan aims to use landscape
9 buffers and urban design features and techniques to reduce
10 conflicts between land uses and the proposed density in the OC
11 20 site design variations may not provide the opportunity for a
12 gradual transition in intensity between a single family
13 residential development to the north.

14 Based upon the above considerations, Planning
15 Commission Staff finds the proposed plan development
16 inconsistent with the Unincorporated Hillsborough County
17 Comprehensive Plan.

18 HEARING MASTER: All right. Thank you. Is there
19 anyone here or online who wishes to speak in support of this
20 application? I'm not hearing anyone.

21 Is there anyone here or online who wishes to speak in
22 opposition to this application? I do not hear anyone.

23 Development Services, anything further?

24 MS. HEINRICH: No, ma'am.

25 HEARING MASTER: All right. Thank you. Applicant,

1 anything further?

2 MR. SINGER: Again, David Singer for the applicant. I
3 know it's been a long evening and so I'll keep this very brief.

4 In regards to Development Services and zoning's
5 presentation, I would again say section 19.1 does not apply.
6 Section 19.3 does apply. I would encourage, again, you to
7 reference our memorandum on that. It is very clear. We are
8 less than ten acres. It's a 4.31 acre site. Therefore, there's
9 no 10% requirement for that mixed use component.

10 As to the Planning Commission, again, I would point
11 you to Land Use Policies themselves. There's not a policy that
12 the Planning Commission can identify that says you cannot bonus
13 a flexed designation. It does not exist. And because it does
14 not exist, of course, it means that it enures to the applicant.
15 Thank you.

16 HEARING MASTER: Thank you. All right. This closes
17 the hearing on rezoning PD 23-0884.

18 And this concludes the Zoning Hearing Master meeting
19 for this evening.

20 (Off the record at 9:07 p.m.)

21

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**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

PAGE 1 OF 3

DATE/TIME: 11/13/23 6pm

HEARING MASTER: Pamela Jo Hatley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

<p>APPLICATION # MM 22-0671</p>	<p>PLEASE PRINT NAME <u>William J. Mollay</u> MAILING ADDRESS <u>325 S Blvd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP _____ PHONE <u>813-751-7152</u></p>
<p>APPLICATION # MM 22-0671</p>	<p>PLEASE PRINT NAME <u>Isabelle Alburt</u> MAILING ADDRESS <u>1000 W. Ashley Dr. Suite 900</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>32602</u> PHONE <u>813-331-0976</u></p>
<p>APPLICATION # MM 22-0671</p>	<p>PLEASE PRINT NAME <u>Jim Johnson</u> MAILING ADDRESS <u>19255 Hidden Oaks Dr.</u> CITY <u>Brooksville</u> STATE <u>FL</u> ZIP <u>34604</u> PHONE <u>813-494-4547</u></p>
<p>APPLICATION # R2 US 23-0782</p>	<p>PLEASE PRINT NAME <u>Logan Opskal</u> MAILING ADDRESS <u>215 N. Viola Dr</u> CITY 000 <u>Auburndale</u> STATE <u>FL</u> ZIP <u>33823</u> PHONE _____</p>
<p>APPLICATION # R2 23-0369</p>	<p>PLEASE PRINT NAME <u>Todd Pressman</u> MAILING ADDRESS <u>200 1st Ave #491</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33609</u> PHONE <u>813-287-1760</u></p>
<p>APPLICATION # R2 230517</p>	<p>PLEASE PRINT NAME <u>Gina Grimes</u> MAILING ADDRESS <u>100 N. Tpa St. Ste 2200</u> CITY <u>Tpa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-494-8996</u></p>

DATE/TIME: 11/13/23 6pm HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ</u> <u>23-0517</u>	PLEASE PRINT NAME <u>Jerric Heer</u> MAILING ADDRESS <u>9016 122nd Av</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33613</u> PHONE <u>414-394-9999</u>
APPLICATION # <u>RZ</u> <u>23-0517</u>	PLEASE PRINT NAME <u>DANIEL Bergin</u> MAILING ADDRESS <u>3802 Ehrlich Rd. Ste 312</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33624</u> PHONE <u>(813)280-9441</u>
APPLICATION # <u>RZ 23-0519</u>	PLEASE PRINT NAME <u>Kamala Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd, Ste 3700</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8421</u>
APPLICATION # <u>RZ 23-0522</u>	PLEASE PRINT NAME <u>Kamala Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd Ste 3700</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-84</u>
APPLICATION # <u>RZ</u> <u>23-0522</u>	PLEASE PRINT NAME <u>Stephen Mueach</u> MAILING ADDRESS <u>6806 Simmons Loop</u> CITY <u>River</u> STATE <u>FL</u> ZIP <u>33576</u> PHONE _____
APPLICATION # <u>RZ</u> <u>23-0522</u>	PLEASE PRINT NAME <u>Steve Henry</u> MAILING ADDRESS <u>5023 W. LAUREL ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>815-289-0039</u>

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

PAGE 3 OF 3

DATE/TIME: 11/13/23 6pm

HEARING MASTER: Pamela Jo Hatley

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<p>APPLICATION #</p> <p>RZ 23-0777</p>	<p>PLEASE PRINT NAME <u>Kanna Lu Corbett</u></p> <p>MAILING ADDRESS <u>101 Ekemely Blvd Ste 3700</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8444</u></p>
<p>APPLICATION #</p> <p>RZ 23-0777</p>	<p>PLEASE PRINT NAME <u>Stephen Sposato</u></p> <p>MAILING ADDRESS <u>505 E. Jackson St.</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-375-0614</u></p>
<p>APPLICATION #</p> <p>RZ 23-0884</p>	<p>PLEASE PRINT NAME <u>David Sinyer</u></p> <p>MAILING ADDRESS <u>1000 W. Cuss St.</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33604</u> PHONE <u>813-254-8998</u></p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>MAILING ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>MAILING ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>MAILING ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>

NOVEMBER 13, 2023 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, November 13, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

▶ Pamela Jo Hatley, ZHM, called the meeting to order at 6:00 p.m. and led in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

▶ Michelle Heinrich, Development Services (DS), introductions and reviewed the changes/withdrawals/continuances.

▶ Pamela Jo Hatley, ZHM, overview of ZHM process.

▶ Chief Assistant County Attorney Cameron Clark, overview of evidence/ZHM/BOCC Land Use agenda process.

▶ Pamela Jo Hatley, ZHM, Oath.

B. REMANDS

B.1. MM 22-0671

▶ Michelle Heinrich, DS, called MM 22-0671

▶ Testimony provided.

▶ Pamela Jo Hatley, ZHM, closed MM 22-0671.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 23-0782

▶ Michelle Heinrich, DS, called RZ 23-0782.

▶ Testimony provided.

▶ Pamela Jo Hatley, ZHM, closed RZ 23-0782.

D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ 23-0369

▶ Michelle Heinrich, DS, called RZ 23-0369.

▶ Testimony provided.

MONDAY, NOVEMBER 13, 2023

▶ Pamela Jo Hatley, ZHM, closed RZ 23-0369.

D.2. RZ 23-0517

▶ Michelle Heinrich, DS, called RZ 23-0517.

▶ Testimony provided.

▶ Pamela Jo Hatley, ZHM, closed RZ 23-0517.

D.3. RZ 23-0519

▶ Michelle Heinrich, DS, called RZ 23-0519.

▶ Testimony provided.

▶ Pamela Jo Hatley, ZHM, closed RZ 23-0519.

D.4. RZ 23-0522

▶ Michelle Heinrich, DS, called RZ 23-0522.

▶ Testimony provided.

▶ Pamela Jo Hatley, ZHM, closed RZ 23-0522.

D.5. RZ 23-0777

▶ Michelle Heinrich, DS, called RZ 23-0777.

▶ Testimony provided.

▶ Pamela Jo Hatley, ZHM, closed RZ 23-0777.

D.6. RZ 23-0884

▶ Michelle Heinrich, DS, called RZ 23-0884.

▶ Testimony provided.

▶ Pamela Jo Hatley, ZHM, closed RZ 23-0884.

E. ZHM SPECIAL USE

MONDAY, NOVEMBER 13, 2023

ADJOURNMENT

▶ Pamela Jo Hatley, ZHM, adjourned the meeting at 9:10 p.m.



Rezoning Application: RZ PD 23-0884
Zoning Hearing Master Date: NOVEMBER 13, 2023
BOCC Land Use Meeting Date: JANUARY 9, 2024

1.0 APPLICATION SUMMARY

Applicant: LCD Acquisitions, LLC
FLU Category: RMU-35 OC-20
Service Area: Tampa
Site Acreage: 4.31 +/-
Community Plan Area: University
Overlay: None
Special District: None



Introduction Summary:

History: The site is presently zoned PD 83-0211; most recently modified by PRS 15-0667, approved for 45,000 SF of retail use.

Current Request: The applicant requests to rezone the subject site from Planned Development (PD 83-0211) to Planned Development (PD) for a mixed-use building utilizing the Flex Provision and Mixed-Use Bonus. This application seeks entitlements to construct a vertically integrated mixed-use project on the 4.31-acre site featuring a total of 215 dwelling units and ground-floor retail. The project proposes to include three separate courtyard areas totaling nearly 18,000 sf, 1,550 sf of ground level retail, a lobby/leasing/amenity space, and a rooftop amenity level. A companion PRS 24-0111 to remove the subject parcel from the current PD has been submitted.

