



Meeting Date September 12, 2023

Consent Section Regular Section Public Hearing

Subject: Approve a resolution providing for the rendition of the denial of application MM 23-0132, an application for a major modification to a Planned Development (PD 72-0319). The Board of County Commissioners voted to deny this application during the July 18, 2023 Board of County Commissioners Land Use Meeting.	
Department Name:	County Attorney's Office
Contact Person:	Johanna M. Lundgren Contact Phone: 272-5670

Staff's Recommended Board Motion:
 Adopt a resolution providing for the rendition of the denial of application MM 23-0132, an application for a major modification to a Planned Development (PD 72-0319).

Background:
 Sec. 10.03.04 (G) of the Land Development Code (LDC) provides for the process for the Board of County Commissioners' consideration of rezonings and major modifications to Planned Development zonings. This section states that "the Board shall consider the record of the hearing before the Land Use Hearing Officer, any additional evidence and oral argument introduced pursuant to the terms herein and shall approve or deny the application by resolution. The resolution shall include a statement of compliance or all points of noncompliance with the Comprehensive Plan, if different from the conclusions of the Land Use Hearing Officer, and shall give specific reasons for any decision contrary to his recommendation. A resolution approving an application shall specify any conditions which are required as part of the Board's approval."

In accordance with Sec. 10.03.04 of the LDC, the Board of County Commissioners conducted a public meeting and considered application MM 23-0132 during the July 18, 2023 Board of County Commissioners Land Use Meeting. The Board conducted its review of this application in accordance with the Land Development Code, and voted to deny the application. The Board is requested to adopt the attached resolution providing for the rendition of the Board's denial of application MM 23-0132.

List Attachments:
 Resolution providing for denial of MM 23-0132, with the following attachments: (1) Zoning Hearing Master Recommendation, (2) Excerpt of Minutes of July 18, 2023 Board of County Commissioners Land Use Meeting

RESOLUTION # _____

MAJOR MODIFICATION PETITION # MM 23-0132

Upon motion by Commissioner Hagan, seconded by Commissioner Kemp, the following resolution was adopted by a 5-2 vote, with the individual commissioners voting as follows:

Cepeda	yes
Cohen	no
Hagan	yes
Kemp	yes
Myers	yes
Owen	yes
Wostal	no

WHEREAS, on the 15th day of February 2023, G.L. Acquisitions Corporation submitted a major modification petition requesting a change in the PD 72-0319 (Planned Development 72-0319)) zoning classification for the parcel of land described in said petition; and,

WHEREAS, the Land Use Hearing Officer on May 15, 2023, held a duly noticed public hearing on said major modification petition for PD 72-0319 (Planned Development 72-0319) zoning and heard and considered testimony and documents received thereon; and,

WHEREAS, the Land Use Hearing Officer 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 July 18, 2023, held a duly noticed public hearing on the petition for major modification to PD 72-0319 (Planned Development 72-0319) 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 recitals stated above are incorporated into this resolution.

B. The Board of County Commissioners of Hillsborough County (the "Board") is authorized and empowered to consider the petition for major modification to PD 72-0319 (Planned Development 72-0319) zoning filed by G.L. Acquisitions Corporation.

C. The Board has considered the petition in accordance with Sec. 10.03.03 and Sec. 10.03.04 of the Hillsborough County Land Development Code.

D. Sec 10.03.04 G.1 of the Hillsborough County Land Development Code provides that the Board shall approve or deny the application by resolution, and that "(t)he resolution shall include a statement of compliance or all points of noncompliance with the Comprehensive Plan, if different from the conclusions of the Land Use Hearing Officer, and shall give specific reasons for any decisions contrary to his recommendation."

E. The Board having considered the report and recommendation of the Hillsborough County Administration, the report and recommendation of the Planning Commission, and the recommendation of the Land Use Hearing Officer, and having considered all record evidence and oral argument, finds that the uses permitted in the major modification to PD 72-0319 (Planned Development 72-0319) zoning classification are not compatible with the existing land uses present in the area surrounding the subject property.

F. The Board having considered the report and recommendation of the Hillsborough County Administration, the report and recommendation of the Planning Commission, and the recommendation of the Land Use Hearing Officer, and having considered all record evidence and oral argument, finds that the major modification to PD 72-0319 (Planned Development (72-0319) classification is not compatible with the zoning districts applicable to the lands surrounding the subject property.

G. The Board having considered the report and recommendation of the Hillsborough County Administration, the report and recommendation of the Planning Commission, and the recommendation of the Land Use Hearing Officer, and having considered all record evidence and oral argument, finds that the major modification of the subject property would be inconsistent 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" ("Comprehensive Plan").

1. The Board finds that based upon the record evidence, the major modification is inconsistent with Objective 16 of the Comprehensive Plan, and is inconsistent with Policies 1.4, 8.1, and 8.2, 10.10 and 16.8 of the Comprehensive

Plan.

2. The open space character of the subject property is an integral part of the neighborhood design of PD 72-0319 (Planned Development 72-0319).

3. The removal of the open space around which the surrounding existing neighborhood was developed and constructed would not protect nor maintain the character the existing neighborhood.

H. The record evidence supports that the retention of the existing PD zoning accomplishes a legitimate public purpose.

II. CONCLUSIONS

The Board of County Commissioners of Hillsborough County hereby denies the petition for the major modification of PD 72-0319 (Planned Development 72-0319) zoning filed by G.L. Acquisitions Corporations.

III. EFFECTIVE DATE

This resolution shall take effect upon vote of the Board of County Commissioners of Hillsborough County in regard 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 _____ as the same appears of record in Minute Book _____ of the Public Records of Hillsborough County, Florida.

WITNESS, my hand and official seal this _____ day of _____, 20____.

CINDY STUART, CLERK

BY: _____
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY _____

Approved As To Form And
Legal Sufficiency

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER: MM 23-0132

DATE OF HEARING: May 15, 2023

APPLICANT: G.L. Acquisitions Corporation

PETITION REQUEST: The Major Modification request is to modify PD 72-0319 to redevelop the golf course site with 251 single-family detached dwelling units and park land uses

LOCATION: 10550 Regents Park Drive & also parcel located 200 feet west of the intersection of Weatherstone Drive and Park Drive

SIZE OF PROPERTY: 149.85 acres, m.o.l.

EXISTING ZONING DISTRICT: PD 72-0319

FUTURE LAND USE CATEGORY: RES-4

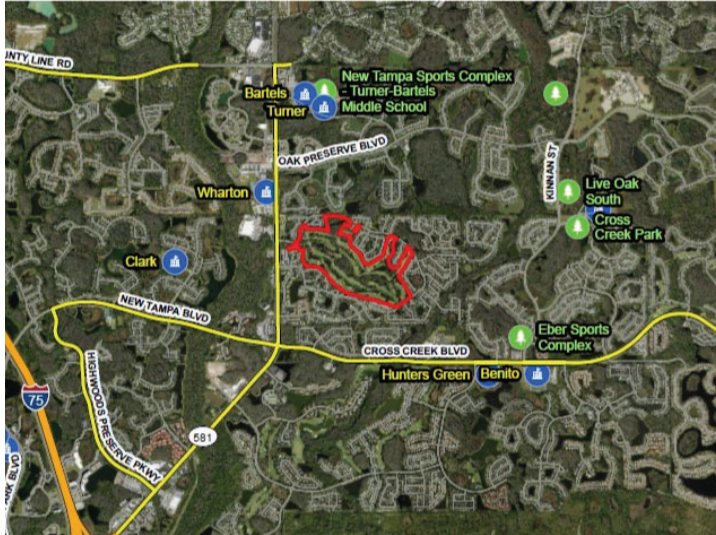
SERVICE AREA: Urban

COMMUNITY PLAN: N/A

DEVELOPMENT REVIEW STAFF REPORT

***Note:** Formatting issues prevented the entire Development Services Department staff report from being copied into the Hearing Master's Recommendation. Therefore, please refer to the Development Services Department web site for the complete staff report.

