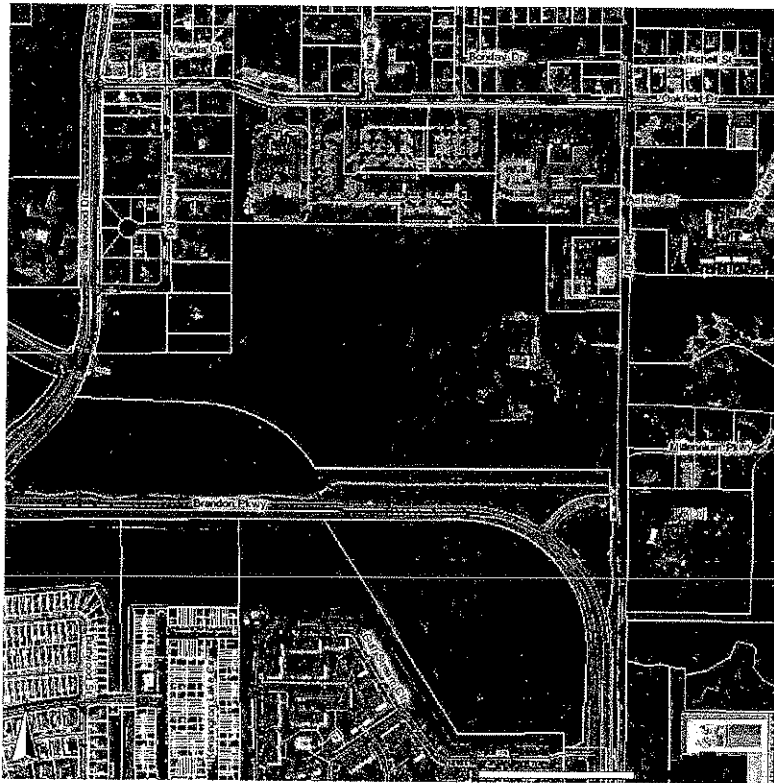


# **DUE DILIGENCE INVESTIGATION REPORT**

**FOR**


**BRANDON MAIN STREET**



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## **TABLE OF CONTENTS**

<b>SECTION 1</b>	<b>Narrative</b>
<b>SECTION 2</b>	<b>Property Appraiser Data</b>
<b>SECTION 3</b>	<b>Future Land Use Map and CMU-12 Documentation</b>
<b>SECTION 4</b>	<b>Zoning Map and BMS-TC1 Documentation</b>
<b>SECTION 5</b>	<b>FEMA and Wetlands Maps</b>
<b>SECTION 6</b>	<b>Signage Requirements</b>
<b>SECTION 7</b>	<b>Fencing Requirements</b>
<b>SECTION 8</b>	<b>Hillsborough County Fee Schedules</b>
<b>SECTION 9</b>	<b>Soil Map</b>
<b>SECTION 10</b>	<b>Roadway Levels of Service</b>
<b>SECTION 11</b>	<b>Utilities Atlases</b>
<b>SECTION 12</b>	<b>Aerials</b>

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

## INTRODUCTION

Genesis Group has completed its preliminary due diligence of the Guagliardo property commonly known as the “Brandon Main Street Property” (Folios #071848.0000 and #71848.5010). The Hillsborough County Property Appraiser website states that these parcels are 56.6 acres on the north side of the Brandon Parkway within section 28, township 29, range 20, all within unincorporated Hillsborough County. The site is further bordered by Lakewood Drive to the west and Pauls Drive to the east. It is our understanding that it is Opus South Corporation’s (OPUS) goal to develop this property into an integrated mixed-use development with residential, retail and office uses. Genesis Group has evaluated the site for several factors, including: existing conditions, entitlements, future land use, zoning, transportation and utility concurrency in order to identify those issues which could influence the development of this site. This report will serve to illustrate the impacts of these factors on the development of this site. A summary of the potential issues in developing this site was drawn from those different factors and is provided in the Summary and Conclusions portion of this report.

