



**LAND USE HEARING OFFICER VARIANCE REPORT**

<b>APPLICATION NUMBER:</b> VAR 22-0665	
<b>LUHO HEARING DATE:</b> May 23, 2022	<b>CASE REVIEWER:</b> Carla Shelton Knight

**REQUEST:** The applicant is requesting a variance from the 30-foot Wetland Conservation Area setback requirement, Section 4.01.07B of the Land Development Code (LDC). The applicant’s specific request, as shown on the site plan submitted on March 30, 2022, is to allow for the construction of an asphalt drive and a retaining wall within the 30-foot Wetland Conservation Area setback.

**SUMMARY OF VARIANCE(S):**

**Wetland Setback**

- 1) Per LDC Sec. 4.01.07.B.4, no filling, excavating or placement of permanent structures or other impervious surfaces shall be allowed within a required 30-foot wetland conservation area setback. The applicant requests construction of an asphalt drive lane and a retaining wall within the 30-foot wetland conservation area setback. The applicant requests a 30-foot encroachment into the setback to allow for a remaining setback of 0 feet.

**Findings**

- 1) The wetland conservation area will be partially impacted by the proposed improvements. The wetland impacts have been approved by the Environmental Protection Commission (EPC). The required 30-foot Wetland Conservation Area setback is measured from the new wetland line located at the limit of the remaining Wetland Conservation Area.
- 2) A wetland setback compensation planting plan has been provided on the site plan dated March 30, 2022, that provides equivalent square footage of compensation planting to the amount of encroachment.

**DISCLAIMER:**

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

Approval of this variance 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 environmental approvals.

The Development Services Natural Resources Section has no objections with the result contingent upon the Land Use Hearing Officer’s acceptance and referral to the submitted site plan.

**Attachments: Site Plan**

VAR 22-0665  
Staff Report  
Page Two:

**ADMINISTRATOR'S SIGN-OFF**

A handwritten signature in black ink, appearing to read "C. S. [unclear]", is written within the sign-off box.



# Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR-WS 22-0665 Applicant's Name: Kimley-Horn and Associates, Inc.

Reviewing Planner's Name: Carmen Mason Date: 03/30/2022

Application Type:

- Planned Development (PD)  Minor Modification/Personal Appearance (PRS)  Standard Rezoning (RZ)
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Signature

Date

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In-Take Completed by: \_\_\_\_\_



DATE: March 30, 2022

TO: Hillsborough County  
Development Services  
7601 US 301 North  
Tampa, FL 33637-6759

FROM: Jason Alligood, P.E.  
Sr. Project Manager

PROJECT: West Linebaugh Avenue  
Variance Request VAR-WS 22-0665  
PID: 5687

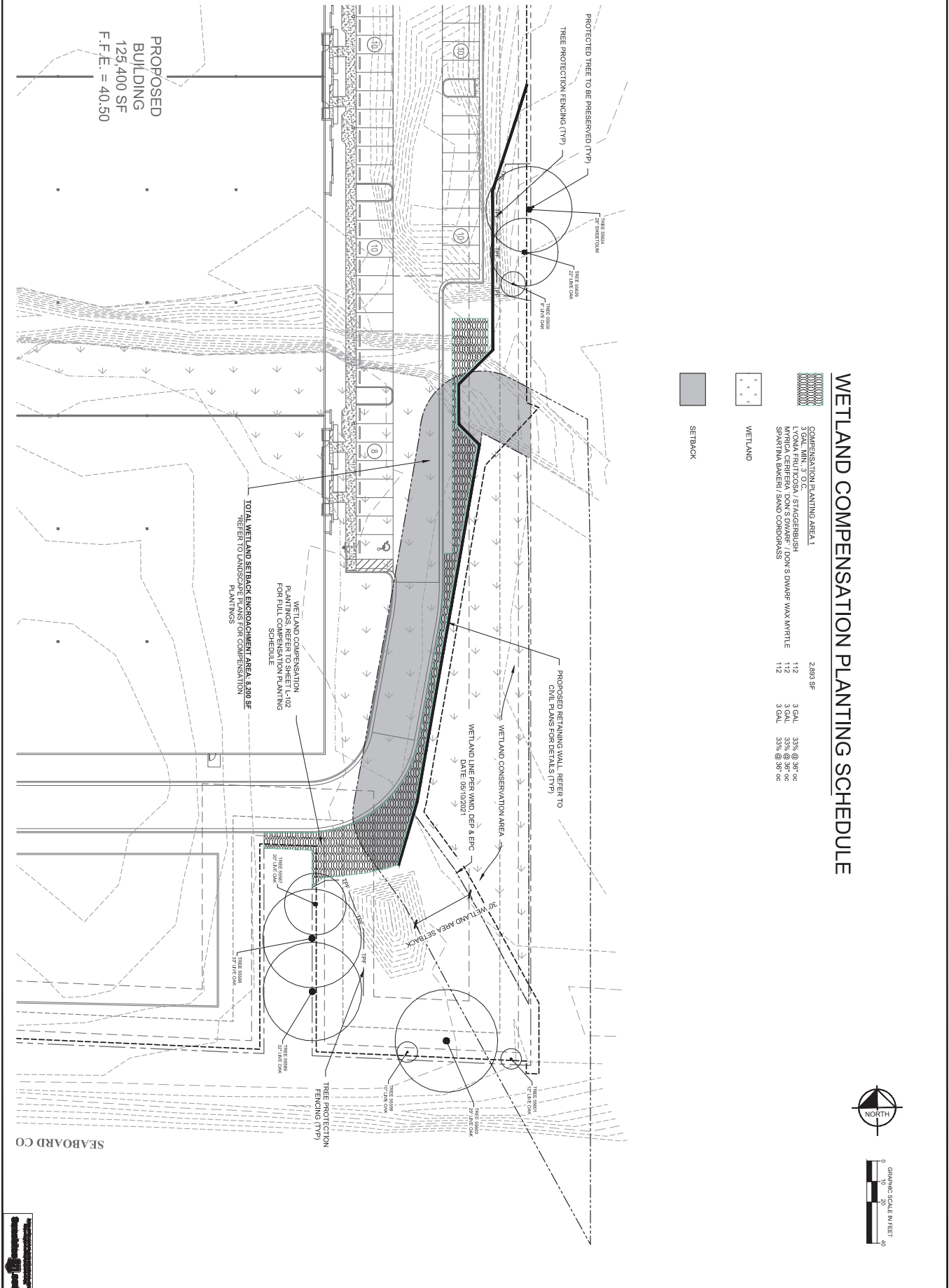
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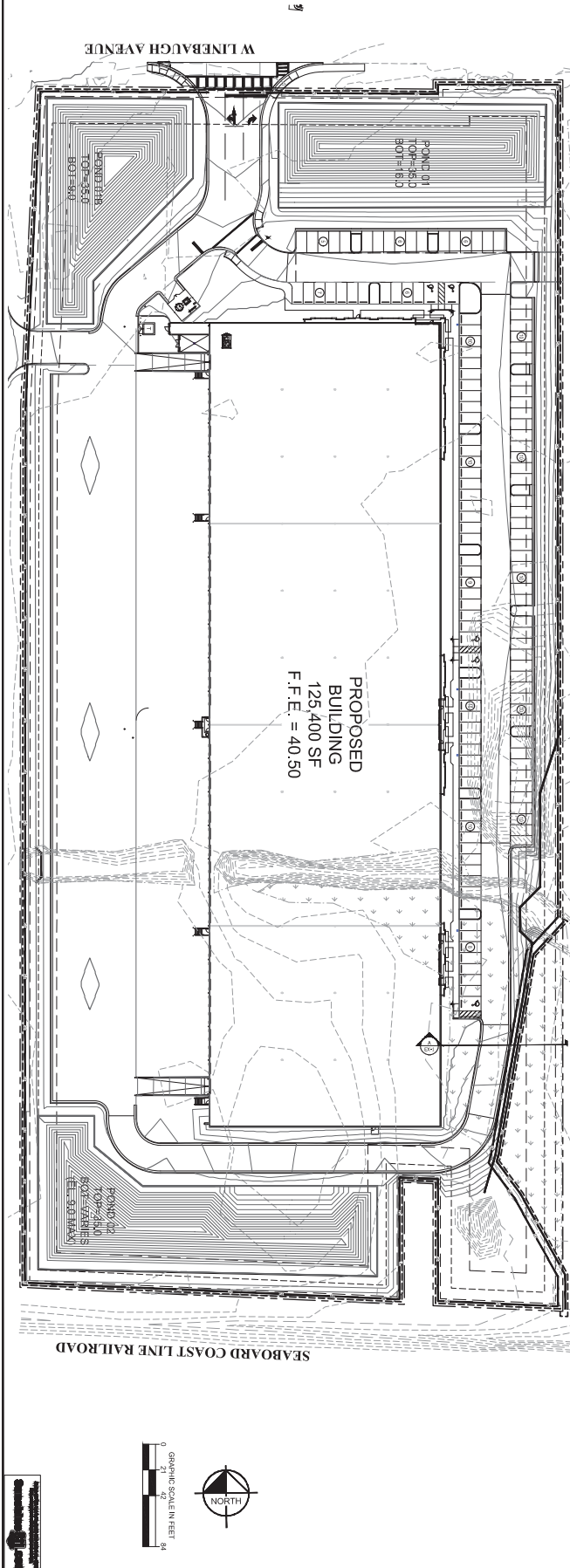