1.0 APPLICATION SUMMARY



Applicant: G.L. Acquisitions Corporation

FLU Category: RES-4

Service Area: Urban

Site Acreage: 149.85 +/-

Community Plan Area: None

Overlay: None

Request: Major Modification to PD

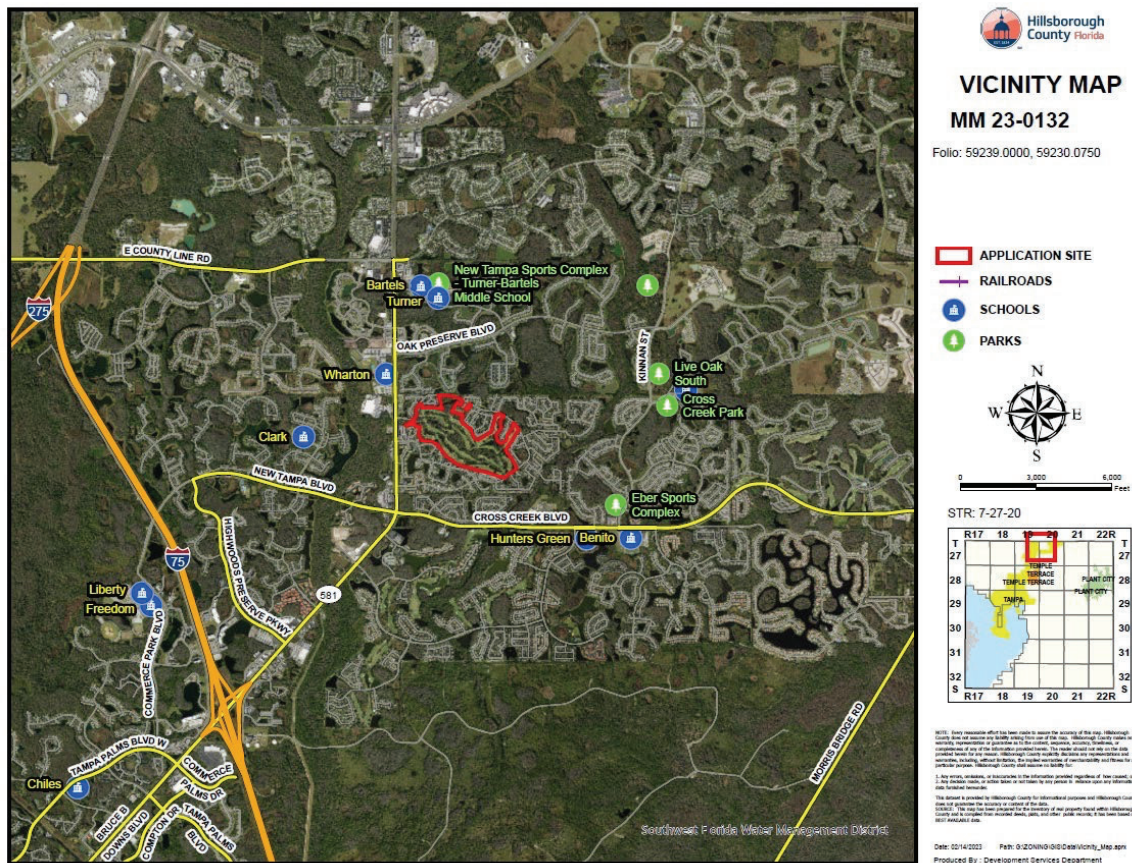
Introduction Summary:

The subject site is located within Planned Development (PD) #72-0319 (Pebble Creek), as most recently modified by PRS (Minor Modification) #97-0012. The 597 acre PD is currently approved for single-family residential, multi-family residential, recreation uses, commercial uses, and a golf course with clubhouse. Under this request, the applicant requests to redevelop the golf course site (149 +/- acres) with 251 single-family detached residential units and park uses.

PD Variation(s): None Requested as part of this application
 Waiver(s) to the Land Development Code: None Requested as part of this application.

<p>Planning Commission Recommendation:</p> <p>Consistent</p>	<p>Development Services Recommendation:</p> <p>Approvable, subject to proposed conditions</p>
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2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map

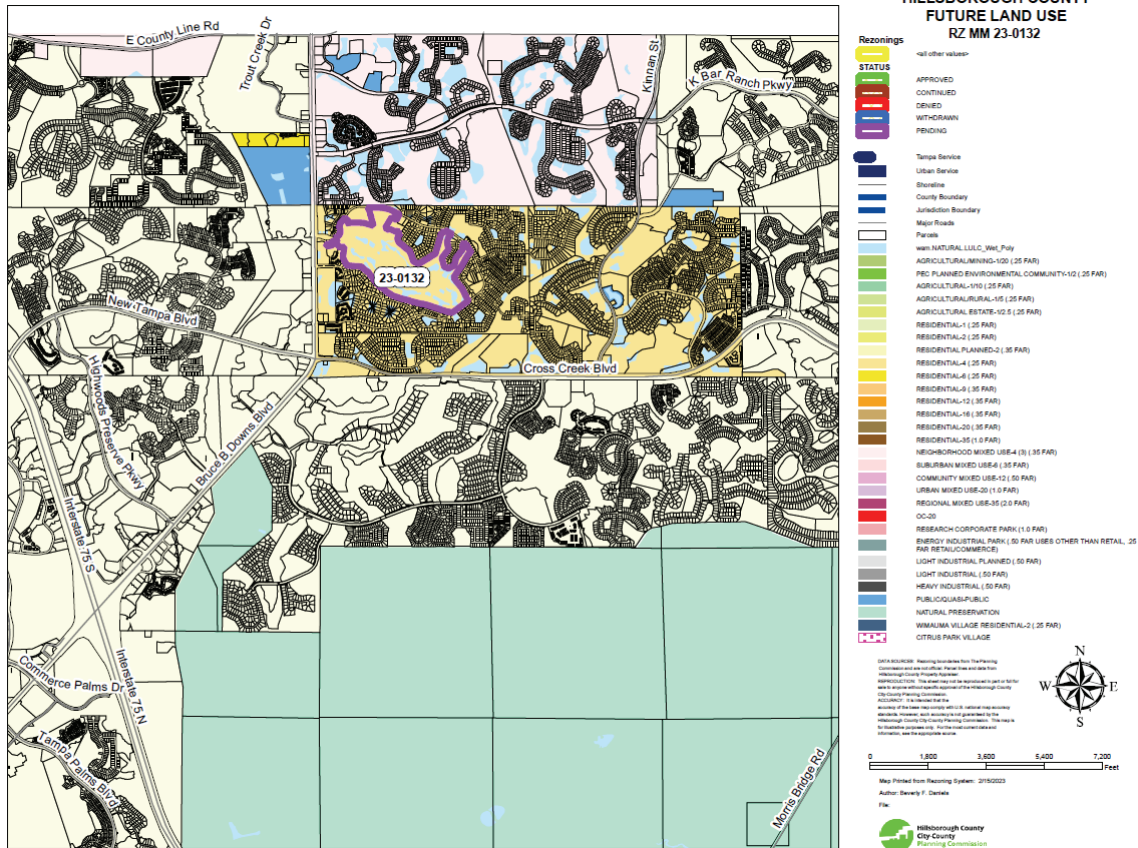


Context of Surrounding Area:

The site is located within the Pebble Creek community, east of Bruce B. Downs Boulevard and south of the Pasco/Hillsborough County line. The general area is primarily developed with residential uses at suburban level densities. Commercial and residential support uses can also be found in the general area and are

