

PD Modification Application: PRS 22-0149

Zoning Hearing Master Date: N/A

BOCC Land Use Meeting Date: January 13, 2022



**Hillsborough
County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: InVictus Development LLC

FLU Category: RES-4

Service Area: Urban

Site Acreage: 2.97 acres

Community
Plan Area: Northwest

Overlay: None



Introduction Summary:

Planned Development (PD) 84-0409, as most recently modified by PRS 20-0779, is a mixed-use project approved for commercial, office, residential and institutional uses. The applicant requests a relocation of an access point serving the parcel with folio 5455.0000 located at the southeast corner of the intersection of Memorial Hwy and Montague Street. The subject parcel is permitted a maximum of 9 multi-family affordable housing units.

Existing Approval(s):	Proposed Modification(s):
Access to folio 5455.000 located on northern parcel boundary on Montague Street, east of the intersection of Memorial Hwy and Montague Street.	Relocate access to the western parcel boundary south of the intersection of Memorial Hwy and Montague Street.

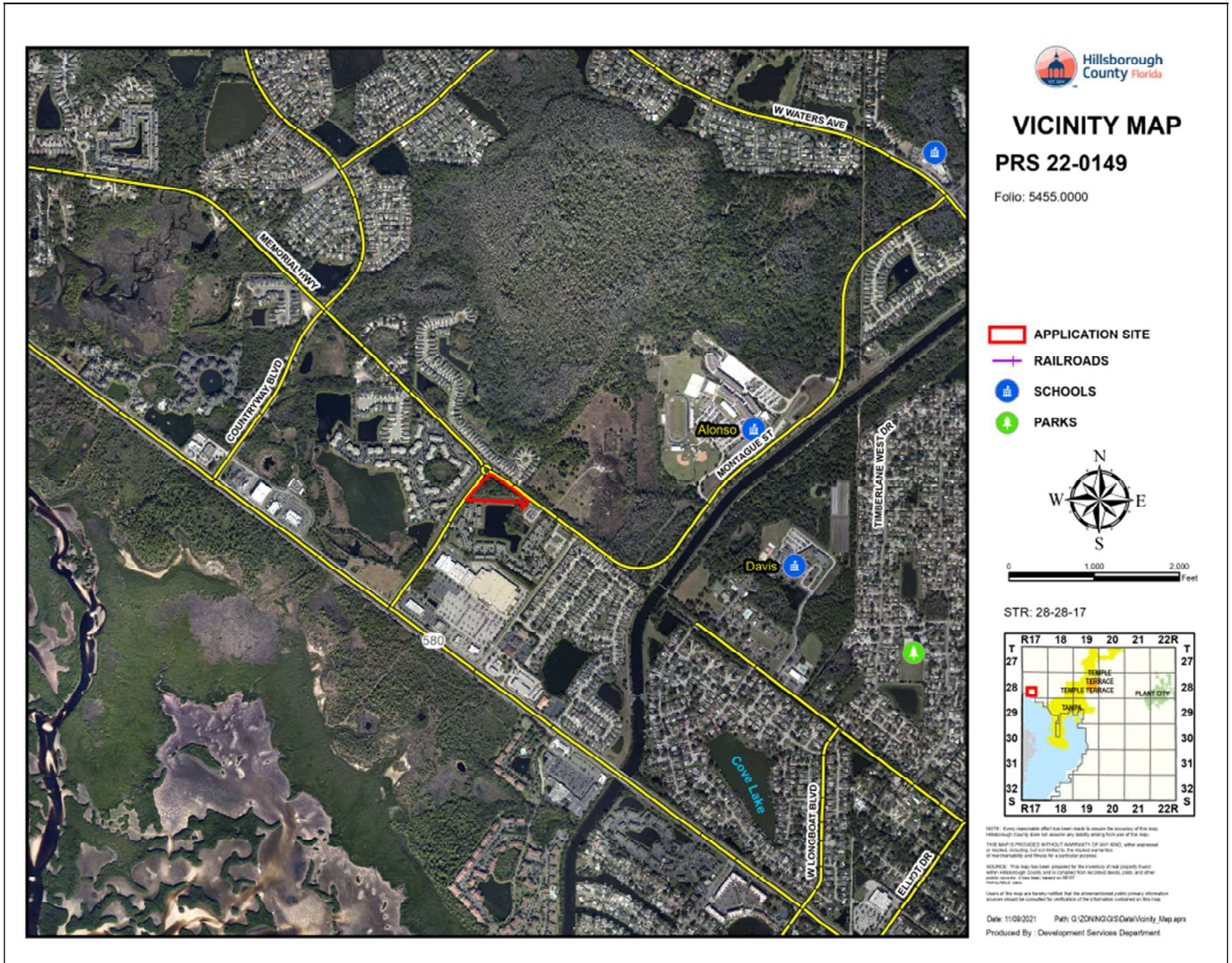
Additional Information:

PD Variation(s):	None Requested as part of this application
Waiver(s) to the Land Development Code:	N/A

Planning Commission Recommendation: N/A	Development Services Recommendation: Approvable, subject to proposed conditions
---------------------------------------------------	-------------------------------------------------------------------------------------------

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

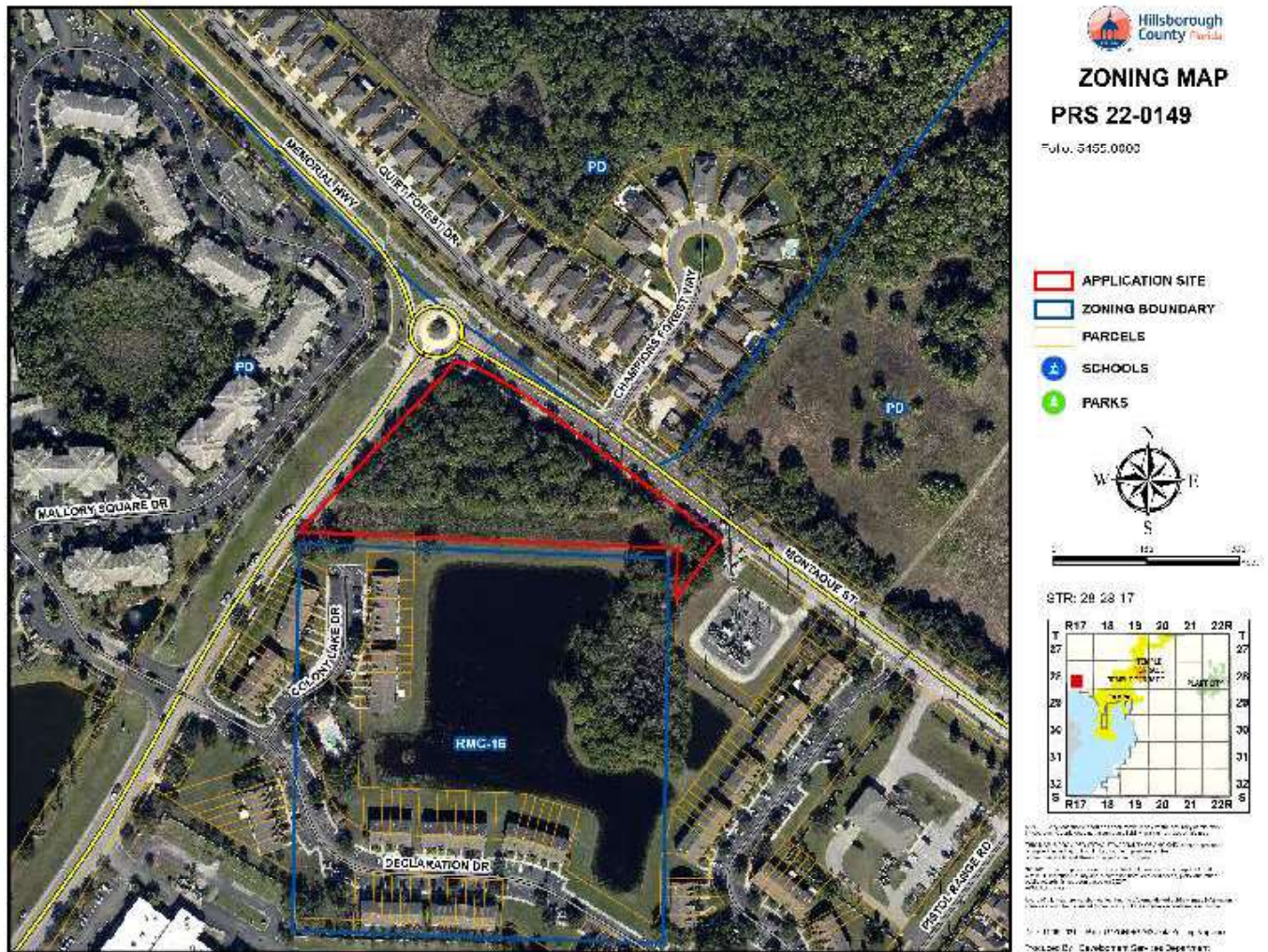


Context of Surrounding Area:

The parcel is located in a highly developed area in the northwest Hillsborough County north of Hillsborough Avenue. The area contains a mixture of residential, commercial and institutional uses. Residential in the area includes a mixture of multi-family (west), townhomes (south and east) and single-family (north) with commercial uses located to south along Hillsborough Avenue.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Immediate Area Map