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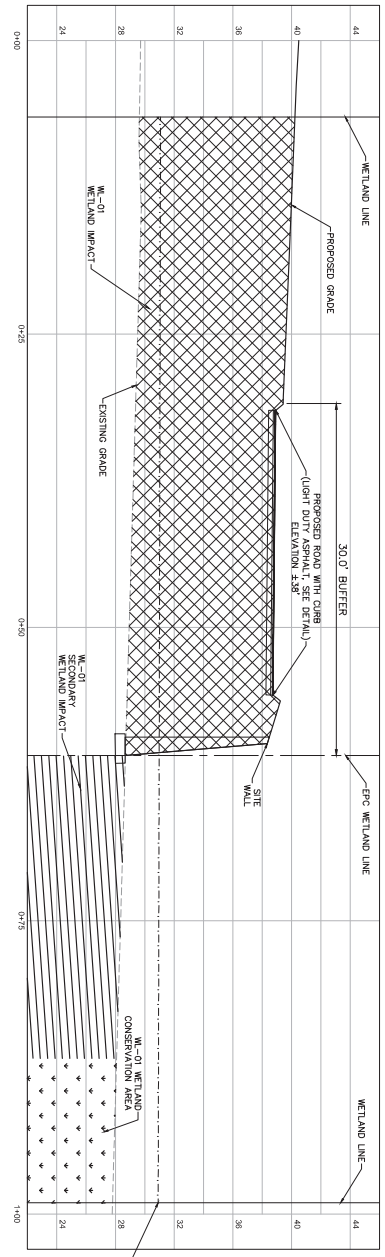
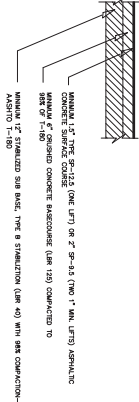


<p>THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY JASON A. ALLGOOD, P.E. #71103. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.</p>	<p><b>AIRPORT LOGISTICS CENTER</b> PREPARED FOR CHESTNUT HILL INVESTMENTS, INC. HILLSBOROUGH CO. FL</p>	<p><b>WETLAND VARIANCE EXHIBIT</b></p>	<p>KHA PROJECT 046087006 DATE SEPT. 2021 SCALE AS SHOWN DESIGNED BY AAE DRAWN BY AAE CHECKED BY JAA DATE: 9/10/21</p>	<p><b>Kimley-Horn</b> © 2020 KIMLEY-HORN AND ASSOCIATES, INC. 116 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801 PHONE: 863-701-8702 WWW.KIMLEY-HORN.COM CA 00000696</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>REVISIONS</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>P2</td> <td>PER COUNTY COMMENTS</td> <td>9/07/21</td> <td>JAA</td> </tr> <tr> <td>P1</td> <td>PER COUNTY AND SWFWMD COMMENTS</td> <td>5/21/21</td> <td>JAA</td> </tr> </tbody> </table>	No.	REVISIONS	DATE	BY	P2	PER COUNTY COMMENTS	9/07/21	JAA	P1	PER COUNTY AND SWFWMD COMMENTS	5/21/21	JAA
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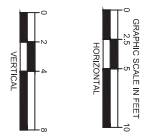
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LIGHT DUTY PAVEMENT SECTION (AUTO PARKING)



WETLAND CROSS-SECTION A



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SHEET NUMBER  
**EX-1**

**AIRPORT LOGISTICS CENTER**  
PREPARED FOR  
**CHESTNUT HILL INVESTMENTS, INC.**  
HILLSBOROUGH CO. FL

**WETLAND VARIANCE EXHIBIT**

KHA PROJECT  
046087006  
DATE  
SEPT. 2021  
SCALE AS SHOWN  
DESIGNED BY AAE  
DRAWN BY AAE  
CHECKED BY JAA DATE

**Kimley-Horn**  
© 2020 KIMLEY-HORN AND ASSOCIATES, INC.  
116 SOUTH KENTUCKY AVENUE, LAKELAND, FL 33801  
PHONE: 863-701-8702  
WWW.KIMLEY-HORN.COM CA 0000696

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Reviewing Planner's Name: Carmen Mason Date: 03/30/2022

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DATE: March 30, 2022

TO: Hillsborough County  
Development Services  
7601 US 301 North  
Tampa, FL 33637-6759

FROM: Jason Alligood, P.E.  
Sr. Project Manager

PROJECT: West Linebaugh Avenue  
Variance Request VAR-WS 22-0665  
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## VARIANCE REQUEST

1. Project Narrative: In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. *Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet*). If additional space is needed, please attach extra pages to this application.

