



# Hillsborough County Florida

## STAFF REPORT

<b>SUBJECT:</b>	PRS 20-1029	<b>PLANNING AREA:</b>	Apollo Beach
<b>REQUEST:</b>	Minor Modification to an Approved PD	<b>SECTOR:</b>	South
<b>APPLICANT:</b>	School Property Development, LLC		
<b>Existing Zoning:</b>	PD 05-1951	<b>Comp Plan Category:</b>	SMU-6



**General Aerial Zoning Map**  
**PRS 20-1029**  
 Folio: 64240.0000

Application Site  
 Zoning Boundary  
 Parcels

STR. 93-31-10

NOTE: This map was prepared for use in the public hearing process. It is not intended to be used for any other purpose. The map is not a legal document. It is not intended to be used for any other purpose. The map is not a legal document. It is not intended to be used for any other purpose.

## Application Review Summary and Recommendation

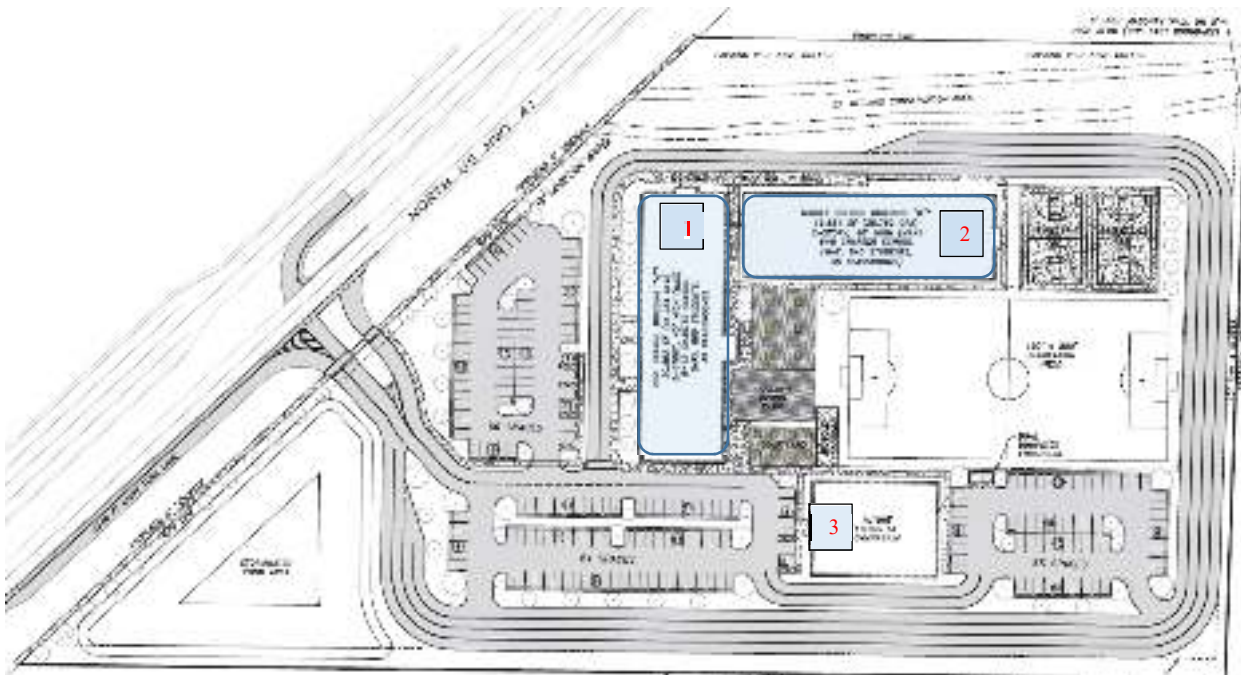
### 1.0 Summary

#### 1.1 Project Narrative

The applicant is requesting a modification to the approved Planned Development 05-1951, most recently modified by PRS 18-0361. The approximately 11.5 acre project currently allows 3 different development options. Options 1 and 2 are relatively similar with both options including a mix of Commercial General (CG) and Business Professional Office (BPO) and Multi-Family (MF) uses with distinct building envelop configurations. A third option, approved in 2018 (18-0361), would allow the site to be developed with a mix of commercial uses or as Community Residential Home with up to 333 beds.

In the subject submittal, the applicant seeks approval for a fourth option, to locate a charter school on the site consisting of middle school and a high school which will not exceed 1,500 students combined. A school is an allowed use by virtue of the CG and BPO uses currently approved on the site. The applicant states the middle and high schools are anticipated to operate under separate charters, have staggered operating hours and share the initial primary building until enrollment numbers necessitate the need for construction of a second separate building. Highlighted on the proposed site plan detail shown below are the high school building (1), a future middle school building (2) and a future gymnasium (3). The high school building will be the first building constructed.

#### Exhibit 2: PRS 20-1029 Proposed Site Plan Detail



Development of the site as a single use school facility will result in modifications to the site plan as follows:

- The number of direct access points on US 41 will be reduced from two access points to one.
- Cross access with the parcels to the north and south will be eliminated for the subject development option similar to the elimination of cross-access for Option 3 - Community

Residential Home. Cross access to the north will remain in place for commercial retail development options 1 and 2. Cross access to the commercially developed parcel to the south is no longer practical as the existing structures on-site preclude the option for cross access.

- A 6 foot masonry wall along the eastern boundary of the project will be added where a common boundary is shared with residentially developed parcels. The 6-foot masonry wall will be constructed on top of a 3-foot berm. A portion of the southern boundary, where there is not an existing wall, will also be improved with a 6-foot wall and 3-foot berm.

## **1.2 Compliance Overview with Codes and Technical Manuals**

The applicant requests no new PD variations from the routine site development requirements found in LDC Part 6.07.00, Fences and Walls Requirements, or LDC Part 6.06.00, Landscaping, Irrigation and Buffering.

## **1.3 Analysis of Recommended Conditions**

The applicant has agreed to a number of conditions that minimize visual, sound and lighting impacts to surrounding residential parcels. These accommodations include:

- Construction of a 6-foot wall and 3-foot berm adjacent to residential uses where there is currently no wall located.
- No use of overhead stadium lighting for outdoor recreational facilities.
- No evening competitive sporting events will be held at the school.
- No use of outdoor speaker system

The applicant has also agreed to a number of conditions that will address traffic impacts to the surrounding area. The project will adhere to traffic circulation and vehicle queuing requirements per Hillsborough County LDC and provide sufficient on site traffic circulation and queuing in order to limit the potential for traffic impact on US 41. In addition, annual monitoring of the access and traffic circulation will allow for corrective measures to be implemented if needed.

Site access improvements will include a northbound to eastbound exclusive right turn lane on US Highway 41 at the project's entrance and additional improvements as required by FDOT

## **1.4 Compatibility**

The site is located on the east side of US 41 approximately 250 feet north of MiraBay Boulevard/Spindle Shell Way. The site shares a common boundary with commercial retail uses adjacent to US 41 on the south side. Along the remainder of the common boundary to the south are five single family homes. Along the boundary to the east is retention pond and further east are single family residential homes. The parcel to the north is a Mixed Use PD which allows a variety of commercial, big box, warehouse, professional park uses.

Schools in Hillsborough County are generally recognized as compatible with most adjacent uses and complementary for residential developments. Commercial and Retail uses adjacent to the subject site will not have vehicular connections to the school and will have minimal interaction/impacts from the school. Homes adjacent to a school may bear the majority of the impacts such as noise and lighting impacts.

In the subject case the applicant has agreed to minimize impacts to the adjacent residential uses by limiting and lighting, noise or visual impacts to adjacent residential properties. Impacts to the adjacent area in terms of traffic and queuing have been addressed and include annual monitoring and adjustments if needed.

Based on these accommodations, Staff finds the location of a charter school on the subject site compatible with the surrounding area.

## 1.5 Agency Comments

The following agencies have reviewed the request and provided comments:

- Water Resource Services
- Florida Dept of Transportation
- Environmental Protection Commission

## 1.6 Exhibits

Exhibit 1: Aerial Map

Exhibit 2: Detail of 20-1029 Propose Site Plan

Exhibit 3: PRS 18-0361 Approved Plan

Exhibit 4: Proposed General Development Plan

Exhibit 5: Intermediate Zoning Map

## 2.0 Recommendation

Staff recommends is for support of the application.

## RECOMMENDED CONDITIONS

Approval of the request, subject to the conditions listed below, is based on the general site plan submitted ~~January 4, 2018.~~ December 22, 2020

### THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 1:

1. The project shall be limited to the following development:
  - Pocket A: A maximum of 24,000 square feet of CG uses.
  - Pocket B: A maximum of 25,000 square feet of CG uses.
  - Pocket C: A maximum of 35,000 square feet of CG uses and 7 multi-family units.
  - Pocket D: A maximum of 23 multi-family units.
2. In lieu of multi-family development, Pocket D may be developed with a maximum of 40,000 square feet of BPO uses.
3. Multi-family residential units may be redistributed between Pockets C and D provided the maximum number of units for the project does not exceed 30 units. Prior to Preliminary Plan approval for any residential development within Pocket C or D the developer shall provide documentation indicating the number of units approved within the project.

4. Multi-family residential uses shall be developed in accordance with RMC-20 standards unless specified herein.
  - 4.1 Maximum building height shall be 35 feet. Multi-family development shall not be subject to the increase building setback for buildings over 20 feet provided that the developer can document that an equivalent building setback is achieved via the retention pond on the adjacent property to the east and south. If less than the required setback is provided by the retention pond than the developer shall make up the difference on the subject property.
  - 4.2 The minimum front yard setback shall be 20 feet and a minimum of 15 feet shall be provided between buildings.
5. Non-residential development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.
  - 5.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.
  - 5.2 Maximum building setbacks for Pockets A and B shall be 52 feet from Us 41 and Street A.
6. Building envelopes shall be located as generally shown on the site plan. Within said building envelopes, variations to building size, width and height may occur consistent with the conditions contained herein.

7. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:
  - 7.1 A maximum on one row of parking area may be provided between US Highway 41 and the proposed buildings.
  - 7.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
8. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
  - 8.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
9. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.
10. The developer shall be required to provide mitigation (mitigation offset) to offset impacts of the project on hurricane evacuation shelter space. The mitigation offset shall be based on a mitigation formula as established by the Hillsborough County Emergency Management Office.
  - 10.1 The mitigation offset shall be applied and conveyed to the School District of Hillsborough County for the purpose of the emergency shelter program, within one year from the date of approval or prior to the issuance of the first building permit, whichever comes first.
11. The general design, number and location of the access point(s) shall be regulated by the Hillsborough County Access Management regulations as found in the Land Development Code (Land Development Code Section 6.04). The design and construction of curb cuts are subject to approval by the Hillsborough County Planning and Growth Management Department. Final design, if approved by Hillsborough County Planning and Growth Management Department may include, but is not limited to: left turn lanes, acceleration lane(s) and deceleration lane(s). Access points may be restricted in movements.
12. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the turn lanes needed to serve development traffic. The turn lanes if required shall be constructed to FDOT and/or Hillsborough County standards using FDOT standard Index 301 & 526 and an asphalt overlay shall be applied over the entire portion of roadway where a turn lane is provided. The Developer shall construct, if warranted, the following turn lanes at his expense:
  - a. WB to NB right turn/acceleration lane @ project driveways,
  - b. NB to EB right turn lanes into the site @ project driveways,

- c. Add additional SB to EB left turn lane storage on US 41 @ southern access
- d. Add turn storage at the median openings north and south of the site where U-turns are permissible.

