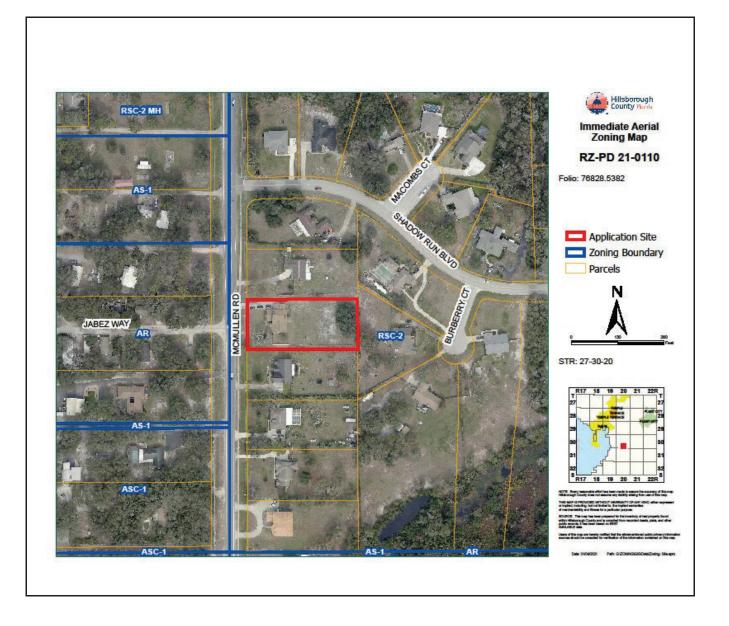


STAFF REPORT

SUBJECT:	PD 21-0110 (REMAND)	PLANNING AREA:	Riverview
REQUEST:	Rezoning to a Planned Development	SECTOR	South
APPLICANT:	Todd Pressman		
Existing Zoning: RSC-2		Comp Plan Category: R	ES-4



-- Prepared: 01/06/2022

CASE REVIEWER: Michelle Heinrich, AICP

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The applicant requested and was approved for a remand back to the Zoning Hearing Master (ZHM) at the July 20, 2021 BOCC Land Use Meeting.

The applicant has modified the request from a 19-bed Community Residential Home (Type C) to a 12-bed Community Residential Home (Type B). The overall square footage is decreased from 9,421 square feet (3,421 sf existing structure and 6,000 sf structure expansion) to 9,089 square feet (3,421 sf existing structure and 5,668 sf structure expansion). Lastly, the applicant relocated the site's access point southward which removes the previous need for an access spacing administrative variance. The previously required waiver to the 500 foot distance separation requirement from RSC zoning remains. No other changes or additional information has been submitted.

The applicant is requesting to rezone approximately 1 acre from RSC-2 (Residential, Single-Family Conventional) to PD (Planned Development) to allow for a 12-bed Community Residential Home (Type C). The site is located on the east side of McMullen Road, south of Shadow Run Boulevard. The site currently consists of a 2-story single-family home that operates as a Type A (5-bed) Community Residential Home (CRH). Type A CRH's are considered a single-family use and permitted by right in the RSC-2 zoning district should they meet the distance requirement of 1,000 feet from any other Type A CRH. The applicant seeks to expand the structure with a 5,668 square foot addition to provide a maximum of 12 beds.

The site is located in the RES-4 FLU (Future Land Use) category, an area planned for low density residential development (4 units per acre density maximum) and neighborhood scale commercial uses (0.25 maximum FAR) subject to locational criteria and compatibility policies.

Per the Land Development Code's density conversation for a Community Residential Home, 5 beds are equivalent to 1 dwelling unit. The maximum density permitted for the 1 acre lot with a RES-4 FLU is 4 dwelling units, which allows a maximum of 20 beds for a Community Residential Home.

Type B Community Residential Homes (those with 7 to 14 beds) have the following additional requirements:

- No Community Residential Home Type B or C shall be located within a radius of 1,200 feet of another Type B or C Community Residential Home. The applicant has provided documentation that no other Type B or Type C Community Residential Homes are within a 1,200 radius of the subject site. Documentation includes a listing of licensed facilities from the Agency for Health Care Administration (AHCA), the Department of Children & Families (DCF) and the Agency for Persons with Disabilities (APD).
- 2. No Community Residential Home shall be within a 500-foot radius of RSC zoning (to be measured from the nearest point of the existing home and the area of RSC zoning. RSC zoning is present to the immediate north, south and east of the site and a waiver to this distance requirement is necessary. Per the applicant's site plan, the eastern distance is 148.3 feet. Distance to the north is 27.5 feet and the distance to the south is 38 feet. Per the applicant, the use is an indoor use

APPLICATION: PD 21-0110 (REMAND)
ZHM HEARING DATE: January 18, 2022
BOCC MEETING DATE: March 8, 2022

CASE REVIEWER: Michelle Heinrich, AICP

that has been in operation as a Type A community residential home (6-beds) without impact to surrounding properties. The existing structure with the addition is proposed to be residential in appearance and required buffering and screening will be provided.

- 3. Each facility shall provide buffering and screening. The LDC requires a minimum 5-foot wide buffer with Type A screening along the northern, southern and eastern property lines. Per the applicant's site plan, this is proposed. It should be noted that chain link fencing is not an acceptable Type A screening option. No PD variation to waive the required type of screening has been requested.
- 4. Each facility shall be designed and built to appear as similar to a residential structure as possible. Per the applicant's narrative, the building addition will occur in the rear of the site and be two story in height.
- 5. Each facility shall be located with direct access to a roadway. The site has direct access to McMullen Road.
- 6. Each facility shall provide adequate parking spaces. The parking standard for a CRH is 1 space per employee of the largest shift, plus 1 space per facility vehicle (if proposed), plus 0.2 spaces per resident. The site plan notes that 7 spaces will be provided. Three of those are required for the 12 beds. The remaining 4 need to meet the employee and facility vehicle requirements.

1.2 Compliance Overview with Land Development Code and Technical Manuals

No PD Variations are requested.

1.3 Evaluation of Existing and Planned Public Facilities

The project area is located in the Urban Service Area. A 6-inch water main is available within the ROW of McMullen Road. A 16-inch wastewater force main is located within the ROW of Balm Riverview Road.

Impact and Mobility Fees estimates are as follows:

Assisted Living Facility Mobility: \$796.00 per bed Fire: \$313.00 per 1,000 sf.

Urban Mobility, South Fire – add 14 beds to Assisted Living Facility – unknows sf.

The site is located on the east side of McMullen Road, a 2-lane, undivided substandard collector roadway. A 100-foot wide right of way exists with 11-foot wide travel lanes. A sidewalk is provided along the east side of McMullen Road.

One access point at McMullen Road is proposed, which is at a location that will no longer require an access spacing administrative variance. Transportation staff offers no objects to the revised request.

1.4 Natural Resources/Environmental

The Environmental Protection Commission has reviewed the application and finds that no wetlands are present on the site. Therefore, EPC staff has no objections and no proposed conditions.

APPLICATION: PD 21-0110 (REMAND)
ZHM HEARING DATE: January 18, 2022
BOCC MEETING DATE: March 8, 2022

CASE REVIEWER: Michelle Heinrich, AICP

The site is not located within a Wellhead Resource Protection Area Zone, a Surface Water Resource Protection Area Zone, a Potable Water Wellfield Protection Zone, a Significant Wildlife Habitat or within the Coastal High Hazard Area. Additionally, the site is not within or adjacent to any ELAPP property.

McMullen Road is not a County designated Scenic Corridor.

1.5 Comprehensive Plan Consistency

The project is located within the RES-4 Future Land Use (FLU) category and within the Riverview Community Plan area. Planning Commission staff has found the proposed rezoning to be **INCONSISTENT** with the *Future of Hillsborough* Comprehensive Plan.

1.6 Compatibility

The site is located within the Riverview community, developed with low density residential uses.

- Property to the north is zoned RSC-2 and developed with a 1-story single-family home oriented towards McMullen Road. The existing home and proposed addition will be located 27.5 feet from the common property line. The minimum side yard setback for the RSC-2 zoning district is 10 feet. LDC required buffering and screening is proposed.
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- Properties to the east are zoned RSC-2 and developed with single-family homes oriented away from the site. The subject site's addition will provide a setback of 148.3-feet, which exceeds the RSC-2 rear yard setback of 25 feet. LDC required buffering and screening is proposed.
- Property to the west is zoned AR and developed with single-family residential oriented towards
 Jabez Way. The subject site is separated from these properties by McMullen Road. No changes
 in the front setback of the existing structure are proposed.

The existing 3,421 square foot building providing 5-beds will be increased by 5,668 square feet to a 9,089 square foot 2-story facility providing 12-beds. The increase in intensity no longer classifies the facility as a single-family use. The proposed CRH type requires rezoning with the evaluation of the appropriateness of the intensity when in an RSC-2 zoning district. Where permitted with a Special Use Permit and by a PD rezoning, the distance of 500 feet from any RSC zoning district is required. The subject site does not meet this requirement to the north, south and east. The waiver requests of 472.5 to the north, 462 to the south and 351.7 to the east are significant and demonstrate that the use is not in a location relative to residences to avoid immediate impacts. Additionally, there are no intervening uses, roadways or environmental features between the facility and single-family to take into consideration. Therefore, the project is not found to be compatible.

1.7 Agency Comments

The following agencies have reviewed the application and offer no objections:

- Transportation
- Impact Fee

CASE REVIEWER: Michelle Heinrich, AICP

- Environmental Protection Commission
- Water Resource Services
- Conservation & Environmental Lands Management Department

1.8 Exhibits

Exhibit 1: Future Land Use Map

Exhibit 2: Aerial/Zoning Map – General Area Exhibit 3: Aerial/Zoning Map – Immediate Area Exhibit 4: Proposed Site Plan (PD 21-0110)

2.0 Recommendation

Not supported.

Type B CRHs are are potentially permitted with a Special Use Permit in agricultural, two-family, multifamily, office and neighborhood commercial zoning districts. Sensitivity to existing residential when located in a single-family zoning district, which is not permitted by right or with a Special Use Permit, is significant. Staff acknowledges that the site provides LDC required buffering/screening, and exceeds the setbacks required of a single-family residence. However, the waiver provision is in place to avoid proximities to single-family uses to minimize impacts and the character of a residential area. This straight line distance may be justified by a feature that would provide a natural barrier and restrict any impacts or interaction between a CRH Type B and single-family home. For example, a vegetated wetland, intervening use (church, office), or major roadway. For this application, no such feature is present, and the waiver request distances are considerable at 472.5 to the north, 462 to the south and 351.7 to east.

Zoning
Administrator
Sign-off:

J. Brian Grady
Thu Jan 6 2022 11:21:05

HILLSBOROUGH COUNTY 2021 FUTURE LAND USE

RZ PD 21-0110

call other values

CONTINUED

Tampa Service WITHDRAWN Jrban Service PENDING

Jurisdiction Boundary County Boundary

AGRICULTURAL/MINING-1/20 (.25 FAR)

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)

AGRICULTURAL/RURAL-1/5 (.25 FAR) AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR) RESIDENTIAL-1 (.25 FAR)

RESIDENTIAL PLANNED-2 (.35 FAR) RESIDENTIAL-2 (.25 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)

RESEARCH CORPORATE PARK (1.0 FAR) REGIONAL MIXED USE-35(2.0 FAR)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE) LIGHT INDUSTRIAL PLANNED (.50 FAR)

HEAVY INDUSTRIAL (.50 FAR) LIGHT INDUSTRIAL (.50 FAR)

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) NATURAL PRESERVATION CITRUS PARK VILLAGE

1,710 1,140

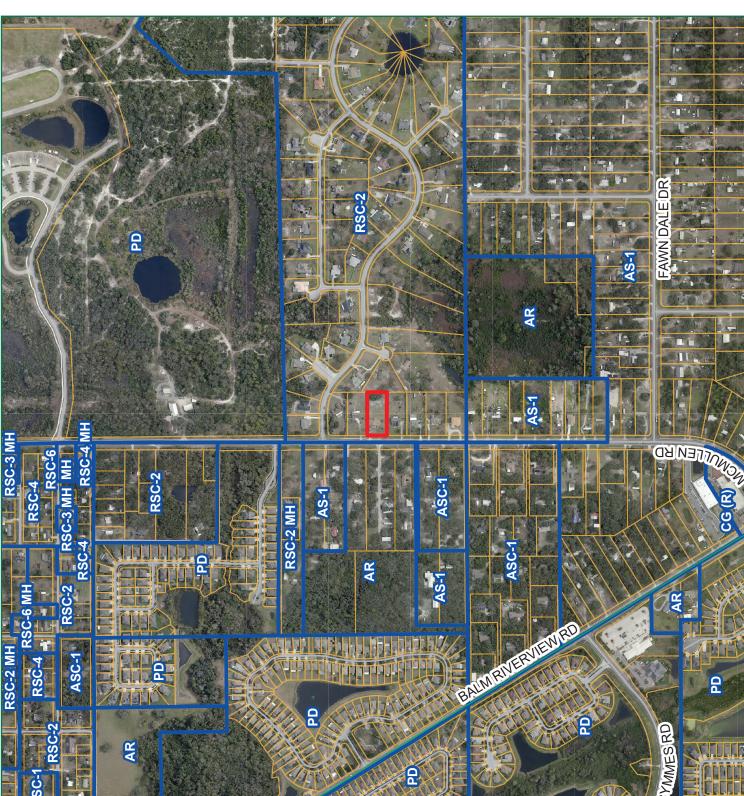
Map Printed from Rezoning System: 1/13/2021

570

File: G\RezoningSystem\MapPI Author: Beverly F. Daniels

Rose Ln

Sand Stone Rock Dr





General Aerial Zoning Map

RZ-PD 21-0110

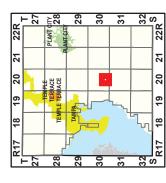
Folio: 76828.5382

Application Site

Zoning Boundary

Parcels

STR: 27-30-20



RSC-2 MH

Immediate Aerial Zoning Map

RZ-PD 21-0110 Folio: 76828.5382

LO SENOJUN

Application Site

SHAOWAINANO

Zoning Boundary

Parcels

BURBERRYCT

WCWNTTEN KD

JABEZ WAY

STR: 27-30-20

McMULLEN ROAD ASSISTED LIVING FACILITY 11216 McMULLEN ROAD, RIVERVIEW, FL 33569 PLANNED DEVELOPMENT APPLICATION

SITE DATA
TOTAL PROPERTY ARE/

RIVERVIEW, HILLSBOROUGH COUNTY, FLORIDA SECTION 27, TOWNSHIP 30 S, RANGE 20 E

GENERAL NOTES

- 1 FERGEST DENIET DISCORTED WITHIN WIREPINGN COMBINATY PLAN

 1 FERGEST SECONTED WITHIN WIREPINGN COMBINATY PLAN

 2 FERGEST SECONTED WITHIN WIREPINGN COMBINATION CONTROL SECONTED SECONT

SITE



VICINITY MAP

LOCATION MAP



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	ROAD NAME	MOMULLEN ROAD
	CLASSIFICATION	COUNTY ROAD
	ROW WIDTH	100
	NUMBER ON LANES (DIVIDED OR UNDIVIDED)	2 LANES UNDIVIDED
	SURFACE TYPE	ASPHALT
	SURFACE CONDITION	TYPICAL
	PAVEMENT WIDTH	34

LEGAL DESCRIPTION

SYCAMORE ENGINE, INC.

GEND

RTY LINE INFORMATION SENVELOPE

DEVELOPMENT SITE PLAN ВІЛЕВЛІЕМ, FLORIDA 33569

11216 McMULLEN ROAD MCMULLEN ROAD ASSISTED LIVING FACILITY

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COUNTY OF HILLSBOROUGH LAND USE HEARING OFFICER'S RECOMMENDATION

Application number:	RZ PD 21-0110 (Remand)
Hearing date:	January 18, 2022 (remand hearing)
Applicant:	Ghassan S. Mousa
Request:	Rezone approximately 1 acre from Residential, Single-Family Conventional (RSC-2) to Planned Development (PD) to allow a 12-bed Community Residential Home, Type B.
Location:	11216 McMullen Road, south of the McMullen Road and Shadow Run Boulevard intersection, on the east side of McMullen Road
Parcel size:	1-acre
Existing zoning:	RSC-2
Future land use designation:	Residential-4 (4 du/ga; 0.25 FAR)
Service area:	Urban
Community planning area:	Riverview Community Plan and Southshore Areawide Systems Plan

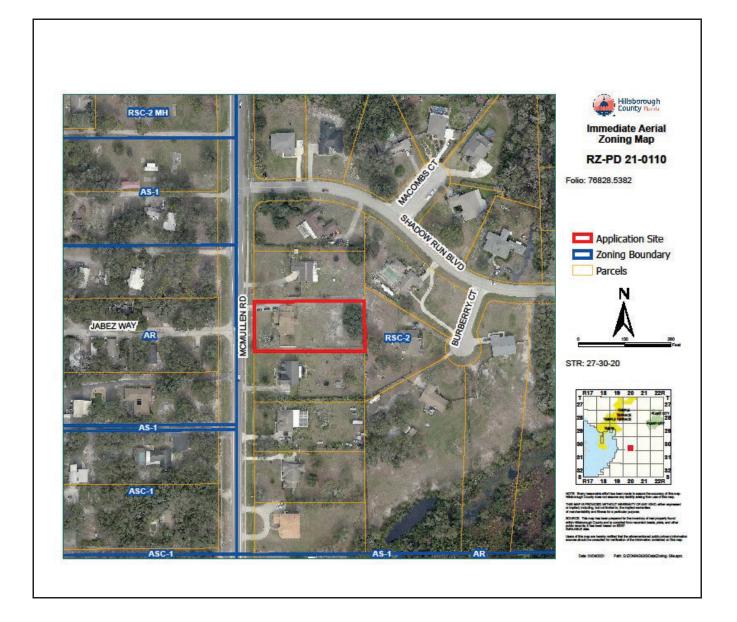
A. APPLICATION REVIEW

DEVELOPMENT SERVICES STAFF REPORT APPLICATION REVIEW SUMMARY AND RECOMMENDATION



STAFF REPORT

SUBJECT:	PD 21-0110 (REMAND)	PLANNING AREA:	Riverview
REQUEST:	Rezoning to a Planned Development	SECTOR	South
APPLICANT:	Todd Pressman		
Existing Zoning: RSC-2		Comp Plan Category: RES-4	



-- Prepared: 01/06/2022

APPLICATION: PD 21-0110 (REMAND)
ZHM HEARING DATE: January 18, 2022
BOCC MEETING DATE: March 8, 2022

CASE REVIEWER: Michelle Heinrich, AICP

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

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CASE REVIEWER: Michelle Heinrich, AICP

The site is not located within a Wellhead Resource Protection Area Zone, a Surface Water Resource Protection Area Zone, a Potable Water Wellfield Protection Zone, a Significant Wildlife Habitat or within the Coastal High Hazard Area. Additionally, the site is not within or adjacent to any ELAPP property.

McMullen Road is not a County designated Scenic Corridor.

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1.7 Agency Comments

The following agencies have reviewed the application and offer no objections:

- Transportation
- Impact Fee

APPLICATION: PD 21-0110 (REMAND) ZHM HEARING DATE: January 18, 2022 BOCC MEETING DATE: March 8, 2022

CASE REVIEWER: Michelle Heinrich, AICP

- Environmental Protection Commission
- Water Resource Services
- Conservation & Environmental Lands Management Department

1.8 Exhibits

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Exhibit 2: Aerial/Zoning Map – General Area Exhibit 3: Aerial/Zoning Map – Immediate Area Exhibit 4: Proposed Site Plan (PD 21-0110)

2.0 Recommendation

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Zoning Zoning

Administrator Sign-off:

J. Brian Grady Thu Jan 6 2022 11:21:05

B. HEARING SUMMARY

This case was heard by the Hillsborough County Land Use Hearing Officer on January 18, 2022. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Applicant

Mr. Todd Pressman spoke on behalf of the applicant. Mr. Pressman stated the rezoning request was revised and remanded. He described the location of the subject property and stated it has been operating as a Type A six-bed ALF for four years and is a senior living provider. He stated the operator, Angel TCH, LLC operates four other ALFs and has nine years' experience in the business. He stated the owner is a disabled Marine and his wife has a master's degree in health administration. He stated the applicant is seeking to expand to 12 beds under the PD which was revised from 19 beds previously requested.

Mr. Pressman displayed an aerial view of the subject property and explained the request is to rezone the property from RSC-2 to Planned Development for a Type-B 12-bed home. He stated the square footage and access point have also been revised. He stated the Planning Commission staff noted the Southshore Community Plan states housing opportunities for all income groups should be maintained. He stated the applicant is proposing a nonresidential use with residential architecture and character, which supports the visions of Riverview and Southshore Community Plans. He stated the expansion will keep the residential character of the site, including the colors and architectural design features that exist to the sides and rear. He stated the residential character of the roof features, window design, colors, humps and bumps of the structure, and two stories will be maintained.

Mr. Pressman displayed the site plan and noted the applicant substantially changed the access, which cleared up a lot of issues and concerns. He stated the trip generation for the use is very low and the county's traffic engineer called it *de minimis*. Mr. Pressman stated the comprehensive plan Future Land Use policy 1.4.3 supports sites for group homes to be approved in areas with residential character to meet the needs of the population requiring such housing. He stated at the federal and stated level it has been policy for many years to not warehouse grandparents in commercial or industrial districts but to bring them into the residences and communities. He stated rule number 2 is promote and assist with the provision of ample housing supply with a broad range and types of price levels to meet current and projected housing needs.

Mr. Pressman stated the proposed use is extremely non-impacting on the site because there is no exterior activity, noise, loud trips, pools, music, or parties. He stated it is all interior. He stated there will be fencing and distance separation character with natural buffering in the rear. He stated the impact on the subdivision is minimal or none. He stated the subject property is located on McMullen and there is no reason for access into the subdivision.

Mr. Pressman stated the applicant asked to meet and discuss with the Homeowners' Association many times but has not been invited to meet with them. He stated the use has operated for four years without a single complaint or concern until the application was submitted and made aware through public noticing. He stated the operator has cared for two families from the subdivision, and six other families in proximity. He stated this is a local, small care center that attracts and brings in very local residents, which allows families to visit more often, keep tabs on them more often, and adds homier residential environment.

Mr. Pressman stated the applicant will meet the setbacks of the RSC-2 zoning district. He stated the proposed expansion is only to the rear at the same height. He stated in the RSC-2 zoning districts two homes could be built on the subject property. He stated waivers are required for the use, but because it is residential in character and maintains a quiet residential use, it does fit at the site compared to what the zoning code would otherwise allow

Mr. Pressman stated staff has concerns about the appropriateness and intensity of the use. He stated the use is quiet and less impacting in terms of appropriateness. He stated Planning Commission staff is concerned about compatibility and maintaining the character of existing development in terms of height, scale, mass, and bulk. He stated the proposed project meets height, scale, mass, and bulk.

Mr. Pressman stated the Riverview and Southshore Community Plans state housing opportunities for all income groups should be maintained and the proposed project supports this vision. He stated the project is a very small increase and not an impacting use for the subject property. He stated there are comprehensive plan policies that support it. He stated the site has had the test of time and is a good location for grandparents.

Development Services Department

Ms. Michelle Heinrich, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record.

Planning Commission

Ms. Jillian Massey, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record.

Proponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in support of the application. There were none.

Opponents

The hearing officer asked whether there was anyone at the hearing in person or online to speak in opposition to the application.

Mr. Scott Fitzpatrick stated he is an attorney with Owens Law Group and was retained by the Shadow Run Homeowners' Association. He stated the subject property is part of the homeowners' association, which has over 250 members. He stated his client opposes the applicant's rezoning request. Ms. Fitzpatrick stated he submitted a letter in March 2021 outlining the objections. He stated the letter is in the record, but he would submit a copy again. He stated he would not restate all the arguments set out in the letter but would reference the letter for the record. He stated the applicant is asking to more than double the current beds at the subject property. He stated his client agrees with the concerns of Development Services and Planning Commission staff and asked that the rezoning request be denied.

The hearing officer asked Mr. Fitzpatrick what his client's experience had been with the existing use on the subject property. Mr. Fitzpatrick the community's experience with the existing use has been negative and its concerns would be amplified by an increase in beds. He stated ambulances in the middle of the night, vehicles coming and going. He stated this is a single-family residential neighborhood and the proposed use does not fit into the character of the neighborhood.

Development Services Department

Mr. Grady noted he distributed some revisions to the staff report to correct a typographical error that was on the portion of the property. He stated there were no changes other than that. The hearing officer stated she received the staff report revision.

Applicant Rebuttal

Mr. Pressman stated the application has been noticed for or five times. He stated the applicant made every effort to work with the county and the homeowners' association. He stated the applicant made a lot of changes and modifications to try and make it work. He stated the applicant has not heard from any abutting or nearby neighbor. He stated the applicant does not know how many specific residents Mr. Fitzpatrick spoke to but the applicant has not heard any opposition from any homeowners that could be directly affected by the proposed use. He stated the applicant was not given the opportunity to speak with the homeowners' association directly. He stated the aerial view of the subdivision shows all the activity is towards the front on McMullen Road. He stated that is where the parking would be, and the few staff members would come and go. He stated those impacts are focused away from the subdivision and there is no direct access from the subject property into the subdivision. He stated he is concerned about the statement that 250 people were against the rezoning request. He stated the use should not be blindly stamped as some kind of obnoxious, onerous, disruptive activity as if it is a DJ rage club or outdoor go-cart track.