## FUTURE LAND USE

The Hillsborough County Comprehensive Plan Future Land Use is primarily used to coordinate land uses within a designated area. The Future Land Use designation identifies the potential number of residential dwellings allowed per acre (DU/A). The adopted future land use also controls non-residential uses such as retail or office space and is measured as floor area ratio(FAR), which is compared to the acreage of the site and is commonly referred to as “intensity.” The property has a Future Land Use Designation of Community Mixed Use (CMU-12) according to the adopted Hillsborough County Future Land Use Map. Copies of the Future Land use Map and CMU-12 definition are included in Section 3 of this report. The Hillsborough County Comprehensive

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

Plan Future Land Use Element describes CMU-12 uses as:

... those areas best suited for 12 dwelling units per gross acre, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed use projects. This category of land use shall serve as a transitional area which emphasizes compatibility with adjacent plan categories. An intensity up to 0.5 Floor Area Ratio (FAR) shall be allowed for any single or mixed use. The retail commercial component of a project cannot exceed 650,000 square feet. Retail commercial uses shall be clustered at arterial and collector intersections. Strip development with separate driveway access for nonresidential uses to arterials shall be prohibited. Rezoning shall be approved through a planned unit development rezoning process which requires, at a minimum, integrated site plans controlled through performance standards to achieve developments which are compatible with surrounding patterns and the Goals, Objectives and Policies of the Future of Hillsborough Comprehensive Plan. For additional information, please refer to Section VI. Land Use Plan Categories of the Future Land Use Element.

Opus' goal of developing a mixed-use project would therefore be consistent with the Future Land Use criteria outlined above. In addition to the CMU-12 designation, this project is within the Brandon Main Street Community Plan Area which utilizes Traditional Neighborhood Development (TND) concepts. Use of TND concepts in a CMU-12 area entitles the developer by code to realize an increase in CMU-12 residential density maximums from 12 to 20 DU/A and non-residential FAR from .50 FAR to 1.0 FAR with the maximum square footage increasing 100,000 SF to 750,000 SF. However, when the County approved the rezoning of this parcel, they included district requirements that allows for a significantly greater intensity of non-residential uses than mentioned above. Those higher intensities, however, bring into consideration the likelihood of the project triggering Development of Regional Impact (DRI) considerations. The implications of the zoning criteria are discussed in the next section of this report.

## **ZONING**

The project site is zoned Brandon Main Street-Town Center 1 (BMS-TC1) as outlined in Part

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

3.12.00 of the Hillsborough County Land Development Code. A zoning map and copy of Part 3.12.00 is included in Section 4 of this report. The goal of TND design criteria in the BMS-TC1 is to reduce the impacts of suburban sprawl and increase connectivity and pedestrian access between different uses. The theory is that this should then reduce the amount of public infrastructure necessary to provide services in a TND area. The BMS-TC 1 designation as a mixed-use concept requires that each use allowed have a minimum percentage of project's total land area. The following tables illustrate the minimum and maximum percentages for residential and non-residential acreages in the Brandon Main Street area.

<b>Guagliardo Property – BMS-TC1 Minimums and Maximums</b>				
Use	Minimum Thresholds	Acres	Maximum Thresholds	Acres
Non-residential Uses	10%	5.67	48%	27.20
Minimum Office Space subset of Non-Residential Uses	50%	2.83	50%	13.60
Residential Uses	40%	22.66	78%	44.19
Common Areas	12%	6.80	50%	28.33
Remainder if Minimum/Maximums Used	38%	21.53	-76%*	-43.06*
Total Acres in Project	100%	56.66		56.66
Minimum Required Green Area and Squares	5%	2.83	5%	2.83

\*Utilizing any two maximums will preclude meeting minimum code requirements.

