



**HILLSBOROUGH COUNTY  
BOCC LAND USE MEETING AGENDA  
February 13, 2024  
CHANGES/CORRECTIONS/ADDITIONS**

1. **Agenda Page 10, Item-E-01-SU-LE- 23-0498-STEPHEN J. DIBBS**  
Additional Party of Records have been added to the backup.
2. **Agenda Page 10, Item-E-01-SU-LE-23-0498-STEPHEN J. DIBBS**  
An additional condition is being offered by the applicant in response to community comments/concerns. Condition 4 is being modified as follows:
  - The maximum depth of excavation shall not exceed the depths shown on the site plan dated January 25, 2024. The depth may be reduced at the point of operating permit issuance based on geological/hydrological factors, or after operating permit issuance base on on-site geological/hydrological factors. The applicant shall submit annually, on the anniversary date of the Operating Permit, a cross section survey showing the current depth of existing land excavations on the subject property and the slope of the sides and depth of the water, if any.
3. **Agenda Page 10, Item-E-03-SU-LE-23-1003-FARMLAND RESERVE INC**  
Updated Agenda Item to correct Recommendation statement from “(Delete and Enter Text)” to “Approvable, subject to conditions”
4. **Agenda Page 12, Item-G-01-B-DRI-23-0335- 6400 APOLLO BEACH BOULEVARD HOLDINGS LLC**  
Updated Agenda Item to correct agenda number from “G-01\_A.” to “G-01\_B.”

**TIME CERTAIN**

1. None

**COMMISSIONERS’ ITEMS**

1. None

**OFF-THE-AGENDA ITEM**

1. None

## Rome, Ashley

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**From:** Hearings  
**Sent:** Monday, February 12, 2024 7:34 AM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: SU 23-0498 opposition

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**From:** Debbie Anderson <heredebbie@yahoo.com>  
**Sent:** Saturday, February 10, 2024 11:42 AM  
**To:** Hearings <Hearings@hcfll.gov>  
**Subject:** SU 23-0498 opposition

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Please deny SU 23-0498.

I write this as an extremely concerned citizen of Hillsborough County.

On an environmental level, this huge excavation project has had, and would continue to have, terrible impacts on the vitally important wetlands on the property. These large wetlands in the Brooker Creek watershed, along with an upland area on site, have been officially designated as "Significant Wildlife Habitat." Nevertheless, the applicant Stephen Dibbs has a record of multiple violations of discharging pollution into these important wetlands, and other unauthorized activity at this site, while operating this borrow pit. He dug his pit deeper than permitted, which risks dewatering the adjacent natural wetlands. Dibbs also destroyed upland habitat on this property that he was required to preserve.

Dibbs has a long history of disregarding environmental regulations and other development rules including the local Community Plan. In fact, he was a leader in the effort to \*abolish\* our County's EPC wetland rules some years back, and he has been fighting to remove our guardrails on development ever since. He cannot be trusted to follow any rules or conditions on this permit, and he should not be allowed to continue damaging our natural resources.

From a transportation safety perspective, it is even worse! County transportation staff estimates the permit would allow an average of 8 truck trips per hour, 11 hours per day, every weekday for 10 years. (This is an average, so at times the parade of dump-trucks could be extremely dense on this rural road.) The applicant's own hired transportation consultant admits there have been 50 crashes on this short segment of Lutz Lake Fern Road over the last 5 years — excluding the intersections!

This intense dump-truck traffic on Lutz Lake Fern Road poses a danger to cyclists & pedestrians using the Upper Tampa Bay Trail, as the trail crosses the road right in this area. It is also a danger to schoolchildren.

There are several schools in the vicinity, but the road has no sidewalks, no bike lanes, and not even any paved shoulders — contrary to County standards — yet the applicant is asking for “design exceptions,” which are essentially variances from the County standards, to allow their truck traffic to operate on the substandard roads, without having to pay the costs of improving the road to make it safer.

Finally, those who live in the area have already expressed deep concern over the dust generated by the excavation as well as the negative health impacts resulting from the bad air quality.

In closing, I strongly urge you to VOTE NO on SU23-0498. The person who would be in charge has demonstrated a willingness to not follow the rules - in fact, he has lead effort to destroy those rules. He has also shown he does not care about safety or negative environmental impacts. Therefore, he should not be allowed another chance to do additional environmental damage.

Debbie Anderson

## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 8:33 AM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: SU 23-0498 Opposition

-----Original Message-----

From: Jake Dees <jdees28@gmail.com>  
Sent: Thursday, February 8, 2024 9:47 PM  
To: Hearings <Hearings@hcfl.gov>  
Subject: SU 23-0498 Opposition

External email: Use caution when clicking on links, opening attachments or replying to this email.

Please deny SU 23-0498. I am a resident of Keystone and live on this street, and I am very concerned with the dump truck traffic, environmental concerns, and safety concerns this application brings.

Thank you.

- Jake Dees



## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 8:32 AM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: SU 23-0498 Opposition

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**From:** Jenna Dees <jennabdees@gmail.com>  
**Sent:** Thursday, February 8, 2024 9:36 PM  
**To:** Hearings <Hearings@hcf.gov>  
**Subject:** SU 23-0498 Opposition

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Please deny SU 23-0498. I am a resident of Keystone and live on this street, and I am VERY concerned with the dump truck traffic, environmental concerns, and safety concerns this application brings.

Thank you.

