

## Rome, Ashley

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**From:** Hearings  
**Sent:** Wednesday, November 30, 2022 9:04 AM  
**To:** Timoteo, Rosalina; Rome, Ashley; Heinrich, Michelle  
**Subject:** FW: Application # 22-0865  
**Attachments:** Letter of Opposition revised.docx

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**From:** Melanie Watkins-Patel <melanie\_r\_watkins@msn.com>  
**Sent:** Tuesday, November 29, 2022 8:34 PM  
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**Subject:** Application # 22-0865

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To whom it may concern,

As per the Zoning Hearing Master Letter of Notice, Sweetwater Homeowners Association hereby submits this letter of opposition to be given consideration in the preparation of development services staff final report to the Zoning Hearing Master.

Respectfully Yours,

*Melanie Watkins-Patel  
Representing Sweetwater Creek Property Homeowners Association*

**Letter of Opposition**

to Proposed Rezoning and Development RZ PD 22-0865.

5500 Memorial Hwy, Tampa: Folio # 11994.0100

**Dear Hearing Master:**

The Sweetwater Creek Property Owners Association (SCPOA) opposes the proposed rezoning and development RZ PD 22-0865 at 5500 Memorial Hwy, with frontage on Sweetwater Creek waterway. The community objects to this development on both legal and policy grounds. The objections are based on the requested variances to County regulations and policies, (**Hillsborough County Comprehensive Plan, Local Mitigation Strategy, and County Level of Service Reports.**)

1. Commercial Apartment Classification

1.1 Coastal High Hazard Area

1.1.1 Direct Contradiction to CHHA Policy

1.1.2 Evacuation Clearance Times

1.1.3 Shelter Capacity

1.2 Traffic Implications

1.2.1 Memorial Highway currently rated Grade "F"

1.2.2 Impacts to Traffic during Emergency Evacuation

1.3 Environmental Impacts

1.3.1 Nitrogen and Phosphorous Storm water Runoff

1.3.2 Increased Temperature Runoff

1.3.3 Flooding Potential

2. Requesting Density incentives/credits

2.1 Higher density in CHHA

2.2 Higher density on "F" rated road

2.3 Compatibility with Surrounding Area

3. Creating appropriate setbacks

3.1 Environment Impact – Impervious Space

3.2 Privacy

1. Commercial Apartment Classification

The Scottish Rite Temple Association, in partnership with private real estate development corporation, the Onix Group (hereafter referred to as the "Applicant") is requesting a Res-20 Future Land Use (FLU) category. The apartment complex slated for 5500 Memorial Highway, an 8.46-acre tract is currently developed with the Scottish Rite Temple and a parking lot. The applicant is proposing development of a 25,000 square foot temple, and 313,600 SF dense residential development. The primary structure on the proposed PD is a 275-unit, five story apartment complex located along the Sweetwater Creek waterfront. The applicant is requesting to classify the residential apartment complex as **Commercial Apartments**. The applications justification for this request states they will provide a "means of furthering attainable housing and promote vertically mixed-use development" The applicant is asserting that the non-residential use (fitness center, office, and mini storage) is open to the public. However, the plan indicates the first floor is for residential parking. Non-residential is defined as a building or structure of any kind whatsoever, used designed or intended to be used for other than residential. A parking lot for residents is clearly residential use. Using a simple calculation of 1.5 parking spots per unit and 275 apartments would clearly consume most, if not all, of the first story. The applicants plan fails to demonstrate how this first story, already nearly fully occupied by residential will also accommodate a public fitness center and a commercial storage facility. The applicant has stated "the entire first story as non-residential uses

open to the public". This is **inconsistent** with the definition of a commercial apartment as stated in Hillsborough County Municipal Code Sec 6.11.16.

Municipal Code: Sec 6.11.16 Apartment, Commercial states:

To further the provision of **affordable housing and promote vertically mixed-use development in certain commercial and office zoning districts**, commercial apartments shall be allowed in the BPO, CN, CG, SPI-UC-1 and SPI-UC-2 zoning districts, as well as in PD (Planned Development) zoning districts which generally permit such district uses. Commercial apartments shall meet the following criteria

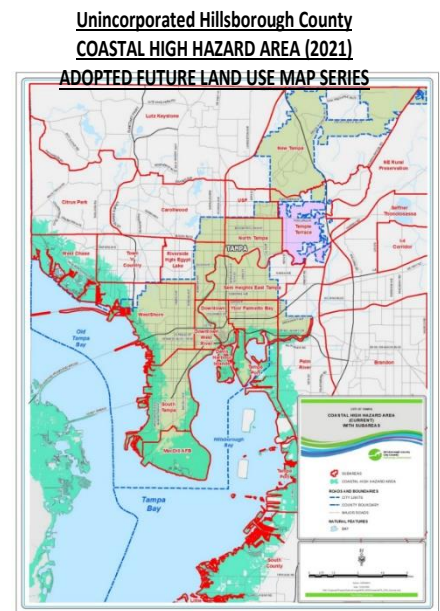
Commercial apartments shall be located within a building containing a nonresidential use. **The entire first story of the building shall be devoted to nonresidential use only, apart from entrances, stairways, elevators, and mechanical equipment serving the commercial apartments.** Commercial apartments shall be regulated on the basis of floor space rather than units per acre. Floor space devoted to commercial apartments shall contribute to site FAR (floor area ratio) calculations as follows. In cases where the commercial apartment space does not exceed 6,000 square feet or the amount of nonresidential floor space within the building, whichever is less, the commercial apartment space shall be excluded from site FAR calculations. In cases where the floor space devoted to commercial apartments exceeds 6,000 square feet or the amount of nonresidential floor space within the building, whichever is less, the amount of commercial apartment space in excess of the lesser figure shall be included in site FAR calculations. In all cases the nonresidential floor space in the building shall fully contribute to site FAR calculations.

The applicant has requested a Res-20 permit, which for residential apartments, calculates the capacity of the property as **Dwellings Units per Gross acre (DU/GA)**. This request for commercial apartments will cause the land capacity calculation to switch from DU/GA to **Floor Area Ratio (FAR)**. Floor Area Ratio Calculation allows for an increase in the number of units the complex is allotted. In this scenario, a Res 20 permit for a residential apartment complex would be **169 units**. By asking for a variance to classify the building as commercial, it is allowing the number of units to **over 1.6 times** their request to **275 units**. Due to the fact that they do not fit the County's definition of commercial apartments, the appropriate calculation for the residential building should be DU/GA. Approving the requested variance would cause an increase in density, which will lead to subsequent issues discussed below:

## 1.1 Implications of Density Increase in Coastal High Hazard Area (CHHA)

### 1.1.1 Direct Contradiction to CHHA Policy

This proposed development site lies **WITHIN** the **Coastal High Hazard Area (CHHA)** and this variance request to classify the residential apartments as commercial is in clear contradiction to the **Coastal Management Objectives and Policies** of the county including Comprehensive Plan Policy 7.3 which states **"flexes to increase residential density are not permitted in the Coastal High Hazard Area."** The goal of this CHHA policy is **to reduce density** in this area so fewer people in these areas are placed in danger and need to be evacuated. This proposed development is clearly located in a CHHA as seen in **2021 Coastal High Hazard Area Map** to the right. To increase density would be in **direct contradiction** to CHHA guidelines and would place residents at risk by increasing the population in an already high-risk area.



### 1.1.2 Evacuation Clearance Time

A density increase in a CHHA would increase the evacuation clearance time of this area. Per Policy 3.2.4 in the Hillsborough County Comprehensive Plan, **“Maintain evacuation clearance time standards on and protect from flooding, all identified major evacuation routes maintained by the County.”** As seen in the map to the right, Memorial Highway is Route B of the Hart Bus Evacuation Route.

Per **Policy 11.15** of Hillsborough County’s **Development in Coastal High Hazard Area Plan**:

“Hillsborough County’s Level of Service for out-of-county hurricane evacuation (Intrastate Movements) for a category 5 storm is 28 hours – consistent with the Tampa Bay Region, Hurricane Evacuation Study 2006, Tampa Bay Regional Planning Council, September 2006. **No plan amendment within the Coastal High Hazard Area that increases density shall be approved that would exceed a 16-hour evacuation Level of Service for a category 5 storm** unless the increase in density is mitigated pursuant to accepted techniques; whereby, the mitigation technique accepted will maintain the evacuation clearance time **at, or less than, the 16-hour limit.**” According to studies in this report “for Hillsborough County, that exceedance starts around Category 3, as the clearance time increases to 30 hours (2017 Base Scenario). The study estimated that by 2020, the evacuation time is expected to increase to **34.5 hours.**”

The variance to allow the building to be classified as a commercial property would increase the density more than 1.6 times what should be allowed in a CHHA. The evacuation clearance time is **already exceeding the standard**. Not only should we not allow this exception, we do not want to set a precedent allowing development beyond the current standards.

### **1.1.3 Shelter Capacity**

According to data from the Office of Emergency Management, there are 6 shelters in the Hillsborough County with a total capacity currently of 7,458 people. Based on estimations on FEMA’s website, “Shelter Demand: The estimated percentage or number of people in a population who will require mass care services in public shelters. A general rule of thumb is to plan for approximately **10-15 percent of the population**, but this can vary widely based on socioeconomic factors, hazard specifics, and other variables.” As Hillsborough county’s current population is 1,532,120 people, 15% being 229,818. Our current sheltering capacity in this county is well below what we may need in the event of a natural disaster. The Coastal Management Element from Plan Hillsborough’s objective is to ensure, “**...adequate public hurricane shelter space is available to coastal inhabitants, that levels of service on coastal evacuation routes do not deteriorate**, such that safe and timely evacuation is adversely impacted, that water-dependent and water-related land uses are given priority, that public expenditures do **not encourage growth in coastal high hazard areas**, and that public decisions will include consideration of coastal hazards in each land use and public infrastructure decision-making process.” As stated, we currently do not have enough shelter capacity in the event of a natural disaster. We are asking the County not to allow planned developments in Coastal High Hazard areas that are exceeding the density requirements set forth by our district.

### **Impact to Increasing Density in Coastal High Hazard Area**

“Tampa Bay is the most vulnerable metro area in the nation to storm surge floods...” by Karen Clark and Co (KCC) a Boston based firm that specializes in modeling potential property damage from natural disasters. Comprehensive Plan 3.1.14 states **“Consider measures to mitigate flood and storm surge risk to new structures and provide incentives to move development out of high-risk areas such as the existing/pre-development 25-year floodplain, such as but not limited to transfer of development rights or clustering.”** We must increase compliance with our County policies, not retreat from them. By allowing this property to be labelled as a **Commercial Apartment**, we are allowing a high density complex in an area that cannot afford the underlying costs. In a CHHA, more residents, increased evacuation time, and shelters without enough capacity would hinder the safety for our community.

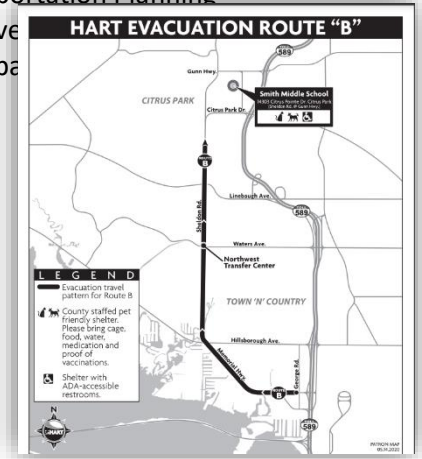
## 1.2 Implications of Density increase to Traffic

### 1.2.1 Memorial Highway currently rated "F"

According to the 2020 Hillsborough County **Level of Service Report** Memorial Highway is currently rated an "F" for its Daily Level of Service (LOS) and is 7% beyond road capacity. There is no traffic light at this location and, according to prior discussions with representatives of Hillsborough County's Transportation Planning Organization (TPO), no plans currently exist to widen Memorial Highway. At the level currently rated, we cannot add additional traffic to a road that is already above capacity.

### 1.2.2 Impacts to Traffic during Emergency Evacuation

As stated above Memorial Highway is beyond capacity on a normal day. Emergency Situations will only further exacerbate the worst-case scenarios. Hillsborough County Comprehensive Plan 3.2.1 states **"Utilize the Florida Statewide Regional Evacuation Study For Tampa Bay when determining if proposed developments or redevelopments will cause roadways to fall below acceptable level-of-service standards for hurricane evacuation and if sheltering needs are met."** The HART map to the right illustrates that Memorial Highway is a main evacuation route for bussing people out of the city during emergency preparedness. Adding more residents and inevitably more traffic to this area is not an option for the current residents in crisis.



## 1.3 Implications of Density Increase on the Local Environment

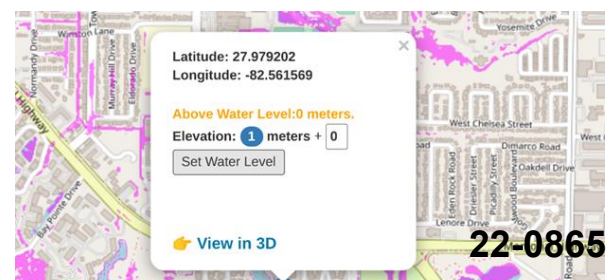
The Applicant has requested a 90% maximum for Impervious Space for this project. By increasing areas of buildings and parking lots, you will be causing irreparable harm to this ecosystem. As this property is located directly adjacent to the Sweetwater canal, this leads to less absorption and filtering of rainwater that will now drain directly into nearby waterways.

**1.3.1 Nitrogen and Phosphorous Storm water Runoff** - USGS.gov website, an official US Government website, sites that "Excessive amounts of nutrients (phosphorus and nitrogen) in storm water runoff can accelerate the effects of eutrophication in urban streams and lakes, leading to algal blooms which can block sunlight for aquatic plants, clog the gills of fish, reduce levels of dissolved oxygen, and produce toxins that are harmful if ingested." Nitrogen and Phosphate can be found in runoff from fertilizers, yard and pet waste and certain soaps and detergents. Mote.org states that **"From late 2017–early 2019, a massive Florida red tide bloom killed nearly 600 sea turtles, more than 200 manatees and 204 dolphins, while severely diminishing communities' quality of life along west Florida."** An increase in the amount of parking lots and buildings in this area will only decrease the amount of storm water filtration for our canal. This could cause irreversible harm to the health of the Sweetwater canal and its inhabitants.

**1.3.2 Increased Temperature of Runoff** - Another issue decreased absorption of rainwater can create is the increased temperature of the storm water runoff. Lidcertification.org asserts, "Impervious surfaces that are warmer than the rainfall changes the temperature of the runoff. Very warm runoff can create a thermal shock that harms or kills fish and microorganisms living in streams, wetlands, and along the lake's edge." The request to have 90% max impervious surface will not allow for adequate filtration of the water which can lead to warmer than normal runoff that can also increase the potential for algae.

**1.3.3 Flooding Potential** – With only 10% of the lot being used to absorb the runoff from the frequent storms in the Tampa Bay area, another potential threat is flooding. As cited on

### Proposed Site 1 Meter elevation above water level.



USGS.gov, "... in a developed watershed, much more water arrives into a stream much more quickly, resulting in an increased likelihood of more frequent and more severe flooding." This does not comply with **Comprehensive Plan 1.1.9** citing, "Identify priority areas for land acquisition based on their strategic capacity to absorb floodwaters and support coastal ecosystem migration in order to reduce loss to flooding." As the current property is only 1 meter above sea level, (citing map to the right) it is already vulnerable to flood waters but decreasing the amount of absorbent surface area will only lead to additional issues in this region.

**Impact to Increasing Density on our Local Environment**

Allowing this variance of classification of Commercial Apartments will only further **degrade our local ecosystem**. Harmful chemicals and increased water temperature will contribute to a breeding ground for more algae to grow in our canal. Wildlife, aquatic life, plant life, and the local community depend on the parameters set forth by our county to ensure that we are making good decisions, not just for adding new development, but also for protecting what already exists.

**2. Requesting Density Incentives/Credits**

In the application, the Applicant cites Section 6.11.16 and references that the County should make incentives because they are adding "further attainable housing." They should not be given density bonuses/incentives, nor should they be allowed an exception to the definition of **Commercial Apartments** based on this inferred misrepresentation of attainable housing and vertical mixed use." The requested exceptions to County code allowing **twice the density** are not warranted and should be scrutinized even more based on two additional factors.

**2.1 Higher Density in CHHA**

The property is located in a CHHA. As stated previously, this is in direct contradiction with Hillsborough County Comprehensive Plan 7.3 which states, "**flexes to increase residential density are not permitted in the Coastal High Hazard Area.**"

**2.2 Higher Density on "F" Rated Road**

We also should not be looking to place a high-density community on Memorial Highway, which as stated in earlier arguments is rated "F" for its Level of Service.

**2.3 Compatibility with Surrounding Area**

The Planned Development is located within the RES-20 Future Land Use (FLU) categories and within the Town & Country Community Plan Area which allow for residential uses at maximum density of 20 DU/GA (169 units.) The Applicant, by classifying the apartments as Commercial is proposing with this variance **33 DU/GA**.

The property is located within an urbanized area of Hillsborough County, and its proposed high density, high intensity redevelopment will be incompatible with the surrounding Future Land Use RES-6 and RES-20 categories (see FLU Map, pg. 3). The Property is surrounded by multi-family and single-family residential uses, Sweetwater Creek, and a public golf course. The following chart lists the surrounding neighborhoods and their DU/GA:

Single Family	# of Dwellings	Total Acreage	DU/GA
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Sweetwater	129	48	2.7
Pelican Island	85	33.5	2.5
The Cove at Rocky Point	56	15	3.7
Dana Shores	330	91	3.6

<b>Apartments/Townhomes</b>	<b># of Dwellings</b>	<b>Total Acreage</b>	<b>DU/GA</b>
Waterview Apartments	288	17.8	16
Captiva Club Apartments	337	19.72	17
Audubon Apartments	368	25.28	14
Sweetwater Terrace	28	Approx 1.87	15

The proposed Planned Development (PD) is **inconsistent** with the following objectives and policies of the Hillsborough County Comprehensive Plan Future Land Use:

**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.

**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 16.5:** Development of higher intensity non-residential land uses that are adjacent to established neighborhoods shall be restricted to collectors and arterials and to locations external to established and developing neighborhoods.)

**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.

**Impact to Increasing Density on Compatibility of Surrounding Area**

The proposed density is incompatible with surrounding single-family neighborhoods to the west and south. The proposed PD does not provide appropriate transition of density from the moderate density, multi-family development to the east, and the lower density, single-family uses to the south and west. Beyond concerns over the location of the PD site, there would not be appropriate transition in scale into the adjoining commercial and multi-family neighborhoods that have lower development intensities and building heights (Objective 1.1.2.3., Policy 16.5). The historical development pattern in this portion of Rocky Point has been RES-06 and RES-20 (see FLU Map, pg. 3).

The proposed Mixed-Use PD would not be located adjacent to, or across from, the roadway from an existing Urban Mixed Use land category anywhere near this density or intensity making it incompatible with existing

uses (Objective 1.1.2.2., Policy 16.3). Approval of this proposal rezoning would also counter Hillsborough County review criteria for Objective 1.1.2.4., Policy 16.8, which states the “density and lot sizes of new residential projects shall reflect the character of the surrounding area.”

### **3. Creating Appropriate Setbacks**

The Applicant is requesting setbacks that do not meet the zoning district standards. With a 60-foot-tall building max that is requested on the Applicant’s Site Plan, the standard calculation by the county would have the minimum of a 100 foot setback from the property line. As cited in their application, “... **the applicant is requesting a waiver to the requirement of providing an additional 2-foot setback for every foot above 20 feet. This waiver to provide a 50-foot setback will not cause compatibility concerns as the development to the east is developed with at least a 60-foot setback.**” The request to start the metric at the neighboring community’s buildings (Waterview apartments), in lieu of their property line, is incongruent to the definition of a setback. It should start at their property line, not 60 feet into the neighboring community’s property line. This also does not address the setback on the west side of the property (Sweetwater canal), where they are requesting only a 10-foot setback, **a 90-foot waiver**. This request is not compatible with the Hillsborough County Comprehensive Plan section 2.1.9 **"Evaluate shoreline setbacks and identify the potential for updates to protect vulnerable structures from the effects of long-term sea-level rise."**

These requests are inconsistent with the zoning district standards as well as the Comprehensive Plan and would set a precedent to allow structures to be built directly adjacent to seawalls and property lines. This requested waiver will create additional issues as listed below:

#### **3.1 Environmental Impact- Impervious Space**

Allowing the applicant to extend building parameters (Buildings, parking lots, etc.) as close to the property lines as possible will allow them to create more impervious space for the property. As we stated in earlier arguments, the correlation between increasing impervious space and the increase in run off will only lead to harming the neighboring eco system. It can also create flooding concerns as there is no place for the storm water to absorb back into the soil.

#### **3.2 Privacy**

One of the reasons that communities require setbacks from the property line is privacy. By allowing the applicant this waiver, you will be permitting a high density, multistory building to be placed at **90 feet** from the neighboring apartment complex, in lieu of 135 feet. That is **70 feet** closer than what the county parameters recommend.

### **Impact to Requested Setback Waivers**

By granting the applicant the proposed setbacks, the County will be allowing a development to be constructed too close to the property lines on the east and west borders. In requesting these minimal setback amounts, the applicant does not appear to have any regard for the consequences a 90% impervious surface will do to the bordering canal. They also do not seem to be concerned for the privacy of their neighbors to the east. They have however, stated in their request that maximizing the number of dwellings on the property is of main concern to ensure that the project is profitable. As concerned constituents and neighbors, we want to ensure that profitability is not put before our environment or our residents. County Standards are put in place to ensure that our natural habitats are preserved as well as improving our county. We do not feel that the setbacks proposed by the applicant are appropriate nor will they improve our neighborhood.

### **Conclusion**

In conclusion, the Sweetwater Creek Homeowners Association requests that you reject this application on its face. The plans as presented to us thus far have been in direct contradiction to Hillsborough County Standards and Policies. Approval of the variances and waivers for Commercial Apartments, Density Bonuses and Setbacks will allow the



applicant the opportunity to add a complex that will **double property density levels in a Coastal High Hazard Area, increase traffic, negatively impact our ecosystem, increase Evacuation Clearance times, create privacy concerns**, and is overall not **compatible with our existing neighborhood**. As the application is presented, as well as our meeting with the Onicx representatives, we do not see a compromise at this time. We would request this application to be rejected and a new plan presented that falls within the guidelines of Hillsborough County to create a more cohesive neighborhood.

## Citations

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