Rezoning Application:	PD 22-0075 (Remand)
Zoning Hearing Master Date:	January 17, 2023
BOCC Land Use Meeting Date:	March 7, 2023

Hillsborough County Florida
Development Services Department

1.0 APPLICATION SUMMARY

Applicant:	Mattamy Tampa/Sarasota, LLC
FLU Category:	RES-4
Service Area:	Urban
Site Acreage:	18 +/-
Community Plan Area:	Riverview
Overlay:	None



Introduction Summary:
The applicant seeks to rezone a parcel zoned Agricultural Rural (AR) to Planned Development (PD) to allow for the development of a mixed-use project. The project is located on the north side of Boyette Road, ½ mile west of Bell Shoals Rd. in Riverview. A TECO easement runs east-west bisecting the parcel into two areas. The project will consist of 86 multifamily units (attached single-family) north of the TECO easement and up to 20,000 square feet of commercial, office, residential support uses and/or a Community Residential Home Type C south of the TECO easement, along Boyette Road. The developer intends to utilize the Mixed Use Incentive program set forth in the Comprehensive Plan to achieve a density up to 6 du/acre on the site. The site will have one access points on Boyette Rd.

Zoning:	Existing	Proposed
District(s)	AR	Planned Development
Typical General Use(s)	Single-Family Residential (Conventional/Mobile Home)	Multi-family Residential and Non-Residential
Acreage	18	18
Density/Intensity	1 unit per 5 acre (upland)	6 units per acre/0.20 FAR
Mathematical Maximum*	3 units	86 Res. Units / 20,000 sq ft

*number represents a pre-development approximation

Development Standards:	Existing	Proposed	
District(s)	AR	PD	
Lot Size / Lot Width	5 Ac / 150’	1,620 sq ft / 18’	
Setbacks/Buffering and Screening	50’ Front 50’ Rear 15’ Sides	<u>Residential</u> 20’ Front 10’ Rear (35’ east) 10’ Sides (35’ east)	<u>Non-Residential</u> 20’ Front 20’ Rear 20’ Sides
Height	50’	35’	35’

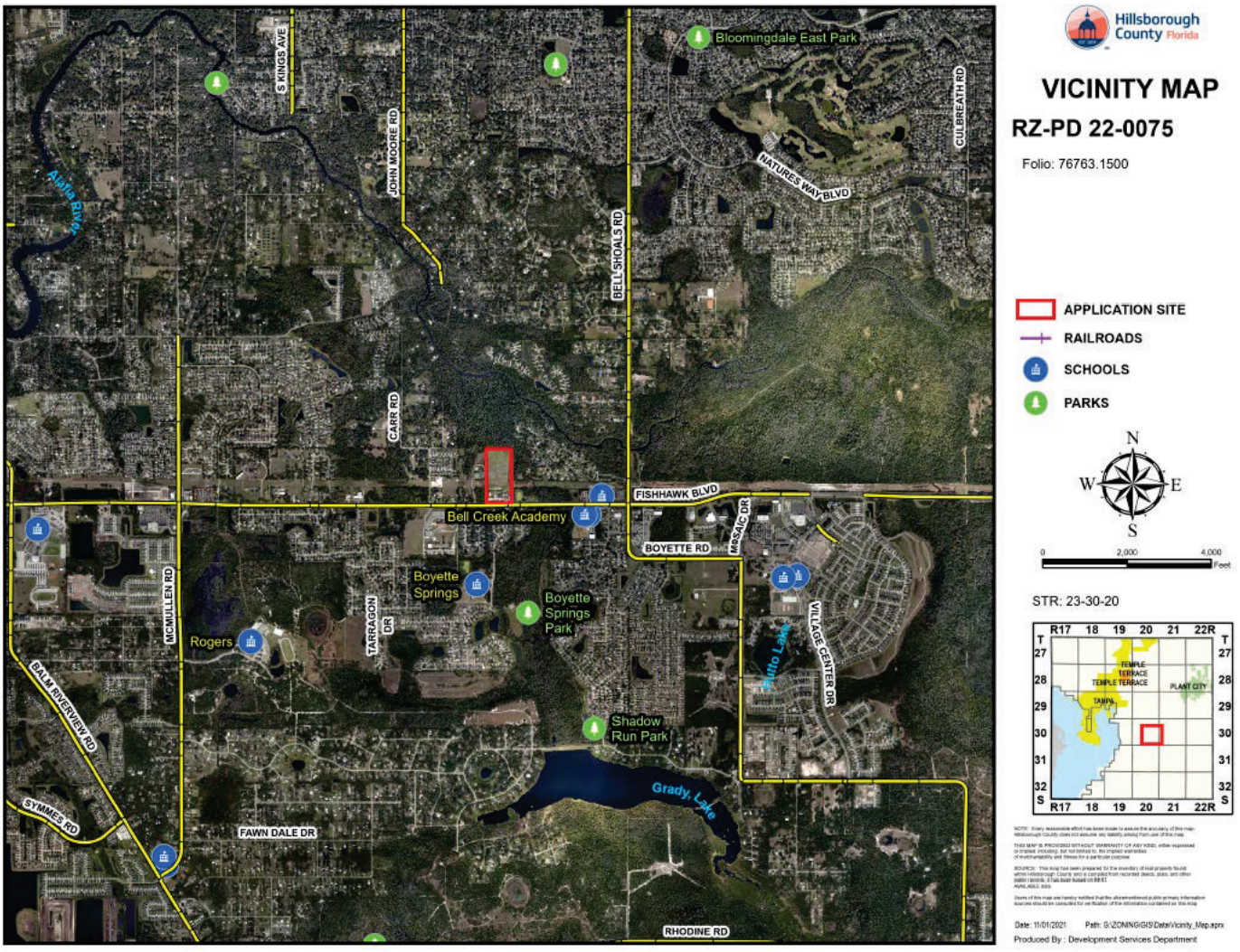
Additional Information:	
PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	To Section 6.01.01.01 Footnote 8. Reduce the required building setback for building height over 20 feet (west).