The hearing officer asked Mr. Pressman to address the Planning Commission's concerns about compatibility and intensity elements including height, scale, mass, and bulk. She noted the structure will be doubled in size and will be much larger than surrounding homes.

Mr. Pressman stated there are a lot of elements under compatibility, including the use, height, architecture, and many of those elements do meet compatibility. He stated the large structure is to the rear so that from the street it is not going to look bigger. He stated it will be two stories and the main visibility element would be to either side. He stated the applicant has not heard any opposition from either of those property owners. He stated under RSC-2 zoning two structures could be permitted on the subject property, and that would be larger than what is proposed. He stated part of the expansion is a nice courtyard in the center, which is a nice amenity for the grandparents who will be living there.

The hearing officer closed the remand hearing on rezoning 21-0110.

C. EVIDENCE SUMBITTED

Mr. Grady submitted into the record at the hearing a copy of the staff report revisions.

The applicant's representative, Mr. Pressman, submitted into the record a copy of the applicant's presentation slides

Mr. Scott Fitzpatrick, representing the Shadow Run Homeowners' Association, Inc., submitted into the record at the hearing a letter stating the bases of the association's objections to the requested rezoning.

D. FINDINGS OF FACT

- 1. The Subject Property consists of approximately one acre and is located at 11216 McMullen Road, on the east side of McMullen Road, south of Shadow Run Boulevard.
- 2. The Subject Property is zoned RSC-2 and is developed with a 3,421 square-foot 2-story single-family home that is currently being operated as a 6-bed Type A Community Residential Home (CRH).
- 3. The Subject Property is designated RES-4 on the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County* Future Land Use Map and is located within the boundaries of the Riverview Community Plan and Southshore Areawide Systems Plan. The Subject Property is within the Urban Services Area.
- 4. The Subject Property is located within the Riverview community, in a subdivision developed with low density residential uses. Adjacent properties to the north, south, and east of the subject property are zoned RSC-2 and developed with single-family homes. Properties west of the Subject Property are zoned AR, AS-1, and ASC-1 and are developed with single-family residential and a mobile home park.
- 5. The applicant proposes an expansion of the existing single-family home for use as a Type B CRH with a maximum of 12 placed residents.

- 6. The Land Development Code (LDC) at section 6.11.28 provides that CRH facilities housing 6 or fewer residents are deemed a single-family unit and non-commercial residential use. If expanded to accommodate 12 placed residents, the Subject Property would not be deemed a single-family unit and non-commercial residential use under LDC section 6.11.28.
- 7. The applicant has requested to rezone the Subject Property to Planned Development to allow expansion of the 3,421 square foot home by 5,668 square feet, resulting in a 9,089 square foot 2-story Type B CRH facility with 12 resident beds.
- 8. The Land Development Code (LDC) at section 6.11.28.C., provides a density conversion rate for CRH uses, with each placed resident being considered one-fifth of a dwelling unit. Based on this conversion rate, the one-acre Subject Property could be considered for up to 20 CRH resident beds.
- 9. The LDC at section 6.11.28. provides that no CRH Type B shall be located within a radius of 500 feet of an RSC single-family zoning. The applicant's site plan shows RSC single-family zoning exists 27.5 feet north, 148.3 feet east, and 38 feet south of the Subject Property. The LDC provides the Land Use Hearing Officer may waive this separation requirement.
- 10. The applicant requests waivers of the requirement for separation from RSC-zoned properties, including a waiver of 472.5 feet to the north, 462 feet to the south, and 351.7 to the east.
- 11. The requested waivers from RSC-zoned properties are for significant distances and there are no intervening uses or natural barriers such as roadways, or environmental features between the Subject Property and the adjacent single-family residential uses to the north, east, and south.
- 12. County staff found the proposed rezoning is not compatible with adjacent residential uses. Planning Commission staff found the proposed rezoning does not meet all LDC regulations as required by comprehensive plan Future Land Use Policy 9.2 and concluded the rezoning request is not consistent with the comprehensive plan.

E. FINDINGS OF COMPLIANCE OR NON-COMPLIANCE WITH COMPREHENSIVE PLAN

The rezoning request is not in compliance with, and does not further the intent of the Goals, Objectives, and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

F. CONCLUSIONS OF LAW

A development order is consistent with the comprehensive plan if "the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government." § 163.3194(3)(a), Fla. Stat. (2020). Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant's testimony and evidence, there is substantial competent evidence demonstrating the requested rezoning is inconsistent with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County, and does not comply with the applicable requirements of the Hillsborough County Land Development Code.

G. SUMMARY

The applicant has requested to rezone the Subject Property to PD to allow a 5,668square-foot expansion to the existing 3,421-square-foot single-family home for use as a Type B CRH with a maximum of 12 resident beds. The proposed project does not meet LDC separation requirements from RSC-zoned properties and is not compatible with adjacent single-family residential uses.

H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **DENIAL** of the rezoning request.

Pamela Jo Hatley PhD, 4D Land Use Hearing Officer

2-8-2022 Date:

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Unincorporated Hillsborough (Unincorporated Hillsborough County Rezoning		
Hearing Date: January 18, 2021 Report Prepared: January 6, 2022	Petition: 21-0110 11216 McMullen Road South of the McMullen Road and Shadow Run Boulevard intersection, on the east side of McMullen Road		
Summary Data:			
Comprehensive Plan Finding:	INCONSISTENT		
Adopted Future Land Use:	Residential-4 (4 du/ga;0.25 FAR)		
Service Area:	Urban		
Community Plan:	Riverview and Southshore		
Requested Zoning:	Residential Single-Family Conventional-2 (RSC-2) to a Planned Development (PD) to convert a Community Home Type A with five beds to a Community Home Type B with a maximum of 12 beds (addition 5,668 sq. ft).		
Parcel Size (Approx.):	0.99 +/- acres (43,124.4 square feet)		
Street Functional Classification:	McMullen Road – Collector		
Locational Criteria	N/A		
Evacuation Zone	None		



Plan Hillsborough planhillsborough.org planner@plancom.org 813 – 272 – 5940 601 E Kennedy Blvd 18th floor Tampa, FL, 33602

Context

- The approximately 0.99 +/- acre subject property is South of the McMullen Road and Shadow Run Boulevard, on the east side of McMullen Road. The site is currently developed with an approximately 3,421 square foot Community Home Type A building. The site is located in the Urban Service Area and is within the limits of the Southshore Areawide Systems Community Plan and the Riverview Community Plan.
- The subject site's Future Land Use designation is Residential-4 (RES-4). Typical allowable uses in this Future Land Use category include residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet established locational criteria for specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element. Directly north, south, east, and west is also designated as Residenital-4 (RES-4). Further north of the site is designated Natural Preservation (N) and Public/Quasi-Public (P/Q-P) and further south on the east side of McMullen Road is designated Residential-1 (RES-1).
- The subject property is zoned Residential Single-Family Conventional-2 (RSC-2). The properties immediately to the north, south, and east are designated Residential Single-Family Conventional -2 (RSC-2) and are developed with single family residential. To the west across McMullen Road is Agricultural Rural (AR), Agricultural-Single-Family-1 (AS-1), and Agricultural-Single-Family Conventional (ASC-1) developed with single family residential and a mobile home park.
- The applicant is requesting to rezone the site from Residential Single-Family Conventional -2
 (RSC-2) to a Planned Development (PD) to allow for a 5,668 sq. ft. two-story expansion of an
 existing Community Home Type A with five beds to a Community Home Type B with a
 maximum of 12 beds and a total of 9,089 sq. ft.

Compliance with Comprehensive Plan:

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

Future Land Use Element

Urban Service Area (USA)

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

Relationship to the Future Land Use Map

Objective 7: The Future Land Use Map is a graphic illustration of the county's policies governing the determination of its pattern of development in the unincorporated areas of Hillsborough County through the year 2025.

Policy 7.1: The Future Land Use Map shall be used to make an initial determination regarding the permissible locations for various land uses and the maximum possible levels of residential densities and/or non-residential intensities, subject to any special density provisions, locational criteria and exceptions of the Future Land Use Element text.

Relationship to Land Development Regulations

Policy 9.2: Developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County, the state of Florida and the federal government unless such requirements have been previously waived by those governmental bodies.

Neighborhood and Community Serving Uses

Objective 17: Certain non-residential land uses, including but not limited to residential support uses and public facilities, shall be allowed within residential neighborhoods to directly serve the population. These uses shall be located and designed in a manner to be compatible to the surrounding residential development pattern.

- **Policy 17.1:** Residential support uses (child care centers, adult care centers, churches, etc.) is an allowable land use in any of the residential, commercial and industrial land use plan categories consistent with the following criteria:
 - a) The facility shall be of a design, intensity and scale to serve the surrounding neighborhood or the non-residential development in which it occurs, and to be compatible with the surrounding land uses and zoning;

Residential-Targeted Groups & Incentives

Objective 20: The County shall encourage new development and redevelopment of residential housing for special target groups of people. The provisions specified within the Housing Element of the Comprehensive Plan shall be applied with respect to the following policies.

Policy 20.5: The development of congregate living facilities will be allowed within each of the land use plan categories that permit residential development; however, the locations of facilities shall be considered to prevent excessive concentration in any one area.

Policy 20.6: The Land Development Code shall include appropriate development standards and/or placed persons-to dwelling unit conversion factors shall be utilized for congregate living facilities to allow for the consistent application of residential densities otherwise established in this element. The resulting application of density equivalents to proposed congregate living facilities shall be utilized to ensure that cumulative impacts upon surrounding residential land uses are

reasonable and to ensure compatible densities between congregate living facilities and other residential land uses in the surrounding area. Consideration should be given to having conversion factors which vary depending on the land use designation, to ensure compatibility with surrounding areas

Livable Communities Element: Riverview Community Plan

Residential District Vision

The area south of the Alafia River along US Highway 301 has been developed as primarily residential. The residential district appeals to people of many economic and cultural backgrounds. In this area, managed growth permits higher densities. The improved infrastructure containing fiber optic communications, sidewalks, pedestrian-friendly crosswalks, adequate lighting and signage is well maintained and controlled by strict code enforcement. Local government promptly addresses houses that fall into disrepair and neglect.

The residential areas are convenient to all other areas of Riverview due to the transit system, pedestrian-friendly streets and bike trails. Thoughtful planning has controlled the traffic and the intelligent highway system speeds residents to and from their destinations.

GOAL 2: Residential – Encourage attractive residential development that complements the surrounding character and promotes housing diversity.

Goal 13: Support and promote agriculture. Is found to be compatible, no large farms across the street an AR zoning doesn't necessarily mean only rural farmland in the area.

- Balance agriculture's need for protection from incompatible uses while acknowledging the market conditions affecting its continued viability.
- Ensure that new non-agricultural uses provide adequate buffers on their property adjacent to existing agricultural uses.

Livable Communities Element: Southshore Community Plan

Cultural/Historic: Development will have no impact

- Promote sustainable growth and development that is clustered and well planned to preserve the area's environment, cultural identity and livability.
- Encourage and support the preservation of areas of archaeological, cultural and/or historical significance as shown on the SouthShore Historical Resources Inventory map.
- 3. Enhance community capacity and retain the unique character of communities in SouthShore.
 - Increase options in the Land Development Code to accommodate the retrofitting of existing communities to include a broader range of internal mixed uses, such as: 1.) mixed density housing; 2.) local-serving goods/shopping; 3.) civic uses and; 4.) neighborhood scale employment.
- 4. Maintain housing opportunities for all income groups. a. Explore and implement development incentives throughout SouthShore that will increase the housing opportunities for all income groups, consistent with and furthering the goals, objectives and policies within the Comprehensive Plan Housing Element.

Staff Analysis of Goals, Objectives, and Policies

The applicant is requesting to rezone the site from Residential Single-Family Conventional - 2 (RSC-2) to a Planned Development (PD) to allow for a 5,668 sq. ft. two-story expansion of an existing Community Home Type A with five beds to a Community Home Type B with a maximum of 12 beds and a total of 9,089 sq. ft. The applicant's narrative states that the existing residential architecture and character would remain. Per Policy 20.6, The Land Development Code shall include placed persons-to dwelling unit conversion factors for congregate living facilities. Per the Land Development Code Section 6.11.28.C., to calculate density for Community Home Types B and C each "placed" resident in the facility shall equal one-fifth of a dwelling unit. With a 0.99 acre site, the development could be considered for up to 19 beds. The request for 12 beds is below the maximum density permitted.

The applicant requested the application be remanded to the October 18, 2021, Zoning Hearing Master (ZHM) meeting. At their regularly scheduled Land Use public meeting on July 20, 2021, the Hillsborough Board of County Commissioners granted the applicant's request. The application was continued to the January 18, 2022 ZHM meeting. The remand did not identify any Comprehensive Plan concerns or issues and has not resulted in a change to Planning Commission staff's recommendation.

The subject property is in a residential Future Land Use classification. The development pattern along McMullen Road consists predominantly of single family residential dwellings, a mobile home park, and a plant nursery on the eastern side of McMullen Road. Per Policy 20.5, the development of congregate living facilities will be allowed within each of the land use plan categories that permit residential development. The proposed community residential home is allowed in the Residential-4 (RES-4) Future Land Use category.

Per FLUE Policy 9.2, developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County. The application does not meet the Land Development Code 6.11.28.A. requirement of a distance of 500' from any an area of non-agricultural (RSC) single-family zoning for the intensity of this community residential home. In addition, Policy 1.4 states that compatibility does not mean "the same as" but maintaining the character of existing development including intensity elements of height, scale, mass, and bulk. Meeting the Land Development Code 6.11.28.A. requirement ensures compatibility between the proposed Community Residential Home and the surrounding single family residential dwellings. This application is not consistent with Policy 9.2 as the applicant does not meet Sections 6.11.28.A of the Land Development Code.

Per Policy 17.1, residential support uses must be compatible with the surrounding land uses and zoning per the design, intensity, and scale. A Community Residential Home qualifies as a residential support use. In order to meet the desired intensity, per the Land Development Code 6.11.28.A, all community residential homes must be at least a distance of 500' from any an area of non-agricultural (RSC) single-family zoning. The proposed 12 bed community residential home does not meet this requirement.

The site is located within the limits of the Riverview and SouthShore Community Plans. The site is located in the residential district of Riverview (area south of the Alafia River along US Highway 301) which has been developed as primarily residential and encourages attractive residential development that complements the surrounding character and

promotes housing diversity. Per the SouthShore Community Plan, housing opportunities for all income groups should be maintained. The applicant is proposing a residential support use with residential architecture and character which would support the visions of the Riverview and SouthShore Community Plans.

Overall, the proposed Planned Development is inconsistent with the Goals, Objectives, and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, as it does not meet all Land Development Code regulations under Policy 9.2.

Recommendation

Based upon the above considerations, the Planning Commission staff finds the proposed Planned Development **INCONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

HILLSBOROUGH COUNTY 2021 FUTURE LAND USE

RZ PD 21-0110

call other values

CONTINUED

WITHDRAWN

PENDING

Tampa Service Jrban Service County Boundary

Jurisdiction Boundary

AGRICULTURAL/MINING-1/20 (.25 FAR)

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR) AGRICULTURAL/RURAL-1/5 (.25 FAR) AGRICULTURAL-1/10 (.25 FAR)

RESIDENTIAL-1 (.25 FAR) RESIDENTIAL-2 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.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)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE) RESEARCH CORPORATE PARK (1.0 FAR)

LIGHT INDUSTRIAL PLANNED (.50 FAR)

HEAVY INDUSTRIAL (.50 FAR) LIGHT INDUSTRIAL (.50 FAR)

NATURAL PRESERVATION

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) CITRUS PARK VILLAGE



570

Map Printed from Rezoning System: 1/13/2021

File: G\RezoningSystem\MapPI Author: Beverly F. Daniels



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APPLICANT PROPOSED CONDITIONS

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Additional / Revised Information Sheet

	Office Use Only	
Application Number: PD 21-0110	Received Date:	Received By:

The following form is required when submitted changes for any application that was previously submitted. A cover letter

project size the cover letter		nal information provided. If there is a change in ditionally, the second page of this form must be with this form.
Application Number: PD 2	1-0110 Applicant's Name:	Ghasson/Pressman, Agent
Reviewing Planner's Name:	Michelle Heinrich	5.31.22 Date:
Application Type:		
Planned Development (I	PD) Minor Modification/Personal Appeara	ance (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 app	olicable):	
Will this revision add land to If "Yes" is checked on the about Will this revision remove land	result in a new hearing date as all reviews will to the project? Yes No ove please ensure you include all items marked Ind from the project? Yes No ove please ensure you include all items marked	with * on the next page.
Email this form	along with all submittal items indicated ZoningIntake-DSD@hcflgov	
titled according to its cont	•	item should be submitted as a separate file nail with application number (including prefix)
For additional help and	submittal questions, please call (813) 277-163	33 or email ZoningIntake-DSD@hcflgov.ne <u>t</u> .
-	ibed above are the only changes that have be ubmission ond certification.	en made to the submission. Any further changes
		5.31.22
	Signature	Date



Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers. While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications.

Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County</u> <u>Development Services</u> to obtain a release of exempt parcel information.

Are you seeking an exemption from public scrutiny of selected information submitted with your application pursuant to Chapter 119 FS? Yes No			
I hereby co	onfirm that the material submitted with applica	PD 21-0110	
	Includes sensitive and/or protected information.		
	Type of information included and location		
×	Does not include sensitive and/or protected i	nformation.	
Please note: Se	Sensitive/protected information will not be accepted/requested	unless it is required for the processing of the application.	
the data be		ed to determine if the applicant can be processed with form I acknowledge that any and all information in the	
	John Market Company of the Company o	y law to be protected.	
Signature:	(Must be signed by applicant or authorized representative)		
Intake Staff	f Signature:	Date:	



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Included		Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2		Revised Application Form*+
3		Copy of Current Deed* Must be provided for any new folio(s) being added
4		Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5		Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6		Property Information Sheet*+
7		Legal Description of the Subject Site*+
8		Close Proximity Property Owners List*+
9		Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10		Survey
11		Wet Zone Survey
12		General Development Plan
13		Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15		Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
18		Sign-off form
19	\boxtimes	Other Documents (please describe):
		submitting the final set of conditions

^{*}Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

^{*}Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

PRESSMAN AND ASSOC., INC.

GOVERNMENTAL AND PUBLIC AFFAIRS 200 2ND AVE., SOUTH #451, ST. PETERSBURG, FL 33701 727-804-1760 FX. (888) 977-1179 CELL. 727-804-1760, E-MAIL, TODD@PRESSMANINC.COM

21-0110 Final Conditions

- 1) The use is restricted to an assisted living facility for senior citizens over 65 years of age as a 19 12 bed maximum Community Residential Home, Type C. The expansion will be approximately 6,000 square feet.
- 2) No free standing or wall signs.
- 3) A 4' hedge will be placed along the parking lot frontage against McMullen Road, as shown on the Major Modification plan.
- 5) The structure will maintain residential character on all sides of the proposed expansion. This will include the same colors, architecture, design, window features and roof elements as existing on the front of the current structure.
- 6) Access will be as shown on the PD plan, of which is the existing access point. Parking will meet standards as required by code, as shown on the PD plan.
- 7) Buffering and screening will meet code requirements, with the additional as indicated in condition #3, above.
- 8) The site shall be limited to one (1) access connection designed to non-residential standards of the Hillsborough County Transportation Technical Manual.
- 9) The developer shall provide a sidewalk construct along the project roadway frontage consistent with Section 6.03.03 of the Land Development Code.
- 10) The developer shall construct ADA/sidewalk connections from the site access point to the building entrance and parking area.

GENERAL SITE PLAN FOR CERTIFICATION

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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 (21-0110)					
Zoning File: RZ-PD (21-0110) Modification: None					
Atlas Page: None s	ubmitted: 04/12/22				
To Planner for Review: 04/12/22	Date Due: ASAP				
Contact Person: Todd Pressman	hone: (727) 804-1760/ todd@pressmaninc.com				
Right-Of-Way or Land Required for De	edication: Yes No				
The Development Services Departmen	t HAS NO OBJECTION to this General Site Plan.				
Site Plan for the following reasons: Sta	of RECOMMENDS DISAPPROVAL of this General aff does not support the rezoning request and sed certified site plan. Site plan to be approved				
Reviewed by: Michelle Heinrich Date: 4/18/22					
Date Agent/Owner notified of Disapproval:					

Received April 12, 2022 Development Services

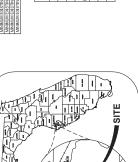
McMULLEN ROAD ASSISTED LIVING FACILITY 11216 McMULLEN ROAD, RIVERVIEW, FL 33569 PLANNED DEVELOPMENT APPLICATION

RIVERVIEW, HILLSBOROUGH COUNTY, FLORIDA SECTION 27, TOWNSHIP 30 S, RANGE 20 E

SITE







TRANSPORTATION DATA TABLE

2 LANES UNDIVIDED

LEGAL DESCRIPTION

LOT 6, BLOCK 12, SHADOM RUNUNTI NO. 1, ACCREDING TO THE PLAT THEREO AS RECORDED IN PLAT BOOK 46, PAGE 24, OF THE PUBLIC RECORDS O HILLS ROOKJOSH COUNTY, FLORIDM.

SYCAMORE ENGING, INC.

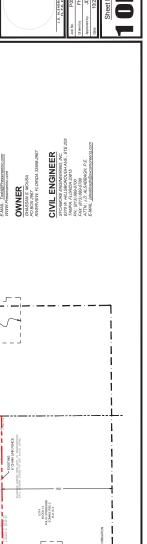
PROPOSED LEGEND

DEVELOPMENT SITE PLAN **ВІЛЕКЛІЕМ, FLORIDA 33569**

11216 McMULLEN ROAD McMULLEN ROAD ASSISTED LIVING FACILITY

AGENT / PLANNER

CIVIL ENGINEER OWNER



- 1 PROPOSED DOMENTON TO THE PROPERTY PLAN.
 1 THE PROBLET DISCOVER WITHIN INDIRING MICHAEL RIGHD OF SIVIL ISED AS SERVED SHEED THE STATE OF THE PROBLET IS COOKED THAN A CHARLOW AND MICHAEL RIGHD AND CORRECT OF COOKED THAN A CHARLOW AND THE PROBLET DEPOSED THAN A CHARLOW AND THE PROBLET DEPOSED THE STATE OF THE PROBLET DEPOSED THE STATE OF THE PROBLET DEPOSED THE STATE OF THE PROBLET THE PROBLET DEPOSED THE STATE OF THE PROBLET SHEED SHEED THAN A CHARLOW AND THE STATE OF THE PROBLET SHEED SHEED THAN A CHARLOW AND THE STATE OF THE PROBLET SHEED SHEED THAN A CHARLOW AND THE STATE SHOP SHEED S



AGENCY COMMENTS

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AGENCY REVIEW COMMENT SHEET

DATE: 5/5/2021 Revised: 10/04/2021

11/10/2021

REVIEWER: Richard Perez, AICP AGENCY/DEPT: Transportation

TO: Zoning Technician, Development Services Department

PLANNING AREA/SECTOR: RV/ South PETITION NO: RZ 21-0110

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

CONDITIONS OF APPROVAL

- The site shall be limited to one (1) access connection designed to non-residential standards of the Hillsborough County Transportation Technical Manual.
- The developer shall a sidewalk construct along the project roadway frontage consistent with Section 6.03.03 of the Land Development Code.
- The developer shall construct ADA/sidewalk connections from the site access point to the building entrance and parking area.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone a +/- 1-acre parcel from Residential, Single-Family Conventional - 2 (RSC-2) to Planned Development (PD). The proposed PD is seeking approval of an Assisted Living Facility (Type C Community Residential Home), totaling 21,828 square feet, with 12 beds.

As provided for in the Development Review Procedures Manual (DRPM), the applicant submitted a letter indicating that the proposed development does not trigger the threshold whereby a transportation analysis is required to process this rezoning. Staff has prepared a comparison of the potential trips generated by development permitted, based upon the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 10th Edition, under the existing and proposed zoning designations utilizing a generalized worst-case scenario.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
RSC-2, 2 Single Family Detached Dwelling Unit (ITE LUC 210)	19	1	2

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM

PD, 12-Bed ALF (ITE LUC 254)	31	2	3

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(+) 12	(+) 1	(+) 1

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE AND SITE ACCESS

McMullen Rd. is a 2-lane, undivided, publicly maintained, substandard, collector roadway characterized by +/- 11-foot wide travel lanes in above average condition. The roadway lies within a +/- 100-foot wide right-of-way. There are no bicycle facilities present along McMullen Rd. in the vicinity of the proposed project. There is +/- 5-foot wide sidewalk along the east side of McMullen Rd. in the vicinity of the proposed project.

By policy of the County Engineer projects generating 10 or fewer total peak hour trips are considered de minimis provided the roadways meet minimum life safety standards (i.e. 15 feet of pavement in a 20-foot clear area).

SITE ACCESS AND CONNECTIVITY

One (1) project access connection on McMullen Rd is proposed to align with Jabez Way, a private road located on the west side of the roadway. The site shall be limited to one access connection per Sec. 6.04.03. I. of the LDC. and the driveway shall be designed to non-residential standard meeting a minimum 24 feet wide consistent with Sec. 6.04.04. A. of the LDC and Transportation Technical Manual.