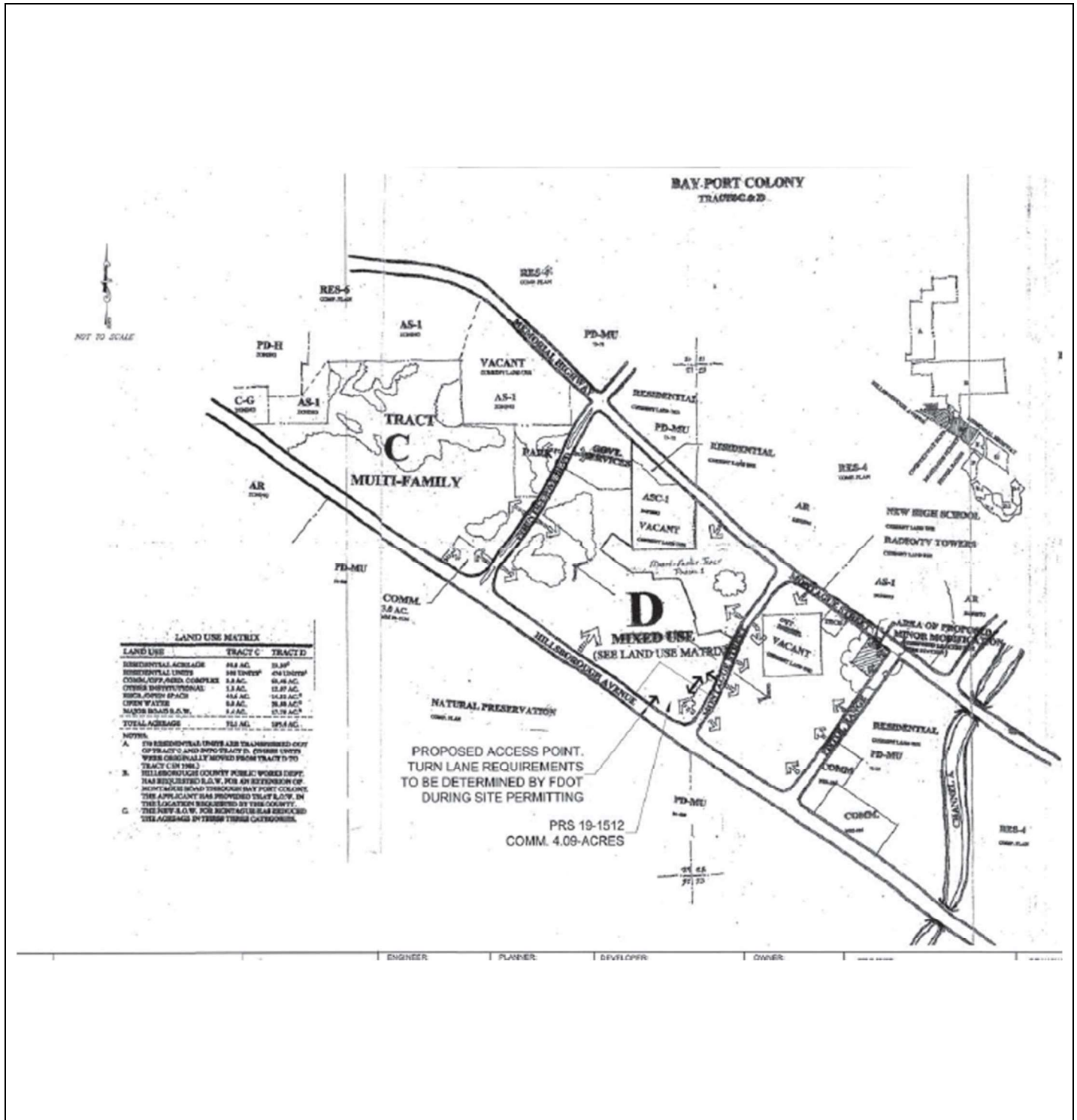


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD 05-2129	91 Units	Single-Family	Single-Family
South	RMC-16	4 units per acre	Multi-family, single-family	Townhomes
East	PD 84-0409	6.47 units per acre / .25 FAR	Residential, Institutional and Commercial	TECO substation
West	PD 84-0409	6.47 units per acre	Multi-family	Multi-family

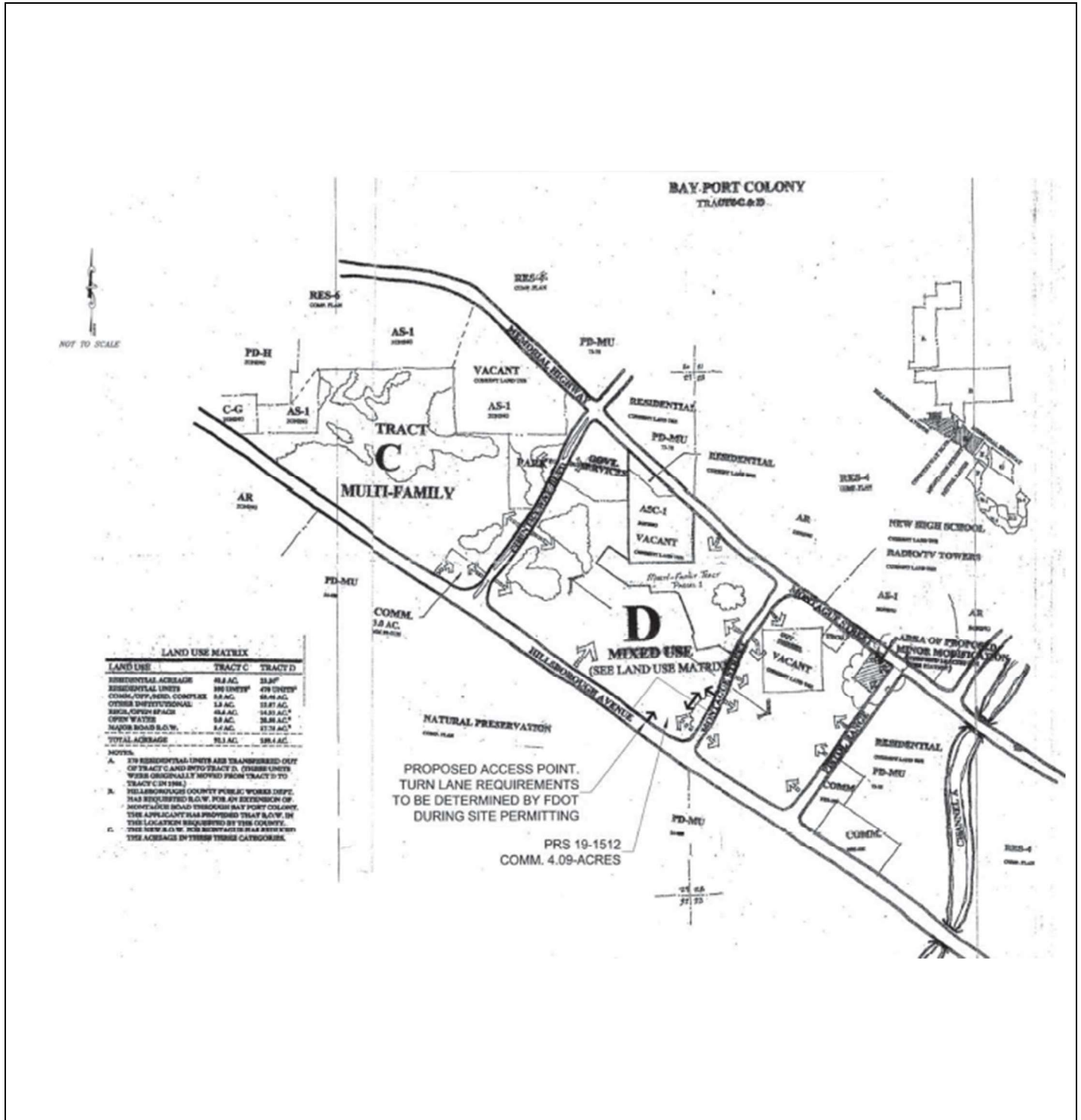
2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Approved Site Plan (partial provided below for size and orientation purposes. See Section 8.1 for full site plan)



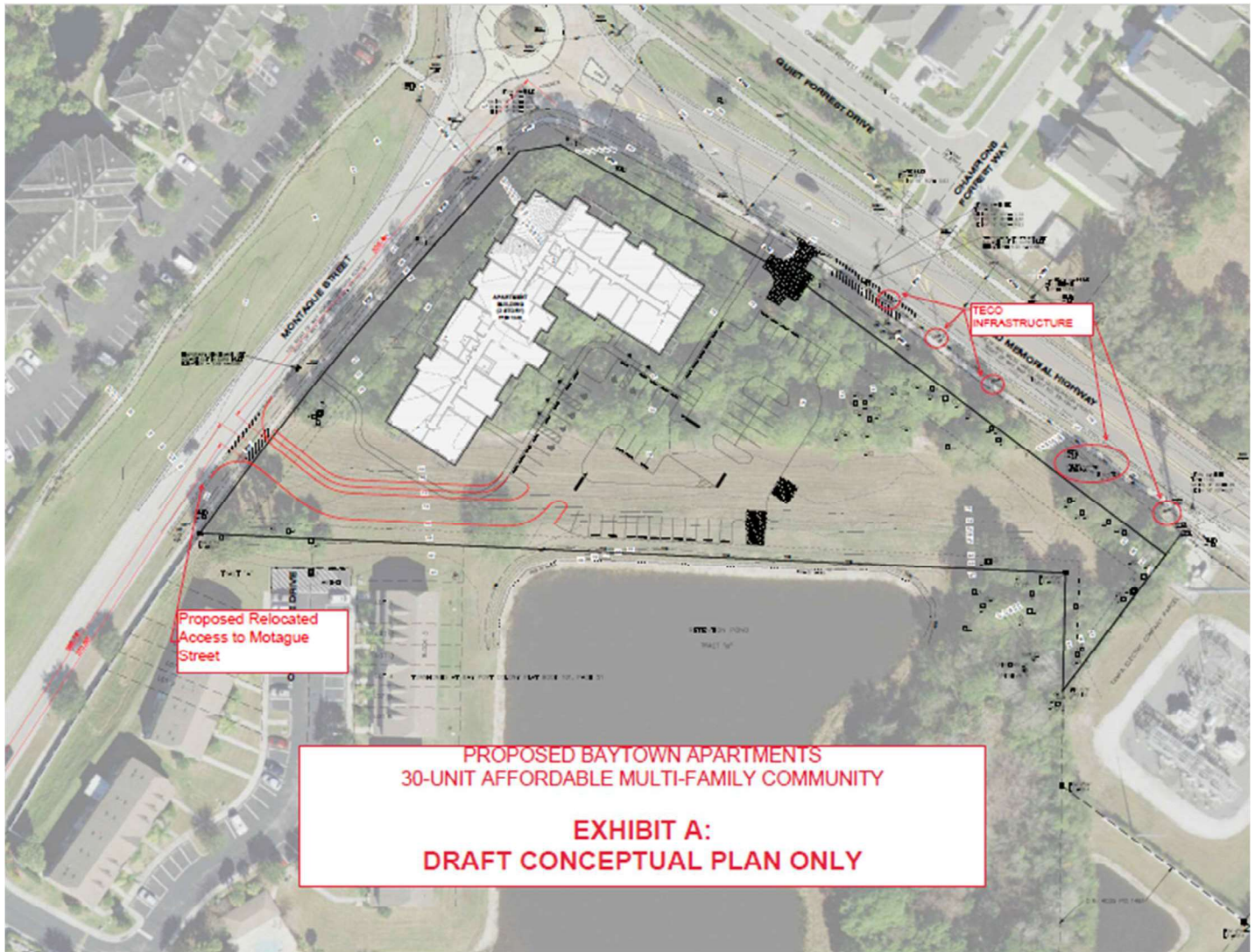
2.0 LAND USE MAP SET AND SUMMARY DATA

2.5 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 for full site plan)



2.0 LAND USE MAP SET AND SUMMARY DATA

2.6 Conceptual Plan with Revised Access Location



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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Montague Street	County Arterial - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	County Arterial - Urban	8 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	County Local - Rural	3 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	FDOT Arterial - Rural	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input checked="" type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing			
Proposed			
Difference (+/-)			

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

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

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

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No wetlands within project limits
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Impact/Mobility Fees				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

No compatibility issues were identified with the request as there are no changes in entitlements or to development standards. Across Montague Street from the proposed relocated access point is a multi-family development in which there is an approximately 64 - foot wide open space area between the beginning of the multi-family development and Montague Street. Transportation Review staff offered no objections to the proposed access relocation.