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

Created 8-17-21

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

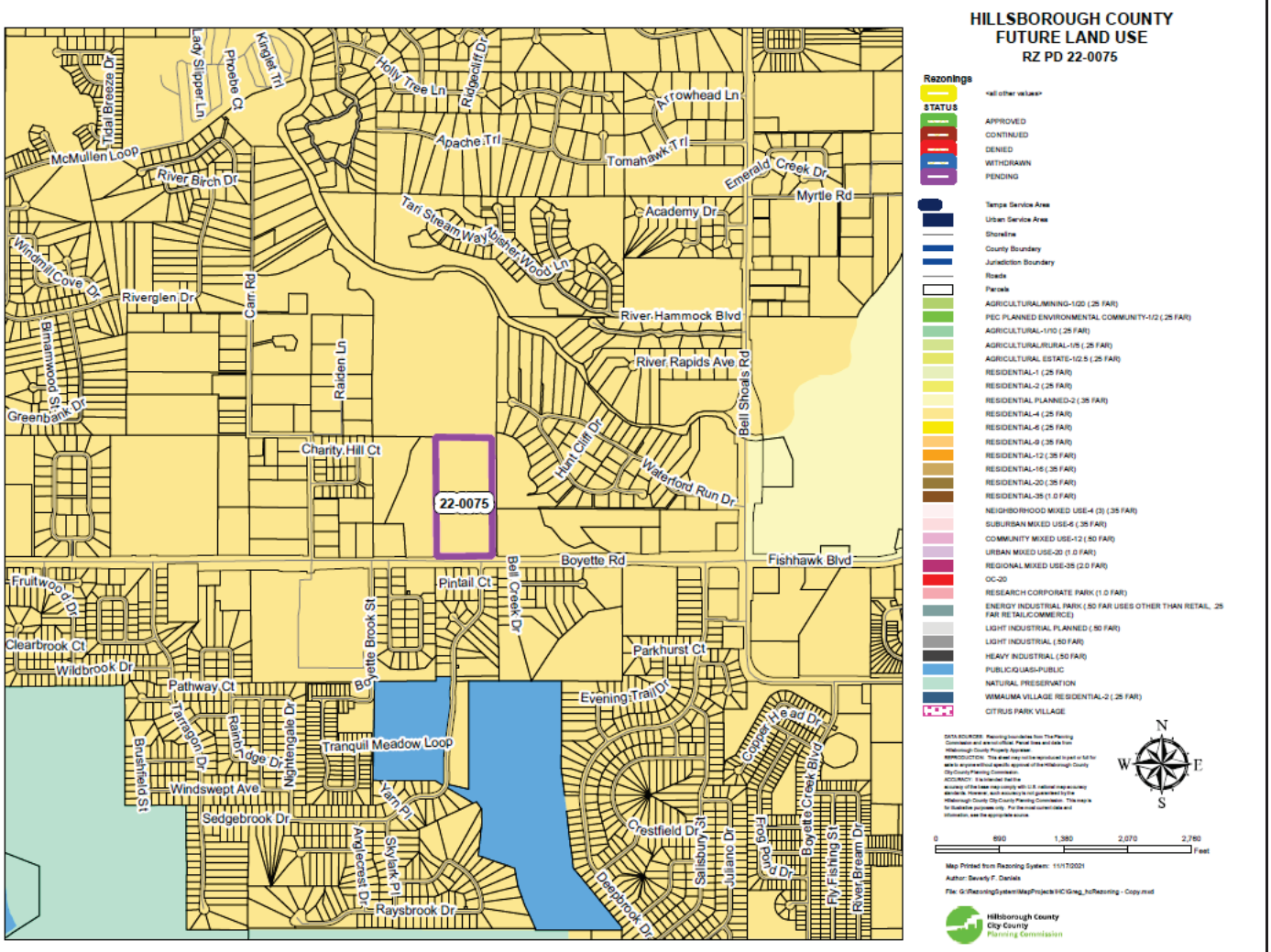


Context of Surrounding Area:

The project is located north of Boyette Road, between McMullen Rd. and Bells Shoals Rd. Area mostly consists of