

APPLICATION TO RESCIND THE DEVELOPMENT ORDER
For the
CRESCENT DEVELOPMENT OF REGIONAL IMPACT (DRI # 208)

PETITION # 19-0841

SIGN-OFF & APPROVALS	INITIAL	DATE
County Attorney	<i>Joe Moreda</i>	05/27/21
Director, Community Development Division		

Development Services Department
May 20, 2021

APPLICATION: DRI 19-0841 – Application to Rescind the Development Order for Crescent DRI #208

BOCC MEETING DATE: June 8, 2021

Request

The applicant is requesting to rescind the Crescent DRI # 208 Pursuant to Section 380.115, Florida Statutes.

Section 380.115(1)(b), Florida Statutes (F.S.), sets forth the criterion for rescinding a DRI DO as showing "...that all required mitigation related to the amount of development that existed on the date of rescission has been completed".

Staff Findings

The Hillsborough County Board of County Commissioners originally approved the Crescent Development of Regional Impact (DRI) on January 9, 1990. This ±167-acre mixed-use project is located north of the intersection of U.S. 301 and Interstate 75.

The latest development order (DO) amendment was approved by the BOCC on September 13, 2016 (Resolution No. R16-127).

The Crescent DRI is approved with the following development entitlements:

PROJECT BUILDOUT	OFFICE (SQ. FT.)	INDUSTRI AL (SQ. FT.)	COMMERCIA L (SQ. FT.)	HOTEL (ROOMS)	MULTIFAMI LY (Units)
January 7, 2022	1,050,000	350,000	110,000	220	0

The Developer is permitted to trade-off a portion of two or more of the approved land uses for the Development so long as the change does not increase the P.M. peak hour traffic (516 entering; 1499 exiting) of the development. Prior to preliminary site plan or construction plan approval, the Developer shall prepare a traffic analysis, for review and approval by Hillsborough County, which demonstrates that the change in the relative amounts of approved land uses will not create additional P.M. peak hour traffic beyond that approved for the Development. In no event shall square footages be increased above (a) 1,500,000 square feet for office uses; (b) 1,000,000 for industrial uses; (c) 250,000 for commercial/retail uses; or (d) 135 multifamily units; nor shall the number of hotel rooms exceed 440.

The development is substantially built out with respect to available land area with existing development consisting of the following:

Commercial Retail: 42,362 square feet
 Office: 462,829 square feet
 Service Distribution: 219,980 square feet
 Multi-family: 90 units

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The DRI's required transportation mitigation was to construct an extension of Falkenburg Road from the roadway's original intersection with Causeway Blvd, extending it to the south and west, to an intersection with U.S. Highway 301, with related turn lane improvements at the intersection.

In addition, at the issuance of Certificates of Occupancy (CO's) for 600,000 of office building area within the DRI (or the equivalent thereof in terms of trip generation, i.e. 139 entering; 732 exiting PM peak hours) completion of a Transportation System Management ("TSM") Program was required to divert vehicular trips from PM Peak Hours.

Other mitigation included, surface water quality monitoring and reporting requirements and the analysis of adequate housing needs prior to issuance of CO's for 1,000,000 square feet of office building area (or the equivalent thereof in terms of trip generation).

The applicant required roadway improvements for constructed development has been completed, including construction of an additional two (2) lanes on Falkenburg Road from Lumsden Road south and west to its intersection with US 301. A required southbound to eastbound dual left turn lanes at the intersection of US Hwy 301 and Falkenburg Road has not been constructed as it has not yet met warrants. The office developer/owner (Progressive) of the 462,829 square feet of office development instituted transportation demand management measures consisting of a work from home program and staggered work hours to shift employee trips from peak hours to off-peak hours. Surface water quality monitoring was implemented and continued monitoring of surface water quality will occur as part of compliance with the project's Southwest Florida Water Management District Environmental Resource Permit (ERP), which includes performance and reporting of maintenance of the projects stormwater management system. The threshold for the adequate housing study has not been triggered as the applicant provided an analysis demonstrating that the traffic generation for the existing development does not exceed the traffic that would have been generated for 1,000,000 square feet of office.

Based on the above, staff finds that the Crescent DRI meets the above criterion for rescinding its DO as, pursuant to Section 380.115, Florida Statutes, all required mitigation for existing development has been completed.

With the rescission of the DRI, the site would be subject to all development regulations and entitlements stipulated in the conditions of approval for PD 89-0206. This Development Order amendment is accompanied by related zoning application PRS 21-0311.

Recommendation

Staff recommends that the Board of County Commissioners rescind the Development Order (DO) for the Crescent Development of Regional Impact (DRI) in accordance with the attached resolution subject to any changes by the County Attorney's Office.

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Development Order History

The Hillsborough County Board of County Commissioners (Board) originally approved The Crescent Development of Regional Impact (DRI) Development Order on January 9, 1990 (Resolution # R90-0029). The following land uses were approved:

Buildout Date	Office (sq. ft.)	Industrial (sq. ft.)	Commercial (sq. ft.)	Hotel (Rooms)
1990-1996	1,050,000	350,000	110,000	220

On October 25, 1994, the Board approved Resolution R94-0271 extending the build out date from 1996 to December 16, 2001, extending the effective date from January 1, 2001 to January 1, 2006, and extending the completion date of the transportation mitigation project to January 1, 1999.