The developer will be required to construct a sidewalk along the property frontage, consistent with Section 6.03.03; and ADA sidewalk connections between the primary building entrance, parking area and right of way. As such conditions of approval are proposed.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

Roadway	From	То	LOS Standard	Peak Hour Directional LOS
McMullen Rd.	Balm Riverview Rd.	McMullen Loop Rd.	D	С

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				
McMullen Rd.	County Collector - Rural	2 Lanes ⊠ Substandard Road □Sufficient ROW Width	☐ Corridor Preservation Plan☐ Site Access Improvements☐ Substandard Road Improvements☐ Other				

Project Trip Generation ☐ Not applicable for this request							
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips				
Existing	19	1	2				
Proposed	31	2	3				
Difference (+/-)	+12	+1	+1				

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

Connectivity and Cross Access ☐ Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West	Х	None	None	Meets LDC
Notes:	_			

Design Exception/Administrative Variance ⊠ 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:		

4.0 Additional Site Information & Agency Commen	ts Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
☐ Design Exception/Adm. Variance Requested☐ Off-Site Improvements Provided	☐ Yes ☐ N/A ⊠ No		See staff report

COMMISSION

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AGENCY COMMENT SHEET

REZONING		
COMMENT DATE: January 12, 2021		
PROPERTY ADDRESS: 11216 McMullen Rd. Riverview, FL		
FOLIO #: 076828-5382		
STR: 27-30S-20E		

REQUESTED ZONING: From RSC-2 to PD

FINDINGS		
WETLANDS PRESENT	NO	
SITE INSPECTION DATE	01/12/2021	
WETLAND LINE VALIDITY	N/A	
WETLANDS VERIFICATION (AERIAL PHOTO,	N/A	
SOILS SURVEY, EPC FILES)		

INFORMATIONAL COMMENTS:

Wetlands Management 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.

Jpc/mst

Cc: Todd@Pressmaninc.com



AGENCY REVIEW COMMENT SHEET

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: 12/20/2021

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Ghassan S Mousa **PETITION NO:** 21-0110

LOCATION: 11216 McMullen Rd, Riverview

FOLIO NO: 76828.5382

Estimated Fees:

Assisted Living Facility Mobility: \$1,128.00 per bed

Fire: \$313.00 per 1,000 s.f.

Project Summary/Description:

Urban Mobility, South Fire - add 14 beds to Assisted Living Facility - unknown s.f.

revised fees estimated based on Jan 1, 2022 schedule

WATER RESOURCE SERVICES REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PETIT	FION NO.: PD21-0110 REVIEWED BY: Randy Rochelle DATE: 12/31/2020
FOLIC	O NO.:
	This agency would ☐ (support), ☒ (conditionally support) the proposal.
	WATER
	The property lies within the <u>Hillsborough County</u> Water Service Area. The applicant should contact the provider to determine the availability of water service.
	No Hillsborough County water line of adequate capacity is presently available.
	A <u>6</u> inch water main exists \boxtimes (adjacent to the site), \square (approximately feet from the site) <u>and is located within the east Right-of-Way of McMullen Road</u> .
	Water distribution improvements may be needed prior to connection to the County's water system.
	No CIP water line is planned that may provide service to the proposed development.
	The nearest CIP water main (inches), will be located [(adjacent to the site), [(feet from the site at). Expected completion date is
	WASTEWATER
	The property lies within the <u>Hillsborough County</u> Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
	No Hillsborough County wastewater line of adequate capacity is presently available.
	A 16 inch wastewater force main exists (adjacent to the site), (approximately 3000 feet from the site) and is located south of the subject property within the north Right-of-Way of Balm Riverview Road.
	Wastewater distribution improvements may be needed prior to connection to the County's wastewater system.
	No CIP wastewater line is planned that may provide service to the proposed development.
	The nearest CIP wastewater main (inches), will be located [(adjacent to the site), [(feet from the site at). Expected completion date is
COMM	MENTS: This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.

AGENCY REVIEW COMMENT SHEET

TO:	TO: ZONING TECHNICIAN, Planning Growth Management DATE: 21 Dec 2020		
REV	TEWER: Bernard W. Kaiser, Conservation and E	nvironmental Lan	ds Management
APP	LICANT: Todd Pressman	PETITION NO:	RZ-PD 21-0110
LOC	CATION: 11216 McMullen Rd., Riverview, FL 3356	<u> </u>	
FOL	IO NO: <u>76828.5382</u>	SEC: <u>27</u> TWN:	<u>30</u> RNG: <u>20</u>
	This agency has no comments.		
	This agency has no objection.		
	The agency has no expecten.		
	This agency has no objection, subject to listed of	r attached conditi	ons.
	This agency objects, based on the listed or attac	shed conditions	
	This agency objects, based on the listed of attac	Silva corialitions.	
COM	COMMENTS:		

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HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	>
IN RE:)
ZONE HEARING MASTER HEARINGS)))
	>

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

PAMELA JO HATLEY

Land Use Hearing Master

DATE:

Monday, January 18, 2022

TIME:

Commencing at 6:00 p.m.

Concluding at 10:27 p.m.

PLACE:

Robert W. Saunders, Sr. Public

Library

Ada T. Payne Community Room

1505 N. Nebraska Avenue Tampa, Florida 33602

Reported via Cisco Webex Videoconference by:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

Executive Reporting Service

	Page 21
1	HILLSBOROUGH COUNTY, FLORIDA
2	BOARD OF COUNTY COMMISSIONERS
3	ZONING HEARING MASTER HEARINGS January 18, 2022
	ZONING HEARING MASTER: PAMELA JO HATLEY
4	
5	B1:
6	Application Number: RZ-PD 21-0110 Applicant: Ghassan S. Mousa
7	Location: 11216 McMullen Rd.
8	Folio Number: 076828.5382 Acreage: 1 acre, more or less
9	Comprehensive Plan: R-4 Service Area: Urban
	Existing Zoning: RSC-2
10	Request: Rezone to Planned Development
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Executive Reporting Service

Page 22 MR. GRADY: The first item is agenda item 1 2 B-1, Rezoning-PD 21-0110. The applicants is Ghassan Mousa. The request is for a rezoning from RSC-2 to 4 5 Planned Development. This is a remand case. Michelle Heinrich will provide staff recommendation 6 after presentation by the applicant. HEARING MASTER HATLEY: All right. Thank 9 you. Applicant? 10 MR. PRESSMAN: Good evening, Hearing 11 12 Officer. Todd Pressman, 200 2nd Avenue South, 13 No. 451 in St. Petersburg, Florida. 14 This is 21-0110. If we can pull up the 15 PowerPoint, please. Thank you. 16 Thank you. Hearing Officer, you have that in 17 front of you? Thank you. This is 21-0110, which 18 is revised and was remanded. Next slide, please. Located in the Riverview area. Next slide, 19 20 please. 21 A little closer view on McMullen Road, north 22 of Balm River Road. Next slide, please. 23 The applicant is Angel TCH, LLC. The site 24 has been existing as a Type B -- as a Type A, six-bed ALF, four years. Senior living provider. 25

Page 23 They have four other ALFs. They have nine years' 1 experience in the business. Cliff Scott is their operating central person and owner. He's a disabled marine. Wife has a master's in health 5 administration. 6 We are seeking expansion to 12 beds under PD of which revised today from 19 beds previously. 8 Next slide, please. 9 HEARING MASTER HATLEY: How many beds are 10 existing now? How many? MR. PRESSMAN: Six now. 11 12 HEARING MASTER HATLEY: Six now. 13 MR. PRESSMAN: We had originally requested 19. We brought it down to 12. This is a close-up 14 15 aerial of the location. Next slide, please. So revised the issue is on 1 acre RSC-2 to a 16 Again, previous was 19 was a C. Reduced it to 17 18 12 beds, so is now a B. Next slide, please. 19 And that's reduction of square footage as 20 well and also change the access point of which was 21 having a lot of concerns by the County. So we've 22 moved that and there's no longer concern in that 23 regard. Next slide, please. Planning Commission, they note for the 24 25 Southshore Community Plan housing opportunity for

- 1 all income groups should be maintained.
- 2 Applicant's proposing a nonresidential use with
- residential architecture and character which will
- 4 support the visions of Riverview and Southshore
- 5 Community Plans. Next slide, please.
- 6 Showing the zoning map. Next slide, please.
- 7 And Future Land Use Category, the Planning
- 8 Commission reads typical allowable uses in this
- 9 Future Land Use Category of R-4 include residential
- 10 suburban scale, neighborhood commercial, office
- 11 uses, multipurpose projects. Next slide, please.
- This is the view of the home currently.
- 13 Next slide, please.
- So the expansion will carry along the
- 15 residential character of the site, which will
- include the colors, architectural design features
- that are existing both to the sides and to the
- 18 rear. Next slide, please.
- 19 And maintain the residence of character of
- 20 the roof features, window design, colors, the humps
- and bumps of the structure, and it stays at two
- 22 stories. Next slide, please.
- 23 So this is the site plan as proposed. Next
- slide, please. This is the existing two-story
- 25 residence as again existing. Next slide, please.

This would be the proposed new residences. Next slide, please. And to the interior is the courtyard. Next slide, please.

Now, just showing you with the yellow arrow that we have substantially changed the access which has cleared up a lot of issues and concerns. Next slide, please.

Very low trips, obviously, for use of this nature. The county traffic engineer calls it de minimis. They rated a 31-trip-per-day; 2:00 a.m. as the peak; 3:00 p.m. is the peak. Next slide, please.

In regard to some concept plans or comp plans that do support Policy 1.4.3 sites for group homes, foster care facilities will be approved in the areas with residential character to meet the needs of the population requiring such housing. That's an important direction.

It's been many years both in the federal and state level to not warehouse our grandmothers and grandfathers in commercial or industrial districts but to bring them into the residences and communities.

And that's why -- I would suggest that's why this comp policy is here or that it parallels that

direction. Next slide, please. Also, in the Comp
Plan, noting Hillsborough County has established
Comp Plan policies and the zoning process of which
do allow group homes in certain residential areas
and the areas of residential character. That is
the direction. That is the push. Next slide,
please.

Rule No. 2 is promote and assist the provision of ample housing supply with a broad range types of price levels to meet current and project the housing needs so that all Hillsborough County residents have the opportunity to purchase or rent housing and standard housing. Next slide, please.

The use -- bear with me. The use is extremely non-impacting on the site. There's no exterior activity. There's no noise. There's no loud trips. There's no pools, no music, no real parties. It's all interior. Fence and distance separation, the home expansion will maintain a strong residential character. To the rear is natural buffering. Next slide, please.

It is part of the subdivision. The impact on the subdivision is minimal or none as far as we're concerned. It's located on McMullen Booth.

Page 27 1 All the access is out -- I'm sorry. It's on McMullen. I said McMullen Booth. I'm sorry. on McMullen. There's no reason for access into the 4 5 subdivision of any kind. Again, we don't see any 6 impacts per its location in the subdivision. slide, please. We have asked to meet and discuss with the HOA many times. We have not been given the ability 9 10 or invitation to do so. Next slide, please. 11 It has the test of time. Again, this site 12 has operated for four years, as per the applicant, 13 without a single complaint or concern until this 14 application was made aware through public noticing. 15 Next slide, please. 16 And, again, the push from the state and 17 federal is to not warehouse our grandmothers and 18 grandfathers in sterile commercial areas and, in 19 fact, that's exactly what's happening here. 20 Angel's has cared for two families from this 21 specific subdivision and six other families in very 22 close proximity. 23 So this is a local, small care center that 24 does attract and bring in very local residents,

Executive Reporting Service

which allows families to visit them more often,

keep tabs on them more often, adds more homey residential environment. Next slide, please.

So we will meet, of course, the setbacks of the RSC-2 district. Next slide, please. The proposed expansion is only to the rear at the same height, same equivalence in that regard. Next slide, please.

But I think it's important when you look at the waivers that are required. Now, under RSC-2, two homes could go here, and they would be at RSC-2 setbacks, which is in our opinion less than what you're going to see with this expansion.

So best is to point to bring forward that while waivers are required for this particular use, because it's a residential character and maintains a really quiet residential use, less impacts than a residential home, we believe that it does fit at this site as compared to what the zoning code normally would allow. Next slide, please.

Zoning staff brings concerns about the appropriateness and intensity 500 feet separation for the use. We believe that the use is quiet. What zoning could allow is less. Less impacting and in terms of appropriateness, the use is very appropriate. Next slide, please.

The Planning Commission states about 1 2 compatibility -- I know you're well aware of this -- maintain the character of existing development in terms of height, scale, mass, and 4 5 bulk. We certainly meet height scale, mass, and bulk. 6 Per the Southshore Community Plan, housing 8 opportunities for all income groups should be maintained which would support the revisions of the 10 Riverview Southshore Community Plans. Next slide, 11 please. 12

So in summary, the Seffner Mango Community
Plan does support as indicated by the staff, will
carry the residential character. It's a very small
increase really and not impacting use for the
property. Comp Plan -- there are Comp Plan
policies that support it. The site has had the
test of time, and again, this is a good location
for grandmas or grandfathers.

Any questions we'll be happy to answer them for you.

22 HEARING MASTER HATLEY: I don't have any 23 questions for you right now. Thank you.

MR. PRESSMAN: Thank you.

25 HEARING MASTER HATLEY: All right.

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- 1 Development Services.
- MS. HEINRICH: Hi. Good morning. I'm
- 3 sorry, good afternoon or good evening. This is
- 4 Michelle Heinrich with Development Services, and
- 5 I'm going to go ahead and share my screen, if you
- 6 can just give me a moment.
- 7 Okay. Are you able to see that?
- 8 HEARING MASTER HATLEY: Yes.
- 9 MS. HEINRICH: Okay. Sorry for that delay.
- 10 Again, this is a remand for Rezoning
- 11 Application 21-0110. This is a remand. This was
- 12 previously heard this past summer, and at the
- applicant's request he did request a remand to
- slightly alter the request to have a re-review by
- 15 staff.
- And some of the changes that have been
- presented to staff for evaluation, the original
- request was a PD rezoning from RSC-2 to a Type C
- 19 Community Residential Home.
- 20 That's for 19 beds with the overall -- with
- the expansion and the existing home of
- approximately 9,400 square feet, and it did have
- three waiver requests from residential zoning found
- to the north, south, and east.
- 25 Also, there was an access point that was

Executive Reporting Service

proposed at a more northern location and was the
existing access point for the home. Under this
remand, the applicant has made some changes.

Again, it still requires a rezoning. Currently,
the zoning is RSC-2, and they are now seeking a PD
for a 12-bed Community Residential Home. So this
does change the type go to a Type B.

There is a slight decrease in the overall square footage for the entire structure, which would be slightly over 9,000 square feet. It still has waiver requests to the 500 distance separation requirement from the residential zoning found to the north, south, and east.

However, they have relocated the access point to a location that is compliant with the access management standards. It is in the RES-4 Future Land Use Category. This is a Suburban Land Use Category. It allows to -- for one to consider low-density residential, commercial, and office.

If residential, the maximum density that's permitted is four units per acre, and then the request for any commercial or office uses do need to take a look at locational criteria and compatibility policies of the Comprehensive Plan.

Our review of the area found that it is a

low-density residential area. As you see on the map, you have Agricultural zonings to the west side of the roadway and then RSC-2 on the east side.

For the areas that are closest to the property, we have AR zoning, which is a large lot zoning district requiring a minimum of 5 acres and pretty significant setbacks.

On the east side of the roadway where the Community Residential Home is proposed is RSC-2 zoning. That requires a minimum lot size of a half acre and then setbacks of 25 to the front, rear, and then ten on each side.

So in this particular case, the applicant has RSC-2 to the north and the Community Residential Home is proposed to be about 27.5 feet from the property line. There is RSC-2 to the south, and the Community Residential Home is proposed to be 38 feet from that property line.

To the east is RSC-2, and that distance to the property line is a little over 148 feet; and to the west is AR zoning. So there's no requirement to meet the 500 distance requirement, and the home will meet the 50-foot setback for that zoning district.

I have here shown up a blown-up version of

the site plan, and you'll see it is for a 12-bed
Community Residential Home. This is an existing
two-story home, and then they do propose a
two-story addition of a little over 9,000 square
feet.

The LDC requires a minimum buffer of 5 feet and a Type A screening where it is adjacent to single-family residential. The applicants are proposing to meet that requirement. The parking area is located to the northwest area of the site.

The access point has been moved southward as Mr. Pressman showed you, and the waivers request to the north at a little over 472 feet; a waiver request of 462 to the south and a little over 351 to the east.

And just so that you are able to understand the different types of community residential homes, a Type A Community Residential Home is considered a single-family use. It does not require any site development.

It can operate at any neighborhood, and
there is no zoning requirement except that they do
have a distance requirement from other Type A
Community Residential Homes to avoid a
concentration of those in any particular

1 residential area.

When they go up in the number of beds, such as this case, they are considered a Type B or C, and those are viewed more in almost a quasi-multifamily institutional-type use.

Those are not permitted by right in any zoning district due to the need for compatibility evaluation. And Type B and Cs are permitted only by right or Special Use in any of the other zoning districts if they meet the distance requirements that we have been mentioning.

They're not permitted by right in any of our zoning districts, and as you heard in the presentation, this site is in close proximity to single-family residential requiring significant waiver requests on three sides.

And also, as I stated, these now change in the types of use that they are from single-family to more of one that requires site development such as installation of a parking area, a paved parking area, the requirement of buffering and screening around there because it is considered a different type of use, and also increase in the number of staff and visitors that would be on the site.

And, again, for our Community Residential

Page 35 Homes, that is 24-hour care that is to be provided. 1 So based on the fact that these are significant waiver requests and the number of them, without really anything in between that and the 5 residential to provide any, you know, mitigation, 6 we do not recommend approval of the application. And also, the Planning Commission has found 8 it to be inconsistent with the Comprehensive Plan. That concludes my presentation. I'm available for 10 any questions. HEARING MASTER HATLEY: Thank you. I don't 11 12 have any questions, Ms. Heinrich. 13 All right. Planning Commission, please. 14 MS. MASSEY: Good evening, Madam Hearing 15 Master. This is Jillian Massey with Planning 16 Commission staff. 17 As previously mentioned, the applicant 18 requested the application be remanded to 19 October 18th, 2021, Zoning Hearing Master meeting 20 at their regularly scheduled land use public hearing on July 20th, 2021. The BOCC granted the 21 22 applicant's request. 23 The application was continued to 24 January 18th, 2022, ZHM meeting. The remand did 25 not identify any Comprehensive Plan concerns or

issues and has not resulted in a change to that Planning Commission staff recommendation.

The subject property is in a residential

Future Land Use Classification. The development

pattern along McMullen Road consists predominantly

of single-family residential dwellings, a mobile

home park, a plant nursery on the eastern side of

McMullen Road.

Per Policy 20.5, the development of congregate living facilities will be allowed within each of the Land Use plan categories that permit residential development. The proposed Community Residential Home is allowed in the RES-4 Future Land Use Category.

Per Policy 9.2 in the FLUE, developments
must meet or exceed the requirements of all land
development regulations as established and adopted
by Hillsborough County. The application does not
meet Land Development Code 6.11.28.8 requirement of
distance of 500 feet from any area of
non-Agricultural Single-Family zoning per the
intensity of this Community Residential Home.

In addition, Policy 1.4 states that compatibility does not mean the same as but maintaining the character of the existing

Page 37 development, including intensity elements of height 1 scale, mass, and bulk. Being the Land Development Code 6.11.28.A, a requirement ensures compatibility 4 between the proposed Community Residential Home and the surrounding single-family residential 5 6 dwellings. The allocation is not consistent with 8 Policy 9.2 as the applicant does not meet this section of the Land Development Code. 9 10 Policy 17.1, residential support uses must be 11 compatible with the surrounding land uses and 12 zoning per the design intensity and scale. 13 A Community Residential Home qualifies as a 14 residential support use. In order to meet the 15 desired intensity per the Land Development Code, 16 all Community Residential Homes must be at least a 17 distance of 500 feet from any area of RSC 18 single-family zoning. The proposed 12-bed 19 Community Residential Home does not meet this 20 requirement. The site is located within the limits of the 21 22 Riverview and Southshore Community Plans. The site 23 is located in the residential district of 24 Riverview, which has been developed as primarily

Executive Reporting Service

residential and encourages attractive residential

Page 38 development that complements the surrounding 1 character and promotes housing diversity. Per the Southshore Community Plan, housing 4 opportunities for all income groups should be 5 maintained. The applicant is proposing a 6 residential support use with residential architecture and character which would support the 8 visions of these two community plans. 9 However, overall, the proposed Planned 10 Development is inconsistent with the goals, 11 objectives, and policies of the Future of 12 Hillsborough Comprehensive Plan for unincorporated 13 Hillsborough County as it does not meet all the development code regulations under Policy 9.2. 14 15 And this concludes my presentation. If you 16 have any questions, I'd be glad to answer. 17 HEARING MASTER HATLEY: All right. Thank 18 you, Ms. Massey. 19 Is there anyone here or online who wishes to 20 speak in support of this application? Anyone who 21 wishes to speak in support? All right. Don't hear 22 anyone. 23 Is there anyone here or online who wishes to 24 speak in opposition to this application? Please 25 come forward. Thank you.

MR. FITZPATRICK: Thank you. My name is

Scott Fitzpatrick. I'm with Owens Law Group, and

my address is 811-B Cypress Village Boulevard,

Ruskin, Florida 33573.

And I have the honor to be here tonight on behalf of the Shadow Run Homeowners Association, which is the homeowners association which this particular property at issue tonight is a part of.

My -- my client has over 250 members who oppose the applicant's request. Therefore, my client opposes the applicant's request. We had submitted a letter way back in March -- March 13th of 2021 outlining my client's objections, and I think that's part of the record.

I have a copy here tonight if the Hearing

Officer would like a copy, but I'd be glad to

share. But I'm not going to restate all of those

arguments that we stated in five or six pages. I'm

just going to reference that in the record.

You know, what the applicant is asking for is to more than double the current beds at this property. We -- we simply echo the concerns of the Development Services and the Planning Commission, and we respectfully ask the Hearing Officer to deny applicant's request. Thank you so much.

Page 40 1 HEARING MASTER HATLEY: Mr. Fitzpatrick. 2 MR. FITZPATRICK: Yes, ma'am. HEARING MASTER HATLEY: What is your -- what is the community's experience with the -- the 4 5 existing use? 6 MR. FITZPATRICK: The -- I would say that the community -- from the feedback that I've 8 received, the community's experience with the existing use has been negative, but I think that the concerns that I've heard would be amplified by 10 11 an increase. 12 Ambulances in the middle of the night. 13 Vehicles coming and going. You know, this is a 14 residential neighborhood -- single-family home 15 residential neighborhood. 16 And it just -- in my opinion, it just 17 doesn't fit in and I think the opinion of my 18 clients is that it just doesn't fit into the 19 character of the neighborhood. And therefore, 20 they're greatly concerned and have spent the money 21 to send me here tonight to voice that to you. 22 HEARING MASTER HATLEY: Okay. Thank you. 23 don't have any more questions for you. If you 24 would like to submit your letter, please just leave 25 it with the clerk here, and I'll get a copy of it.

	Page 41
1	MR. FITZPATRICK: Thank you so much for your
2	time.
3	HEARING MASTER HATLEY: And I need you to
4	sign in with her anyway. Thank you.
5	Is there anyone else who wishes to speak in
6	opposition to this item?
7	Okay. All right. Development Services,
8	anything further?
9	MR. GRADY: Nothing further. I just want to
10	note for the record, we did hand out some revisions
11	to the staff report to correct a typo that was on
12	the portion of the property. So other than that,
13	no changes.
14	HEARING MASTER HATLEY: And I have those.
15	Thank you.
16	Applicant, rebuttal and summation.
17	MR. PRESSMAN: For the record, Todd Pressman
18	again. 200 2nd Avenue South, No. 451,
19	St. Petersburg.
20	This application has been noticed four or
21	five times. We've had to clearly made every
22	effort to work with the County, tried to make every
23	effort to work with the HOA. We made a lot of
24	changes, modifications to try to make it work.
25	The fact is we've not heard from a single

Page 42 direct abutting or nearby neighbor. I heard with 1 all due respect from -- I think it was Mr. Fitzgerald if that name's correct. 4 really -- he didn't really indicate who he was 5 representing. I assume it's the HOA Board. 6 We don't know how many specific residents he spoke with or which residents he may have spoke 8 with, but I can tell you this, that there's been a yellow sign out there for months, and we have 9 repeatedly noticed the notice. And we have not 10 11 heard any opposition from any directly homes that 12 could be affected by the use that's proposed. 13 Now, we have -- all due respect to the 14 HOA -- unfortunately, we're not given the 15 opportunity after asking many times to speak with 16 them and try to work through issues and that's fine. 17 18 We have all respect for them, but again, 19 looking at the aerial that showed the subdivision, 20 all of the activity is towards the front on 21 McMullen Road. That's where the parking would be. 22 That's where a few staff members would come and go. 23 Not many. Very few. There's only 12 residences --24 or residents. 25 So those impacts are focused away from the

Page 43 subdivision, and there's no access -- direct access 1 from the site into the subdivision, only on McMullen Road. So I do take a little bit of concern when it 5 was put in the record that 250 people were against 6 us. I -- I just -- my personal opinion, we just have some concerns about that. So the waivers blindly stamp this use as some kind of obnoxious, onerous, disruptive activity like it's DJ rage club or an outdoor 10 go-cart track, which simply is not the case. 11 12 The waivers are excessive. The waivers 13 don't meet what the use is, nor where it's 14 proposed, and that's one of the main reasons why we 15 changed the reductions. 16 So with that, we appreciate your attention 17 and happy to answer any questions. 18 HEARING MASTER HATLEY: Mr. Pressman, can 19 you talk a little bit about the concerns the 20 Planning Commission has about compatibility and --21 and I believe the Planning Commission staff 22 mentioned intensity elements, including height, 23 scale, mass, and bulk. 24 I mean, the size of the structure will more 25 than double and be much larger than surrounding

Page 44 homes. Could you speak to the compatibility, 1 please. MR. PRESSMAN: Well, there's a lot of elements under compatibility. It's the use. It's 4 5 the height. It's the architecture. Many of those 6 elements do meet compatibility, at least in our 7 opinion. Now, the large structure is to the rear. So 9 from the street, it's not going to look bigger. It's going to be two stories. The main visibility 10 element would be to either side, and again, we've 11 12 not heard any opposition from either of those 13 folks. And I think it is important to keep in the 14 15 parameters theory-wise under RSC-2, two structures 16 could be permitted on that property, two units per 17 acre. And that would be larger than what's 18 proposed under this request. 19 Part of the expansion is also a nice 20 courtyard in the center, which is a nice amenity 21 for our grandmothers and grandfathers who will be 22 living there. HEARING MASTER HATLEY: Okay. That's all 23 24 the questions I have for you. 25 MR. PRESSMAN: Appreciate your attention.