Best,

Jenna

## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 1:13 PM  
**To:** Vazquez, Bianca; Rome, Ashley; Heinrich, Michelle  
**Subject:** FW: SU 23-0498 opposition

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**From:** Jean Eglinton <jeeglinton@gmail.com>  
**Sent:** Friday, February 9, 2024 11:42 AM  
**To:** Hearings <Hearings@hcf.gov>  
**Subject:** SU 23-0498 opposition

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Please deny SU 23-0498.  
Thank you,  
Jean Eglinton

## Rome, Ashley

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**From:** Hearings  
**Sent:** Monday, February 12, 2024 7:34 AM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: SU LE 23-0498

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**From:** Gary Engelhardt <buetos@mac.com>  
**Sent:** Friday, February 9, 2024 5:20 PM  
**To:** Hearings <Hearings@hcfl.gov>  
**Subject:** SU LE 23-0498

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

I am a life-long resident of Hillsborough County and have seen much change during those years. Some good, some not so much. The proposed Special Use borrow pit (SU LE 23-0498) is in the latter category. My property is adjacent to the proposed borrow pit Special Use approval. I am opposed to the approval of this application due to the negative impacts on the surrounding neighborhood. For years we have been subjected to the noise from the operation, the dust during dry seasons, and the truck traffic cutting through our neighborhood. The applicant has been cited for numerous violations of his prior Special Use approval and his Operating Permit. He has shown total disregard for operating the pit within the conditions of his permit. This includes hauling of unauthorized materials onto the site, and the destruction of Significant Wildlife Habitat. I urged the County Commission to deny this application to protect the interests of the neighborhood.

Respectfully,  
Gary Engelhardt

## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 8:35 AM  
**To:** Vazquez, Bianca; Rome, Ashley; Heinrich, Michelle  
**Subject:** FW: SU 23-0498 Opposition

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**From:** Alessandra Flores <alessandraflores1128@gmail.com>  
**Sent:** Friday, February 9, 2024 12:42 AM  
**To:** Hearings <Hearings@hcf.gov>  
**Subject:** SU 23-0498 Opposition

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Please deny SU 23-0498. I am VERY concerned with the dump truck traffic, environmental concerns, and safety concerns this application brings. Thank you.

Alessandra Flores

## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 3:32 PM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: SU 23-0498 opposition

-----Original Message-----

From: Heather Groner <heatherkgroner@gmail.com>  
Sent: Friday, February 9, 2024 2:54 PM  
To: Hearings <Hearings@hcfh.gov>  
Subject: SU 23-0498 opposition

External email: Use caution when clicking on links, opening attachments or replying to this email.

To whom it may concern,  
I am opposed to the borrow pit!

## Rome, Ashley

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**From:** Vazquez, Bianca  
**Sent:** Monday, February 12, 2024 9:19 AM  
**To:** Rome, Ashley  
**Subject:** FW: Comments on Staff Draft Conditions for SU LW 23-0498  
**Attachments:** Dibbs Comments on Staff Report 2-1-24.docx

**Importance:** High

POR for 23-0498

Thank You,

**Bianca O. Vazquez**  
**Planning and Zoning Technician**  
Development Services Department

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**P:** (813) 276-2155  
**E:** [vazquezb@HillsboroughCounty.org](mailto:vazquezb@HillsboroughCounty.org)  
**W:** [HCFLGov.net](http://HCFLGov.net)

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**Hillsborough County**  
601 E. Kennedy Blvd. 20<sup>th</sup> Floor, Tampa, FL 33602

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**From:** Heinrich, Michelle <HeinrichM@hcfl.gov>  
**Sent:** Monday, February 12, 2024 9:13 AM  
**To:** Vazquez, Bianca <VazquezB@hcfl.gov>  
**Cc:** Grady, Brian <Gradyb@hcfl.gov>  
**Subject:** FW: Comments on Staff Draft Conditions for SU LW 23-0498  
**Importance:** High

Please place the below and attached into the POR for SU 23-0498.

Thanks,  
**Michelle Heinrich, AICP**  
**Executive Planner**  
Development Services Department

---

**P:** (813) 276-2167  
**E:** [heinrichm@HCFL.gov](mailto:heinrichm@HCFL.gov)

---

**Hillsborough County**  
601 E. Kennedy Blvd., Tampa, FL 33602

---

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**From:** Ethel Hammer <[edh@ehaplanners.com](mailto:edh@ehaplanners.com)>

**Sent:** Wednesday, February 7, 2024 9:02 AM

**To:** Heinrich, Michelle <[HeinrichM@hcfl.gov](mailto:HeinrichM@hcfl.gov)>

**Cc:** [clara@lawhead.us](mailto:clara@lawhead.us); [adam.hollifield@gmail.com](mailto:adam.hollifield@gmail.com); Gary & Linda Anderson <[gwalsa1990@gmail.com](mailto:gwalsa1990@gmail.com)>; Jim Barrie DVM ([jgbdvm@aol.com](mailto:jgbdvm@aol.com)) <[jgbdvm@aol.com](mailto:jgbdvm@aol.com)>; [barbara@tomaderhold.com](mailto:barbara@tomaderhold.com); Ben Collier <[justhd.03@gmail.com](mailto:justhd.03@gmail.com)>; Mariella Smith <[vote@mariellasmith.com](mailto:vote@mariellasmith.com)>; Nadia Combs <[nadiatcombs@hotmail.com](mailto:nadiatcombs@hotmail.com)>; [trishlawton@me.com](mailto:trishlawton@me.com)

**Subject:** Comments on Staff Draft Conditions for SU LW 23-0498

**Importance:** High

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Michelle,

The property owner has a long history of violations relating to his Special Use and Operating Permits at this location. This is well documented in County files. However, the proposed set of conditions (which is little more than tweaking the existing conditions) does little to insure that there will be monitoring and enforcement going forward, especially for conditions violated previously. This is particularly evident in Condition 4 concerning the depth of the excavation. Based on your proposed condition, there is no requirement to monitor depth for 10 years!