The proposed development includes an industrial warehouse building with associated parking and stormwater management. The site has many development challenges that the developer and design team have worked diligently to manage and provide for impact minimization including floodplain and wetlands. The southeast portion of the site contains a wetland that will need to be impacted to allow for the minimum building square footage and an infrequently used emergency access road around the building. To minimize wetland impacts both the access road and stormwater ponds have been bound with proposed retaining walls. This incurs additional cost to the developer to try and minimize the impacts. We are requesting a variance for the 30 ft setback required under Section 4.01.07.B whereby the retaining wall is now the new defined wetland line requiring a buffer of 30 ft.

Impacts to wetlands have been limited to the edge of a wetland where historical impacts have occurred resulting in diminished hydrology and vegetative structure of the system. Existing wetland conditions are poor and provide minimal benefits to listed species, water retention, and water treatment.

2. A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code:  
Section 4.01.07.B
- 
- 
- 

## ADDITIONAL INFORMATION

1. Have you been cited by Hillsborough County Code Enforcement? No  Yes \_\_\_\_\_  
If yes, you must submit a copy of the Citation with this Application.
2. Do you have any other applications filed with Hillsborough County that are related to the subject property?  
No  Yes \_\_\_\_\_ If yes, please indicate the nature of the application and the case numbers assigned to the application(s): PI 5687 Site and Subdivision Application
3. Is this a request for a wetland setback variance? No \_\_\_\_\_ Yes   
If yes, you must complete the *Wetland Setback Memorandum* and all required information must be included with this Application Packet (Attachment A).
4. Please indicate the existing or proposed utilities for the subject property:  
Public Water  Public Wastewater  Private Well \_\_\_\_\_ Septic Tank \_\_\_\_\_
5. Is the variance to allow a third lot on well and/or septic or non-residential development with an intensity of three ERC's? No  Yes \_\_\_\_\_ If yes, you must submit a final determination of the "Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing (form may be obtained from 19<sup>th</sup> floor County Center).



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## VARIANCE CRITERIA RESPONSE

*You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.*

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

The property size is long and narrow requiring strategic site configuration and an appropriate use that doesn't require wider frontage for marketing appeal. The proposed development can tolerate the reduced visual marketing appeal by utilizing its natural longer configuration to effectively fit the site. The wetlands take up a portion of the southeast area requiring even more challenging accommodations to minimize impact while achieving the minimal viable building footprint and achieving maximum stormwater treatment and attenuation. Multiple costly retaining walls are required and accepted by the developer in order to responsibly develop this site. Most developments would not be able financially tolerate the holistic challenging conditions without a long-term outlook on return. Adjacent properties under similar use have impacted local wetland systems with equal or greater impacts.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

Based on the code, we feel this requirement would indicate more wetlands should be impacted in order to meet a buffer requirement which we feel would be irresponsible. Other developments in the area would likely not face the same challenges in order to meet a minimum viable project assuming a longer-term outlook on return. There is a great deal of risk to the developer given the required extra conditions to meet code. Additionally, this wetland system has been previously impacted by surrounding developments which have significantly altered the natural hydrology and vegetative structure of the system. Implementing the literal requirements of the LDC would require further unnecessary impacts to wetlands and existing native vegetation.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

The developer is required to meet County regulations, WMD regulations, and FDEP regulations designed for the health and safety of the adjoining owners. The subject site in particular requires meeting the strongest stormwater standards while trying to minimize impacts. The developer has had to account for all of the regulations and additional standards due to the challenging nature of the land.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

The requested variance serves the general intent of the LDC and Comprehensive Plan by addressing natural resources while providing equitable and consistent planning standards. Approval of the requested variance will prevent additional wetland impacts resulting in a total elimination of wetlands and proposed wetland conservation area within the subject parcel. The approved variance will also ensure no additional tree removal and maintains the vegetative buffer strip adjacent to the project footprint. By obtaining the variance, alongside the other more costly considerations and accommodations, the developer has proposed a more responsibly developed site.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The wetland and other limiting conditions are based on natural occurrences and existed prior to property ownership by the developer. The developer is solely seeking to develop the site to its minimum viable configuration while conceding to higher economic burdens requiring a much more long-term outlook on return.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

Allowing the variance will allow the development to move forward which will have positive impacts on both the existing intersection by providing updated signalization, and additional (although not required) turn lane to minimize through traffic on Linebaugh Avenue, provide additional tax and impact revenue to the County, and provide stable employment to the area. Additionally, failure to grant the variance will result in further impacts to wetlands which directly conflicts with the general intent of the LDC and Comprehensive Plan.





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2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: [WaterMatters.org](http://WaterMatters.org)

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170 Century Boulevard  
Bartow, Florida 33830-7700  
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1-800-492-7862 (FL only)

**Sarasota Service Office**  
78 Sarasota Center Boulevard  
Sarasota, Florida 34240-9770  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

February 07, 2022

GC Tampa Linebaugh Owner, LLC  
Attn: Eric Freeman  
3955 Riverside Ave, Ste. 202  
Jacksonville, FL 32205

Subject: **Notice of Intended Agency Action - Approval  
ERP Individual Construction**

Project Name: West Linebaugh Ave.  
App ID/Permit No: 817624 / 43045701.000  
County: Hillsborough  
Sec/Twp/Rge: S20/T28S/R18E

Dear Permittee(s):

The Southwest Florida Water Management District (District) has completed its review of the application for Environmental Resource Permit. Based upon a review of the information you have submitted, the District hereby gives notice of its intended approval of the application.

The File of Record associated with this application can be viewed at <http://www18.swfwmd.state.fl.us/erp/erp/search/ERPSearch.aspx> and is also available for inspection Monday through Friday, except for District holidays, from 8:00 a.m. through 5:00 p.m. at the District's Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637.

If you have any questions or concerns regarding the application or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.  
Bureau Chief  
Environmental Resource Permit Bureau  
Regulation Division

cc: Jason Alligood, P.E., Kimley-Horn and Associates, Inc.



## Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899  
(352) 796-7211 or 1-800-423-1476 (FL only)  
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)  
On the Internet at: [WaterMatters.org](http://WaterMatters.org)

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**Bartow Service Office**  
170 Century Boulevard  
Bartow, Florida 33830-7700  
(863) 534-1448 or  
1-800-492-7862 (FL only)

**Sarasota Service Office**  
78 Sarasota Center Boulevard  
Sarasota, Florida 34240-9770  
(941) 377-3722 or  
1-800-320-3503 (FL only)

**Tampa Service Office**  
7601 Highway 301 North  
Tampa, Florida 33637-6759  
(813) 985-7481 or  
1-800-836-0797 (FL only)

February 07, 2022

GC Tampa Linebaugh Owner, LLC  
Attn: Eric Freeman  
3955 Riverside Ave, Ste. 202  
Jacksonville, FL 32205

Subject: **Notice of Agency Action - Approval  
ERP Individual Construction**

Project Name: West Linebaugh Ave.  
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County: Hillsborough  
Sec/Twp/Rge: S20/T28S/R18E

Dear Permittee(s):

The Southwest Florida Water Management District (District) is in receipt of your application for the Environmental Resource Permit. Based upon a review of the information you submitted, the application is approved.

Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action on the permit application described in this letter.

If approved construction plans are part of the permit, construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at [www.WaterMatters.org/permits](http://www.WaterMatters.org/permits).

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notices of agency action, as well as a noticing form that can be used, are available from the District's website at [www.WaterMatters.org/permits/noticing](http://www.WaterMatters.org/permits/noticing). If you publish notice of agency action, a copy of the affidavit of publication provided by the newspaper should be sent to the District's Tampa Service Office for retention in this permit's File of Record.

If you have any questions or concerns regarding your permit or any other information, please contact the Environmental Resource Permit Bureau in the Tampa Service Office.

Sincerely,

David Kramer, P.E.  
Bureau Chief  
Environmental Resource Permit Bureau  
Regulation Division

Enclosures:   Approved Permit w/Conditions Attached  
                  [As-Built Certification and Request for Conversion to Operation Phase](#)  
                  Notice of Authorization to Commence Construction  
                  Notice of Rights

cc:             Jason Alligood, P.E., Kimley-Horn and Associates, Inc.

**SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT  
ENVIRONMENTAL RESOURCE  
INDIVIDUAL CONSTRUCTION  
PERMIT NO. 43045701.000**

**EXPIRATION DATE:** February 07, 2027

**PERMIT ISSUE DATE:** February 07, 2022

This permit is issued under the provisions of Chapter 373, Florida Statutes, (F.S.), and the Rules contained in Chapter 62-330, Florida Administrative Code, (F.A.C.). The permit authorizes the Permittee to proceed with the construction of a surface water management system in accordance with the information outlined herein and shown by the application, approved drawings, plans, specifications, and other documents, attached hereto and kept on file at the Southwest Florida Water Management District (District). Unless otherwise stated by permit specific condition, permit issuance constitutes certification of compliance with state water quality standards under Section 401 of the Clean Water Act, 33 U.S.C. 1341. All construction, operation and maintenance of the surface water management system authorized by this permit shall occur in compliance with Florida Statutes and Administrative Code and the conditions of this permit.

**PROJECT NAME:** West Linebaugh Ave.

**GRANTED TO:** GC Tampa Linebaugh Owner, LLC  
Attn: Eric Freeman  
3955 Riverside Ave, Ste. 202  
Jacksonville, FL 32205

**OTHER PERMITTEES:** N/A

**ABSTRACT:** This permit authorization is for the construction of a stormwater management system designed to serve a 7.7-acre commercial project. The proposed activities include the construction of a building, drives, parking, walkways, drainage features, and other infrastructure. Three effluent filtration ponds are proposed to provide treatment, attenuation and floodplain compensation for the proposed project. Information regarding wetlands and/or other surface waters can be found on the permitted plans and in the Environmental Considerations section below. The project is located on the southeast corner of West Linebaugh Avenue and Merchants Center Drive, in northwest Hillsborough County.

**OP. & MAIN. ENTITY:** GC Tampa Linebaugh Owner, LLC

**OTHER OP. & MAIN. ENTITY:** N/A

**COUNTY:** Hillsborough

**SEC/TWP/RGE:** S20/T28S/R18E

**TOTAL ACRES OWNED  
OR UNDER CONTROL:**

7.70

**PROJECT SIZE:** 7.70 Acres

**LAND USE:** Commercial

**DATE APPLICATION FILED:** January 19, 2021

**AMENDED DATE:** N/A

**I. Water Quantity/Quality**

POND No.	Area Acres @ Top of Bank	Treatment Type
1	0.42	EFFLUENT FILTRATION
2	0.36	EFFLUENT FILTRATION
3	0.52	EFFLUENT FILTRATION
<b>Total: 1.30</b>		

Water Quantity/Quality Comment: Three effluent filtration ponds are designed to provide attenuation for the site. They are designed to limit the post-developed peak discharge rate to the pre-developed peak discharge rate at the downstream node. The effluent filtration ponds are to provide water quality treatment for the project's runoff. The design also includes a 5-foot x 7-foot rectangular box culvert to convey off-site flows through the project site from west to east. The plans and calculations reflect the North American Vertical Datum of 1988 (NAVD1988).

A mixing zone is not required.  
A variance is not required.

**II. 100-Year Floodplain**

Encroachment (Acre-Foot of fill)	Compensation (Acre-Foot of excavation)	Compensation Type	Encroachment Result* (feet)
3.44	0.00	Storage Modeling	N/A

Floodplain Comment: The floodplain was established by the Northwest 5 Watershed Study. Compensation for the proposed encroachment is to be provided in the ponds and proposed conveyance features. Dynamic models were provided to demonstrate that adverse impacts would be avoided for events up to and including the 100-year, 24-hour storm.

\*Depth of change in flood stage (level) over existing receiving water stage resulting from floodplain encroachment caused by a project that claims Minimal Impact type of compensation.

**III. Environmental Considerations**

**Wetland/Other Surface Water Information**

Wetland/Other Surface Water Name	Total Acres	Not Impacted Acres	Permanent Impacts		Temporary Impacts	
			Acres	Functional Loss*	Acres	Functional Loss*
Wetland 01	0.53	0.11	0.42	0.17	0.00	0.00
Surface Water 01	0.27	0.00	0.27	0.03	0.00	0.00
<b>Total:</b>	<b>0.80</b>	<b>0.11</b>	<b>0.69</b>	<b>0.20</b>	<b>0.00</b>	<b>0.00</b>

\* For impacts that do not require mitigation, their functional loss is not included.