On February 10, 1998, the Board approved Resolution R98-029 extending the build out date to December 31, 2005 (for a cumulative extension of nine years), extending the effective date to January 16, 2010, and adding 35.2 acres of land as open space to the project (for a total of 167 acres).

On April 13, 2004, the Board approved Resolution R04-073, adding two access points from U.S. Highway 301 to the project's Parcel B.

The approved plan of development per R04-073 was:

PROJECT BUILDOUT	OFFICE (SQ. FT.)	INDUSTRIAL (SQ. FT.)	COMMERCIAL (SQ. FT.)	HOTEL (ROOMS)
December 31, 2005	1,050,000	350,000	110,000	220

Note: Through the utilization of the approved trade-off matrix, the developer is permitted to exchange approved land uses as long as the following maximum amounts of development are not exceeded: 1.5 million sq. ft. of office, 1 million sq. ft. for industrial uses, 250,000 sq. ft. of commercial/retail uses or 440 hotel rooms.

On October 11, 2005 the Board approved Resolution R05-230 thereby extending the project's build-out date by five years to December 31, 2010 and extending the effective date, and dates for downzoning and intensity reduction by five years to January 16, 2015.

On August 26, 2009, the County acknowledged and approved an extension, pursuant to Section 14 of Ch. 2009-96, Laws of Florida as reenacted by Section 12 of Ch. 2011-14 Laws of Florida, of the build out date for the project from December 31, 2010 to December 31, 2012.

On January 20, 2012 the County acknowledged an extension to the project's build out date to

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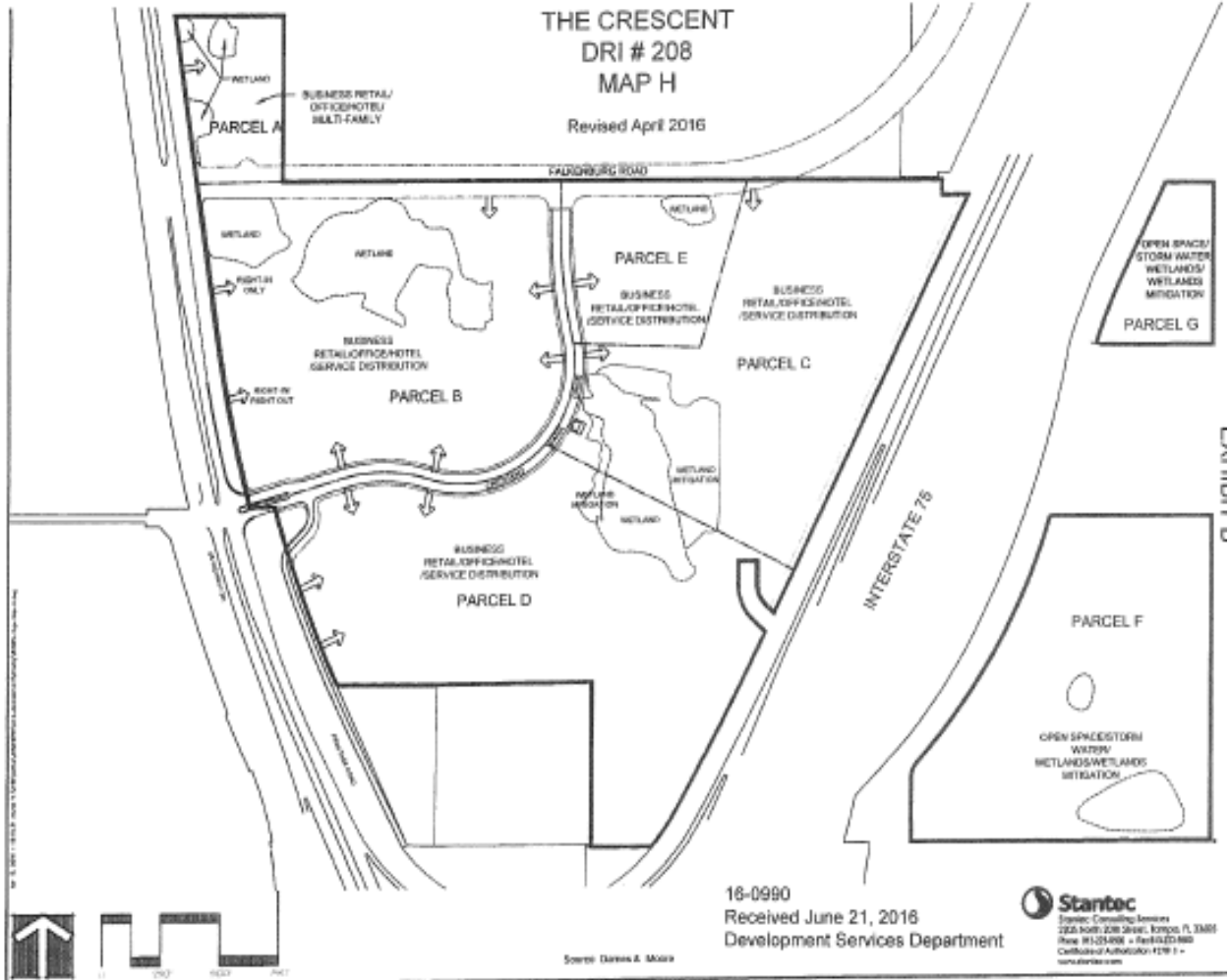
November 21, 2017 and an extension to the DO's effective date to December 21, 2017 pursuant to HB 7207 and Section 252.363, F.S. and Executive Orders 11-128 and 11-202.