Given the prior record of violations related to the operation of the Borrow Pit permit at this location, the neighborhood feels you have not protected the interests of the community by ensuring an adequate Monitoring and Enforcement program.

I have attached a memo which addresses suggested additions, corrections, and deletions for the proposed conditions. This memo is a compilation of input from representative members of the Community, including Tarramor, Ivy Lake Estates, the Keystone Civic Association and the rural neighborhood surrounding the borrow pit.

We will oppose the application at the public hearing on Tuesday. We request that you revise the draft conditions to better protect the interests of the Community, in the event it should receive BOCC approval.

Ethel Hammer

**Community Comments on SU LE 23-0498**

(Based on Staff Report Filed February 4, 2024)

4. The following should be added to Condition 4, or appear as a separate condition:

The applicant shall submit annually, on the anniversary date of the Operating Permit, a cross section survey showing the current depth of existing land excavations on the subject property and the slope of the sides and depth of the water, if any.

6. ...., regardless of whether these materials **are** encountered within the permitted excavation depths/elevations.

10. The entire site shall be enclosed with a security fence to prevent unauthorized access to the excavation fenced, and the access point gated and locked when not in operation. (Hog wire or barbed wire do not secure the site from unauthorized entry).

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**11. Where are silt fencing and hay bales required to be utilized?**

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13. Failure to comply with any condition of the Special Use and Operating Permit shall result in the issuance of an immediate cease and desist order .....

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**14.** No organic peat should be permitted on the site. Therefore, relevant language in condition #14 should be deleted, including subsections a and b. It creates odor issues for adjacent property owners and the potential for groundwater and surface water pollution. The condition contains no required monitoring condition, wherein the tested samples or a certified report is submitted to the County. The only involvement of the County is certifying methodology.

Where would the organic peat be permitted to be stored? Where is the storage area for the crushed concrete and asphalt millings? How will the amount of crushed concrete and asphalt millings on the site be monitored?

16. Is there no requirement for watering the site in periods of excessive fugitive dust? Section 8.01.00.B.10 requires addressment of Fugitive Dust Attenuation. I see no conditions where the applicant describes how and when he will protect the neighborhood from fugitive dust, which has been a major problem in the past.

21. b. This condition language is unclear concerning delivery to the east. If the intent is not to permit trucks to go eastbound to make deliveries on Dale Mabry, the language delineating the boundary where deliveries can be made should be clarified to state the "western right of way boundary of Dale Mabry Highway." Otherwise the current language permits truck traffic on Lutz Lake Fern Road to make deliveries to "Dale Mabry Highway to the east."



McKitrick Elementary School is misspelled.

Revise the term Suncoast Parkway Extension to Suncoast Parkway.

22. The neighborhood requests that the language "If requested by Hillsborough County". Hiring the off-duty sheriff's deputy should be a requirement of the SU approval. Otherwise it becomes the responsibility of the neighborhood to monitor and report violations of the truck route.

25. Condition 25 should be required to be done at least biennially, not once before the permit is issued. There is already history of trucks from this borrow pit destroying the pavement on Lutz Lake Fern Road. This condition needs standards and triggers for when the repairs to damage should be done. Once the roadway falls below a certain standard, the borrow pit should be closed until the damage is repaired.

30 and 31. These conditions are oddly worded, as they will have already been administratively approved by the time this goes to hearing before the BOCC. It's awkward to state "If SU 23-0498 is approved," because if it isn't approved, these conditions don't exist. That phrase of the condition can be deleted, as after the fact it will be very confusing.

The Keystone Community objects to the waiver for the applicant to not improve Lutz Lake Fern Road to County standards until 200,000 cubic yards of fill material have been excavated under this permit. What is the justification for the 200,000 figure?. If the current roadway condition is unsafe, the Community objects to allowing the applicant to proceed with no road improvements.

33. A berm in addition to landscaping should be provided in front of Jim Barrie's house. The setback requirements in Section 6.11.54 are minimums, and can be increased upon recommendation of the staff and approval by the Board. I think it is unacceptable to have a home directly facing the borrow pit, with no buffering or screening protection provided by the applicant nor recommended by the staff. Extenuating circumstances are the orientation of the home relative to the borrow pit.

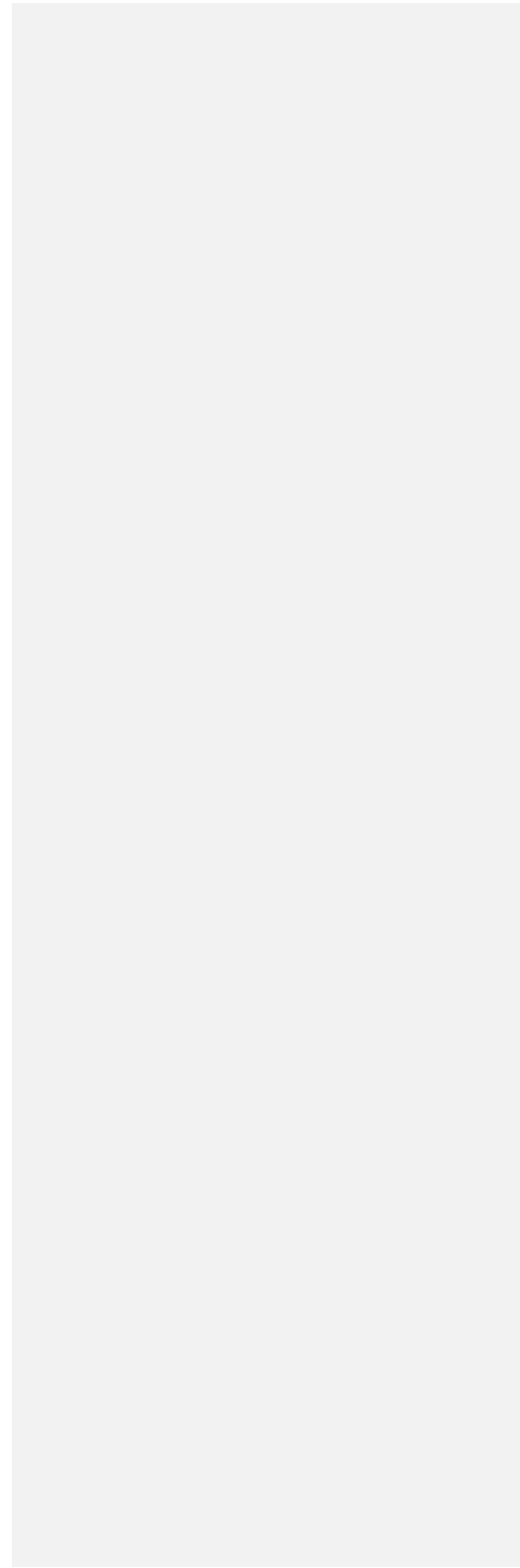
39, 40, and 41. All three of these conditions should make it clear that these Plans and/or surveys must be updated relative to the date of approval of the Special Use permit.

