

**Rezoning Application:** RZ-PD 21-0560  
**Zoning Hearing Master Date:** September, 2021  
**BOCC Land Use Meeting Date:** November 10, 2021

**1.0 APPLICATION SUMMARY**

**Applicant:** David B. Singer, Shumaker, Loop & Kendrick, LLP  
**FLU Category:** OC-20  
**Service Area:** Urban  
**Site Acreage:** 4.87 Acres +/-  
**Community Plan Area:** East Lake/Orient Park  
**Overlay:** None  
**Request:** Rezoning to PD



**Request Summary:**

The existing zoning is AR (Agricultural Rural) which permits single-family residential and agricultural uses pursuant to the development standards in the table below. The proposed zoning for Planned Development (site plan controlled district) to allow to allow for the development of a four story multi-family residential development with 97 dwelling units pursuant to the development standards in the table below and site plan depicted in 2.4 of the report.

**Zoning:**

	Current CG Zoning	Proposed PD Zoning
Uses	Agricultural, Single-family Residential	Multifamily Residential
Mathematical Maximums *	0.2 DU/AC	20 DU/AC

\*Mathematical Maximums may be reduced due to roads, stormwater and other improvements

**Development Standards:**

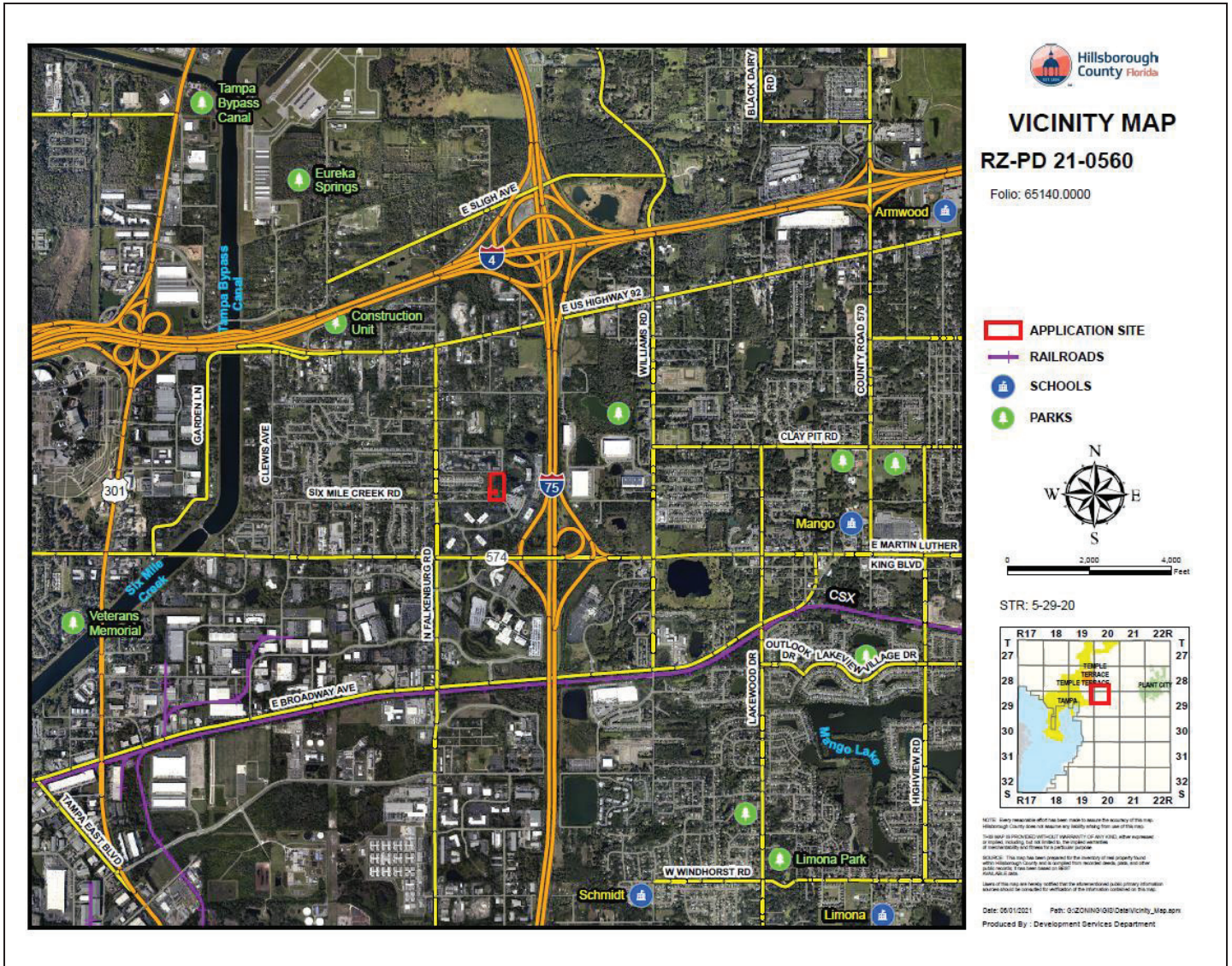
	Current AR Zoning	Proposed PD Zoning
Density / Intensity	0.2 u/a	20 u/a
Lot Size / Lot Width	5 acres / 50-feet	6,540 sf / 70-feet
Setbacks/Buffering and Screening	50' Front 50' Rear 25' Sides	20-feet south 20-feet west, 10-feet east 10-feet north
Height	50-feet	60-feet, 4 stories

**Additional Information:**

PD Variations	Allow a buffer/screening decrease from 20-feet, Type B to 5-feet, And PVC Fence screening along western PD boundary (LDC Section 6.06 06- Buffer and Screening requirements)  Allow a buffer/screening decrease from 20-feet, Type B to 15-feet, Type B screening along eastern PD boundary (LDC Section 6.06 06- Buffer and Screening requirements)
Waiver(s) to the Land Development Code	Allow a building height increase from 20 feet to 50 feet within the required additional setback (2 feet of additional setback for each foot of structure height over 20 feet) along the east and western PD boundaries (LDC 6.01.01 Endnote 8)
Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable, Subject to Conditions

## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map

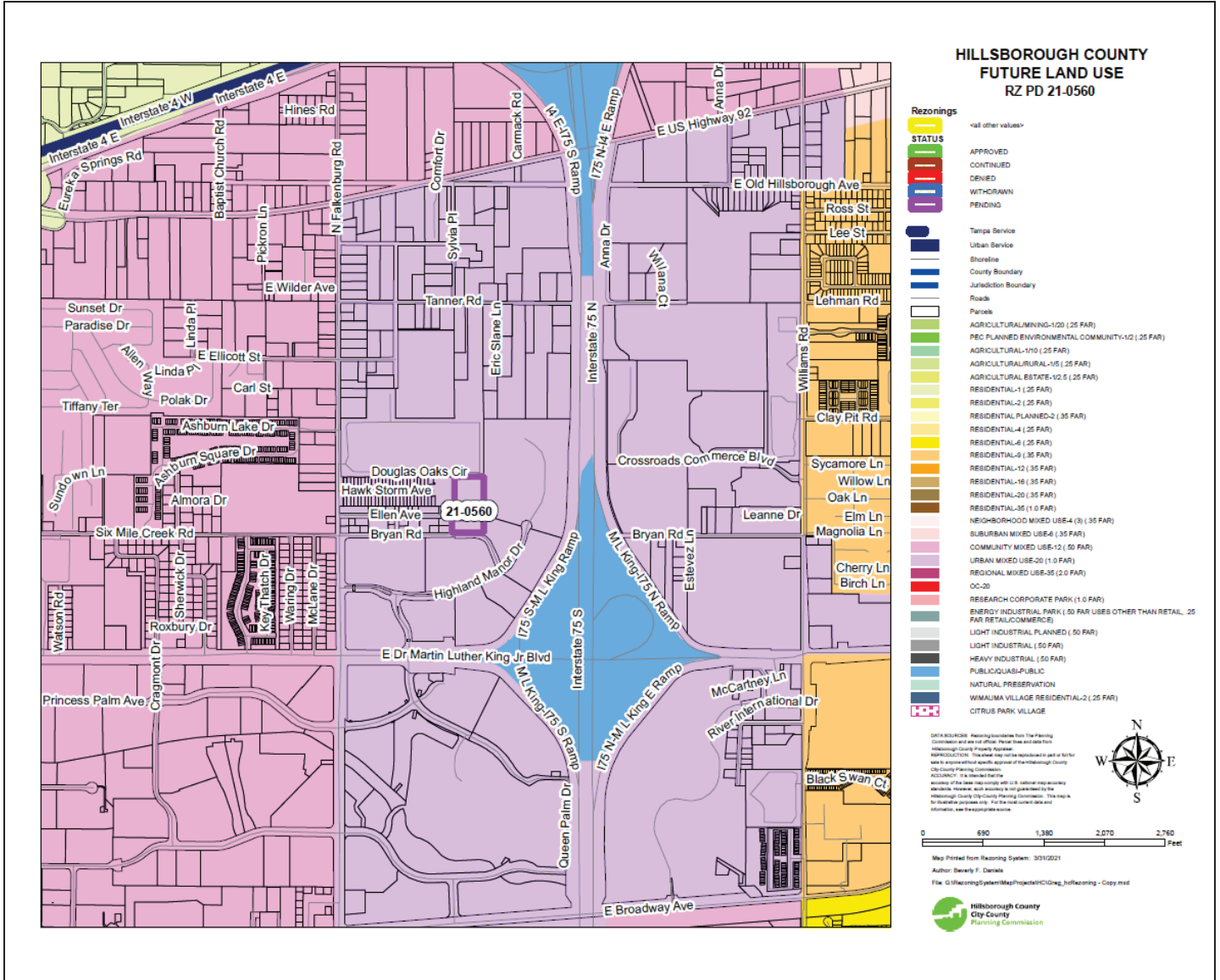


### Context of Surrounding Area:

The adjacent property to the north is occupied by a multifamily residential project. To the east and south is a Chase Bank offices complex. Across Ellen Road, to the west, is a residential single family property occupied with single family conventional homes. Adjacent to the west is a single family subdivision developed with a density of 13 dwelling units per acre.

2.0 LAND USE MAP SET AND SUMMARY DATA

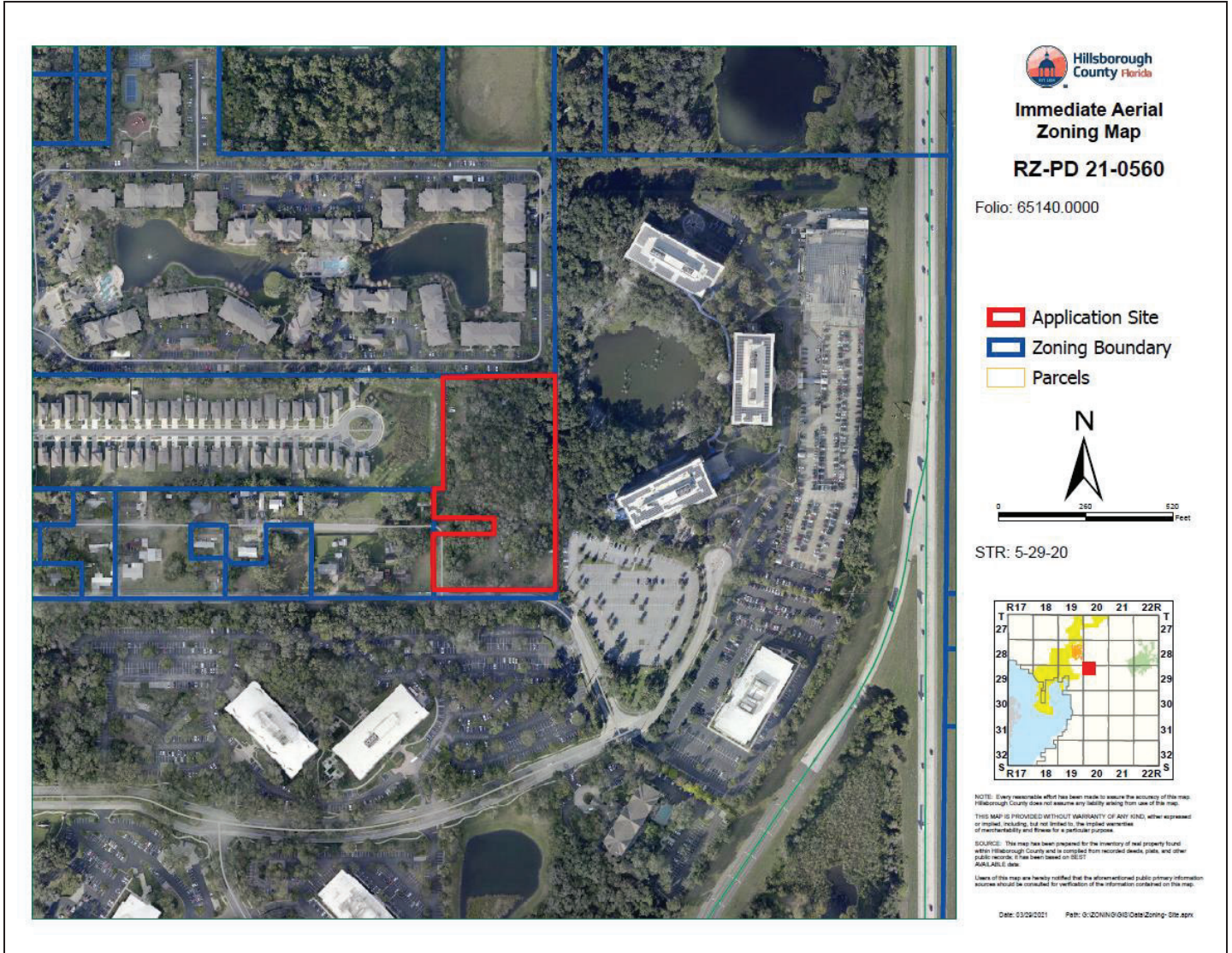
2.2 Future Land Use Map



Subject Site Future Land Use Category:	UMU-20
Maximum Density/F.A.R.:	20 Dwelling units per acre, Maximum FAR: 1.0
Typical Uses:	Residential, regional commercial, offices, business parks, research park, light industrial, multipurpose, clustered residential, mixed-use

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

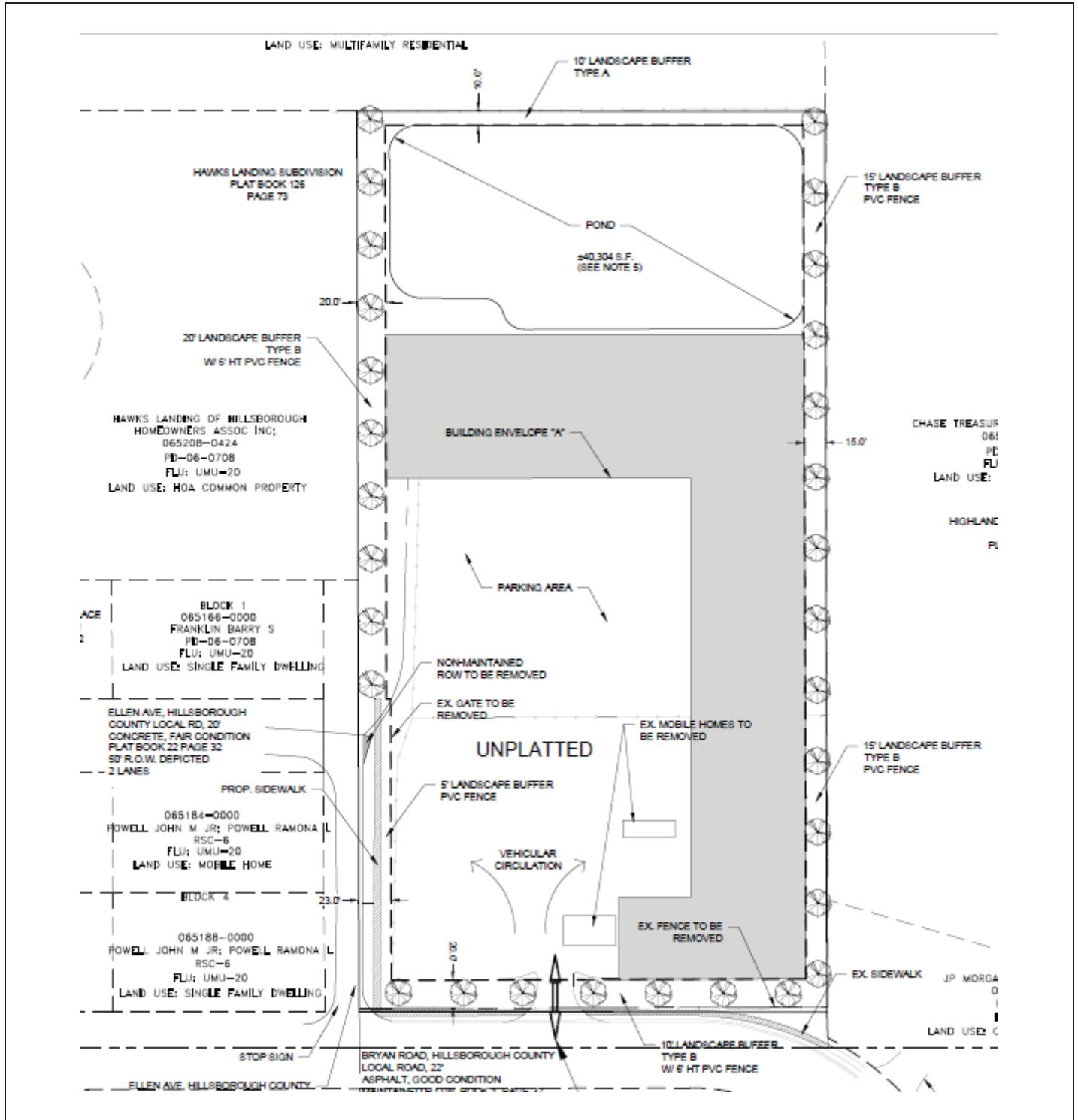


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD 00-1191	20 Dwelling Units per acre	Multi-family Residential	Multi-family Residential
South	PD 96-0097	557 Dwelling Units per acre/ FAR: 1.0	Offices	Offices
East	PD 96-0097	557 Dwelling Units per acre/ FAR: 1.0	Offices	Offices
West	RSC-6 MH/ PD 06-0708	6 Dwelling Units per acre/ 13 Dwelling Units per acre	Single Family Residential	Single Family Residential

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



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

<b>Adjoining Roadways (check if applicable)</b>			
<b>Road Name</b>	<b>Classification</b>	<b>Current Conditions</b>	<b>Select Future Improvements</b>
Bryan Rd.	County Local - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Ellen Ave.	County Local - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other – Sidewalk Easements
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	9	1	1
Proposed	528	35	43
Difference (+/-)	<b>(+) 519</b>	<b>(+) 34</b>	<b>(+) 42</b>

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

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

<b>Design Exception/Administrative Variance</b> <input checked="" type="checkbox"/> Not applicable for this request		
<b>Road Name/Nature of Request</b>	<b>Type</b>	<b>Finding</b>
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

<b>INFORMATION/REVIEWING AGENCY</b>			
<b>Environmental:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____			
<b>Public Facilities:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b> <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Utilities Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Impact/Mobility Fees</b>  (Fee estimate is based on a 2,000 square foot, 3 bedroom, Single Family Detached) Mobility: \$7,316 * 98 units = \$716,968 Parks: \$1,815 * 98 units = \$177,870 School: \$8,227 * 98 units = \$806,246 Fire: \$335 * 98 units = \$ 32,830 Total Single Family Detached = \$1,733,914			
<b>Comprehensive Plan:</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>



<b>Planning Commission</b>			
<input type="checkbox"/> Meets Locational Criteria	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Inconsistent	<input type="checkbox"/> Yes
<input type="checkbox"/> Locational Criteria Waiver Requested		<input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Minimum Density Met	<input checked="" type="checkbox"/> N/A		

**5.0 IMPLEMENTATION RECOMMENDATIONS****5.1 Compatibility**

The proposed use is compatible with existent office development to the east and south. The residential developments to the north and west are zoned PD 06-0708 and PD 00-1191, and were approved for densities of 16 DU/AC and 13 DU/AC. Although the proposed density of 20 DU/AC is greater than the neighboring development's, it is within the same land use intensity group of existing multi-family residential development, to the north. The proposed density is also compatible with the UMU-20 Future Land Use Designation, which allows for multi-family uses with a density of up to 20 dwelling units per acre.

