Rezoning Resolution

RR24-079

RESOLUTION #_RR24-079

MAJOR MODIFICATION PETITION # MM 24-0758

Upon motion by Commissioner Wostal, seconded by Commissioner Kemp, the following resolution was adopted by a 7-0 vote, with the individual commissioners voting as follows:

Cepeda	yes
Cohen	yes
Hagan	yes
Kemp	yes
Myers	yes
Miller	yes
Wostal	yes

WHEREAS, on the 1st day of May, 2024, CitiGroup Technology, Inc. submitted a major modification petition requesting a change in the PD (96-0097) (Planned Development (96-0097)) zoning classification for the parcel of land described in said petition; and,

WHEREAS, the Zoning Hearing Master on June 17, 2024, held a duly noticed public hearing on said major modification petition for PD (96-0097) (Planned Development (96-0097)) zoning and heard and considered testimony and documents received thereon; and,

WHEREAS, the Zoning Hearing Master filed with the Board of County Commissioners of Hillsborough County a recommendation of approval of said major modification petition; and,

WHEREAS, said recommendation of approval contained findings of fact and conclusions of law relating to consistency with the Comprehensive Plan and compatibility with adjoining land uses and zoning classifications, a copy of which recommendation is attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, the public notice requirements contained in the Land Development Code of Hillsborough County have been satisfied; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has received and considered the report and recommendation of the Hillsborough County Administration; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has received and considered the report and recommendation of the Zoning Hearing Master; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has on August 13, 2024, held a duly noticed public hearing on the petition for major modification to PD (96-0097) (Planned Development (96-0097)) zoning and has heard and considered the evidence received thereon.

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

I. FINDINGS

- A. The Board of County Commissioners of Hillsborough County is authorized and empowered to consider the petition for major modification to PD (96-0097) (Planned Development (96-0097)) zoning filed by CitiGroup Technology, Inc.
- B. The Board of County Commissioners of Hillsborough County having considered the report and recommendation of the Hillsborough County Administration, the recommendation of the Zoning Hearing Master, and evidence and testimony from both the applicant and persons from the surrounding neighborhood, finds that the uses permitted in the major modification to PD (96-0097) (Planned Development (96-0097)) zoning classification are compatible with the existing land uses present in the area surrounding the subject property.
- C. The Board of County Commissioners of Hillsborough County having considered the report of the Hillsborough County Administration, the recommendation of the Zoning Hearing Master, and evidence and testimony from both the applicant and persons from the surrounding neighborhood, finds that the major modification to PD (96-0097) (Planned Development (96-0097)) classification is compatible with the zoning districts applicable to the lands surrounding the subject property.
- D. The Board of County Commissioners of Hillsborough County having considered the report and recommendation of the Hillsborough County Administration, the record of the hearing before the Zoning Hearing Master, the Zoning Hearing Master recommendation, and evidence and testimony from both the applicant and persons from the surrounding neighborhood, finds that the major modification of the subject property would be consistent with the goals, policies and objectives contained in the Comprehensive Plan enacted by the Board of County Commissioners of Hillsborough County pursuant to the authority contained in Chapter 75-390, Laws of Florida (1975), as amended, and Part II of Chapter 163, Florida Statutes, entitled, "Community Planning Act".

II. CONCLUSIONS

The Board of County Commissioners of Hillsborough County hereby approves the petition for the major modification of the PD (96-0097) (Planned Development (96-0097)) zoning filed by CitiGroup Technology, Inc. The approval of this petition is subject to the conditions described in Exhibit B, a copy of which exhibit is attached hereto.

III. EFFECTIVE DATE

This resolution shall take effect upon vote of the Board of County Commissioners of Hillsborough County in regards to the application.

STATE OF FLORIDA) COUNTY OF HILLSBOROUGH)

I, CINDY STUART, Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the resolution adopted by the Board of County Commissioners of Hillsborough County, Florida at its regular meeting of August 13, 2024, as the same appears of record in Minute Book 579 of the Public Records of Hillsborough County, Florida.

WITNESS, my hand and official seal this 5th day of September , 2024

CINDY STUART, CLERK

Deputy Clerk

APPROVID BY GOUNTY ATTORNEY

Approved As To Form And Legal Sufficiency

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER: MM 24-0758

DATE OF HEARING: June 17, 2024

APPLICANT: Citigroup Technology, Inc.

PETITION REQUEST: The Major Modification request is to

modify PD 96-0097 to permit multi-

family residential with a maximum height of 60 feet within identified development pods, add solar power generation as a specific permitted use and increase the commercial/retail square footage such that the vehicular trip generation cap

remains the same

LOCATION: Southeast corner of the intersection of

E. Martin Luther King Jr. Blvd and N.

Falkenburg Road

SIZE OF PROPERTY: 129.68 acres, m.o.l.

EXISTING ZONING DISTRICT: PD 96-0097

FUTURE LAND USE CATEGORY: UMU-20

SERVICE AREA: Urban

COMMUNITY PLAN: East Lake/Orient Park

DEVELOPMENT REVIEW STAFF REPORT

1.0 APPLICATION SUMMARY

Development Services Department



Applicant: Citigroup Technology Inc.

FLU Category: UMU-20

Service Area: Urban

Site Acreage: +/-129.68 acres

Community Plan Area: East Lake/Orient Park

Overlay: None



Introduction Summary:

PD 96-0097 rezoned the subject property to allow a mix of land uses including office, research and development, light industrial uses, hotels, general retail, and accessory support commercial uses. The maximum FAR was 0.69. The maximum amount of any use in the Sabal Center is that specified in the Sabal Center DRI Development Order. Most Recent Amendment: PRS 19-0144 amended the development Pods within the area south of Dr. Martin Luther King, Jr. Boulevard.

Proposed MM 24-0758: The proposed Major Modification requests to amend the conditions of approval for PD 96-0097, as most recently amended by PRS 19-0144. The PD comprises two separate DRIs within its boundaries. The Highland Park DRI, which is not subject to this request, permits multifamily as an allowable use. However, the Sabal Center DRI #98 portion of the PD does not allow multifamily development.