Wetland/Other Surface Water Comments:

There are 0.53-acre of wetlands (FLUCCS 617) located within the project area for this ERP. Permanent filling impacts to 0.31-acre of wetlands (FLUCCS 617) will occur for construction of a warehouse distribution facility. Permanent filling impacts to 0.31-acre of qualifying wetlands were evaluated using the Uniform Mitigation Assessment Method (UMAM) as required pursuant to Chapter 62-345, F.A.C. Secondary wetland impacts to 0.11-acre of qualifying wetlands were evaluated using the UMAM as required pursuant to Chapter 62-345, F.A.C. There are 0.27-acre of other surface waters features (FLUCCS 510), consisting of 0.17-acre of upland ditches and 0.10-acre of hydric ditches, located within the project area. Permanent filling/dredging impacts to 0.10-acre of qualifying surface water features (FLUCCS 510) were evaluated using the Uniform Mitigation Assessment Method (UMAM) as required pursuant to Chapter 62-345, F.A.C. The results of the UMAM analysis identify a total functional loss of 0.20-units due to the project's proposed permanent and secondary wetland impacts.

**Mitigation Information**

Name	Creation		Enhancement		Preservation		Restoration		Enhancement +Preservation		Other	
	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain	Acres	Functional Gain
Big Bullfrog Creek Mitigation Bank	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.42	0.17
Tampa Bay Mitigation Bank	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.10	0.03
<b>Total:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.52</b>	<b>0.20</b>

Mitigation Comments:

Wetland mitigation for permanent filling impacts will be provided by the purchase of 0.03 freshwater herbaceous credits from the Tampa Bay Mitigation Bank and 0.17 freshwater forested credits from the Big Bullfrog Creek Mitigation Bank. The results of the UMAM analysis indicate a relative functional gain of 0.20 units. The UMAM analysis determined that the mitigation provided by the permit adequately offsets the project's proposed impacts to functional wetland habitat.

Wetland mitigation is not required for permanent filling impacts to the upland cut ditches pursuant to Subsection 10.2.2.2 of the ERP Applicant's Handbook Vol. I. Under this Subsection, wetland mitigation is not required for impacts to drainage ditches that were constructed in uplands and do not provide significant habitat for threatened or endangered species and were not constructed to divert natural stream flow.



## Specific Conditions

1. If the ownership of the project area covered by the subject permit is divided, with someone other than the Permittee becoming the owner of part of the project area, this permit may be terminated, unless the terms of the permit are modified by the District or the permit is transferred pursuant to Rule 40D-1.6105, F.A.C. In such situations, each land owner shall obtain a permit (which may be a modification of this permit) for the land owned by that person. This condition shall not apply to the division and sale of lots or units in residential subdivisions or condominiums.
2. The Permittee shall retain the design professional registered or licensed in Florida, to conduct on-site observations of construction and assist with the as-built certification requirements of this project. The Permittee shall inform the District in writing of the name, address and phone number of the design professional so employed. This information shall be submitted prior to construction.
3. Wetland buffers shall remain in an undisturbed condition except for approved drainage facility construction/maintenance. No owner of property within the project area may perform any work, construction, maintenance, clearing, filling or any other type of activities within the wetland(s) and wetland buffer(s) described in the approved permit, unless prior approval is received from the Southwest Florida Water Management District.
4. The following boundaries, as shown on the approved construction drawings, shall be clearly delineated on the site prior to initial clearing or grading activities:
  - a. wetland and surface water areas
  - b. wetland buffers
  - c. limits of approved wetland impacts

The delineation shall endure throughout the construction period and be readily discernible to construction and District personnel.

5. Prior to installation of the filter media, the Permittee's contractor shall submit a certified test of the media to the Permittee's design professional. The test shall address the following parameters: uniformity coefficient, effective grain size, sieve analysis, percent silts, clays and organic matter, and permeability testing (constant head). If testing indicates the actual permeability rate is less than the value specified in the permitted design, a permit modification will be required to lengthen the effluent filtration system. The Permittee shall also notify the District Service Office that services this permit, at least 48 hours prior to commencement of construction of the effluent filtration system, so that District staff may observe this construction activity.
6. For effluent filtration systems, the water quality volume shall recover within 36 hours after a rainfall event. If the system fails to do so on a regular basis, this situation shall be deemed to be a violation of this permit.
7. If limestone bedrock is encountered during construction of the stormwater management system, the District must be notified and construction in the affected area shall cease.
8. The Permittee shall notify the District of any sinkhole development in the stormwater management system within 48 hours of discovery and must submit a detailed sinkhole evaluation and repair plan for approval by the District within 30 days of discovery.
9. The Permitted Plan Set for this project includes: the set received by the District on December 16, 2022.
10. The operation and maintenance entity shall provide for the inspection of the permitted project after conversion of the permit to the operation and maintenance phase. For systems utilizing effluent filtration the inspections shall be performed 24 months after operation is authorized and every 24 months thereafter.

The operation and maintenance entity must maintain a record of each inspection, including the date of inspection, the name and contact information of the inspector, whether the system was functioning as designed and permitted, and make such record available upon request of the District.

Within 30 days of any failure of a stormwater management system or deviation from the permit, an inspection report shall be submitted using Form 62-330.311(1), "Operation and Maintenance Inspection Certification" describing the remedial actions taken to resolve the failure or deviation.

11. District staff must be notified in advance of any proposed construction dewatering. If the dewatering activity is likely to result in offsite discharge or sediment transport into wetlands or surface waters, a written dewatering plan must either have been submitted and approved with the permit application or submitted to the District as a permit prior to the dewatering event as a permit modification. A water use permit may be required prior to any use exceeding the thresholds in Chapter 40D-2, F.A.C.
12. Off-site discharges during construction and development shall be made only through the facilities authorized by this permit. Water discharged from the project shall be through structures having a mechanism suitable for regulating upstream stages. Stages may be subject to operating schedules satisfactory to the District.
13. The permittee shall complete construction of all aspects of the stormwater management system, including wetland compensation (grading, mulching, planting), water quality treatment features, and discharge control facilities prior to beneficial occupancy or use of the development being served by this system.
14. The following shall be properly abandoned and/or removed in accordance with the applicable regulations:
  - a. Any existing wells in the path of construction shall be properly plugged and abandoned by a licensed well contractor.
  - b. Any existing septic tanks on site shall be abandoned at the beginning of construction.
  - c. Any existing fuel storage tanks and fuel pumps shall be removed at the beginning of construction.
15. All stormwater management systems shall be operated to conserve water in order to maintain environmental quality and resource protection; to increase the efficiency of transport, application and use; to decrease waste; to minimize unnatural runoff from the property and to minimize dewatering of offsite property.
16. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the occupation of the site or operation of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to a local government or other responsible entity.
17. This permit is valid only for the specific processes, operations and designs indicated on the approved drawings or exhibits submitted in support of the permit application. Any substantial deviation from the approved drawings, exhibits, specifications or permit conditions, including construction within the total land area but outside the approved project area(s), may constitute grounds for revocation or enforcement action by the District, unless a modification has been applied for and approved. Examples of substantial deviations include excavation of ponds, ditches or sump areas deeper than shown on the approved plans.
18. The Permittee shall not begin construction within the project area until the Tampa Bay Mitigation Bank and Big Bullfrog Creek Mitigation Bank have received permit modifications authorizing the withdrawal of 0.03 freshwater herbaceous credits from Tampa Bay Mitigation Bank and 0.17 freshwater forested credits from Big Bullfrog Creek Mitigation Bank, and a copy of these modifications are provided to the District, or this permit has been modified to provide an equivalent level of mitigation to be completed by the Permittee. Initiation of construction prior to issuance of the required permit modification shall be a violation of this permit.
19. Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.
20. This permit does not authorize the Permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent

to FWCConservationPlanningServices@MyFWC.com.

