Rezoning Application:	PD 23-0997
Zoning Hearing Master Date:	May 14, 2024
BOCC Land Use Meeting Date:	July 9, 2024



**Development Services Department** 

## **1.0 APPLICATION SUMMARY**

Applicant:	Chelsea D. Hardy, Director of Land Acquisition, Lennar
FLU Category:	Suburban Mixed Use – 6 (SMU-6)
Service Area:	Urban
Site Acreage:	227.78 (208.67 Upland)
Community Plan Area:	Apollo Beach
Overlay:	None



## Introduction Summary

The applicant is requesting a rezoning from Agricultural, Rural (AR) to Planned Development (PD) to accommodate the development of up to 750 single-family attached and detached dwellings on 227.78 acres located approximately 550 feet north of the 30<sup>th</sup> Street NE and Waterset Boulevard intersection in the Apollo Beach Community Planning Area.

Zoning	Existing	Proposed	
District	AR PD		
Typical General Use(s)	Single-Family Residential/Agricultural	Residential, Single-Family Detached and Attache	
Acreage	227.78	227.78	
Density/Intensity	1 unit per 5 acres3.3 units per gross acre		
Mathematical Maximum*	45 units	750 units	

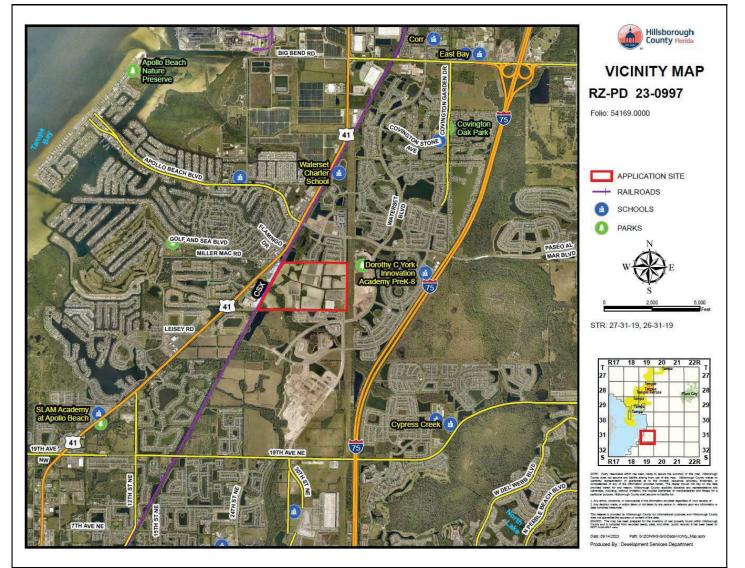
\*number represents a pre-development approximation

Development Standards	Existing	Proposed			
			Р	D	
District	AR	Single-Family, Attached		Single-Family Detache	d
Lot Size / Lot Width	5 acres / 150'	1,760 SF / 20'	4,800 SF / 40' (50' on corner lots)	6,000 SF / 50'; (60' on corner lots)	6,600 SF / 60' (70' on corner lots)
		Front: 20'	Front: 10'	Front: 20'	Front: 20'
		Front, functioning as a	Front, functioning as	Front, functioning as a	Front, functioning as a
Setbacks/	Front: 50'	side: 10'	a side: 15'	side: 15'	side: 15'
Buffering and	Rear: 50'	Garages from R/W: 20'	Garages from R/W:	Garages from R/W:	Garages from R/W:
Screening	Sides: 15'	Rear: 10'	20'	20′	20'
		Interior Unit Sides: 0'	Rear: 15'	Rear: 15'	50' Rear: 50'
		End Unit Side: 10'	Sides: 5'	Sides: 5'	5' Sides: 5'
Maximum					
Building	NA	75%	75%	75%	75%
Coverage					
Minimum					
Building	NA	20'	10'	10'	10'
Separation					
Height	50'	35'	35'	35'	35'
Additional Inf	ormation				
PD Variation(s	PD Variation(s) None requested as part of this application				
Waivers to the	Waivers to the Land Development Code None requested as part of this application				

ZHM HEARING DATE:MAY 14, 2024BOCC LUM MEETING DATE:JULY 9, 2024	CASE REVIEWER: SAM BALL	
Planning Commission Recommendation: Inconsistent	<b>Development Services Recommendation:</b> Approvable, subject to proposed conditions	

## 2.0 LAND USE MAP SET AND SUMMARY DATA

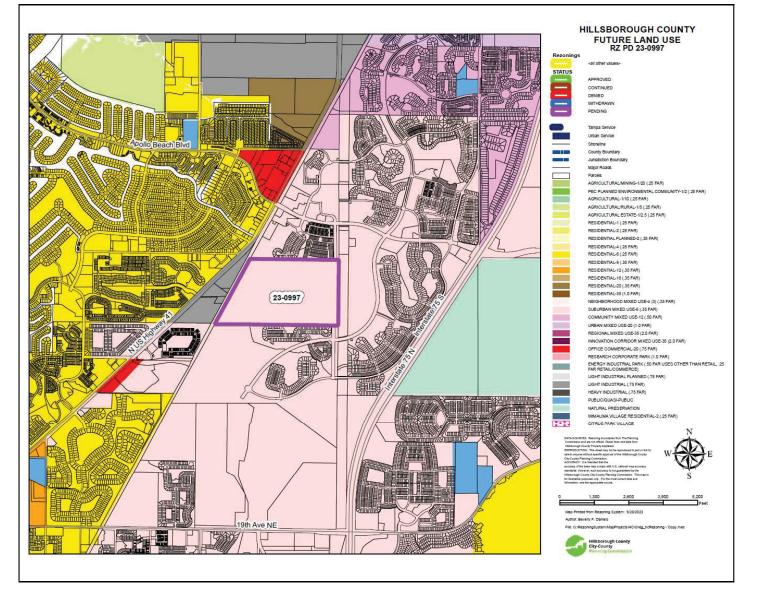
## 2.1 Vicinity Map



**Context of Surrounding Area:** The subject property is located in the Apollo Beach Community Planning Area between a 130-foot CSX right-of-way to the west and a 367-foot wide TECO utility right-of-way to the east. The predominate uses in the area are single-family residential with a limited amount of commercial development located along US Highway 41 to the west.

## 2.0 LAND USE MAP SET AND SUMMARY DATA

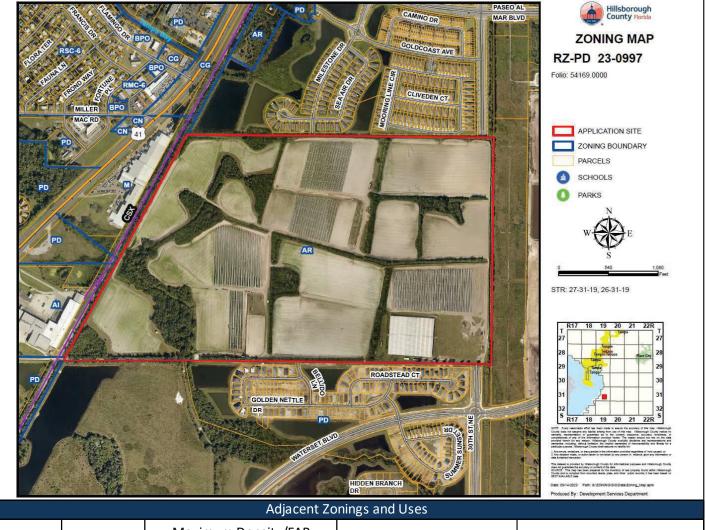
#### 2.2 Future Land Use Map



Subject Site Future Land Use Category	Suburban Mixed Use – 6 (SMU-6)
Maximum Density/FAR	6 dwelling units per acre / Suburban scale neighborhood commercial: 0.25; Office uses, research corporate park, light industrial: 0.35; and light industrial uses may achieve an FAR up to 0.50.
Typical Uses	Residential, suburban scale neighborhood commercial, office, research corporate park, light industrial multi-purpose, and mixed use.

### 2.0 LAND USE MAP SET AND SUMMARY DATA

## 2.3 Immediate Area Map

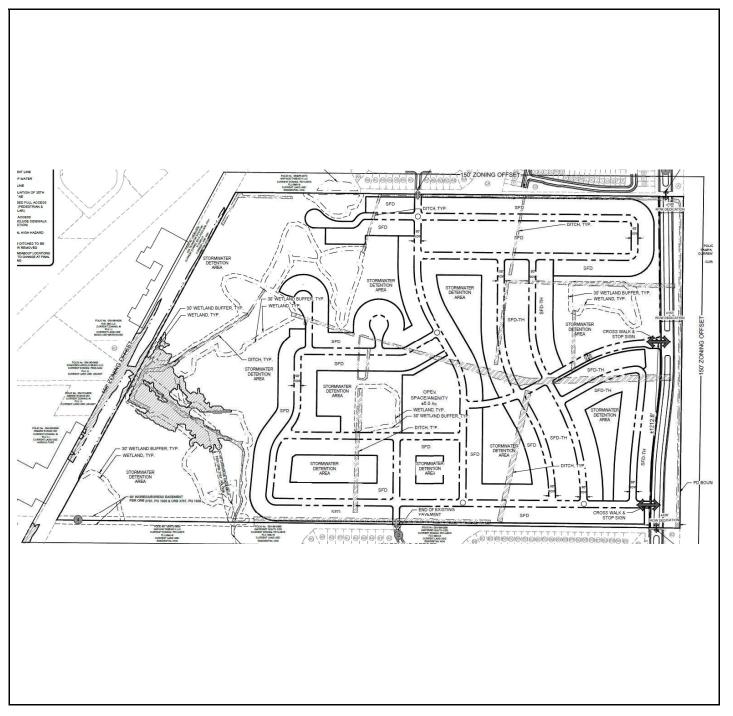


Adjacent Zonings and Uses				
Location	Zoning	Maximum Density/FAR Permitted by Zoning District	Allowable Use	Existing Use
North	PD 14-0815	6 DU per GA/FAR: 0.25	Single-Family Residential, Regional Sports Complex	Single-Family
South	PD 14-0815	6 DU per GA/FAR: 0.25	Single-Family Residential	Single-Family
	М	NA/FAR: 0.75	Manufacturing, processing or assembling, intensive commercial and other industrial as appropriate	CSX R/W Mixed-Use Warehouse
West	PD 22-0444	NA/FAR: 0.62	Mini Warehousing, Enclosed Vehicle Storage	CSX R/W Undeveloped
	AI	1 DU per GA/FAR: NA	Agricultural and related.	CSX R/W Food, packaging, processing warehouse, and distribution.
East	PD 14-0815	NA	Single-Family Residential, Regional Sports Complex, Utilities	TECO ROW Outparcel, Transmission Lines Sports Complex

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## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



ZHM HEARING DATE:

PD 23-0997 MAY 14, 2024

## 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	
30 <sup>th</sup> Street	County Collector - Rural	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>	
Milestone Drive	County Local - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>	
Bellido Lane	County Local - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>	

Project Trip Generation   Not applicable for this request					
	Average Annual Daily Trips A.M. Peak Hour Trips P.M. Peak Hour Trips				
Existing	848	36	47		
Proposed	6,321	451	612		
Difference (+/-)	+5,837	+415	+565		

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

Connectivity and Cross Access  Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Vehicular &	None	MooteLDC
NOLUI		Pedestrian	None	Meets LDC
South		Vehicular &	None	Meets LDC
50000		Pedestrian	None	
East	x	Vehicular &	Vehicular &	Meets LDC
EdSI	^	Pedestrian	Pedestrian	
West		None	None	Meets LDC
Notes:				

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

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## 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	⊠ Yes □ No	□ Yes ⊠ No	⊠ Yes □ No	
Natural Resources	⊠ Yes □ No	□ Yes ⊠ No	⊠ Yes □ No	
Conservation & Environ. Lands Mgmt.	⊠ Yes	□ Yes ⊠ No	□ Yes ⊠ No	
Check if Applicable:	-	Vater Wellfield Pro		1
☑ Wetlands/Other Surface Waters		t Wildlife Habitat		
Use of Environmentally Sensitive Land	-	ligh Hazard Area		
Credit		burban/Rural Scen	ic Corridor	
Wellhead Protection Area	-	to ELAPP property		
□ Surface Water Resource Protection Area	□ Other			
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation	Received		nequesteu	internation y continents
Design Exc./Adm. Variance Requested	🗆 Yes	🗆 Yes	🗆 Yes	
□ Off-site Improvements Provided	🗆 No	🗆 No	🗆 No	
Service Area/ Water & Wastewater				
⊠Urban □ City of Tampa	🖾 Yes	🗆 Yes	🗆 Yes	
□Rural □ City of Temple Terrace	🗆 No	🖾 No	🖾 No	
Hillsborough County School Board				
Adequate □ K-5 ⊠6-8 ⊠9-12 □N/A	⊠ Yes	□ Yes	□ Yes	
Inadequate ⊠ K-5 □6-8 □9-12 □N/A	🗆 No	No No	🖾 No	
Impact/Mobility FeesSingle Family Detached (Fee estimate is based on 2,000 square feet)Mobility: $\$$ 9,183 * 750 = $\$$ 6,887,250Parks: $\$$ 2,145 * 750 = $\$$ 1,608,750School: $\$$ 8,227 * 750 = $\$$ 6,170,250Fire: $\$$ 335 * 750 = $\$$ 251,250Total per House: $\$19,890$ * 750 = $\$14,917,500$				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission				
Meets Locational Criteria     N/A	🛛 Yes	🛛 Inconsistent	🗆 Yes	
Locational Criteria Waiver Requested	□ No	Consistent	🖾 No	
□ Minimum Density Met □ N/A				

## **5.0 IMPLEMENTATION RECOMMENDATIONS**

## 5.1 Compatibility

Staff finds the proposed single-family detached and single-family attached uses are compatible with the residential developments to the immediate north and south of the property, which consists of single-family, detached and single-family, attached development. Moreover, staff finds that although multi-family development exists in the area and could be considered a compatible use of the property, that the existence of multi-family development precludes neither single-family, detached, nor single-family attached as compatible uses of the property.

Staff finds the request will have minimal impact and finds the request compatible with the surrounding zoning and development pattern.

## 5.2 Recommendation

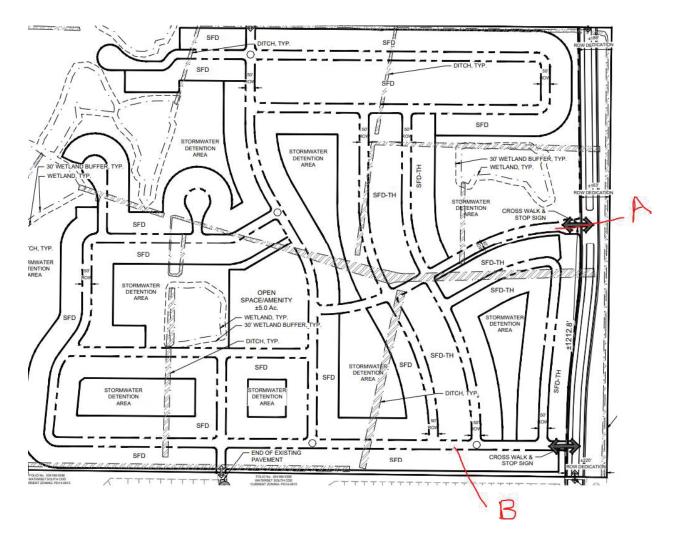
Based on the considerations herein, staff finds he request approvable, subject to conditions.

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## **6.0 PROPOSED CONDITIONS**

Prior to PD Site Plan Certification, the developer shall revise the PD site plan to:

- 1. Revise 30th Street to depict a 110-foot right-of-way.
- 2. Label the northern east/west project road "Road A" and the southern east/west project road "Road B" on the site plan. Please see the following figure:



**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted April 16, 2024.

- 1. Development shall be limited to 750 attached and detached single-family dwellings such that at least 25% of the total dwelling units shall be fee simple townhomes.
- 2. Buildings shall not exceed 35 feet in height above finished floor elevation.
- 3. Building coverage shall not exceed 75%.
- 4. Single-family, detached, corner lots shall be at least 50 feet wide.

- 5. All single-family detached lots developed at a width less than 50 feet and corner lots with a width of 50 feet or less shall comply with the following:
  - A. Setbacks shall be as follows, unless otherwise required:

Front: 10 feet; front-facing garages must be setback a minimum of 20 feet.

Front, functioning as a side: 15 feet; front-facing garages must be setback a minimum of 20 feet.

Rear: 15 feet

Sides: 5 feet

- B. Single-family detached units shall provide a 2-car garage with a minimum 18-foot-wide driveway.
  - 1) Garages shall be permitted to extend a maximum of 5 feet in front of the primary residential structure if an entry feature over the primary entrance facing the street is provided. The minimum garage setback shall be 20 feet. The non-garage portion of the primary residential structure setback shall be a minimum of 25 feet. The offset created by these two setbacks shall be occupied by an entry feature and the offset amount shall serve as the minimum depth required of the entry feature. The entry feature shall be permitted to extend further into the front yard at minimum setback of 10 feet. The entry feature shall consist of, but not be limited to, a covered stoop, a covered porch or other architectural feature. If no entry feature is provided, the garage shall not be flush or placed closer to the street than any portion of the front facade.
  - 2) Should garages be located behind the front plane of the primary residential structure, the primary residential structure shall provide a minimum 10-foot front yard setback and the garage shall provide a minimum 20-foot front yard setback. The offset between these setbacks shall be a minimum of 10 feet. This offset shall not require the use of any entry feature or covered porch. Should an entry feature or covered porch be provided, the minimum front yard setback of 10 feet shall apply.
- C. Garage doors shall not account for more than 60% of the width of the street facing building facade.
- D. All driveways shall be located in an alternating pattern on the left or right side of the unit's front facade. Homes shall not have the same driveway location (left or right side) as the adjacent home. The alternating pattern may be adjusted at corner lots as necessary.
- E. Street trees may include alternating shade and ornamental trees, subject to the review and approval of Natural Resources staff.
- F. Each unit's primary entrance door shall face the roadway.
- G. A maximum of 40% of the units on lots under 50 feet in width shall be 1-story in height. A minimum of 60% of the units on lots under 50 feet in width shall be 2-stories in height. If the project will be platted by pod or phase, individual pods or phases shall meet this requirement for each individual pod or phase submitted for plat review. If these percentages will be blended throughout the PD, each plat shall provide a table providing the number and percentage of 1- story and 2-story units proposed and approved within the entire PD. If when blended an individual pod or phase at platting will exceed the 1-story height percentage maximum, the permissibility for 1-story units will be restricted accordingly elsewhere in the PD.
- H. All 2-story units shall provide a transition between the first and second floor to break up the facade by using one or more of the following:
  - 1) A roof feature with a minimum projection of 1 foot from the wall surface. The projection shall consist of overhangs or other roof elements.
  - 2) A horizontal raised banding of 6 to 8 inches in height.
  - 3) A change in materials between the first and second floors.

6. Building setbacks for townhome and single-family, detached lots 50 feet or wider shall be as follows.

Townhomes

Front: 20 feet

Front, functioning as a side: 10 feet; garages must be setback a minimum of 20 feet.

Rear: 10 feet

Sides, not attached: 10 feet

The additional two to one setback for buildings taller than 20 feet shall not apply.

Single-family, detached, lots in excess of 50 feet wide.

Front: 20 feet

Front, functioning as a side: 15 feet; front facing garages must be setback a minimum of 20 feet.

Rear: 15 feet

Sides: 5 feet

- 7. Notwithstanding anything shown on the Site Development Plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
- 8. The project shall be served by and limited the following four (4) vehicular access connections as follows:
  - A. One (1) north-south local roadway which connects to Milestone Drive on the north project boundary at a location shown on the Site Development Plan; and
  - B. One (1) north-south local roadway which connects to Bellido Lane on the south project boundary at a location shown on the Site Development Plan; and
  - C. One (1) east-west roadway local roadway, with a minimum right-of-way width of sixty (60) feet, which connects to 30th Street on the east project boundary at a location shown on the Site Development Plan ("Road A"); and
  - D. One (1) east-west roadway local roadway which connects to 30th Street on the east project boundary at the location shown on the Site Development Plan near the south property boundary ("Road B").

The roadway connection to Milestone Drive shall not be made until the North Segment has been substantially completed for beneficial use. The roadway connection to Bellido Lane shall not be made until the South Segment has been substantially completed for beneficial use.

- 9. Construction access shall be limited to locations along the 30th Street Connection. The developer shall include a note in each site/construction plan submittal which indicates same.
- 10. Prior to or concurrent with the initial increment of development, the developer shall construct a north/south collector road along the eastern boundary of the project as generally shown on the Site Development Plan ("30th Street Connection").
  - E. The 30th Street Connection shall be designed and permitted as a two (2) lane collector roadway (expandable to 4-lanes on the inside lane) that connects at the project's north and south property boundaries with existing right-of-way and roadway improvements for 30th Street constructed as part of the Waterset Development of Regional Impact (DRI).
  - F. The developer shall dedicate and convey to Hillsborough County the following public right-of-way along the project's eastern boundary: (a) a minimum of 110-feet to accommodate the 30th Street Connection as generally shown on the Site Development Plan, and (b) an additional minimum 11-feet as necessary to accommodate the Site Access Improvements specified in Conditions 5.b. and 5.c., below. Although not warranted by impacts of this development, developer may elect to additionally dedicate and convey to Hillsborough County the land

located between the project's eastern boundary and the eastern boundary of the above-described right-of-way for the 30th Street Connection.

- G. The develop may elect to construct the 30th Street Connection in two (2) phases consisting of a North Segment (which shall extend from the project's north property boundary to Road A) and a South Segment (which shall extend from the project's south property boundary to Road A). The North and South Segments shall include the respective Site Access Improvements described in Condition 5 below.
- H. No building permits shall be issued until the 30th Street Connection has been designed and permitted, and construction has commenced on the North Segment and/or the South Segment, subject to the following:

no more than 700 building permits shall be issued for dwelling units within the project prior to Hillsborough County approval of a traffic signal design for the intersection of 30th Street and Paseo Al Mar Boulevard; provided, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 12.C.

- 1. No occupancy of any buildings will be permitted, and no certificates of occupancy shall be issued, temporary or otherwise, until such time the North Segment or the South Segment has been substantially completed for beneficial use, subject to the following:
  - 1) no more than 300 certificates of occupancy for dwelling units within the project shall be issued for the project prior to the entire 30th Street Connection being substantially completed for beneficial use; and
  - 2) no more than 700 certificates of occupancy for dwelling units within the project shall be issued prior to a traffic signal being designed, permitted, and substantially completed for beneficial use at the intersection of 30th Street and Paseo Al Mar Boulevard; provided, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 12.C.
- 11. Prior to or concurrent with the initial increment of development the developer shall construct the following Site Access Improvements:
  - A. A northbound to westbound left turn lane at 30th Street and Road A; and
  - B. A southbound to westbound right turn lane at 30th Street and Road A; and
  - C. A southbound to westbound right turn lane at 30th Street and Road B.
- 12. Although not warranted by impacts of this development, the developer has agreed to provide signal warrant analyses to Hillsborough County for the intersection of 30th Street and Paseo Al Mar Boulevard as follows:
  - A. No later ninety (90) days after the 30th Street Connection has been completed and accepted for maintenance by Hillsborough County, creating an uninterrupted collector roadway connection between Paseo Al Mar Boulevard (to the north) and 19th Avenue (to the south), the developer agrees to prepare and submit a signal warrant analysis for the subject intersection based on existing and projected traffic volume. If the signal warrant analysis reasonably demonstrates that a traffic signal will be warranted at the subject intersection in the future, the developer shall design and permit, or alternatively cause a third-party to design and permit (in accordance with preexisting requirements), a traffic signal for the subject intersection.
  - B. With each subsequent increment of development (unless otherwise approved by Hillsborough County), or upon request by Hillsborough County, the developer further agrees to prepare and submit an updated signal warrant analysis for the subject intersection based on existing traffic volume at that time. If signal warrant analysis demonstrates that a traffic signal is warranted at the subject intersection, the developer shall construct, or alternatively causes a third-party to construct, a traffic signal for the intersection (in accordance with preexisting requirements).

- C. In the event a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection, based on existing traffic volumes, within three (3) years following substantial completion of the 30th Street Connection or substantial buildout of the project (defined as issuance of a certificate of occupancy for the 700th dwelling unit in the project), whichever is later, the developer shall have (a) no further obligations under this Condition 12, (b) no further limitations on building permits under Condition 10.H, and (c) no further limitations on certificates of occupancy under Condition F.I.
- D. All signal warrant analyses under this condition shall be reviewed and approved by the Hillsborough County Public Works Department. In event the developer elects to design and permit, or alternatively causes a thirdparty to design and permit (in accordance with preexisting requirements), a traffic signal for the subject intersection based on a signal warrant analysis using existing and projected traffic volume, such construction plans may be subject to additional review and/or re-permitting in event construction of the traffic signal is not commenced within two (2) years from the date of approval at the sole discretion of Hillsborough County.
- E. Notwithstanding the foregoing, this Condition 12 shall not be interpreted to (a) supersede any pre-existing obligation to design, permit, and/or construct a traffic signal at the subject intersection under any other zoning approval or development order, nor (b) affect the eligibility of such pre-existing obligation for impact fee offsets consistent with The Hillsborough County Consolidated Impact Assessment Program Ordinance, regardless of whether the traffic signal is designed, permitted, and/or constructed by a third-party, or in cooperation with developer, under such pre-existing obligation.
- 13. Project roadways shall be constructed to TS-3 standards. In addition, the developer shall construct Road A as a 60foot right-of-way with a 10-foot-wide sidewalk or multi-use path along one side of the roadway. No dwelling units shall be permitted to take direct driveway access to Road A.
- 14. Notwithstanding anything shown on the Site Development Plan or herein these conditions to the contrary, the developer shall construct traffic calming features at the intersections identified on the Site Development Plan in order to calm traffic and minimize the potential for cut-through traffic. All such traffic calming features shall be approved by Hillsborough County Public Works. Eligible traffic calming features which satisfy this requirement shall include installation and use of roundabouts, mini-roundabouts, chicanes, use of neckdowns/flares/street narrowing/intersection throating (as further described in Sec. 5.08.09.E.) and/or other measures which help mitigate speeding issues created by uninterrupted grid patterns with long runs (as is shown on the Site Development Plan). Installation of traditional speed bumps shall not satisfy this requirement.
- 15. Wetlands or other surface waters are considered Environmentally Sensitive Areas and are subject to Conservation Area and Preservation Area setbacks. A minimum setback must be maintained around these areas which shall be designated on all future plan submittals. Only items explicitly stated in the condition of approval or items allowed per the LDC may be placed within the wetland setback. Proposed land alterations are restricted within the wetland setback areas.
- 16. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.
- 17. The construction and location of any proposed environmental impacts are not approved by this correspondence but shall be reviewed by Natural Resources staff through the site and subdivision development plan process pursuant to the Land Development Code.
- 18. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.

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- 19. The construction and location of any proposed wetland impacts are not approved by this correspondence but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
- 20. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
- 21. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
- 22. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.
- 23. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

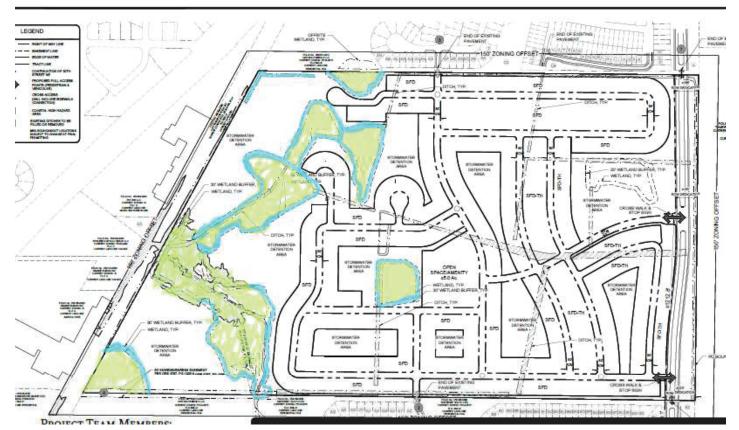
Zoning Administrator Sign Off:	J. Brian Grady			
SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN				
& BUILDING REVIEW AND APPROVAL.				
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed				

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.

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## 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

Minimum Density Policy 1.2 provides for an exception to minimum density to allow for environmental features and existing development patterns that do not support those densities. Exception criteria to Policy 1.3 also include insufficient infrastructure, density compatibility within 1,000 feet of the development, adverse impacts on environmental features, Coastal High Hazard Area within the development, and rezonings that are restricted to agricultural uses. Approximately 55 acres, on the western portion of the property, are constrained by the presence of wetlands, floodplains and coastal high hazard area. Pursuant to Policy 1.3, these constraints are contributing factors to the proposed project density being below the minimum density for the proposed product type (single-family and townhomes).