41. The nesting bird survey should be conducted at the time of year when nesting activity occurs.

45.b. Vegetation survey transects must be submitted to EPC, SWFWMD and TBW. As worded, the condition does not require submittal of the survey results to any government agency.

47. Add the following: The applicant shall notify Hillsborough County Natural Resource Department, Hillsborough County Environmental Protection Commission, Tampa Bay Water, and SWFWMD of any spill or unauthorized release of materials at the site.

51. Hillsborough County Natural Resource Department shall inspect the excavation site monthly. Notice to the permit holder shall be given at least 24 hours prior to the scheduled inspection. If access is not feasible, another inspection date shall be scheduled.



## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 3:31 PM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: SU LE 23-0498

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**From:** Ethel Hammer <edh@ehaplanners.com>  
**Sent:** Friday, February 9, 2024 2:37 PM  
**To:** Hearings <Hearings@hcfl.gov>  
**Subject:** SU LE 23-0498

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

I am a resident of Hillsborough County. I live immediately adjacent to the borrow pit that is the subject of the Special Use application referenced above. I am opposed to the approval of this application due to the negative impacts on the surrounding neighborhood. For years we have been subjected to the noise from the operation, the dust during dry seasons, and the truck traffic cutting through our neighborhood. The applicant has been cited for numerous violations of his prior Special Use approval and his Operating Permit. He has shown total disregard for operating the pit within the conditions of his permit. This includes hauling of unauthorized materials onto the site, and the destruction of Significant Wildlife Habitat. Please deny this application to protect the interests of the neighborhood.

Ethel Hammer

## Rome, Ashley

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**From:** Hearings  
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**Subject:** FW: SU LE 23-0498 Comments on Staff Conditions  
**Attachments:** Dibbs Comments on Staff Report 2-1-24.docx

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**From:** Ethel Hammer <edh@ehaplanners.com>  
**Sent:** Friday, February 9, 2024 3:24 PM  
**To:** Hearings <Hearings@hcfl.gov>  
**Subject:** SU LE 23-0498 Comments on Staff Conditions

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Attached is a memo outlining the Community's comments on the draft Staff Conditions. We are very disappointed that our comments are being ignored.

Ethel D. Hammer

**Community Comments on SU LE 23-0498**

(Based on Staff Report Filed February 4, 2024)

4. The following should be added to Condition 4, or appear as a separate condition:

The applicant shall submit annually, on the anniversary date of the Operating Permit, a cross section survey showing the current depth of existing land excavations on the subject property and the slope of the sides and depth of the water, if any.

6. ...., regardless of whether these materials **are** encountered within the permitted excavation depths/elevations.

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**14.** No organic peat should be permitted on the site. Therefore, relevant language in condition #14 should be deleted, including subsections a and b. It creates odor issues for adjacent property owners and the potential for groundwater and surface water pollution. The condition contains no required monitoring condition, wherein the tested samples or a certified report is submitted to the County. The only involvement of the County is certifying methodology.

Where would the organic peat be permitted to be stored? Where is the storage area for the crushed concrete and asphalt millings? How will the amount of crushed concrete and asphalt millings on the site be monitored?

16. Is there no requirement for watering the site in periods of excessive fugitive dust? Section 8.01.00.B.10 requires addressment of Fugitive Dust Attenuation. I see no conditions where the applicant describes how and when he will protect the neighborhood from fugitive dust, which has been a major problem in the past.

21. b. This condition language is unclear concerning delivery to the east. If the intent is not to permit trucks to go eastbound to make deliveries on Dale Mabry, the language delineating the boundary where deliveries can be made should be clarified to state the "western right of way boundary of Dale Mabry Highway." Otherwise the current language permits truck traffic on Lutz Lake Fern Road to make deliveries to "Dale Mabry Highway to the east."

McKitrick Elementary School is misspelled.

Revise the term Suncoast Parkway Extension to Suncoast Parkway.

22. The neighborhood requests that the language "If requested by Hillsborough County". Hiring the off-duty sheriff's deputy should be a requirement of the SU approval. Otherwise it becomes the responsibility of the neighborhood to monitor and report violations of the truck route.

25. Condition 25 should be required to be done at least biennially, not once before the permit is issued. There is already history of trucks from this borrow pit destroying the pavement on Lutz Lake Fern Road. This condition needs standards and triggers for when the repairs to damage should be done. Once the roadway falls below a certain standard, the borrow pit should be closed until the damage is repaired.