residential land. Some office uses are located to the west and east. Commercial uses are found further east, at the intersection of Boyette Rd and Bell Shoals Rd. Private schools and churches are also found in the area.

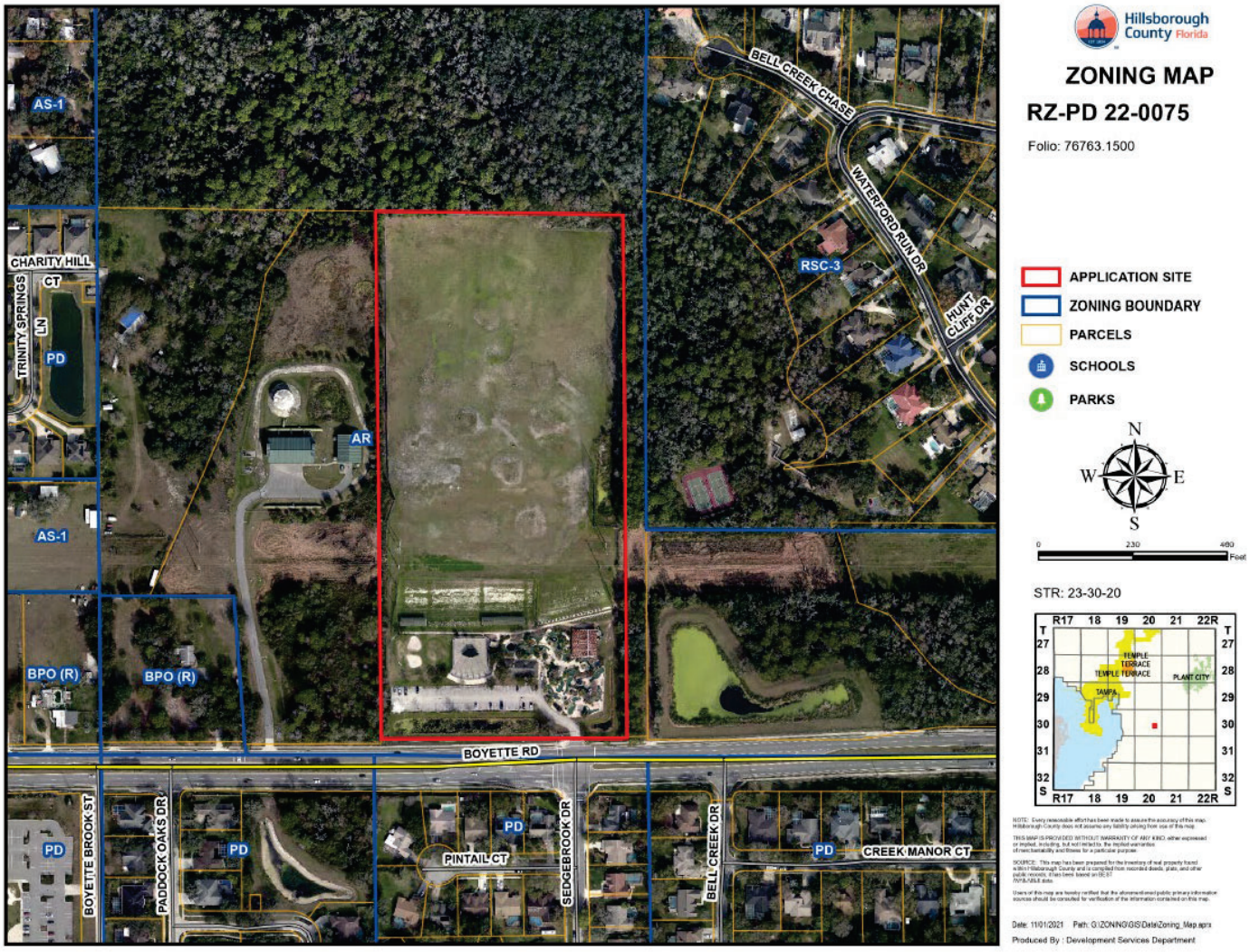
2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map