If it is determined by the results of the analysis submitted by the developer, that adequate right-of-way does not exist to construct any needed improvements (i.e. turn lanes), then the developer shall re-submit an analysis showing the maximum development that could occur to still enable the needed improvements to be constructed. The development will be limited to the size as shown in the submitted analysis.

- 13. Based on the projected trip generation to the commercial portion of the site, access onto the public road would be via "Type III" Major Roadway Connection (more than 1,500 trip ends per day). The Land Development Code requires that all internal access (the "throat") to the driveways must be a minimum of 100 feet from the edge of pavement of the public roadway, and shall remain free of internal connections or parking spaces that might interfere with the movement of vehicles into or out of the site.
- 14. The Developer shall restrict the northernmost driveway to right-in/right-out only and provide for vehicular and pedestrian cross-access to the commercial portion of the site.
- 15. The Developer shall restrict the southernmost driveway to right-in/right-out/left-in only and provide for vehicular and pedestrian cross-access to the residential portion of the site to the north and vehicular and pedestrian cross-access to the commercial portion of the site to the south.
- 16. The Developer shall construct sidewalks within the right-of-way along all roadways adjacent to the property boundaries and along both sides of all internal roadways. The sidewalks shall be a minimum width of five (5) feet. Pedestrian interconnectivity shall be provided between uses and adjacent parcels.
- 17. The applicant shall provide internal access to any existing or future out parcels on the site (LDC 5.03.05 H).
- 18. As is noted in the Land Development Code, one of the major reasons for diminished capacity of public roads is an increase in access points along roadways which increases the potential conflict points. Because of this, the applicant shall show the ability to provide cross access to adjacent parcels of like land uses. All cross access shall be in accordance with the Hillsborough County Land Development Code Section 6.04.03 Q.
- 19. If required by FDOT, and if warranted, the developer shall provide, at his expense, additional left turn storage lanes of sufficient length to accommodate anticipated left turning traffic, for vehicles making U-turns, on US 41, at each median cut adjacent (north/south of the site) where a U-turn is permitted. Prior to detail site plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of storage needed to serve development traffic. The design and construction of these lanes shall be subject to FDOT approval.

20. The applicant shall convey to Hillsborough County, upon written request of the County of the identified roadway improvements or prior to Construction Plan or Final Plat approval for development in accordance with this application (RZ05-1951), whichever comes first, up to a maximum of 101 additional feet of right-of-way from the existing center line of right-of-way on US 41, to accommodate for the right-of-way as needed for a six lane divided major rural arterial (under 55 mph) roadway.
21. The site shall be restricted to the uses shown in the submitted transportation analysis. If anything other than two 5,000 square foot drive-in banks, one 20,000 S.F. general office, two 3,000 S.F. fast food restaurants with drive-through windows, three 6,000 S.F. high turnover sit-down restaurants, and 30,000 S.F. specialty retail store or 30 multi-family dwelling units in lieu of the 36,000 S.F. of office/commercial is requested, the developer shall provide an additional transportation analysis showing the impacts of any proposed uses other than those shown in this condition. The developer shall be required to construct any and/or all improvements at their expense, needed to off-set the development's impact.
22. The stormwater management system shall be designed and constructed in such a manner so as to not adversely impact off-site surface and groundwater elevations.
23. The type, location, size and number of signs permitted shall be as set forth in Part 7.03.00 of the Land Development Code with the following exception(s):
  - 23.1 Ground Signs shall be limited to Monument Signs.
  - 23.2 Billboards, pennants and banners shall be prohibited.
24. Policy C-36.6 of the Future Land Use Element of the Comprehensive Plan provides that the timing of new development should be coordinated with adequate school capacity as determined by the School District of Hillsborough County. Approval of the final Construction Plans for any portion of the residential development shall not occur until documentation is provided from the School District of Hillsborough County indicating that either:
  - a) Adequate capacity exists to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
  - b) Adequate school capacity is planned and funded to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
  - c) The applicant has provided adequate mitigation to offset inadequacies in school capacity, as identified/determined by the School District of Hillsborough County.
25. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
26. 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.



27. 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. 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.
28. 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.
29. Within 90 days of approval by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms to the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.
30. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 2:**

1. The project shall be limited to the following development:
  - Pocket A: A maximum of 22,000 square feet of CG uses.
  - Pocket B: A maximum of 15,000 square feet of CG uses.
  - Pocket C: A maximum of 20,000 square feet of CG uses.
  - Pocket D1: A maximum 12,000 square feet of BPO uses, Personal Services, and Retail for Shoppers' Goods uses (excluding fast food restaurants with drive-throughs, convenience stores/gas stations).
  - Pocket D2: A maximum of 40,000 square feet of BPO uses and personal services as permitted uses shall be allowed.
2. Non-residential development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.
  - 2.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.
  - 2.2 Maximum building setbacks for Pockets A, B, and C shall be 20 feet from U.S. 41 and Street A. The buildings shall be permitted to have architectural features such as building insets that exceed the maximum building setback by up to five feet (i.e. 25 foot maximum setback for architectural features).

- 2.3 Pockets D1 and D2 shall have no business activity between the hours of 12:00 a.m. and 6:00 a.m., including loading and unloading activities.
- 2.4 A 62-foot-high architectural feature per the rendering submitted on October 4, 2006 in the area shown on the site plan. The rendering shall be shown on the site plan prior to certification of the site plan.
3. Building envelopes shall be located as generally shown on the site plan. Within said building envelopes, variations to building size, width and height may occur consistent with the conditions contained herein.
4. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:
  - 4.1 No parking shall be provided between U.S. Highway 41 and the proposed buildings.
  - 4.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
5. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
  - 5.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
6. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.
7. The developer shall be required to provide mitigation (mitigation offset) to offset impacts of the project on hurricane evacuation shelter space. The mitigation offset shall be based on a mitigation formula as established by the Hillsborough County Emergency Management Office.
  - 7.1 The mitigation offset shall be applied and conveyed to the School District of Hillsborough County for the purpose of the emergency shelter program, within one year from the date of approval or prior to the issuance of the first building permit, whichever comes first.
8. The general design, number and location of the access point(s) shall be regulated by the Hillsborough County Access Management regulations as found in the Land Development Code (Land Development Code Section 6.04). The design and construction of curb cuts are subject to approval by the Hillsborough County Development Services Department. Final design, if approved by Hillsborough County Development Services Department may include, but is not limited to: left turn lanes, acceleration lane(s) and deceleration lane(s). Access points may be restricted in movements.

9. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the turn lanes needed to serve development traffic. The turn lanes if required shall be constructed to FDOT and/or Hillsborough County standards using FDOT standard Index 301 & 526 and an asphalt overlay shall be applied over the entire portion of roadway where a turn lane is provided. The Developer shall construct, if warranted, the following turn lanes at his expense:
  - a. WB to NB right turn/acceleration lane @ project driveways,
  - b. NB to EB right turn lanes into the site @ project driveways,
  - c. Add additional SB to EB left turn lane storage on US 41 @ southern access
  - d. Add turn storage at the median openings north and south of the site where U-turns are permissible.

If it is determined by the results of the analysis submitted by the developer, that adequate right-of-way does not exist to construct any needed improvements (i.e. turn lanes), then the developer shall re-submit an analysis showing the maximum development that could occur to still enable the needed improvements to be constructed. The development will be limited to the size as shown in the submitted analysis.

10. Based on the projected trip generation to the commercial portion of the site, access onto the public road would be via "Type III" Major Roadway Connection (more than 1,500 trip ends per day). The Land Development Code requires that all internal access (the "throat") to the driveways must be a minimum of 100 feet from the edge of pavement of the public roadway, and shall remain free of internal connections or parking spaces that might interfere with the movement of vehicles into or out of the site.
11. The Developer shall restrict the northernmost driveway to right-in/right-out only and provide for vehicular and pedestrian cross-access to the commercial portion of the site.
12. The Developer shall restrict the southernmost driveway to right-in/right-out/left-in only and provide for vehicular and pedestrian cross-access to the residential portion of the site to the north and vehicular and pedestrian cross-access to the commercial portion of the site to the south.
13. The Developer shall construct sidewalks within the right-of-way along all roadways adjacent to the property boundaries and along both sides of all internal roadways. The sidewalks shall be a minimum width of five (5) feet. Pedestrian interconnectivity shall be provided between uses and adjacent parcels.
14. The applicant shall provide internal access to any existing or future out parcels on the site (LDC 5.03.05 H).
15. As is noted in the Land Development Code, one of the major reasons for diminished capacity of public roads is an increase in access points along roadways which increases the potential conflict points. Because of this, the applicant shall show the ability to provide cross access to adjacent parcels of like land uses. All cross access shall be in accordance with the Hillsborough County Land Development Code Section 6.04.03 Q.

16. If required by FDOT, and if warranted, the developer shall provide, at his expense, additional left turn storage lanes of sufficient length to accommodate anticipated left turning traffic, for vehicles making U-turns, on US 41, at each median cut adjacent (north/south of the site) where a U-turn is permitted. Prior to detail site plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of storage needed to serve development traffic. The design and construction of these lanes shall be subject to FDOT approval.
17. The applicant shall convey to Hillsborough County, upon written request of the County of the identified roadway improvements or prior to Construction Plan or Final Plat approval for development in accordance with this application (RZ05-1951), whichever comes first, up to a maximum of 10 additional feet of right-of-way from the existing center line of right-of-way on US 41, to accommodate for the right-of-way as needed for a six lane divided major rural arterial (under 55 mph) roadway.
18. The site shall be restricted to the uses shown in the submitted transportation analysis. If anything other than two 5,000 square foot drive-in banks, one 20,000 S.F. general office, two 3,000 S.F. fast food restaurants with drive-through windows, three 6,000 S.F. high turnover sit-down restaurants, and 30,000 S.F. specialty retail store or 30 multi-family dwelling units in lieu of the 36,000 S.F. of office/commercial is requested, the developer shall provide an additional transportation analysis showing the impacts of any proposed uses other than those shown in this condition. The developer shall be required to construct any and/or all improvements at their expense, needed to off-set the development's impact.
19. The stormwater management system shall be designed and constructed in such a manner so as to not adversely impact off-site surface and groundwater elevations.
20. The type, location, size and number of signs permitted shall be as set forth in Part 7.03.00 of the Land Development Code with the following exception(s):
  - 20.1 Ground Signs shall be limited to Monument Signs.
  - 20.2 Billboards, pennants and banners shall be prohibited.
21. Policy C-36.6 of the Future Land Use Element of the Comprehensive Plan provides that the timing of new development should be coordinated with adequate school capacity as determined by the School District of Hillsborough County. Approval of the final Construction Plans for any portion of the residential development shall not occur until documentation is provided from the School District of Hillsborough County indicating that either:
  - a) Adequate capacity exists to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
  - b) Adequate school capacity is planned and funded to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
  - c) The applicant has provided adequate mitigation to offset inadequacies in school capacity, as identified/determined by the School District of Hillsborough County.

22. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
23. 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.
24. 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. 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.
25. 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.
26. Within 90 days of approval by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms to the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.
27. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 3:**

1. The project shall be limited to the following development:
    - Pocket A: A maximum of 50,000 square feet of CG uses /or a Community Residential Home (maximum of 138 beds)
    - Pocket B: Community Residential Home with a maximum of 195 beds
- If the entire site is developed with a Community Residential Home Use, a total of 333 beds shall be permitted.
- Within either pocket, if the community residential use is developed, the developer shall have the option of up to 10 percent of the total beds being constructed to be designated for a Nursing home use.

2. All development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.
  - 2.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.
3. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:
  - 3.1 A maximum of one row of parking double loaded may be provided between US Highway 41 and the proposed buildings.
  - 3.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
4. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
  - 4.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
5. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.
6. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
7. 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.
  - 7.1 The project may be permitted the above uses and will be subject to formal delineation of on-site conservation areas, preservation areas and water bodies and final calculation of maximum density/intensity (FAR) permitted by the Comprehensive Plan in accordance with the Environmentally Sensitive Lands Credits requirement of the Comprehensive Plan. If the maximum number of units and/or maximum square footage for the project as permitted herein exceeds the maximum density/intensity (FAR) permitted by the Comprehensive Plan, per the Environmentally Sensitive Lands Credits requirement, the number of dwelling units and/or square footage allowed in the project shall decrease as necessary to conform to the Comprehensive Plan.
8. 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. 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.

9. 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.
10. Within 90 days of approval by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms to the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 4:**

1. The project shall be limited to the following:

High School: Consisting of a maximum 20,892 SF Building Footprint and 41,784 Gross Floor area as depicted on General Site Plan with a maximum of 860 students grades 9-12, and 35 classrooms.

Middle School: Consisting of a maximum 19,381 SF Building Footprint and 38,762 Gross Floor area as depicted on General Site Plan with a maximum of 640 students grades 6-8, and 35 classrooms

Other Structures: Gymnasium (10,800 SF), Covered Dining Patio, Courtyard, Recreational Facilities as depicted on the General Site Plan.

- A maximum of 95 employees at both schools.
- Notwithstanding the above, a maximum of 430 students may be enrolled in grades 11 and 12.
- Student Driver Passes shall be limited to 50 students.

2. All development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.

- 2.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yards.

3. The project shall be restricted to one (1) access connection onto US Highway 41. Such connection shall permit right-in, right-out and left-in turning movements. Inbound left and right turning movements into the site shall be accommodated within exclusive receiving lanes.
4. Consistent with Section 1002.33(18)(a) of the Florida Statutes, the developer shall be permitted to utilize the State Requirements for Educational Facilities (SREF) parking standards as found within Florida Building Code Section 453.10.2.8. Student/Staff /Visitor Parking shall be provided in accordance with SREF standards and based on the restrictions listed in Condition 2.
5. Annually, at the beginning of each school year during the fourth week of class, the developer (at its sole expense) shall conduct traffic monitoring to assess the sufficiency of queuing both on-site and off-site at the project access points. Such report shall be submitted to the Hillsborough County Development Service and Public Works Departments, as well as to the Florida Department of Transportation's District 7 Access Management Group. This annual monitoring requirement shall remain in effect for one (1) year beyond the time the total enrollment reaches 1,500 students. In the event that significant off-site queuing of vehicles at arrival or dismissal times is found, the school shall be required to submit corrective measures, which could include revised staggered arrival/departure times and/or a revised on-site circulation plan to alleviate off-site queuing. Such revised plan shall be subject to review and approval by Hillsborough County Public Works and the FDOT.
6. The school shall utilize a split arrival and dismissal schedule as follows
  - 6.1 The first arrival and dismissal period shall occur at 7:00 a.m. and 2:00 p.m., respectively, and shall be generally restricted to the arrival and dismissal of students in grades 9-12 (high school);
  - 6.2 The second arrival and dismissal period shall occur at 8:00 a.m. and 3:00 p.m., respectively and shall be generally restricted to the arrival and dismissal of students in grades 6-8 (middle school).
7. Access management, vehicle queuing, and staff placement shall occur consistent with the Traffic Circulation & Queue Exhibit (Sheet 4 of 5). Modifications to these plans may be submitted in accordance with Condition 4, above, or as otherwise approved by Hillsborough County Public Works and FDOT.
8. The developer shall construct the following site access improvements:
  - 8.1 A northbound to eastbound exclusive right turn lane on US Highway 41 at the project's entrance;
  - 8.2 Extend the existing southbound to eastbound exclusive left turn lane on US Highway 41 if required by FDOT;



- 8.3 Make any other modifications to the directional median opening, if required by FDOT.
9. Notwithstanding anything on the General Site Plan to the contrary, bicycle/pedestrian access shall be permitted anywhere along the property boundary.
10. Parking shall be provided in accordance with the Onsite Event Parking Exhibit (Sheet 5 of 5) Modifications to Event Parking Plans shall be permitted, subject to review and approval of Hillsborough County Public Works.
12. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
- 12.1 The developer shall provide a 6 foot high masonry wall along eastern boundary of the parcel, and along the portion of the southern boundary where adjacent to residentially developed lots that do not have an existing wall along the common boundary. In addition to a 6 foot high masonry wall, the developer shall build a 3 foot berm. The wall shall be constructed on top of the 3 foot berm.
13. Overhead stadium lighting for outdoor recreational facilities shall not be allowed, and no competitive night time sports activities shall be allowed.
14. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
15. 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.
- 15.1 The project may be permitted the above uses and will be subject to formal delineation of on-site conservation areas, preservation areas and water bodies and final calculation of maximum density/intensity (FAR) permitted by the Comprehensive Plan in accordance with the Environmentally Sensitive Lands Credits requirement of the Comprehensive Plan. If the maximum number of units and/or maximum square footage for the project as permitted herein exceeds the maximum density/intensity (FAR) permitted by the Comprehensive Plan, per the Environmentally Sensitive Lands Credits requirement, the number of dwelling units and/or square footage allowed in the project shall decrease as necessary to conform to the Comprehensive Plan.
16. 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,

APPLICATION: PRS 20-1029

ZHM HEARING DATE: NA

BOCC MEETING DATE: January 12, 2021

CASE REVIEWER: Steve Beachy, AICP

unless specifically conditioned otherwise. 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.

17. 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.
18. Within 90 days of approval by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms to the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.

**Staff's Recommendation: Approval, subject to conditions**

Zoning  
Administrator



J. Brian Grady

Sign-off: Wed Dec 23 2020 16:40:13

**REZONING PLAN  
 OPTION 1**

MARKETPLACE AT APOLLO BEACH

RECEIVED  
 FEB 19 2018  
 DEVELOPER: [Name]

**GENESIS GROUP**

2500 WASHINGTON BOULEVARD, SUITE 100, TAMPA, FL 33606  
 TEL: 813-252-1800 FAX: 813-252-1812

**BUSINESS CONDOS**

AS SHOWN  
 HFL  
 07/23/2017

**LEGAL DESCRIPTION**

A piece of land in the City of Apollo Beach, Florida, lying in the South Range of the ...

**DEVELOPMENT STANDARDS**

Development standards shall be based on the following guidelines:

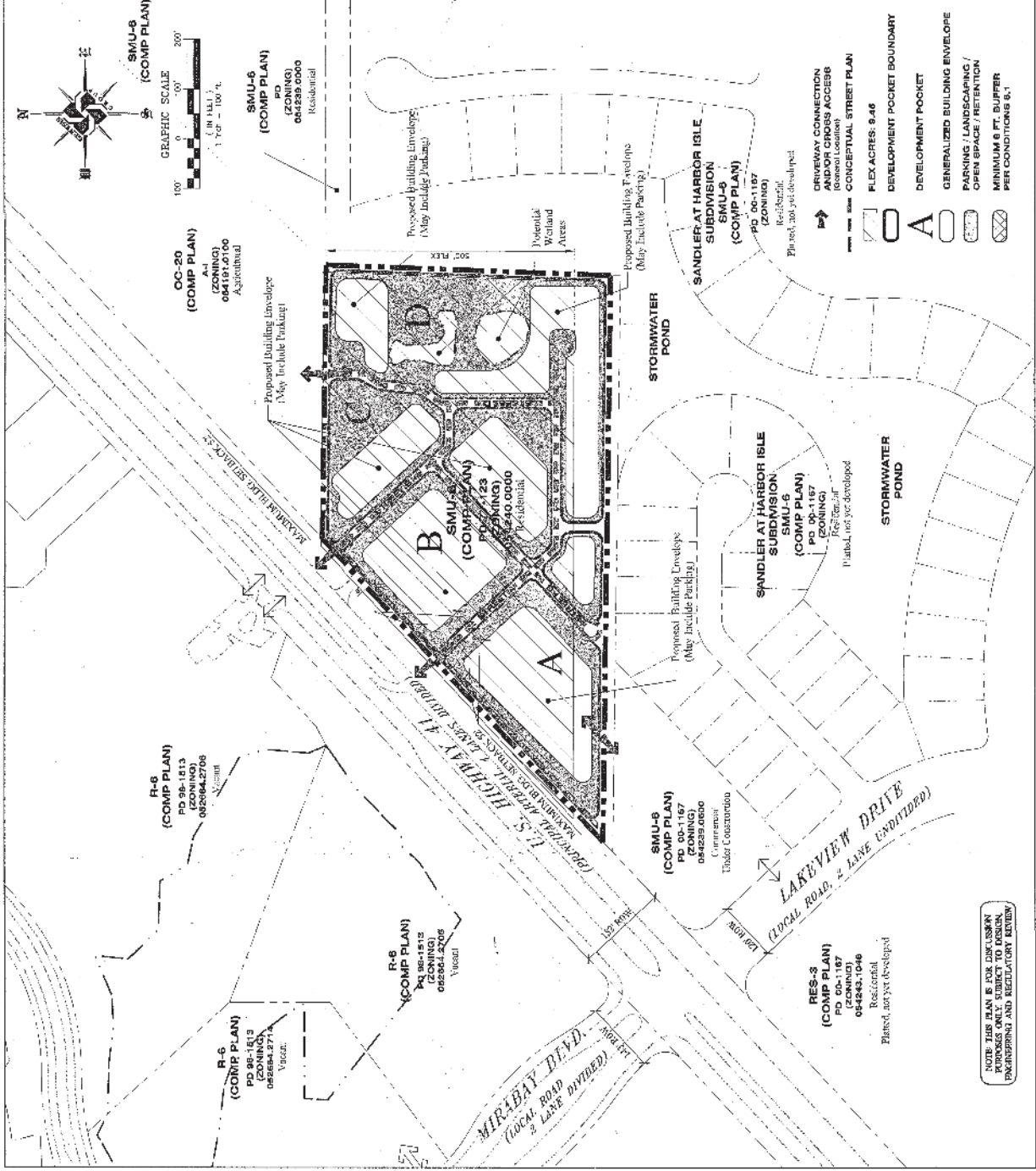
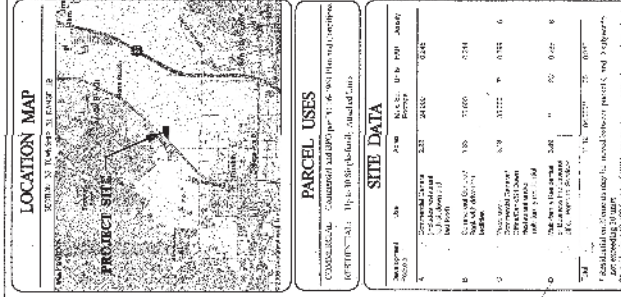
- 1. Lot Coverage: Maximum 40%
- 2. Building Height: Maximum 5 stories or 50 feet, whichever is less.
- 3. Parking: Minimum 1 space per unit.
- 4. Setbacks: Minimum 10 feet on all sides.
- 5. Landscaping: Minimum 25% of site area.
- 6. Stormwater Management: Must comply with local regulations.
- 7. Pedestrian Amenities: Required for all developments.