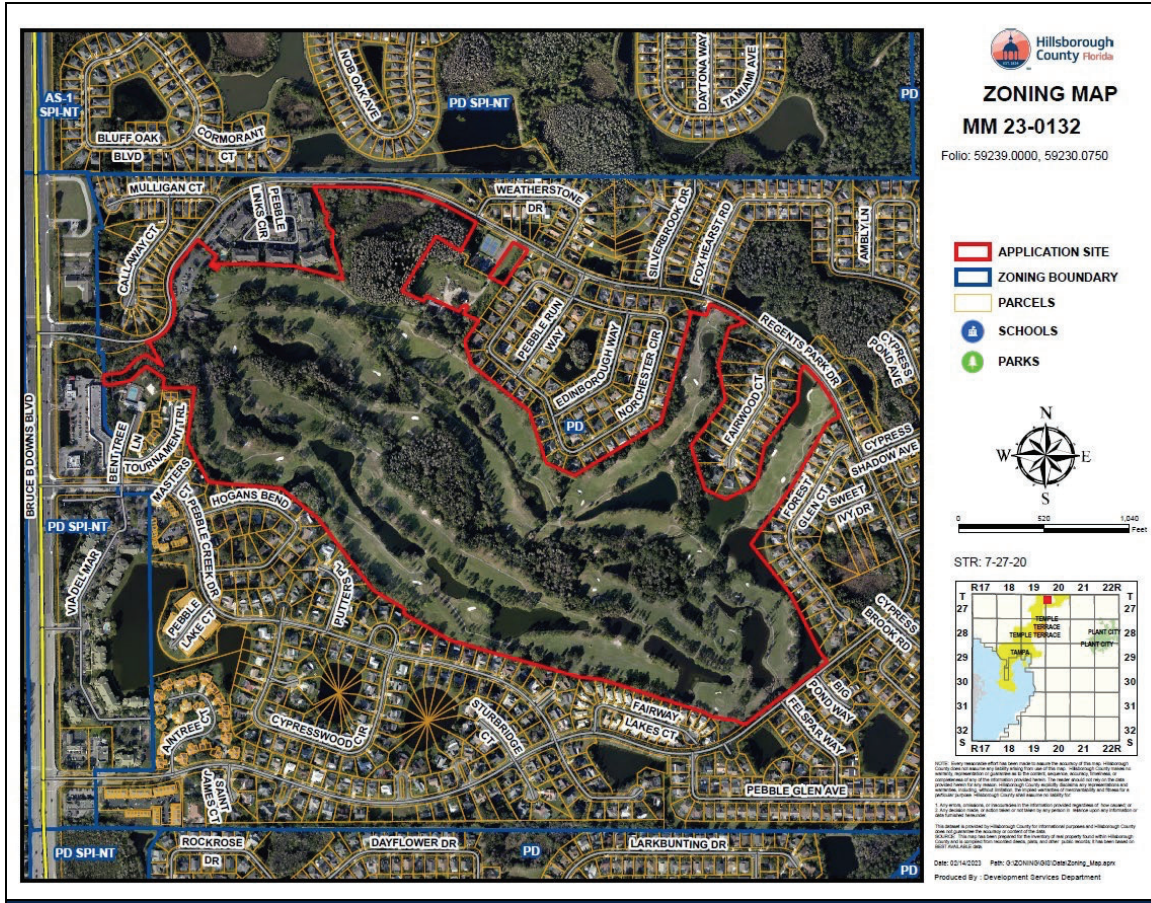
located along the west and east sides of Bruce B. Downs Boulevard. Large areas of preservation can also be found.

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



Subject Site Future Land Use Category:	RES-4
Maximum Density/F.A.R.:	RES-4: 4 units per acre / 0.25 FAR
Typical Uses:	RES-4: Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects.

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



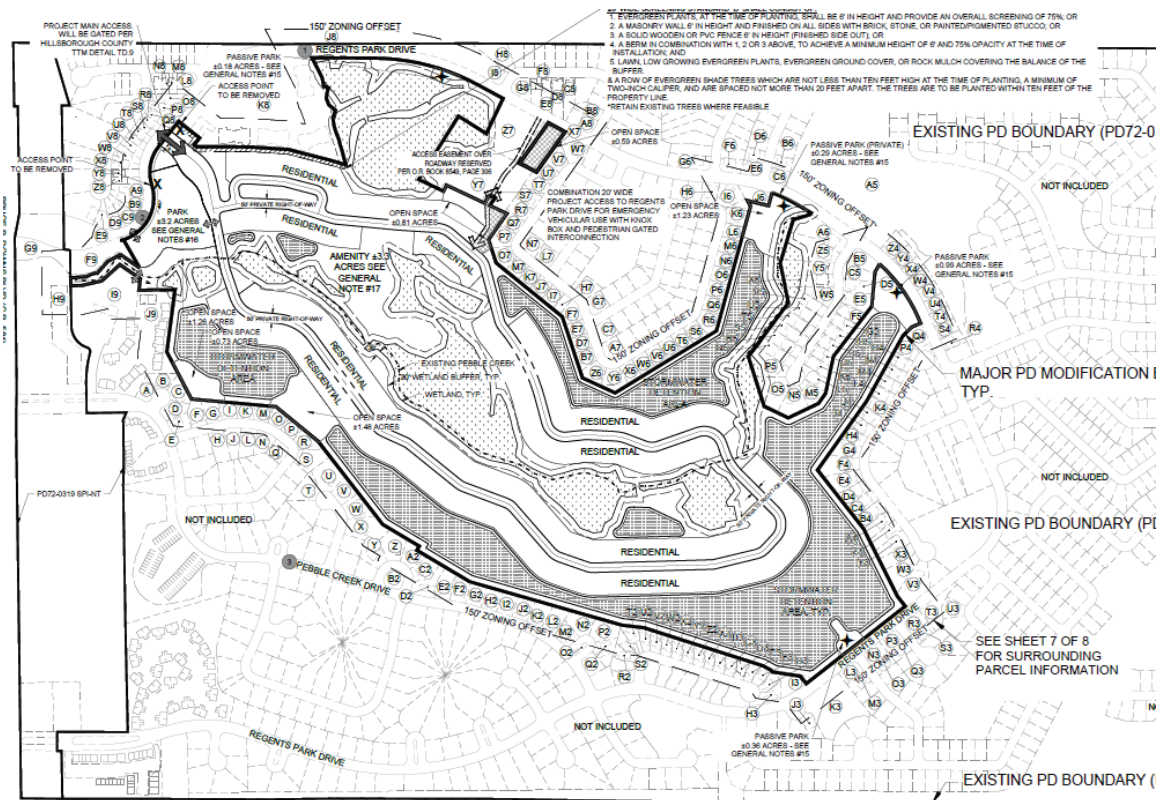
2.0 LAND USE MAP SET AND SUMMARY DATA

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. See Section 8.2 for full site plan)



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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Regents Park Dr.	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	526	30	53
Proposed	2,352	172	236
Difference (+/-)	+1,826	+142	+183

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Emergency & Pedestrian	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West	X	Pedestrian	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
Regents Park Dr. N./Substandard Roadway	Design Exception Requested	Approvable
	Choose an item.	Choose an item.
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Environmental Protection Commission Natural Resources Conservation & Environ. Lands Mgmt.

Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area

Potable Water Wellfield Protection Area Significant Wildlife Habitat

Coastal High Hazard Area

Urban/Suburban/Rural Scenic Corridor Adjacent to ELAPP property

Other _____

Public Facilities:

Transportation

Design Exc./Adm. Variance Requested Off-site Improvements Provided

Information/Comments

Service Area/ Water & Wastewater

Urban City of Tampa
 Rural City of Temple Terrace

Hillsborough County School Board

Adequate K-5 6-8 9-12 N/A Inadequate K-5 6-8 9-12 N/A

Yes No

Impact/Mobility Fees

Credit for Golf Course

Mobility \$31,994 per hole * 18 = \$575,892 Fire \$95 per hole * 18 = \$1,710

Single Family Detached (Fee estimate is based on a 2,000 s.f.) Mobility: \$9,183 * 251 = \$2,304,933

Parks: \$2,145 * 251 = \$538,395

School: \$8,227 * 251 = \$2,064,977

Fire: \$335 * 251 = \$84,085

Urban Mobility, Northeast Parks/Fire - 251 single family home

***Note - credit for current 1,320 sq ft SFR could be applied if removed/demolished. Credit for Golf Course is not reflected in the Single Family estimates above.

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Locational Criteria Waiver Requested <input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A				
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5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The subject site is located within an existing residential community with direct access to the community’s primary roadway. Adjacent uses include multi-family, two-family and single-family uses at various lot sizes.

Property to the northwest is developed with 3-story multi-family buildings. The subject site proposes a 20 foot wide buffer with Type B screening adjacent to the existing multi-family use. A large, vegetated wetland area of approximately 7 acres will remain between the site and Regents Park Drive, which will also prohibit any development to the east of the multi-family use.