	Page 45
1	Thank you.
2	HEARING MASTER HATLEY: Thank you,
3	Mr. Pressman.
4	All right. So this will close the hearing
5	then on Rezoning 21-0110.
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HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER)
HEARINGS)
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, December 13, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 10:10 p.m.

PLACE:

Cisco Webex

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 130
Clearwater, FL 33762
(800) 337-7740

Page 8 1 page 4 of the agenda. 2 The first item is item A-1, Rezoning-Planned Development 18-0798. This is being continued to the April 18th, 2022, Zoning Hearing Master 4 5 Hearing. 6 Item A-2, Rezoning-PD 20-1253. This is 7 being continued to the -- by the applicant to the 8 January 18, 2022, Zoning Hearing Master Hearing. 9 Item A-3, Rezoning-PD 21-0110. application is out of order to be heard and is 10 being continued to the January 18, 2022, Zoning 11 12 Hearing Master Hearing. 13 Item A-4, Rezoning-PD 21-0647. 14 application is being continued by the applicant to 15 the January 18, 2022, Zoning Hearing Master 16 Hearing. 17 Item A-5, Rezoning-PD 21-0701. This 18 application is being continued by the applicant to the January 18, 2022, Zoning Hearing Master 19 20 Hearing. 21 Item A-6, Rezoning-PD 21-0744. This 22 application is being continued by the applicant to the January 18, 2022, Zoning Hearing Master 23 24 Hearing. 25 Item A-7, Rezoning-PD 21-0745.

From: Rhea Case
To: Timoteo, Rosalina

Subject: RE: Hillsborough County ZHM

Date: Tuesday, October 26, 2021 8:47:10 AM

Attachments: image001.png

image003.png image002.png 10-18-21 ZHM PDF.pdf

External email: Use caution when clicking on links and attachments from outside sources.

Good morning, Rosa.

Please see the on page 5, line 24 there is a "sic".

The sic you see in quoted text marks a spelling or grammatical error. It means that the **text was quoted verbatim**, and the mistake it marks appears in the source. It's a Latin word that means "so" or "thus."

I spoke with our reporter, Christina, and she explained that she has never had to change a sic in the many years she has transcribed these hearings. The reason for that is if she does, the record does not reflect verbatim what was said.

The reporter suggested that she could put a sic with the correct number in parentheses next to it. However, this is not normally how a transcript should read.

Please let me know if you would like the reporter to add the correct number in parentheses this time.





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HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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IN RE:)
ZONE HEARING MASTER HEARINGS) ((

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

PAMELA JO HATLEY and SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, October 18, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 10:33 p.m.

PLACE:

Cisco Webex

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
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Clearwater, FL 33762
(800) 337-7740

First, I'd like to welcome you-all and introduce Mr. Brian Grady of Hillsborough County Development Services Department. Mr. Grady will introduce staff and the agenda changes, withdrawals, and continuances. Mr. Grady.

MR. GRADY: Good evening, Madam Hearing
Officer. Again, for the record, Brian Grady,
Hillsborough County Development Services
Department.

We do have three changes to tonight's published agenda. The first change is on page 6, item B-2, Rezoning-PD 21-0116 (sic). The applicant is requesting a continuance to December 13th, 2021,

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Page 6 Zoning Hearing Master Hearing. Though, the 1 applicant's here to explain the reasons for the request. MR. PRESSMAN: Todd Pressman, 200 2nd Avenue 4 5 South, No. 451 in St. Petersburg, Florida. Good evening, Hearing Officer. We've been 6 7 working closely with staff, and we've changed our 8 direction pulling away from and withdrawing a 9 Transportation Review that's changed in the 10 application. So we are seeking a continuance to be able to accommodate that and other changes in the 11 12 plan. 13 HEARING MASTER HATLEY: All right. Thank 14 you. 15 MR. GRADY: This is item on page 6, item 16 B-2, Rezoning-PD 21-0110. 17 HEARING MASTER HATLEY: 0110. Thank you. 18 Mr. Pressman, I need you the sign in with 19 the clerk, please. 20 All right. Is there anyone here or online 21 who wishes to speak in support or opposition to the 22 request for continuance? Anyone who wishes to speak to this item? All right. I don't hear 23 24 anyone. 25 All right. So this -- this item

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

PAMELA JO HATLEY

Land Use Hearing Master

DATE:

Monday, May 17, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 10:31 p.m.

PLACE:

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Reported By:

Christina M. Walsh, RPR
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	Page 60
1	HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
2	ZONING HEARING MASTER HEARINGS
3	May 17, 2021 ZONING HEARING MASTER: PAMELA JO HATLEY
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5	D1:
6	Application Number: RZ-PD 21-0110 Applicant: Ghassan S. Mousa
7	Location: 11216 McMullen Rd. Folio Number: 076828.5382
8	Acreage: 1 acres, more or less
9	Comprehensive Plan: R-4 Service Area: Urban Existing Zoning: RSC-2
10	Request: Rezone to Planned Development
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Page 61 1 MR. GRADY: The next item is agenda item 2 D-1, Rezoning-PD 21-0110. The applicant is Ghassan S. Mousa. 4 The request is to rezone from RSC-2 to 5 Planned Development. Michelle Heinrich will 6 provide staff presentation after -- recommendation after presentation by the applicant. HEARING MASTER HATLEY: All right. Applicant. 9 MR. PRESSMAN: Good evening, Hearing 10 Officer. Todd Pressman, 200 2nd Avenue South, 11 12 No. 451 in St. Petersburg, Florida. 13 This is 21-0110. Next slide, please. 14 located in the Riverview area. Next slide, please. 15 A little closer. Next slide, please. This is the 16 site at 11216 McMullen Road, again, in Riverview, 17 just a little bit past Jabez Way. 18 Next slide, please. So the issue on this 19 1-acre site is RSC-2 to PD. The purpose of the PD 20 specifically is a 19-bed residential community home 21 Type C. 22 Next slide, please. The site is currently 23 existing with a Type A five-bed ALF. It's been for 24 about four years by Angels THC. They're a senior 25 living provider with four other ALFs. Cliff Scott

- is the owner with his wife as a disabled marine.
- 2 His wife has a master's in health administration.
- We're seeking expansion from the existing
 five beds to 19 beds under the PD. So this would
 be 6,000-square-foot expansion from an existing

6 3,421-square-foot building.

Next slide, please. Under the Seffner Mango
Community Plan, housing opportunities for all
income groups shall be maintained. Staff report
from (unintelligible) notes that the applicant is
proposing a nonresidential use with residential
architecture and character which would support the
visions of the Riverview and Southshore Community
Plans.

Next slide, please. Looking at the zoning map. Next slide. And Future Land Use categories. Next slide, please. So this is the existing site from the roadway. Next slide, please.

The expansion will carry through the colors, architecture, design features. They're existing to both sides and the rear. They'll carry through the window features. There's a couple of windows that are semicircles at the top.

The roof humps and bumps, all that will be maintained throughout the entire structure. Roof

features and design, window design, colors, humps and bumps, and stays at two stories. Next slide, please.

This is the PD plan as submitted. And you'll see the expansion. Next slide, please. And color. Next slide, please. So under RSC-2, two units per acre is permissible. So this property will carry two homes. Equivalent of two homes could go here under R-4. Of course, that would -- under the Future Land Use category be four units per acre.

The key here, Hearing Officer, is that this has very low trips and very low impacts proposed. It will be 52 trips per day per ITE, four trips in the a.m. peak, six trips in the p.m. peak.

Next slide, please. Now, compared to the existing ALF, which has 30 trips per day, the only difference with this expansion is 22 daily trips. And that's, of course, a reflection of the use which is a very low trip rate.

Next slide, please. Now, looking at the housing element of the Comp Plan, which was not cited at all by the Planning Commission, notice the group homes and foster care facilities should be available as housing options. Hillsborough County

has established Comp Plan policies in the zoning process which will allow group homes in certain residential areas and areas of residential character.

Next slide, please. Policy 1.4.3. Sites for group homes, foster care facilities will be approved in areas with residential character to meet the needs of the population requiring such housing.

And this has been a push -- you might be aware -- I would assume that you are aware that there's been a shift from a number of years ago from these facilities being in commercial and nonresidential areas both at the federal, state, and local levels that these are uses that our grandparents and our parents need to be a part of the community. Not shunted to a commercial warehouse or commercial area.

And I believe, it's my opinion, that's partly where this policy comes from and that's what the policy stands for. Next slide, please. Goal No. 2, promote and assist in the position of ample housing supply with a broad range of types and price levels to meet current and projected housing needs so that all Hillsborough residents have the

Page 65 opportunity to purchase or rent standard housing. 1 Next slide, please. The zoning staff concerns -- and, of course, obviously, not speaking for them -- I merely as I read the report looked at 4 5 appropriateness and intensity and the 500-foot separation for the use. 6 7 Next slide, please. The use is extremely 8 non-impacting in a large lot. There's no exterior activity. There's no noise. There's no allowed 9 trips. There's no pool parties. There's no 10 parties. There's no loud music. It's all 11 12 interior. 13 There's a fence and distance separation and the home expansion will maintain a strong 14 15 residential character. To the rear is natural 16 buffering of the lot. Next slide, please. It will meet all sides and rear setbacks of the RSC-2. 17 18 Next slide, please. Planning Commission 19

Next slide, please. Planning Commission notes, states that compatibility does not mean the same as but maintain the character of existing development including intensity elements: Height, scale, mass, and bulk.

We believe that we meet those. We believe that we maintain a residential character on a particularly large lot. Also notes housing

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opportunities for all income groups should be
maintained, which support, again, the visions of
Riverview and Southshore Community Plans.

Policy 17.1, residential support uses must be compatible with the surrounding land uses and zoning per the design, intensity, and scale. Next slide, please.

So in theory, the maximum capacity or density is -- under RSC-2 is that two units of the same size could be here. That's a pretty significant density that is acceptable to zoning. Of course, the Future Land Use category says you can do it four times.

So compared looking at -- Planning

Commission looked at intensity and impacts and how

we look at it are two different things, but the

fact is that there can be more density here. There

can be a lot more intensity. But the use we're

proposing critically is very low trips and low

impacts.

Next slide, please. The proposed expansion is also to the rear. Of course, that includes the height and other equivalence. But to the rear is where the larger part of the lot is existing. So there's lesser impacts in that regard.

Next slide, please. Now, transportation comments. There are a lot of comments from transportation, and we're dealing with them at the moment, but the response to them -- next slide, please.

Transportation issues is a 75-foot separation where 245 feet is required, specifically to Jabez Way. And also referring to striping calling for no passing directly in front of the site. But transportation wants -- they want the driveway to come southward and match up Jabez Way.

Next slide, please. Jabez Way is dead-end private road. There are only approximately nine or ten mobile homes. Very low trips. I think that changes from time to time because as I looked at street-level views, over a couple of different years there were changes. But the best account I can make was just nine or ten mobile homes and a dead end.

So there's very little interaction with

Jabez Way. The Transportation Staff I don't

believe included that in their analysis. Next

slide, please. We looked at the history through -
my civil engineer pulled a history of crashes.

Very safe area. Five years, four crashes. One was

at an intersection further way. One was just

someone appropriately backing up, which we all see

happening from time to time, and two-lane

departure.

So it is a very safe, immediate area in terms of traffic and transportation. Next slide, please. And staff looks at striping or the Transportation Staff looks at striping. So if you look at the driveway where it is now, there is a striping element. But moving it 75 feet to the south doesn't really change that element. Very minor. Let alone it's all done for 22 additional trips, daily trips per the ITE of what we're proposing.

Next slide, please. Again, compared to the ALF the difference is only 22 daily trips. Next slide, please. So the transportation issues, quite frankly, are a tremendous undue burden. They want the driveway moved. That moves a lot of gears on the site.

The utilities have to be moved. Physical aspects on the site, internal access point all has to be moved. Grading, fire hydrant has to be moved. Gait valve adjustments, the power poles.

Our civil engineer estimates those changes are

Page 69 \$50,000 for, again, 22 additional daily trips. 1 Next slide, please. So in summary, the Seffner Mango Community Plan supports as I've shown you that one policy. We are going to carry the 5 residential character throughout the whole site. 6 Very small -- excuse me, very small increase and non-impacting use. And transportations have been addressed. Happy to answer any questions you might 10 have. I'm going to put in the record proposed 11 conditions, if I may, and also a copy of the 12 PowerPoint. 13 HEARING MASTER HATLEY: All right. you, Mr. Pressman. I don't have any questions --14 15 well, I do have a question for you. 16 You mentioned the owner as Cliff Scott. 17 He's not the property owner, though. Right? 18 MR. PRESSMAN: Okay. Yeah. I apologize. 19 That's correct. He's the operator. That's my 20 error. Thank you. 21 HEARING MASTER HATLEY: Okay. So the owner 22 is --23 MR. PRESSMAN: Is listed. 24 HEARING MASTER HATLEY: Okay. Thank you. That's all I have. 25

- 1 MR. PRESSMAN: Thank you. HEARING MASTER HATLEY: Okay. Development Services, please. MS. HEINRICH: Hi. Good evening. This is 4 5 Michelle Heinrich, Development Services. And I'm going to go ahead and share my screen for you. 6 7 Hopefully, that is working for you. 8 HEARING MASTER HATLEY: We've got it. 9 MS. HEINRICH: Okay. Great. As stated, this is a PD Application 21-0110. This is a 10 request to rezone from property zoned RSC-2 to PD, 11 12 which stands for Planned Development, specifically 13 for a Type C community residential home and that is for a total of 19 beds. 14 15 There is a waiver request to the distance 16 separation requirement of 500 feet from 17 residentially zoned property, and there is no 18 waiver request for the distance requirement to 19 other Type B and C community residential homes in 20 the area. 21 The site as you see is located on the east
 - side of McMullen Road, south of Shadow Run Boulevard.
- 24 The Future Land Use category of the site is 25 RES-4. This is a suburban land use category.

22

is intended for low density residential and
potentially commercial and office uses when

locational criteria and compatibility policies are

met. It does allow for a maximum of four units per

acre.

The surrounding development of the property is shown on the map. It is zoned RSC-2 to the north, south, and east. All of those sites are immediately adjacent to the property, and they are zoned for single-family residential and developed with single-family homes.

Property to the west is also developed with single-family homes, and that zoning district for the western area is AR. On the screen is the site plan for the project. As Mr. Pressman noted, it's currently a Type A community residential home operating in the current building that's shown on the site plan.

The applicant's proposed to expand that to allow for a total of 19 beds. The existing two-story home will have a two-story addition of 6,000 square feet, and this will bring the complete square footage of the project to 9,421 square feet.

The LDC required 5-foot buffering and screening. It is shown as provided along the

north, south, and east. And as shown on the site plan, the parking area is located to the west. The access point is shown on the northern portion of the site on McMullen Road, and that is not

Transportation Staff can, of course, provide you with additional comments on that if you wish after my presentation.

supported by staff as it does not meet spacing

As stated, there is a waiver request to the required distance of 500 feet, and for this project, the property is not meeting that. They are 472 feet to the north, 462 to the south, and 351 to the east.

In our review, we would just note that Type B and Cs are not permitted by right or Special Use in any of our RSC zoning districts. Special Use permits when compliant with our distance requirements are permitted in agricultural, multifamily office, and commercial districts.

As previously stated, this is in close proximity to single-family residential. It is not a minor amount. These are over 300-, 400-foot waivers to that distance requirement to the north, south, and east.

requirements.

Page 73

Also, the access point is not something that

has been supported by staff -- Transportation

Staff. And based upon these findings, we are not

recommending approval, and I'm available if you

6 HEARING MASTER HATLEY: All right. Thank
7 you.

8 All right. Planning Commission.

have any questions.

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

The subject property is located in the Residential-4 Future Land Use category. It is in the Urban Service Area, and the property is located within the limits of the Riverview Community Plan and the Southshore Areawide Systems Plan.

The subject property is in a residential

Future Land Use classification. The development

pattern along McMullen Road consists predominantly

of single-family residential dwellings with a

mobile home park and a plant nursery on the eastern

side of McMullen Road.

Per Policy 20.5 of the Future Land Use

Element, the development of congregate living

facilities can be considered within each of the

land use categories that permit residential

Executive Reporting Service

Page 74 development. With a .99-acre site, the development 1 could be considered for up to 19 beds. Per Policy 9.2 of the Future Land Use 4 Element, developments must meet or exceed the 5 requirements of all land development regulations as 6 established and adopted by Hillsborough County. The application does not meet the Land 8 Development Code requirement of a distance of 500 feet of -- from any area of non-Agricultural 9 10 Single-Family zoning through the intensity of 11 this commercial -- community residential home. 12 In addition, Policy 1.4 of the Future Land 13 Use Element states that compatibility does not mean 14 the same as but rather maintaining the character of 15 existing development, including intensity of 16 elements of things like height, scale, mass, and bulk. 17 18 Meeting the Land Development Code 19 requirement ensures compatibility between the 20 proposed community residential home and the 21 surrounding single-family residential dwellings. 22 In addition, the applicant has submitted an 23 administrative variance for spacing requirements from Jabez Way to the existing access driveway. 24

Executive Reporting Service

Hillsborough County Transportation Staff has

Page 75 determined that the variance request is not 1 approvable based on a variety of reasons. application is not consistent with Future Land Use 4 Element Policy 9.2 as the applicant does not meet 5 the aforementioned requirements of the Land 6 Development Code. Per Policy 17.1, residential support uses 8 must be compatible with the surrounding land uses in zoning per the design, intensity, and scale. 10 In order to meet the desired intensity, per 11 the Land Development Code, all community 12 residential homes must be at least a distance of 13 500 feet from any area of single-family zoning. The proposed 19-bed community residential home does 14 15 not meet this requirement. 16 Overall, the proposed Planned Development is 17 inconsistent with the goals, objectives, and 18 policies of the Comprehensive Plan as it does not 19 meet all the Land Development Code regulations. It 20 is not supported by Hillsborough County 21 Transportation Staff. 22 Based upon those considerations, Planning 23 Commission staff finds the proposed rezoning 24 inconsistent with the Future of Hillsborough

Executive Reporting Service

Comprehensive Plan for unincorporated Hillsborough

- 1 County. Thank you.
- HEARING MASTER HATLEY: Thank you.
- All right. Are there any persons here in
 the room or online who wish to speak in support of

5 this application? Don't hear anyone.

Are there any persons here or online who wish to speak in opposition to this application?

Come forward, please. Were you here when we swore in?

MR. FITZPATRICK: Yes. Good evening, Madam Hearing Officer. It's an honor to be before you, and I thank you for your time this evening.

My name is Scott Fitzpatrick, and I'm an attorney with Owens Law Group. My address is 811-B Cypress Village Boulevard, Ruskin, Florida 33573.

My law firm has been retained by the Shadow Run Homeowners Association, Inc., a Florida not-for-profit corporation, to represent it in its opposition to the rezoning variance and waiver request identified by this file 21-0110.

Based on the documents and information that we have obtained from our client in Hillsborough County, we believe the approval of the rezoning variance and waiver requests would, number one, violate the community's restrictive covenants and

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Florida law; two, be wholly incompatible with the surrounding area community and three, be inconsistent with the vision, goals, and strategies

of the Riverview Community Plan.

single-family use.

Shadow Run units 1 and 2 are located, of

course, in Riverview, Florida. These subdivisions

were approved by Hillsborough County in 1974 and

1976, respectfully. These units, units 1 and 2, of

Shadow Run contain a combined total of 386 lots,

which were all designed for residential and

The community was planned, designed, and advertised as a residential neighborhood. There are no lots in Shadow Run designated for commercial use. In 1977, my client was created and formed with the state of Florida, and as required by its governing documents, the Shadow Run HOA's membership is made up of Shadow Run lot owners.

The approvals for modifications to the subject property being sought by the applicant from Hillsborough County are not consistent with the declaration which prohibits in Article II business and commercial uses.

The Shadow Run HOA has received hundreds of complaints from its members and community residents

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Page 78 who opposed the approvals modifications requested 1 by the applicant. Based on the sheer number of these complaints, it appears the community in large 4 part has unified in its objections to the rezoning 5 and waivers sought by the applicant from 6 Hillsborough County and hence, why the HOA has paid me tonight to come here and make these arguments. 8 Again, I don't want to restate what's been 9 stated by Development Services and the Planning 10 Commission, but, you know, we don't believe this complies with Section 6.11.28.A of the Land 11 12 Development Code. 13 The waiver -- the radius of 500 feet just 14 doesn't exist. It's not like we're a few feet off. 15 They're asking for substantial waiver. 16 section is intended to protect the rights and quiet 17 enjoyment of neighboring residential and 18 single-family property owners such as those which 19 exist within 500 feet of this proposed project. 20 For the protection of the neighboring 21 property owners in Shadow Run HOA, the distance 22 requirements set forth within Section 6.11.28.A of 23 the Land Development Code should be enforced and no 24 waiver should be granted.

Executive Reporting Service

Again, I don't want to go back over the

Page 79 report that was submitted because it's been 1 discussed tonight. There's just one thing I've got to point out. I mean, the -- the building, the home existing is 3,421 square feet. This proposed 4 5 project is going to increase that square footage to 6 9,421 square feet. Go from five residents to 19 residents. 8 I just want to make sure that that's clear. The Shadow Run Homeowners Association respectfully 9 10 requests that you make the following recommendation to the Hillsborough County Board of County 11 12 Commissioners: (A) A denial of the requested 13 Planned Development rezoning of the subject 14 property and (B) A denial of all waivers and 15 variances requested in connection with this 16 project. 17 We -- we oppose this project for all the 18 reasons I've stated here and for all the reasons 19 set forth by the Planning Commission and 20 Development Services as to why this project should 21 not be approved. 22 Your Honor, I would like to just state I did 23 submit a May 13th, 2021, letter and I just want to 24 make sure that's part of the record. And I have

another copy of that here with me tonight if it --

	Page 80
1	if that's more convenient. I can turn that in, but
2	I want to thank you for your time tonight.
3	HEARING MASTER HATLEY: Thank you,
4	Mr. Fitzpatrick. If you want to leave a copy of
5	that letter, it'd be great. I cannot confirm to
6	you that your letter is in the record. Thank you.
7	Are there any other persons here tonight who
8	wish to speak in opposition to this application?
9	All right. Don't hear any. Does
10	Development Services have anything further?
11	MR. RATLIFF: Madam Hearing Officer, this is
12	James Ratliff, Transportation Review. Would this
13	be an appropriate time to
14	HEARING OFFICER HATLEY: Yes.
15	MR. RATLIFF: make a couple of
16	clarifications? Yes. So for the record, James
17	Ratliff with the Transportation Review section.
18	I did want to just clarify something
19	procedurally based on the testimony that we heard
20	from the previous applicant. The administrative
21	review for the spacing application, the 6.04.02.B
22	variance, is I just want to make sure everybody
23	is clear, that the record's clear, that that's not
24	something that's before you tonight for a decision.
25	The sole authority for that decision-making

Page 81

process is with the county engineer. There's a separate appeal process even for that variance process. But that variance has not been denied yet.

The application was submitted less than 30 days ago. It could take us up to 30 days to process that, and so that's why an official denial has not been granted. But again, the county engineer's indicated that that is forthcoming.

So it's a little bit unclear to us, again, why the applicant is wishing to proceed because, again, you know, respectfully, county engineer's the one with the sole purview -- the Zoning Hearing Master Hearing and even the Board of County Commissioners can't direct approval of a variance through that 60.04.02.B process.

So, again, we could end up going through the process recommending zoning approval, ending in a zoning which cannot be constructed. So I wanted to make it clear tonight just in terms of that variance process that it is a separate, you know, distinct process from tonight's hearing.

HEARING MASTER HATLEY: Thank you,

Mr. Ratliff. I do understand that. Thank you.

MR. RATLIFF: Thank you.

Executive Reporting Service

Page 82

MR. GRADY: Madam Hearing Officer, only 1 2 other point I would like to make is that, as I'm sure you're aware, deed restrictions are not enforceable by the County. So any issues regarding 4 5 violation of the deed restriction would be a 6 private matter between the property owners. you. HEARING MASTER HATLEY: Thank you. Ι understand that as well. All right. 9 10 And applicant rebuttal. Does the applicant have anything further? 11 12 MR. PRESSMAN: Yes, I do. Put on the 13 overhead, please. I think it's very important to recognize with the Shadow Run subdivision is that 14 15 the location of the site is located here in 16 McMullen, and that the Shadow Run subdivision

So when we speak about citizens having concerns, the tremendous majority of the entire subdivision is completely out of reach, is completely out of impact of this particular site.

almost completely runs east.