HILLSBOROUGH COUNTY
FUTURE LAND USE
RZ PD 22-0075
Rezonings
STATUS
APPROVED
CONTINUED
DENIED
WITHDRAWN
PENDING
22-0075
Boyette Rd
Fishhawk Blvd
Charity Hill Ct
Pintail Ct
Bell Creek Dr
Parkhurst Ct
Evening Trail Dr
Tranquil Meadow Loop
Windswept Ave
Sedgebrook Dr
Raysbrook Dr
Crestfield Dr
Salisbury St
Juliano Dr
Deepbrook Dr
Boyette Creek Blvd
Fly Fishing St
River Bream Dr
Copper Head Dr
Pond Dr
Academy Dr
River Hammock Blvd
River Rapids Ave
Bell Shoals Rd
Myrtle Rd
Emerald Creek Dr
Arrowhead Ln
Tomahawk Trl
Apache Trl
Holly Tree Ln
Ridgecliff Dr
Kingfer Trl
Phoebe Ct
Lady Slipper Ln
Tidal Breeze Dr
McMullen Loop
River Birch Dr
Riverglen Dr
Windmill Cove Dr
Birnamwood St
Greenbank Dr
Can Rd
Raiden Ln
Tari Stream Way
Thicket Wood Ln
Hurt Cliff Dr
Waterford Run Dr
Fruitwood Dr
Clearbrook Ct
Wildbrook Dr
Pathway Ct
Tamsden Dr
Rainbow Ridge Dr
Brushfield St
Jem Pl
Skylark Pl
Angiecrest Dr
Boyette Brook St
Bell Creek Dr
Lake Bend Dr
Lake Bend Blvd
Lake Bend Pl
Lake Bend Ct
Lake Bend Loop
Lake Bend Trl
Lake Bend Cir
Lake Bend Ln
Lake Bend Way