5.2 Recommendation

Approvable, Subject to Conditions.

6.0 PROPOSED CONDITIONS

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted October 21, 2019.

1. The developer shall provide, prior to issuance of Certificates of Occupancy, sidewalks internal to the project, and external to the project in the right-of-way area of the major roadway(s) adjacent to the specific construction phase that requires Certificates of Occupancy (i.e., Memorial Highway, Pistol Range Road, and Hillsborough Avenue). The exact location of said sidewalks shall be determined by Hillsborough County during Construction Site Plan Review.
2. The developer shall provide outdoor lighting internal to the project.\
3. Within the residential areas, the developer shall screen, prior to the issuance of Certificates of Occupancy, all service areas, trash receptacles, dumpsters, et cetera, from view from public places and neighboring properties through the use of features, such as berms, fences, false facade, and dense landscaping.
4. The developer shall be required to utilize public water and public sewer, except for Tract D which is detailed in Conditions #24-28, and shall pay all costs to connect for service delivery. The developer shall submit to the Development Services Department, prior to the issuance of Certificates of Occupancy, evidence of commitment from the County to provide the public water and public sewer services. Additionally, the developer shall submit to the County prior to the issuance of Certificates of Occupancy, evidence of agreement to pay necessary costs to enable the County to provide public water and public sewer service delivery. Approval of this application does not ensure that water will be available at the time when the applicant seeks approval to actually develop.
5. Within the multi-family residential area, the developer shall provide parking spaces per unit pursuant to the following requirements: (a) 1.5 parking spaces for each 1-bedroom unit, (b) 2.0 parking spaces for each 2-bedroom unit, and (c) 2.5 parking spaces for each 3-bedroom unit. The size of each parking space on site shall be nine feet-by-eighteen feet. The location and total number of parking spaces shall be subject to approval by Hillsborough County during Preliminary Site Plan approval.
6. Within Tract F, all buildings shall be set back a minimum of 50 feet from the top of the bank of Channel "A".
7. Within Tract F, any building within 250 feet of the edge of Channel "A" shall contain a maximum of 8 units per cluster.
8. For residential uses, buildings shall be set back a minimum of 25 feet from all tract boundaries and commercial areas.
9. Residential uses shall have a minimum distance of 20 feet between buildings.

10. Within Tract E, residential area shall be limited to a maximum of 240 single-family detached units. Minimum lot size and setbacks shall be as per existing approved Detailed Site Plan of this tract.
11. The maximum gross residential density of Tracts C, D, E, and F shall be limited to 6.47 dwelling units per acre (1,860 units). Although this density represents a partial "bump-up", the number of residential units remains the same as that approved on the Revised General Site Plan of May 1982. Since these units were approved prior to the adoption of the Amended Land Use Plan, this approval shall not serve as a precedent for any future requests along State Road 580.
 - 11.1 Notwithstanding any other conditions of approval herein, the developer shall be permitted to exchange 4,893.6 s.f. of commercial/office/medical complex uses for each additional multi-family dwelling unit. This rate of exchange is a 10 times offset in traffic impacts and in no circumstances shall the total number of dwellings units created by the exchange exceed 9 units. The exchange may only be applied for residential use, as further restricted herein, proposed on Folio 5455.000 within Tract D. With the plat/site/construction plan submittal for new residential development within Tract D, the developer shall submit a letter notifying the County whether the subject development utilizes the trade-off matrix specified by this condition. The trade-off for multi-family shall be limited to an affordable housing project funded through local or state affordable housing programs. Documentation of that funding shall be submitted at time of permitting.
12. Any significant land use changes to the project which are contrary to the approved letter of vested right shall require, prior to Preliminary Site plan approval, a review and reaffirmation of vested rights status, pursuant to Chapter 380, Florida Statutes.
13. The roadway between Tracts C and D shall line up with the roadway into Parcel B across Memorial Highway.
14. Per MM19-1512 within Tract D the following conditions shall apply to folios 5455.0000 and 5455.0500: Cross access is required between folios 5455.0000 and 5455.0500, Shift existing access point between folio 5455.0000 and Montegue Street to the northeast as depicted on site plan for MM19-1512, Add an additional full access between Montegue Street and folio 5455.0500 as depicted on the site plan for MM19-1512. Add and additional right in/right-out access between W. Hillsborough Avenue and folio 5455.0000 as depicted on site plan.
15. Within Tract C retail uses shall be permitted at the intersection of Countryway Boulevard and Hillsborough Avenue. On the eastern parcel up to 15,100 square feet for a drug store/pharmacy shall be permitted. On the western 1.23 parcel, up to a 0.20 FAR shall be permitted for C-N uses excluding convenience stores/gasoline stations with gas pumps, provided a transportation analysis is submitted and approved by Hillsborough County which demonstrates an acceptable level of service on adjacent roadways at the time site development plan approval.
 - 15.1 The building locations and orientation shall be as generally shown on the general site plan received October 30, 1998.
 - 15.2 Restricted access onto State Road 580 approximately 265 feet from Countryway Boulevard shall be permitted subject to approval by the Florida Department of Transportation.

- 15.3 A church and/or child care facility shall be permitted within Tract C. The church and or child care shall be located as shown on the site plan received October 24, 2017. The church and/or child care facility shall be permitted a maximum of 10,500 square feet of floor area. Property with folio number 005486.0100 shall be permitted an 8 foot front yard setback.
- 15.4 An accessory temporary sales office and/or construction trailer shall be permitted in accordance with the Land Development Code.
- 15.5 The general design, location and number 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. Final design, if approved by Hillsborough County and may include, but is not limited to: left turn lanes, acceleration lane(s) and deceleration lane(s) existing distance to the intersection of Countryway/Old Memorial Highway. The design and construction of this left turn lane shall be approved by Hillsborough County. Roadway construction of left turn lanes shall be completed with proper transitions from the widened section to the existing roadway pavement. Design plans for said construction shall be reviewed and approved by the County Public Works Department and evidence of said approval shall be submitted to review by the Hillsborough County Development Services Department.
- 15.5.1 Prior to Construction Site Plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of left turn storage needed to serve development traffic. If warranted by the results of the transportation analysis, and as determined by Hillsborough County, the developer may be limited in size and scope of development to safely accommodate the construction of any left turn lane within the existing distance to the intersection of Countryway/Old Memorial Highway. The design and construction of this left turn lane shall be approved by Hillsborough County. Roadway construction of left turn lanes shall be completed with proper transitions from the widened section to the existing roadway pavement. Design plans for said construction shall be reviewed and approved by the County Public Works Department and evidence of said approval shall be submitted to review by the Hillsborough County Development Services Department.
16. The Park in Tract C shall be a minimum of 8 acres with a minimum of 5 acres upland. Also, the developer shall provide a pedestrian/bicycle path from Park to Parcel B. The exact location of said path shall be determined by Hillsborough County during Construction Site Plan approval.
17. All residential structures shall be limited to a maximum of two stories or 35 feet whichever is more restrictive, except in Tract C where a maximum of three stories with a total height of 49 feet shall be permitted, and in Tract D where a maximum of three stories shall be permitted. However, in Tract D, structures within 200 feet of Memorial Highway shall be restricted to two stories or 35 feet, and structures within the area identified as Multi-family Tract Parcel 1 shall be permitted a maximum height of 45 feet.
18. "Other Institutional" uses shall be limited to governmental services, such a fire or Emergency Medical service stations, library, child care centers, community centers or church sites.
19. All land waterward of mean high water lien shall be considered to be Preservation Area and shall be so delineated on all Site Plans.

- 19.1 A maximum of four access points may be provided onto Hillsborough Avenue, one onto Pistol Range Road and two onto Memorial Highway, as shown on the General Site Plan. However, an additional access point onto Hillsborough Avenue may be provided for Parcel E, subject to approval by the Florida Department of Transportation. Additionally, the fire station shown on the northeast of Tract D at the intersection of Pistol Range Road and Montague Street shall be permitted two access points onto Pistol Range Road and one access point onto Montague Street. Crabtree Court shall not be used for access to Parcel E. Two access points from Pistol Range Road to Lot 1 of Parcel E shall be permitted as shown on the General Site Plan, subject to: The developer shall provide screening for abutting residential uses to the northeast where Parcel E abuts Crabtree Court, in the form of a 6 foot high masonry wall, landscaped berm, evergreen plants, or combination thereof.
- 19.2 Provision of a cross-access agreement between the owners of Lot 1 and Lot 2.
- 19.3 Notwithstanding anything herein these PD conditions or on the PD site plan to the contrary, the project shall be permitted one (1) additional access driveway onto either Countryway Boulevard (Primary Access Option) or Memorial Highway (Secondary Access Option) to/from folio number 005486.0100. However, regardless of access option chosen, no access shall be permitted unless approved by Hillsborough County Public Works via the administrative variance process per Land Development Code Section 6.04.02.B.
- 19.4 Notwithstanding anything herein these PD conditions or on PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundary.
20. Prior to any Certificates of Occupancy for any phase of construction, the developer shall complete all traffic and road improvement conditions adjacent on roads and intersections effected by that phase of development and agreed upon during previous rezoning of the property and during personal appearance hearings. Regarding the fire station on the northeast corner of Tract D at the intersection Pistol Range Road and Montague Street, the only roadway improvements required shall be a sidewalk on Pistol Range Road along the fire station site frontage.
21. Prior to issuance of Certificates of Occupancy, the developer shall widen Pistol Range Road in order to provide left-turn storage lanes, with adequate tapers for the south-to-east left turn movement at the intersection of Pistol Range Road and Hillsborough Avenue, northbound-to-west left-turn at Pistol Range Road and Memorial Highway (Montague Street), and for each access to the west from Pistol Range Road. Regarding the development of the fire station in Tract D on the corner of Pistol Range Road and Memorial Highway (Montague Street), any improvements needed as the result of that particular development will be determined when the fire station comes in for driveway permits.
22. If at the time that the developer of Tract D applies for public wastewater service and the County determines that public service is not available for Tract D, the developer may use an interim wastewater treatment plant (IWWTP), on site, to provide service subject to Hillsborough County permitting approval.
23. The IWWTP shall be located a minimum 1,000 feet northwest of Tract E, as measured along Memorial Highway.

24. The plant shall be of 150,000 gallons per day capacity or less, and shall meet all County, State, and Federal requirements.
25. No on-site residential units shall be constructed within one hundred and fifty (150) feet of the IWWTP, if constructed.
26. At the time the developer is notified by the County that public wastewater service is available, the developer within 90 days shall connect to public wastewater service, dismantle and remove the IWWTP, and restore the IWWTP site to a reasonable condition so that it has no negative impacts on surrounding properties or to motorists along Memorial Highway.
27. If PRS 22-0149 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated December 14, 2021) which was found approvable by the County Engineer (on December 20, 2021) for the Montague St. substandard road improvements. Approval of this Administrative Variance will waive the Montague St. substandard road improvements required by Section 6.04.03.L. of the LDC.
- ~~27~~ 28. In the event there is conflict between a zoning condition of approval, as stated herein, and any written or graphic notation on the general site plan, the more restrictive requirement shall apply.
- ~~28~~ 29. Within 90 days of approval of PRS ~~20-0779~~ 22-0149 by the Hillsborough County Board of County Commissioners, the developer shall submit to the Development Services Department, a Revised General Site Plan for certification reflecting all the conditions outlined above.