Areas shaded in green and blue include wetlands, wetland setbacks, coastal high hazard areas and floodplains.

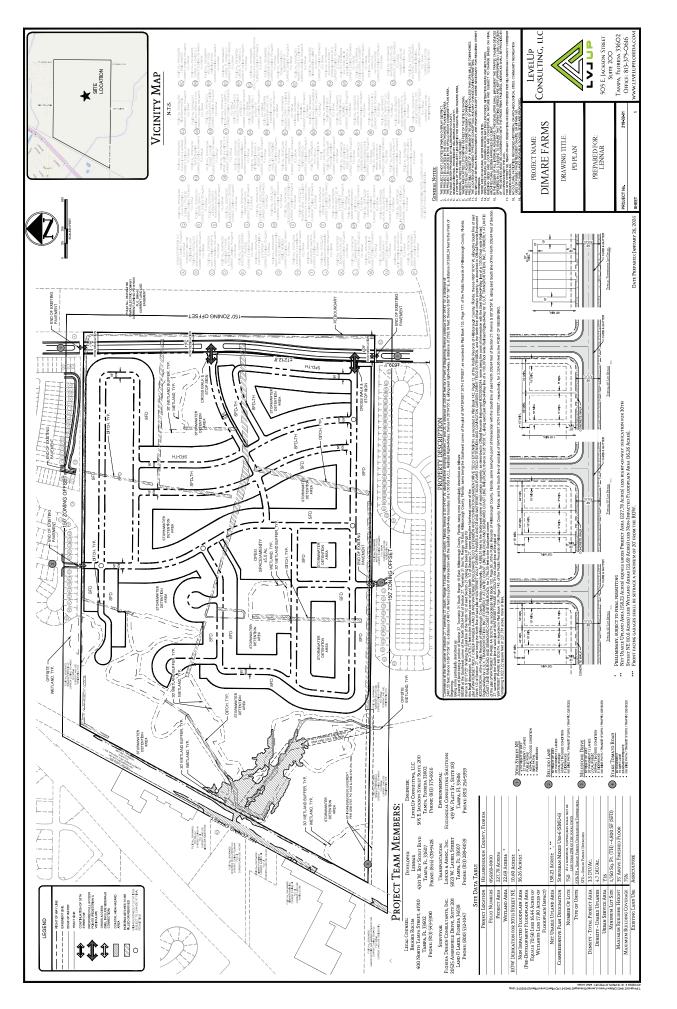
ZHM HEARING DATE: BOCC LUM MEETING DATE: JULY 9, 2024

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CASE REVIEWER: SAM BALL

# 8.0 PROPOSED SITE PLAN (FULL)

Received April 16, 2024 Development Services



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CASE REVIEWER: SAM BALL

9.0 FULL TRANSPORTATION REPORT (see following pages)

## AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department REVIEWER: Alex Steady, AICP PLANNING AREA/SECTOR: Apollo Beach / South DATE: 5/6/2024 AGENCY/DEPT: Transportation PETITION NO: PD RZ 23-0997

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

## **CONDITION OF APPROVAL**

- 1. Notwithstanding anything shown on the Site Development Plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
- 2. The project shall be served by and limited the following four (4) vehicular access connections as follows:

a. One (1) north-south local roadway which connects to Milestone Drive on the north project boundary at a location shown on the Site Development Plan; and

b. One (1) north-south local roadway which connects to Bellido Lane on the south project boundary at a location shown on the Site Development Plan; and

c. One (1) east-west roadway local roadway, with a minimum right-of-way width of sixty (60) feet, which connects to 30th Street on the east project boundary at a location shown on the Site Development Plan ("Road A"); and

d. One (1) east-west roadway local roadway which connects to 30th Street on the east project boundary at the location shown on the Site Development Plan near the south property boundary ("Road B").

2.1 The roadway connection to Milestone Drive shall not be made until the North Segment has been substantially completed for beneficial use. The roadway connection to Bellido Lane shall not be made until the South Segment has been substantially completed for beneficial use.

- 3. Construction access shall be limited to locations along the 30<sup>th</sup> Street Connection. The developer shall include a note in each site/construction plan submittal which indicates same.
- 4. Prior to or concurrent with the initial increment of development, the developer shall construct a north/south collector road along the eastern boundary of the project as generally shown on the Site Development Plan ("<u>30th Street Connection</u>").

4.1 The 30th Street Connection shall be designed and permitted as a two (2) lane collector roadway (expandable to 4-lanes on the inside lane) that connects at the project's north and south property boundaries with existing right-of-way and roadway improvements for 30th Street constructed as part of the Waterset Development of Regional Impact (DRI).

4.2 The developer shall dedicate and convey to Hillsborough County the following public right-of-way along the project's eastern boundary: (a) a minimum of 110-feet to accommodate the 30th Street Connection as generally shown on the Site Development Plan, and (b) an additional minimum 11-feet as necessary to accommodate the Site Access Improvements specified in Conditions 5.b. and 5.c., below. Although not warranted by impacts of this development, developer may elect to additionally dedicate and convey to Hillsborough County the land located between the project's eastern boundary and the eastern boundary of the above-described right-of-way for the 30th Street Connection.

4.3 The develop may elect to construct the 30th Street Connection in two (2) phases consisting of a North Segment (which shall extend from the project's north property boundary to Road A) and a South Segment (which shall extend from the project's south property boundary to Road A). The North and South Segments shall include the respective Site Access Improvements described in Condition 5 below.

4.4 No building permits shall be issued until the 30th Street Connection has been designed and permitted, and construction has commenced on the North Segment and/or the South Segment, subject to the following:

a. no more than 700 building permits shall be issued for dwelling units within the project prior to Hillsborough County approval of a traffic signal design for the intersection of 30<sup>th</sup> Street and Paseo Al Mar Boulevard; *provided*, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 6.3.

4.5 No occupancy of any buildings will be permitted, and no certificates of occupancy shall be issued, temporary or otherwise, until such time the North Segment or the South Segment has been substantially completed for beneficial use, subject to the following:

a. no more than 300 certificates of occupancy for dwelling units within the project shall be issued for the project prior to the entire 30th Street Connection being substantially completed for beneficial use; and

b. no more than 700 certificates of occupancy for dwelling units within the project shall be issued prior to a traffic signal being designed, permitted, and substantially completed for beneficial use at the intersection of 30th Street and Paseo Al Mar Boulevard; *provided*, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 6.3.

- 5. Prior to or concurrent with the initial increment of development the developer shall construct the following Site Access Improvements:
  - a. A northbound to westbound left turn lane at  $30^{\text{th}}$  Street and Road A; and
  - b. A southbound to westbound right turn lane at 30<sup>th</sup> Street and Road A; and
  - c. A southbound to westbound right turn lane at 30<sup>th</sup> Street and Road B.
- 6. Although not warranted by impacts of this development, the developer has agreed to provide signal warrant analyses to Hillsborough County for the intersection of 30<sup>th</sup> Street and Paseo Al Mar Boulevard as follows:

6.1 No later ninety (90) days after the 30<sup>th</sup> Street Connection has been completed and accepted for maintenance by Hillsborough County, creating an uninterrupted collector roadway connection between Paseo Al Mar Boulevard (to the north) and 19<sup>th</sup> Avenue (to the south), the developer

agrees to prepare and submit a signal warrant analysis for the subject intersection based on existing and projected traffic volume. If the signal warrant analysis reasonably demonstrates that a traffic signal will be warranted at the subject intersection in the future, the developer shall design and permit, *or alternatively cause a third-party to design and permit (in accordance with preexisting requirements)*, a traffic signal for the subject intersection.

6.2 With each subsequent increment of development (unless otherwise approved by Hillsborough County), or upon request by Hillsborough County, the developer further agrees to prepare and submit an updated signal warrant analysis for the subject intersection based on existing traffic volume at that time. If signal warrant analysis demonstrates that a traffic signal is warranted at the subject intersection, the developer shall construct, or alternatively causes a third-party to construct, a traffic signal for the intersection (*in accordance with preexisting requirements*).

6.3 In the event a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection, based on existing traffic volumes, within three (3) years following substantial completion of the 30th Street Connection or substantial buildout of the project (defined as issuance of a certificate of occupancy for the 700th dwelling unit in the project), whichever is later, the developer shall have (a) no further obligations under this Condition 6, (b) no further limitations on building permits under Condition 4.4, and (c) no further limitations on certificates of occupancy under Condition 4.5.

6.4 All signal warrant analyses under this condition shall be reviewed and approved by the Hillsborough County Public Works Department. In event the developer elects to design and permit, *or alternatively causes a third-party to design and permit (in accordance with preexisting requirements)*, a traffic signal for the subject intersection based on a signal warrant analysis using existing and projected traffic volume, such construction plans may be subject to additional review and/or re-permitting in event construction of the traffic signal is not commenced within two (2) years from the date of approval at the sole discretion of Hillsborough County.

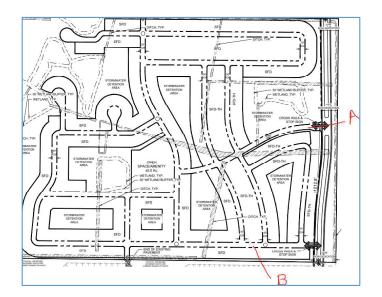
6.5 Notwithstanding the foregoing, this Condition 6 shall not be interpreted to (a) supersede any pre-existing obligation to design, permit, and/or construct a traffic signal at the subject intersection under any other zoning approval or development order, nor (b) affect the eligibility of such pre-existing obligation for impact fee offsets consistent with The Hillsborough County Consolidated Impact Assessment Program Ordinance, regardless of whether the traffic signal is designed, permitted, and/or constructed by a third-party, or in cooperation with developer, under such pre-existing obligation.

- 7. Project roadways shall be constructed to TS-3 standards. In addition, the developer shall construct Road A as a 60-foot right-of-way with a 10-foot-wide sidewalk or multi-use path along one side of the roadway. No dwelling units shall be permitted to take direct driveway access to Road A.
- 8. Notwithstanding anything shown on the Site Development Plan or herein these conditions to the contrary, the developer shall construct traffic calming features at the intersections identified on the Site Development Plan in order to calm traffic and minimize the potential for cut-through traffic. All such traffic calming features shall be approved by Hillsborough County Public Works. Eligible traffic calming features which satisfy this requirement shall include installation and use of roundabouts, mini-roundabouts, chicanes, use of neckdowns/flares/street narrowing/intersection throating (as further described in Sec. 5.08.09.E.) and/or other measures which help mitigate speeding issues created by uninterrupted grid patterns with long runs (as is shown on the Site Development Plan). Installation of traditional speed bumps shall not satisfy this requirement.

# Other Conditions

Prior to PD Site Plan Certification, the developer shall revise the PD site plan to:

- Revise 30<sup>th</sup> Street to depict a 110-foot right-of-way.
- Label the northern east/west project road "Road A" and the southern east/west project road "Road B" on the site plan. Please see the following figure:



# PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel, totaling +/-227.73 ac., from Agricultural Rural (AR) to Planned Development (PD). The proposed PD is seeking entitlements to permit up to 750 Residential Dwelling Units. The existing future land use of the properties is Suburban Mixed Use - 6 (SMU-6).

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 11<sup>th</sup> Edition.

## Existing Zoning:

Zoning, Land Use/Size	24-Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	AM	PM
AR, 45 Single Family Dwelling Units (ITE LUC 210)	484	36	47

## Proposed Zoning:

Zoning, Land Use/Size	24-Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
PD, 563 Single Family Dwelling Units (ITE LUC 210)	4,947	359	504
PD, 187 Townhome Dwelling Units (ITE LUC 215)	1,374	92	108
Total	6,321	451	612

#### Trip Generation Difference:

Zoning, Land Use/Size	24-Hour Two-	Total Peak Hour Trips	
	Way Volume		PM
Difference	+5,837	+415	+565

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site will have access to 30<sup>th</sup> St NE, Milestone Dr and Bellido Lane. 30<sup>th</sup> St NE is a s a two-lane, divided, Hillsborough County maintained collector roadway. It is characterized by +/- 11-foot travel lanes and lies within +/- 110ft of right of way in the immediate vicinity of the proposed project. There are sidewalks and bike facilities on both sides of the roadway. Milestone Drive is a two-lane, undivided, Hillsborough County maintained local roadway. It is characterized by +/- 01-foot travel lanes and lies within +/- 50ft of right of way in the immediate vicinity of the proposed project. There are sidewalks on both sides of the roadway. Bellido Lane 30<sup>th</sup> St NE is a two-lane, undivided, Hillsborough County maintained local roadway. It is characterized by +/- 10-foot travel lanes and lies within +/- 50ft of right of way. Bellido Lane 30<sup>th</sup> St NE is a two-lane, undivided, Hillsborough County maintained local roadway. It is characterized by +/- 10-foot travel lanes and lies within +/- 50ft of right of way in the immediate vicinity of the proposed project. There are sidewalks on both sides of the roadway. It is characterized by +/- 10-foot travel lanes and lies within +/- 50ft of right of way in the immediate vicinity of the proposed project. There are sidewalks on both sides of the roadway. It is characterized by +/- 10-foot travel lanes and lies within +/- 50ft of right of way in the immediate vicinity of the proposed project. There are sidewalks on both sides of the roadway.

# SITE ACCESS AND CONNECTIVITY

The project shall be served by and limited to the following four (4) vehicular access connections as follows:

- a. One (1) north-south local roadway which connects to Milestone Drive on the north project boundary at a location shown on the Site Development Plan; and
- b. One (1) north-south local roadway which connects to Bellido Lane on the south project boundary at a location shown on the Site Development Plan; and
- c. One (1) east-west roadway local roadway, with a minimum right-of-way width of sixty (60) feet, which connects to 30th Street on the east project boundary at a location shown on the Site Development Plan ("Road A"); and
- d. One (1) east-west roadway local roadway which connects to 30th Street on the east project boundary at the location shown on the Site Development Plan near the south property boundary ("Road B").

The roadway connection to Milestone Drive shall not be made until the North Segment has been substantially completed for beneficial use. The roadway connection to Bellido Lane shall not be made until the South Segment has been substantially completed for beneficial use.

As a result of the submitted transportation analysis, the developer shall construct the following additional site-access improvements:

- A northbound to westbound left turn lane at 30<sup>th</sup> Street and Road A; and
- A southbound to westbound right turn lane at 30<sup>th</sup> Street and Road A; and
- A southbound to westbound right turn lane at 30<sup>th</sup> Street and Road B.

# HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN AND 2045 LRTP

Both 19<sup>th</sup> Avenue and Apollo Beach Boulevards are Depicted as 4- lane roadways in the County's 2045 Long Range Transportation Plan.

30<sup>th</sup> Street is designated as a four-lane roadway on the Hillsborough County Corridor Preservation Plan, and once completed, it will create a continuous, uninterrupted connection between these two roadways.

Signalization of the Apollo Beach Boulevard and 30th Street intersection will increase operational capacity and the level of service compared to the unsignalized condition.

# ROAD A

Project roadways shall be constructed to TS-3 standards. The developer shall construct the main east/west internal roadway "Road A" as a 60-foot right-of-way with a 10-foot-wide sidewalk or multi-use path along one side of the roadway. No dwelling units shall be permitted to take direct driveway access to Road A.

# SIGNALIZATION CONDITION

Although not warranted by impacts of this development, the developer has agreed to provide signal warrant analyses to Hillsborough County for the intersection of 30<sup>th</sup> Street and Paseo Al Mar Boulevard.

No later ninety (90) days after the 30<sup>th</sup> Street Connection has been completed and accepted for maintenance by Hillsborough County, creating an uninterrupted collector roadway connection between Paseo Al Mar Boulevard (to the north) and 19<sup>th</sup> Avenue (to the south), the developer agrees to prepare and submit a signal warrant analysis for the subject intersection based on existing and projected traffic volume. If the signal warrant analysis reasonably demonstrates that a traffic signal will be warranted at the subject intersection in the future, the developer shall design and permit, *or alternatively cause a third-party to design and permit (in accordance with preexisting requirements)*, a traffic signal for the subject intersection.

With each subsequent increment of development (unless otherwise approved by Hillsborough County), or upon request by Hillsborough County, the developer further agrees to prepare and submit an updated signal warrant analysis for the subject intersection based on existing traffic volume at that time. If signal warrant analysis demonstrates that a traffic signal is warranted at the subject intersection, the developer shall construct, or alternatively causes a third-party to construct, a traffic signal for the intersection (*in accordance with preexisting requirements*).

In the event a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection, based on existing traffic volumes, within three (3) years following substantial completion of the 30th Street Connection or substantial buildout of the project (defined as issuance of a certificate of occupancy for the 700th dwelling unit in the project), whichever is later, the developer shall have (a) no further obligations under this Condition 6, (b) no further limitations on building permits under Condition 4.4, and (c) no further limitations on certificates of occupancy under Condition 4.5.

All signal warrant analyses under this condition shall be reviewed and approved by the Hillsborough County Public Works Department. In event the developer elects to design and permit, *or alternatively causes a third-party to design and permit (in accordance with preexisting requirements)*, a traffic signal for the subject intersection based on a signal warrant analysis using existing and projected traffic volume, such construction plans may be subject to additional review and/or re-permitting in event construction of the traffic signal is not commenced within two (2) years from the date of approval at the sole discretion of Hillsborough County.

Notwithstanding the foregoing, this Condition 6 shall not be interpreted to (a) supersede any pre-existing obligation to design, permit, and/or construct a traffic signal at the subject intersection under any other zoning approval or development order, nor (b) affect the eligibility of such pre-existing obligation for impact fee offsets consistent with The Hillsborough County Consolidated Impact Assessment Program Ordinance, regardless of whether the traffic signal is designed, permitted, and/or constructed by a third-party, or in cooperation with developer, under such pre-existing obligation.

# TRAFFIC CALMING PER HILLSBOROUGH COUNTY LDC

The developer shall construct traffic calming features at the intersections identified on the Site Development Plan in order to calm traffic and minimize the potential for cut-through traffic. All such traffic calming features shall be approved by Hillsborough County Public Works. Eligible traffic calming features which satisfy this requirement shall include installation and use of roundabouts, mini-roundabouts, chicanes, use of neckdowns/flares/street narrowing/intersection throating (as further described in Sec. 5.08.09.E.) and/or other measures which help mitigate speeding issues created by uninterrupted grid patterns with long runs (as is shown on the Site Development Plan). Installation of

traditional speed bumps shall not satisfy this requirement.

# **30<sup>TH</sup> STREET CONNECTION**

Prior to or concurrent with the initial increment of development, the developer shall construct a north/south collector road along the eastern boundary of the project as generally shown on the Site Development Plan

("<u>30th Street Connection</u>"). The 30th Street Connection shall be designed and permitted as a two (2) lane collector roadway (expandable to 4-lanes on the inside lane) that connects at the project's north and south property boundaries with existing right-of-way and roadway improvements for 30th Street constructed as part of the Waterset Development of Regional Impact (DRI).

The developer shall dedicate and convey to Hillsborough County the following public right-of-way along the project's eastern boundary: (a) a minimum of 110-feet to accommodate the 30th Street Connection as generally shown on the Site Development Plan, and (b) an additional minimum 11-feet as necessary to accommodate the Site Access Improvements specified in Conditions 5.b. and 5.c., below. Although not warranted by impacts of this development, developer may elect to additionally dedicate and convey to Hillsborough County the land located between the project's eastern boundary and the eastern boundary of the above-described right-of-way for the 30th Street Connection.

The develop may elect to construct the 30th Street Connection in two (2) phases consisting of a North Segment (which shall extend from the project's north property boundary to Road A) and a South Segment (which shall extend from the project's south property boundary to Road A). The North and South Segments shall include the respective Site Access Improvements described in Condition 5 below.

No building permits shall be issued until the 30th Street Connection has been designed and permitted, and construction has commenced on the North Segment and/or the South Segment, subject to the following: no more than 700 building permits shall be issued for dwelling units within the project prior to Hillsborough County approval of a traffic signal design for the intersection of 30<sup>th</sup> Street and Paseo Al Mar Boulevard; *provided*, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 6.3.

No occupancy of any buildings will be permitted, and no certificates of occupancy shall be issued, temporary or otherwise, until such time the North Segment or the South Segment has been substantially completed for beneficial use, subject to the following: no more than 300 certificates of occupancy for dwelling units within the project shall be issued for the project prior to the entire 30th Street Connection being substantially completed for beneficial use; and no more than 700 certificates of occupancy for dwelling units within the project shall be issued prior to a traffic signal being designed, permitted, and substantially completed for beneficial use at the intersection of 30th Street and Paseo Al Mar Boulevard; *provided*, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 6.3.

# **TRANSIT FACILITIES**

Consistent with Sections 6.02.17 and 6.03.09 of the LDC, transit facilities are not required for the subject project.

# **ROADWAY LEVEL OF SERVICE (LOS) INFORMATION**

30th St NE was not included in the 2020 Level of Service Report.

Adjoining Roadways (check if applicable)				
Road Name	Classification	Current Conditions	Select Future Improvements	
30 <sup>th</sup> Street	County Collector - Rural	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>	
Milestone Drive	County Local - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>	
Bellido Lane	County Local - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>	

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

Project Trip Generation   Not applicable for this request				
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips	
Existing	848	36	47	
Proposed	6,321	451	612	
Difference (+/-)	+5,837	+415	+565	

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

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

 Design Exception/Administrative Variance
 Not applicable for this request

 Road Name/Nature of Request
 Type
 Finding

 Choose an item.
 Choose an item.
 Choose an item.

 Notes:
 Variance
 Choose an item.

4.0 Additional Site Information & Agency Comments Summary				
TransportationObjectionsConditionsRequested			Additional Information/Comments	
<ul> <li>Design Exception/Adm. Variance Requested</li> <li>Off-Site Improvements Provided</li> </ul>	□ Yes □N/A ⊠ No	⊠ Yes □ No	See Staff Report.	

# COUNTY OF HILLSBOROUGH ZONING HEARING MASTER'S RECOMMENDATION

Application number:	RZ-PD 23-0997
Hearing date:	May 14, 2024
Applicant:	Chelsea D. Hardy
Request:	Rezone to Planned Development
Location:	North of the 30 <sup>th</sup> Street NE and Waterset Boulevard intersection and south of the 30 <sup>th</sup> Street NE and Paseo Al Mar Boulevard intersection, Apollo Beach
Parcel size:	227.78 acres +/-
Existing zoning:	AR
Future land use designation:	SMU-6 (6 du/ga; 0.25/0.35/0.5 FAR)
Service area:	Urban Services Area
Community planning area:	Apollo Beach Community Plan and
	Southshore Areawide Systems Plan

# A. APPLICATION REVIEW

# DEVELOPMENT SERVICES STAFF REPORT APPLICATION REVIEW SUMMARY AND RECOMMENDATION

Rezoning Application:	PD 23-0997
Zoning Hearing Master Date:	May 14, 2024
BOCC Land Use Meeting Date:	July 9, 2024



**Development Services Department** 

## **1.0 APPLICATION SUMMARY**

Applicant:	Chelsea D. Hardy, Director of Land Acquisition, Lennar
FLU Category:	Suburban Mixed Use – 6 (SMU-6)
Service Area:	Urban
Site Acreage:	227.78 (208.67 Upland)
Community Plan Area:	Apollo Beach
Overlay:	None



## Introduction Summary

The applicant is requesting a rezoning from Agricultural, Rural (AR) to Planned Development (PD) to accommodate the development of up to 750 single-family attached and detached dwellings on 227.78 acres located approximately 550 feet north of the 30<sup>th</sup> Street NE and Waterset Boulevard intersection in the Apollo Beach Community Planning Area.

Zoning	Existing	Proposed	
District	AR	PD	
Typical General Use(s)	Single-Family Residential/Agricultural	Residential, Single-Family Detached and Attached	
Acreage	227.78	227.78	
Density/Intensity	1 unit per 5 acres	3.3 units per gross acre	
Mathematical Maximum*	45 units	750 units	

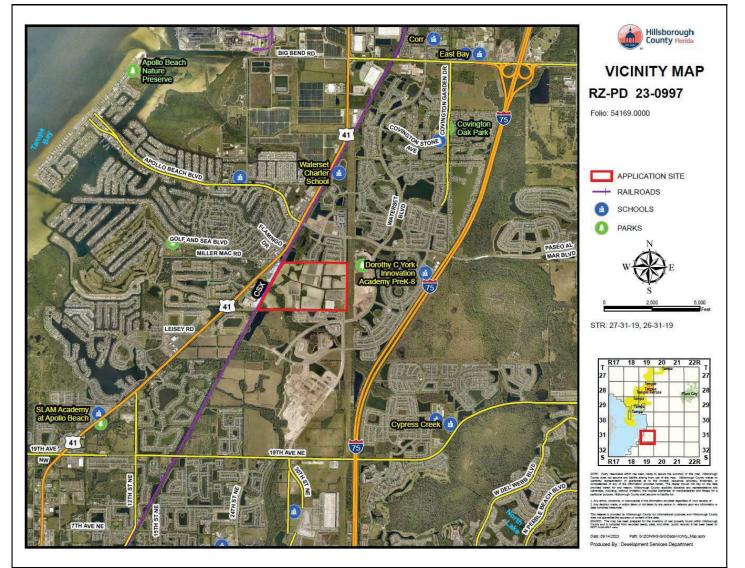
\*number represents a pre-development approximation

Development Standards	Existing	Proposed			
			Р	D	
District	AR	Single-Family, Attached		Single-Family Detache	d
Lot Size / Lot Width	5 acres / 150'	1,760 SF / 20'	4,800 SF / 40' (50' on corner lots)	6,000 SF / 50'; (60' on corner lots)	6,600 SF / 60' (70' on corner lots)
		Front: 20'	Front: 10'	Front: 20'	Front: 20'
		Front, functioning as a	Front, functioning as	Front, functioning as a	Front, functioning as a
Setbacks/	Front: 50'	side: 10'	a side: 15'	side: 15'	side: 15'
Buffering and	Rear: 50'	Garages from R/W: 20'	Garages from R/W:	Garages from R/W:	Garages from R/W:
Screening	Sides: 15'	Rear: 10'	20'	20′	20'
		Interior Unit Sides: 0'	Rear: 15'	Rear: 15'	50' Rear: 50'
		End Unit Side: 10'	Sides: 5'	Sides: 5'	5' Sides: 5'
Maximum					
Building	NA	75%	75%	75%	75%
Coverage					
Minimum					
Building	NA	20′	10'	10'	10′
Separation					
Height	50'	35'	35'	35′	35'
Additional Information					
PD Variation(s	5)		None requested as part of this application		
Waivers to the Land Development Code			None requested as part of this application		

APPLICATION NUMBER: PD 23-0997	
ZHM HEARING DATE: MAY 14, 2024	
BOCC LUM MEETING DATE: JULY 9, 2024	CASE REVIEWER: SAM BALL
Planning Commission Recommendation:	Development Services Recommendation:
Planning Commission Recommendation: Inconsistent	<b>Development Services Recommendation:</b> Approvable, subject to proposed conditions

# 2.0 LAND USE MAP SET AND SUMMARY DATA

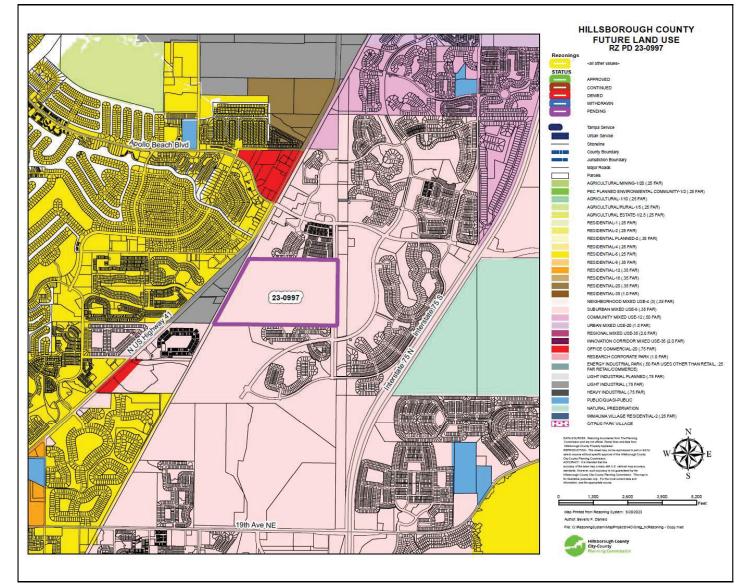
## 2.1 Vicinity Map



**Context of Surrounding Area:** The subject property is located in the Apollo Beach Community Planning Area between a 130-foot CSX right-of-way to the west and a 367-foot wide TECO utility right-of-way to the east. The predominate uses in the area are single-family residential with a limited amount of commercial development located along US Highway 41 to the west.