Zoning:	Existing	Proposed
District(s)	PD	PD
Typical General Use(s)	University Interest Office, Institutional and Regional Commercial	Mixed-use Student Housing/retail
Acreage	19.42 +/-	4.37 +/-
Density/Intensity	.75 Max F.A.R.	50/DU Acre w/ 1,550 SF Retail / 0.0082 F.A.R.
Mathematical Maximum*	N/A	215 DU/Acre

*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	PD	PD
Lot Size / Lot Width	4.31 +/-	4.31 +/- Acres / 381'
Setbacks/Buffering and Screening	Per PD	South 30' setback / 8' Type A North 30' setback / 5' Type A West 3' setback / 3' Type A East 30' setback / 5' Type A
Height	35'	80'

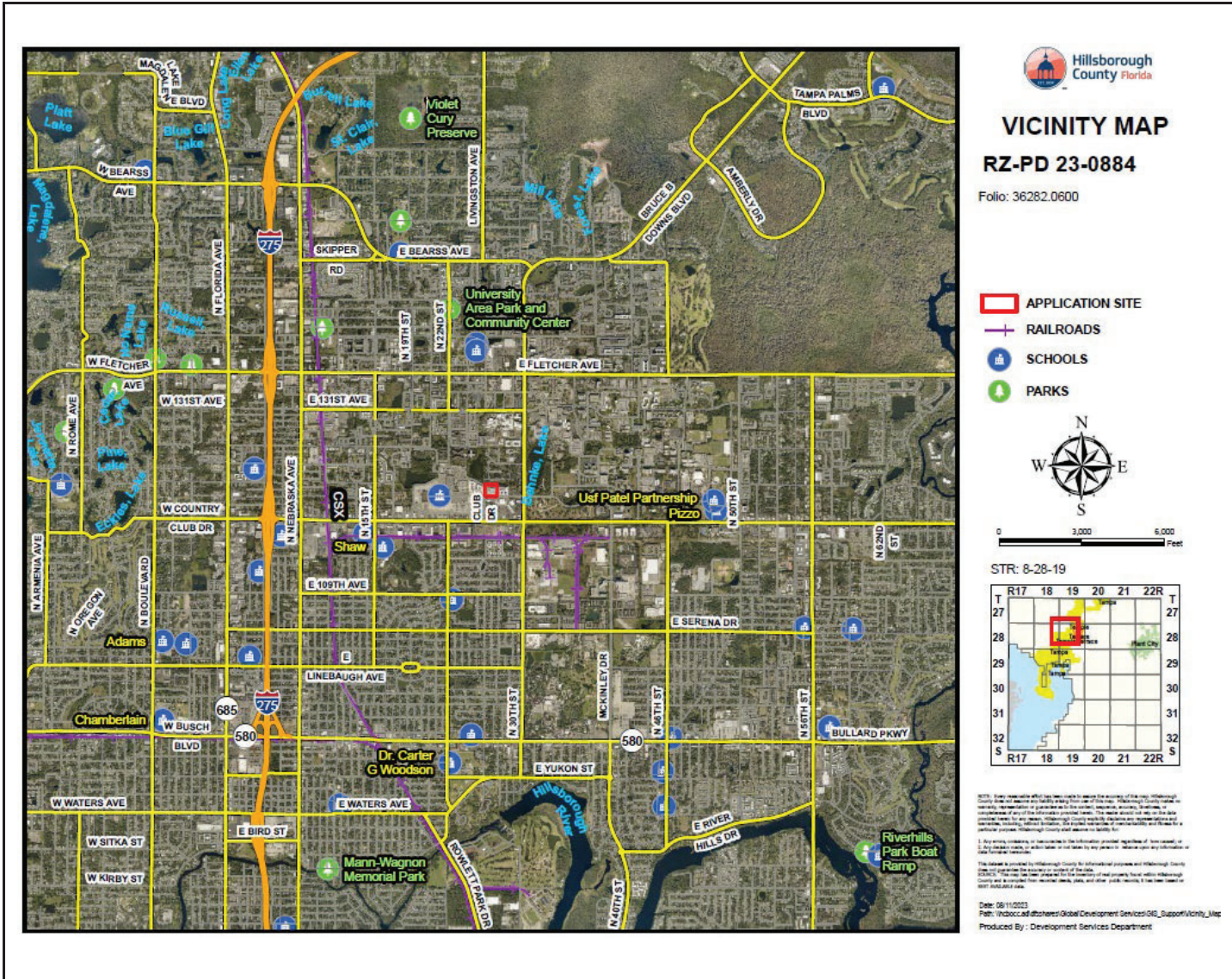
Additional Information:

PD Variation(s)	LDC Part 6.06.00 (Landscaping/Buffering) LDC Part 6.05.00 (Parking/Loading)
Waiver(s) to the Land Development Code	

Planning Commission Recommendation: Inconsistent	Development Services Recommendation: Not Supportable
--	--

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

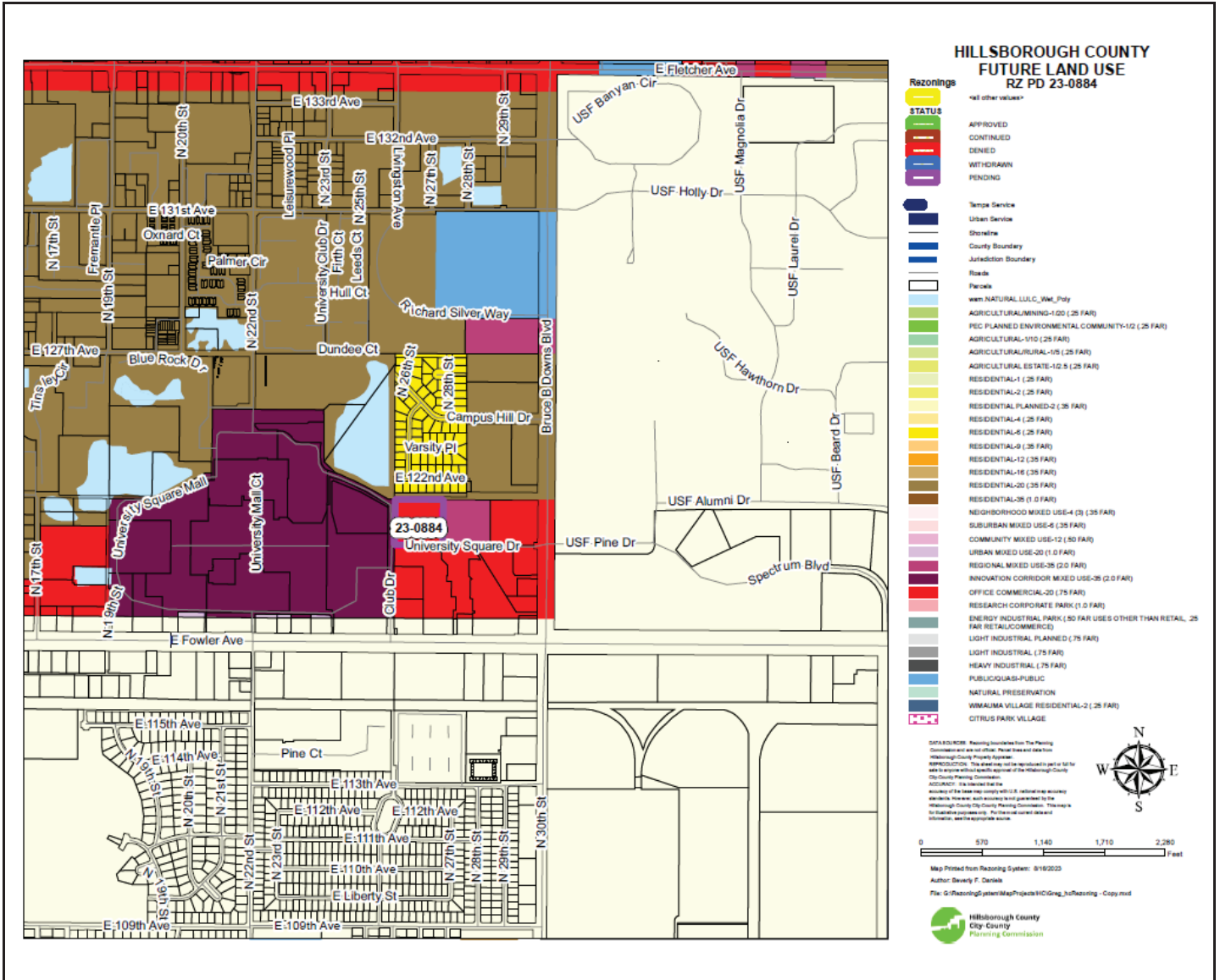


Context of Surrounding Area:

The subject site is located adjacent to Phase I to the east of the proposed project. Single-family residential areas and public institutional areas towards the north. Towards the east, there are multifamily and mixed-use buildings, while towards the south and west, there are light commercial uses.

2.0 LAND USE MAP SET AND SUMMARY DATA

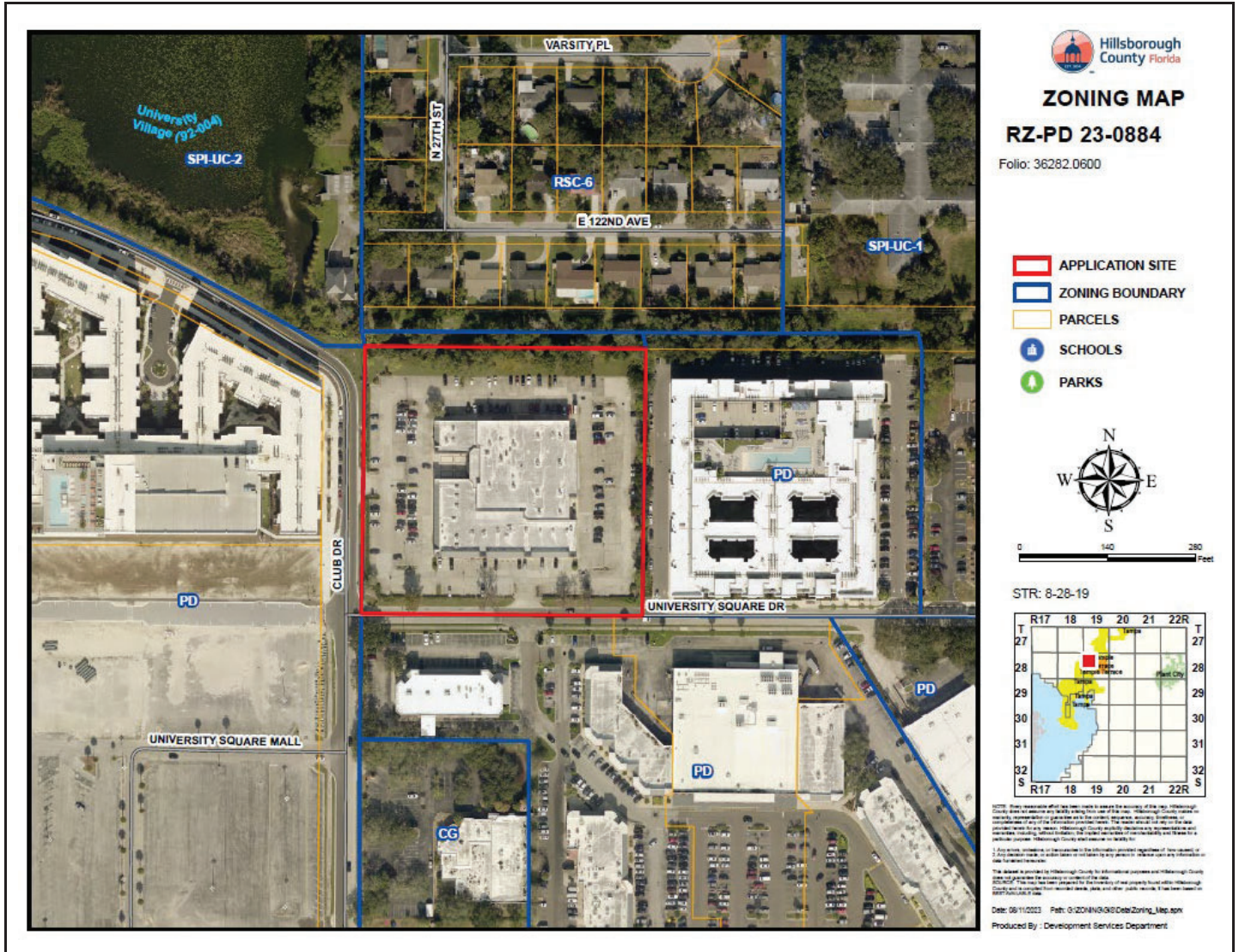
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Office Commercial-20 (OC-20)
Maximum Density/F.A.R.:	20 DU/ Acre .75 up to a maximum of 600,000 square feet, however, the commercial component cannot exceed 350,000 square feet. All development which exceeds .35 FAR must be for office or residential support uses, not retail.
Typical Uses:	Community commercial type uses, office uses, mixed-use developments, and comparable residential uses