2.0 LAND USE MAP SET AND SUMMARY DATA

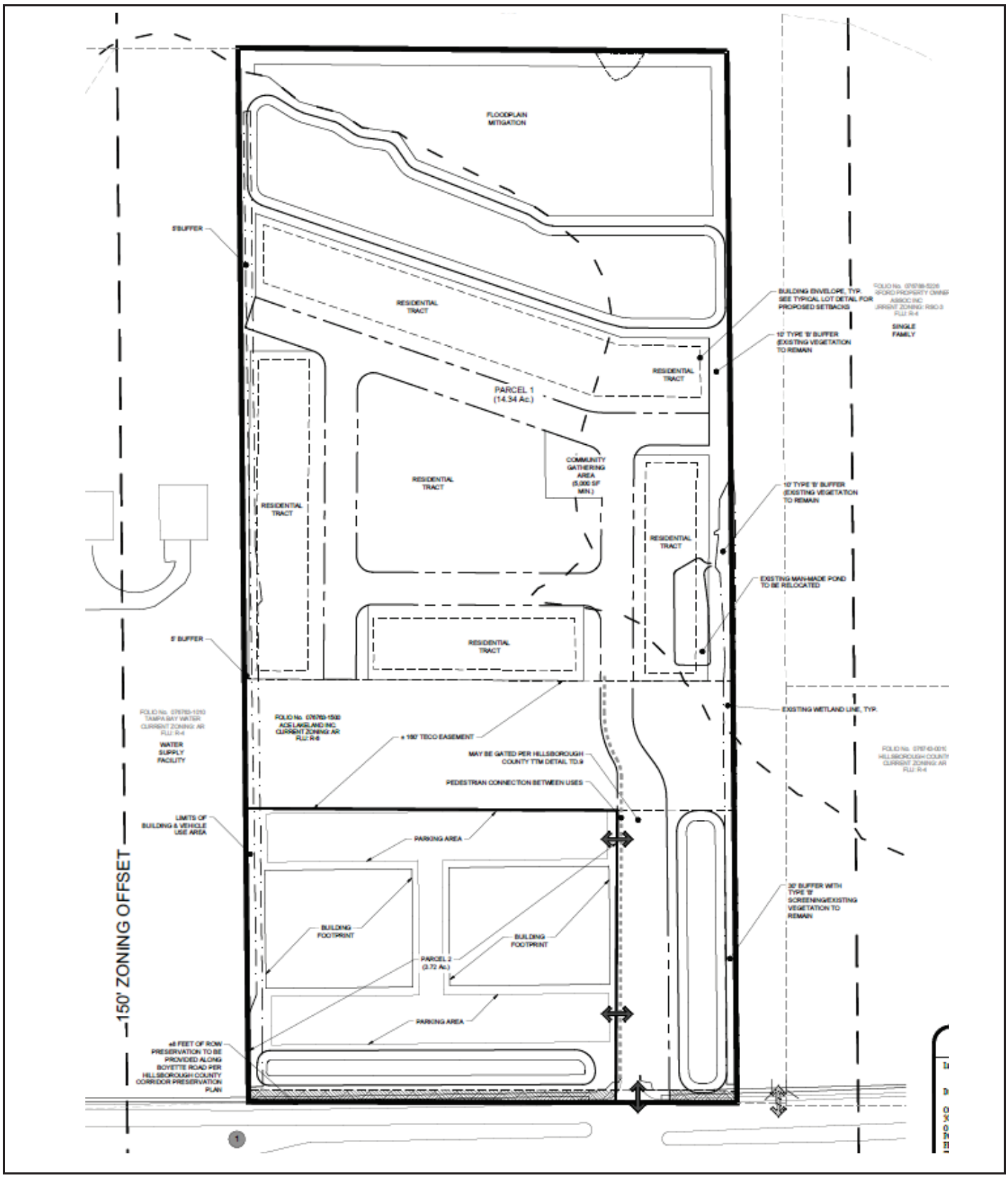
2.3 Immediate Area Map



Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR,	1 Du/5 ac	Single Family Detached, Agricultural	Natural Preserve
South	PD 85-0014	4 Du/ac	Single Family Detached	Single Family
East	AR,	1 Du/5 ac	Single Family Detached, Agricultural	Natural Preserve
West	AR,	1 Du/5 ac / 0.25 FAR	Single Family Detached, Agricultural	Public Use / Water Treatment

2.0 LAND USE MAP SET AND SUMMARY DATA

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



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

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
Boyette Rd.	County Collector - Urban	4 Lanes ☐Substandard Road ☐Sufficient ROW Width	☒ Corridor Preservation Plan ☒ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generation ☐Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	630	12	60
Proposed	2,929	224	232
Difference (+/-)	+2,299	+212	+172

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

Connectivity and Cross Access ☐Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance ☒Not applicable for this request

Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
Notes:		

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 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: ☒ Wetlands/Other Surface Waters ☐ Use of Environmentally Sensitive Land Credit ☐ Wellhead Protection Area ☐ Surface Water Resource Protection Area	☐ Potable Water Wellfield Protection Area ☐ Significant Wildlife Habitat ☐ Coastal High Hazard Area ☐ Urban/Suburban/Rural Scenic Corridor ☒ Adjacent to ELAPP property ☐ Other _____			
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	
Service Area/ Water & Wastewater ☐Urban ☐ City of Tampa ☐Rural ☐ City of Temple Terrace	☐ Yes ☐ No	☐ Yes ☐ 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

(Fee estimate is based on a 1,500 square foot, 3 bedroom, 1-2 story townhome)
Mobility: $5,995.00 * 86 units = $515,570
Parks: $1,957 * 86 units = $168,302
School: $7,027.00 * 86 units = $604,322
Fire: $249.00 * 86 units = $ 21,414
Total townhome = $1,309,608

Shopping Center (per 1,000 s.f.)
Mobility: $12,206
Fire: $313

ALF (per Bed/Fire per 1k sf)
Mobility: $1,128
Fire: $95

Daycare (per 1,000 s.f.)
Mobility: $11,840
Fire: $95

Medical Office (10k or less s.f.) (per 1,000 s.f.)
Mobility: $19,674
Fire: $158

Clinic (per 1,000 s.f.)
Mobility: $30,011
Fire: $95

Project Summary/Description:
Urban Mobility, Central Park, South Fire - 86 townhome units; 31-36k s.f. retail strip; 10k Urgent Care (Clinic), 10k Med Office; 10k Daycare, 125 bed ALF. 10k Charter school. Charter school is exempt from impacts.