The range of acreages allowed by code will determine the actual yield of acreages available for any one use. The minimum amount of common space must comprise 12% of the site, including 2.83 acres comprised of Green space, Squares and a park at least one contiguous acre in size. Residential uses must equal 22.66 acres, or 40% of the site. Non-residential uses must be at least 10% of the total site, or 5.67 acres. Of the 5.67 acres, 50% or 2.84 acres must be office uses. The developer then has 21.53 acres remaining for non-residential or additional residential development.

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

Once the acreages of uses are determined, the density of residential and intensity of non-residential must be determined. Beyond BMS-TC1 district use requirements, the district also has minimum and maximum densities and intensities which are outlined in the tables below.

<b>IGuagliardo Property Minimum and Maximum Densities/Intensities of the BMS-TC-1 District</b>					
<b>Use</b>	<b>Minimum Threshold</b>	<b>Acres</b>	<b>Density/ Intensity</b>	<b>SF or Units</b>	
Non-residential	10%	5.67	0.3 FAR	74,043	<b>SF</b>
Office Space subset	50%	2.83	0.3 FAR	37,022	<b>SF</b>
Residential	40%	21.83	5 du/ga	113	<b>Units</b>
Common Areas	12%	6.80			
Remainder if Minimum Used	38%	21.53			
Total Acres	100%	56.66			
Minimum Required Green area and Squares	5%	2.83			
<b>Use</b>	<b>Maximum Threshold</b>	<b>Acres</b>	<b>Density/ Intensity</b>	<b>SF or Units</b>	
Non-residential	48%	27.20	1.0 FAR	1,184,693	<b>SF</b>
Office Space subset	50%	13.10	1.0 FAR	592,346	<b>SF</b>
Residential	78%	42.58	20 du/ga	884	<b>Units</b>
Common Areas (assumed the minimum)	12%	6.80			
Remainder if Maximums Used	-38%	-21.53			
Total Acres		56.66			
Minimum Required Green area and Squares	5%	2.83			

These tables identify three significant factors. First, the common space requirement of 12% leaves the developer with 88% of the site available for the chosen mix of development. Second, the minimum 40% of the site that must be residential leaves the developer with 48% of the site for non-residential or additional residential uses. The third factor is the 5.67 acres that must be non-residential. There are

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

21.52 remaining acres that the developer has the option of building either non-residential or additional residential development. The developer has a significant range for non-residential development from the required 74,043 SF to the 1.184M square feet maximum allowed by code. The developer also has a substantial residential range from as few as 113 units to 884 units. Should Opus desire to modify these minimum requirements, it may be possible though challenging to either request a variance to the standards or rezone the parcel to a Planned Development (PD). However, it is at this point that the developer must be aware of the DRI considerations. According the Florida Department of Community Affairs (DCA), any project that exceeds 300K SF of office space or 400K SF of retail uses is considered a Development of Regional Impact. Furthermore, the DCA compares the planned density or intensity of each use against the DRI threshold for that use and derives a percentage. Each of the derived percentages added together cannot exceed the sum of 160% or the project becomes a DRI due to the cumulative effect of those uses. Therefore careful consideration must be given to the overall development objectives Opus has with regard to yield. Involving the Florida Department of Community Affairs in the permitting process would substantially increase the timeline and requirements for regulatory approval.

This zoning designation separates the project into four types of Developmental Blocks and the designation of the street fronting the blocks. There are four types of development blocks:

- A. Retail/Office
- B. Multi-Family
- C. Civic
- D. Attached, Detached, Accessory Residential.

The Development Regulations for BMS-TC1 are included in Section 4 and provide specific

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

requirements for and illustrations of development blocks and streets. These blocks can be either a single type or a combination of the types. If a block combines Retail/Office and Multi-Family, one of those uses must be at least 60% of the length of the block and all uses must be at least 75% of the total length of the block. If more than one use exists on a block, those uses must be separated by a 25 foot service drive, parking access drive or pedestrian way. Blocks with Attached or Detached Residential uses may be no longer than 800' or wider than 400'. Blocks with all other uses or a mix of uses can be no longer than 900' or wider than 500'.