Property to the northeast is developed with the Pebble Creek wastewater treatment plant, community recreation uses and single-family residential (the Estates of Pebble Creek). Interior and perimeter lots sizes average at approximately 7,800 sf in size. Adjacent lots will be separated from the proposed lots by 104 - 262 feet of open space and stormwater ponds. The stormwater ponds and wetlands restrict any development to the east of existing neighborhood. Additionally, no development to the west or east of Fairway Woods, also located to the northeast, is proposed.

The area to the east of the subject site is developed with single-family residential (The Greens). Lot sizes within this neighborhood are approximately 10,800 sf in size. Residential lots within the subject site will be located 228 – 390 feet from adjacent development.

The proposed residential development will abut Regents Park Drive to the southeast. This area of the proposed neighborhood will be developed with a large pond to be also used for passive recreation uses.

Several existing neighborhoods are found to the south and southwest of the subject site. These areas will be separated from the proposed neighborhood by open space and stormwater areas at distances varying between 102-360 feet. Adjacent lot sizes vary between nearly 6,500 sf and 13,900 sf.

Property to the west is developed with two-family homes. An intervening stormwater pond will provide approximately 350 feet between the existing and

proposed lots. The westernmost area of the subject site will be utilized for public recreational uses with access to Regents Park Drive.

The overall maximum density permitted in the PD is 4 units per acre. The community is currently developed with 1,655 dwelling units, resulting in a density of 2.82 units per acre (1,655/586.17 acres). The Major Modification area is 149 acres in size, consisting of 22.4 acres of wetlands (less than 25% of the site). With the development of 251 homes, a density of 1.68 will be provided.

Given the above factors, no compatibility concerns have been identified.

5.2 Recommendation

Approvable, subject to proposed 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 May 15, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. Jake Cremer 401 East Jackson Street Suite 2100 Tampa submitted binders of documents into the record and stated that he was representing GL Homes for the Major Modification application and added that GL Homes has a contract to purchase the privately owned golf course. Mr. Cremer stated that the first binder submitted into the record included documents that were submitted into the record last week and include the resumes of the team's experts. The second binder includes additional expert reports that will be detailed in the presentation. He stated that the application needed to be sensitive to the needs of the existing community. GL Homes has experience in golf course redevelopment. In the last five years, they have redeveloped four sites in Florida. Regarding the Pebble Creek site, Mr. Cremer testified that it is an ideal infill location which is supported in the Comprehensive Plan. He pointed to a graphic to show the location of the site and stated that it is sort of a hole in a donut as other neighboring projects in Pasco, Hillsborough and the City of Tampa are mostly built out. The subject property is designated RES-4 by the Comprehensive Plan. Mr. Cremer stated that the Pebble Creek Planned Development was approved in 1972 which is five years after the golf course was initially developed. He stated that neither the PD nor any title documents restrict the use of the site to golf course in perpetuity. The PD has 689 excess and unbuilt units according to the County's staff report and the modification does not request any additional units. The request is to place a portion of the approved units on the golf course. Mr. Cremer showed a copy of the proposed concept plan. The request for 251 single-family homes

equates to a density of 1.7 dwelling units per acre. One access point is proposed to Regents Park drive which connects to Bruce B. Downs Blvd. There are 25 acres of wetlands that will be protected to ensure the health of Pebble Creek and five neighborhood parks are proposed to be created. Mr. Cremer testified that when the golf course was built in 1967, it was the first thing developed in this part of the County. The course has been closed for a number of years. He stated that under modern golf course design standards, the course is substandard. He stated that in 1967, humans had not yet landed on the moon, the first handheld calculator was invented, the country was in the Vietnam War, the Big Mac was introduced and Beatlemania was occurring. He cited these examples to illustrate the changes in the past 50 years which include planning principles including the evolution of communities.

Mr. Cremer testified that GL Homes spent almost the first year since putting the site under contract engaging with the community. A community outreach program was conducted with included an extensive door knocking campaign. GL Homes knocked on all 1,315 doors in the community. If residents asked for a return visit, GL Homes did that. A virtual community event was held in addition to three large group, in-person meetings. A web page was created as well as a number of fliers. Questionnaires were emailed out to solicit as much feedback as possible such that the community could be designed in a sensitive way. The feedback resulted in consensus that no apartments were wanted on-site. Although apartments could feasibly be built on-site, he stated that GL Homes could only build a single-family product. Mr. Cremer stated that the community asked for density less than the maximum that could be developed under the PD and that was accomplished in the modification. He testified that the community did not want an entrance to the subject site into the heart of the neighborhood. The applicant worked with County staff who initially asked for a second entrance to ensure the second entrance would not be included. The neighbors also asked that the environment be protected and that the existing parks not be overburdened. The applicant is proposing to add parks as a part of the modification. Mr. Cremer stated that an HOA will be created to ensure that the site will be maintained as it is currently an eyesore as it is abandoned. Finally, the neighbors did not want any PD variations or waivers so the project has been designed to meet Code requirements.

Mr. Stephen Sposato 505 East Jackson Street testified on behalf of the applicant as a Certified Planner. He stated that the planning issues are straightforward and the project is consistent with the Comprehensive Plan. Mr. Sposato added that the development is compatible with the adjacent development and is consistent with an infill project in the Urban Service Area which is where development is encouraged as there are existing public utilities and infrastructure. The proposed modification is a change in use to single-family detached homes. The ownership will be fee simple and each property owner will have a vested interest through a Homeowners Association to ensure the maintenance and upkeep of the common area features. Mr. Sposato testified that the community involvement process is the most robust he has seen since he

started as a planner in the mid 1990's. The proposed density is 1.47 units per acre which is less than the existing single-family around the subject parcel. The density is due to the preservation of lakes. Overall, the density for the PD is 2.9 units per acre. Mr. Sposato showed graphics to discuss the 3.2 acre community park on the western boundary near the project entrance. He also showed the location of the proposed four passive parks on-site. Mr. Sposato concluded his remarks by stating that there will be enhanced wetland areas and the planting of more trees. The proposed gated entrance is placed back twice the required distance to ensure adequate stacking area internal to the project.

Mr. Steve Henry 5023 West Laurel testified on behalf of the applicant regarding transportation issues. Mr. Henry stated that he did the traffic analysis for the project which reviewed the project access as well as access at the adjacent intersection. One project access is proposed to Regents Park Drive and a right turn lane on Regents Park will assist with traffic circulation. He also stated that the gate will be set back farther than required by Code. Mr. Henry testified that Regents Park is technically a substandard road due to the fact that it does not have bike lanes when it was built. A ten foot wide sidewalk is proposed to go from 581 to the east of the project to tie into the existing sidewalk of the south side of Regents Park Drive. A design exception has been submitted and deemed approvable by the County.

Mr. Cremer continued the applicant's presentation by stating that a soil cleanup of the golf course will be needed and will be overseen by the Florida Department of Environmental Protection and other local agencies to ensure compliance with the applicable rules and regulations. He stated that the site has been designed to avoid wetland impacts and also to protect Pebble Creek. Mr. Cremer testified that the proposed lake areas will provide an increase in area for potential wildlife. He concluded his presentation by stating that the choice is not between keeping the golf course and building a community but rather revitalizing a community. He stated that he does not represent the land owner but it is his understanding that the landowner believes that the Live Local Act applies to the subject parcel and intends to pursue multi-family development if the subject modification is not approved. Mr. Cremer stated that golf is not coming back to the property and that the units requested are already approved under the existing PD.

Hearing Master Finch asked Mr. Cremer regarding compatibility if any of the existing homes in Pebble Creek that currently front the golf course would now front a single-family home under the proposed modification. Mr. Sposato replied no and added that there is either a lake or preservation area along the entire perimeter of the project. He added that there is one area at the northwest corner with an existing multi-family development that is the only area that units will be adjacent to another unit without a preservation area or a lake.

Hearing Master Finch stated that Mr. Cremer had confirmed that the proposed environmental cleanup will comply with DEP standards.

Hearing Master Finch asked Mr. Henry about the requested design exception as Regents Park does not meet the TS-4 standard regarding bikes lanes and if the existing travel lanes meet the current width requirements. Mr. Henry replied that the travel lanes are between 11 to 12 feet in width which meets the current standard and that Regents Park Drive does not have bikes lanes and does not have a sidewalk on the south side of the roadway. Hearing Master Finch asked Mr. Henry about the proposed mitigation of the substandard features. Mr. Henry replied that a new ten foot wide sidewalk will be installed to connect the trail that is located along SR 581 to the existing sidewalk on Regents Park Drive.

