# Rezoning Application: MM 22-0089

Zoning Hearing Master Date: July 25, 2022

**BOCC Land Use Meeting Date:** 

September 13, 2022



**Development Services Department** 

### **1.0 APPLICATION SUMMARY**

Applicant: FLU Category:	Michael Brooks Brooks, Sheppard & Rocha, PLLC. OC-20 (South of Sinclair Hills Rd); R-4 (North of Sinclair Hills Rd.)
Service Area:	Urban
Site Acreage:	30.54 acres
Community Plan Area:	Lutz
Overlay:	None



### Existing Approvals:

**PD 03-1124** was approved by the Board of County Commissioners on May 25, 2004 for 255,350 square feet of Commercial Intensive (CI) and Commercial General (CG) uses. On 2008, the project was modified (PRS 08-0170) to reduce the total square footage from 255,350 to 240,000 square feet. Changed the building footprints to face Bearss Avenue. Increased the height in Area C from 35 feet to 40 feet and permitted 24-hour business operations. Access to North 12<sup>th</sup> Street was eliminated.

### **Proposed Modifications:**

The applicant is seeking a major modification to the existing Planned Development (PD) 03-1124, as modified by MM 08-0170 for the development of a Tampa Electric Company (TECO) and Peoples Gas System (PGS) public service facility. The proposal is a two phased development comprising a total development of 300,000-square-feet composed of two structures. The applicant is proposing a double-height second story with a mezzanine, functioning as a partial "third" floor. The height will not exceed 55 feet. Phase One will be 160,000 square feet and Phase Two proposed a 140,000-square-foot building. This will be a "secure" facility, meaning that the public cannot enter. The site will be fenced and will have a security gate house at the main entrance and a gated entrance from Sinclair Hills Road.

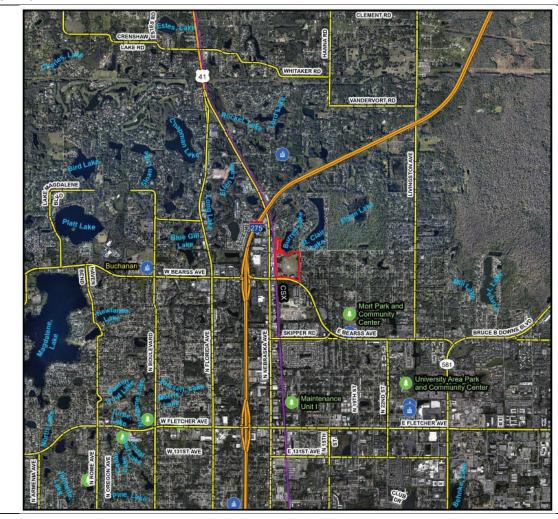
Dianaina Commission Decommondation.	Development Comisse Decommendation
Waiver(s) to the Land Development Code:	None Requested.
PD Variation(s):	To allow an 8-ft. fence for an office-type facility. LDC Part 6.06.04 (Off-street vehicular buffer/Shade Trees)
	LDC Part 6.07.00 (Fences/Walls)
Additional Information:	

Planning Commission Recommendation:	Development Services Recommendation:
Consistent	Approvable, subject to proposed conditions

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### 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map



# **Context of Surrounding Area:**

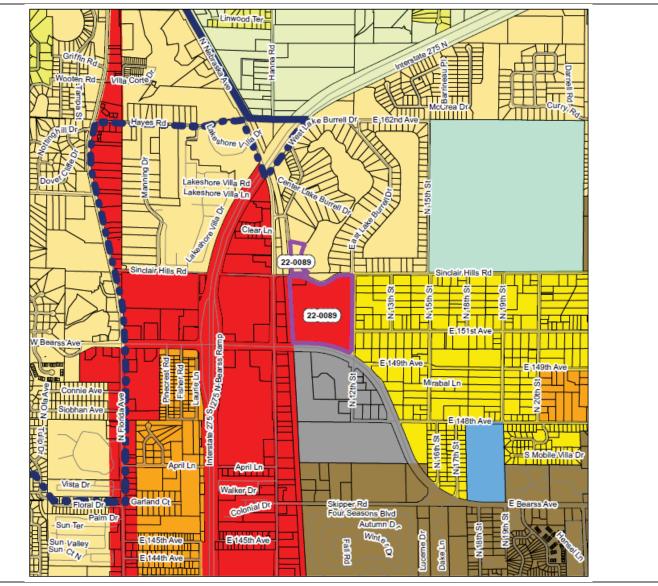
The subject site is located slightly east of northeast corner of the Bearss and Nebraska Avenues intersection. The site is currently utilized for a golf driving range and paintball facility, and mostly undeveloped.

- South of the site is M (Manufacturing) zoning within the LI (Light Industrial) future land use category. Developed uses include a mini-warehouse, recycled materials facility and towing and auto repair business with open storage. The project is separated from these uses by Bearss Avenue.
- Immediately east of the subject site is include RSC-2 MH (Residential, Single-Family Conventional 2 units per acre– Mobile Home Overlay) and AS-1 (Agricultural, Single-Family) developed with a mobile home park and single-family residential.
- Southeast of the subject site are CG and CN zoned properties located at the southeast corner of Sinclair Hills Road and 12<sup>th</sup> Street.
- To the west of the subject site is CSX Railroad ROW (approximately 100 feet wide) abutting the entire western side of the PD boundary. Further west is Commercial Intensive zoning.
- To the north Properties are zoned RSC-4 and AR and are separated from the subject site by Sinclair Hills Road, a 2-lane, local roadway. The AR zoned property is vacant. A substantial portion of the adjacent RSC-4 zoned property consists of a lake approximately 9 acres in size (Burrell Lake). Residentially developed lots occur to the northeast and were platted in 1950 ("Apex Lake Estates").

Case Reviewer: Timothy Lampkin, AICP

# 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.2 Future Land Use Map

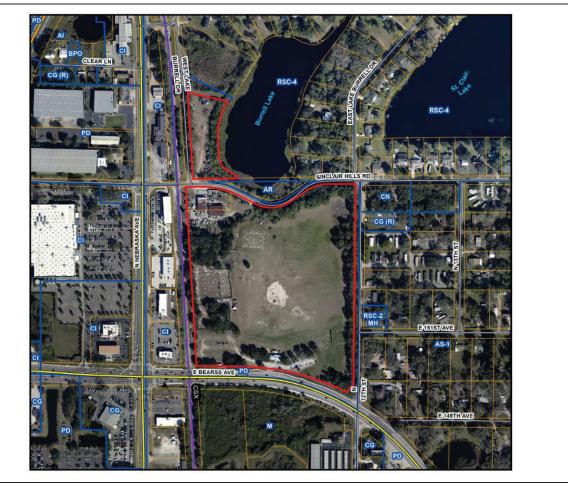


Subject Site Future Land Use Category:	OC-20 (South of Sinclair Hills Rd.), R-4 (North of Sinclair Hills Rd.)
Maximum Density/F.A.R.:	Office Commercial-20: Maximum 0.75 FAR Residential-4: Maximum 0.25 FAR
Typical Uses:	The OC-20 designated area south of Sinclair Hills Road, includes typical uses such as community commercial type uses, office uses, mixed use developments, and compatible residential uses.
	The area located north of Sinclair Hills Road and designated R-4 includes typical uses such as suburban scale neighborhood and commercial, office uses, multi-purpose projects.

Case Reviewer: Timothy Lampkin, AICP

# 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.3 Immediate Area Map



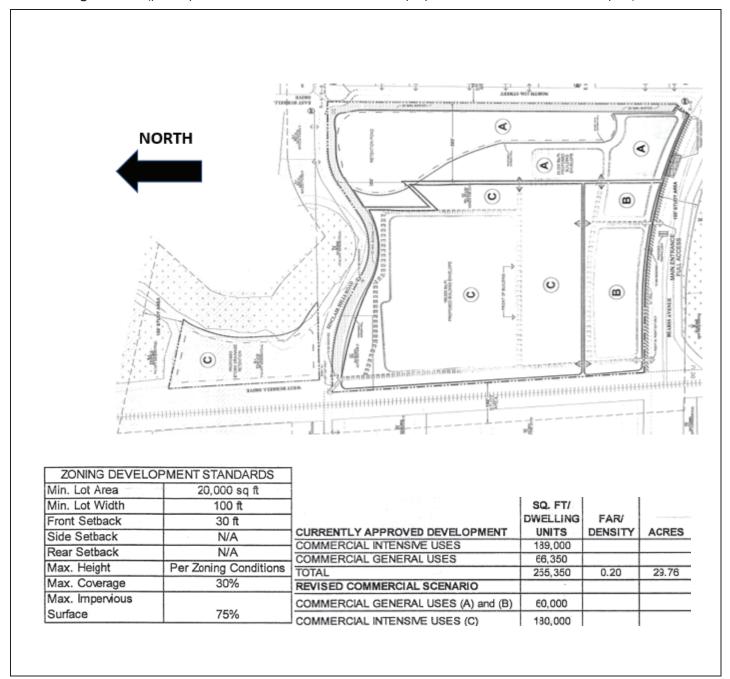
# Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR & RSC-4	CN: 7,000 sf RSC-4: 10,000 sf	Agricultural and Single-family home	Burrell Lake and residentially developed properties (Apex Lake Estates located NE)
South	М	Max. FAR: 0.75	Manufacturing, processing, intensive commercial, other industrial uses.	Mini-warehouse, recycled materials facility and towing and auto repair business with open storage.
East	RSC-2 MH & AS-1	RSC-2: Min. 21,780 sf AS-1: Min. 43,560 sf	Residential	Mobile home park and single-family residential
West	CI	Max. FAR 0.30	Intense commercial activities	CSX Railroad ROW

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### 2.0 LAND USE MAP SET AND SUMMARY DATA

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



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# 2.0 LAND USE MAP SET AND SUMMARY DATA

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



According to the application, Tampa Electric Company (TECO) and Peoples Gas System (PGS) are working on improving system resiliency and operational sustainability. The 160,000-square-foot facility will be designed to withstand significant storm events. The development site is comprised of three parcels, approximately 30.54 acres in size, with most of the development site located south of Sinclair Hills Road. The development is proposing two phases, with phase one with 160,000 square feet and phase two with 140,000 square feet of development equating to 300,000 square feet of total development. The height of the public service facility will not exceed 55 feet, with the second story with a mezzanine that will function as a third story.

The northwestern parcel located across Sinclair Hills Road will be developed as an accessory open space and recreation area for the proposed developed located south of Sinclair Hills Road. The area will be restricted to employees only. The space will function as a recreation space for employees at the facility during work breaks. Improvements may include a gazebo or similar sitting or picnic table area and possibly restrooms. No other permanent structures are contemplated. There will be a perimeter fence with a gated access at Sinclair Hills Road.

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# 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
Bearss Avenue	County Arterial - Urban	4 Lanes □ Substandard Road ⊠ Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>
Sinclair Hills Road	County Local - Urban	2 Lanes ⊠ Substandard Road □ Sufficient ROW Width	<ul> <li>□ Corridor Preservation Plan</li> <li>☑ Site Access Improvements</li> <li>☑ Substandard Road Improvements</li> <li>□ Other</li> </ul>

Project Trip Generation  Not applicable for this request					
	Average Annual Daily Trips A.M. Peak Hour Trips P.M. Peak Hour Trips				
Existing	9,060	226	914		
Proposed	3,375	534	513		
Difference (+/-)	-5,685	+308	-91		

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

Connectivity and Cross Access ONot applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	Х	Vehicular & Pedestrian	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:	•	•		·

Design Exception/Administrative Variance ONot applicable for this request				
Road Name/Nature of Request Type Finding				
Sinclair Hills Rd./Substandard Road Improvements	Design Exception Requested	Approvable		
	Choose an item.	Choose an item.		
Notes: Improvement includes a 12-foot multi use path along the northside of the property on Sinclair Hills Rd.				

4.0 Additional Site Information & Agency Comments Summary					
Transportation	Conditions Requested	Additional Information/Comments			
<ul> <li>Design Exception/Adm. Variance Requested</li> <li>Off-Site Improvements Provided</li> </ul>	□ Yes □N/A ⊠ No	⊠ Yes □ No	See Staff Report.		

# 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

# INFORMATION/REVIEWING AGENCY

Environmental:	Comments Received	Objections	Conditions	Additional Information/Comments
	$\boxtimes$ Yes	🗆 Yes	Requested	information/comments
Environmental Protection Commission		$\square$ res	$\square$ No	
Natural Resources	$\boxtimes$ No	⊠ No	$\square$ No	
	⊠ Yes			
Conservation & Environ. Lands Mgmt.		⊠ No	⊠ No	
Check if Applicable:	🛛 Potable V	Vater Wellfield Pro	tection Area	
⊠ Wetlands/Other Surface Waters	Significan	t Wildlife Habitat		
Use of Environmentally Sensitive Land	🗆 Coastal H	igh Hazard Area		
Credit		burban/Rural Scer	nic Corridor (Lo	owell Rd.)
Wellhead Protection Area	-	to ELAPP property		,
Surface Water Resource Protection Area	□ Other			
Public Facilities:	Comments		Conditions	Additional
Public Facilities:	Received	Objections	Requested	Information/Comments
Transportation				See Transportation
🖾 Design Exc./Adm. Variance Requested	⊠ Yes	□ Yes ⊠ No	⊠ Yes	"Agency Review Comment Sheet", dated
Off-site Improvements Provided	🗆 No		🗆 No	7/7/22.
Service Area/ Water & Wastewater				
$\Box$ Urban $\blacksquare$ City of Tampa	🖾 Yes	□ Yes	🗆 Yes	
, 1	🗆 No	🖾 No	🖾 No	
□Rural □ City of Temple Terrace				
Lillehenseek County Cohool Doord				
Hillsborough County School Board	🛛 Yes	□ Yes	□ Yes	
Adequate         □         K-5         □         6-8         □         9-12         N/A	□ No	⊠ No	⊠ No	
Inadequate				
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### Impact/Mobility Fees:

(Various use types allowed. Estimates are a sample of potential development)

150,000 s.f. - Office, Single Tenant (Per 1,000 s.f.) Mobility: \$9,005.00\*150 = \$1,350,750 Fire: \$158.00\*150 = \$23,700

Urban Mobility, Northwest Fire - Two 150,000 s.f. Single Tenant Office structures, in two phases (fee estimate may increase if secondary structure is constructed under different, future schedule). Radio Tower (no impact for this use).

Credit for prior structures may apply.

\*\*\*Rates based on Jan 1, 2022, fee schedule\*\*\*

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission □ Meets Locational Criteria ⊠N/A	🛛 Yes	Inconsistent	□ Yes	See Hillsborough County City-County Planning Commission review
<ul> <li>Locational Criteria Waiver Requested</li> <li>Minimum Density Met</li> <li>N/A</li> </ul>	□ No 🛛 Consistent	⊠ No	report for in-depth comments.	

### **5.0 IMPLEMENTATION RECOMMENDATIONS**

### 5.1 Compatibility

Tampa Electric Company (TEC) and Peoples Gas System (PGS), each of which fall within the definition of a "public utility" as defined by 336.02(1), Florida Statutes (2021), have selected property at the northeastern quadrant of the intersection of Bearss Avenue and Nebraska Avenue to jointly develop a new secured operations center.

The subject site is located slightly east of northeast corner of the Bearss and Nebraska Avenues intersection. The surrounding development pattern consists of a mixture of uses. Single family detached residential is located to the east and northeast of the subject site. Light industrial uses are located to the south with light commercial and a CSX railroad right-of-way located to the west. A lake and single-family residential units are located to the north of the subject site, across Sinclair Hills Road. The proposed modification should be sensitive to the residential uses along Sinclair Hills Road and North 12th Street.

According to the application, Tampa Electric Company (TECO) and Peoples Gas System (PGS) are working on improving system resiliency and operational sustainability. The 300,000-square-foot facility will be designed to withstand significant storm events. The development site is comprised of three parcels, approximately 30.54 acres in size, with most of the development site located south of Sinclair Hills Road. The development is proposing two phases, with phase one with 160,000 square feet and phase two with 140,000 square feet of development equating to 300,000 square feet of total development. The height of the public service facility will not exceed 55 feet, with the second story with a mezzanine that will function as a third story.

On the site plan, the applicant proposes landscaping around the parking area in compliance with Section 6.06.04, Offstreet Vehicular Use Areas which requires a minimum eight-foot landscape buffer a minimum of eight feet in width between the off-street vehicular use area and the right-of-way. There shall be at least one tree for each 40 linear feet (or part thereof) of required buffer, planted in the buffer with trees located to maximize shading of the off-street vehicular use area. Additionally, the driveway into a parking area shall be bordered by a landscaped buffer a minimum of eight feet in width. The applicant has proposed maintaining the viable trees along the eastern boundary as a buffer and as screening of the parking area.

### Variations Requested:

A variance to Section 6.07.00 (Fences) of the Land Development Code is being requested to allow for an 8-foot-tall perimeter fence. The second variance is regarding Section 6.06.04 of the LDC to allow a waiver of shade trees, as necessary at site and development, for a possible solar array to be installed over the parking area. Justification was included in the applicant's submittal. Staff has reviewed the justification statement submitted by the applicant for the variations and finds they meet the criteria for approval per LDC Section 5.03.06.C.6. The Rezoning Hearing Master's recommendation for this application is required to include a finding on whether the requested variations meet the criteria for approval. Additional information regarding the rationale may be found in the applicant's narrative. The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering).

Bearss is Scenic Corridor is classified as a Scenic Corridor, the applicant will have to adhere to the Land Development Code regarding the Scenic Corridor. The property lies within the City of Tampa Water Service Area and the City of Tampa Wastewater Service Area.

# **Radio and Television Transmitting and Receiving Facility**

The development also proposes a Radio and Television Transmitting and Receiving Facility. This tower is proposed to be used by TECO to communicate with their "smart" grid and identify issues faster, improving customer reliability. The tower will be located within the secured facility, inaccessible to the public, and unavailable for commercial uses unrelated to utility operations. The applicant states that it will provide the Bearss Operation Center with the independent

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capability to communicate with other TEC and PGS facilities, remotely monitor and control utility infrastructure, and communicate with employees. Most important, during black sky days, these essential capabilities will be protected within the Bearss Operation Center and unaffected by potential service interruptions that may occur to third-party off-site towers and support infrastructure. To this end, the radio tower will be an essential component of the public utility operations of the Bearss Operation Center, and not a stand-alone principal use; it will be used exclusively to support the utility operations of the Bearss Operation Center and unavailable to third party commercial uses and services unrelated to the utility operations of the Bearss Operation Center.

Timothy Lampkin, AICP

The applicant states that due to the subject nature of the proposed tower, Section 6.11.79, Radio and Television Transmitting and Receiving Facility, should not comply. Further, the applicant states that the planned operations center and communication tower collectively comprise an integrated Public Service Facility use—with each component dependent on the other. Thus, it would be impractical, arguably impossible, to properly review the Bearss Operation Center, and by extension need for the related communication tower, and appropriately recommend conditions of their approval, without considering the purpose, function, and operational aspects of the facility, in its totality. Staff concurs with this assessment.

The tower location is in the southwest corner of the property. The proposed site falls within Zone "B" on the Airport Height Zoning Map. Any structure including construction equipment that exceeds 200 feet Above Ground Level will require an Airport Height Zoning Permit and must be reviewed by the Airport Zoning Director.

# **Design Exception**

As Sinclair Hills Road is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception request (dated January 27, 2021) to determine the specific improvements that would be required by the County Engineer. Based on factors presented in the Design Exception request, the County Engineer found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. Specifically, the developer is proposing to construct an eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12th Street.

Staff has not identified any compatibility issues relative to the surrounding properties. The proposed use is appropriately located between commercial, industrial and residential areas of the community and within a future land use category approved in the Comprehensive Plan for urban level development. To ensure compatibility with adjacent residential uses, the project will provide buffering and screening along northern and eastern boundaries, as well limit building heights to 3-stories/55 feet with significant setbacks from the perimeter.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan.

# 5.2 Recommendation

The proposed project with the proposed development standards, existing scale and restrictions may be found to be compatible with nearby development patterns. The proposed development satisfies the intent of the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan. Based upon the above, staff finds the request approvable.

# 6.0 PROPOSED CONDITIONS

**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted July 5, 2022.

1. The project shall be allowed a maximum of 180,000 300,000 square feet of Commercial, Intensive uses and 60,000 square feet of Commercial General and Commercial, Neighborhood uses. Public Service Facility uses, including a self-support radio tower and other conditional and accessory uses of the AR zoning district.

$\Lambda reg \Lambda$	CN uses only th	e following uses	shall be prohibited.
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Convenience store/gas stations
Convenience store/gas stations
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- Kennel
- Plant Farm
- Billiards/Pool Parlor
- Bowling Alley
- Commercial Vocational School
- Free Standing Tavern/Bar
- Liquor Store
- Gun Sales/Gun Smith
- Sexually Oriented Businesses
- Recyclable Household Goods Facility
- Communication Towers

Areas B (CG uses) and C (CI uses), the following uses shall be prohibited:

- Industrial Laundry
- Livestock Auction
- Major Vehicle Repair
- Commercial Vehicle Sales
- Large Scale Printing/Publishing
- Road Services
- Truck Stop/Terminals
- Vehicle Recycling
- —— Industrial Dry Cleaning
- Minor Industry
- Warehousing
  - Sexually Oriented Businesses
  - Communication Towers
    - 1.1 Development of this site shall be subject to the Large Scale Retail Development (Big Box) criteria in Section 6.11.106 of the Land Development Code, unless otherwise specified herein. If a conflict between the Section 6.11.106 regulations and conditions of approval exists, the more restrictive shall apply, except as provided herein.

- 1.2 Development standards shall be those of the CI Zoning District unless otherwise indicated herein. Buildings, parking, and retention shall be located as shown on the general site plan. Any "garden centers" shall be located within the building envelopes shown on the general site plan. Buildings shall not exceed 35 feet in height in Areas A and B. Buildings in Area C shall not exceed 40 feet in height; the architectural feature located at the front of the building shall not exceed 45 feet.
- 1.1 <u>Buildings</u>, parking and retention shall be located as shown on the general site plan. Development standards shall be as follows:

1.1.1. Front setbacks (Bearss Avenue): 30 feet, measured concurrent with any proposed buffer.

1.1.2. Side and rear setbacks: 15 feet, measured in addition to any proposed buffer.

1.1.3. Maximum building height: 55 feet, except for the "excluded portions" of the building as allowed under existing Land Development Code provisions (Section 6.08.01), and provided that buildings with a height greater than 20 feet shall be set back an additional two feet for every one foot of building over 20 feet.

1.1.4. Radio Tower shall include the following:

- <u>250-foot maximum height</u>
- <u>85-foot minimum setback from all property lines</u>
- 1.2 The project shall be allowed internal security fences and a perimeter security fence up to 8 feet in height. Driveways shall meet Transportation Technical Manual requirements for a gated entrance.
- 1.3 Exterior lighting shall comply with Part 6.10.00 Exterior Lighting of the Land Development Code and any exterior lighting within two hundred feet (200') of 12<sup>th</sup> Street shall have a Backlight, Up light, Glare (BUG) Rating of 4/0/5 or better.

<u>1.3.1</u> Prior to the issuance of Certificates of Occupancy, a licensed professional engineer <u>or utility</u> <u>streetlight provider pursuant to section 768.1382 Florida Statutes</u> shall provide certification stating that the exterior lighting as installed complies with the provisions in 1.4.

1.3 The following activities shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m. Monday Friday and 10:00 p.m. 8:00 a.m. Saturday and Sunday: deliveries, loading and unloading (external to the building), power sweeping/parking lot cleaning, trimming of landscaping, and dumpster loading/unloading. Trucks can be unloaded from the docking bay at any time. Overnight parking of delivery vehicles with running engines, generators or refrigeration systems shall be prohibited during the hours specified.

Area A hours of customer operation shall be from 6:00 a.m. to 11:00 p.m. Vehicular and pedestrian access is not prohibited in Area A at any time.

1.4 In addition to the lighting conditions in Section 6.11.106, all lighting within the project shall be full-cutoff fixtures. Luminaries shall not be tilted. Lighting of or on buildings shall be limited to wall washer type fixtures or up-lights which do not produce spill light or glare. Floodlights shall not be permitted. Light poles shall not exceed 18 feet above ground level. Illumination levels at the property lines shall not be more than .5 (five-tenths) foot-candles at any point except along Bearss Avenue within Area B and at driveway entrances to the property where additional

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illumination shall be allowed for safety purposes to provide adequate illumination of the driveway intersection. Lighting shall be installed with time controls such that light levels are reduced not later than one hour after the close of customer operations to the minimum levels recommended by the Illuminating Engineering Society of North America (IESNA) to ensure safety and security (approximately a 50% reduction).

- 1.4.1 Prior to the issuance of Certificates of Occupancy, a licensed professional engineer shall provide certification stating that the exterior lighting as installed complies with the provisions in 1.4.
- 1.5 Along the side(s) of the principal building or buildings within Area C and Area A with customer entrances there shall be a covered walkway or canopy, a minimum of 6 feet in width. Such covered walkway or canopy shall be located to provide weather protection at the location of the customer entrances, and shall extend across not less than 65 percent of such façade width. The Area B building façades facing Bearss Avenue shall consist of not less than 20 percent of transparent windows, showcase or entry door area.
- 1.6 Speakers located on the exterior of the buildings shall not be permitted. Live outdoor entertainment shall not be permitted.
- 1.4 Outdoor recreational areas shall be limited to use by employees and invited guests. Improvements may include a gazebo/pavilion and restrooms.
- 1.71.5 Pole signs and billboards shall not be permitted. Ground signs shall be limited to a maximum height of six feet, regardless of additional setback that may be provided pursuant with Section 7.04.03 of this Code, and the sign structures shall have architectural detailing and cladding consistent with the buildings they serve. There shall be only one entrance sign at the Sinclair Hills entrance which shall be lighted only during hours of eustomer operation and such sign shall not exceed 4 (four) feet in height.
- 1.8 A 10 (ten) foot-high solid wall shall be constructed between the paved/building area and the berm along the northern boundary and an 8 (eight) foot-high solid wall shall be constructed between the paved/building area and the retention pond area along the easterm boundary in the general location as shown on the site plan to the southern end of the 30,000-square-foot building in Area A. A 6-foot-high wall shall continue from the southern end of the Area A 8-foot-high wall south to the southern end of the 30-foot buffer (wall shall be west of the buffer). The wall shall be finished on both sides.
  - 1.9 If Area C is developed with a Large Scale Retail Development (Single Tenant Big Box), a variance to Section 6.11.106.C.7 regulation requiring 1/5 of the parking not to be located in the front yard is granted.
- 2. <u>Except as may be required during emergency events</u>, temporary or permanent open storage (which shall include but is not limited to pallets, trailers, or pods) and dumpsters shall be screened from view of any adjacent residentially-zoned land or roadways. Furthermore, either temporary or permanent open storage shall be prohibited anywhere on site except within the Parcel C building envelope shown on the general site plan and shall only be located between the building and the western project boundary.

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The developer shall provide a minimum 30 (thirty) 20 (twenty) foot wide buffer area with the following 4<del>.3.</del>3. landscape screening (a) along the western side of North 12<sup>th</sup> Street, and (b) along Bearss Avenue, and (c) along the southern side of Sinclair Hills Road west from the intersection of North 12<sup>th</sup> Street and Sinclair Hills Road and extending the entire length of the northern property line, except in the area where the to the project entrance is located on Sinclair Hills Road, an earthen berm of five feet in height, with a minimum 3:1 side slope, The buffer area shall be planted with a combination of native evergreen trees and shrubs. Trees shall be a minimum of 12 feet in height and minimum caliper of four inches at the time of planting with a minimum of one tree for every forty (40) feet of frontage. The remainder of the buffer area shall be sodded. To the extent feasible, existing healthy trees that exceed the minimum planting requirement shall be retained within the buffer area, which trees shall count towards the requirements of this paragraph. Along Bearss Avenue, this planting requirement will meet the Urban Scenic Roadways requirements. and shrubs a minimum of 5 feet in height at the time of planting. Of the native evergreen trees, at least 50% and no more than 60% shall be of a native coniferous variety and spaced not any further apart than 20 feet on center. The native evergreen shrubs must not be spaced any further apart than 5 feet on center. Lawn, low growing evergreen plants and evergreen ground cover shall cover the balance of the berm. The berm and plantings shall obtain a minimum of 75% opacity for a height of twelve feet at the time of planting.

Along Sinclair Hills Road, after the first 300 feet west from the intersection of North 12<sup>th</sup> Street and Sinclair Hills, for the next 300 feet of the berm, the required height, side slope, and location of the berm, as well as the tree and shrub planting may be varied where necessary to preserve significant trees. However, the berm and any supplemental understory or tree plantings shall still achieve a minimum 75% opacity for a height of 12 feet at the time of planting.

Concurrent with construction of the landscape berm along Sinclair Hills Road and 12th Street, and subject to review and approval by the Hillsborough County Public Works Department, the developer shall improve the existing open ditch drainage system with an underground pipe system that will transfer water from the outfall on the south side of Lake Burrell to the headwall located at the intersection of Bearss Avenue and 12<sup>th</sup> Street.

- 4. Along Bearss Avenue, the eastern parking lot boundary, and along the western portion of the south side of Sinclair Hills Road where a berm is not required, the following shall be required: a row of shade trees with a minimum caliper of three inches and minimum height of 10 feet at the time of planting and spaced on 30-foot centers, along with a continuous hedge of shrubs and ground cover with a minimum height of 18 inches and minimum opacity of 75 percent at time of planting and a maximum height of 36 inches within two years. At the discretion of the developer, palms may be planted in lieu of shade trees at the rate of one date palm (Phoenix dactylifera) or a cluster of three sabal palms (Sabal palmetto) for one shade tree. The palms shall have a minimum height of 10 feet (clear trunk measurement) at time of planting. The remainder of the buffer area shall be sodded.
- 4. All landscaping shall be irrigated and maintained in accordance with Part 6.06.00 of the LDC, provided that any <u>required</u> dead landscaping shall be replaced within a reasonable time period in order to preserve the benefit of the buffer to the surrounding properties. The project shall be required to utilize public water for all on-site irrigation, unless reclaimed water is available. Prior to the commencement of development, the developer shall be required to cap the existing on-site wells.
- 6.5. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the

Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetland, and does not grant any implied or vested right to environmental approvals.

- 7. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, identifying the necessary improvements to mitigate the development's traffic impacts. If the traffic study identifies the need for traffic signals(s), warrant studies shall be conducted and submitted to the County for approval.
- 8. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the left and right turn lanes needed to serve development traffic. The turn lanes shall be constructed to FDOT and/or Hillsborough County standards. The Developer, consistent with requirements of the Land Development Code, shall construct the following access related turn lanes:
  - 8.1 Westbound right turn lane on Bearss @ each project entrance.
  - 8.2 Eastbound left turn lane or dual eastbound left turn lane on Bearss Ave @ main project entrance as required by Hillsborough County. The project traffic shall not impede the eastbound through movement on Bearss Ave or create traffic back-ups unto the CSX railroad tracks.
  - 8.3 Eastbound right turn lane on Sinclair Hills Rd @ project entrance.
- 9.6. Based on the projected trip generation to the site, access onto the public road would be via "Type III" Minor Roadway Connection (more than 1,500 trip ends per day). The Land Development Code requires that all All internal access (the "throat") to the driveways must be a minimum of 100 feet from comply with the General Access Standards of the LDC and keep the requisite distance from the edge of pavement of the public roadway, and shall remain free of internal connections or parking spaces that might interfere with the movement of vehicles into or out of the site.
- 10. The driveway access points on Bearss Ave are subject to further detailed traffic analysis as per the requirements of conditions 7 and 8 above. In addition to the requirements of Article III, Section 7 of the Hillsborough County Code of Laws and Ordinances: shopping carts, prior to issuance of any certificates of occupancy on the subject site, the developer shall demonstrate the existence and use of an electronic shopping cart anti-theft protection system that all tenants shall utilize on their shopping carts.
- 11. Prior to the commencement of development, the developer shall be responsible for coordinating with FDOT and expanding the existing FDOT drainage pond within the subject tract of land located on the north side of Sinclair Hills Road, that is identified as the proposed stormwater retention pond. Upon completion of the pond, the subject tract shall be dedicated to the FDOT subject to review and acceptance by FDOT. The developer shall have the right to all fill dirt removed from the pond to use at its sole discretion, subject to all rules and regulations of Hillsborough County regarding the removal of dirt, including Section 6.11.54 of the Land Development Code: Land Excavation.
  - In the event FDOT will not allow the pond expansion prior to a certificate of occupancy being issued for commercial intensive uses on the property and subject to review and acceptance by Hillsborough County, the developer shall dedicate the subject tract of land to the County for the sole purpose of providing future additional storage and retention of run-off pursuant to a County initiated project.

- 12. Prior to the issuance of a certificate of occupancy for the CI use, the developer, at his expense, shall realign the intersection of Sinclair Hills Road and 12<sup>th</sup> Street and the intersection of Sinclair Hills Road and East Lake Burrell Street to operate as a single four (4) way intersection. The improvement on the site plan is conceptual subject to PGM and Public Works approval. The developer shall dedicate additional right of way necessary to accommodate the realigned intersection upon completion of the improvements.
- 13. The Developer shall be permitted two (2) driveways onto Bearss Ave. One (1) of the driveways shall be restricted to right-in/right-out movements. The second driveway labeled "Main Entrance Full Access" on the general site plan shall be full access. The locations shown on the zoning site plan are conceptual, and final locations of such driveways shall be determined based on the detailed traffic study consistent with access management spacing guidelines taking into account the proximity of the CSX railroad tracks. The final access locations shall be as approved by PGM. A raised median shall be constructed at each entrance to channelize the traffic movements as required.
- 14<u>7</u>. The Developer shall be permitted one full access driveway on Bearss Ave. and median opening, pending approval of a detailed traffic analysis which shows that the full access driveway will operate in a safe manner. If the traffic analysis shows that a left-out will potentially cause a safety problem, the access may be restricted to a left-in only. The full access driveway shall only be constructed if approved by PGM and Public Works.
- 158. The Development shall be limited to one access point onto Sinclair Hills Rd. The driveway onto Sinclair Hills Rd shall be restricted to a right-in, <u>left-out</u> and <u>left-right</u>-out only and the location of such access point shall be confirmed as part of the traffic study that shall be submitted. The location of the access point must not conflict with the service area of the CSX railroad tracks. The access point may be required to be located to the east of the location such access point is shown on the general site plan, as such location shall be subject approval of PGM and Public Works. The Developer shall construct raised concrete medians restricting the left-in and right-out movement or other means as approved by PGM and Public Works. The raised medians may be landscaped.
- 9. The Development shall not have any access onto 12th Street.
- 17. If warranted and approved by FDOT and Hillsborough County the Developer shall install a traffic signal at the intersection of Nebraska Avenue and Sinclair Hills Road.
- 108. When warranted, the developer shall install a traffic signal at the intersection of Bearss Avenue and the main project entrance. (labeled as "Main Entrance Full Access" on the general site plan. All signals must be approved by the Hillsborough County Public Works Department and traffic signals on the State Highway System must also have the approval of FDOT. If warranted, as determined by the traffic study, the traffic signal shall be installed and operational concurrent with the opening of the development. The Developer shall be responsible for the cost of design and installation of the traffic signal and appropriate interconnect with adjacent signals. The placement and design of the signal shall be subject to approval by Hillsborough County Public Works Department and/or FDOT. The installation of a traffic signal at this location will require coordination with CSX to incorporate safety features such as signal preemption and other safety features deemed necessary to prevent vehicles from blocking the railroad tracks.
- 19. The Developer shall install four (4) way stop signs at the intersection of Sinclair Hills Rd & 12th Street.

The installation of stop signs must meet the standard MUTCD warrants and must be approved by the Hillsborough County Public Works Department.

- 20. Sidewalks shall be constructed within the right-of-way along all external and internal roadways.
- 21. Bearss Ave is identified on the County's Comprehensive Bicycle Plan as needing bicycle facilities. To accommodate bicyclists and pedestrians on Bearss Avenue, the applicant shall construct a ten (10) foot trail on the north side of Bearss Avenue along the property's boundary. The trail shall be designed to meet the minimum standards set forth in the latest edition of the AASHTO Guide for the Development of Bicycle Facilities (Transportation Technical Manual, 2003). In lieu of constructing the trail, the developer can construct a five (5) foot bicycle lane and a five (5) foot sidewalk on the north side of Bearss Avenue along the property's boundary.
- 11. The self-support radio tower will be an essential component of the public service facility operations, not a standalone principal use, which requires it be located on the subject property to serve the special and unique needs of the facility as follows. The tower will provide the facility with the independent capability to communicate with other company facilities, remotely monitor and control utility infrastructure and communicated with employees. Furthermore, during black sky days, these essential capabilities will be protected within the facility and will be unaffected by potential service interruptions that may occur to third-party off-site towers and support infrastructure. To ensure operation and use of the radio tower is consistent with these special and unique needs, the following conditions shall apply:
  - 11.1 The radio tower shall be used exclusively to support the operations of the public service facility and shall not be available to third party commercial uses and services unrelated to the operations of the public service facility.
  - 11.2The radio tower shall be used only by a public utility, as that term is defined by Florida Statutes Section366.02 (2021), or an equivalent public utility under future laws, or in furtherance of the operations of a public utility.
  - 11.3 If the property ceases to be used as a public service facility by a "public utility," as defined by 336.02(1), Florida Statutes (2021), or an equivalent public utility under future laws, for a period exceeding one (1) year, the County may deem the radio tower as abandoned for purposes of this approval and require the removal or demolition of the radio tower .
  - <u>11.4</u> Except for those matters expressly stated in these conditions of approval, the radio tower shall be <u>constructed and operated consistent with Hillsborough County LDC Section 6.11.79, Radio and</u> <u>Television Transmitting and Receiving Facility.</u>
  - 11.5
     If approved, the radio tower shall not be required to utilize camouflage techniques in connection with its design.
- 12. The radio tower shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport. Prior to construction plan approval, documentation shall be provided to Hillsborough County showing the Hillsborough County Aviation Authority has reviewed the proposal as required by Airport Zoning Regulations (HCAA Resolution 2010-54, April 1, 2010, as revised) to determine if there is any potential impact on public airports in Hillsborough County. The radio tower shall not be constructed to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards.
- 13.The applicant shall provide the following public transit facilities consistent with the requirements of<br/>LDC, Sec. 6.09.03. C. 2. along the project frontage on Bearss Avenue:

ZHM HEARING DATE:July 25, 2022BOCC LUM MEETING DATE:September 13, 2022

Case Reviewer: Timothy Lampkin, AICP

- 13.1 Concurrent with Phase 1 development (i.e. development up to 160,000 gsf):
  - a. The developer shall construct a bus bay along Bearss Avenue in accordance with Hillsborough County and HART standards by extending the existing turn lane.
  - b. The bus bay will include a landing pad and a pedestrian connection from the landing pad to the sidewalk.
- 13.2 Prior to or concurrent with Phase 2 development (i.e. development exceeding 160,000 gsf), the developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to HART standards Hartline standards, The transit stop shall provide a pedestrian connection from the edge of roadway pavement to the development's project.
- 14. The proposed radio tower location falls within Zone "B" on the Airport Height Zoning Map. Any structure including construction equipment that exceeds 200 feet Above Ground Level will require an Airport Height Zoning Permit and must be reviewed by the Airport Zoning Director.
- 15. If PD 22-0089 is approved, the County Engineer will approve a Design Exception (dated January 27, 2021) which was found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. As Sinclair Hills Road is a substandard collector roadway, the developer will be required to make certain improvements to Sinclair Hills Road consistent with the Design Exception. Specifically, prior to or concurrent with the initial increment of development, the developer must construct eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12th Street.
- 16. The Developer shall construct prior to or concurrent with the initial increment of development the following site access improvements:

a. An eastbound left turn lane on to Bearss Avenue.

b. A westbound right turn lane on the Bearss Avenue.

c. An eastbound right turn lane on Sinclair Avenue.

- 17. Vehicular access to the Passive Recreational Tract (folio#34274.0100) shall be restricted to maintenance vehicles only. No employee, customer or other guest parking shall be permitted.
- 18. The developer shall construct a pedestrian crosswalk consistent with County Public Works standards on Sinclair Hills Drive to provide safe pedestrian access between the project's property on both sides of the roadway.
- 19. Notwithstanding anything herein or shown on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along PD boundaries.
- 20. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
- 21. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.

- 22. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
- 23. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
- 22. The developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to Hartline standards. The transit stop shall provide a pedestrian connection from the edge of roadway pavement to the development's project.
- 23 24. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan / plat approval.
- 24<u>25</u>. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- 25 26. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.
  - 27. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.

**Zoning Administrator Sign Off:** 

J. Brian Grady Fri Jul 15 2022 11:39:16

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

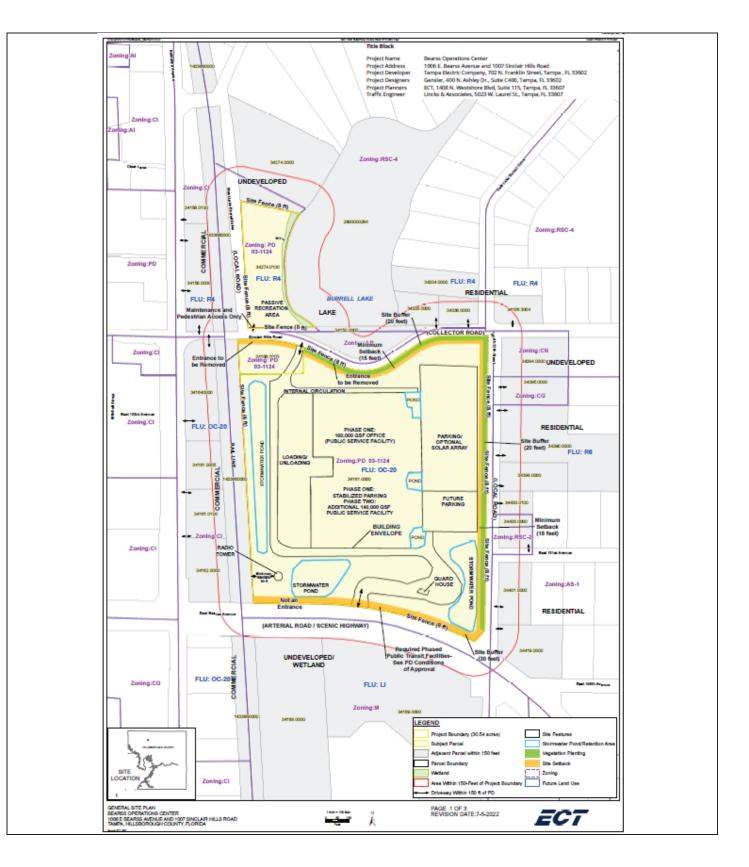
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are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

APPLICATION NUMBER:	MM 22-0089
ZHM HEARING DATE:	July 25, 2022
BOCC LUM MEETING DATE:	September 13, 2022

Case Reviewer: Timothy Lampkin, AICP

# 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

# 8.0 PROPOSED SITE PLAN (FULL)



APPLICATION NUMBER:	MM 22-0089
---------------------	------------

ZHM HEARING DATE:July 25, 2022BOCC LUM MEETING DATE:September 13, 2022

Case Reviewer: Timothy Lampkin, AICP

9.0 FULL TRANSPORTATION REPORT (see following pages)

# AGENCY REVIEW COMMENT SHEET

**TO:** Zoning Technician, Development Services Department **REVIEWER:** Richard Perez, AICP **PLANNING AREA/SECTOR:** University Area/Northwest DATE: 07/07/2022 AGENCY/DEPT: Transportation PETITION NO: PD MM 22-0089

This agency has no comments.

This agency has no objection.

This agency has no objection, subject to the listed or attached conditions.

This agency objects for the reasons set forth below.

# **CONDITIONS OF APPROVAL**

X

- If PD 22-0089 is approved, the County Engineer will approve a Design Exception (dated January 27, 2021) which was found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. As Sinclair Hills Road is a substandard collector roadway, the developer will be required to make certain improvements to Sinclair Hills Road consistent with the Design Exception. Specifically, prior to or concurrent with the initial increment of development, the developer must construct eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.
- The Developer shall construct prior to or concurrent with the initial increment of development the following site access improvements:
  - a. An eastbound left turn lane on to Bearss Avenue.
  - b. A westbound right turn lane on the Bearss Avenue.
  - c. An eastbound right turn lane on Sinclair Avenue.
- The applicant shall provide the following public transit facilities consistent with the requirements of LDC, Sec. 6.09.03. C. 2. along the project frontage on Bearss Avenue:
  - A. Concurrent with Phase 1 development (i.e. development up to 160,000 gsf):
    - 1. The developer shall construct a bus bay along Bearss Avenue in accordance with Hillsborough County and HART standards by extending the existing turn lane.
    - 2. The bus bay will include a landing pad and a pedestrian connection from the landing pad to the sidewalk.
  - B. Prior to or concurrent with Phase 2 development (i.e. development exceeding 160,000 gsf), the developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to HART standards.
- Vehicular access to the Passive Recreational Tract (folio#34274.0100) shall be restricted to maintenance vehicles only. No employee, customer or other guest parking shall be permitted.
- The developer shall construct a pedestrian crosswalk consistent with County Public Works standards on Sinclair Hills Drive to provide safe pedestrian access between the project's property on both sides of the roadway.

• Notwithstanding anything herein or shown on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along PD boundaries.

# PROJECT SUMMARY AND ANALYSIS

The applicant is requesting a Major Modification (MM) to approved Planned Development (PD) #08-0170, which consists of three parcels totaling +/- 30.54 ac. The existing PD is approved for up to 180,000 square feet of Commercial, Intensive uses and 60,000 square feet of Commercial General and Commercial Neighborhood uses. The applicant is requesting to modify the PD to permit up to 300,000 square feet of Public Service Facility Use with an accessory passive recreational tract. The project is proposed to be built out in two phases. The site is located 300 feet west of the of the intersection of Nebraska Ave and Bearss Ave. The Future Land Use designation of the site is Office Commercial 20 (OC-20) and Residential 4 (R-4).

# Trip Generation Analysis

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis to support the proposed zoning modification. Utilizing data from the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 10th Edition, staff has prepared a comparison of the trips generated by development under the existing approvals and proposed modifications, utilizing a generalized worst-case scenario.

# **Approved Zoning:**

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
	Two-Way Volume	AM	PM
PD, 240,000 Retail Uses (ITE code 820)	9,060	226	914
Less Internal Capture Trips	0	0	0
Less Pass-By Trips	0	0	310
Net New External Trips	9,060	226	604

# **Proposed Zoning:**

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 300,000 sf of Office Uses (ITE code 715)	3,375	534	513
Less Internal Capture Trips	0	0	0
Less Pass-By Trips	0	0	0
Net New External Trips	3,375	534	513

# **Trip Generation Difference:**

Zoning, Lane Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	-5,685	+308	-91

The proposed major modification would result in a decrease of trips potentially generated by development of the subject site by 5,685 average daily trips, an increase of 308 trips in the a.m. peak hour, and a decrease of 91 trips in the p.m. peak hour.

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Bearss Ave. is a 4-lane, Hillsborough County maintained, arterial roadway, characterized by +/-12 feet travel lanes. The existing right-of-way on Bearss Ave. is +/-150 feet. There are bike lanes and sidewalks on both sides of Bears Ave within the vicinity of the project.

In the vicinity of the proposed project, Bearss Ave. is shown on the Hillsborough Corridor Preservation Plan as a future 6-lane enhanced roadway. Although there is no typical section for 6-lane roadways, the minimum right-of-way necessary is calculated by taking the typical section for a 4-lane urban, divided, collector roadway (TS-6 within the Hillsborough County Transportation Technical Manual), which requires a minimum of 110-feet, and adding an additional 24 feet for Two extra lanes (for a total of 134 feet of right-of-way required). Given there is +/- 150 feet of right-of-way available along the project's frontage, no right-of-way preservation is required.

Sinclair Hills Road is a substandard 2-lane, Hillsborough County maintained, collector roadway characterized by +/- 10-foot travel lanes within +/-50ft of right-of-way. There are no marked bicycle or pedestrian facilities on either side of Sinclair Hills Road in the vicinity of the project.

The applicant's Engineer of Record has requested a design exception to propose constructing a 12-foot multi-use path on the south side of Sinclair Hills Rd. from the railroad tracks to 12<sup>th</sup> Street; and provide an eastbound right turn lane into the project access. Additional details of the request are discussed below in the Design Exception Section.

# SITE ACCESS AND CONNECTIVITY

Access to the primary office portion of the project will be via a single access connection to Bearss Ave. and single access connection to Sinclair Hills Road.

As indicated in the developer's transportation analysis, the following site access improvements (turn lanes) were found to be warranted consistent with Section 6.04.04.D. of the LDC:

- An eastbound left turn lane on to Bearss Avenue.
- A westbound right turn lane on the Bearss Avenue.
- An eastbound right turn lane on Sinclair Hills Road.

The passive recreational tract for employee use will retain an existing vehicular access connection to be restricted to maintenance vehicles only. Since the stated intent of the passive recreation tract is for employees at the facility during work breaks, the developer will be required to construct a pedestrian crosswalk between the entrance to the primary office portion of the site (south of Sinclair Hills Rd.) and the passive recreational tract to ensure safe crossing. The applicant agreed to the proposed condition of approval.

Transportation Staff initial comments required the site to have access through the neighborhood to the east. The applicant provided documentation about concerns that the connection to the east would impact the security requirements of the site. Due to the nature of the proposed use and safety concerns, connectivity to the East is not required. The use proposed contains a security element that requires the design of the site plan to limit access and to specifically limit access from unauthorized personnel. The applicant provided information to justify these concerns and staff agreed with their reasoning. As such, connectivity was not required to the East.

Pedestrian and bicycle access shall be permitted anywhere along the PD boundaries.

# **REQUIRED PUBLIC TRANSIT FACILITIES**

Pursuant to LDC, Sec. 6.03.09, the proposed development meets the criteria to provide certain public transit facilities for non-residential developments of 200,000 to 500,000 square feet. Sec. 6.03.09. C. 2. specifies that a bus bay and transit accessory pad including a shelter, seating, trash receptacles, and bicycle rack must be provided. As such staff is proposing a condition of approval requiring the public transit facilities and phasing of the requirements to correspond to the applicant's proposed project phasing plan (as requested by the applicant). The exact location and design of all the required public transit facilities will be determined, and included in, the initial site construction plan for phase I to ensure the facilities will be accommodated at buildout.

As part of Phase One construction and prior to final certificate of occupancy, the applicant shall construct a bus bay along Bearss Avenue according to HART standards by extending the existing turn lane. The bus bay will include a landing pad and a pedestrian connection from the landing pad to the sidewalk. As part of Phase Two construction, the developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to HART standards.

# **REQUESTED DESIGN EXCEPTION - SINCLAIR HILLS ROAD**

As Sinclair Hills Road is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception request (dated January 27, 2021) to determine the specific improvements that would be required by the County Engineer. Based on factors presented in the Design Exception request, the County Engineer found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. Specifically, the developer is proposing to construct an eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.

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

Sinclair Hills Road was not included in the 2020 Level of Service (LOS) Report.

FDOT Generalized Level of Service				
Roadway	From	То	LOS Standard	Peak Hr Directional LOS
BEARSS AVE	NEBRASKA AVE	BRUCE B DOWNS BLVD	D	С

Level of Service (LOS) information is reported below.

Source: 2020 Hillsborough County Level of Service (LOS) Report

# Perez, Richard

From:	Steady, Alex
Sent:	Wednesday, March 23, 2022 10:17 AM
To:	Perez, Richard
Subject:	FW: MM 22-0089 Design Exception
Attachments:	22-0089 DEAddInf 01-31-22.pdf
Importance:	High
Follow Up Flag:	Follow up
Flag Status:	Flagged

FYI

From: Williams, Michael <WilliamsM@HillsboroughCounty.ORG>
Sent: Monday, January 31, 2022 6:29 PM
To: Steven Henry <shenry@lincks.com>
Cc: Mora, Kristin M. <KMMora@tecoenergy.com>; Lampkin, Timothy <LampkinT@hillsboroughcounty.org>; Steady, Alex
<SteadyA@hillsboroughcounty.org>; Tirado, Sheida <TiradoS@hillsboroughcounty.org>
Subject: FW: MM 22-0089 Design Exception
Importance: High

Steve,

I have found the attached Design Exception (DE) for PD 22-0089 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Ingrid Padron (<u>padroni@hillsboroughcounty.org</u> or 813-307-1709) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to <u>PW-CEIntake@hillsboroughcounty.org</u>

Mike

Michael J. Williams, P.E.