Newly constructed streets serving the project are designated by Hillsborough County Land Development Code (LDC) as either "A" or "B" streets. "A" streets are the primary roads of the project and must follow the TND Typical Sections of the Hillsborough County Transportation Technical Manual. The TND-7 Main Street standard features parallel parking and bike lanes on both sides of the roadway, the ROW for this type of street is a minimum of 82'. Previous discussions with Hillsborough County Public Works staff have indicated that the standard TND cross sections for the streets constructed in this development location will be required to be modified to provide twelve foot lanes, however the minimum right of way width will remain unchanged. If parking is deleted on one side, the bike path on that same side can be reduced from 5' to 4' and the ROW can be reduced to 73'. Type "A" streets must comprise at least 65 percent of the total lineal feet of the newly constructed roads within the project. Brandon Main Street, Lakewood/Providence, Pauls Drive including future expansions are required to be treated as "A" streets.

Per discussions with County Public Works staff, the "B" street designation should be a local urban street using the TND-3 Typical Section of the Hillsborough County Transportation Technical Manual. The minimum ROW width would be 69' with parallel parking provided on one side and bike

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

lanes provided on both sides of the ROW. However, staff would require that the travel lanes must be 12' in width, so the grass strip on one side may be reduced to 3' in order to accommodate the required travel lane widths. This interpretation by Public Works is not necessarily enforceable since the LDC, BMSCP, and TTM do not explicitly indicate which cross sections must be used for which street designation. Type "B" streets can be a maximum of 35 percent of the total linear feet of newly constructed roads within the project.

Parking in BMS-TC1 is strictly regulated. Off-street surface parking can front "B" streets but must be located behind buildings fronting "A" streets unless the parking is set back a minimum of 100' from the roadway. No more than 2 curb cuts providing access to parking areas are allowed on an "A" street block face and no more than 75 percent of any block can be devoted to surface parking. The typical ROW cross-sections referred to by Public Works staff indicate the use of parallel parking. If angled parking is used, it is likely that a design exception may need to be pursued. There are circumstances where structured parking garages are allowed in Retail/Office and Multi-Family blocks, but these structures must be behind "A" street buildings and accessed through "B" roads. Exceptions to this requirement allow direct access from "A" streets to structured parking if the structured parking provides pedestrian access to all adjacent streets and if the ground floor features enclosed commercial, office or civic floor space with a 24' minimum interior depth of that space along the entire length of the building facing that "A" street. The direct access to structured parking also cannot exceed 48' in width.

## **WETLANDS AND FLOODPLAIN ANALYSIS**

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

All proposed development projects within Hillsborough County are required to identify and delineate any existing wetlands within the boundaries of that development. Additionally, flood plain analysis must be undertaken to determine whether floodplain exists on-site and whether the project will impact that floodplain, therefore potentially increasing flooding in the region. If there is an impact on the floodplain, then the developer must mitigate that loss of floodplain through the construction of floodplain compensation areas. A map of the existing floodplains as identified by the Federal Emergency Management Agency (FEMA) and a Wetlands Map are included in Section 5. That map, (#12057C0391H), dated August 28, 2008, indicates the likely extents of the floodplain. The mapped line location typically requires additional evaluation and engineering modeling to effectively evaluate the location and impact on the project. Hillsborough County has recently received approval from FEMA for new FIRM maps that have been revised based upon the County's Stormwater Management Model (SWMM), the "H" series of maps reflect these changes. GIS data currently depicts the previously mapped floodplain location. The currently established floodplain elevation for the project is 30.7 NAVD88. Additional modeling and revisions to the date may allow for lowering the floodplain elevation which would then increase the amount of "upland" area available for development.