Zoning Administrator Sign Off:

J. Brian Grady

SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

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

APPLICATION NUMBER: PRS 22-0149

ZHM HEARING DATE: N/A

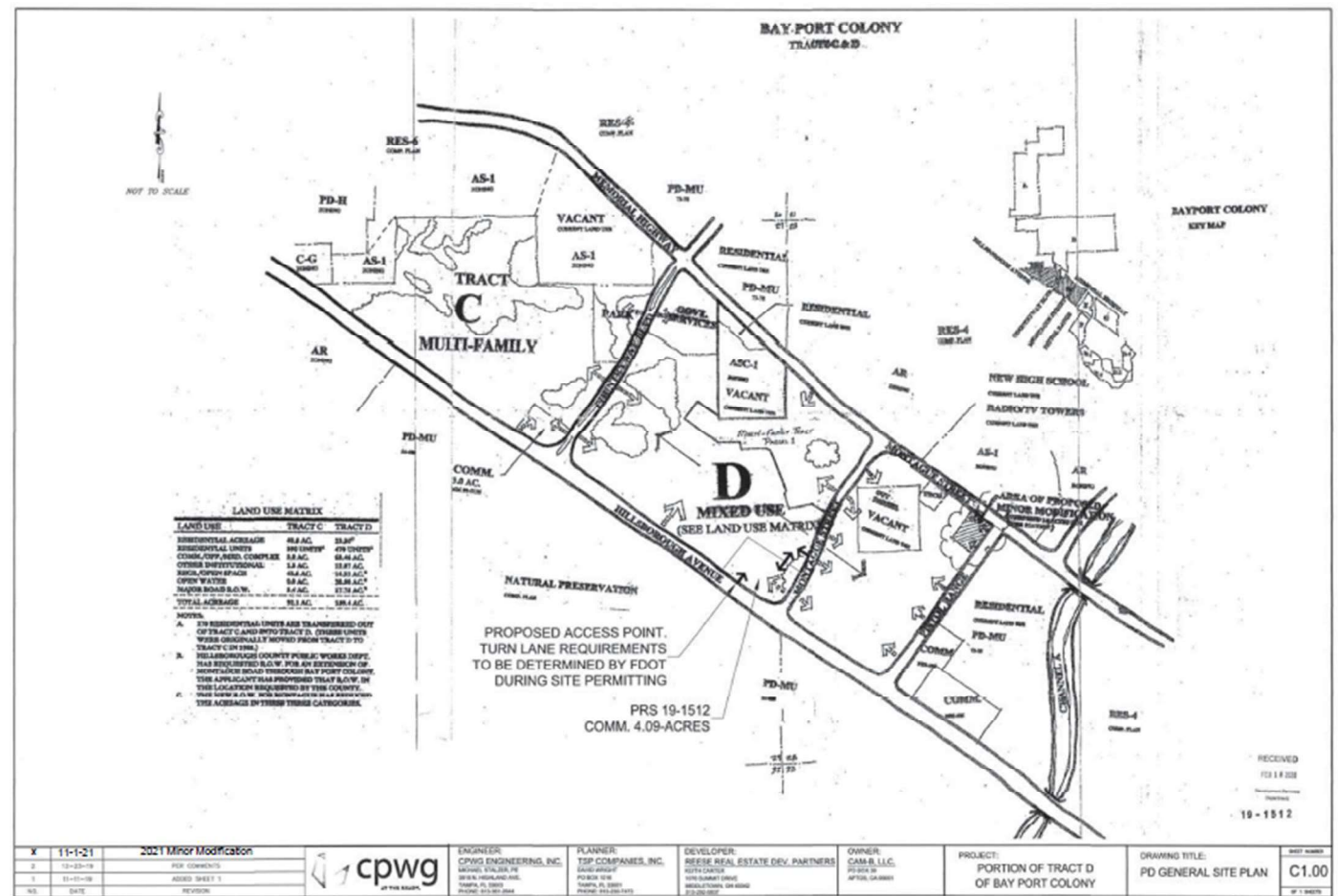
BOCC LUM MEETING DATE: January 13, 2022

Case Reviewer: Kevie Defranc

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

8.0 SITE PLANS (FULL)

8.2 Proposed Site Plan (Full)



APPLICATION NUMBER: PRS 22-0149

ZHM HEARING DATE: N/A

BOCC LUM MEETING DATE: January 13, 2022

Case Reviewer: Kevie Defranc

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Development Services Department

DATE: 12/21/2022

REVIEWER: James Ratliff, AICP, PTP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: NWH/ Northwest

PETITION NO: PRS 22-0149

- ☐ This agency has no comments.
- ☐ This agency has no objection.
- ☒ This agency has no objection, subject to listed or attached conditions.
- ☐ This agency objects, based on the listed or attached conditions.

NEW CONDITION OF APPROVAL

- If PRS 22-0149 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated December 14, 2021) which was found approvable by the County Engineer (on December 20, 2021) for the Montague St. substandard road improvements. Approval of this Administrative Variance will waive the Montague St. substandard road improvements required by Section 6.04.03.L. of the LDC.

DESCRIPTION OF REQUEST, STAFF ANALYSIS, AND CONCLUSION

The applicant is requesting a minor modification, also known as Personal Appearance (PRS) to approved Planned Development (PD) #84-0709, as most recently amended via PRS 20-0779. The 2020 zoning modified this same +/- 2.97 ac. portion of the much larger PD. The existing PD is approved for a variety of uses, including residential, commercial, office, medical, recreational and institutional uses. The applicant received approval of a tradeoff mechanism which allows commercial entitlements to be converted into additional multi-family dwelling units.

The current PRS request proposes relocation of the vehicular access serving this portion of the project from the roughly northwest to southeast running portion of Montague St. (formerly known as Memorial Highway) to the roughly northeast to southwest running portion of Montague St. (at the folio's western edge). No changes in maximum trip generation impacts are anticipated as a result of this modification. Trip distribution will be modified insofar as all project trips will be entering and exiting off a different segment of the roadway; however, most trips are anticipated to continue traveling to/from W. Hillsborough Ave. via Montague (albeit along a shorter path).

Staff has no objection to the requested modification, subject to the condition proposed hereinabove.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Montague St. is a 2-lane, publicly maintained, substandard, collector roadway characterized by +/- 12-foot wide travel lanes in average condition. The roadway lies within a +/- 120-foot wide right-of-way along the project's frontage. There are +/- 5-foot wide sidewalks along both sides of Montague St. in the vicinity of the proposed project. There is a +/- 4-foot wide bicycle lane along only one side of Montague St. in the vicinity of the proposed project.

ADMINISTRATIVE VARIANCE REQUEST

Montague St. is a substandard, publicly maintained, collector roadway. The applicant submitted a Section 6.04.02.B Administrative Variance request (dated December 14, 2021) from the Section 6.04.03.L. requirement whereby an applicant is required to improve a substandard roadway, between its project access and nearest standard roadway, to current County standards. Based on factors presented in the Administrative Variance request, the County Engineer found the request approvable (on December 21, 2021). If this zoning modification is approved the County Engineer will approve the above referenced Administrative Variance Request. If approved, no substandard road improvements on Montague St. will be required.

LEVEL OF SERVICE (LOS) INFORMATION

Hillsborough Ave. (between Double Branch Rd. and Longboat Blvd.) has an adopted Level of Service Standard of "D". As shown on the Hillsborough County 2019 Level of Service Report, the peak hour, peak direction LOS for the above segment is LOS "D".

Perez, Richard

From: Williams, Michael
Sent: Monday, December 20, 2021 5:56 PM
To: Alexia Rotberg
Cc: rcavalieri@invictusdev.com; clagasse@invictusdev.com; Grady, Brian; Perez, Richard; Tirado, Sheida
Subject: FW: PRS 22-0149 Administrative Variance
Attachments: 22-0149 AVReq 12-14-21.pdf

Alexia,

I have found the attached Section 6.04.02.B. Administrative Variance (AV) for PD 22-0149 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Ingrid Padron (padroni@hillsboroughcounty.org or 813-307-1709) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to PW-CEIntake@hillsboroughcounty.org

Mike

Michael J. Williams, P.E.

Director, Development Review

County Engineer

Development Services Department

P: (813) 307-1851

M: (813) 614-2190

E: Williamsm@HillsboroughCounty.org

W: HCFLGov.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [HCFL Stay Safe](#)

Please note: All correspondence to or from this office is subject to Florida's Public Records law.

From: Tirado, Sheida <TiradoS@hillsboroughcounty.org>
Sent: Monday, December 20, 2021 12:16 PM
To: Williams, Michael <WilliamsM@HillsboroughCounty.ORG>
Cc: Grady, Brian <GradyB@HillsboroughCounty.ORG>; Perez, Richard <PerezRL@hillsboroughcounty.org>
Subject: PRS 22-0149 Administrative Variance

Hello Mike,

The attached Administrative Variance for substandard road improvements is Approvable to me. Please include the following people in your email:

arotberg@invictusdev.com
rcavalieri@invictusdev.com
clagasse@invictusdev.com
GradyB@HillsboroughCounty.ORG
PerezRL@hillsboroughcounty.org

Best Regards,

Sheida L. Tirado, PE *(she/her/hers)*
Transportation Review Manager
Development Services Department

P: (813) 276-8364
E: tirados@HCFLGov.net
W: HCFLGov.net

Hillsborough County
601 E. Kennedy Blvd., Tampa, FL 33602

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [HCFL Stay Safe](#)

Please note: All correspondence to or from this office is subject to Florida's Public Records law.



December 14, 2021

Michael J. Williams, P.E.
County Engineer
Hillsborough County Development Services
601 East Kennedy Boulevard
Tampa, FL 33602

**Reference: Baytown Apartments – Request for Administrative Variance Per Section 6.04.02.B. of LDC
PRS-22-0149 / Folio: 5455.0000**

Mr. Williams,

This letter documents a request for a Section 6.04.02.B. Administrative Variance to Hillsborough County Land Development Code ("LDC") Sec. 6.04.03.L "Existing Facilities" to facilitate development of the Baytown Apartments Site ("Project Site"); an approximately 2.97-acre folio located at the intersection of Old Memorial Highway and Montague Street in western unincorporated Hillsborough County, Florida.

The Project Site is planned to be developed by InVictus Development, LLC ("Applicant") with a 30-unit affordable housing apartment community funded in-part by the Florida Housing Finance Corporation, the state of Florida's Housing Finance Agency ("HFA"), and in partnership with non-profits CDS Housing and MacDonald Training Center, Inc. One hundred percent of the 30 residential units will be designated "affordable" housing, and fifty percent of the units will be reserved for persons with developmental disabilities.