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The Keystone Community objects to the waiver for the applicant to not improve Lutz Lake Fern Road to County standards until 200,000 cubic yards of fill material have been excavated under this permit. What is the justification for the 200,000 figure?. If the current roadway condition is unsafe, the Community objects to allowing the applicant to proceed with no road improvements.

33. A berm in addition to landscaping should be provided in front of Jim Barrie's house. The setback requirements in Section 6.11.54 are minimums, and can be increased upon recommendation of the staff and approval by the Board. I think it is unacceptable to have a home directly facing the borrow pit, with no buffering or screening protection provided by the applicant nor recommended by the staff. Extenuating circumstances are the orientation of the home relative to the borrow pit.

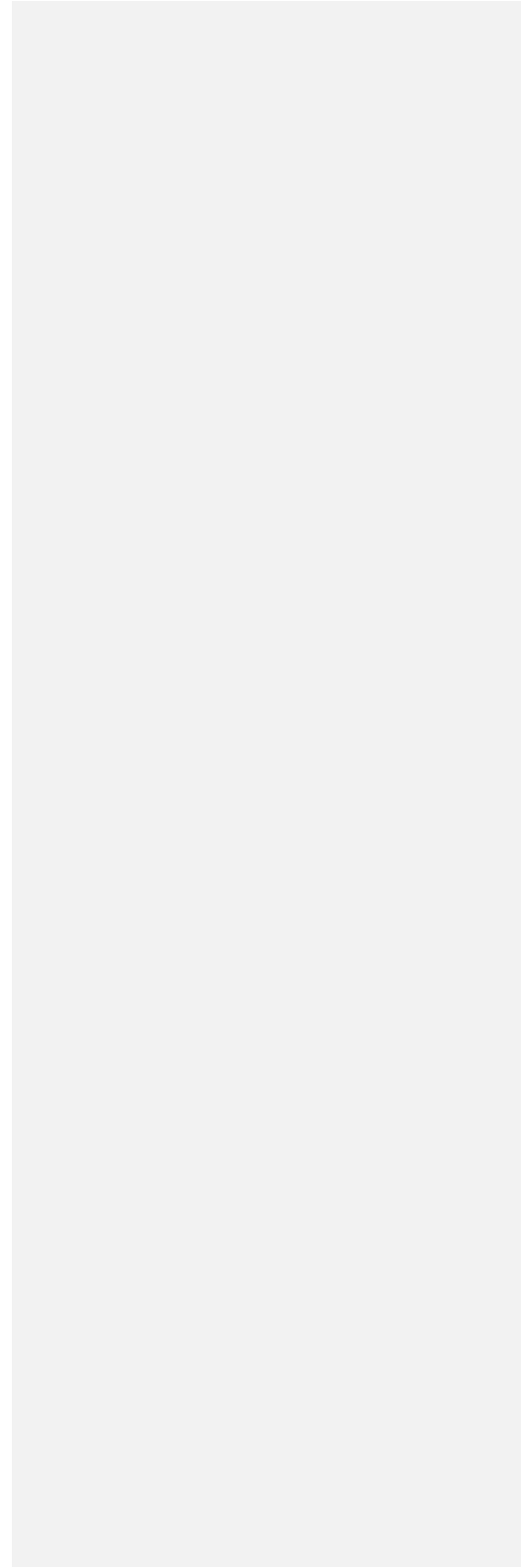
39, 40, and 41. All three of these conditions should make it clear that these Plans and/or surveys must be updated relative to the date of approval of the Special Use permit.

41. The nesting bird survey should be conducted at the time of year when nesting activity occurs.

45.b. Vegetation survey transects must be submitted to EPC, SWFWMD and TBW. As worded, the condition does not require submittal of the survey results to any government agency.

47. Add the following: The applicant shall notify Hillsborough County Natural Resource Department, Hillsborough County Environmental Protection Commission, Tampa Bay Water, and SWFWMD of any spill or unauthorized release of materials at the site.

51. Hillsborough County Natural Resource Department shall inspect the excavation site monthly. Notice to the permit holder shall be given at least 24 hours prior to the scheduled inspection. If access is not feasible, another inspection date shall be scheduled.



## Rome, Ashley

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**From:** Vazquez, Bianca  
**Sent:** Monday, February 12, 2024 9:21 AM  
**To:** Rome, Ashley  
**Subject:** FW: SU-LE 23-0498 Borrow Pit on Lutz Lake Fern Road

POR 24-0498.

Thank You,

**Bianca O. Vazquez**  
**Planning and Zoning Technician**  
Development Services Department

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**P:** (813) 276-2155  
**E:** [vazquezb@HillsboroughCounty.org](mailto:vazquezb@HillsboroughCounty.org)  
**W:** [HCFLGov.net](http://HCFLGov.net)

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**Hillsborough County**  
601 E. Kennedy Blvd. 20<sup>th</sup> Floor, Tampa, FL 33602

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**From:** Heinrich, Michelle <HeinrichM@hcfl.gov>  
**Sent:** Monday, February 12, 2024 9:20 AM  
**To:** Vazquez, Bianca <VazquezB@hcfl.gov>  
**Cc:** Grady, Brian <Gradyb@hcfl.gov>  
**Subject:** FW: SU-LE 23-0498 Borrow Pit on Lutz Lake Fern Road

Please place the below into the POR for SU – LE 23-0498.

Thanks.