Director, Development Review County Engineer Development Services Department P: (813) 307-1851 M: (813) 614-2190 E: <u>Williamsm@HillsboroughCounty.org</u> W: HCFLGov.net

# Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

Facebook | Twitter | YouTube | LinkedIn | HCFL Stay Safe

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

From: Tirado, Sheida <<u>TiradoS@hillsboroughcounty.org</u>> Sent: Monday, January 31, 2022 4:45 PM To: Williams, Michael <<u>WilliamsM@HillsboroughCounty.ORG</u>> Subject: RE: MM 22-0089 Design Exception Importance: High

Hi Mike,

The attached DE is approvable to me, please copy the following people in your email:

KMMora@tecoenergy.com shenry@lincks.com LampkinT@hillsboroughcounty.org SteadyA@hillsboroughcounty.org

Best Regards,

Sheida L. Tirado, PE (she/her/hers)

**Transportation Review Manager** Development Services Department

P: (813) 276-8364 E: <u>tirados@HCFLGov.net</u> W: <u>HCFLGov.net</u>

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

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

From: Rome, Ashley <<u>RomeA@hillsboroughcounty.org</u>>

Sent: Monday, January 31, 2022 3:26 PM

**To:** Allen, Cari <<u>AllenCA@hillsboroughcounty.org</u>>; Amber Dickerson <<u>amber.dickerson@hcps.net</u>>; Andrea Papandrew <<u>papandrewa@plancom.org</u>>; Blinck, Jim <<u>BlinckJ@HillsboroughCounty.ORG</u>>; Brown, Gregory <<u>BrownGr@hillsboroughcounty.org</u>>; Cabrera, Richard <<u>CabreraR@HillsboroughCounty.ORG</u>>; Dalfino, Jarryd

<<u>DalfinoJ@hillsboroughcounty.org</u>>; Santos, Daniel <<u>daniel.santos@dot.state.fl.us</u>>; David Skrelunas <David.Skrelunas@dot.state.fl.us>; DeWayne Brown <brownd2@gohart.org>; Dickerson, Ross <DickersonR@HillsboroughCounty.ORG>; Ellen Morrison <ellen.morrison@swfwmd.state.fl.us>; Franklin, Deborah <FranklinDS@hillsboroughcounty.org>; Greg Colangelo <colangeg@plancom.org>; Hansen, Raymond <HansenR@hillsboroughcounty.org>; Holman, Emily - PUD <HolmanE@HillsboroughCounty.ORG>; Hummel, Christina <HummelC@hillsboroughcounty.org>; Impact Fees <ImpactFees@hillsboroughcounty.org>; James Hamilton <jkhamilton@tecoenergy.com>; Jillian Massey <masseyj@plancom.org>; Justin Willits <WillitsJ@gohart.org>; Kaiser, Bernard <KAISERB@HillsboroughCounty.ORG>; Karla Llanos <llanosk@plancom.org>; Katz, Jonah <KatzJ@hillsboroughcounty.org>; Kyle Brown <kyle.brown@myfwc.com>; landuse-zoningreviews@tampabaywater.org; Mineer, Lindsey <<u>Lindsey.Mineer@dot.state.fl.us</u>>; Lindstrom, Eric <<u>LindstromE@hillsboroughcounty.org</u>>; Mackenzie, Jason <MackenzieJ@hillsboroughcounty.org>; Matthew Pleasant <matthew.pleasant@hcps.net>; McGuire, Kevin <<u>McGuireK@HillsboroughCounty.ORG</u>>; Melanie Ganas <<u>mxganas@tecoenergy.com</u>>; Melissa Lienhard Petrovic, Jaksa <PetrovicJ@HillsboroughCounty.ORG>; Pezone, Kathleen <PezoneK@hillsboroughcounty.org>; Ratliff, James <<u>RatliffJa@hillsboroughcounty.org</u>>; Hessinger, Rebecca <<u>HessingerR@hillsboroughcounty.org</u>>; Renee Kamen <renee.kamen@hcps.net>; Revette, Nacole <RevetteN@HillsboroughCounty.ORG>; Carroll, Richard <CarrollR@HillsboroughCounty.ORG>; Rochelle, Randy <RochelleR@HillsboroughCounty.ORG>; Rodriguez, Dan <RodriguezD@gohart.org>; RP-Development <RP-Development@hillsboroughcounty.org>; Salisbury, Troy <SalisburyT@hillsboroughcounty.org>; Sanchez, Silvia <sanchezs@epchc.org>; Shelton, Carla <SheltonC@HillsboroughCounty.ORG>; Steady, Alex <SteadyA@hillsboroughcounty.org>; Tapley, Kimberly <tapleyk@epchc.org>; Thompson, Mike <Thompson@epchc.org>; Tony Mantegna <tmantegna@tampaairport.com>; Turbiville, John (Forest) <<u>TurbivilleJ@HillsboroughCounty.ORG</u>>; Valdez, Rick <<u>ValdezR@HillsboroughCounty.ORG</u>>; Woodard, Sterlin <Woodard@epchc.org>; Yeneka Mills <millsy@plancom.org> Cc: Grady, Brian <<u>GradyB@HillsboroughCounty.ORG</u>>; Lampkin, Timothy <<u>LampkinT@hillsboroughcounty.org</u>>; Timoteo, Rosalina <TimoteoR@HillsboroughCounty.ORG>; Padron, Ingrid <PadronI@hillsboroughcounty.org>; Tirado, Sheida <<u>TiradoS@hillsboroughcounty.org</u>>; Williams, Michael <<u>WilliamsM@HillsboroughCounty.ORG</u>> Subject: RE MM 22-0089

Good Day All,

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

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

Planner assigned: Planner: Timothy Lampkin Contact: <u>lampkint@hillsboroughcounty.org</u>

Have a good one,

# Ashley Rome

**Planning & Zoning Technician** Development Services Dept.

P: (813) 272-5595 E: <u>romea@hillsboroughcounty.org</u> W: <u>HCFLGov.net</u>

**Hillsborough County** 

# 601 E. Kennedy Blvd., Tampa, FL 33602

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

### Received January 31, 2022 Development Services

# LINCKS & ASSOCIATES, INC.



January 27, 2022

Mr. Mike Williams Hillsborough County Government 601 East Kennedy Blvd., 22nd Floor Tampa, FL 33602

Re: Bearss TECO Folio Number R MM 22-0089 Lincks Project No. 21170

The purpose of this letter is to request a Design Exception to the Hillsborough County Transportation Technical Manual per Section 1.7.2 to meet Land Development Code Section 6.04.03L for Sinclair Hills Road from US 41 to 12<sup>th</sup> Street. The subject property is currently zoned Planned Development to allow up to 240,000 square feet of commercial uses. Tampa Electric Company proposes to modify the existing Planned Development to allow up to 300,000 square feet of office.

According to the Hillsborough County Functional Classification Map, Sinclair Hills Road is classified as a collector roadway and the subject site is within the Hillsborough County Urban Service Area.

Tables 1, 2 and 3 provide the trip generation comparison for the approved and proposed Planned Developments. As shown in Tables 1 and 3, the proposed modification would result in a net decrease in daily and PM peak hour project traffic.

The access to serve the project is proposed to be via one full access to Bearss Avenue and one full access to Sinclair Hills Road.

The request is for a Design Exception to TS-7 of the Hillsborough County Transportation Technical Manual for Sinclair Hill Road from US 41 to 12<sup>th</sup> Street. This segment of Sinclair Hills Road is currently a two-lane roadway. The following exceptions are requested to accommodate the proposed project.

- 1) Right of Way TS-7 has 96 feet of right of way. The right of way along the property frontage is approximately 50 feet.
- 2) Shoulders TS-7 has 8 foot shoulders with 5 foot paved. The existing roadway has approximately 6 foot unpaved shoulders along the subject section.
- 3) Sidewalk TS-7 has sidewalk on both sides of the roadway. There is currently no sidewalks along the subject section of roadway.

5023 West Laurel Street Tampa, FL 33607 813 289 0039 Telephone 8133 287 0674 Telefax www.Lincks.com Website Mr. Mike Williams January 27, 2022 Page 2

The justification for the Design Exception is as follows:

- 1. There is limited right of way on the north side of Sinclair Hills Road.
- 2. The developer proposes the following improvements:
  - a. Provide an eastbound right turn lane into the project access
  - b. Provide a 12 foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.

Figure 1 illustrates the limits of the proposed improvements and Figure 2 illustrates the proposed Typical Section.

Based on the above, it is our opinion, the proposed improvements to Sinclair Hills Road will mitigate the impact of the project and meet the intent of the Transportation Technical Manual to the extent feasible.

Mr. Mike Williams January 27, 2022 Page 3

Please do not hesitate to contact us if you have any questions or require any additional information.

Best Regards ven J He President Lincks & Associates, Inc. #51555 PF



Based on the information provided by the applicant, this request is:

\_\_\_\_ Disapproved

\_\_\_\_\_ Approved

\_\_\_\_\_ Approved with Conditions

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

Sincerely,

Michael J. Williams Hillsborough County Engineer Mr. Mike Williams January 27, 2022 Page 4

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# DAILY TRIP GENERATION COMPARISON

New Daily Trip Ends	8,006	3,921	<4,085>
Passerby Capture (2)	4,124	0	<4,124>
Daily Trip Ends (1)	12,130	3,921	<8,209>
Size	240,000 SF	300,000 SF	Difference
LUC	820	715	
Land <u>Use</u>	Retail	Office	
Scenario	Approved	Proposed	

(1) Source: ITE Trip Generation Manual, 11th Edition, 2021.

(2) Source: ITE Trip Generation Handbook, 3<sup>rd</sup> Edition.
Passerby Trip Ends:
Retail - 34%

12,130 x 0.34 = 4,124

Mr. Mike Williams January 27, 2022 Page 5

	AM Peak Hour Trip Ends		Total	182	559	377
New			Ort	69	61	~8 ~
	AMI	Ļ	티	113	498	385
	Passerby Capture (2)		Total	93	0	<58> <35> <93>
			Out	35	0 0 0	<35>
	۳. ۳	의	58	0	<58>	
	Hour	(1)	Total	275	559	284
	AM Peak Hour Trip Ends (1)		Out	104	61	<327> <43>
	AM	Trip	티	171	498	<327>
			Size	240,000 SF	300,000 SF	Difference
		Ш	LUC	820	715	
		Land	Use	Retail	Office	
			Scenario	Approved	Proposed	

AM PEAK HOUR PROJECT TRAFFIC COMPARISON

TABLE 2

Source: ITE <u>Trip Generation Manual</u>, 11<sup>th</sup> Edition, 2021.
 Source: ITE <u>Trip Generation Handbook</u>, 3rd Edition.

Passerby Trips Ends:

Retail - 34%

Out: 104 x 0.34 = 35 ln: 171 x 0.34 = 58

Mr. Mike Williams January 27, 2022 Page 6

		Hour	ds	Total	700	524	<176>	
	New PM Peak Hour Trip Ends		rip En(	Out	364	445	81	
			티	336 364	<u>79</u>	<257> 81		
		Ŋ	(2)	Total	360	01	<173><187> <360>	
	Passerby Capture (2)	apture	Ort	173 187	01	<187>		
		티	173	0	<173><			
		lour	(1)	Total	551 1,060	524	<430> <106> <536>	
		PM Peak Hour	ip Ends	Dut Total		445	<106>	
		PN	T	듸	509	<u>79</u>	<430>	2021
				Size	240,000 SF	300,000 SF	Difference	(1) Source: ITE Trin Generation Manual 11 <sup>th</sup> Edition 2021
			ΞL	LUC	820	715		ation Man
			Land	Use	Retail	Office		Trin Gener
				Scenario	Approved	Proposed		(1) Source: 🛛

PROJECT TRAFFIC COMPARISON

TABLE 3

(1) Source: ITE Trip Generation Manual, 11" Edition, 2021.

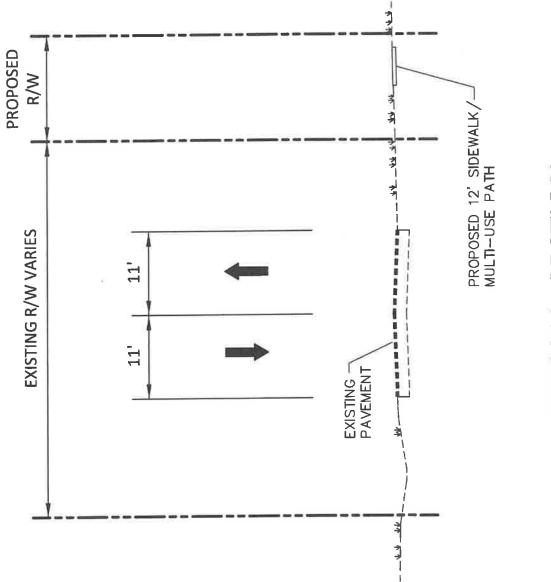
(2) Source: ITE <u>Trip Generation Handbook</u>, 3<sup>rd</sup> Edition.
Passerby Trips Ends:

Retail - 34%

Out: 551 x 0.34 = 187 In: 509 x 0.34 = 173



FIGURE 1 SINCLAIR HILLS ROAD IMPROVEMENT LIM22250089



TYPICAL SECTION SINCLAIR HILLS ROAD

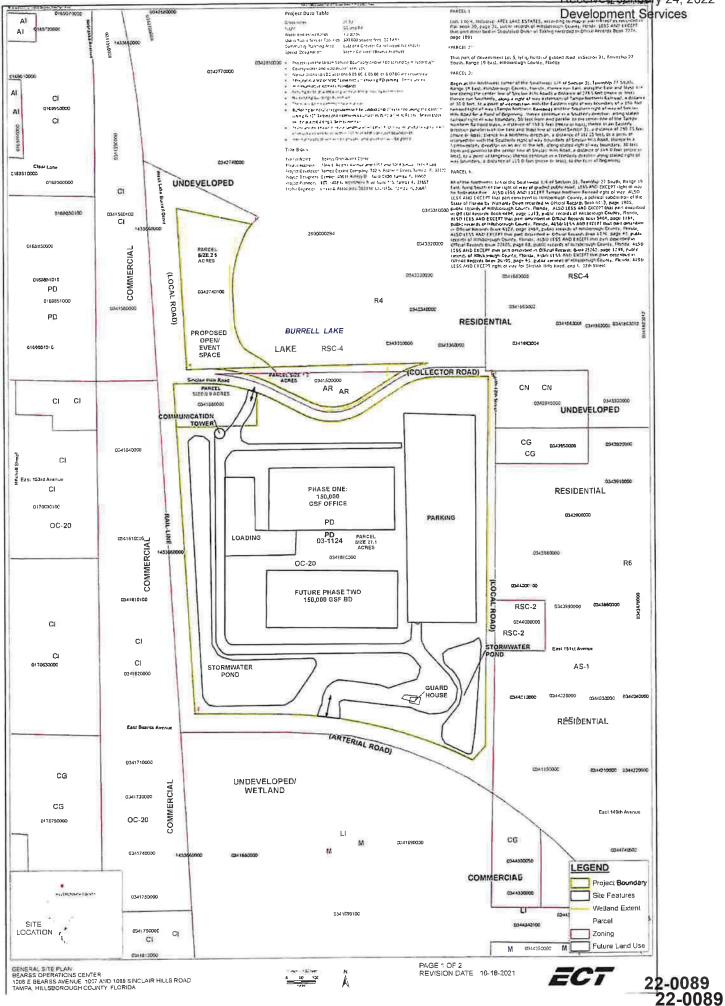
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APPENDIX



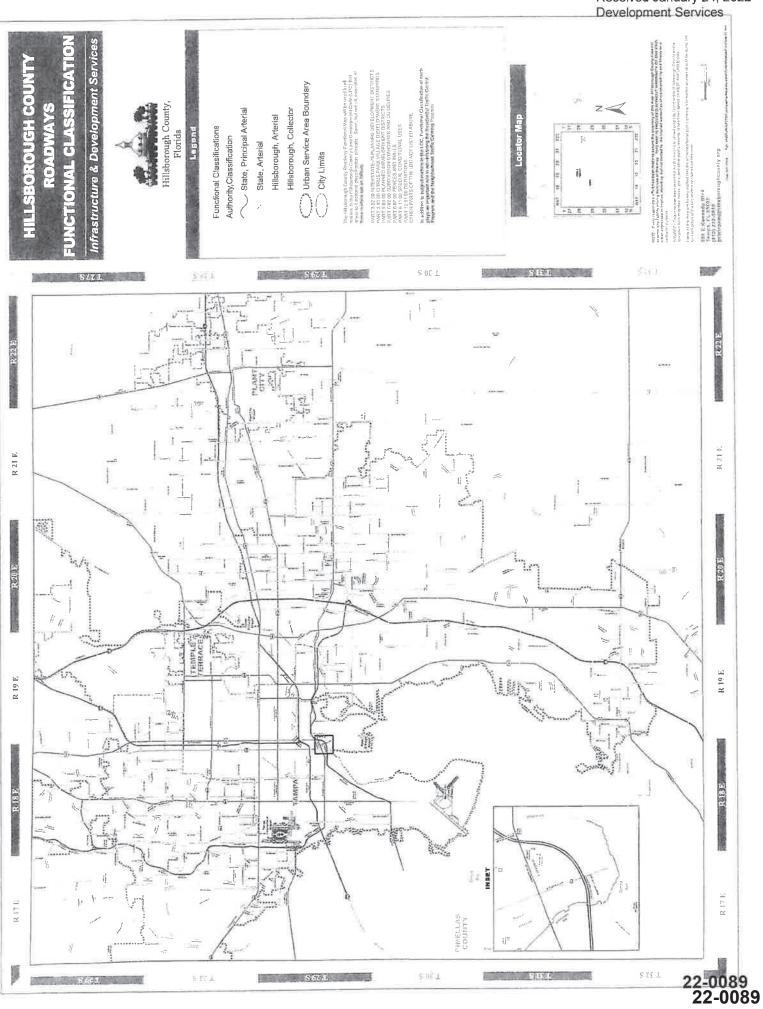
	Received January 31, 2022 Development Services
PD PLAN	
LINCKS & ASSOCIATES, INC.	

# Received January 31, 2022



# HILLSBOROUGH COUNTY ROADWAYS FUNCTIONAL CLASSIFICATION MAP

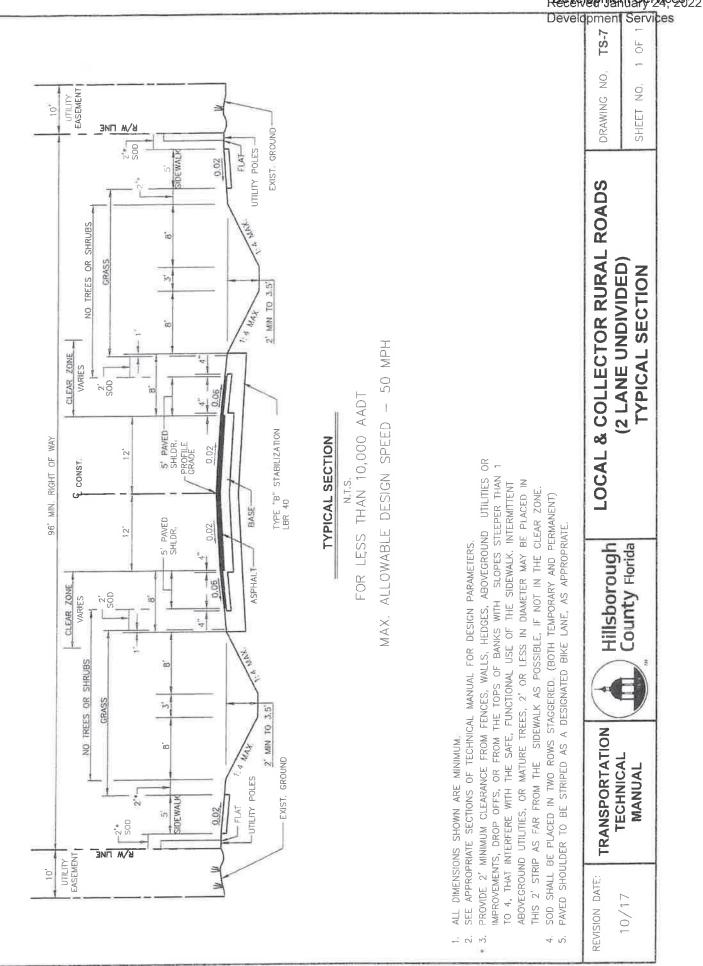




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TS-7





#### 22-0089 22-0089

Received January 31, 2022

# ROADWAY ASSESSMENT







Parcels

Sinclai	Sinclair Hills Road			Lan	Lane Pavement	ent	Type of Road: 2	Type of Road: 2 lane, crown, asphalt		
Snecial F	Special Field Survey for Substandard Road Assessment	d Assessme	int	Left Slope	Width	Right Slope	Pav't condition: poor. weak base	oor. weak base		
N. Nebra	N. Nebraska Ave to N. $12^{\text{th}}$ Street (1,478')		Minimum:	-2.8%	22.4'	0.3%	Shoulder cond.: I	Shoulder cond.: unstabilized, some erosion	ion	
	By: WLR	*	Maximum:	4.0%	25.4'	4.2%	Swales: r	Swales: none defined well		
	Date of Survey: 12/15/21		Average:	1.0%	23.9'	2.2%	Notes: +	Notes: * Shoulders nominal at 6' or as defined by	6' or as defined by	
	Speed Limit: 30 mph						0	obstructions	,	ſ
	Left Slopes and Swales	S	Left Shoulder	Lan	Lane Pavement	ent	Right Shoulder	Right Slopes and	nd Swales	
Station	Back Slope Bottom From (Width/slope) (width) (width	Front Slope (width/slope)	Total/Paved/ Slope	Left Slope	Width	Right Slope	Total/Paved/ Slope	Front Slope Bottom (width/slope) (width)	m Back Slope (width/slope)	
1+00	-5% AFR		*6'/0'/11%	0.6%	22.4'	-3.2%		F	C&G	
	LT 0+32 U.P. 4.5' BOC, 0+60 end C&G, 1+12 U.P	C&G, 1+12 l	J.P. 6' LT, 1+47 U.	P. 5.5' L	T, 1+81	& 2+34 F	Railroad stop bars,	. 6' LT, 1+47 U.P. 5.5' LT, 1+81 & 2+34 Railroad stop bars, 2+87 Lake Burrell Dr, 3+81 U.P. 6' LT	3+81 U.P. 6' LT	
RT	RT0+25 Traffic Pole 30.4' RT, 1+53 end of C&G, 1	3 end of C&(	3, 1+84 Railroad gate 8' RT	ate 8' R'	Т					
Notes	Notes 0+00 set at EOP N. Nebraska Ave. (signalized	ve. (signaliz	ed intersection), 1+98 centerline Railroad,	+98 cent	erline Ra	ailroad, P	av't Cond: poor w	Pav't Cond: poor w/ cracks & patches		
4+00	-3% AFR		*5'/0'/3%	1.3%	23.4'	-0.3%	*6'/0'/+2%	15'/+2% -	+6% AFR	
	LT 4' BWF 35' LT, 6' CLF 38' LT									
RI	RT 6' CLF 23' RT									
Notes										
8+00	+10% AFR 0' 2	2'/-4%	*6'/0'/-4%	4.0%	25.4'	+2.6%	*6'/0'/+1%	+1% AFR	FR	
	LT Trees 12' LT, 9+00 low point in road drains directly to lake	road drains (	directly to lake							1
RT	RT 6' CLF 23' RT, 8+35 U.P. 14' RT									
Notes	Notes Vehicle tracking off road inside curves, Road in	curves, Roa		on curv	es, Pav'	t cond: p	superelevation on curves, Pav't cond: poor with cracking at wheel tracks			1
10+00	-11% AFR		*6'/0'/-11%	1.9%	24.0'	-0.5%	*6'/0'/-4%	5'/-4% 5'	8'/+20%	
	LT 23' to lake edge, 10+77 U.P. 20' LT	'LT								
RI	RT 4' BWF 19' RT, 6' CLF 20' RT, Trees 19' RT	Frees 19' RT								
Notes										
12+00	-13% AFR		6'/0'/0%	-2.8%	24.2'	-4.2%	*6'/0'/-3%	5'/-3% 2'	7'/+33%	
	LT Mailbox 4' LT, Trees 14' LT, 12+35 U.P.	H35 U.P. 14' LT	LT, 14+32 centerline E.		Lake Burrell Dr	el Dr				
L R	RT 4' BWF 20' RT, 6' CLF 21' RT, Trees 18' RT, 1	Frees 18' RT	7, 12+22 E Inlet 7' RT,	RT, 12+!	12+55 U.P. 16' RT,		14+50 E Inlet 11' RT,	14+78 centerline N.	12 <sup>th</sup> St.	
Notes										
			14+78 End of Segment at centerline N. 12th Street	f Segme	ent at cer	nterline N	. 12 <sup>th</sup> Street			
	Notes:									
	1. Segment is a flushed shoulder roadway except for first 60', shoulders are not paved and shoulder slopes vary from -11% to +11%,	er roadway e	except for first 60',	shoulder	s are no	t paved a	und shoulder slope	s vary from -11% to +1.	1%	
	2. There are no defined swales and a portion of the left drainage is directly to Lake Burrell.	and a portio	n of the left draina	ge is dire	ectly to L	ake Burn	ell.			
	3. Utility poles have less than 6' clear from the	clear from t		ent at sta	ations 1+	12 LT, 1	+47 LT, and 3+81	edge of pavement at stations 1+12 LT, 1+47 LT, and 3+81 LT and there are no dedicated light poles	dicated light poles	
	4. There's a railroad crossing in good condition at 1+98.	good condit	ion at 1+98.							
	5. Pavement condition is poor throughout with	iroughout wi	ith patching and traverse, longitudinal and fatigue cracking	averse, l	ongitudir	ial and fa	ttigue cracking			
	6. There is shoulder erosion on the inside of the two curves from vehicles tracking off the pavement	the inside of	f the two curves fro	im vehic	les track	ing off th	e pavement			
	7. Signalized intersection at beginning with N. Nebraska Ave.	linning with I	N. Nebraska Ave.							_
	8. Vehicle traffic appears to be greater than 2000 AADT and through truck traffic of more than 2 axles is not allowed	greater than	2000 AADT and th	nrough tr	uck traff	ic of mor	e than 2 axles is n	ot allowed		-
	9. Most traffic signs are less than the FDOT recommended 12' from edge of pavement and are not breakaway	In the FDOT	recommended 12	from ec	lge of pa	wement a	and are not breaka	way		-
	10. Westbound speed limit is 30 mph. There is no posted eastbound speed limit for this segment and is assumed to be 30 mph.	0 mph. The	re is no posted eas	stbound	speed lir	nit for thi	s segment and is a	assumed to be 30 mph.		-

22-0089

Adjoining Roadways (c	heck if applicable)		
Road Name	Classification	Current Conditions	Select Future Improvements
Bearss Avenue	County Arterial - Urban	4 Lanes □ Substandard Road ⊠ Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>
Sinclair Hills Road	County Local - Urban	2 Lanes ⊠ Substandard Road □ Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>

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

<b>Project Trip Generation</b>	🛛 🗆 Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9,060	226	914
Proposed	3,375	534	513
Difference (+/-)	-5,685	+308	-91

\*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	Х	Vehicular & Pedestrian	None	Meets LDC
South	Х	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:	•	-	•	

Design Exception/Administrative Variance	lot applicable for this request	
Road Name/Nature of Request	Туре	Finding
Sinclair Hills Rd./Substandard Road Improvements	Design Exception Requested	Approvable
	Choose an item.	Choose an item.
Notes: Improvement includes a 12-foot multi use	e path along the northside of the prope	rty on Sinclair Hills Rd.

4.0 Additional Site Information & Agency Comme	nts Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
<ul> <li>Design Exception/Adm. Variance Requested</li> <li>Off-Site Improvements Provided</li> </ul>	□ Yes □N/A ⊠ No	⊠ Yes □ No	See Staff Report.

# COUNTY OF HILLSBOROUGH

# RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:	MM 22-0089
DATE OF HEARING:	July 25, 2022
APPLICANT:	Tampa Electric Company
PETITION REQUEST:	The Major Modification request is to modify PD 03-1124 to develop a TECO and Peoples Gas System public service facility in two structures at a total of 300,000 square feet
LOCATION:	Northwest corner of E. Bearss Ave. and N. 12 <sup>th</sup> Street
SIZE OF PROPERTY:	30.54 acres, m.o.l.
EXISTING ZONING DISTRICT:	PD 03-1124, RSC-4, AR
FUTURE LAND USE CATEGORY:	OC-20 and RES-4
SERVICE AREA:	Urban
COMMUNITY PLAN:	Lutz

#### **DEVELOPMENT REVIEW STAFF REPORT**

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

## **1.0 APPLICATION SUMMARY**



Applicant: Michael Brooks Brooks, Sheppard & Rocha, PLLC.

FLU Category: OC-20 (South of Sinclair Hills Rd); R-4 (North of Sinclair Hills Rd.)

Service Area: Urban

Site Acreage: 30.54 acres

Community Plan Area: Lutz

Overlay: None

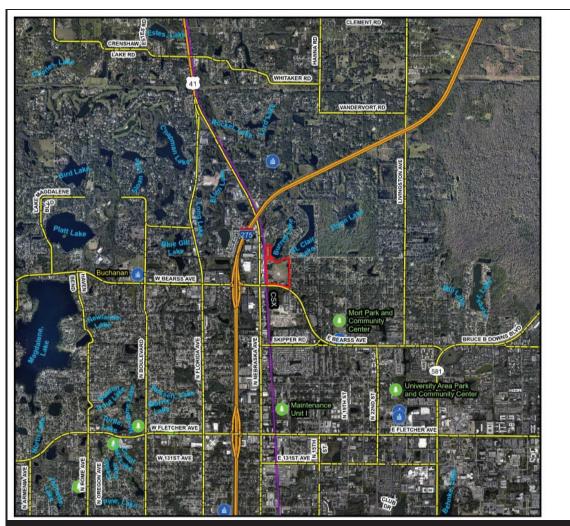
#### Existing Approvals:

**PD 03-1124** was approved by the Board of County Commissioners on May 25, 2004 for 255,350 square feet of Commercial Intensive (CI) and Commercial General (CG) uses. On 2008, the project was modified (PRS 08-0170) to reduce the total square footage from 255,350 to 240,000 square feet. Changed the building footprints to face Bearss Avenue. Increased the height in Area C from 35 feet to 40 feet and permitted 24-hour business operations. Access to North 12<sup>th</sup> Street was eliminated.

# Proposed Modifications:

The applicant is seeking a major modification to the existing Planned Development (PD) 03-1124, as modified by MM 08-0170 for the development of a Tampa Electric Company (TECO) and Peoples Gas System (PGS) public service facility. The proposal is a two phased development comprising a total development of 300,000-square-feet composed of two structures. The applicant is proposing a double-height second story with a mezzanine, functioning as a partial "third" floor. The height will not exceed 55 feet. Phase One will be 160,000 square feet and Phase Two proposed a 140,000-square-foot building. This will be a "secure" facility, meaning that the public cannot enter. The site will be fenced and will have a security gate house at the main entrance and a gated entrance from Sinclair Hills Road.

Additional Information:	
	LDC Part 6.07.00 (Fences/Walls)
PD Variation(s):	To allow an 8-ft. fence for an office-type facility.
	LDC Part 6.06.04 (Off-street vehicular buffer)
Waiver(s) to the Land Development Code:	None Requested.
Planning Commission Recommendation:	Development Services Recommendation:
Consistent	Approvable, subject to proposed conditions



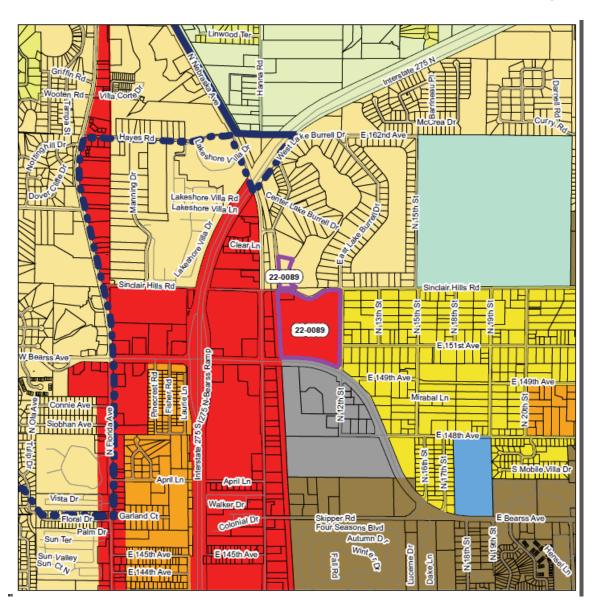
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map

Context of Surrounding Area:

The subject site is located slightly east of northeast corner of the Bearss and Nebraska Avenues intersection. The site is currently utilized for a golf driving range and paintball facility, and mostly undeveloped.

- South of the site is M (Manufacturing) zoning within the LI (Light Industrial) future land use category. Developed uses include a miniwarehouse, recycled materials facility and towing and auto repair business with open storage. The project is separated from these uses by Bearss Avenue.
- Immediately east of the subject site is include RSC-2 MH (Residential, Single-Family Conventional 2 units per acre– Mobile Home Overlay) and AS-1 (Agricultural, Single-Family) developed with a mobile home park and single-family residential.

- Southeast of the subject site are CG and CN zoned properties located at the southeast corner of Sinclair Hills Road and 12<sup>th</sup> Street.
- To the west of the subject site is CSX Railroad ROW (approximately 100 feet wide) abutting the entire western side of the PD boundary. Further west is Commercial Intensive zoning.
- To the north Properties are zoned RSC-4 and AR and are separated from the subject site by Sinclair Hills Road, a 2-lane, local roadway. The AR zoned property is vacant. A substantial portion of the adjacent RSC-4 zoned property consists of a lake approximately 9 acres in size (Burrell Lake). Residentially developed lots occur to the northeast and were platted in 1950 ("Apex Lake Estates").



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

Subject Site Future Land Use Category:	OC-20 (South of Sinclair Hills Rd.), R-4 (North of Sinclair Hills Rd.)
Maximum Density/F.A.R.:	Office Commercial-20: Maximum 0.75 FAR Residential-4: Maximum 0.25 FAR
Typical Uses:	The OC-20 designated area south of Sinclair Hills Road, includes typical uses such as community commercial type

1.	uses, office uses, mixed use developments, and compatible residential uses.
	The area located north of Sinclair Hills Road and designated R-4 includes typical uses such as suburban scale neighborhood and commercial, office uses, multi- purpose projects.

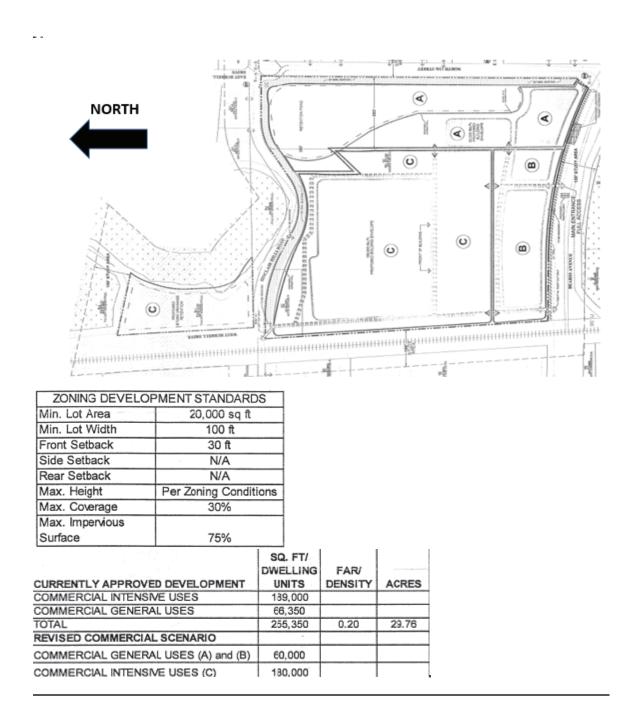
# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



Adjacent	Zonings a	and Uses		
Location:	- Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	- AR & RSC-4	- CN: 7,000 sf RSC- 4: 10,000 sf	- Agricultural and Single-family home	Burrell Lake and residentially developed properties (Apex Lake Estates located NE)
South	М	Max. FAR: 0.75	Manufacturing, processing, intensive commercial, other industrial uses.	Mini-warehouse, recycled materials facility and towing and auto repair business with open storage.
East	- RSC- 2MH & AS-1	RSC-2: Min. 21,780 sf AS-1: Min. 43,560 sf	Residential	Mobile home park and single-family residential
West	CI	Max. FAR 0.30	Intense commercial activities	CSX Railroad ROW

## 2.0 LAND USE MAP SET AND SUMMARY DATA

**2.3 Existing Site Plan** (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)

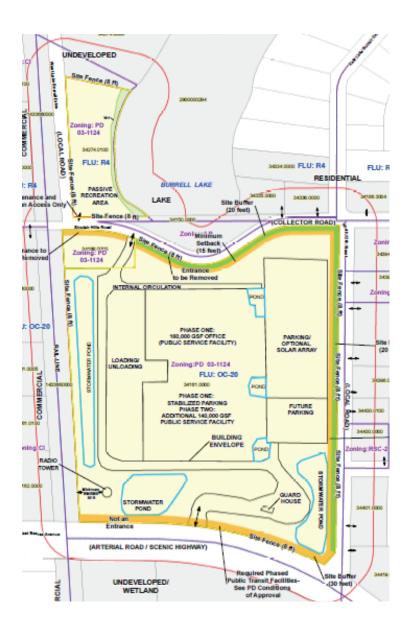


### 2.0 LAND USE MAP SET AND SUMMARY DATA

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

According to the application, Tampa Electric Company (TECO) and Peoples Gas System (PGS) are working on improving system resiliency and operational sustainability. The 150,000-square-foot facility will be designed to withstand significant storm events. The development site is comprised of three parcels, approximately 30.54 acres in size, with most of the development site located south of Sinclair Hills Road. The development is proposing two phases, with phase one with 160,000 square feet and phase two with 140,000 square feet of development equating to 300,000 square feet of total development. The height of the public service facility will not exceed 55 feet, with the second story with a mezzanine that will function as a third story.

The northwestern parcel located across Sinclair Hills Road will be developed as an accessory open space and recreation area for the proposed developed located south of Sinclair Hills Road. The area will be restricted to employees only. The space will function as a recreation space for employees at the facility during work breaks. Improvements may include a gazebo or similar sitting or picnic table area and possibly restrooms. No other permanent structures are contemplated. There will be a perimeter fence with a gated access at Sinclair Hills Road.



#### 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	
Bearss Avenue	County Arterial - Urban	4 Lanes □ Substandard Road ⊠ Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>	
Sinclair Hills Road	County Local - Urban	2 Lanes ⊠ Substandard Road □ Sufficient ROW Width	<ul> <li>□ Corridor Preservation Plan</li> <li>⊠ Site Access Improvements</li> <li>⊠ Substandard Road Improvements</li> <li>□ Other</li> </ul>	

Project Trip Generation Dot applicable for this request					
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips		
Existing	9,060	226	914		
Proposed	3,375	534	513		
Difference (+/-)	-5,685	+308	-91		

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

	Vehicular & Pedestrian	None	Meets LDC
X IN	None	None	Meets LDC
N	None	None	Meets LDC
N	None	None	Meets LDC
		None None	

Design Exception/Administrative Variance ONot applicable for this request					
Road Name/Nature of Request Type Finding					
Sinclair Hills Rd./Substandard Road Design Exception Requested Approvable					
Choose an item. Choose an item.					
Notes: Improvement includes a 12-foot multi use path along the northside of the property on Sinclair Hills Rd.					

4.0 Additional Site Information & Agency Comments Summary				
Transportation	Objections	Conditions Requested	Additional Information/Comments	
<ul> <li>Design Exception/Adm. Variance Requested</li> <li>Off-Site Improvements Provided</li> </ul>	□ Yes □N/A ⊠ No	⊠ Yes □ No	See Staff Report.	

# 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Check if Applicable: ⊠ Wetlands/Other Surface Waters

□ Use of Environmentally Sensitive Land Credit

□ Wellhead Protection Area

□ Surface Water Resource Protection Area

☑ Potable Water Wellfield Protection Area

□ Significant Wildlife Habitat

□ Coastal High Hazard Area

⊠ Urban/Suburban/Rural Scenic Corridor (Lowell Rd.) □ Adjacent to ELAPP property

□ Other \_\_\_\_\_

## Environmental:

#### Objections

⊠ Yes ⊡No

□ Yes ⊠No

⊠ Yes ⊡No

**Environmental Protection Commission** 

□ Yes ⊠No

□ Yes ⊠No

□ Yes ⊠No

Natural Resources

⊠ Yes ⊡No

Conservation & Environ. Lands Mgmt.

# **Public Facilities:**

# Transportation

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

# Objections

 $\Box$  Yes  $\boxtimes$ No

⊠ Yes ⊡No

See Transportation "Agency Review Comment Sheet", dated 7/7/22.

⊠ Yes ⊡No

# Service Area/ Water & Wastewater

□Urban ⊠ City of Tampa □Rural □ City of Temple Terrace

⊠ Yes ⊡No

 $\Box$  Yes  $\boxtimes$ No

□ Yes ⊠No

# Hillsborough County School Board

Adequate 

K-5

6-8

9-12

N/A Inadequate

K-5

6-8

9-12

N/A

⊠ Yes ⊡No

□ Yes ⊠No

□ Yes ⊠No

# Impact/Mobility Fees:

(Various use types allowed. Estimates are a sample of potential development)

150,000 s.f. - Office, Single Tenant (Per 1,000 s.f.) Mobility:\$9,005.00\*150= \$1,350,750 Fire: \$158.00\*150 = \$23,700

Urban Mobility, Northwest Fire - Two 150,000 s.f. Single Tenant Office structures, in two phases (fee estimate may increase if secondary structure is constructed under different, future schedule). Radio Tower (no impact for this use).

Credit for prior structures may apply. \*\*\*Rates based on Jan 1, 2022, fee schedule\*\*\*

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission				
<ul> <li>☐ Meets</li> <li>Locational</li> <li>Criteria ⊠N/A □</li> <li>Locational</li> <li>Criteria Waiver</li> </ul>	⊠ Yes ⊡No	□ Inconsistent ⊠ Consistent	□ Yes ⊠No	See Hillsborough County City-County Planning Commission review report for in-depth comments.
Requested □ Minimum Density Met □ N/A				

# **5.0 IMPLEMENTATION RECOMMENDATIONS**

# 5.1 Compatibility

Tampa Electric Company (TEC) and Peoples Gas System (PGS), each of which fall within the definition of a "public utility" as defined by 336.02(1), Florida Statutes (2021), have selected property at the northeastern quadrant of the intersection of Bearss Avenue and Nebraska Avenue to jointly develop a new secured operations center.

The subject site is located slightly east of northeast corner of the Bearss and Nebraska Avenues intersection. The surrounding development pattern consists of a mixture of uses. Single family detached residential is located to the east and northeast of the subject site. Light industrial uses are located to the south with light commercial and a CSX railroad right-of-way located to the west. A lake and single-family residential units are located to the north of the subject site, across Sinclair Hills Road. The proposed modification should be sensitive to the residential uses along Sinclair Hills Road and North 12th Street.

According to the application, Tampa Electric Company (TECO) and Peoples Gas System (PGS) are working on improving system resiliency and operational sustainability. The 150,000-square-foot facility will be designed to withstand significant storm events. The development site is comprised of three parcels, approximately 30.54 acres in size, with most of the development site located south of Sinclair Hills Road. The development is proposing two phases, with phase one with 160,000 square feet and phase two with 140,000 square feet of development equating to 300,000 square feet of total development. The height of the public service facility will not exceed 55 feet, with the second story with a mezzanine that will function as a third story.

On the site plan, the applicant proposes landscaping around the parking area in compliance with Section 6.06.04, Off- street Vehicular Use Areas which requires a minimum eight-foot landscape buffer a minimum of eight feet in width between the off-street vehicular use area and the right-of-way. There shall be at least one tree for each 40 linear feet (or part thereof) of required buffer, planted in the buffer with trees located to maximize shading of the off-street vehicular use area. Additionally, the driveway into a parking area shall be bordered by a landscaped buffer a minimum of eight feet in width. The applicant has proposed maintaining the viable trees along the eastern boundary as a buffer and as screening of the parking area.

#### Variations Requested:

A variance to Section 6.07.00 (Fences) of the Land Development Code is being requested to allow for an 8-foot-tall perimeter fence. The second variance is regarding Section 6.06.04 of the LDC to allow a waiver of shade trees, as necessary at site and development, for a possible solar array to be installed over the parking area. Justification was included in the applicant's submittal. Staff has reviewed the justification statement submitted by the applicant for the variations and finds they meet the criteria for approval per LDC Section 5.03.06.C.6. The Rezoning Hearing Master's recommendation for this application is required to include a finding on whether the requested variations meet the criteria for approval. Additional information regarding the rationale may be found in the applicant's narrative. The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering).

Bearss is Scenic Corridor is classified as a Scenic Corridor, the applicant will have to adhere to the Land Development Code regarding the Scenic Corridor. The property lies within the City of Tampa Water Service Area and the City of Tampa Wastewater Service Area.

## **Radio and Television Transmitting and Receiving Facility**

The development also proposes a Radio and Television Transmitting and Receiving Facility. This tower is proposed to be used by TECO to communicate with their "smart" grid and identify issues faster, improving customer reliability. The tower will be located within the secured facility, inaccessible to the public, and unavailable for commercial uses unrelated to utility operations. The applicant states that it will provide the Bearss Operation Center with the independent capability to communicate with other TEC and PGS facilities, remotely monitor and control utility infrastructure, and communicate with employees. Most important, during black sky days, these essential capabilities will be protected within the Bearss Operation Center and unaffected by potential service interruptions that may occur to third-party off- site towers and support infrastructure. To this end, the radio tower will be an essential component of the public utility operations of the Bearss Operation Center, and not a stand-alone principal use; it will be used exclusively to support the utility operations of the Bearss Operation Center and unavailable to third party commercial uses and services unrelated to the utility operations of the Bearss Operation Center.

The applicant states that due to the subject nature of the proposed tower, Section 6.11.79, Radio and Television Transmitting and Receiving Facility, should not comply. Further, the applicant states that the planned operations center and communication tower collectively comprise an integrated Public Service Facility use—with each component dependent on the other. Thus, it would be impractical, arguably impossible, to properly review the Bearss Operation Center, and by extension need for the related communication tower, and appropriately recommend conditions

of their approval, without considering the purpose, function, and operational aspects of the facility, in its totality. Staff concurs with this assessment.

The tower location is in the southwest corner of the property. The proposed site falls within Zone "B" on the Airport Height Zoning Map. Any structure including construction equipment that exceeds 200 feet Above Ground Level will require an Airport Height Zoning Permit and must be reviewed by the Airport Zoning Director.

# **Design Exception**

As Sinclair Hills Road is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception request (dated January

27, 2021) to determine the specific improvements that would be required by the County Engineer. Based on factors presented in the Design Exception request, the County Engineer found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. Specifically, the developer is proposing to construct an eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12th Street.

Staff has not identified any compatibility issues relative to the surrounding properties. The proposed use is appropriately located between commercial, industrial and residential areas of the community and within a future land use category approved in the Comprehensive Plan for urban level development. To ensure compatibility with adjacent residential uses, the project will provide buffering and screening along northern and eastern boundaries, as well limit building heights to 3-stories/55 feet with significant setbacks from the perimeter.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan.

## 5.2 Recommendation

The proposed project with the proposed development standards, existing scale and restrictions may be found to be compatible with nearby development patterns. The proposed development satisfies the intent of the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan. Based upon the above, staff finds the request approvable.

Zoning conditions were presented to the Zoning Hearing Master at the hearing and are hereby incorporated into the Zoning Hearing Master's recommendation.

#### SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on July 25, 2022. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Michael Brooks 400 North Tampa Street Suite 1910 Tampa testified on behalf of the applicant. Mr. Brooks introduced his development team and showed a PowerPoint presentation to explain that the subject property will be used by TECO and one of its subsidiaries. Peoples Gas and one of its related utilities will have a secured operation center that will have the ability to communicate with other utility facilities in the region remotely monitoring control of the infrastructure and communicate with its employees. Mr. Brooks added that it will be a major step forward in the enhancement of resiliency and sustainability

of the energy grid within the region. He stated that in the utility world, there are two kinds of days. Blue sky days which is a day where nothing exciting happens and is uneventful. It is a good day. There are also dark sky days where the utilities must be prepared to respond and handle extraordinary events. These include catastrophic events which could be natural or made-made such as hurricanes, terrorism, etc. A rapid response is necessary to prevent further damage to the utility grid and to minimize interruption to other utilities and essential services in the region. It is also necessary to restore service to other critical facilities like hospitals and nursing homes. The proposed facility will be a critical in our region and results from the Public Infrastructure Act of 2001 that was adopted after September 11<sup>th</sup>. Recently, the Florida legislature passed an exemption to the public records act which defines and adopts the critical structure definition which is broad in its scope. Mr. Brooks testified that it creates an exemption for information related to critical infrastructure including public meetings. He stated that his presentation would not provide information that falls under the scope of what his client would not want to disclose. Mr. Brooks concluded his presentation by stating that he believed that the information provided sufficiently supports a finding of approval for the public facility and the radio tower.

Ms. Rebecca Kert 400 North Tampa Street Suite 1910 Tampa also testified on behalf of the applicant. Ms. Kert showed a copy of a map to identify the location of the property and stated that it is approximately 30.54 acres. She described the surrounding land uses and zoning districts as well as the applicable Future Land Use categories. She stated that the PD is currently approved for 60,000 square feet of Commercial General uses and 180,000 square feet of Commercial Intensive land uses. The modification will permit up to 160,000 square feet for a public service facility use and a 250 foot radio tower on Parcel 1. Parcel 2 is designated for a future phase and will be allowed up to 140,000 square feet of public service facility use as well. She added that the secondary parcel north of Sinclair Hills Road will be limited to a private passive recreational area. She detailed the site plan uses and locations and stated that the use will meet all lighting standards and parking. A zoning condition is proposed to permit solar panels to be installed above the covered parking spaces. Access will be restricted with a guard monitoring access along Bearss Avenue. The Sinclair Avenue access will be gated and require an access card for entry. Ms. Kert testified that the applicant will construct a bus bay with a landing pad on Bearss Avenue. In the future during Phase 2, the developer will construct a full transit stop. She described the proposed pedestrian crosswalk as well as the input from the community generated by the neighborhood meeting. Two variances are requested. An 8-foot high security fence is proposed around the perimeter of the property. This fence is required by law. A variance is also requested regarding required shade trees located in the parking lot. The developer would like to install solar panels on all or part of the parking lot and shade trees would interfere with the panels. Ms. Kert referred to the transportation analysis performed for the project and described improvements that will be installed. The trip generation for the proposed land use is reduced by approximately 50 percent when compared to the existing entitlements under the current zoning districts.

Mr. Brooks continued the applicant's presentation to discuss the proposed radio tower. The tower is located in the southwest corner of the site which is approximately 2,400 feet from the closest neighborhood and 1,600 feet from the closest home. He stated that the tower is a self-supporting tower with a lattice structure. It is not a commercial-type tower but rather an essential component of the actual operation of the facility. Mr. Brooks showed a map of the service area for TECO which extends to Dade City, San Antonio and east to Auburndale and Winter Haven. The tower needs to be located in close proximity to the operation center. It is secured and monitored in a manner well beyond what would be typical and is protected from service interruptions in case of a catastrophic dark sky day. Mr. Brooks completed the applicant's presentation by stating that the tower will receive the applicable airspace permits as required.

Mr. Tim Lampkin of the Development Services Department, testified regarding the County staff report. Mr. Lampkin testified that the request is for a Major Modification to the PD to develop a public service facility. The project consists of two phases totaling 300,000 square feet. He cited a typographical error in the staff report and stated that the property is currently utilized as a golf driving range and paintball facility. He described the surrounding land uses including the applicable zoning district and Future Land Use category. The applicant requested two Planned Development Variations. The first pertains to the fence and the second to Section 6.06.04. Mr. Lampkin stated that staff finds the modification approvable.

Ms. Jillian Massey of the Planning Commission testified regarding the Planning Commission staff report. Ms. Massey stated that the property is designated Office Commercial-20 and Residential-4 by the Future Land Use Map and is located within the Urban Service Area and the Lutz Community Planning Area. She testified that the request meets Objective 16 regarding neighborhood protection and Objective 46 and 46.1 regarding the protection of adjacent land uses through buffering and mitigation measures. These measures include requiring that the two non-residential buildings that are three stories in height provide a third floor as a mezzanine that will soften the view. More intense uses are proposed to be located along the Bearss Avenue and CSX Railroad frontage which is consistent with Policy 16.5. She concluded her presentation by stating that the modification is consistent with the Comprehensive Plan.

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

Ms. Barbara Fite 16102 East Lake Burrell Drive which is located north of the proposed building. Ms. Fite stated that she speaks for the majority of the neighbors in support of the request. Some neighbors would like the golf driving range use to continue but that is not going to happen. She testified that there have been several community meetings with representatives of TECO and they

have been very cooperative in making some changes for example, retaining a lot of the trees, moving the tower and not using the well. She added that she believes the modification is a good transition from the single-family homes to more intense land uses.

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

County staff did not have additional comments.

Mr. Brooks testified during the rebuttal period to thank Ms. Fite for her participation and stated that the request is consistent with the Comprehensive Plan and the Land Development Code and requested approval.

Hearing Master Finch then concluded the hearing.

## **EVIDENCE SUBMITTED**

\*Ms. Timateo submitted a revised County staff report into the record. \*Mr. Brooks submitted a copy of his PowerPoint presentation, a copy of House Bill 7057, a copy of Darren Stowe's resume and analysis regarding the requested Planned Development Variations, supplemental information that included Land Development Code analysis and federal requirements for public service facilities and agency information regarding the review of the proposed tower into the record.

#### PREFACE

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

# **FINDINGS OF FACT**

- The subject site is 30.54 acres in size and is zoned Planned Development (03-1124), Residential Single-Family Conventional-4 (RSC-4) and Agricultural Rural (AR). The property is designated Office Commercial-20 (OC-20) and Residential-4 (RES-4) by the Comprehensive Plan and located in the Urban Service Area and the Lutz Community Planning Area.
- 2. The subject property is currently utilized as a golf driving range and paintball facility.
- 3. The Planned Development (PD) is approved for 240,000 square feet of Commercial General and Commercial Intensive land uses.

- 4. The Major Modification request proposes to develop a TECO and Peoples Gas System public service facility in two structures at a total of 300,000 square feet with a 250-foot maximum height self-supporting radio tower.
- 5. The applicant's representative testified that the public service facility including the radio tower will serve to provide a secured operation center that will have the ability to communicate with other utility facilities in the region. The facility will be able to respond to extraordinary and catastrophic events which could be natural or made-made such as hurricanes, terrorism or other similar events. A rapid response is necessary to prevent further damage to the utility grid and to minimize interruption to other utilities and essential services in the region. It is also necessary to restore service to other critical facilities like hospitals and nursing homes.
- 6. Two Planned Development variations are requested. The first variation proposes to increase the maximum permitted fence height of 6-feet and instead install an 8-foot high fence around the perimeter of the property for security purposes. The second variation requests to install solar array panels over some or all of the parking spaces which would preclude the shade trees that are required by the Land Development Code.

The two variations meet the Land Development Code criteria found in Section 5.03.06.C (6) as they are necessary for security and innovation and could not be accomplished through strict adherence to the current regulations. Additionally, the variations are in harmony with the purpose and intent of the Land Development Code.

- 7. The Planning Commission staff stated that the request meets Objective 16 regarding neighborhood protection and Objective 46 and 46.1 regarding the protection of adjacent land uses through buffering and mitigation measures. These measures include requiring that the two non-residential buildings that are three stories in height provide a third floor as a mezzanine that will soften the view. Staff also stated that the more intense uses are proposed to be located along the Bearss Avenue and CSX Railroad frontage which is consistent with Policy 16.5. Planning Commission staff testified that the modification is consistent with the Comprehensive Plan.
- 8. Testimony in support was provided at the Zoning Hearing Master hearing from a representative of the adjacent neighborhood. Support of the zoning was based on the cooperation of TECO with the neighborhood and resulting changes to the site plan which included the relocation of the radio tower away from the residential homes and retaining many of the trees on-site.