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

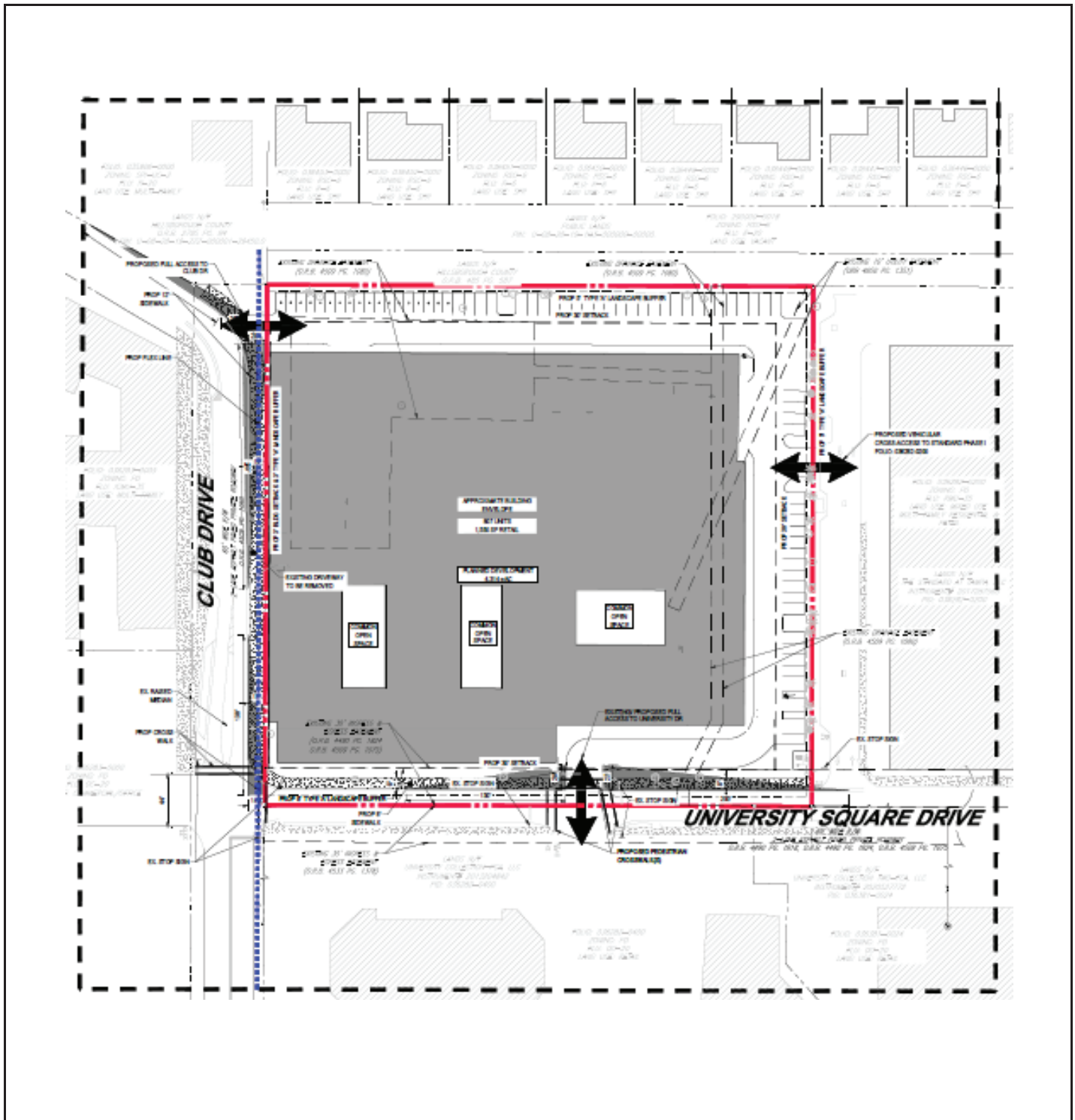


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	RSC-6	6 DU/ Acre	Residential, Single-Family Conventional	Single Family Residential
South	PD 83-0211	.24	Commercial retail shopping center	Commercial retail shopping center
East	PD 16-1346	50 DU/Acre .01 F.A.R. Retail	Student Housing/Multi-Family Mixed Use	Student Housing/Multi-Family Mixed Use
West	PD 22-1640	35 DU/ Acre .50 F.A.R.	Mixed-use	Mixed-use

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 OF STAFF REPORT)

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
University Square Dr.	Private	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other
Club Dr.	Private	8 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other

Project Trip Generation			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	2,909	75	224
Proposed	2,370	65	189
Difference (+/1)	-530	-10	-35

*Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Vehicular	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East	X	None	None	Meets LDC
West	X	Vehicular & Pedestrian	Vehicular & Pedestrian	Meets LDC
Notes:				

Design Exception/Administrative Variance: Not Applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____ 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Pedestrian access improvements provided.
Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input checked="" type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Impact/Mobility Fees: Multi-Family Units 3-10 story) Fee estimate is based on a 1,200-square-foot Mobility: \$6,661 * 215 units = \$1,432,115 Parks: \$1,555 * 215 units = \$ 334,325 School: \$3,891 * 215 units = \$ 836,565 Fire: \$249 * 215 units = \$ 53,535 Total Multi-Family (3-10 story) = \$2,656,540			Retail - Shopping Center (Per 1,000 s.f.) Mobility: \$13,562*1.55 = \$21,021.10 Fire: \$313*1.55 = \$485.15	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The subject property is located at the intersection of University Square Drive and Club Drive on approximately 4.31 acres. The site has a Future Land Use Designation of Office Commercial-20 (OC-20), which allows for consideration of up to 20 dwelling units per gross acre and a maximum Floor Area Ratio (FAR) of 0.75. The site is surrounded by Special Public Interest-University Community zoning to the north and PD zoning to the east, south, and west. There is residential, Single-Family Conventional to the immediate North. A continuation of the current PD to the south across University Drive contains Commercial General (CG) uses.

Phase I of this project located directly to the east of this proposed project was approved per PD 16-1346 with similar development standards. However, the site applied for Residential-35, through CPA 16-21A, in July 2016. The amendment was approved by the Board of County Commissioners as a small-scale amendment on December 8, 2016.

The Planning Commission has found the request inconsistent with Hillsborough County Comprehensive Plan. The applicant proposes to flex the adjacent Regional Mixed-Use 35 (RMU-35) category that is located to the east. In addition, per Policy 19.3, the applicant is requesting a density bonus by using 35 dwelling units per acre as a base density to achieve a total of 50 dwelling units per gross acre. The Planning Commission has opined that the Flex does not change the Future Land Use Map (FLUM) category and cannot be used as a basis for a bonus in the plan in accordance with Future Land Use Element (FLUE) Policies 7.3 and 7.4. The applicant contends that applicable policies do not preclude utilization of the both the flex and mixed-use density bonus as requested. To qualify for the mixed-use density bonus, the developer must allocate at least 10% of the total building square footage for uses other than the primary use when vertically integrating two uses. Despite the proposal's total building size being 187,926 square feet, only 1,550 square feet of retail is included, indicating that the second use proposed comprises less than 1% of the total square footage.

Per Section 6.06.06, *Buffering and Screening Requirements*: Along the Northern and Eastern property boundary of the subject property, the applicant is proposing (Type A screening) with a five (5) foot buffer in lieu of the required twenty (20) foot buffer with Type B screening. There is a County-owned drainage canal that acts as an additional buffer area between the proposed development and single-family properties to the north, in addition to the proposed 30-foot setback. Along the eastern boundary the existing Phase I of the "Standard" currently provides a 5' landscaped buffer. Adding 5' along the eastern portion of the subject site will result in a 10' landscape buffer between practically identical uses. Staff does not object and concurs with the applicant's justification for the variation.


The subject property is within the Urban Service Area. Potable water and sanitary sewer services are provided to the subject property by the City of Tampa.

5.2 Recommendation

Notwithstanding the issue regarding whether utilization of both the flex and mixed-use density bonus can be considered for the project, the request is not in compliance with the mixed-use density bonus criteria. Therefore, while staff finds the proposed rezoning compatible with the development pattern of medium to high-density housing in the area, the request is not supportable based on non-compliance with the mixed-use density bonus criteria.