Now, moving a little closer, there are a couple of homes, one or two to the north, maybe one or two to the south, that you could fairly say would be properties that could have impacts.

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	Page 83
1	Although as I've indicated to you, they will not
2	because the use is extremely quiet. Low trips.
3	Again, no parties. I'm not going to beat a dead
4	horse on that.
5	But I think it's important when the Shadow
6	Run subdivision comes up and says we're in
7	opposition to it, the question is, what are the
8	impacts? The impacts to the subdivision to
9	folks in the subdivision in my opinion is extremely
10	low.
11	Secondly, I heard the gentleman with respect
12	talk about hundreds of phone calls. I checked the
13	record before the hearing, and I may be wrong,
14	might have missed it, but I did not see those in
15	the record. I don't have that in the record. And,
16	again, if I missed those, then that's my bad.
17	And, again, I think it's a question of
18	accepting where these uses are, where our parents
19	and our grandparents are going to be residing.
20	Thank you.
21	HEARING MASTER HATLEY: All right. Thank
22	you, Mr. Pressman.
23	That will close the hearing on PD 21-0110.
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Page 1

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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IN RE:)
ZONE HEARING	MASTER)
HEARINGS)
	×

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, March 15, 2021

TIME:

Commencing at 6:00 p.m. Concluding at 10:35 p.m.

PLACE:

Webex Videoconference

Reported By:

Christina M. Walsh, RPR
Executive Reporting Service
Ulmerton Business Center
13555 Automobile Blvd., Suite 100
Clearwater, FL 33762
(800) 337-7740

Page 7 1 Hearing Master process. 2 Item A-5, Major Mod Application 20-0377. 3 This application is being withdrawn by the Zoning Administrator in accordance with LDC Section 10.03.02.C.2. 5 Item A-6, Rezoning-PD 20-1071. application is being continued by the applicant to the May 17th, 2021, Zoning Hearing Master Hearing. Item A-7, Major Mod Application 20-1138. This application is being withdrawn from the Zoning 10 11 Hearing Master process. 12 Item A-8, Rezoning-PD 20-1198. 13 application is out of order to be heard and is 14 being continued to the April 19th, 2021, Zoning 15 Hearing Master Hearing. 16 Item A-9, Rezoning-PD 20-1256. 17 application has been continued by the applicant to the April 19th, 2021, Zoning Hearing Master 18 19 Hearing. 20 Item A-10, Major Mod Application 21-0038 21 (sic). This application is continued by staff to the April 19th, 2021, Zoning Hearing Master 22 23 Hearing. 24 Item A-11, Rezoning-PD 21-0110. 25 application is being continued by the applicant to

Page 8 the May 17th, 2021, Zoning Hearing Master Hearing. 1 2 Item A-12, Major Mod Application 21-0116. 3 This application is being -- staff is requesting this be continued to the May 17th, 2021, Zoning 5 Hearing Master Hearing. Item A-13, RZ-PD 21-0123 -- 123. The staff 7 is requesting this be continued to the April 19, 2021, Zoning Hearing Master Hearing. Item A-14, Major Mod Application 21-0169. This application is out of order to be heard and is 10 being continued to the April 19, 2021, Zoning 11 12 Hearing Master Hearing. 13 Item A-15, Rezoning-PD 21-0212. 14 application is being continued by the applicant to 15 the April 19, 2021, Zoning Hearing Master Hearing. 16 Item A-16, Rezoning-PD 21-0220. 17 application is out of order to be heard and is 18 being continued to the April 19, 2021, Zoning 19 Hearing Master Hearing. 20 Item A-17, Rezoning-PD 21-0221. 21 application is out of order to be heard and is 22 being continued to the April 19, 2021, Zoning 23 Hearing Master Hearing. 24 Item A-18, Rezoning-PD 21-0222. 25 application is being continued by the applicant to

EXHIBITS SUBMITTED DURING THE ZHM HEARING

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SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE _ OF _					
DATE/TIME: <u>5/17/2</u> / (HEARING MASTER: Pamela Jo Harley				
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING				
APPLICATION# RZ 21-0371	NAME COULD DOSSING				
	MAILING ADDRESS OF OF ALOS # 451 CITY ST PER STATE P ZIP 332 HONE 2 27				
	804 - 760				
APPLICATION# RZ 21-037/	NAME Was Moyer				
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	CITY Seffer STATE f ZIP 3358 PHONE 8132994935				
APPLICATION# RZ 21-037/	PLEASE PRINT NAME DAVID SCHAKZ				
112 81 0311	MAILING ADDRESS 901 US 91 E				
	CITY-Seffer STATEFL ZIP3592 PHONE 2995038				
APPLICATION# RZ-21-0371	NAME Stephanie Mortellaro				
	MAILING ADDRESS 705 Bryan Rd				
	CITY Brandon STATE F (ZIP 33511PHONE 813-997-8675				
APPLICATION#	PLEASE PRINT Old SESSING OF				
	MAILING ADDRESS OCO DA SUL ZE TOST				
	CITY THE STATE ZIP ZIP PHONE SOC				
APPLICATION# RZ 21-0110	NAME Scott Fitzpatrick				
	MAILING ADDRESS 811-B Cypress Villege Blub.				
	CITY Riskin STATE FL ZIP 32573 PHONE 634-5425				

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

PAGE 2 OF 6

DATE/TIME: 6:00pm 5/17/21 HEARING MASTER: Pamela Ja Hutley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT APPLICATION # NAME RZ-PD-21-0123 MAILING ADDRESS (452) STATE C ZH PLEASE PRINT **APPLICATION #** NAME STOOLS RZ-PD-21-0123 MAILING ADDRESS 2220 Bow Lance CITY Satety Hardon STATE E ZIP 34695 PHONE 727-638-3366 PLEASE PRINT GROWN **APPLICATION #** Angles CL RZ-PD-21-0123 CITY STATE PI ZIP 3/895 PHONE 727 4/8/475 PLEASE PRINT NAME **APPLICATION #** RZ-PD-21-0123 MAILING ADDRESS 811 Knowles Kd CITY Brandon STATE 7 ZIP 335/ PHONE 3-716 **APPLICATION #** MM 21-0312 MAILING ADDRESS 601 N. Astres CITY /AMPA STATEST ZIP 3360 PHONE (813) 229 . 770 PLEASE PRINT REDOCCOR Kest **APPLICATION #** RZ 21-0314 MAILING ADDRESS 606 E Madison CITY TAMPA STATE L ZIP 3360 PHONE

PAGES OF 6 SIGN-IN SHEET: RFR, ZHM, PHM, LUHO DATE/TIME: 5/17/21 6pm HEARING MASTER: Pamela To Harley PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING NAME Christic Barrein APPLICATION # R7 21-0314 MAILING ADDRESS 5904-A HAMPTON Oaks Parkway CITY TAMPA STATE PL ZIP 33610 PHONE 813 253 . 53/1 NAME Styley ON890 APPLICATION # RZ 21-0314 MAILING ADDRESS KUSOBURSMAILEOM STATE CZIP3348 PHONE 81395 PLEASE PRINT
NAME AM HANNAM **APPLICATION #** MAILING ADDRESS 13802 ORNIE Sunset STATET ZIP 366PHONE 539-3121 NAME MADOUA MIL **APPLICATION #**

RZ 21-0314 RZ 21-0314 MAILING ADDRESS 13322 MORAN . CITY THA STATE FL ZIP 336/8 PHONE 8/3 -96/-963 PLEASE PRINT **APPLICATION #** MAILING ADDRESS 13317 MONAN RZ 21-0314 **APPLICATION #** MAILING ADDRESS 5023 BZ 21-0314

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE OF OF					
DATE/TIME: 5/17/21 6pm HEARING MASTER: Pamelon To Hatley					
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING				
APPLICATION #	PLEASE PRINT NAME MICHAEL BROOKS				
21-0314	MAILING ADDRESS 606 F Midisol Avz				
•	CITYSTATE FL ZIPS ZIPS PHONE 543.5900				
APPLICATION #	PLEASE PRINT NAME THE PLANT OF THE PARTY OF				
21-0315	MAILING ADDRESS 523 W. CAMEZ ST				
	CITY THA STATE ZIP 300 PHONE 0039				
APPLICATION #	PLEASE PRINT NAME Kami Cor bett 3500				
RZ 21-0315	MAILING ADDRESS 101 E Kennedy Blvd Ste 3000 CITY THAMPA STATEPL ZIP PHONE 13-227				
	CITY THE STATE ZIP ZIP PHONE 13-227 8421				
APPLICATION #	NAME LANON SPICKLENTER				
RZ 21-0319	MAILING ADDRESS 601 N. ASINE Dre				
	CITY STATE ZIP 3360 PHONE (513) 229-7200				
APPLICATION#	PLEASE PRINT NAME Nameyah Francis				
21-0319	MAILING ADDRESS 9501 Torobaga Place Riverylew, FC				
	CITY FIVER VIEW STATE FL ZIP 33578 PHONE 9/3-504-9560				
APPLICATION #	PLEASE PRINTUDEVA WALLER				
21-0319	MAILING ADDRESS 9951 as 20th SV.				
	100 Al 57 334B 873 -				

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

DATE/TIME: 5/17/21 Gem HEARING MASTER: Pamela To Hatley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING NAME WUL ON ATOWSKY APPLICATION # R7 MAILING ADDRESS 10445 FIVE COEST DRIVE 21-0319 CITY HVECVIES STATE 9 ZIP3878 PHONE 6329798 NAME Edith Satter **APPLICATION #** RZ MAILING ADDRESS 9606 Mothor R 21-03/9 CITY RIVERVIEW STATE PC ZIP 35 8 PHONE GIL 0907 PLEASE PRINTING OF Strachan APPLICATION # RZ MAILING ADDRESS 9345 MATHOG RD 21-0319 CITYRYFW STATE F ZIP 33578 PHONE 5625 NAME Wich Ael SAlter APPLICATION # 21-03/9 MAILING ADDRESS 9606 MATHOC DO CITY TAMPA STATE AA ZIPSS 78 PHONE 404-2135 PLEASE PRINT NAME JAMES LADOREZ **APPLICATION #** R7 MAILING ADDRESS 33578 9345 MATHOG RP 21-01319 CITY RIVER VIRASTATE FL ZIP PHONE 813 319 3282 NAME PETER PENSA, AICP, AVID FROUP APPLICATION # MAILING ADDRESS 2300 CURLEW RD, STE 201, PALM HARROR 34683 21-0319 CITY______ STATE____ZIP____PHONE 727- 234-8015

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

PAGE 6 OF 6

DATE/TIME: 3/17/21 600 HEARING MASTER: Pamela To Harley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT NAME APPLICATION # RZ MAILING ADDRESS 5023 1/2 21-0319 CITY TPA STATE T ZIP 3360) PHONE PLEASE PRINT **APPLICATION #** NAME Elizabeth Belcher (virrual) R7 21-0371 MAILING ADDRESS 617 Penn National Road CITY Seffrer STATE FL ZIP 33584PHONE PLEASE PRINT APPLICATION # NAME Grace Mc Comas (virrual) R7 MAILING ADDRESS 805 Old Darby Street 21-0371 CITY Se Aner STATE FL ZIP 33584PHONE PLEASE PRINT APPLICATION # NAME Edgardo Hernandez (virrunt) RZ-PD MAILING ADDRESS 971 Knowles Road 21-0123 CITY Brandon STATE FL ZIP 33511 PHONE APPLICATION # NAME Tyler Hudson (virrual) RZ 21-0577 MAILING ADDRESS 400 North Ashley Drive CITY Tampa STATE FL ZIP 35602PHONE PLEASE PRINT APPLICATION # NAME Tyler Hudson (Virtual) MM 21-0344 MAILING ADDRESS 400 North Ashley Drive. CITY Tampa STATE FL ZIP 33601 PHONE

HEARING TYPE: ZHM, PHM, VRH, LUHO DATE: 5-17-2021

HEARING MASTER: Pamela Jo Hatley PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 21-0371	Todd Pressman	Applicant Rep Presentation Packet	No
MM 21-0312	Clayton Bricklemyer	1. Applicant Rep Presentation Packet	No
MM 21-0312	Clayton Bricklemyer	2. Applicant Rep Presentation Packet	No
RZ 21-0110	Todd Pressman	1. Applicant Rep Presentation Packet	No
RZ 21-0110	Scott Fitzpatrick	2. Applicant Rep Presentation Packet	No
RZ 21-0123	Michael Horner	1. Applicant Rep Presentation Packet	No
RZ 21-0314	Christie Barreiro	1. Applicant Rep Presentation Packet	No
RZ 21-0314	Steve Henry	2. Applicant Rep Presentation Packet	No
RZ 21-0315	Steve Henry	1. Applicant Rep Presentation Packet	No
RZ 21-0315	Kami Corbett	2. Applicant Rep Presentation Packet	No

MAY 17, 2021 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, May 17, 2021, at 6:00 p.m., held virtually.

Pamela Jo Hatley, ZHM, called the meeting to order and led in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

Brian Grady, Development Services, reviewed changes/withdrawals/continuances.

D.3. MM 21-0169

- Pamela Jo Hatley, ZHM, sought verification of continued agenda item D.3. MM 21-0169.
- Pamela Jo Hatley, ZHM, announced D.3 MM 21-0222 was continued to June 14, 2021.
- Brian Grady, Development Services, made comments on how to proceed.
- Pamela Jo Hatley, ZHM, calls proponents/opponents on MM 21-0169.
- Pamela Jo Hatley, ZHM, continued MM 21-0169 to June 14, 2021.
- Brian Grady, Development Services, reviewed withdrawals/continuances.
- Pamela Jo Hatley, ZHM, reviewed the meeting procedures.
- Assistant County Attorney Mary Dorman overview of oral argument/ZHM process.
- Pamela Jo Hatley, ZHM, oath.
- B. REMANDS Not Addressed.
- C. REZONING STANDARD (RZ-STD):

C.1. RZ-STD 21-0371

- Brian Grady, Development Services, calls RZ 21-0371.
- Todd Pressman, applicant rep, presents testimony, submitted exhibits.
- Pamela Jo Hatley, ZHM, questions to applicant rep.

MONDAY, MAY 17, 2021

- Todd Pressman, applicant rep, answers questions and continues testimony.
- Christopher Grandlienard, Development Services, staff report.
- Melissa Lienhard, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls proponents.
- Alan Moyer, proponent, presents testimony.
- David Schanz, proponent, presents testimony.
- Stephanie Mortellaro, proponent, presents testimony.
- Pamela Jo Hatley, ZHM, calls opponents.
- Elizabeth Belcher, opponent, presents testimony.
- Grace McComas, opponent, presents testimony.
- Pamela Jo Hatley, ZHM, calls for Development Services.
- Brian Grady, Development Services, made remarks.
- Pamela Jo Hatley, ZHM, called for applicant rep.
- Brian Grady, Development Services, added comments.
- Todd Pressman, applicant rep, gave rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0371

C.2. RZ-STD 21-0577

- Brian Grady, Development Services, calls RZ 21-0577.
- Tyler Hudson, applicant rep, presents testimony.
- Pamela Jo Hatley, ZHM, questions to applicant rep.
- Tyler Hudson, applicant rep, answers questions and continues testimony.
- Christopher Grandlienard, Development Services, staff report.
- Melissa Lienhard, Planning Commission, staff report.

MONDAY, MAY 17, 2021

- Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 21-0577.
- D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ-PD 21-0110

- Brian Grady, Development Services, calls RZ 21-0110.
- Todd Pressman, applicant rep, presents testimony.
- Michelle Heinrich, Development Services, staff report.
- Melissa Lienhard, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents.
- Scott Fitzpatrick, opponent, presents testimony.
- Pamela Jo Hatley, ZHM, calls for Development Services/applicant rep.
- James Ratliff, Development Services, transportation staff report.
- Brian Grady, Development Services, made remarks.
- Pamela Jo Hatley, ZHM, calls applicant rep.
- Todd Pressman, applicant rep, gave rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0110.

D.2. RZ-PD 21-0123

- Brian Grady, Development Services, calls RZ 21-0123.
- Michael Horner, applicant rep, presents testimony.
- Scott Hinrichs, applicant rep, presents testimony.
- Gregory Soulliere, applicant rep, presents testimony.
- Exevie Defranc, Development Services, staff report.
- Melissa Lienhard, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls proponents/opponents
- Edgardo Hernandez, opponent, presents testimony.

- Myrtle Cail, opponent, presents testimony.
- Pamela Jo Hatley, ZHM, calls Development Services/applicant rep.
- Michael Horner, applicant rep, gave rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0123.
- ZHM Breaks
- ZHM Resumes Hearing

D.4. MM 21-0312

- Brian Grady, Development Services, calls MM 21-0312.
- Clayton Bricklemyer, applicant rep, presents testimony.
- Tania Chapela, Development Services, staff report.
- Melissa Lienhard, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes MM 21-0312.

D.5. RZ-PD 21-0314

- Brian Grady, Development Services, calls RZ 21-0314.
- Rebecca Kert, applicant rep, presents testimony.
- Christie Barreiro, applicant rep, presents testimony.
- Pamela Jo Hatley, ZHM, questions to applicant rep.
- Rebecca Kert, applicant rep, answers ZHM questions.
- Kevie Defranc, Development Services, staff report.
- Melissa Lienhard, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls proponents/opponents.
- Stanley O'Neal, opponent, presents testimony.
- Pamela Hannam, opponent, presents testimony.

MONDAY, MAY 17, 2021

- Madonna McDermott, opponent, presents testimony.
- Andrew Lavin, opponent, presents testimony.
- Pamela Jo Hatley, ZHM, call Development Services/applicant rep.
- Michael Brooks, applicant rep, gave rebuttal.
- 🖺 Steve Henry, applicant rep, gave rebuttal.
- Michael Brooks, applicant rep, gave rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0314.

D.6. RZ-PD 21-0315

- Brian Grady, Development Services, calls RZ 21-0315.
- Kami Corbett, applicant rep, presents testimony.
- Steve Henry, applicant rep, presents testimony.
- Kami Corbett, applicant rep, presents testimony.
- Israel Monsanto, Development Services, staff report.
- Melissa Lienhard, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep.
- Kami Corbett, applicant rep, made rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0315.

D.7. RZ-PD 21-0319

- Brian Grady, Development Services, calls RZ 21-0319.
- Clayton Bricklemyer, applicant rep, presents testimony.
- Pamela Jo Hatley, ZHM, questions to application rep.
- Clayton Bricklemyer, applicant rep, answers question.
- Michelle Heinrich, Development Services, staff report.

MONDAY, MAY 17, 2021

- Melissa Lienhard, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents
- Shameyah Francis, opponent, presents testimony.
- Andrea Waller, opponent, presents testimony.
- Brian Grady, Development Services, made comments.
- Rick Gnatowsky, opponent, presents testimony.
- Edith Salter, opponent, presents testimony.
- Carol Strachan, opponent, presents testimony.
- Michael Salter, opponent, presents testimony.
- Dim Ladner, opponent, presents testimony.
- Pamela Jo Hatley, ZHM, call Development Services
- James Ratliff, Development Services, transportation staff report.
- Pamela Jo Hatley, ZHM, calls applicant rep.
- Clayton Bricklemyer, applicant rep, gave rebuttal.
- Peter Pensa, applicant rep, gave rebuttal.
- Steve Henry, applicant rep, gave rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0319.

D.8. MM 21-0344

- Brian Grady, Development Services, calls RZ 20-1282.
- Tyler Hudson, applicant rep, presents testimony.
- Steven Beachy, Development Services, staff report.
- Melissa Lienhard, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 20-1282

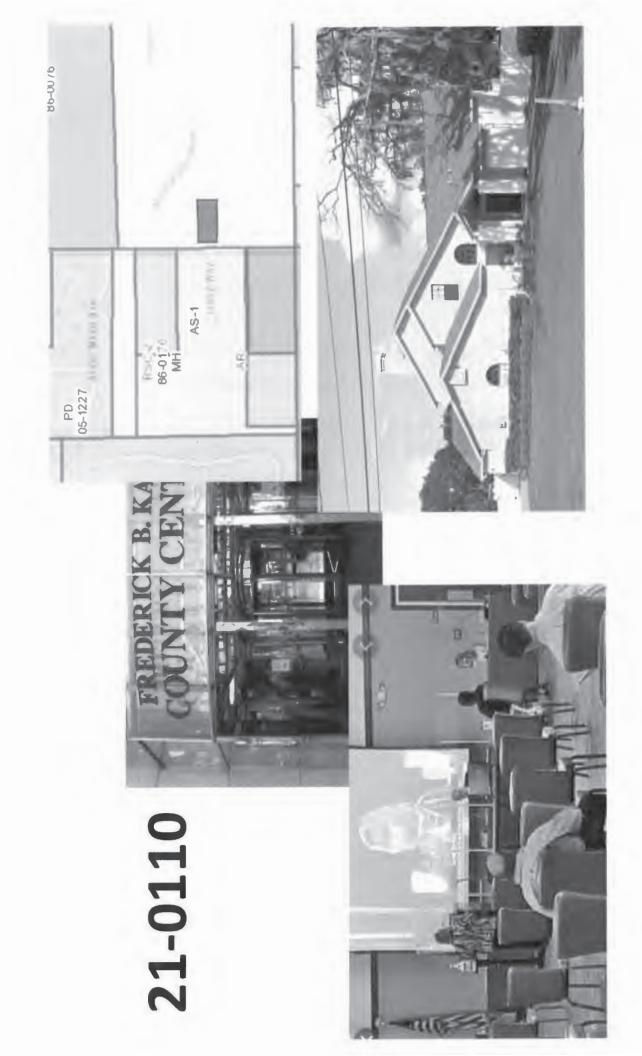
ADJOURNMENT

Pamala Jo Hatley, ZHM, adjourns the meeting.

Application No. 21 0110
Name: Told Pressman
Entered at Public Hearing: ZHM
Exhibit #1 Date: 5-17->1

21-0110 Proposed Conditions

- 1) The use permitted is a maximum 19 bed Community residential home, Type C. The expansion will be approximately 6,000 square feet.
- 2) The structure will maintain residential character on all sides of the proposed expansion. This will include the same colors, architecture, design, window features and roof elements as existing on the front of the current structure.
- 3) Access will be as shown on the PD plan, of which is the existing access point. Parking will meet standards as required by code, as shown on the PD plan.
- 4) Buffering and screening will meet code requirements.



,







ISSUE:

1 acre

RSC-2 to PD

19 bed Residential Community Home, Type "C".

COMPANION CA Senior Help





Angel TCH,

Site has been existing as a Type "A" 5 bed ALF for 4 years. Senior living provider with 4 other ALF's

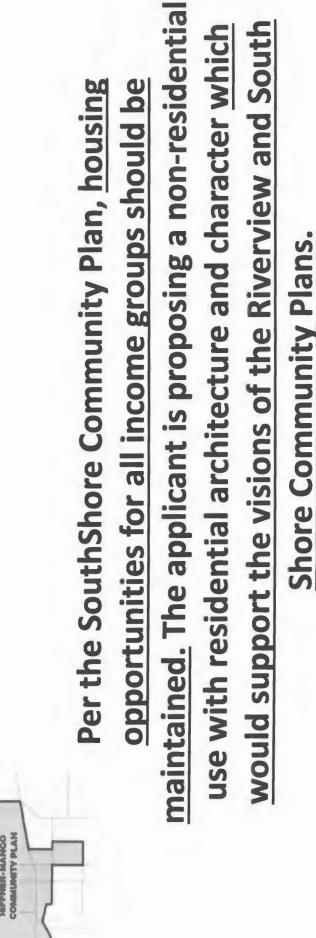
Cliff Scott is a disabled Marine; Wife has a Masters in Health Administration

Facility Referral

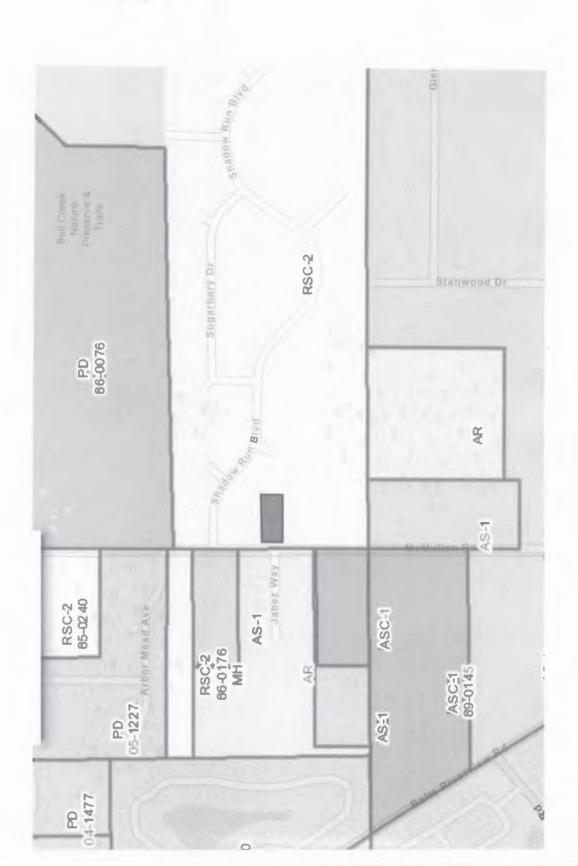
Seeking expansion to 19 beds under a PD.