## 2.0 LAND USE MAP SET AND SUMMARY DATA

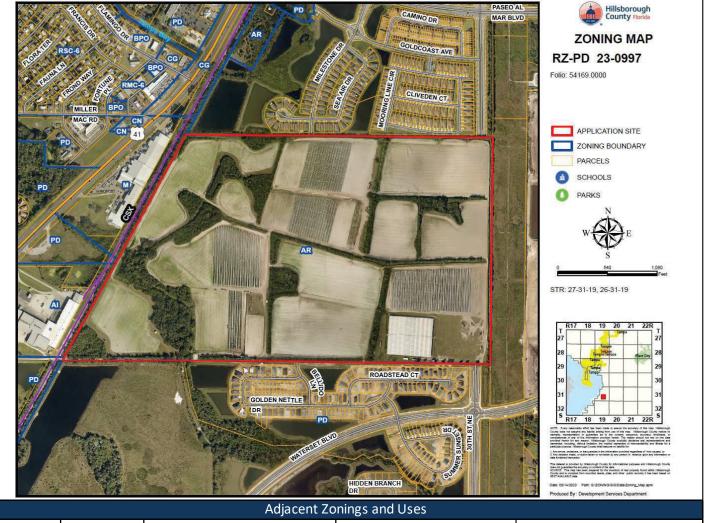
#### 2.2 Future Land Use Map



Subject Site Future Land Use Category	Suburban Mixed Use – 6 (SMU-6)
Maximum Density/FAR	6 dwelling units per acre / Suburban scale neighborhood commercial: 0.25; Office uses, research corporate park, light industrial: 0.35; and light industrial uses may achieve an FAR up to 0.50.
Typical Uses	Residential, suburban scale neighborhood commercial, office, research corporate park, light industrial multi-purpose, and mixed use.

## 2.0 LAND USE MAP SET AND SUMMARY DATA

#### 2.3 Immediate Area Map

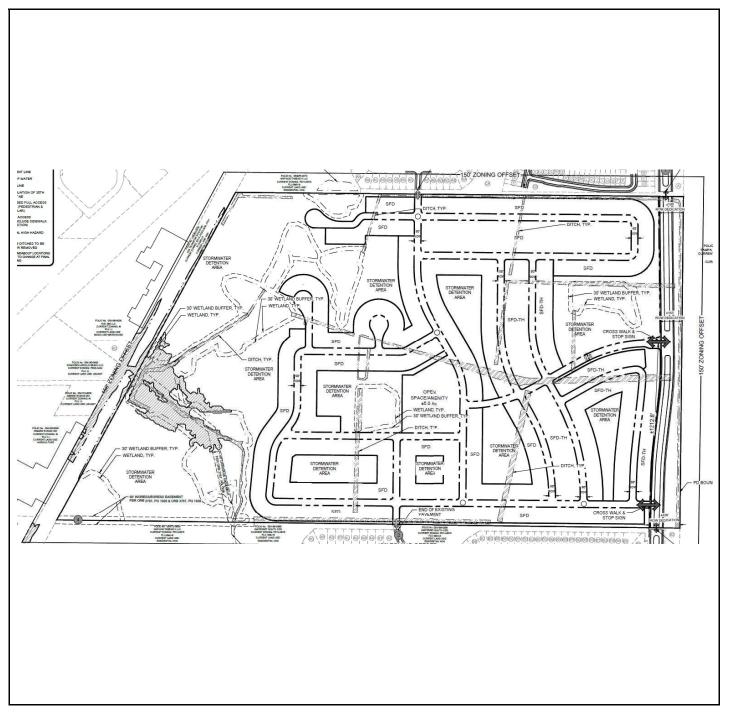


Adjacent Zonings and Uses				
Location	Zoning	Maximum Density/FAR Permitted by Zoning District	Allowable Use	Existing Use
North	PD 14-0815	6 DU per GA/FAR: 0.25	Single-Family Residential, Regional Sports Complex	Single-Family
South	PD 14-0815	6 DU per GA/FAR: 0.25	Single-Family Residential	Single-Family
	М	NA/FAR: 0.75	Manufacturing, processing or assembling, intensive commercial and other industrial as appropriate	CSX R/W Mixed-Use Warehouse
West	PD 22-0444	NA/FAR: 0.62	Mini Warehousing, Enclosed Vehicle Storage	CSX R/W Undeveloped
	AI	1 DU per GA/FAR: NA	Agricultural and related.	CSX R/W Food, packaging, processing warehouse, and distribution.
East	PD 14-0815	NA	Single-Family Residential, Regional Sports Complex, Utilities	TECO ROW Outparcel, Transmission Lines Sports Complex

APPLICATION NUMBER:	PD 23-0997	
ZHM HEARING DATE: BOCC LUM MEETING DATE:	MAY 14, 2024 JULY 9, 2024	CASE REVIEWER: SAM BALL

## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



ZHM HEARING DATE:

PD 23-0997 MAY 14, 2024

## 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				
30 <sup>th</sup> Street	County Collector - Rural	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>				
Milestone Drive	County Local - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>				
Bellido Lane	County Local - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>				

Project Trip Generation   Not applicable for this request						
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips			
Existing	848	36	47			
Proposed	6,321	451	612			
Difference (+/-)	+5,837	+415	+565			

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

Connectivity and Cross Access  Not applicable for this request						
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding		
North		Vehicular &	None	Meets LDC		
		Pedestrian				
South		Vehicular &	None	Meets LDC		
		Pedestrian	None			
East	х	Vehicular &	Vehicular &	Meets LDC		
		Pedestrian	Pedestrian			
West		None	None	Meets LDC		
Notes:						

Design Exception/Administrative Variance 🛛 Not applicable for this request					
Road Name/Nature of Request	Туре	Finding			
	Choose an item.	Choose an item.			
	Choose an item.	Choose an item.			
Notes:	•	•			

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#### 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY					
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments	
Environmental Protection Commission	⊠ Yes □ No	□ Yes ⊠ No	⊠ Yes □ No		
Natural Resources	⊠ Yes □ No	□ Yes ⊠ No	⊠ Yes □ No		
Conservation & Environ. Lands Mgmt.	⊠ Yes □ No	□ Yes ⊠ No	□ Yes ⊠ No		
<ul> <li>Check if Applicable:</li> <li>Wetlands/Other Surface Waters</li> <li>Use of Environmentally Sensitive Land Credit</li> <li>Wellhead Protection Area</li> <li>Surface Water Resource Protection Area</li> </ul>	<ul> <li>Potable Water Wellfield Protection Area</li> <li>Significant Wildlife Habitat</li> <li>Coastal High Hazard Area</li> <li>Urban/Suburban/Rural Scenic Corridor</li> <li>Adjacent to ELAPP property</li> <li>Other</li> </ul>				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments	
Transportation  Design Exc./Adm. Variance Requested Off-site Improvements Provided	□ Yes □ No	□ Yes □ No	□ Yes □ No		
Service Area/ Water & Wastewater Urban □ City of Tampa □Rural □ City of Temple Terrace	⊠ Yes □ No	□ Yes ⊠ No	□ Yes ⊠ No		
Hillsborough County School Board Adequate □ K-5 ⊠6-8 ⊠9-12 □N/A Inadequate ⊠ K-5 □6-8 □9-12 □N/A	⊠ Yes □ No	□ Yes ⊠ No	□ Yes ⊠ No		
Impact/Mobility FeesSingle Family Detached (Fee estimate is based on 2,000 square feet)Mobility: $\$$ 9,183 * 750 = $\$$ 6,887,250Parks: $\$$ 2,145 * 750 = $\$$ 1,608,750School: $\$$ 8,227 * 750 = $\$$ 6,170,250Fire: $\$$ 335 * 750 = $\$$ 251,250Total per House: $\$19,890$ * 750 = $\$14,917,500$					
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments	
Planning Commission         □ Meets Locational Criteria       ⊠ N/A         □ Locational Criteria Waiver Requested         □ Minimum Density Met       □ N/A	⊠ Yes □ No	⊠ Inconsistent □ Consistent	□ Yes ⊠ No		

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#### **5.0 IMPLEMENTATION RECOMMENDATIONS**

#### 5.1 Compatibility

Staff finds the proposed single-family detached and single-family attached uses are compatible with the residential developments to the immediate north and south of the property, which consists of single-family, detached and single-family, attached development. Moreover, staff finds that although multi-family development exists in the area and could be considered a compatible use of the property, that the existence of multi-family development precludes neither single-family, detached, nor single-family attached as compatible uses of the property.

Staff finds the request will have minimal impact and finds the request compatible with the surrounding zoning and development pattern.

#### **5.2** Recommendation

Based on the considerations herein, staff finds he request approvable, subject to conditions.

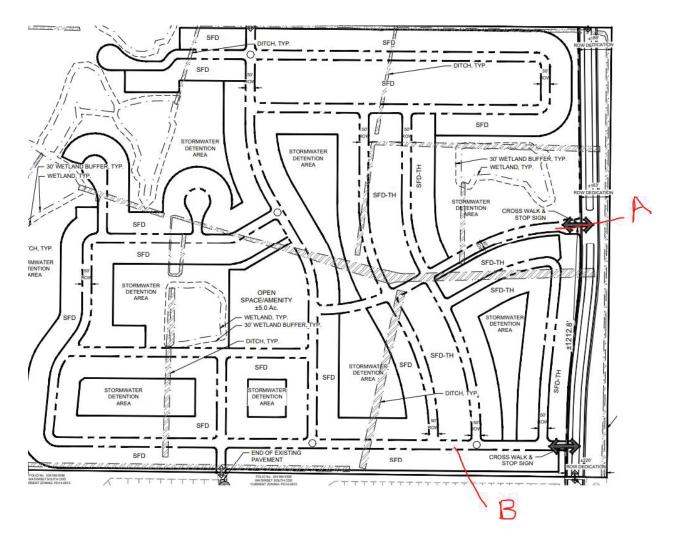
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#### **6.0 PROPOSED CONDITIONS**

Prior to PD Site Plan Certification, the developer shall revise the PD site plan to:

- 1. Revise 30th Street to depict a 110-foot right-of-way.
- 2. Label the northern east/west project road "Road A" and the southern east/west project road "Road B" on the site plan. Please see the following figure:



**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted April 16, 2024.

- 1. Development shall be limited to 750 attached and detached single-family dwellings such that at least 25% of the total dwelling units shall be fee simple townhomes.
- 2. Buildings shall not exceed 35 feet in height above finished floor elevation.
- 3. Building coverage shall not exceed 75%.
- 4. Single-family, detached, corner lots shall be at least 50 feet wide.

- 5. All single-family detached lots developed at a width less than 50 feet and corner lots with a width of 50 feet or less shall comply with the following:
  - A. Setbacks shall be as follows, unless otherwise required:

Front: 10 feet; front-facing garages must be setback a minimum of 20 feet.

Front, functioning as a side: 15 feet; front-facing garages must be setback a minimum of 20 feet.

Rear: 15 feet

Sides: 5 feet

- B. Single-family detached units shall provide a 2-car garage with a minimum 18-foot-wide driveway.
  - 1) Garages shall be permitted to extend a maximum of 5 feet in front of the primary residential structure if an entry feature over the primary entrance facing the street is provided. The minimum garage setback shall be 20 feet. The non-garage portion of the primary residential structure setback shall be a minimum of 25 feet. The offset created by these two setbacks shall be occupied by an entry feature and the offset amount shall serve as the minimum depth required of the entry feature. The entry feature shall be permitted to extend further into the front yard at minimum setback of 10 feet. The entry feature shall consist of, but not be limited to, a covered stoop, a covered porch or other architectural feature. If no entry feature is provided, the garage shall not be flush or placed closer to the street than any portion of the front facade.
  - 2) Should garages be located behind the front plane of the primary residential structure, the primary residential structure shall provide a minimum 10-foot front yard setback and the garage shall provide a minimum 20-foot front yard setback. The offset between these setbacks shall be a minimum of 10 feet. This offset shall not require the use of any entry feature or covered porch. Should an entry feature or covered porch be provided, the minimum front yard setback of 10 feet shall apply.
- C. Garage doors shall not account for more than 60% of the width of the street facing building facade.
- D. All driveways shall be located in an alternating pattern on the left or right side of the unit's front facade. Homes shall not have the same driveway location (left or right side) as the adjacent home. The alternating pattern may be adjusted at corner lots as necessary.
- E. Street trees may include alternating shade and ornamental trees, subject to the review and approval of Natural Resources staff.
- F. Each unit's primary entrance door shall face the roadway.
- G. A maximum of 40% of the units on lots under 50 feet in width shall be 1-story in height. A minimum of 60% of the units on lots under 50 feet in width shall be 2-stories in height. If the project will be platted by pod or phase, individual pods or phases shall meet this requirement for each individual pod or phase submitted for plat review. If these percentages will be blended throughout the PD, each plat shall provide a table providing the number and percentage of 1- story and 2-story units proposed and approved within the entire PD. If when blended an individual pod or phase at platting will exceed the 1-story height percentage maximum, the permissibility for 1-story units will be restricted accordingly elsewhere in the PD.
- H. All 2-story units shall provide a transition between the first and second floor to break up the facade by using one or more of the following:
  - 1) A roof feature with a minimum projection of 1 foot from the wall surface. The projection shall consist of overhangs or other roof elements.
  - 2) A horizontal raised banding of 6 to 8 inches in height.
  - 3) A change in materials between the first and second floors.

6. Building setbacks for townhome and single-family, detached lots 50 feet or wider shall be as follows.

Townhomes

Front: 20 feet

Front, functioning as a side: 10 feet; garages must be setback a minimum of 20 feet.

Rear: 10 feet

Sides, not attached: 10 feet

The additional two to one setback for buildings taller than 20 feet shall not apply.

Single-family, detached, lots in excess of 50 feet wide.

Front: 20 feet

Front, functioning as a side: 15 feet; front facing garages must be setback a minimum of 20 feet.

Rear: 15 feet

Sides: 5 feet

- 7. Notwithstanding anything shown on the Site Development Plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
- 8. The project shall be served by and limited the following four (4) vehicular access connections as follows:
  - A. One (1) north-south local roadway which connects to Milestone Drive on the north project boundary at a location shown on the Site Development Plan; and
  - B. One (1) north-south local roadway which connects to Bellido Lane on the south project boundary at a location shown on the Site Development Plan; and
  - C. One (1) east-west roadway local roadway, with a minimum right-of-way width of sixty (60) feet, which connects to 30th Street on the east project boundary at a location shown on the Site Development Plan ("Road A"); and
  - D. One (1) east-west roadway local roadway which connects to 30th Street on the east project boundary at the location shown on the Site Development Plan near the south property boundary ("Road B").

The roadway connection to Milestone Drive shall not be made until the North Segment has been substantially completed for beneficial use. The roadway connection to Bellido Lane shall not be made until the South Segment has been substantially completed for beneficial use.

- 9. Construction access shall be limited to locations along the 30th Street Connection. The developer shall include a note in each site/construction plan submittal which indicates same.
- 10. Prior to or concurrent with the initial increment of development, the developer shall construct a north/south collector road along the eastern boundary of the project as generally shown on the Site Development Plan ("30th Street Connection").
  - E. The 30th Street Connection shall be designed and permitted as a two (2) lane collector roadway (expandable to 4-lanes on the inside lane) that connects at the project's north and south property boundaries with existing right-of-way and roadway improvements for 30th Street constructed as part of the Waterset Development of Regional Impact (DRI).
  - F. The developer shall dedicate and convey to Hillsborough County the following public right-of-way along the project's eastern boundary: (a) a minimum of 110-feet to accommodate the 30th Street Connection as generally shown on the Site Development Plan, and (b) an additional minimum 11-feet as necessary to accommodate the Site Access Improvements specified in Conditions 5.b. and 5.c., below. Although not warranted by impacts of this development, developer may elect to additionally dedicate and convey to Hillsborough County the land

located between the project's eastern boundary and the eastern boundary of the above-described right-of-way for the 30th Street Connection.

- G. The develop may elect to construct the 30th Street Connection in two (2) phases consisting of a North Segment (which shall extend from the project's north property boundary to Road A) and a South Segment (which shall extend from the project's south property boundary to Road A). The North and South Segments shall include the respective Site Access Improvements described in Condition 5 below.
- H. No building permits shall be issued until the 30th Street Connection has been designed and permitted, and construction has commenced on the North Segment and/or the South Segment, subject to the following:

no more than 700 building permits shall be issued for dwelling units within the project prior to Hillsborough County approval of a traffic signal design for the intersection of 30th Street and Paseo Al Mar Boulevard; provided, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 12.C.

- 1. No occupancy of any buildings will be permitted, and no certificates of occupancy shall be issued, temporary or otherwise, until such time the North Segment or the South Segment has been substantially completed for beneficial use, subject to the following:
  - 1) no more than 300 certificates of occupancy for dwelling units within the project shall be issued for the project prior to the entire 30th Street Connection being substantially completed for beneficial use; and
  - 2) no more than 700 certificates of occupancy for dwelling units within the project shall be issued prior to a traffic signal being designed, permitted, and substantially completed for beneficial use at the intersection of 30th Street and Paseo Al Mar Boulevard; provided, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 12.C.
- 11. Prior to or concurrent with the initial increment of development the developer shall construct the following Site Access Improvements:
  - A. A northbound to westbound left turn lane at 30th Street and Road A; and
  - B. A southbound to westbound right turn lane at 30th Street and Road A; and
  - C. A southbound to westbound right turn lane at 30th Street and Road B.
- 12. Although not warranted by impacts of this development, the developer has agreed to provide signal warrant analyses to Hillsborough County for the intersection of 30th Street and Paseo Al Mar Boulevard as follows:
  - A. No later ninety (90) days after the 30th Street Connection has been completed and accepted for maintenance by Hillsborough County, creating an uninterrupted collector roadway connection between Paseo Al Mar Boulevard (to the north) and 19th Avenue (to the south), the developer agrees to prepare and submit a signal warrant analysis for the subject intersection based on existing and projected traffic volume. If the signal warrant analysis reasonably demonstrates that a traffic signal will be warranted at the subject intersection in the future, the developer shall design and permit, or alternatively cause a third-party to design and permit (in accordance with preexisting requirements), a traffic signal for the subject intersection.
  - B. With each subsequent increment of development (unless otherwise approved by Hillsborough County), or upon request by Hillsborough County, the developer further agrees to prepare and submit an updated signal warrant analysis for the subject intersection based on existing traffic volume at that time. If signal warrant analysis demonstrates that a traffic signal is warranted at the subject intersection, the developer shall construct, or alternatively causes a third-party to construct, a traffic signal for the intersection (in accordance with preexisting requirements).

- C. In the event a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection, based on existing traffic volumes, within three (3) years following substantial completion of the 30th Street Connection or substantial buildout of the project (defined as issuance of a certificate of occupancy for the 700th dwelling unit in the project), whichever is later, the developer shall have (a) no further obligations under this Condition 12, (b) no further limitations on building permits under Condition 10.H, and (c) no further limitations on certificates of occupancy under Condition F.I.
- D. All signal warrant analyses under this condition shall be reviewed and approved by the Hillsborough County Public Works Department. In event the developer elects to design and permit, or alternatively causes a third-party to design and permit (in accordance with preexisting requirements), a traffic signal for the subject intersection based on a signal warrant analysis using existing and projected traffic volume, such construction plans may be subject to additional review and/or re-permitting in event construction of the traffic signal is not commenced within two (2) years from the date of approval at the sole discretion of Hillsborough County.
- E. Notwithstanding the foregoing, this Condition 12 shall not be interpreted to (a) supersede any pre-existing obligation to design, permit, and/or construct a traffic signal at the subject intersection under any other zoning approval or development order, nor (b) affect the eligibility of such pre-existing obligation for impact fee offsets consistent with The Hillsborough County Consolidated Impact Assessment Program Ordinance, regardless of whether the traffic signal is designed, permitted, and/or constructed by a third-party, or in cooperation with developer, under such pre-existing obligation.
- 13. Project roadways shall be constructed to TS-3 standards. In addition, the developer shall construct Road A as a 60foot right-of-way with a 10-foot-wide sidewalk or multi-use path along one side of the roadway. No dwelling units shall be permitted to take direct driveway access to Road A.
- 14. Notwithstanding anything shown on the Site Development Plan or herein these conditions to the contrary, the developer shall construct traffic calming features at the intersections identified on the Site Development Plan in order to calm traffic and minimize the potential for cut-through traffic. All such traffic calming features shall be approved by Hillsborough County Public Works. Eligible traffic calming features which satisfy this requirement shall include installation and use of roundabouts, mini-roundabouts, chicanes, use of neckdowns/flares/street narrowing/intersection throating (as further described in Sec. 5.08.09.E.) and/or other measures which help mitigate speeding issues created by uninterrupted grid patterns with long runs (as is shown on the Site Development Plan). Installation of traditional speed bumps shall not satisfy this requirement.
- 15. Wetlands or other surface waters are considered Environmentally Sensitive Areas and are subject to Conservation Area and Preservation Area setbacks. A minimum setback must be maintained around these areas which shall be designated on all future plan submittals. Only items explicitly stated in the condition of approval or items allowed per the LDC may be placed within the wetland setback. Proposed land alterations are restricted within the wetland setback areas.
- 16. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.
- 17. The construction and location of any proposed environmental impacts are not approved by this correspondence but shall be reviewed by Natural Resources staff through the site and subdivision development plan process pursuant to the Land Development Code.
- 18. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.

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- 19. The construction and location of any proposed wetland impacts are not approved by this correspondence but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
- 20. Prior to the issuance of any building or land alteration permits or other development, the approved wetland/ other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
- 21. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
- 22. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.
- 23. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

Zoning Administrator Sign Off:	J. Brian Grady
- ,	TION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN
& BUILDING REVIEW AND APPROVAL.	
	prough County does not constitute a guarantee that the project will receive
approvals/permits necessary for site developme	ent as proposed will be issued, nor does it imply that other required permits needed

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.

#### **B. HEARING SUMMARY**

This case was heard by the Hillsborough County Zoning Hearing Master on May 14, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

#### Applicant

Ms. Rebecca Kert spoke on behalf of the applicant. Ms. Kert introduced the rezoning request, responded to the Zoning Hearing Master's questions, and provided testimony as reflected in the hearing transcript.

Mr. Stephen Sposato AICP, Level Up Consulting, provided expert witness testimony related to the proposed rezoning, and responded to the Zoning Hearing Master's questions as reflected in the hearing transcript.

Mr. Steve Henry PE, Lincks Associates, provided expert witness testimony on transportation issues related to the proposed rezoning as reflected in the hearing transcript.

Ms. Kert and Mr. Sposato provided testimony related to consistency with the comprehensive plan's minimum density policies as reflected in the hearing transcript.

#### **Development Services Department**

Mr. Sam Ball, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the revised staff report previously submitted to the record.

#### Planning Commission

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

#### Proponents

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

#### Opponents

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

#### **Development Services Department**

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

#### Applicant Rebuttal

Mr. Michael Brooks provided rebuttal testimony and responded to the Zoning Hearing Master's questions as reflected in the hearing transcript.

Mr. Sposato responded to the Zoning Hearing Master's question related to the density and number of townhome units the applicant has proposed for its planned development.

The hearing officer closed the hearing on RZ-PD 23-0997.

#### C. EVIDENCE SUMBITTED

Mr. Stephen Sposato submitted to the record at the hearing a copy of the applicant's presentation packet.

#### D. FINDINGS OF FACT

- 1. The Subject Property consists of approximately 227.78 acres of undeveloped agricultural land located north of the 30<sup>th</sup> Street Northeast and Waterset Boulevard intersection and south of the 30<sup>th</sup> Street Northeast and Paseo Al Mar Boulevard intersection in Apollo Beach.
- 2. The Subject Property is zoned AR and is designated SMU-6 on the comprehensive plan Future Land Use Map. The Subject Property is in the Urban Services Area and is within the boundaries of the Apollo Beach Community Plan and Southshore Areawide Systems Plan.
- 3. The general area surrounding the Subject Property consists of residential singlefamily uses to the north and south, commercial uses to the west along U.S. Highway 41, and a sports complex to the east. Adjacent properties include a single-family residential subdivision and Waterset Central CDD properties to the north; a single-family residential subdivision and Waterset South CDD properties zoned PD to the south; a CSX railroad right-of-way and properties zoned AI, PD, and M with mini-storage and vegetable processing and packing uses to the west; and a TECO transmission line corridor and county-owned sports complex to the east.
- 4. Approximately 22.69 acres of the Subject Property is wetland, and an area in the west of the Subject Property is within the Coastal High Hazard Area.
- 5. The applicant is requesting to rezone the Subject Property to Planned Development to accommodate development of up to 750 single-family attached and detached dwellings, with at least 25 percent of the dwelling units being feesimple townhomes.
- 6. The Subject Property is situated between the current north and south terminal points of 30<sup>th</sup> Street Northeast. The applicant's site plan shows approximately 10.6 acres will be dedicated to extend the 30<sup>th</sup> Street Northeast public right-of-way along the Subject Property's east boundary.
- 7. The applicant's site plan shows a minimum lot size of 1,760 square feet for townhome lots and 4,800 square feet for single-family detached lots. The site plan shows a maximum building height of 35 feet.

- 8. Development Services Department staff found the proposed planned development compatible with the residential developments to the immediate north and south of the Subject Property, will have minimal impact, and would be compatible with the surrounding zoning and development pattern. Staff found the rezoning request approvable, subject to conditions stated in the Development Services Department staff report based on the applicant's general site plan submitted April 16, 2024.
- 9. Transportation staff had no objections subject to conditions specified in the staff report. Transportation conditions include extension of 30<sup>th</sup> Street Northeast, connections to Milestone Drive on the north and Bellido Lane on the south, and other roadway improvements and dedications. Transportation conditions require a minimum of 100 feet to accommodate the 30<sup>th</sup> Street NE extension.
- 10. Planning Commission staff found the proposed planned development meets the neighborhood development policies of FLU Objective 16 since the proposed single-family detached and attached dwellings complement the existing range of residential development in the area, and includes an open space and amenity area, appropriate buffers, setbacks, and connections to adjacent developments to the north and south.
- 11. Planning Commission staff also found the proposed planned development meets the Community Design Component of the FLU element, which requires new development to be designed in a way that is compatible to the surrounding area and related to the predominant character of the area. Staff found there are single-family uses to the north and south of the Subject Property, and the proposed development will appear similar in nature.
- 12. Planning Commission staff found the proposed planned development does not meet the minimum density requirement of Future Land Use (FLU) policy 1.2 and does not meet the criteria of FLU policy 1.3 for an exception to the minimum density requirements.
- 13. Future Land Use policy 1.2 states:

All new residential or mixed use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities. Within the USA and in categories allowing 4 units per acre or greater, new development or redevelopment shall occur at a density of at least 75% of the allowable density of the land use category, unless the development meets the criteria of Policy 1.3.

14. Future Land Use Policy 1.3 provides exceptions to the minimum density requirements of FLU policy 1.2, and states:

Within the USA and within land use categories permitting 4 du/ga or greater, new rezoning approvals for residential development of less than 75% of the allowable density of the land use category will be permitted only in cases where one or more of the following criteria are found to be met:

Development at a density of 75% of the category or greater would not be compatible (as defined in Policy 1.4) and would adversely impact with the existing development pattern within a 1,000 foot radius of the proposed development;

Infrastructure (Including but not limited to water, sewer, stormwater and transportation) is not planned or programmed to support development.

Development would have an adverse impact on environmental features on the site or adjacent to the property. The site is located in the Coastal High Hazard Area.

The rezoning is restricted to agricultural uses and would not permit the further subdivision for residential lots.

- 15. Planning Commission staff found the proposed planned development does not meet the intent of FLU policy 1.4 compatibility requirements. Staff found the Subject Property is surrounded by single-family attached and detached residential developments that are typically one to two stories in height, on lots varying from 0.10 acres to 0.17 acres. Staff found the proposed site plan shows detached single-family residential on lots varying from 0.11 acres to 0.15 acres. Staff found the proposed planned development would introduce lot sizes that are comparable to surrounding uses but that are of a low density that is not envisioned for the SMU-6 Future Land Use category.
- 16. Future Land Use policy 1.4 states:

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

17. Planning Commission staff found the proposed planned development does not meet the intent of the SMU-6 future land use category and FLU policy 8.1 because the SMU-6 category is intended for areas that are of urban and suburban density

and the proposed density of 3.3 dwelling units per gross acre is low density and nonurban in scale.