- 9. The applicant's representative testified that the vehicular traffic generated by the proposed project is reduced by approximately 50 percent as compared to the currently approved entitlements.
- 10. The proposed modification for the development of a public service facility with a 250-foot radio tower serves to provide a secured operation center that will have the ability to communicate with other utility facilities in the region. The modification is consistent with the Comprehensive Plan and Land Development Code.

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

The Major Modification request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

# CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Major Modification to the Planned Development zoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

# SUMMARY

Planned Development 03-1124 is approved for 240,000 square feet of Commercial General and Commercial Intensive land uses. The subject property also includes property zoned RSC-4 and AR. The property is designated OC-20 and RES-4 by the Comprehensive Plan and is located in the Lutz Community Planning Area.

The Major Modification request proposes to develop a TECO and Peoples Gas System public service facility in two structures at a total of 300,000 square feet with a 250-foot maximum height self-supporting radio tower.

Two Planned Development variations are requested. Two Planned Development variations are requested. The first variation proposes to increase the maximum permitted fence height of 6-feet and instead install an 8-foot high fence around the perimeter of the property for security purposes. The second variation requests to install solar array panels over some or all of the parking spaces which would preclude the shade trees that are required by the Land Development Code. The two variations meet the Land Development Code criteria found in Section 5.03.06.C (6) as they are necessary for security and innovation and could not be accomplished through strict adherence to the current

regulations. Additionally, the variations are in harmony with the purpose and intent of the Land Development Code.

The Planning Commission supports the modification and found it consistent with the Comprehensive Plan.

Testimony in support was provided at the Zoning Hearing Master hearing from a representative of the adjacent neighborhood. Support of the zoning was based on the cooperation of TECO with the neighborhood and resulting changes to the site plan which included the relocation of the radio tower away from the residential homes and retaining many of the trees on-site.

The proposed modification for the development of a public service facility with a 250-foot radio tower serves to provide a secured operation center that will have the ability to communicate with other utility facilities in the region and is consistent with the Comprehensive Plan and Land Development Code.

# RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 03-1124 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.

Som M. Finl

Susan M. Finch, AICP Land Use Hearing Officer

August 15, 2022

Date



Hillsborough County City-County Planning Commission

Unincorporated Hillsborough County Rezoning			
Hearing Date: July 25, 2022 Report Prepared: July 13, 2022 Summary Data:	MM-22-0089 1007 Sinclair Hills Road and 1006 East Bearss Avenue		
Comprehensive Plan Finding:	CONSISTENT		
Adopted Future Land Use:	Office Commercial (20 du/ga; 0.75 FAR) Residential-4 (4 du/ac/0.25 FAR)		
Service Area:	Urban		
Community Plan:	Lutz (northern 2.48 acre parcel)		
Requested Zoning:	Major Modification to the existing Planned Development (PD) 03-1124 to allow for two-story commercial buildings approximately 300,000 square feet in size and a communication tower		
Parcel Size (Approx.):	30.54 +/- acres		
Street Functional Classification:	Bearss Avenue- <b>Arterial</b> Sinclair Hills- Road <b>- Collector</b> Lake Burrell- <b>Local</b> N 12 <sup>th</sup> Street <b>– Local</b>		
Locational Criteria:	Not Applicable		
Evacuation Zone:	None		



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# <u>Context</u>

- 30.54 ± acre site is located north of Bearss Avenue, east of Nebraska Avenue and US 41, north and south of Sinclair Hills Road.
- The subject property is located within the Urban Service Area, and 2.48 acres of the site is located within limits of the Lutz Community Plan.
- The subject property has 28.06 acres in the Office Commercial-20 (OC-20) and 2.48 acres in the Residential-4 (RES-4) in the Future Land Use designations. OC-20 FLU category allows for typical uses such as community commercial type uses, office uses, mixed use developments, and compatible residential uses. The Res-4 FLU category allows for residential, suburban scale neighborhood commercial, office uses, and multipurpose projects.
- The surrounding Future Land Use designations in the area include OC-20 to the west, which is developed with a CSX railroad as well as heavy and light commercial use and light industrial. RES-4 is located to the north and developed with single family. Residential-6 (RES-6) is located to the east and is also developed with single family. Light Industrial (LI) is to the south and developed with storage units.
- The site was approved as PD 03-1124 and later modified under MM 08-0170. This modification was approved to provide an alternative design to the northwest corner Bearss Avenue and 12<sup>th</sup> Street. The modification reduced the total square footage from 255,350 to 240,000, reduced the (Commercial Intensive) CI entitlements from 189,000 to 180,000, reduced the CG (Commercial General) entitlements from 66,350 to 66,000, changed the building orientation to Bearss Avenue, increased height in Area C from 35 to 40 and to 45 feet for architectural and to permit 24-hour business operation.
- The applicant is requesting a major modification to the existing Planned Development (PD) 03-1124 to reconfigure the site and two allow for two-story commercial buildings approximately 300,000 square feet total and a wireless communication tower.

# **Compliance with Comprehensive Plan:**

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

# FUTURE LAND USE ELEMENT

# Urban Service Area (USA)

**Objective 1:** Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede agriculture. Building permit activity and other similar measures will be used to evaluate this objective.

**Policy 1.4:** 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.

# Land Use Categories

**Objective 8:** The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.

**Policy 8.2:** Each potential use must be evaluated for compliance with the goals, objectives, and policies of the Future Land Use Element and with applicable development regulations.

# Neighborhood/Community Development

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

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

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

- 1. the creation of like uses; or
- 2. creation of complementary uses; or
- 3. mitigation of adverse impacts; and
- *4. transportation/pedestrian connections*

**Policy 16.5:** Development of higher intensity non-residential land uses that are adjacent to established neighborhoods shall be restricted to collectors and arterials and to locations external to established and developing neighborhoods.

# **Objective 17: Neighborhood and Community Serving Uses**

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.

# GENERAL CRITERIA

The County shall provide opportunities at the time of planning and site selection for citizens and neighborhoods to express their viewpoints on major facility siting and design; and in order to ensure neighborhood preservation, the County shall take into consideration the viewpoints of citizens and neighborhoods in the final decision making process in major facility siting and design. In the planning, siting, land acquisition and development of major public facilities the County shall consider alternatives, including not siting the facility. The alternatives evaluation shall include consideration of such factors as technical aspects of the facility, costs, design, impacts on the environment and availability of public facilities and services, including transportation impacts and future operation and maintenance costs of alternative sites as well as public safety and welfare

factors. Opportunities shall be provided for adjacent property owners and neighbor-hoods to choose to participate in the review process. The siting process for these facilities shall also avoid any detrimental effects on existing and planned development in the study area as well as consider the ancillary impacts associated with the particular facility and ensure that those uses also will not negatively affect the community.

**Policy 17.4:** Hillsborough County will continue to develop master plans for community facilities to ensure that those facilities are provided to serve anticipated population growth. Community facilities include but are not limited to: community centers, parks and recreation areas, libraries, sheriff substations and EMS/Fire stations.

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

# Bulk Electric Transmission Corridors And Large Facilities

**Objective 45:** Any negative effects of bulk electric transmission corridors upon environmentally sensitive lands and residential areas shall be minimized through the use of locational criteria.

**Policy 45.9:** Large facilities that are requested in areas of existing or planned residential development should be compatible (as defined in Policy 1.4) with the surrounding area with regards to design, scale and location. The installation of these facilities should not create adverse impacts on adjacent property owners, scenic corridors, parks or historic properties. Setbacks, buffering and other measures should be considered as means to mitigate impacts.

# Telecommunications Facilities

**Objective 46:** To ensure that telecommunications facilities are located in a manner that is compatible (as defined in Policy 1.4) with surrounding land uses and compliant with State and Federal law.

**Policy 46.1:** Telecommunications facilities and towers should comply with applicable Land Development Code regulations including but not limited to setbacks, buffering, screening and camouflaging.

# Community Design Component

# 5.0 Neighborhood Level Design

# 5.1 Compatibility

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

**12-1.1:** Lots on the edges of new developments that have both a physical and visual relationship to adjacent property that is parceled or developed at a lower density should mitigate such impact with substantial buffering and/or compatible lot sizes.

# LIVABLE COMMUNITIES ELEMENT: LUTZ COMMUNITY PLAN

**Fences and Barriers:** Solid, masonry-type walls or fencing materials which act as barriers should not be used in the community, unless they are needed to separate incompatible land uses. Commercial and residential property owners are encouraged to use rural fencing materials i.e., split rail, 3 or 4-board, picket, green or black chain link, or vegetation since they maintain a sense of openness throughout the community.

**Commercial Character:** The Lutz community desires to retain existing and encourage new commercial uses geared to serving the daily needs of area residents in a scale and design that complements the character of the community. Currently there is approximately 301,559 square feet of commercial approved but not built within the community planning area.

*Streetscape/Roadway:* Residents of Lutz want an interconnected shaded streetscape/roadway system, which visually enhances its corridors. To do so:

- Roadways designated as scenic corridors will be protected;
- If a fence or wall is located along a designated scenic corridor/roadway, the setback of the fence or wall should be determined by whether it is in the rural or urban service area, and not by the underlying land use designation. The land development code will be updated to implement this requirement.
- Planting programs of drought tolerant, preferably native trees and/or vegetation along roadways identified as scenic corridors and/or greenway trails will be undertaken to create a sense of place, and to improve or preserve specific views;
- Gateways, located to create a sense of arrival through a change in character from the surrounding landscape have identified. These gateways, when developed with local community participation, are intended to create a lasting impression through:
- The selection of signage;
- Location of structures;
- Proximity of shrubbery or other vegetation; and
- Roadway layout/configuration.
- The county will work with local agencies to develop a mobility plan which will:
- Study the placement of future rural roadways designed to provide intermodal connections rather than widening existing roadways;
- Determine appropriate locations for the placement of sidewalks for schools, parks and other public uses; and
- Provide for pedestrian paths and trails to interconnect the community.

# Staff Analysis of Goals, Objectives, and Policies:

The applicant is requesting a Major Modification to the existing Planned Development (PD 03-1124) on +/-30.54 acres to reconfigure the site allowing for 300,000 square feet of nonresidential building and a wireless communication tower. The largest parcel is in the Office Commercial-20 (OC-20) Future Land Use category and the smallest parcel to the north is in the Residential-4 (RES-4) Future Land Use category. The smaller parcel will be utilized as open space for employee use only and not open to the general public. The applicant indicates that improvements may include a gazebo, benches, picnic table area and possibly restrooms with no other permanent structures contemplated. The larger parcel, located south of Sinclair Hills Road and north of Bearss Avenue, is proposing two commercial buildings, each 150,000 square feet in size, and a communication tower with to the northwest. The proposed PD Modification meets the intent of Objective 1 of the Future Land Use Element (FLUE) of the Comprehensive Plan by providing growth in the Urban Service Area. The proposed project meets the intent of FLUE Objective 8 and its accompanying Policies 8.1 and 8.2 that require proposed land uses to meet the intent of the Future Land Use Map designations and the Goals, Objectives and Policies of the Comprehensive Plan. The subject site is consistent with the OC-20 Future Land Use category, as public facilities are permitted, and the proposed non-residential square footage does not exceed the maximum allowed intensity.

The subject site meets the intent of FLUE Policy 4.1, FLUE Objective 16 and FLUE Policies 16.2, 16.3, FLUE Objective 46 and Policy 46.1, regarding the protection of adjacent land uses through various buffering and mitigation measures. According to Policy 1.4 "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The surrounding Future Land Use designations in the area include OC-20 to the west, Residential-6 (RES-6) is located to the east and Light Industrial (LI) is to the south. The surrounding development pattern consists of a mixture of uses. Single family detached residential is located to the east and northeast of the subject site. Light industrial uses are located to the south with light commercial and a CSX railroad right-of-way located to the west. A lake and single-family residential units are located to the north of the subject site, across Sinclair Hills Road. The rezoning application has proposed several mitigative efforts to help protect and seek compatibility with the surrounding residential neighborhood. The project will contain two non-residential buildings that are each three stories high. However, the applicant proposes the third floor to function as a partial floor with a mezzanine to help soften the view. The applicant is placing the more intense commercial uses along Bearss Avenue and the CSX Railroad which is consistent with policy direction that states that development of higher intensity non-residential land uses adjacent to established neighborhoods should be restricted to arterials, collectors and locations external to neighborhoods, consistent with FLUE Policy 16.5. The proposed layout of the project will also provide an appropriate transition of intensity from the commercial uses to the west along Nebraska avenue and toward the residential uses found to the north and east of the subject site.

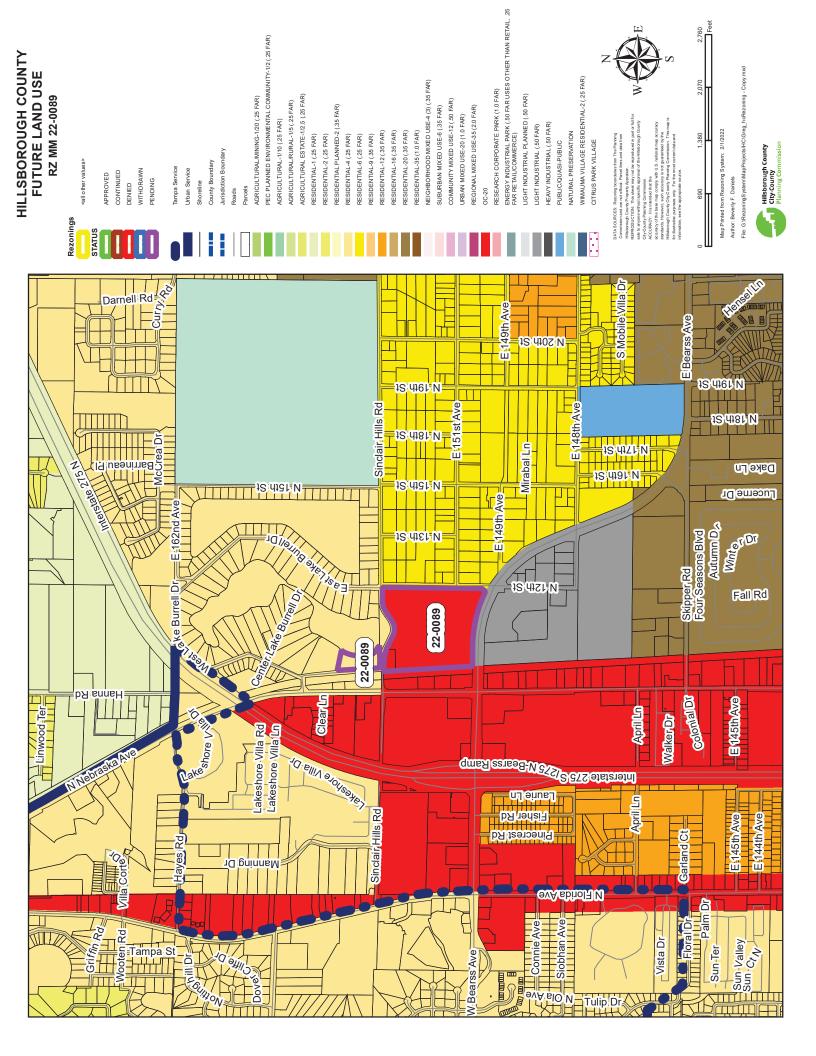
Staff was initially concerned with the proposed site plan, as the Lutz Community Plan includes specific language regarding fences, barriers and streetscape. However, only the smaller 2.48-acre parcel on the northern side of Sinclair Hills Road is part of the Lutz Community Plan. The rest of the subject property is located on the south side of Sinclair Hills Road and is not within the limits of the Lutz Community Plan.

The property will contain a perimeter fence that will help buffer sound and screen nonresidential use of the property from offsite view. The applicant proposed the buildings to the be centered on the property with employees parking to the east and retention ponds to the west and south with the communication tower either on in the northwest or southwest corner of the property. The location of the buildings and the communication tower helps with sound mitigation and the parking lot acts as a buffer keeping the buildings far from the residential neighborhood. The request is also to allow 24 hour operations of the facility and staff was concerned with the lighting impacting the surrounding residential neighborhood. The applicant has proposed that the parking area lighting to be directed down and away from the adjacent properties to the east and to apply the latest lighting standards. Planning Commission staff found that these conditions adequately address screening and glare. The proposed modification also limits access only from Bearss Avenue, which will help with previous traffic concerns regarding access along 12th street and Sinclair Hills Road. Bearss is classified as a Scenic Corridor, and the applicant will have to adhere to the Land Development Code regarding the Scenic Corridor. Furthermore, there is an existing strip of dense vegetation along the eastern border of the subject site and the applicant has proposed to maintain the viable trees to act as an enhanced buffer and screening of the parking area. All of these mitigative efforts allows the proposed modification to be consistent with Lutz Community Plan and Policies 17.7, and Policy 45.9.

Overall, the proposed Major Modification would allow for development that is consistent with the Goals, Objectives and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and is compatible with the existing and planned development pattern found in the surrounding area.

## Recommendation

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



# GENERAL SITE PLAN FOR CERTIFICATION



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

# HILLSBOROUGH COUNTY DEVELOPMENT SERVICES DEPARTMENT

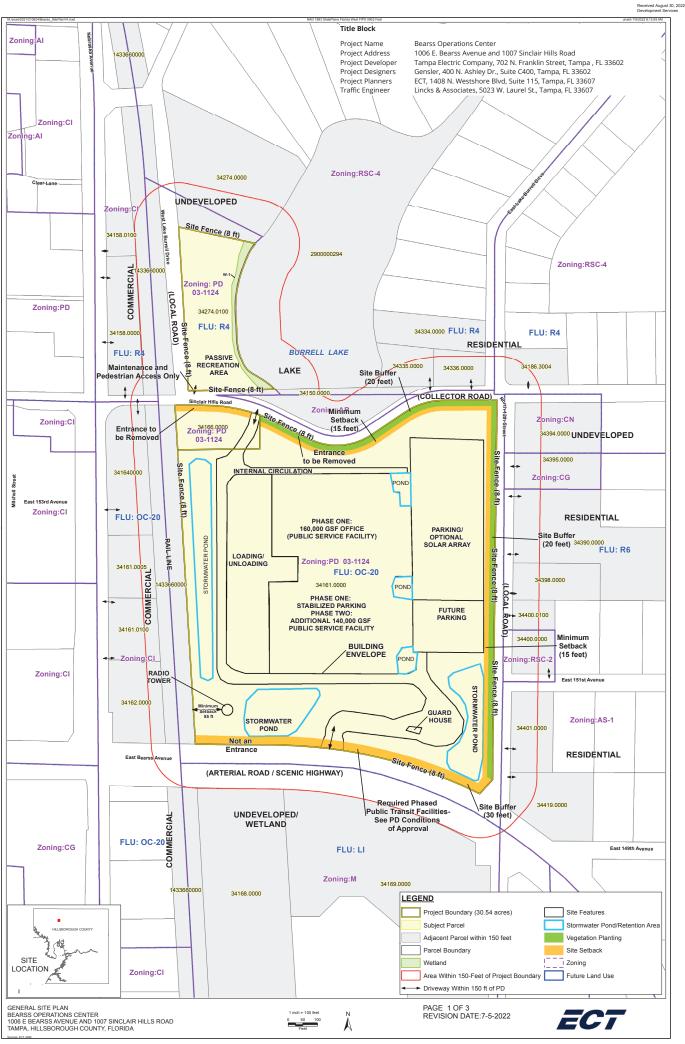
**GENERAL SITE PLAN REVIEW/CERTIFICATION** 

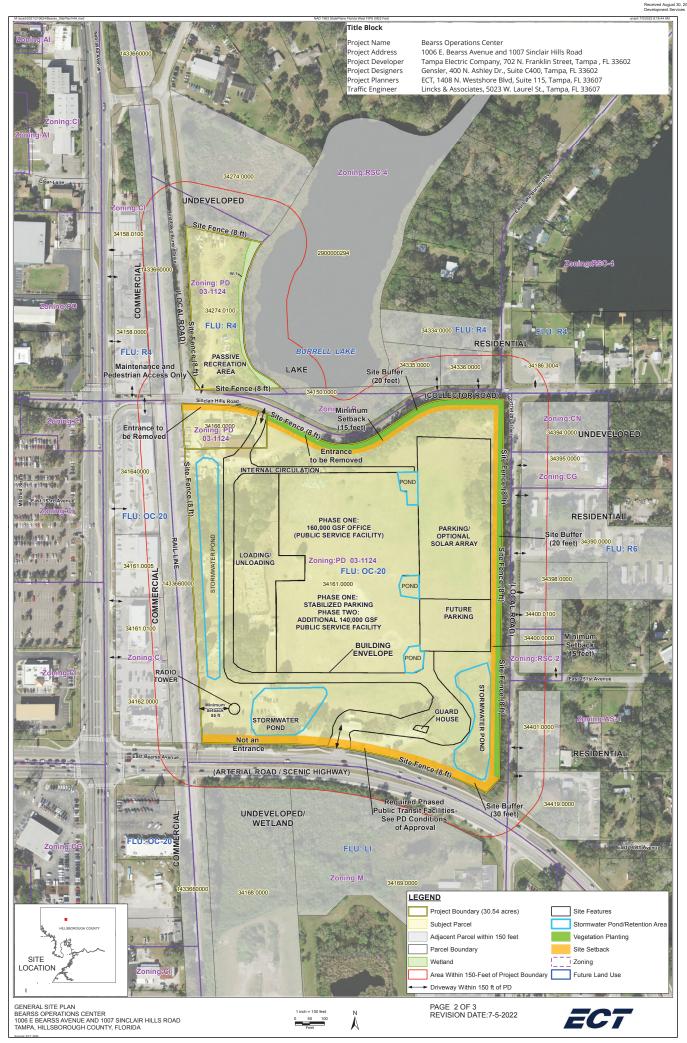
### BOARD OF COUNTY COMMISSIONERS

Harry Cohen Ken Hagan Pat Kemp Gwendolyn "Gwen" Myers Kimberly Overman Mariella Smith Stacy R. White COUNTY ADMINISTRATOR Bonnie M. Wise COUNTY ATTORNEY Christine M. Beck INTERNAL AUDITOR Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR Gregory S. Horwedel

Project Name: TECO Bearss Operation				
Zoning File: RZ-PD (03-1124) Modification: MM (22-0089)				
Atlas Page: None	Submitted: 08/25/22			
To Planner for Review: 08/25/22				
Contact Person: Michael Brooks	Phone:			
Right-Of-Way or Land Required for I	Dedication: Yes 🖌 No			
The Development Services Departme	ent HAS NO OBJECTION to this General Site Plan.			
The Development Services Departme Site Plan for the following reasons:	ent RECOMMENDS DISAPPROVAL of this General			
Reviewed by: Tim Lampkin Date: 8/31/22				
Date Agent/Owner notified of Disapp	roval:			





#### Title Block

Project Name	Bear
Project Address	1006
Project Developer	Tam
Project Designers	Gen
Project Planners	ECT,
Traffic Engineer	Linc

Project Data Table/Project Notes

Project Data Table/Project Notes*				
Gross Acres	30.54			
FLUM	OC and R-4			
Community Planning Area	Lutz and Greater Carrollwood-Northdale			
Special Designation	Scenic Corridor (Bearss Avenue), there are no overlay districts			
Utilities	Project is in the Urban Service Boundary and will be served by City of			
Tampa water and wastewater	services. The project will connect to public water and sewer.			
Folio Numbers	Folio 34274.0100 is zoned PD 03-1124, as amended by 08-0170 MM			
	Folio 34161.0000 is zoned PD 03-1124, as amended by 08-0170 MM			
	Folio 34166.0000 is zoned PD 03-1124, as amended by 08-0170 MM			
Waterbodies/Wetlands	0.23 acres			
Historic/Archaeological Site				
Use	Public Service Facilities, 300,000 square feet. Building Envelopes are			
	hin the Envelopes may be smaller than the Envelopes. Any area within			
	not have a structure can be used for open space, retention, parking,			
loading, and other such items.				
	300,000 square feet/22.5 percent			
Open Space	Open space is all areas not covered by buildings, parking, loading,			
	e no common or public open space.			
Impervious Coverage	716,507 (53.9%)			
Open Space	488,760 sf (36.7%)			
Maximum Height	3 stories or 55 feet, except for the excluded portion of the buildings			
as provided by Section 6.08.01 Radio Tower	Maximum height not to exceed 250 feet			
FAR	.22 (at buildout)			
Phase 1 Parking	Required: 320 spaces based on one space/employee for Public			
Service Provided: 320 paved s				
Phase 2 Parking	Required/Proposed One space per employee/1 space per			
employee				
	The general location of proposed parking and service areas are			
shown				
Setbacks (Yards)	Front 30 feet, side and rear 15 feet plus 2 feet for every foot of			
building height over 20 feet.				
Fencing	8 foot tall security fencing will be provided along all property			
perimeters to the extent requi	red, waiver is requested to Section 6.07.00			
Buffering/Screening	Minimum 20' planted buffer along Sinclair Hills Road, 12th Street, and			
	et trees and canopy trees will be planted along Bearss Avenue to			
comply with Section 6.06.031				
Access	There will be one access to Bearss Avenue and one access to Sinclair			
	ses on Sinclair Hills Road will be closed. There is no existing cross			
	e and adjacent properties. No cross access is proposed to adjacent			
	ded by roadways which make cross access to adjacent properties			
impossible.	to a Constation Office Providential to a constitution of a structure device of the second			
	th of Sinclair Hills Road shall be permitted a single "restricted" access			
	for pedestrian access, and maintenance vehicles only. See conditions			
of approval. ROW	There is no Right of Way proposed to be dedicated for this project.			
Internal driveways	Internal driveways will be private and gated. There are no ROWs (as			
	C) within the project boundary.			
Easements	There are no known easements located within the project boundary			
or within 150 feet of the proje				

Location
 Construction
 Const

#### TRANSPORTATION DATA TABLE

Road Name	151st Street	Bearss Blvd.	12th Street	E. Lake Burrell Drive	Sinclair Hills Road	W. Lake Burrell Drive
Classification	Local Road	Major Arterial	Local Road	Local Road	Local Road	Local Road
ROW Width	50± feet	147.5± feet	61.5± feet	68± feet	50.8± feet	152± feet
Number of	2 lane	4 lanes	2 lane	2 lane	2 lane	2 lane
Lanes	undivided (2	divided (6	undivided (2	undivided (2	undivided (2	undivided (2
(Divided or	lanes at	lanes at	lanes at	lanes at	lanes at	lanes at
Undivided)	intersection)	intersection)	intersection)	intersection)	intersection)	intersection)
Surface Type	asphalt	asphalt	asphalt	asphalt	asphalt	asphalt
Surface Condition	typical	typical	typical	typical	typical	typical
Pavement Width	25± feet	64± feet	24± feet	14± feet	24± feet	18± feet

rss Operations Center 6 E. Bearss Avenue and 1007 Sinclair Hills Road npa Electric Company, 702 N. Franklin Street, Tampa , FL 33602 Isler, 400 N. Ashley Dr., Suite C400, Tampa, FL 33602 1408 N. Westshore Blvd, Suite 115, Tampa, FL 33607 ks & Associates, 5023 W. Laurel St., Tampa, FL 33607

#### PARCEL 1:

Lots 1 to 4, inclusive, APEX LAKE ESTATES, according to map or plat thereof as recorded in Plat Book 30, page 31, public records of Hillsborough County, Florida; LESS AND EXCEPT that part described in Stipulated Order of Taking recorded in Official Records Book 7274, page 1801.

#### PARCEL 2:

PARCEL 2: Begin at the Northwest corner of the Southwest 1/4 of Section 31, Township 27 South, Range 19 East, Hillsborough County, Florida; thence run East, along the East and West 1/4 line (being the center-line of Sinclair Hills Road) a distance of 274.5 feet (more or less); thence run Southerly, along a right of way extension of Tampa Northem Railroad, al distance of 30.0 feet, to a point of intersection with the Eastern right of way boundary of a 100-foot railroad right of way (Tampa Northem Railroad) and the Southerr right of way of Sinclair Hills Road for a Point of Beginning; thence continue in a Southerly direction, along stated railroad right of way to Manga Northem Railroad) and the Southern right of way of Sinclair Hills Road for a Point of Beginning; thence continue in a Southerly direction and Josafiel to the center-line of the Tampa Northern Railroad rack, a distance of 153.5 feet (more or less); thence in an Easterly direction parallel with the East and West line of stated Section 31, a distance of 200.75 feet (more or less); thence in a Northerly direction, a distance of 118.0 a feet (more or less), to a point of tangency; thence continue in a Westerly direction andry, 30 feet from and parallel to the center-line of 516 ridair Hills Road, a distance of 189.0 feet (more or less), to a point of tangency; thence continue in a Westerly direction along stated right of way boundary, a distance of 115.0 feet (more or less), to the Point of Beginning.

#### PARCEL 3:

PARCEL 3: All of the Northwest 1/4 of the Southwest 1/4 of Section 31, Township 27 South, Range 19 East, Iying South of the right of way of graded public road; LESS AND EXCEPT right of way for Nebraska Ave.; ALSO LESS AND EXCEPT Tampa Northern Railroad right of way; ALSO LESS AND EXCEPT that part conveyed to Hillsborough County, a political subdivision of the State of Florida by Warranty Deed recorded in Official Records Book 4413, page 1905, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book 4494, page 1393, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book 5464, page 1164, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book A212, page 1969, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book 5376, page 43, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book 22605, page 68, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book 5376, page 43, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book 22605, page 68, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book 5326, page 1249, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT that part described in Official Records Book 2605, page 58, public records of Hillsborough County, Florida; ALSO LESS AND EXCEPT right of way for Sinclair Hills Road, and N. 12th Street.

ZONING DEVELOPMENT STANDARDS		MM-22-0089 DEVELOPMENT STANDARDS
Min. Lot Area	20,000 sq ft	20,000 sq ft
Min. Lot Width	100 ft	100 ft
Front Setback	30 ft	30 ft*
Side Setback	N/A	15 ft*
Rear Setback	N/A	15 ft*
Max. Height	Per Zoning Conditions	3 stories or 50 ft
Max. Coverage	30%	30%**
Max Impervious Surface	75%	75%
* Dive an established by a fee	4 = 6 = = 4 h = = 1 · 6 = = = = = = = = = = =	fact of building bainht over 00 fact

\* Plus an additional two feet of setback for every one foot of building height over 20 feet. \* Applies to Buildings

PROPOSED DEVELOPMENT	SQ FT/DWELLING UNITS	FAR/DENSITY	ACREAGE	
PUBLIC SERVICE FACILITY JSE PHASE ONE	160,000			
PUBLIC SERVICE FACILITY JSE PHASE TWO	140,000			
TOTAL	300,000	0.22	30.54	

Land Use Acreage		
R-4	2.49	
OC-20	28.05	
Total	30.54	



GENERAL SITE PLAN GENERAL SITE PLAN BEARSS OPERATIONS CENTER 1006 E BEARSS AVENUE AND 1007 SINCLAIR HILLS ROAD TAMPA, HILLSBOROUGH COUNTY, FLORIDA



# AGENCY COMMENTS

# AGENCY REVIEW COMMENT SHEET

**TO:** Zoning Technician, Development Services Department **REVIEWER:** Richard Perez, AICP **PLANNING AREA/SECTOR:** University Area/Northwest DATE: 07/07/2022 AGENCY/DEPT: Transportation PETITION NO: PD MM 22-0089

This agency has no comments.

This agency has no objection.

This agency has no objection, subject to the listed or attached conditions.

This agency objects for the reasons set forth below.

# **CONDITIONS OF APPROVAL**

X

- If PD 22-0089 is approved, the County Engineer will approve a Design Exception (dated January 27, 2021) which was found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. As Sinclair Hills Road is a substandard collector roadway, the developer will be required to make certain improvements to Sinclair Hills Road consistent with the Design Exception. Specifically, prior to or concurrent with the initial increment of development, the developer must construct eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.
- The Developer shall construct prior to or concurrent with the initial increment of development the following site access improvements:
  - a. An eastbound left turn lane on to Bearss Avenue.
  - b. A westbound right turn lane on the Bearss Avenue.
  - c. An eastbound right turn lane on Sinclair Avenue.
- The applicant shall provide the following public transit facilities consistent with the requirements of LDC, Sec. 6.09.03. C. 2. along the project frontage on Bearss Avenue:
  - A. Concurrent with Phase 1 development (i.e. development up to 160,000 gsf):
    - 1. The developer shall construct a bus bay along Bearss Avenue in accordance with Hillsborough County and HART standards by extending the existing turn lane.
    - 2. The bus bay will include a landing pad and a pedestrian connection from the landing pad to the sidewalk.
  - B. Prior to or concurrent with Phase 2 development (i.e. development exceeding 160,000 gsf), the developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to HART standards.
- Vehicular access to the Passive Recreational Tract (folio#34274.0100) shall be restricted to maintenance vehicles only. No employee, customer or other guest parking shall be permitted.
- The developer shall construct a pedestrian crosswalk consistent with County Public Works standards on Sinclair Hills Drive to provide safe pedestrian access between the project's property on both sides of the roadway.

• Notwithstanding anything herein or shown on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along PD boundaries.

# PROJECT SUMMARY AND ANALYSIS

The applicant is requesting a Major Modification (MM) to approved Planned Development (PD) #08-0170, which consists of three parcels totaling +/- 30.54 ac. The existing PD is approved for up to 180,000 square feet of Commercial, Intensive uses and 60,000 square feet of Commercial General and Commercial Neighborhood uses. The applicant is requesting to modify the PD to permit up to 300,000 square feet of Public Service Facility Use with an accessory passive recreational tract. The project is proposed to be built out in two phases. The site is located 300 feet west of the of the intersection of Nebraska Ave and Bearss Ave. The Future Land Use designation of the site is Office Commercial 20 (OC-20) and Residential 4 (R-4).

# Trip Generation Analysis

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis to support the proposed zoning modification. Utilizing data from the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 10th Edition, staff has prepared a comparison of the trips generated by development under the existing approvals and proposed modifications, utilizing a generalized worst-case scenario.

# **Approved Zoning:**

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
	Two-Way Volume	AM	PM
PD, 240,000 Retail Uses (ITE code 820)	9,060	226	914
Less Internal Capture Trips	0	0	0
Less Pass-By Trips	0	0	310
Net New External Trips	9,060	226	604

# **Proposed Zoning:**

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
	Two-Way Volume	AM	PM
PD, 300,000 sf of Office Uses (ITE code 715)	3,375	534	513
Less Internal Capture Trips	0	0	0
Less Pass-By Trips	0	0	0
Net New External Trips	3,375	534	513

# **Trip Generation Difference:**

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
Zonnig, Lane Ose/Size	Two-Way Volume	AM	PM
Difference	-5,685	+308	-91

The proposed major modification would result in a decrease of trips potentially generated by development of the subject site by 5,685 average daily trips, an increase of 308 trips in the a.m. peak hour, and a decrease of 91 trips in the p.m. peak hour.

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Bearss Ave. is a 4-lane, Hillsborough County maintained, arterial roadway, characterized by +/-12 feet travel lanes. The existing right-of-way on Bearss Ave. is +/-150 feet. There are bike lanes and sidewalks on both sides of Bears Ave within the vicinity of the project.

In the vicinity of the proposed project, Bearss Ave. is shown on the Hillsborough Corridor Preservation Plan as a future 6-lane enhanced roadway. Although there is no typical section for 6-lane roadways, the minimum right-of-way necessary is calculated by taking the typical section for a 4-lane urban, divided, collector roadway (TS-6 within the Hillsborough County Transportation Technical Manual), which requires a minimum of 110-feet, and adding an additional 24 feet for Two extra lanes (for a total of 134 feet of right-of-way required). Given there is +/- 150 feet of right-of-way available along the project's frontage, no right-of-way preservation is required.

Sinclair Hills Road is a substandard 2-lane, Hillsborough County maintained, collector roadway characterized by +/- 10-foot travel lanes within +/-50ft of right-of-way. There are no marked bicycle or pedestrian facilities on either side of Sinclair Hills Road in the vicinity of the project.

The applicant's Engineer of Record has requested a design exception to propose constructing a 12-foot multi-use path on the south side of Sinclair Hills Rd. from the railroad tracks to 12<sup>th</sup> Street; and provide an eastbound right turn lane into the project access. Additional details of the request are discussed below in the Design Exception Section.

# SITE ACCESS AND CONNECTIVITY

Access to the primary office portion of the project will be via a single access connection to Bearss Ave. and single access connection to Sinclair Hills Road.

As indicated in the developer's transportation analysis, the following site access improvements (turn lanes) were found to be warranted consistent with Section 6.04.04.D. of the LDC:

- An eastbound left turn lane on to Bearss Avenue.
- A westbound right turn lane on the Bearss Avenue.
- An eastbound right turn lane on Sinclair Hills Road.

The passive recreational tract for employee use will retain an existing vehicular access connection to be restricted to maintenance vehicles only. Since the stated intent of the passive recreation tract is for employees at the facility during work breaks, the developer will be required to construct a pedestrian crosswalk between the entrance to the primary office portion of the site (south of Sinclair Hills Rd.) and the passive recreational tract to ensure safe crossing. The applicant agreed to the proposed condition of approval.

Transportation Staff initial comments required the site to have access through the neighborhood to the east. The applicant provided documentation about concerns that the connection to the east would impact the security requirements of the site. Due to the nature of the proposed use and safety concerns, connectivity to the East is not required. The use proposed contains a security element that requires the design of the site plan to limit access and to specifically limit access from unauthorized personnel. The applicant provided information to justify these concerns and staff agreed with their reasoning. As such, connectivity was not required to the East.

Pedestrian and bicycle access shall be permitted anywhere along the PD boundaries.

# **REQUIRED PUBLIC TRANSIT FACILITIES**

Pursuant to LDC, Sec. 6.03.09, the proposed development meets the criteria to provide certain public transit facilities for non-residential developments of 200,000 to 500,000 square feet. Sec. 6.03.09. C. 2. specifies that a bus bay and transit accessory pad including a shelter, seating, trash receptacles, and bicycle rack must be provided. As such staff is proposing a condition of approval requiring the public transit facilities and phasing of the requirements to correspond to the applicant's proposed project phasing plan (as requested by the applicant). The exact location and design of all the required public transit facilities will be determined, and included in, the initial site construction plan for phase I to ensure the facilities will be accommodated at buildout.

As part of Phase One construction and prior to final certificate of occupancy, the applicant shall construct a bus bay along Bearss Avenue according to HART standards by extending the existing turn lane. The bus bay will include a landing pad and a pedestrian connection from the landing pad to the sidewalk. As part of Phase Two construction, the developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to HART standards.

# **REQUESTED DESIGN EXCEPTION - SINCLAIR HILLS ROAD**

As Sinclair Hills Road is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception request (dated January 27, 2021) to determine the specific improvements that would be required by the County Engineer. Based on factors presented in the Design Exception request, the County Engineer found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. Specifically, the developer is proposing to construct an eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.

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

Sinclair Hills Road was not included in the 2020 Level of Service (LOS) Report.

FDOT Generalized Level of Service					
RoadwayFromToLOS StandardPeak Hr Directional LOS					
BEARSS AVE	NEBRASKA AVE	BRUCE B DOWNS BLVD	D	С	

Level of Service (LOS) information is reported below.

Source: 2020 Hillsborough County Level of Service (LOS) Report

# Perez, Richard

From:	Steady, Alex
Sent:	Wednesday, March 23, 2022 10:17 AM
To:	Perez, Richard
Subject:	FW: MM 22-0089 Design Exception
Attachments:	22-0089 DEAddInf 01-31-22.pdf
Importance:	High
Follow Up Flag:	Follow up
Flag Status:	Flagged

FYI

From: Williams, Michael <WilliamsM@HillsboroughCounty.ORG>
Sent: Monday, January 31, 2022 6:29 PM
To: Steven Henry <shenry@lincks.com>
Cc: Mora, Kristin M. <KMMora@tecoenergy.com>; Lampkin, Timothy <LampkinT@hillsboroughcounty.org>; Steady, Alex
<SteadyA@hillsboroughcounty.org>; Tirado, Sheida <TiradoS@hillsboroughcounty.org>
Subject: FW: MM 22-0089 Design Exception
Importance: High

Steve,

I have found the attached Design Exception (DE) for PD 22-0089 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Ingrid Padron (<u>padroni@hillsboroughcounty.org</u> or 813-307-1709) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to <u>PW-CEIntake@hillsboroughcounty.org</u>

Mike

Michael J. Williams, P.E.

Director, Development Review County Engineer Development Services Department P: (813) 307-1851 M: (813) 614-2190 E: <u>Williamsm@HillsboroughCounty.org</u> W: HCFLGov.net

# Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

Facebook | Twitter | YouTube | LinkedIn | HCFL Stay Safe

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

From: Tirado, Sheida <<u>TiradoS@hillsboroughcounty.org</u>> Sent: Monday, January 31, 2022 4:45 PM To: Williams, Michael <<u>WilliamsM@HillsboroughCounty.ORG</u>> Subject: RE: MM 22-0089 Design Exception Importance: High

Hi Mike,

The attached DE is approvable to me, please copy the following people in your email:

KMMora@tecoenergy.com shenry@lincks.com LampkinT@hillsboroughcounty.org SteadyA@hillsboroughcounty.org

Best Regards,

Sheida L. Tirado, PE (she/her/hers)

**Transportation Review Manager** Development Services Department

P: (813) 276-8364 E: <u>tirados@HCFLGov.net</u> W: <u>HCFLGov.net</u>

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

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

From: Rome, Ashley <<u>RomeA@hillsboroughcounty.org</u>>

Sent: Monday, January 31, 2022 3:26 PM

**To:** Allen, Cari <<u>AllenCA@hillsboroughcounty.org</u>>; Amber Dickerson <<u>amber.dickerson@hcps.net</u>>; Andrea Papandrew <<u>papandrewa@plancom.org</u>>; Blinck, Jim <<u>BlinckJ@HillsboroughCounty.ORG</u>>; Brown, Gregory <<u>BrownGr@hillsboroughcounty.org</u>>; Cabrera, Richard <<u>CabreraR@HillsboroughCounty.ORG</u>>; Dalfino, Jarryd

<<u>DalfinoJ@hillsboroughcounty.org</u>>; Santos, Daniel <<u>daniel.santos@dot.state.fl.us</u>>; David Skrelunas <David.Skrelunas@dot.state.fl.us>; DeWayne Brown <brownd2@gohart.org>; Dickerson, Ross <DickersonR@HillsboroughCounty.ORG>; Ellen Morrison <ellen.morrison@swfwmd.state.fl.us>; Franklin, Deborah <FranklinDS@hillsboroughcounty.org>; Greg Colangelo <colangeg@plancom.org>; Hansen, Raymond <HansenR@hillsboroughcounty.org>; Holman, Emily - PUD <HolmanE@HillsboroughCounty.ORG>; Hummel, Christina <HummelC@hillsboroughcounty.org>; Impact Fees <ImpactFees@hillsboroughcounty.org>; James Hamilton <jkhamilton@tecoenergy.com>; Jillian Massey <masseyj@plancom.org>; Justin Willits <WillitsJ@gohart.org>; Kaiser, Bernard <KAISERB@HillsboroughCounty.ORG>; Karla Llanos <llanosk@plancom.org>; Katz, Jonah <KatzJ@hillsboroughcounty.org>; Kyle Brown <kyle.brown@myfwc.com>; landuse-zoningreviews@tampabaywater.org; Mineer, Lindsey <<u>Lindsey.Mineer@dot.state.fl.us</u>>; Lindstrom, Eric <<u>LindstromE@hillsboroughcounty.org</u>>; Mackenzie, Jason <MackenzieJ@hillsboroughcounty.org>; Matthew Pleasant <matthew.pleasant@hcps.net>; McGuire, Kevin <<u>McGuireK@HillsboroughCounty.ORG</u>>; Melanie Ganas <<u>mxganas@tecoenergy.com</u>>; Melissa Lienhard Petrovic, Jaksa <PetrovicJ@HillsboroughCounty.ORG>; Pezone, Kathleen <PezoneK@hillsboroughcounty.org>; Ratliff, James <<u>RatliffJa@hillsboroughcounty.org</u>>; Hessinger, Rebecca <<u>HessingerR@hillsboroughcounty.org</u>>; Renee Kamen <renee.kamen@hcps.net>; Revette, Nacole <RevetteN@HillsboroughCounty.ORG>; Carroll, Richard <CarrollR@HillsboroughCounty.ORG>; Rochelle, Randy <RochelleR@HillsboroughCounty.ORG>; Rodriguez, Dan <RodriguezD@gohart.org>; RP-Development <RP-Development@hillsboroughcounty.org>; Salisbury, Troy <SalisburyT@hillsboroughcounty.org>; Sanchez, Silvia <sanchezs@epchc.org>; Shelton, Carla <SheltonC@HillsboroughCounty.ORG>; Steady, Alex <SteadyA@hillsboroughcounty.org>; Tapley, Kimberly <tapleyk@epchc.org>; Thompson, Mike <Thompson@epchc.org>; Tony Mantegna <tmantegna@tampaairport.com>; Turbiville, John (Forest) <<u>TurbivilleJ@HillsboroughCounty.ORG</u>>; Valdez, Rick <<u>ValdezR@HillsboroughCounty.ORG</u>>; Woodard, Sterlin <Woodard@epchc.org>; Yeneka Mills <millsy@plancom.org> **Cc:** Grady, Brian <<u>GradyB@HillsboroughCounty.ORG</u>>; Lampkin, Timothy <<u>LampkinT@hillsboroughcounty.org</u>>; Timoteo, Rosalina <TimoteoR@HillsboroughCounty.ORG>; Padron, Ingrid <PadronI@hillsboroughcounty.org>; Tirado, Sheida <<u>TiradoS@hillsboroughcounty.org</u>>; Williams, Michael <<u>WilliamsM@HillsboroughCounty.ORG</u>> Subject: RE MM 22-0089

Good Day All,

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

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

Planner assigned: Planner: Timothy Lampkin Contact: <u>lampkint@hillsboroughcounty.org</u>

Have a good one,

# Ashley Rome

**Planning & Zoning Technician** Development Services Dept.

P: (813) 272-5595 E: <u>romea@hillsboroughcounty.org</u> W: <u>HCFLGov.net</u>

**Hillsborough County** 

# 601 E. Kennedy Blvd., Tampa, FL 33602

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## Received January 31, 2022 Development Services

# LINCKS & ASSOCIATES, INC.



January 27, 2022

Mr. Mike Williams Hillsborough County Government 601 East Kennedy Blvd., 22nd Floor Tampa, FL 33602

Re: Bearss TECO Folio Number R MM 22-0089 Lincks Project No. 21170

The purpose of this letter is to request a Design Exception to the Hillsborough County Transportation Technical Manual per Section 1.7.2 to meet Land Development Code Section 6.04.03L for Sinclair Hills Road from US 41 to 12<sup>th</sup> Street. The subject property is currently zoned Planned Development to allow up to 240,000 square feet of commercial uses. Tampa Electric Company proposes to modify the existing Planned Development to allow up to 300,000 square feet of office.

According to the Hillsborough County Functional Classification Map, Sinclair Hills Road is classified as a collector roadway and the subject site is within the Hillsborough County Urban Service Area.

Tables 1, 2 and 3 provide the trip generation comparison for the approved and proposed Planned Developments. As shown in Tables 1 and 3, the proposed modification would result in a net decrease in daily and PM peak hour project traffic.

The access to serve the project is proposed to be via one full access to Bearss Avenue and one full access to Sinclair Hills Road.

The request is for a Design Exception to TS-7 of the Hillsborough County Transportation Technical Manual for Sinclair Hill Road from US 41 to 12<sup>th</sup> Street. This segment of Sinclair Hills Road is currently a two-lane roadway. The following exceptions are requested to accommodate the proposed project.

- 1) Right of Way TS-7 has 96 feet of right of way. The right of way along the property frontage is approximately 50 feet.
- 2) Shoulders TS-7 has 8 foot shoulders with 5 foot paved. The existing roadway has approximately 6 foot unpaved shoulders along the subject section.
- 3) Sidewalk TS-7 has sidewalk on both sides of the roadway. There is currently no sidewalks along the subject section of roadway.

5023 West Laurel Street Tampa, FL 33607 813 289 0039 Telephone 8133 287 0674 Telefax www.Lincks.com Website

The justification for the Design Exception is as follows:

- 1. There is limited right of way on the north side of Sinclair Hills Road.
- 2. The developer proposes the following improvements:
  - a. Provide an eastbound right turn lane into the project access
  - b. Provide a 12 foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.

Figure 1 illustrates the limits of the proposed improvements and Figure 2 illustrates the proposed Typical Section.

Based on the above, it is our opinion, the proposed improvements to Sinclair Hills Road will mitigate the impact of the project and meet the intent of the Transportation Technical Manual to the extent feasible.

Please do not hesitate to contact us if you have any questions or require any additional information.

Best Regards ven J He President Lincks & Associates, Inc. #51555 PF



Based on the information provided by the applicant, this request is:

\_\_\_\_ Disapproved

\_\_\_\_\_ Approved

\_\_\_\_\_ Approved with Conditions

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

Sincerely,

Michael J. Williams Hillsborough County Engineer

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В	
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# DAILY TRIP GENERATION COMPARISON

New Daily Trip Ends	8,006	3,921	<4,085>
Passerby Capture (2)	4,124	0	<4,124>
Daily Trip Ends (1)	12,130	3,921	<8,209>
Size	240,000 SF	300,000 SF	Difference
LUC	820	715	
Land <u>Use</u>	Retail	Office	
Scenario	Approved	Proposed	

(1) Source: ITE Trip Generation Manual, 11th Edition, 2021.

(2) Source: ITE Trip Generation Handbook, 3<sup>rd</sup> Edition.
Passerby Trip Ends:
Retail - 34%

12,130 x 0.34 = 4,124

lour	S	Total	182	559	377	
New	New AM Peak Hour Trip Ends	p End	Ort	69	61	~8 ~
		Ļ	티	113	498	385
	۲ 2)		Total	93	0	<58> <35> <93>
	Passerby Capture (2)	apture	Out	35	0 0 0	<35>
		ö	의	58	0	<58>
	Hour	(1)	Total	275	559	284
AM Peak Hour Trip Ends (1)		Out	104	61	<327> <43>	
		티	171	498	<327>	
			Size	240,000 SF	300,000 SF	Difference
		Ш	LUC	820	715	
		Land	Use	Retail	Office	
			Scenario	Approved	Proposed	

AM PEAK HOUR PROJECT TRAFFIC COMPARISON

TABLE 2

Source: ITE <u>Trip Generation Manual</u>, 11<sup>th</sup> Edition, 2021.
 Source: ITE <u>Trip Generation Handbook</u>, 3rd Edition.

Passerby Trips Ends:

Retail - 34%

Out: 104 x 0.34 = 35 ln: 171 x 0.34 = 58

Hour	ds	Total	700	524	<176>		
New	New PM Peak Hour Trip Ends	rip En(	Out	364	445	81	
		F	티	336 364	<u>79</u>	<257> 81	
	Ŋ	(2)	n <u>Out Total</u>	360	01	<173><187> <360>	
	Passerby	apture	Ort	173 187	01	<187>	
	4	ő	티	173	0	<173><	
	lour	(1)	Total	551 1,060	524	<430> <106> <536>	
	PM Peak Hour	ip Ends	Dut Total		445	<106>	
	PN	T	듸	509	<u>79</u>	<430>	2021
			Size	240,000 SF	300,000 SF	Difference	(1) Source: ITE Trin Generation Manual 11 <sup>th</sup> Edition 2021
		ΞL	LUC	820	715		ation Man
		Land	Use	Retail	Office		Trin Gener
			Scenario	Approved	Proposed		(1) Source: 🛛

PROJECT TRAFFIC COMPARISON

TABLE 3

(1) Source: ITE Trip Generation Manual, 11" Edition, 2021.