Hearing Master Finch asked Mr. Henry about the proposed single access point for the project and the fact that the County typically requires two access points but because of the transportation analysis and its conclusion that operational impacts would occur if there were two access points. Hearing Master Finch asked Mr. Henry if it would continue to be possible to leave the subject property and turn right onto Regents Park Drive northbound such that a vehicle could use another Pebble Creek entrance. Mr. Henry replied yes, that was correct. He added that turning right would add significant time but that it was possible.

Hearing Master Finch asked Mr. Henry if the subject parcel road would be private. Mr. Henry replied yes. Hearing Master Finch asked if the existing Pebble Creek roads are public or private. Mr. Henry replied that he did not know but a member of the audience called out that the existing roads are public.

Mr. Henry testified regarding the justification of the single access points that the Code permits a reduction in the number of access points if the traffic analysis demonstrates that one access point will function adequately and safely. Mr. Henry stated that the analysis showed that a proposed second access point on the eastern portion of the project would put additional traffic on Pebble Creek and Regents Park which have homes that front those respective roadways. Therefore, from an operational standpoint and from a safety standpoint, the applicant did not believe it would be a good idea to put additional traffic on those roadways with single-family homes fronting the street. He added that the analysis also reviewed where the roadways come out on 581. The Pebble Creek and Regents Park South access points only have two lanes. The Regents Park North access point has four lanes that approach 581. Therefore, the capacity of the intersections is less on the southern two access points than the proposed northern access on Regents Park Drive. Mr. Henry concluded his remarks by stating that the analysis was done from both a capacity and operational standpoint and concluded that one access point connecting to the intersection of Regents Park and 581 results in an acceptable level of service.

Mr. Cremer testified that there is an emergency access point for vehicles and pedestrian access. Hearing Master Finch replied that she did review that and saw the proposed gate with Knox Box.

Ms. Michelle Heinrich of the Development Services Department, testified

regarding the County staff report and stated that the proposed modification to PD 72-0319, which was most recently modified by PRS 97-0012, to permit the redevelopment of a 145 acres golf course into 251 single-family detached dwelling units. She stated that the site is located within the Pebble Creek community within the Urban Service Area and within the RES-4 Future Land Use category. The parcels surrounding the subject property are developed with multi-family, two family and single-family homes. The applicant has committed to utilizing open spaces areas, stormwater ponds and existing wetlands to provide a significant separation from the majority of the existing uses. The proposed lots will be internalized and enhanced building design features are required in the proposed conditions. The proposed density will be 1.68 units per acre which is less than the overall Pebble Creek density of 2.82 units per acre. Ms. Heinrich testified that the project proposes will include five parks that will be available to the residents of Pebble Creek. She added that one park will allow passive and/or general outdoor recreational uses. Three parks will be located along various parts of Regents Park Drive and will have limited passive recreational uses. An internal park is proposed to be used by the subject site residents. The project's primary access will be located along Regents Park Drive and necessitate a right-turn at the intersection. A County required emergency-only access point is proposed to the north. Ms. Heinrich added that the existing vegetation to the east of the proposed emergency access point will remain. Traffic calming devices will be utilized to address internal roadway speeds. Ms. Heinrich concluded her presentation by stating that the proposed 251 dwelling units within the overall project will not exceed the maximum density of four units per acre. She stated that a revised staff report was distributed prior to the hearing to include revisions to the proposed zoning conditions regarding the parks to clarify that the parks will be private community parks available to the residents of Pebble Creek and that the internal park on the subject property will be limited to the residents of that development.

Hearing Master Finch asked Ms. Heinrich how many approved dwelling units would remain if the proposed 251 units are utilized from the existing entitlements. Ms. Heinrich replied that she would review the file and respond shortly.

Hearing Master Finch asked Mr. Perez of the County's Transportation Review section about the County normally requiring two access points and the applicant's transportation analysis which showed operational and safety issues associated with the required two access points. Hearing Master Finch asked Mr. Perez to confirm on the record that he agrees with the applicant's analysis that it is proper to proceed with one access and the proposed emergency access point. Mr. Perez replied that was correct and cited a Code Section that requires projects which generate peak hour traffic to provide two access points however the Code does permit fewer access points if a Professional Engineer submits a traffic study showing that a single or fewer access points would operate sufficiently and not experience any safety or operational issues. Mr. Perez testified that the applicant submitted a study comparing the proposed one access point to two assuming the second access point would be somewhere further east

along Regents Park Drive. The study concluded that there would be more traffic that would go south and then circle back through Regents Park Drive south to Bruce B. Downs Blvd or via Pebble Creek Drive would potentially impact the many homes that front Pebble Creek Drive and Regents Park Drive South. Mr. Perez stated that the transportation analysis also showed that there is less capacity at the Pebble Creek Drive and Regents Park South access points to handle the increase in traffic. The study was reviewed by the County Engineer and found acceptable and in accordance with the Land Development Code.

Ms. Heinrich of the Development Services Department testified that the applicant's calculations of what is currently developed and proposed in the approved Pebble Creek Planned Development would result in 439 dwelling units left for possible development.

Ms. Karla Llanos of the Planning Commission testified regarding the Planning Commission staff report. Ms. Llanos stated that the property is designated Residential-4 by the Future Land Use Map and is located within the Urban Service Area. She described the surrounding area and stated that the request does not meet the minimum density requirements of the Comprehensive Plan as 499 dwelling units would be required and the applicant is proposing 251 units. She added that Policy 1.2 does allow exceptions to the minimum density if the proposed density is compatible with the surrounding area or development pattern. In the case of the modification, the property qualifies for the exception as it is compatible with the surrounding development pattern. Ms. Llanos testified that although the proposed single-family lot sizes are slightly below the existing lot sizes, the overall consistency of compatibility and the proposed gradual transition between the land uses results in the Planning Commission finding the modification consistent with the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application.

Ms. Carol Clauws 10003 Cypress Shadow Avenue testified in support of the request. Ms. Clauws stated that she has lived in her home approximately 17 years and believes that her neighborhood currently looks horrible. She added that it will not come back as a golf course. The County has stated that the area will not be purchased as a park. Ms. Clauws stated that other builders in the past were interested in building 400 homes. She stated that GL Homes has listened to the community and met with them several times. The plans were adjusted based on the neighbor's feedback. She added that some of the major issues were protection of the wetlands and wildlife. GL Homes proposes increasing the water ponds from 20 to 37 acres, the planting of 3,000 trees, and five different park areas which will include a dock, benches, walkways and a pedestrian path around the whole community. Ms. Clauws stated that these are improvements that would not be obtained otherwise and it will bring new life to the community. Ms. Clauws testified that people in the community are intimidated to state that they are in favor of the modification. She stated that a door to door visit with the

community results in many people being in favor of the request. Residents have been harassed on-line for posting on the community Facebook page in support or even suggesting that residents go to the GL Homes meetings to express their questions and concerns. Ms. Clauws stated that she felt like people were bullying her because she supports the request.

Ms. Beverly Dubord 18924 Fairwood Court testified in support and stated that she and her husband built their house 30 years ago. She stated that hers was the first house on the street and she lived through other houses being built. She added that she was not bothered by the dust, noise or heavy equipment. Ms. Dubord testified that Pebble Creek is an aging community and what GL Homes has proposed will bring it up to par with other newer communities. She stated that home values will increase and the modification will bring new buyers to the area. She testified that the majority of the people in opposition appear to be speaking from an emotional level and looking at only their backyard. If the modification is not approved, the people in opposition would let the golf course go to weeds and then call Code Enforcement complaining about the owner not maintaining the area. Ms. Dubord stated that letting the course become overgrown will invite homelessness, criminal activity, insects, snakes, mice and a rundown appearance which will diminish property values.

Mr. Riley Landon 9616 Fox Hearst Road testified in support and stated that he and his wife are relatively new to the community as they purchased their home in October of 2021. They were told by the realtor that the subject property would be a golf course which turned out not to be true. Mr. Landon stated that he sat down and spoke with representatives of GL Homes. He stated that a group of residents against the modification have been known to bully people. He concluded his comments by stating that he toured some of GL Homes development and believes the project will add value to his home.