6.0 PROPOSED CONDITIONS

N/A

<p>Zoning Administrator Sign-Off:</p>	 <p>J. Brian Grady Mon Nov 13 2023 09:01:12</p>
<p>SITE, SUBDIVISION, AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.</p> <p>Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtaining all necessary building permits for on-site structures.</p>	

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

The applicant has also requested variations from the Land Development Code, Parts 6.05.00 (Parking and Loading), and 6.06.06 (Landscaping/Buffering). The applicant's requests and justifications for variations are found to meet the applicable criteria of LDC Part 5.03.06.C.6.a.1-4.

Variations Requested:

Variation Request 1: LDC Sec. 6.05.00 (Parking/loading)

- a. To allow .78 parking spaces per bed for a total of 638 and 8 for retail (with restricted uses)

Variation Request 2: The applicant is requesting a variation to Hillsborough County LDC Section 6.06.06 Landscaping and Buffering Requirements.

- a. To allow 5' Type A buffer along the north property boundary where 20' Type B is required
- b. To allow 5' Type A buffer along the east property boundary where 20' Type B is required

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 11/02/2023

REVIEWER: Richard Perez, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: USF/ Northwest

PETITION NO: PD 23-0884

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

CONDITIONS OF APPROVAL

1. The project shall permit one vehicular and pedestrian access connections on University Square Dr. and one vehicular and pedestrian access connections on Club Dr. The developer shall construct one vehicular and pedestrian cross-access connection to the east as shown on the PD site plan.
2. As University Square Dr. is an unplatted roadway, that portion of the University Square Dr. owned and maintained the developer shall be designated as a Shared Access Facility.
3. Required Crosswalks:
 - a. A crosswalk shall be provided across the vehicular ingress/egress serving the property from University Square Drive.
 - b. Crosswalks shall be provided across University Square Drive along the existing/proposed vehicular access to the subject site and commercial development south of University Square Drive.
 - c. Crosswalks shall be provided on the north side and east side of the University Square Dr. and Club Dr. intersection.
4. Required Sidewalks:
 - a. A 12-foot concrete sidewalk will be provided along Club Drive.
 - b. An 8-foot concrete sidewalk will be provided along University Square Drive.
5. The building location proposed along University Square Drive shall not impede the ability to accommodate a future 3-lane section at the intersection of University Square Drive and Club Drive if warranted.
6. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
7. At least 90 percent of the residents at all times shall be registered students at the University of South Florida (USF). Proof of registration shall be in the form of a current valid student identification card issued by USF or the USF Medical Center, and a 120 Form or equivalent documentation issued by USF at registration. The information on these documents shall match.

- a. The owner/operator of the housing project shall maintain records to verify that at least 90 percent of the residents at all times are registered students at USF, as required above. Said records shall be provided to Hillsborough County for inspection and verification within 30 days of request.
 - b. Notwithstanding, nothing in these conditions shall be deemed to prohibit any individual who has not attained the age of 18 years from being domiciled with a parent or other legal custodian who is a registered student at USF, regardless of whether such individual is a registered student at USF. Additionally, nothing in these conditions shall be deemed to prohibit an individual from being domiciled with his or her spouse who is a registered student at USF, regardless of whether such individual is a registered student at USF.
8. Student housing vehicle parking shall be provided at a minimum rate of 0.78 spaces per resident allowed by final occupancy permit. Additionally, a minimum of .25 bicycle parking space per resident shall be provided pursuant to the standards contained within Section 6.05.02.P.2. of the Hillsborough County Land Development Code. Notwithstanding the above, any student housing related bicycle parking provided in excess of the above ratio shall make the student housing parking requirements eligible for consideration of an administrative parking reduction of up to five percent of all required student housing parking spaces (or one vehicle parking space, whichever is greater).
9. Accessory retail shall exclude the following uses:
- eating establishments,
 - drinking establishments,
 - convenience stores,
 - liquor stores,
 - marijuana dispensaries,
 - personal services, and
 - all drive thru uses.

Other Conditions

Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:

- Depict and callout the portion of University Square Dr. shown on the PD site plan within the easement area as a shared access facility.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 4.71 ac. parcel from Planned Development (PD) 83-0211, as most recently amended by PRS 15-0667, to a new PD. The subject property is identified within PD83-0211/PRS 15-0667 as Parcel “E” and current has mix of commercial uses. The applicant is seeking entitlements for an 807-unit bed student housing project, to occur within a maximum of 214 dwelling units. The applicant will be required to initiate a concurrent PD modification to remove the subject property from the larger PD 83-0211. The Future Land Use designation is Office Commercial 20 (OC-20).

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of trips generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Calculations are based on data from the 11th Edition of the Institute of Transportation Engineer’s Trip Generation Manual.

Staff notes that due to the proximity of HART service, USF’s Bullrunner Service, as well as the campus itself, a significant portion of these trips are anticipated to occur via transit, bicycle or pedestrian modes, rather than vehicular trips. The data below represents a worst-case scenario for vehicular trip impacts.

Existing Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 43,093 sf Retail (ITE LUC 821)	2,909	75	224

Proposed Zoning:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 807-beds, Off-Campus Student Apartment (ITE LUC 226)	2,074	57	169
PD, 1,550 sf Strip Retail Plaza “Retail” (ITE LUC 822)	296	8	20
TOTAL	2,370	65	189

Trip Generation Difference:

Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(-) 530	(-) 10	(-) 35

The proposed rezoning is anticipated to decrease the number of trips potentially generated by development of the subject parcel (by -530 average daily trips, -10 trips in the a.m. peak hour, and -35 trips in the p.m. peak hour).

Staff notes that the applicant’s submitted transportation analysis utilized the Strip Retail Plaza ITE land use code to analyze the trips generated from the 1,550 sf of “accessory retail”, but the applicant does not define specific retail uses. Without this information, staff cannot evaluate accurately the worst-case scenario trip generation for the “retail” uses because of many potential high trip generating retail uses that exceed the trip generation for a Strip Retail Plaza which could potentially occupy the space such as eating establishments, drinking establishments and convenience stores. As such staff has utilized the highest peak hour trip rate for the proposed “retail” uses based on the 1,550sf Strip Retail Plaza (20 trips / 1.55 thousand square feet) or 12.9 peak hour trips per 1,000 sf. Based on this rate, staff is proposing to prohibit the following retail uses that exceed 12.9 highest peak hour trips: eating establishments, drinking establishments, convenience stores, liquor stores, marijuana dispensaries, and all drive thru uses.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

University Square Dr. is a 2-lane, undivided, unplatted, private street (shared access facility) with +/- 12-foot lanes. There is a sidewalk along the south side of University Square Dr. and +/- 8-ft sidewalks on the north side east of the project. There are no marked bicycle facilities. There is a USF Bull Runner transit stop shelter located on the north side of University Square Drive approximately 260 feet east of the project.

The proposed PD site plan includes an 8-foot sidewalk along the project frontage to connect to the 8 foot sidewalk immediately adjacent to the east.

Club Dr. is a 2-lane, an undivided private street with +/- 10-foot lanes, a median treatment at the intersection with University Square Dr., and on-street parking on the west side. There is a +/- 12-foot sidewalk along the west side of Club Dr. There are no marked bicycle facilities.

The proposed PD site plan includes an 12-foot sidewalk along the project frontage.

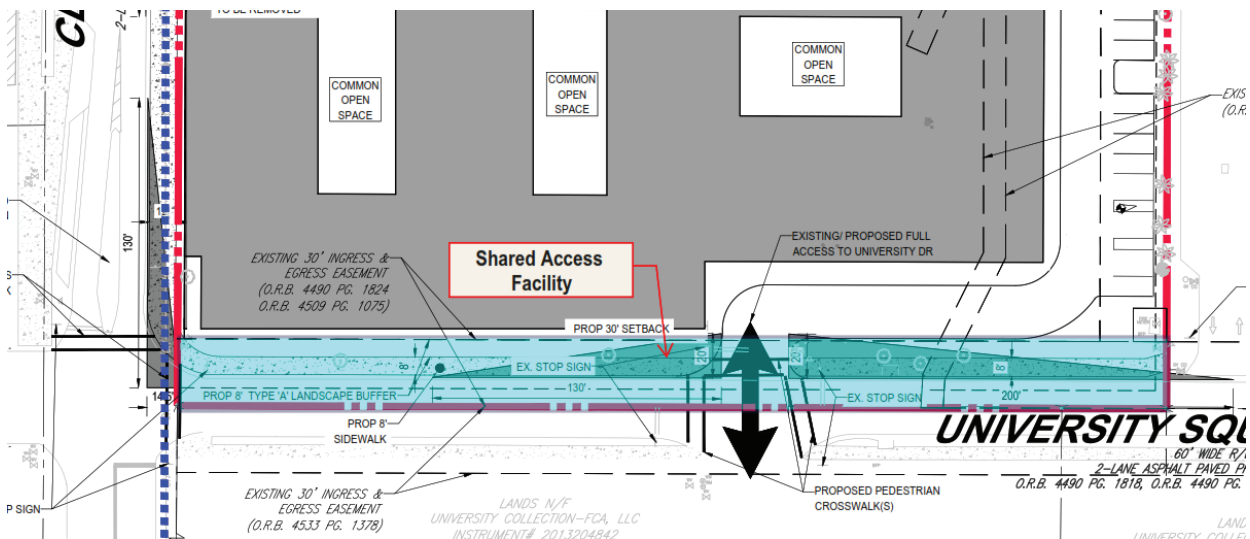
The closest functionally classified roadway is Bruce B. Downs Blvd. (aka 30th Street). It is a regulated 6 lane principal characterized by +/- 12 foot lanes. There are marked bicycle facilities on both sides. There are +/- 5 foot sidewalks on both sides of 30th Street south of University Square Boulevard, and a +/- 5 foot sidewalk on the west side of 30th Street north of University Square Boulevard.

SITE ACCESS AND CONNECTIVITY

Primary vehicular and pedestrian access to the site is proposed at the existing location on University Square Drive., and relocated access connection on Club Dr. Vehicular and pedestrian cross access is provided to east as required per LDC, Sec. 6.04.03.Q. and will connect to the existing stub out constructed by the adjacent development, Planned Development 16-1346.

Based on the applicant's submitted site access analysis, neither driveway requires turn lane improvements per LDC 6.04.04.D.

As University Square Dr. is an unplatted, private street it is deemed a shared access facility, as indicated in the existing PD, and has existing easements, recorded with the County Clerk of Court, over the portion of the roadway within the project, to allowing ingress and egress to adjacent properties. As such as condition of approval is recommended to depict and callout the area within the PD site plan within the easement areas as a shared access facility. See annotated excerpt of PD site plan below.