The applicant is proposing variations to the required buffer and screening along Ellen Avenue, to the west. However, the layout was designed to accommodate the residential buildings towards the east creating a separation from the closest single family dwelling of more than 100 feet. Additionally, the applicant is proposing conditions to provide hours of operations and to reduce the noise impacts of a community recreational space. Additionally, to the north, a retention pond and a 10-foot buffer, Type A screening is proposed where no buffer and screening is required. To the east, the adjacent development provides over 20-foot buffer to the nearest building; however, the applicant is proposing an additional 15-foot buffer and a Type B screening with a PVC fence between both properties.

Based on the above, Staff finds the request is approvable, subject to conditions.

**5.2 Recommendation**

Approvable, subject to conditions.

## 6.0 PROPOSED CONDITIONS

**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted August 24, 2021.

Prior to PD Site Plan Certification, the developer shall revise the site plan to:

- Add a line which delineates the southern extent of the 20-foot Buffer along the western project boundary (as generally depicted by the red dotted line, below);
- Delineate the area marked “5’ Landscape Buffer PVC Fence” separately from the area to its west (as generally depicted by the red shaded box, below), and modify the label to read “5’ Landscape Buffer PVC Fence – See Conditions of Approval”; and,
- Delineate the transportation easement area and add a label stating “Transportation Easement Area – See Conditions of Approval”.
- Modify the label for the Bryan Rd. access such that it reads “Proposed Vehicular and Pedestrian Access”;
- Add an access arrow to the PD site plan (as depicted by the blue arrow below) and label “Proposed Pedestrian Connection”;
- Within the “Notes” section of the plan, modify as follows:  
Revise Note 8 to specify that any gating will follow TD-9 standards per the Transportation Technical Manual;  
Revise Note 6 to clearly state that the project may develop in a single phase or via multiple phases; and,  
Revise Note 3 to indicate that easement(s) will be dedicated and conveyed to Hillsborough County as shown on the PD site plan or otherwise required per the conditions of zoning approval.

1. The project shall be permitted a maximum of 97 multi-family units.

2. The location of structures shall be as generally shown on the site plan. The project shall be developed in accordance with the development standards of the RMC-20 zoning district, unless otherwise specified herein.

Minimum Front Setback (South): 20 feet

Minimum Side Setback (West): 20 feet

Minimum Side Setback (East): 15 feet

Minimum Rear Setback (North): 10 feet

Maximum Height :50 feet – 4 Story

3. The following buffering and screening standards shall apply:

a. A ten foot (10') type “A” landscape buffer shall be provided along the development’s northern boundary.

b. A twenty foot (20') type “B” landscape buffer and six foot (6') vinyl fence shall be provided along the development’s western boundary. Notwithstanding, a landscape buffer shall be allowed at 18-feet from the western boundary section along Ellen Avenue, as depicted in the site plan. Developer shall install evergreen plants, evergreen ground cover, or rock mulch covering within the buffer area between the sidewalk’s two foot clear area and the PVC fence. Additionally, a 6-foot height fence shall be located 23 feet from the PD western boundaries.

c. A fifteen foot (15') type "B" landscape buffer and six foot (6') vinyl fence shall be provided along the development's eastern boundary; and,

d. A ten foot twenty foot (10' 20') type "B" landscape buffer and six foot (6') vinyl fence shall be provided along the development's southern boundary.

6. The project shall be accessed Vehicular and pedestrian access shall be from Bryan Avenue.

7. Developer shall construct a new sidewalk eight feet from the eastern edge of pavement of the segment of Ellen Ave running north from its intersection with Bryan Road until it turns westward as depicted on the site plan. Developer shall provide at least 2' of clear area east of the sidewalk.

8. Developer shall grant Hillsborough County a maintenance easement fifteen feet (15') east from the boundary of Ellen Avenue.

9. Non-enclosed residential amenities (*e.g.* pool, tennis court, barbecues, *et cetera*) shall not emit amplified music, and such amenities cease operating at 10:00 PM EST.

10. Both Parking Area and Building Envelope "A" locations and dimensions are intended to minimize impacts to existing single-family development to the west. If in harmony with this intent, the Administrator may approve changes to the locations and dimensions of these envelopes pursuant to LDC §5.03.07(B)(1) (Jan. 27, 2021). Such changes may not result in changes to the setbacks established in Condition #2.

11. Minimum parking requirements shall comply with the minimum standards of Land Development Code Section 6.05.02 (Jan. 27, 2021). If necessary, Developer may pursue deviations from minimum parking requirements as permitted by the Land Development Code.

12. The stormwater management system shall be designed to comply with the Stormwater Technical Manual, latest edition, and the water quality requirements of the Southwest Florida Water Management District (SWFWMD).

13. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.

14. The developer shall construct a minimum 5-foot wide sidewalk along its Ellen Ave. frontage as generally shown on the PD site plan. Additionally:

a. The sidewalk shall be located a minimum of 8-feet from the edge of the Ellen Rd. pavement;

b. Prior to or concurrent with the initial increment of development, the developer shall dedicate and convey an easement, for public access and maintenance purposes, over the area between the existing property boundary and back of sidewalk. The width of the easement may vary based on the location of the edge of pavement; however, the easement area shall not be less than 13 feet in width. Such easement shall be approved by Hillsborough County Department of Facilities Management and Real Estates Services; and,

c. Notwithstanding anything herein these conditions to the contrary, no fences, walls, gates, poles or vertical plantings (e.g. only grass and sod) shall be permitted within the western two (2) feet of the area labeled on the PD site plan as "5-foot Landscape Buffer PVC Fence".

15. The developer shall construct a pedestrian connection to Ellen Ave. in the location generally shown on the PD site plan. Such connection may be gated; however, such access shall be available for the daily use of project residents.


16. Prior to or concurrent with the initial increment of development, the developer shall dedicate and convey and easement, for public access and maintenance purposes, over any area where the existing sidewalk along the project's Bryan Rd. frontage encroaches within the subject property. Such easement shall be approved by Hillsborough County Department of Facilities Management and Real Estates Services.

17. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.

18. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval, unless otherwise stated herein.

19. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.

**Zoning Administrator Sign Off:**

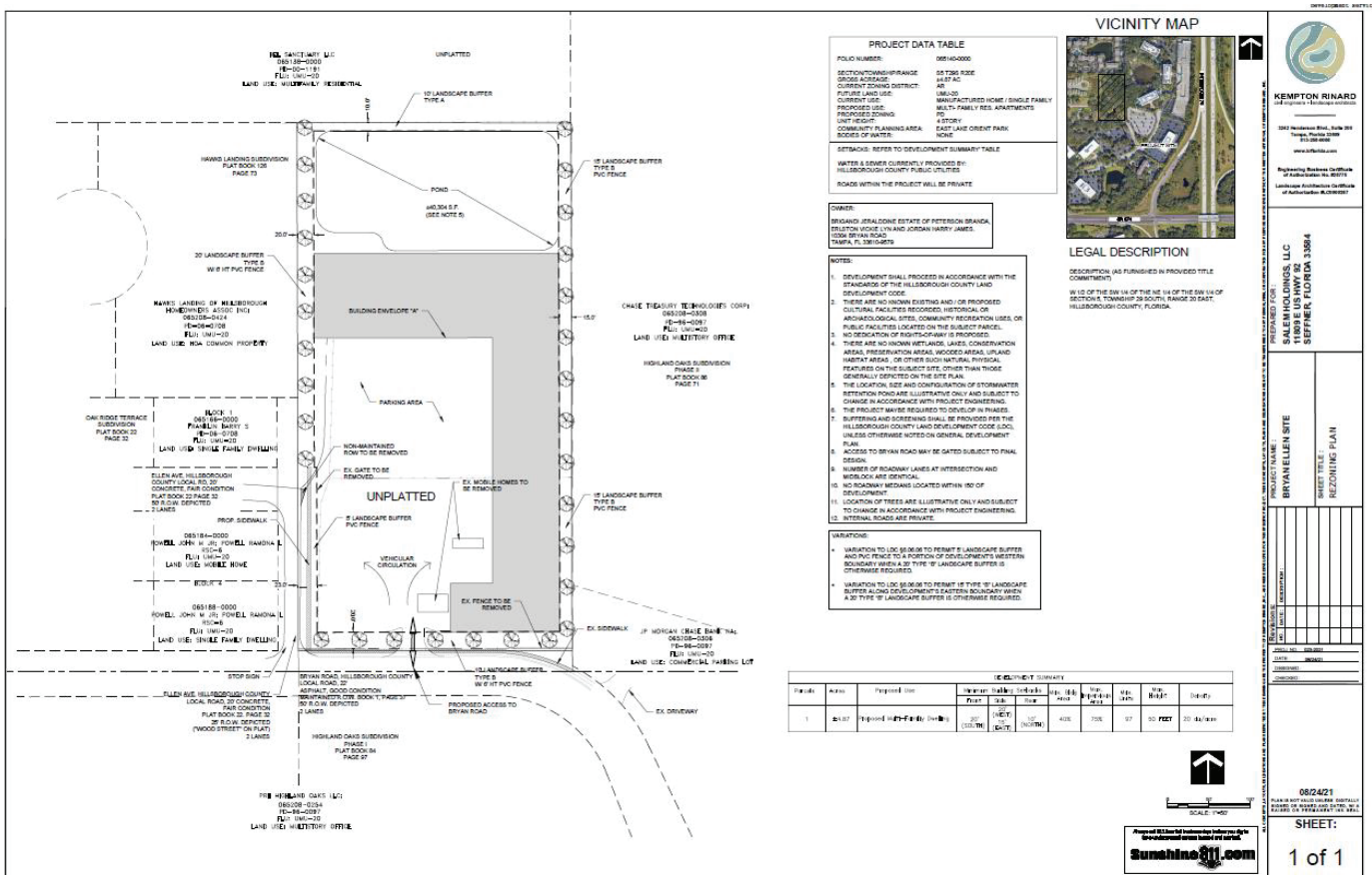
  
J. Brian Grady  
Tue Sep 7 2021 08:02:32

**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.**

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

**7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS**

8.0 PROPOSED SITE PLAN (FULL)



**PROJECT DATA TABLE**

FOLIO NUMBER: 08140-0000  
 SECTION/TOWNSHIP/RANGE: S27S E00E  
 CROSS ADDRESS: 141 ST AC  
 CURRENT ZONING DISTRICT: M-15  
 FUTURE LAND USE: MANUFACTURED HOME / SINGLE FAMILY  
 CURRENT USE: MULTI-FAMILY RES. APARTMENTS  
 PROPOSED USE: PD  
 PROPOSED ZONING: PD  
 UNIT HEIGHT: 4 STORY  
 COMMUNITY PLANNING AREA: EAST LAKE OCRENT PARK  
 BODIES OF WATER: NONE

SETBACKS: REFER TO DEVELOPMENT SUMMARY TABLE

WATER & SEWER CURRENTLY PROVIDED BY: HILLSBOROUGH COUNTY PUBLIC UTILITIES

ROADS WITHIN THE PROJECT WILL BE PRIVATE



**LEGAL DESCRIPTION**

DESCRIPTION, AS FURNISHED IN PROVIDED TITLE COMMITMENT

W/ 1/2 OF THE SW 1/4 OF THE 1/2 1/4 OF THE SW 1/4 OF SECTION 28 TOWNSHIP 28 SOUTH RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA.

- NOTES**
1. DEVELOPMENT SHALL PROCEED IN ACCORDANCE WITH THE STANDARDS OF THE HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE.
  2. THERE ARE NO KNOWN HISTORIC AND / OR PROPOSED CULTURAL FACILITIES RECORDED, HISTORICAL OR ARCHAEOLOGICAL, STATE, COUNTY, FEDERAL OR PUBLIC FACILITIES LOCATED ON THE SUBJECT PARCEL.
  3. NO DESIGNATION OF RIGHT-OF-WAY IS PROPOSED.
  4. THERE ARE NO KNOWN METEOROLOGICAL, LAKE, CONSERVATION, WETLAND, PRESERVATION AREAS, WOODED AREAS, UPLAND HABITAT AREAS, OR OTHER SUBSTANTIAL PHYSICAL FEATURES ON THE SUBJECT SITE, OTHER THAN THOSE GENERALLY DEPICTED ON THE SITE PLAN.
  5. THE LOCATION, SIZE AND CONFIGURATION OF STORMWATER RETENTION POND(S) ILLUSTRATED ONLY AND SUBJECT TO CHANGE IN ACCORDANCE WITH PROJECT ENGINEERING.
  6. THE PROJECT MAY BE REQUIRED TO DEVELOP IN PHASES.
  7. BUFFERING AND SCREENING SHALL BE PROVIDED PER THE HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE LOCAL UNLESS OTHERWISE NOTED ON GENERAL DEVELOPMENT PLAN.
  8. ACCESS TO BRIAN ROAD MAY BE GATED SUBJECT TO FINAL DESIGN.
  9. NUMBER OF ROADWAY LANES AT INTERSECTION AND WORKS ARE DETERMINED.
  10. NO ROADWAY MEDIANS LOCATED WITHIN 100' OF DEVELOPMENT.
  11. LOCATION OF TREES ARE ILLUSTRATIVE ONLY AND SUBJECT TO CHANGE IN ACCORDANCE WITH PROJECT ENGINEERING.
  12. INTERNAL ROADS ARE RESURVEY.

- VARIATIONS**
- VARIATION TO LOC 86.08 TO PERMIT 3' LANDSCAPE BUFFER AND PUC FENCE TO PORTION OF DEVELOPER'S WESTERLY BOUNDARY WHEN A 3' TYPE 'B' LANDSCAPE BUFFER IS OTHERWISE REQUIRED.
  - VARIATION TO LOC 86.08 TO PERMIT 3' TYPE 'B' LANDSCAPE BUFFER ALONG DEVELOPER'S EASTERLY BOUNDARY WHEN A 3' TYPE 'B' LANDSCAPE BUFFER IS OTHERWISE REQUIRED.

**DEVELOPMENT SUMMARY**

Parcel	Area	Proposed Use	Median	Width	Depth	Area	Area	Area	Area	Area	Area	Area
1	0.17	Residential	10'	10'	10'	10'	10'	10'	10'	10'	10'	10'

**KEMPTON RINARD**  
 3300 Henderson Blvd, Suite 200  
 Tampa, Florida 33609  
 www.krpa.com

**SALES/RECORDS, LLC**  
 11809 E US HWY 92  
 SEFFNER, FLORIDA 33584

**REZONING PLAN**

DATE: 08/24/21

SHEET: 1 of 1

**9.0 FULL TRANSPORTATION REPORT (see following pages)**

## AGENCY REVIEW COMMENT SHEET

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**TO:** Zoning Technician, Development Services Department  
**REVIEWER:** James Ratliff, AICP, PTP  
**PLANNING AREA:** ELOP

**DATE:** 9/2/2021  
**AGENCY/DEPT:** Transportation  
**PETITION NO.:** PD 21-0560

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- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

### **CONDITIONS OF APPROVAL**

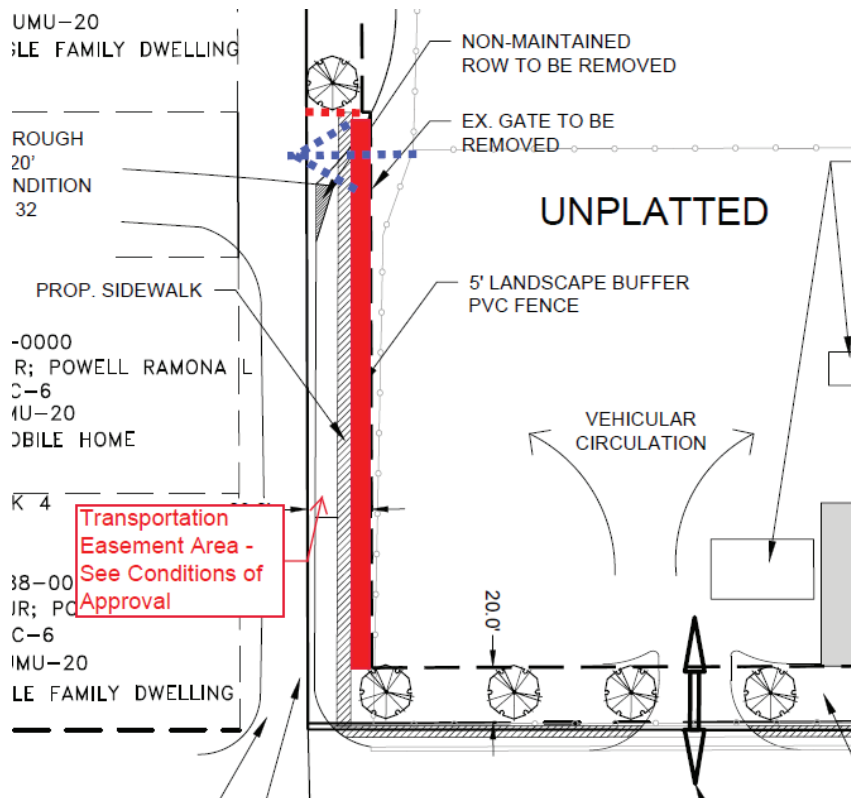
#### **New Conditions**

1. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.
2. The developer shall construct a minimum 5-foot wide sidewalk along its Ellen Ave. frontage as generally shown on the PD site plan. Additionally:
  - a. The sidewalk shall be located a minimum of 8-feet from the edge of the Ellen Rd. pavement;
  - b. Prior to or concurrent with the initial increment of development, the developer shall dedicate and convey an easement, for public access and maintenance purposes, over the area between the existing property boundary and back of sidewalk. The width of the easement may vary based on the location of the edge of pavement; however, the easement area shall not be less than 13 feet in width. Such easement shall be approved by Hillsborough County Department of Facilities Management and Real Estates Services; and,
  - c. Notwithstanding anything herein these conditions to the contrary, no fences, walls, gates, poles or vertical plantings (e.g. only grass and sod) shall be permitted within the western two (2) feet of the area labeled on the PD site plan as "5-foot Landscape Buffer PVC Fence".
3. The developer shall construct a pedestrian connection to Ellen Ave. in the location generally shown on the PD site plan. Such connection may be gated; however, such access shall be available for the daily use of project residents.
4. Prior to or concurrent with the initial increment of development, the developer shall dedicate and convey and easement, for public access and maintenance purposes, over any area where the existing sidewalk along the project's Bryan Rd. frontage encroaches within the subject property. Such easement shall be approved by Hillsborough County Department of Facilities Management and Real Estates Services.