Ms. Kay Warnshuis 18528 Ambly Lane testified in support. She stated that she is an original homeowner and her house was built in 1991. She added that she loves her community. One of the complaints about GL Homes pertains to the noise, dirt and construction they will bring. She testified that she lived through the construction of the majority of the Pebble Creek homes and did not have a problem. Ms. Warnshuis stated that the property will be full of weeds and do nothing but lower her property value therefore she supports the modification.

Ms. Linda Warnshuis 18528 Ambly Lane testified in support and stated that she lives with her sister. Ms. Warnshuis discussed the misinformation and resistance that has been provided by persons in opposition to the request. She stated that the traffic will probably be the same as the existing apartment buildings. She added that the homeowners need to get together because if GL Homes does not come in, the community is liable to get something worse in their backyards.

Mr. Mike Jacobsen 18327 Cypress View Way testified in support and stated that the issue is a question of protecting their home values. He stated that when the

golf course closed, he was President of the Pebble Creek Homeowners Association. Through conversations with the golf course owner, he wanted to ensure a voice at the table with possible developers. The Association removed multi-family and multi-story residences and increased waterways, beautiful entrances and much more. After a few years, there has been no viable alternatives presented by the opposition other than to leave the course as it is. Mr. Jacobsen stated that it is an eyesore in the community negatively affecting all home values. He stated that the request will bring great value to their aging community and increase property values.

Mr. Lance Ignatowicz 9804 Cypress Shadow Avenue testified in support and stated that there were multiple meetings with GL Homes to address concerns. He added that they listened to the neighborhood and went out of their way to preserve all of the wetlands. Mr. Ignatowicz stated that the opposition claims they are opposing the request to preserve the wildlife in Pebble Creek however the plan with GL Homes does just that. He added that the Save Pebble Creek people really want to preserve the view from their backyard leaving the other 1,200 homeowners stuck with an abandoned golf course and chain link fence.

Mr. Jerold Seay 9925 Cypress Shadow testified in support and stated that he is a Vietnam veteran and has lived in Pebble Creek for 25 years. He is sad to see the golf course go but is sadder about how it currently looks. Therefore, he supports the request from GL Homes.

Hearing Master Finch asked audience members if there were any opponents of the application.

Ms. Emma Szymborski 9012 Hogans Bend testified in opposition. Ms. Szymborski stated that she has previously submitted documents into the record to support her testimony in opposition. She added that she provided an additional binder of documents which was submitted at the hearing. Ms. Szymborski stated that she finds the application incomplete and missing vital information. She testified that the application fails to provide the details regarding soil remediation from the State's Department of Environmental Protection (FDEP) which is not the County's EPC. The parcel was denied as being designated a Brownfield. The State's approval is required regarding a remedial action plan and soil assessment report. Soil samples are required to be submitted and approved as well as a supplemental soil assessment report. Ms. Szymborski testified that she is greatly concerned for her family due to the arsenic diodes that have been found exponentially in high numbers above the residential soil target levels. The development plan includes soil blending which takes contaminated soil and mixes it with new soil. She stated that Bob Sellers with FDEP has recommended not doing this. Ms. Szymborski testified that the soil sample numbers were never provided to the people that live in Pebble Creek. She explained that her biggest concern is when the soil is turned, exposed and mixed with the new soil. She cited Dr. Wells who is a professor at USF and Director of the Center for Brownfield Research and Development who stated that

while arsenic is naturally occurring in Florida's soil, diopine is not and potentially be airborne and water soluble. Ms. Szymborski stated that she lives 30 feet from the subject property and 110 feet from the tenth hole green. She stated that the development plan cannot guarantee that it will not result in significant adverse effects. She questioned how the modification can be approved when the soil mediation plan has not been approved by the State of Florida. Ms. Szymborski testified that she is also concerned about school capacity as Wharton High School is currently at 93 percent capacity. She testified that the request is not consistent or compatible with the surrounding community. She added that the modification is not consistent with the Comprehensive Plan and that the approval of 251 homes could potentially lead to urban sprawl. Ms. Szymborski cited case law regarding the government's burden to show that there is a legitimate public purpose in maintaining the existing zoning district (*Balm Road Investments LLC v. Hillsborough County Board of County Commissioners*). She also referred to *Pinellas County v. Richmond Group of Florida Inc.* regarding citizen participation at public meetings. Ms. Symborski concluded her remarks by stating that her objections were not just about the view from her backyard but rather about public health, safety and welfare and the overall quality of life that would affect her family and community.

Ms. Leslie Green 9014 Hogans Bend testified in opposition. Ms. Green read a letter in opposition from Dr. Paul Leaverton of 9204 Regents Park Drive. She testified that Pebble Creek is the densest subdivision in Tampa. She discussed the displacement of wildlife during construction. Ms. Green stated that the increase in traffic could result in accidents and delays in emergency response times. Ms. Green concluded her comments by stating that there were over 700 letters submitted into the record and that she was the subject of a lawsuit as an attempt to silence her views.

Mr. Fred Pierce 18919 Fairwood Court testified in opposition. Mr. Pierce stated that he and his wife have resided in their home for the past ten years to live on a golf course. Mr. Pierce discussed the sport of golf and his membership at Pebble Creek. He stated that he opposes the modification because he bought his property on the golf course because he is a golfer. He discussed the over 700 letters submitted into the record which he believes could have been more if not for the lawsuit filed by the golf course owner against a resident and letters sent to Pebble Creek residents. Mr. Pierce stated that he believes there are fictitious letters in support of the request. He concluded his comments by stating that he appreciated the civility at the hearing.

Ms. Dorothy Ziebrath 18314 Sturbridge Court testified in opposition. Ms. Ziebrath stated that she bought her property about one year ago and was under the impression that it was a golf course community. She detailed an incident where she and her husband were almost killed at the intersection of Pebble Creek Drive and Regents Park Drive as they were walking and a car almost hit them. She added that the increase in traffic from the subject project would increase traffic accidents.

County staff did not have additional comments.

Mr. Cremer testified during the rebuttal period and stated that several of the applicant's experts would testify.

Mr. Steve Henry testified regarding transportation issues. Mr. Henry stated that he wanted to address the issue brought up by a member of the opposition regarding the intersection of Pebble Creek and South Regents Drive. He pointed to a graphic to identify the proposed project access and the distance to the intersection of the accident cited by the opposition. He added that it is unlikely that a person from the subject project would travel out of their way rather than using the proposed subject access to Regents Park North.

Mr. Brian Moore 5904 Hampton Oks Parkway testified on behalf of the applicant and stated that he is a PhD and environmental engineer working in the Florida for over 25 years. He stated that he has worked on many similar projects and that when there is a shift of land use from agricultural to residential or multi-family, the process requires the mitigation of those chemicals that might have been applied to the ground and accumulated. He added that the subject site is going through that process with DEP. Mr. Moore stated that the process is prescribed in Florida Administrative Code 62-780 and is a two-step process. The first step is assessment and the second step is the actual remediation which may require cleanup. He stated that the process is moving along and is consistent with State standards.

Hearing Master Finch asked Mr. Moore if the soil remediation plan has been approved. Mr. Moore replied that it has not been approved yet. Hearing Master Finch asked what is the typical timeframe for the plan to be approved. Mr. Moore replied that the assessment is the first step which typically takes a long time as samples are analyzed. Once assessment is complete, the plan is required to be submitted within 90 days of the assessment approval and then the plan is typically approved within 30 to 60 days. Hearing Master Finch asked Mr. Moore if any development could proceed without the plans and remediation being complete. Mr. Moore replied that would typically be the case but that the Department is willing to work with applicants in the interim if development needs to move along. He added that scenario has not come up yet and he expects the typical plan approval process to take place.

Mr. Sposato testified on behalf of the applicant regarding land use issues and stated that he wanted to address the comment about the golf course being a part of the community. He showed a copy of the site plan and stated that the proposed site plan replaces the active recreational use of a golf course with more passive features which are ponds. He added that the wetlands will be maintained.