On September 13, 2016 the Board approved Resolution 16-127 which modified the DO as follows:

1. Identified Kevin P. McGrath, President of the Crescent Owners Association Inc. as the authorized agent of the project and Progressive Casualty Insurance Company as Developer.
2. Incorporated the extension of the project's build out date to November 21, 2017, effective date to January 7, 2022 pursuant to HB 7207 and Section 252.363, F.S. and Executive Orders 11-128 and 11-202.
3. Modified condition IV.A.1. to add Multifamily as an approved land use.
4. Modified condition IV.A.6., which allows land use exchanges, to add 135 multifamily units as the maximum number of multifamily units allowed.
5. Modified Map H to add multi-family uses as an allowable use on Parcel A.

THE CRESCENT
DRI # 208
MAP H

Revised April 2016



16-0990
Received June 21, 2016
Development Services Department

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**Proposed Resolution to Rescind the Crescent Development of
Regional Impact Development Order**

RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF
COUNTY
COMMISSIONERS OF
HILLSBOROUGH COUNTY,
FLORIDA, TO RESCIND THE
CRESCENT DEVELOPMENT OF
REGIONAL IMPACT #208**

Upon motion by Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted by a vote of ____ - ____.

WHEREAS, on January 9, 1990, the Board of County Commissioners of Hillsborough County, Florida approved Development Order #208 for the Crescent Development of Regional Impact (the “Crescent DRI”) through Resolution 90-0029; and

WHEREAS, the Board of County Commissioners approved amendments to the Crescent DRI Development Order on October 25, 1994 (R94-0271), February 10, 1998 (R98-029), April 13, 2004 (R04-073), October 11, 2005 (R05-230) and September 13, 2016 (R16-127); and

WHEREAS, all owners of record of property within the Crescent DRI have authorized the Crescent Owners Association, Inc. (the “Applicant”) and its agent to request rescission of the Crescent DRI; and

WHEREAS, pursuant to Section 380.115(2), Florida Statutes, if requested by the developer or landowner, a development of regional impact shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization; and

WHEREAS, on or about _____, 20__, the Applicant filed an application for rescission of the Crescent DRI and related documents (“Application”) in accordance with Section 380.115(2), Florida Statutes, and with the consent of the remaining owners of property within the Crescent DRI; and

WHEREAS, all required mitigation related to the amount of development that existed on the date of rescission has been completed; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Chapter 380, Florida Statutes, is authorized and empowered to consider the proposed rescission and to rescind the Crescent DRI; and

WHEREAS, all adjacent property owners have been duly noticed in accordance with the notice requirements applicable to modifications to existing DRIs in the Hillsborough County Land Development Code; and

WHEREAS, all interested parties and members of the public have been afforded an opportunity to be heard at the public hearing on the proposed rescission before the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has held a duly noticed public hearing to consider the proposed rescission of the Crescent DRI and has reviewed and considered the Application, as well as all testimony and evidence submitted by the Applicant, reviewing agencies, and members of the general public.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

Section One. Rescission. The Development Order for the Crescent DRI, adopted by Resolution No. 90-0029, as amended by R94-0271, R98-029, R04-073, R05-230 and R16-127, is hereby rescinded pursuant to Section 380.115, Florida Statutes.

Section Two. Severability. The provisions of this Resolution shall be deemed to be severable. If any provision of this Resolution is judicially determined to be unconstitutional or otherwise invalid, such determination shall not affect the validity of any other provision of this Resolution.

Section Three. Future Development. All future development within the former Crescent DRI will continue to be subject to all applicable provisions of the Future of Hillsborough Comprehensive Plan and the Hillsborough County Land Development Code.

Section Four. Recording. The Applicant shall record notice of this rescission of the Crescent DRI in the official public records of Hillsborough County, Florida.

Section Five. Effective Date. This Resolution shall become effective immediately upon adoption.

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, CINDY STUART, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the resolution adoption by the Board of County Commissioners in its regular meeting of the ____ day of _____, 2021, as the same appears in the Minute Book _____, of Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this ____ day of _____, 2021.

CINDY STUART
CLERK OF THE CIRCUIT COURT
By: _____
Deputy Clerk

Approved as to form and legal sufficiency
By: _____
Assistant County Attorney