Other Conditions

- Prior to PD Site Plan Certification, the developer shall revise the site plan to:
  - Add a line which delineates the southern extent of the 20-foot Buffer along the western project boundary (as generally depicted by the red dotted line, below);
  - Delineate the area marked “5’ Landscape Buffer PVC Fence” separately from the area to its west (as generally depicted by the red shaded box, below), and modify the label to read “5’ Landscape Buffer PVC Fence – See Conditions of Approval”; and,
  - Delineate the transportation easement area and add a label stating “Transportation Easement Area – See Conditions of Approval”.
  - Modify the label for the Bryan Rd. access such that it reads “Proposed Vehicular and Pedestrian Access”;
  - Add an access arrow to the PD site plan (as depicted by the blue arrow below) and label “Proposed Pedestrian Connection”;
  - Within the “Notes” section of the plan, modify as follows:
    - Revise Note 8 to specify that any gating will follow TD-9 standards per the Transportation Technical Manual;
    - Revise Note 6 to clearly state that the project may develop in a single phase or via multiple phases; and,
    - Revise Note 3 to indicate that easement(s) will be dedicated and conveyed to Hillsborough County as shown on the PD site plan or otherwise required per the conditions of zoning approval.



**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to a +/- 4.91 ac. parcel from Agricultural Rural (AR) to Planned Development (PD). The proposed PD is seeking entitlements for up to 97 multi-family dwelling units.

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation analysis. Although the project generates fewer than 50 peak hour trips and was not required to submit a site access analysis, one was nevertheless provided by the applicant. Staff has prepared the below comparison of potential trip generation of the subject property based upon the existing and proposed zoning, utilized a generalized worst-case scenario. Data provided below is based on data from the 10<sup>th</sup> Edition of the Institute of Transportation Engineer’s Trip Generation Manual.

Existing Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 1 Single-Family Detached Dwelling Unit (ITE LUC 210)	9	1	1

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 97 Mid-Rise Multi-family Dwelling Units (ITE LUC 221)	528	35	43

Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
	<b>(+) 519</b>	<b>(+) 34</b>	<b>(+) 42</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

Bryan Rd. is a 2-lane, undivided, publicly maintained, local roadway characterized by +/- 12-foot wide travel lanes in average condition. The road lies within a variable width right-of-way along the project’s frontage (between +/- 45 and +/- 48 feet). There are +/- 4 to 5-foot wide sidewalks along both sides of Bryan Rd. in the vicinity of the proposed project. There are no bicycle facilities along Bryan Rd. in the vicinity of the proposed project.

Ellen Ave. is a 2-lane, undivided, publicly maintained, substandard, local roadway characterized by +/- 16 to +/- 20-feet of pavement travel lanes in below average condition. Along the project frontage, the roadway lies within a +/- 25-foot wide right-of-way. There are no sidewalks or bicycle facilities along Ellen Ave. in the vicinity of the proposed project.

According to the applicant’s survey, the Ellen Ave. pavement slightly encroaches into the subject property. Pursuant to Section 6.03.02.A. of the LDC, the developer will be required to construct a minimum 5-foot wide sidewalk along their Ellen Ave. frontage. LDC Section 6.03.02.D. states, “In the event that a right-of-way is determined by Administrator to be too small for the construction of a safe sidewalk, developer shall construct the sidewalk within an easement approved by and dedicated to the County.” Staff has proposed a condition which will require the developer to convey an easement (for public access and maintenance purposes) over the area between the roadway pavement and back of sidewalk. Per TS-3, there

must be a minimum of 8 feet between the nearest pavement and front of sidewalk, which means that together with the 5-foot sidewalk, a minimum easement area of 15 feet will be required. This easement will also serve to regularize any existing roadway encroachment.

**SITE ACCESS AND CONNECTIVITY**

Access to the project will be via a single vehicular connection to Bryan Rd. Staff is also proposing a condition to require the developer construct a sidewalk connection to Ellen Ave.

Given that Bryan Rd. is classified as a local roadway, no auxiliary (turn) lanes are warranted pursuant to Section 6.04.04.D. of the Hillsborough County Land Development Code (LDC).

**ROADWAY LEVEL OF SERVICE (LOS) INFORMATION**

Data from the Hillsborough County 2020 Level of Service (LOS) Report for the adjacent roadway segment is reported below. The segment of Bryan Rd. on which the project is accessing is not a regulated roadway. As such, LOS information for that facility cannot be provided. LOS information for the nearest facility is provided below.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Falkenburg Rd.	MLK Blvd.	Bryan Rd.	D	C
Falkenburg Rd.	Bryan Rd.	Hillsborough Ave.	D	C

Source: Hillsborough County 2020 Level of Service Report.

Transportation Comment Sheet

**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
Bryan Rd.	County Local - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Ellen Ave.	County Local - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other – Sidewalk Easements
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input 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	9	1	1
Proposed	528	35	43
Difference (+/-)	(+) 519	(+) 34	(+) 42

\*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		None	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East		None	None	Meets LDC
West		Pedestrian	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

## Transportation Comment Sheet

4.0 Additional Site Information & Agency Comments Summary			
<b>Transportation</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ PD 21-0560

**DATE OF HEARING:** September 13, 2021

**APPLICANT:** David Singer, Shumaker, Loop & Kendrick, LLP

**PETITION REQUEST:** A request to rezone property from AR to PD to permit a maximum of 97 multi-family dwelling units

**LOCATION:** North side of Bryan Road and Ellen Avenue

**SIZE OF PROPERTY:** 4.91 acres, m.o.l.

**EXISTING ZONING DISTRICT:** AR

**FUTURE LAND USE CATEGORY:** UMU-20

**SERVICE AREA:** Urban

**COMMUNITY PLAN:** East Lake Orient Park

## 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:	David B. Singer, Shumaker, Loop & Kendrick, LLP
FLU Category:	OC-20
Service Area:	Urban
Site Acreage:	4.87 Acres +/-
Community Plan Area:	East Lake/Orient Park
Overlay:	None
Request:	Rezoning to PD

#### **Request Summary:**

The existing zoning is AR (Agricultural Rural) which permits single-family residential and agricultural uses pursuant to the development standards in the table below. The proposed zoning for Planned Development (site plan controlled district) to allow for the development of a four story multi-family

residential development with 97 dwelling units pursuant to the development standards in the table below and site plan depicted in 2.4 of the report.

**Development Standards:**

Setbacks/Buffering and Screening	50' Front 50' Rear 25' Sides	20-feet south 20-feet west, 10-feet east 10-feet north
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**Additional Information:**

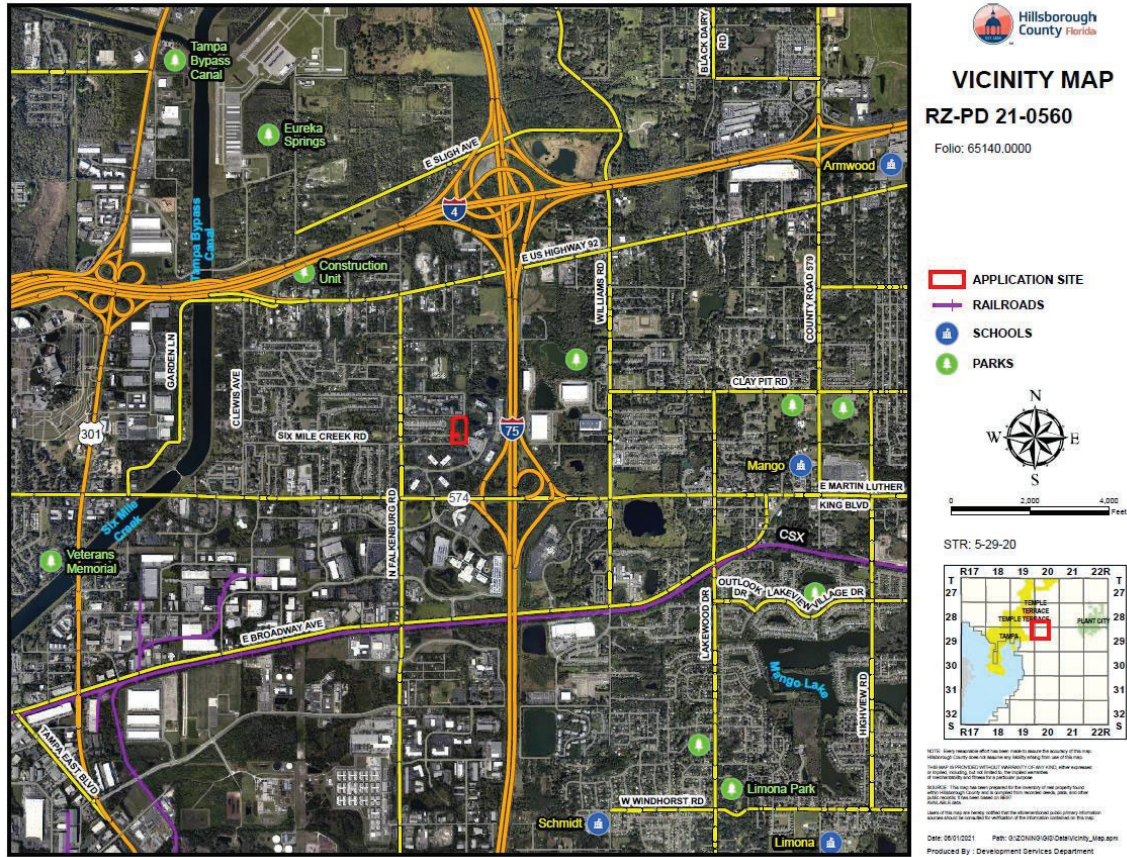
PD Variations	<p>Allow a buffer/screening decrease from 20-feet, Type B to 5-feet, And PVC Fence screening along western PD boundary (LDC Section 6.06 06- Buffer and Screening requirements)</p> <p>Allow a buffer/screening decrease from 20-feet, Type B to 15-feet, Type B screening along eastern PD boundary (LDC Section 6.06 06- Buffer and Screening requirements)</p>
Waiver(s) to the Land Development Code	<p>Allow a building height increase from 20 feet to 50 feet within the required additional setback (2 feet of additional setback for each foot of structure height over 20 feet) along the east and western PD boundaries (LDC 6.01.01 Endnote 8)</p>

Planning Commission Recommendation: Consistent

Development Services Department Recommendation: Approvable, Subject to Conditions



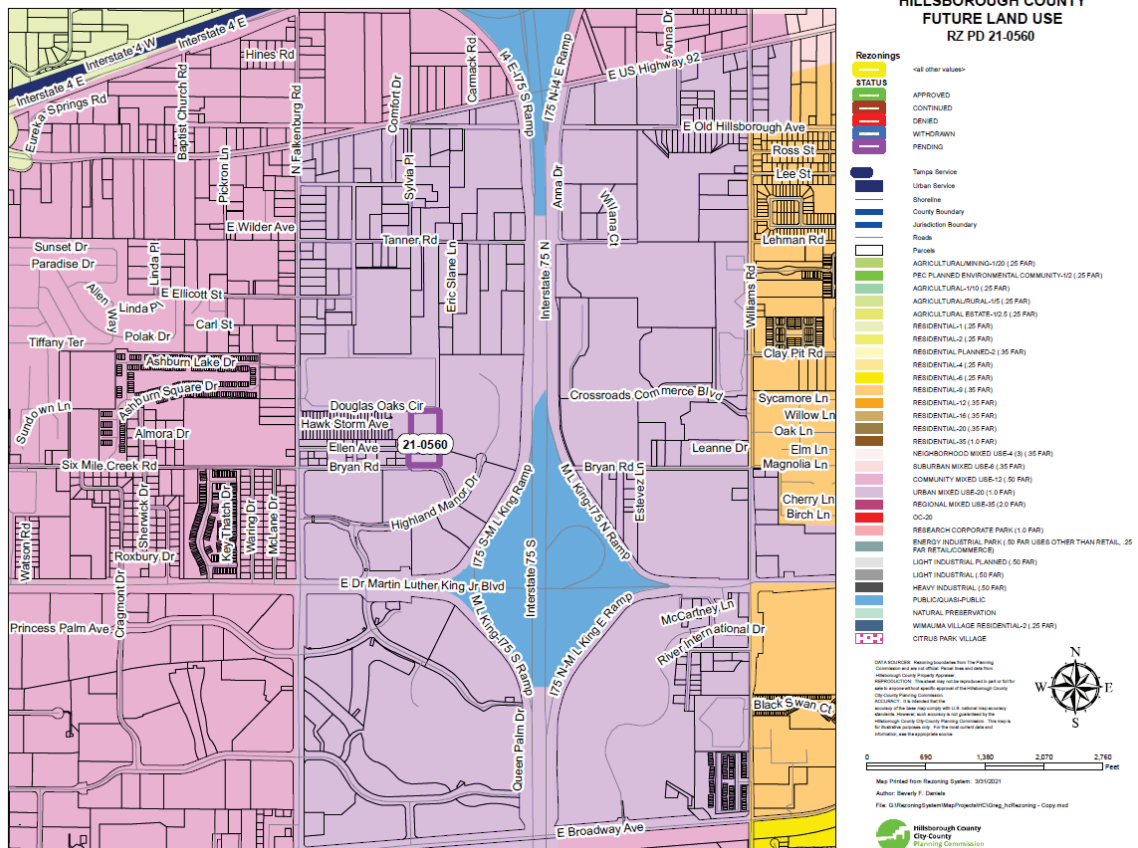
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

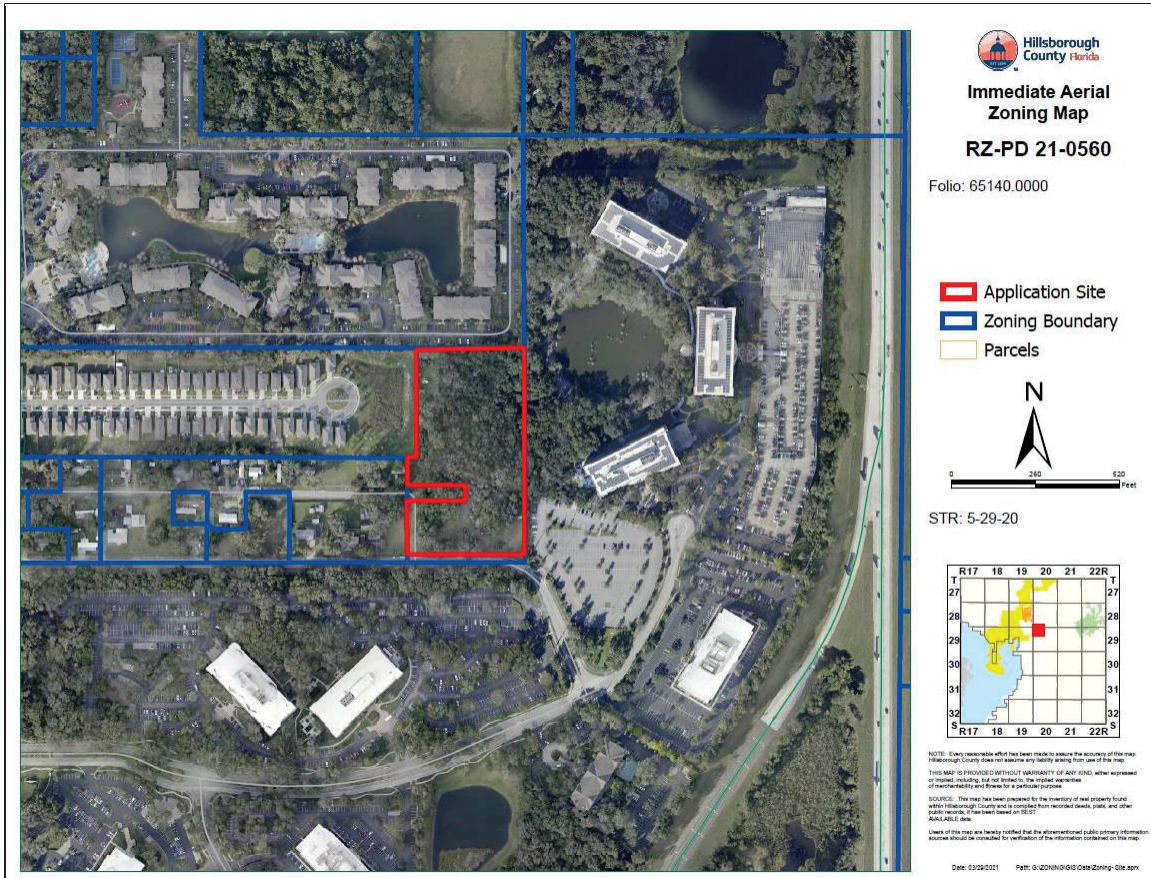
The adjacent property to the north is occupied by a multifamily residential project. To the east and south is a Chase Bank offices complex. Across Ellen Road, to the west, is a residential single family property occupied with single family conventional homes. Adjacent to the west is a single family subdivision developed with a density of 13 dwelling units per acre.