**PARCEL USES**

COMMERCIAL - CONDOMINIUM (C-3)  
 RESIDENTIAL - SINGLE-FAMILY (R-1)

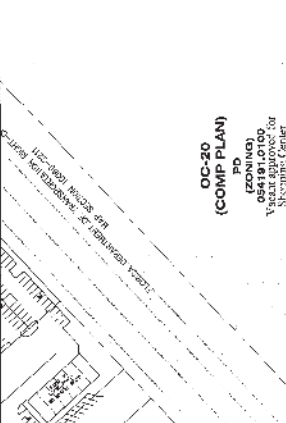
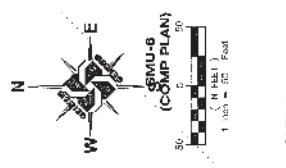
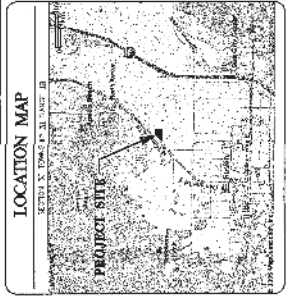
**SITE DATA**

NO.	AREA (SQ. FT.)	USE	REMARKS
1	12,500	R-1	Proposed building envelope
2	8,500	C-3	Proposed parking area
3	15,000	Open Space	Proposed landscaped area
4	2,000	Stormwater Pond	Proposed pond
5	1,500	Potential Wetland	Proposed wetland area



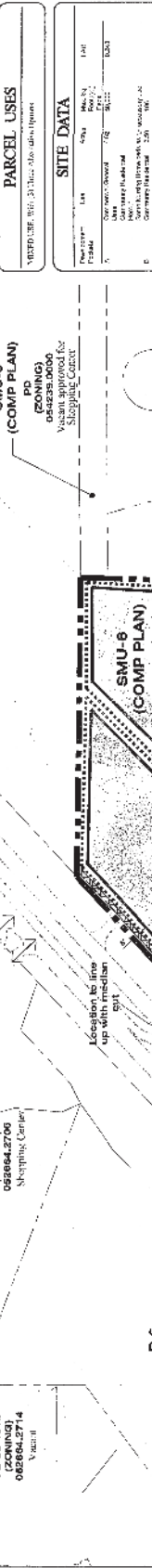
NOTE: THIS PLAN IS FOR DISCUSSION PURPOSES ONLY. SUBJECT TO DISCUSSION, ENGINEERING AND REGULATORY REVIEW.





**DEVELOPMENT STANDARDS**  
The applicant is required to adhere to the standards set forth in the applicable zoning ordinance and subdivision ordinance. The applicant must also comply with any other applicable standards, such as the Florida Building Code, Florida Fire Code, and Florida Electrical Code. The applicant must also comply with any other applicable standards, such as the Florida Building Code, Florida Fire Code, and Florida Electrical Code.

**LEGAL DESCRIPTION**  
A portion of the land, containing 0.1000 acres, more or less, in Township 31 South, Range 26 West, and Section 23, T31S, R26W, S23E, Hillsborough County, Florida. The subject land is located on the west side of Lakeview Drive, south of the intersection with Mirabay Drive. The subject land is bounded by Lakeview Drive to the north, Mirabay Drive to the west, and the intersection of Lakeview Drive and Mirabay Drive to the south and east. The subject land is subject to a covenant running with the land, which provides that the subject land shall be used only for residential purposes. The subject land is also subject to a covenant running with the land, which provides that the subject land shall be used only for residential purposes. The subject land is also subject to a covenant running with the land, which provides that the subject land shall be used only for residential purposes.



NOTE: THIS PLAN IS FOR PERMISSION PURPOSES ONLY. SUBMIT TO DESIGN, ENGINEERING, AND REGULATORY REVIEW.

APP # PRS 18-0361 APP  
CLERK DOC # 18-0479  
PAGE 3 OF 5



PRS AMENDMENT TO  
PD 05-1951 ABP  
(PRS06-1961)  
DEVELOPMENT  
OPTION #3:  
APOLLO OAKS  
CHARTER SCHOOL  
COMPLEX

FOLIO: 054240.0000  
SITE AREA = 11.44 ACRES

860 HIGH SCHOOL STUDENTS (9-12)  
840 MIDDLE SCHOOL STUDENTS (6-8)  
1,500 TOTAL PROPOSED STUDENTS

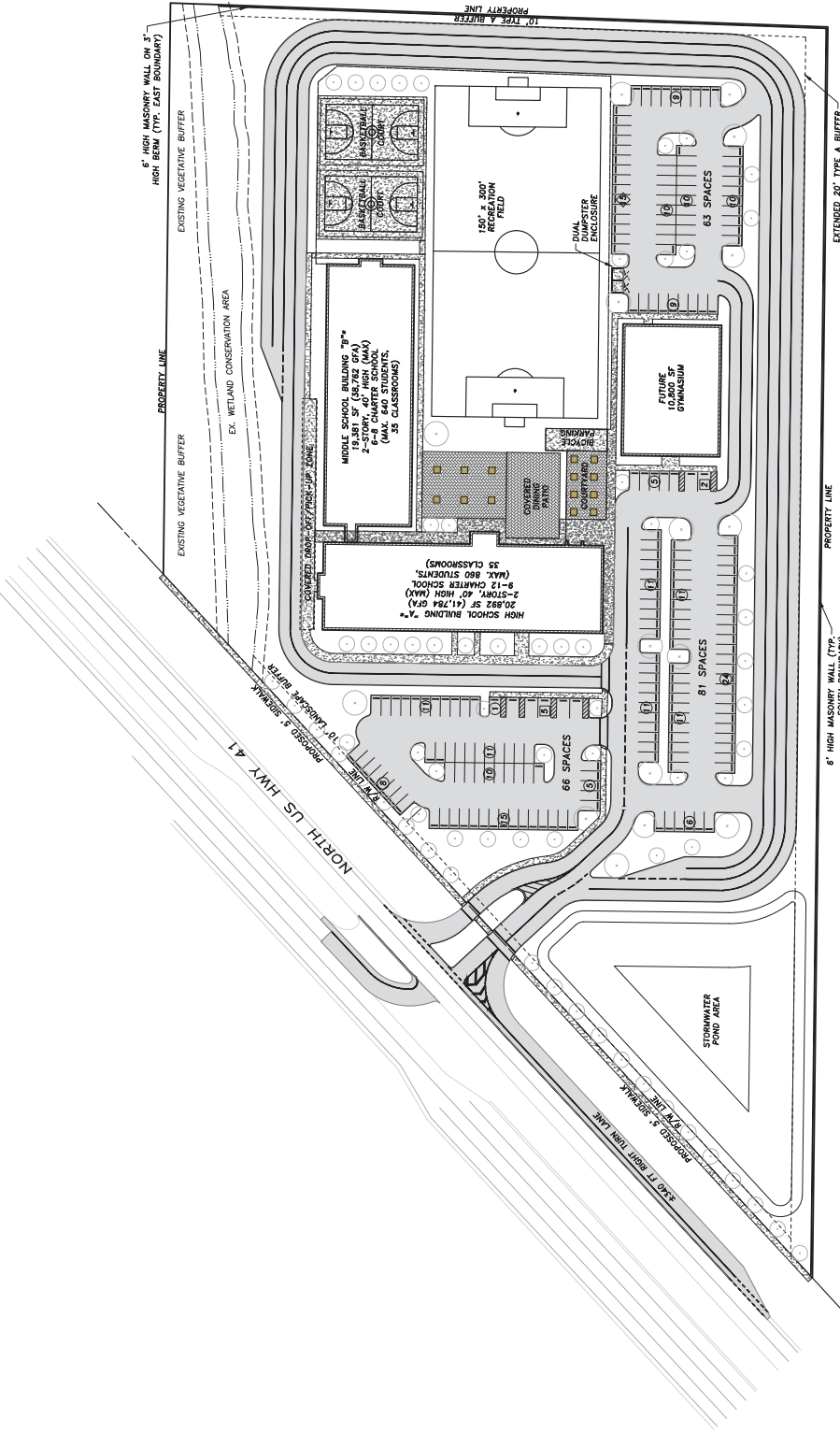
PARKING PROVIDED:  
STANDARD SPACES = 188 SPACES  
COMPACT SPACES = 15 SPACES  
HANDICAP SPACES = 7 SPACES  
TOTAL PARKING PROVIDED = 210 SPACES

PARKING IS COMPLIANT WITH F.S. SECTION 453.5, S.F.E.E. REQUIREMENTS  
2020 FLORIDA STATUTES, SECTION 1000.33(18)(a) EXCEPT:  
The local governing authority shall not adopt or impose any local ordinance that requires a higher parking ratio than that required by the state statute, unless the ordinance is necessary to address a unique parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the statute.  
\*Requirements for Educational Facilities of the Florida Building Code.

STANDARD SPACES = 188 SPACES  
COMPACT SPACES = 15 SPACES  
HANDICAP SPACES = 7 SPACES  
TOTAL PARKING PROVIDED = 210 SPACES  
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\*Requirements for Educational Facilities of the Florida Building Code.

GENERAL SITE PLAN	
JOB NO.	AP 20-09
PERSON	FOVAN
PROJECT	APOLLO OAKS CHARTER SCHOOL COMPLEX
DATE	8-26-2020
PREPARED BY	GSP
SHEET	3 OF 5 SHEETS

FIXED PRICE CONTRACT INC.	
1000 W. WINDY HILL ROAD SUITE 100 DUNEDIN, FLORIDA 33515 PHONE: 813-244-6156 FAX: 813-244-6157	
DATE:	11/19/2020
BY:	DAVID R. FLORES, P.E., P.L.C.
REVISIONS:	
NO.	DESCRIPTION
01	REV. STAFF & PARKING CALCS. ADD JCS
02	REV. SOUTH EAST PERIMETER WALL JCS
03	REV. SOUTH EAST PERIMETER WALL JCS
04	REV. SOUTH EAST PERIMETER WALL JCS
05	REV. SOUTH EAST PERIMETER WALL JCS



- NOTES:
1. STUDENTS WITH PHYSICAL HANDICAP, MIDDLE SCHOOL (6-8) AND HIGH SCHOOL (9-12) WILL OPERATE BUILDING "A". BUILDING "A" SHALL BE OPERATED AS A HIGH SCHOOL BUILDING "B" SHALL BE OPERATED AS A MIDDLE SCHOOL BUILDING. WHEN ENROLLMENT REQUIRES THE ADDITIONAL CLASSROOMS.
  2. MIDDLE SCHOOL AND HIGH SCHOOL ARE ANTICIPATED TO OPERATE CONCURRENTLY.
  3. MIDDLE SCHOOL OPERATING HOURS SHALL BE 7:00 AM - 2:00 PM, 8:00 AM - 1:00 PM.
  4. EXISTING TREE CANOPY SHALL BE PRESERVED TO THE EXTENT POSSIBLE. TREE REMOVAL SHALL BE REVIEWED BY THE ARCHITECTURAL AND AGENCY REVIEW REQUIREMENTS.
  5. NO OVERHEAD STADIUM LIGHTING IS PROPOSED FOR THE RECREATION FIELD.