The Project Site is zoned Planned Development (PD-84-0409) and has been modified several times over the years. Most recently, a Minor Modification to a Planned Development Application (PRS-20-0779) to allow for affordable, multi-family uses to be developed on the Project Site was approved by the Board of County Commissioners in 2020. A second Minor Modification Application (PRS-22-0149) was submitted on November 2, 2021, to request a relocation of vehicular project access, presently depicted on the approved PD Site Plan along Old Memorial Highway, to Montague Street. In connection with this most recent Minor Modification request, Applicant was made aware by County Staff that the Montague Street collector roadway, where vehicular project access is proposed to be relocated to, is considered a "substandard roadway" per LDC Section 6.04.03.L., which states the following:

Improvements and upgrading of existing roadways are to conform with standards for new roadways of the same access class. Exception to these standards shall be allowed only where physically impossible for the permittee to comply or otherwise upgrade existing site conditions. All such exceptions shall be approved by the Director of Public Works.

Subsequently, an Administrative Variance is requested for relief from the above referenced LDC Section which would require the Applicant to improve the Montague Street collector roadway corridor to meet County standards for a two-lane, undivided urban collector roadway (TS-4). The County's typical section for a two-lane undivided urban collector roadway, as compared to the existing Montague Street cross-section is attached as Exhibit A.

This Request for Administrative Variance is prepared in accordance with LDC Section 6.04.02.B. to demonstrate **the following:**

(a) there is an unreasonable burden on the applicant,

1910 W. Cass Street
Tampa, Florida 33606
O: 813-448-7868 | InVictusdev.com



This request is necessary to avoid impacts to existing Tampa Electric Company ("TECO") infrastructure along Old Memorial Highway. As presently depicted on the approved PD Site Plan from PRS-20-0779, proposed vehicular access opposite existing Champions Forest Way would conflict with an existing TECO Utility Pole as reflected on the attached Exhibit B: DRAFT Conceptual Site Plan of the proposed development. Subsequently, this pole would be required to be relocated at Applicant's expense, in order for project access to be provided as depicted on the approved PD Site Plan. Such a relocation is not considered to be cost feasible for the proposed 30-unit multifamily affordable housing development. Furthermore, if the proposed development were made to incur such a costly development expenditure, project affordability, as committed to within Applicant's official response to Florida Housing Finance Corporation RFA-2021-108 would be compromised.

Additionally, any shifting of proposed vehicular access to the east along Old Memorial Highway would not comply with Hillsborough County Land Development Code ("LDC") Section 6.04.07 regarding minimum vehicular driveway spacing requirements. As such, access on Old Memorial Highway, east of the proposed vehicular access currently depicted on the approved PD Site Plan, would be limited to right-in / right-out turn movements. Providing primary entry to the proposed affordable housing community via a restricted vehicular access point on Old Memorial Highway adjacent to the neighboring TECO Substation would challenge resident connectivity to nearby community services such as the grocery store (Target) to the south of the proposed development, connected via an existing sidewalk along Montague Street.

Therefore, based on the above items and due to the proposed development being a planned 30-unit affordable housing development, serving persons with developmental disabilities, Applicant requests relief from Section 6.04.03.L of the LDC. Any required improvements to existing Montague Street would be disproportionate to the number of trips anticipated to be generated by the new affordable development (See Section "(c)" below) and would represent an "unreasonable burden" to the proposed affordable housing community.

(b) the variance would not be detrimental to the public health, safety, and welfare,

Based on an analysis of existing Montague Street, and a general calculation of anticipated transportation impacts to be generated by the 30-unit affordable housing development, the requested Variance would not be detrimental to the health, safety, or welfare of the general public.

A cross-section of existing Montague Street, conducted by Hamilton Engineering and attached as Exhibit A demonstrates that the roadway is currently a 120-foot right-of-way consisting of (2) 12' travel lanes, a 5' wide bicycle lane on the eastern side of the roadway only, and 5' sidewalks along each side of the road accompanied by wide landscape areas.

Despite existing Montague Street lacking the required 5' bicycle lane on the western side of the roadway as required by the County's older standard for TS-4 roadways, the existing configuration and condition of Montague Street is considered to be sufficient to support the planned 30-unit development without affecting the overall health, safety or welfare of the general public in relation to Montague Street. This is primarily due to the planned size and residential demographic of the proposed development - a small, 30-unit affordable apartment community, reserved for persons with developmental disabilities. A preliminary calculation of anticipated transportation impacts related to the proposed 30-unit affordable housing community was conducted using the Institute of Transportation Engineers ("ITE") Trip Generation Manual, 11th Edition. Per ITE's Manual the development is anticipated to produce (14) AM Peak Hour Trips and (17) PM Peak Hour Trips. This number of new trips is very small, and likely overstated due to the portion of the resident demographic to be comprised of developmentally disabled individuals who will not be driving a personal vehicle but rather rely on group transport. Therefore, existing Montague Street as presently configured, will adequately serve residents of the planned development, as well as the surrounding area.



(c) without the variance, reasonable access cannot be provided.

As discussed at length in the above section "(a)", this Variance Request, along with the recently submitted Minor Modification Application ("PRS-22-0149") is necessary to provide reasonable access to the site. Without both requests, affordability of the planned affordable housing development, as committed to within Applicant's official response to Florida Housing Finance Corporation's RFA-2021-108, would be compromised.

Please contact me with any questions or concerns you may have.

Thank You,

Alexia Rotberg

Alexia Rotberg

InVictus Development, LLC
IVD Construction, LLC
1910 W. Cass Street
Tampa, FL 33606-1232
Cell: (813) 952-8606
www.inVictusdev.com



Attachments:

- Exhibit A:** Comparison of Cross-Sections, TS-4 - Hillsborough County Transportation Technical Manual & Existing Montague Street
- Exhibit B:** Conceptual Site Plan – Baytown Apartments

CC. Rick Cavalieri - InVictus Development, LLC

TYPICAL SECTIONS EXHIBIT
BAYTOWN APARTMENTS
MONTAGUE STREET, TOWN & COUNTRY
HILLSBOROUGH COUNTY, FLORIDA

SHEET TITLE	BY	REVISION	DATE	NO.	VO.

LUCAS CARLO, PE
LICENSE NO. 61636
December 14, 2021

ZONE AE	FWEL NO 12067C0188H
L: 9.0	DATED 06/26/2006

NAVD88

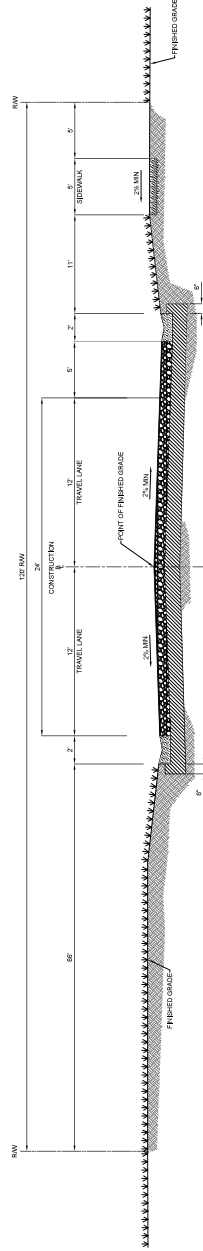
DATE	10/01/2021
PRINT	8/28/17

03988.0001	
------------	--

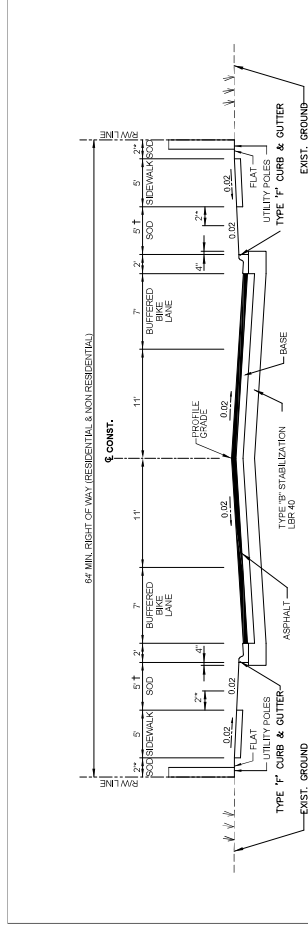
CO.0

ET 1 of 1

22-0149



TYPICAL ROAD SECTION - MONTAGUE STREET



TYPICAL SECTION

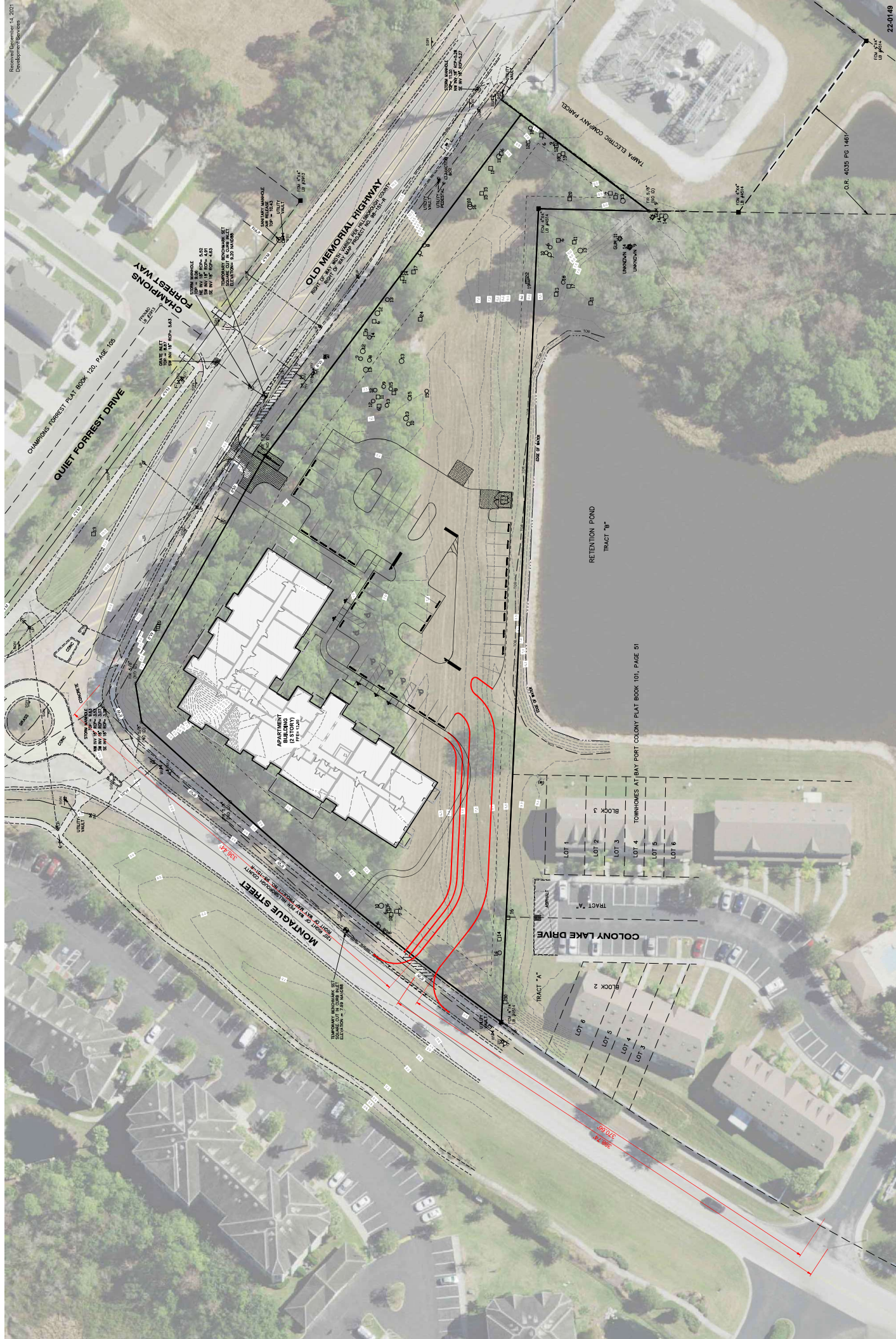
T.S.