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



Subject Site Future Land Use Category:	UMU-20
Maximum Density/F.A.R.:	20 Dwelling units per acre, Maximum FAR: 1.0
Typical Uses:	Residential, regional commercial, offices, business parks, research park, light industrial, multipurpose, clustered residential, mixed-use

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



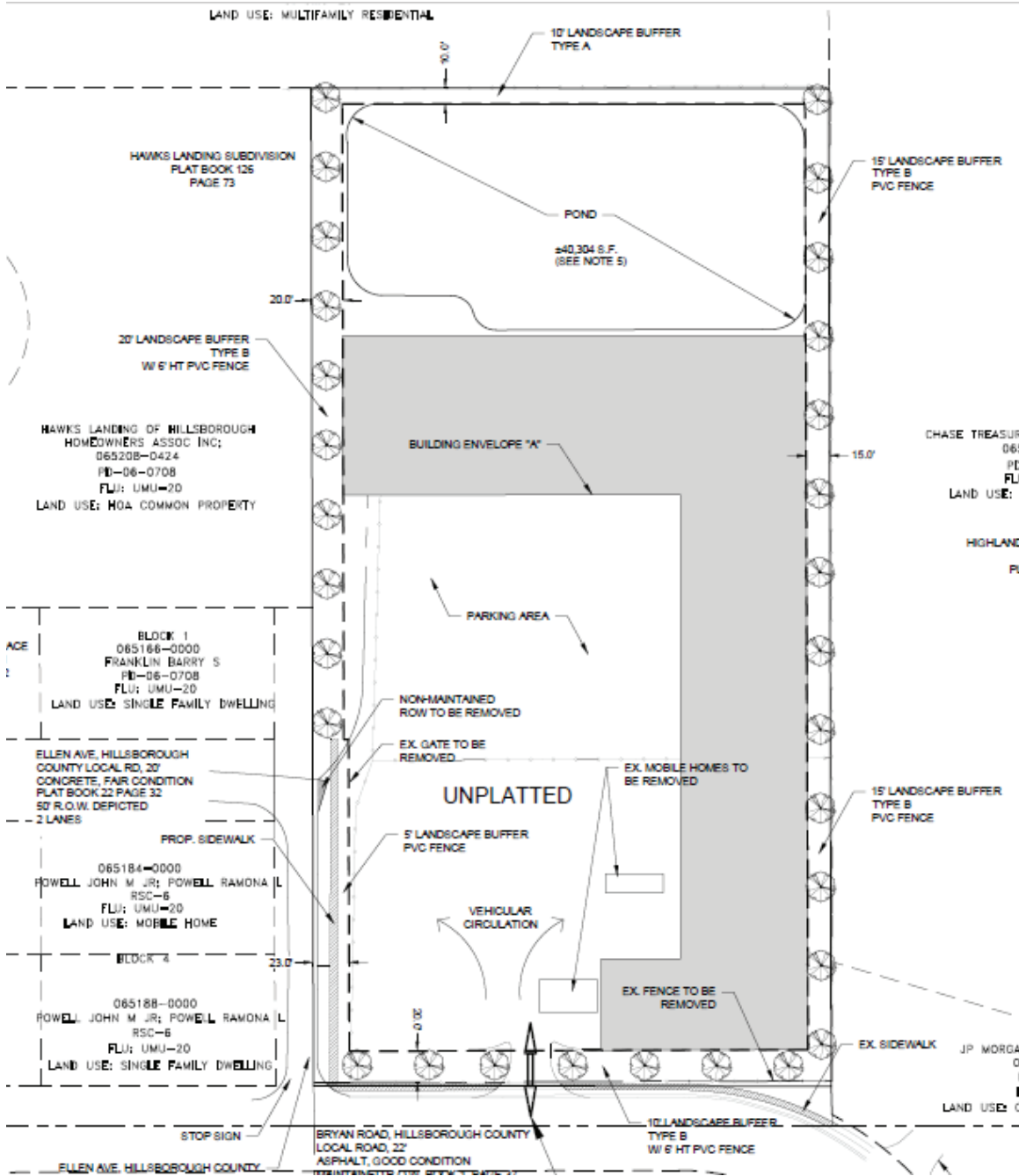
### Adjacent Zonings and Uses

Location	Zoning	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
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West	RSC-6 MH/ PD 06-0708	6 Dwelling Units per acre/ 13 Dwelling Units per acre	Single Family Residential	Single Family Residential
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## 2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan



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

**Adjoining Roadways (check if applicable)**

Bryan Rd.	County Local - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Ellen Ave.	County Local - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other – Sidewalk Easements
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

**Connectivity and Cross Access**  Not applicable for this request

**Design Exception/Administrative Variance**  Not applicable for this request

**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

<b>INFORMATION/REVIEWING AGENCY</b>			
<b>Environmental:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>

Environmental Protection Commission Natural Resources Conservation & Environmental Lands Mgmt.

Yes  No  Yes  No  Yes  No

Yes  No  Yes  No  Yes  No

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 \_\_\_\_\_

<b>Public Facilities:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b>			
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Utilities Service Area/ Water &amp; Wastewater</b>			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Hillsborough County School Board</b>			
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A			
<b>Impact/Mobility Fees</b>			
(Fee estimate is based on a 2,000 square foot, 3 bedroom, Single Family Detached) Mobility: \$7,316 * 98 units = \$716,968			
Parks: \$1,815 * 98 units			
School: \$8,227 * 98 units			
Fire: \$335 * 98 units			
Total Single Family Detached = \$1,733,914			
= \$177,870 = \$806,246 = \$ 32,830			
<b>Comprehensive Plan:</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>

<b>Planning Commission</b>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria	Inconsistent	<input type="checkbox"/> Yes
Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> No

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The proposed use is compatible with existent office development to the east and south. The residential developments to the north and west are zoned PD 06-0708 and PD 00-1191, and were approved for densities of 16 DU/AC and 13 DU/AC. Although the proposed density of 20 DU/AC is greater than the neighboring development's, it is within the same land use intensity group of existing multi-family residential development, to the north. The proposed density is also compatible with the UMU-20 Future Land Use Designation, which allows for multi-family uses with a density of up to 20 dwelling units per acre.

The applicant is proposing variations to the required buffer and screening along Ellen Avenue, to the west. However, the layout was designed to accommodate the residential buildings towards the east creating a separation from the closest single family dwelling of more than 100 feet. Additionally, the applicant is proposing conditions to provide hours of operations and to reduce the noise impacts of a community recreational space. Additionally, to the north, a retention pond and a 10-foot buffer, Type A screening is proposed where no buffer and screening is required. To the east, the adjacent development provides over 20-foot buffer to the nearest building; however, the applicant is proposing an

additional 15-foot buffer and a Type B screening with a PVC fence between both properties.

Based on the above, Staff finds the request is approvable, subject to conditions.

## **5.2 Recommendation**

Approvable, subject to conditions.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

## **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on September 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Colin Rice 101 East Kennedy Boulevard Suite 2800 Tampa testified on behalf of the applicant AMQ International. Mr. Rice showed graphics to discuss the requested rezoning from AR to Planned Development to permit a maximum of 97 multi-family dwelling units. He described the location of the property and stated that the multi-family development represents a transition between the high intensity offices and the existing residential. Mr. Rice testified that the applicant went to great lengths to keep the massing of the building away from residential. He added that there will be a stormwater retention pond to the north and east to buffer the existing residential land uses. He added that the project was slightly redesigned in response to an adjacent property owner to address her concerns. The hours of operation will state that the non-enclosed amenities will close at 10:00pm. No amplified music will be permitted. A sidewalk is proposed to connect with the Development of Regional Impact to provide workforce housing without vehicular traffic. Mr. Rice described the proposed buffers and the overall walkability of the project.

Hearing Master Finch asked Mr. Rice about the staff report mention that a waiver is requested of the Land Development Code requirement for an additional setback for buildings over 20 feet in height. Mr. Rice replied that the waiver is intended to provide the area needed for the installation of the sidewalk which connects to the DRI.

Mr. Brian Grady, Development Services Department testified regarding the County's staff report. Mr. Grady stated that the request is to rezone property from AR to Planned Development to permit 97 multi-family dwelling units. The buildings are proposed to be four stories in height. Regarding the additional setback for buildings over 20 feet in height, the required setback would be 80 feet. A retention pond is proposed along the eastern and western boundaries



which results in significant building separation from the single-family to the west and east. He concluded his remarks by stating that staff supports the requested waiver and the rezoning application.

Ms. Melissa Lienhard of the Planning Commission staff testified that the property is within the Urban Mixed Use-20 Future Land Use category and located in the Urban Service Area and the East Lake Orient Park Community Planning Area. She stated that the proposed density meets Policy 1.2 as a minimum of 73 units would be allowed and the applicant is proposing 97 units. Ms. Lienhard testified that the proposed four story buildings are compatible with the surrounding area. Ms. Lienhard testified that the rezoning is also consistent with the East Lake Orient Park Community Plan as the development provides a diverse housing type for varying income levels. She concluded her remarks by stating that the rezoning request is consistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application. None replied.

County staff and Mr. Rice did not have additional comments.

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

Mr. Rice submitted a PowerPoint presentation 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 subject site is 4.91 acres in size and is zoned Agricultural Rural (AR). The property is designated Urban Mixed Use-20 (UMU-20) by the Comprehensive Plan and located in the Urban Service Area and the East Lake Orient Park Community Planning Area.
2. The purpose of the rezoning from AR to PD is to permit a maximum of 97 multi-family dwelling units on-site. The maximum height is proposed to be four-stories (50 feet).

3. One waiver is requested regarding the Land Development Code requirement to provide an additional 2-to-1 setback for buildings over 20 feet in height. The applicant's representative testified that the waiver is requested to provide adequate area for a sidewalk to be installed that will connect to the neighboring Development of Regional Impact (DRI). The sidewalk will facilitate workforce housing that does not require vehicular use to the multi-family development.

The waiver is justified given the proposed installation of the sidewalk on-site.

4. Two Planned Development Variations are requested as part of the application. The applicant requests a reduction in the required buffering and screening of 20-feet with a Type B buffer to instead a 5-foot buffer with a PVC fence along the western side of the property. The applicant also requests a reduction of the required 20-foot buffer on the east side of the property and instead provide buffer of 15 feet. The Type B screening will be provided.

The two requested PD Variations meet Land Development Code Section 5.03.06.6(b) as the site plan proposes retention ponds between the subject buildings and adjacent parcels to mitigate the impact. The proposed screening will meet the intent of the requirement and not adversely impact adjacent property owners.

4. The Planning Commission found that the proposed density meets Policy 1.2 as a minimum of 73 units would be allowed and the applicant is proposing 97 units. The proposed four story buildings are compatible with the surrounding area. The rezoning is also consistent with the East Lake Orient Park Community Plan as the development provides a diverse housing type for varying income levels. The Planning Commission stated that rezoning is consistent with the Future of Hillsborough Comprehensive Plan.
5. The surrounding area is developed with multi-family land uses to the north, office development to the south and east and single-family residential homes to the west.
6. The multi-family project is consistent with the area. The design of the site is sensitive to neighboring properties and serves to provide a compatible land use in the area.

#### **FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN**

The rezoning 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 Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

### **SUMMARY**

The request is to rezone 4.91 acres from AR to PD to permit up to 97 multi-family dwelling units on-site.

One waiver is requested regarding the Land Development Code requirement to provide an additional 2-to-1 setback for buildings over 20 feet in height. The applicant's representative testified that the waiver is requested to provide adequate area for a sidewalk to be installed that will connect to the neighboring Development of Regional Impact (DRI). The sidewalk will facilitate workforce housing that does not require vehicular use to the multi-family development. The waiver is justified given the proposed installation of the sidewalk on-site.

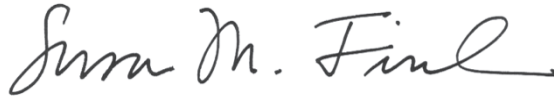
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The Planning Commission found the proposed density meets Policy 1.2 as a minimum of 73 units would be allowed and the applicant is proposing 97 units. The proposed four story buildings are compatible with the surrounding area. The rezoning is consistent with the East Lake Orient Park Community Plan as the development provides a diverse housing type for varying income levels. The Planning Commission stated that rezoning is consistent with the Future of Hillsborough Comprehensive Plan.

The request is compatible with the multi-family, single-family and office development pattern in the area and is consistent with the intent of the Land Development Code and Comprehensive Plan.

## RECOMMENDATION

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

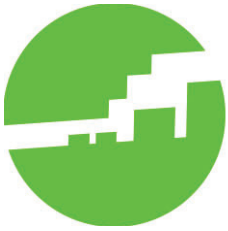


October 1, 2021

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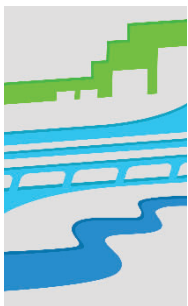
**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date**



**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> September 13, 2021  <b>Report Prepared:</b> September 1, 2021	<b>Petition: PD 21-0560</b>  10302 Ellen Avenue  <i>In the northeast quadrant of the Bryan Road and Ellen Avenue intersection, east of Falkenburg Road North</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>CONSISTENT</b>
<b>Adopted Future Land Use:</b>	<b>Urban Mixed-Use- 20 (20du/ga and 1.0 FAR)</b>
<b>Service Area</b>	<b>Urban</b>
<b>Community Plan:</b>	<b>East Lake Orient Park</b>
<b>Rezoning Request:</b>	Agricultural Rural (AR) to a Planned Development (PD) to allow for the development of a four-story multi-family residential development with 97 dwelling units.
<b>Parcel Size (Approx.):</b>	4.90 +/-acres
<b>Street Functional Classification:</b>	Ellen Avenue– <b>Local Roadway</b> Bryan Avenue – <b>Local Roadway</b> Falkenburg Road North – <b>County Collector</b>
<b>Locational Criteria</b>	N/A
<b>Evacuation Zone</b>	The subject property is not located in an Evacuation Zone.



## **Context**

- The subject property is located on approximately 4.90 acres within the northeast quadrant of the Bryan Road and Ellen Avenue intersection, east of Falkenburg Road North. The property is located within the limits of the East Lake Orient Park Community Plan and is in the Urban Service Area (USA).
- The subject site is designated as Urban Mixed-Use-20 (UMU-20) on the Future Land Use Map. Typical Uses in UMU-20 include residential, regional scale commercial uses such as a mall, office and business park uses, research corporate park uses, light industrial, multi-purpose and clustered residential and/or mixed use projects at appropriate locations. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- UMU-20 surrounds the subject site on all sides. Community Mixed-Use-12 (CMU-12) is located west of Falkenburg Road North.
- Two single family mobile homes are currently located on the subject site. Light Commercial Uses are located to the east and south of the site that are directly adjacent to Interstate 75. Single family mobile homes are located to the west along the north side of the parcel and single family residential to the west along the southern end of the parcel. Multi family developments are located directly north.
- The subject site is currently zoned as Agricultural Rural (AR). Planned Developments (PD's) are located to the north, east and south of the site. Residential Single- Family Conventional-6 (RSC-6) is located directly to the east of the site. There are very small parcels of Commercial Neighborhood (CN) and Residential Duplex Conventional-12 (RDC-12) located along Falkenburg Road North at the Ellen Avenue and Bryan Road intersections.
- The applicant requests to rezone the subject property from Agricultural Rural (AR) to a Planned Development (PD) to allow for a four-story multi-family residential development with 97 dwelling units.

### **Compliance with Comprehensive Plan:**

The following Goals, Objectives and Policies apply to this rezoning request and are used as a basis for a consistency finding.

### **Future Land Use Element**

#### ***Urban Service Area (USA)***

***Objective 1:*** Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede

agriculture. Building permit activity and other similar measures will be used to evaluate this objective.

**Policy 1.2: Minimum Density:** All new residential or mixed use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities. Within the USA and in categories allowing 4 units per acre or greater, new development or redevelopment shall occur at a density of at least 75% of the allowable density of the land use category, unless the development meets the criteria of Policy 1.3.

**Policy 1.4:** Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

### **Neighborhood/Community Development**

**Objective 16: Neighborhood Protection** The neighborhood is the functional unit of community development. There is a need to protect existing, neighborhoods and communities and those that will emerge in the future. To preserve, protect, and enhance neighborhoods and communities, all new development must conform to the following policies.

**Policy 16.1:** Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as:

- a) locational criteria for the placement of non-residential uses as identified in this Plan,
- b) limiting commercial development in residential land use categories to neighborhood scale;
- c) requiring buffer areas and screening devices between unlike land uses;

**Policy 16.2:** Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering and screening techniques and control of specific land uses.

**Policy 16.3:** Development and redevelopment shall be integrated with the adjacent land uses through:

- a) the creation of like uses; or
- b) creation of complementary uses; or
- c) mitigation of adverse impacts; and
- d) transportation/pedestrian connections

**Policy 16.7:** Residential neighborhoods shall be designed to include an efficient system of internal circulation and street stub-outs to connect adjacent neighborhoods together.

**Policy 16.8:** The overall density and lot sizes of new residential projects shall reflect the character of the surrounding area, recognizing the choice of lifestyles described in this Plan.

**Policy 16.10:** Any density increase shall be compatible with existing, proposed, or planned surrounding development. Compatibility is defined as the characteristics of different uses or

activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

**Policy 16.11:** Within residential projects, site planning techniques shall be encouraged to ensure a variety and variation of lot sizes, block faces, setbacks and housing types.