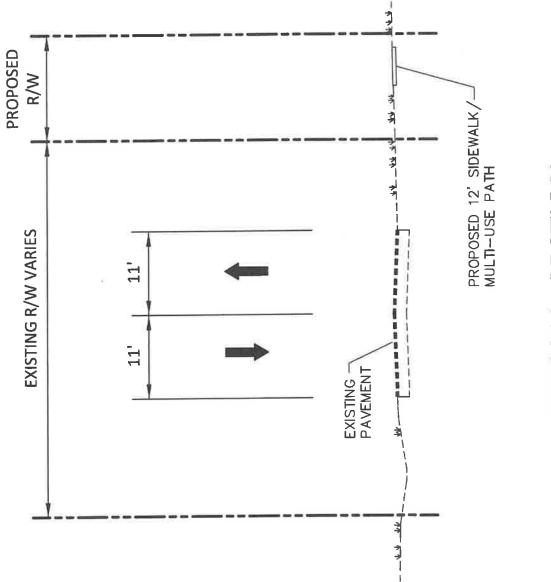
(2) Source: ITE <u>Trip Generation Handbook</u>, 3<sup>rd</sup> Edition.
Passerby Trips Ends:

Retail - 34%

Out: 551 x 0.34 = 187 In: 509 x 0.34 = 173



FIGURE 1 SINCLAIR HILLS ROAD IMPROVEMENT LIM22250089



TYPICAL SECTION SINCLAIR HILLS ROAD

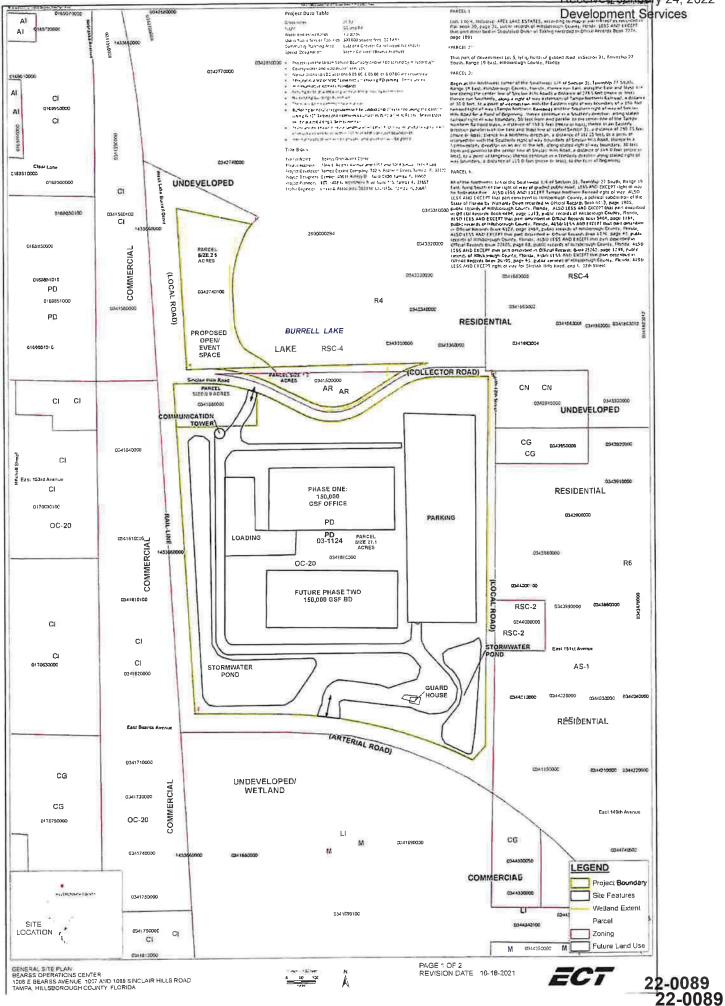
Received January 31, 2022 Development Services

APPENDIX



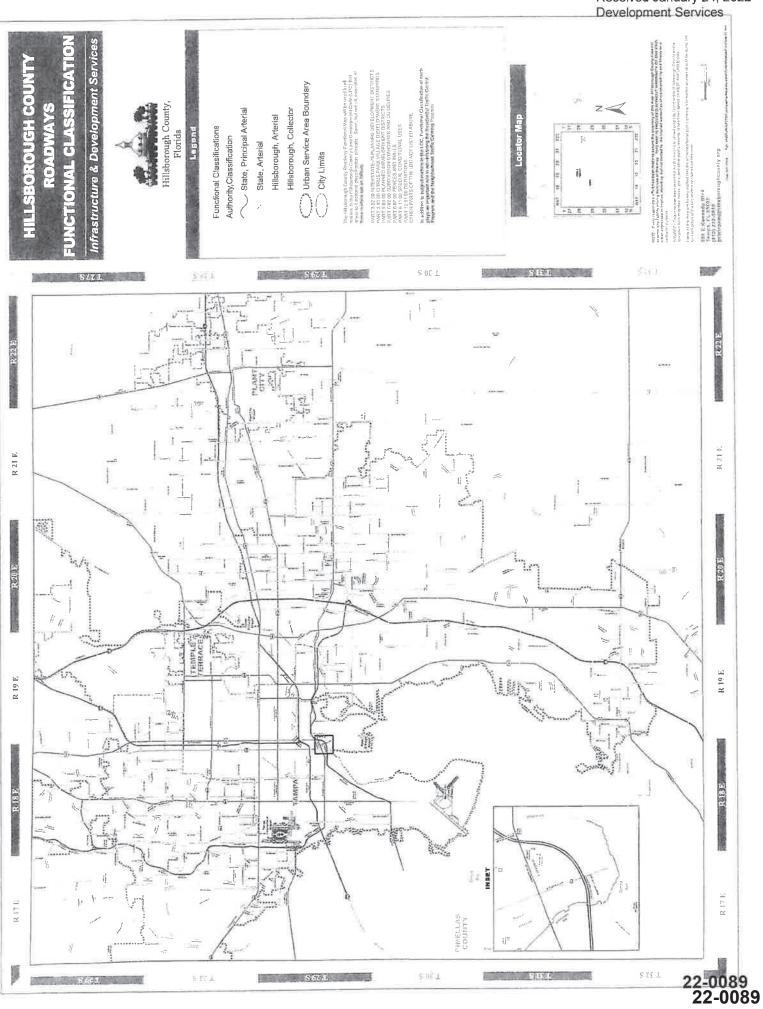
[		Received January 31, 2022 Development Services
	PD PLAN	
	LINCKS & ASSOCIATES, INC.	

# Received January 31, 2022



## HILLSBOROUGH COUNTY ROADWAYS FUNCTIONAL CLASSIFICATION MAP

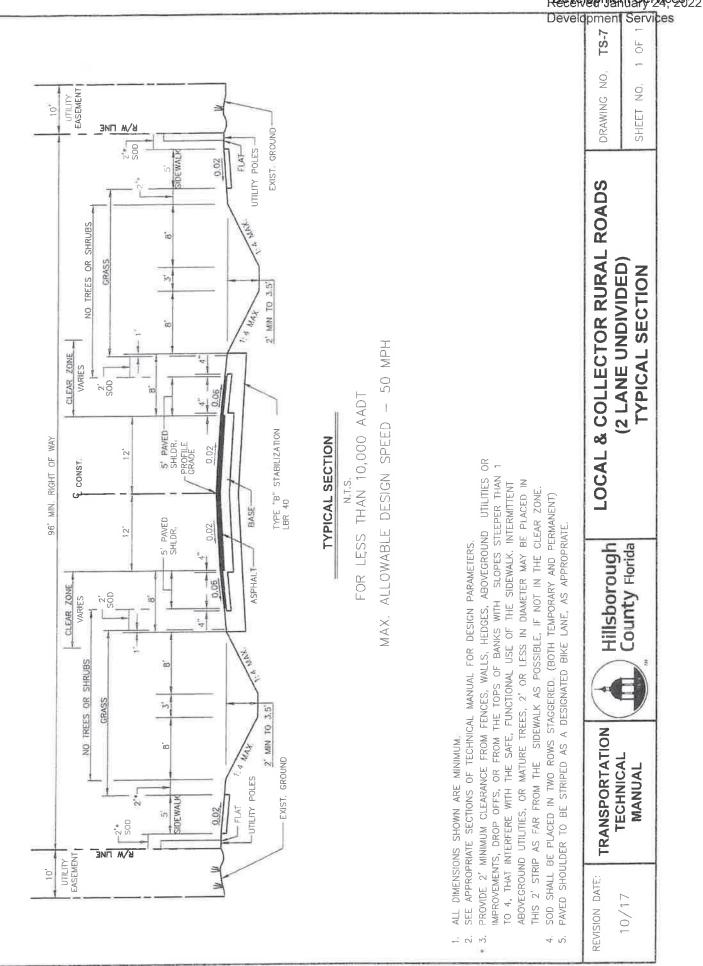




Received January 31, 2022 Reକୋରେମ୍ବର୍ମ୍ବର Development Services

TS-7





## 22-0089 22-0089

Received January 31, 2022

# ROADWAY ASSESSMENT







Parcels

Sinclai	Sinclair Hills Road			Lan	Lane Pavement	ent	Type of Road: 2	Type of Road: 2 lane, crown, asphalt		
Snecial F	Special Field Survey for Substandard Road Assessment	d Assessme	int	Left Slope	Width	Right Slope	Pav't condition: poor. weak base	oor. weak base		
N. Nebra	N. Nebraska Ave to N. $12^{\text{th}}$ Street (1,478')		Minimum:	-2.8%	22.4'	0.3%	Shoulder cond.: I	Shoulder cond.: unstabilized, some erosion	ion	
	By: WLR	*	Maximum:	4.0%	25.4'	4.2%	Swales: r	Swales: none defined well		
	Date of Survey: 12/15/21		Average:	1.0%	23.9'	2.2%	Notes: +	Notes: * Shoulders nominal at 6' or as defined by	6' or as defined by	
	Speed Limit: 30 mph						0	obstructions	,	ſ
	Left Slopes and Swales	S	Left Shoulder	Lan	Lane Pavement	ent	Right Shoulder	Right Slopes and	nd Swales	
Station	Back Slope Bottom From (Width/slope) (width) (width	Front Slope (width/slope)	Total/Paved/ Slope	Left Slope	Width	Right Slope	Total/Paved/ Slope	Front Slope Bottom (width/slope) (width)	m Back Slope (width/slope)	
1+00	-5% AFR		*6'/0'/11%	0.6%	22.4'	-3.2%		F	C&G	
	LT 0+32 U.P. 4.5' BOC, 0+60 end C&G, 1+12 U.P	C&G, 1+12 l	J.P. 6' LT, 1+47 U.	P. 5.5' L	T, 1+81	& 2+34 F	Railroad stop bars,	. 6' LT, 1+47 U.P. 5.5' LT, 1+81 & 2+34 Railroad stop bars, 2+87 Lake Burrell Dr, 3+81 U.P. 6' LT	3+81 U.P. 6' LT	
RT	RT0+25 Traffic Pole 30.4' RT, 1+53 end of C&G, 1	3 end of C&(	3, 1+84 Railroad gate 8' RT	ate 8' R'	Т					
Notes	Notes 0+00 set at EOP N. Nebraska Ave. (signalized	ve. (signaliz	ed intersection), 1+98 centerline Railroad,	+98 cent	erline Ra	ailroad, P	av't Cond: poor w	Pav't Cond: poor w/ cracks & patches		
4+00	-3% AFR		*5'/0'/3%	1.3%	23.4'	-0.3%	*6'/0'/+2%	15'/+2% -	+6% AFR	
	LT 4' BWF 35' LT, 6' CLF 38' LT									
RI	RT 6' CLF 23' RT									
Notes										
8+00	+10% AFR 0' 2	2'/-4%	*6'/0'/-4%	4.0%	25.4'	+2.6%	*6'/0'/+1%	+1% AFR	FR	
	LT Trees 12' LT, 9+00 low point in road drains directly to lake	road drains (	directly to lake							1
RT	RT 6' CLF 23' RT, 8+35 U.P. 14' RT									
Notes	Notes Vehicle tracking off road inside curves, Road in	curves, Roa		on curv	es, Pav'	t cond: p	superelevation on curves, Pav't cond: poor with cracking at wheel tracks			1
10+00	-11% AFR		*6'/0'/-11%	1.9%	24.0'	-0.5%	*6'/0'/-4%	5'/-4% 5'	8'/+20%	
	LT 23' to lake edge, 10+77 U.P. 20' LT	'LT								
RI	RT 4' BWF 19' RT, 6' CLF 20' RT, Trees 19' RT	Frees 19' RT								
Notes										
12+00	-13% AFR		6'/0'/0%	-2.8%	24.2'	-4.2%	*6'/0'/-3%	5'/-3% 2'	7'/+33%	
	LT Mailbox 4' LT, Trees 14' LT, 12+35 U.P.	H35 U.P. 14' LT	LT, 14+32 centerline E.		Lake Burrell Dr	el Dr				
L R	RT 4' BWF 20' RT, 6' CLF 21' RT, Trees 18' RT, 1	Frees 18' RT	7, 12+22 E Inlet 7' RT,	RT, 12+!	12+55 U.P. 16' RT,		14+50 E Inlet 11' RT,	14+78 centerline N.	12 <sup>th</sup> St.	
Notes										
			14+78 End of Segment at centerline N. 12th Street	f Segme	ent at cer	nterline N	. 12 <sup>th</sup> Street			
	Notes:									
	1. Segment is a flushed shoulder roadway except for first 60', shoulders are not paved and shoulder slopes vary from -11% to +11%,	er roadway e	except for first 60',	shoulder	s are no	t paved a	und shoulder slope	s vary from -11% to +1.	1%	
	2. There are no defined swales and a portion of the left drainage is directly to Lake Burrell.	and a portio	n of the left draina	ge is dire	ectly to L	ake Burn	ell.			
	3. Utility poles have less than 6' clear from the	clear from t		ent at sta	ations 1+	12 LT, 1	+47 LT, and 3+81	edge of pavement at stations 1+12 LT, 1+47 LT, and 3+81 LT and there are no dedicated light poles	dicated light poles	
	4. There's a railroad crossing in good condition at 1+98.	good condit	ion at 1+98.							
	5. Pavement condition is poor throughout with	iroughout wi	ith patching and traverse, longitudinal and fatigue cracking	averse, l	ongitudir	ial and fa	ttigue cracking			
	6. There is shoulder erosion on the inside of the two curves from vehicles tracking off the pavement	the inside of	f the two curves fro	im vehic	les track	ing off th	e pavement			
	7. Signalized intersection at beginning with N. Nebraska Ave.	linning with I	N. Nebraska Ave.							_
	8. Vehicle traffic appears to be greater than 2000 AADT and through truck traffic of more than 2 axles is not allowed	greater than	2000 AADT and th	nrough tr	uck traff	ic of mor	e than 2 axles is n	ot allowed		
	9. Most traffic signs are less than the FDOT recommended 12' from edge of pavement and are not breakaway	In the FDOT	recommended 12	from ec	lge of pa	wement a	and are not breaka	way		-
	10. Westbound speed limit is 30 mph. There is no posted eastbound speed limit for this segment and is assumed to be 30 mph.	0 mph. The	re is no posted eas	stbound	speed lir	nit for thi	s segment and is a	assumed to be 30 mph.		-

22-0089

Adjoining Roadways (c	heck if applicable)		
Road Name	Classification	Current Conditions	Select Future Improvements
Bearss Avenue	County Arterial - Urban	4 Lanes □ Substandard Road ⊠ Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>
Sinclair Hills Road	County Local - Urban	2 Lanes ⊠ Substandard Road □ Sufficient ROW Width	<ul> <li>□ Corridor Preservation Plan</li> <li>⊠ Site Access Improvements</li> <li>⊠ Substandard Road Improvements</li> <li>□ Other</li> </ul>

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

<b>Project Trip Generation</b>	🛛 🗆 Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9,060	226	914
Proposed	3,375	534	513
Difference (+/-)	-5,685	+308	-91

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

<b>Connectivity and Cros</b>	s Access 🗆 Not app	olicable for this request		
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	Х	Vehicular & Pedestrian	None	Meets LDC
South	Х	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:	•	-	•	

Design Exception/Administrative Variance	lot applicable for this request	
Road Name/Nature of Request	Туре	Finding
Sinclair Hills Rd./Substandard Road Improvements	Design Exception Requested Approvable	
	Choose an item.	Choose an item.
Notes: Improvement includes a 12-foot multi use	e path along the northside of the prope	rty on Sinclair Hills Rd.

4.0 Additional Site Information & Agency Comme	nts Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
<ul> <li>Design Exception/Adm. Variance Requested</li> <li>Off-Site Improvements Provided</li> </ul>	□ Yes □N/A ⊠ No	⊠ Yes □ No	See Staff Report.

## COMMISSION

Mariella Smith CHAIR Pat Kemp VICE-CHAIR Harry Cohen Ken Hagan Gwendolyn "Gwen" W. Myers Kimberly Overman Stacy White



## DIRECTORS

Janet L. Dougherty EXECUTIVE DIRECTOR Elaine S. DeLeeuw ADMIN DIVISION Sam Elrabi, P.E. WATER DIVISION Rick Muratti, Esq. LEGAL DEPT Reginald Sanford, MPH AIR DIVISION Steffanie L. Wickham WASTE DIVISION Sterlin Woodard, P.E. WETLANDS DIVISION

## AGENCY COMMENT SHEET

REZON	NING	
HEARING DATE: 1/18/2022	<b>COMMENT DATE:</b> 11/15/2021	
<b>PETITION NO.:</b> 22-0089	<b>PROPERTY ADDRESS:</b> 1006 E Bearss Ave and	
EPC REVIEWER: Chris Stiens	1007 Sinclair Hills Rd, Lutz, FL 33549	
CONTACT INFORMATION: (813) 627-2600 X1225	<b>FOLIO #:</b> 034274-0100, 034150-0000, 034166-0000 & 034161-0000	
EMAIL: stiensc@epchc.org	<b>STR</b> : 31-27S-19E	
<b>PEOLIESTED ZONINC:</b> Major Modification of 02.1		

# REQUESTED ZONING: Major Modification of 03-1124 & AR to PD

FINDI	NGS
WETLANDS PRESENT	YES
SITE INSPECTION DATE	11/15/2021
WETLAND LINE VALIDITY	Not Valid
WETLANDS VERIFICATION (AERIAL PHOTO,	Survey, and site inspection indicate wetland exists
SOILS SURVEY, EPC FILES)	along the east property boundaries of folios
	#034274-0100 & 034161-0000. Also, wetlands exist
	in the north portion of folio #034150-0000

The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:

- Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
- The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.

Environmental Excellence in a Changing World

MM 22-0089 November 15, 2021 Page **2** of **2** 

- Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
- Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

#### **INFORMATIONAL COMMENTS:**

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

- The subject property contains wetland/OSW areas, which have not been delineated. Knowledge of the actual extent of the wetland and OSW are necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11. Prior to the issuance of any building or land alteration permits or other development, the wetlands/OSWs must be field delineated in their entirety by EPC staff or Southwest Florida Water Management District staff (SWFWMD) and the wetland line surveyed. Once delineated, surveys must be submitted for review and formal approval by EPC staff.
- Chapter 1-11, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

cs/cs

cc: dstowe@ectinc.com

Environmental Excellence in a Changing World

## AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Manag	ement	<b>DATE:</b> <u>24 November 2021</u>
REVIEWER: Bernard W. Kaiser, Conservation and En	vironmental Lands I	<u>Management</u>
APPLICANT: Darren Stowe	PETITION NO: M	M 22-0089
LOCATION: Not listed		
FOLIO NO:         34150.0000, 34274.0100, 34166.0000,           34161.0000         34161.0000	SEC: <u>31</u> TWN: <u>27</u>	<b>RNG:</b> <u>19</u>

 $\square$  This agency has no comments.

This agency has no objection.

This agency has no objection, subject to listed or attached conditions.

This agency objects, based on the listed or attached conditions.

COMMENTS: \_\_\_\_\_.



**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.

то:	Zoning Review, Development Services	DATE: 12/22/2021
<b>REVIEWER:</b>	Ron Barnes, Impact & Mobility Fee Coordinator	
APPLICANT:	Tampa Electric Company	PETITION NO: 22-0089
LOCATION:	1006 E Bearss Ave	
FOLIO NO:	34150.0000 34274.0100 34166.0000 34161.0000	

## **Estimated Fees:**

(Various use types allowed. Estimates are a sample of potential development)

150,000 s.f. - Office, Single Tenant (Per 1,000 s.f.) Mobility: \$9,005.00\*150 = \$1,350,750 Fire: \$158.00\*150 = \$23,700

## **Project Summary/Description:**

Urban Mobility, Northwest Fire - Two 150,000 s.f. Single Tenant Office structures, in two phases (fee estimate may increase if secondary structure is constructed under different, future schedule). Radio Tower (no impact for this use).

Credit for prior structures may apply. \*\*\*Rates based on Jan 1, 2022, fee schedule\*\*\*

## WATER RESOURCE SERVICES REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PETITION NO.:MM22-0089REVIEWED BY:Randy RochelleDATE:12/3/2021

FOLIO NO.: 34161.0000

### WATER

- The property lies within the <u>City of Tampa</u> Water Service Area. The applicant should contact the provider to determine the availability of water service.
- A \_\_\_\_\_inch water main exists [\_\_\_\_\_\_ (adjacent to the site), [\_\_\_\_\_\_ (approximately \_\_\_\_\_\_ feet from the site) \_\_\_\_\_\_\_. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include \_\_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

## WASTEWATER

- The property lies within the <u>City of Tampa</u> Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- A \_\_\_\_\_ inch wastewater gravity main exists [] (adjacent to the site), [] (approximately \_\_\_\_\_\_ feet from the site) \_\_\_\_\_\_. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include \_\_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: \_\_\_\_\_\_.



# AVIATION AUTHORITY LAND USE REVIEW

# **Hillsborough County - OPTIX**

DATE: June 3, 2022

## **PROPOSED USE INFORMATION:**

Case No.: 22-0089 Reviewer: Tony Mantegna

Location: 1098 SINCLAIR HILLS RD

Folio: 34150.0000

Current use of Land: Residential

Zoning: <u>RSC-4</u>

REQUEST: 250 Communication tower

## COMMENTS:

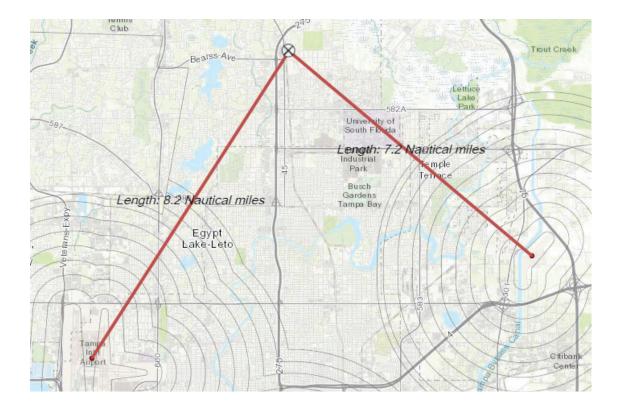
<u>The proposed site falls within Zone "B" on the Airport Height Zoning Map. Any structure</u> <u>including construction equipment that exceeds 200 feet Above Ground Level will require an</u> <u>Airport Height Zoning Permit and must be reviewed by the Airport Zoning Director.</u>

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

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

Compatible with conditions (see comments above) – <u>Must have an FAA Determination and</u> review and permit from the Aviation Authority.

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



# VERBATIM TRANSCRIPT

	Page S SBOROUGH COUNTY, FLORIDA D OF COUNTY COMMISSIONERS
IN RE: ZONE HEARING MAST HEARINGS	) ) )
	NG HEARING MASTER HEARING T OF TESTIMONY AND PROCEEDINGS
BEFORE:	SUSAN FINCH Land Use Hearing Master
DATE:	Monday, July 25, 2022
TIME:	Commencing at 6:00 p.m. Concluding at 11:20 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:
Exe Ul 13555	Christina M. Walsh, RPR Ecutive Reporting Service Emerton Business Center Automobile Blvd., Suite 130 Clearwater, FL 33762 (800) 337-7740

		Page 140
1		UGH COUNTY, FLORIDA COUNTY COMMISSIONERS
2		
3	J	RING MASTER HEARINGS uly 25, 2022
4	ZONING HEARI	NG MASTER: SUSAN FINCH
5		
6	D2: Application Number:	MM 22-0089
7	Applicant: Location:	Tampa Electric Company NW corner of E. Bearss Ave & N.
8	Folio Number:	12th St. 034150.0000, 034161.0000, 034166.0000 & 034274.0100
9	Acreage: Comprehensive Plan:	30.54 acres, more or less
10	Service Area: Existing Zoning:	Urban PD 03-1124, RSC-4 & AR
11	Request:	Major Modification to a Planned Development
12		Development
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Page 141 MR. GRADY: The next item then is agenda 1 2 item D-2, Major Mod Application 22-0089. The applicant's Tampa Electric Company. 3 The request is to rezone from PD, RSC-4, and 4 5 AR to -- it's actually Major Modification. So Tim Lampkin will provide staff recommendation after 6 presentation by the applicant. 7 8 HEARING MASTER FINCH: Good evening. MR. BROOKS: Good evening, Madam Hearing 9 10 Officer. For the record, Michael Brooks of Brooks, Sheppard & Rocha, 400 North Tampa Street, 11 12 Suite 1910, Tampa, 33602. And I have been sworn. 13 So we have the first sheet of our cover sheet 14 up. Project team I'm going to introduce real 15 quick. The applicant/owner, of course, as Brian 16 just said, is Tampa Electric Company. 17 Kristin Mora is in the room, who's in-house 18 land use counsel for TECO; Joseph Ogden who's the 19 telecommunications manager; my co-counsel, Rebecca 20 Kert is here; Darren Stowe, who's AICP planner with 21 Environmental Consulting Technology; and Steve 22 Henry is the transportation engineer. Next. 23 The request is a Major Modification, as 24 Mr. Grady said, for 300,000 square feet of public 25 service facility and 250-foot self-support radio

tower.

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2	The property is going to be used by TECO and
3	one of its subsidiaries. People or one of its
4	related utilities, People's Gas is a secured
5	operation center that will have the ability to
6	communicate with other utility facilities in the
7	region remotely monitoring control in the
8	infrastructure and communicate with its employees.
9	It will be a major step forward in
10	enhancement of resiliency and sustainability of the
11	energy grid within our region. Next slide.
12	In the utility world, there are two kinds of
13	days. Blue Sky day, which is day-to-day. Nothing
14	exciting happens, uneventful. That's a good day.
15	There are also dark sky days where the utilities
16	must be prepared to respond and handle
17	extraordinary events. Catastrophic events both
18	natural and manmade of hurricanes, terrorism, et
19	cetera. Next slide.
20	The reason I'm telling you is, is that as a
21	backdrop to this case is that rapid response, of
22	course, is necessary to prevent further damage to
23	the utility grid, minimize interruption to other
24	utilities and essential services in the region, and
25	restore service to other critical facilities like

## Executive Reporting Service

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Page 143 hospitals and nursing homes, et cetera. 1 2 All of that backdrop is that this facility will be a critical infrastructure in our region. 3 That is a term that we now know is a result of the 4 5 pandemic. It results from the Public Infrastructure Act of 2001 that was adopted after 6 9/11, the homeland security. 7 8 And recently, the Florida legislature -- next slide -- passed an exemption to the public records 9 act which defines and adopts that critical 10 structure definition. It is -- it is broad in its 11 12 scope. 13 It creates a confidential and exemption for 14 all portions of information related to critical 15 infrastructure including public meetings. This 16 presentation will not provide information that 17 we -- that falls within that scope of being things 18 we would not want disclosed. But we think it's sufficient to find 19 20 approval for the public facility and the radio 21 tower. And with that, I'm going to hand over to my 22 co-counsel and I'm going to hand out some materials 23 for yourself and the clerk. 24 HEARING MASTER FINCH: Thank you. If you 25 could please sign in.

Page 144 MS. KERT: Thank you. Rebecca Kert, 400 1 2 North Tampa Street, Suite 1910. 3 Next slide, please. This is a general location map. You'll see 4 5 highlighted in red the parcel. It's approximately 30.54 acres of land generally located at the 6 7 intersection of Nebraska Avenue and Bearss Avenue. 8 To the west of the site is CSX rail line, and the current interim uses of the property 9 10 include a golf driving range, a boat and vehicle storage, and parking. Next slide, please. 11 12 We are located within the Urban Service 13 Area, and the public service facility will be served by public water and sewer. 14 15 The Comprehensive Plan category on the main 16 larger parcel is Office Commercial-20, and the 17 parcel north of Sinclair Hills Road is 18 Residential-4. The portion north of Sinclair Hills 19 Road is within the Lutz Planning Area. 20 And I did want to point out that a public 21 service facility is an allowed conditional use in 22 all zoning districts. Next slide, please. 23 There's a currently approved PD on the 24 parcel most recently amended in 2008 that allows 25 60,000 square feet of Commercial General uses and

Page 145 180,000 square feet of Commercial Intensive, CI, 1 2 uses. The area located at C, including the parcel north of Sinclair Hills Road, is where the 3 Commercial Intensive uses were allowed to be 4 5 placed. Next slide, please. 6 So the primary parcel south of Sinclair 7 Hills Road will be phased. Phase 1 is 160,000 up 8 to 160,000 square feet of public service facility use and a 250-foot radio tower. Phase two is a 9 future phase. If it's determined that it's needed, 10 it will be allowed up to 140,000 square feet of 11 12 public service facility use. 13 The secondary parcel north of Sinclair Hills Road will be limited to a private passive 14 15 recreation area. Next slide, please. 16 So, again, these boxes highlight where the 17 building framework will be. So phase one is 18 northernmost box, which is 160,000 square feet of 19 public service facility. 20 The lower box is phase two where there's a 21 potential for another 140,000 square feet of public 22 service facility in the interim. That phase can be 23 used for stabilized parking. 24 The maximum FAR is .23, and the building 25 envelopes are conceptual. They can be used for

Page 146 buildings, open space, retention, parking, and 1 2 loading areas. Next slide, please. 3 The building setbacks along the front, along Bearss Avenue is 30 feet. Bearss Avenue is an 4 5 urban, scenic roadway. So there will be 30 feet 6 along that right-of-way as well as additional tree 7 plantings. The site in rear will have 15 feet. Buffers 8 9 will be 20 feet to the north, south, and east. То the north and the east where it abuts -- well, it 10 doesn't abut because there's a right-of-way there. 11 But where we are across from single-family, the 12 13 buffers will be in addition to the setbacks. 14 Stormwater facilities will be utilized where 15 feasible to provide additional buffering. The 16 maximum building height is 55 feet. With that, 17 you'll get an additional setback of 2 feet for 18 every foot over 20 feet, which translates to 19 100 feet, if we were to go up to the maximum of 20 55 feet of building setback on all sides. 21 In reality, the site plan proposes much 22 greater setbacks. To the south is over 500 feet; 23 300 feet to the east; about 265 to the west; and 24 125 feet to the west. So the building structures 25 themselves are very set back from all the

surrounding area.

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2 We are meeting all lighting standards in the Code with an enhanced lighting standard where we 3 are located within 200 feet of 12th Street, where 4 we have single-family on the other side of 12th 5 6 Street. Next slide, please. We will meet Code for parking with phase 7 8 one. We will be limited to 320 employees with one space for employee; and, again, during phase one, 9 we will have the option for stabilized overflow 10 parking, which will be utilized during dark sky 11 12 events. 13 Phase two will be determined at the time of 14 construction, and the conditions do allow solar 15 panels to be installed above the covered parking 16 spaces. Next slide, please. This is a restricted site, and it will be a 17 18 restricted vehicular access along Bearss Avenue, 19 which will be guard monitored and along Sinclair 20 Hills Road which will be gated card access. 21 There will be during phase one -- the 22 developer will construct a bus bay with a landing 23 pad on Bearss Avenue pursuant to Code with 24 controlled pedestrian access into the public use 25 facilities because, again, this is a secured

Executive Reporting Service

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facility. And in the future during phase two, the 1 developer will construct a full transit stop. Next slide, please.

The northern parcel above Sinclair Hills 4 5 Road will be a passive recreation area that will be 6 limited only to employees and invited guests. 7 There's an existing access point that will remain 8 but will be limited to pedestrian and maintenance vehicles only. 9

10 The conditions require that we install a 11 pedestrian crosswalk between the main parcel and the recreational facility and improvements in the 12 13 future could include a gazebo pavilion and/or 14 restroom. Next slide, please.

15 There were design changes based upon 16 community input. There was a community meeting and 17 many discussions within the neighborhood about how 18 we can do a good job of protecting our 19 single-family in the neighborhood.

20 The County had originally requested that we provide access to 12th Street. The neighborhood 21 asked that that be removed, and we worked with 22 23 staff and staff agreed that we could remove access 24 to 12th Street.

We also restricted right-out movements on

## Executive Reporting Service

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Sinclair Hills Road, and we agreed that within the 2 20-foot buffer area on the east and actually along 3 north of the parcel as well that we will retain as 4 many of the existing trees as possible. And in the 5 event that we're not able to retain trees, new 6 trees will be planted.

Significantly, the radio tower was relocated
to the southwest corner of the site as far away as
possible from the existing single-family. Next
slide, please.

We are requesting two variances. Written justification for each has been prepared and submitted back in March by Darren Stowe, AICP. So I'm just going to touch on them briefly because there were very thorough explanations of how we meet those criteria.

And staff as well has concluded that we do -- we have justified these variations. But we are asking to LDC Section 6.07.00 to allow an 8-foot perimeter security fence. Again, the site is required by law to be secured.

We believe that we have fully mitigated this for a number of reasons. We are not abutting any property. We have right-of-way. We're surrounded on four sides by right-of-way of at least a minimum

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1 of 50 feet.

2	We are also retaining that buffer and the
3	existing trees as much as possible. The next
4	variance is to shade tree requirement in the
5	parking area because we are hopeful that we'll be
6	able to put solar right on all or part of the
7	parking area. And, again, shade trees are,
8	obviously, going to interfere with that.
9	So but the there should be absolutely
10	no detrimental effect to any of the neighboring
11	properties for the same reasons that I already
12	described. Next slide, please.
13	The next three slides are transportation
14	slides. We do have Steve Henry here as our expert
15	in case there are any questions. All of this
16	information is already part of the record. It's
17	substantiated. So I'm just going to go over it
18	briefly.
19	We did want to point out that compared to
20	the prior approved project, the daily trip
21	generation will be reduced by roughly 50 percent.
22	We believe it's actually probably greater than that
23	because the ITE does not have a specific category
24	for public service facilities. So it was analyzed
25	as an office, which probably overestimates the

Page 151 actual trips that will generate. Next slide, 1 2 please. We will be doing access improvements on 3 4 Bearss Avenue, a full access driveway, and the 5 applicant will construct an eastbound left turn 6 lane and a westbound right turn lane on Sinclair 7 Hills Road. 8 It will be limited access driveway as I already described, and the applicant will construct 9 an eastbound right turn lane and a concrete median 10 restricting the right out as requested by the 11 12 neighbors. Next slide, please. 13 Sinclair Hills Road is a substandard road. 14 We will be asking for a design exception because we 15 cannot meet the typical section as required. We 16 are proposing to construct a 12-foot multiuse path on the south because there's not room for sidewalks 17 18 on both sides, but we believe that this will 19 improve mobility options. 20 And at this point I'm going to turn it back to Mr. Brooks to talk about the radio tower. 21 22 MR. BROOKS: For the record again, Michael 23 Brooks. 24 I'm going to run through just a few slides 25 regarding the radio tower. Next slide, please. As

Page 152 Ms. Kert mentioned, the tower's been moved to the 1 2 southwest corner. That's the star on the graphic. It's roughly 2400 feet from the closest 3 4 neighborhood point in the northeast corner, and 5 it's 1600 feet plus or minus from the nearest residence to the east. 6 7 This -- this creates the maximum separation 8 while still maintaining the minimum setbacks with the tower locating it near the rail line and the 9 commercial uses at Bearss Avenue and Nebraska. 10 There's a typical -- just to make clear what 11 self-support tower, it's a lattice structure so 12 13 it's a demonstrative image. Next slide. The need for the on-site tower -- you 14 15 probably heard a lot of tower cases, Madam Hearing 16 Officer. This one is unique because this is not a 17 commercial-type tower. It's not one that would 18 come to you or you're looking at our propagations 19 and determining need. 20 This is an essential component of the -- of 21 the actual operations of the facility, and I've got 22 both the service area for TECO on here, which you 23 could see, extends to Dade City, San Antonio, all 24 the way east to Auburndale and Winter Haven. 25 It -- the special, unique needs for this

Page 153 tower, it has to be in close proximity to the 1 2 operation center. Secured monitored and manner 3 that is above and beyond what would be typical on an alternative site and protected from service 4 5 interruptions in case there were catastrophic dark 6 sky day. Next slide. 7 Last two. These are the radio tower 8 conditions, Section 12. I'm not going to read them all. They basically implement the special, unique 9 10 conditions. They require that it not be used for commercial purposes. Only used for this public 11 12 utility, and it may be deemed abandoned if that use ceases. Last slide. 13 14 This is the airspace permitting. Obviously, 15 there'll be federal aviation authority permitting 16 that's been filed for. The aviation authority, we 17 filed a preapplication meeting. It falls within 18 zone B of the airport zoning map, which would require a permit of over 200 feet AGL. 19 20 And so that process is started. And the 21 conditions would require those permits, obviously, 22 as a condition of constructing the radio tower. 23 That concludes our presentation. 24 HEARING MASTER FINCH: All right. Thank you 25 so much. I believe Ms. Kert needs to sign in with

Page 154 the clerk's office, but I didn't have any 1 2 questions. You covered my questions that I had. 3 We'll go to Development Services, please. 4 MR. LAMPKIN: Hello. Tim Lampkin, 5 Development Services. 6 The applicant did such a great job that I'm 7 going to give a quick overview. The applicant's 8 seeking a Major Modification to existing Planned Development of PD 03-1124 as modified by Major 9 Modification 08-0170. Per the development --10 11 MR. LAMPE: Tim, could you, please, speak a little slower. We're having a hard time hearing 12 13 you. 14 MR. LAMPKIN: Yeah. I don't have the 15 headphones. So I'm going to the phone today. 16 Sorry about that. 17 And a People's Gas system of public service 18 facility. The proposal is a two-phased development 19 providing a total of 300,000 square feet. I would 20 like to note that I just noticed on page 6, the 21 first paragraph in the second sentence says 22 150,000. It should be 160 for phase one and on 23 page 9, the third paragraph, second sentence also 24 has an earlier iterations the site plan, which 25 needs to be changed from 150 to 160,000.

The general location is slightly east of the 1 2 northwest corner of Bearss and Nebraska Avenue intersection, and the site is currently utilized 3 for a driving range and paintball facility and is 4 mostly underdeveloped. 5

To the east is residential, RSC-2, mobile home, and AS-1. To the west is the CSX Railroad 7 right-of-way and to the north is holding on and RSC-4 and AR is south of Manufacturing and Light Industrial. 10

The Future Land Use of the site is OC-20, 11 12 south of Sinclair Road and R-4 north of Sinclair 13 Hills Road. According to the application, TECO is 14 working on improving the system rezoned CN and 15 operational sustainability.

16 And both of these at TECO and the People's 17 Gas System fall within the definition of public 18 utility, as the applicant has already gone into detail about. 19

20 And, again, as the applicant may have 21 stated, this will be designed to withstand against 22 storm events. On the site plan, the applicant 23 proposes landscaping around the parking area in 24 compliance with Section 6.06.04, and the 25 application is -- the applicant's requested two

#### Executive Reporting Service

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variations.

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2 Variation one that they went over was 3 6.07.00 regarding fences and then 6.06.04. It is 4 classified as a scenic corridor. And as the 5 applicant noted, the radio and television 6 transmitting and receiving facility is now being 7 proposed to be located in the southwest corner of 8 the site.

9 Additionally, there are a couple of design 10 exceptions which have been found approvable by the 11 county engineer. Based upon all the above, the 12 Development Services finds the proposed development 13 approvable, and that concludes my presentation 14 unless there are any questions.

15 HEARING MASTER FINCH: Just a quick kind of 16 a housekeeping comment for you, the revised staff 17 report on the first page where it lists the PD 18 variations, it only lists the increase in fence 19 height and not the variation for the shade trees 20 for the solar panels just for your information. 21 Probably needs to be added at the top.

22 But that was my only question or comment, 23 rather. So thank you for that. I appreciate it. 24 We'll go to the Planning Commission, please. 25 MS. MASSEY: This is Jillian Massey with

Page 157 Planning Commission staff. 1 2 The subject site has two Future Land Use designations, Office Commercial-20 and 3 Residential-4. It's located in the Urban Service 4 5 Area and within the limits of the Lutz Community 6 Plan. 7 The subject site meets the intent of Future 8 Land Use Element Policy 4.1, Future Land Use 9 Element Objective 16, and associated policies regarding neighborhood protection. 10 It also meets Future Land Use Element 11 12 Objective 46 and 46.1 regarding the protection of 13 adjacent land uses through various buffering and 14 mitigation measures. 15 The surrounding Future Land Use designations 16 in the area include Office Commercial-20 to the 17 west, Residential-6 located to the east, and Light 18 Industrial to the south. 19 The surrounding land development pattern 20 consists of a mixture of uses. Single-family detached residential is located to the east and 21 22 northeast of the subject site. 23 Light Industrial uses are located to the 24 site -- south with light commercial and a CSX 25 Railroad right-of-way located to the west. A lake

and single-family residential units are located to
 the north of the subject site across Sinclair Hills
 Road.

The rezoning application has proposed several mitigated efforts to help protect and seek compatibility with the surrounding residential neighborhood.

8 The project will contain two nonresidential 9 buildings that are three stories high. However, 10 the applicant proposes the third floor to function 11 as commercial floor with mezzanine to help soften 12 the view.

13 The applicant is placing more intense uses 14 along Bearss Avenue and the CSX Railroad, which is 15 consistent with policy direction that states that 16 development of higher intensity, nonresidential 17 land uses adjacent to established neighborhoods 18 should be restricted to arterials, collectors, and 19 locations external to neighborhoods.

20 This is consistent with Future Land Use 21 Element Policy 16.5. The proposed layout of the 22 project will also provide an appropriate transition 23 of intensity from the commercial uses up to the 24 west along Nebraska Avenue towards the residential 25 uses to the north -- north and east of the subject

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site.

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2	Overall, the proposed modification would
3	allow for development that is consistent with the
4	goals, objectives, and policies of the Future of
5	Hillsborough Comprehensive Plan for unincorporated
6	Hillsborough County, and it's compatible with the
7	existing and Planned Development pattern found in
8	the surrounding area.
9	And, therefore, Planning Commission staff
10	finds that this application is consistent subject
11	to the conditions proposed by the Development
12	Services Department. Thank you.
13	HEARING MASTER FINCH: Thank you. I
14	appreciate it.
15	Is there anyone in the room or online that
16	would like to speak in support of this application?
17	Anyone in favor? Seeing oh, yes, ma'am.
18	While she's coming up, is there anyone else
19	that would like to speak in support? All right.
20	When you come up, if you could give us your name
21	and address, please, first. Thank you.
22	MS. FITE: Hi. My name is Barbara Fite. I
23	live at 16102 East Lake Burrell Drive just north of
24	this proposed building, and we are very much in
25	support of it.

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I speak for the majority of our neighbors. 1 2 It would be 100 percent except a couple just want to have the golf practice range remain, which is 3 4 not going to happen. 5 But we have had several community meetings 6 with the TECO people. They've been very 7 cooperative in making some changes, like leaving a 8 lot of the trees, moving the tower, and not using the well, using other sources of water. 9 So we're very happy about that. And we just 10 feel like this is a very good transition from 11 12 single-family homes to, you know, more intense 13 commercial area. HEARING MASTER FINCH: All right. 14 Well, 15 thank you for coming down and giving your comments. 16 I appreciate it. If you could please sign in. 17 All right. So close testimony in support. 18 Is there anyone in opposition that would like to 19 speak? Seeing no one in the room, no one online. 20 21 All right. Mr. Grady, anything else? 22 MR. GRADY: Nothing further. 23 HEARING MASTER FINCH: All right. Mr. Brooks, anything else? You have the last word. 24 25 MR. BROOKS: We have one last slide, which

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was a conclusion slide, which I'm not going to
 belabor. I do want to thank Ms. Fite for coming
 down.

I originally handled the PD in 2004 for this property. Actually, Kristin Mora was the planner for this project, and this flight was one of the community activists.

8 And she's been engaged in all of the 9 modifications since that time, and she's a great 10 advocate for her neighborhood. No, no. Back a 11 few. All right.

12 These are just our standard closings 13 consistent with the land use categories, the LDC, 14 except for the variances compatible with the 15 surrounding properties' recommendations and 16 approval, et cetera, we would ask for your 17 approval, recommendation as well, and can answer 18 any questions that have arisen. 19 HEARING MASTER FINCH: I don't have any

20 further questions but thank you for that.

21 Then we'll close Major Modification 22-0089 22 and go to the next case.

Executive Reporting Service

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	Page 1 LSBOROUGH COUNTY, FLORIDA
	RD OF COUNTY COMMISSIONERS
IN RE: ZONE HEARING MAS: HEARINGS	) ) )
	ING HEARING MASTER HEARING PT OF TESTIMONY AND PROCEEDINGS
BEFORE:	SUSAN FINCH Land Use Hearing Master
DATE:	Monday, May 16, 2022
TIME:	Commencing at 6:00 p.m. Concluding at 10:14 p.m.
PLACE:	Robert W. Saunders, Sr. Public Library Ada T. Payne Community Room 1505 N. Nebraska Avenue Tampa, Florida 33602
Reported via	a Cisco Webex Videoconference by:
Exe U	Christina M. Walsh, RPR ecutive Reporting Service lmerton Business Center Automobile Blvd., Suite 130 Clearwater, FL 33762 (800) 337-7740

Page 10 being continued to the June 13, 2022, Zoning 1 2 Hearing Master Hearing. 3 Item A-4, Major Mod Application 21-1334. 4 This application is being continued by the 5 applicant to the June 13, 2022, Zoning Hearing 6 Master Hearing. 7 Item A-5, we dealt with the changes. This 8 is a staff continuance to the June 13th, 2022, Zoning Hearing Master Hearing. 9 Item A-6, Rezoning-PD 21-1338. 10 This application is being continued by the applicant to 11 12 the June 13, 2022, Zoning Hearing Master Hearing. 13 Item A-7, Rezoning-PD 22-0075. This 14 application is being continued by the applicant to 15 the June 13, 2022, Zoning Hearing Master Hearing. 16 Item A-8, Rezoning-PD 22-0083. This 17 application is out of order to be heard and is 18 being continued to the June 13, 2022, Zoning 19 Hearing Master Hearing. 20 Item A-9, Major Mod Application 22-0089. 21 This application is being continued by the 22 applicant to the July 25th, 2022, Zoning Hearing 23 Master Hearing. 24 Item A-10, Major Mod Application 22-0109. 25 This application is being continued by the

	Page 1 HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
IN RE: ZONE HEARING HEARINGS	MASTER ) ) ) ) )
TRANS	ZONING HEARING MASTER HEARING CRIPT OF TESTIMONY AND PROCEEDINGS
BEFORE:	PAMELA JO HATLEY Land Use Hearing Master
DATE:	Monday, April 18, 2022
TIME:	Commencing at 6:00 p.m. Concluding at 7:37 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:
13	Christina M. Walsh, RPR Executive Reporting Service Ulmerton Business Center 555 Automobile Blvd., Suite 130 Clearwater, FL 33762 (800) 337-7740

Page 9 application is being continued by the applicant to 1 2 the June 13, 2022, Zoning Hearing Master Hearing. 3 Item A-7, Major Mod Application 21-1334. 4 This application is being continued by the 5 applicant to the May 16, 2022, Zoning Hearing Master Hearing. 6 7 Item A-8, Rezoning-PD 21-1338. This 8 application is being continued by the applicant to the May 16, 2022, Zoning Hearing Master Hearing. 9 Item A-9, Rezoning-PD 22-075 -- 0075. 10 This application is being continued by the applicant to 11 12 the May 16, 2022, Zoning Hearing Master Hearing. 13 Item A-10, Rezoning-PD 22-083 -- 0083. This 14 application is out of order to be heard and is 15 being continued to the May 16, 2022, Zoning Hearing 16 Master Hearing. 17 Item A-11, Major Mod Application 22-0089. 18 This application is being continued by the applicant to the May 16, 2022, Zoning Hearing 19 20 Master Hearing. 21 Item A-12, Major Mod Application 22-0109. 22 This application is out of order to be heard and is 23 being continued to the May 16, 2022, Zoning Hearing 24 Master Hearing. 25 Item A-13, Rezoning-PD 22-0181. This

	Page 1 HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
IN RE: ZONE HEARING HEARINGS	X ) ) MASTER ) ) )
TRANS	ZONING HEARING MASTER HEARING CRIPT OF TESTIMONY AND PROCEEDINGS
BEFORE:	SUSAN FINCH Land Use Hearing Master
DATE:	Monday, March 14, 2022
TIME:	Commencing at 6:00 p.m. Concluding at 10:07 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:
13	Christina M. Walsh, RPR Executive Reporting Service Ulmerton Business Center 555 Automobile Blvd., Suite 130 Clearwater, FL 33762 (800) 337-7740

Page 13 Item A-4, Major Mod Application 21-1270. 1 2 This application has been continued by the applicant to the April 18, 2022, Zoning Hearing 3 4 Master Hearing. 5 Item A-5, Rezoning-PD 21-1321. This 6 application is being continued by staff to the 7 April 18, 2022, Zoning Hearing Master Hearing. 8 Item A-6, Rezoning-PD 21-1330. This 9 application is being withdrawn from the Zoning 10 Hearing Master process. Item A-7, Major Mod Application 21-1334. 11 12 This application is being continued by the 13 applicant to the April 18, 2022, Zoning Hearing 14 Master Hearing. 15 Item A-8, Rezoning-PD 21-1338. This 16 application is being continued by the applicant to 17 the April 18, 2022, Zoning Hearing Master Hearing. 18 Item A-9, Rezoning-PD 22-0075. This 19 application is being continued by the applicant to 20 the April 18, 2022, Zoning Hearing Master Hearing. 21 Item A-10, Rezoning-PD 22-0083. This 22 application is out of order to be heard and is being continued to the April 18, 2022, Zoning 23 24 Hearing Master Hearing. 25 Item A-11, Major Mod Application 22-0089.

Page 14 This application has been continued by the 1 2 applicant to the April 18, 2022, Zoning Hearing Master Hearing. 3 Item A-12, Major Mod Application 22-0109. 4 5 This application is being by the applicant to the April 18, 2022, Zoning Hearing Master Hearing. 6 7 Item A-13, Rezoning-PD 22-0181. This 8 application is being continued by the applicant to the April 18, 2022, Zoning Hearing Master Hearing. 9 Item A-14, Rezoning-PD 22-0209. 10 This application is being withdrawn from the Zoning 11 12 Hearing Master process. 13 Item A-15, Major Mod Application 22-0221. 14 This application is being continued by staff to the 15 April 18, 2022, Zoning Hearing Master Hearing. 16 Item A-16, Major Mod Application 22-0223. 17 This application is being withdrawn from the Zoning 18 Hearing Master process. Item A-17, Rezoning-Standard 22-0295. 19 This 20 application is out of order to be heard and is 21 being continued to the April 18, 2022, Zoning 22 Hearing Master Hearing. 23 Item A-18, Major Mod Application 22-0313. 24 This application is being continued by staff to the 25 May 16, 2022, Zoning Hearing Master Hearing.