18. Future Land Use policy 8.1 states:

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

- 19. Planning Commission staff found the Apollo Beach Community Plan seeks to incorporate a range of housing choices, including multi-family and live-work units in and around town centers, and the Waterset Town Center is less than one-half mile from the Subject Property. Staff concluded a multifamily housing option would be appropriate and the proposed planned development includes only single-family detached and attached units.
- 20. At the hearing the applicant introduced expert witness testimony of certified planner Stephen Sposato. Mr. Sposato testified that the proposed planned development seeks to balance compatibility with adjacent residential developments to the Subject Property's north and south, the comprehensive plan's minimum density policies, and issues that reduce the Subject Property's developable area including environmental features, floodplain compensation areas, and roadway dedication requirements. Mr. Sposato testified that 1,025 units would be required to meet the minimum density policy, and a project with that number of units on the Subject Property's limited developable area would not be consistent with other policies that require compatibility with existing development. Mr. Sposato testified a project of 1,025 units on the Subject Property's limited developable area would not be compatible with the character of development in existing residential communities adjacent to the Subject Property's north and south. Mr. Sposato testified the proposed development is already at a higher density than the adjacent residential developments, and that the pattern of the proposed development and floodplain compensation areas coincides with the adjacent development. Mr. Sposato testified that the Waterset community contemplates higher density residential and commercial nodes at the town center and mixed-use areas and south of those areas is lower density.
- 21. At the hearing the applicant introduced expert witness testimony of professional engineer Trent Stephenson. Mr. Stephenson testified he is the applicant's engineer and he conducted analysis on the Subject Property's environmental features and required floodplain compensation areas. Mr. Stephenson displayed a graphic

illustrating areas of the Subject Property that are required for floodplain compensation or wetland preservation and are not developable.

- 22. The record shows the applicant submitted competent, substantial evidence demonstrating development at a density of 75 percent of that allowed under the SMU-6 land use category, or 1,025 dwelling units, would not be compatible with and would adversely impact the existing development pattern within a 1,000-foot radius of the proposed development.
- 23. The record shows the applicant submitted competent, substantial evidence demonstrating development at a density of 75 percent of that allowed under the SMU-6 land use category, or 1,025 dwelling units, would have an adverse impact on environmental features on the Subject Property or adjacent properties, and that a portion of the Subject Property is located in the Coastal High Hazard Area.
- 24. The record shows the applicant submitted competent, substantial evidence demonstrating the proposed planned development would be compatible with surrounding development in terms of height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, and access, and would be sensitive to maintaining the character of existing development adjacent to the Subject Property. Further, the record shows Planning Commission staff found the proposed development of detached and attached single-family units would add lot sizes comparable to adjacent residential development and would complement the existing range of residential development in the area.

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

Considering the record as a whole, the evidence demonstrates the proposed Planned Development is in compliance with and does further the intent of the Goals, Objectives, and Policies of *Unincorporated Hillsborough County Comprehensive Plan*.

#### F. CONCLUSIONS OF LAW

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

#### G. SUMMARY

The applicant is requesting to rezone the Subject Property to Planned Development to accommodate development of up to 750 single-family attached and detached dwellings, with at least 25 percent of the dwelling units being fee-simple townhomes.

#### H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **APPROVAL** of the Planned Development rezoning subject to the conditions set out in the Development Services Department staff report based on the applicant's general site plan submitted April 16, 2024.

Pamela Jo Hatley Pamela Jo Hatley PhD, D

June 6, 2024 Date

Land Use Hearing Officer



### Hillsborough County City-County Planning Commission

Unincorporated Hillsborough County Rezoning				
<b>Hearing Date:</b> May 14, 2024	Petition: PD 23-0997			
<b>Report Prepared:</b> May 2, 2024	Folio 54169.0000 South of Paseo al Mal Boulevard between U.S. Highway 41 and Interstate 75			
Summary Data:				
Comprehensive Plan Finding	INCONSISTENT			
Adopted Future Land Use	Suburban Mixed Use-6 (6 du/ga; 0.25/0.35/0.5 FAR)			
Service Area	Urban			
Community Plan	Apollo Beach, SouthShore Areawide Systems			
Request	Rezone from Agricultural Rural (AR) to Planned Development (PD) to develop 750 dwelling units			
Parcel Size	227.78 ± acres			
Street Functional Classification	Paseo al Mal Boulevard – <b>Local</b> US Highway 41 – <b>State Principal Arterial</b> Interstate 75 – <b>State Principal Arterial</b>			
Locational Criteria	N/A			
Evacuation Zone	A			

Plan Hillsborough planhillsborough.org planner@plancom.org 813 – 272 – 5940 601 E Kennedy Blvd 18<sup>th</sup> floor Tampa, FL, 33602

#### Context

- The approximately 227.78 ± acre subject site is located south of Paseo al Mal Boulevard between U.S. Highway 41 and Interstate 75.
- The site is located within the Urban Service Area and is within the limits of the Apollo Beach • Community Plan and SouthShore Areawide Systems Plan.
- The subject site is located within the Suburban Mixed Use-6 (SMU-6) Future Land Use category, which can be considered for a maximum density of 6 dwelling units per gross acre and a maximum intensity of 0.5 FAR for light industrial uses. The SMU-6 Future Land Use category is intended for areas that are urban and suburban in intensity and density of uses. Typical uses include residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Neighborhood Commercial uses shall meet locational criteria or be part of larger mixed use planned development. Office uses are not subject to locational criteria. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- SMU-6 abuts the subject site to the north, east and south. To the west, across the CSX railroad • is Light Industrial (LI). Residential-6 (RES-6) is located further west, north of U.S. Highway 41.
- The subject site is currently classified as agricultural land by the Hillsborough County Property Appraiser. The subject site directly abuts the CSX railroad to the west. Further west and northwest, across the CSX rail line is a mixed use building with warehousing and retail uses, vacant land, and agricultural land. To the southwest are townhome developments. To the north, east and south are single family attached and detached residential neighborhoods that are a part of the large Planned Development (PD) called Waterset. There are also parcels of public institutional land scattered throughout the area which typically contain preservation lands, utility uses and recreational parks.
- The subject property is currently zoned Agricultural Rural (AR). To the north, east, south, and southwest is Planned Development (PD) zoning. Manufacturing (M), Agricultural Industrial (AI) and PD zoning are located to the west. To the northwest along U.S. Highway 41 is Commercial Neighborhood (CN) and Commercial General (CG) zoning.
- An area in the western portion of the site is in the Coastal High Hazard Area (CHHA). There are approximately 22.69 acres of wetlands on the site.
- The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Planned Development (PD) to develop 750 dwelling units.

<u>Compliance with Comprehensive Plan:</u> The following Goals, Objectives, and Policies apply to this rezoning request and are used as a basis for an inconsistency finding.

#### **FUTURE LAND USE ELEMENT**

Urban Service Area

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

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

**Policy 1.3:** Within the USA and within land use categories permitting 4 du/ga or greater, new rezoning approvals for residential development of less than 75% of the allowable density of the land use category will be permitted only in cases where one or more of the following criteria are found to be meet:

Development at a density of 75% of the category or greater would not be compatible (as defined in Policy 1.4) and would adversely impact with the existing development pattern within a 1,000 foot radius of the proposed development;

Infrastructure (Including but not limited to water, sewer, stormwater and transportation) is not planned or programmed to support development.

Development would have an adverse impact on environmental features on the site or adjacent to the property.

The site is located in the Coastal High Hazard Area.

The rezoning is restricted to agricultural uses and would not permit the further subdivision for residential lots.

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

#### Land Use Categories

**Objective 8:** The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.

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

#### Relationship to Land Development Regulations

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

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

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

#### Environmental Considerations

**Objective 13**: New development and redevelopment shall not adversely impact environmentally sensitive areas and other significant natural systems as described and required within the Conservation and Aquifer Recharge Element and the Coastal Management Element of the Comprehensive Plan.

#### Policy 13.3: Environmentally Sensitive Land Credit

Density and FAR calculations for properties that include wetlands will comply with the following calculations and requirements for determining density/intensity credits.

- Wetlands are considered to be the following:
  - Conservation and preservation areas as defined in the Conservation and Aquifer Recharge Element
  - Man-made water bodies as defined (including borrow pits).
- If wetlands are less than 25% of the acreage of the site, density and intensity is calculated based on:
  - Entire project acreage multiplied by Maximum intensity/density for the Future Land Use Category
- If wetlands are 25% or greater of the acreage of the site, density and intensity is calculated based on:
  - Upland acreage of the site multiplied by 1.25 = Acreage available to calculate density/intensity based on
  - That acreage is then multiplied by the Maximum Intensity/Density of the Future Land Use Category

#### Neighborhood/Community Development

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

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

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

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

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

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

**Policy 16.8:** The overall density and lot sizes of new residential projects shall reflect the character of the surrounding area, recognizing the choice of lifestyles described in this Plan.

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

**Policy 16.15:** Single family detached, single family attached, and townhome residential development of 50 units or greater shall include gathering places in accordance with requirements of the Land Development Code. Community gathering places shall be provided in a proportionate manner based on the size of the project, density of dwelling units, amount of private open space in the project or other similar manner. A minimum square footage shall be established ensuring a functional gathering place for residential developments at or near the threshold of 50 units. Community gathering places shall not be required in residential subdivisions with platted lot sizes of 1/3 acre or greater. To ensure minimum density policies can be achieved or greater, minimum lot size reductions may be considered. Incentives for a higher quality of design of the gathering places to ensure compatibility with adjacent uses. Most community gathering places that do not require parking should be within walking distance of residences. The Land Development Code should include a process such as but not limited to variances or waivers to consider reductions in the gathering place requirement.

#### Mixed Use Land Use Categories

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

**Policy 19.1** Larger new projects proposed in all mixed use plan categories shall be required to develop with a minimum of 2 land uses in accordance with the following:

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

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

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

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

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

#### **Community Design Component**

#### 5.0 NEIGHBORHOOD LEVEL DESIGN

#### 5.1 COMPATIBILITY

**Goal 12:** Design neighborhoods which are related to the predominant character of the surroundings.

**Objective 12-1:** New developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood.

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

#### ENVIRONMENTAL AND SUSTAINABILITY SECTION (ESS)

**Objective 3.5:** Apply adopted criteria, standards, methodologies and procedures to manage and maintain wetlands and/or other surface waters for optimum fisheries and other environmental values in consultation with EPC.

**Policy 3.5.1**: Collaborate with the EPC to conserve and protect wetlands and/or other surface waters from detrimental physical and hydrological alteration. Apply a comprehensive planning-based approach to the protection of wetland ecosystems assuring no net loss of ecological values

provided by the functions performed by wetlands and/or other surface waters authorized for projects in Hillsborough County.

**Policy 3.5.2:** Collaborate with the EPC through the land planning and development review processes to prohibit unmitigated encroachment into wetlands and/or other surface waters and maintain equivalent functions.

**Policy 3.5.4:** Regulate and conserve wetlands and/or other surface waters through the application of local rules and regulations including mitigation during the development review process.

#### LIVABLE COMMUNITIES ELEMENT: Apollo Beach Community Plan

- 2. Ensure Quality Land Use and Design
  - Incorporate a range of housing choices including multi-family and live-work units in and around town centers.
- 4. Improve Transportation
  - Require connectivity within new developments and require new developments to connect to one another.
- 6. Improve and Expand Public Use Facilities
  - Require applicants of rezonings containing 50 or more residential units to consult with the Hillsborough County School District regarding potential school sites.

#### Staff Analysis of Goals, Objectives and Policies:

The approximately 227.78 ± acre subject site is located south of Paseo al Mal Boulevard between U.S. Highway 41 and Interstate 75. The site is located in the Urban Service Area and is within the limits of the Apollo Beach Community Plan and SouthShore Areawide Systems Plan. The subject site is currently classified as agricultural land by the Hillsborough County Property Appraiser. The subject site directly abuts the CSX railroad to the west. Further west and northwest, across the CSX rail line is a mixed use building with warehousing and retail uses, vacant land, and agricultural land. To the southwest are townhome developments. To the north, east and south are single family attached and detached residential neighborhoods that are a part of the large Planned Development (PD) called Waterset. There are also parcels of public institutional land scattered throughout the area which typically contain preservation lands, utility uses and recreational parks. The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Planned Development (PD) to develop 750 dwelling units.

The subject site is in the Urban Service Area and per Objective 1 of the Future Land Use Element (FLUE), where 80 percent of the County's growth is to be directed. Per FLUE Policy 13.3, the site is less than 25% wetlands, and the entire 227.78 acres can be utilized to calculate density (16.96 acres x 6 du/ga = 1,366 maximum dwellings). 75% of the allowable density would be at least 1,025 dwelling units to meet the required minimum density under Policy 1.2. The proposed 750 units do not appear to meet the following criteria for an exception per Policy 1.3. First, development at a density of 75% of the category or greater would be compatible (as defined in Policy 1.4) and would not adversely impact the existing development pattern within a 1,000 foot radius of the proposed development. There are single family developments immediately to the north and south of the site, however there is a presence of not only single family but also two family attached townhome style. Furthermore, there are multifamily and commercial developments to the west and further north of Paseo al Mar Boulevard in the Waterset Town Center area. Compatible does not

mean the "same as", therefore a higher density residential development would not necessarily be incompatible. The applicant refers to gross densities in their narrative (Waterset) averaging 1 to 3 dwelling units per gross acres. The narrative shows these densities as individual phases of the Waterset development. However, Waterset is a large Development of Regional Impact (DRI) which was permitted to spread its density over a much larger area. Therefore, showing each individual phase is not indicative of the wholistic picture of the DRI which includes multiple housing types including multifamily and commercial uses. Secondly, as the site is in the Urban Service Area, infrastructure is planned or programmed to support development. Thirdly, the site is less than 25% wetlands. Although there are also floodplains on the site, the applicant has not shown that a higher density development would not have an adverse impact on environmental features on the site or adjacent to the property. The burden is on the applicant to show that a design not meeting minimum density would adversely impact these features. Finally, the site partially is in the Coastal High Hazard Area (CHHA), but appears to overlap with the wetlands, making up a small portion of the site's acreage. Less than 25% of the site appears to be located within the CHHA boundary. Therefore, the proposal is inconsistent with FLUE Policy 1.2 relating to minimum density in the Urban Service Area. The County currently has low amounts of developable or redevelopable land within the Urban Service Area. Therefore, it is important to maximize the density in areas where it is appropriate, per FLUE Objective 1.

FLUE Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The site is generally surrounded by single family attached and detached residential developments that are typically one to two stories in height. The proposed site plan shows detached single-family residential on 0.11 acres to 0.15 acre lot sizes. The residential development surrounding the site is also single-family detached with lots of sizes varying from 0.10 acres to 0.17 acres. The proposed site plan would add lot sizes that are comparable but would overall introduce low density residential development that is not envisioned for the Suburban Mixed-Use-6 Future Land Use category. Therefore, the proposal does not meet the intent of Policy 1.4 in the Future Land Use Element (FLUE).

Per FLUE Objective 8, Future Land Use categories outline the maximum level of intensity or density and range of permitted land uses allowed in each category. Appendix A contains a description of the character and intent permitted in each of the Future Land Use categories. The site is within the Suburban Mixed Use-6 (SMU-6) which is intended for areas that are urban and suburban in density of uses. The proposed density of 3.3 dwelling units per gross acre is more appropriately categorized as low density or nonurban in scale. Therefore, the proposal does not meet the intent of the SMU-6 category and Objective 8, Policy 8.1.

The proposal meets the intent of Objective 13 and associated policies in the FLUE and Objective 3.5 in the Environmental and Sustainability Section (ESS) as it relates to environmental considerations. There are approximately 22.69 acres of wetlands on the site. The Environmental Protection Commission Wetlands Division has reviewed the proposed site and has determined that a resubmittal is not necessary. Given that there is a separate approval process for wetland impacts with the Environmental Protection Commission and they currently do not object, Planning Commission staff finds this request consistent with the associated policy direction.

The subject site is generally surrounded by single family attached and detached residential uses. The proposal meets the intent of the neighborhood development policies in Objective 16, as the proposed single family detached and attached dwellings complement the existing range of residential development in the area. The proposed site plan shows an open space and amenity area, appropriate buffers, setbacks and connections to the developments north and south of the site. However, at the time of filing this report there were no comments in Optix by the Transportation Review Section and these comments were not considered during this analysis.

The proposal meets the intent of Objective 19 and Policy 19.1 relating to the requirement of two land uses in mixed use land use categories. The proposal includes two housing types of single family detached and attached. It proposes a minimum of 25% townhomes, with the remainder being single family detached dwellings.

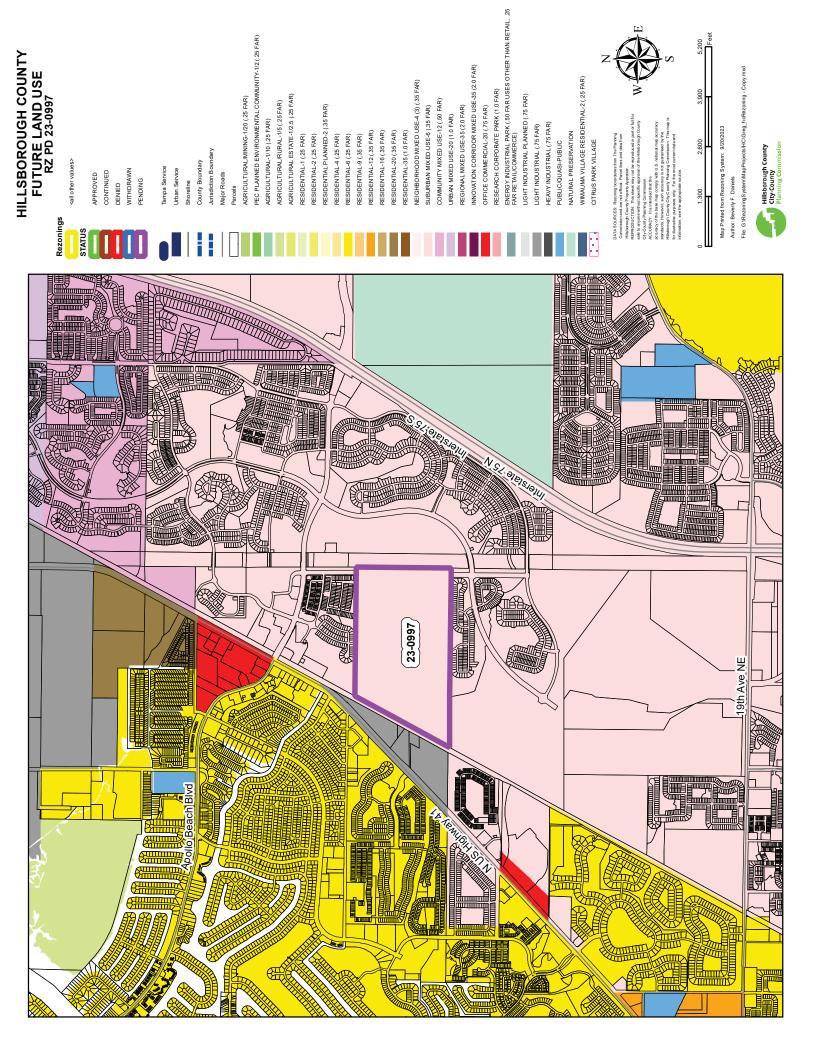
The Community Design Component (CDC) in the FLUE provides policy direction about designing neighborhoods that are related to the predominant character of the area. Goal 12 and Objective 12-1 require new development to be designed in a compatible way to the surrounding area. There are existing single family uses to the north and south of the site, and the proposed development will appear similar in nature. Overall, the proposal meets the intent of the CDC, as it will implement an attached and detached single family residential development in a similar manner to some of the existing residential uses in the vicinity of this area.

The Apollo Beach Community plan seeks to incorporate a range of housing choices including multi-family and live-work units in and around town centers. With the Waterset Town Center less than 0.5 miles away from the subject site, it seems a multifamily housing option would be appropriate. However, the proposal only includes single family detached and attached dwellings. The Plan also requires connectivity within new developments and requires new developments to connect to one another. The proposed plan does appear to show internal connectivity as well as connections to the north and south. The Plan requires applicants of rezonings containing 50 or more residential units to consult with the Hillsborough County School District regarding potential school sites. The applicant has submitted supporting documentation indicating that they have done so and that the School District will not request land for a school site for this rezoning. However, overall, the proposal does not meet the intent of the Apollo Beach Community Plan. There are no applicable goals or strategies in the SouthShore Areawide Systems Plan relating to this request.

Overall, the proposed Planned Development would not allow for development that is consistent with the Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan* relating to minimum density in the Urban Service Area.

#### **Recommendation**

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



# GENERAL SITE PLAN FOR CERTIFICATION



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

### HILLSBOROUGH COUNTY DEVELOPMENT SERVICES DEPARTMENT

**GENERAL SITE PLAN REVIEW/CERTIFICATION** 

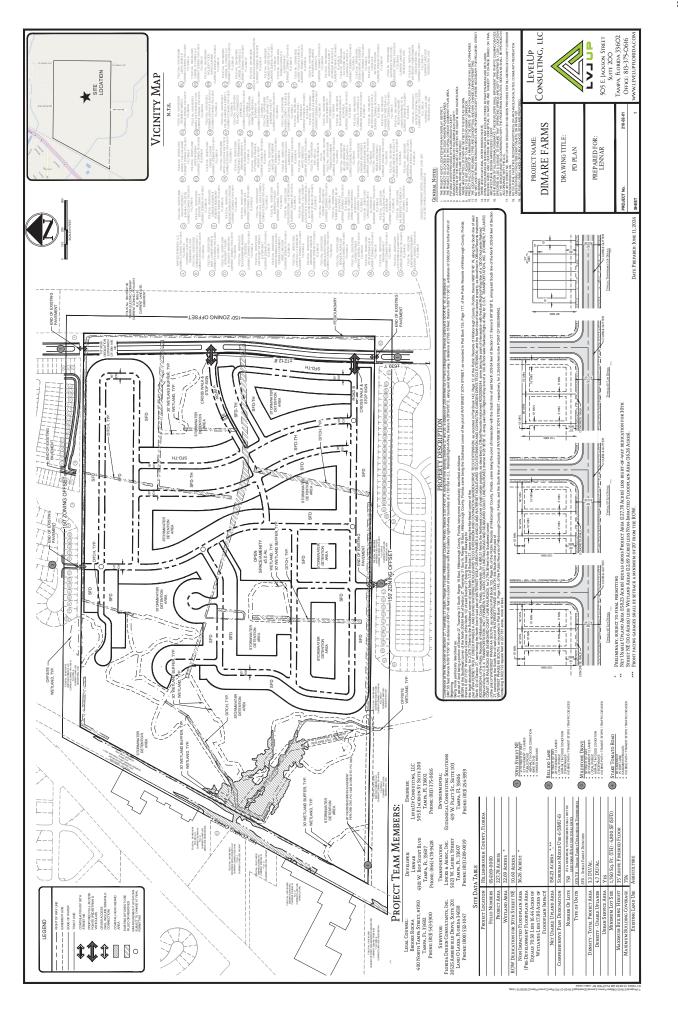
#### BOARD OF COUNTY COMMISSIONERS Donna Cameron Cepeda Harry Cohen Ken Hagan Pat Kemp Gwendolyn "Gwen" Myers Michael Owen

#### Joshua Wostal COUNTY ADMINISTRATOR Bonnie M. Wise COUNTY ATTORNEY Christine M. Beck COUNTY INTERNAL AUDITOR Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR Gregory S. Horwedel

Project Name: DiMare Farms	PD
Zoning File: PD 23-0997	Modification: None
Atlas Page: None	Submitted: 06/11/2024
To Planner for Review: 06/11/2024	Date Due: ASAP
Contact Person: Stephen Sposato	813.375.0616 Ext. 122/stephen@levelupflorida.com
Right-Of-Way or Land Required for I	Dedication: Yes 🖌 No
The Development Services Departm	ent HAS NO OBJECTION to this General Site Plan.
The Development Services Departm Site Plan for the following reasons:	ent RECOMMENDS DISAPPROVAL of this General
Reviewed by: Sam Ball	<sub>Date:</sub> 6-11-24
Date Agent/Owner notified of Disapp	roval:

Received June 11, 2024 Development Services



## AGENCY COMMENTS

#### AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services DepartmentREVIEWER: Alex Steady, AICPAGENOPLANNING AREA/SECTOR: Apollo Beach / SouthPETITI

AGENCY/DEPT: Transportation PETITION NO: PD RZ 23-0997

DATE: 5/6/2024

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

#### **CONDITION OF APPROVAL**

- 1. Notwithstanding anything shown on the Site Development Plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries.
- 2. The project shall be served by and limited the following four (4) vehicular access connections as follows:

a. One (1) north-south local roadway which connects to Milestone Drive on the north project boundary at a location shown on the Site Development Plan; and

b. One (1) north-south local roadway which connects to Bellido Lane on the south project boundary at a location shown on the Site Development Plan; and

c. One (1) east-west roadway local roadway, with a minimum right-of-way width of sixty (60) feet, which connects to 30th Street on the east project boundary at a location shown on the Site Development Plan ("Road A"); and

d. One (1) east-west roadway local roadway which connects to 30th Street on the east project boundary at the location shown on the Site Development Plan near the south property boundary ("Road B").

2.1 The roadway connection to Milestone Drive shall not be made until the North Segment has been substantially completed for beneficial use. The roadway connection to Bellido Lane shall not be made until the South Segment has been substantially completed for beneficial use.

- 3. Construction access shall be limited to locations along the 30<sup>th</sup> Street Connection. The developer shall include a note in each site/construction plan submittal which indicates same.
- 4. Prior to or concurrent with the initial increment of development, the developer shall construct a north/south collector road along the eastern boundary of the project as generally shown on the Site Development Plan ("<u>30th Street Connection</u>").

4.1 The 30th Street Connection shall be designed and permitted as a two (2) lane collector roadway (expandable to 4-lanes on the inside lane) that connects at the project's north and south property boundaries with existing right-of-way and roadway improvements for 30th Street constructed as part of the Waterset Development of Regional Impact (DRI).

4.2 The developer shall dedicate and convey to Hillsborough County the following public right-of-way along the project's eastern boundary: (a) a minimum of 110-feet to accommodate the 30th Street Connection as generally shown on the Site Development Plan, and (b) an additional minimum 11-feet as necessary to accommodate the Site Access Improvements specified in Conditions 5.b. and 5.c., below. Although not warranted by impacts of this development, developer may elect to additionally dedicate and convey to Hillsborough County the land located between the project's eastern boundary and the eastern boundary of the above-described right-of-way for the 30th Street Connection.

4.3 The develop may elect to construct the 30th Street Connection in two (2) phases consisting of a North Segment (which shall extend from the project's north property boundary to Road A) and a South Segment (which shall extend from the project's south property boundary to Road A). The North and South Segments shall include the respective Site Access Improvements described in Condition 5 below.

4.4 No building permits shall be issued until the 30th Street Connection has been designed and permitted, and construction has commenced on the North Segment and/or the South Segment, subject to the following:

a. no more than 700 building permits shall be issued for dwelling units within the project prior to Hillsborough County approval of a traffic signal design for the intersection of 30<sup>th</sup> Street and Paseo Al Mar Boulevard; *provided*, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 6.3.

4.5 No occupancy of any buildings will be permitted, and no certificates of occupancy shall be issued, temporary or otherwise, until such time the North Segment or the South Segment has been substantially completed for beneficial use, subject to the following:

a. no more than 300 certificates of occupancy for dwelling units within the project shall be issued for the project prior to the entire 30th Street Connection being substantially completed for beneficial use; and

b. no more than 700 certificates of occupancy for dwelling units within the project shall be issued prior to a traffic signal being designed, permitted, and substantially completed for beneficial use at the intersection of 30th Street and Paseo Al Mar Boulevard; *provided*, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 6.3.

- 5. Prior to or concurrent with the initial increment of development the developer shall construct the following Site Access Improvements:
  - a. A northbound to westbound left turn lane at  $30^{\text{th}}$  Street and Road A; and
  - b. A southbound to westbound right turn lane at 30<sup>th</sup> Street and Road A; and
  - c. A southbound to westbound right turn lane at 30<sup>th</sup> Street and Road B.
- 6. Although not warranted by impacts of this development, the developer has agreed to provide signal warrant analyses to Hillsborough County for the intersection of 30<sup>th</sup> Street and Paseo Al Mar Boulevard as follows:

6.1 No later ninety (90) days after the 30<sup>th</sup> Street Connection has been completed and accepted for maintenance by Hillsborough County, creating an uninterrupted collector roadway connection between Paseo Al Mar Boulevard (to the north) and 19<sup>th</sup> Avenue (to the south), the developer

agrees to prepare and submit a signal warrant analysis for the subject intersection based on existing and projected traffic volume. If the signal warrant analysis reasonably demonstrates that a traffic signal will be warranted at the subject intersection in the future, the developer shall design and permit, *or alternatively cause a third-party to design and permit (in accordance with preexisting requirements)*, a traffic signal for the subject intersection.