21. A "Recorded notice of Environmental Resource Permit," Form No. 62-330.090(1), shall be recorded in the public records of the County(s) where the project is located.

**GENERAL CONDITIONS**

1. The general conditions attached hereto as Exhibit "A" are hereby incorporated into this permit by reference and the Permittee shall comply with them.

**David Kramer, P.E.**

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Authorized Signature

EXHIBIT A

GENERAL CONDITIONS:

- 1 The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate, project-specific conditions.
  - a. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C., or the permit may be revoked and the permittee may be subject to enforcement action.
  - b. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
  - c. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
  - d. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[effective date], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5),F.A.C. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
  - e. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
  - f. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
    1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex - "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
    2. For all other activities - "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].
    3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
  - g. If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  2. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310 (2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
- h. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
- i. This permit does not:
1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  2. Convey to the permittee or create in the permittee any interest in real property;
  3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
- j. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
- k. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
- l. The permittee shall notify the Agency in writing:
1. Immediately if any previously submitted information is discovered to be inaccurate; and
  2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
- m. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
- n. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving

subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S. (2012).

- o. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
  - p. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
  - q. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
  - r. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
2. In addition to those general conditions in subsection (1) above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

SOUTHWEST FLORIDA  
WATER MANAGEMENT DISTRICT

**NOTICE OF  
AUTHORIZATION  
TO COMMENCE CONSTRUCTION**

West Linebaugh Ave.

PROJECT NAME

Commercial

PROJECT TYPE

Hillsborough

COUNTY

S20/T28S/R18E

SEC(S)/TWP(S)/RGE(S)

GC Tampa Linebaugh Owner, LLC

PERMITTEE

See permit for additional permittees

APPLICATION ID/PERMIT NO: 817624 / 43045701.000

DATE ISSUED: February 07, 2022



David Kramer, P.E.

Issuing Authority

**THIS NOTICE SHOULD BE CONSPICUOUSLY  
DISPLAYED AT THE SITE OF THE WORK**

## Notice of Rights

### ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.
2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.
3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.
4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.
5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.
6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at [www.flrules.org](http://www.flrules.org) or at the District's website at [www.WaterMatters.org/permits/rules](http://www.WaterMatters.org/permits/rules).
7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 367-9776. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at [www.WaterMatters.org/about](http://www.WaterMatters.org/about).



## JUDICIAL REVIEW

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.
2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

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# Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR-WS 22-0665 Applicant's Name: Kimley-Horn and Associates, Inc.

Reviewing Planner's Name: Carmen Mason Date: 03/30/2022

Application Type:

- Planned Development (PD)  Minor Modification/Personal Appearance (PRS)  Standard Rezoning (RZ)
- Variance (VAR)  Development of Regional Impact (DRI)  Major Modification (MM)
- Special Use (SU)  Conditional Use (CU)  Other \_\_\_\_\_

Current Hearing Date (if applicable): 05/23/2022

### The following must be attached to this Sheet.

Cover Letter with summary of the changes and/or additional information provided. If a revised Site Plan is being submitted, all changes on the site plan must be listed in detail in the Cover Letter.

An updated Project Narrative consistent with the changes or additional information provided, if applicable.

Submittal Via:

Email (Preferred). Note that no follow up paper file is necessary. Pdf format only. Maximum attachment(s) size is 15 MB.

Email this sheet along all the additional/revised submittal items in pdf to: [ZoningIntake-DSD@hcflgov.net](mailto:ZoningIntake-DSD@hcflgov.net)

Mail or delivery. Number of Plans Submitted: Large \_\_\_\_\_ Small \_\_\_\_\_

For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11".  
For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies should be submitted.  
For Minor Change: 6 large copies.  
For Variances or Conditional Use permits: one 8.5"X11" or larger)

**Mail to:**  
Development Services Department  
Community Development Division  
P.O. Box 1110  
Tampa, FL 33601-1110

**Hand Deliver to:**  
County Center  
Development Services Department  
19th Floor  
601 E. Kennedy Blvd., Tampa

*I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.*

Signature

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
- Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: \_\_\_\_\_



DATE: March 30, 2022

TO: Hillsborough County  
Development Services  
7601 US 301 North  
Tampa, FL 33637-6759

FROM: Jason Alligood, P.E.  
Sr. Project Manager

PROJECT: West Linebaugh Avenue  
Variance Request VAR-WS 22-0665  
PID: 5687

---

Per County request, we are including this cover letter to itemize the modifications to the Variance Application and Letter of Notice previously filed and sent out. Below are the items that were modified as part of our application package:

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- The Nature of Request on the Letter of Notice has been updated as directed to read “Variance to Encroach into 30-foot Wetland Conservation Area Setback”

Prepared by and return to:  
Matthew G. Breuer, Esquire  
Driver, McAfee, Hawthorne & Diebenow, PLLC  
One Independent Drive, Suite 1200  
Jacksonville, Florida 32202

RE Numbers 023936-0000 and 023940-0100

### SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED**, made this 18 day of August, 2020, by **WRR HILLSBOROUGH, LLC**, a Florida limited liability company, (“**Grantor**”), whose post office address is 4190 NW 93<sup>rd</sup> Avenue, Gainesville, Florida 32653 to **GC TAMPA LINEBAUGH OWNER, LLC**, a Delaware limited liability company (“**Grantee**”), whose post office address is 3955 Riverside Avenue, Suite 202, Jacksonville, Florida 32205.

### WITNESSETH:

That the Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto Grantee and to Grantee’s heirs, successors and assigns, all of Grantor’s right, title and interest in and to the following described land (the “Property”) located in Hillsborough County, Florida:

See Exhibit “A” attached hereto and made a part hereof

TOGETHER with all the tenements, hereditaments, and appurtenances thereto.

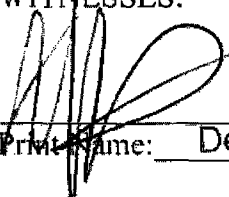
TO HAVE AND TO HOLD the same unto Grantee and Grantee's heirs, successors, and assigns in fee simple forever.