There are five wetlands located on the project site. Those wetlands have been identified by an environmental consultant, however the delineation of those wetlands have not been formalized with either the Southwest Florida Water Management District (SWFWMD) or the Hillsborough County Environmental Protection Commission (HCEPC). These wetlands will require consideration when conceptual site plans are produced. Any impacts to these wetlands will also require mitigation which could entail the creation of additional wetlands on-site. In Hillsborough County, wetlands may not be

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

impacted without cause, therefore any desired wetland impacts will require substantial justification prior to plan acceptance. Prior to any regulatory civil review, The developer will be required to formalize the wetland delineations through the submittal process involving the SWFWMD and the HCEPC.

## **STORMWATER**

This site is located in the Delaney Creek watershed. Delaney Creek has been designated by Hillsborough County as a peak sensitive area. A peak sensitive area is one where receiving waters are sensitive to changes in timing and/or magnitude of peak flows. A stormwater attenuation system must be designed to accommodate these peak sensitive characteristics. Genesis Group's Engineering department performed a preliminary analysis of the existing contours, soil types, wetlands and floodplain since each of these conditions will impact the design of the site and will dictate the location of any stormwater structures. There is approximately fifteen feet of elevation change from north to south. These contours by themselves would suggest that the ponds be located in the southern portions of the site. However, the soil types found on the southern portions of the site indicate that the groundwater table is likely to be in close proximity to the surface which would require significant amounts of fill dirt in order to accommodate those ponds and to control stormwater. The northern portion of the site contains sandy soils that are preferable for the location of dry stormwater ponds due to the tendency for high percolation rates. However, in order to utilize these locations, the southern portion of the site would need to be substantially filled in order to allow for surface water drainage to the north. These two drainage design methods should be evaluated to create the most efficient design possible. A combination of these two methods may be necessary.

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

It should be noted that new drainage rules are currently being created by the State of Florida for adoption in 2009. These rules and the associated design methodology are not official at this time, therefore the full impact on the project cannot be determined.

## **CONCURRENCY**

The project is located within the Hillsborough County Urban Service Area and will therefore be required to comply with the County's requirements for public water, sewer and transportation concurrency. Previous negotiations between another potential developer and Hillsborough County staff identified the likely points for potable water and wastewater main stub-outs along Pauls Drive. Since those negotiations occurred, a Capital Improvement project has been scheduled for Pauls Drive which might alter the actual points of connection to public utilities. Discussions with Hillsborough County Water Resources staff are necessary to determine available capacity and points of connection.

### **Potable Water**

There is a 16" DIP watermain located in the Lakewood Drive ROW as well as a potable watermain extension project for Pauls Drive. The potable watermain is to be extended along Pauls Drive from the Brandon Chamber of Commerce building at the NE corner of the BMS site to Lumsden Road. It is Genesis Group's understanding that the County will require the developer of this project to create a public watermain on-site from Pauls Drive to Lakewood Drive. Previously agreed to points of connection for this project site to that extension have been included in the watermain extension plans and a stub-out has been included in the plans. A map showing potable watermain is located in Section 11 of this report.

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

**Sanitary Sewer**

Sanitary sewer service will be provided by Hillsborough County. There is a 6" PVC forcemain located within the ROW of Lakewood Drive. The previously mentioned Pauls Drive project includes an extension of the sanitary sewer forcemains which would provide sanitary sewer service to the site. A connection point for the development of the BMS site along Pauls Drive was included in the sanitary forcemain construction plans although that point of connection may change due to the concept plan Opus chooses. The ultimate point of connection would be determined through negotiations with Planning and Growth Management. A map showing Sanitary Sewer mains is located in Section 11.

**Transportation and Road Network Design**

There has been no traffic study conducted to support the development of this site, therefore no determination can be made as to whether there is sufficient capacity to accommodate the development of this site. Brandon Main Street technically does not exist as a functioning road and Brandon Parkway is not shown on the 2008 Hillsborough County Roadway Level of Service Report. Incorporation of these two roads into a traffic study will require input from the Hillsborough County Transportation staff.