6.2 With each subsequent increment of development (unless otherwise approved by Hillsborough County), or upon request by Hillsborough County, the developer further agrees to prepare and submit an updated signal warrant analysis for the subject intersection based on existing traffic volume at that time. If signal warrant analysis demonstrates that a traffic signal is warranted at the subject intersection, the developer shall construct, or alternatively causes a third-party to construct, a traffic signal for the intersection (*in accordance with preexisting requirements*).

6.3 In the event a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection, based on existing traffic volumes, within three (3) years following substantial completion of the 30th Street Connection or substantial buildout of the project (defined as issuance of a certificate of occupancy for the 700th dwelling unit in the project), whichever is later, the developer shall have (a) no further obligations under this Condition 6, (b) no further limitations on building permits under Condition 4.4, and (c) no further limitations on certificates of occupancy under Condition 4.5.

6.4 All signal warrant analyses under this condition shall be reviewed and approved by the Hillsborough County Public Works Department. In event the developer elects to design and permit, *or alternatively causes a third-party to design and permit (in accordance with preexisting requirements)*, a traffic signal for the subject intersection based on a signal warrant analysis using existing and projected traffic volume, such construction plans may be subject to additional review and/or re-permitting in event construction of the traffic signal is not commenced within two (2) years from the date of approval at the sole discretion of Hillsborough County.

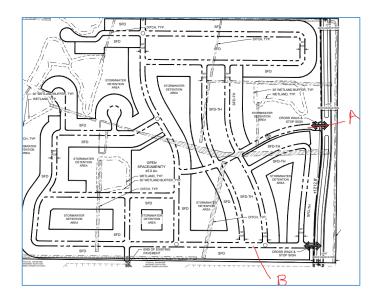
6.5 Notwithstanding the foregoing, this Condition 6 shall not be interpreted to (a) supersede any pre-existing obligation to design, permit, and/or construct a traffic signal at the subject intersection under any other zoning approval or development order, nor (b) affect the eligibility of such pre-existing obligation for impact fee offsets consistent with The Hillsborough County Consolidated Impact Assessment Program Ordinance, regardless of whether the traffic signal is designed, permitted, and/or constructed by a third-party, or in cooperation with developer, under such pre-existing obligation.

- 7. Project roadways shall be constructed to TS-3 standards. In addition, the developer shall construct Road A as a 60-foot right-of-way with a 10-foot-wide sidewalk or multi-use path along one side of the roadway. No dwelling units shall be permitted to take direct driveway access to Road A.
- 8. Notwithstanding anything shown on the Site Development Plan or herein these conditions to the contrary, the developer shall construct traffic calming features at the intersections identified on the Site Development Plan in order to calm traffic and minimize the potential for cut-through traffic. All such traffic calming features shall be approved by Hillsborough County Public Works. Eligible traffic calming features which satisfy this requirement shall include installation and use of roundabouts, mini-roundabouts, chicanes, use of neckdowns/flares/street narrowing/intersection throating (as further described in Sec. 5.08.09.E.) and/or other measures which help mitigate speeding issues created by uninterrupted grid patterns with long runs (as is shown on the Site Development Plan). Installation of traditional speed bumps shall not satisfy this requirement.

#### Other Conditions

Prior to PD Site Plan Certification, the developer shall revise the PD site plan to:

- Revise 30<sup>th</sup> Street to depict a 110-foot right-of-way.
- Label the northern east/west project road "Road A" and the southern east/west project road "Road B" on the site plan. Please see the following figure:



#### PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel, totaling +/-227.73 ac., from Agricultural Rural (AR) to Planned Development (PD). The proposed PD is seeking entitlements to permit up to 750 Residential Dwelling Units. The existing future land use of the properties is Suburban Mixed Use - 6 (SMU-6).

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 11<sup>th</sup> Edition.

#### **Existing Zoning:**

Zoning, Land Use/Size	24-Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
AR, 45 Single Family Dwelling Units (ITE LUC 210)	484	36	47

#### Proposed Zoning:

Zoning, Land Use/Size	24-Hour Two-	Total Peak Hour Trips		
	Way Volume	AM	PM	
PD, 563 Single Family Dwelling Units (ITE LUC 210)	4,947	359	504	
PD, 187 Townhome Dwelling Units (ITE LUC 215)	1,374	92	108	
Total	6,321	451	612	

#### Trip Generation Difference:

Zoning, Land Use/Size	24-Hour Two-	Total Peak Hour Trips	
	Way Volume		PM
Difference	+5,837	+415	+565

#### TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site will have access to 30<sup>th</sup> St NE, Milestone Dr and Bellido Lane. 30<sup>th</sup> St NE is a s a two-lane, divided, Hillsborough County maintained collector roadway. It is characterized by +/- 11-foot travel lanes and lies within +/- 110ft of right of way in the immediate vicinity of the proposed project. There are sidewalks and bike facilities on both sides of the roadway. Milestone Drive is a two-lane, undivided, Hillsborough County maintained local roadway. It is characterized by +/- 01-foot travel lanes and lies within +/- 50ft of right of way in the immediate vicinity of the proposed project. There are sidewalks on both sides of the roadway. Bellido Lane 30<sup>th</sup> St NE is a two-lane, undivided, Hillsborough County maintained local roadway. It is characterized by +/- 10-foot travel lanes and lies within +/- 50ft of right of way. Bellido Lane 30<sup>th</sup> St NE is a two-lane, undivided, Hillsborough County maintained local roadway. It is characterized by +/- 10-foot travel lanes and lies within +/- 50ft of right of way in the immediate vicinity of the proposed project. There are sidewalks on both sides of the roadway. It is characterized by +/- 10-foot travel lanes and lies within +/- 50ft of right of way in the immediate vicinity of the proposed project. There are sidewalks on both sides of the roadway. It is characterized by +/- 10-foot travel lanes and lies within +/- 50ft of right of way in the immediate vicinity of the proposed project. There are sidewalks on both sides of the roadway.

#### SITE ACCESS AND CONNECTIVITY

The project shall be served by and limited to the following four (4) vehicular access connections as follows:

- a. One (1) north-south local roadway which connects to Milestone Drive on the north project boundary at a location shown on the Site Development Plan; and
- b. One (1) north-south local roadway which connects to Bellido Lane on the south project boundary at a location shown on the Site Development Plan; and
- c. One (1) east-west roadway local roadway, with a minimum right-of-way width of sixty (60) feet, which connects to 30th Street on the east project boundary at a location shown on the Site Development Plan ("Road A"); and
- d. One (1) east-west roadway local roadway which connects to 30th Street on the east project boundary at the location shown on the Site Development Plan near the south property boundary ("Road B").

The roadway connection to Milestone Drive shall not be made until the North Segment has been substantially completed for beneficial use. The roadway connection to Bellido Lane shall not be made until the South Segment has been substantially completed for beneficial use.

As a result of the submitted transportation analysis, the developer shall construct the following additional site-access improvements:

- A northbound to westbound left turn lane at 30<sup>th</sup> Street and Road A; and
- A southbound to westbound right turn lane at 30<sup>th</sup> Street and Road A; and
- A southbound to westbound right turn lane at 30<sup>th</sup> Street and Road B.

#### HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN AND 2045 LRTP

Both 19<sup>th</sup> Avenue and Apollo Beach Boulevards are Depicted as 4- lane roadways in the County's 2045 Long Range Transportation Plan.

30<sup>th</sup> Street is designated as a four-lane roadway on the Hillsborough County Corridor Preservation Plan, and once completed, it will create a continuous, uninterrupted connection between these two roadways.

Signalization of the Apollo Beach Boulevard and 30th Street intersection will increase operational capacity and the level of service compared to the unsignalized condition.

#### ROAD A

Project roadways shall be constructed to TS-3 standards. The developer shall construct the main east/west internal roadway "Road A" as a 60-foot right-of-way with a 10-foot-wide sidewalk or multi-use path along one side of the roadway. No dwelling units shall be permitted to take direct driveway access to Road A.

#### SIGNALIZATION CONDITION

Although not warranted by impacts of this development, the developer has agreed to provide signal warrant analyses to Hillsborough County for the intersection of 30<sup>th</sup> Street and Paseo Al Mar Boulevard.

No later ninety (90) days after the 30<sup>th</sup> Street Connection has been completed and accepted for maintenance by Hillsborough County, creating an uninterrupted collector roadway connection between Paseo Al Mar Boulevard (to the north) and 19<sup>th</sup> Avenue (to the south), the developer agrees to prepare and submit a signal warrant analysis for the subject intersection based on existing and projected traffic volume. If the signal warrant analysis reasonably demonstrates that a traffic signal will be warranted at the subject intersection in the future, the developer shall design and permit, *or alternatively cause a third-party to design and permit (in accordance with preexisting requirements)*, a traffic signal for the subject intersection.

With each subsequent increment of development (unless otherwise approved by Hillsborough County), or upon request by Hillsborough County, the developer further agrees to prepare and submit an updated signal warrant analysis for the subject intersection based on existing traffic volume at that time. If signal warrant analysis demonstrates that a traffic signal is warranted at the subject intersection, the developer shall construct, or alternatively causes a third-party to construct, a traffic signal for the intersection (*in accordance with preexisting requirements*).

In the event a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection, based on existing traffic volumes, within three (3) years following substantial completion of the 30th Street Connection or substantial buildout of the project (defined as issuance of a certificate of occupancy for the 700th dwelling unit in the project), whichever is later, the developer shall have (a) no further obligations under this Condition 6, (b) no further limitations on building permits under Condition 4.4, and (c) no further limitations on certificates of occupancy under Condition 4.5.

All signal warrant analyses under this condition shall be reviewed and approved by the Hillsborough County Public Works Department. In event the developer elects to design and permit, *or alternatively causes a third-party to design and permit (in accordance with preexisting requirements)*, a traffic signal for the subject intersection based on a signal warrant analysis using existing and projected traffic volume, such construction plans may be subject to additional review and/or re-permitting in event construction of the traffic signal is not commenced within two (2) years from the date of approval at the sole discretion of Hillsborough County.

Notwithstanding the foregoing, this Condition 6 shall not be interpreted to (a) supersede any pre-existing obligation to design, permit, and/or construct a traffic signal at the subject intersection under any other zoning approval or development order, nor (b) affect the eligibility of such pre-existing obligation for impact fee offsets consistent with The Hillsborough County Consolidated Impact Assessment Program Ordinance, regardless of whether the traffic signal is designed, permitted, and/or constructed by a third-party, or in cooperation with developer, under such pre-existing obligation.

#### TRAFFIC CALMING PER HILLSBOROUGH COUNTY LDC

The developer shall construct traffic calming features at the intersections identified on the Site Development Plan in order to calm traffic and minimize the potential for cut-through traffic. All such traffic calming features shall be approved by Hillsborough County Public Works. Eligible traffic calming features which satisfy this requirement shall include installation and use of roundabouts, mini-roundabouts, chicanes, use of neckdowns/flares/street narrowing/intersection throating (as further described in Sec. 5.08.09.E.) and/or other measures which help mitigate speeding issues created by uninterrupted grid patterns with long runs (as is shown on the Site Development Plan). Installation of

traditional speed bumps shall not satisfy this requirement.

#### **30<sup>TH</sup> STREET CONNECTION**

Prior to or concurrent with the initial increment of development, the developer shall construct a north/south collector road along the eastern boundary of the project as generally shown on the Site Development Plan

("<u>30th Street Connection</u>"). The 30th Street Connection shall be designed and permitted as a two (2) lane collector roadway (expandable to 4-lanes on the inside lane) that connects at the project's north and south property boundaries with existing right-of-way and roadway improvements for 30th Street constructed as part of the Waterset Development of Regional Impact (DRI).

The developer shall dedicate and convey to Hillsborough County the following public right-of-way along the project's eastern boundary: (a) a minimum of 110-feet to accommodate the 30th Street Connection as generally shown on the Site Development Plan, and (b) an additional minimum 11-feet as necessary to accommodate the Site Access Improvements specified in Conditions 5.b. and 5.c., below. Although not warranted by impacts of this development, developer may elect to additionally dedicate and convey to Hillsborough County the land located between the project's eastern boundary and the eastern boundary of the above-described right-of-way for the 30th Street Connection.

The develop may elect to construct the 30th Street Connection in two (2) phases consisting of a North Segment (which shall extend from the project's north property boundary to Road A) and a South Segment (which shall extend from the project's south property boundary to Road A). The North and South Segments shall include the respective Site Access Improvements described in Condition 5 below.

No building permits shall be issued until the 30th Street Connection has been designed and permitted, and construction has commenced on the North Segment and/or the South Segment, subject to the following: no more than 700 building permits shall be issued for dwelling units within the project prior to Hillsborough County approval of a traffic signal design for the intersection of 30<sup>th</sup> Street and Paseo Al Mar Boulevard; *provided*, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 6.3.

No occupancy of any buildings will be permitted, and no certificates of occupancy shall be issued, temporary or otherwise, until such time the North Segment or the South Segment has been substantially completed for beneficial use, subject to the following: no more than 300 certificates of occupancy for dwelling units within the project shall be issued for the project prior to the entire 30th Street Connection being substantially completed for beneficial use; and no more than 700 certificates of occupancy for dwelling units within the project shall be issued prior to a traffic signal being designed, permitted, and substantially completed for beneficial use at the intersection of 30th Street and Paseo Al Mar Boulevard; *provided*, this limitation shall not be applicable if a warrant analysis does not demonstrate the need for a traffic signal at the subject intersection within the time period provided for in Condition 6.3.

#### **TRANSIT FACILITIES**

Consistent with Sections 6.02.17 and 6.03.09 of the LDC, transit facilities are not required for the subject project.

#### **ROADWAY LEVEL OF SERVICE (LOS) INFORMATION**

30th St NE was not included in the 2020 Level of Service Report.

Adjoining Roadways (check if applicable)					
Road Name	Classification	Current Conditions	Select Future Improvements		
30 <sup>th</sup> Street	County Collector - Rural	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>		
Milestone Drive	County Local - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>		
Bellido Lane	County Local - Urban	2 Lanes □Substandard Road □Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>		

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

Project Trip Generation   Not applicable for this request				
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips	
Existing	848	36	47	
Proposed	6,321	451	612	
Difference (+/-)	+5,837	+415	+565	

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

Connectivity and Cross Access   Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Vehicular & Pedestrian	None	Meets LDC
South		Vehicular & Pedestrian	None	Meets LDC
East	Х	Vehicular & Pedestrian	Vehicular & Pedestrian	Meets LDC
West		None	None	Meets LDC
Notes:				

<b>Design Exception/Administrative Variance</b> ⊠Not applicable for this request			
Road Name/Nature of Request Type Finding			
	Choose an item.	Choose an item.	
	Choose an item.	Choose an item.	
Notes:			

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<ul> <li>Design Exception/Adm. Variance Requested</li> <li>Off-Site Improvements Provided</li> </ul>	□ Yes □N/A ⊠ No	⊠ Yes □ No	See Staff Report.

## COMMISSION

Gwendolyn "Gwen" W. Myers CHAIR Harry Cohen VICE-CHAIR Donna Cameron Cepeda Ken Hagan Pat Kemp Michael Owen Joshua Wostal



## DIRECTORS

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REZONING		
HEARING DATE: February 20, 2024	COMMENT DATE: February 7, 2024	
<b>PETITION NO.:</b> 23-0997	PROPERTY ADDRESS: Apollo Beach, FL	
EPC REVIEWER: Abbie Weeks	FOLIO #: 0541690000	
CONTACT INFORMATION: (813) 627-2600 X 1101	<b>STR:</b> 27-31S-19E	
EMAIL: weeksa@epchc.org		
REQUESTED ZONING: From AR to PD		

FINDINGS			
WETLANDS PRESENT	YES		
SITE INSPECTION DATE	n/a		
WETLAND LINE VALIDITY	n/a		
WETLANDS VERIFICATION (AERIAL PHOTO,	Wetlands and Other Surface Waters (OSW) exist		
SOILS SURVEY, EPC FILES)	throughout the property and are approximately		
	depicted on the site plan		

The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:

- Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
- The construction and location of any proposed wetland impacts are not approved by this correspondence but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
- Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).

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• Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

#### INFORMATIONAL COMMENTS:

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

- The subject property contains wetland/OSW areas, which have not been delineated. Knowledge of the actual extent of the wetland and OSW are necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11. Prior to the issuance of any building or land alteration permits or other development, the wetlands/OSWs must be field delineated in their entirety by EPC staff or Southwest Florida Water Management District staff (SWFWMD) and the wetland line surveyed. Once delineated, surveys must be submitted for review and formal approval by EPC staff.
- The site plan depicts Other Surface Water (OSW) impacts that have not been authorized by the Executive Director of the EPC. The impacts are indicated for the proposed subdivision development. Chapter 1-11, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan. It is recommended that a request for determination of Noticed Exempt Activities (WEA10 Exempt Activities in Wetlands (formsite.com) be submitted.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

#### Aow/

ec: <u>Chelsea.hardy@lennar.com</u> <u>stephen@levelupflorida.com</u> <u>ballf@hcfl.gov</u>

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#### Adequate Facilities Analysis: Rezoning-Revised

Date: 12/6/2023

Acreage: 227.78 (+/- acres)

Jurisdiction: Hillsborough County

Case Number: 23-0997

Future Land Use: SMU-6

HCPS #: RZ557R

Maximum Residential Units: 525/225

Proposed Zoning: Planned Development

Address: Intersection of 41 and I-75 at  $30^{th}$  Street NE

**Residential Type:** Single Family Detached / Single Family Attached

Parcel Folio Number(s): 54169.0000

School Data	Doby Elementary	Eisenhower Middle	East Bay High
<b>FISH Capacity</b> Total school capacity as reported to the Florida Inventory of School Houses (FISH)	958	1489	2485
<b>2023-24 Enrollment</b> K-12 enrollment on 2023-24 40 <sup>th</sup> day of school. This count is used to evaluate school concurrency per Interlocal Agreements with area jurisdictions	577	1225	1894
Current Utilization Percentage of school capacity utilized based on 40 <sup>th</sup> day enrollment and FISH capacity	60%	82%	76%
<b>Concurrency Reservations</b> Existing concurrency reservations due to previously approved development. Source: CSA Tracking Sheet as of 12/4/2023	341	264	362
<b>Students Generated</b> Estimated number of new students expected in development based on adopted generation rates. Source: Duncan Associates, School Impact Fee Study for Hillsborough County, Florida, Dec. 2019	127	57	88
<b>Proposed Utilization</b> School capacity utilization based on 40 <sup>th</sup> day enrollment, existing concurrency reservations, and estimated student generation for application	109%	104%	94%

**Notes:** East Bay High school currently has adequate capacity to accommodate the maximum residential impact of the proposed rezoning. Although Doby Elementary, and Eisenhower Middle are projected to be over capacity given existing approved development and the proposed rezoning, state law requires the school district to consider whether capacity exists in adjacent concurrency service areas (i.e., school attendance boundaries). At this time, additional capacity exists in adjacent concurrency service area at the middle school level, however, there is no adjacent capacity available at the elementary level. The applicant is advised to contact the school district for more information.

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

Andrea a Stingone

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

## AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Mana	gement DATE: <u>18 Oct. 2023</u>
REVIEWER: Bernard W. Kaiser, Conservation and E	<b>Environmental Lands Management</b>
APPLICANT: Stephen Sposato	<b>PETITION NO:</b> <u>RZ-PD 23-0997</u>
LOCATION: Apollo Beach, FL 33572	
FOLIO NO: <u>54169.0000</u>	SEC: <u>27</u> TWN: <u>31</u> RNG: <u>19</u>

This agency has no comments.

This agency has no objection.

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

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

COMMENTS: \_\_\_\_\_.

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

PETITION NO.: <u>RZ-PD 23-0997</u> REVIEWED BY: <u>Clay Walker, E.I.</u> DATE: <u>2/6/2024</u>

FOLIO NO.: <u>54169.0000</u>

#### WATER

- The property lies within the \_\_\_\_\_ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- A <u>12</u> inch water main exists (adjacent to the site), (approximately <u>635</u> feet from the site) <u>and is located south of the subject property within the south Right-of-Way</u> <u>of Waterset Boulevard</u>. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include \_\_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

#### WASTEWATER

- The property lies within the \_\_\_\_\_ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- A <u>8</u> inch wastewater forcemain exists (adjacent to the site), (approximately <u>475</u> feet from the site) <u>and is located south of the subject property within the north</u> <u>Right-of-Way of Waterset Boulevard</u>. 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. The subject area is located within the Hillsborough County Wastewater Service Area and will be served by the South County Wastewater Treatment Plant. If all of the development commitments for the referenced facility are added together, they would exceed the existing reserve capacity of the facility. However, there is a plan in place to address the capacity prior to all of the existing commitments connecting and sending flow to the referenced facility. As such, an individual permit will be required based on the following language noted on the permits: The referenced facility currently does not have, but will have prior to placing the proposed project into operation, adequate reserve capacity to accept the flow from this project.

## AGENCY COMMENT SHEET

TO:	Zonir	Zoning/Code Administration, Development Services Department		
FROM:	Revie	wer: Carla Shelton Knight	<b>Date:</b> December 11, 2023	
	Agen	cy: Natural Resources	<b>Petition #: 23-0997</b>	
	( )	This agency has <b>no comme</b>	nt	
	( )	This agency has <b>no objecti</b>	ons	
	(X)	This agency has <b>no objectio</b> conditions	ons, subject to listed or attached	
	( )	This agency <b>objects</b> , based	on the listed or attached issues.	
1.	Areas and minimum	Vetlands or other surface waters are considered Environmentally Sensiti reas and are subject to Conservation Area and Preservation Area setbac inimum setback must be maintained around these areas which shall be esignated on all future plan submittals. Only items explicitly stated in th		

- А designated on all future plan submittals. Only items explicitly stated in the condition of approval or items allowed per the LDC may be placed within the wetland setback. Proposed land alterations are restricted within the wetland setback areas. This statement should be identified as a condition of the
- 2. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.

rezoning.

- 3. The construction and location of any proposed environmental impacts are not approved by this correspondence, but shall be reviewed by Natural Resources staff through the site and subdivision development plan process pursuant to the Land Development Code.
- 4. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.



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

то:	Zoning Review, Development Services	DATE: 12/04/2023
<b>REVIEWER:</b>	Ron Barnes, Impact & Mobility Fee Coordinator	
APPLICANT:	Chelsea D Hardy, Dir. of Land Acquisition, Lennar	PETITION NO: 23-0997
LOCATION:	S of Paseo Al Mar Blvd & E of 30th St Extension	
FOLIO NO:	54169.0000	

## **Estimated Fees:**

Single Family Detached (Fee estimate is based on a 2,000 s.f.) Mobility: \$9,183 \* 750 = \$6,887,250 Parks: \$2,145 \* 750 = \$1,608,750 School: \$8,227 \* 750 = \$6,170,250 Fire: \$335 \* 750 = \$251,250 Total per House: \$19,890 \* 750 = \$14,917,500

## **Project Summary/Description:**

Urban Mobility, South Park/Fire - up to 48 multi-family units

# VERBATIM TRANSCRIPT

Transci	ript of Proceedings May 14, 2024
	OROUGH COUNTY, FLORIDA f County Commissioners
IN RE: ZONE HEARING MASTER HEARINGS	) ) ) )
	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS
BEFORE:	PAMELA JO HATLEY Land Use Hearing Master
DATE:	Tuesday, May 14, 2024
TIME:	Commencing at 6:00 p.m. Concluding at 8:28 p.m.
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard Second Floor Boardroom Tampa, Florida 33601
Reported by:	1654
Diane DeMarsh, AAERT No. Digital Reporter	1004

MS. HEINRICH: Our next application is Item D.1, PD Rezoning 23-0997. The applicant is Chelsea Hardy, requesting a reserving from AR to plan development. Sam Ball with Development Services will present staff findings after the applicant's presentation.

MS. KERT: Rebecca Kert, Brooks and Rocha, 400 North Tampa Street, Suite 1900. I'm here today on this application. Thank you. Here with me, we have -- I'm representing Lennar Homes and I have Drew Irich (phonetically) with us. I also have Michael Brooks with me as land use counsel. Steven Sposato and Trent Stevenson of Level Up Consulting and Steve Henry from Links and Associates.

13 The request is to rezone from AR agricultural rural to 14 plan development. This is the site in question, it's a 227.78 15 acre site. It is currently undeveloped in agricultural use. We're requesting to rezone it to up to 750 dwelling units, 16 17 single family, detached and attached. It's an infill site located in the urban service area. Our gross density is 3.3 18 19 dwelling units an acre. Our net density, we calculated is 4.7 20 dwelling units per an acre and we'll be talking about that 21 further along as we're talking about minimum density.

At this point, I'm going to turn it over to our planner to explain more about the project.

24 MR. SPOSATO: Good evening. My name is 25 Steven Sposato. I'm a certified planner with Level Up

Consulting here in Tampa. Thank you. 1 HEARING MASTER: Good evening. 2 3 MR. SPOSATO: The property is designated and 4 surrounded by the SMU-6 designation and is required to have two 5 uses. This is accomplished by a single family and multi-family residential. I think I just messed that up. There we go. 6 7 Sorry. In terms of the regional context, it is nearly 8 surrounded by DRI, which provide historical context to how the 9 adjacent area developed. The approval process for DRI's was 10 11 comprehensive especially related to infrastructure. Concentrations of commercial uses are nearby along US 41, along 12 13 Ben -- Big Bend Road, which has an interchange with I-75. 14 In terms of the immediate context, the water set DRI 15 is -- is the most significant. It's nearly 2,300 acres, 6,500 units, 500,000 square feet of commercial and 200,000 square feet 16 17 of office and it includes designations. You can see we put --18 place the PD plan on the aerial showing our project site. Ιt includes designations for a town center, mixed use areas, retail 19 20 office, educational and environmental. Intensity and density is focused at intersections of major roadways or along major 21 22 roadways. And the example is the town center designation, which 23 is north of us along Paso El Mar. Our project is not at an intersection on major road, 24

25 but along planned extension of 30th Street, lower densities

north and south that each have planned interconnections to our property. Surrounding land use, the project is contextually consistent with adjacent development north and south, as I mentioned, is the single family detached to family with constructed stubouts. East is the 30th Street extension, then the the power line and then southshore sports complex. West is the CSX railroad. And then commercial associated with US 41.

In terms of design and density, the overall request 8 appropriately balances the tension between what has been 9 approved and developed that's adjacent, environmental features 10 11 on the property comp plan and LDC quidance, as well as market 12 conditions. The applicant, for example, has agreed to a minimum 13 percentage of townhomes which was 25 percent of -- the locations 14 where townhomes can go are the peach color contrasting with the 15 lighter yellow color.

16 There are no impacts to wetlands. The dark green 17 features and based on the county model, there's significant 18 flood plain on the property. And the dark blue -- dark blue 19 ponds along the western boundary are flood plain -- are for 20 flood plain compensation. A small portion of the site is 21 overlaying by the coastal high hazard area. We have two access 22 points on 30th and two interconnections, as I mentioned. And 23 the conditions of approval include architectural standards for lots less than 50 feet in width. 24

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We -- just to show the character of the community,

we -- we did an illustration of the main amenity located right 1 near the center. That's the pink area near the center -- in the 2 center of the property. And we're also --3 4 HEARING MASTER: Sorry. Can I stop you for just a 5 second? 6 MR. SPOSATO: Sure. 7 HEARING MASTER: Be cause you mentioned a part of the property is in the coastal high hazard area. 8 9 MR. SPOSATO: Yes. HEARING MASTER: What -- where is that at on the 10 11 property? MR. SPOSATO: The -- the coastal high hazard area --12 13 yeah. It overlaps the wetland that is adjacent to our western 14 boundary. 15 HEARING MASTER: Okay. MR. SPOSATO: So it sort of conforms to that area. 16 17 It does not extend into the property beyond where we're showing 18 the development. HEARING MASTER: All right. So that's -- it looks 19 like about a quarter of the property on the west. 20 21 MR. SPOSATO: Yeah, that's not all. That -- that 22 whole area is not coastal high hazard. 23 HEARING MASTER: Okay. MR. SPOSATO: But that's where our flood plain 24 mitigations are. I have a hard time saying that. Plain 25

1 mitigation ponds.

25

2 HEARING MASTER: All right. Thank you for addressing3 that.

MR. SPOSATO: And so we have the main amenity illustrated to show the character of the quality of development. And we're also providing a ten-foot sidewalk along Road A, as you can see on the plan, which again connects that amenity the center of the community with -- with 30th Street.