**Michelle Heinrich, AICP**  
**Executive Planner**  
Development Services Department

---

**P:** (813) 276-2167  
**E:** [heinrichm@HCFL.gov](mailto:heinrichm@HCFL.gov)

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**Hillsborough County**  
601 E. Kennedy Blvd., Tampa, FL 33602

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**From:** Clara Lawhead, RD <[info@keystonecivic.org](mailto:info@keystonecivic.org)>  
**Sent:** Saturday, February 10, 2024 2:49 PM  
**To:** Heinrich, Michelle <[HeinrichM@hcfl.gov](mailto:HeinrichM@hcfl.gov)>  
**Cc:** Ethel Hammer <[edh@ehaplanners.com](mailto:edh@ehaplanners.com)>  
**Subject:** FW: SU-LE 23-0498 Borrow Pit on Lutz Lake Fern Road

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Hello Michelle, Please ensure that the letter sent to [Hearings@HCFLGov.net](mailto:Hearings@HCFLGov.net) on 2/9/2024 3:55 PM is included into Optix. Thank you in advance. Keystone Civic Association will be presenting their concerns at the hearing.

Sent from [Mail](#) for Windows

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**From:** [Clara Lawhead, RD](#)  
**Sent:** Friday, February 9, 2024 3:55 PM  
**To:** [Hearings@HCFLGov.net](mailto:Hearings@HCFLGov.net)  
**Cc:** [KCA Past President / Interim Treasurer](#); [keystonecivicsect@gmail.com](mailto:keystonecivicsect@gmail.com); [Trish Lawton](#); [zx12rfl@outlook.com](mailto:zx12rfl@outlook.com); [tobias smith](#); [Jan Nelson](#); [Michael Couch](#)  
**Subject:** Re: SU-LE 23-0498 Borrow Pit on Lutz Lake Fern Road

February 9,, 2024

Re: SU-LE 23-0498 Borrow Pit on Lutz Lake Fern Road

To: To Honorable members of the Board of County Commissioners: [Hearings@HCFLGov.net](mailto:Hearings@HCFLGov.net)

The Keystone Civic Association unanimously requests that you do not approve the extension of the Borrow pit. The applicant should not be granted an extension or ANY waivers. The owner has not been responsible conforming with the conditions of his prior Special Use approval and Operating Permit.

The original approval occurred in 2008 under SU 06-0975 for the removal of 2.5 million cubic yards over a 10-year period.

In 2011 under SU 10-0547, the permit was extended to December 19, 2021, along with other modifications.

In 2016, SU 15-0914 was approved to add additional area to be excavated (from 52.79 acres to 64.6 acres), increase the amount to be excavated (from 2.5 to 3.3 million cubic yards), to allow a setback waiver along the northern boundary, to modify screening conditions, to allow the on-site storage of crushed concrete and asphalt millings, to allow a certified traffic controller (in addition to an off-duty HCSO deputy) to direct traffic, and, to modify previously approved conditions that required the applicant to be responsible for road repairs to Lutz Lake Fern Road.

Under SU 21-1224, the applicant proposed no changes except to extend the expiration date by 10 more years. As of August 2021, 1,096.854.4 cubic yards had been excavated. A total of 2,203,145.5 cubic yards remains to be excavated under previous approvals. Waiver(s) to the Land Development Code: 6.11.54.A.2.d (500 to 250 ft distance waiver to residential). The Planning Commission Recommendation was Inconsistent and Development Services Recommendation was Not supported.

In 2022 Petition #: 22-1330 to create an RV Park. Agencies Objecting: Natural Resources, Transportation. A portion of the mapped upland significant wildlife habitat had been destroyed during the land excavation activity on this site by unauthorized activities. Rather than restore the areas of wildlife habitat the owner paid a meager fine of \$13,921.60. The owner withdrew the petition.

Now Today, 16 years later the owner is asking for an additional 10 years and significant waivers. 26 years, over a quarter of a century of "Cumulative Impact" on this community. The wildlife destruction, multiple violations, noise, dust, and heavy hauling trucks on two lane rural roads is unjustified and unreasonable. Countless violations have been recorded by SWFWM, Hillsborough County EPC, Natural Resources and Transportation.

Over a period of 13 years the total number of truck trips associated with the excavation, concentration of truck trips on roadways, and adverse impacts on the community character has resulted in approximately 61,111 truck trips through the community and on County roadways for the 1.1 million cubic yards excavated.  
Borrow pits are meant to be temporary uses, not permanent.  
Sincerely.

Clara Lawhead,  
President Keystone Civic Association

Sent from [Mail](#) for Windows



Virus-free. [www.avast.com](http://www.avast.com)

## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 8:34 AM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: SU 23-0498

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**From:** Dan Kubach <dan.kubach@gmail.com>  
**Sent:** Thursday, February 8, 2024 10:39 PM  
**To:** Hearings <Hearings@hcf.gov>  
**Subject:** SU 23-0498

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

I'm very concerned about an application to extend a permit for excavating a giant borrow pit in the Keystone area which will have major environmental impacts, as well as transportation impacts — and set precedents — of concern throughout the County. I'm sending a letter of opposition, and hope you will too.



### ENVIRONMENTAL CONCERNS

This huge excavation project has had, and would continue having, terrible impacts on the vitally important wetlands on the property. These large wetlands in the Brooker Creek watershed, along with an upland area on site, have been officially designated as "Significant Wildlife Habitat." Nevertheless, the applicant — Stephen Dibbs — has a record of multiple violations of discharging pollution into these important wetlands, and other unauthorized activity at this site, while operating this borrow pit. He dug his pit deeper than permitted, which risks dewatering the adjacent natural wetlands. Dibbs also destroyed upland habitat on this property that he was required to preserve.

Dibbs has a long history of disregarding environmental regulations and other development rules including the local Community Plan. In fact, he was a leader in the effort to \*abolish\* our County's EPC wetland rules some years back, and he has been fighting to remove our guardrails on development ever since. He cannot be trusted to follow any rules or conditions on this permit, and he should not be allowed to continue damaging our natural resources.