Mr. Cremer concluded the applicant's rebuttal testimony by stating that he was entering into the record new letters in support of the modification that were

received over the weekend. There are over 120 letters in supports of the request. Mr. Cremer testified that he was also submitting a copy the covenants for part of the surrounding community with a map to show that there is a covenant for those particular parcels that explicitly disclaims any potential future land use changes that the developer of landowner might choose to change in the future. He added that the covenant does not apply to each and every parcel in Pebble Creek but does cover the vast majority of the Pebble Creek neighborhood. Mr. Cremer responded to comments from the opposition regarding land values as well as the legal standards applicable to the modification. He concluded his remarks by stating that the community engagement performed by the applicant led to the plan proposed for the subject property.

Hearing Master Finch then concluded the hearing.

EVIDENCE SUBMITTED

*Ms. Heinrich submitted a revised staff report into the record.

*Mr. Cremer submitted a binder of documents that included the application narrative, PD site plan, architectural renderings, the Development Services Department and Planning Commission staff reports, the resumes of the applicant's development team, expert reports regarding land use planning, ecological, environmental, engineering, transportation, market assessment and feasibility study analyses, information regarding GL Homes and their community outreach, the applicant's presentation, a map depicting support for the modification, memorandums regarding quasi-judicial hearings and letters in support of the modifications into the record.

*Mr. Pearce submitted a flash drive which contained party of record information, an analysis of the application emails, copy of emails from Mr. Bill Place, a copy of the Ace Golf Inc. v. Leslie Green lawsuit as well as a motion to dismiss 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 Pebble Creek community is 586.17 acres in size. It is zoned Planned Development (PD 72-0319) and is designated RES-4 by the Comprehensive Plan and located in the Urban Service Area. The subject Major Modification site is 149.85 acres (golf course acreage).
2. The Pebble Creek Planned Development (PD) is currently approved for single-family and multi-family residential, recreational and commercial land uses and a golf course with clubhouse. According to County staff, there are currently 1,655 dwelling units in the Pebble Creek community which equates to a density of 2.82 dwelling units per acre.
3. The Major Modification requests to allow redevelop the golf course site (149.85 acres) with 251 single-family detached homes and park land uses. The proposed 251 homes equates to a density of 1.68 dwelling units per acre.
4. The Pebble Creek PD has 689 excess and unbuilt approved dwelling units therefore the Major Modification does not request any additional dwelling units.
5. According to the applicant's representative, the Pebble Creek PD was approved in 1972 which is five years after the golf course was initially developed.
6. The applicant implemented a community outreach program which included knocking on all 1,315 doors in the Pebble Creek community. Additionally, three in-person and one virtual community meetings were held. A web page was created as well as a number of fliers. Questionnaires were emailed out to solicit as much feedback as possible such that the community could be designed in a sensitive way. The applicant's representative testified that the feedback resulted in a consensus that no apartments were wanted on the subject parcel.
7. The applicant's representative testified that neither the PD nor any title documents restrict the use of the subject property to a golf course in perpetuity.
8. No PD variations or waivers are requested as a part of the Major Modification request. Therefore, compliance with applicable County and State regulations will be required.

9. The Planning Commission found the request does not meet the minimum density requirements of the Comprehensive Plan as 449 dwelling units would be required and the applicant is proposing 251 units. Staff stated that Policy 1.3 does allow exceptions to the minimum density if the required density would be incompatible within 1,000 feet of the project and the proposed density is compatible with the surrounding area or development pattern. In the case of the modification, the Planning Commission found that the project is compatible with the surrounding development pattern. Staff testified that although the proposed single-family lot sizes are slightly below the existing adjacent lot sizes, the overall compatibility provided by the substantial buffers and the proposed gradual transition between the land uses results in the Planning Commission finding the modification consistent with the Comprehensive Plan.
10. The subject property is surrounded by the Pebble Creek PD 72-0319 which is developed with single-family homes to the east, west and south and both single-family and multi-family residential also zoned PD 72-0319 and PD 94-0209 to the north.
11. The site plan is designed to locate the proposed 251 single-family lots and 3.3 acre private park internal to the subject property with a ring of stormwater ponds and open space along the project boundary. Three passive parks located along the perimeter of the site along with an additional 3.2 acre park located next to the subject project entrance will be accessible to both project residents and the existing Pebble Creek community.
12. Testimony in support was provided at the Zoning Hearing Master hearing and submitted into the record. The testimony in support focused on the fact that the existing golf course is closed and the site is becoming overgrown and an eyesore. Residents of the existing Pebble Creek community expressed their support of the modification based on the commitment of the developer to provide additional ponds, trees, pedestrian pathways and parks. Residents also testified that they believe their property values will increase as a result of the subject project development.
13. Testimony in opposition was provided at the Zoning Hearing Master and also submitted into the record. Objections were based on the lack of approval of a soil remediation plan, overcrowding at neighborhood schools, incompatibility with the surrounding development and safety concerns caused by an increase in traffic.

14. The applicant's environmental engineer testified that the project is currently being reviewed by the Florida Department of Environmental Protection (DEP) in accordance with the Florida Administrative Code directive for a two-step process. The site is currently being assessed including soil samples from the former golf course. Once the assessment has been completed, a remediation plan must be approved within 90 days and is typically approved within 60 days.
15. The Hillsborough County School District provided comments regarding the proposed Major Modification. The comments state that there is adequate school capacity at the respective elementary and middle schools (Turner/Bartels K-8). Wharton High School is cited at being at 99 percent capacity however, the School District states that there is capacity available in adjacent concurrency service areas (school attendance boundaries). The School District comments state that the capacity information cited is not a determination of school concurrency as that analysis is done prior to Preliminary Plat or Site Plan approval if the Major Modification is approved thereby providing more real time data and analysis.
16. Although the proposed lot sizes are smaller than the adjacent lots in the Pebble Creek community, the location of the stormwater ponds and open space at the boundary of the subject site provides a significant buffer to mitigate the replacement of the golf course to those existing Pebble Creek residents that previously fronted the golf course. The design of the site plan including the proposed additional parks serves to increase compatibility and integration with the existing Pebble Creek community.
17. The subject development proposes a single access point located on Regents Park Drive North. An emergency access point with a pedestrian connection is also proposed to Regents Park Drive North on the northern part of the subject site via an existing access easement.

It is noted that while the Land Development Code requires two access points for the proposed subdivision, County transportation staff has agreed with the applicant's transportation engineer's analysis that a second full access point from the proposed development, assuming the second access point would be somewhere further east along Regents Park Drive, would create more traffic that would go south and then circle back through Regents Park Drive south to Bruce B. Downs Blvd or via Pebble Creek Drive. Further, County transportation staff testified that the transportation analysis also showed that there is less capacity at the Pebble Creek Drive and Regents Park South access points to handle the increase in traffic. Additionally, staff agreed with the applicant's assertion that the additional access point would result in traffic that could negatively impact existing homes that currently front Regents Park Drive North and Pebble Creek Drive.

18. A design exception was found approvable by the County Engineer to mitigate the substandard Regents Park Drive as it does not have bike lanes or a sidewalk on the south side of the roadway. It is noted that the existing travel lanes on Regents Park Drive meet or exceed the County's required width of 11 feet. The applicant proposes to mitigate the lack of bikes lanes and sidewalk with the installation of a 10-foot wide sidewalk on the south side of Regents Park Drive North from the trail located along Bruce B. Downs Blvd east to the existing sidewalk on Regents Park Drive.
19. The request to replace the existing golf course with 251 single-family units, which are already approved dwelling units under the existing Planned Development, is consistent with the surrounding development pattern. The proposed parks and site plan design that includes developing the single-family homes internal to the site and providing a ring of stormwater ponds and open space along the perimeter serves to increase compatibility with the neighboring residential homes.
20. The Major Modification is consistent with the Comprehensive Plan and Land Development Code.

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 586.17 acre Pebble Creek Planned Development (PD) is currently approved for single-family and multi-family residential, recreational and commercial land uses and a golf course with clubhouse. According to County staff, there are currently 1,655 dwelling units within Pebble Creek.