We also did a little photo study, looking specifically 9 at compatibility. You can see if we start on the north side 10 11 where the town center is for water set. You see garden style apartments across past El Mar. You see townhouses. Then you 12 13 see two family -- single family type product. And then on the 14 other side, west side to the north is single family detached. 15 On the south, that pond is entirely single family detached. And then you notice that there's ponds similar to what we're 16 17 proposing north and south. So again, you can see the similarity 18 in the design and form of what we are proposing and what is --19 what is adjacent. And I will turn it over to --

HEARING MASTER: Before you do, could you address Planning Commission's concerns about the -- the density not meeting the minimum density requirements.

23 MR. SPOSATO: I -- I think Rebecca is going to address
24 that specifically.

HEARING MASTER: What I need his expert testimony on

the record to address consistency with a comprehensive plan. 1 2 And that was a question that was raised. And that's why I'm asking the planner. So are you prepared to speak to that? 3 4 MR. SPOSATO: We can. 5 MS. KERT: We have a full presentation of the issue of minimum density and then he can come up and -- and add some 6 7 expert testimony to that. 8 HEARING MASTER: Thank you very much. Yes. MR. HENRY: Good evening. Steven Henry, Links and 9 10 Associates, 5023 West -- let me go back here. 11 So one as far as the -- we did the traffic analysis for the project. But as far as the access, the primary access 12 13 is indicated as 30th Street, which is on the court of 14 preservation. 110 feet of right-of-way. It's actually will be 15 designed as a four lane road constructed as two lanes. And then the -- we'll build it in two phases. There's the north portion 16 of it that -- that will be constructed and then also the south. 17 18 In addition to that, there are two accesses to the -one to the north, which is milestone, and then one in connection 19 20 to the south, which is the Belito Road. This is -- this There 21 particular project has not substandard road connections. 22 is traffic calling that will be provided within the project to 23 keep traffic from north south from cutting through. And then also, I've got here, this is just a trip generation for the 24 project, which is in the packet, which is also a part of our 25

traffic analysis. I'd like to go through that if you'd like to, 1 2 but otherwise for time, we'll just leave it in the packet. HEARING MASTER: That's fine. Thank you. 3 MR. HENRY: Thank you. 4 5 MS. KERT: Thank you. Rebecca Kert again. I'm qoing 6 to be giving the main presentation on the minimum density issue. 7 We do have our planner here, as well as our engineer to address 8 the specifics from an expert standpoint. So as you know, the minimum density is required in the 9 10 urban service area to have 75 percent of the allowable density. 11 In this situation, that would be 4.5 dwelling units and acre. We are at 3.3 dwelling units an acre. Policy 1.3 spells out a 12 13 number of categories of which we fall into. One is a 14 compatibility, which Steven has already spoken to, but if -- if 15 you would like additional testimony on that, you can address that further. But it is comparable and with adverse -- and does 16 17 it adversely impact the existing development pattern within 18 1,000 feet.

The other one is infrastructure. It's not planned or programmed to support development. And development would have an adverse impact on environmental features on the site. We are also within the coastal high hazard area, which is an exception, but we're not solely relying upon that because that is mostly subsumed within our wetland area.

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So this slide is to show you exactly how this site is

situated within the blue line is the 1,000 feet to show you what 1 the development pattern is within 1,000 feet, is predominantly, 2 as Steven already mentioned, single family detached and 3 4 townhomes within the waterset DRI. The gross density of the 5 adjacent property is roughly 3.3 units per gross acre, more or 6 less. To the north of us is the most dense, which is 3.16 7 acres, which provide the transition to the town center, which is further north. Everything else is less than three dwelling 8 units an acre. And we ourselves are the highest dwelling unit 9 10 per acre in this area.

11 The Planning Commission report does acknowledge that we are comparable and complement the adjacent densities and 12 13 uses, but states that we should -- the more appropriate 14 comparator rather than 1,000 feet is the waterset DRI is a 15 whole. We think that that is respectfully not the appropriate comparator because the plain language says you look within 1,000 16 17 To meet the minimum density, the multi-family, we would feet. 18 be required to put a multi-family unit of 275 dwelling units, 19 which we do not believe would be appropriate at this location. 20 Again, our planning can speak to that further.

The next requirement is the infrastructure exception. We do agree that we are located within the urban service area and benefit from the infrastructure benefits associated with being there. The Planning Commission report states that because we're in the urban service, we de facto have sufficient

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1 infrastructure. However, if that was true, there would be no
2 reason for the exemption because the policy only applies to
3 areas within the urban service area.

4 We are actually being required to construct a 5 substantial segment of the quarter preservation road, which is 6 the 30th Street extension, which is shown in yellow to the right 7 of our property. This will require us to dedicate 10.6 acres and will connect the Sale El Mar and 19th Street. And but for 8 our construction of this major collector roadway, there wouldn't 9 be adequate infrastructure existing or plan to access our 10 11 property.

Planning Commission staff does not believe that we should be credited these 10.6 acres against minimum density. However, by not doing that, we believe that our density is the -- the minimum density is artificially inflated by approximately 48 units.

The next exemption is environmental. Planning 17 18 Commission staff, we've had some discussions with them earlier. And there's some -- been disagreement about whether or not 19 20 environmental features include anything other than wetlands. 21 However, we believe that if the Board of County Commissioners 22 just wanted to limit this to wetlands, then they could have 23 easily have stated that in the exemption. Instead, it stated as an adverse impact on environmental features. 24 The Planning Commission focused on the fact that we do not have 25

25 percent of the wetlands on the property, which is in fact 1 2 true. But, again, that is not the applicable analysis. Floodplains comprise a significant portion of the subject 3 4 property and the surrounding areas. And if you take our 5 wetlands and our floodplain compensation area and you include the right-of-way infrastructure that we're dedicating, you get 6 7 what we consider to be the net -- the net -- the net area, which has 4.7 dwelling units an acre, which actually exceeds what 8 we're looking for. 9

And if you do not count the infrastructure and you just count the floodplains and the wetlands, we are -- we meet -- that is 25 percent of our overall acreage and therefore, if -- we don't believe that 25 percent of wetlands is what the standard is, but if it was, we would be meeting that if you included the floodplains. And again, we are partially located within the coastal high hazard area.

This is from our rezoning PD plan. It is our site data table. And it just more fully explains that if you take the non-impacted floodplain area and you take the area that we're actually -- remove the area that were actually impacting and you move it overlap with the wetlands, that we end up with 4.7 dwelling units an acre.

Other than Policy 1.2 and Policy 1.3, Policy 1.4 and the policy in the Apollo Beach Community Plan that we are not incorporating multi-family housing, which we do not believe is

compatible. The Planning Commission did find that were 1 consistent with many other provisions of the comprehensive plan. 2 And I did want to mention that Development Services 3 did find the fact that we did have these environmental features 4 5 as something that would substantiate an exemption under policy 6 1.3. 7 If you would like to have additional testimony from the planner on the compatibility or on our floodplain 8 mitigation, we do have experts available? 9 HEARING MASTER: Ms. Kert, I appreciate your 10 11 arguments. And they effectively did address this questions. 12 They're excellent legal arguments and practical arguments. But 13 competent substantial evidence, attorney's arguments is not 14 competent substantial evidence. 15 I need to hear from your expert witnesses about these exact things. And if you need more time, I will grant you more 16 time, but I need their testimony on the record. 17 18 MS. KERT: Okay. I'm happy to do that. 19 HEARING MASTER: Thank you. 20 MR. SPOSATO: Thank you, again. Steven Sposato. In the application, in the narrative that we 21 22 generated. So went through the process of basically generating 23 the exhibits that were just referenced here this evening. And what I was I quess trying to say in the -- in the -- in the 24 looking at the project overall, we were balancing those planning 25

goals that both want the density to be -- to be higher in terms of being in the urban service area and then those policies that in terms of compatibility and -- and the infrastructure sort of limit our ability to provide density. And so when we balanced -- sorry. So and that -- that -- that same exhibit that's in our -- that's in our narrative that we prepared.

7 But in going through the analysis, we believe we hit that sort of a sweet spot of providing substantial density. 8 And I indicated the -- having a minimum percentage of townhomes for 9 example. And then we all -- and then look -- so you look at 10 that aspect of it. And then when you subtract out the -- the 11 12 net usable and I think Ms. Kert went through that exercise, but 13 that exercise is also on our PD plan. So we define a -- a net 14 usable area because we believe the intent of the comp plan is to 15 look at really what can you do with -- with the property. And so when you do the exercise, you find out there's less 16 17 developable land. And so although it doesn't need the -- the 18 test for the 25 percent threshold for wetlands, when you add the impact of the floodplain compensation, you can see where that 19 20 limits you know --

21 HEARING MASTER: All right. Clerk, can you give five 22 more minutes, please to the time?

And specifically the -- the developable area and in -in this particular slide, it says 1,025 dwelling units would be necessary to meet the 75 percent minimum density requirement.

So do you agree with that? 1 MR. SPOSATO: Yeah. 2 3 HEARING MASTER: Under the policy in the comp plan. 4 MR. SPOSATO: Yeah, because the -- the 25 percent 5 threshold then generates another calculation for density. We don't -- wetlands alone, we do not reach that 25 percent 6 7 threshold. 8 HEARING MASTER: So and then taking out the portion of the property that's undevelopable because --9 10 MR. SPOSATO: Right. HEARING MASTER: -- of the environmental conditions on 11 site. And I understand some, I believe, set aside for right of 12 13 way maybe or something. 14 MR. SPOSATO: The dedication of -- for right of way 15 necessary to expand 30th Street. Yes. 16 HEARING MASTER: So that leaves 158.23 acres, is that 17 right? 18 MR. SPOSATO: That's correct. HEARING MASTER: And so, would you -- is it then not 19 possible to put 1,025 dwelling units on that 158.23 acres? 20 21 MR. SPOSATO: Not in terms of -- I mean, theoretically 22 we could put a higher density product. But then that would --23 that rubs against and goes against other policies in the plan which -- which address compatibility. 24 HEARING MASTER: I see. So then in your expertise, 25

1 would you say that 1,025 dwelling units on that 158.23 acres on 2 this site would create compatibility issues with surrounding 3 uses?

4 MR. SPOSATO: Yes. The form of the development is 5 substantially established by the waterset community. And north and south of us, they are low density residential. In fact, 6 7 this the graphic shows that we're actually higher density than what's around it. So they -- they also show the pattern of 8 development necessary to provide for that floodplain 9 compensation. And we unlike the -- where the town center is 10 11 located or the mixed use designations, this is not shown on this. Those areas are where the waterset community, based on a 12 13 larger view of this area, which we're a little piece inside of, 14 contemplates greater, you know, higher density residential as 15 well as commercial nodes.

We only have -- we only have frontage on 30th Street, and so we feel it's inappropriate to -- to meet that 75 percent standard here based on the limitations on our property.

HEARING MASTER: Okay. Thank you. Anything further you wanted to add?

21 MR. SPOSATO: I don't think so. But I'll confirm that 22 with Ms. Kert.

MS. KERT: At this point, we'll call up
Trent Stephenson, our engineer. Is it still up?
HEARING MASTER: Can we stop the clock just for a

minute while we get the slides? Thank you. 1 2 MR. STEPHENSON: Trent Stephenson. Level Up 3 Consulting. 505 East Jackson, Tampa, Florida. 4 So as an engineer of record and we've done an analysis 5 on this. As you can see, the red striped area. And then there's also a dash line that runs north and south of the 6 7 property. That is the -- the county stormwater model. And 8 we've -- we've obtain that and we now analyzed the stormwater model based on the elevation in the county stormwater model 9 versus the tomography of the land. And that is the demarcation 10 11 line of what area lies within the 100 year floodplain based on the Hillsborough County floodplain model. Therefore, we have 12 13 encroachments, as you can see from the -- from the picture 14 inside those, 100 year floodplain elevations. And so, we are 15 providing compensation for those impacts by the -- the darker blue areas on the west side of -- of the development. 16 17 And so, therefore it offsets the volume of impact and 18 it limited -- limits us from our available developable area.

19 And if you have any other questions, I'll be welcome to answer 20 them.

HEARING MASTER: All right. I guess the same -- one of the same questions I had for the prior expert in planning and that is, the overall area of the property lists those -- well, I guess, what's left the developable area. Do you agree with those numbers, the develop -- the developable area is 158.23

1	acres?
2	MR. STEPHENSON: I do, yes ma'am.
3	HEARING MASTER: Okay. And then those the slides
4	that illustrated where the the undevelopable area is due to
5	environmental features, and there you go, the red hashed out
6	area. I guess it it's your testimony that those areas are
7	not developable as illustrated here?
8	MR. STEPHENSON: They are not.
9	HEARING MASTER: Okay.
10	MR. STEPHENSON: That's correct.
11	HEARING MASTER: Okay. I believe that's all the
12	questions I have for you.
13	MR. STEPHENSON: All right. Thanks.
14	HEARING MASTER: Thank you. And be sure and sign in
15	with the clerk.
16	MS. KERT: We also are submitting our planner's CV as
17	well as a legal memorandum just basically explaining with some
18	case law our minimum density argument. One more point on that
19	I did want to make that we are at 74 percent density. You have
20	the numbers to do the calculations yourself. If you just
21	include the wetlands and the floodplains, even without the
22	additional the additional of the infrastructure argument.
23	Finally, we have no objections by any of the reviewing
24	agencies. We appreciate the Planning Commission's support as
25	far as they were able to give it and we respectfully disagree on

the point of minimum density. 1 Development Services did find us approvable. We're 2 3 available for any questions. And we respectfully request your 4 favorable recommendation. 5 HEARING MASTER: All right. Thank you very much. MS. KERT: We'll be submitting those right now. 6 7 HEARING MASTER: Okay. Thank you. All right. Development Services. 8 MR. BALL: Good evening. Sam Ball with Hillsborough 9 County Development Services. 10 11 The applicant is requesting to rezone from AR to PD to allow for the development of up to 750 single family attached 12 13 and detached dwellings on 227.8 acres located in the Apollo 14 Beach Community Plan area. The property is located 15 approximately a quarter mile south of Sale Al Mar Boulevard and 500 feet north of Waterset Boulevard and 30th Street 16 intersection. 17 18 The surrounding zoning and development pattern in the 19 immediate area includes single family residential attached and 20 detached with a limited amount of commercial development located 21 along US 41 to the west. The properties to the immediate north and south are zoned PD you know, for single family residential 22 23 with a density of up to six dwellings per acre and are either developed or being developed for single family use. 24

The abutting property to the west is a 130-foot wide

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CSX right-of-way and the 400-foot wide abutting property is
 zoned by TICO and it is developed for utilities.

Other uses in the area include a sports complex to the 3 4 east. Food packaging and processing warehouses and distribution to the west. If -- if this PD is approved, it would increase 5 the allowable density from one dwelling per five acres. 6 Ιt 7 would allow for a maximum of 45 dwellings to 3.3 dwellings per 8 gross acre, which would increase the maximum dwellings to 750. That would make up single family detached lots with a minimum 9 width of 40 feet wide and single family attached lots with a 10 minimum width of 20 feet. 11

12 As a condition of approval, at least 25 percent of the 13 dwellings must be simple attached townhomes. The developer will 14 be required to dedicate at least 110 feet of right-of-way where 15 they will be required to construct a north and southbound collector along the property's east boundary. Based on the 16 17 existing conditions of the property, the surrounding zoning and 18 development pattern and the proposed uses, the development standards for the proposed PD zoning -- zoning -- the staff 19 20 finds the proposed single family detached and single family 21 attached uses are compatible with the residential developments 22 to the immediate north and south of the property, which also 23 consists of single family detached and single family attached a single family attached developments. 24

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The staff also finds that approximately 55 acres on

the western portion of the property are constrained to the 1 locations and -- and the existence of wetlands, floodplains, 2 coastal high hazard area and that these constraints are a 3 4 contributing factor to the proposed density. 5 Additionally, staff finds that all the multi-family 6 development exist in the area and that a multi-family could be 7 considered a compatible use of the the property. The existence of multi-family that does not preclude single-family detached or 8 single family attached as compatible uses of the property. 9 Based on these considerations, staff finds the request 10 11 approvable subject to conditions. That concludes my 12 presentation. If you have any questions. 13 HEARING MASTER: No questions for you. Thank you. 14 MR. BALL: All right. Thank you. 15 HEARING MASTER: All right. Planning Commission. 16 MS. LIENHARD: Thank you. The subject property is located in suburban mixed use-6 Future Land Use Category. It is 17 18 in the urban service area. And the subject property is located within the limits of the Apollo Beach community plan as well as 19 20 the southshore area wide systems plan. 21 Subruban mixed use six abuts the subject site to north, east and south. To the west across the railroad line is 22 23 light industrial. Residential-6 Future Land Use Category is located further west north of US Highway 41. The subject site 24 is in the urban service area. And per Objective one of the 25

Future Land Use Element, 80 percent of the county's growth is to
 be directed there.

Per Policy 13.3 of the Future Land Use Element, the site is less than 25 percent wetlands and the entire 227.78 acres can be utilized to calculate density. The maximum that can be considered is 1,366 dwelling units. 75 percent of the allowable density would be at least 1,025 dwelling units to meet the required minimum density as outlined under Future Land Use Element Policy 1.2.

The proposed 750 units do not meet this criteria for 10 11 an exception under Policy 1.3 for the following reasons. 12 Regarding the first exception, development of at least 13 75 percent of the category or greater would be compatible and 14 would not adversely impact the existing development pattern 15 within 1,000 foot radius of the proposed development. There are single family developments immediately to the north and south of 16 the site. However, there is a presence of not only single 17 18 family but also two family attached townhome style developments.

Furthermore, there are multifamily and commercial developments to the west and further north of case Paseo El Mar Boulevard, which is the waterset town center area. Compatible does not mean the same as, therefore a higher density residential development would not necessarily be incompatible. The applicant refers to gross densities in their narrative averaging one to three dwelling units per gross acre. The

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1 narrative shows these densities as individual phases of the 2 waterset development. However, waterset is a large development 3 of regional impact or DRI, which was permitted to spread its 4 density over a much larger area. Therefore, show each 5 individual phase is not indicative of the wholistic picture of a 6 DRI, which includes multiple housing types, including 7 multi-family and commercial uses.

Secondly, as the site is in the urban service area, 8 infrastructures planned or program to support the development. 9 Thirdly, the site is less than 25 percent wetlands. Although 10 11 there are floodplains on the site, the applicant is not demonstrated that a higher density development would have an 12 13 adverse impact on environmental features on the site or adjacent 14 to the property. The burden is on the applicant to show the 15 design meeting the minimum density would adversely impact these 16 features.

Finally, the site is partially located in the coastal high hazard area, but appears to overlap with the wetlands making up a small portion of the site's acreage. Therefore, the proposal is inconsistent with Future Land Use Element Policy 1.2 relating to minimum density in the urban service area.

The county currently has low amounts of developable or redevelopable lands within the urban service area. Therefore, it is important to maximize the density in areas where it is appropriate according to Future Land Use Element Objective one.

Also regarding the applicant's testimony, Development 1 Services staff is not the appropriate entity to conduct a 2 consistency review, nor specifically review Future Land Use 3 Element Policy 1.3 as it relates to minimum density. That is 4 the role of Planning Commission staff as outlined in state 5 6 statute. Regarding the calculation of net density utilized by 7 the applicant during their testimony, the Planning Commission --I'm sorry, the comprehensive plan specifically calls out 8 utilizing gross density to calculate site density maximums and 9 minimums in the Future Land Use Element Policy 8.3. 10 The proposal meets the intent of Objective 19 and 11 Policy 19.1 as it relates to the requirement of two land uses 12 13 and mixed land use categories. The proposal includes two 14 housing types of single-family detached and attached. It 15 proposes a minimum of 25 percent of townhomes, with the 16 remainder being single-family detached dwelling units, which is

18 Overall, the proposed plan development would not allow for development that is consistent with the goals, objectives 19 20 and policies of the Unincorporated Hillsborough Comprehensive 21 Plan relating to minimum dense in the urban service area. And based upon those considerations, Planning Commission staff finds 22 23 the proposed plan development inconsistent with the 24 Unincorporated Hillsborough County Comprehensive Plan. Thank 25 you.

consistent with that policy direction.

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1	HEARING MASTER: All right. Thank you. Is there
2	anyone here or online who wishes to speak in support of this
3	application. All right. I'm not hearing anyone.
4	Is there anyone here or online who wishes to speak in
5	opposition to this application? All right. I'm not hearing
6	anyone.
7	Development Services, anything further?
8	MS. HEINRICH: No, ma'am.
9	HEARING MASTER: Okay. Applicant, anything further?
10	Ms. Kert, did you have anything further or are you
11	MR. BROOKS: Michael Brooks for the record. 400 North
12	Tampa Street.
13	I think we demonstrated that we satisfied Policy 1.3.
14	I want to clarify that our point is not that we are arguing for
15	a calculation of density based on the net up on acres. We're
16	simply using that to demonstrate the reality of the useable land
17	that is available on the site. So while we don't disagree that
18	the comprehensive plan uses gross density in any way, we were
19	using that as a tool to further demonstrate the the
20	exceptions in Policy 1.3. That's that's it.
21	HEARING MASTER: All right. And just a question and
22	this might be more appropriate for the planner, but since there
23	are townhomes being planned for this project, would it not have
24	been feasible to include more townhomes or enough to meet the
25	minimum density?

MR. BROOKS: I'm -- I'm going to ask Steven to come 1 2 back up again. 3 HEARING MASTER: Thank you. 4 MR. BROOKS: We did do an analysis though. So there 5 was no way that you could make up for the -- the delta without a -- and this is why Ms. Kert brought up the fact of an 6 7 apartment complex without putting an apartment complex on the property. 8 HEARING MASTER: Oh, I see. 9 MR. BROOKS: We just couldn't get there. 10 11 HEARING MASTER: I see. MR. SPOSATO: Steve Sposato. The design, again, 12 13 result was -- includes many factors that sort of shape the 14 character and the -- the layout of the design. I think I went 15 through those in terms of what is adjacent, what actually fits there based on what is around there. And -- and that also 16 17 relates to a relative proportion of single-family detached 18 and -- and townhomes. 19 So just trying to reach a -- a density, didn't make sense in terms of all of those other factors, in -- including 20 21 market conditions and other things. But really when you look at 22 it on its face, it really has to do -- so it really had more had 23 it with the -- you know, again the character of the property and where it's located and what is a reasonable percentage of -- of 24

25 townhomes, you know, we agreed to that minimum percentage.

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1	HEARING MASTER: Okay. So I think what I understand
2	from your testimony and let me know if this is not accurate,
3	that what you're essentially the point is balancing the
4	this project, the compatibility of this project with
5	surrounding
6	MR. SPOSATO: Yeah.
7	HEARING MASTER: other development. And balancing
8	that with the plans, policies and the minimum density
9	requirements.
10	MR. SPOSATO: Yeah. That that was the driver in
11	terms of that equation was more compatibility and the
12	environmental features in where you know, where it's located.
13	HEARING MASTER: Okay. And so, based on balancing the
14	policies and the surrounding development, did the does the
15	does it request get at is this the most density that can be
16	squeezed out of the the the property, I guess and still
17	get that balancing act?
18	MR. SPOSATO: I think that yeah, I mean that was
19	the exercise that we went through, what is and we tried to
20	maximize that
21	HEARING MASTER: Okay.
22	MR. SPOSATO: based on that minimum threshold for
23	townhouses.
24	HEARING MASTER: Okay. All right. Thank you very
25	much.

#### Transcript of Proceedings May 14, 2024

1	MR. SPOSATO: Thank you very much.
2	HEARING MASTER: I appreciate your testimony.
3	MR. SPOSATO: Thank you.
4	MR. STEPHENSON: Madam Hearing Officer, unless you
5	have any other questions, that will close our presentation.
6	HEARING MASTER: All right. Thank you. I have no
7	more questions. This closes the hearing on, I have forgotten
8	which application, I think 23-0997 Rezoning PD. Thank you.
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ZHM	HEAR	ING
April	15,	2024

HILLS	SBOF	ROUGH	CC	)UNTY,	FLORIDA
BOARD	OF	COUNT	Ϋ́	COMMIS	SSIONERS

	X
IN RE:	) )
ZONE HEARING MASTER HEARINGS	)
	X

#### ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

- BEFORE: PAMELA JO HARTLEY Land Use Hearing Master
- DATE: Monday, April 15, 2024
- TIME: Commencing at 6:00 p.m. Concluding at 8:38 p.m.
  - LOCATION: Frederick B. Karl County Center 601 East Kennedy Boulevard Tampla, Florida 33602

Reported by: Diane DeMarsh, AAERT No. 1654 Digital Reporter

#### ZHM HEARING April 15, 2024

1 Item A.2, MM 23-0904. This application is being continued by the applicant to the May 14, 2024, ZHM Hearing. 2 Item A.3, PD 23-0997. This application is being 3 4 continued by the applicant to the May 14, 2024, ZHM Hearing. 5 Item A.4, MM 24-0034. This application is being continued by the applicant to the May 14, 2024, ZHM Hearing. 6 7 Item A.5, PD 24-0044. This application is being continued by the applicant to the May 14th ZHM Hearing. 8 9 PD 24-0124. This application is out of order to be heard and is continued to the May 14, 2024, ZHM Hearing. 10 11 Item A.7. This application is out of order to be heard, which is PD 24-0141. This application is out order to be 12 13 heard and is being continued to the May 14, 2024, ZHM Hearing. 14 Item A.8, RZ-STD 24-0232. This application is out of 15 order to be heard and is being continued to the May 14, 2024, 16 ZHM Hearing. 17 Item A.9, PD 24-0239. This application out of order 18 to be heard and is being continued to the May 14, 2024, ZHM 19 Hearing. 20 Item A.10, SU-GEN 24-0257. This application is being 21 continued by the applicant to the May 14, 2024 ZHM Hearing. 22 Item A.11, PD 24-0293. This application is out of 23 order to be hearing is being continued to the May 14, 2024, ZHM 24 Hearing. 25 This application is being Item A.12, MM 24-0300.

#### ZHM Hearing March 25, 2024

	DROUGH COUNTY, FLORIDA É County Commissioners
IN RE: ZONE HEARING MASTER HEARINGS	) ) ) )
	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS
BEFORE:	Susan Finch Land Use Hearing Master
DATE:	Monday, March 25, 2024
TIME:	Commencing at 6:00 p.m. Concluding at 10:24 p.m.
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard Second Floor Boardroom Tampa, Florida 33601
Reported by: Diane DeMarsh, AAERT No. DIGITAL REPORTER	1654

#### ZHM Hearing March 25, 2024

1	May 14, 2024 Zoning Hearing Master Hearing at 6:00 p.m.
2	MS. HEINRICH: And now we'll go over the published
3	withdrawals and continuances for tonight.
4	The first one is Item A.1, PD 23-0618. This
5	application is being withdrawn by the zoning administrator in
6	accordance with LDC Section 10.03.02.C.2.
7	Item A.2, Major Mod 23-0768. This application is out
8	of order to be heard and is being continued to the
9	April 15, 2024 ZHM Hearing.
10	Item A.3, PD 23-0780. This application is being
11	continued by the applicant to the April 15, 2024 ZHM Hearing.
12	Item A.4, PD 23-0848. This application is out of
13	order to be heard and is being continued to the April 15, 2024
14	ZHM Hearing.
15	Item A.5, Major Mod 23-0904. This application is out
16	of order to be heard and is being continued to be April 15, 2024
17	ZhM Hearing.
18	Item A.6, PD 23-0997. This application is being
19	continued by the applicant to the April 15, 2024 ZHM Hearing.
20	Item A.7, Major Mod 24-0034. This application is out
21	of order to be heard and is being continued to the
22	April 15, 2024 ZHM Hearing.
23	Item A.8, PD 24-0044. This application is being
24	continued by the applicant to the April 15, 2024 ZHM Hearing.
25	Item A.9, PD 24-0141. This application is out of

#### February 20, 2024 HILLSBOROUGH COUNTY, FLORIDA 1 BOARD OF COUNTY COMMISSIONERS 2 -----X 3 ) IN RE: 4 5 ZONE HEARING MASTER ) HEARINGS ) 6 ) ----X 7 8 ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS 9 Susan Finch BEFORE: 10 Land Use Hearing Master 11 Tuesday, February 20, 2024 12 DATE: 13 TIME: Commencing at 6:00 p.m. Concluding at 11:46 p.m. 14 15 LOCATION: Hillsborough County BOCC 601 East Kennedy Boulevard Second Floor Boardroom 16 Tampa, Florida 33601 17 18 19 20 21 2.2 23 Reported by: Diane DeMarsh, AAERT No. 1654 DIGITAL REPORTER 24 25

ZHM Hearing

1 ZHM Hearing. Item A.4, Standard Rezoning 23-0771. This application 2 3 is being withdrawn from the ZHM process. Item A.5, PD 23-0778. This application is being 4 continued by the applicant to the March 25, 2024 ZHM Hearing. 5 6 Item A.6, PD 23-0780. This application is out of 7 order to be heard and is being continued to the March 25, 2024 8 ZHM Hearing. Item A.7, PD 23-0781. This application is being 9 10 withdrawn from the ZHM process. 11 Item A.8, PD 23-0848. This application is out of 12 order to be heard and is being continued to March 25, 2024 13 ZHM Hearing. 14 Item A.9, Major Mod 23-0887. This application is 15 being continued by the applicant to the March 25, 2024 ZHM Hearing. 16 Item A.10, Major Mod 23-0904. This application is 17 being continued by the applicant to the March 25, 2024 ZHM 18 19 Hearing. 20 Item A.11, Special Use General 23-0955. This 21 application is being continued by the applicant to the 2.2 March 25, 2024 ZHM Hearing. 23 Item A.12, PD 23-0994. This application is being 24 continued by Staff to the March 25, 2024 ZHM Hearing. 25 Item A.13, PD 23-0997. This application is being

> U.S. LEGAL SUPPORT www.uslegalsupport.com

#### ZHM Hearing February 20, 2024

1	continued by the applicant to the March 25, 2024 ZHM Hearing.
2	Item A.14, Major Mod 24-0029. This application is out
3	of order to be heard and is being continued to March 25, 2024,
4	ZHM Hearing.
5	Item A.15, PD 24-0031. This application is being
6	continued by Staff to the March 25 2024, ZHM Hearing.
7	Item A.16, Major Mod 24-0034. This application is out
8	of order to be heard and is being continued to the March 25,
9	2024, ZHM Hearing.
10	Item A.17, PD 24-0044. This application is being
11	continued by the applicant to the March 25, 2024 ZHM Hearing.
12	Item A.18, PD 24-0124. This application is out of
13	order to be hear and is being continued to the April 15, 2024
14	ZHM Hearing.
15	Item A.9 A.19, PD 24-0132. This application is out
16	of order to be heard and is bing continued to the March 25, 2024
17	ZHM Hearing.
18	Item A.20, PD 24-0141. This application is out of
19	order to be heard and is being continued to the March 25, 2024,
20	ZHM Hearing.
21	Item A.21, PD 24-0147. This application is being
22	withdrawn from the ZHM process.
23	Item A.22, Standard Rezoning 24-0166. This
24	application is out of order to be heard and is being continued
25	to the March 25, 2024 ZHM Hearing.