PRS AMENDMENT TO  
 PD 05-1951 ABP  
 (PRS06-1961)  
 DEVELOPMENT  
 OPTION #3:  
 APOLLO OAKS  
 CHARTER SCHOOL  
 COMPLEX

**VEHICLE QUEUE NOTES/LEGEND**

- INSIDE QUEUE WITH DIRECTION
- OUTSIDE QUEUE WITH DIRECTION
- STAFFED QUEUE MONITORING POSITION
- TRAFFIC CONES TO BE IN PLACE 30 MINUTES PRIOR TO COMMENCEMENT OF THE DAY'S PACK-UP TIME, W/OUTDRIFT DROP-OFF AND PICK-UP
- SCHOOL TO DISTRIBUTE TRAFFIC CIRCULATION TO PARENTS PRIOR TO THE START OF EACH SCHOOL DAY

**ANNUAL MONITORING NOTES**

ANNUALITY AT THE BEGINNING OF EACH SCHOOL YEAR, THE LOCAL POLICE DEPARTMENT AND SCHOOLS SHALL CONDUCT TRAFFIC MONITORING AT THE PROJECT ACCESS POINTS, AT THE EFFECT FOR ONE (1) YEAR BEYOND THE TIME STIPULATED IN THE EVENT THAT SIGNIFICANT OFF-SITE QUEUES OF VEHICLES AT ARRIVAL OR DEPARTURE TIMES AND/OR A REDUCED ARRIVAL/DEPARTURE TIMES AND/OR A REDUCED OFF-SITE QUEUES ARE OBSERVED, THE POLICE DEPARTMENT SHALL BE REQUIRED TO SUBMIT CORRECTIVE MEASURES TO THE LOCAL POLICE DEPARTMENT FOR APPROVAL. BY THE LOCAL POLICE DEPARTMENT AND THE HILLSBOROUGH COUNTY PUBLIC WORKS AND THE FLORIDA DEPARTMENT OF TRANSPORTATION.

**SPLIT ARRIVAL / DISMISSAL**

A SPLIT ARRIVAL/DISSMISSAL SHALL BE UTILIZED AT THE SITE. THE PROPOSED SPLIT SHALL BE:

7:50 AM / 2:50 PM: FIRST ARRIVAL/DISSMISSAL (650 PER SCHOOL STUDENTS)

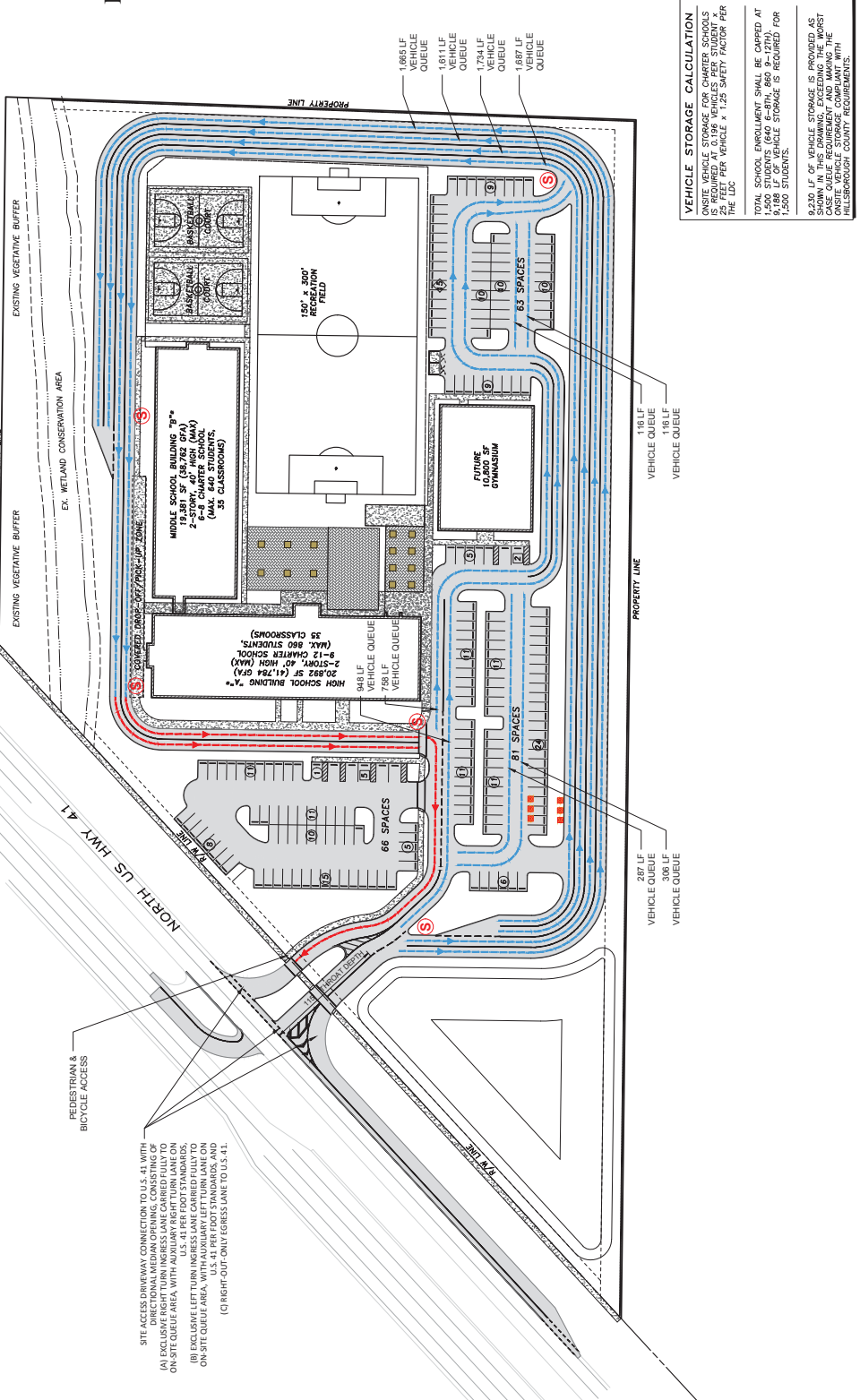
8:00 AM / 3:00 PM: SECOND ARRIVAL/DISSMISSAL (675 PER SCHOOL STUDENTS)

**TRAFFIC CIRCULATION & QUEUE EXHIBIT**

**Apollo Oaks**  
**Charter School Complex**

PROJECT NO: 20-1129  
 PREPARED BY: School Property Development, LLC  
 DATE: 8-26-2020

DATE: 8-26-2020  
 SHEET 4 OF 5 SHEETS



**VEHICLE STORAGE CALCULATION**

ONSITE VEHICLE STORAGE FOR CHARTER SCHOOLS SHALL BE PROVIDED AT A RATE OF 1.25 SPACES PER VEHICLE x 1.25 SAFETY FACTOR PER THE LDC

TOTAL SCHOOL ENROLLMENT SHALL BE CAPPED AT 1,500 STUDENTS (640 6-8TH, 860 9-12TH). 9,168 LF OF VEHICLE STORAGE IS REQUIRED FOR 1,500 STUDENTS.

9,230 LF OF VEHICLE STORAGE IS PROVIDED AS SHOWN IN THIS DRAWING, EXCEEDING THE WORST CASE SCENARIO AS REQUIRED BY THE LDC. ON-SITE VEHICLE STORAGE COMPLIANT WITH HILLSBOROUGH COUNTY REQUIREMENTS.

- SITE ACCESS DRIVEWAY CONNECTION TO U.S. 41 WITH DIRECTIONAL MEDIAN OPENING, CONSISTING OF ON-SITE QUEUE AREA WITH AUXILIARY LEFT TURN LANE ON (A) EXCLUSIVE RIGHT TURN INGRESS LANE CARRIED FULLY TO ON-SITE QUEUE AREA, WITH AUXILIARY RIGHT TURN LANE ON (B) EXCLUSIVE LEFT TURN INGRESS LANE CARRIED FULLY TO ON-SITE QUEUE AREA, WITH AUXILIARY LEFT TURN LANE ON (C) RIGHT-OUT-ONLY EGRESS LANE TO U.S. 41.
- RECREATION FIELD: 150' X 300'
- PLAY AREA: 800' X 150'
- VEHICLE QUEUE LENGTHS:
- 1,685 LF VEHICLE QUEUE
  - 1,611 LF VEHICLE QUEUE
  - 1,734 LF VEHICLE QUEUE
  - 1,697 LF VEHICLE QUEUE
  - 287 LF VEHICLE QUEUE
  - 308 LF VEHICLE QUEUE
  - 118 LF VEHICLE QUEUE
  - 118 LF VEHICLE QUEUE

10/20/2020 (REVISED PER I.C. STAFF COMMENTS) JCS: [ ] [ ]

DATE: 10/20/2020

DESIGNER: [ ]

REVISIONS:

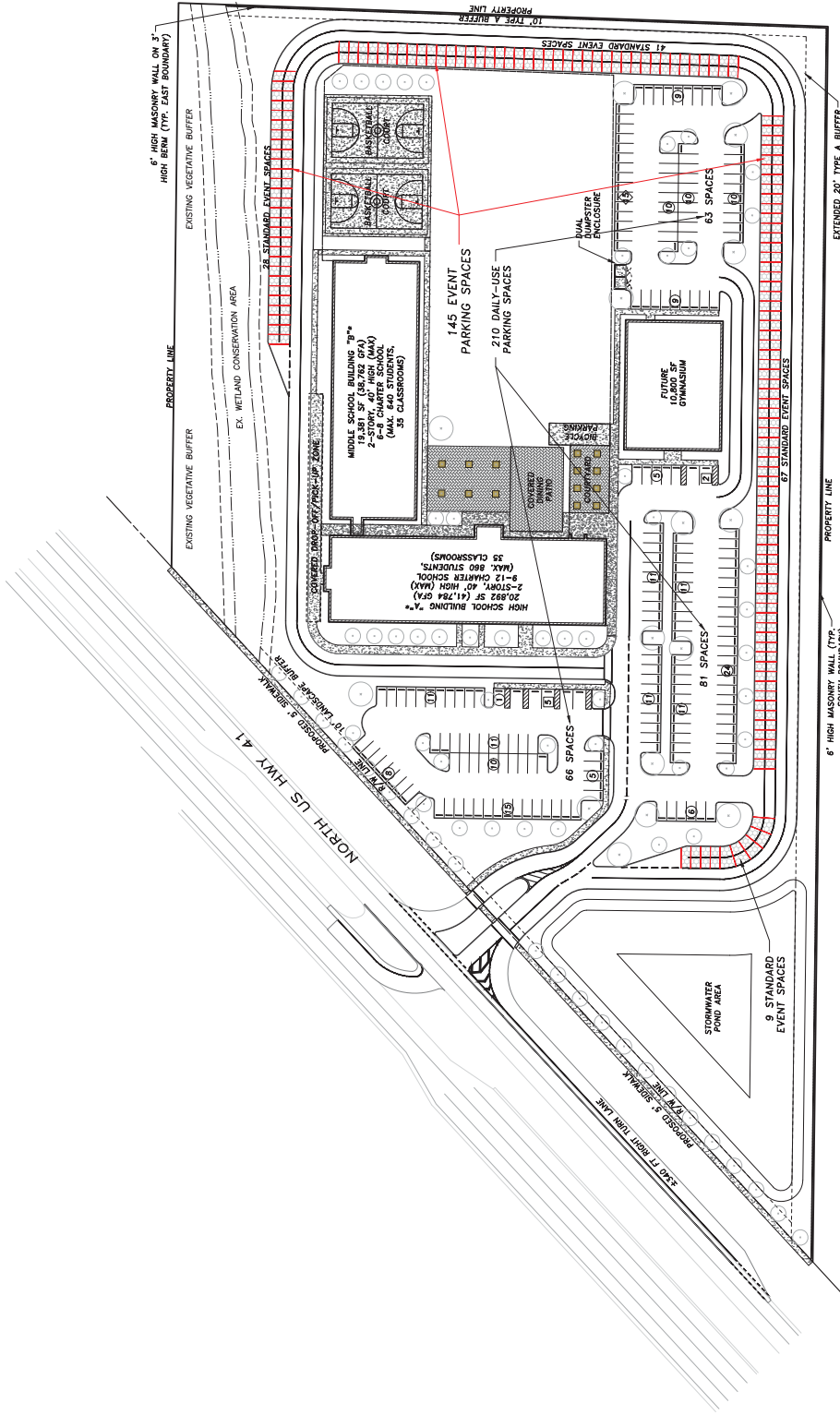
FIXED ENGINEERING, INC.  
 11001 N. WINDY HILLS BLVD., SUITE 100  
 TAMPA, FLORIDA 33613  
 PHONE: 813.244.6156  
 FAX: 813.244.6157  
 WWW.FIXEDENGINEERING.COM

FLORIDA PROFESSIONAL ENGINEER  
 LICENSE NO. 12813



PR AMENDMENT TO  
 PD 05-1951 ABP  
 (PRS06-1961)  
 DEVELOPMENT  
 OPTION #3:  
 APOLLO OAKS  
 CHARTER SCHOOL  
 COMPLEX

Received Dec 22,  
 2020 Development  
 Services



EVENT PARKING TABULATION	
210	DAILY-USE SPACES (INCL. 70 PG)
±145	STANDARD EVENT SPACES
355	TOTAL EVENT SPACES ONSITE (INCL. 70 PG)

ONSITE EVENT PARKING EXHIBIT

**Apollo Oaks**  
**Charter School Complex**

Project: Apollo Oaks Charter School Property Development, LLC  
 Location: SOMERVILLE  
 Date: 8-26-2020  
 Preparer: FIVE STAR ENGINEERING, INC.  
 License No. 13413  
 License Type: PROFESSIONAL ENGINEER  
 License State: FLORIDA

DATE: 12/22/2020  
 REVISION: 1  
 COMMENTS: JCS

PROJECT: APOLLO OAKS CHARTER SCHOOL COMPLEX  
 SHEET: 5 OF 5 SHEETS

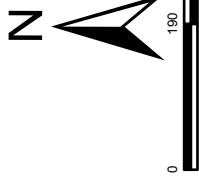


# Immediate Aerial Zoning Map

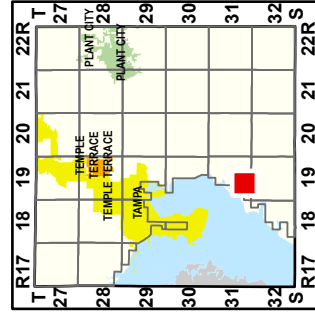
PRS 20-1029

Folio: 54240.0000

- Application Site
- Zoning Boundary
- Parcels



STR: 33-31-19

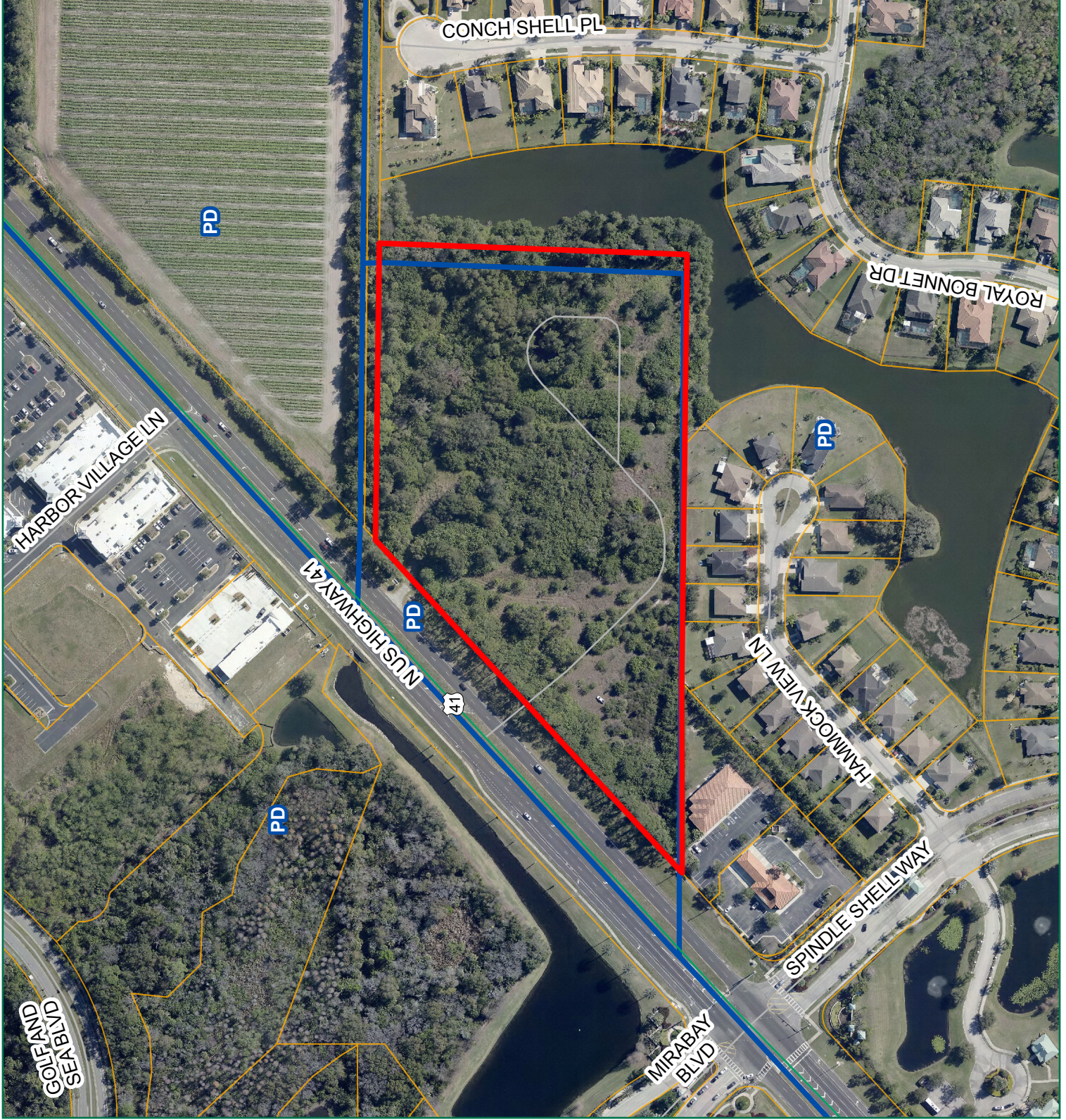


NOTE: Every reasonable effort has been made to assure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

SOURCE: This map has been prepared for the inventory of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other public records; it has been based on BEST AVAILABLE data.

Users of this map are hereby notified that the aforementioned public information sources should be consulted for verification of the information contained on this map.



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**CURRENTLY  
APPROVED**



**Hillsborough**  
**County Florida**

**DEVELOPMENT SERVICES**

PO Box 1110 Tampa, FL 33601-1110

June 13, 2018

**Reference: PRS 18-0361 APB**  
**Oaks Consolidated, LLLP**  
**5497 N. US Hwy. 41/54240.0000**

Isabelle Albert  
Genesis Group  
1000 N. Ashley Dr., Ste. 900  
Tampa, FL 33602

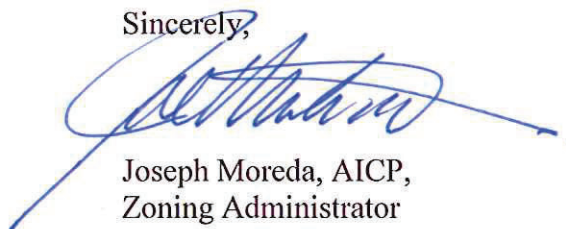
Dear Applicant:

At the regularly scheduled public meeting on February 13, 2018, the Board of County Commissioners approved your request for a minor modification to PD 04-0568, with the attached amended final conditions. A condition of approval is that the applicant submit a revised General Site Plan reflecting all changes, within 90 days of approval.

To comply with this condition, please complete and submit to the Development Services Department, 20th floor of the County Center, 601 E. Kennedy Boulevard, the enclosed application for General Site Plan Review/Certification. For information concerning the certification process, please contact our office at 272-5600. Please keep this letter for your records.

If you have any questions regarding this, please feel free to contact Brian Grady at 813-276-8343 or by email at [GradyB@HCFLGov.net](mailto:GradyB@HCFLGov.net).

Sincerely,



Joseph Moreda, AICP,  
Zoning Administrator

JM/ml  
Attachments

**BOARD OF COUNTY  
COMMISSIONERS**

Victor D. Crist

Ken Hagan

Al Higginbotham

Pat Kemp

Lesley "Les" Miller, Jr.

Sandra L. Murman

Stacy R. White

**COUNTY ADMINISTRATOR**

Michael S. Merrill

**COUNTY ATTORNEY**

Chip Fletcher

**INTERNAL AUDITOR**

Peggy Caskey

**CHIEF DEVELOPMENT &  
INFRASTRUCTURE SERVICES**

**ADMINISTRATOR**

Lucia E. Garsys

HILLSBOROUGH COUNTY, FLORIDA

ZONING REQUEST: PD to PD

PETITION FILE NUMBER: PRS 18-0361 APB (PD 05-1951)

ZHM HEARING DATE: None

BOCC MEETING DATE: February 13, 2018

This is to certify that this Site Development Plan has been reviewed by the Board of County Commissioners and the following action taken:

APPROVED WITH CONDITIONS AS NOTED: and attached to certified site plan.