The Major Modification requests to allow redevelop the golf course site (149.85 acres) with 251 single-family detached homes and park land uses. The PD has 689 excess and unbuilt dwelling units and the Major Modification does not request any additional dwelling units. No PD variations or waivers are requested as a part of the Major Modification request. Therefore, compliance with all applicable County and State regulations will be required.

The Planning Commission found the request does not meet the minimum density requirements of the Comprehensive Plan as 499 dwelling units would be required and the applicant is proposing 251 units. Staff stated that Policy 1.3 does allow exceptions to the minimum density if the required density would be incompatible and the proposed density would be more compatible with the surrounding area or development pattern. Staff testified that the project meets the exception and although the proposed single-family lot sizes are slightly below the existing lot sizes, the overall compatibility with the proposed significant buffer and the proposed gradual transition between the land uses results in the Planning Commission finding the modification consistent with the Comprehensive Plan.

Testimony in support was provided at the Zoning Hearing Master hearing and submitted into the record. The testimony in support focused on the fact that the existing golf course is closed and the site is becoming overgrown and an eyesore. Residents of the existing Pebble Creek community expressed their support of the modification based on the commitment of the developer to provide additional ponds, trees, pedestrian pathways and parks. Residents also testified that they believe their property values will increase as a result of the subject project development.

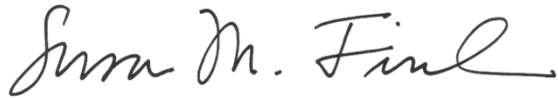
Testimony in opposition was provided at the Zoning Hearing Master and also submitted into the record. Objections were based on the lack of approval of a soil remediation plan, overcrowding at neighborhood schools, incompatibility with the surrounding development and safety concerns caused by an increase in traffic.

The applicant's representative testified that neither the PD nor any title documents restrict the use of the subject property to a golf course in perpetuity.

The request to replace the existing golf course with 251 single-family units, which are already approved dwelling units under the existing Planned Development, is consistent with the surrounding development pattern. The proposed parks and site plan design that includes developing the single-family homes internal to the site and providing a ring of stormwater ponds and significant open space along the perimeter serves to increase compatibility with the neighboring residential homes. The Major Modification is consistent with the Comprehensive Plan and Land Development Code.

RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 72-0319 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



June 6, 2023

Susan M. Finch, AICP
Land Use Hearing Officer

Date

TUESDAY, JULY 18, 2023

RECOMMENDATION:

ZHM: Approval
DS: Approvable, subject to conditions
PC: Consistent with Plan

▶ Mr. Grady deferred to Ms. Michelle Heinrich, DS, who expounded on the item. ▶ Attorney Kamala Corbett, applicant representative, delivered a presentation. Chair Hagan called for public comments. The following individuals spoke in support of the item: ▶ Messers. John Regan, Don Hampton, and Gil Martinez. ▶ Ms. Lienhard and Senior Assistant County Attorney Johanna Lundgren reviewed PC/ZHM recommendations. Following remarks, ▶ **Commissioner Kemp moved to approve, seconded by Commissioner Myers.** Commissioner Owen expressed concerns on multifamily units, accessible bus stops, and public transportation needs. Attorney Corbett explained the conditions. Subsequent to discussion on the community benefits, ▶ Commissioner Owen asked about requesting a staff report on the community benefits plan under the Wimauma Village Residential (WVR) 2. Upon conferring with Mr. Gormly on the land development code (LDC) application process/requirements, ▶ Commissioner Wostal shared concerns on Florida's Government-in-the-Sunshine law regarding Ms. Vivienne Handy, PC; inquired about the Wimauma CDC being a possible financial partner; and argued to abolish the LDC community benefits agreement for violating the Florida State constitution. Dialogue ensued on issues surrounding the project, infrastructure, water supply challenges, the application approval process, and community benefits. ▶ **The motion carried seven to zero.**

▶ **Commissioner Owen moved for staff to bring back a report on the community benefits under the WVR-2, so the Board could take a look at the possible future amendments to the LDC and Comp Plan, seconded by Commissioner Wostal, and carried six to one; Commissioner Kemp voted no.**

F.2. Application Number: MM 23-0132
Applicant: G.L. ACQUISITIONS CORPORATION
Location: 10550 Regents Park Dr & Also Parcel
Located 200ft W of Weatherstone Dr
& Regents Park Dr Intersection, S
Side of St.
Folio Number: 5923.0000 & 59230.0750
Acreage: 149.85 acres, more or less

TUESDAY, JULY 18, 2023

Comp Plan: RES-4
Service Area: Urban
Community Plan: None
Existing Zoning: PD (72-0319)
Request: Major Modification to PD
RECOMMENDATION:
ZHM: Approval
DS: Approvable, subject to conditions
PC: Consistent with the Plan

► Mr. Grady and Ms. Heinrich gave an overview of the item. After requesting additional proponents/opponents be permitted to enter the boardroom, ► Attorney Jacob Cremer and Messers. Steven Sposato and Steve Henry, applicant representatives, elaborated on a presentation. Chair Hagan called for public comment. The following individuals spoke in support of the item: ► Mr. Lance Ignatowicz; Mses. Linda Warnshuis and Joanne Danaher; ► Mr. John Scaife; Ms. Carol Clauws; and Mr. Robert Tiberia. The subsequent people were in opposition to the item: ► Mses. Leslie Green and Emma Szyborski; and Messrs. Paul Leaverton, ► Chandler Horkman, Fredrick Pearce, and Michael Elliott.

► Attorney Cremer and Mr. Brian Moore, applicant representative, gave rebuttal. Ms. Leinhard and Attorney Lundgren reviewed PC/ZHM recommendations. ► Commissioner Myers pointed out the property condition. Touching on the property history, sharing news on street resurfacing, highlighting resident correspondence, opining the business goals run contrary to the community's best interest, warning against fearmongering from the owner, and upon passing the gavel to Vice Chair Myers, ► **Chair Hagan moved to deny based on the fact that the application was inconsistent with the Comp Plan, specifically as outlined in Objective 16 Neighborhood Protection: Objective 16 stated the neighborhood was the functional unity of community development, there was a need to protect existing neighborhoods and communities and those that would emerge in the future; to preserve, protect, and enhance neighborhoods and communities, all new development must conform to the following Policies 16.8, 16.10, as well as Policies 1.4, 8.1, and 8.2, and continued remarks on the golf course being integral to neighborhood design.** ► **The motion was seconded by Commissioner Kemp.** Commissioner Owen made observations on community passion and the decline of

golf course businesses. Citing concerns regarding the Live Local Act's impact on the denial, Commissioner Wostal would not support the motion. ► Commissioner Cohen felt the item provided community benefits and opposed the motion. Commissioner Kemp sought more information on how the Live Local Act would influence land use designations in the unincorporated County and on soil contamination studies. Chair Hagan discussed an upcoming report for the Live Local Act. Commissioner Cameron Cepeda favored denying the item. Commissioner Wostal emphasized the risk involved with rejecting the application. ► **The motion carried four to three; Commissioners Cohen, Myers, and Wostal voted no.**

After clarification that a motion to reconsider would be needed to reopen the vote, ► **Commissioner Kemp moved to reconsider, seconded by Commissioner Owen, and carried five to two; Commissioners Cohen and Wostal voted no.**

► **The original motion carried five to two; Commissioners Cohen and Wostal voted no.**

PUBLIC HEARINGS - RELATED ITEMS

G.1.A. Application Number: RZ-PD 22-1703
Applicant: THE WIDEWATERS GROUP, INC
Location: 1550ft S of Graves Rd & Columbus Dr Intersection.
Folio Number: 67906.0000, 67906.0010, Portion of 67907.0000 & Portion of 67911.0000
Acreage: 16.44 acres, more or less
Comp Plan: UMU-20 & RES-6
Service Area: Urban
Community Plan: Brandon
Existing Zoning: PD (05-0809) & PD (20-0447)
Request: Rezone to PD
RECOMMENDATION:
ZHM: Approval
DS: Approvable, subject to conditions
PC: Consistent with the Plan

► Mr. Grady touched on the item. ► Attorney Rebecca Kert, applicant representative, elaborated on a presentation. Chair Hagan called for public comment; there was no response. ► Ms. Leinhard and Attorney Lundgren reviewed PC/ZHM recommendations. ► **Action taken with Item G.1.B.**