5 000 TO 10 000 AADT

MAX. ALLOWABLE DESIGN SPEED - 40 MPH

1. ALL DIMENSIONS SHOWN ARE MINIMUM.
2. SEE SECTION 02050 FOR TECHNICAL MANUAL FOR DESIGN PARAMETERS.
3. PROVIDE 2' MINIMUM CLEARANCE FROM FENCES, WALLS, HOUSES, ABOVEGROUND UTILITIES OR EQUIPMENT, DRIP OFF, OR FROM THE TOPS OF BANKS WITH SLOPES STEEPER THAN 1 TO 4, THAT INTERFERE WITH THE SAFE FUNCTIONAL USE OF THE SIDEWALK IMPERMENT ALONGSIDE UTILITIES, OR MATURE TREES, 3" OR LESS IN DIAMETER MAY BE PLACED IN THE SIDEWALK PROTECTION OPTIONS, DRAWING NO. TO-16 SHEET 7 OF 7 FOR USE WHEN THE SIDEWALK PROTECTION OPTIONS, DRAWING NO. TO-16 SHEET 7 OF 7 FOR USE WHEN SIDEWALK SHALL BE PLACED IN THE PARKWAY AREA (BEHIND THE CURB AND SIDEWALK).
4. SIDEWALK SHALL BE PLACED IN TWO ROWS STAGGERED, (BOTH TEMPORARY AND PERMANENT).

REVISION DATE: 10/17	TRANSPORTATION TECHNICAL MANUAL	<div> http://dot.ky.gov/transportation/technicalmanual </div>	URBAN COLLECTORS (2 LANE UNDIVIDED) TYPICAL SECTION	DRAWING NO. TS4 SHEET NO. 1 OF 1
-------------------------	---------------------------------------	------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------	-------------------------------------



Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Montague St.	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input checked="" type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing			
Proposed			
Difference (+/-)			

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC
Notes: This refers to the modification parcel only, not the larger PD.				

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

4.0 Additional Site Information & Agency Comments Summary

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

**CURRENTLY
APPROVED**

Approval of the request, subject to the conditions listed, is based on the revised general site plan submitted April 15, 2020.

1. The developer shall provide, prior to issuance of Certificates of Occupancy, sidewalks internal to the project, and external to the project in the right-of-way area of the major roadway(s) adjacent to the specific construction phase that requires Certificates of Occupancy (i.e., Memorial Highway, Pistol Range Road, and Hillsborough Avenue). The exact location of said sidewalks shall be determined by Hillsborough County during Construction Site Plan Review.
2. The developer shall provide outdoor lighting internal to the project.\
3. Within the residential areas, the developer shall screen, prior to the issuance of Certificates of Occupancy, all service areas, trash receptacles, dumpsters, et cetera, from view from public places and neighboring properties through the use of features, such as berms, fences, false facade, and dense landscaping.
4. The developer shall be required to utilize public water and public sewer, except for Tract D which is detailed in Conditions #24-28, and shall pay all costs to connect for service delivery. The developer shall submit to the Development Services Department, prior to the issuance of Certificates of Occupancy, evidence of commitment from the County to provide the public water and public sewer services. Additionally, the developer shall submit to the County prior to the issuance of Certificates of Occupancy, evidence of agreement to pay necessary costs to enable the County to provide public water and public sewer service delivery. Approval of this application does not ensure that water will be available at the time when the applicant seeks approval to actually develop.
5. Within the multi-family residential area, the developer shall provide parking spaces per unit pursuant to the following requirements: (a) 1.5 parking spaces for each 1-bedroom unit, (b) 2.0 parking spaces for each 2-bedroom unit, and (c) 2.5 parking spaces for each 3-bedroom unit. The size of each parking space on site shall be nine feet-by-eighteen feet. The location and total number of parking spaces shall be subject to approval by Hillsborough County during Preliminary Site Plan approval.
6. Within Tract F, all buildings shall be set back a minimum of 50 feet from the top of the bank of Channel "A".
7. Within Tract F, any building within 250 feet of the edge of Channel "A" shall contain a maximum of 8 units per cluster.
8. For residential uses, buildings shall be set back a minimum of 25 feet from all tract boundaries and commercial areas.
9. Residential uses shall have a minimum distance of 20 feet between buildings.
10. Within Tract E, residential area shall be limited to a maximum of 240 single-family detached units. Minimum lot size and setbacks shall be as per existing approved Detailed Site Plan of this tract.
11. The maximum gross residential density of Tracts C, D, E, and F shall be limited to 6.47 dwelling units per acre (1,860 units). Although this density represents a partial "bump-up", the number of residential units remains the same as that approved on the Revised General Site Plan of May 1982. Since these units were

approved prior to the adoption of the Amended Land Use Plan, this approval shall not serve as a precedent for any future requests along State Road 580.

- 11.1 Notwithstanding any other conditions of approval herein, the developer shall be permitted to exchange 4,893.6 s.f. of commercial/office/medical complex uses for each additional multi-family dwelling unit. This rate of exchange is a 10 times offset in traffic impacts and in no circumstances shall the total number of dwellings units created by the exchange exceed 9 units. The exchange may only be applied for residential use, as further restricted herein, proposed on Folio 5455.000 within Tract D. With the plat/site/construction plan submittal for new residential development within Tract D, the developer shall submit a letter notifying the County whether the subject development utilizes the trade-off matrix specified by this condition. The trade-off for multi-family shall be limited to an affordable housing project funded through local or state affordable housing programs. Documentation of that funding shall be submitted at time of permitting.
12. Any significant land use changes to the project which are contrary to the approved letter of vested right shall require, prior to Preliminary Site plan approval, a review and reaffirmation of vested rights status, pursuant to Chapter 380, Florida Statutes.
13. The roadway between Tracts C and D shall line up with the roadway into Parcel B across Memorial Highway.
14. Per MM19-1512 within Tract D the following conditions shall apply to folios 5455.0000 and 5455.0500: Cross access is required between folios 5455.0000 and 5455.0500, Shift existing access point between folio 5455.0000 and Montegue Street to the northeast as depicted on site plan for MM19-1512, Add an additional full access between Montegue Street and folio 5455.0500 as depicted on the site plan for MM19-1512. Add and additional right in/right-out access between W. Hillsborough Avenue and folio 5455.0000 as depicted on site plan.
15. Within Tract C retail uses shall be permitted at the intersection of Countryway Boulevard and Hillsborough Avenue. On the eastern parcel up to 15,100 square feet for a drug store/pharmacy shall be permitted. On the western 1.23 parcel, up to a 0.20 FAR shall be permitted for C-N uses excluding convenience stores/gasoline stations with gas pumps, provided a transportation analysis is submitted and approved by Hillsborough County which demonstrates an acceptable level of service on adjacent roadways at the time site development plan approval.
- 15.1 The building locations and orientation shall be as generally shown on the general site plan received October 30, 1998.
- 15.2 Restricted access onto State Road 580 approximately 265 feet from Countryway Boulevard shall be permitted subject to approval by the Florida Department of Transportation.
- 15.3 A church and/or child care facility shall be permitted within Tract C. The church and or child care shall be located as shown on the site plan received October 24, 2017. The church and/or child care facility shall be permitted a maximum of 10,500 square feet of floor area. Property with folio number 005486.0100 shall be permitted an 8 foot front yard setback.

-
- 15.4 An accessory temporary sales office and/or construction trailer shall be permitted in accordance with the Land Development Code.
- 15.5 The general design, location and number 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. Final design, if approved by Hillsborough County and may include, but is not limited to: left turn lanes, acceleration lane(s) and deceleration lane(s) existing distance to the intersection of Countryway/Old Memorial Highway. The design and construction of this left turn lane shall be approved by Hillsborough County. Roadway construction of left turn lanes shall be completed with proper transitions from the widened section to the existing roadway pavement. Design plans for said construction shall be reviewed and approved by the County Public Works Department and evidence of said approval shall be submitted to review by the Hillsborough County Development Services Department.
- 15.5.1 Prior to Construction Site Plan approval, the developer shall provide a traffic analysis, signed by a Professional Engineer, showing the amount of left turn storage needed to serve development traffic. If warranted by the results of the transportation analysis, and as determined by Hillsborough County, the developer may be limited in size and scope of development to safely accommodate the construction of any left turn lane within the existing distance to the intersection of Countryway/Old Memorial Highway. The design and construction of this left turn lane shall be approved by Hillsborough County. Roadway construction of left turn lanes shall be completed with proper transitions from the widened section to the existing roadway pavement. Design plans for said construction shall be reviewed and approved by the County Public Works Department and evidence of said approval shall be submitted to review by the Hillsborough County Development Services Department.
16. The Park in Tract C shall be a minimum of 8 acres with a minimum of 5 acres upland. Also, the developer shall provide a pedestrian/bicycle path from Park to Parcel B. The exact location of said path shall be determined by Hillsborough County during Construction Site Plan approval.
17. All residential structures shall be limited to a maximum of two stories or 35 feet whichever is more restrictive, except in Tract C where a maximum of three stories with a total height of 49 feet shall be permitted, and in Tract D where a maximum of three stories shall be permitted. However, in Tract D, structures within 200 feet of Memorial Highway shall be restricted to two stories or 35 feet, and structures within the area identified as Multi-family Tract Parcel 1 shall be permitted a maximum height of 45 feet.
18. "Other Institutional" uses shall be limited to governmental services, such a fire or Emergency Medical service stations, library, child care centers, community centers or church sites.
19. All land waterward of mean high water line shall be considered to be Preservation Area and shall be so delineated on all Site Plans.
- 19.1 A maximum of four access points may be provided onto Hillsborough Avenue, one onto Pistol Range Road and two onto Memorial Highway, as shown on the General Site Plan. However, an additional access point onto Hillsborough Avenue may be provided for Parcel E, subject to approval by the Florida Department of Transportation. Additionally, the fire station shown on the

northeast of Tract D at the intersection of Pistol Range Road and Montague Street shall be permitted two access points onto Pistol Range Road and one access point onto Montague Street. Crabtree Court shall not be used for access to Parcel E. Two access points from Pistol Range Road to Lot 1 of Parcel E shall be permitted as shown on the General Site Plan, subject to: The developer shall provide screening for abutting residential uses to the northeast where Parcel E abuts Crabtree Court, in the form of a 6 foot high masonry wall, landscaped berm, evergreen plants, or combination thereof.