Currently, the Pods located within the Sabal Center DRI only allow non-residential uses including office, commercial and light industrial uses throughout all the Pods. According to the application, Citigroup Technology owns +/-70.3 percent of the property located within the Sabal Center DRI, comprising Pods 3, 4a, 5a, 6, 7, 8, and 9. Generally, the applicant is proposing to modify the conditions of approval to allow multi-family residential in place of office, commercial and light industrial uses within the Pods owned by Citigroup Technology within the Sabal Center. The applicant also proposes to allow any uses already specified within the Sabal Center DRI #98, Development Order (D.O.) based on the proposed trip capture contained within the Sabal Center DRI under concurrent review.

Existing

Proposed

- 1. Sabal Center Condition 1 allows light industrial, hotels, general retail, and accessory support commercial uses. It does not allow multi-family development in Pods 3, 4A, 5a, 6, 7, 8, 9.
- 1. Proposal to allow multi-family as an allowable use within Pods 3, 4a, 5a, 6, 7, 8, 9 of the Sabal Center. The applicant also proposes to amend the condition to explicitly allow solar power generation for primarily onsite consumption for the same Pods.
- Condition 13 (Overall Conditions) allows a maximum height of 39 feet for multi-family development within the Highland Park DRI.
- Proposal to increase the maximum height for multi-family within the Sabal Center (specified Pods only) to a maximum of 60 feet or 5 stories, whichever is less. Maximum height within the Highland Park DRI shall

	maintain a maximum height of 39 feet for multifamily development.
3. Sabal Center, Condition 2 limits Pod 3 to 150,000 sf of commercial uses.	3. Proposes to eliminate the condition to allow expansion of commercial and free-standing retail outside of Pod 3, within Pods 4a, 5a, 6, 7, 8, 9 of the Sabal Center.
DRI and allows for the uses to be	5. To align with the companion DRI modification, the Applicant proposes to revise conditions, amending the trade-off mechanism to reflect the companion DRI revisions.

^{*}Subject for the 2:1 additional setback compatibility requirement

Planning Commission Recommendation: Consistent

Development Services Recommendation: Approvable, subject to proposed conditions

Additional Information:	
	None Requested as part of this application
Waiver(s) to the Land Development Code:	None requested.

2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map

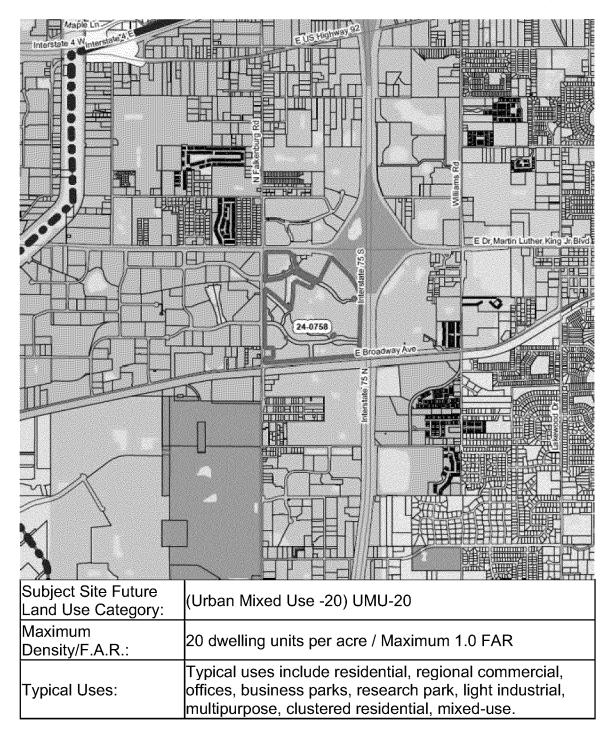


Context of Surrounding Area:

The Planned Development is generally located on the east side of North Falkenburg Road. The subject of the modification is the area in the southeast quadrant of North Falkenburg Road and Dr. Martin Luther King, Jr. Boulevard.

The immediate area surrounding the property is a mix of uses, with the Hillsborough Community College, Brandon Campus, located to the south of the Planned Development. East is Interstate-75. West of the subject site is Roger P. Stewart Ctr., Herzing University, Hotel, Commercial, and Offices. North of the site is an office park consisting of five buildings, and a hotel (Hilton Garden Inn, Tampa East / Brandon) located to the northeast.