Additional, staff raised the concern for the proposed location of the building footprint potentially being an impediment to future access needs at the intersection of the University Square Dr. and Club Dr. which serves the remainder of the existing Planned Development and adjacent properties to the east fronting on University Square Dr. Based on the applicant’s submitted site access analysis, substantial number of westbound right and left turning movements (125 rights and 192 lefts in the PM peak hour peak season traffic plus project traffic) from University Square Dr. to Club Dr. are not shown to exceed intersection operational capacity. However, additional trips from existing entitlements in the immediate area and potential redevelopment the remaining commercial parcels within the existing PD, e.g. University Collection shopping center, future turn lanes may need to be accommodated at said intersection on the subject property’s portion of University Square Dr. The applicant has submitted analysis to demonstrated that a future turn lane can be accommodated at the intersection without impacting the proposed location of the new building footprint.

Staff notes that safe pedestrian access at the intersection of University Square Dr. and Club Dr. as well as between the project’s University Square Dr. driveway and the driveway serving the commercial shopping center on the south side will be addressed with marked crosswalk treatments as per the PD site plan and the proposed conditions of approval.

Staff notes that the HART service, USF’s Bullrunner Service, operates along University Square Dr. and has a sheltered stop located approximately 260 feet east of the subject property.

VEHICULAR AND BICYCLE PARKING

Consistent with student housing projects that have been previously approved within the last several years, vehicular parking was being proposed at a rate of .78 spaces per resident. Bicycle parking will be provided at a minimum rate of 1 bicycle parking space per 10.7 spaces beds. These rates were arrived at through earlier “modern” style student housing projects (such as this project) which have occurred in previous years, presumably through the Determination of an Unlisted Use process described in Section 6.05.02.G.1. and G.2. of the LDC. In recent years staff has allowed student housing developers to carry forward that rate. As staff believes the bicycle parking to be insufficient for the intended use, in order to incentivize the provision of additional bicycle parking, and consistent with Section 6.05.02.P.1. of the LDC, staff had previously included in other projects (and proposed to carry forward within this project) a condition which provided the possibility for a 5% vehicular parking reduction for any bicycle parking provided in excess of the minimums.

The applicant proposes to provide parking for the 1,550 sf of “retail” uses at a rate of 5 space per 1,000 sf or 8 parking spaces. Based on the County Land Development Code, Sec. 6.05.02 parking table there are several retail uses that require a higher parking rate than what is proposed. Since the applicant did not provide a specific list of retail uses that may occupy the “retail” space, staff cannot ensure that 8 parking spaces will be sufficient to meet the demand a said retail uses with a higher parking rate than 5 space per 1,000. As such, to ensure that sufficient parking is provided for this project, staff is recommending to prohibit the following retail uses: eating establishments, drinking establishments and personal services.

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Bruce B. Downs Blvd.	Fletcher Ave.	Fowler Ave.	E	C

Source: Hillsborough County 2020 Level of Service Report.

Application No. 2223-0884
Name: David Singer
Entered at Public Hearing: 2HM
Exhibit # 2 Date: 11/13/23

PD 23-0884

Zoning Hearing Master | November 13, 2023







Bruce B Downs Blvd

University Square Dr

E 122nd Ave

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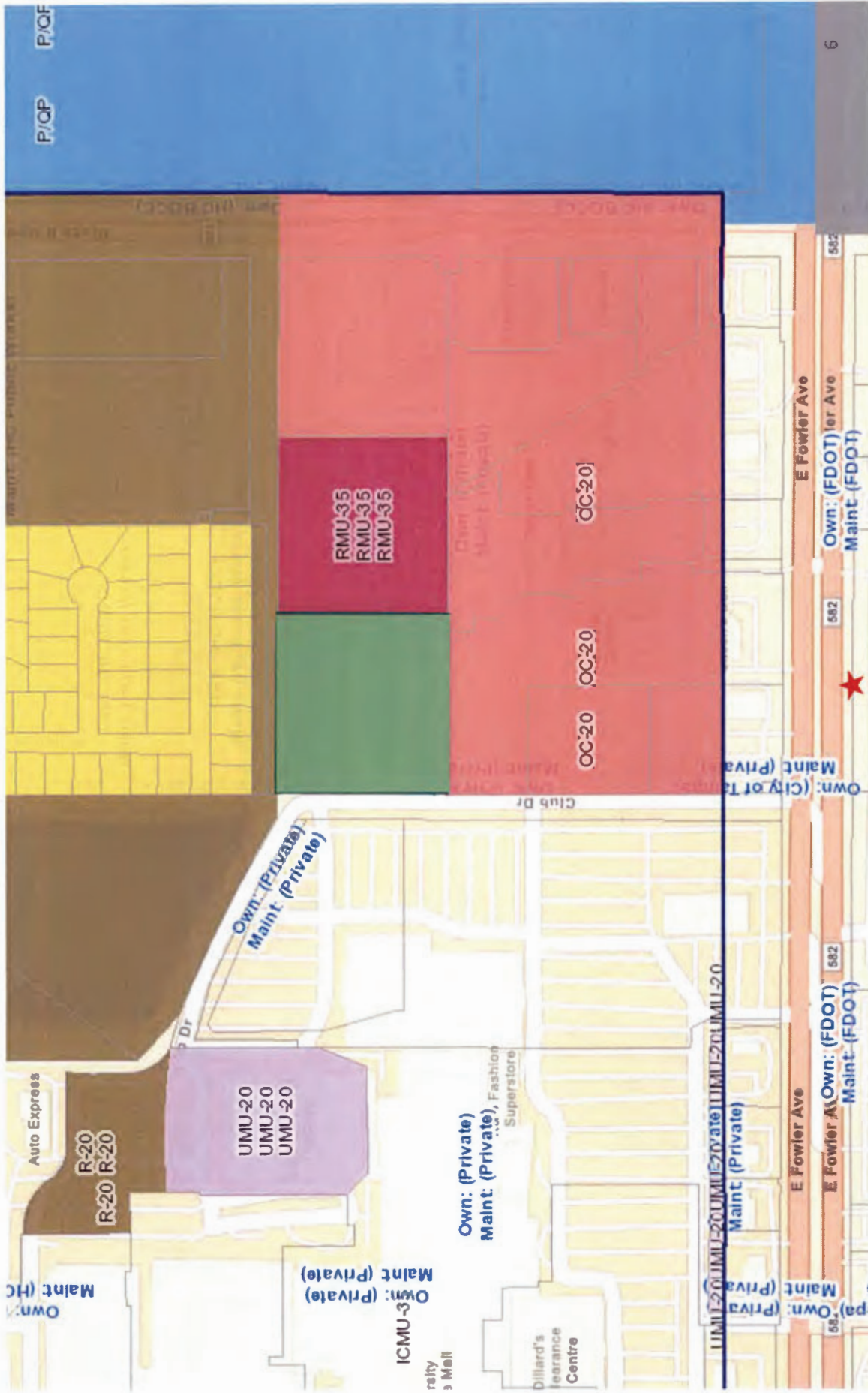
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No objections from:

- Environmental Protection Commission
- Hillsborough County Natural Resources
- Conservation & Environmental Lands Management
- Transportation
- City of Tampa Water & Wastewater
- Hillsborough County School Board
- Neighbors

Comprehensive Plan

• Flex Provision, Future Land Use Policy 7.3:

The land use category boundaries may be considered for interpretation as flexible boundaries in accordance with the Flex Provision as follows:

Through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining or separated by a man made or nature feature from the existing boundary line.

The line may be relocated a maximum of 500 feet from the existing land use boundary of the adopted Land Use Plan Map. Right-of-Way is not included in the measurement of the 500 foot flex.

* * *

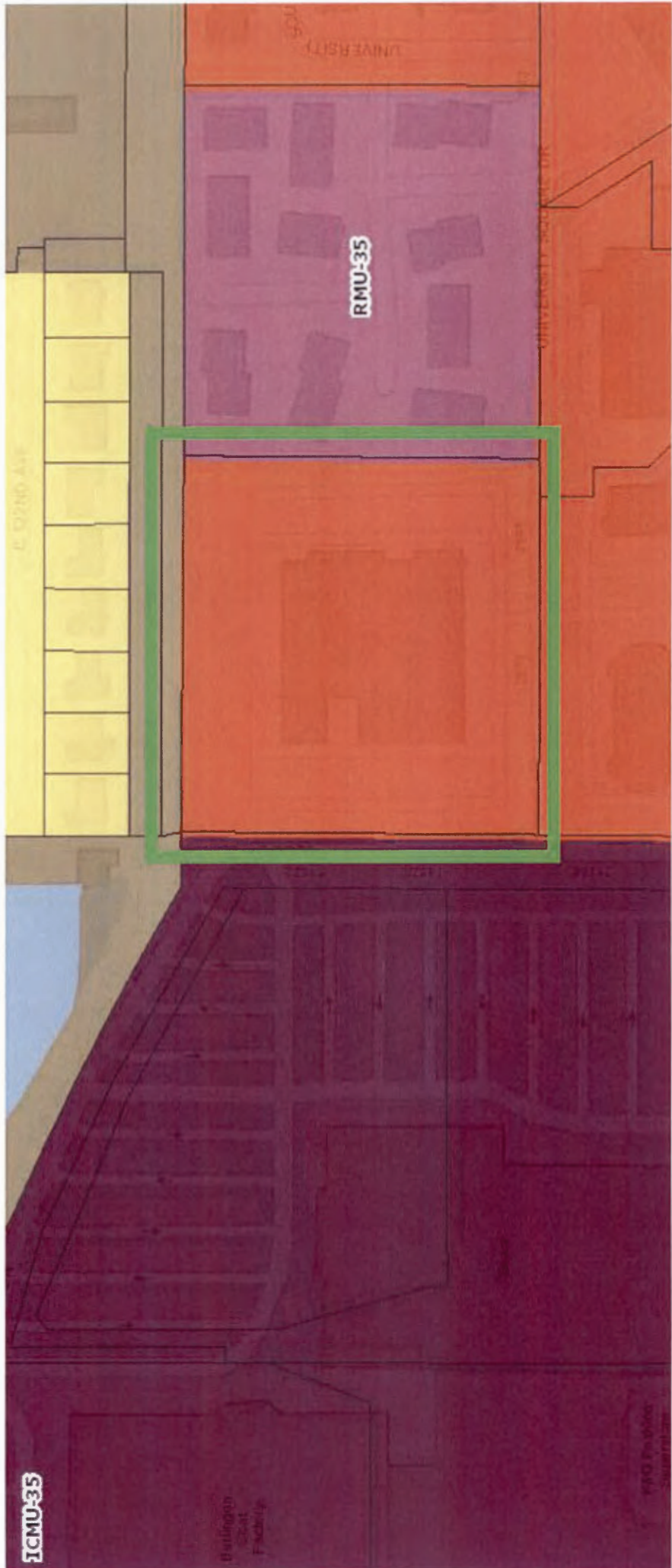
A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.