	Page 1 HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS
IN RE: ZONE HEARING M HEARINGS	X ) ) MASTER ) ) ) )
	CONING HEARING MASTER HEARING CRIPT OF TESTIMONY AND PROCEEDINGS
BEFORE:	SUSAN FINCH Land Use Hearing Master
DATE:	Monday, February 14, 2022
TIME:	Commencing at 6:00 p.m. Concluding at 8:48 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:
135	Christina M. Walsh, RPR Executive Reporting Service Ulmerton Business Center 555 Automobile Blvd., Suite 130 Clearwater, FL 33762 (800) 337-7740

Page 11 Item A-15, Rezoning-PD 21-1338. 1 This 2 application is out of order to be heard and is being continued to the March 14, 2022, Zoning 3 Hearing Master Hearing. 4 5 Item A-16, Major Mod Application 21-1342. 6 This application is being continued by the 7 applicant to the March 14, 2022, Zoning Hearing 8 Master Hearing. 9 Item A-17, Rezoning-PD 22-0075. This application is being continued by the applicant to 10 the March 14, 2022, Zoning Hearing Master Hearing. 11 12 Item A-18, Rezoning-Standard 22-0076. This 13 application is out of order to be heard and is 14 being continued to the March 14, 2022, Zoning 15 Hearing Master Hearing. 16 Item A-19, Rezoning-PD 22-0083. This 17 application is out of order to be heard and is 18 being continued to the March 14, 2022, Zoning 19 Hearing Master Hearing. 20 Item A-20, Major Mod Application 22-0089. 21 This application is being continued by the 22 applicant to the March 14, 2022, Zoning Hearing 23 Master Hearing. 24 Item A-21, we dealt with the changes. That 25 is being withdrawn from the Zoning Hearing Master

	Page 1 LSBOROUGH COUNTY, FLORIDA RD OF COUNTY COMMISSIONERS
IN RE: ZONE HEARING MAST HEARINGS	X ) ) ) TER ) ) ) )
	ING HEARING MASTER HEARING PT 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	a Cisco Webex Videoconference by:
Exe Ul	Christina M. Walsh, RPR ecutive Reporting Service Imerton Business Center Automobile Blvd., Suite 130 Clearwater, FL 33762 (800) 337-7740

Page 12 Hearing Master Hearing. 1 Item A-24, Major Mod Application 22-0089. 2 This application is out of order to be heard and is 3 being continued to the February 14th, 2022, Zoning 4 Hearing Master Hearing. 5 Item A-25, Major Mod Application 22-0090. 6 This application is out of order to be heard and is 7 being continued to the February 14th, 2022, Zoning 8 Hearing Master Hearing. 9 Item A-26, Major Mod Application 22-098. 10 This application is being withdrawn from the Zoning 11 Hearing Master process. 12 Item A-27, Major Mod Application 22-0102. 13 This application is out of order to be heard and is 14 being continued to the February 14th, 2022, Zoning 15 Hearing Master Hearing. 16 Item A-28, Major Mod Application 22-0103. 17 This application is being continued by the 18 applicant to the February 14th, 2022, Zoning 19 Hearing Master Hearing. 20 Item A-29, Rezoning-PD 22-0107. This 21 application is out of order to be heard and is 22 being continued to the February 14th, 2022, Zoning 23 Hearing Master Hearing. 24 And item A-30, Rezoning-Standard 22-0187. 25

# EXHIBITS SUBMITTED DURING THE ZHM HEARING

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO DATE/TIME: 2/25/22 Gen HEARING MASTER: 515an Finch

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT **APPLICATION #** NAME Kame Go bett MM 77-208-1 MAILING ADDRESS 101 & Kenedy Bold, St 5900 CITY-DAMMA STATE PL ZIP 3362 PHONE & 3-227-8421 **APPLICATION #** PLEASE PRINT **APPLICATION #** NAME David Wrigh 22-06 MAILING ADDRESS 1.O. BOX 273417 CITY TAMPA STATE FL ZIP 33688 PHONE 230-7473 PLEASE PRINT **APPLICATION #** David Wright NAME 0.222-0456 MAILING ADDRESS P.O. Box 273417 (813) NE 230-7473 CITY Tampa STATE FLZIP 33688 PHO NAME Jeffrey + Jaime Peck **APPLICATION #** 22-0789 MAILING ADDRESS 1221 Canyon Oaks CITY Brandon STATE FL ZIP 33610 PHONE 302-218-5131 NAME RUTH P. London O **APPLICATION #** MAILING ADDRESS 1502 W. Busch Blvd St D1 CITY TPA STATE FL ZIP 33612 PHONE (813)919-7802 RZ 22-0029

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO DATE/TIME: 7/25/22 Gpm HEARING MASTER: 50500 Finch

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

NAME **APPLICATION #** MA 127 MAILING ADDRESS (403) N. Dale Maby HWY. 22- 0980 CITY TAMPA STATE PL ZIP\$36 B PHONE (BI) 962-6230 PLEASE PRINT **APPLICATION #** NAME Kami Curbert RL 0075 MAILING ADDRESS 101 & Kemely Bud Ste 2700 CITY DAMPA STATE PC ZIP 3400 PHONE 3-8227 8421 PLEASE PRINT **APPLICATION #** Isubelle Albert / Hulf & Assured NAME MAILING ADDRESS 1000 N ASHLEY DV. Ste 900 2-0075 CITY LONGE STATE FC ZIP 33602 PHONE 331-0976 PX NAME Abbey Naylor **APPLICATION #** MAILING ADDRESS 14706 TUder Chase Dr. CITY TAMPA STATE FL ZIP 3362 6PHONE 727-207-J525 PLEASE PRINT **APPLICATION #** NAME SIL Lee MAILING ADDRESS 610 Gamson Corely 2-0075 CITY TUMPL STATE FL ZIP 3360 PHONE 813-063-256 PLEASE PRINT NAME \_\_\_\_\_\_ Nilliam Place **APPLICATION #** MAILING ADDRESS 100 Carrison Cove Lana 22-0075 CITY Lawpa STATE FL ZIP 33602 PHONE \$13763-2644 Pt

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 3 OF Le DATE/TIME: 7/25/22 6pm HEARING MASTER: Susan Finch

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING NAME James Anderson **APPLICATION #** RZ22-0075 MAILING ADDRESS 10514 Sed ye brock Orive CITY Riverview STATE FL ZIP33559 PHONE 727 430-3494 PLEASE PRINT **APPLICATION #** tumme NAME MAILING ADDRESS 19825 Angel Ly 2-0075 CITY Odess STATE FL ZIP 3355 PHONE 15 PLEASE PRINT NAC N **APPLICATION #** VITAI MAILING ADDRESS 3000 W. San Nicholas S 22-0075 STATE ZIP 2629 PHONE 8 5-390-0627 CITY AMOC NAME\_ MIMCO Raffaele **APPLICATION #** MAILING ADDRESS 11910 New RA CITY Limin STATE FL ZIP3354 PHONE NAME MICHAEL BROOKS **APPLICATION #** MAILING ADDRESS HOO H. TAMPO St / Uni PIO 22-TAMPA STATE FL ZIP 3802 PHONE NOO PLEASE PRINT **APPLICATION #** Rebecco Kerd NAME MM 22-0089 Sde MAILING ADDRESS 400 N Tamen St. 1910 CITY Tamph STATE FL ZIP 33602 PHONE

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO SIGN-IN SHEET: RFR, ZHM, PHM, LUHO DATE/TIME: 7/25/22 6pm HEARING MASTER: 56h Finch PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING NAME Barbara Fite **APPLICATION #** MM 22-0089 MAILING ADDRESS 6102 E LK BUrrell Or CITY LATZ STATE FL ZIP 3354 PHONE 813246-1544 NAME KINMI Curbett **APPLICATION #** MAILING ADDRESS 101 EKendy Blod, STE 3700 22-0420 CITY Tampa STATE FL ZIP 33602 PHONE NAME TSchelle Alber **APPLICATION #** 12-0442 MAILING ADDRESS 1000 NASHey Dr 900 CITY Tumpo STATE FL ZIP 33602 PHONE 20 NAME Robecco Kert **APPLICATION #** MAILING ADDRESS 400 N. Jumpa St. 1910 EZ 22.0443 CITY Tompon STATE FL ZIP 33602 PHONE eh PLEASE PRINT **APPLICATION #** NAME WESCER MILLY MAILING ADDRESS 700 ZZ~D PLACE 22-0477 CITY VALO BRACH STATE FL ZIP 32166 PHONE 772-226 NAME BYLOW SUIT **APPLICATION #** MM 0670 MAILING ADDRESS 307 11TH Ave. K CITY Palmetta STATE Fil ZIP 3427/ PHONE 813-957-177 22

SIGN-IN SHEET: RFR,  $\overline{ZHM}$ , PHM, LUHO DATE/TIME:  $\overline{7/25/33}$  G/m HEARING MASTER: 5456 First

## PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

PLEASE <b>FRINT CLEARLY</b> , THIS INFORMATION WILL BE USED FOR MAILING		
APPLICATION #	NAME Nicote Neugebouer	
RZ 27-0683	MAILING ADDRESS 401 E. Juckson 52 2100 CITY Jungan STATE FL ZIP 33602 PHONE \$13-223-4800	
APPLICATION #	PLEASE PRINT David Mechan, K	
MM 22	MAILING ADDRESS 305 5, BOULEVARD	
MM 72-0782 VS.	CITY Tampo STATE FL ZIP 3364 PHONE (813) 276-1920	
APPLICATION #	NAME KEN TWIKLER FALLEN FIELDS	
RZ 22-0832	MAILING ADDRESS 4221 W. Byscart Blvd	
et	CITY TUMPIN STATE FL ZIP PHONE 813 123 7050	
APPLICATION #	PLEASE PRINT Math Femal	
87-0637	MAILING ADDRESS 201 N Franklin St. Suite 1400 CITY Tampa STATE FL ZIP33602 PHONE 813-635-552	
<b>APPLICATION #</b>	PLEASE PRINT Murk Bentley	
RZ , 134	MAILING ADDRESS 401 E Jackson st	
72-0'834	CITY Tump STATE FL ZIP 33602 PHONE	
APPLICATION #	PLEASE PRINT RUSSELL OHEnberg	
R2 124	MAILING ADDRESS 3737 Luke Juyce Dr.	
82-0834	CITY Land ULAKE STATE FL ZIP 34639 PHONE 813.962.1952	

DATE/TIME: 7/25/22 GPM HEARING MASTER: 545 2 GPM PLEASE PRINT CLEARLY. THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT **APPLICATION #** Elise Batse NAME 22-086 MAILING ADDRESS 401 E. Juckson St, 2100 CITY TOMPL STATE FL ZIP 3360 PHONE 765 993 3429 NAME Steve Henry **APPLICATION #** MAILING ADDRESS 5023 W. LAVREL ST 27-0843 - ZIP\_\_\_PHONE\_ NAME (Dary) MAX PORGOS, AICP **APPLICATION #** MAILING ADDRESS 236 ST 45th STROOT CITY CAPE COMPSTATE FL ZIP 339 PHONE 239,560 PLEASE PRINT **APPLICATION #** WHARLES ROTHE NAME MAILING ADDRESS 2303 Huey 60 ALAILO STATE 7 ZIP3359 PHONE 8/3 267 5476 NAME Flizhbeth R Belcher **APPLICATION #** MAILING ADDRESS 406 Miller 20802 CITY ValVICO STATE FL ZIP 335PHONE 813-L PLEASE PRINT **APPLICATION #** NAME MAILING ADDRESS CITY\_\_\_\_\_STATE\_\_\_ZIP\_\_\_PHONE\_\_\_

## HEARING TYPE: ZHM, PHM, VRH, LUHO

DATE: 07/25/2022

HEARING MASTER: Susan Finch

PAGE: <u>1</u>OF<u>1</u>

APPLICANT #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 22-0075	Rosa Timoteo	1. Applicant Presentation Packet	NO
RZ 22-0075	Isabelle Albert	2. Applicant Presentation Packet	NO
RZ 22-0075	William Place	3. Applicant Presentation Packet	NO
RZ 22-0075	Abbey Naylor	4. Applicant Presentation Packet	NO
MM 22-0087	Kami Corbett	1. Applicant Presentation Packet	NO
MM 22-0089	Rosa Timoteo	1. Revised Staff Report	YES - COPY
MM 22-0089	Michael Brooks	2. Applicant Presentation Packet	NO
RZ 22-0420	Rosa Timoteo	1. Revised Staff Report	YES - COPY
RZ 22-0420	Kami Corbett	2. Applicant Presentation Packet	NO
RZ 22-0442	Isabelle Albert	1. Applicant Presentation Packet	YES - COPY
RZ 22-0443	Rosa Timoteo	1. Revised Staff Report	YES - COPY
RZ 22-0443	Rebecca Kert	2. Applicant Presentation Packet	NO
RZ 22-0683	Nicole Neugebauer	1. Applicant Presentation Packet	YES - COPY
RZ 22-0832	Ken Tinkler	1. Applicant Presentation Packet	NO
RZ 22-0834	Russell Ottenberg	1. Applicant Presentation Packet	NO
RZ 22-0834	Mark Bentley	2. Applicant Presentation Packet	NO
MM 22-0862	Rosa Timoteo	1. Revised Staff Report	YES - COPY
MM 22-0862	Rosa Timoteo	2. Revised Staff Report	YES - COPY
MM 22-0862	Elise Batsel	3. Applicant Presentation Packet	YES - COPY

#### JULY 25, 2022 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, July 25, 2022, at 6:00 p.m., in the Ada T. Payne Community Room, Robert W. Saunders Sr. Public Library, Tampa, Florida, and held virtually.

Susan Finch, ZHM, calls the meeting to order and leads in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

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

D.7. RZ 22-0562

Brian Grady, Development Services, calls RZ 22-0562.

Isabelle Albert, applicant rep, requests continuance.

Susan Finch, ZHM, calls proponents/opponents/continues RZ 22-0562 to September 19, 2022.

C.4. RZ 22-0698

Brian Grady, Development Services, calls RZ 22-0698.

David Wright, applicant rep, requests continuance.

Susan Finch, ZHM, calls proponents/opponents/continues RZ 22-0698 September 19, 2022.

D.13. RZ 22-0856

Brian Grady, Development Services, calls RZ 22-0856.

Mark Bentley, applicant rep, requests continuance.

Susan Finch, ZHM, calls proponents/opponents/continues RZ 22-0856.

B.1. RZ 19-0521

Brian Grady, Development Services, reviews RZ 19-0521.

└──Susan Finch, ZHM, announces withdrawal of RZ 19-0521.

Brian Grady, Development Services, continues review of withdrawals/continuances.

☑ Susan Finch, ZHM, overview of ZHM process.

Senior Assistant County Attorney Cameron Clark, overview of oral argument/ZHM process.

Susan Finch, ZHM, oath.

B. REMANDS

B.2. MM 22-0087

▶ Brian Grady, Development Services, calls RZ 22-0087.

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

Brian Grady, Development Services, staff report/questions to applicant rep.

Mami Corbett, applicant rep, answers Development Services questions.

🛂 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant/closes MM 22-0087.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-0423

Brian Grady, Development Services, calls RZ 22-0423.

David Wright, applicant rep, presents testimony.

Chris Grandlienard, Development Services, staff report.

🖸 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0423.

C.2. RZ 22-0456

🛿 Brian Grady, Development Services, calls RZ 22-0456.

🖾 David Wright, applicant rep, presents testimony.

🖸 Isis Brown, Development Services, staff report.

🖾 Susan Finch, ZHM, questions to Development Services.

Isis Brown, Development Services, answers ZHM questions and continues staff report.

🛂 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0456.

C.5. RZ 22-0789

Brian Grady, Development Services, calls RZ 22-0789.

🖸 Jeffrey Peck, applicant rep, presents testimony.

Chris Grandlienard, Development Services, staff report.

🖸 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0789

C.6. RZ 22-0829

▶ Brian Grady, Development Services, calls RZ 22-0829.

Nuth Londono, applicant rep, presents testimony.

Chris Grandlienard, Development Services, staff report

🔰 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0829.

C.7. RZ 22-0980

▶ Brian Grady, Development Services, calls RZ 22-0980.

🛂 Tu Mai, applicant rep, presents testimony.

🞽 Chris Grandlienard, Development Services, staff report.

Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0980.

D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ 22-0075

Brian Grady, Development Services, calls RZ 22-0075.

🖸 Kami Corbett, applicant rep, presents testimony.

🖸 Isabelle Albert, applicant rep, presents testimony.

🖸 Susan Finch, ZHM, questions to applicant rep.

☑ Isabelle Albert, applicant rep, answers ZHM questions/continues testimony.

🛂 Susan Finch, ZHM, questions to applicant rep.

▶ Isabelle Albert, applicant rep, answers ZHM questions/continues testimony.

Abbey Naylor, applicant rep, presents testimony.

🞽 Israel Monsanto, Development Services, staff report.

🖸 Susan Finch, ZHM, questions to Development Services.

Israel Monsanto, Development Services, answers ZHM questions/continues staff report.

Brian Grady, Development Services, revised staff report.

🖸 Jillian Massey, Planning Commission, staff report.

ڬ Susan Finch, ZHM, questions to Development Services.

🖸 Jillian Massey, Planning Commission, answers ZHM questions.

ڬ Susan Finch, ZHM, calls proponents.

William Place, proponent, presents testimony/submits exhibits.

☑ Susan Finch, ZHM, questions to proponent.

🖾 William Place, proponent, answers ZHM questions.

🖸 Susan Finch, ZHM, calls opponents.

🖸 James Anderson, opponent, presents testimony. Lethel Hammer, opponent, presents testimony. 🖸 Susan Finch, ZHM, calls opponents/Development Services. ڬ Susan Finch, ZHM, questions to Development Services. 🖸 Kami Corbett, applicant rep, gives rebuttal. Abbey Naylor, applicant rep, gives rebuttal, submits exhibit. 🕍 Kami Corbett, applicant rep, continues rebuttal. 🞽 Susan Finch, ZHM, questions to applicant rep. 🛙 Kami Corbett, applicant rep, answers ZHM questions. Brian Grady, Development Services, statement for the record. Mami Corbett, applicant rep, responds to Development Services. 월 Brian Grady, Development Services, provides clarification. Mami Corbett, applicant rep, continues rebuttal. Mac McCraw, applicant rep, closes rebuttal. 🛂 Susan Finch, ZHM, closes RZ 22-0075. 📓 Susan Finch, ZHM, breaks. 🖸 Susan Finch, ZHM, resumes hearing. C.3. RZ 22-0557 ▶ Brian Grady, Development Services, calls RZ 22-0557. Susan Finch, ZHM, oath. Marco Raffaele, applicant rep, presents testimony. 🛂 Isis Brown, Development Services, staff report. ▶ Susan Finch, ZHM, questions to Development Services. 📔 Isis Brown, Development Services, answers ZHM questions.

🖸 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0557

#### D.2. MM 22-0089

▶ Brian Grady, Development Services, calls RZ 22-0089.

Michael Brooks, applicant rep, presents testimony/submits exhibits.

🖸 Rebecca Kert, applicant rep, continues testimony.

Michael Brooks, applicant rep, continues testimony.

MuTimothy Lampkin, Development Services, staff report.

Susan Finch, ZHM, statement to Development Services.

🖸 Jillian Massey, Planning Commission, staff report.

🛿 Susan Finch, ZHM, calls proponents.

월 Barbara Fite, proponent, presents testimony.

Susan Finch, ZHM, calls opponents/Development Services/applicant rep.

Michael Brooks, applicant rep, concludes testimony.

🛂 Susan Finch, ZHM, closes MM 22-0089.

D.3. RZ 22-0420

Brian Grady, Development Services, calls RZ 22-0420 and notes expedited review for the record.

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

☑ Sam Ball, Development Services, staff report.

🖸 Susan Finch, ZHM, questions to Development Services.

▶ Sam Ball, Development Services, answers ZHM questions.

Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0420.

#### D.4. RZ 22-0442

▶ Brian Grady, Development Services, calls RZ 22-0442.

▶ Isabelle Albert, applicant rep, presents testimony/submits exhibits.

☑ Susan Finch, ZHM, questions to applicant rep.

🖸 Isabelle Albert, applicant rep, answers ZHM questions.

ڬ Susan Finch, ZHM, calls Development Services.

🛂 Tania Chapela, Development Services, staff report.

Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes MM 22-0442.

D.5. RZ 22-0443

Brian Grady, Development Services, calls RZ 22-0443.

Rebecca Kert, applicant rep, presents testimony/submits exhibits.

Michelle Heinrich, Development Services, staff report.

🖸 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep.

Michelle Heinrich, Development Services, provides additional information.

☑ Susan Finch, ZHM, closes RZ 22-0443.

D.6. MM 22-0477

▶ Brian Grady, Development Services, calls MM 22-0477.

Wesley Mills, applicant rep, presents testimony.

🖸 Sam Ball, Development Services, staff report.

🖸 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0477.

D.8. MM 22-0670

Brian Grady, Development Services, calls MM 22-0670 and notes expedited review for the record.

Brian Smith, applicant rep, presents testimony.

ڬ Susan Finch, ZHM, questions to applicant rep.

Brian Smith, applicant rep, presents testimony.

🞽 Israel Monsanto, Development Services, staff report.

🞽 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes MM 22-0670.

D.9. RZ 22-0683

▶ Brian Grady, Development Services, calls RZ 22-0683.

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

└──Susan Finch, ZHM, questions to applicant rep.

Nicole Neugebauer, applicant rep, answers ZHM questions.

▶ Sam Ball, Development Services, staff report.

🖸 Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0683.

D.10. MM 22-0782

▶ Brian Grady, Development Services, calls MM 22-0782.

David Mechanik, applicant rep, presents testimony.

☑ Susan Finch, ZHM, questions to applicant rep.

David Mechanik, applicant rep, answers ZHM questions. 🛂 Tania Chapela, Development Services, staff report. 🖸 Susan Finch, ZHM, questions to Development Services. David Mechanik, applicant rep, answers ZHM questions. 🖸 Jillian Massey, Planning Commission, staff report. 🔰 Susan Finch, proponents/opponents/Development ZHM, calls Services/applicant rep/closes MM 22-0782. D.11. RZ 22-0832 Brian Grady, Development Services, calls RZ 22-0832. Men Tinkler, applicant rep, presents testimony. Matthew Femal, applicant rep, presents testimony. 🛂 Tania Chapela, Development Services, staff report. 🛿 Susan Finch, ZHM, questions to Development Services. Brian Grady, Development Services, corrects the record. ڬ Susan Finch, ZHM, questions to Development Services. Mania Chapela, Development Services, answers ZHM questions. 🔟 Jillian Massey, Planning Commission, staff report. └──Susan Finch, ZHM, calls proponents/opponents/Development Services. Brian Grady, Development Services, statement for the record. ☑ Susan Finch, ZHM, questions to applicant rep. Matthew Femal, applicant rep, answers ZHM questions/presents rebuttal. Susan Finch, ZHM, questions to applicant rep. 🖻 Ken Tinkler, applicant rep, answers ZHM questions. 🛂 Susan Finch, ZHM, closes RZ 22-0832. D.12. RZ 22-0834

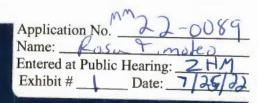
월 Brian Grady, Development Services, calls RZ 22-0834. Mark Bentley, applicant rep, presents testimony. 📴 Russell Ottenberg, applicant rep, presents testimony. ڬ Susan Finch, ZHM, questions to applicant rep. Russell Ottenberg, applicant rep, answers ZHM questions. Mark Bentley, applicant rep, continues testimony. MuTimothy Lampkin, Development Services, staff report. 🛿 Susan Finch, ZHM, questions to Development Services. 🛿 Timothy Lampkin, Development Services, answers ZHM. Jillian Massey, Planning Commission, staff report. 🔊 Susan Finch, proponents/opponents/Development ZHM, calls Services/applicant rep/closes RZ 22-0834. D.14. MM 22-0862 ▶ Brian Grady, Development Services, calls MM 22-0862. 🛂 Susan Finch, ZHM, oath. Lise Batsel, applicant rep, presents testimony/submits exhibits. 🖸 Steve Henry, applicant rep, continues testimony. ☑Susan Finch, ZHM, questions to applicant rep. 🖸 Steve Henry, applicant rep, answers ZHM questions. Elise Batsel, applicant rep, continues testimony. ☑ Sam Ball, Development Services, staff report. 🞽 Jillian Massey, Planning Commission, staff report. ☑Susan Finch, ZHM, calls proponents/opponents. Max Forgey, opponent, presents testimony.

Charles Bothe, opponent, presents testimony.
Elizabeth Belcher, opponent, presents testimony.
Susan Finch, ZHM, calls opponents/Development Services.
Brian Grady, Development Services, questions for Planning Commission.
Jillian Massey, Planning Commission, answers Development Services.
Brian Grady, Development Services, statement for the record.
Susan Finch, ZHM, calls applicant rep.
Elise Batsel, applicant rep, calls Steve Henry, applicant rep.
Steve Henry, applicant rep, gives rebuttal.
Elise Batsel, applicant rep, gives rebuttal.
Susan Finch, ZHM, closes MM 22-0862.
ADJOURNMENT
Susan Finch, ZHM, adjourns the meeting.

# Rezoning Application: MM 22-0089

Zoning Hearing Master Date: July 25, 2022

BOCC Land Use Meeting Date:



September 13, 2022

Hillsborough County Florida

**Development Services Department** 

#### **1.0 APPLICATION SUMMARY**

Applicant:	Michael Brooks Brooks, Sheppard & Rocha, PLLC. OC-20 (South of Sinclair Hills Rd);
FLU Category:	R-4 (North of Sinclair Hills Rd.)
Service Area:	Urban
Site Acreage:	30.54 acres
Community Plan Area:	Lutz
Overlay:	None



#### Existing Approvals:

**PD 03-1124** was approved by the Board of County Commissioners on May 25, 2004 for 255,350 square feet of Commercial Intensive (CI) and Commercial General (CG) uses. On 2008, the project was modified (PRS 08-0170) to reduce the total square footage from 255,350 to 240,000 square feet. Changed the building footprints to face Bearss Avenue. Increased the height in Area C from 35 feet to 40 feet and permitted 24-hour business operations. Access to North 12<sup>th</sup> Street was eliminated.

#### Proposed Modifications:

The applicant is seeking a major modification to the existing Planned Development (PD) 03-1124, as modified by MM 08-0170 for the development of a Tampa Electric Company (TECO) and Peoples Gas System (PGS) public service facility. The proposal is a two phased development comprising a total development of 300,000-square-feet composed of two structures. The applicant is proposing a double-height second story with a mezzanine, functioning as a partial "third" floor. The height will not exceed 55 feet. Phase One will be 160,000 square feet and Phase Two proposed a 140,000-square-foot building. This will be a "secure" facility, meaning that the public cannot enter. The site will be fenced and will have a security gate house at the main entrance and a gated entrance from Sinclair Hills Road.

Planning Commission Recommendation:	Development Services Recommendation:
Waiver(s) to the Land Development Code:	None Requested.
PD Variation(s):	To allow an 8-ft. fence for an office-type facility. LDC Part 6.06.04 (Off-street vehicular buffer)
Additional Information:	LDC Part 6.07.00 (Fences/Walls)

Planning Commission Recommendation:	Development Services Recommendation:
Consistent	Approvable, subject to proposed conditions

#### APPLICATION NUMBER:

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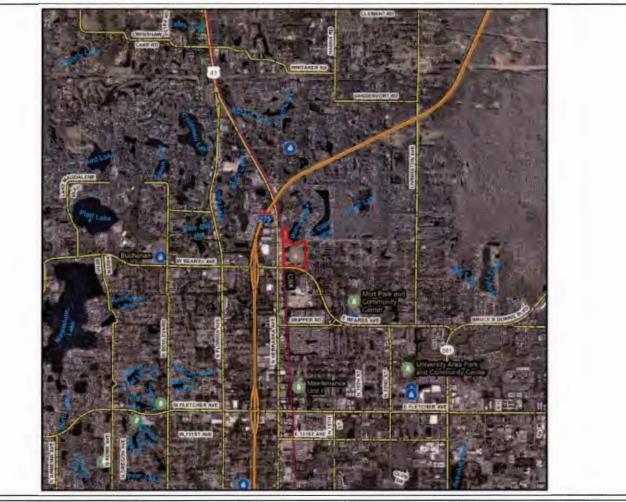
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MM 22-0089

Case Reviewer: Timothy Lampkin, AICP

#### 2.0 LAND USE MAP SET AND SUMMARY DATA

#### 2.1 Vicinity Map



#### **Context of Surrounding Area:**

The subject site is located slightly east of northeast corner of the Bearss and Nebraska Avenues intersection. The site is currently utilized for a golf driving range and paintball facility, and mostly undeveloped.

- South of the site is M (Manufacturing) zoning within the LI (Light Industrial) future land use category. Developed uses include a mini-warehouse, recycled materials facility and towing and auto repair business with open storage. The project is separated from these uses by Bearss Avenue.
- Immediately east of the subject site is include RSC-2 MH (Residential, Single-Family Conventional 2 units per acre– Mobile Home Overlay) and AS-1 (Agricultural, Single-Family) developed with a mobile home park and single-family residential.
- Southeast of the subject site are CG and CN zoned properties located at the southeast corner of Sinclair Hills Road and 12<sup>th</sup> Street.
- To the west of the subject site is CSX Railroad ROW (approximately 100 feet wide) abutting the entire western side of the PD boundary. Further west is Commercial Intensive zoning.
- To the north Properties are zoned RSC-4 and AR and are separated from the subject site by Sinclair Hills Road, a 2-lane, local roadway. The AR zoned property is vacant. A substantial portion of the adjacent RSC-4 zoned property consists of a lake approximately 9 acres in size (Burrell Lake). Residentially developed lots occur to the northeast and were platted in 1950 ("Apex Lake Estates").

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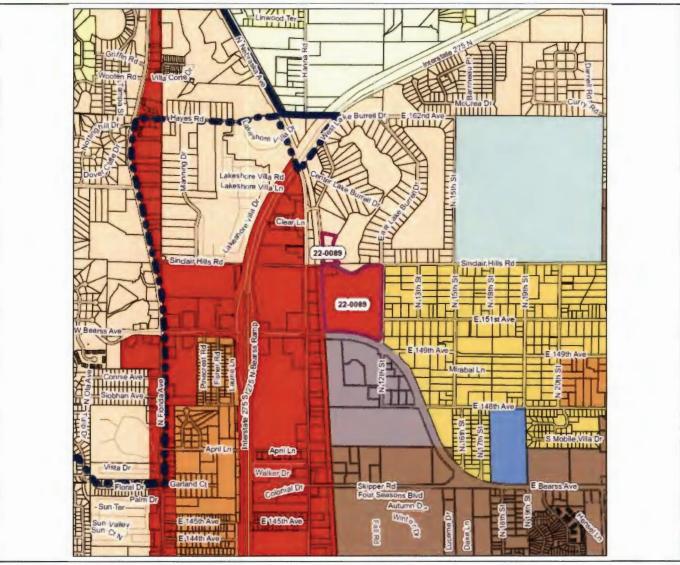
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#### 2.0 LAND USE MAP SET AND SUMMARY DATA

#### 2.2 Future Land Use Map



Subject Site Future Land Use Category:	OC-20 (South of Sinclair Hills Rd.), R-4 (North of Sinclair Hills Rd.)
Maximum Density/F.A.R.:	Office Commercial-20: Maximum 0.75 FAR Residential-4: Maximum 0.25 FAR
Typical Uses:	The OC-20 designated area south of Sinclair Hills Road, includes typical uses such as community commercial type uses, office uses, mixed use developments, and compatible residential uses.
. , prod. 00001	The area located north of Sinclair Hills Road and designated R-4 includes typical uses such as suburban scale neighborhood and commercial, office uses, multi-purpose projects.

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### 2.0 LAND USE MAP SET AND SUMMARY DATA

## 2.3 Immediate Area Map



# Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR & RSC-4	CN: 7,000 sf RSC-4: 10,000 sf	Agricultural and Single-family home	Burrell Lake and residentially developed properties (Apex Lake Estates located NE)
South	м	Max. FAR: 0.75	Manufacturing, processing, intensive commercial, other industrial uses.	Mini-warehouse, recycled materials facility and towing and auto repair business with open storage.
East	RSC-2 MH & AS-1	RSC-2: Min. 21,780 sf AS-1: Min. 43,560 sf	Residential	Mobile home park and single-family residential
West	СІ	Max. FAR 0.30	Intense commercial activities	CSX Railroad ROW

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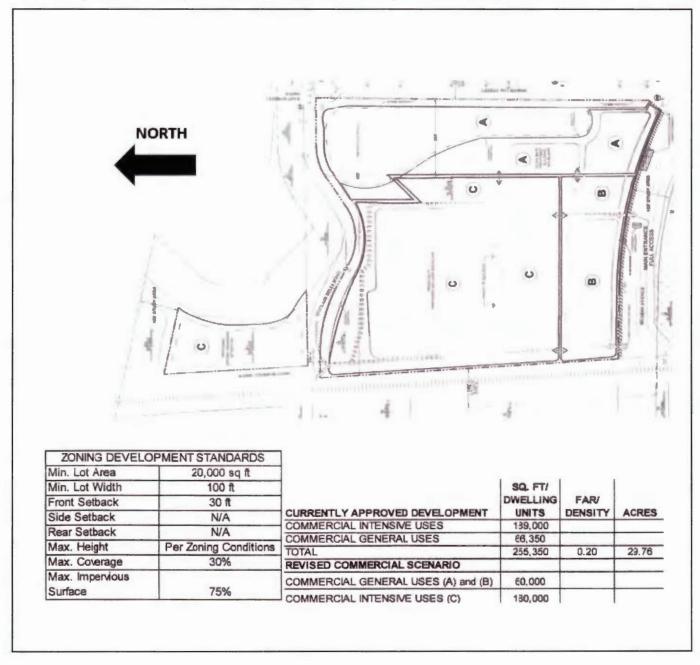
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## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



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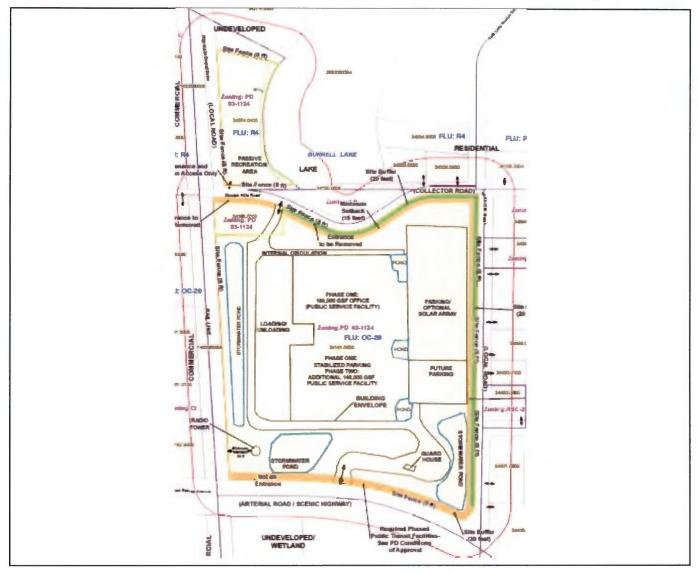
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## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



According to the application, Tampa Electric Company (TECO) and Peoples Gas System (PGS) are working on improving system resiliency and operational sustainability. The 150,000-square-foot facility will be designed to withstand significant storm events. The development site is comprised of three parcels, approximately 30.54 acres in size, with most of the development site located south of Sinclair Hills Road. The development is proposing two phases, with phase one with 160,000 square feet and phase two with 140,000 square feet of development equating to 300,000 square feet of total development. The height of the public service facility will not exceed 55 feet, with the second story with a mezzanine that will function as a third story.

The northwestern parcel located across Sinclair Hills Road will be developed as an accessory open space and recreation area for the proposed developed located south of Sinclair Hills Road. The area will be restricted to employees only. The space will function as a recreation space for employees at the facility during work breaks. Improvements may include a gazebo or similar sitting or picnic table area and possibly restrooms. No other permanent structures are contemplated. There will be a perimeter fence with a gated access at Sinclair Hills Road.

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## 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	
Bearss Avenue	County Arterial - Urban	4 Lanes □ Substandard Road ⊠ Sufficient ROW Width	<ul> <li>Corridor Preservation Plan</li> <li>Site Access Improvements</li> <li>Substandard Road Improvements</li> <li>Other</li> </ul>	
Sinclair Hills Road	County Local - Urban	2 Lanes ⊠ Substandard Road □ Sufficient ROW Width	<ul> <li>□ Corridor Preservation Plan</li> <li>⊠ Site Access Improvements</li> <li>⊠ Substandard Road Improvements</li> <li>□ Other</li> </ul>	

Project Trip Generat	pject Trip Generation 🔲 Not applicable for this request				
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips		
Existing	9,060	226	914		
Proposed	3,375	534	513		
Difference (+/-)	-5,685	+308	-91		

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

	Connectivity/Access	Cross Access	Finding
X	Vehicular & Pedestrian	None	Meets LDC
X	None	None	Meets LDC
	None	None	Meets LDC
	None	None	Meets LDC
	X X	X None None	X None None None

Road Name/Nature of Request	Туре	Finding	
Sinclair Hills Rd./Substandard Road Improvements	Design Exception Requested	Approvable	
	Choose an item	Choose an item.	

4.0 Additional Site Information & Agency Comments Summary				
Transportation	Objections	Conditions Requested	Additional Information/Comments	
Design Exception/Adm. Variance Requested Off-Site Improvements Provided	□ Yes □N/A ⊠ No	⊠ Yes □ No	See Staff Report.	

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

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	⊠ Yes □ No	□ Yes ⊠ No	⊠ Yes □ No	
Natural Resources	□ Yes ⊠ No	□ Yes ⊠ No	□ Yes ⊠ No	
Conservation & Environ. Lands Mgmt.	⊠ Yes □ No	□ Yes ⊠ No	□ Yes ⊠ No	
Check if Applicable:		Vater Wellfield Pro	otection Area	
Wetlands/Other Surface Waters	-	t Wildlife Habitat		
Use of Environmentally Sensitive Land Credit		ligh Hazard Area	io Comidon (Le	walt Dd \
Wellhead Protection Area		burban/Rural Scen	•	owell Rd.)
□ Surface Water Resource Protection Area	$\Box$ Other	to ELAPP property		
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation ☑ Design Exc./Adm. Variance Requested □ Off-site Improvements Provided	⊠ Yes □ No	□ Yes ⊠ No	⊠ Yes □ No	See Transportation "Agency Review Comment Sheet", dated 7/7/22.
Design Exc./Adm. Variance Requested				"Agency Review Comment Sheet", dated

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#### Impact/Mobility Fees:

(Various use types allowed. Estimates are a sample of potential development)

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150,000 s.f. - Office, Single Tenant (Per 1,000 s.f.) Mobility: \$9,005.00\*150 = \$1,350,750 Fire: \$158.00\*150 = \$23,700

Urban Mobility, Northwest Fire - Two 150,000 s.f. Single Tenant Office structures, in two phases (fee estimate may increase if secondary structure is constructed under different, future schedule). Radio Tower (no impact for this use).

Credit for prior structures may apply. \*\*\*Rates based on Jan 1, 2022, fee schedule\*\*\*

Conditions Additional **Comments Comprehensive Plan: Findings** Received Requested Information/Comments **Planning Commission** See Hillsborough County City-County Planning Meets Locational Criteria  $\boxtimes N/A$ □ Inconsistent Yes Yes □ Yes Commission review Locational Criteria Waiver Requested □ No Consistent 🛛 No report for in-depth □ Minimum Density Met comments. □ N/A

Case Reviewer: Timothy Lampkin, AICP

#### **5.0 IMPLEMENTATION RECOMMENDATIONS**

#### 5.1 Compatibility

Tampa Electric Company (TEC) and Peoples Gas System (PGS), each of which fall within the definition of a "public utility" as defined by 336.02(1), Florida Statutes (2021), have selected property at the northeastern quadrant of the intersection of Bearss Avenue and Nebraska Avenue to jointly develop a new secured operations center.

The subject site is located slightly east of northeast corner of the Bearss and Nebraska Avenues intersection. The surrounding development pattern consists of a mixture of uses. Single family detached residential is located to the east and northeast of the subject site. Light industrial uses are located to the south with light commercial and a CSX railroad right-of-way located to the west. A lake and single-family residential units are located to the north of the subject site, across Sinclair Hills Road. The proposed modification should be sensitive to the residential uses along Sinclair Hills Road and North 12th Street.

According to the application, Tampa Electric Company (TECO) and Peoples Gas System (PGS) are working on improving system resiliency and operational sustainability. The 150,000-square-foot facility will be designed to withstand significant storm events. The development site is comprised of three parcels, approximately 30.54 acres in size, with most of the development site located south of Sinclair Hills Road. The development is proposing two phases, with phase one with 160,000 square feet and phase two with 140,000 square feet of development equating to 300,000 square feet of total development. The height of the public service facility will not exceed 55 feet, with the second story with a mezzanine that will function as a third story.

On the site plan, the applicant proposes landscaping around the parking area in compliance with Section 6.06.04, Offstreet Vehicular Use Areas which requires a minimum eight-foot landscape buffer a minimum of eight feet in width between the off-street vehicular use area and the right-of-way. There shall be at least one tree for each 40 linear feet (or part thereof) of required buffer, planted in the buffer with trees located to maximize shading of the off-street vehicular use area. Additionally, the driveway into a parking area shall be bordered by a landscaped buffer a minimum of eight feet in width. The applicant has proposed maintaining the viable trees along the eastern boundary as a buffer and as screening of the parking area.

### Variations Requested:

A variance to Section 6.07.00 (Fences) of the Land Development Code is being requested to allow for an 8-foot-tall perimeter fence. The second variance is regarding Section 6.06.04 of the LDC to allow a waiver of shade trees, as necessary at site and development, for a possible solar array to be installed over the parking area. Justification was included in the applicant's submittal. Staff has reviewed the justification statement submitted by the applicant for the variations and finds they meet the criteria for approval per LDC Section 5.03.06.C.6. The Rezoning Hearing Master's recommendation for this application is required to include a finding on whether the requested variations meet the criteria for approval. Additional information regarding the rationale may be found in the applicant's narrative. The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering).

Bearss is Scenic Corridor is classified as a Scenic Corridor, the applicant will have to adhere to the Land Development Code regarding the Scenic Corridor. The property lies within the City of Tampa Water Service Area and the City of Tampa Wastewater Service Area.

#### **Radio and Television Transmitting and Receiving Facility**

The development also proposes a Radio and Television Transmitting and Receiving Facility. This tower is proposed to be used by TECO to communicate with their "smart" grid and identify issues faster, improving customer reliability. The tower will be located within the secured facility, inaccessible to the public, and unavailable for commercial uses unrelated to utility operations. The applicant states that it will provide the Bearss Operation Center with the independent

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capability to communicate with other TEC and PGS facilities, remotely monitor and control utility infrastructure, and communicate with employees. Most important, during black sky days, these essential capabilities will be protected within the Bearss Operation Center and unaffected by potential service interruptions that may occur to third-party offsite towers and support infrastructure. To this end, the radio tower will be an essential component of the public utility operations of the Bearss Operation Center, and not a stand-alone principal use; it will be used exclusively to support the utility operations of the Bearss Operation Center and unavailable to third party commercial uses and services unrelated to the utility operations of the Bearss Operation Center.

The applicant states that due to the subject nature of the proposed tower, Section 6.11.79, Radio and Television Transmitting and Receiving Facility, should not comply. Further, the applicant states that the planned operations center and communication tower collectively comprise an integrated Public Service Facility use—with each component dependent on the other. Thus, it would be impractical, arguably impossible, to properly review the Bearss Operation Center, and by extension need for the related communication tower, and appropriately recommend conditions of their approval, without considering the purpose, function, and operational aspects of the facility, in its totality. Staff concurs with this assessment.

The tower location is in the southwest corner of the property. The proposed site falls within Zone "B" on the Airport Height Zoning Map. Any structure including construction equipment that exceeds 200 feet Above Ground Level will require an Airport Height Zoning Permit and must be reviewed by the Airport Zoning Director.

#### **Design Exception**

As Sinclair Hills Road is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception request (dated January 27, 2021) to determine the specific improvements that would be required by the County Engineer. Based on factors presented in the Design Exception request, the County Engineer found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. Specifically, the developer is proposing to construct an eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12th Street.

Staff has not identified any compatibility issues relative to the surrounding properties. The proposed use is appropriately located between commercial, industrial and residential areas of the community and within a future land use category approved in the Comprehensive Plan for urban level development. To ensure compatibility with adjacent residential uses, the project will provide buffering and screening along northern and eastern boundaries, as well limit building heights to 3-stories/55 feet with significant setbacks from the perimeter.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan.

#### **5.2 Recommendation**

The proposed project with the proposed development standards, existing scale and restrictions may be found to be compatible with nearby development patterns. The proposed development satisfies the intent of the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan. Based upon the above, staff finds the request approvable.

#### **6.0 PROPOSED CONDITIONS**

**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted July 5, 2022.

- 1. The project shall be allowed a maximum of 180,000 300,000 square feet of Commercial, Intensive uses and 60,000 square feet of Commercial General and Commercial, Neighborhood uses. Public Service Facility uses, including a self-support radio tower and other conditional and accessory uses of the AR zoning district.
- Area A CN uses only, the following uses shall be prohibited:
- Convenience store/gas stations
- Fast food restaurants with drive throughs
- Kennel
- Plant Farm
- Billiards/Pool Parlor
- Bowling Alley
- Commercial Vocational School
- Free Standing Tavern/Bar
- Liquor Store
- Gun Sales/Gun Smith
- Sexually Oriented Businesses
- Recyclable Household Goods Facility
- Communication Towers

Areas B (CG uses) and C (CI uses), the following uses shall be prohibited:

- ------ Mud Bogging
- Industrial Laundry
- ------ Livestock Auction
- Major Vehicle Repair
- Commercial Vehicle Sales
- Large Scale Printing/Publishing
- Road Services

- ------ Industrial Dry-Cleaning
- ------ Minor Industry
- Warehousing
  - Sexually Oriented Businesses
    - ------Communication Towers
      - 1.1 Development of this site shall be subject to the Large Scale Retail Development (Big Box) criteria in Section 6.11.106 of the Land Development Code, unless otherwise specified herein. If a conflict between the Section 6.11.106 regulations and conditions of approval exists, the more restrictive shall apply, except as provided herein.

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- 1.2 Development standards shall be those of the CI Zoning District unless otherwise indicated herein. Buildings, parking, and retention shall be located as shown on the general site plan. Any "garden centers" shall be located within the building envelopes shown on the general site plan. Buildings shall not exceed 35 feet in height in Areas A and B. Buildings in Area C shall not exceed 40 feet in height; the architectural feature located at the front of the building shall not exceed 45 feet.
- 1.1 <u>Buildings</u>, parking and retention shall be located as shown on the general site plan. Development standards shall be as follows:

1.1.1. Front setbacks (Bearss Avenue): 30 feet, measured concurrent with any proposed buffer.

1.1.2. Side and rear setbacks: 15 feet, measured in addition to any proposed buffer.

1.1.3. Maximum building height: 55 feet, except for the "excluded portions" of the building as allowed under existing Land Development Code provisions (Section 6.08.01), and provided that buildings with a height greater than 20 feet shall be set back an additional two feet for every one foot of building over 20 feet.

1.1.4. Radio Tower shall include the following:

- <u>250-foot maximum height</u>
- 85-foot minimum setback from all property lines
- 1.2 The project shall be allowed internal security fences and a perimeter security fence up to 8 feet in height. Driveways shall meet Transportation Technical Manual requirements for a gated entrance.
- 1.3 Exterior lighting shall comply with Part 6.10.00 Exterior Lighting of the Land Development Code and any exterior lighting within two hundred feet (200') of 12<sup>th</sup> Street shall have a Backlight, Up light, Glare (BUG) Rating of 4/0/5 or better.

<u>1.3.1</u> Prior to the issuance of Certificates of Occupancy, a licensed professional engineer <u>or utility</u> <u>streetlight provider pursuant to section 768.1382</u> Florida Statutes shall provide certification stating that the exterior lighting as installed complies with the provisions in 1.4.

1.3 The following activities shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m. Monday Friday and 10:00 p.m. 8:00 a.m. Saturday and Sunday: deliveries, loading and unloading (external to the building), power sweeping/parking lot cleaning, trimming of landscaping, and dumpster loading/unloading. Trucks can be unloaded from the docking bay at any time. Overnight parking of delivery vehicles with running engines, generators or refrigeration systems shall be prohibited during the hours specified.

Area A hours of customer operation shall be from 6:00 a.m. to 11:00 p.m. Vehicular and pedestrian access is not prohibited in Area A at any time.

1.4 In addition to the lighting conditions in Section 6.11.106, all lighting within the project shall be full-cutoff fixtures. Luminaries shall not be tilted. Lighting of or on buildings shall be limited to wall washer type fixtures or up lights which do not produce spill light or glare. Floodlights shall not be permitted. Light poles shall not exceed 18 feet above ground level. Illumination levels at the property lines shall not be more than .5 (five tenths) foot candles at any point except along Bearss Avenue within Area B and at driveway entrances to the property where additional

illumination shall be allowed for safety purposes to provide adequate illumination of the driveway intersection. Lighting shall be installed with time controls such that light levels are reduced not later than one hour after the close of customer operations to the minimum levels recommended by the Illuminating Engineering Society of North America (IESNA) to ensure safety and security (approximately a 50% reduction).

- 1.4.1 Prior to the issuance of Certificates of Occupancy, a licensed professional engineer shall provide certification stating that the exterior lighting as installed complies with the provisions in 1.4.
- 1.5 Along the side(s) of the principal building or buildings within Area C and Area A with customer entrances there shall be a covered walkway or canopy, a minimum of 6 feet in width. Such covered walkway or canopy shall be located to provide weather protection at the location of the customer entrances, and shall extend across not less than 65 percent of such façade width. The Area B building façades facing Bearss Avenue shall consist of not less than 20 percent of transparent windows, showcase or entry door area.
- 1.6 Speakers located on the exterior of the buildings shall not be permitted. Live outdoor entertainment shall not be permitted.
- 1.4 Outdoor recreational areas shall be limited to use by employees and invited guests. Improvements may include a gazebo/pavilion and restrooms.
- 1.71.5 Pole signs and billboards shall not be permitted. Ground signs shall be limited to a maximum height of six feet, regardless of additional setback that may be provided pursuant with Section 7.04.03 of this Code, and the sign structures shall have architectural detailing and cladding consistent with the buildings they serve. There shall be only one entrance sign at the Sinclair Hills entrance which shall be lighted only during hours of eustomer operation and such sign shall not exceed 4 (four) feet in height.
- 1.8 A 10 (ten) foot high solid wall shall be constructed between the paved/building area and the berm along the northern boundary and an 8 (eight) foot high solid wall shall be constructed between the paved/building area and the retention pond area along the casterm boundary in the general location as shown on the site plan to the southern end of the 30,000 square foot building in Area A. A 6 foot high wall shall continue from the southern end of the Area A 8 foot high wall south to the southern end of the 30 foot buffer (wall shall be west of the buffer). The wall shall be finished on both sides.
  - 1.9 If Area C is developed with a Large Scale Retail Development (Single Tenant Big Box), a variance to Section 6.11.106.C.7 regulation requiring 1/5 of the parking not to be located in the front yard is granted.
- 2. <u>Except as may be required during emergency events</u>, temporary or permanent open storage (which shall include but is not limited to pallets, trailers, or pods) and dumpsters shall be screened from view of any adjacent residentially-zoned land or roadways. Furthermore, either temporary or permanent open storage shall be prohibited anywhere on site except within the Parcel C building envelope shown on the general site plan and shall only be located between the building and the western project boundary.

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4.3.3. The developer shall provide a minimum 30 (thirty) 20 (twenty) foot wide buffer area with the following landscape screening (a) along the western side of North 12<sup>th</sup> Street, and (b) along Bearss Avenue, and (c) along the southern side of Sinclair Hills Road west from the intersection of North 12th Street and Sinclair Hills Road and extending the entire length of the northern property line, except in the area where the to the project entrance is located on Sinclair Hills Road, an earthen berm of five feet in height, with a minimum 3:1 side slope, The buffer area shall be planted with a combination of native evergreen trees and shrubs. Trees shall be a minimum of 12 feet in height and minimum caliper of four inches at the time of planting with a minimum of one tree for every forty (40) feet of frontage. The remainder of the buffer area shall be sodded. To the extent feasible, existing healthy trees that exceed the minimum planting requirement shall be retained within the buffer area, which trees shall count towards the requirements of this paragraph. Along Bearss Avenue, this planting requirement will meet the Urban Scenic Roadways requirements. and shrubs a minimum of 5 feet in height at the time of planting. Of the native evergreen trees, at least 50% and no more than 60% shall be of a native coniferous variety and spaced not any further apart than 20 feet on center. The native evergreen shrubs must not be spaced any further apart than 5 feet on center. Lawn, low-growing evergreen plants and evergreen ground cover shall cover the balance of the berm. The berm and plantings shall obtain a minimum of 75% opacity for a height of twelve feet at the time of planting.

Along Sinclair Hills Road, after the first 300 feet west from the intersection of North 12<sup>th</sup> Street and Sinclair Hills, for the next 300 feet of the berm, the required height, side slope, and location of the berm, as well as the tree and shrub planting may be varied where necessary to preserve significant trees. However, the berm and any supplemental understory or tree plantings shall still achieve a minimum 75% opacity for a height of 12 feet at the time of planting.

Concurrent with construction of the landscape berm along Sinclair Hills Road and 12th Street, and subject to review and approval by the Hillsborough County Public Works Department, the developer shall improve the existing open ditch drainage system with an underground pipe system that will transfer water from the outfall on the south side of Lake Burrell to the headwall located at the intersection of Bearss Avenue and 12<sup>th</sup> Street.

- 4. Along Bearss Avenue, the eastern parking lot boundary, and along the western portion of the south side of Sinclair Hills Road where a berm is not required, the following shall be required: a row of shade trees with a minimum caliper of three inches and minimum height of 10 feet at the time of planting and spaced on 30 foot centers, along with a continuous hedge of shrubs and ground cover with a minimum height of 18 inches and minimum opacity of 75 percent at time of planting and a maximum height of 36 inches within two years. At the discretion of the developer, palms may be planted in lieu of shade trees at the rate of one date palm (Phoenix dactylifera) or a cluster of three sabal palms (Sabal palmetto) for one shade tree. The palms shall have a minimum height of 10 feet (clear trunk measurement) at time of planting. The remainder of the buffer area shall be sodded.
- 4. All landscaping shall be irrigated and maintained in accordance with Part 6.06.00 of the LDC, provided that any <u>required</u> dead landscaping shall be replaced within a reasonable time period in order to preserve the benefit of the buffer to the surrounding properties. The project shall be required to utilize public water for all on-site irrigation, unless reclaimed water is available. Prior to the commencement of development, the developer shall be required to cap the existing on site wells.

6.5. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the

Environmental Protection Commission approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetland, and does not grant any implied or vested right to environmental approvals.

- 7. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, identifying the necessary improvements to mitigate the development's traffic impacts. If the traffic study identifies the need for traffic signals(s), warrant studies shall be conducted and submitted to the County for approval.
- 8. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the left and right turn lanes needed to serve development traffic. The turn lanes shall be constructed to FDOT and/or Hillsborough County standards. The Developer, consistent with requirements of the Land Development Code, shall construct the following access related turn lanes:
  - 8.1 Westbound right turn lane on Bearss @ each project entrance.
  - 8.2 Eastbound left turn lane or dual eastbound left turn lane on Bearss Ave @ main project entrance as required by Hillsborough County. The project traffic shall not impede the eastbound through movement on Bearss Ave or create traffic back ups unto the CSX railroad tracks.
  - 8.3 Eastbound right turn lane on Sinclair Hills Rd @ project entrance.
- 9.6. Based on the projected trip generation to the site, access onto the public road would be via "Type III" Minor Roadway Connection (more than 1,500 trip ends per day). The Land Development Code requires that all <u>All internal access (the "throat") to the driveways must be a minimum of 100 feet from comply</u> with the General Access Standards of the LDC and keep the requisite distance from the edge of pavement of the public roadway, and shall remain free of internal connections or parking spaces that might interfere with the movement of vehicles into or out of the site.
- 10. The driveway access points on Bearss Ave are subject to further detailed traffic analysis as per the requirements of conditions 7 and 8 above. In addition to the requirements of Article III, Section 7 of the Hillsborough County Code of Laws and Ordinances: shopping carts, prior to issuance of any certificates of occupancy on the subject site, the developer shall demonstrate the existence and use of an electronic shopping cart anti-theft protection system that all tenants shall utilize on their shopping carts.
- 11. Prior to the commencement of development, the developer shall be responsible for coordinating with FDOT and expanding the existing FDOT drainage pond within the subject tract of land located on the north side of Sinclair Hills Road, that is identified as the proposed stormwater retention pond. Upon completion of the pond, the subject tract shall be dedicated to the FDOT subject to review and acceptance by FDOT. The developer shall have the right to all fill dirt removed from the pond to use at its sole discretion, subject to all rules and regulations of Hillsborough County regarding the removal of dirt, including Section 6.11.54 of the Land Development Code: Land Excavation.
  - In the event FDOT will not allow the pond expansion prior to a certificate of occupancy being issued for commercial intensive uses on the property and subject to review and acceptance by Hillsborough County, the developer shall dedicate the subject tract of land to the County for the sole purpose of providing future additional storage and retention of run off pursuant to a County initiated project.

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- 12. Prior to the issuance of a certificate of occupancy for the CI-use, the developer, at his expense, shall realign the intersection of Sinclair Hills Road and 12<sup>th</sup> Street and the intersection of Sinclair Hills Road and East Lake Burrell Street to operate as a single four (4) way intersection. The improvement on the site plan is conceptual subject to PGM and Public Works approval. The developer shall dedicate additional right of way necessary to accommodate the realigned intersection upon completion of the improvements.
- 13. The Developer shall be permitted two (2) driveways onto Bearss Ave. One (1) of the driveways shall be restricted to right in/right out movements. The second driveway labeled "Main Entrance Full Access" on the general site plan shall be full access. The locations shown on the zoning site plan are conceptual, and final locations of such driveways shall be determined based on the detailed traffic study consistent with access management spacing guidelines taking into account the proximity of the CSX railroad tracks. The final access locations shall be as approved by PGM. A raised median shall be constructed at each entrance to channelize the traffic movements as required.
- 14<u>7</u>. The Developer shall be permitted one full access driveway on Bearss Ave. and median opening, pending approval of a detailed traffic analysis which shows that the full access driveway will operate in a safe manner. If the traffic analysis shows that a left-out will potentially cause a safety problem, the access may be restricted to a left-in only. The full access driveway shall only be constructed if approved by PGM and Public Works.
- **158**. The Development shall be limited to one access point onto Sinclair Hills Rd. The driveway onto Sinclair Hills Rd shall be restricted to a right-in, <u>left-out</u> and <u>left-right</u>-out only and the location of such access point shall be confirmed as part of the traffic study that shall be submitted. The location of the access point must not conflict with the service area of the CSX railroad tracks. The access point may be required to be located to the east of the location such access point is shown on the general site plan, as such location shall be subject approval of PGM and Public Works. The Developer shall construct raised concrete medians restricting the left-in and right out movement or other means as approved by PGM and Public Works. The raised medians may be landscaped.
- 9. The Development shall not have any access onto 12th Street.

17. If warranted and approved by FDOT and Hillsborough County the Developer shall install a traffic signal at the intersection of Nebraska Avenue and Sinclair Hills Road.