6,000 SF building with an existing 3,421 SF building

Seffner-Mango Community Plan



Zoning



Future Land Use Categories





Existing Site

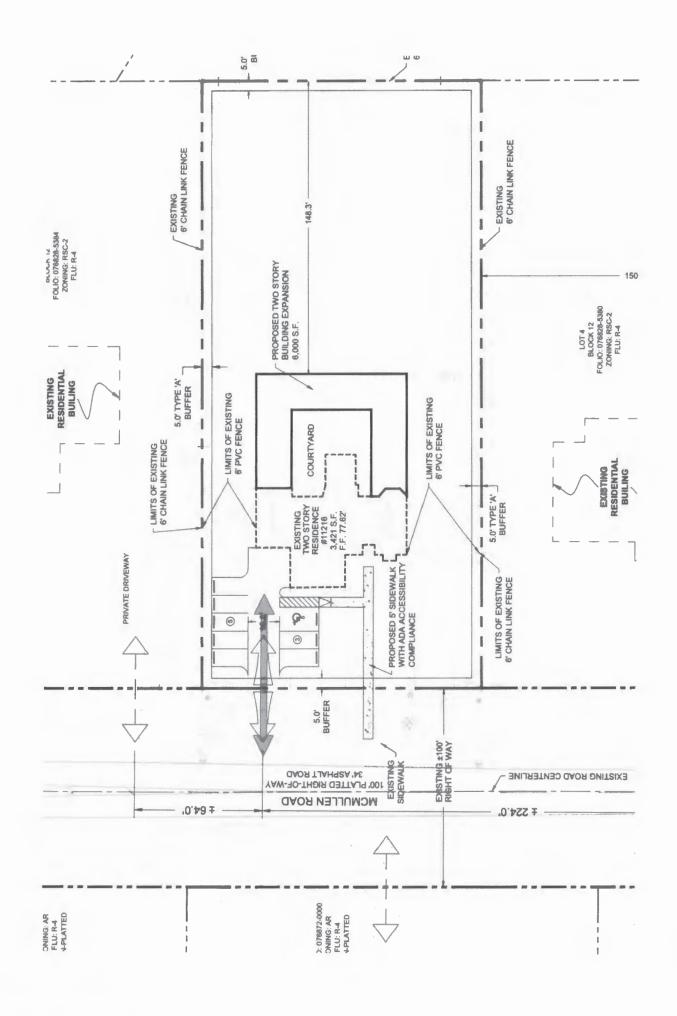


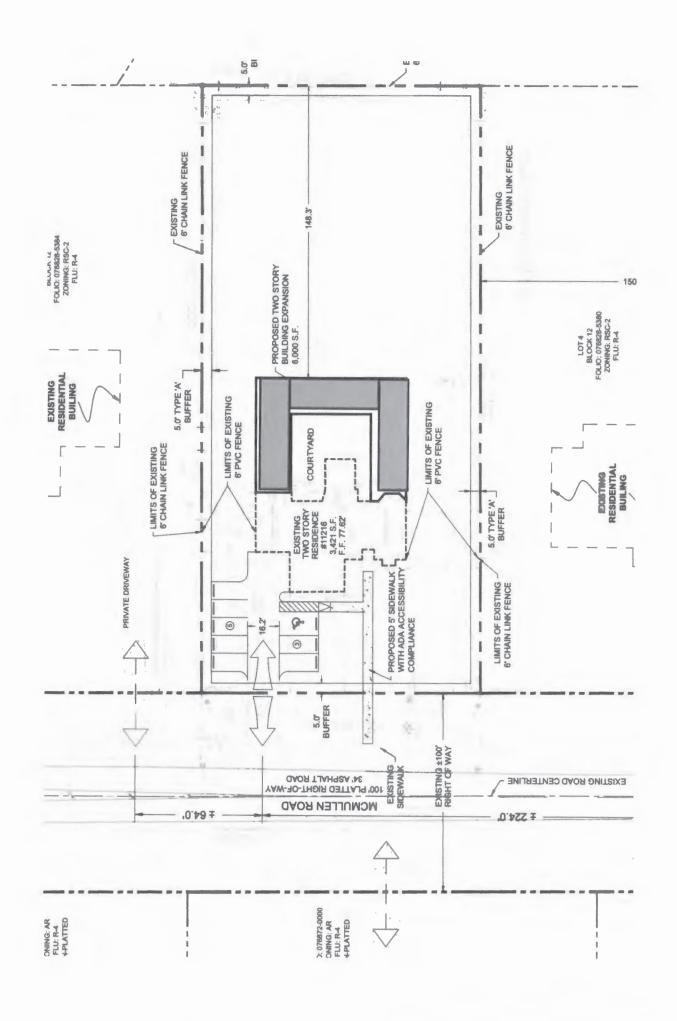
Expansion will carry through the colors, architecture and design features that are existing to both sides and rear.



Maintain residentia character

- Roof features & design
 - Window design
- Colors -'Humps and Bumps'
 - -Stays 2 stories





5.0 B 6 CHAIN LINK FENCE 6 CHAIN LINK FENCE FOLIO: 078628-5384 ZOMING: RSC-2 FLU: R-4 PROPOSED TWO STORY BUILDING EXPANSION 6,000 S.F. EXISTING RESIDENTIAL BUILING 6.0" TYPE 'A' BUFFER 6' PVC FENCE LIMITS OF EXISTING 6' PVC FENCE 1 COURTYARD LIMITS OF EXISTING 6" CHAIN LINK FENCE EQSTING TWO STORY RESIDENCE #11216 3,421 S.F. F.F. 77,02 PRIVATE DRIVEWAY PROPOSED 6' SIDEWALK E WITH ADA ACCESSIBILITY COMPLIANCE LIMITS OF EXISTING -6" CHAIN LINK FENCE **₽** > 18.2" 0 1 BUFFER MCMULLE ROHT-OF-WAY SET AN ASPHALT ROAD SET AN ASPHALT ROAD EXISTING £100' EXISTING ROAD CENTERLINE MCMULLEN ROAD .0'+9∓ ₹ 224.0 2: 078872-8000 ONBNG: AR FLU. R-4 N-PLATTED ONING: AR FLU: R-4 V-PLATTED

Under RSC-2

2 units per acre

Equivalent of 2 homes could go here. R-4 FLU

Very low trips and impacts proposed:

52 trips per day

4 AM peak

6 PM Peak

Compared: existing ALF uses 30 daily trips currently.

Difference with this expansion is 22 daily trips.

Unincorp Hillsborough County CP : Housing Element

ISSUE:

process which allow group homes in certain residential established Comprehensive Plan policies and a zoning Group homes and foster care facilities should be prospective occupants. Hillsborough County has available as housing options for present and areas and areas of residential character.

Unincorp Hillsborough County CP: Housing Element

Policy 1.4.3:

approved in areas with residential character to meet the health, recreation, shopping and employment facilities. Locational criteria to include public transportation, Sites for group homes/foster care facilities will be needs of the population requiring such housing.

Unincorp Hillsborough County CP: Housing Element

Future of Hillsborough

Comprehensive Plan for Unincorporated Hillsborough County Florida

GOAL 2:

the opportunity to purchase or rent standard housing. needs so that all Hillsborough County residents have price levels, to meet current and projected housing housing supply, within a broad range of types and Promote and assist in the provision of an ample

Zoning Staff Concerns:

Zoning Staff, appropriatenesss & intensity. 500' separation for the use.



Use is extremely nonimpacting on a large lot.
No exterior activity, no
noise, & low trips. All
interior. Fence, distance
separation and the
home expansion will
maintain a strong
residential character. To
the rear is natural
buffering.

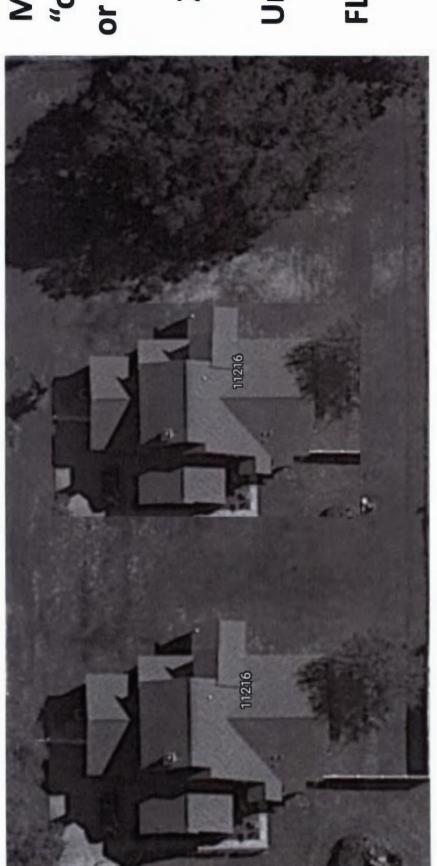


Meets all side and rear setbacks in RSC-2

Planning Commission:

Policy 1.4 states that compatibility does not mean "the same as" but maintaining the character of existing development including intensity elements of height, scale, mass and bulk.

non-residential use with residential architecture and character which Per the SouthShore Community Plan, housing opportunities for all income groups should be maintained. The applicant is proposing a would support the visions of the Riverview and South Shore Community Plans. Per Policy 17.1, residential support uses must be compatible with the surrounding land uses and zoning per the design, intensity and scale.



Maximum "capacity" or "density"

Zoning: RSC-2, Units/Acre FLU: R-4, 4 Units



Proposed expansion is to the rear. Same height & other equivalents

Transportation Comments



Transportatio Issues:

1) 75' +/separation
where 245'
required
2) Striped no
passing

Transportatio Issues:

Jabez private and little used



Transportatio Issues:



Very safe Area



Transportation Issues:

Lane Striping

Compared: existing ALF uses 30 daily trips currently.

Difference of 22 daily trips.

Transportation Issues:

Undue burden

Move utilities

Change physical aspects on site internal access points

- Grading

Fire hydrant

- Gate valve adjustments

Power pole

Estimated at \$50,000

Summary:

- Seffner-Mango Community Plan supports

- Carry residential character

- Very small increase and non-impacting use

Comp Plan policies support

- - Transportation issues are addressed

Application No al- uliu
Name: Scott Fizzenrich
Entered at Public Hearing: 24M
Exhibit # Q Date: $5.17.21$

OWENS LAW GROUP, P.A.

James S. Eggert, Esquire Scott W. Fitzpatrick, B.C.S., Esquire*

* A Florida Bar Board Certified Real Estate Lawyer

811-B Cypress Village Blvd. Ruskin, FL 33 573 Telephone: 813-633-3396 Facsimile: 813-633-3397

scott d owensławgrouppa.com www.owensławgrouppa.com

May 13, 2021

VIA EMAIL (medranom@HCFLGov.net, HeinrichM@HillsboroughCounty.ORG), and Hearings@HillsboroughCounty.ORG) CERTIFIED MAIL, RETURN RECEIPT, AND REGULAR U.S. MAIL

Hillsborough County,
Development Services Department
Attention: Maricela Medrano de Luna, MPA, AICP,
and Michelle Heinrich, AICP
601 East Kennedy Boulevard
Tampa, Florida 33602

Re: 21-0110/McMullen ALF

Dear Ms. Medrano and Ms. Heinrich:

Our law firm has been retained by The Shadow Run Home Owners' Association, Inc., a Florida not for profit corporation ("Shadow Run HOA") to represent it in opposition to the rezoning, variance, and waiver requests identified by the above-referenced file number. This matter has been set for public hearing to be conducted on May 17, 2021. We respectfully request this correspondence be submitted to the Zoning Hearing Master scheduled to hear this matter on May 17, 2021 at public hearing.

A. Subject Property.

Ghassan S. Mousa is the owner of a parcel of real property located at 11216 McMullen Road, Riverview, Florida 33569 ("Subject Property"). Said property is designated as a single-family lot located within Shadow Run. The Subject Property is designated Residetial-4 (RES-4) on the Future Land Use Map and zoned Residential Single-Family Conventional-2 (RSC-2). The Subject Property is accessed by McMullen Road, which has been referred to by Hillsborough County as a substandard roadway.

Hillsborough County, Development Services Department May 13, 2021 Page 2 of 5

B. The Proposed Project.

According to documents filed with Hillsborough County, Mr. Mousa is seeking the following approvals for/modifications to the Subject Property:

- A. a planned development rezoning of the Subject Property (currently Type A CRH), to allow for the expansion of the assisted living facility operating at the Subject Property from an alleged 5 beds to 19 beds (Type C CRH);
- B. parking which meets commercial lot requirements;
- C. 500' waiver to RSC zoning; and
- D. a Commercial Locational waiver.

Based on the documents and information we have obtained from our client and Hillsborough County, Florida, we believe the approval of Mr. Mousa's rezoning, variance, and waiver requests would (1) violate the community's restrictive covenants and Florida law; (2) be wholly incompatible with the surrounding area/community; and (3) be inconsistent with the vision, goals, and strategies of the Riverview Community Plan.

C. Shadow Run.

Shadow Run (Units One and Two) (collectively, Shadow Run") are recorded subdivisions located in Riverview, Florida. These subdivisions were approved by and recorded in Hillsborough County in 1974 and 1976, respectively. Unit One and Unit Two contain a combined total of 386 lots, which were all designated for residential and single-family use. The community was planned, designed, and advertised as a residential neighborhood. There are no lots in Shadow Run designated for commercial use. The vast majority of Shadow Run lots have been developed. In fact, less than ten vacant lots exist in Shadow Run, some of which would likely require wetland mitigation to be considered buildable. In 1977, the Shadow Run HOA was created. As required by its governing documents, the Shadow Run HOA's membership is made up of Shadow Run lot owners. Said organization is governed by Chapter 720 of the Florida Statutes and serves as a voice for the community.

In 1974, the Declaration of Protective Covenants and Restrictions for Shadow Run – Unit One was recorded in Official Records Book 2932, Pages 132 through 161, of the public records of Hillsborough County, Florida. Then, in 1976, the Declaration of Protective Covenants and Restrictions for Shadow Run – Unit Two was recorded in Official Records Book 3189, Pages 1581 through 1610, of the public records of Hillsborough County, Florida. Said documents were amended over the years from time to time. The most recent amendment and restatement of the declarations, titled "Revitalized Declaration of Protective Covenants and Restrictions for

Hillsborough County,
Development Services Department
May 13, 2021
Page 3 of 5

Shadow Run – Unit One And Unit Two," was recorded in 2012 (Official Records Book 21444, Pages 3 through 82, of the public records of Hillsborough County, Florida) ("Declaration").

The approvals for/modifications to the Subject Property being sought by Mr. Mousa from Hillsborough County are not consistent with the Declaration. On page 3 (paragraph 5) of the Declaration, it provides "[a]ll land within Shadow Run Units One and Two is now and shall hereafter be zoned Residential Single Family Fixed Dwelling." Further, Article 2 of the Declaration states the following, in pertinent part:

ARTICLE 2. Homesite Restrictions

Certain Uses of Homesites Prohibited.

No building at any time situated on any homesite shall be used for any business, commercial, amusement, hospital, sanitarium, school, clubhouse, religious, charitable, philanthropic or manufacturing purposes, or as a professional office, and no billboards or advertising signs of any kind shall be erected or displayed thereon, except such signs as are permitted elsewhere in these protective covenants and restrictions. . . Use of homesites must also comply with applicable laws and regulations of governmental bodies and agencies.

No building situated on any homesite shall be rented or leased separately from the rental or lease of the entire property and no part of any such building shall be used for the purpose of renting rooms therein or as a boardinghouse, hotel, motel, tourist or motor court or other transient accommodation. No duplex residence, garage apartment or apartment house shall be erected or allowed to remain on any homesite and no building at any time shall be converted into a duplex residence, garage apartment or apartment house. Homesites may be used by the association, when approved by the board of directors, for parks or a community center if the occasion arises. (Emphasis Added.)

The plain language contained within the Declaration prohibits the rezoning and waiver requests sought by Mr. Mousa.

D. Violation Notice and Community Complaints.

The Shadow Run HOA has previously objected to Mr. Mousa's use of the Subject Property and intends to seek enforcement of the Declaration in accordance with Florida law. On

Hillsborough County, Development Services Department May 13, 2021 Page 4 of 5

February 12, 2021, the Shadow Run HOA provided Mr. Mousa with a Deed Restriction/Out-of-Compliance Notification ("Violation Notice"), where in Mr. Mousa was cited for running a business from the Subject Property in violation of Article 2 of the Declaration. The Shadow Run HOA demanded that Mr. Mousa cease and desist from operating any business from the Subject Property which violates Florida law.

Moreover, the Shadow Run HOA has received hundreds of complaints from its members and community residents who oppose the approvals/modifications requested by Mr. Mousa. Based on the sheer number of these complaints, it appears the community, in large part, has unified in its objections to the rezoning and waivers sought by Mr. Mousa from Hillsborough County.

E. Section 6.11.28.A of the Land Development Code.

Section 6.11.28.A of the Land Development Code states the following, in pertinent part:

Sec. 6.11.28. - Community Residential Home

The following specific standards shall be used in deciding an application for approval of these uses:

A. Community Residential Homes housing six or fewer residents shall be deemed a single-family unit and non-commercial residential use for the purposes of this land Development Code.

... No community residential home type "B" or "C" shall be located ... within a radius of 500 feet of an area of non-agricultural (RSC) single-family zoning. These 1,200- and 500-foot distances shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home ...

The requirements of this section are clear and unambiguous. In applying this section and its requirements to the proposed project, said project clearly fails. More specifically, as proposed, the expanded assisted living facility will be located within a radius of 500 feet of an area of non-agricultural (RSC) single-family zoning. Accordingly, the project does not comply with Section 6.11.28.A of the Land Development Code. This section is intended to protect the rights and quiet enjoyment of neighboring residential and single-family property owners, such as those which exist within 500 feet of the proposed project. For a facility with 19 beds, frequent EMS visits will be expected all hours of the day and night. Further, it is likely that commercial vehicles will come and go from the Subject Property (linen, medical supplies, food, etc. etc.). These visits would likely cause significant inconvenience and disruption for neighbors. For the protection of the neighboring property owners and Shadow Run HOA, the distance requirements set forth

Hillsborough County, Development Services Department May 13, 2021 Page 5 of 5

within Section 6.11.28.A of the Land Development Code should be enforced and no waiver should be granted.

For the reasons stated herein, the Shadow Run HOA respectfully requests that the Zoning Hearing Master in this case make the following recommendations to the Hillsborough County Board of County Commissioners: (A) a denial of the requested planned development rezoning of the Subject Property (currently Type A CRH), and (B) a denial of all waivers and variances requested in connection with this proposed project. If you have any questions or concerns regarding this correspondence or its contents, please feel free to contact our office.

Sincerely yours,

OWENS LAW GROUP, P.A.

Scott W. Fitzpatrick

cc: The Shadow Run Home Owners' Association, Inc.

HEARING TYPE: ZHM, PHM, VRH, LUHO DATE: January 18, 2022

HEARING MASTER: Pamela Jo Hatley PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 21-0110	Brian Grady	Revised Staff Report	Yes - Copy
RZ 21-0110	Todd Pressman	2. Applicant Presentation Packet	No
RZ 21-0110	Scott Fitzpatrick	3. Opponent Letter	No
RZ 21-0701	Thomas Curley	Applicant Presentation Packet	No
RZ 21-0744	William Molloy	Applicant Presentation Packet	No
RZ 21-0748	Brian Grady	1. Revised Staff Report	Yes - Copy
RZ 21-0748	Elise Batsel	2. Applicant Presentation Packet	Yes - Copy
MM 21-1226	Brian Grady	1. Revised Staff Report	Yes - Copy
MM 21-1226	Kami Corbett	2. Applicant Presentation Packet	No
RZ 21-1336	Nicole Beugebauer	Applicant Presentation Packet	Yes - Copy
MM 22-0086	Michael Horner	Applicant Presentation Packet	No
RZ 22-0105	Brian Grady	1. Revised Staff Report	Yes - Copy
RZ 22-0105	Ryan McCaffrey	2. Applicant Rep Map	No
RZ 22-0115	Todd Pressman	1. Applicant Presentation Packet	No

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 1 OF 9		
DATE/TIME: 1/18/22 Copm HEARING MASTER: Pome a Jo Hustey		
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING	
APPLICATION #	PLEASE PRINT NAME M.D. FORNER, AICH	
MM 22-0087	MAILING ADDRESS 14500 H. DEE MARY FANT	
	CITY STATE PHONE PHONE PHONE	
APPLICATION #	PLEASE PRINT NAME ARRED AICH	
MM20-0090	MAILING ADDRESS 14502 X. DEE MARRY HOX	
	CITY STATE ZIP PHONE	
APPLICATION #	NAME Old VegMe V	
RZ21-0110	MAILING ADDRESS DE JA JUL. 5. #45 CITY HOUS TATE TO ZIP 3770 PHONE SOY	
APPLICATION #	PLEASE PRINT NAME Scott Fitzpatrick	
RZ PD ZI	MAILING ADDRESS 811-B Cypness Villey Blud	
210110	CITY Ruskin STATE FC ZIP 335/3 PHONE 8/3 5425	
APPLICATION#	PLEASE PRINT NAME LISG WISOM	
RZ22-6025	MAILING ADDRESS PO BOO 15133	
V.5.	CITY Brooksville STATE FL ZIP 34664 PHONE 352-585-6026	
APPLICATION#	PLEASE PRINT OUL DOG SMA, M	
R227-0115	MAILING ABDRESS 200 24 Aug 5. #45/70>	
1-	CITY ST. OF SHUTGET ZIP 3379 PHONE SOY 7750	

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO PAGE 2 OF 6
DATE/TIME:	Gen HEARING MASTER: Pamela To Hatley
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	NAME_ John LaRocca
RZ STD 220201	MAILING ADDRESS 101 E. Ko Mody Bl. #2420
	CITY Tamps STATE FL ZIP 360 2PHONE 8/3 2228923
APPLICATION#	PLEASE PRINT PARCE DIAZ
RZ 27-0201	MAILING ADDRESS 15403 Otto R)
VS	CITY ompostate FL ZIP 3302 YPHONE
APPLICATION #	PLEASE PRINT NAME LAVAILLE
RZ 22-0201	MAILING ADDRESS 15407 Carrollon Lave
4-	CITY Turpa STATE T ZIP 3362 PHONE \$13-842-4940
APPLICATION #	PLEASE PRINT NAME AWTICRIVETO
1222-0201	MAILING ADDRESS 15007 Casey Rol
KT 2000	CITY TRIMPA STATE FL ZIP 33624 PHONE 8139612179
APPLICATION#	NAME ALEX PERNAS
RZ-22.0201	MAILING ADDRESS 15316 OTTO ND.
	CITY FPA STATE FL ZIP 33674HONE 913-843-3166
APPLICATION #	NAME Brandy A. Meyer
RZ-22-0201	MAILING ADDRESS 15608 Bear Creek DR
KF, M.	CITY TAMPA STATE IL ZIP 3360 PHONE 4812

DATE/TIME: 1/4/22 Com HEARING MASTER: Panela To Harring		
DATE/TIME: 1/18/22	GPM HEARING MASTER: Pamela Do Hatley	
PLEASE PRINT CLEA	ARLY, THIS INFORMATION WILL BE USED FOR MAILING	
APPLICATION# RZ22-0701	NAME OSVA CO Enrique MAILING ADDRESS 15 408 OHO Rd CITY TAMPA STATE F1 ZIP 3362 PHONE (8/3) 431-961	
APPLICATION #	NAME Shivam Kapse	
1221-0701	MAILING ADDRESS 10329, (ross Creek Blvd, Suit-P CITY Tampa STATE FL ZIP 33647 PHONE 813-405-5999	
APPLICATION #	NAME DE OMES auxley	
2221-0701	MAILING ADDRESS 10601 WALKER RD S319 CITY 14W0106156 STATE FL ZIP 3757 PHONE 8/3-748-59	
APPLICATION #	NAME MARUIN W. GARRETT	
RZ21-0701	MAILING ADDRESS 9308 GOLDEN POD POD. THONOTOSASSA STATE FL ZIP 3892 PHONE 2907	
APPLICATION #	NAME Michael Joses	
R221-0701	MAILING ADDRESS 9323 R Goldon Rock PM CITY	
APPLICATION #	NAME Con Cashen	
RZ21-0744	MAILING ADDRESS 13825 ICOT BURGE 605 CITY Convertor STATE FE ZIP 33/60 PHONE 27	

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO PAGE OF LO
DATE/TIME: 1/8/22	epm HEARING MASTER: Pavela To Hartley
, ,	
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	NAME Gilliam Sollivan Potomacland Commany
R221-0744	MAILING ADDRESS 26336 SR 19 CITY Howay in that FL ZIP 34737 PHONE 90>-2966322
K.C.	CITY Howay in that FL ZIP 34/34ONE 90>-296-63 22
APPLICATION #	NAME William J. Molloy
1221-0744	NAME William J. Molloy MAILING ADDRESS 335 S. Blvd.
	CITY Janga STATE FL ZIP3264 PHONE 2-254-7-152
APPLICATION #	PLEASE PRINT NAME HUNTER WESSINGER
RZ-21-0744	MAILING ADDRESS 4306 HOWEYBELL RIDGE 5
	CITY DALRICO STATE FL ZIP 33514PHONE 913-624-9011
APPLICATION# RZ-21-044	NAME Boyce Austin Manley
12 01 0111	MAILING ADDRESS 3023 Beaver Pond Trail
	CITY Valrico STATE FL. ZIP 33596 PHONE 813-424-9429
APPLICATION#	NAME Keum Kondela
RZ-PP21-0744	MAILING ADDRESS 4802 Bloomingdale Auc
	CITY Valrica STATE PL ZIP 33594 PHONE 813-767-433
APPLICATION #	PLEASE PRINT LINGA SKIDMORE
RZ21-0744	MAILING ADDRESS 2708 STEARMS RO
1- Cal	CITY VALRICO STATE FL ZIP 33596 PHONE 813-205-6263