**Policy 17.7:** New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses.

## **Community Design Component**

### **5.0 NEIGHBORHOOD LEVEL DESIGN**

#### **5.1 COMPATIBILITY**

**GOAL 12:** Design neighborhoods which are related to the predominant character of the surroundings.

**OBJECTIVE 12-1:** New developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood.

**Policy 12-1.4:** Compatibility may be achieved through the utilization of site design techniques including but not limited to transitions in uses, buffering, setbacks, open space and graduated height restrictions, to affect elements such as height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.

### **LIVABLE COMMUNITIES ELEMENT: East Lake Orient Park**

Housing – Create housing opportunities.

- East Lake-Orient Park is experiencing problems with poorly managed apartment complexes and rental properties. East Lake-Orient Park seeks annual inspections of rental units for compliance with the health and housing codes.
- New residential developments that provide home ownership are preferred.
- Support affordable housing opportunities that accommodate a diverse population and income levels and promote home ownership.
- Create a neighborhood redevelopment and rehabilitation program to revitalize the area south of US 92 in the vicinity of Falkenburg Road.

#### **Staff Analysis of Goals, Objectives, and Policies:**

The subject property is located on approximately 4.90 acres within the northeast quadrant of the Bryan Road and Ellen Avenue intersection, east of Falkenburg Road North. The property is located within the limits of the East Lake Orient Community Plan and is in the



Urban Service Area (USA). The applicant seeks to rezone the subject property from Agricultural Rural (AR) to a Planned Development (PD) allowing for 97 multi-family dwelling units.

The subject property is located within the Urban Service Area where eighty percent of growth is to occur according to Objective 1 of the Future Land Use Element of the Comprehensive Plan (FLUE). Per Policy 1.2 Comprehensive Plan (FLUE), the site must satisfy minimum density requirements. The maximum allowable density on the subject site is 97 dwelling units and the minimum allowable density is 73 dwelling units. The application requests 97 multi-family units and satisfies Policy 1.2 (FLUE).

The subject property is designated Urban Mixed-Use-20 (UMU-20) on the Future Land Use Map. The intent of the UMU-20 Future Land Use category is urban in intensity and density of uses. All rezonings in this category must be approved through a planned unit development rezoning process. As the rezoning proposes an urban level density, achieved through a Planned Development zoning district, it meets the intent of the UMU-20 Future Land Use Category. The proposal of a four-story residential with 97 multi-family units would allow for residential uses that are compatible with the surrounding development pattern. The surrounding area includes varied housing styles including single family residential detached, mobile homes and multi-family residential developments. It therefore satisfies the intent of compatibility polices 1.4 and 16.10 as well as the Neighborhood Protection policies of FLUE Objective 16 and Policies 16.1, 16.2, 16.3 ,16.8 and 16.11.

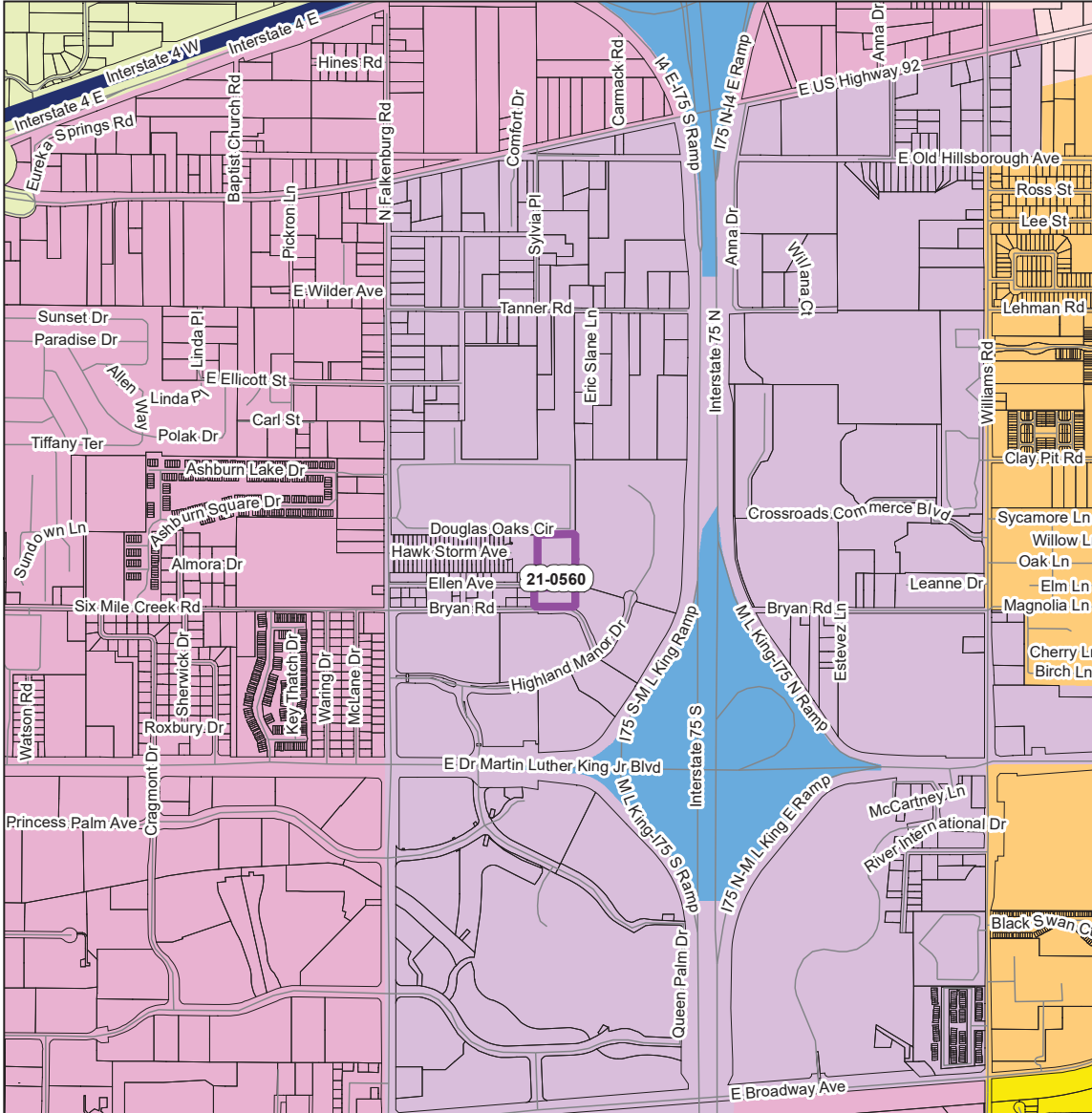
The Community Design Component (CDC) provides policy guidance on designing neighborhoods that are compatible with the surroundings and reflect the character of the surrounding neighborhoods (Goal 12, Objective 12-1, Policy 12.1-4) . The proposed rezoning reflects the character of the surrounding area that includes multi-family housing. The current zoning of Agricultural Rural (AR) does not reflect that the area is in transition to urban level intensities and densities. The proposal therefore meets the intent of the policy guidance in the CDC.

The property is located within the limits of the East Lake Orient Park Community Plan. The Community Plan supports affordable housing opportunities that accommodate a diverse population and income levels and promote home ownership. The proposed residential development will provide additional housing opportunities within East Lake Orient Park. The request is consistent with the East Lake Orient Park Community Plan.

Overall, staff finds that the proposed modification is consistent with Urban Service Area policies and supports the vision of the East Lake Orient Park Community Plan. The request is compatible with the existing development pattern in the area. The request would allow for a development that is consistent with the Goals, Objectives and Policies of the Future Land Use Element of the *Future of Unincorporated Hillsborough County Comprehensive Plan for Unincorporated Hillsborough County*.

### **Recommendation**

Based upon the above considerations, Planning Commission staff finds the proposed Planned Development **CONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to conditions proposed by the Development Services Department.



# HILLSBOROUGH COUNTY FUTURE LAND USE RZ PD 21-0560

- Rezoning**
- <all other values>
  - STATUS**
  - APPROVED
  - CONTINUED
  - DENIED
  - WITHDRAWN
  - PENDING
  - Tampa Service
  - Urban Service
  - Shoreline
  - County Boundary
  - Jurisdiction Boundary
  - Roads
  - Parcels
  - AGRICULTURAL/MINING-1/20 (.25 FAR)
  - PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
  - AGRICULTURAL-1/10 (.25 FAR)
  - AGRICULTURAL/RURAL-1/5 (.25 FAR)
  - AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
  - RESIDENTIAL-1 (.25 FAR)
  - RESIDENTIAL-2 (.25 FAR)
  - RESIDENTIAL PLANNED-2 (.35 FAR)
  - RESIDENTIAL-4 (.25 FAR)
  - RESIDENTIAL-6 (.25 FAR)
  - RESIDENTIAL-9 (.35 FAR)
  - RESIDENTIAL-12 (.35 FAR)
  - RESIDENTIAL-16 (.35 FAR)
  - RESIDENTIAL-20 (.35 FAR)
  - RESIDENTIAL-35 (1.0 FAR)
  - NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
  - SUBURBAN MIXED USE-6 (.35 FAR)
  - COMMUNITY MIXED USE-12 (.50 FAR)
  - URBAN MIXED USE-20 (1.0 FAR)
  - REGIONAL MIXED USE-35 (2.0 FAR)
  - OC-20
  - RESEARCH CORPORATE PARK (1.0 FAR)
  - ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, 25 FAR RETAIL/COMMERCE)
  - LIGHT INDUSTRIAL PLANNED (.50 FAR)
  - LIGHT INDUSTRIAL (.50 FAR)
  - HEAVY INDUSTRIAL (.50 FAR)
  - PUBLIC/QUASH-PUBLIC
  - NATURAL PRESERVATION
  - WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
  - CITRUS PARK VILLAGE

**DATA SOURCES:** Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser.

**REPRODUCTION:** This sheet may not be reproduced in part or full for sale to anyone without specific approval of the Hillsborough County City-County Planning Commission.

**ACCURACY:** It is intended that the accuracy of the base map comply with U.S. national map accuracy standards. However, such accuracy is not guaranteed by the Hillsborough County City-County Planning Commission. This map is for illustrative purposes only. For the most current data and information, see the appropriate source.

Map Printed from Rezoning System: 3/31/2021  
 Author: Beverly F. Daniels  
 File: G:\Rezoning\System\MapProjects\H\G\reg\_hr\Rezoning - Copy.mxd





**GENERAL  
SITE PLAN  
FOR  
CERTIFICATION**



**DEVELOPMENT SERVICES**

PO Box 1110, Tampa, FL 33601-1110  
(813) 272-5600

**HILLSBOROUGH COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

**GENERAL SITE PLAN REVIEW/CERTIFICATION**

**BOARD OF COUNTY  
COMMISSIONERS**

Harry Cohen  
Ken Hagan  
Pat Kemp

Gwendolyn "Gwen" Myers  
Kimberly Overman  
Mariella Smith  
Stacy R. White

**COUNTY ADMINISTRATOR**

Bonnie M. Wise

**COUNTY ATTORNEY**

Christine M. Beck

**INTERNAL AUDITOR**

Peggy Caskey

**DEPUTY COUNTY ADMINISTRATOR**

Gregory S. Horwedel

Project Name: RZ-PD ( 21-0560)

Zoning File: RZ-PD ( 21-0560) Modification: None

Atlas Page: None Submitted: 10/25/21

To Planner for Review: 10/25/21 Date Due: ASAP

Contact Person: David B Singer/ Matt Newton Phone: dsinger@shumaker.com/ mnewton@shumaker.com

Right-Of-Way or Land Required for Dedication: Yes  No

The Development Services Department HAS NO OBJECTION to this General Site Plan.

The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:

Reviewed by: Tania C Chapela Date: October 26 2021

Date Agent/Owner notified of Disapproval: \_\_\_\_\_





# **AGENCY COMMENTS**

## AGENCY REVIEW COMMENT SHEET

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**TO:** Zoning Technician, Development Services Department  
**REVIEWER:** James Ratliff, AICP, PTP  
**PLANNING AREA:** ELOP

**DATE:** 9/2/2021  
**AGENCY/DEPT:** Transportation  
**PETITION NO.:** PD 21-0560

---

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

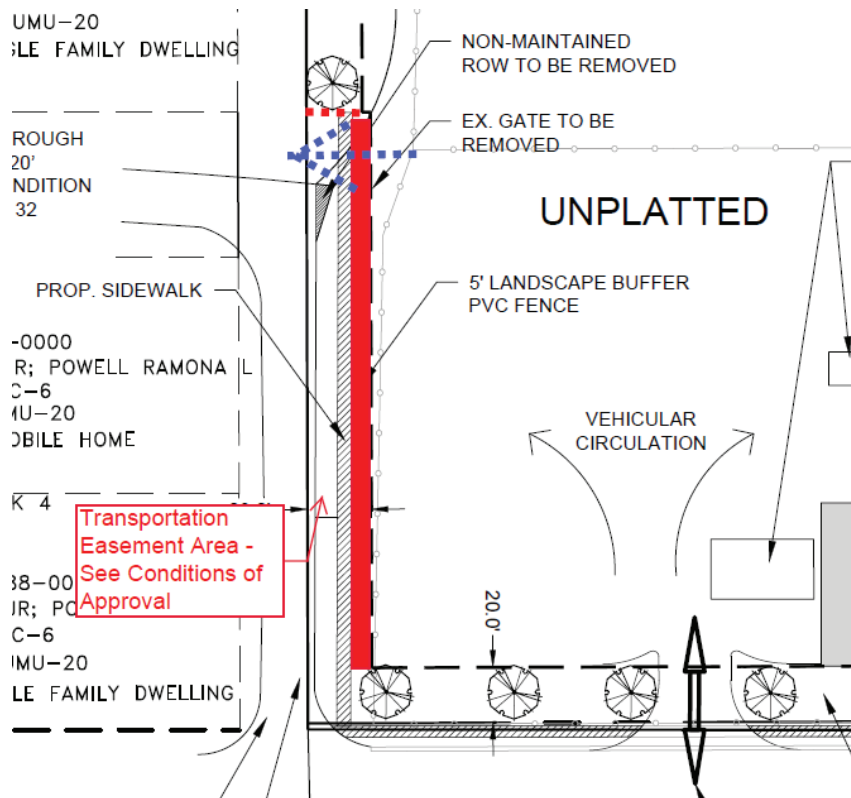
### **CONDITIONS OF APPROVAL**

#### *New Conditions*

1. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.
2. The developer shall construct a minimum 5-foot wide sidewalk along its Ellen Ave. frontage as generally shown on the PD site plan. Additionally:
  - a. The sidewalk shall be located a minimum of 8-feet from the edge of the Ellen Rd. pavement;
  - b. Prior to or concurrent with the initial increment of development, the developer shall dedicate and convey an easement, for public access and maintenance purposes, over the area between the existing property boundary and back of sidewalk. The width of the easement may vary based on the location of the edge of pavement; however, the easement area shall not be less than 13 feet in width. Such easement shall be approved by Hillsborough County Department of Facilities Management and Real Estates Services; and,
  - c. Notwithstanding anything herein these conditions to the contrary, no fences, walls, gates, poles or vertical plantings (e.g. only grass and sod) shall be permitted within the western two (2) feet of the area labeled on the PD site plan as "5-foot Landscape Buffer PVC Fence".
3. The developer shall construct a pedestrian connection to Ellen Ave. in the location generally shown on the PD site plan. Such connection may be gated; however, such access shall be available for the daily use of project residents.
4. Prior to or concurrent with the initial increment of development, the developer shall dedicate and convey and easement, for public access and maintenance purposes, over any area where the existing sidewalk along the project's Bryan Rd. frontage encroaches within the subject property. Such easement shall be approved by Hillsborough County Department of Facilities Management and Real Estates Services.

Other Conditions

- Prior to PD Site Plan Certification, the developer shall revise the site plan to:
  - Add a line which delineates the southern extent of the 20-foot Buffer along the western project boundary (as generally depicted by the red dotted line, below);
  - Delineate the area marked “5’ Landscape Buffer PVC Fence” separately from the area to its west (as generally depicted by the red shaded box, below), and modify the label to read “5’ Landscape Buffer PVC Fence – See Conditions of Approval”; and,
  - Delineate the transportation easement area and add a label stating “Transportation Easement Area – See Conditions of Approval”.
  - Modify the label for the Bryan Rd. access such that it reads “Proposed Vehicular and Pedestrian Access”;
  - Add an access arrow to the PD site plan (as depicted by the blue arrow below) and label “Proposed Pedestrian Connection”;
  - Within the “Notes” section of the plan, modify as follows:
    - Revise Note 8 to specify that any gating will follow TD-9 standards per the Transportation Technical Manual;
    - Revise Note 6 to clearly state that the project may develop in a single phase or via multiple phases; and,
    - Revise Note 3 to indicate that easement(s) will be dedicated and conveyed to Hillsborough County as shown on the PD site plan or otherwise required per the conditions of zoning approval.





**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to a +/- 4.91 ac. parcel from Agricultural Rural (AR) to Planned Development (PD). The proposed PD is seeking entitlements for up to 97 multi-family dwelling units.

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation analysis. Although the project generates fewer than 50 peak hour trips and was not required to submit a site access analysis, one was nevertheless provided by the applicant. Staff has prepared the below comparison of potential trip generation of the subject property based upon the existing and proposed zoning, utilized a generalized worst-case scenario. Data provided below is based on data from the 10<sup>th</sup> Edition of the Institute of Transportation Engineer’s Trip Generation Manual.

Existing Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 1 Single-Family Detached Dwelling Unit (ITE LUC 210)	9	1	1

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 97 Mid-Rise Multi-family Dwelling Units (ITE LUC 221)	528	35	43

Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
	<b>(+) 519</b>	<b>(+) 34</b>	<b>(+) 42</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

Bryan Rd. is a 2-lane, undivided, publicly maintained, local roadway characterized by +/- 12-foot wide travel lanes in average condition. The road lies within a variable width right-of-way along the project’s frontage (between +/- 45 and +/- 48 feet). There are +/- 4 to 5-foot wide sidewalks along both sides of Bryan Rd. in the vicinity of the proposed project. There are no bicycle facilities along Bryan Rd. in the vicinity of the proposed project.

Ellen Ave. is a 2-lane, undivided, publicly maintained, substandard, local roadway characterized by +/- 16 to +/- 20-feet of pavement travel lanes in below average condition. Along the project frontage, the roadway lies within a +/- 25-foot wide right-of-way. There are no sidewalks or bicycle facilities along Ellen Ave. in the vicinity of the proposed project.