7.3 Flex Criteria

- “Through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining or separated by a man made or natural feature from the existing boundary line.”
 - *Subject site meets this criteria as the entire eastern boundary is shared with RMU-35:*
- “The line may be relocated a maximum of 500 feet from the existing land use boundary of the adopted Land Use Plan Map. Right-of-Way is not included in the measurement of the 500-foot flex.”
 - *Subject site is within 500 feet from the existing land use boundary*
- “No new flexes can be extended from an existing flexed area.”
 - *No flex provision has been implemented previously which impacts this analysis.*
- “All flexes must be parallel to the land use category line.”
 - *Proposed flex will be parallel to the land use category line.*

7.3 Flex Criteria Continued

- “Flexes are not permitted in the Rural Area or in areas specified in Community Plans. Flexes are also not permitted from the Urban Service Area into the Rural Area. All flexes in the Rural Area approved prior to July 2007 are recognized and are not to be considered non-conforming.”
 - *The subject site is entirely within the Urban Service Area. The Community Planning Area is “University Area Community” which contains no prohibition on using the flex provision. To the contrary, the community plan encourages urban infill and redevelopment and seeks to achieve pedestrian friendly, mixed-use projects and the elimination of obsolete land uses.*
- “Flexes to increase residential density are not permitted in the Coastal High Hazard Area.”
 - *The subject site is not within the Coastal High Hazard Area.*
- “Flexes are not permitted from a municipality into the unincorporated county.”
 - “A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.”
- “A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.”
 - *The proposed flex is associated with the enclosed Planned Development rezoning application.*



Comprehensive Plan

- Incentives for Mixed Use, Future Land Use Policy 19.3:

“The following incentives are available to encourage mixed use and vertically integrated mixed use projects within the Urban Service Area:

...

Projects that ... vertically integrate two land uses may utilize a density bonus to the next higher land use category or the following FAR bonus:

Property with a Future Land Use Category of 35 units per acre and/or 1.00 FAR and higher and within the USA – may increase up to 50 units and/or an additional .50 FAR”

MIXED USE LAND USE CATEGORIES

Objective 19: All development in the mixed use categories shall be integrated and interconnected to each other.

Policy 19.1^{xvi}

Larger new projects proposed in all mixed use plan categories shall be required to develop with a minimum of 2 land uses in accordance with the following:

Requirements for 2 land uses will apply to properties 10 acres or greater in the RMU-35, UMU-20, and CMU-12 land use categories, and to properties 20 acres or greater in the SMU-6 and NMU-4 land use categories.

At least 10% of the total building square footage in the project shall be used for uses other than the primary use.

The mix of uses may be horizontally integrated (located in separate building). Horizontal integration may also be achieved by utilizing off-site uses of a different type located within $\frac{1}{4}$ mile of the project, on the same side of the street of a collector or arterial roadway connected by a continuous pedestrian sidewalk.

The land uses that may be included in a mixed use project include: retail commercial, office, light industrial, residential, residential support uses, and civic uses provided that the use is permitted in the land use category.

These requirements do not apply within $\frac{1}{2}$ of a mile of an identified Community Activity Centers (if other mixed use standards have been adopted for that area or when the project is exclusively industrial).

Thank You

Matt Newton, Esq., B.C.S.
City, County & Local Government Law

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Tampa (813) 254-8998



November 8, 2023

Zoning Hearing Master
Hillsborough County
601 E. Kennedy Blvd.
Tampa, FL 33602

Via Electronic Delivery

Re: Planning Commission Staff Report Dated November 1, 2023
Development Services Department Staff Report Dated November 6, 2023
Rezoning Petition PD 23-0884 — Memorandum of Law

Honorable Zoning Hearing Master:

Hillsborough County’s Planning Commission has submitted a report into the record dated November 1, 2023, that concludes Rezoning Petition 23-0884 is *inconsistent* with Hillsborough County’s Comprehensive Plan. The conclusion is materially premised on a legal contention—that an applicant cannot both lawfully flex into an adjacent future land use category *and* apply for a mixed-use bonus. With great respect, this is inaccurate. Development Services appears to have relied upon this inaccurate finding as well in their staff report dated November 6, 2023. The actual, plain text of Hillsborough County’s Comprehensive Plan allows PD 23-0884’s request.

The private sector must be able to rely on the actual, plain text of a comprehensive plan. A comprehensive plan is not a trifling thing—it guides all development approvals in a community. Fla. Stat. § 163.3194(1)(a) (2023). Very importantly, it instructs the public on the certainty of a development’s ultimate approval. As observed by the state legislature, “[t]he lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.” Fla. Stat. § 163.3220(2)(a) (2023).

Consistency is key. Courts in this state have frequently reminded local governments that it cannot publish one set of parameters, then enforce another. *E.g. Oceans Edge Dev. Corp. v. Town of Juno Beach*, 430 So. 2d 472, 747 (Fla. 4th DCA 1983) (“[p]roperty owners are entitled to rely upon the clear and unequivocal language of municipal ordinances. This principle is not innovative.”) If a local government prefers to change a governing text, “[i]t may amend, modify, or change the same by legislative process.” *Town of Longboat Key v. Islandside Property*, 95 So. 3d 1037, 1042 (Fla. 2d DCA 2012). Any alternative, “shifting-sands” legal standard simply “[d]oes not promote consistency in the application of the law.” *Id.*

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1000 West Cass St.
Tampa, FL 33606

Clearwater Office
200 N. Garden Ave., Ste. A
Clearwater, FL 33755

Wesley Chapel Office
2474 State Road 54
Lutz, FL 33559

Trinity Office
2947 Defuniak St.
Trinity, FL 34655

To ensure consistency, the state’s highest court has expressly adopted the longstanding, supremacy-of-text principle: “[t]he words of a governing text are of paramount concern, and what they convey, in their context, is what the text means.” *Boyle v. Samotin*, 337 So. 3d 313, 317 (Fla. 2022) (quoting ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* 56 (2012)). After-the-fact, expert testimony cannot change the words of legal text. *Oceans Edge Dev. Corp.*, 430 So. 2d 474. Furthermore, honoring the written word of the law means honoring every word—not just some words. *E.g. City of Jacksonville v. Smith*, 159 So. 3d 888, 907-8 (Fla. 1st DCA 2015) (citing Scalia & Garner *supra* at 174) (discussing the “surplusage canon,” which states that “[i]t is no more the court’s function to revise by subtraction than by addition.”)

Note that Florida law does not afford “home field advantage” to an agency’s read of the law. In the event of legal *ambiguity*, Florida’s Constitution expressly prohibits its tribunals from giving preference to an agency’s interpretation of the text. Art. V, § 21, Fla. Const; *Halifax Hospital Medical Center v. State*, 278 So. 3d 545, 547 n.2 (Fla. 2019); *see also* Frank Shepherd, et al., *The Demise of Agency Deference: Florida Takes the Lead*, Fla. B. J. (Jan. 2020). Of course, when a text is *unambiguous*, an agency’s expertise is entirely irrelevant. *Halifax*, 278 So. 3d at 547 n.2. In that case, all that matters is what the legal text conveys—period.

The Comprehensive Plan is unambiguous. Accordingly, the Hearing Master and Board of County Commissioners needs only to review the applicable text:

The land use category boundaries *may be considered for interpretation as flexible boundaries* in accordance with the Flex Provision as follows:

Through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining or separated by a man made or nature feature from the existing boundary line.

The line may be relocated a maximum of 500 feet from the existing land use boundary of the adopted Land Use Plan Map. Right-of-Way is not included in the measurement of the 500 foot flex.

* * *

A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.

COMPREHENSIVE PLAN FOR UNINCORPORATED HILLSBOROUGH COUNTY, FLA., FUTURE LAND USE, Policy 7.3 (Apr. 10, 2023) (emphasis added); Exhibit A. If the tribunal is to apply the supremacy-of-text principle, Policy 7.3 must mean what it says: an applicant may apply to adjust, or “flex,” a nearby land use boundary by 500 feet without incurring the time and monetary cost of

a comprehensive plan map amendment. Presumably, the County Commission adopted the text for a reason—not as mere surplusage.¹

Here, PD 23-0884's land is wedged between two very intense developments—each with densities of up to 35 dwelling units per acre: Innovation Corridor Mixed Use – 35 (“ICMU-35”) to its west, and Residential Mixed Use – 35 (“RMU-35”) to its east. The parcel lies entirely within 500 feet of each land use category's boundary; PD 23-0884 could conceivably flex into each one. However, the applicant has asked to flex into the eastern RMU-35 category.