### TRANSPORTATION SAFETY CONCERNS

County transportation staff estimates the permit would allow an average of 8 truck trips per hour, 11 hours per day, every weekday for 10 years. (This is an average, so at times the parade of dump-trucks could be extremely dense on this rural road.) The applicant's own hired transportation consultant admits there have been 50 crashes on this short segment of Lutz Lake Fern Road over the last 5 years — excluding the intersections!

This intense dump-truck traffic on Lutz Lake Fern Road poses a danger to cyclists & pedestrians using the Upper Tampa Bay Trail, as the trail crosses the road right in this area. It is also a danger to schoolchildren.

There are several schools in the vicinity, but the road has no sidewalks, no bike lanes, and not even any paved shoulders — contrary to County standards — yet the applicant is asking for "design exceptions," which are essentially variances from the County standards, to allow their truck traffic to operate on the substandard roads, without having to pay the costs of improving the road to make it safer.

This gigantic industrial excavation operation should not be allowed an extended permit, for 10 more years, without requiring the developer to bring the road up to County standards to make it safe for schoolchildren, bicyclists and pedestrians, while they pour a constant parade of truck traffic onto the road.

 OTHER CONCERNS

- Neighbors have legitimate complaints about the dust generated by this excavation, and its health impacts as well.
- If this permit extension is granted, it could set several bad precedents for the next excavation permit in other areas of the County.

Thank you

Dan Kubach

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Dan Kubach

## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 9:47 AM  
**To:** Vazquez, Bianca; Rome, Ashley; Heinrich, Michelle  
**Subject:** FW: SU 23-0498 OPPOSITION

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**From:** Keri M. <keri.mcd3@gmail.com>  
**Sent:** Friday, February 9, 2024 8:45 AM  
**To:** Hearings <Hearings@hcfl.gov>  
**Subject:** SU 23-0498 OPPOSITION

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Good morning,

Please deny SU 23-0498!!! 🙏

Thank you,

Keri McDonald, M.Ed, BCBA

## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 8:34 AM  
**To:** Vazquez, Bianca; Rome, Ashley; Heinrich, Michelle  
**Subject:** FW: SU-LE 23-0498

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**From:** JAY MUFLY <jaymuffly@msn.com>  
**Sent:** Thursday, February 8, 2024 11:27 PM  
**To:** Hearings <Hearings@hcf.gov>  
**Subject:** SU-LE 23-0498

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Commissioners, Please deny SU-LE 23-0498.

The Lutz Civic Association totally supports the Keystone Civic Association and all the residents in opposition to 23-0498. This Mr. Dibbs has been a poor steward of the land with numerous violations of his permit.

We also agree 100% with former Commissioner Mariella Smith. You should deny this SU-LE 23-0498

Jay a. Muffly President  
102 5<sup>th</sup> Avenue SE  
Lutz. FL 33549

## Rome, Ashley

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**From:** Hearings  
**Sent:** Thursday, February 8, 2024 11:56 AM  
**To:** Vazquez, Bianca; Rome, Ashley; Heinrich, Michelle  
**Subject:** FW: 23-0498

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**From:** Jolene Pershadsingh <discoverypoint34@gmail.com>  
**Sent:** Thursday, February 8, 2024 11:42 AM  
**To:** Hearings <Hearings@hcfl.gov>  
**Subject:** 23-0498

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

As the owner of a preschool on Lutz Lake Fern road, directly affected by this excavation project, I wish to express my objection to a renewal of the excavation permit SU 23-0498. The owner of the borrow pit located at 6777 Lutz Lake Fern Road is asking Hillsborough County to grant an extension on its excavation permit to December 19, 2031. For 13 years this operation has been hauling and selling dirt from Odessa. This operation has had continuous complaints and numerous violations of their special use and their operating permit. In addition, it has degraded the two-lane rural roads: Lutz Lake Fern Road, Gunn Highway, Van Dyke and Tarpon Springs Road. Heavy loads of dirt have created deep road ruts and potholes, increased truck traffic, noise and dangerous traffic situations. Eight more years is an excessive burden and danger to this community and a tax burden for the future road repairs. Many trucks fail to abide by the approved truck routes and speed limits. Trucks in the early morning have lined up on Angel Lane and Lutz Lake Fern Road waiting in queue for their turn to upload. This compounds and further adds to the dangerous traffic situations specially for school buses and parents driving their children to and from one of the three schools on Lutz Lake Fern Road. This excavation site is located at the headwaters of Brooker Creek Watershed and its aquifer is the source of Brooker Creek watershed's drinking water. Over 500 species of plants, more than 20 species of amphibians, 50 species of reptiles, and 40 species of mammals live within the watershed. Further and continued destruction of this habitat is imminent if approved over the next eight years. We strongly suggest that you consider this land for ELAPP when the nomination process opens.

We urge you to please deny the extension request (SU 23-0498). Please do not expose the neighboring residents to eight more years of the noise of heavy construction equipment and endless dump truck traffic.

Thank you,

Jolene Pershadsingh

Owner of Discovery Point Lutz

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**Discovery Point Lutz**  
**Jolene Pershad**  
**5203 W Lutz Lake Fern Road**

**Lutz, FL 33558**

**Phone (813) 501-8685**

**[discoverypoint.com/lutz](http://discoverypoint.com/lutz)**

**[www.facebook.com/discoverypointlutz](http://www.facebook.com/discoverypointlutz)**



## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 3:32 PM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: 23-0498

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**From:** Jayme Platt <jayme.platt31@gmail.com>  
**Sent:** Friday, February 9, 2024 3:24 PM  
**To:** Hearings <Hearings@hcfl.gov>  
**Subject:** 23-0498

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Dear County Commission Members of the Land Use Meeting,