The segment of Lakewood Drive adjacent to the site is operating at a "C" Level of Service but the intersections at each terminus of this segment have a failing "F" Level of Service. Pauls Road is functioning with a "C" Level of Service and the intersections at each terminus have a "B" Level of Service. While these road do have capacity available, the number of trip ends for this development must be determined in order to measure whether capacity would be exceeded by this project and what requirements might be imposed by Hillsborough County to offset the project's impacts.

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

Section 3.12.09 addresses street alignment within the project and connections to the existing roads abutting the project. Section 3.12.09 states that: “When possible, the street network shall connect ...” to roads abutting the project boundaries, but does not define how the developer must comply with this portion of the LDC. Discussions with Hillsborough County staff are necessary to determine the layout of the network and the connection points to the existing roadways during either the Preliminary or Construction Plan Approval process. The developer should anticipate providing a connection between Lakewood Drive and Pauls Drive and from Brandon Parkway to the above connection.

It has been represented to Genesis Group that an eminent domain agreement exists between the property owner and the Expressway Authority that allows the property owner or its developer to construct an access point from Brandon Parkway to the project site. In addition, it has also been represented that this agreement allows the Pauls Drive connection to Brandon Parkway to be closed at the developer’s discretion. Verification of the accuracy of these representations and further investigation is warranted.

## **IMPACT FEES**

Residential Impact fees are determined on a square footage basis. These fees are different for attached and detached residences. Impact fees for non-residential uses are based on the type of use and the square footage constructed. Until the developer has a specific design that indicates residential and non-residential quantities, a determination of impact fees cannot be completed. A schedule of impact fees assessed by the County is included in Section 10.

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

**BIOLOGICAL AND ENVIRONMENTAL**

Genesis Group reviewed an Environmental Report produced by Merryman Environmental, Inc., (MEI) in June of 2008. Their preliminary on-site investigation did not discover the presence or evidence of any endangered, threatened or Species of Special Concern such as Gopher Tortoises, Sand Hill Cranes, Kestrels, etc. Because of the presence of favorable habitat on-site and the amount of development in surrounding areas, it is possible that a listed species could migrate to the site prior to the onset of the regulatory review process. Genesis Group recommends that an environmental consultant be retained prior to the regulatory review in order to ensure the findings of the MEI report. If there is evidence of any listed species, the permitting efforts required to mitigate their presence is lengthy and should be initiated as soon as possible.

An evaluation of the trees on site was previously conducted by Genesis Group for another potential developer and it has been determined that a large number of trees exist on the eastern and western portions of the site. The locations of trees in the eastern portion of the site are very likely to be affected by building pads, roads and/or surface parking. While conceptual site plans could accommodate some of the trees, it is estimated by Genesis Group depending upon the conceptual site plan that trees with up to 600 total inches in diameter would be affected. Hillsborough County Planning and Growth Management currently assesses a fee of \$90 per inch for trees removed in order to develop a site. Therefore, it is expected that mitigation for the removal of qualifying trees will be on the order of \$54,000.

**REVIEW OF GEOTECHNICAL REPORT**

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

Genesis Group was able to obtain and review a geotechnical report produced by Ardaman and Associates, Inc. (AAI) which was prepared for a previous contract purchase of the site. Their Scope appears to have been that they were to evaluate the suitability of the in-situ soils for development with buildings heights up to the maximums allowed by zoning conditions. That geotechnical report states that the existing soils are suitable for the construction of the project being considered. AAI indicated also that the risk of sinkholes developing on the site are low and is consistent with the general Brandon area.

The report addresses three elements of the design: shallow foundations, deep foundations and pavement areas. To construct 3 story residential and 2 story commercial buildings, AAI outlines the following considerations:

1. Design bearing pressures will be on the order of 2,500 to 3,000 pounds per square foot.
2. The maximum settlement range will be from  $\frac{3}{4}$  to  $1\frac{1}{4}$  inches, mostly during construction.
3. Building site surface preparation will be compaction up to 95% Modified Proctor dry density.