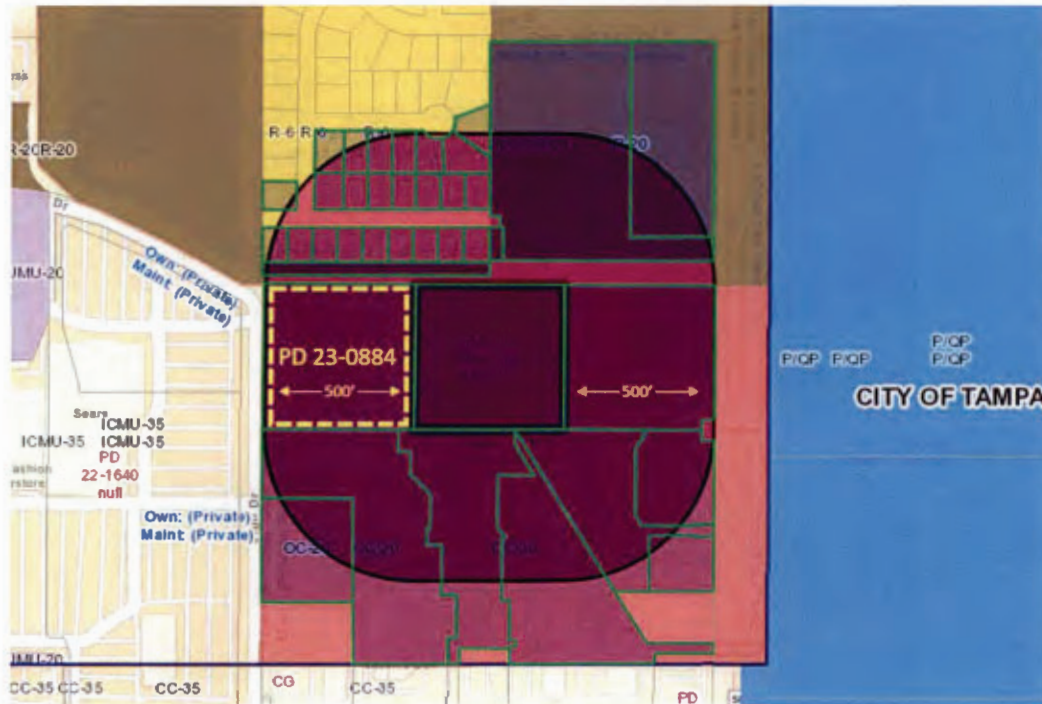


Fig. 1. Proximity of RZ PD 23-0884 to the RMU-35 land use category.

The Hillsborough County Comprehensive Plan encourages and incentivizes vertically integrated mixed-use development. *See* COMPREHENSIVE PLAN *supra* at Policy 19.3. While simultaneously flexing into the nearby RMU-35 category, the applicant proposes to honor this policy and vertically integrate two land uses. The incentive for doing so would permit a density of up to 50 dwelling units per acre. Note this is virtually identical to the project to its east. The Planning Commission found this neighboring project consistent in 2016. *See* Exhibit B.

However, in its report for PD 23-0884, the Planning Commission offers an odd and oddly lengthy argument that applicant's bonus request is somehow impossible. According to the report, Policy 7.3 “[d]oes not ultimately change [a land's] Future Land Use Map . . . category[.]” The Planning Commission further states that “[b]ase densities and intensities are established by the Future Land Use Map and can only be changed through a Comprehensive Plan Map Amendment.”

¹ Indeed, the option is attractive to the public. Amending the comprehensive plan's future land use map is not cheap. As of the date of this memorandum, the current application fee for a map amendment to Hillsborough County's Comprehensive Plan is \$8,663.00. *See* HILLSBOROUGH CNTY., FLA. RESOLUTION R19-076 (June 14, 2019).

As the flex provision does not change “base” densities and intensities, flex provision recipients cannot enjoy related incentives and tools—including bonuses. In other plain English: *one cannot bonus a flex*.

But that is a myth. Nowhere within the Comprehensive Plan’s text does the law suggest that a property owner cannot flex into an adjacent land use category and then enjoy all of benefits of that land use category. The text does not imply that flexing results in some kind of hybrid, pseudo land use category that is ineligible for a bonus. The tool does what it says it does: if a flex is approved, the boundary of the adjacent category *extends*. When it *extends*, the beneficiary logically enjoys all the benefits of the flexing category. Not just some of the benefits.

Now, if the Planning Commission wants to change the law to say that *one cannot bonus a flex*, it can. Indeed, the Planning Commission is working diligently to finalize recommendations to substantially update the Comprehensive Plan’s Future Land Use Element at this very moment. But whether to add or remove text from the Comprehensive Plan is ultimately within the jurisdiction of the Board of County Commissioners.

With respect to the mixed-use bonus, the Planning Commission’s report also states that ten percent (10%) of the project must be different than the primary use. That is not entirely accurate. The threshold applies to “*larger* new projects proposed in . . . mixed use categories.” Comprehensive Plan *supra* at Policy 19.1 (emphasis added). In the RMU-35 category, that is limited to projects 10 acres or greater in size. *Id.* Applicant’s parcel is only consists of 4.37 acres. The Development Services Department Staff Report misapplies Policy 19.1 as well, stating “[t]o qualify for the mixed-use density bonus, the developer must allocate at least 10% of the total building square footage for uses other than the primary use when vertically integrating two uses... Therefore, while staff finds the proposed rezoning compatible with the development pattern of medium to high-density housing in the area, the request is not supportable based on non-compliance with the mixed-use density bonus criteria.” Respectfully, this application is compliant with the mixed-use density bonus criteria as the project is less than 10 acres in size.

At its upcoming quasi-judicial hearings, Applicant respectfully request that its proposal be compared against the Comprehensive Plan written policies. Not unwritten ones.

Sincerely,



Matt Newton

Colin Rice

David B. Singer

OLDER LUNDY KOCH & MARTINO

Policy 7.3:

The land use category boundaries may be considered for interpretation as flexible boundaries in accordance with the Flex Provision as follows:

Through application of the flex provision, the land use category boundaries shall be deemed to extend beyond the precise line to include property adjoining or separated by a man made or natural feature from the existing boundary line.

The line may be relocated a maximum of 500 feet from the existing land use boundary of the adopted Land Use Plan Map. Right-of-Way is not included in the measurement of the 500 foot flex.^{iv}

No new flexes can be extended from an existing flexed area.

All flexes must be parallel to the land use category line.

Flexes are not permitted in the Rural Area or in areas specified in Community Plans.^v Flexes are also not permitted from the Urban Service Area into the Rural Area. All flexes in the Rural Area approved prior to July 2007 are recognized and are not to be considered non-conforming.

Flexes to increase residential density are not permitted in the Coastal High Hazard Area.

Flexes are not permitted from a municipality into the unincorporated county.

A flex must be requested as part of planned development or site plan oriented rezoning application. Major Modification to approved zoning that changes the intensity, density or the range of uses will require that the previous flex request be re-evaluated for consistency and a new flex request may be required.^{vi}

Applicants requesting a flex must provide written justification that they meet the criteria for a flex as outlined below.

The Board of County Commissioners may flex the plan category boundary to recognize or grant a zoning district which is not permitted in the land use category but lies within the distance of a conforming land use category, as described above. Prior to the determination by the Board of County Commissioner, the staff of the Planning Commission shall make a recommendation on the consistency of the request with the Comprehensive Plan.

Policy 7.4:

The criteria for consideration of a flex request are as follows:

The availability and adequacy of public facilities to serve the proposed development accommodated by the flex;

The compatibility with surrounding land uses and their density and intensity;

The utilization of the flex furthers other goals, objectives and policies of the Future Land Use Element.



Hillsborough County City-County Planning Commission

Hearing Date: January 17, 2016 Report Prepared: January 6, 2017	Petition: RZ 16-1346 2810 University Square Dr., west of 30th Street
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-35 (RES-35) 35 du/ga; 1.0 FAR
Service Area	Urban Service Area
Community Planning Area:	University Community Planning Area
Requested Zoning	Planned Development for multi-family with density bonus for vertical integration of 2 land uses
Parcel Size (Approx.):	4.28-acres
Street Functional Classification:	University Square Drive: local
Locational Criteria	N/A
Evacuation Area	The subject site is not in an evacuation zone



Context

The subject property, 4.28-acres, is developed with multi-family residential. The property is in the University Community Planning area and in the Urban Service Area. The site is designated Office Commercial-20 on the Future Land Use Map for unincorporated Hillsborough County. Typical uses in the OC-20 Plan category include community commercial type uses, office uses, mixed use developments, and compatible residential uses.

The Future Land Use designations in this general area include Residential-20, Urban Mixed Use-20, Office Commercial-20 and Research Corporate Park.

The request is for 214 multi-family units at fifty units per gross acre. Additionally, 2001 square feet of retail will be provided in one of the buildings as a vertically integrated mixed use.

This site has applied for Residential-35, CPA 16-21A, in the July 2016 cycle of plan amendments for unincorporated Hillsborough County. The amendment was approved by the Board of County Commissioners as a small scale amendment on December 8, 2016.

As part of this rezoning, the applicant is requesting a density bonus to fifty dwelling units per gross acre per the provisions of Policy 19.3 of the Future Land Use Element for unincorporated Hillsborough County.

Compliance with Comprehensive Plan:

The rezoning request is in compliance with and furthers the intent of the Concept Plan and the Goals, Objectives and the following Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*:

Future Land Use Element

Policy 1.2: Minimum Density

All new residential or mixed use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities.

Within the USA and in categories allowing 4 units per acre or greater, new development or redevelopment shall occur at a density of at least 75% of the allowable density of the land use category, unless the development meets the criteria of Policy 1.3.

Policy 1.4:

Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

Policy 16.2:

Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses.

Policy 16.3:

Development and redevelopment shall be integrated with the adjacent land uses through:

- a) the creation of like uses; or*
- b) creation of complementary uses; or*
- c) mitigation of adverse impacts; and*
- d) transportation/pedestrian connections*

Policy 19.3: Incentives for Mixed Useⁱ

The following incentives are available to encourage mixed use and vertically integrated mixed use projects within the Urban Service Area:

- *Parking structures shall not count towards the FAR for projects that include 3 or more land uses or vertically integrate two land uses.*
- *Projects that either include 3 or more land uses or vertically integrate two land uses may utilize a density bonus to the next higher land use category or the following FAR bonus:*
- *Property with a Future Land Use Category of 35 units per acre and/or 1.00 FAR and higher and within the USA – may increase up to 50 units and/or an additional .50 FAR*
- *Property within a Future Land Use Category of 9 units per acre and/or .5 FAR and higher and within the USA – Increase in FAR by .25*
- *Property within a Future Land Use Category of 4 units per acre and/or .25 FAR and higher and within the USA – Increase in FAR by .10*

When considering mixed use projects of 3 or more land uses, a different housing type (multi-family, attached single family or detached single family) may be considered as one of the uses.

Staff Analysis of Goals Objectives and Policies

The Planned Development, if approved, will allow for a multi-family project geared toward student housing, at 50 dwelling units per gross acre. Given its location just northwest of the intersection of 30th Street and Fowler Avenue, as well as just west of the University of South Florida campus, the density bonus is warranted. One of the building will include 2001 square feet of retail space as well.