- 108. When warranted, the developer shall install a traffic signal at the intersection of Bearss Avenue and the main project entrance. (labeled as "Main Entrance Full Access" on the general site plan. All signals must be approved by the Hillsborough County Public Works Department and traffic signals on the State Highway System must also have the approval of FDOT. If warranted, as determined by the traffic study, the traffic signal shall be installed and operational concurrent with the opening of the development. The Developer shall be responsible for the cost of design and installation of the traffic signal and appropriate interconnect with adjacent signals. The placement and design of the signal shall be subject to approval by Hillsborough County Public Works Department and/or FDOT. The installation of a traffic signal at this location will require coordination with CSX to incorporate safety features such as signal preemption and other safety features deemed necessary to prevent vehicles from blocking the railroad tracks.
- 19. The Developer shall install four (4) way stop signs at the intersection of Sinclair Hills Rd & 12th Street.

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The installation of stop signs must meet the standard MUTCD warrants and must be approved by the Hillsborough County Public Works Department.

- 20. Sidewalks shall be constructed within the right of way along all external and internal roadways.
- 21. Bearss Ave is identified on the County's Comprehensive Bicycle Plan as needing bicycle facilities. To accommodate bicyclists and pedestrians on Bearss Avenue, the applicant shall construct a ten (10) foot trail on the north side of Bearss Avenue along the property's boundary. The trail shall be designed to meet the minimum standards set forth in the latest edition of the AASHTO Guide for the Development of Bicycle Facilities (Transportation Technical Manual, 2003). In lieu of constructing the trail, the developer can construct a five (5) foot bicycle lane and a five (5) foot sidewalk on the north side of Bearss Avenue along the property's boundary.
- 11. The self-support radio tower will be an essential component of the public service facility operations, not a standalone principal use, which requires it be located on the subject property to serve the special and unique needs of the facility as follows. The tower will provide the facility with the independent capability to communicate with other company facilities, remotely monitor and control utility infrastructure and communicated with employees. Furthermore, during black sky days, these essential capabilities will be protected within the facility and will be unaffected by potential service interruptions that may occur to third-party off-site towers and support infrastructure. To ensure operation and use of the radio tower is consistent with these special and unique needs, the following conditions shall apply:
  - 11.1 The radio tower shall be used exclusively to support the operations of the public service facility and shall not be available to third party commercial uses and services unrelated to the operations of the public service facility.
  - 11.2 The radio tower shall be used only by a public utility, as that term is defined by Florida Statutes Section 366.02 (2021), or an equivalent public utility under future laws, or in furtherance of the operations of a public utility.
  - 11.3If the property ceases to be used as a public service facility by a "public utility," as defined by 336.02(1),Florida Statutes (2021), or an equivalent public utility under future laws, for a period exceeding one (1)year, the County may deem the radio tower as abandoned for purposes of this approval and require the<br/>removal or demolition of the radio tower .
  - 11.4 Except for those matters expressly stated in these conditions of approval, the radio tower shall be constructed and operated consistent with Hillsborough County LDC Section 6.11.79, Radio and Television Transmitting and Receiving Facility.
  - 11.5 If approved, the radio tower shall not be required to utilize camouflage techniques in connection with its design.
- 12. The radio tower shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport. Prior to construction plan approval, documentation shall be provided to Hillsborough County showing the Hillsborough County Aviation Authority has reviewed the proposal as required by Airport Zoning Regulations (HCAA Resolution 2010-54, April 1, 2010, as revised) to determine if there is any potential impact on public airports in Hillsborough County. The radio tower shall not be constructed to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards.
- 13. The applicant shall provide the following public transit facilities consistent with the requirements of LDC, Sec. 6.09.03. C. 2. along the project frontage on Bearss Avenue:

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- 13.1 Concurrent with Phase 1 development (i.e. development up to 160,000 gsf):
  - a. The developer shall construct a bus bay along Bearss Avenue in accordance with Hillsborough County and HART standards by extending the existing turn lane.
  - b. The bus bay will include a landing pad and a pedestrian connection from the landing pad to the sidewalk.
- 13.2 Prior to or concurrent with Phase 2 development (i.e. development exceeding 160,000 gsf), the developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to HART standards Hartline standards, The transit stop shall provide a pedestrian connection from the edge of roadway pavement to the development's project.
- 14. The proposed radio tower location falls within Zone "B" on the Airport Height Zoning Map. Any structure including construction equipment that exceeds 200 feet Above Ground Level will require an Airport Height Zoning Permit and must be reviewed by the Airport Zoning Director.
- 15. If PD 22-0089 is approved, the County Engineer will approve a Design Exception (dated January 27, 2021) which was found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. As Sinclair Hills Road is a substandard collector roadway, the developer will be required to make certain improvements to Sinclair Hills Road consistent with the Design Exception. Specifically, prior to or concurrent with the initial increment of development, the developer must construct eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12th Street.
- 16. The Developer shall construct prior to or concurrent with the initial increment of development the following site access improvements:

a. An eastbound left turn lane on to Bearss Avenue.

b. A westbound right turn lane on the Bearss Avenue.

c. An eastbound right turn lane on Sinclair Avenue.

- 17. Vehicular access to the Passive Recreational Tract (folio#34274.0100) shall be restricted to maintenance vehicles only. No employee, customer or other guest parking shall be permitted.
- 18. The developer shall construct a pedestrian crosswalk consistent with County Public Works standards on Sinclair Hills Drive to provide safe pedestrian access between the project's property on both sides of the roadway.
- 19. Notwithstanding anything herein or shown on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along PD boundaries.
- 20. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
- 21. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.

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- 22. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
- 23. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
- 22. The developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to Hartline standards. The transit stop shall provide a pedestrian connection from the edge of roadway pavement to the development's project.
- 23 24. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan / plat approval.
- 2425. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
- **25** <u>26</u>. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.
  - 27. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.

APPLICATION NUMBER:

ZHM HEARING DATE: Ju BOCC LUM MEETING DATE: Se

July 25, 2022 September 13, 2022

MM 22-0089

Zoning Administrator Sign Off:

J. Brian Grady Fri Jul 15 2022 11:39:16

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

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

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# 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

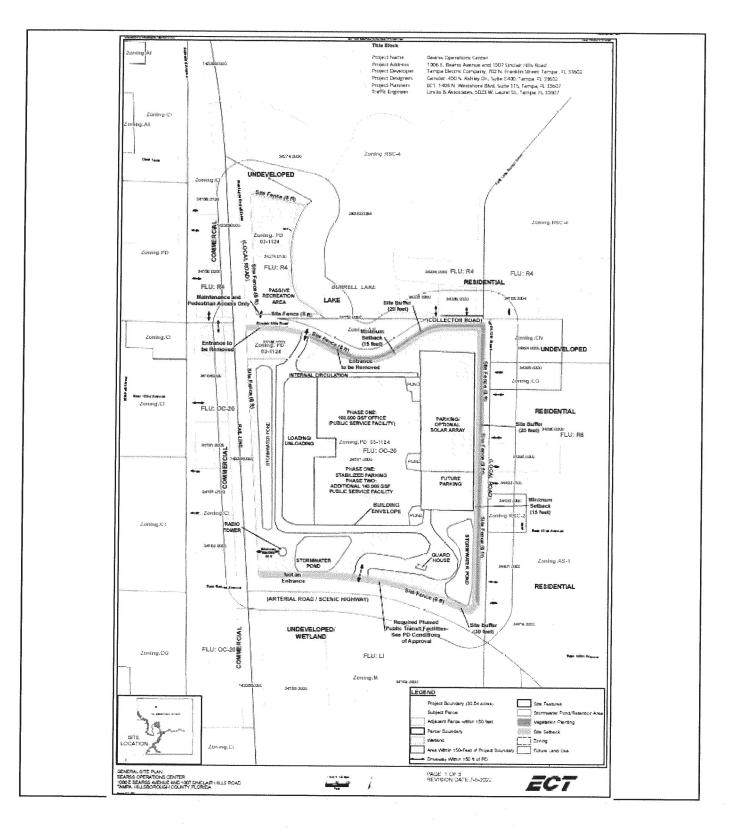
MM 22-0089

ZHM HEARING DATE: BOCC LUM MEETING DATE: MM 22-0089 July 25, 2022

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# 8.0 PROPOSED SITE PLAN (FULL)



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9.0 FULL TRANSPORTATION REPORT (see following pages)

# AGENCY REVIEW COMMENT SHEET

**TO:** Zoning Technician, Development Services Department **REVIEWER:** Richard Perez, AICP **PLANNING AREA/SECTOR:** University Area/Northwest DATE: 07/07/2022 AGENCY/DEPT: Transportation PETITION NO: PD MM 22-0089

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**

- If PD 22-0089 is approved, the County Engineer will approve a Design Exception (dated January 27, 2021) which was found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. As Sinclair Hills Road is a substandard collector roadway, the developer will be required to make certain improvements to Sinclair Hills Road consistent with the Design Exception. Specifically, prior to or concurrent with the initial increment of development, the developer must construct eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.
- The Developer shall construct prior to or concurrent with the initial increment of development the following site access improvements:
  - a. An eastbound left turn lane on to Bearss Avenue.
  - b. A westbound right turn lane on the Bearss Avenue.
  - c. An eastbound right turn lane on Sinclair Avenue.
- The applicant shall provide the following public transit facilities consistent with the requirements of LDC, Sec. 6.09.03. C. 2. along the project frontage on Bearss Avenue:
  - A. Concurrent with Phase 1 development (i.e. development up to 160,000 gsf):
    - 1. The developer shall construct a bus bay along Bearss Avenue in accordance with Hillsborough County and HART standards by extending the existing turn lane.
    - 2. The bus bay will include a landing pad and a pedestrian connection from the landing pad to the sidewalk.
  - B. Prior to or concurrent with Phase 2 development (i.e. development exceeding 160,000 gsf), the developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to HART standards.
- Vehicular access to the Passive Recreational Tract (folio#34274.0100) shall be restricted to maintenance vehicles only. No employee, customer or other guest parking shall be permitted.
- The developer shall construct a pedestrian crosswalk consistent with County Public Works standards on Sinclair Hills Drive to provide safe pedestrian access between the project's property on both sides of the roadway.

• Notwithstanding anything herein or shown on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along PD boundaries.

## PROJECT SUMMARY AND ANALYSIS

The applicant is requesting a Major Modification (MM) to approved Planned Development (PD) #08-0170, which consists of three parcels totaling +/- 30.54 ac. The existing PD is approved for up to 180,000 square feet of Commercial, Intensive uses and 60,000 square feet of Commercial General and Commercial Neighborhood uses. The applicant is requesting to modify the PD to permit up to 300,000 square feet of Public Service Facility Use with an accessory passive recreational tract. The project is proposed to be built out in two phases. The site is located 300 feet west of the of the intersection of Nebraska Ave and Bearss Ave. The Future Land Use designation of the site is Office Commercial 20 (OC-20) and Residential 4 (R-4).

## Trip Generation Analysis

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis to support the proposed zoning modification. Utilizing data from the Institute of Transportation Engineer's <u>Trip Generation Manual</u>, 10th Edition, staff has prepared a comparison of the trips generated by development under the existing approvals and proposed modifications, utilizing a generalized worst-case scenario.

## **Approved Zoning:**

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
	Two-Way Volume	AM	PM
PD, 240,000 Retail Uses (ITE code 820)	9,060	226	914
Less Internal Capture Trips	0	0	0
Less Pass-By Trips	0	0	310
Net New External Trips	9,060	226	604

### **Proposed Zoning:**

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
	Two-Way Volume	AM	PM
PD, 300,000 sf of Office Uses (ITE code 715)	3,375	534	513
Less Internal Capture Trips	0	0	0
Less Pass-By Trips	0	0	0
Net New External Trips	3,375	534	513

### **Trip Generation Difference:**

Zoning, Lane Use/Size	24 Hour	Total Peak Hour Trips	
	Two-Way Volume	AM	PM
Difference	-5,685	+308	-91

The proposed major modification would result in a decrease of trips potentially generated by development of the subject site by 5,685 average daily trips, an increase of 308 trips in the a.m. peak hour, and a decrease of 91 trips in the p.m. peak hour.

## TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Bearss Ave. is a 4-lane, Hillsborough County maintained, arterial roadway, characterized by +/-12 feet travel lanes. The existing right-of-way on Bearss Ave. is +/-150 feet. There are bike lanes and sidewalks on both sides of Bears Ave within the vicinity of the project.

In the vicinity of the proposed project, Bearss Ave. is shown on the Hillsborough Corridor Preservation Plan as a future 6-lane enhanced roadway. Although there is no typical section for 6-lane roadways, the minimum right-of-way necessary is calculated by taking the typical section for a 4-lane urban, divided, collector roadway (TS-6 within the Hillsborough County Transportation Technical Manual), which requires a minimum of 110-feet, and adding an additional 24 feet for Two extra lanes (for a total of 134 feet of right-of-way required). Given there is +/- 150 feet of right-of-way available along the project's frontage, no right-of-way preservation is required.

Sinclair Hills Road is a substandard 2-lane, Hillsborough County maintained, collector roadway characterized by +/- 10-foot travel lanes within +/-50ft of right-of-way. There are no marked bicycle or pedestrian facilities on either side of Sinclair Hills Road in the vicinity of the project.

The applicant's Engineer of Record has requested a design exception to propose constructing a 12-foot multi-use path on the south side of Sinclair Hills Rd. from the railroad tracks to 12<sup>th</sup> Street; and provide an eastbound right turn lane into the project access. Additional details of the request are discussed below in the Design Exception Section.

## SITE ACCESS AND CONNECTIVITY

Access to the primary office portion of the project will be via a single access connection to Bearss Ave. and single access connection to Sinclair Hills Road.

As indicated in the developer's transportation analysis, the following site access improvements (turn lanes) were found to be warranted consistent with Section 6.04.04.D. of the LDC:

- An eastbound left turn lane on to Bearss Avenue.
- A westbound right turn lane on the Bearss Avenue.
- An eastbound right turn lane on Sinclair Hills Road.

The passive recreational tract for employee use will retain an existing vehicular access connection to be restricted to maintenance vehicles only. Since the stated intent of the passive recreation tract is for employees at the facility during work breaks, the developer will be required to construct a pedestrian crosswalk between the entrance to the primary office portion of the site (south of Sinclair Hills Rd.) and the passive recreational tract to ensure safe crossing. The applicant agreed to the proposed condition of approval.

Transportation Staff initial comments required the site to have access through the neighborhood to the east. The applicant provided documentation about concerns that the connection to the east would impact the security requirements of the site. Due to the nature of the proposed use and safety concerns, connectivity to the East is not required. The use proposed contains a security element that requires the design of the site plan to limit access and to specifically limit access from unauthorized personnel. The applicant provided information to justify these concerns and staff agreed with their reasoning. As such, connectivity was not required to the East.

Pedestrian and bicycle access shall be permitted anywhere along the PD boundaries.

# **REQUIRED PUBLIC TRANSIT FACILITIES**

Pursuant to LDC, Sec. 6.03.09, the proposed development meets the criteria to provide certain public transit facilities for non-residential developments of 200,000 to 500,000 square feet. Sec. 6.03.09. C. 2. specifies that a bus bay and transit accessory pad including a shelter, seating, trash receptacles, and bicycle rack must be provided. As such staff is proposing a condition of approval requiring the public transit facilities and phasing of the requirements to correspond to the applicant's proposed project phasing plan (as requested by the applicant). The exact location and design of all the required public transit facilities will be determined, and included in, the initial site construction plan for phase I to ensure the facilities will be accommodated at buildout.

As part of Phase One construction and prior to final certificate of occupancy, the applicant shall construct a bus bay along Bearss Avenue according to HART standards by extending the existing turn lane. The bus bay will include a landing pad and a pedestrian connection from the landing pad to the sidewalk. As part of Phase Two construction, the developer shall construct a covered transit stop along Bearss Avenue. The covered transit stop shall be designed according to HART standards.

## **REQUESTED DESIGN EXCEPTION - SINCLAIR HILLS ROAD**

As Sinclair Hills Road is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception request (dated January 27, 2021) to determine the specific improvements that would be required by the County Engineer. Based on factors presented in the Design Exception request, the County Engineer found approvable by the County Engineer (on January 31, 2021), for the Sinclair Hills Road substandard road improvements. Specifically, the developer is proposing to construct an eastbound turn lane into the project access and provide a 12-foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.

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

Sinclair Hills Road was not included in the 2020 Level of Service (LOS) Report.

FDOT Generalized Level of Service				
Roadway	From	То	LOS Standard	Peak Hr Directional LOS
BEARSS AVE	NEBRASKA AVE	BRUCE B DOWNS BLVD	D	С

Level of Service (LOS) information is reported below.

Source: 2020 Hillsborough County Level of Service (LOS) Report

# Perez, Richard

From:	Steady, Alex
Sent:	Wednesday, March 23, 2022 10:17 AM
To:	Perez, Richard
Subject:	FW: MM 22-0089 Design Exception
Attachments:	22-0089 DEAddInf 01-31-22.pdf
Importance:	High
Follow Up Flag:	Follow up
Flag Status:	Flagged

FYI

From: Williams, Michael <WilliamsM@HillsboroughCounty.ORG>
Sent: Monday, January 31, 2022 6:29 PM
To: Steven Henry <shenry@lincks.com>
Cc: Mora, Kristin M. <KMMora@tecoenergy.com>; Lampkin, Timothy <LampkinT@hillsboroughcounty.org>; Steady, Alex
<SteadyA@hillsboroughcounty.org>; Tirado, Sheida <TiradoS@hillsboroughcounty.org>
Subject: FW: MM 22-0089 Design Exception
Importance: High

Steve,

I have found the attached Design Exception (DE) for PD 22-0089 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Ingrid Padron (<u>padroni@hillsboroughcounty.org</u> or 813-307-1709) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to <u>PW-CEIntake@hillsboroughcounty.org</u>

Mike

Michael J. Williams, P.E. Director, Development Review County Engineer Development Services Department

1

P: (813) 307-1851 M: (813) 614-2190 E: <u>Williamsm@HillsboroughCounty.org</u> W: HCFLGov.net

#### **Hillsborough County**

601 E. Kennedy Blvd., Tampa, FL 33602

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From: Tirado, Sheida <<u>TiradoS@hillsboroughcounty.org</u>> Sent: Monday, January 31, 2022 4:45 PM To: Williams, Michael <<u>WilliamsM@HillsboroughCounty.ORG</u>> Subject: RE: MM 22-0089 Design Exception Importance: High

Hi Mike,

The attached DE is approvable to me, please copy the following people in your email:

KMMora@tecoenergy.com shenry@lincks.com LampkinT@hillsboroughcounty.org SteadyA@hillsboroughcounty.org

Best Regards,

Sheida L. Tirado, PE (she/her/hers) Transportation Review Manager Development Services Department

P: (813) 276-8364 E: <u>tirados@HCFLGov.net</u> W: <u>HCFLGov.net</u>

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

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#### From: Rome, Ashley <<u>RomeA@hillsboroughcounty.org</u>>

Sent: Monday, January 31, 2022 3:26 PM

To: Allen, Cari <<u>AllenCA@hillsboroughcounty.org</u>>; Amber Dickerson <<u>amber.dickerson@hcps.net</u>>; Andrea Papandrew <<u>papandrewa@plancom.org</u>>; Blinck, Jim <<u>BlinckJ@HillsboroughCounty.ORG</u>>; Brown, Gregory <<u>BrownGr@hillsboroughcounty.org</u>>; Cabrera, Richard <<u>CabreraR@HillsboroughCounty.ORG</u>>; Dalfino, Jarryd

<DalfinoJ@hillsboroughcounty.org>; Santos, Daniel <daniel.santos@dot.state.fl.us>; David Skrelunas <David.Skrelunas@dot.state.fl.us>; DeWayne Brown <brownd2@gohart.org>; Dickerson, Ross <<u>DickersonR@HillsboroughCounty.ORG</u>>; Ellen Morrison <<u>ellen.morrison@swfwmd.state.fl.us</u>>; Franklin, Deborah <FranklinDS@hillsboroughcounty.org>; Greg Colangelo <colangeg@plancom.org>; Hansen, Raymond <<u>HansenR@hillsboroughcounty.org</u>>; Holman, Emily - PUD <<u>HolmanE@HillsboroughCounty.ORG</u>>; Hummel, Christina <HummelC@hillsboroughcounty.org>; Impact Fees <ImpactFees@hillsboroughcounty.org>; James Hamilton <jkhamilton@tecoenergy.com>; Jillian Massey <masseyj@plancom.org>; Justin Willits <WillitsJ@gohart.org>; Kaiser, Bernard <KAISERB@HillsboroughCounty.ORG>; Karla Llanos <llanosk@plancom.org>; Katz, Jonah <<u>KatzJ@hillsboroughcounty.org</u>>; Kyle Brown <<u>kyle.brown@myfwc.com</u>>; <u>landuse-zoningreviews@tampabaywater.org</u>; Mineer, Lindsey <<u>Lindsey.Mineer@dot.state.fl.us</u>>; Lindstrom, Eric <<u>LindstromE@hillsboroughcounty.org</u>>; Mackenzie, Jason <<u>MackenzieJ@hillsboroughcounty.org</u>>; Matthew Pleasant <<u>matthew.pleasant@hcps.net</u>>; McGuire, Kevin <McGuireK@HillsboroughCounty.ORG>; Melanie Ganas <mxganas@tecoenergy.com>; Melissa Lienhard Petrovic, Jaksa <<u>PetrovicJ@HillsboroughCounty.ORG</u>>; Pezone, Kathleen <<u>PezoneK@hillsboroughcounty.org</u>>; Ratliff, James <<u>RatliffJa@hillsboroughcounty.org</u>>; Hessinger, Rebecca <<u>HessingerR@hillsboroughcounty.org</u>>; Renee Kamen <renee.kamen@hcps.net>; Revette, Nacole <RevetteN@HillsboroughCounty.ORG>; Carroll, Richard <<u>CarrollR@HillsboroughCounty.ORG</u>>; Rochelle, Randy <<u>RochelleR@HillsboroughCounty.ORG</u>>; Rodriguez, Dan <RodriguezD@gohart.org>; RP-Development <RP-Development@hillsboroughcounty.org>; Salisbury, Troy <SalisburyT@hillsboroughcounty.org>; Sanchez, Silvia <sanchezs@epchc.org>; Shelton, Carla <<u>SheltonC@HillsboroughCounty.ORG</u>>; Steady, Alex <<u>SteadyA@hillsboroughcounty.org</u>>; Tapley, Kimberly <tapleyk@epchc.org>; Thompson, Mike <Thompson@epchc.org>; Tony Mantegna <tmantegna@tampaairport.com>; Turbiville, John (Forest) <TurbivilleJ@HillsboroughCounty.ORG>; Valdez, Rick <ValdezR@HillsboroughCounty.ORG>; Woodard, Sterlin < Woodard@epchc.org>; Yeneka Mills < millsy@plancom.org> Cc: Grady, Brian <GradyB@HillsboroughCounty.ORG>; Lampkin, Timothy <LampkinT@hillsboroughcounty.org>; Timoteo, Rosalina <TimoteoR@HillsboroughCounty.ORG>; Padron, Ingrid <Padron1@hillsboroughcounty.org>; Tirado, Sheida <TiradoS@hillsboroughcounty.org>; Williams, Michael <WilliamsM@HillsboroughCounty.ORG> Subject: RE MM 22-0089

Good Day All,

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

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

Planner assigned: Planner: Timothy Lampkin Contact: <u>lampkint@hillsboroughcounty.org</u>

Have a good one,

Ashley Rome Planning & Zoning Technician Development Services Dept.

P: (813) 272-5595 E: romea@hillsboroughcounty.org W: <u>HCFLGov.net</u>

**Hillsborough County** 

3

## 601 E. Kennedy Blvd., Tampa, FL 33602

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LINCKS & ASSOCIATES, INC.

January 27, 2022

Mr. Mike Williams Hillsborough County Government 601 East Kennedy Blvd., 22nd Floor Tampa, FL 33602

Re: Bearss TECO Folio Number R MM 22-0089 Lincks Project No. 21170

The purpose of this letter is to request a Design Exception to the Hillsborough County Transportation Technical Manual per Section 1.7.2 to meet Land Development Code Section 6.04.03L for Sinclair Hills Road from US 41 to 12<sup>th</sup> Street. The subject property is currently zoned Planned Development to allow up to 240,000 square feet of commercial uses. Tampa Electric Company proposes to modify the existing Planned Development to allow up to 300,000 square feet of office.

According to the Hillsborough County Functional Classification Map, Sinclair Hills Road is classified as a collector roadway and the subject site is within the Hillsborough County Urban Service Area.

Tables 1, 2 and 3 provide the trip generation comparison for the approved and proposed Planned Developments. As shown in Tables 1 and 3, the proposed modification would result in a net decrease in daily and PM peak hour project traffic.

The access to serve the project is proposed to be via one full access to Bearss Avenue and one full access to Sinclair Hills Road.

The request is for a Design Exception to TS-7 of the Hillsborough County Transportation Technical Manual for Sinclair Hill Road from US 41 to 12<sup>th</sup> Street. This segment of Sinclair Hills Road is currently a two-lane roadway. The following exceptions are requested to accommodate the proposed project.

- 1) Right of Way TS-7 has 96 feet of right of way. The right of way along the property frontage is approximately 50 feet.
- 2) Shoulders TS-7 has 8 foot shoulders with 5 foot paved. The existing roadway has approximately 6 foot unpaved shoulders along the subject section.
- 3) Sidewalk TS-7 has sidewalk on both sides of the roadway. There is currently no sidewalks along the subject section of roadway.

5023 West Laurel Street Tampa, FL 33607 813 289 0039 Telephone 8133 287 0674 Telefax www.Lincks.com Website

The justification for the Design Exception is as follows:

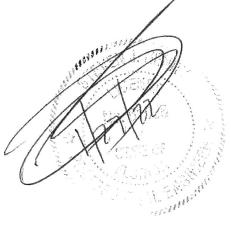
- 1. There is limited right of way on the north side of Sinclair Hills Road.
- 2. The developer proposes the following improvements:
  - a. Provide an eastbound right turn lane into the project access
  - b. Provide a 12 foot multi-use path on the south side of Sinclair Hills Road from the railroad tracks to 12<sup>th</sup> Street.

Figure 1 illustrates the limits of the proposed improvements and Figure 2 illustrates the proposed Typical Section.

Based on the above, it is our opinion, the proposed improvements to Sinclair Hills Road will mitigate the impact of the project and meet the intent of the Transportation Technical Manual to the extent feasible.

Please do not hesitate to contact us if you have any questions or require any additional information.

Best Regards even J He Fresident Lincks & Associates, Inc. P.E. #51555



Based on the information provided by the applicant, this request is:

\_\_\_\_\_ Disapproved

\_\_\_\_\_ Approved

**Approved with Conditions** 

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

Sincerely,

Michael J. Williams Hillsborough County Engineer

TABLE 1

# DAILY TRIP GENERATION COMPARISON

New Daily Trip Ends	8,006	3,921	<4,085>
Passerby Capture (2)	4,124	OI	<4,124>
Daily Trip Ends (1)	12,130	3,921	<8,209>
Size	240,000 SF	300,000 SF	Difference
ELUC	820	715	
Land	Retail	Office	
Scenario	Approved	Proposed	

(1) Source: ITE Trip Generation Manual, 11<sup>th</sup> Edition, 2021.

(2) Source: ITE Trip Generation Handbook, 3<sup>rd</sup> Edition.

Passerby Trip Ends:
Retail - 34%

12,130 x 0.34 = 4,124

lour s	Total	182	559	377
New AM Peak Hour Trip Ends	lo	113 69 182	61	8
		113	498	385
Passerby Capture (2)	Total	58 35 93	0	<58> <35> <93>
assert apture	IĞ	35	0	<35>
αÖ	드	58	01	<58>
AM Peak Hour Trip Ends (1)	Total	171 104 275	559	284
Peak I o Ends	let	104	61	<327> <43>
AM Trip	티	171	498	<327>
	Size	240,000 SF	300,000 SF	Difference
Ш	<u>LUC</u>	820	715	
Land	Use	Retail	Office	
	Scenario	Approved	Proposed	

AM PEAK HOUR PROJECT TRAFFIC COMPARISON

**TABLE 2** 

Source: ITE <u>Trip Generation Manual</u>, 11<sup>th</sup> Edition, 2021.
 Source: ITE <u>Trip Generation Handbook</u>, 3rd Edition.

Passerby Trips Ends:

Out: 104 x 0.34 = 35 h: 171 x 0.34 = 58 Retail - 34%

22-0089

New PM Peak Hour Trin Finds	Total	700	524	<176>	
New Peak Ho rin Ends	Id	336 364 700	445		
₹ E	드	336	79 445	<257> 81	
Passerby Canture (2)	Total	360	0	<173><187> <360>	
asserb	IG	173 187 360	0	<187>	
۵ ر	드		01	<173>	
our	Total	509 551 1,060	524	<430> <106> <536>	
PM Peak Hour Trin Ends (1)	Ort	551	445	<106>	
PM	드	509	79 445	<430>	
	Size	240,000 SF	300,000 SF	Difference	13
L L	FUC	820	715		
	Use	Retail	Office		
	Scenario	Approved	Proposed		

PROJECT TRAFFIC COMPARISON

TABLE 3

(1) Source: ITE Trip Generation Manual, 11th Edition, 2021.

(2) Source: ITE <u>Trip Generation Handbook</u>, 3<sup>rd</sup> Edition.
 Passerby Trips Ends:

Out: 551 x 0.34 = 187 In: 509 x 0.34 = 173 Retail - 34%

22-0089

Received January 31, 2022

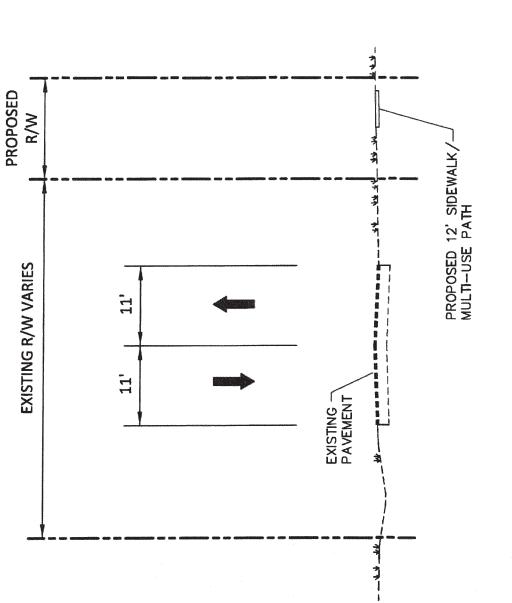


FIGURE 1 SINCLAIR HILLS ROAD IMPROVEMENT LIM2250089

22-0089

FIGURE 2





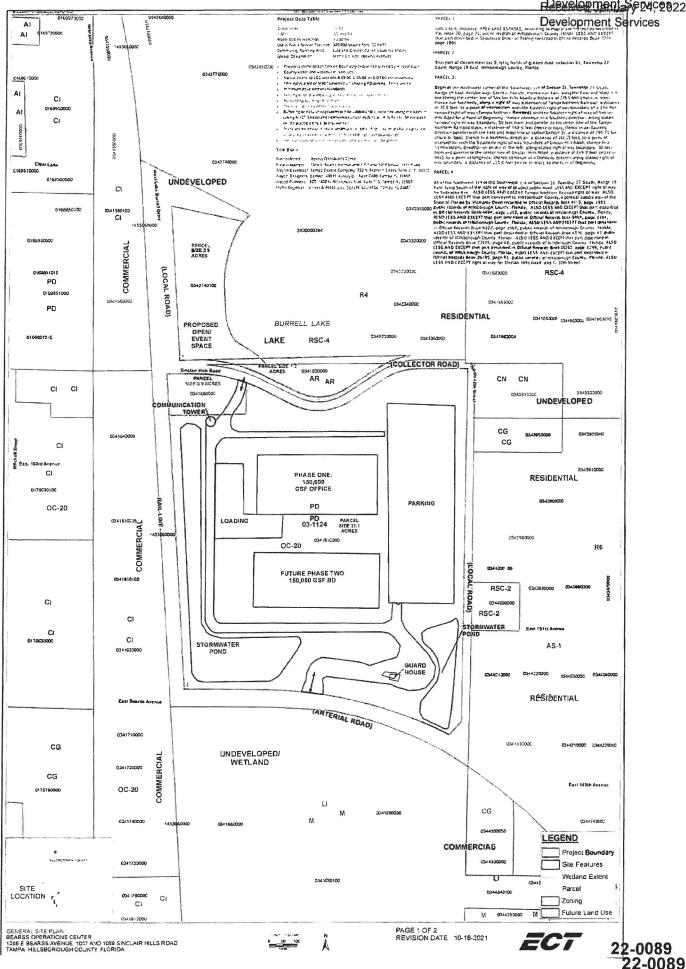
APPENDIX



PD PLAN

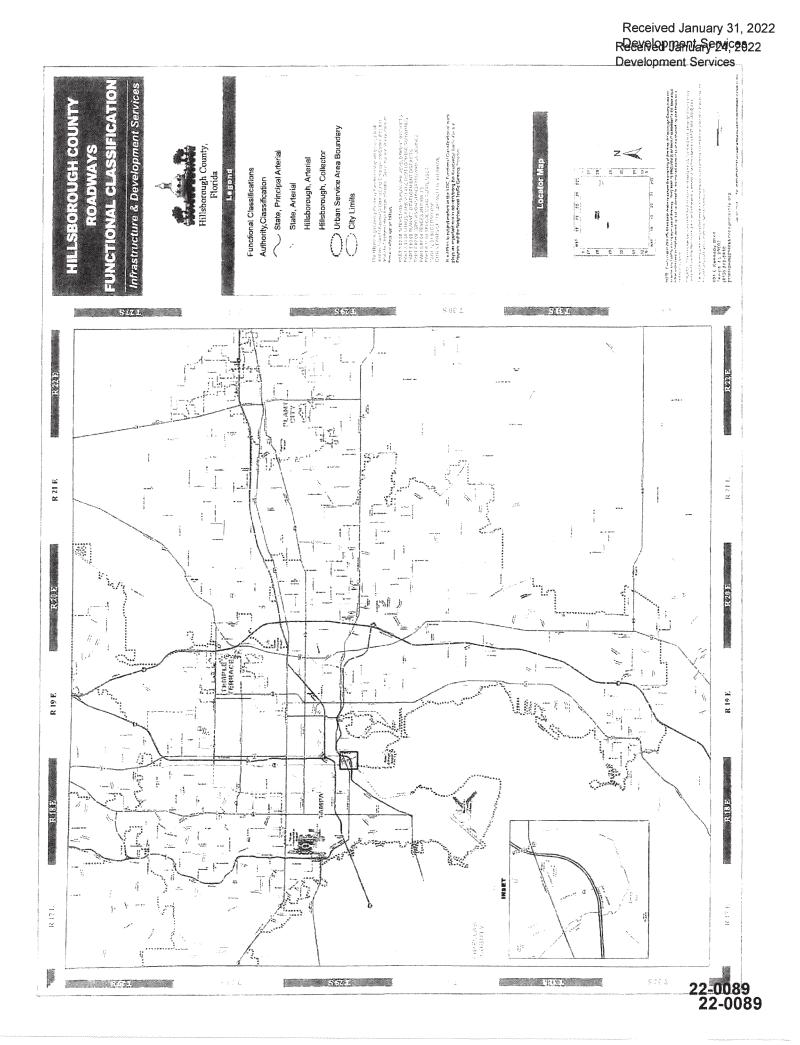


### Received January 31, 2022



### HILLSBOROUGH COUNTY ROADWAYS FUNCTIONAL CLASSIFICATION MAP



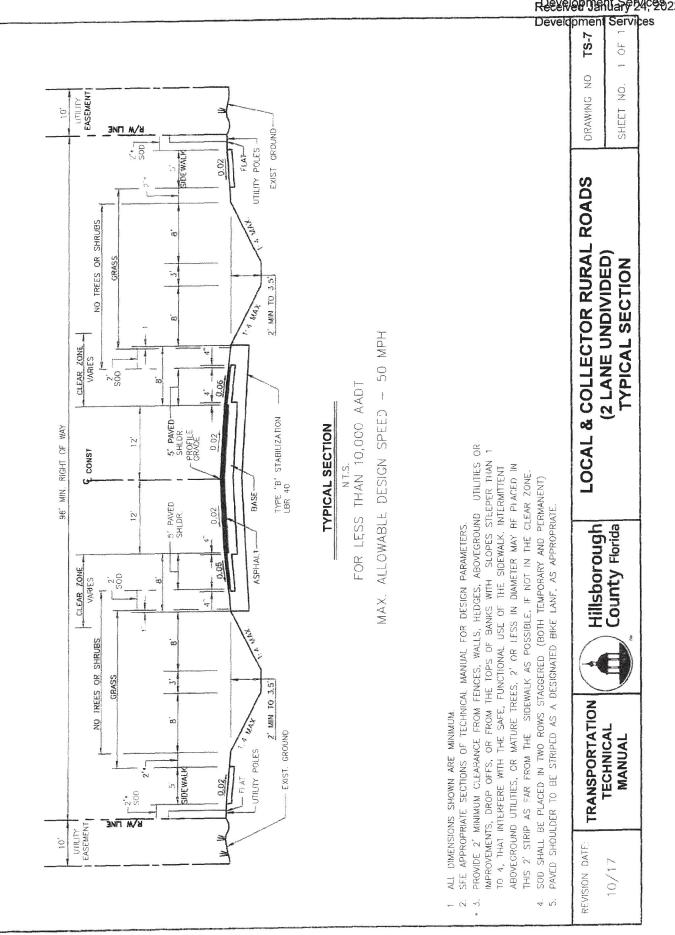


### 4



LINCKS & ASSOCIATES, INC.

TS-7



Received January 31, 2022

22-0089 22-0089

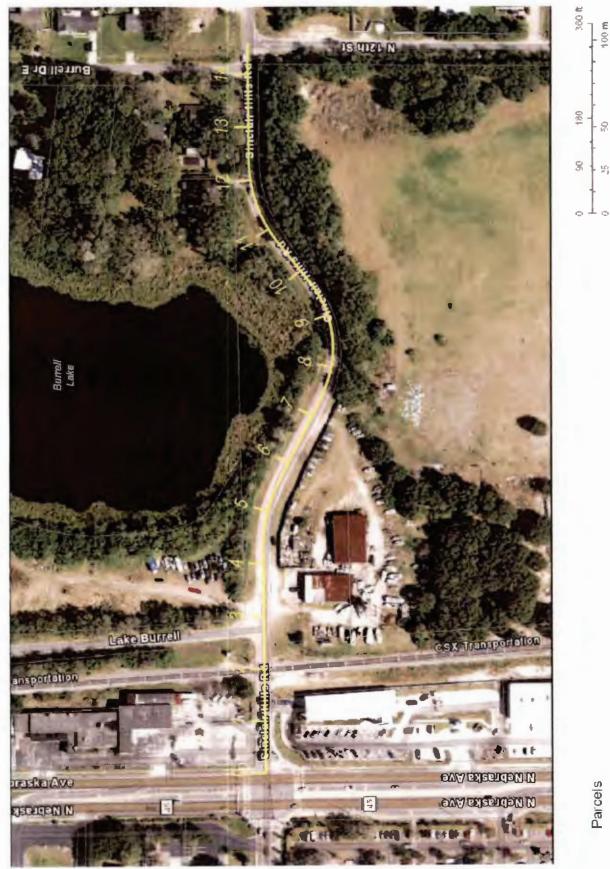
### ROADWAY ASSESSMENT



100 m

e.

5



22-0089

Parcels

Sinclai	Sinclair Hills Road			Generature	Lan	Lane Pavement	lent	Type of Road:	Type of Road: 2 lane, crown, asphalt	ohalt	
Special F	Special Field Survey for Substandard Road Assessment	standarc	1 Road Assessm	ent	Left Slope	Width	Right Slope	Pav't condition:	Pav't condition: poor, weak base		
N. Nebra	N. Nebraska Ave to N. 12 <sup>th</sup> Street (1,478')	Street (1,	478')	Minimum:	-2.8%	22.4'	0.3%	Shoulder cond.:	Shoulder cond.: unstabilized, some erosion	e erosion	
	By:	By: WLR		Maximum:	4.0%	25.4'	4.2%	Swales:	Swales: none defined well		
	Date of Survey: 12/15/21 Sneed Limit: 30 mub	12/15/21 30 mph		Average:	1.0%	23.9'	2.2%	Notes:	Notes: * Shoulders nominal at 6' or as defined by	nal at 6' oi	as defined by
		Latter Soner and Subler	Suctor	1 of Chandar					UUSIIUCIIUUIS		a na manana ka
			owales		Lan	Lane Pavement		Kight Shoulder	Right Sic	Right Slopes and Swales	Swales
Station	Back Slope (Width/slope)	Bottom (width)	Front Slope (width/slope)	Total/Paved/ Slope	Left Slope	Width	Right Slope	Total/Paved/ Slope	Front Slope (width/slope)	Bottorn (width)	Back Slope (width/slope)
1+00	Ĩ	-5% AFR		*6'/0'/11%	0.6%	22.4'	-3.2%	í		Type F C&G	
5	0+32 U.P. 4.5' BO	C, 0+60	end C&G, 1+12 (	LT0+32 U.P. 4.5' BOC, 0+60 end C&G, 1+12 U.P. 6' LT, 1+47 U.P. 5.5' LT, 1+81 & 2+34 Railroad stop bars,	.P. 5.5' L	.T, 1+81	& 2+34	Railroad stop bars	2+87 Lake Bui	ell Dr, 3+8.	L U.P. 6' LT
RT	0+25 Traffic Pole	30.4' RT,	1+53 end of C&	RT 0+25 Traffic Pole 30.4' RT, 1+53 end of C&G, 1+84 Railroad gate 8' RT	ate 8' R'	L					
Notes	0+00 set at EOP h	N. Nebras	ska Ave. (signaliz	Notes 0+00 set at EOP N. Nebraska Ave. (signalized intersection), 1+98 centerline Railroad, Pav't Cond: poor w/ cracks & patches	+98 cent	erline Ri	ailroad, F	av't Cond: poor w	/ cracks & patche	S	NUMBER OF COLUMN PROVIDER AND ADDRESS OF THE OWNER ADDRESS OF
4+00	ľ	-3% AFR		*5'/0'/3%	1.3%	23.4'	-0.3%	*6'/0'/+2%	15'/+2%		+6% AFR
LT	LT 4' BWF 35' LT, 6' CLF 38' LT	CLF 38' I	LT	Notest and a second	********************************			n por en esta de la compansión de la compa	la commune province de la contra de la contra de la contra de la contra de la commune de la commune de la contr	-	Service and the service of the Service service service and the Service service of the Service service of the Service se
R	RT 6' CLF 23' RT				and a second access of the sec			and a second and a second second second second and a second second second second second second second second s			
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3+00	+10% AFR	ō.	2'/-4%	*6'/0'/-4%	4.0%	25.4'	+2.6%	*6'/0'/+1%		+1% AFR	
	LT Trees 12' LT, 9+00 low point in road drains directly to lake	0 low poil	nt in road drains	directly to lake		A		n na mana na ma		and a second	
RT	RT 6' CLF 23' RT, 8+35 U.P. 14' RT	35 U.P. 1	.4' RT	And the second				an a gu a tha ann an an an an an an ann a	de s'échie availages provent availages de source de source availages de source availages de source de source d	A SA THE REAL PROPERTY AND A R	te da una de deven de la concerna en concerna de la
Notes	Vehicle tracking o	ff road in:	side curves, Roa	Notes Vehicle tracking off road inside curves, Road in superelevation on curves, Pav't cond: poor with cracking at wheel tracks	I on curv	es, Pav <sup>.</sup>	t cond: p	oor with cracking a	at wheel tracks	A Designation of A designation of the A designation	A DESCRIPTION OF THE REPORT
10+00		-11% AFR		*6'/0'/-11%	1.9%	24.0'	-0.5%	*6'/0'/-4%	5'/-4%	2,	8'/+20%
LT	LT 23' to lake edge, 10+77 U.P. 20' LT	10+77 U.I	P. 20' LT	<sup>4</sup> FOR ALL DESCRIPTION OF A DESCRIPTION OF A A DESCRIPTION OF A DESCRI				And and a second and a second and a second and a second second and a second second second second second second	A NAME AND A NAME AND A DATA AND A		
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12+00	-13% AFR			6'/0//0%	-2.8%	24.2'	-4.2%	*6'/0'/-3%	5'/-3%	2	7'/+33%
L	LT Mailbox 4' LT, Trees 14' LT, 12+35 U.P.	es 14' LT	r, 12+35 U.P. 14'	14' LT, 14+32 centerline E. Lake Burrell Dr	ine E. La	ake Burre	ell Dr	A resolution of the second	NA WINA TAL AN AVIM PROVING AND A WINA AND AND AND AND AND AND AND AND AND A		Address and a data was not seen as a second second second second and a second
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				14+78 End of Segment at centerline N. 12th Street	f Segme	ent at cer	nterline N	I. 12 <sup>th</sup> Street	NA MARKAN MANANA MAN	LANNA-NOTINA (ALANA ALANA A	in m Collection and Announcement and a state of the Announcement of the Announcement of the Announcement of the
	Notes:								no na manuna ana ana ana ana ana ana ana ana an		AND AND AND AN A A A A A A A A A A A A A
	1. Segment is a flu	ushed sh	oulder roadway e	1. Segment is a flushed shoulder roadway except for first 60', shoulders are not paved and shoulder slopes vary from -11% to +11%.	shoulder	s are no	t paved a	and shoulder slope	s vary from -11%	to +11%.	
	2. There are no de	sfined sw	ales and a portio	2. There are no defined swales and a portion of the left drainage is directly to Lake Burrell.	ge is dire	sctly to L	ake Burr	ell.	an banda manga ang kang kang kang kang kang kang k		IF THE COMPANY AND AND A VERY LODGE AND A VERY AND A V
	3. Utility poles hav	re less th	an 6' clear from t	3. Utility poles have less than 6' clear from the edge of pavement at stations 1+12 LT, 1+47 LT, and 3+81 LT and there are no dedicated light poles	ent at ste	ations 1+	-12 LT, 1	+47 LT, and 3+81	LT and there are	no dedica	ted light poles
	4. There's a railroad crossing in good condition at 1+98.	ad crossii	ng in good condit	tion at 1+98.				la manda da d		ALC Y FOR A REAL PROPERTY AND A REAL PROPERTY A REAL PROPERTY AND A REAL PROPERTY AND	
	5. Pavement cond	lition is p(	oor throughout w	5. Pavement condition is poor throughout with patching and traverse, longitudinal and fatigue cracking	averse, lo	ongitudir	ial and fa	ttigue cracking		and and an a statement were deviced as a statement	na kon de unit foto da manta da da da de
	6. There is should	er erosio	n on the inside o	6. There is shoulder erosion on the inside of the two curves from vehicles tracking off the pavement	im vehic	les track	ing off th	e pavement	na Mandrala da Malando Antonio Antonio Antonio de Antonio de Novembro de Para Compositore de Antonio Antonio An		n de la cale da la cale de la cale
	7. Signalized intersection at beginning with N. Nebraska Ave.	section a	It beginning with	N. Nebraska Ave.							AN PARA BRANCHE SE AN PARAMENTANYA NA YANYA NA Y
	8. Vehicle traffic a	ppears to	o be greater than	8. Vehicle traffic appears to be greater than 2000 AADT and through truck traffic of more than 2 axles is not allowed	rough tr	uck traff	ic of mor	e than 2 axles is n	ot allowed		and and a many second and a many second and a many second and and a many second and a many second and a many se
	9. Most traffic sigr	s are les	s than the FDOT	9. Most traffic signs are less than the FDOT recommended 12' from edge of pavement and are not breakaway	from ed	lge of pa	wement a	and are not breaka	way		
	10. Westbound speed limit is 30 mph.	peed limi	t is 30 mph. The	There is no posted eastbound speed limit for this segment and is assumed to be 30 mph.	stbound	speed lir	nit for thi	s segment and is a	assumed to be 30	) mph.	- A state of the state of th
	and a second			1111 11 11 11 11 11 11 11 11 11 11 11 1					A CONTRACTOR OF	A CONTRACTOR OF A CONTRACTOR O	

### Transportation Comment Sheet

Adjoining Roadways (check if applicable)						
Road Name	Classification	Current Conditions	Select Future Improvements			
		4 Lanes	Corridor Preservation Plan			
Bearss Avenue	County Arterial - Urban	□ Substandard Road	Site Access Improvements			
		Sufficient ROW Width	Substandard Road Improvements			
			🗆 Other			
Sinclair Hills Road		212000	Corridor Preservation Plan			
	County Local - Urban	2 Lanes ⊠ Substandard Road	Site Access Improvements			
		□ Sufficient ROW Width	Substandard Road Improvements			
			🗆 Other			

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

<b>Project Trip Generat</b>	ion 🗆 Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	9,060	226	914
Proposed	3,375	534	513
Difference (+/-)	-5,685	+308	-91

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

Primary Access	Additional Connectivity/Access	Cross Access	Finding
X	Vehicular & Pedestrian	None	Meets LDC
X	None	None	Meets LDC
	None	None	Meets LDC
	None	None	Meets LDC
	Primary Access X X	Primary Access         Connectivity/Access           X         Vehicular & Pedestrian           X         None           None         None	Primary Access         Connectivity/Access         Cross Access           X         Vehicular & Pedestrian         None           X         None         None           None         None         None

Road Name/Nature of Request	Туре	Finding
Sinclair Hills Rd./Substandard Road Improvements	Design Exception Requested	Approvable
	Choose an item.	Choose an item.

4.0 Additional Site Information & Agency Comments Summary					
Transportation	Objections	Conditions Requested	Additional Information/Comments		
<ul> <li>Design Exception/Adm. Variance Requested</li> <li>Off-Site Improvements Provided</li> </ul>	□ Yes □N/A ⊠ No	⊠ Yes □ No	See Staff Report.		



AN EMERA COMPANY

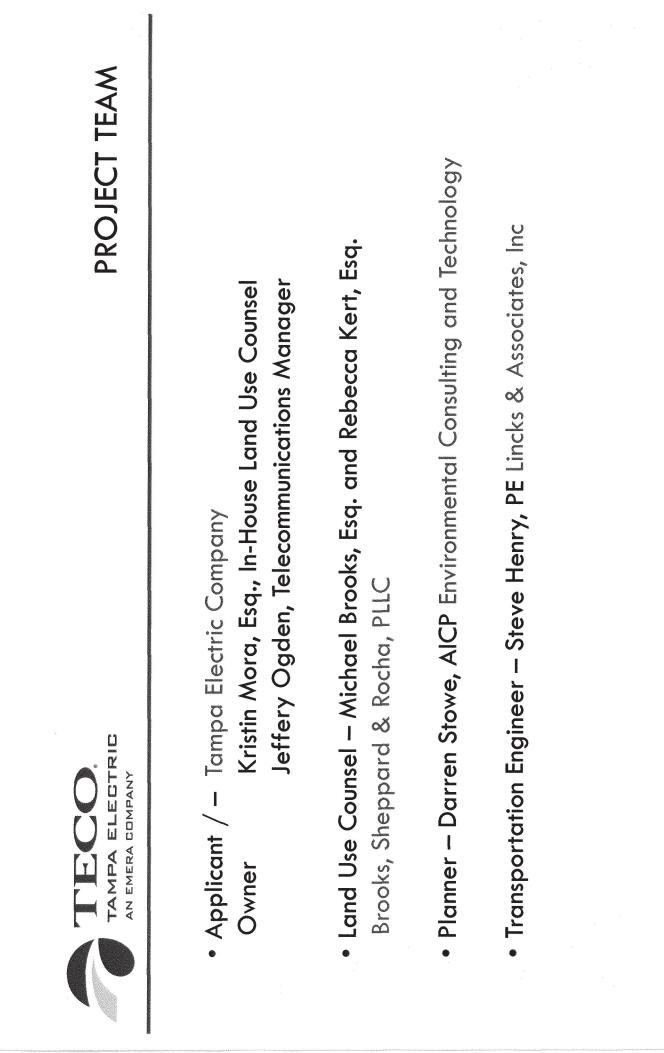
Application No. AM 22 -0089 Name: *Philos Jour Sources* Entered at Public Hearing:  $\overline{ZMM}$ Exhibit #  $\overline{Q}$  Date: 1/25/22Name: Michael

### Planned Development MM 22-0089

Zoning Hearing Master 07/25/2022

**Applicant:** 





TAMPA ELECTRIC AN EMERA COMPANY	REQUEST FOR REZONING
Major Modification to PD 03-1124 (MM 08-0170):	
300,000 square foot Public Service Facility 250-foot self-support Radio Tower	òervice Facility dio Tower
Utilized by Tampa Electric Company and Peoples Gas System as a secu center that will have the capability to communicate with other utility fac monitor and control utility infrastructure, and communicate with employees.	and Peoples Gas System as a secured operations to communicate with other utility facilities, remotely re, and communicate with employees.
Enhanced resiliency and sustainability of the energy grids within our region consistent with national policies that encourage protection of the critical infrastructure.	grids within our region consistent with tical infrastructure.

TAMPA ELECTRIC AN EMERA COMPANY	BLUE AND DARK SKY DAYS
Blue Sky Days	
During any given year, most day-to-day utility operations are uneventful—what are referred to as " <i>blue sky</i> days" (i.e., days without major storms or other potential external sources of service interruptions).	ity operations are uneventful—what are ut major storms or other potential external
Dark Sky Days	
Utilities must also be prepared to respond and handle " <i>black sky</i> days" (i.e., days involving extraordinary hazards and catastrophic events, both natural and man-made, that challenge resiliency of utility service).	respond and handle " <i>black sky</i> days" (i.e., days catastrophic events, both natural and man-made, ice).

State of the local division of the local div

	TAMPA ELECTRIC AN EMERA COMPANY	BLUE AND DARK SKY DAYS
	During a black sky event, rapid response and restoration of utility service is critical to:	ation of utility service is critical to:
A	Prevent further damage to the energy and fuel grids.	rids.
A	Minimize interrelated disruption water and sewer, transportation, v public health and safety systems).	to other utilities and essential services (such as vireless and land-based communications, and other
$\mathbf{A}$	Restore service to other critical fa operation centers, nursing homes, and industrial complexes) before b	cilities and functions (such as hospitals, emergency food and pharmaceutical distribution nodes, and ack-up systems have been exhausted.