2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map

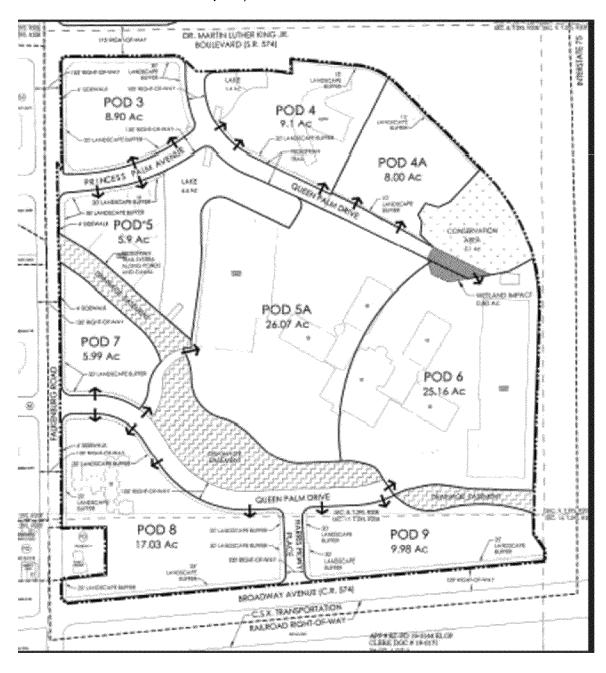


2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



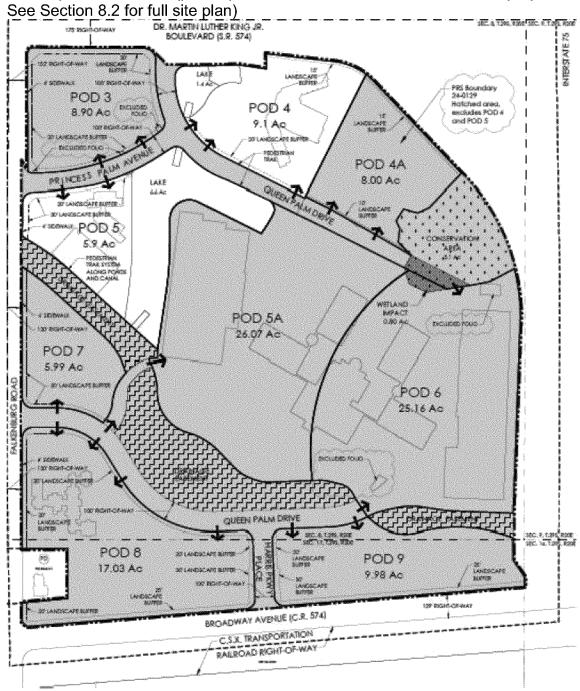
2.0 LAND USE MAP SET AND SUMMARY DATA

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



2.0 LAND USE MAP SET AND SUMMARY DATA

2.5 Proposed Site Plan (partial provided below for size and orientation purposes.



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

Adjoining Roadways (cl	neck if applicable)		
Road Name	Classification	Current Conditions	Select Future Improvements
Dr Martin Luther King	FDOT Principal Arterial - Rural	6 Lanes □Substandard Road □Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other
Falkenburg Rd	County Collector - Urban	4 Lanes □Substandard Road □Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other
Broadway Ave	County Collector - Urban	2 Lanes Substandard Road Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generatio	n □Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	25,910	3,770	3,770
Proposed	25,910	3,770	3,770
Difference (+/-)	+0	+0	÷0

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

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	None	Meets LDC
South		Choose an item.	None	Meets LDC
East		Chaose sa item.	None	Meets LDC
West		Choose an item.	None	Meets LDC

Design Exception/Administrative Varian	ce Not applicable for this reques	t e
Road Name/Nature of Request	Туре	Finding
	Choose an item	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission				
Meets Locational Criteria N/A Locational Criteria Waiver Requested	103110	Inconsistent Consistent	1103110	See "Hillsborough County Planning Commission Review".

Minimum Density Met N/A Density Bonus Requested			
Consistent Inconsistent			

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The area south of Dr. Martin Luther King Jr., Boulevard is known as Sabal Center, while the area northeast of Dr. Martin Luther King Jr., Boulevard is known as Highland Park. Approved uses include office, light industrial, service center/showroom, hotel, commercial and multifamily uses. The applicant is seeking approval for the following requests only within the Sabal Center development portion (south of Dr. Martin Luther King, Jr., Blvd.). Currently, multifamily development is only permitted within the Highland Park DRI located north of Dr. Martin Luther King, Jr. Blvd. and northeast of the subject properties.

The Planned Development and corresponding Sabal Center DRI #98, are generally located on the east side of North Falkenburg Road. The subject of the Major Modification is the area in the southeast quadrant of North Falkenburg Road and Dr. Martin Luther King, Jr. Boulevard. The immediate area surrounding the property is a mix of uses, with the Hillsborough Community College, Brandon Campus, located to the south of the Planned Development. East is Interstate- 75. WestofthesubjectsiteisRogerP.StewartCtr.,HerzingUniversity,Hotel,Commercial,andOffices.Northofthesite is an office park consisting of five buildings, and a hotel (Hilton Garden Inn, Tampa East / Brandon) located to the northeast.

The applicant's overall intent is to allow multi-family as an allowable use within Pods 3, 4a, 5a, 6, 7, 8, and 9. Commercial uses including free-standing retail is currently only allowed in Pod 3 within the Sabal Center DRI. The applicant also proposes to allow commercial and free-standing retail within Pods 4a, 5a, 6, 7, 8, 9 of the Sabal Center DRI. While free- standing retail is an allowable use, it is currently limited to 90,000-square-feet of free-standing retail and a maximum of 150,000-square-feet of total commercial uses. It should be noted that the applicant proposes to allow development of Pods 3, 4a, 5a, 6, 7, 8, 9 within the Sabal Center to be developed with any use specified with the Sabal Center DRI #98, Development Order (D.O.) based on the trip cap contained in the Sabal Center DRI D.O.

Regarding the proposal to expand commercial and free-standing retail from Pod 3 only to Pods 3, 4a, 5a, 6, 7, 8, and 9, Sabal Center currently allows maximum uses as specified in the DRI and allows for the uses to be exchanged via land

use trade off mechanism. There is a companion DRI modification to amend the tradeoff within and between Pods 3, 4a, 5a, 6, 7, 8, and 9, and the PD conditions are proposed to be modified to reference the DRI changes. The proposed second land use trade off mechanism based on the trip cap contained with the Sabal Center DRI D.O., is specifically for development within Pods 3, 4a, 5a, 6, 7, 8, 9 of the Sabal Center; thereby essentially resulting in net neutral transportation impacts. The applicant proposes to restrict the uses in phase 1 to a maximum of 25,910 daily trips or 3,770 peak hour trips. As a part of this amendment, the applicant is including the trip cap as a condition of the companion Development Order for Sabal Center. The applicant reviewed the impacts based on the trip cap from the DRI and found that "the remaining trips will cap the potential commercial/retail development at +/-143,000 square feet if the office and hotel are not redeveloped. If the decision is made to tear down the existing office and hotel, the maximum commercial/retail development on the property will be +/-316,000 square feet" for the subject Pods 3, 4a, 5a, 6, 7, 8, 9.

The proposal to add multi-family development as a use within the specified Pods (3, 4a, 5a, 6, 7, 8, and 9) is consistent with the Highland Park DRI which already allows multi-family development. Given that multi-family is an allowable use within the Highland Park DRI portion of the Planned Development, the request to add multi-family as an optional use within the Sabal Center Pods is in keeping with the uses within the PD. It should also be noted that multifamily within the specified Pods may be considered compatible with the existing predominant development pattern of office, and commercial uses within the Sabal Center DRI. Catercorner to Pod 3 of the PD (the northernmost Pod of the request) across the six-lane divided FDOT-maintained principal arterial roadway with a +/- 174-foot right-of-way for Dr. Martin Luther King, Jr. Boulevard is a gas station and other commercial establishments, behind which are single-family homes zoned RSC-6. The subject Pods of the request are substantially isolated from any single-family development and buffered behind non-residential development that may be complimentary to multi-family development.

The applicant provides justification in the application packet regarding adding multi-family within Pods 3, 4a, 5a, 6, 7, 8, 9 of the Sabal Center and expanding commercial as an allowable use within Pods 4a, 5a, 6, 7, 8, 9 of the Sabal Center including, "proposed changes will provide for a complete mix of uses for the employment center on Falkenburg Road. Currently, the Sabal Center PD/DRI serves as an employment center with opportunity for offices, retail, light industrial, and hotels; there are limited residential opportunities within the vicinity of this employment center. Providing for housing in proximity to employment, goods, and service improve the attractiveness of each of these uses. Incorporating multifamily residential within this development creates a complete community where shopping, work, and home are all within a short bike ride, drive, or walk within the Sabal community."

The applicant also proposes a maximum height of multifamily within Pods 3, 4a, 5a, 6, 7, 8, and 9 of up to a maximum of five stories and sixty (60) feet. Within the subject Planned Development, non-residential development is currently permitted a maximum height of 143 feet for hotels, and a maximum of 120 feet in height for offices, substantially exceeding the proposed 60 feet proposed for multi-family within the specified subject Pods of the Planned Development. The multi-family currently allowed within the Highland Park DRI, under different ownership, shall remain unchanged with a maximum of 3 stories and twenty-nine (29) feet in height, located on the north side of Dr. Martin Luther King, Jr. Boulevard. Adjacent development directly west across N. Falkenburg Road is a hotel with a maximum allowable height of 75 feet located in PD 03-0434.

The applicant has not requested variations from the general site development requirements found in Parts 6.05.00, Parking and Loading; 6.06.00, Landscaping, Irrigation and Buffering Requirements; or 6.07.00, Fences and Walls of the Land Development Code. The application does not request any variations to the Hillsborough County Land Development Code, nor any changes to the existing site plan.

Planning Commission staff finds the proposed Major Modification CONSISTENT with the Unincorporated Hillsborough County Comprehensive Plan, subject to the conditions proposed by the Development Services Department.

5.2 Recommendation

Based upon the above considerations, staff finds the request is APPROVABLE, subject to conditions

Zoning conditions were presented to the Zoning Hearing Master at the hearing and are hereby incorporated into the Zoning Hearing Master's recommendation.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on June 17, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Ken Tinkler 4221 West Boy Scout Blvd. testified on behalf of Citigroup Technology Inc. Mr. Tinkler showed graphics to describe the location of the subject property and the Citigroup campus which has thousands of employees. He stated that the PD and companion DRI was approved in the late 1990's and permitted a variety of land uses. He added that most of the campus has been built out but there are several pods that remain to be developed. Mr. Tinkler testified that the request is to add multi-family residential to the list of permitted uses and to grant greater flexibility for all of the permitted uses that the Citigroup owns. He stated that the request also proposes to add solar generation as a specific permitted use.

Ms. Shelby Fuente with Stantech Consulting Services testified on behalf of the applicant regarding land use planning issues. Ms. Fuente showed graphics to discuss the location of the project within the Sable Center DRI. She stated that there is a maximum vehicular trip count of 25,910 daily trips for Phase One. The permitted uses include office, research and development, light industrial. commercial retail and a hotel. She explained that the PD incorporates two DRI's which are the Sable Center DRI and the Highlands DRI. The Major Modification application applies to the parcels owned by the Citigroup Technology Group. Ms. Fuente testified that the Sable Center PD is primarily built out with the exception of Pod 3 in the northwest corner of Pod 8 in the southwest corner. The request is to add multi-family as a permitted use. She noted that the Highland DRI currently permits multi-family residential land uses. The modification also requests to add solar power generation as a permitted use for on-site consumption and not commercial use. The multi-family would be up to 5 stories in height at a maximum of 60 feet. The modification also proposes to remove condition 2 which limits freestanding retail and instead proposes for flexibility. The uses would be limited by the amended trade-off mechanism.

Hearing Master Finch asked Ms. Fuente to confirm that the vehicular trips are neutral for the land uses as the maximum cap is not being changed. Ms. Fuente replied that was correct.

Mr. Tinkler concluded the applicant's presentation by stating that the mitigation that was done for Phase One still applies.

Mr. Tim Lampkin of the Development Services Department, testified regarding the County staff report. Mr. Lampkin stated that the application is unique as there are two DRI's within the PD. He detailed the location of the site and surrounding area. The intent of the Major Modification is to add multi-family residential as a permitted use within certain Pods. He stated that currently, commercial is only allow in Pod 3. The applicant proposes to allow commercial and freestanding retail within the Sable Center DRI pods. He added that the commercial is currently limited to 90,000 square feet of freestanding retail with a maximum of 150,000 square feet in total. The land use trade off mechanism would be amended to allow the commercial in specified Pods resulting in a net neutral transportation impact. The uses within Phase I will be limited to a maximum of 25,910 daily trips or 3,770 peak hour trips. Mr. Lampkin concluded his presentation by stating that both planning staffs support the request.

Hearing Master Finch asked Mr. Lampkin about proposed Condition 13 and the asterisk under the height limit. Mr. Lampkin replied that the maximum height in Highland Park is 39 feet and that the maximum height for the proposed multifamily in Sable Center is 5 stories and 60 feet.

Ms. Alexis Myers of the Planning Commission testified regarding the Planning Commission staff report. Ms. Myers stated that the property is designated Urban Mixed Use-20 by the Future Land Use Map and is located within the Urban

Service Area and the East Lake Orient Park Community Plan. She described the existing entitlements and surrounding land uses and cited numerous policies that the request complies with. She concluded her presentation by stating that the addition of multi-family residential is consistent with Objective 36 regarding the importance of employment and housing opportunities and that the modification is consistent with the East Lake Orient Park Community Plan and the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. No one replied.

Hearing Master Finch asked audience members if there were any opponents of the application. No one replied.

County staff did not have additional comments.

Mr. Tinkler testified during the rebuttal period that the asterisk and footnotes in the conditions were to ensure that the changes pertained only to the Citigroup parcels and not to other entitlements.

Hearing Master Finch then concluded the hearing.

EVIDENCE SUBMITTED

Ms. Timoteo submitted a revised staff report into the record.

Mr. Tinkler submitted a copy of a resume into the record.

PREFACE

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

- 1. The subject site is 129.68 acres in size and is zoned Planned Development (96-0097). The property is designated UMU-20 by the Comprehensive Plan and located in the Urban Service Area and the East Lake Orient Park Community Planning Area.
- 2. The Planned Development (PD) is comprised of two Developments of Regional Impact (DRI). The Highland Park DRI, which is not the subject of the Modification, and the Sable Center DRI.
- 3. The Major Modification request pertains to parcels within the Sable Center DRI which are owned by the applicant, Citigroup Technology, Inc. The request is to add multi-family residential as a permitted use with a

maximum height of 5 stories/60 feet, add solar power generation as a permitted use, eliminate a condition that limits Pod 3 to a maximum of 150,000 square feet of commercial and instead allow commercial and freestanding retail in other Pods, and to amend the transportation land use trade off mechanism to provide flexibility in the use of the Pods. The result of the change to the tradeoff mechanism will be net neutral as the maximum number will not be amended.

- 4. No Planned Development variations or waivers are requested.
- The Planning Commission supports the modification and found it consistent with the East Lake Orient Park Community Plan and the Comprehensive Plan.
- No testimony in opposition was received at the Zoning Hearing Master hearing.
- 7. The Highland Park DRI which is located within the subject PD but not the subject Major Modification permits multi-family residential land uses. The proposed maximum height of the multi-family in the Sabal Center DRI is 5 stories/60 feet which is compatible with the surrounding office height maximum of 120 feet and the hotel maximum height of 143 feet.
- 8. The transportation impacts of the proposed Major Modification are minimal given the commitment by the applicant to maintain the already approved maximum trip cap.
- 9. The proposed modification to add multi-family residential, solar power generation, amend the commercial condition to permit freestanding retail and commercial uses in other specified Pods and reflect those changes in the tradeoff mechanism is consistent with the Comprehensive Plan and Land Development Code and compatible with the existing development pattern.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN

The Major Modification request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Major Modification to the Planned Development zoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The Planned Development (PD 96-0097) is comprised of two Developments of Regional Impact (DRI). The Highland Park DRI, which is not the subject of the Modification, and the Sable Center DRI.

The Major Modification request pertains to parcels within the Sable Center DRI which are owned by the applicant, Citigroup Technology, Inc. The request is to add multi-family residential as a permitted use with a maximum height of 5 stories/60 feet, add solar power generation as a permitted use, eliminate a condition that limits Pod 3 to a maximum of 150,000 square feet of commercial and instead allow commercial and freestanding retail in other Pods, and to amend the transportation land use trade off mechanism to provide flexibility in the use of the Pods. The result of the change to the tradeoff mechanism will be net neutral as the maximum number will not be amended.

The Highland Park DRI which is located within the subject PD but not the subject Major Modification permits multi-family residential land uses. The proposed maximum height of the multi-family in the Sabal Center DRI is 5 stories/60 feet which is compatible with the surrounding office height maximum of 120 feet and the hotel maximum height of 143 feet.

The transportation impacts of the proposed Major Modification are minimal given the commitment by the applicant to maintain the already approved maximum trip cap.

No waivers or Planned Development variations are requested.

The Planning Commission supports the request and found the Major Modification consistent with the East Lake Orient Park Community Plan and the Comprehensive Plan.

The proposed Major Modification is consistent with the Comprehensive Plan and Land Development Code and compatible with the existing development pattern.

RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 96-0097 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.

July 10, 2024

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine

Date



DEVELOPMENT SERVICES

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

August 22, 2024

BOARD OF COUNTY COMMISSIONERS

Donna Cameron Cepeda Harry Cohen Ken Hagan Pat Kemp Gwendolyn "Gwen" Myers Christine Miller Joshua Wostal

COUNTY ADMINISTRATOR

Bonnie M. Wise COUNTY ATTORNEY

Christine M. Beck

COUNTY INTERNAL AUDITOR

Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

RE: MM 24-0758

Citigroup Technology, Inc.

MLK Jr. Blvd. & Falkenburg Rd./Multiple Folios

Shelby Fuente Stantec 777 S. Harbour Island Blvd., Ste. 600 Tampa, FL 33602-5729

Dear Applicant:

At the regularly scheduled public meeting on August 13, 2024, the Board of County Commissioners approved your request for a Major Modification to Planned Development 96-0097, with the attached final conditions. Please keep this letter for your records.

If you have any questions, please contact Tim Lampkin, of my staff at <u>LampkinT@hcfl.gov</u>.

Sincerely,

J. Brian Grady

J. Brian Grady (Aug 22, 2024 15:06 EDT)

J. Brian Grady, Director Zoning Administrator Community Development Division

JBG/mn Attachments cc: File

FINAL CONDITIONS OF APPROVAL

PETITION NUMBER: MM 24-0758 MEETING DATE: August 13, 2024 DATE TYPED: August 13, 2024

Approval of the request, subject to the conditions listed, is based on the revised general site plan submitted May 21, 2024.

- 1. The development of the Project shall proceed in strict accordance with the terms and conditions contained in the Sabal Center and Highland Park DRI Development Orders, as amended, the General Site Development Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 2. The following are subject to modification at the election of the developer during Preliminary Site Plan reviews: lot sizes, internal access points, location of lakes, and alignment and width of internal roads except as specified herein.
- 3. All roads and lakes within the project shall be private, unless Hillsborough County accepts the dedication thereof.
- 4. The center line of internal access points shall be: (a) it least 150, feet from any external street right-of-way, and (b) at least 100 feet from the center line of any other internal access point.
- 5. Surface parking may be established within any setback area, but not within any open space areas designated on the General Site Development Plan.
- 6. The placement of decorative pavement on private roads shall be permitted.
- 7. Any approved land use may be located in any pod except as specified by the respective Development Orders and as specified herein.
- 8. Land uses within the development shall be restricted to those uses permitted by the Sabal Center and Highland Park DRI Development Orders, as amended.
- 9. All buildings shall be architecturally finished on all sides.
- 10. Minimum building setbacks are as follows: North of Martin Luther King, Jr. Blvd: setbacks from all exterior property lines of the project shall be 30 feet with one additional foot in setback required for each additional foot in height over 30 feet.
 - South of Martin Luther King, Jr. Blvd: setbacks from all exterior property lines of the project shall be 40 feet, unless otherwise stated. Setbacks for Pods 4A, 6 and 9 adjacent to I-75 shall be a minimum of 20 feet.
- 11. Minimum building setbacks from all internal roadways shall be 30 feet for Pods 4 and 5. Minimum building setbacks from all internal roadways shall be 15 feet for all other Pods.
- 12. Buildings shall be setback a minimum of 20 feet from one another.
- 13. The maximum height of structures shall be the following number of stories or maximum feet whichever is less (measured from the finished floor elevation):

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MM 24-0758

Land Use	Stories	Maximum Feet
Office	8*	120
Light Industrial	3	39
Service Center/Showroom	2	35
Hotel	11	143
Multi-Family	3**	39**
Commercial	2	35

^{*}except Pod 5 shall have a 12-story maximum or 156 feet in height.

An additional 10 percent of the height limits stated above shall be permitted for the construction of architecture features and roof-top mechanical/service equipment. If a parking garage is developed in Pod 10, the maximum height shall be 45 feet.

- 14. All uses shall be required to provide parking as established by the Hillsborough County Zoning Code effective July 1, 1995 (unamended).
- 15. A minimum of 35 percent of the total land area shall be reserved for landscaping and permeable open areas. Such area may include landscaped buffers, retention areas, landscaped islands, unpaved recreation or staging area and areas paved with permeable paving blocks, provided, however, that permeable paving blocks shall not constitute more than 25 percent of the total surface area of any individual Pod. On any individual Pod, within the project, a minimum of 20 percent of the Pods 4 and 5 shall remain as permeable open area, and 10 percent for all other Pods.
- Prior to Preliminary Site Plan review, the exact location of the pedestrian circulation system within such Preliminary Site Plan shall be determined, and the nature of the system shall be delineated on the Preliminary Site Plan prior to approval. The developer shall install said system within the subject parcel at time of issuance of certificates of occupancy. In addition, in instances where the adjacent parcel is a lake, or other common area, the developer shall extend the pedestrian system at least one-half of the distance between the subject parcel and the next adjacent buildable parcel to ensure, a connected pedestrian system. Developer shall have the option to construct portions of the pedestrian circulation system within the Conservation Area as appropriate to create a connected system, subject to obtaining necessary permits.
- 17. The developer shall provide sidewalks external to the project in the right-of-way area of the major roadway(s) bordering the project (MLK complete, Falkenburg Road complete, and Broadway). The exact location of said sidewalks shall be determined by the Development Services Department during Preliminary Site Plan Review. Prior to the issuance of the first Certificate of Occupancy for any Pod, the sidewalk shall be constructed along that portion of the exterior boundary of the project which is adjacent to such Pod. The sidewalk along the north side of Broadway shall be a minimum six feet in width.
- 18. The developer shall provide outdoor lighting internal to the project and shall further provide adequate lighting at all points of access to any public way from the site or sites.
- 19. The developer shall screen, prior to the issuance of Certificates of Occupancy, all mechanical equipment (for example, air), service areas, trash receptacles, dumpsters, from view from public places and

^{**}except Multi-Family structures located within Sabal Center shall have a maximum height of five (5) stories measured at a maximum of 60 feet

FINAL CONDITIONS OF APPROVAL PETITION NUMBER: MM 24-0758 MEETING DATE: August 13, 2024 DATE TYPED: August 13, 2024

neighboring properties through the use of features such as berms, fences, false facades, and dense landscaping.

- 20. The developer shall be required to utilize public water and public sewer and shall pay all costs to connect for service delivery. The developer shall submit to the Development Services Department (PGMD), prior to the issuance of Certificates of Occupancy, evidence of commitment from the City of Tampa Water Department and the Hillsborough County Department of Water to provide public water and public sewer services respectively. Additionally, the developer shall submit to the PGMD, prior to the issuance of Certificates of Occupancy, evidence of agreement to pay necessary costs pursuant to duly adopted City of Tampa and Hillsborough County ordinances and/or resolutions to enable the City of Tampa and Hillsborough County to provide public water and public sewer service delivery respectively.
- Any existing and proposed on-site lighting, including lighting within the parking area, shall be oriented so that the lighting on site will not illuminate off site in accordance with Section 2.7.5.11.2. of the Land Development Code.
- 22. Developer shall provide fire hydrant locations and minimum fire flow as required by the Hillsborough County Fire Department.
- 23. The number and location of access points shall be as indicated on the approved general site plan. No parcel shall have direct access to Martin Luther King, Jr. Blvd, Falkenburg Road, or County Road 574 (Broadway).
- 24. Project access on Martin Luther King, Jr. Blvd. for all development on the north side of Martin Luther King, Jr. Blvd. shall be limited to lot turn in. right turn in, and right turn out, unless otherwise approved by FDOT.
- 25. The developer shall be permitted to install: (a) decorative piers not less than 50 feet apart except adjacent to the entranceways and substantially as shown on the Phase I Entry Sequence Concept prepared by Ray Ashley and Associates dated March 20, 1996 along Martin Luther King Jr. Boulevard up to a maximum height of twelve feet, along Falkenburg Road up to, a maximum height of twelve feet, and not less than 150 feet apart along the entry and exit ramps to Interstate 75 and along project boundaries along Interstate 75 up to a maximum height of sixteen feet; (b) decorative entry wall structures that step up to a maximum height of twelve feet at the project entries adjacent to Martin Luther King Jr. Boulevard and up to a maximum height of twelve feet at the project entries Boulevard up to a maximum height of eight feet. The exact location of the decorative piers, walls, and fences along the edge of the subject property borders shall be subject to approval of FDOT and Hillsborough County, as applicable.
- 26. Development of the project shall comply with all applicable regulations of the Hillsborough County Environmental Protection Commission.
- 27. Within ninety days of approval by the Hillsborough County Board of County Commissioners of PRS 19-0144, the developer shall submit to the Development Services Department a revised General Development Plan for certification reflecting all the conditions outlined above.

FINAL CONDITIONS OF APPROVAL

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SABAL CENTER

The following conditions shall be applicable only to that portion of the project governed by the Sabal Center DRI Development Order (Pods I - 9 on the General Site Development Plan):

- 1. Sabal Center shall be restricted to office, research and development, light industrial uses, hotels, general retail and accessory support commercial uses. Specific uses within each of these general categories shall be restricted to those permitted respectively within the PD-O (Planned Development-Office), PD-RP (Planned Development-Research Park,), PD-I (Planned Development-Industrial) and the Retail Goods section of the PD-C (Planned Development-Commercial) zoning districts contained within the Hillsborough County Zoning Code (effective July 1, 1985. Multi-family and solar power generation for primarily on-site consumption shall also be allowed in Pods 3, 4a, 5a, 6, 7, 8, 9. Multi-family residential development shall comply with the dimensional standards for RMC-20 (Residential Multi-Family Conventional), except as modified within this PD.
- 2. Free-standing retail shall be of a unified design scheme exhibiting the following design criteria:
 - a. interconnected pedestrian system with the surrounding Sabal Center project;
 - b. provision of a pedestrian facility (i.e.: shade trees, tables, chairs, benches, trash receptacles); and,
 - c. the developer is encouraged, but not required, to provide other amenities including awnings and other outdoor overhead structures providing shade, public art, water features and drinking fountains.
- 3. The maximum amount of any use in Sabal Center shall be that specified in the Sabal Center DRI Development Order, as amended. POD(s) 3, 4a, 5a, 6, 7, 8, and 9 within Sabal Center may be developed with any use specified in the DRI Development Order based up the trip cap contained within the Sabal Center DRI Development Order.
- 4. The maximum Floor Area Ratio for all of Sabal Center shall be 0.69. In calculating the maximum Floor Area Ratio, each hotel unit shall be equivalent to 500 square feet. The Floor Area Ratio for individual Pods may exceed 0.69, so long as the cumulative Floor Area Ratio for all Sabal Center Pods (1 9) does not exceed 0.69.
- 5. A landscape buffer, a minimum width as shown on the General Site Development plan shall be provided along all exterior boundaries of Sabal Center South of MLK prior to issuance of certificates of occupancy for any development occurring within a Pod contiguous with said external project boundaries. Said landscape buffer shall retain all trees greater than 12 inches diameter at breast height within the minimum width required except within the 25-foot clear sight triangle adjacent to street intersections. Notwithstanding the 20 foot wide buffer depicted along Falkenburg for Pods 3, 7 and 8, all trees greater than 12 inches diameter at breast height within 30 feet of the Falkenburg PD boundary within these specified Pods shall be retained. That portion of Sabal Center north of Martin Luther King Boulevard shall provide a 50-foot wide open-space buffer along the western and northern boundary of Sabal Center. Vehicle parking and internal roadways shall not be permitted within these landscape and open space buffer areas. The Sabal Center developer or the designate thereof shall be responsible for maintenance of the buffer.

FINAL CONDITIONS MEET
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PETITION NUMBER: MM 24-0758 MEETING DATE: August 13, 2024 DATE TYPED: August 13, 2024

6. The Sabal Center portion of the project is permitted access to Bryan Road. If access to Bryan Road is pursued, the developer shall be responsible for and pay all costs in the upgrading of Bryan Road to a design and width appropriate for a road capable of handling the traffic expected by the project. Such upgrading shall include a sidewalk on both sides, appropriate intersection improvements, and include, when warranted, a signalized intersection at Falkenburg Road. All improvements shall meet minimum County standards and shall be completed as per the findings of the transportation analysis required in the Highland Park Development Order.

- 7. Two Bus shelters, including benches, lighting and trash receptacles, of a design and location acceptable to Hartline and the developer, shall be required and shall be the responsibility of the developer. They shall be installed by the developer on the north and South sides of Martin Luther King, Jr. Blvd, on public property after completion of the road widening improvements on Martin Luther King, Jr. Blvd. by FDOT or at two other locations mutually acceptable to both Hartline and the developer. The exact design, landscaping and size of each of the above referenced facilities shall be approved by Hartline and the developer prior to the site development plan approval for the parcels adjacent to or on which the bus shelters are to be located (complete).
- 8. The relocation of Queen Palm Drive (the internal access drive) between Pods 4A and 6 is subject to EPC approval and if the approval is not granted, then this access drive shall remain in its current location.
- 9. With each increment of development, the developer shall submit a traffic analysis that evaluates required Hillsborough County Land Development Code access improvements.
- 10. All Multifamily uses shall be subject to mobility fees. Mobility fee obligations may be satisfied in accordance with Sec. 40-78(a) of the Hillsborough County Code of Ordinances.
- 11. 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.
- 12. 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.
- 13. 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).
- 14. 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.

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HIGHLAND PARK

The following conditions shall be applicable only to that portion of the project governed by the Highland Park DRI Development Order (Pod 10 on the General Site Development Plan):

- 1. PERMITTED USES: The following uses shall be permitted on site:
 - a. the uses of the PD-RP zoning district.
 - b. As an alternative use, up to 557 multi-family residential dwelling units may be permitted subject to the requirements of the DRI Development Order.
 - c. Interim wastewater treatment plant as conditioned by PD-MU 86-95.
- 2. The maximum amount of any use in Highland Park shall be that specified in the Highland Park DRI Development Order, as amended.
- 3. The maximum floor area ratio (FAR) permitted shall be 1.0 and the maximum density permitted shall be 20 dwelling units per acre. In calculating the maximum Floor Area Ratio, each hotel unit shall be equivalent to 500 square feet.
- 4. The timing of all transportation improvements relating to Highland Park shall be based on revised developer submitted transportation analyses required for each increment of 50,000 square feet of office uses (or an equivalent in terms of external P.M. Peak Hour trips). For administrative purposes, the developer shall submit a revised General Site Plan indicating the square footage amount currently approved on site along with the additional amount currently seeking approval with each revised transportation analysis.
- 5. The developer shall provide cross access to the north. All future construction plans (or equivalent) pertaining to this area shall indicate such cross access. However, in the event that the developer provides evidence that the user(s) of said area requires secured property with no public through access, such cross access shall not be required.
- 6. If signals should be warranted at the intersections of Falkenburg Road & Sabal Center North Driveway and Falkenburg Road & Bryan Road, as shown in the transportation analysis, the developer shall install, at his expense, and with the concurrence of the County, a signal(s) and appropriate interconnects to adjacent signals. The placement and design of the signal(s) shall be subject to approval by Hillsborough County Engineering Department.
- 7. With regard the Martin Luther King, Jr. Blvd. if required by FDOT, and if warranted, the developer shall provide, at his expense, additional left turn storage lanes of sufficient length to accommodate anticipated left turning traffic. The design and construction of these left turn lanes shall be subject to FDOT approval.
- 8. The Highland Park portion of the project shall provide access to Bryan Road. The developer shall be responsible for and pay all costs in the upgrading of Bryan Road to a design and width appropriate for a road capable of handling the traffic expected by the project. Such upgrading shall include a sidewalk on both sides, appropriate intersection improvements, and include, when warranted, a signalized intersection

FINAL CONDITIONS OF APPROVAL PETITION NUMBER: MM 24-0758 MEETING DATE: August 13, 2024 DATE TYPED: August 13, 2024

at Falkenburg Road. All improvements shall meet minimum County standards and shall be completed as per the findings of the transportation analysis required in the Highland Park Development Order.

- 9. The following intersections improvements are to be constructed at developer's expense and the timing of the improvements shall be completed as per the findings of the transportation analysis required above:
 - Falkenburg Road and Martin Luther King Jr. Boulevard
 - Add one southbound through lane
 - Falkenburg Road and Sabal Center North Driveway
 - Add one southbound left turn lane and provide two westbound driveway approach lanes;
- 10. The Highland Park developer stall provide a 50-foot wide open-space buffer along Bryan Road prior to issuance of certificates of occupancy for any development occurring within the area contiguous to said buffers. This landscape buffer area shall retain all trees within this area except within the 25-foot clear sight triangle adjacent to street intersections. Vehicle parking and internal roadways will not be permitted within this open space buffer area. The Highland Park developer or the designate thereof shall be responsible for maintenance of the buffer.
- 11. To satisfy paragraph F .1. of the Highland Park DRI Development Order, as amended, the Highland Park developer shall set aside and preserve a minimum of three acres of the woodland pastures and pine-mesic oak upland vegetative, communities as indicated on the General Site Development Plan. In addition, the developer shall provide a minimum of five acres of similar habitat either within the adjacent Sabal Center project or in an upland mitigation bank approved by the County or a combination thereof. If the mitigation bank option is utilized, the developer may contribute to an appropriate fund in lieu of acquiring property. The five acre set aside portion of this condition shall be satisfied prior to the first preliminary plan approval within the boundaries of the Highland Park project.

TUESDAY, AUGUST 13, 2024

Request: Rezone to PD

RECOMMENDATION:

ZHM: Approval

DS: Approvable, Subject to Conditions

PC: Consistent with Plan

Mr. Grady spoke to the item. Ms. Ava Russo, applicant representative, gave a presentation. Ms. Melissa Lienhard, PC, and Senior Assistant County Attorney Johanna Lundgren Bailey gave PC/ZHM recommendations.

Commissioner Kemp moved approval, seconded by Commissioner Wostal, and carried seven to zero.

PUBLIC HEARINGS - RELATED ITEMS

Comp Plan:

G.1.A. DRI 24-0030 CITIGROUP TECHNOLOGY INC - Staff recommends that the Board of County Commissioners (BOCC) approve the proposed changes for the Sabal Center of Regional Impact (DRI). Staff recommends approval in accordance with the attached resolution. This recommendation is based, in part, on the Sabal Center DRI Map H received on April 15, 2024. Folios eligible for Phase 1 trip limited entitlement land use exchange have been added to Map H. No other changes are proposed for DRI Map H. This development order amendment is accompanied by related zoning application, MM 24-0758.

Mr. Grady introduced Items G.1.A. and G.1.B. Attorney Kenneth Tinkler, applicant representative, delivered a presentation. Chair Hagan called for public comment; there was no response. After inquiring on the intent of the apartments for CITI Group employees, Commissioner Wostal moved for approval, seconded by Commissioner Kemp, and carried seven to zero. (R24-059)

G.1.B. Application Number: MM 24-0758

Applicant: CITIGROUP TECHNOLOGY INC

Location: SE Corner of E Martin Luther King Blvd & Falkenburg Rd Intersection.

Folio Number: 65683.5010, 65683.5030, 65683.5062,

65683.5100, 65683.5302, 65683.5304,

65683.5306, 65683.5310, 65683.5312,

65683.5314, 65683.5316 & 65683.5318

Acreage: 129.68 acres, more or less

UMU-20

Service Area: Urban

TUESDAY, AUGUST 13, 2024

Community Plan:

Existing Zoning:

Request:

RECOMMENDATION:

ZHM:

DS: PC:

East Lake Orient Park

PD (96-0097)

Major Modification to PD

Approval

Approvable, Subject to Conditions

Consistent with Plan

Action taken with Item G.1.A.

G.2.A. Application Number:

> Applicant: Location:

Folio Number:

Acreage: Comp Plan: Service Area:

Community Plan:

Existing Zoning:

Request:

RECOMMENDATION:

ZHM:

DS: PC:

RZ-PD 24-0044

EPG1, LLC

NE & SE Corners of S US Hwy 301 & Saffold Rd, & 3650ft S of W Lake Dr

& E Side of the Street. 77960.0000, 79636.0000, 79636.0060, 79636.0020 & Multiple

646.95 acres, more or less

WVR-2 Rural

Wimauma SouthShore Areawide &

Systems

PD (19-0102) & AR

Rezone to PD

Approval

Approvable, Subject to Conditions

Consistent with Plan

Mr. Grady introduced the item. Attorney Kamala Corbett, applicant representative, gave a presentation. Chair Hagan called for public comment; there was no response. Ms. Leinhard and Attorney Lundgren Bailey gave Subsequent to remarks, Chair Hagan sought a PC/ZHM recommendations. motion for both Items G.2.A. and G.2.B. Commissioner Myers moved for approval, seconded by Commissioner Wostal, and carried seven to zero.

G.2.B. CDD 24-0559 PETITION TO EXPAND THE BERRY BAY COMMUNITY DEVELOPMENT DISTRICT (CDD) - Approve expansion of the Berry Bay Community Development District (CDD) in accordance with the attached ordinance. No direct financial impact to the County will occur as a result of this petition. Of the total of \$7, 920,000 budgeted for development costs for the expansion parcel, it is estimated that \$4,355,000 (or about 54%) of development costs will be funded with long-term CDD bond proceeds.