4/24/2018

DATE

  
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

4/24/2018

DATE

  
ATTEST: DEPUTY CLERK  
PAT FRANK  
CLERK OF THE CIRCUIT COURT



BOARD OF COUNTY COMMISSIONERS  
HILLSBOROUGH COUNTY FLORIDA  
DOCUMENT NO. 18-0479

---

Approval of the request, subject to the conditions listed below, is based on the general site plan submitted January 4, 2018.

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 1:**

1. The project shall be limited to the following development:
  - Pocket A: A maximum of 24,000 square feet of CG uses.
  - Pocket B: A maximum of 25,000 square feet of CG uses.
  - Pocket C: A maximum of 35,000 square feet of CG uses and 7 multi-family units.
  - Pocket D: A maximum of 23 multi-family units.
2. In lieu of multi-family development, Pocket D may be developed with a maximum of 40,000 square feet of BPO uses.
3. Multi-family residential units may be redistributed between Pockets C and D provided the maximum number of units for the project does not exceed 30 units. Prior to Preliminary Plan approval for any residential development within Pocket C or D the developer shall provide documentation indicating the number of units approved within the project.
4. Multi-family residential uses shall be developed in accordance with RMC-20 standards unless specified herein.
  - 4.1 Maximum building height shall be 35 feet. Multi-family development shall not be subject to the increase building setback for buildings over 20 feet provided that the developer can document that an equivalent building setback is achieved via the retention pond on the adjacent property to the east and south. If less than the required setback is provided by the retention pond than the developer shall make up the difference on the subject property.
  - 4.2 The minimum front yard setback shall be 20 feet and a minimum of 15 feet shall be provided between buildings.
5. Non-residential development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.
  - 5.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.
  - 5.2 Maximum building setbacks for Pockets A and B shall be 52 feet from Us 41 and Street A.
6. Building envelopes shall be located as generally shown on the site plan. Within said building envelopes, variations to building size, width and height may occur consistent with the conditions contained herein.

- 
7. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:
    - 7.1 A maximum on one row of parking area may be provided between US Highway 41 and the proposed buildings.
    - 7.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
  8. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
    - 8.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
  9. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.
  10. The developer shall be required to provide mitigation (mitigation offset) to offset impacts of the project on hurricane evacuation shelter space. The mitigation offset shall be based on a mitigation formula as established by the Hillsborough County Emergency Management Office.
    - 10.1 The mitigation offset shall be applied and conveyed to the School District of Hillsborough County for the purpose of the emergency shelter program, within one year from the date of approval or prior to the issuance of the first building permit, whichever comes first.
  11. The general design, number and location of the access point(s) shall be regulated by the Hillsborough County Access Management regulations as found in the Land Development Code (Land Development Code Section 6.04). The design and construction of curb cuts are subject to approval by the Hillsborough County Planning and Growth Management Department. Final design, if approved by Hillsborough County Planning and Growth Management Department may include, but is not limited to: left turn lanes, acceleration lane(s) and deceleration lane(s). Access points may be restricted in movements.
  12. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the turn lanes needed to serve development traffic. The turn lanes if required shall be constructed to FDOT and/or Hillsborough County standards using FDOT standard Index 301 & 526 and an asphalt overlay shall be applied over the entire portion of roadway where a turn lane is provided. The Developer shall construct, if warranted, the following turn lanes at his expense:
    - a. WB to NB right turn/acceleration lane @ project driveways,
    - b. NB to EB right turn lanes into the site @ project driveways,

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- c. Add additional SB to EB left turn lane storage on US 41 @ southern access
  - d. Add turn storage at the median openings north and south of the site where U-turns are permissible.

If it is determined by the results of the analysis submitted by the developer, that adequate right-of-way does not exist to construct any needed improvements (i.e. turn lanes), then the developer shall re-submit an analysis showing the maximum development that could occur to still enable the needed improvements to be constructed. The development will be limited to the size as shown in the submitted analysis.

- 13. Based on the projected trip generation to the commercial portion of the site, access onto the public road would be via "Type III" Major Roadway Connection (more than 1,500 trip ends per day). The Land Development Code requires that all internal access (the "throat") to the driveways must be a minimum of 100 feet from the edge of pavement of the public roadway, and shall remain free of internal connections or parking spaces that might interfere with the movement of vehicles into or out of the site.
- 14. The Developer shall restrict the northernmost driveway to right-in/right-out only and provide for vehicular and pedestrian cross-access to the commercial portion of the site.
- 15. The Developer shall restrict the southernmost driveway to right-in/right-out/left-in only and provide for vehicular and pedestrian cross-access to the residential portion of the site to the north and vehicular and pedestrian cross-access to the commercial portion of the site to the south.
- 16. The Developer shall construct sidewalks within the right-of-way along all roadways adjacent to the property boundaries and along both sides of all internal roadways. The sidewalks shall be a minimum width of five (5) feet. Pedestrian interconnectivity shall be provided between uses and adjacent parcels.
- 17. The applicant shall provide internal access to any existing or future out parcels on the site (LDC 5.03.05 H).
- 18. As is noted in the Land Development Code, one of the major reasons for diminished capacity of public roads is an increase in access points along roadways which increases the potential conflict points. Because of this, the applicant shall show the ability to provide cross access to adjacent parcels of like land uses. All cross access shall be in accordance with the Hillsborough County Land Development Code Section 6.04.03 Q.
- 19. If required by FDOT, and if warranted, the developer shall provide, at his expense, additional left turn storage lanes of sufficient length to accommodate anticipated left turning traffic, for vehicles making U-turns, on US 41, at each median cut adjacent (north/south of the site) where a U-turn is permitted. Prior to detail site plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of storage needed to serve development traffic. The design and construction of these lanes shall be subject to FDOT approval.



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20. The applicant shall convey to Hillsborough County, upon written request of the County of the identified roadway improvements or prior to Construction Plan or Final Plat approval for development in accordance with this application (RZ05-1951), whichever comes first, up to a maximum of 101 additional feet of right-of-way from the existing center line of right-of-way on US 41, to accommodate for the right-of-way as needed for a six lane divided major rural arterial (under 55 mph) roadway.
  21. The site shall be restricted to the uses shown in the submitted transportation analysis. If anything other than two 5,000 square foot drive-in banks, one 20,000 S.F. general office, two 3,000 S.F. fast food restaurants with drive-through windows, three 6,000 S.F. high turnover sit-down restaurants, and 30,000 S.F. specialty retail store or 30 multi-family dwelling units in lieu of the 36,000 S.F. of office/commercial is requested, the developer shall provide an additional transportation analysis showing the impacts of any proposed uses other than those shown in this condition. The developer shall be required to construct any and/or all improvements at their expense, needed to off-set the development's impact.
  22. The stormwater management system shall be designed and constructed in such a manner so as to not adversely impact off-site surface and groundwater elevations.
  23. The type, location, size and number of signs permitted shall be as set forth in Part 7.03.00 of the Land Development Code with the following exception(s):
    - 23.1 Ground Signs shall be limited to Monument Signs.
    - 23.2 Billboards, pennants and banners shall be prohibited.
  24. Policy C-36.6 of the Future Land Use Element of the Comprehensive Plan provides that the timing of new development should be coordinated with adequate school capacity as determined by the School District of Hillsborough County. Approval of the final Construction Plans for any portion of the residential development shall not occur until documentation is provided from the School District of Hillsborough County indicating that either:
    - a) Adequate capacity exists to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
    - b) Adequate school capacity is planned and funded to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
    - c) The applicant has provided adequate mitigation to offset inadequacies in school capacity, as identified/determined by the School District of Hillsborough County.
  25. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
  26. 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.

27. 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. 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.
28. 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.
29. Within 90 days of approval by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms to the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.
30. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 2:**

1. The project shall be limited to the following development:
  - Pocket A: A maximum of 22,000 square feet of CG uses.
  - Pocket B: A maximum of 15,000 square feet of CG uses.
  - Pocket C: A maximum of 20,000 square feet of CG uses.
  - Pocket D1: A maximum 12,000 square feet of BPO uses, Personal Services, and Retail for Shoppers' Goods uses (excluding fast food restaurants with drive-throughs, convenience stores/gas stations).
  - Pocket D2: A maximum of 40,000 square feet of BPO uses and personal services as permitted uses shall be allowed.
2. Non-residential development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.
  - 2.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.
  - 2.2 Maximum building setbacks for Pockets A, B, and C shall be 20 feet from U.S. 41 and Street A. The buildings shall be permitted to have architectural features such as building insets that exceed the maximum building setback by up to five feet (i.e. 25 foot maximum setback for architectural features).

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- 2.3 Pockets D1 and D2 shall have no business activity between the hours of 12:00 a.m. and 6:00 a.m., including loading and unloading activities.
  - 2.4 A 62-foot-high architectural feature per the rendering submitted on October 4, 2006 in the area shown on the site plan. The rendering shall be shown on the site plan prior to certification of the site plan.
  3. Building envelopes shall be located as generally shown on the site plan. Within said building envelopes, variations to building size, width and height may occur consistent with the conditions contained herein.
  4. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:
    - 4.1 No parking shall be provided between U.S. Highway 41 and the proposed buildings.
    - 4.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
  5. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
    - 5.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
  6. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.
  7. The developer shall be required to provide mitigation (mitigation offset) to offset impacts of the project on hurricane evacuation shelter space. The mitigation offset shall be based on a mitigation formula as established by the Hillsborough County Emergency Management Office.
    - 7.1 The mitigation offset shall be applied and conveyed to the School District of Hillsborough County for the purpose of the emergency shelter program, within one year from the date of approval or prior to the issuance of the first building permit, whichever comes first.
  8. The general design, number and location of the access point(s) shall be regulated by the Hillsborough County Access Management regulations as found in the Land Development Code (Land Development Code Section 6.04). The design and construction of curb cuts are subject to approval by the Hillsborough County Development Services Department. Final design, if approved by Hillsborough County Development Services Department may include, but is not limited to: left turn lanes, acceleration lane(s) and deceleration lane(s). Access points may be restricted in movements.

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9. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the turn lanes needed to serve development traffic. The turn lanes if required shall be constructed to FDOT and/or Hillsborough County standards using FDOT standard Index 301 & 526 and an asphalt overlay shall be applied over the entire portion of roadway where a turn lane is provided. The Developer shall construct, if warranted, the following turn lanes at his expense:
- a. WB to NB right turn/acceleration lane @ project driveways,
  - b. NB to EB right turn lanes into the site @ project driveways,
  - c. Add additional SB to EB left turn lane storage on US 41 @ southern access
  - d. Add turn storage at the median openings north and south of the site where U-turns are permissible.

If it is determined by the results of the analysis submitted by the developer, that adequate right-of-way does not exist to construct any needed improvements (i.e. turn lanes), then the developer shall re-submit an analysis showing the maximum development that could occur to still enable the needed improvements to be constructed. The development will be limited to the size as shown in the submitted analysis.