As a resident of the community directly affected by this excavation project, I wish to express my objection to a renewal of the excavation permit SU 23-0498. The owner of the borrow pit located at [6777 Lutz Lake Fern Road](#) is asking Hillsborough County to grant an extension on its excavation permit to December 19, 2031. For 13 years this operation has been hauling and selling dirt from Odessa. This operation has had continuous complaints and numerous violations of their special use and their operating permit. In addition, it has degraded the two-lane rural roads: Lutz Lake Fern Road, Gunn Highway, Van Dyke and Tarpon Springs Road. Heavy loads of dirt have created deep road ruts and potholes, increased truck traffic, noise and dangerous traffic situations. Eight more years is an excessive burden and danger to this community and a tax burden for the future road repairs. Many trucks fail to abide by the approved truck routes and speed limits. Trucks in the early morning have lined up on Angel Lane and Lutz Lake Fern Road waiting in queue for their turn to upload. This compounds and further adds to the dangerous traffic situations specially for school buses and parents driving their children to and from one of the three schools on Lutz Lake Fern Road. This excavation site is located at the headwaters of Brooker Creek Watershed and its aquifer is the source of Brooker Creek watershed's drinking water. Over 500 species of plants, more than 20 species of amphibians, 50 species of reptiles, and 40 species of mammals live within the watershed. Further and continued destruction of this habitat is imminent if approved over the next eight years. We strongly suggest that you consider this land for ELAPP when the nomination process opens.

We urge you to please deny the extension request (SU 23-0498). Please do not expose the neighboring residents to eight more years of the noise of heavy construction equipment and endless dump truck traffic.

Thank you,

Jayme Platt

6134 Marsh Trail Dr.

Odessa, FL 33556

## Rome, Ashley

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**From:** Hearings  
**Sent:** Monday, February 12, 2024 2:36 PM  
**To:** Vazquez, Bianca; Rome, Ashley; Heinrich, Michelle  
**Subject:** FW: Public Comment Message to BOCC: Deny LE 23-0498

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**From:** Sidewalk Stompers <sidewalkstompers@gmail.com>  
**Sent:** Monday, February 12, 2024 1:28 PM  
**To:** Hearings <Hearings@hcfl.gov>  
**Cc:** Kemp, Pat <KempP@hcfl.gov>; Hagan, Ken <HaganK@hcfl.gov>; Owen, Michael <OwenM@hcfl.gov>; Cohen, Harry <CohenH@hcfl.gov>; Hagan, Ken <HaganK@hcfl.gov>; Myers, Gwendolyn <MyersG@hcfl.gov>; Cameron Cepeda, Donna <CameronD@hcfl.gov>; Wostal, Joshua <WostalJ@hcfl.gov>  
**Subject:** Public Comment Message to BOCC: Deny LE 23-0498

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

To the Board of County Commissioners,

Sidewalk Stompers asks that the Hillsborough Board of County Commissioners deny Land Excavation application LE 23-0498 because it is a threat to the health and safety of children at McKittrick Elementary, Martinez Middle and Steinbrenner High Schools.

Sidewalk Stompers is a Hillsborough County-based non-profit dedicated to improving children's health and safety through walk/bike-to-school incentive programs. It is part of our mission to speak up for student safety on the road to school.

The application to excavate fill material from a borrow pit involves truck hauling on Lutz Lake Fern Road east of 589, including the school complex. Lutz Lake Fern Road does not include any sidewalks, trails, or even a paved shoulder. It is also the schools' only entrance route, thus already a crowded traffic location at school arrival, dismissal, and event times. Any students within a two mile radius of the schools (and therefore not school bus-eligible) who walk or ride their bikes to school will be in direct conflict with large dump trucks on the road.

While the applicant proposes to restrict travel times during school hours (presumably meaning 7:10a.m. - 5p.m.), that time does not include closing during after-school activities, including after-care, sports, and afternoon/evening events. Steinbrenner, as a high school, is especially active during evening hours -- as students arrive or leave for a football or soccer game, should they really be asked to dodge heavy hauling trucks on Lutz Lake Fern Road?

This borrow pit has been closed for several years for a reason -- the health, safety, and compatibility of such a site in an active and child-friendly community. Please preserve the lives and wellbeing of children attending these schools by denying this application as not just unsuitable, but dangerous.

Sincerely,  
Sidewalk Stompers Board of Directors

## Rome, Ashley

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**From:** Hearings  
**Sent:** Friday, February 9, 2024 8:35 AM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: Please deny SU 23-0498

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**From:** nancy stevens <nancystevens909@gmail.com>  
**Sent:** Friday, February 9, 2024 6:47 AM  
**To:** Hearings <Hearings@hcfll.gov>  
**Subject:** Please deny SU 23-0498

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Dear Commissioners,

Please deny this excavation permit, which will have terrible, negative impacts to the sensitive environment in the Booker Creek watershed and surrounding area, which includes a Significant Wildlife Habitat and areas purchased by Hillsborough County for protection.

Thank you.

Nancy Stevens  
813-380-1668  
Conservation Committee Chair, Sierra Club Tampa Bay Group  
[Nancy.Stevens@Florida.SierraClub.org](mailto:Nancy.Stevens@Florida.SierraClub.org)



## Rome, Ashley

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**From:** Hearings  
**Sent:** Monday, February 12, 2024 11:11 AM  
**To:** Rome, Ashley; Vazquez, Bianca; Heinrich, Michelle  
**Subject:** FW: SU 23-0498 opposition

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**From:** Diannhiker <diannhiker@gmail.com>  
**Sent:** Monday, February 12, 2024 11:10 AM  
**To:** Hearings <Hearings@hcf.gov>  
**Subject:** SU 23-0498 opposition

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Please deny SU 23-0498. Mr. Dibbs excavation activity threatens wetlands and habitat.  
You are the ones who can stop it.

Sincerely,  
Diann Zeigler