According to the applicant’s survey, the Ellen Ave. pavement slightly encroaches into the subject property. Pursuant to Section 6.03.02.A. of the LDC, the developer will be required to construct a minimum 5-foot wide sidewalk along their Ellen Ave. frontage. LDC Section 6.03.02.D. states, “In the event that a right-of-way is determined by Administrator to be too small for the construction of a safe sidewalk, developer shall construct the sidewalk within an easement approved by and dedicated to the County.” Staff has proposed a condition which will require the developer to convey an easement (for public access and maintenance purposes) over the area between the roadway pavement and back of sidewalk. Per TS-3, there

must be a minimum of 8 feet between the nearest pavement and front of sidewalk, which means that together with the 5-foot sidewalk, a minimum easement area of 15 feet will be required. This easement will also serve to regularize any existing roadway encroachment.

**SITE ACCESS AND CONNECTIVITY**

Access to the project will be via a single vehicular connection to Bryan Rd. Staff is also proposing a condition to require the developer construct a sidewalk connection to Ellen Ave.

Given that Bryan Rd. is classified as a local roadway, no auxiliary (turn) lanes are warranted pursuant to Section 6.04.04.D. of the Hillsborough County Land Development Code (LDC).

**ROADWAY LEVEL OF SERVICE (LOS) INFORMATION**

Data from the Hillsborough County 2020 Level of Service (LOS) Report for the adjacent roadway segment is reported below. The segment of Bryan Rd. on which the project is accessing is not a regulated roadway. As such, LOS information for that facility cannot be provided. LOS information for the nearest facility is provided below.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Falkenburg Rd.	MLK Blvd.	Bryan Rd.	D	C
Falkenburg Rd.	Bryan Rd.	Hillsborough Ave.	D	C

Source: Hillsborough County 2020 Level of Service Report.

Transportation Comment Sheet

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

<b>Adjoining Roadways (check if applicable)</b>			
<b>Road Name</b>	<b>Classification</b>	<b>Current Conditions</b>	<b>Select Future Improvements</b>
Bryan Rd.	County Local - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Ellen Ave.	County Local - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other – Sidewalk Easements
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	9	1	1
Proposed	528	35	43
Difference (+/-)	<b>(+) 519</b>	<b>(+) 34</b>	<b>(+) 42</b>

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

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

<b>Design Exception/Administrative Variance</b> <input checked="" type="checkbox"/> Not applicable for this request		
<b>Road Name/Nature of Request</b>	<b>Type</b>	<b>Finding</b>
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

## Transportation Comment Sheet

4.0 Additional Site Information & Agency Comments Summary			
<b>Transportation</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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Pat Kemp VICE-CHAIR  
Harry Cohen  
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Gwendolyn “Gwen” W. Myers  
Kimberly Overman  
Stacy White



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Rick Muratti, Esq. LEGAL DEPT  
Andy Schipfer, P.E. WETLANDS DIVISION  
Sterlin Woodard, P.E. AIR DIVISION

**AGENCY COMMENT SHEET**

REZONING	
HEARING DATE: June 14, 2021	COMMENT DATE: April 13, 2021
PETITION NO.: 21-0560	PROPERTY ADDRESS: 10302 Ellen Ave., Tampa
EPC REVIEWER: Abbie Weeks	FOLIO #: 065140.0000
CONTACT INFORMATION: (813)627-2600 X1101	STR: 05-29E-20E
EMAIL: <a href="mailto:weeksa@epchc.org">weeksa@epchc.org</a>	
REQUESTED ZONING: AR to PD	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	04/9/2021
WETLAND LINE VALIDITY	N/A
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	N/A
<b>INFORMATIONAL COMMENTS:</b>  Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.  Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a “WDR30 - Delineation Request Application”. Once approved, the formal wetland delineation would be binding for five years.	

cc: [dsinger@shumaker.com](mailto:dsinger@shumaker.com)



**Adequate Facilities Analysis: Rezoning**

<b>Date:</b> May 13, 2021	<b>Acreage:</b> 4.9 (+/- acres)
<b>Jurisdiction:</b> Hillsborough	<b>Proposed Zoning:</b> Planned Development
<b>Case Number:</b> RZ 21-0560	<b>Future Land Use:</b> Urban Mixed Use - 20
<b>HCPS #:</b> RZ-371	<b>Maximum Residential Units:</b> 98 Units
<b>Address:</b> 10302 Ellen Ave., Tampa, 33610	<b>Residential Type:</b> Multifamily
<b>Parcel Folio Number(s):</b> 065140.0000	

School Data	Mango Elementary	Jennings Middle	Armwood High
FISH Capacity	667	1203	2465
2020-21 Enrollment	651	725	2137
Current Utilization	98%	60%	87%
Concurrency Reservations	0	97	182
Students Generated	12	5	5
Proposed Utilization	99%	69%	94%

Sources: 2020-21 40<sup>th</sup> Day Enrollment Count and CSA Tracking Sheet as of 5/13/2021

**NOTE:** Adequate capacity exists for the proposed project at Mango Elementary, Jennings Middle, and Armwood High. While Mango Elementary is projected to be near capacity, additional capacity exists in adjacent concurrency areas to accommodate this project.

**This is an analysis for adequate facilities only and is NOT a determination of school concurrency. A school concurrency review will be issued PRIOR TO preliminary plat or site plan approval.**

Matthew Pleasant  
 Department Manager, Planning & Siting  
 Growth Management Department  
 Hillsborough County Public Schools  
 E: [matthew.pleasant@hcps.net](mailto:matthew.pleasant@hcps.net)  
 P: 813.272.4429

## Chapela, Tania

---

**From:** Greenwell, Jeffrey  
**Sent:** Friday, August 13, 2021 10:34 AM  
**To:** Chapela, Tania  
**Subject:** RE: RZ-PD 21-0560. 0302 Ellen Ave, Tampa 33610

Based on the proposed residential construction being connected to central sewer , wellhead protection requirements do not apply. In addition the well in proximity to the proposed construction appears to have been abandoned.

Let me know if there's anything else I can do.

Best regards,  
**Jeff Greenwell**  
**Section Manager**  
Public Utilities Department

---

**P:** (813) 612-7757 voip 43304  
**E:** [greenwellj@HillsboroughCounty.org](mailto:greenwellj@HillsboroughCounty.org)  
**W:** [HillsboroughCounty.org](http://HillsboroughCounty.org)

---

**Hillsborough County**  
332 N. Falkenburg Rd, Tampa, FL 33619

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**From:** Chapela, Tania <ChapelaT@hillsboroughcounty.org>  
**Sent:** Friday, August 13, 2021 9:22 AM  
**To:** Greenwell, Jeffrey <GreenwellJ@hillsboroughcounty.org>  
**Subject:** RE: RZ-PD 21-0560. 0302 Ellen Ave, Tampa 33610

Jeffrey,

Do you have access to Optix, or do you want me to send the application files to you?

Sincerely,  
**Tania C. Chapela**  
**Senior Planner**  
Development Services

---

P: (813) 635-7302  
E: [chapelat@HCFLGov.net](mailto:chapelat@HCFLGov.net)  
W: [HCFLGov.net](http://HCFLGov.net)

---

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

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---

**From:** Greenwell, Jeffrey <[GreenwellJ@hillsboroughcounty.org](mailto:GreenwellJ@hillsboroughcounty.org)>  
**Sent:** Friday, August 13, 2021 9:12 AM  
**To:** Chapelat, Tania <[ChapelaT@hillsboroughcounty.org](mailto:ChapelaT@hillsboroughcounty.org)>  
**Subject:** RE: RZ-PD 21-0560. 0302 Ellen Ave, Tampa 33610

Yes

---

**From:** Chapelat, Tania <[ChapelaT@hillsboroughcounty.org](mailto:ChapelaT@hillsboroughcounty.org)>  
**Sent:** Friday, August 13, 2021 9:11 AM  
**To:** Greenwell, Jeffrey <[GreenwellJ@hillsboroughcounty.org](mailto:GreenwellJ@hillsboroughcounty.org)>  
**Subject:** RZ-PD 21-0560. 0302 Ellen Ave, Tampa 33610

Good morning Jeffrey,

I have been advised to get in touch with the County Hydrologist. I'm reviewing a site development project seemingly in the Potable Water Buffer Area. It is for a new multi-family development at 10302 Ellen Ave, Tampa 33610, parcel folio 65140.0000. Would you be the right person to review this project?

Thank you!

Sincerely,  
**Tania C. Chapelat**  
**Senior Planner**  
Development Services/ Zoning Division

---

P: (813) 635-7302  
E: [chapelat@HCFLGov.net](mailto:chapelat@HCFLGov.net)  
W: [HCFLGov.net](http://HCFLGov.net)

---

**Hillsborough County**



601 E. Kennedy Blvd., Tampa, FL 33602

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**NOTE: THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.**

---

**TO:** Zoning Review, Development Services

**DATE:** 07/16/2021

**REVIEWER:** Ron Barnes, Impact & Mobility Fee Coordinator

**APPLICANT:** AMQ International Corp

**PETITION NO:** 21-0560

**LOCATION:** 10302 Ellen Ave

**FOLIO NO:** 65140.0000

---

**Estimated Fees:**

(Fee estimate is based on a 2,000 square foot, 3 bedroom, Single Family Detached)

Mobility: \$7,316 \* 98 units = \$716,968

Parks: \$1,815 \* 98 units = \$177,870

School: \$8,227 \* 98 units = \$806,246

Fire: \$335 \* 98 units = \$ 32,830

Total Single Family Detached = \$1,733,914

**Project Summary/Description:**

Urban Mobility, Northeast Park/Fire - 98 Single Family Units



**AVIATION AUTHORITY LAND USE REVIEW**  
**Hillsborough County - OPTIX**

---

**DATE:** July 1, 2021

**PROPOSED USE INFORMATION:**

Case No.: 21-0560 Reviewer: Tony Mantegna

Location: 10302 Ellen Ave

Folio: 065140-0000

Current use of Land: Agricultural

Zoning: PD

REQUEST: AR zoning district to an in-fill residential planned development within the Urban Service Area. Applicant seeks to develop up to ninety-eight units.

---

**COMMENTS:**

The proposed site falls within Zone "A" on the Airport Height Zoning Map. Any structure including construction equipment that exceeds 90 feet Above Mean Sea Level may require an Airport Height Zoning Permit and must be reviewed by the Airport Zoning Director.

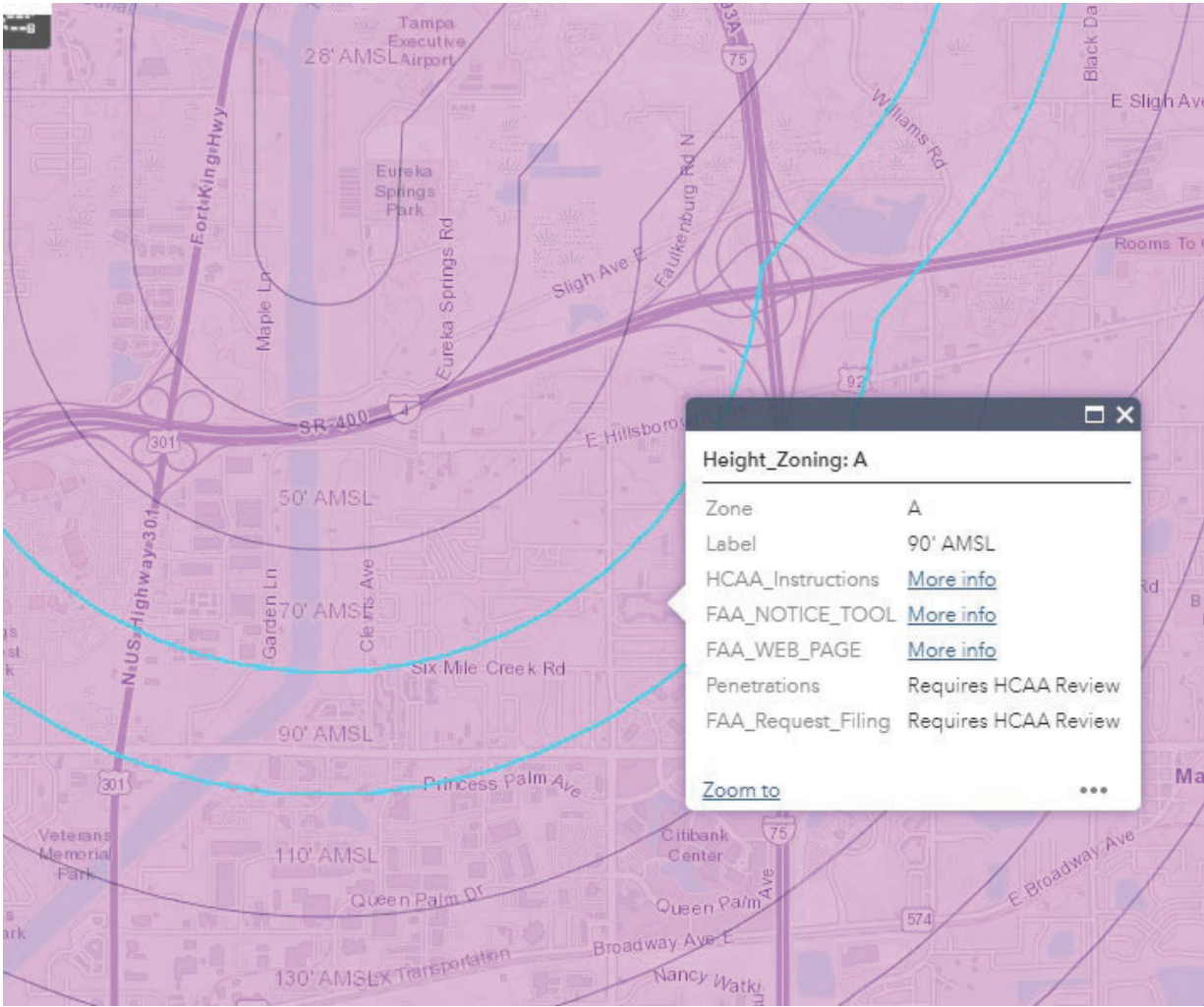
Compatible without conditions (see comments above) - \_\_\_\_\_

Not compatible (comments) - \_\_\_\_\_

Compatible with conditions (see comments above) – The applicant should be informed that the property falls outside of the 65 dnl noise contour around the airport and is a compatible use but the location is in close proximity to Tampa Executive Airport and may be subject to aircraft overflight. The Aviation Authority suggests a noise reduction level of at least 25 db be incorporated into design.

---

cc: Aviation Authority Zoning Director/Legal/Records Management/Central Records



## Rome, Ashley

---

**From:** RYALL, OLIVIA J <oryall@teamhcsso.com>  
**Sent:** Wednesday, April 21, 2021 11:50 AM  
**To:** Rome, Ashley  
**Subject:** Fwd: RE RZ PD 21-0560

[External]

Good Morning Ashley,

We have no comments or concerns at this time.

Thank you,  
Olivia

*Olivia J. Ryall*

Program Specialist  
Grants, Research, and Development Unit  
Hillsborough County Sheriff's Office  
J: 813.247.8232  
[oryall@teamhcsso.com](mailto:oryall@teamhcsso.com)

---

**From:** "JOSHUA LOY" <jloy@teamhcsso.com>  
**To:** "OLIVIA J RYALL" <oryall@teamhcsso.com>  
**Sent:** Wednesday, April 21, 2021 11:47:44 AM  
**Subject:** Re: RE RZ PD 21-0560

Thank you, no comments or concerns at this time.

Corporal Joshua Loy #119227  
Hillsborough County Sheriff's Office  
Department of Patrol Services  
District 2 - Traffic Section  
[jloy@hcsso.tampa.fl.us](mailto:jloy@hcsso.tampa.fl.us)  
Office: 813-247-8545

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**From:** "OLIVIA J RYALL" <oryall@teamhcso.com>  
**To:** "JOSHUA LOY" <jloy@teamhcso.com>  
**Sent:** Wednesday, April 21, 2021 9:04:50 AM  
**Subject:** Fwd: RE RZ PD 21-0560

Cpl. Loy,

Please let me know if you have any comments or concerns.