SIGN-IN SHEET: RFR, ZHM PHM, LUHO PAGE 5 OF 6		
DATE/TIME: 1/4/22	Gem HEARING MASTER: Pamela Jo Hutley	
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING	
APPLICATION #	NAME Clayton Brickelmeyer	
RZ21-0745	MAILING ADDRESS 601 N. Ashley Dr. Ste 700	
V.5.	CITY Tumple STATE FC ZIP 35602 PHONE 813-225-770	
APPLICATION#	NAME CARG VAN BABBAL	
R221-07.45	MAILING ADDRESS GRAGE VANBABBA	
1CL	CITY LUTZ STATE FL ZIP33549PHONE 8/3-781-084	
APPLICATION #	PLEASE PRINT NAME [150 But Se]	
RZ21-0748	MAILING ADDRESS 401 E. Jackson St. Ste 2100	
V.S	CITY Tampa STATE F/ ZIP 33602 PHONE 8/3-223-4800	
APPLICATION#	PLEASE PRINT John LaRocca	
RZ21-1042	MAILING ADDRESS 101 E. Kennedy Blvd. #2420	
ICC of . Ia	CITY Tampa STATE FL ZIP360 PHONE 8/3 222 8923	
APPLICATION #	NAME RamiCer bet	
MM21-1226	MAILING ADDRESS 1018 Kennely Bhul 873700	
	CITY TAM PA STATEFL ZIP 33(0) PHONE 227 842	
APPLICATION #	NAME MUGEDAVER	
KZ21-1336	MAILING ADDRESS AD I E JACKSON SWeet	
	CITY TOMPA STATE PL ZIP 33402 PHONE 813-722-5016	

SIGN-IN SHEET: RFR,	ZHM, PHM, LUHO PAGE OF C
	Copm HEARING MASTER: Pawela To Hutley
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	PLEASE PRINT NAME NAME, AICH
MN 22-0086	MAILING ADDRESS 14505 K. DEE PARK
1 1	CITYSTATE PHONE PHONE PHONE
APPLICATION #	NAME PYAN MCAFFREY, HICP
P22-0105	MAILING ADDRESS 3469 W. LEMON STREET
	CITY TAMPA STATE PL ZIP 3369 PHONE 913-250-3535
APPLICATION #	NAME Clayfon Brick lemger
22-0096	MAILING ADDRESS 601 N. Askley Or Ste 700 CITY Tunga STATE FL ZIP33612 PHONE 93-229-7700
	CITY TUNGO STATE L ZIP33612 PHONE 93-229-7700
APPLICATION #	PLEASE PRINT NAME
	MAILING ADDRESS
	CITYSTATEZIPPHONE
APPLICATION #	PLEASE PRINT NAME
	MAILING ADDRESS
	CITYSTATEZIPPHONE
APPLICATION #	PLEASE PRINT NAME
	MAILING ADDRESS
	CITYSTATEZIPPHONE

TUESDAY, JANUARY 18, 2022

- Brian Grady, Development Services, calls RZ 21-0110.
- Pamela Jo Hatley, ZHM, calls applicant.
- ■Todd Pressman, applicant rep, presents testimony/submits exhibits.
- Michelle Heinrich, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents.
- Scott Fitzpatrick, opponent, presents testimony/submits exhibit.
- Todd Pressman, applicant rep, presents rebuttal.
- Pamela Jo Hatley, ZHM, questions to applicant rep.
- Todd Pressman, applicant rep answers ZHM questions and continues rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0110.
- C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-0025

- Brian Grady, Development Services, calls RZ 22-0025.
- Lisa Wilson, applicant rep, presents testimony.
- Pamela Jo Hatley, ZHM, questions to applicant rep.
- Lisa Wilson, applicant rep, answers ZHM questions/continues testimony.
- 🛂 Sam Ball, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant/closes RZ 20-0025.

C.2. RZ 22-0115

- Brian Grady, Development Services, calls RZ 22-0115.
- ☑Todd Pressman, applicant rep, presents testimony/submits exhibits.
- 🛂 Isis Brown, Development Services, staff report.

JANUARY 18, 2022 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, January 18, 2022, at 6:00 p.m., held virtually.

lacktrianglePamela Jo Hatley, ZHM, calls the meeting to order.

A. WITHDRAWALS AND CONTINUANCES

Brian Grady, Development Services, reviewed changes/withdrawals/continuances.

D.5. RZ 21-0864

Application W/D.

A.17 RZ 21-1337

Brian Grady, Development Services, continues to February 14, 2022, hearing.

D.10. MM 22-0087

Brian Grady, Development Services, calls MM 22-0087

Michael Horner, applicant rep, presents testimony.

Pamela Jo Hatley, ZHM calls proponents/opponents/continues MM 22-0087 to the March 14, 2022, 6:00 p.m., hearing.

Brian Grady, Development Services, continues withdrawals/continuances.

A.25. MM 22-0090

Pamela Jo Hatley, ZHM, hears request to continue MM 22-0090.

Michael Horner, applicant rep, requests continuance.

Brian Grady, Development Services, announces ZHM April hearing date.

Pamela Jo Hatley, ZHM, calls proponents/opponents/continues MM 22-0090 to the April 18, 2022, hearing at 6:00 p.m.

Pamela Jo Hatley, ZHM, overview of ZHM process.

- Senior Assistant County Attorney Cameron Clark, overview of oral argument/ZHM process.
- Pamela Jo Hatley, ZHM, Oath.

B. REMANDS

B.1. RZ 21-0110

- Brian Grady, Development Services, calls RZ 21-0110.
- Todd Pressman, applicant rep, presents testimony/submits exhibits.
- Michelle Heinrich, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents.
- Scott Fitzpatrick, opponent, presents testimony/submits exhibit.
- Todd Pressman, applicant rep, presents rebuttal.
- Pamela Jo Hatley, ZHM, questions to applicant rep.
- Todd Pressman, applicant rep answers ZHM questions and continues rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0110.
- C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-0025

- Brian Grady, Development Services, calls RZ 22-0025.
- Lisa Wilson, applicant rep, presents testimony.
- Pamela Jo Hatley, ZHM, questions to applicant rep.
- Lisa Wilson, applicant rep, answers ZHM questions/continues testimony.
- Sam Ball, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes RZ 20-0025.

C.2. RZ 22-0115

- Brian Grady, Development Services, calls RZ 22-0115.
- Todd Pressman, applicant rep, presents testimony/submits exhibits.
- Isis Brown, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls proponents/opponents/Development Services/applicant rep.
- Brian Grady, Development Services, offers correction to the record.
- Pamela Jo Hatley, ZHM, calls applicant rebuttal/closes RZ 22-0115.

C.3. RZ 22-0201

- Brian Grady, Development Services, calls RZ 22-0201.
- 🛂 John LaRocca, applicant rep, presents testimony.
- Chris Grandlienard, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents.
- Andrea Diaz, opponent, presents testimony.
- 🛂 James Lavallee, opponent, presents testimony.
- Antje Rivera, opponent, presents testimony.
- Alex Pernas, opponent, presents testimony.
- Brandy Meyer, opponent, presents testimony.
- Osvaldo Enrique, opponent, presents testimony.
- Brian Grady, Development Services, enters correction to the record.
- Pamela Jo Hatley, ZHM, calls for applicant rebuttal and summation.
- ☑John LaRocca, applicant rep, presents rebuttal.

- Pamela Jo Hatley, ZHM, closes application RZ 22-0201.
- D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ 21-0701

- Brian Grady, Development Services, calls RZ 21-0701.
- Shivam Kapse, applicant rep, presents testimony.
- Ekevie Defranc, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant.
- Thomas Curley, opponent, presents testimony/submits exhibits.
- Pamela Jo Hatley, ZHM, questions opponent.
- lacktriangleThomas Curley, opponent, answers ZHM question and continues testimony.
- Marvin Garrett, opponent, presents testimony.
- Michael Jones, opponent, presents testimony.
- Pamela Jo Hatley, ZHM, calls opponents/Development Services.
- James Ratliff, Transportation Review Section, Development Services, presents testimony.
- Shivam Kapse, applicant rep, presents rebuttal.
- Pamela Jo Hatley, ZHM, closes application RZ 21-0701.

D.2. RZ 21-0744

- Brian Grady, Development Services, calls RZ 21-0744.
- 🖺 Sean Cashen, applicant rep, presents testimony.
- William Sullivan, applicant rep, presents testimony.
- ☑William Molloy, applicant rep, presents testimony/submits exhibits.
- Timothy Lampkin, Development Services, staff report.

TUESDAY, JANUARY 18, 2022

- 🛂 Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents.
- Hunter Wessinger, opponent, presents testimony.
- Bryce Manley, opponent, presents testimony.
- Ekevin Koudela, opponent, presents testimony.
- Linda Skidmore, opponent, presents testimony.
- Pamela Jo Hatley, ZHM, calls for applicant rebuttal.
- William Molloy, applicant rep, presents rebuttal.
- Pamela Jo Hatley, ZHM, questions to applicant rep.
- William Molloy, applicant rep, answers ZHM and continues testimony.
- William Sullivan, applicant rep, presents rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0744.

D.3. RZ 21-0745

- Brian Grady, Development Services, calls RZ 21-0745.
- Clayton Bricklemeyer, applicant rep, presents testimony.
- Timothy Lampkin, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents.
- Greg VanBebber, opponent, presents testimony.
- Pamela Jo Hatley, ZHM, calls opponents/Development Services/applicant rep.
- Clayton Bricklemeyer, applicant rep, presents rebuttal.
- Pamela Jo Hatley, ZHM, closes RZ 21-0745.

D.4. RZ 21-0748

Brian Grady, Development Services, calls RZ 21-0748.

Elise Batsel, applicant rep, presents testimony/submits exhibits.

Michelle Heinrich, Development Services, staff report.

🛂 Jillian Massey, Planning Commission, staff report.

Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes RZ 21-0748.

D.6. RZ 21-1042

Brian Grady, Development Services, calls RZ 21-1042.

🛂 John LaRocca, applicant rep, presents testimony.

Kevie Defranc, Development Services, staff report.

🛂 Jillian Massey, Planning Commission, staff report.

Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant/closes RZ 21-1042.

D.7. MM 21-1226

Brian Grady, Development Services, calls MM 21-1226.

Kami Corbett, applicant rep, presents testimony/submits exhibits.

Kevie Defranc, Development Services, staff report.

Jillian Massey, Planning Commission, staff report.

Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes MM 21-1226.

D.8. RZ 21-1336

Brian Grady, Development Services, calls RZ 21-1336.

Nicole Neugebauer, applicant rep, presents testimony/submits exhibits.

Kevie Defranc, Development Services, staff report.

Jillian Massey, Planning Commission, staff report.

- Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep.
- Nicole Neugebauer, applicant rep, enters correction for the record.
- Pamela Jo Hatley, ZHM closes RZ 21-1336.

D.9. MM 22-0086

- Brian Grady, Development Services, calls MM 22-0086 and enters correction for the record.
- Michael Horner, applicant rep, presents testimony/submits exhibits.
- Brian Grady, Development Services, addresses applicant rep questions.
- 🖺 Sam Ball, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep.
- Michael Horner, applicant rep, presents additional testimony.
- Pamela Jo Hatley, ZHM, closes MM 22-0086.

D.11. RZ 22-0096

- 🛂 Brian Grady, Development Services, calls RZ 22-0096.
- Clayton Brickelmeyer, applicant rep, presents testimony.
- Kevie Defranc, Development Services, staff report.
- 🛂 Jillian Massey, Planning Commission, staff report.
- Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes RZ 22-0096.

D.12. RZ 22-0105

- Brian Grady, Development Services, calls RZ 22-0105.
- Ryan McCaffrey, applicant rep, presents testimony and submits exhibit.
- Tania Chapela, Development Services, staff report.

TUESDAY, JANUARY 18, 2022

Jillian Massey, Planning Commission, staff report.

Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes RZ 22-0105.

ADJOURNMENT

Pamela Jo Hatley, ZHM, adjourns the meeting.

APPLICATION: PD 21-0110 (REMAND) ZHM HEARING DATE: January 18, 2022 BOCC MEETING DATE: March 8, 2022

CASE REVIEWER: Michelle Heinrich, AICP

Application Review Summary and Recommendation

Application No. 21-0110

Name: Grandy

Entered at Public Hearing: 2+M

Exhibit # Date: 118/22

1.0 Summary

1.1 Project Narrative

The applicant requested and was approved for a remand back to the Zoning Hearing Master (ZHM) at the July 20, 2021 BOCC Land Use Meeting.

The applicant has modified the request from a 19-bed Community Residential Home (Type C) to a 12-bed Community Residential Home (Type B). The overall square footage is decreased from 9,421 square feet (3,421 sf existing structure and 6,000 sf structure expansion) to 9,089 square feet (3,421 sf existing structure and 5,668 sf structure expansion). Lastly, the applicant relocated the site's access point southward which removes the previous need for an access spacing administrative variance. The previously required waiver to the 500 foot distance separation requirement from RSC zoning remains. No other changes or additional information has been submitted.

The applicant is requesting to rezone approximately 1 acre from RSC-2 (Residential, Single-Family Conventional) to PD (Planned Development) to allow for a 12-bed Community Residential Home (Type €B). The site is located on the east side of McMullen Road, south of Shadow Run Boulevard. The site currently consists of a 2-story single-family home that operates as a Type A (5-bed) Community Residential Home (CRH). Type A CRH's are considered a single-family use and permitted by right in the RSC-2 zoning district should they meet the distance requirement of 1,000 feet from any other Type A CRH. The applicant seeks to expand the structure with a 5,668 square foot addition to provide a maximum of 12 beds.

The site is located in the RES-4 FLU (Future Land Use) category, an area planned for low density residential development (4 units per acre density maximum) and neighborhood scale commercial uses (0.25 maximum FAR) subject to locational criteria and compatibility policies.

Per the Land Development Code's density conversation for a Community Residential Home, 5 beds are equivalent to 1 dwelling unit. The maximum density permitted for the 1 acre lot with a RES-4 FLU is 4 dwelling units, which allows a maximum of 20 beds for a Community Residential Home.

Type B Community Residential Homes (those with 7 to 14 beds) have the following additional requirements:

- No Community Residential Home Type B or C shall be located within a radius of 1,200 feet of another Type B or C Community Residential Home. The applicant has provided documentation that no other Type B or Type C Community Residential Homes are within a 1,200 radius of the subject site. Documentation includes a listing of licensed facilities from the Agency for Health Care Administration (AHCA), the Department of Children & Families (DCF) and the Agency for Persons with Disabilities (APD).
- 2. No Community Residential Home shall be within a 500-foot radius of RSC zoning (to be measured from the nearest point of the existing home and the area of RSC zoning. RSC zoning is present to the immediate north, south and east of the site and a waiver to this distance requirement is necessary. Per the applicant's site plan, the eastern distance is 148.3 feet. Distance to the north

Application No BZ 21-0110
Name: Todd Press much Exhibit # Date: 1/1

21-0110



Sugarb

9/00-92

PD 05-1227











. .

Angel TCH, LLC



Site has been existing as a Type "A" 6 bed ALF for 4 years. Senior living provider with 4 other ALF's. 9 years in

business

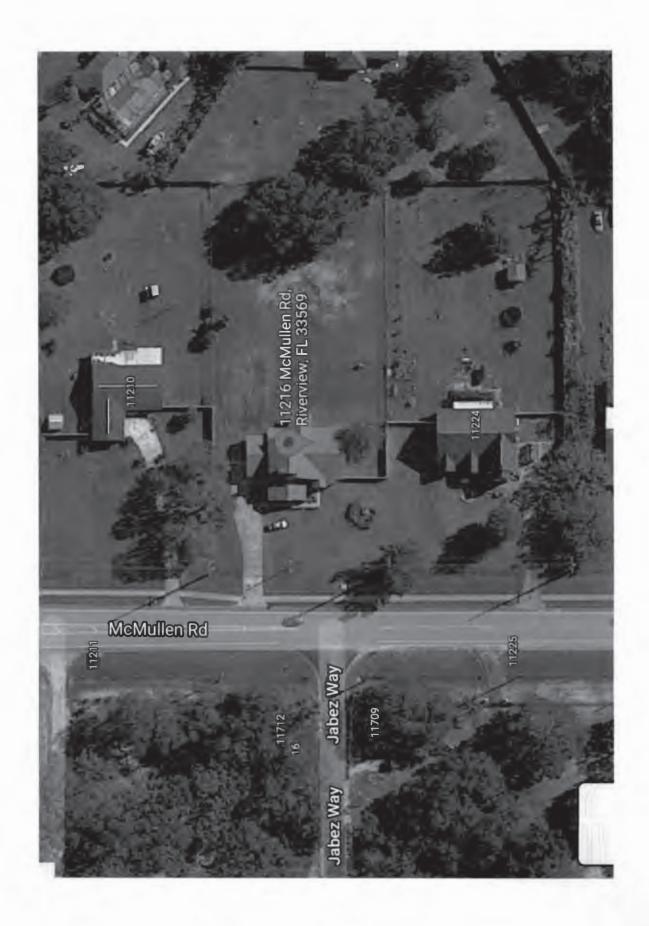


FACILITY/AGENCY

Cliff Scott is a disabled Marine; Wife has a Masters in Health Administration



Seeking expansion to 12 beds under a PD. Revised.



REVISED ISSUE:

1 acre

RSC-2 to PD

19 bed Residential Community Home, Type "E".

REDUCE: 12 Beds Proposed Now

Type "B" now

REVISED ISSUE:

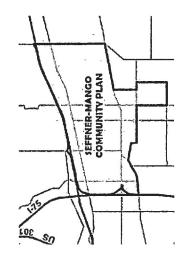
1 acre

RSC-2 to PD

REDUCE:

9,421 SF reduced to 9,089 SF & changed access point

Seffner-Mango Community Plan

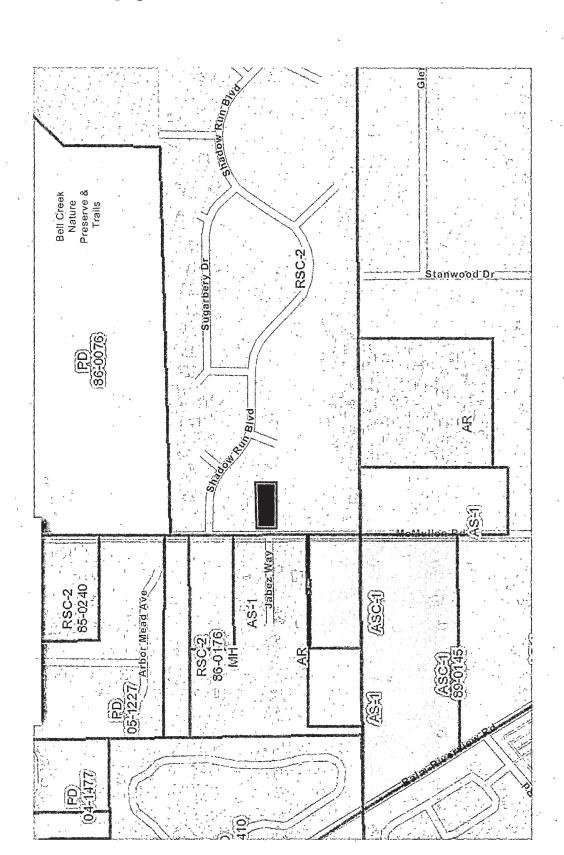


Planning Commission:

maintained. The applicant is proposing a non-residential would support the visions of the Riverview and South use with residential architecture and character which "Per the SouthShore Community Plan, housing opportunities for all income groups should be

Shore Community Plans".

Zoning Map



Future Land Use Categories

Plan Comm.:

"Typical allowable uses in this Future Land Use category include residential, suburban scale neighborhood commercial, office uses, and multi-

purpose projects".

Staumand Dr. Ref. Ref. Delay 1979

ExistingSite



* A

Expansion will carry through the colors, architecture and design features that are existing to both sides and rear.

Maintain residential character

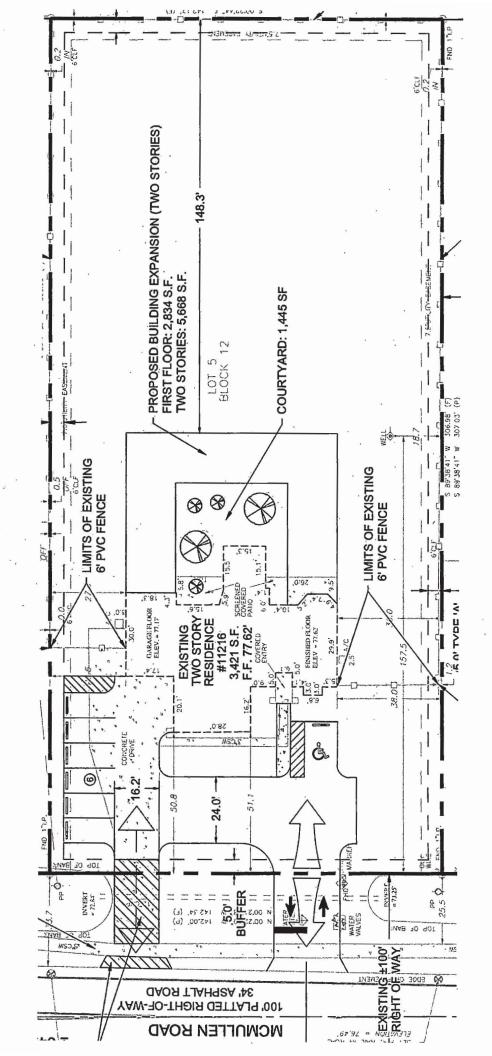
- Roof features & design - Window design

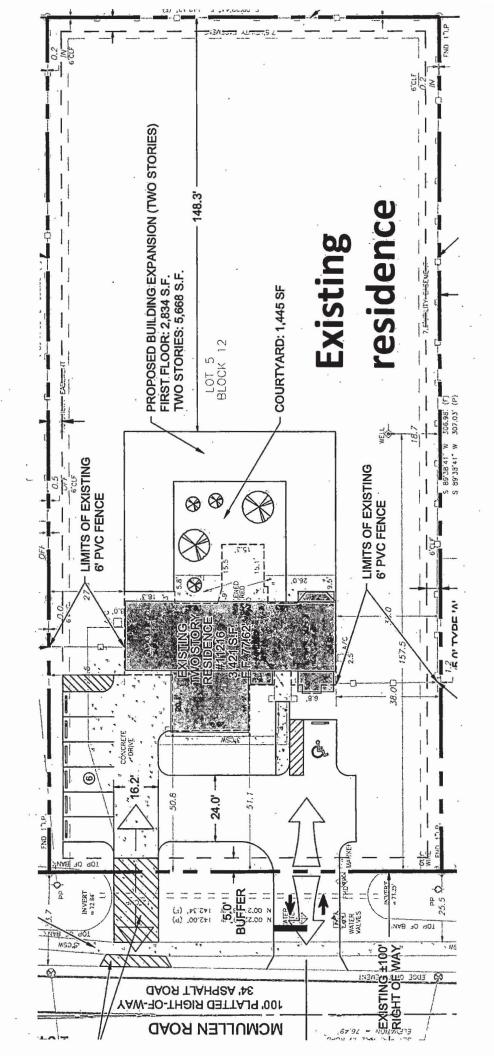
-'Humps and Bumps'