10. Based on the projected trip generation to the commercial portion of the site, access onto the public road would be via "Type III" Major Roadway Connection (more than 1,500 trip ends per day). The Land Development Code requires that all internal access (the "throat") to the driveways must be a minimum of 100 feet from the edge of pavement of the public roadway, and shall remain free of internal connections or parking spaces that might interfere with the movement of vehicles into or out of the site.
11. The Developer shall restrict the northernmost driveway to right-in/right-out only and provide for vehicular and pedestrian cross-access to the commercial portion of the site.
12. The Developer shall restrict the southernmost driveway to right-in/right-out/left-in only and provide for vehicular and pedestrian cross-access to the residential portion of the site to the north and vehicular and pedestrian cross-access to the commercial portion of the site to the south.
13. The Developer shall construct sidewalks within the right-of-way along all roadways adjacent to the property boundaries and along both sides of all internal roadways. The sidewalks shall be a minimum width of five (5) feet. Pedestrian interconnectivity shall be provided between uses and adjacent parcels.
14. The applicant shall provide internal access to any existing or future out parcels on the site (LDC 5.03.05 H).
15. As is noted in the Land Development Code, one of the major reasons for diminished capacity of public roads is an increase in access points along roadways which increases the potential conflict points. Because of this, the applicant shall show the ability to provide cross access to adjacent parcels of like land uses. All cross access shall be in accordance with the Hillsborough County Land Development Code Section 6.04.03 Q.

16. If required by FDOT, and if warranted, the developer shall provide, at his expense, additional left turn storage lanes of sufficient length to accommodate anticipated left turning traffic, for vehicles making U-turns, on US 41, at each median cut adjacent (north/south of the site) where a U-turn is permitted. Prior to detail site plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of storage needed to serve development traffic. The design and construction of these lanes shall be subject to FDOT approval.
17. The applicant shall convey to Hillsborough County, upon written request of the County of the identified roadway improvements or prior to Construction Plan or Final Plat approval for development in accordance with this application (RZ05-1951), whichever comes first, up to a maximum of 10 additional feet of right-of-way from the existing center line of right-of-way on US 41, to accommodate for the right-of-way as needed for a six lane divided major rural arterial (under 55 mph) roadway.
18. The site shall be restricted to the uses shown in the submitted transportation analysis. If anything other than two 5,000 square foot drive-in banks, one 20,000 S.F. general office, two 3,000 S.F. fast food restaurants with drive-through windows, three 6,000 S.F. high turnover sit-down restaurants, and 30,000 S.F. specialty retail store or 30 multi-family dwelling units in lieu of the 36,000 S.F. of office/commercial is requested, the developer shall provide an additional transportation analysis showing the impacts of any proposed uses other than those shown in this condition. The developer shall be required to construct any and/or all improvements at their expense, needed to off-set the development's impact.
19. The stormwater management system shall be designed and constructed in such a manner so as to not adversely impact off-site surface and groundwater elevations.
20. The type, location, size and number of signs permitted shall be as set forth in Part 7.03.00 of the Land Development Code with the following exception(s):
  - 20.1 Ground Signs shall be limited to Monument Signs.
  - 20.2 Billboards, pennants and banners shall be prohibited.
21. Policy C-36.6 of the Future Land Use Element of the Comprehensive Plan provides that the timing of new development should be coordinated with adequate school capacity as determined by the School District of Hillsborough County. Approval of the final Construction Plans for any portion of the residential development shall not occur until documentation is provided from the School District of Hillsborough County indicating that either:
  - a) Adequate capacity exists to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
  - b) Adequate school capacity is planned and funded to accommodate the future residents of the project, as identified/determined by the School District of Hillsborough County; or
  - c) The applicant has provided adequate mitigation to offset inadequacies in school capacity, as identified/determined by the School District of Hillsborough County.

22. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
23. 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.
24. 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. 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.
25. 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.
26. Within 90 days of approval by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms to the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.
27. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.

**THE FOLLOWING CONDITIONS APPLY TO DEVELOPMENT OPTION 3:**

1. The project shall be limited to the following development:

Pocket A: A maximum of 50,000 square feet of CG uses /or a Community Residential Home (maximum of 138 beds)

Pocket B: Community Residential Home with a maximum of 195 beds

If the entire site is developed with a Community Residential Home Use, a total of 333 beds shall be permitted.

Within either pocket, if the community residential use is developed, the developer shall have the option of up to 10 percent of the total beds being constructed to be designated for a Nursing home use.

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2. All development shall be developed in accordance with the CG (Commercial General) zoning district unless otherwise specified herein.
    - 2.1 Structures with a permitted height greater than 25 feet shall be setback an additional two feet for every one foot of structure height over 25 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard.
  3. Parking shall be provided in accordance with the Land Development Code unless otherwise specified herein:
    - 3.1 A maximum of one row of parking double loaded may be provided between US Highway 41 and the proposed buildings.
    - 3.2 On street parking shall be permitted on internal streets subject to the requirements of the Land Development Code.
  4. Buffering and screening shall be provided in accordance with the Land Development Code unless otherwise provided herein:
    - 4.1 The developer shall provide a minimum eight-foot buffer along US 41. Within said area the developer shall provide a decorative fence a minimum of 4 feet in height. Landscaping treatment within the eight-foot buffer area shall consist of eight to ten foot high shade trees, spaced 20 feet on center, and of a hedge measuring 30 inches high at the time of planting, spaced 36 inches on center. This buffer shall be shown on the site plan prior to Site Plan Certification.
  5. Vehicular and pedestrian interconnectivity shall be provided between all portions of the project.
  6. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.
  7. 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.
    - 7.1 The project may be permitted the above uses and will be subject to formal delineation of on-site conservation areas, preservation areas and water bodies and final calculation of maximum density/intensity (FAR) permitted by the Comprehensive Plan in accordance with the Environmentally Sensitive Lands Credits requirement of the Comprehensive Plan. If the maximum number of units and/or maximum square footage for the project as permitted herein exceeds the maximum density/intensity (FAR) permitted by the Comprehensive Plan, per the Environmentally Sensitive Lands Credits requirement, the number of dwelling units and/or square footage allowed in the project shall decrease as necessary to conform to the Comprehensive Plan.
  8. 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,

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unless specifically conditioned otherwise. 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.

9. 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.
10. Within 90 days of approval by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Planning and Growth Management Department a revised General Development Plan for certification which conforms to the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.





# **AGENCY COMMENTS**



*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

11201 N. McKinley Drive  
Tampa, FL 33612

KEVIN J. THIBAUT, P.E.  
SECRETARY

**MEMORANDUM**

DATE: July 14, 2020

TO: David Croft, Hillsborough County

FROM: Lindsey Mineer, FDOT

COPIES: Daniel Santos, FDOT  
Mecale' Roth, FDOT  
James Ratliff, Hillsborough County  
Michael D. Horner, AICP

SUBJECT: PRS 20-1029

This project is on a state road, US 41.

The applicant is advised that permits for access to state highways are required, and approval is not guaranteed. The applicant is reminded that zoning application and site development plan approvals by the local government do not guarantee acceptance of external project driveway location(s) on state roads.

It is recommended that the applicant meet with FDOT before zoning approval. Pre-application meetings may be made through Ms. Mecale' Roth at the District Seven Tampa Operations offices of the Florida Department of Transportation.

Contact info:  
Mecale' Roth  
[Mecale.Roth@dot.state.fl.us](mailto:Mecale.Roth@dot.state.fl.us)  
813-612-3237

Thank you for the opportunity to comment.

END OF MEMO

**COMMISSION**

Mariella Smith CHAIR  
 Pat Kemp VICE-CHAIR  
 Ken Hagan  
 Lesley “Les” Miller, Jr.  
 Sandra L. Murman  
 Kimberly Overman  
 Stacy White



**DIRECTORS**

Janet L. Dougherty  
 EXECUTIVE DIRECTOR

Hooshang Boostani, P.E. WASTE DIVISION  
 Elaine S. DeLeeuw, ADMIN DIVISION  
 Sam Elrabi, P.E. WATER DIVISION  
 Rick Muratti, Esq. LEGAL DEPT  
 Andy Schipfer, P.E. WETLANDS DIVISION  
 Sterlin Woodard, P.E. AIR DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<p><b>HEARING DATE:</b> September 8, 2020</p> <p><b>PETITION NO.:</b> 20-1029</p> <p><b>EPC REVIEWER:</b> Abbie Weeks</p> <p><b>CONTACT INFORMATION:</b> (813)627-2600 X1101</p> <p><b>EMAIL:</b> <a href="mailto:weeksa@epchc.org">weeksa@epchc.org</a></p>	<p><b>COMMENT DATE:</b> August 13, 2020</p> <p><b>PROPERTY ADDRESS:</b> 5497 US Highway 41, Apollo Beach</p> <p><b>FOLIO #:</b> 054240.0000</p> <p><b>STR:</b> 33-31S-19E</p>
<p><b>REQUESTED ZONING:</b> Minor Modification to PD</p>	
FINDINGS	
<p><b>WETLANDS PRESENT</b></p>	<p>YES</p>
<p><b>SITE INSPECTION DATE</b></p>	<p>November 8, 2017</p>
<p><b>WETLAND LINE VALIDITY</b></p>	<p>Valid through September 26, 2023 (SWFWMD ERP)</p>
<p><b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b></p>	<p>The northern ditch is accurately shown on option 3 site plans. The upland cut pond and eastern ditch are not depicted on any of the provided site plan options</p>
<p><b>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan’s current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:</b></p> <ul style="list-style-type: none"> <li>• Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.</li> <li>• The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.</li> </ul>	

- Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
- Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

**INFORMATIONAL COMMENTS:**

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

- Chapter 1-11, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

Aow/

cc: Mdhornier.aicp@gmail.com

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

**PETITION NO.:** PD20-1029      **REVIEWED BY:** Randy Rochelle      **DATE:** 7/9/2020

**FOLIO NO.:** 54240.00000

This agency would  (support),  (conditionally support) the proposal.

**WATER**

The property lies within the Hillsborough County Water Service Area. The applicant should contact the provider to determine the availability of water service.

No Hillsborough County water line of adequate capacity is presently available.

A 8 inch water main exists  (adjacent to the site),  (approximately 180 feet from the site) and is located south of the subject property within the southeast Right-of-Way of N. US Highway 41.

Water distribution improvements may be needed prior to connection to the County's water system.

No CIP water line is planned that may provide service to the proposed development.

The nearest CIP water main (       inches), will be located  (adjacent to the site),  (feet from the site at       ). Expected completion date is       .

**WASTEWATER**

The property lies within the Hillsborough County Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.

No Hillsborough County wastewater line of adequate capacity is presently available.

A 8 inch wastewater force main exists  (adjacent to the site),  (approximately 686 feet from the site) and is located south of the subject property within the Right-of-Way of Spindle Shell Way.

Wastewater distribution improvements may be needed prior to connection to the County's wastewater system.

No CIP wastewater line is planned that may provide service to the proposed development.

The nearest CIP wastewater main (       inches), will be located  (adjacent to the site),  (feet from the site at       ). Expected completion date is       .

**COMMENTS:** This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.