The project will abut commercial development on its south and west borders. To the northwest of the site is single family residential. University Square Mall is also to the west of this site.

The project does provide a transition between intensive commercial development along Fowler Avenue, to less intense residential north of this site. The University Area is an area of diverse development patterns with a trend toward higher densities nearer to the University of South Florida. This development is consistent with that

trend.

Recommendation

Based upon the above considerations, the Planning Commission staff finds the proposed rezoning **CONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to conditions proposed by the Development Services Department.

HILLSBOROUGH COUNTY
S08 -T28-R19 RZ 16-1346 PD

Rezonings
 <all other values>

STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

Tampa Service Area

Urban Service Area

Shoreline

County Boundary

Jurisdiction Boundary

Roads

Parcels

Coastal High Hazard

AGRICULTURAL/MINING-1/20 (.25 FAR)

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)

AGRICULTURAL/RURAL-1/6 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR)

RESIDENTIAL-1 (.25 FAR)

RESIDENTIAL-2 (.25 FAR)

RP-2

RESIDENTIAL-4 (.25 FAR)

RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-8 (.35 FAR)

RESIDENTIAL-12 (.35 FAR)

RESIDENTIAL-18 (.35 FAR)

RESIDENTIAL-20 (.35 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)

SUBURBAN MIXED USE-6 (.35 FAR)

COMMUNITY MIXED USE-12 (.50 FAR)

URBAN MIXED USE-20 (1.0 FAR)

REGIONAL MIXED USE-35 (2.0 FAR)

OFFICE COMMERCIAL-20 (.75 FAR)

RESEARCH CORPORATE PARK (1.0 FAR)

EIP

EIP-USA

LIGHT INDUSTRIAL PLANNED (.50 FAR)

LIGHT INDUSTRIAL (.50 FAR)

HEAVY INDUSTRIAL (.50 FAR)

PUBLIC/QUASH-PUBLIC

NATURAL PRESERVATION

WINDUJUMA VILLAGE RESIDENTIAL-2 (.25 FAR)

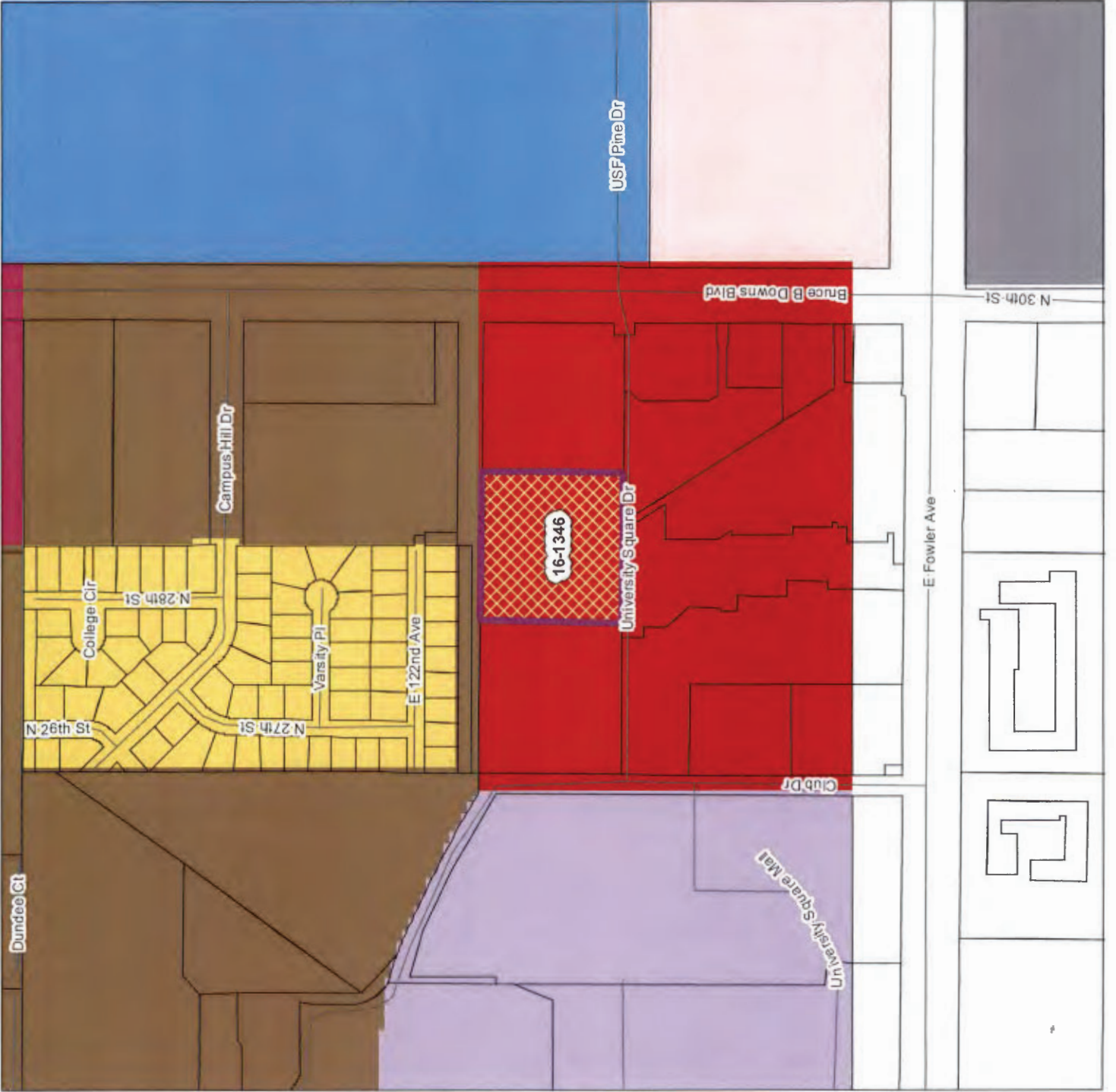
CTRUS PARK VILLAGE

WATER



DATE: 08/26/19
 BY: [Name]
 TITLE: [Title]
 PROJECT: [Project Name]
 DRAWING: [Drawing Name]

Map Printed from Rezoning System: 08/26/19
 Author: Dean Sills
 MOD: G:\RezoningSystem\MapProject\HC\Rezoning.mxd



Approval of the request, subject to the conditions listed below, is based on the general site plan submitted September 27, 2023.

1. Development shall be limited to:
 - a. Student housing with a maximum of 215 units and 807 residents. One bedroom studios, multi-bedroom suites or a mixture thereof may be utilized; however, each studio or suite shall include a kitchen; and,
 - b. An accessory retail component consisting of no more than 1,550 square feet of floor space. A Certificate of Occupancy for the retail space shall be issued prior to, or concurrent with, the Certificate(s) of Occupancy for the residential space.
2. At least 90 percent of the residents at all times shall be registered students at the University of South Florida (USF). Proof of registration shall be in the form of a current valid student identification card issued by USF or the USF Medical Center, and a 120 Form or equivalent documentation issued by USF at registration. The information on these documents shall match.
 - a. The owner/operator of the housing project shall maintain records to verify that at least 9 percent of the residents at all times are registered students at USF, as required above. Said records shall be provided to Hillsborough County for inspection and verification within 3 days of request.
 - b. Notwithstanding, nothing in these conditions shall be deemed to prohibit any individual who has not attained the age of 18 years from being domiciled with a parent or other legal custodian who is a registered student at USF, regardless of whether such individual is a registered student at USF. Additionally, nothing in these conditions shall be deemed to prohibit an individual from being domiciled with his or her spouse who is a registered student at USF, regardless of whether such individual is a registered student at USF.
3. Development standards shall be as follows:

Minimum lot size:	4.31 acres
Minimum lot width:	381 feet
Minimum front yard setback (S):	30 feet
Minimum front yard setback (W):	3 feet
Minimum side yard setback (N):	30 feet
Minimum side yard setback (E):	30 feet
Maximum building height:	80 feet
Maximum impervious surface:	90 percent

Structures within the project are exempt from being setback an additional one foot for every one foot of structure height over 30 feet (Per Section 6.01.01 (endnote 15)).

4. The retail component of the project shall be vertically integrated and entirely enclosed within the southernmost residential structure along University Square Drive. The retail component cannot be a standalone use.

1. The project shall permit one vehicular and pedestrian access connections on University Square Dr. and one vehicular and pedestrian access connections on Club Dr. The developer shall construct one vehicular and pedestrian cross-access connection to the east as shown on the PD site plan.
2. As University Square Dr. is an unplatted roadway, that portion of the University Square Dr. owned and maintained the developer shall be designated as a Shared Access Facility.
5. Student housing vehicle parking shall be provided at a minimum rate of 0.78 spaces per resident allowed by final occupancy permit. Additionally, a minimum of .25 bicycle parking space per resident shall be provided pursuant to the standards contained within Section 6.05.02.P.2. of the Hillsborough County Land Development Code. Notwithstanding the above, any student housing related bicycle parking provided in excess of the above ratio shall make the student housing parking requirements eligible for consideration of an administrative parking reduction of up to five percent of all required student housing parking spaces (or one vehicle parking space, whichever is greater).
8. The building location proposed along University Square Drive will not impede the ability to accommodate a future 3-lane section at the intersection of University Square Drive and Club Drive if warranted.
9. Required Crosswalks:
 - a. A crosswalk shall be provided across the vehicular ingress/egress serving the property from University Square Drive.
 - b. Crosswalks shall be provided across University Square Drive along the existing/proposed vehicular access to the subject site and commercial development south of University Square Drive.
 - c. Crosswalks shall be provided on the north side and east side of the University Square Dr. and Club Dr. intersection.
10. Required Sidewalks:
 - a. A 12-foot concrete sidewalk will be provided along Club Drive.
 - b. An 8-foot concrete sidewalk will be provided along University Square Drive.
6. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
11. Approval of this rezoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands, and does not grant any implied or vested right to environmental approvals.
12. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise.

13. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
14. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
15. Accessory retail shall exclude the following uses:
 - eating establishments,
 - drinking establishments,
 - convenience stores,
 - liquor stores,
 - marijuana dispensaries,
 - personal services, and
 - all drive thru uses.

Other Conditions

Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:

- Depict and callout the portion of University Square Dr. shown on the PD site plan within the easement area as a shared access facility.



**PARTY OF
RECORD**

NONE