#### ZHM Hearing January 16, 2024

	DROUGH COUNTY, FLORIDA F COUNTY COMMISSIONERS
IN RE: ZONE HEARING MASTER HEARINGS	) ) ) )
	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS
BEFORE:	Susan Finch and Pamela Jo Hatley Land Use Hearing Master
DATE:	Tuesday, January 16, 2024
TIME:	Commencing at 6:00 p.m. Concluding at 7:48 p.m.
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard Tampa, Florida 33601
Reported by: Diane DeMarsh, AAERT No.	1654

#### ZHM Hearing January 16, 2024

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1	the February 20, 2024 Zoning Hearing Master Hearing.
2	Item A.16, Rezoning PD 23-0918. This application is
3	out of order to be heard and is being continued to the
4	March 25, 2024 Zoning Hearing Master Hearing.
5	Item A.17, Major Mod Application 23-0951. This
6	application is out of order to be heard and is being continued
7	to the February 20, 2024 Zoning Hearing Master Hearing.
8	Item A.18, Specially Use General 23-0955. This
9	application is out of order to be heard and is being continued
10	to the February 20, 2024 Zoning Hearing Master Hearing.
11	Item A.19, Rezoning PD 23-0992. This application is
12	being continued by Staff to the February 20, 2024 Zoning Hearing
13	Master Hearing.
14	Item A.20, Rezoning PD 23-0993. This application is
15	out of order to be heard and is being continued to the
16	February 20, 2024 Zoning Hearing Master Hearing.
17	Item A.21, Rezoning PD 23-0994. This application is
18	being continued by the applicant to the February 20, 2024 Zoning
19	Hearing Master Hearing.
20	Item A.22, Rezoning PD 23-0997. This application is
21	out of order to be heard and is being continued to the
22	February 20, 2024 Zoning Hearing Master Hearing.
23	Item A.23, Major Mod Application 24-0029. This
24	application is out of order to be heard and is being continued
25	to the February 2024 Zoning Hearing Master Hearing.

#### Transcript of Proceedings December 18, 2023

HILLS	SBOF	ROUGH	CC	DUNTY,	FLORIDA
BOARD	OF	COUNT	ΓY	COMMI	SSIONERS

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

- BEFORE: SUSAN FINCH Land Use Hearing Master
- DATE: Monday, December 18, 2023
- TIME: Commencing at 6:00 p.m. Concluding at 8:18 p.m.

LOCATION: Hillsborough County BOCC 601 East Kennedy Boulevard 26th Floor Boardroom Tampa, Florida 33601

Reported by: Diane DeMarsh, AAERT No. 1654

2024 ZHM hearing. 1 Item A.24, Special Use 23-0955. This application is 2 out of order to be heard and is being continued to the January 3 4 16, 2024 ZHM hearing. Item A -- or Agenda item A.25, PD 23-0992. 5 This application is out of order to be heard and is being continued 6 7 to the January 16, 2024 ZHM hearing. Item A.26, PD 23-0993. This application is out of 8 order to be heard and is being continued to the January 16, 2024 9 10 ZHM hearing. 11 Item A.27, PD 23-0994. This application is out of order to be heard and is being continued to the January 16, 2024 12 13 ZHM hearing. 14 Item A.28, PD 23-0997. This application is being 15 continued by the applicant to the January 16, 2024, ZHM hearing. 16 Item A.29, Standard Rezoning 23-1041. This 17 application is out of order to be heard and is being continued 18 to the January 16, 2024 ZHM hearing. Item A30, Standard Rezoning 24-0074. This application 19 20 is being continued by staff to the January 16, 2024, ZHM 21 hearing. 22 And that concludes our continuances. 23 HEARING MASTER: Thank you so much. I appreciate it. 24 Let me start by going over our hearing procedures for tonight's hearing. Our hearing today consists of agenda items 25

#### EXHIBITS SUBMITTED DURING THE ZHM HEARING

SIGN-IN SHEET:RFR, ZHM PHM, LUHOPAGE \_\_\_\_ OF \_\_\_DATE/TIME:5/14/2034 6pmHEARING MASTER:Pamela Jo Hatley

PLEASE <b>PRINT CLEARLY</b> , THIS INFORMATION WILL BE USED FOR MAILING				
APPLICATION #	PLEASE PRINT Odd WESSUGM			
RZ 24-0232	MAILING ADDRESS 200 Jul Aug 5. AUS/			
	CITY <u>7</u> . <u>M</u> STATE <u>7</u> ZIP <u>777</u> PHONE <u>50</u>			
APPLICATION #	RLEASE PRINT AUTOMO			
RZ 24-0338	MAILING ADDRESS 6331 Gendala d			
	CITY River STATE F( ZIP 33575 PHONE 9/3-6433511			
APPLICATION #	PLEASE PRINT NAME Denah Butts			
RZ 24-0338	MAILING ADDRESS 11306 J and B Dr.			
VS	CITY Riverview STATE FL ZIP 33578 PHONE BI3.853-1280			
APPLICATION #	PLEASE PRINT NAME CHRISTOPHER & MANER			
RZ 24-0469	MAILING ADDRESS 15957 N. FLORIDA AVE			
	CITY <u>LUTZ</u> STATE FL ZIP 73549 HONE B13.205.254			
APPLICATION #	PLEASE PRINT NAME TRENT Stephenson			
R2 23-0997	MAILING ADDRESS JOS E JACKSON #200			
	CITY JAMPA STATE FL ZIP SI 612 PHONE 813 325 0616			
APPLICATION #	PLEASE PRINT STEPHIL SPOSATO			
RZ 23-0997	MAILING ADDRESS 505 13 Jackson St.			
112 013 0 11.	CITY Tamps STATE FL ZIP 3302 PHONE 513-375-0616			

## SIGN-IN SHEET: RFR, EHM, PHM, LUHO PAGE 2 OF 3 DATE/TIME: 5/14/2004 6pm HEARING MASTER: Pamela To Hotley PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING APPLICATION # PLEASE PRINT RZ 23-0997 MAILING ADDRESS SOZ3 W. LAWREL ST CITY TPA STATE FL 219 PHONE 0039

	CITY VIA STATE CITY PHONE OUR
<b>APPLICATION #</b>	PLEASE PRINT Rebecca Kert
RZ 23-0997	MAILING ADDRESS <u>400 N Tanpa St Suite 1905</u> CITY <u>Tampa</u> STATE <u>FL ZIP</u> <u>PHONE</u> <u>3064</u>
APPLICATION #	PLEASE PRINT MICHAR BRooks
RZ 23-0997	MAILING ADDRESS 400 A TAMON St 511910
	CITY IAMON STATE THE ZIPSS62 PHONE 5900
APPLICATION #	PLEASE PRINT OUCH VESTINGS
MM 24-0029	MAILING ADDRESS AND ARE STATE ZIP PHONE STATE
APPLICATION #	NAME Mujacad Mathur
MM 24-0029	MAILINGADDRESS /6/2 Carlo Oaks DR CITY Jahoo STATE F(ZIP 325 MONE & 7/642/1
<b>APPLICATION #</b>	PLEASE PRINT NAME Willia J. Molly
RZ 24-0293	MAILING ADDRESS 376 63/1
	CITY TAMP STATE FL ZIP 3200 PHONE UP 2752

SIGN-IN SHEET: RFR,		page <u>3</u> of <u>3</u>
DATE/TIME: 5/14/2024	Lepm HEARING MASTER: Pamela Jo	Hatley
		,
	ARLY, THIS INFORMATION WILL BE USED F	OR MAILING
<b>APPLICATION #</b>	NAME Kami Corbett	
RZ 24-0454	MAILING ADDRESS A E Lenned Avel, Ste 2 CITY TAMPA STATE ZIP3402 PI	3700 HONE <u>227-8421</u>
<b>APPLICATION #</b>	NAME Sychy Sposato	
RZ 24-0454	MAILING ADDRESS JOS E Jachsa M CITY Tanka STATE FC ZIP 33602PI	
<b>APPLICATION #</b>	PLEASE PRINT	
	NAME	
<b>APPLICATION #</b>	PLEASE PRINT NAME	
	MAILING ADDRESS	
	CITYSTATE ZIPPI	10NE
<b>APPLICATION #</b>	PLEASE PRINT NAME	
	MAILING ADDRESS	
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<b>APPLICATION #</b>	PLEASE PRINT NAME	
	MAILING ADDRESS	
	CITYSTATEZIPPI	IONE

**HEARING TYPE:** 

ZHM, PHM, VRH, LUHO

DATE: 5/14/2024

#### HEARING MASTER: Pamela Jo Hatley

PAGE: 1 of 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 24-0232	Todd Pressman	1. Applicant Presentation Packet – thumb drive	No
RZ 23-0997	Stephen Sposato	1. Applicant Presentation Packet	No
RZ 24-0029	Todd Pressman	1. Applicant Presentation Packet – thumb drive	No
RZ 24-0454	Stephen Sposato	1. Applicant Presentation Packet	No

#### MAY 14, 2024 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, May 14, 2024, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

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

A. WITHDRAWALS AND CONTINUANCES

Michelle Heinrich, Development Services (DS), reviewed the changes to the agenda.

Pamela Jo Hatley, ZHM, overview of ZHM process.

Assistant County Attorney Mary Dorman, overview of evidence/ZHM/BOCC Land Use process.

Pamela Jo Hatley, ZHM, Oath.

B. REMANDS - None.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 24-0232

Michelle Heinrich, DS, called RZ 24-0232.

Testimony provided.

Pamela Jo Hatley, ZHM, closed RZ 24-0232.

C.2. RZ 24-0338

Michelle Heinrich, DS, called RZ 24-0338.

Destimony provided.

Pamela Jo Hatley, ZHM, closed RZ 24-0338.

C.3. RZ 24-0469

Michelle Heinrich, DS, called RZ 24-0469.

Destimony provided.

Pamela Jo Hatley, ZHM, closed RZ 24-0469.

#### TUESDAY, MAY 15, 2024

REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM): D. D.1. RZ 23-0997 Michelle Heinrich, DS, called RZ 23-0997. Testimony provided. Pamela Jo Hatley, ZHM, closed RZ 23-0997. D.2. MM 24-0029 Michelle Heinrich, DS, called MM 24-0029. Testimony provided. Pamela Jo Hatley, ZHM, closed MM 24-0029. D.3. RZ 24-0293 Michelle Heinrich, DS, called RZ 24-0293. Testimony provided. Pamela Jo Hatley, ZHM, closed RZ 24-0293. D.4. RZ 24-0454 Michelle Heinrich, DS, called RZ 24-0454. Testimony provided. Pamela Jo Hatley, ZHM, closed RZ 24-0454. ZHM SPECIAL USE - None. Ε. ADJOURNMENT Pamela Jo Hatley, ZHM, adjourned the meeting at 8:27 p.m.

Application No. <u>R2</u> 23-0997 Name: <u>Stephen Speectb</u> Entered at Public Hearing: <u>2140</u> Exhibit # | Date: <u>5191 Aoout</u>

# LENNAR.

# **DiMare Farms Planned Development** Rezone 23-0997

**Project Team** 

## LENNAR

Applicant	Lennar Homes Chelsea Hardy, Director of Land Acquisition Drew Irick, Sr. Entitlements Manager
Land Use Counsel	Brooks   Rocha PLLC Michael Brooks, Esq. and Rebecca Kert, Esq.
Engineer & Planner	LevelUp Consulting, LLC Stephen Sposato, AICP and Trent Stephenson, PE
Transportation	Lincks & Associates, Inc. Steven Henry, PE
Environmental	Ecological Consulting Solutions, Inc.

## Request:

## Rezoning from Agricultural Rural (AR) Planned Development (PD) to

## **Project Overview**

## Source: Map Hillsborough Viewer 2.5 (April 2024)



# +/- 227.78-acre Project Site

**DiMare Farms PD** 

- Current Use: Agriculture (undeveloped)
- Up to 750 Units Dwelling Units
  - Single Family DetachedMulti-Family (Townhomes)
- Infill Site Urban Service Area (USA)
- Gross Density: 3.3 DU/AC
- ➤ Net Density: 4.7 DU/AC

## Future Land Use

### LENNAR

# Source: Map Hillsborough Viewer 2.5 (April 2024)



# Future Land Use Category: SMU-6

- SMU-6: Suburban Land Use Category
- Allows up to 6 DU / AC
- Objective 1: Direct Growth to USA
- Policy 19.1: SMU-6 Requires a minimum of two (2) land uses for > 20 AC
- Single-Family Detached
- Multi-Family (Townhomes)

# Sub-Regional Context

#### LENNAR

Source: Map Hillsborough Viewer 2.5 (April 2024)



## **Apollo Beach**

- Multiple DRIs (Waterset, Apollo Beach, Harbor Bay, Land Ends Marina, and Southbend)
- I-75 and Big Bend Rd interchange
- US 41 Commercial Corridor

## Immediate Context

#### LENNAR





# Waterset Development of Regional Impact

- 2,374-acre approved Development of Regional Impact (DRI) and Planned Development (PD 14-0815).
- Designated Suburban Mixed Use-6 but contains Commercial Mixed Use-12 and Urban Mixed Use-20 designations in the north.
- Approved for up to 6,428 residential units, 498,480 square feet of commercial use, and 198,900 square feet of office use.

# Surrounding Land Uses

## Source: Map Hillsborough Viewer 2.5 (April 2024)

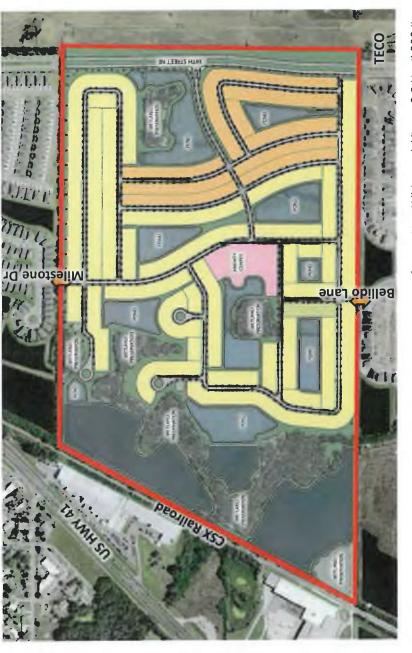


## Surrounding Uses:

- North: Waterset Residential (Single-Family)
- South: Waterset Residential (Single-Family)
- East: 30<sup>th</sup> Street NE, TECO Easement & SouthShore Sportsplex
- West: CSX Railroad Commercial & Industrial

# **Overview - Request for Rezoning**

Source: Map Hillsborough Viewer 2.5 (April 2024)

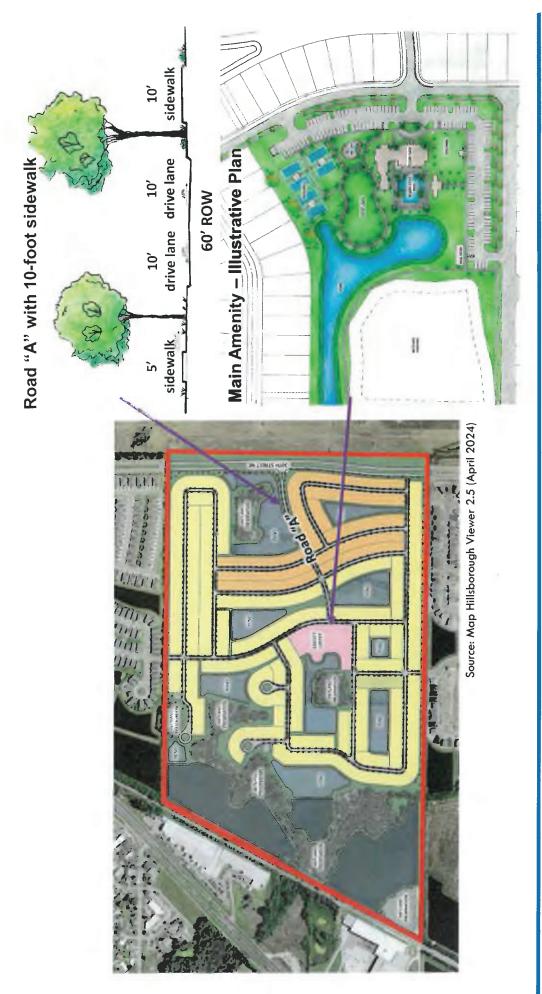


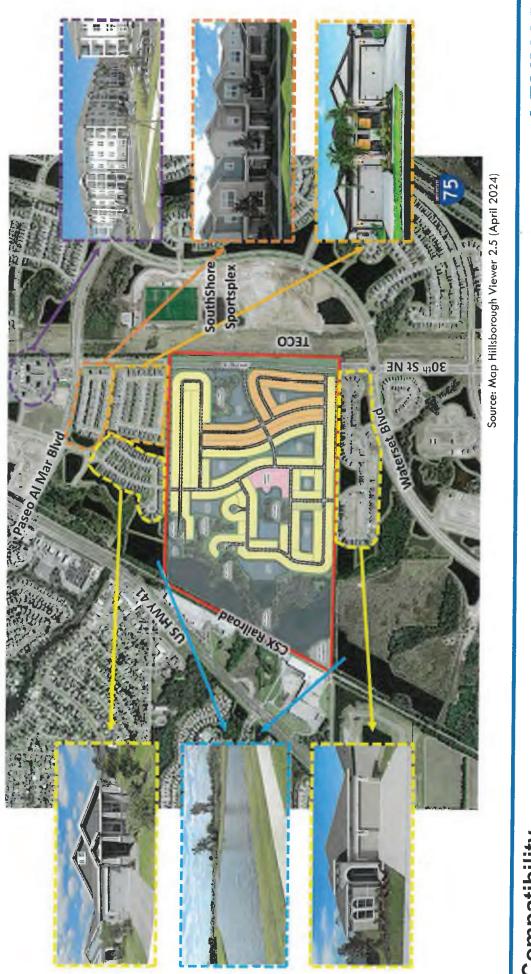
#### Request:

- Up to 750 Dwelling Units
- Mix of single family detached and townhomes (min of 25%)
- Two full access connection from the 30th St Extension
- Cross-access connections along the north and south boundaries.
- No Wetland Impacts Proposed
- Architectural Standards
- $\circ$  Lots under 50 ft in width

## PD Site Plan - Design



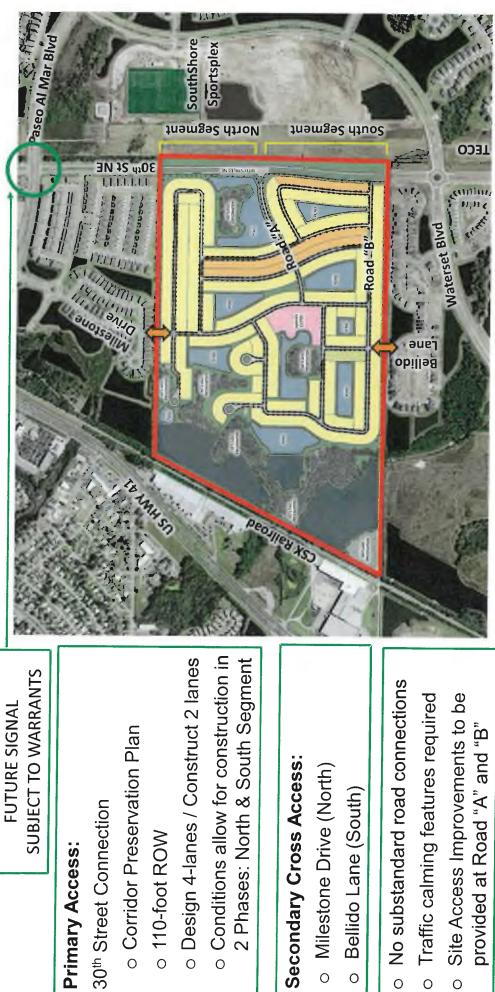




Compatibility

# Access + Traffic Study Map





(1) Source: ITE Trip Generation Manual, 11<sup>th</sup> Edition, 2021.

lour	In Out Total	504	44 108	612	
Peak F	Out	186	44	230	
d V	드	318	<u>64</u>	382	
Hour	Total	359	92	451	
Peak F	In Out Total	269	69	338	
AN	르	06	23	113	
	Trip Ends	4,947	1,374	6,321	
	Size	563 DU's	<u>187 DU's</u>	750 DU's	
I and Leo	Code	210	215		
	Land Use	Single Family	Townhomes		

**ESTIMATED PROJECT TRIP GENERATION (1)** 

TABLE 1

LENNA	FLU Policy 1.2 - Minimum Density
Development would have an adverse impact on environmental features on the site or adjacent to the property.	<ul> <li>Development would have an adverse property.</li> </ul>
Infrastructure (Including but not limited to water, sewer, stormwater and transportation) is not planned or programmed to support development.	<ul> <li>Infrastructure (Including but not limited programmed to support development.</li> </ul>
Development at a density of 75% of the category or greater would not be comparable (as defined in Policy 1.4) and would adversely impact with the existing development pa ern within a 1,000-foot radius of the proposed development.	<ul> <li>Development at a density of 75% of Policy 1.4) and would adversely impac the proposed development.</li> </ul>
	Policy 1.3:
Within the USA and in categories allowing 4 units per acre or greater, new development or redevelopment shall occur at a density of at least 75% of the allowable density of the land use category, unless the development meets the criteria of Policy 1.3.	Within the USA and in categories allowing 4 shall occur at a density of at least 75% c development meets the criteria of Policy 1.3.
All new residential or mixed-use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities.	All new residential or mixed-use land us greater unless environmental features or e

Policy 1.2: Minimum Density

## CONSISTENCY WITH FLUE POLICY 1.3 Compatibility Exception

- The predominant development pattern within 1,000 feet of the subject property is single-family detached and townhomes within the Waterset DRI.
- The gross density of adjacent and surrounding residential subdivisions is roughly 3-units per gross acre or less.
- While the PC Report describes the rezoning as "comparable," "similar," and a "complement" to adjacent densities and uses, it also notes there are existing apartments and commercial development to the west and north on Paseo Al Mar.
- Powever, these more intensive residential and commercial uses are concentrated in Town Centers & Mixed-Use Areas of the Waterset DRI and along US 41, much further away than 1,000 feet.



\*Source for densities comes from the permitted construction plans available with SWFWMD

# Consistency with FLUE Policy 1.3 – Minimum Density

## LENNAR

#### CONSISTENCY WITH FLUE POLICY 1.3 Infrastructure Exception

- While the Applicant does not generally disagree the Subject Property benefits from infrastructure benefits associated with its infill location and USA, it's development will require construction of a substantial segment of a Corridor Preservation Road (i.e., 30<sup>th</sup> Street Extension).
- But for Applicant's construction of this major collector roadway, which will connect Paseo Al Mar with 19<sup>th</sup> Street, there wouldn't be adequate infrastructure existing or planned to access the Subject Property.
- Construction of the 30<sup>th</sup> Street Extension will require dedication of approximately 10.6 AC of public right of way, which the PC staff believes should not be credited toward the Applicant against minimum density.
- As a result, the Applicant's minimum density per Policy 1.2 is artificially inflated by approximately 48 units (or 18% of the minimum density not being met).



# Consistency with FLUE Policy 1.3 – Minimum Density

#### LENNAR

# Consistency with FLUE Policy 1.3 – Minimum Density

# Source: Map Hillsborough Viewer 2.5 (April 2024)



# Environmental

**CONSISTENCY WITH FLUE POLICY 1.3** 

- The PC Report fails to account for the substantial floodplains that exist on the Subject Property.
- PC staff has advised the Applicant that floodplains do not qualify as "environmental features" of the Subject Property for purposes of Policy 1.3.
- Applicant has been unable to locate a definition of "environmental features" in the Comprehensive Plan, but floodplains and other such features are a prominent topic of other Comprehensive Plan Elements such as One Water, Environmental & Sustainability, and Coastal Management.
- Floodplains comprise a significant portion of the Subject Property, and the surrounding areas:
- Pre-Development Floodplain Area +/- 70.50 acres
- Wetland Preservation Area +/- 22.69 acres
- Net Usable Uplands +/- 158.23 acres, 4.7 du/net acre
- ➤ The Subject Property is also partially located in the Coastal High Hazard Area.