This conveyance is made subject to all easements, restrictions, reservations, and limitations of record; provided, however, this reference shall not serve to reimpose the same and taxes accruing subsequent to December 31, 2020.

And Grantor does hereby covenant with Grantee that, except as noted above, title to the Property is free from all encumbrances made by Grantor, and that Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under Grantor (except as noted above), but against none other.

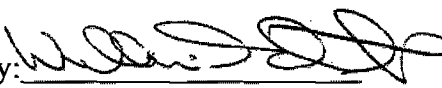
IN WITNESS WHEREOF, Grantor has executed this deed the day and year first above written.

WITNESSES:

  
Print Name: Denise Lowry Hutson

  
Print Name: Angela Lee Bowen

**WRR HILLSBOROUGH, LLC,**  
a Florida limited liability company

By:   
Name: William G. Gaston  
Title: Manager

STATE OF FLORIDA  
COUNTY OF Alachua

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 17 day of August, 2020, by William G. Gaston, as Manager of **WRR Hillsborough, LLC**, a Florida limited liability company, on behalf of the company, who is personally known to me or has produced \_\_\_\_\_ as identification.

(AFFIX NOTARY SEAL)  DENISE LOWRY HUTSON  
Commission # GG 250418  
Expires December 12, 2022  
Bonded Thru Budget Notary Services

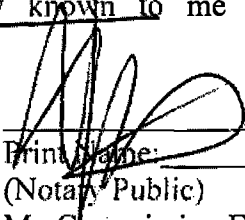
  
Print Name: Denise Lowry Hutson  
(Notary Public)  
My Commission Expires:

EXHIBIT "A"

The land referred to herein below is situated in the County of HILLSBOROUGH, State of Florida, and described as follows:

## PARCEL 1:

A tract in the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, Township 28 South, Range 18 East, Hillsborough County, Florida described as follows:

From the Northeast corner of said Northwest  $\frac{1}{4}$  of Section 20, run South  $00^{\circ}19'30''$  east along the East boundary of said Northwest  $\frac{1}{4}$  of Section 20 a distance of 25.0 feet to a Point of Beginning on the South right-of-way line of Linebaugh Avenue; Run thence West along the South right-of-way of Linebaugh Avenue, parallel to and 25.0 feet South of the North boundary of said Northwest  $\frac{1}{4}$  of Section 20, a distance of 326.5 feet; run thence South  $02^{\circ}11'00''$  West a distance of 263.19 feet; run thence East a distance of 338.02 feet to a point on the East boundary of said Northwest  $\frac{1}{4}$  of Section 20; run thence North  $00^{\circ}19'30''$  West along said East boundary of the Northwest  $\frac{1}{4}$  of Section 20 a distance of 263.01 feet to the Point of Beginning, Less that portion conveyed in Warranty Deed recorded in Official Records Book 7836, Page 1420, Public Records of Hillsborough County, Florida.

## PARCEL 2:

## PARCEL I:

A tract in the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, Township 28 South, Range 18 East, Hillsborough County, Florida, described as follows:

From the Northeast corner of said Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, run South  $00^{\circ}19'30''$  East along the East boundary of said Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, a distance of 25.0 feet to a point on the South right-of-way of Linebaugh Avenue; run thence West along said South right-of-way line parallel to the North boundary of said Section 20, a distance of 326.5 feet to a POINT OF BEGINNING; from said point of beginning, run South  $02^{\circ}11'00''$  West, a distance of 263.19 feet; run thence East, a distance of 338.02 feet to a point on the East boundary of said Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20; run thence South  $00^{\circ}19'30''$  East along said East Boundary of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, a distance of 734.89 feet to a point on the North right of way line of the Seaboard Coast Line Railroad; run thence North  $87^{\circ}49'00''$  West along said North right of way line of the Seaboard Coast Railroad, a distance of 338.3 feet; run thence North  $00^{\circ}19'00''$  West, a distance of 575.4 feet; run thence West, a distance of 15.0 feet; run thence North  $00^{\circ}19'00''$  West, a distance of 147.0 feet; run thence North  $02^{\circ}11'00''$  East, a distance of 263.19 feet to a point on the South right-of-way line of Linebaugh Avenue; run thence East along said South right-of-way line of Linebaugh Avenue, a distance of 15.01 feet to the Point of Beginning.

LESS AND EXCEPT land conveyed to Tampa Electric Company, a Florida corporation, by Warranty Deed recorded in Official Records Book 3123, Page 57, of the Public Records of Hillsborough County, Florida;

AND LESS AND EXCEPT land conveyed to Hillsborough County, a political subdivision of the State of Florida, by Warranty Deed recorded in Official Records Book 8173, Page 408, of the Public Records of Hillsborough County, Florida.

**PARCEL II:**

Together with an easement 25.0 feet in width for ingress and egress purposes described as follows:

A tract in the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, Township 28 South, Range 18 East, Hillsborough County, Florida described as follows:

From the Northeast corner of said Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, run South  $00^{\circ}19'30''$  East along the East boundary of said Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 20, a distance of 25.0 feet to a point on the South right-of-way line of Linebaugh Avenue; run thence West along said South right-of-way line parallel to the North boundary of said Section 20, a distance of 341.51 feet to a POINT OF BEGINNING; from said Point of Beginning, run South  $02^{\circ}11'00''$  West, a distance of 263.19 feet; run thence South  $00^{\circ}19'00''$  East, a distance of 147.0 feet; run thence West, a distance of 25.0 feet; run thence North  $00^{\circ}19'00''$  West, a distance of 147.00 feet; run thence North  $02^{\circ}11'00''$  East, a distance of 263.19 feet to a point on the South right-of-way line of Linebaugh Avenue; run thence east along said South right-of-way line, a distance of 25.0 feet to the Point of Beginning.

**PARCEL III:**

Together with that certain easement for ingress, egress and utilities reserved in Warranty Deed recorded in Official Records Book 8173, Page 408, of the Public Records of Hillsborough County, Florida.





# Additional / Revised Information Sheet

Date Stamp Here

Application Number: VAR-WS 22-0665 Applicant's Name: Kimley-Horn and Associates, Inc.