- 19.2 Provision of a cross-access agreement between the owners of Lot 1 and Lot 2.
- 19.3 Notwithstanding anything herein these PD conditions or on the PD site plan to the contrary, the project shall be permitted one (1) additional access driveway onto either Countryway Boulevard (Primary Access Option) or Memorial Highway (Secondary Access Option) to/from folio number 005486.0100. However, regardless of access option chosen, no access shall be permitted unless approved by Hillsborough County Public Works via the administrative variance process per Land Development Code Section 6.04.02.B.
- 19.4 Notwithstanding anything herein these PD conditions or on PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundary.
20. Prior to any Certificates of Occupancy for any phase of construction, the developer shall complete all traffic and road improvement conditions adjacent on roads and intersections effected by that phase of development and agreed upon during previous rezoning of the property and during personal appearance hearings. Regarding the fire station on the northeast corner of Tract D at the intersection Pistol Range Road and Montague Street, the only roadway improvements required shall be a sidewalk on Pistol Range Road along the fire station site frontage.
21. Prior to issuance of Certificates of Occupancy, the developer shall widen Pistol Range Road in order to provide left-turn storage lanes, with adequate tapers for the south-to-east left turn movement at the intersection of Pistol Range Road and Hillsborough Avenue, northbound-to-west left-turn at Pistol Range Road and Memorial Highway (Montague Street), and for each access to the west from Pistol Range Road. Regarding the development of the fire station in Tract D on the corner of Pistol Range Road and Memorial Highway (Montague Street), any improvements needed as the result of that particular development will be determined when the fire station comes in for driveway permits.
22. If at the time that the developer of Tract D applies for public wastewater service and the County determines that public service is not available for Tract D, the developer may use an interim wastewater treatment plant (IWWTP), on site, to provide service subject to Hillsborough County permitting approval.
23. The IWWTP shall be located a minimum 1,000 feet northwest of Tract E, as measured along Memorial Highway.
24. The plant shall be of 150,000 gallons per day capacity or less, and shall meet all County, State, and Federal requirements.
25. No on-site residential units shall be constructed within one hundred and fifty (150) feet of the IWWTP, if constructed.

FINAL CONDITIONS
OF APPROVAL

PETITION NUMBER: PRS 20-0779
MEETING DATE: October 13, 2020
DATE TYPED: October 23, 2020

-
26. At the time the developer is notified by the County that public wastewater service is available, the developer within 90 days shall connect to public wastewater service, dismantle and remove the IWWTP, and restore the IWWTP site to a reasonable condition so that it has no negative impacts on surrounding properties or to motorists along Memorial Highway.
 27. In the event there is conflict between a zoning condition of approval, as stated herein, and any written or graphic notation on the general site plan, the more restrictive requirement shall apply.
 28. Within 90 days of approval of PRS 20-0779 by the Hillsborough County Board of County Commissioners, the developer shall submit to the Development Services Department, a Revised General Site Plan for certification reflecting all the conditions outlined above.



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Development Services Department

DATE: 12/21/2022

REVIEWER: James Ratliff, AICP, PTP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: NWH/ Northwest

PETITION NO: PRS 22-0149

- ☐ This agency has no comments.
- ☐ This agency has no objection.
- ☒ This agency has no objection, subject to listed or attached conditions.
- ☐ This agency objects, based on the listed or attached conditions.

NEW CONDITION OF APPROVAL

- If PRS 22-0149 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated December 14, 2021) which was found approvable by the County Engineer (on December 20, 2021) for the Montague St. substandard road improvements. Approval of this Administrative Variance will waive the Montague St. substandard road improvements required by Section 6.04.03.L. of the LDC.

DESCRIPTION OF REQUEST, STAFF ANALYSIS, AND CONCLUSION

The applicant is requesting a minor modification, also known as Personal Appearance (PRS) to approved Planned Development (PD) #84-0709, as most recently amended via PRS 20-0779. The 2020 zoning modified this same +/- 2.97 ac. portion of the much larger PD. The existing PD is approved for a variety of uses, including residential, commercial, office, medical, recreational and institutional uses. The applicant received approval of a tradeoff mechanism which allows commercial entitlements to be converted into additional multi-family dwelling units.

The current PRS request proposes relocation of the vehicular access serving this portion of the project from the roughly northwest to southeast running portion of Montague St. (formerly known as Memorial Highway) to the roughly northeast to southwest running portion of Montague St. (at the folio's western edge). No changes in maximum trip generation impacts are anticipated as a result of this modification. Trip distribution will be modified insofar as all project trips will be entering and exiting off a different segment of the roadway; however, most trips are anticipated to continue traveling to/from W. Hillsborough Ave. via Montague (albeit along a shorter path).

Staff has no objection to the requested modification, subject to the condition proposed hereinabove.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Montague St. is a 2-lane, publicly maintained, substandard, collector roadway characterized by +/- 12-foot wide travel lanes in average condition. The roadway lies within a +/- 120-foot wide right-of-way along the project's frontage. There are +/- 5-foot wide sidewalks along both sides of Montague St. in the vicinity of the proposed project. There is a +/- 4-foot wide bicycle lane along only one side of Montague St. in the vicinity of the proposed project.

ADMINISTRATIVE VARIANCE REQUEST

Montague St. is a substandard, publicly maintained, collector roadway. The applicant submitted a Section 6.04.02.B Administrative Variance request (dated December 14, 2021) from the Section 6.04.03.L. requirement whereby an applicant is required to improve a substandard roadway, between its project access and nearest standard roadway, to current County standards. Based on factors presented in the Administrative Variance request, the County Engineer found the request approvable (on December 21, 2021). If this zoning modification is approved the County Engineer will approve the above referenced Administrative Variance Request. If approved, no substandard road improvements on Montague St. will be required.

LEVEL OF SERVICE (LOS) INFORMATION

Hillsborough Ave. (between Double Branch Rd. and Longboat Blvd.) has an adopted Level of Service Standard of "D". As shown on the Hillsborough County 2019 Level of Service Report, the peak hour, peak direction LOS for the above segment is LOS "D".

Perez, Richard

From: Williams, Michael
Sent: Monday, December 20, 2021 5:56 PM
To: Alexia Rotberg
Cc: rcavalieri@invictusdev.com; clagasse@invictusdev.com; Grady, Brian; Perez, Richard; Tirado, Sheida
Subject: FW: PRS 22-0149 Administrative Variance
Attachments: 22-0149 AVReq 12-14-21.pdf

Alexia,

I have found the attached Section 6.04.02.B. Administrative Variance (AV) for PD 22-0149 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Ingrid Padron (padroni@hillsboroughcounty.org or 813-307-1709) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to PW-CEIntake@hillsboroughcounty.org

Mike

Michael J. Williams, P.E.

Director, Development Review

County Engineer

Development Services Department

P: (813) 307-1851

M: (813) 614-2190

E: Williamsm@HillsboroughCounty.org

W: HCFLGov.net

Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [HCFL Stay Safe](#)

Please note: All correspondence to or from this office is subject to Florida's Public Records law.

From: Tirado, Sheida <TiradoS@hillsboroughcounty.org>
Sent: Monday, December 20, 2021 12:16 PM
To: Williams, Michael <WilliamsM@HillsboroughCounty.ORG>
Cc: Grady, Brian <GradyB@HillsboroughCounty.ORG>; Perez, Richard <PerezRL@hillsboroughcounty.org>
Subject: PRS 22-0149 Administrative Variance

Hello Mike,

The attached Administrative Variance for substandard road improvements is Approvable to me. Please include the following people in your email:

arotberg@invictusdev.com
rcavalieri@invictusdev.com
clagasse@invictusdev.com
GradyB@HillsboroughCounty.ORG
PerezRL@hillsboroughcounty.org

Best Regards,

Sheida L. Tirado, PE *(she/her/hers)*
Transportation Review Manager
Development Services Department

P: (813) 276-8364
E: tirados@HCFLGov.net
W: HCFLGov.net

Hillsborough County
601 E. Kennedy Blvd., Tampa, FL 33602

[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [HCFL Stay Safe](#)

Please note: All correspondence to or from this office is subject to Florida's Public Records law.



December 14, 2021

Michael J. Williams, P.E.
County Engineer
Hillsborough County Development Services
601 East Kennedy Boulevard
Tampa, FL 33602

**Reference: Baytown Apartments – Request for Administrative Variance Per Section 6.04.02.B. of LDC
PRS-22-0149 / Folio: 5455.0000**

Mr. Williams,

This letter documents a request for a Section 6.04.02.B. Administrative Variance to Hillsborough County Land Development Code ("LDC") Sec. 6.04.03.L "Existing Facilities" to facilitate development of the Baytown Apartments Site ("Project Site"); an approximately 2.97-acre folio located at the intersection of Old Memorial Highway and Montague Street in western unincorporated Hillsborough County, Florida.

The Project Site is planned to be developed by InVictus Development, LLC ("Applicant") with a 30-unit affordable housing apartment community funded in-part by the Florida Housing Finance Corporation, the state of Florida's Housing Finance Agency ("HFA"), and in partnership with non-profits CDS Housing and MacDonald Training Center, Inc. One hundred percent of the 30 residential units will be designated "affordable" housing, and fifty percent of the units will be reserved for persons with developmental disabilities.

The Project Site is zoned Planned Development (PD-84-0409) and has been modified several times over the years. Most recently, a Minor Modification to a Planned Development Application (PRS-20-0779) to allow for affordable, multi-family uses to be developed on the Project Site was approved by the Board of County Commissioners in 2020. A second Minor Modification Application (PRS-22-0149) was submitted on November 2, 2021, to request a relocation of vehicular project access, presently depicted on the approved PD Site Plan along Old Memorial Highway, to Montague Street. In connection with this most recent Minor Modification request, Applicant was made aware by County Staff that the Montague Street collector roadway, where vehicular project access is proposed to be relocated to, is considered a "substandard roadway" per LDC Section 6.04.03.L., which states the following:

Improvements and upgrading of existing roadways are to conform with standards for new roadways of the same access class. Exception to these standards shall be allowed only where physically impossible for the permittee to comply or otherwise upgrade existing site conditions. All such exceptions shall be approved by the Director of Public Works.