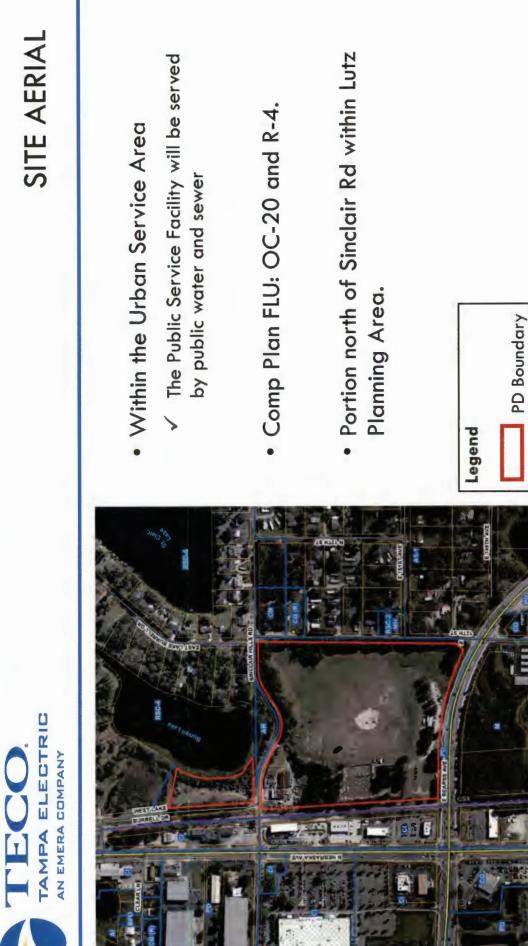
TAMPA ELECTRIC AN EMERA COMPANY	PUBLIC RECORDS CONFIDENTIALITY
1 1 9.07	119.0725, <u>Florida</u> <u>Statutes</u>
<ul> <li>Critical infrastructure is confidential and</li> </ul>	d exempt from public records disclosure.
<ul> <li>Critical infrastructure is broadly defined incapacity or destruction of which woul health, or public safety.</li> </ul>	Critical infrastructure is broadly defined to protect technology, systems, and physical assets the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.
<ul> <li>Confidentiality and exemption extends to any po hearing, subject to its recording and transcription.</li> </ul>	s to any portion of a public meeting, such as this rezoning anscription.
<ul> <li>This presentation will provide sufficient information to support Facility and Radio Tower, without necessity for a closed hearing.</li> </ul>	nt information to support approval of the Public Service sity for a closed hearing.



## **GENERAL LOCATION MAP**



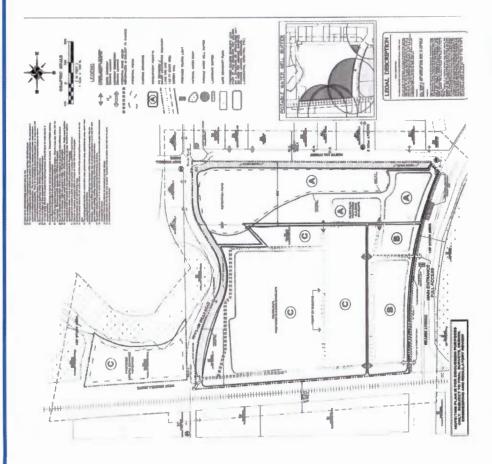
- Approximately 30.54-acres of land generally located at the intersection of Nebraska Ave and Bearss Ave.
- The site is adjacent to a CSX rail line on its west boundary with convenient access to 1-275.
- Current interim uses of the property include a golf driving range, boat and vehicle storage, and parking.



### SITE AERIAL

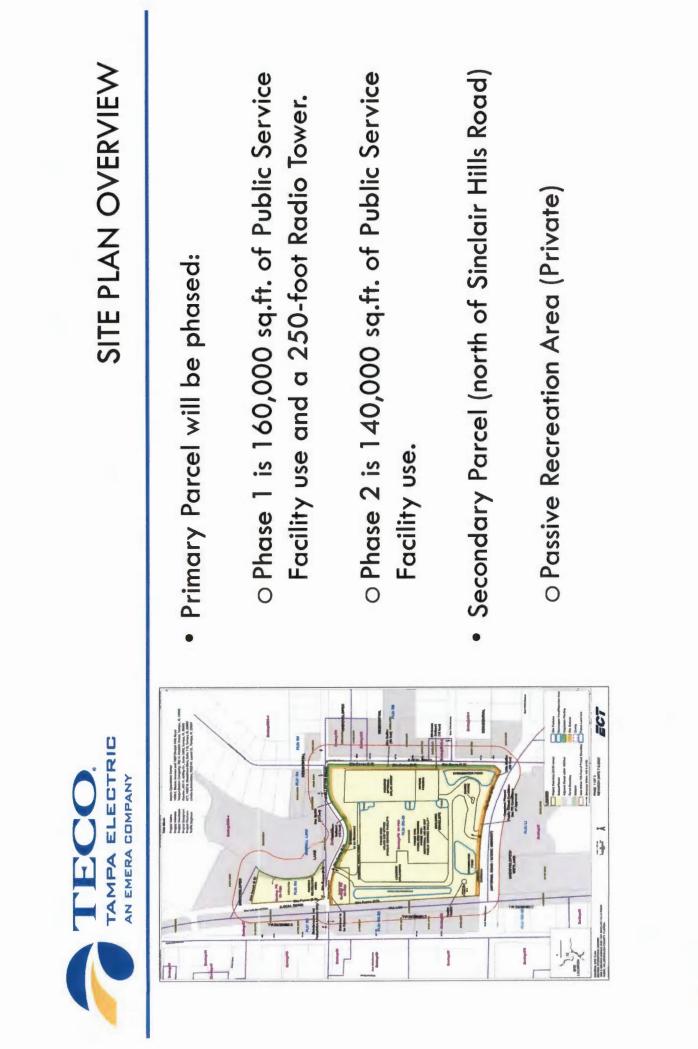


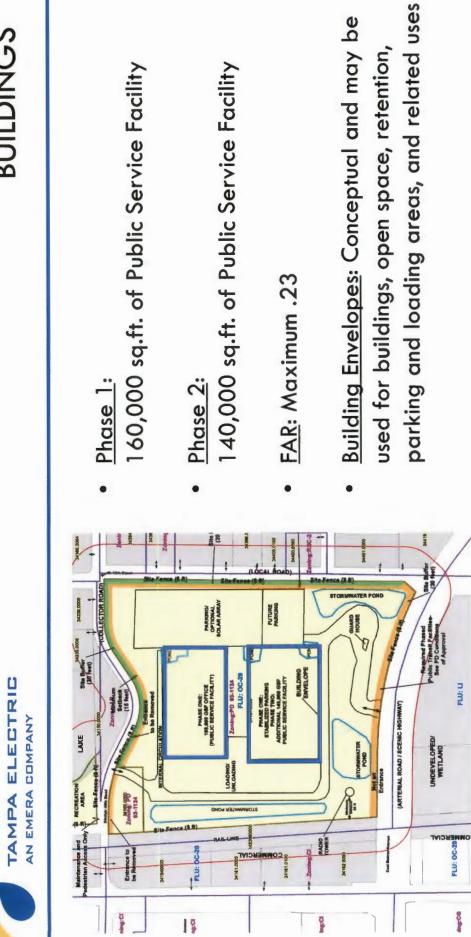
## CURRENT PD APPROVAL



PD 03-1124 (MM 08-0170):

- 60,000 square feet of General Commercial (CG) uses; and
- 180,000 square feet of Commercial Intensive (CI) uses

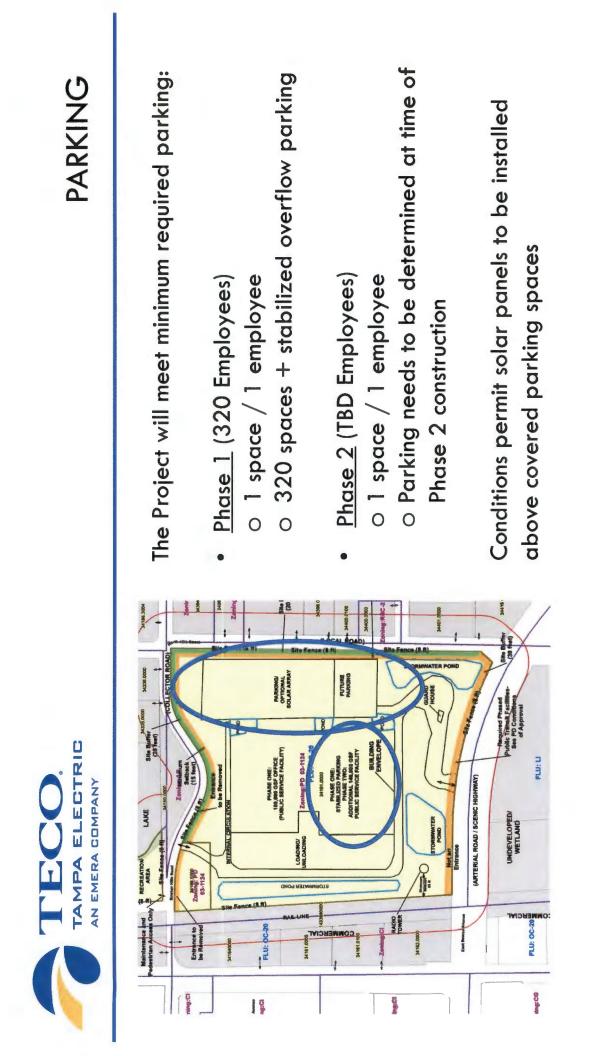




### BUILDINGS

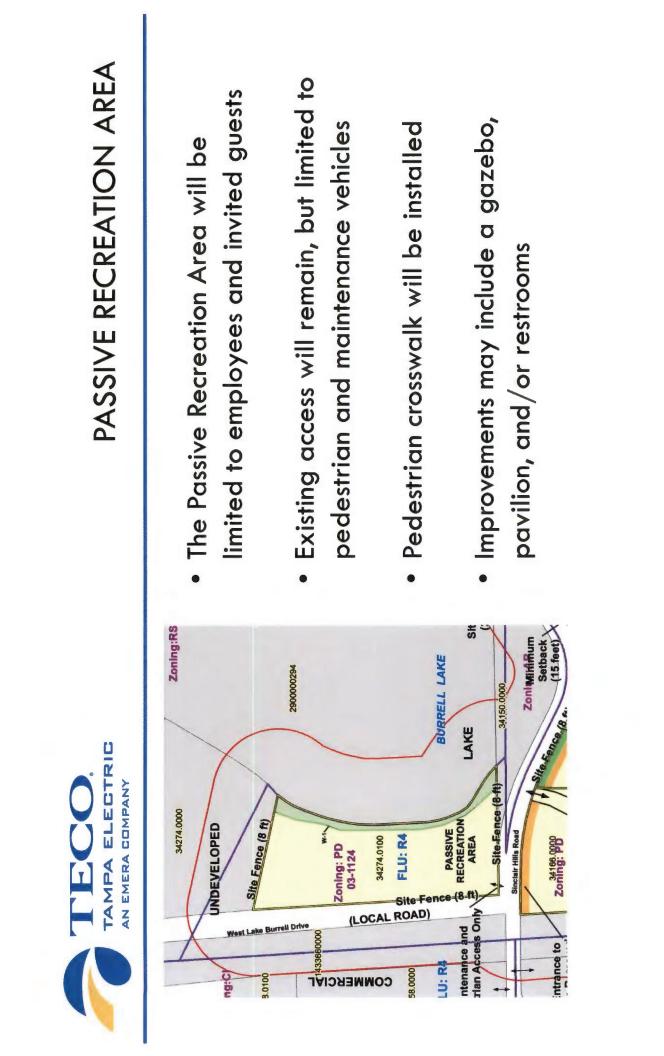
TECO

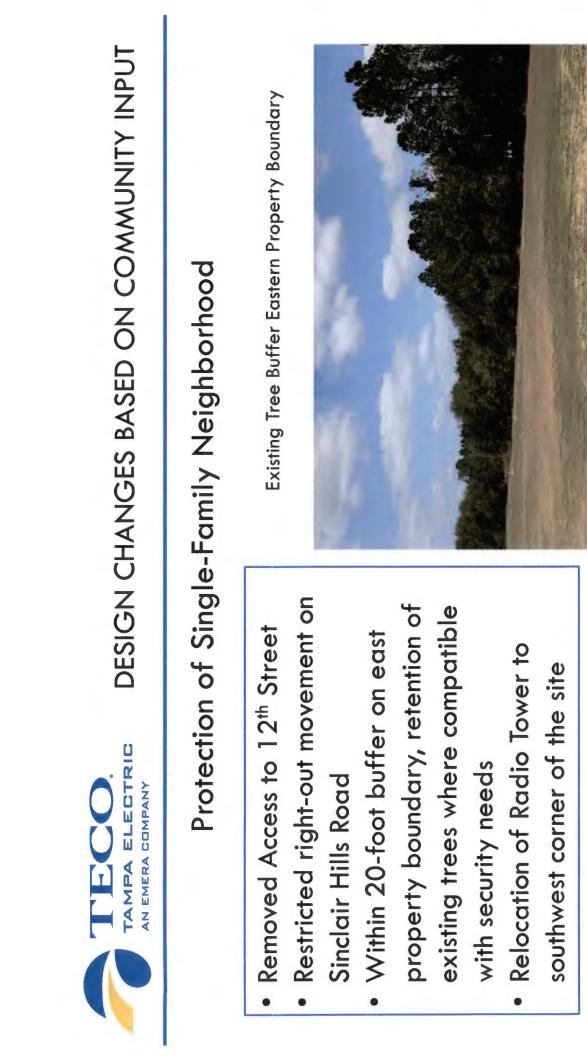
SETBACKS, BUFFERS, AND HEIGHT	Building Setbacks:	<ul> <li>Front (Bearss Avenue): 30 feet</li> <li>Side and Rear: 15 feet</li> </ul>	<ul> <li><u>Buffers</u>: 20 feet (North, and East) in addition to</li> </ul>	<ul> <li>Stortwater facilities will be utilized where feasible to provide additional buffering from adjacent uses.</li> </ul>	<ul> <li>Urban Scenic Roadway: Bearss Avenue</li> </ul>	<ul> <li><u>Maximum Building Height</u>: 55 feet, with an additional setback of two feet for every foot over 20 feet.</li> </ul>
TAMPA ELECTRIC AN EMERA COMPANY	Main     Main       Annual     Main       Main     Main					Market M Narket Market Mark



RESTRICTED SITE ACCESS	Restricted Vehicular Access	Guard monitored access from Bearss Avenue	Gated card access from Sinclair Hills Road	<u>Restricted Pedestrian Access / Public Transportation</u>	Phase 1: Developer will construct bus bay with landing pad on Bearss Avenue with controlled pedestrian access into the Dublic Heat Excelling	<ul> <li>Phase 2: Developer will construct a transit stop</li> </ul>	
TAMPA ELECTRIC AN EMERA COMPANY	And the second s						•

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VARIANCES		oarking areas to allow for a solar	variance was prepared by Darren Stowe, AICP, Technology, and submitted into the record of this
TAMPA ELECTRIC AN EMERA COMPANY	<ul> <li>LDC Section 6.07.00</li> <li>To allow an 8-foot perimeter security fence</li> </ul>	<ul> <li>LDC Section 6.06.04</li> <li>A variance to the shade tree requirement in parking areas to allow for a solar array on all or part of the parking area</li> </ul>	Written justification for each variance was pre Environmental Consulting and Technology, and s rezoning on March 29, 2022

**MANAGEMENT** 

TECO	TAMPA ELECTRIC	AN EMERA COMPANY

## DAILY TRIP COMPARISON

•		•					
ARISON		Passerby Capture (2)	New Daily <u>Trip Ends</u>	8,006	3,921	<4,085>	
			Passerby Capture (2)	4,124	01	<4,124>	
			Daily Trip Ends (1)	12,130	3,921	<8,209>	
NERATION COM	Size	240,000 SF	300,000 SF	Difference	021.		
aily trip ge		820	715		11 <sup>th</sup> Edition, 2 <u>ok</u> , 3 <sup>rd</sup> Edition 4		
Ō	Land Use	Retail	Office		<u>Generation Manual</u> , 1 <sup>-</sup> <u>Generation Handbook</u> nds: nds: 12,130 x 0.34 = 4,124		
	Scenario	Approved	Proposed		<ul> <li>(1) Source: ITE <u>Trip Generation Manual</u>, 11<sup>th</sup> Edition, 2021.</li> <li>(2) Source: ITE <u>Trip Generation Handbook</u>, 3<sup>rd</sup> Edition.</li> <li>Passerby Trip Ends: <ul> <li>Retail - 34%</li> <li>12,130 x 0.34 = 4,124</li> </ul> </li> </ul>		
	DAILY TRIP GENERATION COMPARISON	DAILY TRIP GENERATION COMPARISON       Land     ITE     Daily     Passerby       Use     LUC     Size     Trip Ends (1)     Capture (2)	DAILY TRIP GENERATION COMPARISON       Land     ITE       Land     ITE       Use     LUC     Size       IUC     Size     Trip Ends (1)       Retail     820     240,000 SF     12,130	DAILY TRIP GENERATION COMPARISON       Land     ITE     Daily     Passerby       Use     UUC     Size     Trip Ends (1)     Capture (2)       Retail     820     240,000 SF     12,130     4,124       Office     715     300,000 SF     3,921     0	DAILY TRIP GENERATION COMPARISON       Land     ITE     Daily     Passerby       Use     IUC     Size     Daily     Passerby       Use     IUC     Size     Trip Ends (1)     Capture (2)       Retail     820     240,000 SF     12,130     4,124       Office     715     300,000 SF     3,921     0       Pifference     <8,209>     <4,124>		

- There is no specific ITE category for a Public Service Facility
- The Project was analyzed as Office, although this ITE LU category likely overestimate actual trip impacts
- Assuming Office, Project will generate roughly 50% fewer Daily Trips compared to the approved commercial center

ACCESS IMPROVEMENTS	<ul> <li>Bearss Avenue Entrance</li> <li>Full access driveway</li> <li>Applicant will construct:</li> <li>Eastbound left turn lane</li> <li>Westbound right turn lane</li> <li>Westbound right turn lane</li> <li>Climited access driveway</li> <li>Limited access driveway</li> <li>Applicant will construct</li> <li>Eastbound right turn lane</li> <li>Concrete median restricting right-out</li> </ul>	
TAMPA ELECTRIC AN EMERA COMPANY		

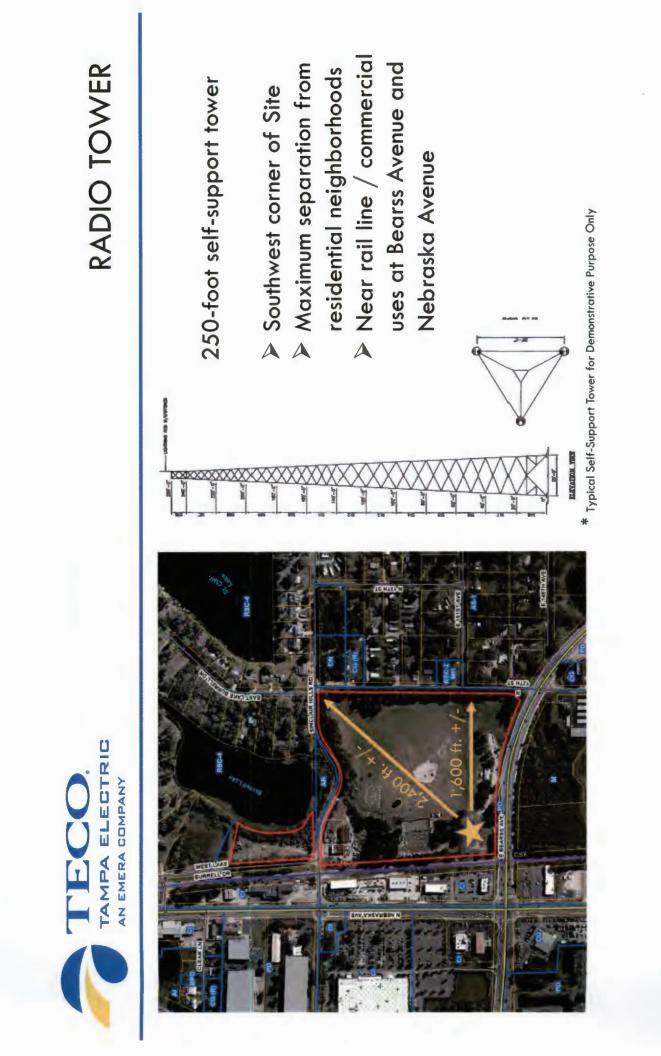


# SINCLAIR ROAD MULTI-USE PATH



A DESIGN EXCEPTION is being requested to allow for construction a 12-foot multi-use path on the south side of Sinclair Hills Road to improve mobility options

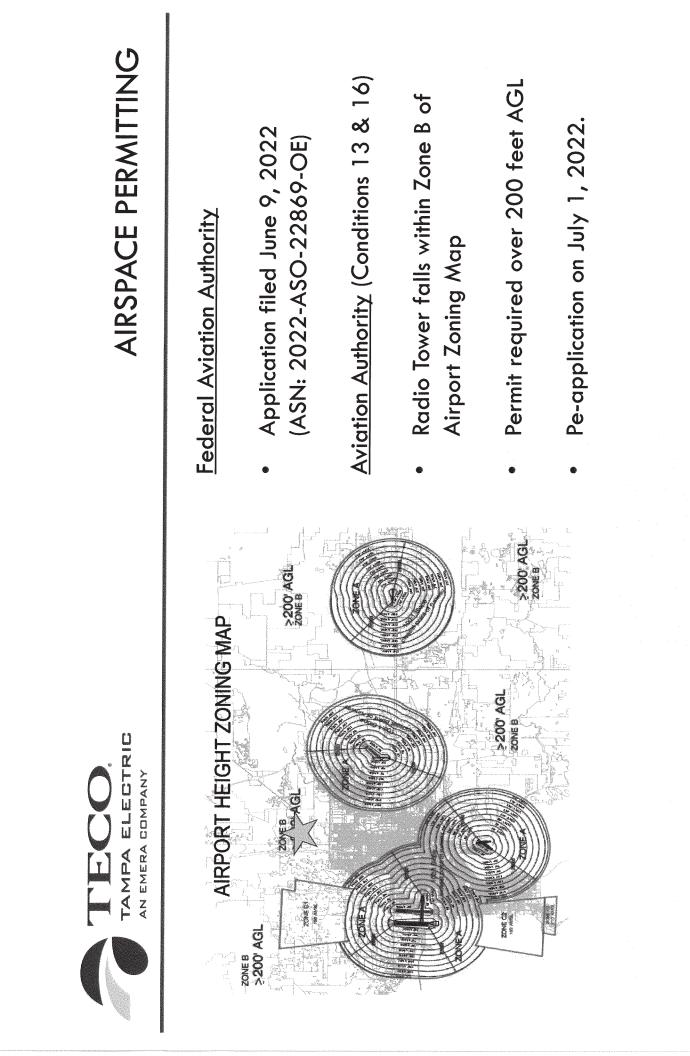




NEED FOR ON-SITE RADIO TOWER	The radio tower will be an essential component of the Public Service Facility providing the <u>independent</u> capability to communicate with other facilities, remotely monitor and control utility infrastructure, and communicate with employees.	A <u>special and unique need</u> for the radio tower to be: In close physical proximity to the Operations Center.	Secured and monitored in a manner above and beyond what is customary for a third-party, off-site commercial tower and its support infrastructure.	A Protected from service interruptions that may occur to a third party, off-site commercial tower in the event of a dark sky event.	
TAMPA ELECTRIC AN EMERA COMPANY	The radio tower will be an essential component of th communicate with other facilities, remotely monitor and	ISSUED BY: C. R. Black, Presid		The effective: May 7, 2009	

TAMPA ELECTRIC AN EMERA CONDITIONS	12.1 The radio tower shall be used exclusively to support the operations of the public service facility and shall not be available to third party commercial uses and services unrelated to the operations of the public service facility.	12.2 The radio tower shall be used only by a public utility, as that term is defined by Florida Statutes Section 366.02 (2021), or an equivalent public utility under future laws, or in furtherance of the operations of a public utility.	12.3 If the property ceases to be used as a public service facility by a "public utility," as defined by 336.02(1), Florida Statutes (2021), or an equivalent public utility under future laws, for a period exceeding one (1) year, the County may deem the radio tower as abandoned for purposes of this approval and require the removal or demolition of the radio tower.	12.4 Except for those matters expressly stated in these conditions of approval, the radio tower shall be constructed and operated consistent with Hillsborough County LDC Section 6.11.79, Radio and Television Transmitting and Receiving Facility.	12.5 If approved, the radio tower shall not be required to utilize camouflage techniques in connection with its design.
	12.1	12.2	12.3	12.4	12.5

STREET, STREET



TAMPA ELECTRIC AN EMERA COMPANY	CONCLUSION
<ul> <li>Consistent with OC-20 and R-4 Future Land Use categories</li> </ul>	es
<ul> <li>Consistent with Land Development Code, except for those variances requested and justified from LDC 6.06.04 (security fencing) and LDC 6.06.07 (landscaping conflicts with planned solar panel installation)</li> </ul>	e variances requested and 06.07 (landscaping conflicts
<ul> <li>Compatible with the surrounding land use pattern</li> </ul>	
<ul> <li>Development Services recommends APPROVAL, subject t</li> <li>General Development Plan</li> </ul>	APPROVAL, subject to proposed conditions and
<ul> <li>Planning Commission staff finds the rezoning CONSISTER</li> </ul>	rezoning CONSISTENT with the Comprehensive Plan
<ul> <li>Applicant Agrees to the Conditions of Approval</li> </ul>	
<ul> <li>Request recommendation of APPROVAL of the rezoning request</li> </ul>	ng request



# Supplemental Slides

- 1. Definition of Public Utility
- 2. Public Records Law
- 3. Critical Infrastructure Exemption

Public Utility Definition	e <b>public utilities</b> as defined by 366.02(1), <u>Florida</u>	366.02 Definitions.—As used in this chapter: (1) <i>"Public utility</i> " means every person, corporation, partnership, association, or other legal entity and their essees trustees or receivers supplying electricity or age (partnership, association, or other legal entity and their		
TAMPA ELECTRIC AN EMERA COMPANY	Tampa Electric Company and Peoples Gas System are <u>public utilities</u> as defined by 366.02(1), <u>Florida</u> <u>Statutes</u> (2021)	366.02 Definitions.—As used in this chapter: (1) <i>"Public utility</i> " means every person, corporation, partnership, association, or other legal entity besees trustees or receivers supplying electricity or gas (natural manufactured or similar accesus	substance) to or for the public within this state	

Public Records Law	inistering public records law:	oter, the term: district, authority, or municipal officer, department, division, ate unit of government created or established by law including, ssion on Ethics, the Public Service Commission, and the Office of vate agency, person, partnership, corporation, or business entity	
TAMPA ELECTRIC	Hillsborough County is an <u>agency</u> for purposes of administering public records law:	119.011. Definitions.—As used in this chapter, the term: <ol> <li>"Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.</li> </ol>	

TAMPA ELECTRIC AN EMERA COMPANY	Critical Infrastructure Exemption
119.0725. Agency cybersecurity information; public record	records exemption; public meetings exemption.—
(1) As used in this section, the term:	
(b) "Critical infrastructure" means existing and proposed in assets, whether physical or virtual, the incapacity or destru security, public health, or public safety.	(b) "Critical infrastructure" means existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.
(2) The following information held by an agency is confide State Constitution:	(2) The following information held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:
(b) Information relating to critical infrastructure.	
(3) Any portion of a meeting that would reveal information from s. 286.011 and s. 24(b), Art. I of the State Constitutio and must be recorded and transcribed. The recording and s.24(a), Art. I of the State Constitution.	(3) Any portion of a meeting that would reveal information made confidential and exempt under subsection (2) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. An exempt portion of a meeting may not be off the record and must be recorded and transcribed. The recording and transcript are confidential and exempt from s. 119.07(1) and s.24(a), Art. I of the State Constitution.

#### CHAPTER 2022-221

#### Committee Substitute for House Bill No. 7057

An act relating to public records and public meetings; creating s. 119.0725, F.S.; providing definitions; providing an exemption from public records requirements for certain cybersecurity insurance information, critical infrastructure information, cybersecurity incident information, and certain cybersecurity-related information held by an agency; providing an exemption from public meetings requirements for portions of a meeting that would reveal certain cybersecurity-related information held by an agency; requiring the recording and transcription of exempt portions of such meetings; providing an exemption from public records requirements for such recordings and transcripts; providing retroactive application; authorizing the disclosure of confidential and exempt information under certain circumstances; authorizing agencies to report certain cybersecurity information in the aggregate; providing for future legislative review and repeal of the exemptions; amending ss. 98.015 and 282.318, F.S.; conforming provisions to changes made by the act; providing a statement of public necessity; providing a contingent effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 119.0725, Florida Statutes, is created to read:

<u>119.0725</u> Agency cybersecurity information; public records exemption; public meetings exemption.—

(1) As used in this section, the term:

(a) "Breach" means unauthorized access of data in electronic form containing personal information. Good faith access of personal information by an employee or agent of an agency does not constitute a breach, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use.

(b) "Critical infrastructure" means existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.

(c) "Cybersecurity" has the same meaning as in s. 282.0041.

(d) "Data" has the same meaning as in s. 282.0041.

(e) "Incident" means a violation or imminent threat of violation, whether such violation is accidental or deliberate, of information technology resources, security, policies, or practices. As used in this paragraph, the term "imminent threat of violation" means a situation in which the agency has a factual basis for believing that a specific incident is about to occur.

(f) "Information technology" has the same meaning as in s. 282.0041.

(g) "Operational technology" means the hardware and software that cause or detect a change through the direct monitoring or control of physical devices, systems, processes, or events.

(2) The following information held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of information technology systems, operational technology systems, or data of an agency.

(b) Information relating to critical infrastructure.

(c) Cybersecurity incident information reported pursuant to s. 282.318 or s. 282.3185.

(d) Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or

2. Information technology resources, which include an agency's existing or proposed information technology systems.

(3) Any portion of a meeting that would reveal information made confidential and exempt under subsection (2) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. An exempt portion of a meeting may not be off the record and must be recorded and transcribed. The recording and transcript are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) The public records exemptions contained in this section apply to information held by an agency before, on, or after July 1, 2022.

(5)(a) Information made confidential and exempt pursuant to this section shall be made available to a law enforcement agency, the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service within the Department of Management Services, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.

(b) Such confidential and exempt information may be disclosed by an agency in the furtherance of its official duties and responsibilities or to

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another agency or governmental entity in the furtherance of its statutory duties and responsibilities.

(6) Agencies may report information about cybersecurity incidents in the aggregate.

(7) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Subsection (13) of section 98.015, Florida Statutes, is amended to read:

98.015 Supervisor of elections; election, tenure of office, compensation, custody of registration-related documents, office hours, successor, seal; appointment of deputy supervisors; duties; public records exemption.—

(13)(a) Portions of records held by a supervisor of elections which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the disclosure of such records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or

2. Information technology resources as defined in s. 119.011(9), which includes:

a. Information relating to the security of a supervisor of elections' technology, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or

b. Security information, whether physical or virtual, which relates to a supervisor of elections' existing or proposed information technology systems.

(b) The portions of records made confidential and exempt in paragraph (a) shall be available to the Auditor General and may be made available to another governmental entity for information technology security purposes or in the furtherance of the entity's official duties.

(c) The public record exemption in paragraph (a) applies to records held by a supervisor of elections before, on, or after the effective date of the exemption.

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026,

unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Subsections (6) and (11) of section 282.318, Florida Statutes, are renumbered as subsections (5) and (10), respectively, and present subsections (5), (7), (8), (9), and (10) of that section are amended to read:

282.318 Cybersecurity.-

(5) Portions of records held by a state agency which contain network schematics, hardware and software configurations, or encryption, or which identify detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the disclosure of such records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

(a) Data or information, whether physical or virtual; or

(b) Information technology resources, which includes:

1. Information relating to the security of the agency's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or

2. Security information, whether physical or virtual, which relates to the agency's existing or proposed information technology systems.

(6)(7) Those portions of a public meeting as specified in s. 286.011 which would reveal records which are confidential and exempt under subsection (5) or subsection (6) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. No exempt portion of an exempt meeting may be off the record. All exempt portions of such meeting shall be recorded and transcribed. Such recordings and transcripts are confidential and exempt from disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution unless a court of competent jurisdiction, after an in camera review, determines that the meeting was not restricted to the discussion of data and information made confidential and exempt by this section. In the event of such a judicial determination, only that portion of the recording and transcript which reveals nonexempt data and information may be disclosed to a third party.

(7)(8) The portions of records made confidential and exempt in subsections (5) and, (6), and (7) shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service within the department, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General. Such portions of records may be made available to a local government, another state agency, or a federal agency for cybersecurity purposes or in furtherance of the state agency's official duties.

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(8)(9) The exemptions contained in subsections (5) and, (6), and (7) apply to records held by a state agency before, on, or after the effective date of this exemption.

<u>(9)(10)</u> Subsections (5) and, (6), and (7) are subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 4. (1) The Legislature finds that it is a public necessity that the following information held by an agency be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution:

(a) Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of information technology systems, operational technology systems, or data of an agency.

(b) Information relating to critical infrastructure.

(c) Cybersecurity incident information reported pursuant to s. 282.318, Florida Statutes, or s. 282.3185, Florida Statutes.

(d) Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:

1. Data or information, whether physical or virtual; or

2. Information technology resources, which include an agency's existing or proposed information technology systems.

Release of such information could place an agency at greater risk of breaches, cybersecurity incidents, and ransomware attacks. If information related to the coverage limits and deductible or self-insurance amounts of cybersecurity insurance were disclosed, it could give cybercriminals an understanding of the monetary sum an agency can afford or may be willing to pay as a result of a ransomware attack at the expense of the taxpayer. In addition, critical infrastructure information is a vital component of public safety and, if made publicly available, could aid in the planning of, training for, and execution of cyberattacks, thereby increasing the ability of persons to harm individuals in this state. The recent cybersecurity hacking and shutdown of the Colonial Pipeline by the criminal enterprise DarkSide in 2021 and the infiltration of the Bowman Avenue Dam in Rye Brook, New York, by Iranian hackers in 2013 provide evidence that such criminal capabilities exist. These events also show the crippling effect that cyberattacks on critical infrastructure may have. Further, cybersecurity incident

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information reported pursuant to s. 282.318, Florida Statutes, or s. 282.3185, Florida Statutes, could be used by criminals to identify vulnerabilities that existed in an agency's cybersecurity systems or protocols, thereby making the agency further susceptible to additional cyberattacks. Lastly, the release of network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches, would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of data or information, whether physical or virtual, or information technology resources. Such information also includes proprietary information about the security of an agency's system. The disclosure of such information could compromise the integrity of an agency's data, information, or information technology resources, which would significantly impair the administration of vital governmental programs. Therefore, this information should be made confidential and exempt in order to protect the agency's data, information, and information technology resources.

(2) The Legislature also finds that it is a public necessity that any portion of a meeting that would reveal the confidential and exempt information be made exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution, and that any recordings and transcripts of the closed portion of a meeting be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The failure to close that portion of a meeting at which confidential and exempt information would be revealed, and prevent the disclosure of the recordings and transcripts of those portions of a meeting, would defeat the purpose of the underlying public records exemption and could result in the release of highly sensitive information related to the cybersecurity of an agency system.

(3) For these reasons, the Legislature finds that these public records and public meetings exemptions are of the utmost importance and are a public necessity.

Section 5. This act shall take effect on the same date that HB 7055 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 24, 2022.

Filed in Office Secretary of State June 24, 2022.

#### HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #:CS/HB 7057PCB SAT 22-03Pub. Rec. and Meetings/CybersecuritySPONSOR(S):State AffairsCommittee and State Administration & Technology AppropriationsSubcommittee,Giallombardo and othersTIED BILLS:CS/HB 7055IDEN./SIM. BILLS:CS/CS/SB 1694

FINAL HOUSE FLOOR ACTION: 111 Y's 0 N's GOVERNOR'S ACTION: Approved

#### SUMMARY ANALYSIS

CS/HB 7057 passed the House on March 4, 2022, and subsequently passed the Senate on March 9, 2022.

Current law provides a public record and meeting exemption for certain information held by a state agency related to cybersecurity or potential breaches of security. It also provides public record exemptions related to information technology (IT) and cybersecurity information of a utility owned or operated by a unit of local government or certain cybersecurity information held by supervisors of elections. However, there is no general public record exemption or public meeting exemption related to state or local government cybersecurity information.

CS/HB 7055, to which this bill is linked, creates cybersecurity related requirements for state agencies and local governments. It requires state agencies and local governments to report ransomware incidents and high severity level cybersecurity incidents and requires local governments to adopt cybersecurity standards that safeguard the local government's data, IT, and IT resources by a date certain.

The bill provides a general public record exemption in ch. 119, F.S., for the following information held by an agency before, on, or after July 1, 2022:

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology systems, or data of an agency.
- Information relating to critical infrastructure.
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents.
- Cybersecurity incident information reported pursuant to Sections 282.318 or 282.3185, F.S.

The bill also creates a public meeting exemption for any portion of a meeting that would reveal the confidential and exempt information; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record requirements.

The bill provides for release of the confidential and exempt information in certain instances and authorizes agencies to report information about cybersecurity incidents in an aggregate format.

The bill provides for repeal of the exemptions on October 2, 2027, unless reviewed and saved from repeal by the Legislature, and provides a public necessity statement as required by the Florida Constitution.

The bill may have a minimal fiscal impact on the state and local governments. See Fiscal Comments.

This bill was approved by the Governor on June 24, 2022, ch. 2022-221, L.O.F., and will become effective on the same date that CS/HB 7055 (2022) takes effect.

#### I. SUBSTANTIVE INFORMATION

#### A. EFFECT OF CHANGES:

#### Background

#### **Public Records**

Article I, s. 24(a) of the Florida Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.

Public policy regarding access to government records is addressed further in s. 119.07(1)(a), F.S., which guarantees every person a right to inspect and copy any state, county, or municipal record, unless the record is exempt.

#### **Public Meetings**

Article I, s. 24(b) of the Florida Constitution requires all meetings of any collegial public body of the executive branch of state government or any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, be open and noticed to the public.

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., known as the "Government in the Sunshine Law" or "Sunshine Law," further requires all meetings of any board or commission of any state agency or authority, or of any agency or authority of any county, municipality, or political subdivision, at which official acts are to be taken to be open to the public at all times.<sup>1</sup> The board or commission must provide reasonable notice of all public meetings.<sup>2</sup> Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin, or economic status or that operates in a manner that unreasonably restricts the public's access to the facility.<sup>3</sup> Minutes of a public meeting must be promptly recorded and open to public inspection.<sup>4</sup> Failure to abide by public meeting requirements will invalidate any resolution, rule, or formal action adopted at a meeting.<sup>5</sup> A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.<sup>6</sup>

#### Public Record and Public Meeting Exemptions

The Legislature may provide by general law for the exemption of records and meetings from the requirements of Art. I, s. 24(a) and (b) of the Florida Constitution.<sup>7</sup> The general law must state with specificity the public necessity justifying the exemption<sup>8</sup> and must be no broader than necessary to accomplish its purpose.<sup>9</sup>

Furthermore, the Open Government Sunset Review Act<sup>10</sup> provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than necessary to meet one of the following purposes:

<sup>7</sup> Art. I, s. 24(c), FLA. CONST.

<sup>8</sup> This portion of a public record exemption is commonly referred to as a "public necessity statement."

<sup>9</sup> Art. I, s. 24(c), FLA. CONST.

<sup>10</sup> Section 119.15, F.S.

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<sup>&</sup>lt;sup>1</sup> Section 286.011(1), F.S.

<sup>&</sup>lt;sup>2</sup> Id.

<sup>&</sup>lt;sup>3</sup> Section 286.011(6), F.S.

<sup>&</sup>lt;sup>4</sup> Section 286.011(2), F.S.

<sup>&</sup>lt;sup>5</sup> Section 286.011(1), F.S.

<sup>&</sup>lt;sup>6</sup> Section 286.011(3), F.S. Penalties include a fine of up to \$500 or a second degree misdemeanor, which is punishable by up to 60 days imprisonment and a \$500 fine.

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.<sup>11</sup>

The Open Government Sunset Review Act requires the automatic repeal of a newly created public record or public meeting exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>12</sup>

#### Current exemptions for State Agency Cybersecurity Information

Portions of records held by a state agency<sup>13</sup> that contain network schematics, hardware and software configurations, or encryption, or that identify detection, investigation, or response practices for suspected or confirmed cybersecurity<sup>14</sup> incidents,<sup>15</sup> including suspected or confirmed breaches,<sup>16</sup> are confidential and exempt<sup>17</sup> from pubic record requirements if the disclosure of such records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

- Data<sup>18</sup> or information, whether physical or virtual; or
- Information technology (IT) resources,<sup>19</sup> which includes:
  - Information relating to the security of the agency's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or

<sup>&</sup>lt;sup>11</sup> Section 119.15(6)(b), F.S.

<sup>&</sup>lt;sup>12</sup> Section 119.15(3), F.S.

<sup>&</sup>lt;sup>13</sup> "State agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; the Justice Administrative Commission; and the Public Service Commission. The term includes the Department of Legal Affairs, The Department of Agriculture and Consumer Services, and the Department of Financial Services. The term does not include university boards of trustees or state universities. *See* s. 282.0041(33), F.S.

<sup>&</sup>lt;sup>14</sup> "Cybersecurity" means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the confidentiality, integrity, and availability of data, information, and information technology resources. *See* s. 282.0041(8), F.S.

<sup>&</sup>lt;sup>15</sup> "Incident" means a violation or imminent threat of violation, whether such violation is accidental or deliberate, of information technology resources, security, policies, or practices. An imminent threat of violation refers to a situation in which the state agency has a factual basis for believing that a specific incident is about to occur. *See* s. 282.0041(19), F.S.

<sup>&</sup>lt;sup>16</sup> "Breach" means unauthorized access of data in electronic form containing personal information. Good faith access of personal information by an employee or agent of the covered entity does not constitute a breach of security, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use. *See* s. 282.0041(3), F.S.

<sup>&</sup>lt;sup>17</sup> There is a difference between records the Legislature designates exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. *See WFTV, Inc. v. Sch. Bd. of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Rivera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released by the custodian of public records to anyone other than the persons or entities specifically designated in statute. See Op. Att'y Gen. Fla. 04-09 (2004).

<sup>&</sup>lt;sup>18</sup> "Data" means a subset of structured information in a format that allows such information to be electronically retrieved and transmitted. *See* s. 282.0041(9), F.S.

<sup>&</sup>lt;sup>19</sup> "Information technology resources" means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training. *See* s. 282.0041(22), F.S.

 Security information, whether physical or virtual, which relates to the agency's existing or proposed IT<sup>20</sup> systems.<sup>21,22</sup>

In addition, any portion of a public meeting that would reveal any of the above-described confidential and exempt records is exempt from public meeting requirements. Any portion of an exempt meeting must be recorded and transcribed. The recordings and transcripts are confidential and exempt from public record requirements unless a court of competent jurisdiction, following an in camera review, determines that the meeting was not restricted to the discussion of confidential and exempt data and information. If such a judicial determination occurs, only the portion of the recording or transcript that reveals nonexempt data may be disclosed.<sup>23</sup>

The confidential and exempt cybersecurity information must be available to the Auditor General, the Cybercrime Office within the Florida Department of Law Enforcement (FDLE), the Florida Digital Service (FLDS),<sup>24</sup> and for agencies under the jurisdiction of the Governor, the Chief Inspector General. In addition, the records may be made available to a local government, another state agency, or a federal agency for cybersecurity purposes or in the furtherance of the state agency's official duties.<sup>25</sup>

#### Current Exemptions for Local Government Cybersecurity Information

Information related to the security of a utility<sup>26</sup> owned or operated by a unit of local government<sup>27</sup> that is designed to protect the utility's networks, computers, programs, and data from attack, damage or unauthorized access, is exempt from public record requirements to the extent disclosure of such information would facilitate the alteration, disclosure, or destruction of data or IT resources.<sup>28</sup>

In addition, information related to the security of existing or proposed  $\Pi$  systems or industrial control technology systems of a utility owned or operated by a unit of local government is exempt from public record requirements to the extent disclosure would facilitate unauthorized access to, and the alternation or destruction of, such  $\Pi$  systems in a manner that would adversely impact the safe and reliable operations of the  $\Pi$  systems and the utility.<sup>29</sup>

Current law also provides a public record exemption for certain cybersecurity information held by supervisor of elections that mirrors the public record exemption for state agencies, which was described above.<sup>30</sup> The confidential and exempt information must be made available to the Auditor General and may be made available to another governmental entity for cybersecurity purposes or in the furtherance of the entity's official duties.<sup>31</sup>

<sup>&</sup>lt;sup>20</sup> "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form. *See* s. 282.0041(20), F.S.

<sup>&</sup>lt;sup>21</sup> Florida law provides a similar public record exemption for state university and Florida College System institutions. *See* s 1004.055, F.S.

<sup>&</sup>lt;sup>22</sup> Section 282.318(5), F.S.

<sup>&</sup>lt;sup>23</sup> Section 282.318(7), F.S. Florida law provides a similar public meeting exemption for state university and Florida College system institutions, *see* s. 1004.055, F.S.

 $<sup>^{24}</sup>$  FLDS (formerly the Division of State Technology) is a subdivision of DMS and is charged with overseeing the state's IT resources. Section 20.22(2)(b), F.S.

<sup>&</sup>lt;sup>25</sup> Section 282.318(8), F.S.

<sup>&</sup>lt;sup>26</sup> "Utility" means a person or entity that provides electricity, natural gas, telecommunications, water, chilled water, reuse water, or wastewater. Section 119.011(15), F.S.

<sup>&</sup>lt;sup>27</sup> "Unit of local government" means a county, municipality, special district, local agency, authority, consolidated city-county government, or any other local governmental body or public body corporate or politic authorized or created by general or special law. Section 119.0713(2)(a), F.S.

<sup>&</sup>lt;sup>28</sup> Section 119.0713 (5)(a)1., F.S.

<sup>&</sup>lt;sup>29</sup> Section 119.0713(5)(a)2., F.S.

<sup>&</sup>lt;sup>30</sup> Section 98.015(13)(a), F.S.

<sup>&</sup>lt;sup>31</sup> Section 98.015(13)(b), F.S.

#### Critical Infrastructure Cybersecurity

The United States depends on the reliable function of critical infrastructure. Cybersecurity threats exploit the increased complexity and connectivity of critical infrastructure systems, placing the Nation's security, economy, and public safety and health at risk. The World Economic Forum's 2020 Global Risk Report ranked cyberattacks causing disruption to operations and critical infrastructure among the top five increasing global risks.<sup>32</sup>

In 2001, the federal government enacted the Critical Infrastructures Protection Act (act) to protect the increasingly relied upon critical physical and information infrastructures across a vast number of industries.<sup>33</sup> These include telecommunications, energy, financial services, water, and transportation sectors.<sup>34</sup> The act aimed to create a comprehensive and effective program to ensure the continuity of essential functions.<sup>35</sup> "Critical infrastructure" is defined in the act as systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.<sup>36</sup> Recently, the federal government launched an Industrial Control System Cybersecurity Initiative in an attempt to encourage electric utilities and natural gas pipelines to deploy control system cybersecurity technologies to bolster the security and resilience of their facilities.<sup>37</sup> The initiative will be expanded to include the water sector as well.<sup>38</sup>

#### CS/HB 7055 (2022)

CS/HB 7055, to which this bill is linked, creates cybersecurity related requirements for state agencies and local governments.<sup>39</sup> The bill requires state agencies and local governments to report ransomware incidents and high severity level cybersecurity incidents to the Cybersecurity Operations Center (CSOC) within the FLDS and the Cybercrime Office within FDLE and, in the case of local governments, the sheriff. After the remediation of a cybersecurity incident, the reporting entity must submit an after-action report to FLDS.

The bill requires local governments to adopt cybersecurity standards that safeguard the local government's data, IT, and IT resources by a date certain.

In addition, the bill requires state agency and local government employees to complete certain cybersecurity trainings within 30 days of commencing employment and annually thereafter.

https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/13/fact-sheet-ongoing-public-u-s-efforts-to-counterransomware/ (last visited February 19, 2022). <sup>38</sup> *Id.* 

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<sup>&</sup>lt;sup>32</sup> World Economic Forum, The Global Risks Report 2020, available at:

https://www3.weforum.org/docs/WEF\_Global\_Risk\_Report\_2020.pdf (last visited February 19, 2022).

<sup>&</sup>lt;sup>33</sup> See 42 U.S.C. § 5195c.

<sup>&</sup>lt;sup>34</sup> 42 U.S.C. § 5195c(b)(3).

<sup>&</sup>lt;sup>35</sup> 42 U.S.C. § 5195c(c)(3).

<sup>&</sup>lt;sup>36</sup> 42 U.S.C. § 5195c(e).

<sup>&</sup>lt;sup>37</sup> The White House, Fact Sheet: Ongoing Public U.S. Efforts to Counter Ransomware (October 13, 2021),

<sup>&</sup>lt;sup>39</sup> CS/HB 7055 (2022) defines "local governments" as counties and municipalities.

The bill provides a general public record exemption in ch. 119, F.S., for the following information held by an agency<sup>40</sup> before, on, or after July 1, 2022:

- Coverage limits and deductible or self-insurance amounts of insurance or other risk mitigation coverages acquired for the protection of IT systems, operational technology (OT) systems,<sup>41</sup> or data of an agency.
- Information relating to critical infrastructure.<sup>42</sup>
- Network schematics, hardware and software configurations, or encryption information or information that identifies detection, investigation, or response practices for suspected or confirmed cybersecurity incidents, including suspected or confirmed breaches,<sup>43</sup> if the disclosure of such information would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of:
  - o Data or information, whether physical or virtual; or
  - Π resources, which include an agency's existing or proposed Π systems.
- Cybersecurity incident information reported pursuant to Sections 282.318 or 282.3185, F.S.

The bill also creates a public meeting exemption for any portion of a meeting that would reveal the confidential and exempt information; however, any portion of an exempt meeting must be recorded and transcribed. The recording and transcript are confidential and exempt from public record requirements.

The bill requires the confidential and exempt information to be made available to:

- A law enforcement agency.
- The Auditor General.
- The Cybercrime Office within FDLE.
- The Florida Digital Service.
- For agencies under the jurisdiction of the Governor, the Chief Inspector General.

The bill authorizes the release of the confidential and exempt information:

- In the furtherance of the custodial agency's duties and responsibilities; or
- To another governmental entity in the furtherance of its statutory duties and responsibilities.

The bill also authorizes agencies to report information about cybersecurity incidents in an aggregate format.

The bill provides a public necessity statement as required by the Florida Constitution, and provides for repeal of the exemptions on October 2, 2027, unless reviewed and saved from repeal through reenactment of the Legislature.

The bill repeals duplicative public record and public meetings exemptions for state agencies and supervisors of elections.

<sup>&</sup>lt;sup>40</sup> "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

<sup>&</sup>lt;sup>41</sup> The bill defines "operational technology" to mean the hardware and software that cause or detect a change through the direct monitoring or control of physical devices, systems, processes, or events.

<sup>&</sup>lt;sup>42</sup> The bill defines "critical infrastructure" to mean existing and proposed information technology and operational technology systems and assets, whether physical or virtual, the incapacity or destruction of which would negatively affect security, economic security, public health, or public safety.

<sup>&</sup>lt;sup>43</sup> The bill defines "breach" to mean unauthorized access of data in electronic form containing personal information. Good faith access of personal information by an employee or agent of an agency does not constitute a breach, provided that the information is not used for a purpose unrelated to the business or subject to further unauthorized use.

#### Effective Date

The bill will become effective on the same date that CS/HB 7055 (2022) takes effect.

#### **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

- A. FISCAL IMPACT ON STATE GOVERNMENT:
  - 1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

- B. FISCAL IMPACT ON LOCAL GOVERNMENTS:
  - 1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will likely have an insignificant negative fiscal impact on the state and local governments because staff responsible for complying with public record requests may require training related to creation of the public record exemption. In addition, state and local governments could incur costs associated with redacting the confidential and exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of the agencies.

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#### §5195c

#### §5195c. Critical infrastructures protection

#### (a) Short title

This section may be cited as the "Critical Infrastructures Protection Act of 2001".

#### (b) Findings

Congress makes the following findings:

(1) The information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the Nation.

#### (c) Policy of the United States

It is the policy of the United States-

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

#### (d) Establishment of national competence for critical infrastructure protection

#### (1) Support of critical infrastructure protection and continuity by National Infrastructure Simulation and Analysis Center

There shall be established the National Infrastructure Simulation and Analysis Center (NISAC) to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation.

#### (2) Particular support

The support provided under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to policymakers on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

#### (3) Recipient of certain support

Modeling, simulation, and analysis provided under this subsection shall be provided, in particular, to relevant Federal, State, and local entities responsible for critical infrastructure protection and policy.

#### (e) Critical infrastructure defined

In this section, the term "critical infrastructure" means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

#### (f) Authorization of appropriations

There is hereby authorized for the Department of Defense for fiscal year 2002, \$20,000,000 for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under this section in that fiscal year.

(Pub. L. 107-56, title X, §1016, Oct. 26, 2001, 115 Stat. 400.)

#### CODIFICATION

Section was enacted as the Critical Infrastructures Protection Act of 2001 and also as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which comprises this chapter.

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the National Infrastructure Simulation and Page 5497

Analysis Center of the Department of Energy, including the functions of the Secretary of Energy relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 121(g)(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

PART A-POWERS AND DUTIES

### § 5196. Detailed functions of administration(a) In general

In order to carry out the policy described in section 5195 of this title, the Administrator shall have the authorities provided in this section.

#### (b) Federal emergency response plans and programs

The Administrator may prepare Federal response plans and programs for the emergency preparedness of the United States and sponsor and direct such plans and programs. To prepare such plans and programs and coordinate such plans and programs with State efforts, the Administrator may request such reports on State plans and operations for emergency preparedness as may be necessary to keep the President, Congress, and the States advised of the status of emergency preparedness in the United States.

#### (c) Delegation of emergency preparedness responsibilities

With the approval of the President, the Administrator may delegate to other departments and agencies of the Federal Government appropriate emergency preparedness responsibilities and review and coordinate the emergency preparedness activities of the departments and agencies with each other and with the activities of the States and neighboring countries.

#### (d) Communications and warnings

The Administrator may make appropriate provision for necessary emergency preparedness communications and for dissemination of warnings to the civilian population of a hazard.

#### (e) Emergency preparedness measures

The Administrator may study and develop emergency preparedness measures designed to afford adequate protection of life and property, including—

(1) research and studies as to the best methods of treating the effects of hazards;

(2) developing shelter designs and materials for protective covering or construction;

(3) developing equipment or facilities and effecting the standardization thereof to meet emergency preparedness requirements; and

(4) plans that take into account the needs of individuals with pets and service animals prior to, during, and following a major disaster or emergency.

#### (f) Training programs

(1) The Administrator may-

(A) conduct or arrange, by contract or otherwise, for training programs for the instruction of emergency preparedness officials and other persons in the organization, operation, and techniques of emergency preparedness;

(B) conduct or operate schools or including the payment of travel expenses, in accordance

with subchapter I of chapter 57 of title 5 and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Administrator; and

(C) provide instructors and training aids as necessary.

(2) The terms prescribed by the Administrator for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses.

(3) The Administrator may lease real property required for the purpose of carrying out this subsection, but may not acquire fee title to property unless specifically authorized by law.

#### (g) Public dissemination of emergency preparedness information

The Administrator may publicly disseminate appropriate emergency preparedness information by all appropriate means.

#### (h) Emergency preparedness compacts

(1) The Administrator shall establish a program supporting the development of emergency preparedness compacts for acts of terrorism, disasters, and emergencies throughout the Nation, by—

(A) identifying and cataloging existing emergency preparedness compacts for acts of terrorism, disasters, and emergencies at the State and local levels of government;

(B) disseminating to State and local governments examples of best practices in the development of emergency preparedness compacts and models of existing emergency preparedness compacts, including agreements involving interstate jurisdictions; and

(C) completing an inventory of Federal response capabilities for acts of terrorism, disasters, and emergencies, making such inventory available to appropriate Federal, State, and local government officials, and ensuring that such inventory is as current and accurate as practicable.

(2) The Administrator may-

(A) assist and encourage the States to negotiate and enter into interstate emergency preparedness compacts;

(B) review the terms and conditions of such proposed compacts in order to assist, to the extent feasible, in obtaining uniformity between such compacts and consistency with Federal emergency response plans and programs;

(C) assist and coordinate the activities under such compacts; and

(D) aid and assist in encouraging reciprocal emergency preparedness legislation by the States which will permit the furnishing of mutual aid for emergency preparedness purposes in the event of a hazard which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or experiencing a hazard.

(3) A copy of each interstate emergency preparedness compact shall be transmitted promptBRIEFING ROOM

## National Security Memorandum on Improving Cybersecurity for Critical Infrastructure **Control Systems**

JULY 28, 2021 • STATEMENTS AND RELEASES

Protection of our Nation's critical infrastructure is a responsibility of the government at the Federal, State, local, Tribal, and territorial levels and of the owners and operators of that infrastructure. The cybersecurity threats posed to the systems that control and operate the critical infrastructure on which we all depend are among the most significant and growing issues confronting our Nation. The degradation, destruction, or malfunction of systems that control this infrastructure could cause significant harm to the national and economic security of the United States.

Section 1. Policy. It is the policy of my Administration to safeguard the critical infrastructure of the Nation, with a particular focus on the cybersecurity and resilience of systems supporting National Critical Functions, defined as the functions of Government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on national security, economic security, public health or safety, or any combination thereof.

Sec. 2. Industrial Control Systems Cybersecurity Initiative. Accordingly, I have established an Industrial Control Systems Cybersecurity Initiative (Initiative), a voluntary, collaborative effort between the Federal Government and the critical infrastructure community to significantly improve the cybersecurity of these critical systems. The primary objective of this Initiative is to defend the United States' critical infrastructure by encouraging and facilitating deployment of technologies and systems that provide threat visibility, indications, detection, and warnings, and that facilitate response capabilities for cybersecurity in essential control system

and operational technology networks. The goal of the Initiative is to greatly expand deployment of these technologies across priority critical infrastructure.

Sec. 3. Furthering the Industrial Control Systems Cybersecurity Initiative. The Initiative creates a path for Government and industry to collaborate to take immediate action, within their respective spheres of control, to address these serious threats. The Initiative builds on, expands, and accelerates ongoing cybersecurity efforts in critical infrastructure sectors and is an important step in addressing these threats. We cannot address threats we cannot see; therefore, deploying systems and technologies that can monitor control systems to detect malicious activity and facilitate response actions to cyber threats is central to ensuring the safe operations of these critical systems. The Federal Government will work with industry to share threat information for priority control system critical infrastructure throughout the country.

(a) The Initiative began with a pilot effort with the Electricity Subsector, and is now followed by a similar effort for natural gas pipelines. Efforts for the Water and Wastewater Sector Systems and Chemical Sector will follow later this year.

(b) Sector Risk Management Agencies, as defined in section 9002(a)(7) of Public Law 116-283, and other executive departments and agencies (agencies), as appropriate and consistent with applicable law, shall work with critical infrastructure stakeholders and owners and operators to implement the principles and policy outlined in this memorandum.

Sec. 4. Critical Infrastructure Cybersecurity Performance Goals. Cybersecurity needs vary among critical infrastructure sectors, as do cybersecurity practices. However, there is a need for baseline cybersecurity goals that are consistent across all critical infrastructure sectors, as well as a need for security controls for select critical infrastructure that is dependent on control systems.

(a) Pursuant to section 7(d) of Executive Order 13636 of February 12, 2013 (Improving Critical Infrastructure Cybersecurity), the Secretary of Homeland Security, in coordination with the Secretary of Commerce (through the Director of the National Institute of Standards and Technology) and other agencies, as appropriate, shall develop and issue cybersecurity performance goals for critical infrastructure to further a common understanding of the baseline security practices that critical infrastructure owners and operators should follow to protect national and economic security, as well as public health and safety.

(b) This effort shall begin with the Secretary of Homeland Security issuing preliminary goals for control systems across critical infrastructure sectors no later than September 22, 2021, followed by the issuance of final cross-sector control system goals within 1 year of the date of this memorandum. Additionally, following consultations with relevant agencies, the Secretary of Homeland Security shall issue sector-specific critical infrastructure cybersecurity performance goals within 1 year of the date of this memorandum. These performance goals should serve as clear guidance to owners and operators about cybersecurity practices and postures that the American people can trust and should expect for such essential services. That effort may also include an examination of whether additional legal authorities would be beneficial to enhancing the cybersecurity of critical infrastructure, which is vital to the American people and the security of our Nation.

<u>Sec. 5.</u> <u>General Provisions.</u> (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations, where funding assistance may be required to implement control system cybersecurity recommendations. (c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

JOSEPH R. BIDEN JR.

#### DARREN L. STOWE, AICP, LEP Principal Scientist

#### Education

B.S., Biology—Cornell University, 1975 Graduate Study, Urban and Regional Planning—Florida State University, 1990

#### Registrations

American Institute of Certified Planners INSTEP Licensed Environmental Professional, No. 91

#### Mr. Stowe has been a certified planner through the American Institute of Certified Planners since 1990. He has been involved in land use issues since the mid-1980s. Mr. Stowe is familiar with land use regulations/codes and comprehensive plans as well as land use permitting, including site certification applications (Florida), certificates of public convenience and necessity (Maryland), conditional use approvals, special exception approvals (many jurisdictions), and developments of regional impact (Florida). He has performed many due diligence investigations of local and state land use regulations throughout the country to evaluate the compatibility and consistency of existing and proposed land uses such as electrical power plants and linear facilities, including electrical transmission lines, pipelines, and rails-to-trails corridors. Mr. Stowe has testified in administrative hearings for new power and transmission facilities in Florida and Maryland.

Project Planner; Site Certification Application, Big Bend Modernization Project, Tampa Electric Company (TECO)— Prepared planning and socioeconomic sections of the site certification application (SCA) for a natural gas-fired addition to the Big Bend Power Plant in Tampa, Florida.

**Project Planner; Land Use Approvals for Proposed Solar Power Generating Facilities, TECO**—Reviewed required land use regulations in multiple jurisdictions. Prepared text amendment to land development regulations, prepared rezoning applications, and prepared a notice of proposed change to a development of regional impact. Provided expert testimony before Planning Commissions, Boards of County Commissioners, City Commissioners, and Board of Adjustment.

**Project Manager; Construction Plan Approvals, TECO**— Prepared sections of county plan submittal documents for solar power generation projects in Polk and Hillsborough counties, Florida. Oversaw compilation, submittal, and response to comments for construction plans review and approval.

Project Planner and Phase I Environmental Site Assessments (ESA) Assessor; Phase I ESA and Special Exception for Lake Placid Solar, Highlands County, Florida, Confidential Client—Phase I ESA of approximately 450-acre agricultural property. Preparation and submittal of a Special Exception application. Provided expert testimony before Board of Adjustment.

**Project Manager; Phase I ESAs, TECO**—Conducted site visits at properties in Hillsborough, Pasco, and Polk counties,

#### **AREAS OF SPECIALIZATION**

Phase I/II Environmental Site Assessments & Other Due Diligence Investigations, Peer Review, Planning & Socioeconomic Aspects of Site Certification Applications & Certificate of Public Convenience & Necessity Applications, Comprehensive Plan Amendments, Expert Witness for Land Use & Socioeconomics

Florida, for proposed for solar energy generating facilities. Prepared Phase I ESA reports and performed Phase II ESA activities at most of the properties. Completed source removal and land farming activities.

Project Planner; Land Use Approvals for Proposed Solar Power Generating Facility, Confidential Client—Prepared applications for planned unit development (PUD) rezoning, future land use element text amendments, and comprehensive plan future land use amendment for a 958-acre agricultural property redevelopment for solar power generation facility in Hendry County, Florida.

**Project Planner; Land Use Approvals for Proposed Solar Power Generating Facilities, TECO**—Reviewed required land use regulations in multiple jurisdictions. Prepared text amendment to land development regulations, prepared rezoning applications, and prepared a notice of proposed change to a development of regional impact. Provided expert testimony.

**Project Planner; Seminole Generating Station Combined-Cycle (CC) Project, Seminole Electric Cooperative, Inc. (SECI)**—Prepared PUD rezoning, comprehensive plan future land use map amendment applications, and planning sections of the SCA for a natural gas-fired addition to the Seminole Generating Station in Putnam County, Florida.

Site Assessor and Project Planner; Due Diligence and Phase I ESAs, Numerous Power Clients—One of three team members reviewing site conditions and water, wastewater, air emissions, and planning issues surrounding potential power plant acquisitions in Florida.



#### DARREN L. STOWE, AICP, LEP Page 2

Site Assessor; Acquisition of New Mexico Gas Company, TECO Services, Inc.—One of a team of four conducting due diligence investigation and environmental investigations. Conducted site visits and performed Phase I ESAs and transaction screens of service centers, compressor stations, and border stations throughout New Mexico.

Site Assessor and Project Planner; Site Visits and Review of Regulations, Navasota Energy—Conducted site visits and prepared Phase I ESAs for agricultural properties. Conducted review of land development regulations for siting simple cycle electrical generation facilities in Wilson and Guadalupe counties, Texas.

**Project Planner; Citrus County CC Project, Confidential Client**—Prepared documents for a proposed comprehensive plan land use amendment and land atlas amendment as well as the land use and socioeconomics sections of the SCA.

**Project Planner; Compliance Audits, Confidential Client**— Conducted a review of state and local land use regulations and permitting requirements in five counties in southern Georgia proposed as sites for solar energy production facilities.

**Project Planner; Transmission Line Projects, Confidential Client**—Conducted land use regulations review in Zephyrhills, Polk County, and Martin County for new 230-kV transmission line routing. Reviewed planned developments and planned transportation improvements. Assisted in proposing route alternatives.

**Project Planner; Polk Power Station Units 2-5 Conversion Project, TECO**—Assisted in route selection for 32 miles of 230-kV transmission lines in Hillsborough and Polk counties. Assisted in public outreach program and authorized land use and socioeconomic sections of the SCA. Testified as the land use and socioeconomic expert before the Florida administrative law judge.

**Project Planner; Polk Power Station Unit 6, TECO**— Prepared supporting documentation for a level 4 conditional use permit and the appropriate land use and socioeconomic sections of the SCA in support of a proposed 660-MW integrated coal gasification combined cycle (IGCC) electrical power generating plant in Polk County, Florida. The application also included new transmission lines requiring land use review. Completed land use and socioeconomic sections for application to site a water use pipeline for reclaimed water.

**Project Planner; Transmission Line Siting Act-Willow Oak to Davis, TECO**—Project planner and land use expert witness for a 30-mile, 230-kV transmission line through three different municipalities. Assisted in route selection and public outreach. Testified as a land use expert before the Florida administrative law judge. **Project Planner; Environmental Site Assessment, U.S. Department of Energy (DOE)**—Project planner and land use expert for a proposed IGCC electrical power plant; a surface lignite coal mine; and linear facilities, including a natural gas pipeline, transmission lines, and a pipeline for sequestered carbon dioxide in Kemper County, Mississippi. Responsible for preparation of the land use, socioeconomics, environmental justice, housing, and transportation sections of the DOE's environmental impact statement.

**Project Planner; Transmission Line Siting Act-Miami-Dade County, Confidential Client**—Project planner and land use expert for approximately 90 miles of 500-kV and/or 230kV transmission line through eight different municipalities. Assisted in route selection and public outreach. Prepared appropriate sections of Chapter 9 of the SCA for development of two new nuclear electrical generating units.

**Project Planner; Transmission Line Siting Act-Morgan Road to Zephyrhills North, Confidential Client**—Project planner and land use expert for a 40-mile, 230-kV transmission line through two different municipalities. Assisted in route selection.

Project Planner; Phase I ESA, Sargent & Lundy-

Conducted due diligence investigations of an approximately 3,200-acre property in Taylor County, Florida, proposed for development by the Florida Municipal Power Authority as a solid fuel power plant. Prepared a comprehensive plan text amendment and amendment to the Future Land Use Map. Provided oversight of subcontractors for roadway/railroad alternatives and archaeological/historical resource surveys. Prepared land use and socioeconomic portions of SCA.

**Project Planner; Perryman Power Plant, Confidential Client**—Prepared the land use and socioeconomic sections of the certificate of public convenience and necessity (CPCN) application for additional simple cycle electrical generating turbines in Perryman, Maryland. Application included an analysis of potential visual impacts.

**Project Planner; Maryland CPCN Environmental Review Document, Confidential Client**—Responsible for all land use and socioeconomic aspects of a simple cycle natural gas power plant expansion in Harford County, Maryland.

**Project Planner; Maryland CPCN Environmental Review Document, Free State Electric**—Responsible for all land use and socioeconomic aspects of the proposed CPV-Charles Power Plant CPCN for the 76-acre project in Charles County, Maryland.

**Project Planner, Land Use and Socioeconomic Efforts, Orlando Utilities Commission and Confidential Client**— Prepared the land use and socioeconomic sections of the DOE environmental information volume and the SCA for a proposed IGCC unit at the Stanton Energy Center in Orlando, Florida.



#### DARREN L. STOWE, AICP, LEP Page 3

Served as expert witness in the Florida Electrical Power Plant Siting Act proceedings for land use and socioeconomics.

#### Project Planner; SCA for Blue Heron Energy Center,

**Calpine Eastern**—Completed the land use and socioeconomic background study and impact analysis sections of the application for siting a 1,080-MW natural gas-fired CC electrical generating plant in Indian River County, Florida. Prepared documentation to support a Special Exception Use application to the existing agricultural zoning.

#### **Project Planner; Maryland CPCN Environmental Review Document; Confidential Client**—Responsible for all land use and socioeconomic aspects of the Frederick Project CPCN for a 180-acre site and associated linear facilities. Coordinated the cultural resource assessment of the plant site and surrounding viewshed.

#### Project Planner, Smith Unit 3 SCA, Confidential Client-

Completed the land use and socioeconomic background study and impact analysis sections of the application for siting a 550-MW natural gas fired electrical generating plant in Bay County, Florida. Prepared documentation to support an amendment to the Future Land Use map of Bay County from an Agricultural to an Industrial designation.

#### Project Planner, SCA for New Smyrna Beach Power

**Company, Confidential Client**—Completed the land use and socioeconomic background study and impact analysis sections of the application for siting a 550-MW natural gas-fired electrical generating plant in New Smyrna Beach, Florida. Assisted in legal counsel in evaluating consistency with Volusia County and New Smyrna Beach comprehensive plans, zoning districts, and local development regulations.

#### Project Planner; Siting Study and Phase I ESA, SECI-

Multi-county siting study for a potential solid fuel electrical power plant in Florida. Completed Phase I ESAs, including preliminary analysis of cultural resources, wetlands, and listed species. Conducted land use compatibility review and noise ordinance implications.

#### Project Manager; Phase I ESA, Confidential Client-

Conducted onsite investigations of two natural gas-fired electrical power plants located in Paris and Forney, Texas. Conducted extensive interviews with knowledgeable personnel to assess the status of wastewater discharges, chemical use, and chemical storage.

#### Project Manager; Phase I ESAs, Confidential Client-

Supervised the completion of Phase I ESAs of six wind turbine sites. Sites in McCamey, Upton, and Crockett counties, Texas, (107 turbines and an operation and maintenance [O&M] building); Hancock County, Iowa, (148 turbines and an O&M building); Cerro Gordo County, Iowa, (55 turbines and an O&M building); Iowa County, Wisconsin, (20 turbines and an O&M building); and Pipestone County, Minnesota, (138 turbines and an O&M building) were developed. One site in Solano County, California, was a proposed site of up to 90 turbines spread across approximately 5,983 acres. The Phase I ESAs consisted of site visits accompanied by knowledgeable personnel, database records searches including available aerial photography searches, a search of other available standard historical sources, review of prior available reports, and preparation of reports. All of the investigations and reports were delivered on time and on budget. ECT coordinated the work effort using the resources of the Tampa and Michigan offices.

#### Project Manager; Phase I ESAs, Confidential Client-

Supervised the completion of six Phase I ESAs and three Phase I ESA updates of nine existing wind turbine sites in seven states. Conducted a tenth Phase I ESA of an approximately 10-mile long transmission corridor as part of the same project. The sites consisted of:

- A 38-turbine site in Umatilla County, Oregon.
- A 27-turbine site, an operations and maintenance (O&M) building, and an electrical substation facility near Highmore, South Dakota.
- A 44-turbine and O&M building site in Tucker County, West Virginia.
- A 68-turbine and O&M building site near Woodward, Oklahoma.
- A 43-turbine and O&M building site in Lackawanna and Wayne counties, Pennsylvania.
- A 41-turbine, an O&M building, and an electrical substation facility near Edgeley, North Dakota.
- A 20-turbine and O&M building site in Somerset, Pennsylvania, and
- An 80-turbine site, an O&M building, and an electrical substation facility near Evanston, Wyoming.

The Phase I ESAs and updates consisted of site visits accompanied by knowledgeable personnel, database records searches, including available aerial photography searches, a search of other available standard historical sources, review of prior available reports, and preparation of reports. Delivered all of the investigations and reports on time and on budget. ECT coordinated the work effort using the resources of the Tampa and Michigan offices.

#### Project Manager; Phase I/II ESA, and Supplemental

**Phase II, Confidential Client**—Supervised the field effort for due diligence and baseline condition investigations of an active 7,000-acre citrus grove property in southwest St. Lucie County, Florida. Assisted client in development of work scope and preparation of a final report for opposing legal and environmental consultant review. Prepared report to the standards of the South Florida Water Management District.



#### Variation from 6.07.00

#### **MM 22-0089**

Tampa Electric Company (TEC) and Peoples Gas System (PGS) are working on improving system resiliency and operational sustainability. Improved resiliency means fewer outages and better delivery of energy to our customers. This new facility will be a part of the overall system operation and an important part of achieving those goals.

The proposed facility is "offices" supporting these two utility companies and is, by definition, a Public Service Facility. This will be a "secure" facility, meaning that the public cannot enter. The site will be fenced and will have a security gatehouse at the main entrance. The fence may be up to 8 feet in height in order to properly secure the facility in accordance with federal rules and regulations.

Section 6.07.02, General Regulations for Fences, provides that: "Fences surrounding public utility structures within residential districts shall be exempt from the setback requirements and height requirements." Section 6.07.02.C.3 states that fence regulations for Commercial and Office uses are the same as for residential (except fences in CG and CI can also have 6-foot security fences). Likewise, Section 6.07.02.C.5. indicates that fences in Planned Development districts "shall conform to fence requirements for similar uses as provided above." So, the most applicable Code provision specifically contemplates the use of a security fence. However, to the extent a variation of the Code is required to allow securing of a Public Service Facility, one is requested.

A variation request meets each of the four criteria:

# (1) The variation is necessary to achieve creative, innovative, and/or mixed use development that could not be accommodated by strict adherence to current regulations.

The proposed facility is an innovative and new approach to traditional utility practices. The facility will have the look and feel similar to that of office buildings, but will be utility operations buildings. Utility operations buildings must be secured and the public must not be allowed to enter. The Code clearly allows such security in Section 6.07.02, as detailed above, the only difference being that in this instance, the facility being secured will look and feel similar to offices. This is an additional amenity for the neighborhood as the visual of the facility will be much closer to an office park than a more non-descript utility building. Strict adherence to the rules of the Code—making this facility look and feel like a more traditional utility use—would be detrimental to the neighborhood and is not what is proposed or planned.

# (2) The variation is mitigated through enhanced design features that are proportionate to the degree of variation.

As stated in the Buffering and Screening Narrative, zero buffering and screening is required by code for this Public Service Facility. However, Tampa Electric is proposing a 20 foot wide buffer area along North 12<sup>th</sup> Street and Sinclair Hills Road where residences are located across the street. In this 20 foot buffer area, Tampa Electric is proposing to retain existing healthy trees to the extent

feasible. Retention of healthy, mature trees within the 20 foot buffer will provide excellent screening of the uses within the property throughout construction and beginning on day one of the use of the property. This is far in excess of Code requirements and far more than is necessary to mitigate an 8 foot tall fence.

#### (3) The variation is in harmony with the purpose and intent of the Hillsborough County Land Development Code.

The intent of the Land Development Code is:

to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County, it is the intent of this Code that the development process in Hillsborough County be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Hillsborough County.

This is a Public Service Facility being developed in order to serve the residents of Hillsborough County with energy with increased resiliency. Just by being developed, this facility fosters and preserves public health, safety, comfort, and welfare. By its very nature it is in the public interest. Further, fencing this facility to comply with federal rules and regulations relating to the protection of the public is again, by definition, in the public interest. This facility then goes above and beyond in respecting the rights of property owners.

Public Service Facilities are permitted as a matter of right in every zoning district and, due to the configuration of the property, no buffering and screening is required. However, in this instance the applicant has proposed a PD in order to offer the 20 foot buffer area as an enhanced development feature for the community. This was done to be respectful to the neighborhood, while looking out for the interests of the public at large. This is harmonious with the intent of the Land Development Code.

# (4) The variation will not substantially interfere with or injure the rights of adjacent property owners.

There are no adjacent property owners as the site is surrounded by rights-of-way. With respect to property owners across these rights-of-way, as noted above, the 20 foot buffer area more than offsets any additional fence height. Photos of the existing trees are attached to the Buffering and Screening Narrative.

#### Variation from 6.06.04

#### **MM 22-0089**

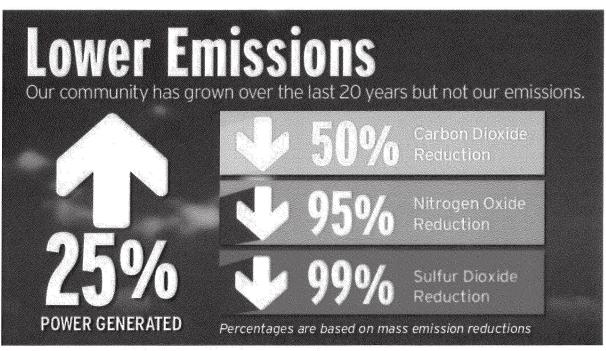
For Phase One of the proposed Bearss Operations Center a 450 parking space parking area is proposed, which will be expanded with Phase Two to 652 parking spaces.

Section 6.06.04., Off-Street Vehicular Use Areas, requires Terminal Islands, Shade Tree Islands, and Divider Medians planted with shade trees within parking areas. Tampa Electric may propose a solar array over all or a portion of the parking area, in which case the shade tree requirement would prevent use of the solar arrays.

In the event solar arrays are constructed over the parking area, a variation request to allow the solar arrays meets each of the four criteria:

(1) The variation is necessary to achieve creative, innovative, and/or mixed use development that could not be accommodated by strict adherence to current regulations.

Tampa Electric is the state's top producer of solar energy per customer. We began generating solar energy more than 20 years ago with our first 18,000-watt solar project at MOSI in Tampa. Now, our solar projects power more than 100,000 homes, businesses and even schools with the sun. By the end of 2023, Tampa Electric will have nearly 14 percent of its energy generated from the sun—the highest percentage of solar generation of any utility in the state—enough to power more than 200,000 homes. Community-sited solar arrays are just one way Tampa Electric is increasing its percentage of solar generation. <u>https://www.tampaelectric.com/company/solar-energy/sitedsolar/</u>



Solar arrays reduce emissions by leveraging the sun's power, just part of the way Tampa Electric is lowering its emissions. Solar arrays over parking areas is a wonderful way to increase community solar and further reduce emissions. However, providing shade trees in the parking area would have the effect of prohibiting the use of solar panels due to interruption of the layout of the arrays and due to shading of the panels. For this reason, the Legislature provided in section 163.04, *Florida Statutes*, that: "the adoption of an ordinance by a governing body, as those terms are defined in this chapter, which prohibits or has the effect of prohibiting the installation of solar collectors, clotheslines, or other energy devices based on renewable resources is expressly prohibited."

# (2) The variation is mitigated through enhanced design features that are proportionate to the degree of variation.

Tampa Electric is proposing a 20 foot wide buffer area along North 12<sup>th</sup> Street and Sinclair Hills Road where residences are located across the street. This is significantly wider than the 6 to 8 feet required by code for a vehicular use area. Further, in this 20 foot buffer area, Tampa Electric is proposing to retain existing healthy trees to the extent feasible. Retention of multiple healthy, mature trees within the 20 foot buffer will offset the reduction in the number of 2-inch diameter at breast height planted trees in the parking area.

#### (3) The variation is in harmony with the purpose and intent of the Hillsborough County Land Development Code.

The intent of the Land Development Code is:

to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development of the unincorporated areas of Hillsborough County, it is the intent of this Code that the development process in Hillsborough County be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed development; and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Hillsborough County.

The Code provides for tree credits in 6.06.03.C as existing mature trees provide superior screening and other benefits. Retention of existing healthy trees in the 20 foot buffer area meets and exceeds the intent of the Code to provide an appropriate number of trees to offset development. Additionally, the provision of solar panels to generate electricity reduces carbon emissions and is in the public interest.

# (4) The variation will not substantially interfere with or injure the rights of adjacent property owners.

There are no adjacent property owners as the site is surrounded by rights-of-way. With respect to property owners across the rights-of-way, the 20 foot buffer area with mature trees will provide a superior screening from that of the planted areas within and adjacent to the parking area required by Code.

#### Buffer and Screening Variance Narrative

#### **MM 22-0089**

Major Modification 22-0089 proposes a Public Service Facility: "The use of land, buildings, or structures by a public utility." Tampa Electric Company is a public utility as defined by section 366.02(1), *Florida Statutes*.

#### Sec. 2.02.02. - Allowable Uses In Zoning Districts

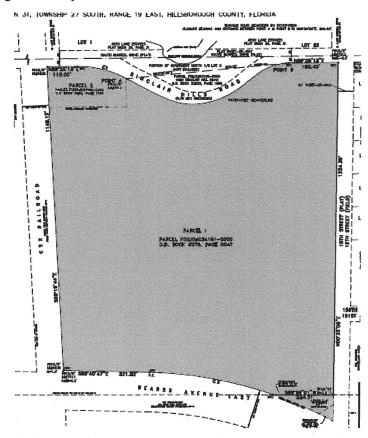
A Public Service Facility is allowed as a conditional use as a matter of right in every single zoning category, including agricultural and residential districts.

#### Sec. 6.11.76. - Public Service Facility

The conditional use requirements are that: "Buffers and screening shall be as required by Section 6.06.06 of this Code for new facilities."

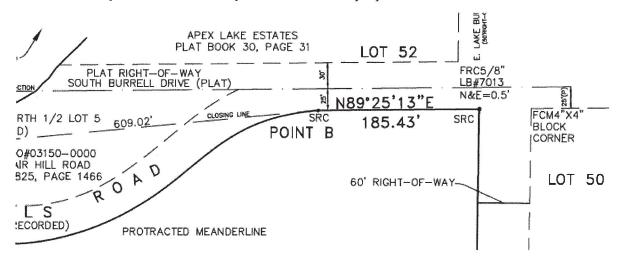
#### Sec. 6.06.06. - Buffering And Screening Requirements

"For purposes of this regulation, 'adjacent parcel' shall include parcels separated from the proposed development by a public or private right-of-way less than 50 feet in width." The property is surrounded by rights-of-way.



All of the rights-of-way that would trigger buffering and screening under 6.06.06 exceed 50 feet.

- Bearss Avenue is 150 feet of right-of-way—no buffer is required to the south
- CSX right of way is 100 feet wide—no buffer is required to the west
- 12<sup>th</sup> Street is 60 feet wide (see survey below)—no buffer is required to the east
- Sinclair Hills Road has the following right-of-way widths:
  - West: 60 feet
  - East: 55 feet (see survey below)
  - Middle: unknown ROW width—adjoining property (folio 03150-0000) is owned by Tampa Electric, the applicant, is undevelopable, and if developed would be a public service facility—the same as the proposed use

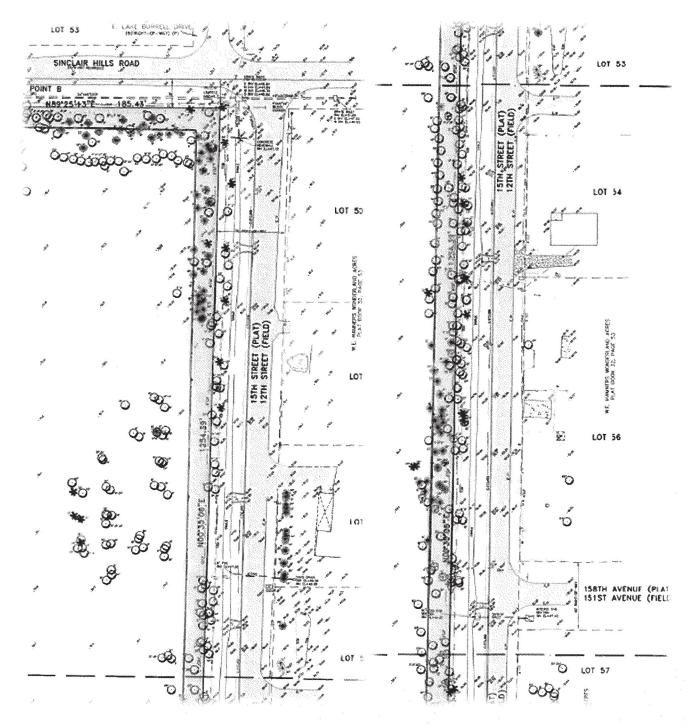


Accordingly, no buffering and screening is required pursuant to Section 6.06.06 of the Land Development Code.

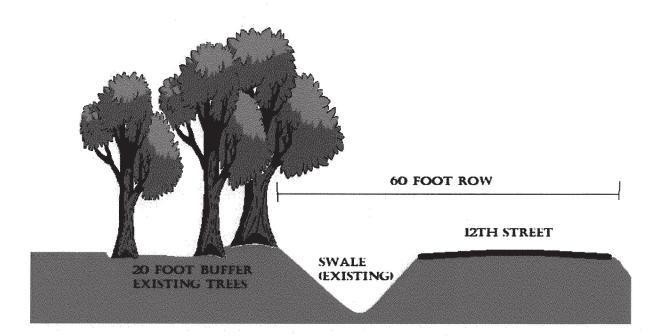
However, the applicant has proposed the following condition of approval:

3. The developer shall provide a minimum 20 (twenty) foot wide buffer area, with the following landscape screening: (a) along the western side of North 12th Street, and (b) along Bearss Avenue, and (c) along the southern side of Sinclair Hills Road west from the intersection of North 12th Street and Sinclair Hills Road to the project entrance located on Sinclair Hills Road. All buffer areas shall be planted with native trees a minimum of 12 (twelve) feet in height and minimum caliper of 4 (four) inches at the time of planting with a minimum of one tree for every forty (40) feet of frontage. The remainder of the buffer area shall be sodded. To the extent feasible, existing healthy trees that exceed the minimum planting requirement shall be retained within the 20 foot buffer area, which trees shall count towards the planting requirements of this paragraph. Along Bearss Avenue this planting requirement will meet the Urban Scenic Roadways requirements.

Retention of healthy, mature trees within the 20 foot buffer will provide excellent screening of the uses within the property throughout construction and beginning on day one of the use of the property. The pictures below show the trees within approximately 20 feet of the property line that may, if healthy, be retained. It is a significant number of trees that will provide excellent screening and far exceeds the Code requirements for buffering and screening.



Providing the existing and, as may be necessary, supplemental trees rather than shrubs will provide a higher visual barrier for the residents, blocking views of the building and proposed tower. Further, this proposed method of screening is consistent with Section 6.03.11 of the Land Development Code, Crime Prevention through Environmental Design (CPTED), which acknowledges that landscaping, buildings, walls, and fences should not create hiding places or hinder visibility. The proposed facility will be secured from the public and monitored. Screening that would provide hiding places or hinder visibility of on-site security would be detrimental to this Public Service Facility.



#### Exhibit A:



Midpoint of Eastern property border facing East toward 12th Street



Midpoint of Eastern property border facing Northeast toward 12th Street



Southern end of Eastern property border facing Northeast toward 12th Street



Southeast corner of property facing Southeast



Northern property border facing North toward Sinclair Hills



July 5, 2022

# SUPPLEMENTAL INFORMATION

(Section 6.11.79, Land Development Code)

RE: Petition MM 22-0089 (Bearss Operation Center)

As previously stated in the Applicant's filing, an essential component of the Bearss Operation Center is a 250-foot self-supporting radio tower. The tower will be located within the secured facility, inaccessible to the public, and unavailable for commercial uses unrelated to utility operations. It will provide the Bearss Operation Center with the independent capability to communicate with other TEC and PGS facilities, remotely monitor and control utility infrastructure, and communicate with employees. Most important, during black sky days, these essential capabilities will be protected within the Bearss Operation Center and unaffected by potential service interruptions that may occur to third-party off-site towers and support infrastructure.

To this end, the radio tower will be an essential component of the piublic utility operations of the Bearss Operation Center, and not a stand-alone principal use; it will be used exclusively to support the utility operations of the Bearss Operation Center and unavailable to third party commercial uses and services unrelated to the utility operations of the Bearss Operation Center.

Although Applicant does not believe the standards and criteria for approval of a radio and television tower are specifically applicable to a proposed tower of the subject nature, the following is offered to facilitate review of MM 22-0089:

## Sec. 6.11.79. Radio and Television Transmitting and Receiving Facility

The following specific standards shall be used in deciding applications for approval of such uses (see also 6.11.29):

A. Radio and Television Transmitting facilities that are concealed within a legally permitted structure and are not visible or discernable as a Radio and Television Transmitting facility shall be exempt from the requirements of this Section.

# <u>Applicant's Response</u>: The proposed self-support tower will <u>not</u> be concealed within a structure or facility.

B. With the exception of Radio and Television Transmitting structures proposed to be located in the AM, AI, CI and M zoning districts, all Radio and Television Transmitting structures shall be camouflaged as defined by this Code. Examples of camouflaged towers are contained in the Wireless Communication Support Structure Technical Manual. The applicant shall select the proposed structure type and shall demonstrate how the selection is of a nature or structure type that would be expected or anticipated to occur or be constructed in the general area of the proposed tower location. The Land Use Hearing Officer, in accordance with subsection 11.04.02.D, shall have the option waive or modify the camouflage requirements if the applicant demonstrates that all the approved camouflage designs would be more visually obtrusive (present a wider profile,



attract attention more through color, pattern, movement or other characteristics, or would be more out of character with the area in which the structure is to be located) than the proposed design.

<u>Applicant's Comment</u>: The subject planned development currently permits CI uses, and the proposed Public Service Facility and Radio Tower are identified in Section 2.02.02, LDC as either conditional or special uses within the AM, AI, CI, and M zoning districts. As such, the camouflage requirement should not be applicable in a planned development district for these types of uses on the subject property.

Moreover, the Applicant is proposing a self-support, lattice type tower structure due to its superior structural strength over other tower types. Due to the public utility nature of the Bearss Operation Center use, maximum reliability is needed in the event of a dark sky event. A trade-off to structural strength and reliability is that a self-support, lattice type tower does not lend itself to the same type of camouflage techniques possible with other tower types—such as a monopole.

B. The proposed structure shall not be located on property zoned SPI- AP, nor result in restriction or interference with air traffic or air travel to or form any existing or proposed airport. Applications shall include documentation showing the Hillsborough County Aviation Authority has reviewed the proposal as required by Airport Zoning Regulations (HCAA Resolution 2010-54, April 1, 2010, as revised) to determine if there is any potential impact on public airports in Hillsborough County. No structure shall be located in a manner or built to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards.

<u>Applicant's Response</u>: The proposed radio tower will not be located within property zoned SPI-AP.

The Applicant has filed for an airspace determination with the Federal Aviation Authority (FAA 2022-ASO-22869-OE), which as of this date is still under review. A request for additional information has been received and responded regarding anticipated radio frequencies, and the Applicant anticipates a formal FAA determination soon.

On June 24, 2022, the Applicant's representative had a pre-application meeting with the Tony Mantegna, Height Zoning & Land Use Manager for the Aviation Authority regarding the proposed radio tower. Upon receipt of the FAA's final determination of no hazard to aviation, formal application to the Hillsborough County Aviation Authority will be submitted.

C. The proposed structure shall be consistent with the existing surrounding uses and compatible with the existing neighborhood development.

<u>Applicant's Response</u>: The proposed radio tower has been sited in the southwest corner of the subject site. This location provides the greatest separation from surrounding residential uses and closest to existing CI zoned land, commercial uses, and the existing rail line.



D. The proposed structure shall be consistent with any adopted or projected development plan for the area.

# <u>Applicant's Response</u>: Applicant is unaware of any adopted development plan for the area.

E. The proposed structure shall not be detrimental to the existing or proposed use of any neighboring property and shall not unreasonably restrict the free flow of light, sunlight and air to those properties.

Applicant's Response: As stated above, the proposed radio tower has sited in the southwest corner of the subject site. This location provides the greatest separation from surrounding residential uses and is closest to existing CI zoned land, commercial uses, and the existing rail line.

The proposed self-support lattice tower will not restrict the free flow of light, sunlight, or air to any surrounding properties.

F. The proposed tower shall be setback from the zoning lot line one foot for every three feet of height of the tower, except that where adjacent to residentially developed property or residentially zoned property that is developable for residential use, the minimum setback from the property line abutting said residential property shall be 100 percent of structure height.

# <u>Applicant's Response</u>: The proposed radio tower will meet all setback requirements.

G. With the exception of facilities for the transmission of radio and/or television signals, proposed facilities shall not be approved unless it can be documented by the applicant, to the satisfaction of the Administrator, the proposed wireless communications antennas (WCA) cannot be placed on an existing or approved wireless communications support structure (WCSS), on a public structure, or on some other appropriate structure. The documentation shall be submitted and reviewed in accordance with Section 6.11.29.E of this Code.

<u>Applicant's Response</u>: As discussed with County staff, TECO and Peoples Gas anticipate the use of licenses and frequencies that fall within blocks of the radio frequency spectrum, some of which have historically been used for traditional radio and television delivery, being reconfigured for use by public safety radio systems (such as those used by police, firefighters, emergency medical technicians, and utilities), as well as those used by utilities, refiners, railroads, and other critical infrastructure operators. Reconfiguration of these frequencies have been a top priority of the Public Safety and Homeland Security Bureau to ensure minimal interference.

Based on the foregoing, the Applicant believes its intended use of the proposed radio tower falls within the exemption language of 6.11.79 (G).

Alternatively, the Applicant has demonstrated a special and unique need (a) for the radio tower to be in close physical proximity to the Bearss Operations Center, and (b) be secured and monitored in a manner above and beyond what is



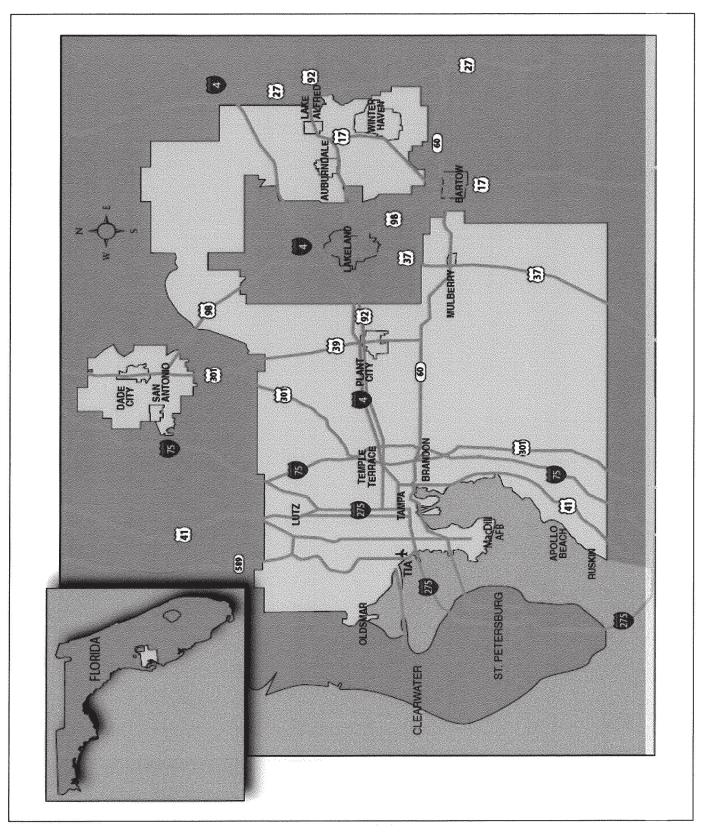
customary for a similar third-party, off-site commercial tower and its support infrastructure. As such, it would be entirely impracticable, and inconsistent with public utility infrastructure needs, for the Applicant to place its planned equipment on existing and/or approved off-site towers that do not have the same security and redundant reliability as a provided for inside the secured compound of the Bearss Operation Facility.

- I. Locational Requirements for Radio and Television Receiving Dishes.
  - 1. A radio or television receiving dish shall be located within the rear of the zoning lot (the portion of the zoning lot which is more distant from the street than the portion of the principal use most distant from the street) except for corner lots. On corner lots, the dish may be located in the portion of the lot which functions as a rear yard, but shall not be located closer to the street than front edge of the principal use (the portion of the principal use closest to the street). Any dish located within a required side yard shall be located behind (further from the street than) the principal structure on any lot abutting the side yard.
  - 2. On zoning lots of a minimum size of five acres, radio and television receiving dishes shall not be located within required front and side yards.
  - 3. All dishes shall be screened from view from any street by a fence, wall, or hedge a minimum of six feet in height and 75 percent opaque.

<u>Applicant's Response</u>: This provision is not applicable to the subject planned development.



# SECOND REVISED SHEET NO. 2.010 CANCELS FIRST REVISED SHEET NO. 2.010



ISSUED BY: C. R. Black, President

DATE EFFECTIVE: May 7, 2009

Aeronautical Study No. 2022-ASO-22869-OE

(ADD)



Mail Processing Center Federal Aviation Administration Southwest Regional Office Obstruction Evaluation Group 10101 Hillwood Parkway Fort Worth, TX 76177

Issued Date: 07/05/2022

Lyndon Hypolite Tampa Electric Company 820 South 78th Street Tampa, FL 33619

## **\*\* THIS IS NOT A DETERMINATION \*\***

Additional information is required before we can complete an aeronautical study concerning:

Structure:	Antenna Tower BOC TOWER
Location:	LUTZ, FL
Latitude:	28-05-18.65N NAD 83
Longitude:	82-27-00.17W
Heights:	54 feet site elevation (SE)
	250 feet above ground level (AGL)
	304 feet above mean sea level (AMSL)

For antenna towers, provide transmitting frequency(ies) and effective radiated power (ERP) output to be used on the structure. If exact frequencies and ERP are not known, provide frequency range and maximum ERP. Provide an explanation if no frequencies are involved; i.e., tower to be used for receive only, rental towerfrequencies not known at this time, etc.

If data is changed as a result of FAA verification, it will be necessary for you to ensure the corrected information is also on file with the FCC (if applicable).

NOTE: IF NO RESPONSE IS RECEIVED WITHIN 30 DAYS OF THE DATE OF THIS LETTER, ACTION WILL BE TAKEN TO TERMINATE THIS AERONAUTICAL STUDY.

If we can be of further assistance, please contact Victoria Rosenthal-Williams, at (405) 305-6071, or Victoria.M-CTR.Rosenthal-Wil@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-ASO-22869-OE.

**Signature Control No: 536368410-541377732** Mike Helvey Manager, Obstruction Evaluation Group

# **Rachel Braico**

From:	Tony Mantegna <tmantegna@tampaairport.com></tmantegna@tampaairport.com>					
Sent:	Tuesday, July 5, 2022 1:24 PM					
То:	Michael Brooks					
Subject:	RE: Bearss Operation Center (HC Rezoning: MM 22-0089)					

Yes, our phone call could be considered a pre-application conference.

The link below will bring you to our web page. You must file using the on-line application process so that your request will populate our system.

Go to Permit Forms and on-line process to get the Permit application and file.

https://www.tampaairport.com/airport-height-zoning

From: Michael Brooks <mbrooks@bsrfirm.com>
Sent: Tuesday, July 5, 2022 12:02 PM
To: Tony Mantegna <TMantegna@TampaAirport.com>
Subject: Bearss Operation Center (HC Rezoning: MM 22-0089)

## CAUTION: This is an external email. Do NOT click links or open attachments unless you recognize the sender and know the c

# Tony –

I appreciate you taking my call Friday before last regarding rezoning of a new TECO / Peoples Gas Operations Center at the northeast corner of Bearss and Nebraska.

As we discussed, an essential component of the Operations Center will be a 250-foot self-support tower. The tower, which will be located within the secured and guarded perimeter of the Operations Center, will provide TECO and Peoples Gas with the critical capability to communicate with their employees and components of the utility grid, particularly in the event of a dark sky event.

I have asked TECO to follow-up this morning with a status update on its FAA filing (2022-ASO-22869-OE).

In the interim, I have a question and a request:

- Would our conversation on June 24th qualify as a pre-application conference per the Section 3.03 of the Airport Zoning Regulations (HCAA Resolution 2010-54)? I'm asking for the purpose of making that representation to Hillsborough county in connection with its review of MM 22-0089.
- Could you please email me a copy of the application for an airport height zoning permit? I
  understand this cannot be submitted to the Authority until after receipt of the FAA
  determination.

# Thanks in advance for your reply.

Michael /

# **Michael Brooks**



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#### \*\*\*\*\* Important Notice \*\*\*\*\*

The Hillsborough County Aviation Authority is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

E-mail messages are covered under such laws and thus subject to disclosure. All e-mail sent and received is captured by our server and kept as a public record.

## **Rachel Braico**

From:	Michael Brooks
Sent:	Monday, July 25, 2022 12:01 PM
То:	Rachel Braico
Subject:	FW: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Three copies of this email chain.

No need for color.

From: C. Ryan Maloney <rmaloney@jimersonfirm.com>
Date: Monday, July 25, 2022 at 10:58 AM
To: Michael Brooks <mbrooks@bsrfirm.com>
Cc: Melissa Murrin <mmurrin@jimersonfirm.com>
Subject: RE: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Michael, thanks for sending this along and for your email below. I have conferred with my client, and based on your representation that TECO will not be objecting to or requesting any changes to the conditions in 12.1-12.5 of the staff report, we will not be attending the hearing today.

Thanks for your assistance, and good luck at the hearing.

Ryan

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## C. RYAN MALONEY Partner

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From: Michael Brooks <mbrooks@bsrfirm.com> Sent: Thursday, July 21, 2022 12:19 PM To: C. Ryan Maloney <rmaloney@jimersonfirm.com> Subject: Re: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Ryan -

Attached is the final staff report we discussed.

It appears your memorandum was based on an earlier draft of the proposed conditions. Below are the final recommended conditions of approval related to use of the tower, which you will note have been modified in scope based on subsequent discussions with the County staff. Although, substantive to your client's interests, the essential requirements and restrictions remained the same.

TECO has no objection to these recommended conditions of approval and will not be requesting any changes at the public hearings.

Let me know what your client thinks.

Michael /

\*\*\*\*

12. The self-support radio tower will be an essential component of the public service facility operations, not a stand-alone principal use, which requires it be located on the subject property to serve the special and unique needs of the facility as follows. The tower will provide the facility with the independent capability to communicate with other company facilities, remotely monitor and control utility infrastructure and communicated with employees. Furthermore, during black sky days, these essential capabilities will be protected within the facility and will be unaffected by potential service interruptions that may occur to third-party off-site towers and support infrastructure. To ensure operation and use of the radio tower is consistent with these special and unique needs, the following conditions shall apply:

12.1 The radio tower shall be used exclusively to support the operations of the public service facility and shall not be available to third party commercial uses and services unrelated to the operations of the public service facility.

12.2 The radio tower shall be used only by a public utility, as that term is defined by Florida Statutes Section 366.02 (2021), or an equivalent public utility under future laws, or in furtherance of the operations of a public utility.

12.3 If the property ceases to be used as a public service facility by a "public utility," as defined by 336.02(1), Florida Statutes (2021), or an equivalent public utility under future laws, for a period exceeding one (1) year, the County may deem the radio tower as abandoned for purposes of this approval and require the removal or demolition of the radio tower.

12.4 Except for those matters expressly stated in these conditions of approval, the radio tower shall be constructed and operated consistent with Hillsborough County LDC Section 6.11.79, Radio and Television Transmitting and Receiving Facility.

12.5 If approved, the radio tower shall not be required to utilize camouflage techniques in connection with its design.

# From: C. Ryan Maloney <<u>rmaloney@jimersonfirm.com</u>> Date: Thursday, July 21, 2022 at 11:37 AM To: Michael Brooks <<u>mbrooks@bsrfirm.com</u>> Subject: RE: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Now still good, or do you want to reschedule?



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From: Michael Brooks <<u>mbrooks@bsrfirm.com</u>>
Sent: Thursday, July 21, 2022 10:58 AM
To: C. Ryan Maloney <<u>rmaloney@jimersonfirm.com</u>>
Cc: Melissa Murrin <<u>mmurrin@jimersonfirm.com</u>>
Subject: Re: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Yes. I can call you.

Michael /

From: C. Ryan Maloney <<u>rmaloney@jimersonfirm.com</u>>
Date: Thursday, July 21, 2022 at 10:53 AM
To: Michael Brooks <<u>mbrooks@bsrfirm.com</u>>
Cc: Melissa Murrin <<u>mmurrin@jimersonfirm.com</u>>
Subject: RE: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Michael, thanks. Would 11:30 work?

Ryan

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From: Michael Brooks <<u>mbrooks@bsrfirm.com</u>>
Sent: Thursday, July 21, 2022 9:59 AM
To: C. Ryan Maloney <<u>rmaloney@jimersonfirm.com</u>>
Cc: Melissa Murrin <<u>mmurrin@jimersonfirm.com</u>>
Subject: Re: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Ryan –

Confirmed your email was received, and I have discussed this with TECO.

Are you available for a quick call sometime today?

From: C. Ryan Maloney <<u>rmaloney@jimersonfirm.com</u>> Date: Tuesday, July 19, 2022 at 2:14 PM To: Michael Brooks <<u>mbrooks@bsrfirm.com</u>> Cc: Melissa Murrin <<u>mmurrin@jimersonfirm.com</u>> Subject: RE: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Michael, good afternoon. I am following up on your call and email with Melissa below regarding the TEC/PGS tower. As I believe Melissa discussed with you, we would like your clients to enter into a memorandum of understanding that could incorporate the agreed zoning conditions regarding only public entity use of the proposed tower. Attached is a draft MOU for review and execution by your clients if acceptable.

Please let us know if your clients are agreeable to signing the attached MOU or if there are any suggested edits.

Thanks,

Ryan

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From: Melissa Murrin <<u>mmurrin@jimersonfirm.com</u>> Sent: Tuesday, July 19, 2022 11:56 AM To: C. Ryan Maloney <<u>rmaloney@jimersonfirm.com</u>> Subject: Fwd: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Here is his info

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From: Michael Brooks <<u>mbrooks@bsrfirm.com</u>> Sent: Wednesday, June 29, 2022 3:22:24 PM To: Melissa Murrin <<u>mmurrin@jimersonfirm.com</u>> Subject: TEC / PGS - BEARSS OPERATION CENTER (MM 22-0089)

Melissa –

Thank you for the return call this afternoon.

As we discussed, our firm represents Tampa Electric Company (TEC) and Peoples Gas System (PGS) on a planned secured operations center that will enhance the resiliency of utility service delivery in the region. Under the Hillsborough County Land Development Code, this use is considered a "Public Use Facility." One unique feature of this particular Public Service Facility is the need for an accessory radio tower. Attached is a TEC Statement, which you may have seen in the County's electronic records, that more specifically described the Bearss Operation Center and the relationship and need for an on-site radio tower within the secured facility.

As you learned from County Staff, the previously submitted Special Use Application (SU 22-0368) has been withdrawn and the tower is now included as part of a planned development modification (MM 22-0089) for the Bearss Operation Center. As a condition of approval for the radio tower, TEC and PGS have generally agreed to zoning conditions specifically limiting use of the tower to public utility users and in furtherance of public service facility operations. Suggested conditions of approval

have been submitted to Hillsborough County consistent with these agreed limitations (See Condition 13).

This email with further confirm my commitment to maintain an open line of communication with your firm to allay any concerns that the proposed radio tower will compete with the economic interests of SBA Properties. The Zoning Hearing Master Hearing is currently scheduled for MM 22-0089 on July 25, 2022; assuming the application remains on track for that hearing agenda, staff reports would be finalized by July 12, 2022.

Lastly, I mentioned the proposed use and application falls within the confidential protections provided for Critical Infrastructure under recent legislation CS/HB 7057 which goes into effect July 1, 2022. Although the new law provides for closed hearing on approvals relating to Critical Infrastructure, we are hopeful the subject application will not require the disclosure of sensitive information in order to secure approval for the facility or address public concerns.

Michael /

# **Michael Brooks**



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