Reviewing Planner's Name: Carmen Mason Date: 03/30/2022

Application Type:

- Planned Development (PD)  Minor Modification/Personal Appearance (PRS)  Standard Rezoning (RZ)
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Mail or delivery. Number of Plans Submitted: Large \_\_\_\_\_ Small \_\_\_\_\_

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**Mail to:**  
Development Services Department  
Community Development Division  
P.O. Box 1110  
Tampa, FL 33601-1110

**Hand Deliver to:**  
County Center  
Development Services Department  
19th Floor  
601 E. Kennedy Blvd., Tampa

*I certify that changes described above are the only changes that have been made to the submission. Any further changes will require an additional submission and certification.*

Signature

Date

FOR OFFICE USE ONLY

- Notification E-Mail Sent
- Scanned into OPTIX
- Transmittal Completed

In-Take Completed by: \_\_\_\_\_



DATE: March 30, 2022

TO: Hillsborough County  
Development Services  
7601 US 301 North  
Tampa, FL 33637-6759

FROM: Jason Alligood, P.E.  
Sr. Project Manager

PROJECT: West Linebaugh Avenue  
Variance Request VAR-WS 22-0665  
PID: 5687

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Per County request, we are including this cover letter to itemize the modifications to the Variance Application and Letter of Notice previously filed and sent out. Below are the items that were modified as part of our application package:

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# VARIANCE APPLICATION

## IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-277-1630.  
All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

### Property Information

4828 West Linebaugh Avenue  
9501 Merchants Center Drive  
Address: 4908 West Linebaugh Avenue City/State/Zip: Tampa, FL 33624 TWN-RN-SEC: 28-18-20  
Folio(s): 023936-0000, 023940-0100 Zoning: M/CI Future Land Use: \_\_\_\_\_ Property Size: 7.7 acres  
023909-0000

### Property Owner Information

Name: GC Tampa Linebaugh Owner, LLC - Eric Freeman Daytime Phone: \_\_\_\_\_  
Address: 3955 Riverside Avenue, Ste. 202 City/State/Zip: Jacksonville, FL 32205  
Email: jjc@chestnuthillco.com FAX Number: NA

### Applicant Information

Name: GC Tampa Linebaugh Owner, LLC - Eric Freeman Daytime Phone: \_\_\_\_\_  
Address: 3955 Riverside Avenue, Ste. 202 City/State/Zip: Jacksonville, FL 32205  
Email: jjc@chestnuthillco.com FAX Number: NA

### Applicant's Representative (if different than above)

Name: Kimley-Horn and Associates, Inc. - Jason Alligood, P.E. Daytime Phone: 863-274-2261  
Address: 116 S. Kentucky Avenue City / State/Zip: Lakeland, FL 33801  
Email: Jason.alligood@kimley-horn.com FAX Number: NA

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

Signature of Applicant

Jason A. Alligood, P.E.

Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

Signature of Property Owner

Eric Freeman

Type or Print Name

### Office Use Only

Intake Staff Signature: \_\_\_\_\_ Intake Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_  
Receipt Number: \_\_\_\_\_

Application Number: \_\_\_\_\_

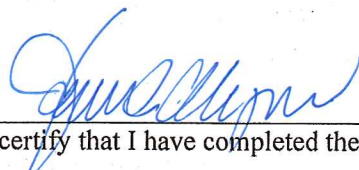
## VARIANCE APPLICATION SUBMITTAL CHECKLIST

The checklist below includes items and information that must accompany all variance requests. The applicant must fill out the checklist by placing a checkmark in each box indicating the information has been provided and sign below certifying that the application is complete. Failure to submit accurate data may require the application to be continued to a later public hearing date.

*Incomplete applications will not be accepted.*

- Application Fee - Check made payable to Hillsborough County Board of County Commissioners. \$270.00
- Completed Variance Application with Affidavit to Authorize Agent, if applicable.
- Completed Variance Request and Additional Information Sheet.
- Adjacent Property Owners List. The list must be obtained from the Property Appraisers Office located on the 16<sup>th</sup> floor of the County Center Bldg (601 E. Kennedy Boulevard). **Do not retype the list.**
  - o If your property has an Agricultural Future Land Use Designation or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within **500 feet** of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within **300 feet** of the subject property.
- Completed Variance Criteria Response Form.
- Recorded Deed for the Subject Property. This can be obtained from the Clerk of the Circuit Court Recording Library located at 419 Pierce Street.
- Legal Description of Subject Property. This information can be found on your deed or on the property survey.
- Property Survey. The survey (Occupational Survey) must have been done within the last two years and must be to scale. At least one copy must be 8 ½ X 11 inches in size. At a minimum, the survey must include the following information:
  - 1) North arrow and Folio number, property owner's name, and address of subject site;
  - 2) Dimensions of the property;
  - 3) All road frontage, driveways, and easements;
  - 4) All existing and proposed buildings and structures on the property, the square footage of these structures, and the distance from said structures, fences to all property lines;
  - 5) Location of any on-site wetlands;
  - 6) Height of all existing and proposed structures;
  - 7) Information relevant to the specific variance requested.
- Copy of any citations issued by Code Enforcement for the subject property, if applicable.
- Wetland Setback Variance Memorandum – Attachment A - This memo must be complete for all requests for a variance to the wetland setback.

Applicant Signature: \_\_\_\_\_

  
I certify that I have completed the application and have included all material checked above.



Application Number: \_\_\_\_\_

# ATTACHMENT A – TO BE COMPLETED FOR ALL WETLAND SETBACK VARIANCE REQUESTS

## MEMORANDUM

To: Land Use Application Intake and Review Staff, Planning and Growth Management  
From: Natural Resources Staff, Planning and Growth Management  
Subject: **Request for a Variance to a Wetland Setback**

A preliminary review of the request for a variance to the wetland setback for folio number \_\_\_\_\_ has been conducted by PGM - Natural Resources staff. As a result of this review it has been determined that a Variance application must be filed to allow for a more thorough review by Natural Resources staff and Environmental Protection Commission (EPC) staff. The findings of those reviews will be presented at a public hearing before a Land Use Hearing Officer. The decision concerning this application will be determined by the hearing officer fifteen (15) business days following the public hearing.

In order for this application to be processed, all applicable fees must be paid at the time of filing.

### Additional Submittal Requirements:

- Any correspondence from other jurisdictional agencies pertinent to the request.
- Scaled tree survey identifying trees 5 inches DBH (trunk diameter at 4 ½ feet above grade) located within that portion of the setback from proposed encroachment and within 30 feet from the boundaries of the proposed encroachment.
- Site Plan Requirements (must be to scale):
  - Official EPC acceptance of the wetland line. A signed EPC acceptance of the wetland line must be provided unless the property is a platted subdivision lot with an official date of recording 5 years or less from the date of this application.
  - Wetland setback line clearly identified.
  - A cross-section of the Wetland Conservation/Preservation Area setback identifying proposed impervious improvements, existing grade elevations, proposed finished grade elevations & any special design (i.e. stemwalls) to minimize encroachments into the setback (see example page 8).
  - Label each area of wetland setback encroachment, providing the maximum/minimum depth and width of impervious surface encroachment.
  - Identify vegetative cover type within setback.

Preliminary Review and Site Plan Sufficiency Check Conducted By: \_\_\_\_\_

### Specific Variance Requested:

**We are requesting a variance for the 30 ft setback required under Section 4.01.07.B whereby the retaining wall is now the new defined wetland line requiring a buffer of 30 ft.**

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