	DATE: 05/14/2024			
	PREPARED FOR: LENNAR	DRAWING TITLE: SITE DATA TABLE	PROJECT NAME. DIMARE FARMS	LEVELUP CONSULTING, LLC 505 E JACKSON ST, SUITE 200 TAMPA, FLORIDA 33502
		AGRICULTURE		
		1,/60 Sq. ft. (1H) - 4,800 Sf (5FD) 35' Above Finished Floor 756/	MAXIMUM LOT SIZE 11/60 MAXIMUM BUILDING HEIGHT 35' AB MAXIMIM BUILDING COVERACE 75%	MAXIMU
		/AC.		
		SFD Single Family Detached 3.3 DU/Ag.		DENSITY - 1
proposed rezoning is approximately 4.7		750 At a minimum, townhomes shall not be less than 25% of the total units	NUMBER OF LOTS 750 A	
Net Usable Acres, the Net Density of the		158.25 ACRES± , Suburban Mixed Use-6 (SMU-6)	NET USABLE UPLAND AREA 128.23 COMPREHENSIVE PLAN DESIGNATION SUBUR	COMPREHENSIVE
Floodplain Areas) are removed from the			Wetlands Less 17.80 Acres of Floodplain Impact)	WETLANDS
(which are largely located within the		36.26 Acres≄ *	Non Impacted Floodplain Area 36.26. (Pre-Development Floodplain Area Equals 70.50 Less 16.44 Acres of	Non Impacte (Pre-Developmen Equals 70:50
When the 30 <sup>m</sup> Street KOW, Non-		22.69 Acres± * 10.60 Acres±		WETLAND AREA ROW DEDICATION FOR 30TH STREET NE
		054169-0000 227.78 Acres±		
		HILLSBOROUGH COUNTY, FLORIDA	PROJECT LOCATION HILLSI	
CONSISTENCY WITH FLUE POLICY 1.2 Overali		ц	SITE DATA TABLE	

<ul> <li>The design provides a density that is compatible with and does not adversely impact neighboring development.</li> </ul>
<i>Future Land Use Element</i> <i>Objective 1:</i> Direct growth to Urban Service Area; <i>Policy 1.2:</i> Minimum Density of 4du/ac for new development unless effective by environmental features or existing development patterns; <i>Policy 1.3:</i> Approval of developments of less than 75% of the allowable density if criteria is met; <i>Policy 1.4:</i> Sensitivity of Development Proposals in maintaining the character of existing development.
Community Design Component Objective 12-1: Design compatibility with existing developments
Environmental Considerations Objective 13: New development shall not adversely impact environmentally sensitive areas
<b>Neighborhood/Community Development</b> <b>Objective 16, Policy 16.2:</b> Transitions of intensities; <b>Policy 16.3:</b> Integration with adjacent land uses; <b>Policy 16.8:</b> Density and lot size; <b>Policy 16.10</b> : Compatibility with existing uses;
<b>Mixed Use Land Use Categories</b> <b>Objective 19 and Policy 19.1:</b> Requirement of two land uses in mixed use land use categories.
<b>Apollo Beach Community Plan</b> Incorporate a range of housing choices and requires connectivity within new developments.
Consistency and Compatibility LENNAR

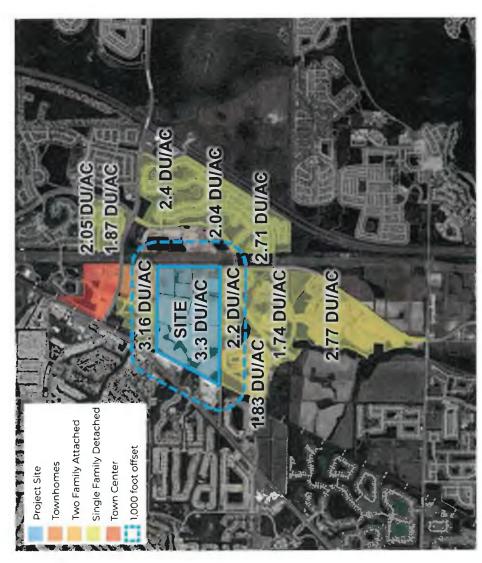
LENNAR

- No objections by Review Agencies
- consistent with the Community Design Component, Environmental and project was determined to be comparable and meets the intent of the Sustainability Section, and Neighborhood Development Policies. The Comprehensive Plan except where it pertains to minimum density. Planning Commission - the proposed Planned Development is
- Development Services Approvable, subject to proposed conditions •

### LENNAR

## **Density and Compatibility**

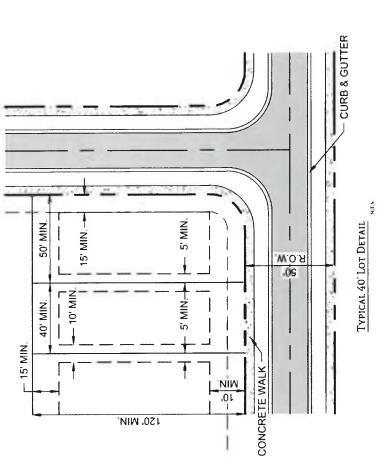
\*Source for densities comes from the permitted construction plans available with SWFWMD



- The project is consistent with Objective 16:
- Compatible land uses, gradual transitions of different land uses, internal circulation, integrate with the adjacent land uses
- Proposing 750 residential units at density of 3.3 du/gross acre (4.7 du/net acre)
- Net Usable Acres +/- 158.23 Acres equals 4.7 units per acre.
- +/- 1,025 dwelling units would be necessary to meet the 75% minimum density threshold required by Policy 1.2 (i.e., 4.5 units per acre)
  - Highest density development is Waterset Phase 4 South, present in the north, and consists of 3.16 units/acre

## PD Commitments – Form and Style

- Minimum lot area for single-family detached is 4,800 square feet.
- Architectural Standards for the Conditions of Approval address the following for lots under 50 feet in width:
- Minimum garage setback of 20 feet
- Entry features consist of covered stoop, covered porch, or other architectural features.
- Garages shall not account for more than 60% of the width of the street facing façade
- Street Trees

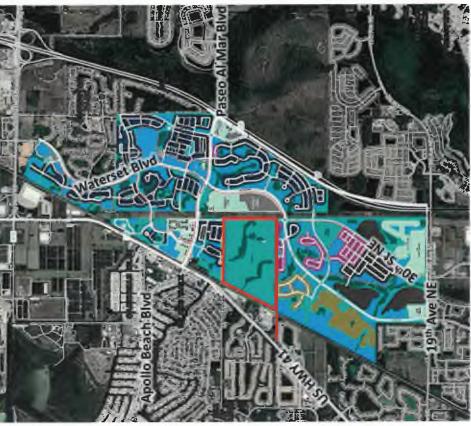


## Architectural Emphasis

# Planning and Design Considerations

### LENNAR



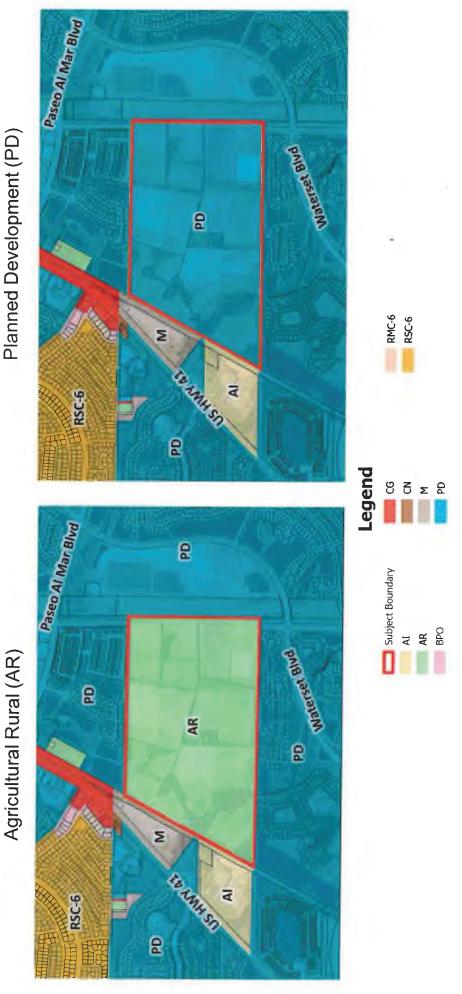


## **Basis for Design and Intensity**

- Large undeveloped property Infill site
- Responds to established development pattern
- Consistent with the transition from higher intensity development with Town Center to lower density residential in central Waterset
- Compatible and comparable density and product type to adjacent development
- Establishes interconnections N and S and extends 30th St NE
- No impacts to wetlands Floodplain Compensation
- Policy 1.3 provides exemption allowances



### **Rezoning Request**



PROPOSED

CURRENT

Planned Development (PD)

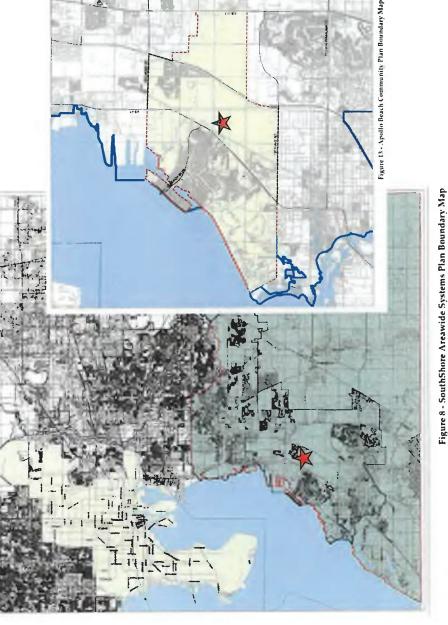


about growth and development, and will be implemented over transportation, environment, cultural/historical, and economic time by both public and private actions as resources become systems among individual community planning efforts should development. Compatibility and interconnectivity of various The plan is intended to establish a framework for decisions available. Objectives, policies and strategies respond to regional issues divided into four distinct subsections: be supported.

### **Apollo Beach Vision Statement**

assumptions, the citizens formulated the following goals listen Apollo Beach community recognize the inevitability of future This Comprehensive Plan document furthers the vision and values of the citizens of Apollo Beach. The citizens of the growth in the area and have reconciled growth within the scope of maintaining the feel, charm and convenience of waterfront-oriented small town living. In line with these in order of priority:

- 1. Enhance Community Character
- Ensure Quality Land Use and Design 3. Maintain Canal System *∩*i
  - Improve Transportation 4.
- 5. Establish/Improve Sidewalk, Bicycle Lane and Trail Connectivity
  - 6. Improve and Expand Public Use Facilities
    - Support Economic Development
      - ς.
- Strengthen Community Associations
- Encourage Renovation and Retrofitting of Residences 6



### **Community Planning**

### LENNAR

### Stephen G. Sposato, AICP 505 E Jackson St., Suite 200, Tampa Fl 33602 (813) 375-0616 - Stephen@levelupflorida.com

### **Professional Experience**

LevelUp Consulting, Tampa, FL

### **Director of Planning**

Manage planning department for one of the area's leading engineering and design firms. **Key Achievements** 

- Established planning department as a new service line. •
- Successfully entitled a wide variety of residential, commercial, and mixed-use projects in the Tampa Bay region.

Wake County Public School System (WCPSS), Raleigh, NC 3/2014 - 3/2021 Director Transportation Operations and Senior Administrator / Transportation Planner Led team that manages 19 transportation districts (+/- 900 employees) providing direct services to approximately 70,000 students on typical school days.

### **Key Achievements**

- Implemented processes to advance the coordination of school transportation with WCPSS Facilities, the North Carolina Department of Transportation (NCDOT) and local municipalities.
- Implemented data driven systems related to operational efficiency and student management through collaboration with stake holders to improve the ridership experience for students.
- Received WCPSS Employee Excellence Award for helping to positively shift the culture of the • Transportation Department through improved training and communication.

### ENSITE, Fort Myers, FL / Apex, NC

Planning Director / Project Manager Managed land planning and engineering start-up firm.

### **Key Achievements**

- Achieved gross revenue of nearly \$1,000,000 by first full year of operation.
- Successfully entitled thousands of acres of property in Southwest Florida.
- Led strategic marketing initiative resulting in updated brand and website.
- Assisted County in Colorado with facility-based initiatives related to energy and efficiency.

### BARRACO & ASSOCIATES, Fort Myers, FL

### Land Planner / Project Manager

Managed residential, commercial, and institutional projects for large engineering and planning firm.

### **Key Achievements**

Led planning effort on large-scale projects with emphasis on sustainability and new urbanism.

### AGNOLI, BARBER & BRUNDAGE, INC., Naples, FL

**Planning Director / Project Manager** 

Managed planning department for one of the area's leading engineering firms.

### **Key Achievements**

- Established relationships with area's top developers and government officials.
- Successfully managed/entitled a wide variety of residential, commercial, government and mixed-use projects in Southwest Florida.

6/2005 - 3/2014

6/2004 - 6/2005

4/2021 – Present

6/1998-6/2004

### TOWN OF KNIGHTDALE, NC, Knightdale, NC

### **Planning Director**

Managed the Community Development Department (including site inspections) for high-growth town adjacent to Raleigh.

### **Key Achievements**

- Won the NCAPA Small Communities Outstanding Planning Award for 1994 and 1995.
- Received several hundred thousand dollars in grants for infrastructure improvements.
- Transformed a planning program that was in crisis to one of the best in North Carolina.
- Technical staff to the Capital Area MPO and technical team member to the Triangle Transit Authority's Fixed Guideway Study.

### Education

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL MASTER OF REGIONAL PLANNING, MAY 1989

APPALACHIAN STATE UNIVERSITY, BOONE, NORTH CAROLINA BACHELOR OF ARTS, HISTORY, MAY 1987

### **Professional Certification/Membership**

AMERICAN INSTITUTE OF CERTIFIED PLANNERS/AMERICAN PLANNING ASSOCIATION - 1995

### **Additional Qualifications**

MANAGEMENT

Certificate of Municipal Administration, Institute of Government, University of North Carolina at Chapel Hill

ECONOMIC DEVELOPMENT

North Carolina Economic Development Course, University of North Carolina at Chapel Hill Urban Land Institute - Numerous conferences and events

FACILITATION

Negotiating Skills for Settling Public Disputes Course, School of the Environment,

Duke University

### PRESENTATION

Presenter at conferences and workshops

### CONSULTANT/EXPERT WITNESS

Holt & York, law firm located in Raleigh, North Carolina Roetzel & Andress, law firm located in Fort Myers, Florida K&L Gates, law firm located in Raleigh, North Carolina

May 14, 2024

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

### Re: Rezoning Petition PD 23-0997 Planning Commission Staff Report Dated April 3, 2024, revised May 2, 2024; Memorandum of Law

Honorable Zoning Hearing Master:

This memorandum is in response to the Hillsborough County Planning Commission Staff Report ("Staff Report") for RZ23-0997, dated April 3, 2024, (revised on May 2, 2024). This report finds that the proposed rezoning meets several components of the comprehensive plan and is comparable and complements the surrounding area. However, because the project does not meet the seventy-five (75) percent of the maximum density required by Policy 1.2, the Staff Report concludes that the project is not supportable. Respectfully, the Report erroneously, and based upon unwritten expansions and limitations on the plain language in Policy 1.3, finds that the proposed rezoning does not meet Policy 1.2, Policy 1.3, which jointly deal with minimum density, and Policy 1.4 which defines compatibility.

Policy 1.2 is a straightforward regulatory policy that requires all new development to occur at a density at least 75% of the maximum allowable density for a subject property under its applicable Future Land Use (FLU) Category – in this case, Suburban-Mixed Use-6 (SMU-6) – unless the new development meets the criteria of Policy 1.3.

Policy 1.3 provides specific, enumerated criteria pursuant to which new residential rezonings for less than 75% of the maximum allowable density will be permitted if one or more of the criteria are met:

### Policy 1.3:

Within the USA and within land use categories permitting 4 du/ga or greater, new rezoning approvals for residential development of less than 75% of the allowable density of the land use category will be permitted only in cases where one or more of the following criteria are found to be met:

- Development at a density of 75% of the category or greater would not be compatible (as defined in Policy 1.4) and would adversely impact with the existing development pattern within a 1,000 foot radius of the proposed development;
- Infrastructure (Including but not limited to water, sewer, stormwater and transportation) is not planned or programmed to support development.
- Development would have an adverse impact on environmental features on the site or adjacent to the property.

- The site is located in the Coastal High Hazard Area.
- The rezoning is restricted to agricultural uses and would not permit the further subdivision for residential lots.

Policy 1.4 defines Compatibility, and states in part that it "refers to the sensitivity of development proposals in maintaining the character of existing development."

The Staff Report correctly points out that the rezoning proposal does not meet seventy-five (75) percent of the maximum allowable units, which would be 4.5 dwelling units an acre. The rezoning proposes 3.3 dwelling units per gross acre, or 4.7 dwelling units per usable acre, the remaining acreage not being usable due to avoidance of environmental impacts and infrastructure (roadway) deficiencies in the area. To meet the minimum density required by Policy 1.2, an additional 275 dwelling would be required on this site, necessitating the addition of multi-family in an area which is surrounded by single family (attached and detached) style homes. Further, the Planning Commission is using an "interpretation" of the Comprehensive Plan which is not found in the Plan to ignore the environmental and infrastructure constraints of the site, and the exceptions clearly written into Policy 1.3.

### Compatibility

Policy 1.4 defines "compatibility" as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. The enumerated compatibility criteria of Policy 1.3 do not provide the Planning Commission with flexibility to evaluate impacts of a proposed rezoning against an entire Development of Regional Impact. The exception in Policy 1.3 provides an exception to achieving maximum density if the proposed development "would adversely impact with the existing development pattern within a **1,000 foot radius** of the proposed development." (emphasis added.) Although the Planning Commission Staff Report acknowledges there is single family attached and detached within the 1,000 foot radius of the proposed development, the Planning Commission inexplicably proffers that the appropriate comparison is the Waterset DRI as a whole ("showing each individual phase is not indicative of the wholistic picture of the DRI which includes multiple housing types including multifamily and commercial uses." PC Staff Report p. 8). This comparison ignores the clear and plain language of Policy 1.3, which directs the appropriate comparator to existing development within 1,000 feet of the development.

In our Project Narrative, we have demonstrated that, within 1,000 feet of the Subject Rezoning, the surrounding use type (Single family attached and detached) and density is compatible with the surrounding area. Introducing multi-family, which would be necessary to reach the additional 275 units required to meet minimum density, is not compatible with the uses and density within 1,000 feet. Although there is multi-family within the Waterset DRI, it is limited to the town square and some multi-use pods. The town square in Waterset DRI is located at the intersection of roadways on the long range transportation plan, and is not analogous to the Subject Rezoning. The town square and the multi-use pods within the Waterset DRI are not within 1,000 feet of this rezoning.

The Planning Commission staff did, in fact, find the Subject Rezoning consistent with other plan provisions requiring compatibility. ("The proposal meets the intent of the neighborhood development policies in Objective 16, as the proposed single family detached and attached dwellings complement the existing range of residential development in the area"; "Goal 12 and Objective 12-1 require new

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development to be designed in a compatible way to the surrounding area. There are existing single family uses to the north and south of the site, and the proposed development will appear similar in nature. Overall, the proposal meets the intent of the CDC, as it will implement an attached and detached single family residential development in a similar manner to some of the existing residential uses in the vicinity of this area.")

Based on a correct analysis, the Applicant has demonstrated a responsible and compatible design and density that matches the existing subdivisions within 1,000 feet to the north (a mix of single family detached homes and townhomes at a gross density of 3.16 units/acre) and the south (single family detached homes at a gross density of 2.20 units/acre) of the Subject Rezoning. The enumerated compatibility criteria of Policy 1.3 do not provide the Planning Commission with flexibility to evaluate impacts of a proposed rezoning against the general context of the Waterset DRI. Regardless, the Planning Commission staff does not provide a comparator for the overall density of Waterset; the DRI is currently approved and under development for 4,269 units on 1,627 acres (*excluding School(s), Parks (Community), Regional Sports Complex, Upland/Open Space, Wetlands, and Major Roads*), roughly 2.7 Du/Ac, together with 697,380 sq.ft. of mixed-use, commercial, and office concentrated in mixed-use and town center pockets. In sum, the plain language of Policy 1.3 establishes the correct assessment of whether a rezoning is eligible of an exception.

### Infrastructure

Like the Waterset DRI, which excludes School(s), Parks (Community), Regional Sports Complex, Upland/Open Space, Wetlands, and Major Roads from its density / intensity calculations, the Applicant provided a similar analysis for the Subject Rezoning in its Narrative. The Applicant believes this supplemental approach is consistent with Policy 1.3 in that it provides a more accurate assessment of Net Usable Acres and actual project density.

The gross Project Area (227.78 acres) includes a significant amount of upland (10.6 Ac.) that will be set aside and dedicated as public right-of-way for construction of the 30th Street extension – a missing segment that will complete a roadway connection between Paseo Al Mar and 19th Street. The Applicant believes this required dedication is within the scope of Policy 1.3 in that completion of this long-range transportation plan roadway would not be possible without development of the Subject Property (i.e., it's a private improvement that is not publicly funded or programmed).

The Applicant acknowledges that removal of this acreage from the Subject Rezoning alone would not bring the resulting density into conformance with Policy 1.2 (Adjusted Project Area = 206.58 Ac. x 4.5 Du/Ac = 930 Units versus 750 Units), but it would bring the Subject Rezoning closer to a more realistic assessment of actual project density when combined with other specifically enumerated criteria in Policy 1.3. Moreover, together with the land removed under the criteria for the environmental impacts, the Subject project *exceeds* the required minimum density (4.7 du/ac compared to the required 4.5 du/ac).

To the foregoing point, the Applicant is not aware of any written or unwritten policies or procedures that preclude the Planning Commission from evaluating the Subject Rezoning for consistency with Policy 1.3 on an aggregated basis. In fact, Policy 1.3 *expressly* contemplates that one or more of the enumerated may be applicable to any proposed rezoning.

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Here, the Planning Commission assumes that because the project is located within the Urban Service Area, infrastructure is available and therefor this exception does not apply. Because Policy 1.3 only applies to the Urban Service Area, this reasoning would negate the purpose of having this exception in the Policy, as it could never be applied.

### **Environmental Features**

The Applicant is unable to identify any formal definition in the Comprehensive Plan for what constitutes "*environmental features*." Planning Commission Staff Report states that this project fails this exemption in Policy 1.3 because not greater than 25% of the subject property was impacted by wetlands. However, had the Hillsborough County Board of County Commissioners intended to limit the scope of environmental features to only wetlands, it could have easily used the term wetlands instead. Moreover, this example makes little practical sense: since the Comprehensive Plan does not provide density credit for wetlands that exceed 25%, this narrow interpretation renders this provision of Policy 1.3 largely inapplicable in most such instances.

As stated above in connection with other interpretations, we are unaware of any written or unwritten policies or procedures that preclude the Planning Commission from evaluating the Subject Rezoning for consistency with this provision of Policy 1.3 based on environmental features other than wetlands. The Applicant believes a more appropriate determination of what constitutes an environmental feature can be found in the Coastal Management, Environmental & Sustainability and One Water Elements of the Comprehensive Plan, where the environmental importance of floodplains, a prominent feature of the Subject Property, is addressed aside wetlands, wildlife, and habitats. Following are sample excerpts:

### Coastal Management Element

3.1.7 Uphold the flood-resistant construction requirements in the Florida Building Code and applicable floodplain management regulations outlined in 44 C.F.R. part 60.

### **Environmental & Sustainability Element**

3.7.2 Regulate development in areas that possess the following characteristics: wetlands, **100**year floodplain, and/or habitats for Listed Species as provided under local rules and regulations including mitigation as required.

3.7.5 Minimize impacts on open space, environmental resources, and floodplains, through adopted criteria, standards, methodologies, and procedures including, but not limited to, clustering and the transfer of development rights to increase contiguous pervious surface.

3.8.2 Continue to prohibit unmitigated encroachment into the **100-year floodplain** to protect and conserve the functions and natural wildlife habitat attributes where they exist within the **100-year floodplains** of rivers and streams as provided under local rules and regulations including mitigation as required.

3.10.11 Protect or enhance Wildlife Corridors by minimizing road crossings over wetlands and *floodplains* and designing crossings to allow for unimpeded passage of wildlife as provided under local rules and regulations including mitigation as required.

### **One Water Element**

4.1.4 Development in both floodways and the 100-year floodplain shall continue to be regulated in order to protect **floodplain** functions; continue to prevent net loss of 100-year floodplain storage volume in Hillsborough County.

Additionally, the Applicant is not aware of any written or unwritten policies or procedures that preclude the Planning Commission from evaluating the Subject Rezoning for consistency with Policy 1.3 on an aggregated basis – such as both environmental features and infrastructure. Policy 1.3 expressly contemplates that one or more of the enumerated criteria may be applicable to any proposed rezoning.

To the foregoing point, a substantial portion of the Project Area is located within the 100-year floodplain (71.64 acres, inclusive of jurisdictional wetlands), of which only a small portion can be reasonably impacted due to on-site limits to mitigation (17.8 acres). Less the 30th Street Right-of-Way (10.6 Ac), and the remainder to jurisdictional wetlands in other areas of the Subject Property (4.61 acres), the Net Usable Upland Area is reduced to 158.73 Acres – which, assuming 750 total units, renders an approximate density of +/- 4.7 Du/Ac., which is greater than the seventy-five (75) percent of the SMU-6 maximum density. Notably, Hillsborough County Development services also found that, pursuant to Policy 1.3, the existence of wetlands, floodplains and coastal high hazard areas supported an exemption from minimum density under Policy 1.3 ("Approximately 55 acres, on the western portion of the property, are constrained by the presence of wetlands, floodplains and coastal high hazard area. Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing factors to Pursuant to Policy 1.3, these constraints are contributing to the proposed project density being below the minimum density for the proposed product type (single-family and for the proposed product type (single-family and townhomes)." (DSD Staff Report, Sec. 7.0)

### Summary

The community must be able to rely on the plain text of the Comprehensive Plan, which is adopted as policy by the Board of County Commissioners, providing the certainty needed by the community, both the public and developers, to determine where growth is appropriate in Hillsborough County. The "plain language" of the Comprehensive Plan must govern determination of the consistency of the plan. See Oceans Edge Dev. Corp. v. Town of Juno Beach, 430 So. 2d 472, 747 (Fla. 4th DCA 1983); Town of Longboat Key v. Islandside Property, 95 So. 3d 1037, 1042 (Fla. 2d DCA 2012); Boyle v. Samotin, 337 So. 3d 313, 317 (Fla. 2022).

To the extent that the Planning Commission report finds this application is not compatible with development outside of the 1,000 feet parameters utilized for an exemption in Policy 1.3, the Planning Commission staff is unilaterally amending the adopted provisions of the Comprehensive Plan. Similarly, to the extent the Planning Commission report relies upon an unadopted "25% wetlands" rule to determine eligibility for the environmental impact exemption in Policy 1.3, Planning Commission staff is relying upon an unwritten and unadopted limitation on the plain language of this policy. And

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finally, to the extent that Planning Commission staff finds that an applicant cannot rely upon more than one exemption, it is ignoring the clear statement of application in Policy 1.3, which finds that the exemption applies when "one or more of the following criteria are found to be met."

Respectfully submitted,

/s

Rebecca M. Kert

### PARTY OF RECORD

### **Rome, Ashley**

From: Sent: To: Subject: Hearings Thursday, November 30, 2023 3:26 PM Timoteo, Rosalina; Rome, Ashley; Ball, Fred (Sam) FW: (WEB mail) - Re-zoning 23-0997 (Dimare farm parcel)

From: formstack@hillsboroughcounty.org <formstack@hillsboroughcounty.org> Sent: Monday, November 27, 2023 3:41 PM To: Commissioner District 4 <<u>ContactDistrict4@hillsboroughcounty.org</u>> Subject: (WEB mail) - Re-zoning 23-0997 (Dimare farm parcel)

The following Commissioner(s) received a direct copy of this email:

4 | Commissioner Michael Owen (District 4)

Date and Time Submitted: Nov 27, 2023 3:41 PM

Name: Laura Lee

Address: 5507 Madrigal Way APOLLO BEACH, FL 33572

Phone Number: (702) 787-5870

Email Address: Laura.l.lee702@gmail.com

Subject: Re-zoning 23-0997 (Dimare farm parcel)

**Message**: Mr. Owens, I am not opposed to more houses in Apollo Beach however 1. The Lennar site should have access via US41, to limit/help alleviate traffic in Waterset. 2. Please start approving the infrastructure of roads, stores and restaurants for the area. We have enough car washes, nail salons and storage areas along with Publix stores. Thank you.

1168260161

*Mozilla/5.0 (iPhone; CPU iPhone OS 17\_1 like Mac OS X) AppleWebKit/605.1.15 (KHTML, like Gecko) GSA/290.1.581873948 Mobile/15E148 Safari/604.1* 

### **Rome, Ashley**

From:
Sent:
To:
Subject:

Hearings Monday, February 5, 2024 12:55 PM Rome, Ashley; Timoteo, Rosalina; Ball, Fred (Sam) FW: Rezoning Application Number 23-0997

From: Jack Powers <loujackhhi@gmail.com>
Sent: Monday, February 5, 2024 12:29 PM
To: Hearings <Hearings@hcfl.gov>
Subject: Rezoning Application Number 23-0997

External email: Use caution when clicking on links, opening attachments or replying to this email.

Regarding the above Rezoning Application we offer the following Comments:

1. On the Site Map, the Northern 150 foot zoning offset line should be considered significantly in error. There are at least 14 full home sites on Milestone Dr. that lie within the offset. Additionally there are at least 16 Waterset Villas on Mooring Line Circle that lie within the offset. Moreover, there is Waterset Property, Mailbox Kiosk, and Security Fencing on Mooring Line Circle and Milestone Dr. that lie within the offset. This application should not even be considered until this is corrected and the 150 foot zoning offset begins at the applicant's property line.

2. The stand of fully grown Trees and heavy Brush along the entire northern edge of applicant's property line should remain in order to provide an ongoing buffer for residents who live north of this stand of Trees and Brush.

3. The potential negative impact of School overcrowding and Traffic is grossly under-estimated and does not take in consideration the significant housing developments already underway south and east of applicant's property that will extend all the way to 19th St. in Ruskin. Enough is enough!

4. The Historical Wetlands within applicant's property should be fully mitigated INCLUDING any potential negative impact on the Storm Retention Pond on Waterset property between Mooring Line Circle and Milestone Dr.

Respectfully submitted by:

John and Louise Powers 6402 Mooring Line Circle Apollo Beach, FL 33572 Ioujackhhi@gmail.com