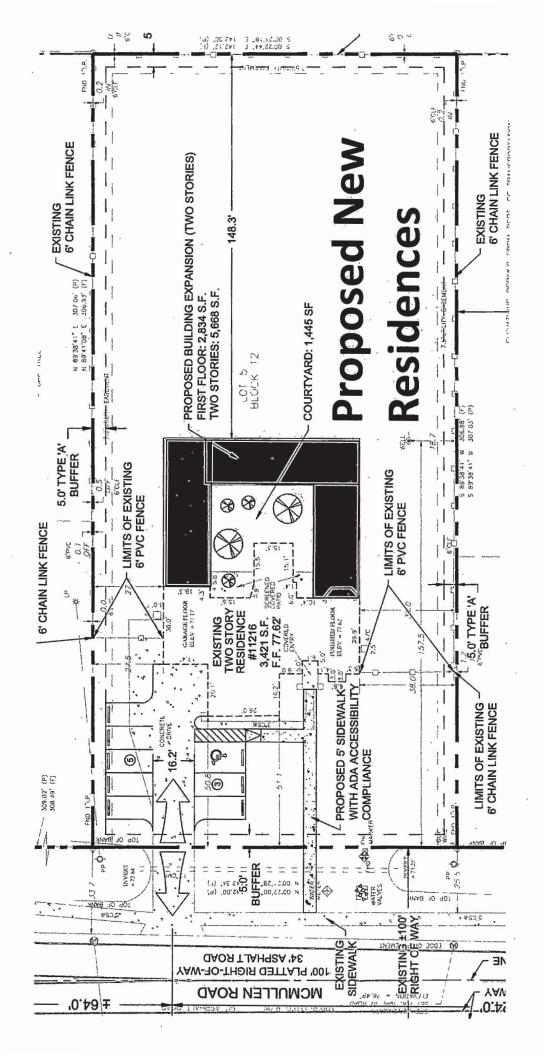
-Stays 2 stories



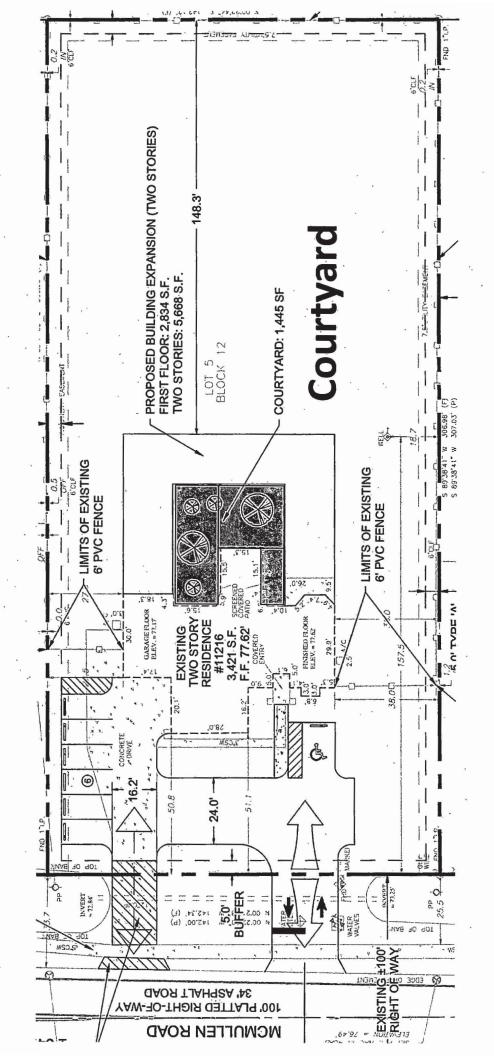
REVISED SITE PLAN



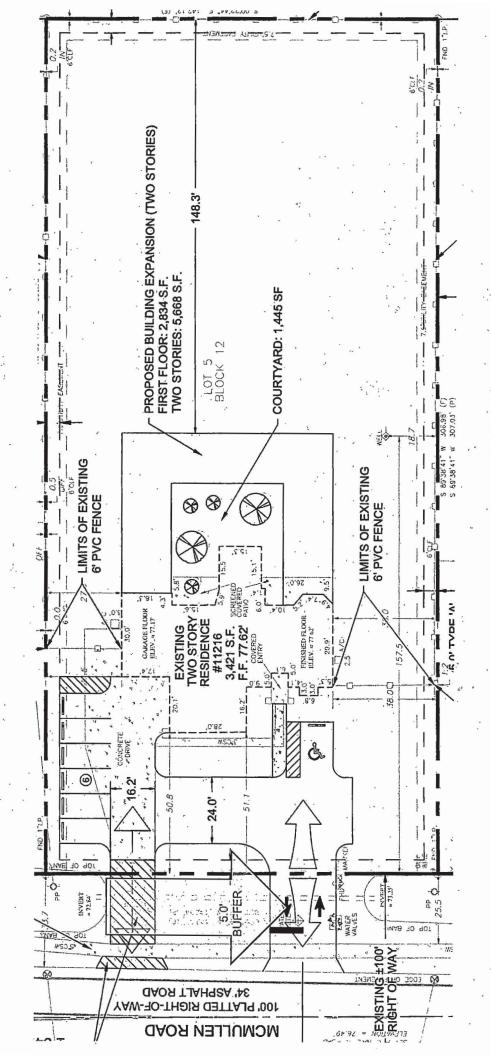




REVISED SITE PLAN



REVISED SITE PLAN/ACCESS



Very low trips proposed:

'De Minimis' per Cty. Traffic Engineer

31 trips per day

2 AM peak

3 PM Peak

Unincorp Hillsborough County CP: Housing Element

Policy 1.4.3:

approved in areas with residential character to meet the health, recreation, shopping and employment facilities. Locational criteria to include public transportation, Sites for group homes/foster care facilities will be needs of the population requiring such housing.

Unincorp Hillsborough County CP: Housing Element

SSUE

process which allow group homes in certain residential established Comprehensive Plan policies and a zoning Group homes and foster care facilities should be prospective occupants. Hillsborough County has available as housing options for present and areas and areas of residential character.

Unincorp Hillsborough County CP: Housing Element

Future of Hillsborough

Comprehensive Plan for Unincorporated Hillsborough County Florida

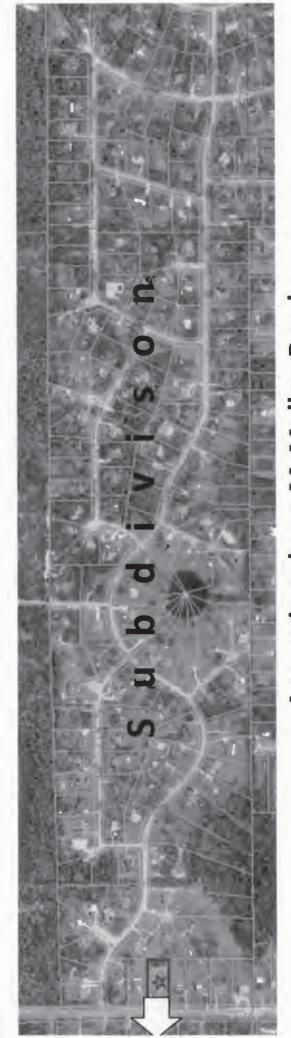
GOAL 2:

the opportunity to purchase or rent standard housing. needs so that all Hillsborough County residents have price levels, to meet current and projected housing housing supply, within a broad range of types and Promote and assist in the provision of an ample



Use is extremely nonimpacting on a large lot.
No exterior activity, no
noise, & low trips. All
interior. Fence, distance
separation and the
home expansion will
maintain a strong
residential character. To
the rear is natural
buffering.

Impact on Subdivision



Access is only on McMullen Road

No possible site impacts per its location

Impact on Subdivision



Asked to meet and discuss with the HOA several times

Impact on Subdivision

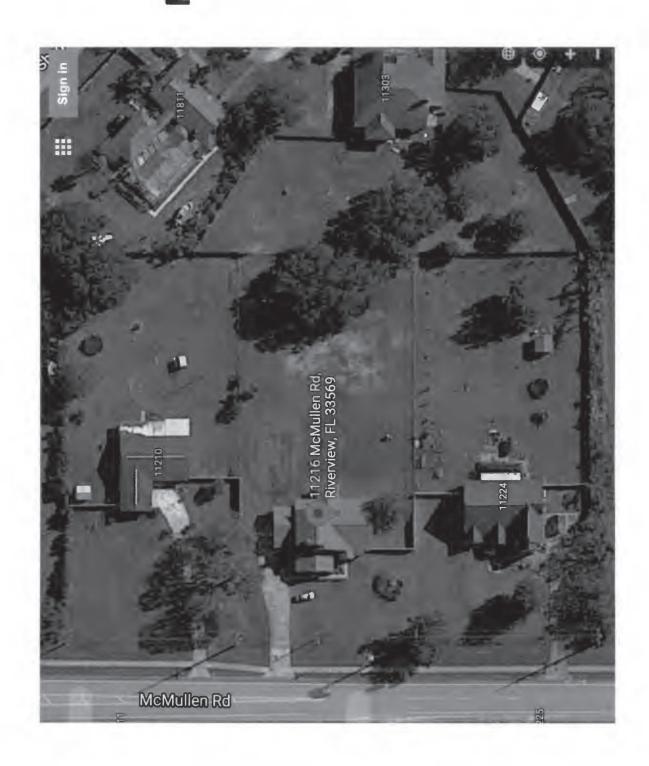


Test of Time: Operated for 4 years without a single complaint or concern until this application per applicant

uses from warehousing sterile, commercial areas to be a part of the community and have close Push from the State and Federal: move these access.

subdivision & 6 ohrer families in close proximity Angels has cared for 2 families from the

Meets all side and rear setbacks in RSC-2





Proposed expansion is to the rear. Same height & other equivalents

Units/Acre 11216

capacity" or "density" Maximum

oning: RSC-2,

U: R-4, 4 Units

acre property)

Zoning Staff Concerns:

Zoning Staff, appropriatenesss & intensity. 500' separation for the use.

Planning Commission:

Policy 1.4 states that compatibility does not mean "the same as" but maintaining the character of existing development including intensity elements of height, scale, mass and bulk.

non-residential use with residential architecture and character which Per the SouthShore Community Plan, housing opportunities for all income groups should be maintained. The applicant is proposing a would support the visions of the Riverview and South Shore Community Plans. Per Policy 17.1, residential support uses must be compatible with the surrounding land uses and zoning per the design, intensity and scale.

Summary:

- **Seffner-Mango Community Plan supports**
- Carry residential character
- Very small increase and non-impacting use
- Comp Plan policies support
- Test of time
- Don't warehouse grandmother's and grandfather's in in sterile institutions

OWENS LAW GROUP, P.A.

James S. Eggert, Esquire Scott W. Fitzpatrick, B.C.S., Esquire*

* A Florida Bar Board Certified Real Estate Lawyer

811-B Cypress Village Blvd. Ruskin, FL 33573 Telephone: 813-633-3396 Facsimile: 813-633-3397

scott a owenslawgrouppa.com www.owenslawgrouppa.com

Application No. 2221-0110

Name: Scot Flegue K

Entered at Public Hearing: 2117

Exhibit # 3 Date: 11822

May 13, 2021

VIA EMAIL (medranom@HCFLGov.net, HeinrichM@HillsboroughCounty.ORG), and Hearings@HillsboroughCounty.ORG) CERTIFIED MAIL, RETURN RECEIPT, AND REGULAR U.S. MAIL

Hillsborough County,
Development Services Department
Attention: Maricela Medrano de Luna, MPA, AICP,
and Michelle Heinrich, AICP
601 East Kennedy Boulevard
Tampa, Florida 33602

Re: 21-0110/McMullen ALF

Dear Ms. Medrano and Ms. Heinrich:

Our law firm has been retained by The Shadow Run Home Owners' Association, Inc., a Florida not for profit corporation ("Shadow Run HOA") to represent it in opposition to the rezoning, variance, and waiver requests identified by the above-referenced file number. This matter has been set for public hearing to be conducted on May 17, 2021. We respectfully request this correspondence be submitted to the Zoning Hearing Master scheduled to hear this matter on May 17, 2021 at public hearing.

A. Subject Property.

Ghassan S. Mousa is the owner of a parcel of real property located at 11216 McMullen Road, Riverview, Florida 33569 ("Subject Property"). Said property is designated as a single-family lot located within Shadow Run. The Subject Property is designated Residetial-4 (RES-4) on the Future Land Use Map and zoned Residential Single-Family Conventional-2 (RSC-2). The Subject Property is accessed by McMullen Road, which has been referred to by Hillsborough County as a substandard roadway.

Hillsborough County, Development Services Department May 13, 2021 Page 2 of 5

B. The Proposed Project.

According to documents filed with Hillsborough County, Mr. Mousa is seeking the following approvals for/modifications to the Subject Property:

- A. a planned development rezoning of the Subject Property (currently Type A CRH), to allow for the expansion of the assisted living facility operating at the Subject Property from an alleged 5 beds to 19 beds (Type C CRH);
- B. parking which meets commercial lot requirements;
- C. 500' waiver to RSC zoning; and
- D. a Commercial Locational waiver.

Based on the documents and information we have obtained from our client and Hillsborough County, Florida, we believe the approval of Mr. Mousa's rezoning, variance, and waiver requests would (1) violate the community's restrictive covenants and Florida law; (2) be wholly incompatible with the surrounding area/community; and (3) be inconsistent with the vision, goals, and strategies of the Riverview Community Plan.

C. Shadow Run.

Shadow Run (Units One and Two) (collectively, Shadow Run") are recorded subdivisions located in Riverview, Florida. These subdivisions were approved by and recorded in Hillsborough County in 1974 and 1976, respectively. Unit One and Unit Two contain a combined total of 386 lots, which were all designated for residential and single-family use. The community was planned, designed, and advertised as a residential neighborhood. There are no lots in Shadow Run designated for commercial use. The vast majority of Shadow Run lots have been developed. In fact, less than ten vacant lots exist in Shadow Run, some of which would likely require wetland mitigation to be considered buildable. In 1977, the Shadow Run HOA was created. As required by its governing documents, the Shadow Run HOA's membership is made up of Shadow Run lot owners. Said organization is governed by Chapter 720 of the Florida Statutes and serves as a voice for the community.

In 1974, the Declaration of Protective Covenants and Restrictions for Shadow Run – Unit One was recorded in Official Records Book 2932, Pages 132 through 161, of the public records of Hillsborough County, Florida. Then, in 1976, the Declaration of Protective Covenants and Restrictions for Shadow Run – Unit Two was recorded in Official Records Book 3189, Pages 1581 through 1610, of the public records of Hillsborough County, Florida. Said documents were amended over the years from time to time. The most recent amendment and restatement of the declarations, titled "Revitalized Declaration of Protective Covenants and Restrictions for

Hillsborough County, Development Services Department May 13, 2021 Page 3 of 5

Shadow Run – Unit One And Unit Two," was recorded in 2012 (Official Records Book 21444, Pages 3 through 82, of the public records of Hillsborough County, Florida) ("Declaration").

The approvals for/modifications to the Subject Property being sought by Mr. Mousa from Hillsborough County are not consistent with the Declaration. On page 3 (paragraph 5) of the Declaration, it provides "[a]ll land within Shadow Run Units One and Two is now and shall hereafter be zoned Residential Single Family Fixed Dwelling." Further, Article 2 of the Declaration states the following, in pertinent part:

ARTICLE 2. Homesite Restrictions

Certain Uses of Homesites Prohibited.

No building at any time situated on any homesite shall be used for any business, commercial, amusement, hospital, sanitarium, school, clubhouse, religious, charitable, philanthropic or manufacturing purposes, or as a professional office, and no billboards or advertising signs of any kind shall be erected or displayed thereon, except such signs as are permitted elsewhere in these protective covenants and restrictions. . . Use of homesites must also comply with applicable laws and regulations of governmental bodies and agencies.

No building situated on any homesite shall be rented or leased separately from the rental or lease of the entire property and no part of any such building shall be used for the purpose of renting rooms therein or as a boardinghouse, hotel, motel, tourist or motor court or other transient accommodation. No duplex residence, garage apartment or apartment house shall be erected or allowed to remain on any homesite and no building at any time shall be converted into a duplex residence, garage apartment or apartment house. Homesites may be used by the association, when approved by the board of directors, for parks or a community center if the occasion arises. (Emphasis Added.)

The plain language contained within the Declaration prohibits the rezoning and waiver requests sought by Mr. Mousa.

D. Violation Notice and Community Complaints.

The Shadow Run HOA has previously objected to Mr. Mousa's use of the Subject Property and intends to seek enforcement of the Declaration in accordance with Florida law. On

Hillsborough County,
Development Services Department
May 13, 2021
Page 4 of 5

February 12, 2021, the Shadow Run HOA provided Mr. Mousa with a Deed Restriction/Out-of-Compliance Notification ("Violation Notice"), where in Mr. Mousa was cited for running a business from the Subject Property in violation of Article 2 of the Declaration. The Shadow Run HOA demanded that Mr. Mousa cease and desist from operating any business from the Subject Property which violates Florida law.

Moreover, the Shadow Run HOA has received hundreds of complaints from its members and community residents who oppose the approvals/modifications requested by Mr. Mousa. Based on the sheer number of these complaints, it appears the community, in large part, has unified in its objections to the rezoning and waivers sought by Mr. Mousa from Hillsborough County.

E. Section 6.11.28.A of the Land Development Code.

Section 6.11.28.A of the Land Development Code states the following, in pertinent part:

Sec. 6.11.28. - Community Residential Home

The following specific standards shall be used in deciding an application for approval of these uses:

A. Community Residential Homes housing six or fewer residents shall be deemed a single-family unit and non-commercial residential use for the purposes of this land Development Code.

... No community residential home type "B" or "C" shall be located ... within a radius of 500 feet of an area of non-agricultural (RSC) single-family zoning. These 1,200- and 500-foot distances shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home ...

The requirements of this section are clear and unambiguous. In applying this section and its requirements to the proposed project, said project clearly fails. More specifically, as proposed, the expanded assisted living facility will be located within a radius of 500 feet of an area of non-agricultural (RSC) single-family zoning. Accordingly, the project does not comply with Section 6.11.28.A of the Land Development Code. This section is intended to protect the rights and quiet enjoyment of neighboring residential and single-family property owners, such as those which exist within 500 feet of the proposed project. For a facility with 19 beds, frequent EMS visits will be expected all hours of the day and night. Further, it is likely that commercial vehicles will come and go from the Subject Property (linen, medical supplies, food, etc. etc.). These visits would likely cause significant inconvenience and disruption for neighbors. For the protection of the neighboring property owners and Shadow Run HOA, the distance requirements set forth

Hillsborough County, Development Services Department May 13, 2021 Page 5 of 5

within Section 6.11.28.A of the Land Development Code should be enforced and no waiver should be granted.

For the reasons stated herein, the Shadow Run HOA respectfully requests that the Zoning Hearing Master in this case make the following recommendations to the Hillsborough County Board of County Commissioners: (A) a denial of the requested planned development rezoning of the Subject Property (currently Type A CRH), and (B) a denial of all waivers and variances requested in connection with this proposed project. If you have any questions or concerns regarding this correspondence or its contents, please feel free to contact our office.

Sincerely yours,

OWENS LAW GROUP, P.A.

Scott W. Fitzpatrick

cc: The Shadow Run Home Owners' Association, Inc.

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PARTY OF RECORD

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OWENS LAW GROUP, P.A.

James S. Eggert, Esquire Scott W. Fitzpatrick, B.C.S., Esquire*

* A Florida Bar Board Certified Real Estate Lawyer

811-B Cypress Village Blvd. Ruskin, FL 33573 Telephone: 813-633-3396 Facsimile: 813-633-3397 scott@owenslawgrouppa.com www.owenslawgrouppa.com

May 13, 2021

VIA EMAIL (medranom@HCFLGov.net, HeinrichM@HillsboroughCounty.ORG), and Hearings@HillsboroughCounty.ORG) CERTIFIED MAIL, RETURN RECEIPT, AND REGULAR U.S. MAIL

Hillsborough County,
Development Services Department
Attention: Maricela Medrano de Luna, MPA, AICP,
and Michelle Heinrich, AICP
601 East Kennedy Boulevard
Tampa, Florida 33602

Re: 21-0110/McMullen ALF

Dear Ms. Medrano and Ms. Heinrich:

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Hillsborough County, Development Services Department May 13, 2021 Page 2 of 5

B. The Proposed Project.

According to documents filed with Hillsborough County, Mr. Mousa is seeking the following approvals for/modifications to the Subject Property:

- A. a planned development rezoning of the Subject Property (currently Type A CRH), to allow for the expansion of the assisted living facility operating at the Subject Property from an alleged 5 beds to 19 beds (Type C CRH);
- B. parking which meets commercial lot requirements;
- C. 500' waiver to RSC zoning; and
- D. a Commercial Locational waiver.

Based on the documents and information we have obtained from our client and Hillsborough County, Florida, we believe the approval of Mr. Mousa's rezoning, variance, and waiver requests would (1) violate the community's restrictive covenants and Florida law; (2) be wholly incompatible with the surrounding area/community; and (3) be inconsistent with the vision, goals, and strategies of the Riverview Community Plan.

C. Shadow Run.

Shadow Run (Units One and Two) (collectively, Shadow Run") are recorded subdivisions located in Riverview, Florida. These subdivisions were approved by and recorded in Hillsborough County in 1974 and 1976, respectively. Unit One and Unit Two contain a combined total of 386 lots, which were all designated for residential and single-family use. The community was planned, designed, and advertised as a residential neighborhood. There are no lots in Shadow Run designated for commercial use. The vast majority of Shadow Run lots have been developed. In fact, less than ten vacant lots exist in Shadow Run, some of which would likely require wetland mitigation to be considered buildable. In 1977, the Shadow Run HOA was created. As required by its governing documents, the Shadow Run HOA's membership is made up of Shadow Run lot owners. Said organization is governed by Chapter 720 of the Florida Statutes and serves as a voice for the community.

In 1974, the Declaration of Protective Covenants and Restrictions for Shadow Run – Unit One was recorded in Official Records Book 2932, Pages 132 through 161, of the public records of Hillsborough County, Florida. Then, in 1976, the Declaration of Protective Covenants and Restrictions for Shadow Run – Unit Two was recorded in Official Records Book 3189, Pages 1581 through 1610, of the public records of Hillsborough County, Florida. Said documents were amended over the years from time to time. The most recent amendment and restatement of the declarations, titled "Revitalized Declaration of Protective Covenants and Restrictions for

Hillsborough County, Development Services Department May 13, 2021 Page 3 of 5

Shadow Run – Unit One And Unit Two," was recorded in 2012 (Official Records Book 21444, Pages 3 through 82, of the public records of Hillsborough County, Florida) ("Declaration").

The approvals for/modifications to the Subject Property being sought by Mr. Mousa from Hillsborough County are not consistent with the Declaration. On page 3 (paragraph 5) of the Declaration, it provides "[a]ll land within Shadow Run Units One and Two is now and shall hereafter be zoned Residential Single Family Fixed Dwelling." Further, Article 2 of the Declaration states the following, in pertinent part:

ARTICLE 2. Homesite Restrictions

Certain Uses of Homesites Prohibited.

No building at any time situated on any homesite shall be used for any business, commercial, amusement, hospital, sanitarium, school, clubhouse, religious, charitable, philanthropic or manufacturing purposes, or as a professional office, and no billboards or advertising signs of any kind shall be erected or displayed thereon, except such signs as are permitted elsewhere in these protective covenants and restrictions. . . . Use of homesites must also comply with applicable laws and regulations of governmental bodies and agencies.

No building situated on any homesite shall be rented or leased separately from the rental or lease of the entire property and no part of any such building shall be used for the purpose of renting rooms therein or as a boardinghouse, hotel, motel, tourist or motor court or other transient accommodation. No duplex residence, garage apartment or apartment house shall be erected or allowed to remain on any homesite and no building at any time shall be converted into a duplex residence, garage apartment or apartment house. Homesites may be used by the association, when approved by the board of directors, for parks or a community center if the occasion arises. (Emphasis Added.)

The plain language contained within the Declaration prohibits the rezoning and waiver requests sought by Mr. Mousa.

D. <u>Violation Notice and Community Complaints.</u>

The Shadow Run HOA has previously objected to Mr. Mousa's use of the Subject Property and intends to seek enforcement of the Declaration in accordance with Florida law. On

Hillsborough County, Development Services Department May 13, 2021 Page 4 of 5

February 12, 2021, the Shadow Run HOA provided Mr. Mousa with a Deed Restriction/Out-of-Compliance Notification ("Violation Notice"), where in Mr. Mousa was cited for running a business from the Subject Property in violation of Article 2 of the Declaration. The Shadow Run HOA demanded that Mr. Mousa cease and desist from operating any business from the Subject Property which violates Florida law.

Moreover, the Shadow Run HOA has received hundreds of complaints from its members and community residents who oppose the approvals/modifications requested by Mr. Mousa. Based on the sheer number of these complaints, it appears the community, in large part, has unified in its objections to the rezoning and waivers sought by Mr. Mousa from Hillsborough County.

E. Section 6.11.28.A of the Land Development Code.

Section 6.11.28.A of the Land Development Code states the following, in pertinent part:

Sec. 6.11.28. - Community Residential Home

The following specific standards shall be used in deciding an application for approval of these uses:

A. Community Residential Homes housing six or fewer residents shall be deemed a single-family unit and non-commercial residential use for the purposes of this land Development Code.

... No community residential home type "B" or "C" shall be located ... within a radius of 500 feet of an area of non-agricultural (RSC) single-family zoning. These 1,200- and 500-foot distances shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home ...

The requirements of this section are clear and unambiguous. In applying this section and its requirements to the proposed project, said project clearly fails. More specifically, as proposed, the expanded assisted living facility will be located within a radius of 500 feet of an area of non-agricultural (RSC) single-family zoning. Accordingly, the project does not comply with Section 6.11.28.A of the Land Development Code. This section is intended to protect the rights and quiet enjoyment of neighboring residential and single-family property owners, such as those which exist within 500 feet of the proposed project. For a facility with 19 beds, frequent EMS visits will be expected all hours of the day and night. Further, it is likely that commercial vehicles will come and go from the Subject Property (linen, medical supplies, food, etc. etc.). These visits would likely cause significant inconvenience and disruption for neighbors. For the protection of the neighboring property owners and Shadow Run HOA, the distance requirements set forth

Hillsborough County, Development Services Department May 13, 2021 Page 5 of 5

within Section 6.11.28.A of the Land Development Code should be enforced and no waiver should be granted.

For the reasons stated herein, the Shadow Run HOA respectfully requests that the Zoning Hearing Master in this case make the following recommendations to the Hillsborough County Board of County Commissioners: (A) a denial of the requested planned development rezoning of the Subject Property (currently Type A CRH), and (B) a denial of all waivers and variances requested in connection with this proposed project. If you have any questions or concerns regarding this correspondence or its contents, please feel free to contact our office.

Sincerely yours,

OWENS LAW GROUP, P.A.

Scott W. Fitzpatrick

cc: The Shadow Run Home Owners' Association, Inc.

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