AAI recommended that for heavily loaded commercial or residential buildings, shallow spread foundations not be utilized. Some type of deep foundation will be necessary to support those buildings constructed at the tallest heights allowed by the LDC. AAI stated that deep foundations should be carefully considered with regard for size, the types of soil on site, the condition of the limestone underneath the site as well as the costs of the foundation.

The soils on-site will yield suitable subgrades for pavement structures and will return Limerock Bearing Rates (LBR) of between 20 and 40 when compacted to 98% of Modified Proctor. These soils would support the use of a flexible pavement system with accepted thicknesses for areas of light and heavy traffic.

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

## CONCLUSIONS

### 1. Land Use and Zoning

The CMU-12 Land Use and BMC-TC1 zoning provide a maximum allowable total of 884 residential units and 1.184M SF of non-residential units. However, the matrix for the development of the site is very complex. Requirements for building location, block dimensions, parking, stormwater retention, street layout and common public areas along with wetlands, floodplain and concurrency issues will substantially affect the actual yield. A conceptual site plan must incorporate each of these individual elements in its design in order to gain regulatory approvals.

Special consideration must be given to the project's non-residential total square footage as well as the cumulative amount of residential units and non-residential square footage constructed. Each use measured as a percentage of the DRI threshold for that use added to the DRI threshold percentages for all uses cannot exceed 160%. The implication of this DRI equation is that if any of the uses reach 50% of the threshold, an analysis of the project should be conducted to ensure that the 160% figure is not exceeded. As stated previously, any retail development over 400,000 SF or office space over 300,000 SF triggers Developments of Regional Impact processes. Therefore careful consideration must be given to the overall development objectives Opus has with regard to yield. Involving the Florida Department of Community Affairs in the permitting process would substantially increase the timeline and requirements for regulatory approval.

### 2. Floodplain and Wetlands

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

There have been five wetlands identified on site and their location along the southern boundary of the parcel will require that a concept plan incorporating wetland setbacks or mitigation areas be included. While these wetlands are not large, they are located in areas where access to and transit through the site would be expected. The wetland delineations have not been approved by either the SWFWMD or the HCEPC and will require regulatory approval. Any impacts to these wetlands will require justification and approval by Hillsborough County EPC and SWFWMD. There are also floodplains located on the southern portions of the site. While the extents of those floodplains indicated on the map in Section 10 may be less than depicted, any fill placed within the floodplain area will have to be mitigated for and compensation areas must be provided on site. A survey showing these wetlands and actual floodplain limits should be secured.

3. Preparation of Concept Plan, Preliminary Concept Plan

Due to the requirements established by the BMS-TC1 zoning district, we recommend that a preliminary site plan (PSP) in accordance to County standards be prepared. Once the PCP is submitted to the County, the design/zoning items can be addressed. Topics related to utilities and concurrency can be noted.

4. Concurrency

Until a determination has been reached as to the number of residential units and square footage of retail and office space, an estimate of impact fees and available capacity cannot be ascertained. Hillsborough County has a construction project for Pauls Drive that will include extending utilities along that ROW. Construction on this Capital Improvement Project was to begin in 2008, but has yet to start. It is reasonable to expect that connection to Hillsborough

DUE DILIGENCE INVESTIGATION REPORT  
Brandon Main Street

County potable watermains and sanitary forcemains would occur in the Pauls Road ROW, but that determination would come through negotiations with Planning and Growth Management staff and the submittal of a Concurrency Analysis Application.

Transportation concurrency also must be established through the development of a traffic study. A formal determination of the number of trips that would be generated by this project cannot be established until residential and non-residential quantities are known. While the current Levels of Service on Pauls Road and Lakewood Drive are under their designed capacity, there is no certainty that those trips have not been vested to other entities in their permitting processes. The roadway connectors through the site will be a matter of discussion when meeting with County staff. While not explicitly defined, their inclusion in the site is a part of the LDC Section 3.12.09 and therefore should be incorporated into a conceptual site plan. Additionally, the rights of the developer to directly access Brandon Parkway must be verified.