Thank you,  
Olivia

*Olivia J. Ryall*

Program Specialist  
Grants, Research, and Development Unit  
Hillsborough County Sheriff's Office  
P: 813.247.8232  
[oryall@teamhcso.com](mailto:oryall@teamhcso.com)

---

**From:** "Ashley Rome" <RomeA@hillsboroughcounty.org>  
**To:** "Ackett, Kelli" <AckettK@hillsboroughcounty.org>, "Albert Marrero" <marreroa@plancom.org>, "Alvarez, Alicia" <AlvarezA@hillsboroughcounty.org>, "Amber Dickerson" <amber.dickerson@sdhc.k12.fl.us>, "Andrea Papandrew" <papandrewa@plancom.org>, "Ayesha Brinkley" <ayasha.brinkley@sdhc.k12.fl.us>, "Blinck, Jim" <BlinckJ@HillsboroughCounty.ORG>, "Brown, Gregory" <BrownGr@hillsboroughcounty.org>, "Cabrera, Richard" <CabreraR@HillsboroughCounty.ORG>, "Castro, Jason" <CastroJR@HillsboroughCounty.ORG>, "Danny Santos" <Daniel.Santos@dot.state.fl.us>, "David Skrelunas" <David.Skrelunas@dot.state.fl.us>, "Dickerson, Ross" <DickersonR@HillsboroughCounty.ORG>, "Ellen Morrison" <ellen.morrison@swfwmd.state.fl.us>, "Franklin, Deborah" <FranklinDS@hillsboroughcounty.org>, "Greg Colangelo" <colangeg@plancom.org>, "Hansen, Raymond" <HansenR@hillsboroughcounty.org>, "Holman, Emily - PUD" <HolmanE@HillsboroughCounty.ORG>, "Hudkins, Michael" <HudkinsM@hillsboroughcounty.org>, "Hummel, Christina" <HummelC@hillsboroughcounty.org>, "Impact Fees" <ImpactFees@hillsboroughcounty.org>, "Ivana Kajtezovic" <Ikajtezovic@tampabaywater.org>, "James Hamilton" <jkhamilton@tecoenergy.com>, "Jiwuan Haley" <haleyj@plancom.org>, "Kaiser, Bernard" <KAISERB@HillsboroughCounty.ORG>, "Katz, Jonah" <KatzJ@hillsboroughcounty.org>, "Kelly O'Connor" <kelly.oconnor@myfwc.com>, "Mineer, Lindsey" <Lindsey.Mineer@dot.state.fl.us>, "Lindstrom, Eric" <LindstromE@hillsboroughcounty.org>, "Mackenzie, Jason" <MackenzieJ@hillsboroughcounty.org>, "Matthew Pleasant" <matthew.pleasant@hcps.net>, "McGuire, Kevin" <McGuireK@HillsboroughCounty.ORG>, "Melanie Ganas" <mxganas@tecoenergy.com>, "Melissa Lienhard" <lienhardm@plancom.org>, "Martin, Monica" <MartinMo@hillsboroughcounty.org>, "OLIVIA J RYALL" <oryall@teamhcso.com>, "Petrovic, Jaksa" <PetrovicJ@HillsboroughCounty.ORG>, "Pezone, Kathleen" <PezoneK@hillsboroughcounty.org>, "Ratliff, James" <RatliffJa@hillsboroughcounty.org>, "Hessinger, Rebecca" <HessingerR@hillsboroughcounty.org>, "Carroll, Richard" <CarrollR@HillsboroughCounty.ORG>, "Rochelle, Randy" <RochelleR@HillsboroughCounty.ORG>, "Rodriguez, Dan" <RodriguezD@gohart.org>, "Sanchez, Silvia" <sanchezs@epchc.org>, "Schipfer, Andy" <Schipfer@epchc.org>, "Shelton, Carla" <SheltonC@HillsboroughCounty.ORG>, "Garantiva, Sofia" <GarantivaS@hillsboroughcounty.org>, "Tapley, Kimberly" <tapleyk@epchc.org>, "Thompson, Mike"

<Thompson@epchc.org>, "Tony Mantegna" <tmantegna@tampaairport.com>, "Salisbury, Troy" <SalisburyT@hillsboroughcounty.org>, "Turbiville, John (Forest)" <TurbivilleJ@HillsboroughCounty.ORG>, "Valdez, Rick" <ValdezR@HillsboroughCounty.ORG>, "Will Augustine" <august@plancom.org>, "Yeneka Mills" <millsy@plancom.org>  
**Cc:** "Brian Grady" <GradyB@HillsboroughCounty.ORG>, "Chapela, Tania" <ChapelaT@hillsboroughcounty.org>, "Rosalina Timoteo" <TimoteoR@HillsboroughCounty.ORG>, "Padron, Ingrid" <PadronI@hillsboroughcounty.org>, "Perez, Richard" <PerezRL@hillsboroughcounty.org>, "Williams, Michael" <WilliamsM@HillsboroughCounty.ORG>  
**Sent:** Wednesday, April 21, 2021 8:29:15 AM  
**Subject:** RE RZ PD 21-0560

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Good Day All,

Please be advised, we have received and uploaded to Optix **revised documents/plans** for the above mentioned application. Please review and comment.

For further information regarding the change/update please contact the assigned planner.

Planner assigned:

Planner: Tania Chapela

Contact: [chapelat@hillsboroughcounty.org](mailto:chapelat@hillsboroughcounty.org)

Have a good one,

**Ashley Rome**

**Planning & Zoning Technician**

Development Services Dept.

---

P: (813) 272-5595

E: [romea@hillsboroughcounty.org](mailto:romea@hillsboroughcounty.org)

W: [HCFLGov.net](http://HCFLGov.net)

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## Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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# **VERBATIM TRANSCRIPT**



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HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS  
  
ZONING HEARING MASTER HEARINGS  
September 13, 2021  
ZONING HEARING MASTER: SUSAN FINCH

D7:

Application Number: RZ-PD 21-0560  
Applicant: AMQ International Corp.  
Location: N side of Bryan Rd., Ellen Ave.  
Folio Number: 065140.0000  
Acreage: 4.91 acres, more or less  
Comprehensive Plan: UMU-20  
Service Area: Urban  
Existing Zoning: AR  
Request: Rezone to Planned Development

1 MR. GRADY: The next item is agenda item  
2 D-7, Rezoning-PD 21-0560. The applicant is AMQ  
3 International Corporation. The request is for --  
4 to rezone from AR to Planned Development.

5 Tania Chapela will provide staff  
6 recommendation after presentation by the applicant.

7 HEARING MASTER FINCH: Good evening again.

8 MR. RICE: Hello ago. Colin Rice for AMQ  
9 International, the applicant, 101 East Kennedy  
10 Boulevard, Suite 2800, Tampa, Florida 33602.

11 I have a series of slides for the overhead.  
12 So similar to the previous request. This is a  
13 request to rezone from Agricultural Single-Family  
14 Residential to Planned Development Multifamily  
15 Residential.

16 We're in a different Land Use category here.  
17 So it's a maximum of 20 dwelling units per acre.  
18 We're proposing a maximum of 97 dwelling units. To  
19 orient you, our property is shaded here in purple.  
20 Access comes to Bryan Road to Falkenburg. That's  
21 Martin Luther King to I-75. So we're about two  
22 miles from the previous project.

23 And before I shift, we'll come back to this  
24 later, but these white routes here, this is a  
25 high-intensity employment center subject to a DRI

1 that we'll address in a moment.

2 Future Land Use Map. We have very high  
3 intensity here at the intersection of MLK and I-75  
4 gradually stepping down to lower intensity. Our  
5 site is here in purple.

6 Represents a transition between  
7 high-intensity offices, our site, to residential.  
8 Some single-family, some -- all single-family, some  
9 attached, detached. So it's a nice bridge as we  
10 get further from the I-75 corridor.

11 So I'll spend just a moment here with our  
12 site plan to give you an idea of what our -- our  
13 objectives here are. We really went to some  
14 lengths to keep the massing of the building away  
15 from residential the best we could.

16 So along the east side, this is the border  
17 of the, basically, office park DRI property to the  
18 residential here. To the north, we're proposing  
19 our stormwater retention. To the east, this is  
20 stormwater retention for the residential  
21 subdivision.

22 So to the extent that our building is across  
23 this buffer, this is not developed and cannot be.  
24 In terms of buffering to the east, we'll get into  
25 the specifics, but we're proposing a 15-foot buffer

1 here.

2 The DRI is already zoned to require a  
3 30-foot buffer. So that's a functional 45 feet.  
4 Down here, we have the Powells. I spoke with  
5 Ramona Powell over the phone a couple of times.

6 She submitted some questions for the record.  
7 I hope I answered all of her questions. And, in  
8 fact, she provided some good feedback. We did a  
9 little bit of a redesign to address those concerns.

10 Initially, we had like an amenities facility  
11 proposed near this area. We removed that,  
12 incorporated it to the primary structure to be  
13 sensitive to those concerns.

14 In addition, we've added a condition to  
15 limit the hours of operation no later than  
16 10:00 p.m. for nonenclosed amenities. Anything  
17 that's outdoors. There'll be no amplified music.

18 So the site reflects what's there and  
19 sensitivity that we're trying to keep for the  
20 neighborhood.

21 So this image is from the approved DRI to the  
22 east and south with these employment centers. Very  
23 high intensity employment centers. Our site is  
24 here in purple.

25 What we are proposing is sidewalk

1 connectivity between our site, the potential  
2 97 units of market rate workforce housing, to these  
3 high-intensity employment centers so you could --  
4 and we're proposing a sidewalk, which I'll speak to  
5 as we get into one of the variation requests.

6 Going south from our site, you can walk to  
7 all of these. This is MLK here and more office  
8 space. So it's potentially very exciting in that  
9 we can tie into the intent of this DRI and provide  
10 tripless workforce housing in terms of vehicle  
11 traffic.

12 So the first variation we are seeking here  
13 is a reduction in the buffer to the west, and  
14 this -- we'll show you the composition of what is  
15 proposed to go in place to accommodate the sidewalk  
16 to create that interconnectivity.

17 Basically, we're going to have to lose some  
18 trees, but I want you to understand what is  
19 proposed to go there. We have 3 feet of maintained  
20 right-of-way.

21 An 8-foot clear zone is required by the  
22 transportation technical manual for safety reasons,  
23 our sidewalk. 5-foot buffer of vegetation here.  
24 Another 2-foot clear zone to keep the sidewalk  
25 clear and a PVC fence.



1           So we have 23 feet up to the right-of-way;  
2           25 feet of actual road to the opposite property  
3           line. So it's a request for variation from the  
4           buffering really because we can't fit trees there  
5           and have it done reasonably.

6           We're also shifting the structure more to  
7           the east away from the residences. So going to  
8           other side, we're also requesting a reduction in  
9           the east buffer to -- just a modest reduction from  
10          20 to 15 feet so the building can move away and be  
11          sensitive to those residential needs.

12          And, again, it's moving towards the DRI  
13          property. We have a functional 45-foot buffer  
14          there. And to conclude, again, there's a storage  
15          of this type of workforce housing in Hillsborough  
16          County. It represents some nice gradual step-down  
17          in intensity as you move further away from the I-75  
18          corridor.

19          We're excited about the interconnected  
20          walkability nature of this project. We feel the  
21          variations in light of all the circumstances  
22          feedback we got from the community that they're  
23          justified. And we think this project makes a lot  
24          of sense.

25          We're excited about it, and with that, I'll

1 be happy to answer any questions.

2 HEARING MASTER FINCH: Just a quick question  
3 to pick up on the staff report that talks about the  
4 waiver for the buildings that are over 20 feet in  
5 height that are 50 feet.

6 There's -- there's a 2-to-1 setback  
7 requirement for that additional 30 feet, and it  
8 says it's on the eastern and western side of the  
9 PD. And so the question is: One is, what is the  
10 mitigation for that and that you're asking for a  
11 reduction in the buffer width?

12 How is that mitigated because you're  
13 reducing the setback that's required by that  
14 additional height?

15 MR. RICE: I'm sorry. Could you -- I heard  
16 two questions in there. I want to make sure I'm  
17 answering --

18 HEARING MASTER FINCH: Okay. So those are  
19 in the staff report on page 2 of the staff report.  
20 There's a waiver mentioned that you're requesting,  
21 and the waiver refers to an endnote or the  
22 standards or the setbacks, and that endnote says  
23 that for any building over 20 feet in height, you  
24 have to have -- provide an additional 2-to-1  
25 setback and that you're asking for a waiver of that

1 requirement both on the east and the west side.

2 MR. RICE: Okay. Understood. I apologize.  
3 Thank you for clarifying. Really, it's to  
4 preserve -- in accommodating the sidewalk and  
5 trying to maintain the density that would be  
6 entitled for this size of site, as you start moving  
7 in, your unit count doesn't necessarily follow  
8 suit.

9 So it's a request to consideration of all  
10 the factors to make this viable for this location.  
11 Rather than stepping in, it's a request to keep the  
12 verticality -- well, adjust it for biasing  
13 building more towards the employment center, the  
14 DRI to the east.

15 HEARING MASTER FINCH: And that sidewalk  
16 provides that connection to the DRI, and that's  
17 your justification on that side?

18 MR. RICE: Exactly. Yes. So we'd have to  
19 move it over, make room for the sidewalk. Keep --  
20 frankly, keep the project viable. But we think in  
21 total, all of the factors really fit in a nice  
22 package.

23 HEARING MASTER FINCH: All right.  
24 Understood. Thank you. That was my only question.  
25 Development Services, please.

1 MR. LAMPE: I'm not seeing her on the call.

2 MR. GRADY: We must have lost her. I can --  
3 I can go through the presentation.

4 HEARING MASTER FINCH: All right. Go ahead,  
5 Mr. Grady. Thank you.

6 MR. GRADY: Again, as noted by the  
7 applicant, the request is to rezone the -- excuse  
8 me, rezone the property to allow a 97 dwelling  
9 units.

10 The current zoning is AR and the request is,  
11 again, to go to multifamily units to permit a  
12 four-story multifamily residential development with  
13 97 dwelling units.

14 As noted by the -- the applicant, the --  
15 bear with me. The Future Land Use is UMU-20, which  
16 permits the maximum of 20 units per dwelling unit.  
17 The surrounding zoning as noted in the aerial in  
18 the backup, got an office complex to the immediate  
19 east, a multifamily to the north, a single-family  
20 to the west.

21 Staff did find that the proposed requested  
22 multifamily is compatible and consistent with the  
23 existing development pattern in the area. I would  
24 note, to add on to your question regarding the  
25 2-to-1 setback, the requirement would be for an

1           80-foot setback at 2-to-1 for the building at its  
2           maximum height of 50 feet would require an 80-foot  
3           setback.

4           I would note in the areas where the  
5           buildings are along the eastern and western  
6           property boundary, along the western area where  
7           that building is located, there's retention pond to  
8           the immediate west.

9           So there's a significant building separation  
10          from the single-family that's located to the west,  
11          and to the east, again, is the large office complex  
12          and there's -- those buildings are not located in  
13          close proximity to the project boundaries.

14          So, again, those are all submitted any  
15          factors from our perspective to be supportive of  
16          not applying that 2-to-1 in those areas. Again,  
17          overall, staff did find the request approvable  
18          subject to conditions. And we're available for any  
19          questions.

20                 HEARING MASTER FINCH: No. Thank you,  
21                 though. I appreciate you doing the testimony.

22                 All right. Planning Commission, please.

23                 MS. LIENHARD: Thank you. Melissa Lienhard,  
24                 Planning Commission staff.

25                 The subject property is located in the Urban

1 Mixed-Use-20 Future Land Use Category. It is in  
2 the Urban Service Area and also located within the  
3 limits of the East Lake Orient Park Community Plan.

4 The subject property is located within the  
5 Urban Service Area where 80 percent of growth is to  
6 occur according to Objective 1 of the Future Land  
7 Use Element. The maximum allowable density of the  
8 subject site is 97 dwelling units, and the minimum  
9 allowable density is 73 dwelling units.

10 The application requests 97 dwelling units  
11 and satisfies this policy direction. The subject  
12 property is designated as Urban Mixed-Use-20 on the  
13 Future Land Use Map. The intent of this category  
14 is to be urban in intensity and density of uses.

15 All rezonings in this category 2 acres or  
16 greater in size must be approved through a Planned  
17 Development rezoning process. As the rezoning  
18 proposes an urban level density achieved through a  
19 Planned Development zoning district, it meets the  
20 intent of the UMU Future Land Use Category.

21 The proposal of four-story residential  
22 building with 97 multifamily residential units  
23 would allow for residential uses that are  
24 compatible with the surrounding development  
25 pattern.

1           The surrounding area includes varied housing  
2           styles, including single-family residential  
3           detached, mobile homes, and multifamily residential  
4           developments.

5           The proposed rezoning satisfies the intent  
6           of the compatibility policies of the Future Land  
7           Use Element. The Community Design Component in the  
8           Future Land Use Element provides policy guidance on  
9           designing neighborhoods that are compatible with  
10          the surroundings and reflect the character of the  
11          surrounding neighborhoods.

12          The proposed rezoning reflects the character  
13          of the surrounding area that includes multifamily  
14          housing and, therefore, meets the intent of the  
15          policy guidance and the design component.

16          The East Lake Orient Park Community Plan  
17          supports affordable housing opportunities that  
18          accommodate a diverse population and income levels  
19          and promote homeownership. The proposed  
20          residential development will provide additional  
21          housing opportunities within East Lake Orient Park  
22          and is, therefore, consistent with the vision of  
23          this community plan.

24          Based upon those considerations, Planning  
25          Commission staff finds the proposed Planned

1           Development consistent with the Future of  
2           Hillsborough Comprehensive Plan for Unincorporated  
3           Hillsborough County subject to the conditions  
4           proposed by Development Services. Thank you.

5           HEARING MASTER FINCH: Thank you.

6           Is there anyone in the room or online that  
7           would like to speak in support? Anyone in favor?

8           Seeing no one, anyone in opposition? No  
9           one.

10          All right. Mr. Grady, anything else?

11          MR. GRADY: Nothing further.

12          HEARING MASTER FINCH: All right. Sir,  
13          anything else before we close?

14          MR. RICE: Nothing further. Thank you.

15          HEARING MASTER FINCH: Thank you for your  
16          time.

17          We'll close Rezoning 21-0560 and go to the  
18          next case.

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HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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 ZONING HEARING MASTER (ZHM) )  
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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH  
 Zoning Hearing Master

DATE: Monday, August 16, 2021

TIME: Commencing at 6:00 p.m.  
 Concluding 8/17/21 at 12:04 a.m.

PLACE: Hybrid Meeting/Cisco Webex  
 R.W. Saunders Sr. Public Library  
 Ada T. Payne Community Room  
 1505 Nebraska Avenue  
 Tampa, Florida

Andrew Mayes  
 Executive Reporting Service  
 Ulmerton Business Center, Suite 130  
 Clearwater, FL 33762

1           Item A.7., major mod application 21-0316.  
2           This application is out of order to be heard and  
3           is being continued to the September 13, 2021,  
4           Zoning Hearing Master hearing.

5           Item A.8., major mod application 21-0556.  
6           This application is being continued by the  
7           applicant to the September 13, 2021, Zoning  
8           Hearing Master hearing.

9           Item A.9., rezoning PD 21-0560. This  
10          application is being continued by the applicant to  
11          the September 13, 2021, Zoning Hearing Master  
12          hearing.

13          Item A.10., rezoning PD 21-0592. This  
14          application is out of order to be heard and is  
15          being continued to the September 13, 2021, Zoning  
16          Hearing Master hearing.

17          Item A.11., rezoning PD 21-0626. This  
18          application is out of order to be heard and is  
19          being continued to the September 13, 2021, Zoning  
20          Hearing Master hearing.

21          Item A.12., rezoning PD 21-0647. This  
22          application is out of order to be heard and is  
23          being continued to the September 13, 2021, Zoning  
24          Hearing Master hearing.

25          Item A.13., rezoning PD 21-0650. This



1           Item A-9, Major Mod Application 21-0227.

2           This application is continued by the applicant to  
3           the August 16, 2021, Zoning Hearing Master Hearing.

4           Item A-10, Major Mod Application 21-0310.

5           This application is out of order to be heard and is  
6           being continued to the August 16, 2021, Zoning  
7           Hearing Master Hearing.

8           Item A-11, Major Mod Application 20-0313

9           (sic). This application has been continued by the  
10          applicant to the August 16, 2021, Zoning Hearing  
11          Master Hearing.

12          Item A-12, Major Mod Application 21-316.

13          This application is out of order to be heard and is  
14          being continued to the August 16, 2021, Zoning  
15          Hearing Master Hearing.