Subsequently, an Administrative Variance is requested for relief from the above referenced LDC Section which would require the Applicant to improve the Montague Street collector roadway corridor to meet County standards for a two-lane, undivided urban collector roadway (TS-4). The County's typical section for a two-lane undivided urban collector roadway, as compared to the existing Montague Street cross-section is attached as Exhibit A.

This Request for Administrative Variance is prepared in accordance with LDC Section 6.04.02.B. to demonstrate **the following:**

(a) there is an unreasonable burden on the applicant,

1910 W. Cass Street
Tampa, Florida 33606
O: 813-448-7868 | InVictusdev.com



This request is necessary to avoid impacts to existing Tampa Electric Company ("TECO") infrastructure along Old Memorial Highway. As presently depicted on the approved PD Site Plan from PRS-20-0779, proposed vehicular access opposite existing Champions Forest Way would conflict with an existing TECO Utility Pole as reflected on the attached Exhibit B: DRAFT Conceptual Site Plan of the proposed development. Subsequently, this pole would be required to be relocated at Applicant's expense, in order for project access to be provided as depicted on the approved PD Site Plan. Such a relocation is not considered to be cost feasible for the proposed 30-unit multifamily affordable housing development. Furthermore, if the proposed development were made to incur such a costly development expenditure, project affordability, as committed to within Applicant's official response to Florida Housing Finance Corporation RFA-2021-108 would be compromised.

Additionally, any shifting of proposed vehicular access to the east along Old Memorial Highway would not comply with Hillsborough County Land Development Code ("LDC") Section 6.04.07 regarding minimum vehicular driveway spacing requirements. As such, access on Old Memorial Highway, east of the proposed vehicular access currently depicted on the approved PD Site Plan, would be limited to right-in / right-out turn movements. Providing primary entry to the proposed affordable housing community via a restricted vehicular access point on Old Memorial Highway adjacent to the neighboring TECO Substation would challenge resident connectivity to nearby community services such as the grocery store (Target) to the south of the proposed development, connected via an existing sidewalk along Montague Street.

Therefore, based on the above items and due to the proposed development being a planned 30-unit affordable housing development, serving persons with developmental disabilities, Applicant requests relief from Section 6.04.03.L of the LDC. Any required improvements to existing Montague Street would be disproportionate to the number of trips anticipated to be generated by the new affordable development (See Section "(c)" below) and would represent an "unreasonable burden" to the proposed affordable housing community.

(b) the variance would not be detrimental to the public health, safety, and welfare,

Based on an analysis of existing Montague Street, and a general calculation of anticipated transportation impacts to be generated by the 30-unit affordable housing development, the requested Variance would not be detrimental to the health, safety, or welfare of the general public.

A cross-section of existing Montague Street, conducted by Hamilton Engineering and attached as Exhibit A demonstrates that the roadway is currently a 120-foot right-of-way consisting of (2) 12' travel lanes, a 5' wide bicycle lane on the eastern side of the roadway only, and 5' sidewalks along each side of the road accompanied by wide landscape areas.

Despite existing Montague Street lacking the required 5' bicycle lane on the western side of the roadway as required by the County's older standard for TS-4 roadways, the existing configuration and condition of Montague Street is considered to be sufficient to support the planned 30-unit development without affecting the overall health, safety or welfare of the general public in relation to Montague Street. This is primarily due to the planned size and residential demographic of the proposed development - a small, 30-unit affordable apartment community, reserved for persons with developmental disabilities. A preliminary calculation of anticipated transportation impacts related to the proposed 30-unit affordable housing community was conducted using the Institute of Transportation Engineers ("ITE") Trip Generation Manual, 11th Edition. Per ITE's Manual the development is anticipated to produce (14) AM Peak Hour Trips and (17) PM Peak Hour Trips. This number of new trips is very small, and likely overstated due to the portion of the resident demographic to be comprised of developmentally disabled individuals who will not be driving a personal vehicle but rather rely on group transport. Therefore, existing Montague Street as presently configured, will adequately serve residents of the planned development, as well as the surrounding area.



(c) without the variance, reasonable access cannot be provided.

As discussed at length in the above section "(a)", this Variance Request, along with the recently submitted Minor Modification Application ("PRS-22-0149") is necessary to provide reasonable access to the site. Without both requests, affordability of the planned affordable housing development, as committed to within Applicant's official response to Florida Housing Finance Corporation's RFA-2021-108, would be compromised.

Please contact me with any questions or concerns you may have.

Thank You,

Alexia Rotberg

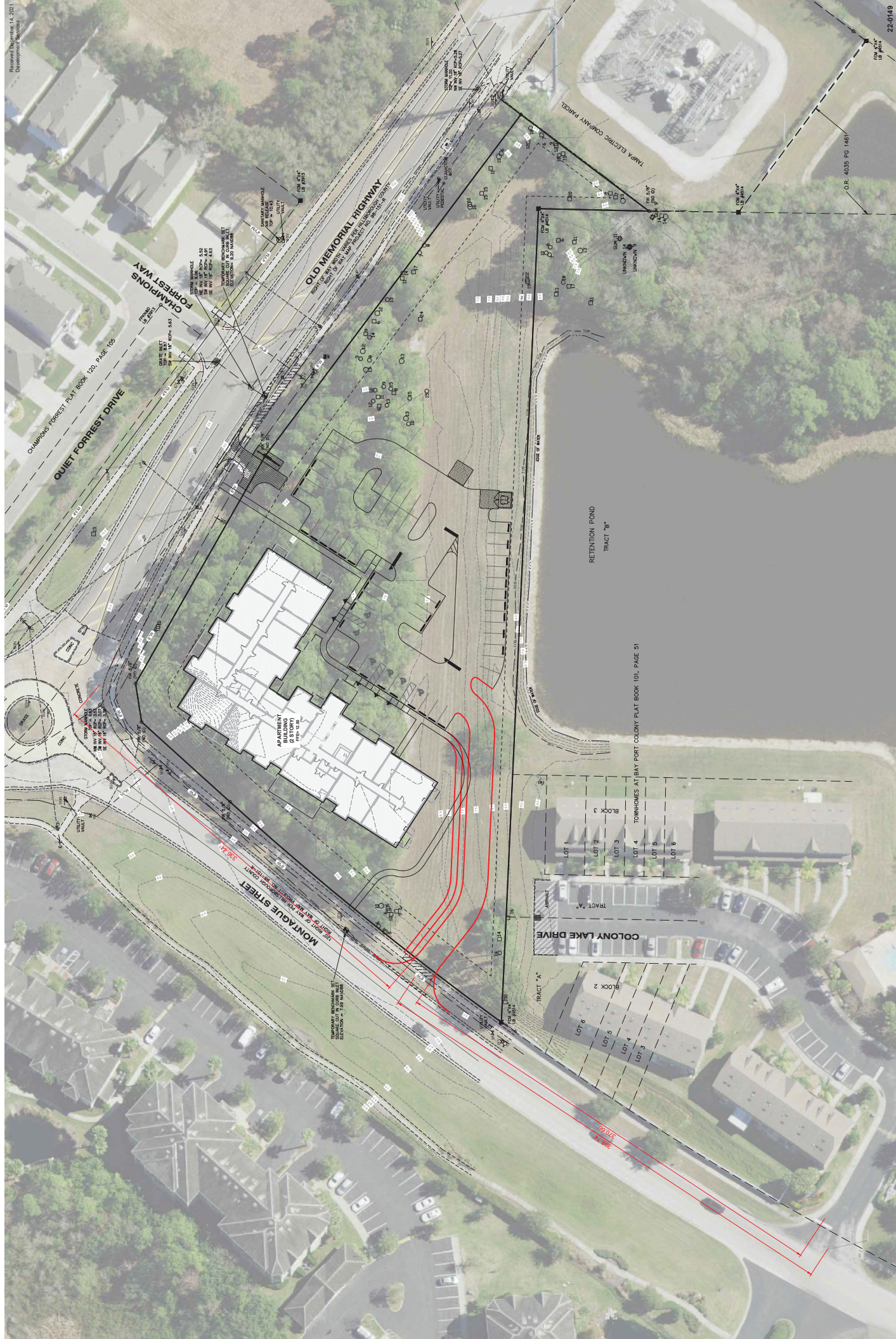
Alexia Rotberg
Invictus Development, LLC
IVD Construction, LLC
1910 W. Cass Street
Tampa, FL 33606-1232
Cell: (813) 952-8606
www.inVictusdev.com



Attachments:

- Exhibit A:** Comparison of Cross-Sections, TS-4 - Hillsborough County Transportation Technical Manual & Existing Montague Street
- Exhibit B:** Conceptual Site Plan – Baytown Apartments

CC. Rick Cavalieri - Invictus Development, LLC



Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Montague St.	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input checked="" type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing			
Proposed			
Difference (+/-)			

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC
Notes: This refers to the modification parcel only, not the larger PD.				

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

4.0 Additional Site Information & Agency Comments Summary

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

COMMISSION

Mariella Smith CHAIR
Pat Kemp VICE-CHAIR
Harry Cohen
Ken Hagan
Gwendolyn "Gwen" W. Myers
Kimberly Overman
Stacy White



DIRECTORS

Janet L. Dougherty EXECUTIVE DIRECTOR
Elaine S. DeLeeuw ADMIN DIVISION
Sam Elrabi, P.E. WATER DIVISION
Rick Muratti, Esq. LEGAL DEPT
Reginald Sanford, MPH AIR DIVISION
Steffanie L. Wickham WASTE DIVISION
Sterlin Woodard, P.E. WETLANDS DIVISION

AGENCY COMMENT SHEET

REZONING	
HEARING DATE: 11/13/2022	COMMENT DATE: 12/08/2021
PETITION NO.: 22-0149	PROPERTY ADDRESS: Vacant lot southeast of intersection Montague St and Old Memorial Hwy
EPC REVIEWER: Chantelle Lee	FOLIO #: 005455-0000
CONTACT INFORMATION: (813) 627-2600 X 1358	STR: 28-28S-17E
EMAIL: leec@epchc.org	
REQUESTED ZONING: Minor Mod to PD	
FINDINGS	
WETLANDS PRESENT	No wetlands within project limits
SITE INSPECTION DATE	4/16/2018
WETLAND LINE VALIDITY	N/A
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	N/A
INFORMATIONAL COMMENTS: Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel. Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.	

CI/mst

WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PETITION NO.: PRS22-0149 REVIEWED BY: Randy Rochelle DATE: 12/15/2021

FOLIO NO.: 5455.0000

WATER

- ☐ The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- ☒ A 8 inch water main exists ☒ (adjacent to the site), ☐ (approximately _____ feet from the site) and is located within the east Right-of-Way of Montague Street. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- ☐ Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits prior to June 1, 2022, that will create additional demand on the system.

WASTEWATER

- ☐ The property lies within the _____ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- ☒ A 4 inch wastewater force main exists ☐ (adjacent to the site), ☒ (approximately 80 feet from the site) and is located north of the subject property within the north Right-of-Way of Memorial Highway. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- ☐ Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems