



DOAR

Development Order Amendment Report

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DRI #157 - TRINITY COMMUNITIES PINELLAS COUNTY PORTION ONLY

On May 12, 2011, Pinellas County rendered Resolution No. 11-31 to the Tampa Bay Regional Planning Council. The Resolution constitutes a rescission of the Development Order associated with the Pinellas County portion of the Trinity Communities DRI. This Resolution was adopted by the Pinellas County board of County Commissioners on April 26, 2011.

It is unclear, at this point, whether the Pasco County Board of County Commissioners will be adopting a companion/corresponding Development Order amendment to recognize the removal of the Pinellas County portion of development.

BACKGROUND

On December 19, 1989, Pasco County granted a Development Order (Resolution No. 90-56) to Adam Smith Enterprises, Inc. for a 3,685.81-acre, mixed-use development located on two non-contiguous parcels in Pasco and Pinellas Counties. Pinellas County adopted a similar Development Order (Resolution No. 89-512) on December 5, 1989. The 3,448.3-acre Pasco County tract is located along the County line, south of State Road 54, between Gunn Highway and Seven Springs Boulevard. The Pinellas County tract is located along the County line, west of County Road 77/Seven Springs Boulevard and north of the abandoned SCLRR right-of-way.

Nine amendments to the Development Order have been subsequently adopted for each County, the latest occurring on November 16, 2010 (Resolution No. 11-65/Pasco County) and January 25, 2011 (Resolution No. 11-8/Pinellas County). The amendments have cumulatively: modified the project acreage; reconfigured several parcels; altered the timing and mitigation associated with the Little Road transportation improvements; extended the Phase 1 buildout date by an additional ten years (to December 13, 2016) [and 14 years for transportation concurrency purposes only (to December 13, 2020)]; added 135,680 sq. ft. of Medical Office and 115 single-family residential units to Phase 1 as a newly-created Phase 1A; reduced Phase 1 commercial/retail use by 31,452 sq. ft. (to 291,948 sq. ft.); clarified that the 696,400 sq. ft. of "Commerce Park" space actually consists of 160,144 sq. ft. of "Commerce Park/Light Industrial" and 536,566 sq. ft. of "Commerce Park/Office" uses; amended the definition of permitted uses within the "Commerce Park" designation recognized in the Development Order; recognized a reduction in Pasco County transportation impact fees; extended the frequency of required reporting from "annual" to "biennial"; and corresponding Development Order amendatory and Master Development Plan modifications. The Development Orders each expire on December 13, 2020.

DEVELOPMENT ORDER RESCISSION

The Trinity Communities DRI was comprised of land and entitlements located in both Pinellas and Pasco Counties. Separate but consistent Development Orders were adopted by each of these jurisdictions and had governed the project. Resolution No. 11-31 authorized rescission of the Development Order associated with 260± acre Pinellas

County portion only. In terms of project entitlements, this parcel consisted of only a 130 single-family unit “Grey Oaks” subdivision, of which 83 units have been constructed.

DISCUSSION

It is hereby stated that the rescission was not accomplished through the Notice of Proposed Change process but rather authorized administratively by Pinellas County, with the prior knowledge and consent of the state land planning agency and staff of the Tampa Bay Regional Planning Council, under the auspices of Sections 380.06(29)(e) and 380.115(1), F.S. These citations read as follows respectively:

“In an area that is exempt under paragraphs (a)-(c) [i.e. classified as a dense urban land area], any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1).” [underlined to express emphasis]

“A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact. A development that has received a development-of-regional-impact development order pursuant to s. 380.06, but is no longer required to undergo development-of-regional-impact review by operation of a change in the guidelines and standards or has reduced its size below the thresholds in s. 380.0651, shall be governed by the following procedures:

(a) The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in paragraph (b).

(b) If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed.” [a pre-determination had been made by Pinellas County that the mitigation associated with existing development had been completed, as stated in the Resolution]

Following removal of the 130 single-family units from Phase 1, the following constitutes the **revised** Phasing Schedule for the Trinity Communities DRI with all entitlements located within Pasco County:

LAND USE	TYPE OF MEASURE	PHASE 1 (thru 12/13/2016)	PHASE 1A (thru 12/13/2016)	PHASE 2* (thru 12/13/2022)	TOTAL*
Residential					
Single-Family	Units	4,087	115	1,101	5,303
Multi-Family	Units	911	0	2,223	3,134
Mobile Homes	Units	0	0	1,235	1,235
Commerce Park					
Office	Sq. Ft.	536,556	0	0	536,556
Industrial	Sq. Ft.	160,144	0	0	160,144
Mixture**	Sq. Ft.	0	0	717,800	717,800
Commercial	Sq. Ft.	291,948	0	809,600	1,101,548
Office	Sq. Ft.	0	0	43,320	43,000
Medical Office	Sq. Ft.	186,000	135,680	0	321,680
Nghbd. Center Office	Sq. Ft.	0	0	60,000	60,000
Hospital	Beds	240	0	0	240
Life Care Center	Units	840	0	0	840

* - Specific approval of Phase 2 is contingent upon further Chapter 380.06, F.S. transportation analysis.

** - Conceptually-approved Phase 2 "Commerce Park" uses are assumed to consist of Office, Industrial and/or Retail uses. The exact mixture of uses shall be identified and incorporated into the Development Order when specific approval of Phase 2 is sought and/or granted.

RECOMMENDATION

It is recommended that the state land planning agency concur with the Development Order rescission adopted by Pinellas County for DRI #157 - Trinity Communities.

GENERAL LOCATION MAP