16          Item A-13, we handled this part of the  
17          changes to the agenda.

18          Item A-14, Rezoning-PD 21-0557. This  
19          application is being continued by the applicant to  
20          the August 16, 2021, Zoning Hearing Master Hearing.

21          Item A-15, Rezoning-PD 21-0558. This  
22          application is continued by the applicant to the  
23          August 16, 2021, Zoning Hearing Master Hearing.

24          Item A-16, Rezoning-PD 21-0560. This  
25          application is being continued by staff to the

1 August 16, 2021, Zoning Hearing Master Hearing.

2 Item A-17, Rezoning-PD 21-0592. This  
3 application is out of order to be heard and is  
4 being continued to the August 16, 2021, Zoning  
5 Hearing Master Hearing.

6 Item A-18, Rezoning-PD 21-0626. This  
7 application is out of order to be heard and is  
8 being continued to the August 16, 2021, Zoning  
9 Hearing Master Hearing.

10 Item A-19, Rezoning-PD 21-0647. This  
11 application is out of order to be heard and is  
12 being continued to the August 16, 2021, Zoning  
13 Hearing Master Hearing.

14 Item A-20, Rezoning-PD 21-0650. This  
15 application is out of order to be heard and is  
16 being continued to the August 16, 2021, Zoning  
17 Hearing Master Hearing.

18 Item A-21, Rezoning-PD 21-0701. This  
19 application is out of order to be heard and is  
20 being continued to the August 16, 2021, Zoning  
21 Hearing Master Hearing.

22 Item A-22, Rezoning-PD 21-0742. This  
23 application is being continued by staff to the  
24 August 16, 2021, Zoning Hearing Master Hearing.

25 Item A-23, Rezoning-PD 21-0744. This



1 the July 26th, 2021, Zoning Hearing Master Hearing.

2 Item A-17, Rezoning-PD 21-0560. This  
3 application is being continued by the applicant to  
4 the July 26th, 2021, Zoning Hearing Master Hearing.

5 Item A-18, Major Mod Application 21-0562.  
6 This application is being continued by staff to the  
7 July 26th, 2021, Zoning Hearing Master Hearing.

8 That concludes all withdrawals and  
9 continuances.

10 HEARING MASTER FINCH: All right. Thank you  
11 so much.

12 I'll start by going over tonight's  
13 procedures for our hearing. Tonight's agenda  
14 consists of agenda items that require a public  
15 hearing to be held by a Zoning Hearing Master prior  
16 to the final decision, which is made by the Board  
17 of County Commissioners.

18 I'll conduct the hearing tonight as the  
19 Hearing Master and will make a recommendation on  
20 each application within 15 business days following  
21 tonight's hearing.

22 That recommendation is then sent to the  
23 Hillsborough County Board of County Commissioners,  
24 who will make the final decision at that public  
25 meeting.



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**



DATE/TIME: 9-13-2021HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>MM 21-0169</u>	PLEASE PRINT NAME <u>Todd Fressman</u> MAILING ADDRESS <u>200 1st Ave S #451</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>703 824 1700</u>
APPLICATION # <u>RZ-PD</u> <u>21-0221</u>	PLEASE PRINT NAME <u>RONALD FLOYD</u> MAILING ADDRESS <u>617 W LINDENBAUGH AVE</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33625</u> PHONE <u>83969619</u>
APPLICATION # <u>21-022</u>	PLEASE PRINT NAME <u>J.D. ALSABBAGH</u> MAILING ADDRESS <u>8370 W. Hills. Ave # 205</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33615</u> PHONE <u>813 889-0700</u>
APPLICATION # <u>21-0556</u>	PLEASE PRINT NAME <u>Jessica Iceerman</u> MAILING ADDRESS <u>401 East Jackson St. #2100</u> CITY <u>tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 222-5066</u>
APPLICATION # <u>21-0556</u>	PLEASE PRINT NAME <u>Javis M. Smith</u> MAILING ADDRESS <u>401 E. Jackson St. Suite 2100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>813 222 5010</u>
APPLICATION # <u>21-0557</u>	PLEASE PRINT NAME <u>Colin Rice</u> MAILING ADDRESS <u>101 E Kennedy Blvd Ste 2800</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33609</u> PHONE <u>813-676-7226</u>

Application No. 21-0560  
Name: Colin Rice  
Entered at Public Hearing: ZHM  
Exhibit # 1 Date: 9-13-21

PD 21-0560  
10302 Ellen Ave

September 13, 2021  
Hillsborough County Zoning Hearing Master

# Request

- Rezone
  - From Agricultural, Single Family Residential
  - To Planned Development, Multifamily Residential, maximum 20 dwelling units per acre (max 97 units)



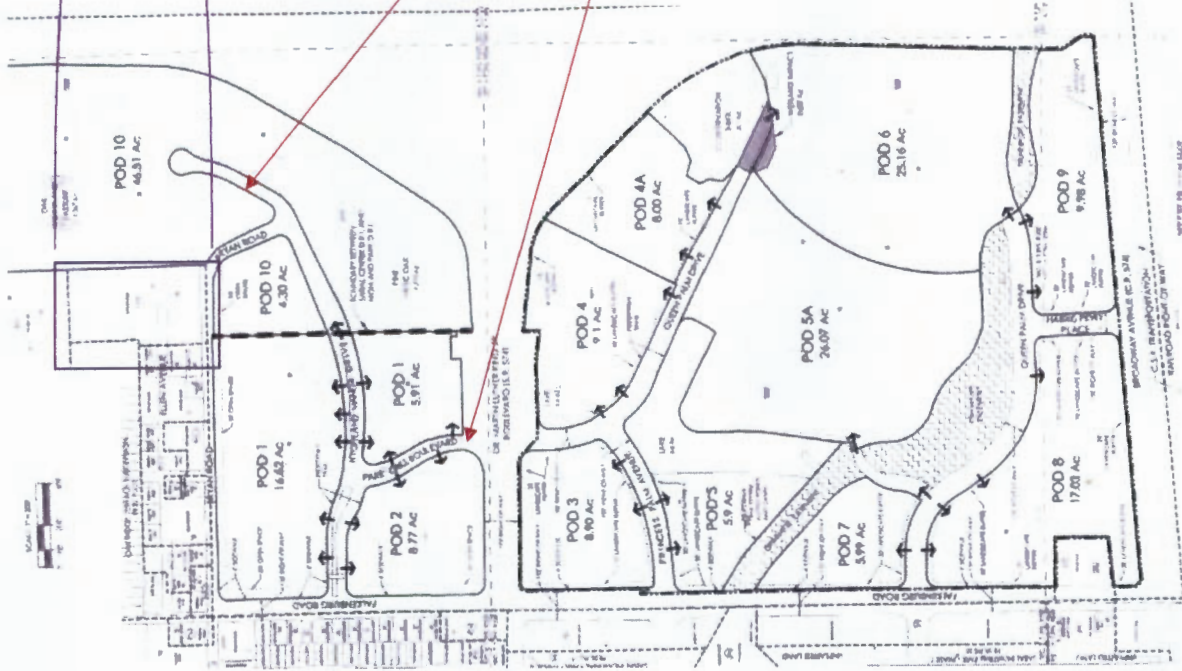




Subject property

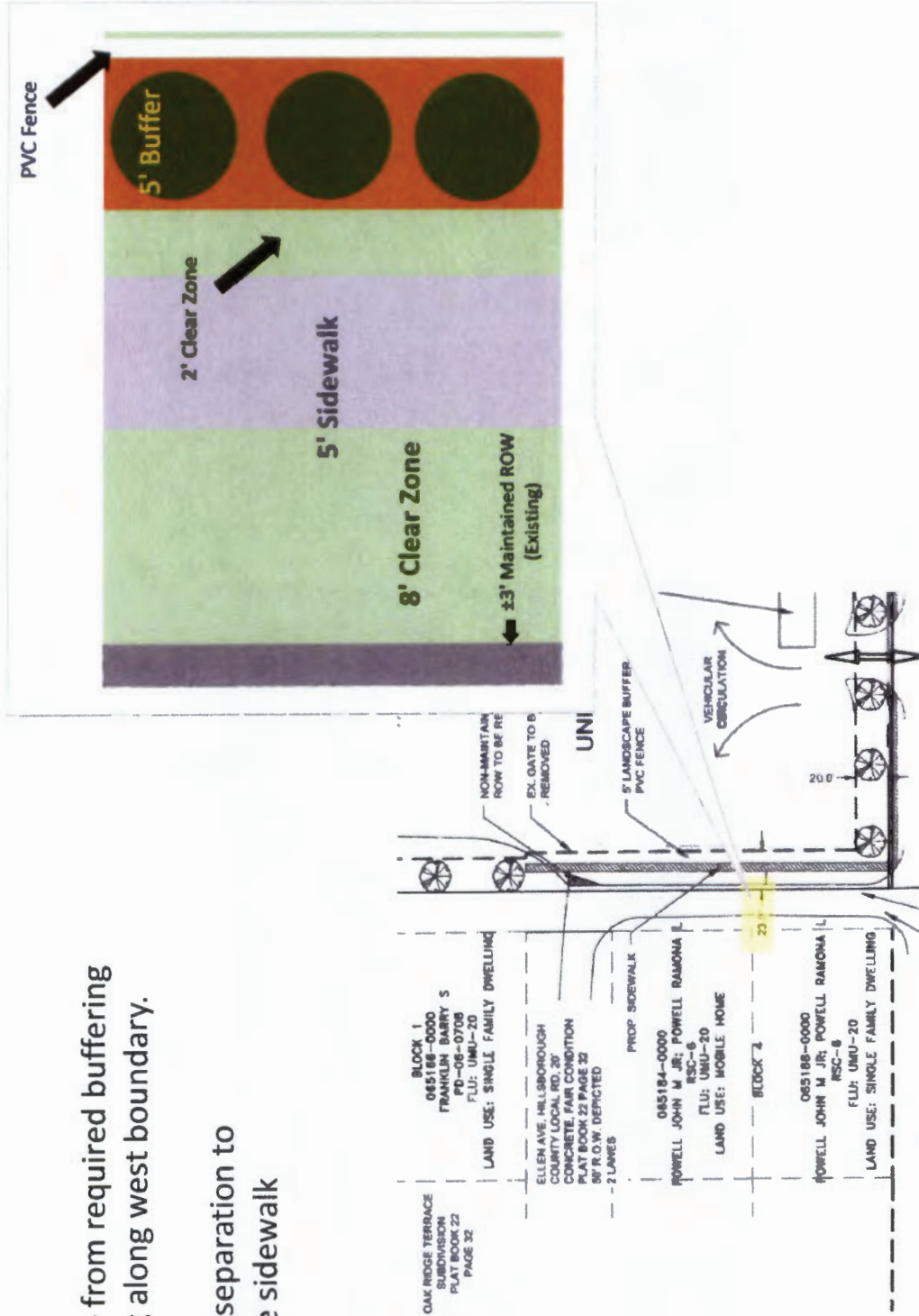
Sidewalks, pedestrian connectivity between subject property and employment centers

(Sabal Center and Highland Park DRI)



Variation #1 – from required buffering and screening along west boundary.

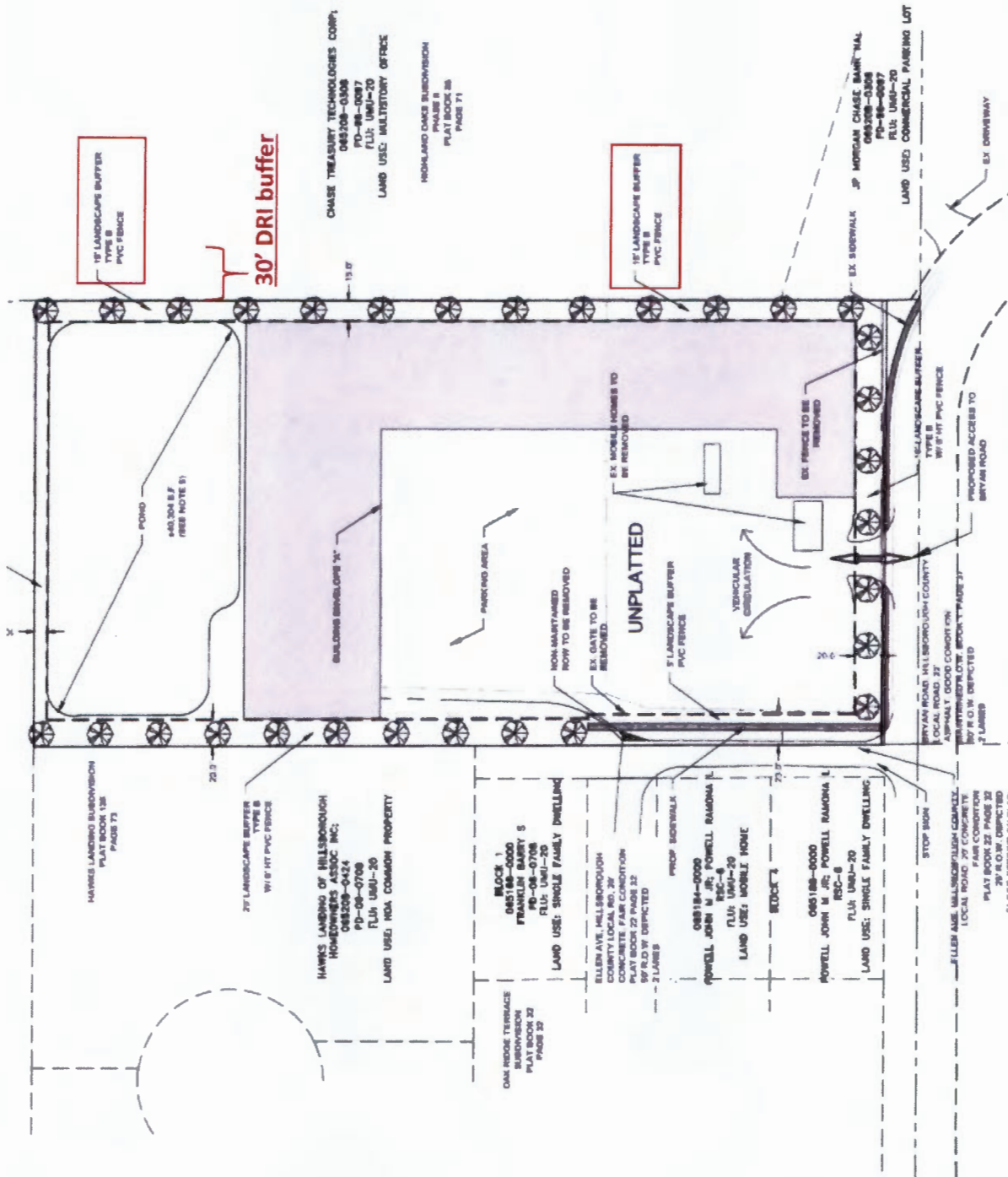
Results in 23' separation to accommodate sidewalk





# Variation #2

## 15' East Buffer



# Conclusion

- Multifamily residential needed here
  - Shortage of workforce housing
  - Gradual transition in intensity from DRI office park to single family residential
  - Create interconnected, walkable housing stock for employment centers
- Variations justified
  - Create sidewalk connectivity
  - Eastern buffer functionally 45'



**PARTY OF  
RECORD**

## Rome, Ashley

---

**From:** Hearings  
**Sent:** Friday, July 9, 2021 3:34 PM  
**To:** Chapela, Tania; Timoteo, Rosalina; Vazquez, Bianca; Rome, Ashley  
**Subject:** FW: App #RZ-PD 21-0560  
**Attachments:** Land Hearing Questions.docx

**Importance:** High

Please see email below.

Thanks,

**Marylou Norris**

**Administrative Specialist**

Community Development Section

Development Services Department

---

**P:** (813) 276-8398

**E:** [NorrisM@HCFLGov.net](mailto:NorrisM@HCFLGov.net)

**W:** [HCFLGov.net](http://HCFLGov.net)

---

### Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [HCFL Stay Safe](#)



Please note: All correspondence to or from this office is subject to Florida's Public Records law.

---

**From:** Ramona Powell <powellrl1948@hotmail.com>  
**Sent:** Friday, July 9, 2021 3:21 PM  
**To:** Hearings <Hearings@HillsboroughCounty.ORG>  
**Subject:** Re: App #RZ-PD 21-0560

[External]

Attached are our concerns.

Thanks

This email is from an **EXTERNAL** source and did not originate from a Hillsborough County email address. Use caution when clicking on links and attachments from outside sources.



July 9, 2021

RE: RZ-PD 21-0560

Attn: Zoning Hearing Master

We have no documentation to present, **only history of living on this property for 20 years (2002 to present); my husband's parents (John Powell Sr & Ruth G Powell) lived here since 1977; his Grandparents lived here from back in the 1940s).**

Those 2 properties (**10234 Ellen Avenue & 10243 Bryan Road**) have seen many changes over the years (addition of Chase and Highland Manor structures). The combined traffic from those 2 major structures has majorly impacted traffic on Bryan Road and Ellen Avenue, before, during and after work hours. The speed signs have become invisible to that traffic; its become a racetrack. Now that you're adding more vehicles, **can we get speed humps installed on both streets?**

Adding 98 units (possibly 200 more cars in and out of the complex), the backup to get onto Falkenburg Rd will be daunting. **Is there a plan to add a traffic light at that location (Bryan & Falkenburg)?** Its very difficult to head south on Falkenburg as it is now; more cars..more problems.

A neighbor read that this will be a "**high end apartment complex**"..True or False?

Since our two properties (both shown as John Powell on your layout) with addresses at 10234 Bryan Road and 10243 Ellen Avenue, are the closest residences to the proposed complex, we have questions about the pool and clubhouse areas. **We have enough noise issues up the street on Ellen Avenue (race cars, loud engines, motorcycles, etc. at all hours of the day and night) without having them right next door. Will there be regulations on loud noise at the pool and clubhouse after certain hours? What is your plan to buffer noise from the pool and club house from the local residents?**

The above issues may seem trivial to your end goal, but I assure you they are major to us. We will sign up to listen online as well. Hopefully, we will receive input from you before or during the hearing about these issues.

Thanks,

John & Ramona Powell

10243 Ellen Avenue

Tampa, FL 33610

813-626-5859

[Powellrl1948@hotmail.com](mailto:Powellrl1948@hotmail.com)

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