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission ☐ Meets Locational Criteria ☐N/A ☒ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A ☒ Density Bonus Requested ☒ Consistent ☐ Inconsistent	☒ Yes ☐ No	☐ Inconsistent ☒ Consistent	☒ Yes ☐ No	

5.0 IMPLEMENTATION RECOMMENDATIONS

Remand

This case was presented at the July 25, 2022 Zoning Hearing Master hearing. In order to build more than 57 residential units and exceed the density of 4 DU/ac in Parcel 1, the applicant proposed a mixed use project. In conversations with Planning Commission staff, the applicant had proposed and committed to a timing mechanism that would guarantee the development of all proposed uses (residential in Parcel 1 and non-residential in Parcel 2) and comply with the mixed use Objectives and Policies from the Comprehensive Plan Objective 19 and Policy 19.2 for the integration of mixed-use developments. A condition was proposed stating that *prior to the issuance of any Certificate of Occupancy for 58 or more residential units, two of the non-residential uses listed in the Group lists need be constructed with a Certificate of Occupancy issued*. At the July hearing, the applicant submitted a modification to this condition to require that *prior to the issuance of any building permits for 58 dwelling units or more, the road and utility infrastructure (North South Entry Road with sidewalks and pedestrian connections and utility stub outs necessary to service Parcel 2) to be constructed and Certificate of Completion issued*. This modification of the condition would not require two of the non-residential uses listed in the Group lists to be constructed with a Certificate of Occupancy issued prior to the issuance of any Certificate of Occupancy for 58 or more residential units. Staff from the Planning Commission and Development Services could not amend the reports and the case remained scheduled for the BOCC Land Use Meeting. At the BOCC Land Use Hearing on October 11, 2022, the case was remanded to the Zoning Hearing Master hearing in order to allow the evaluation by staff of the proposed modification to the condition with the timing mechanism for the development of the two project Parcels.

5.1 Compatibility

The property's existing use is a recreational golf course. The site is surrounded to the south, southeast, and southwest by single-family detached home sub. Further southwest is Saint Stephens Catholic Church and School. The parcel adjacent to the west contains the Hillsborough County South Central Water Pump Station. Further to the west is single-family detached housing. The adjacent parcel to the north and east is owned by the Tampa Bay Conservancy Inc. (Myron and Helen Gibbons Nature Preserve). Further to the northeast is the western boundary of a large single-family detached home subdivision with frontage directly on Bell Shoals Road. To the east, along Boyette Rd., is land owned by Hillsborough County containing a large water retention pond.

The subject property is currently developed as a golf driving range. According to the project's narrative, this property is one of the last developable sites in the area, and with its direct access onto Boyette Road, a lighted intersection, and close proximately to Bell Shoals Road, it is a prime location for a mixed-use project. Boyette Road is a 4-lane collector road and existing land uses along this corridor range from commercial uses, private educational facilities, retail uses, residential uses, and preserved areas.

The request is to rezone the subject site from Agricultural Rural (AR) to Planned Development (PD) to allow up to 86 Townhomes (single-family attached) with a density bonus within Parcel 1 (north an existing TECO easement) and up to 20,000 sq. ft. of limited Commercial Neighborhood (CN) from three distinct use categories in Parcel 2 (south of the TECO easement, along Boyette Rd.). In order achieve 86 residential units (at 6 du/ac), the applicant is utilizing Policy 19.3 which provides incentives to encourage mixed-use development by providing at least 3 uses on site which in turn will permit density/FAR up to the next land use category, where 2 uses shall be non-residential uses. The non-residential uses have been classified into 3 Groups. The applicant met with staff and is proposing a list and size of development that could be considered, where at least 2 uses shall be developed in Parcel 2, one use from either Group, where no two uses are chosen from the same group. The applicant is also committed to limiting the height to one-story and architecturally finished on all four sides with a residential like appearance for the non-residential portion of the site.

The three use Groups are proposed as follows:

Group A – Retail – No drive-thru

4,500 SF site down restaurant
2,500 SF coffee shop
5,000 SF Bank

4,000 SF Fitness Center
5,000 SF Brewery/Beer Garden
5,000 SF Retail limited to:
- Apparel and Shoe Store
- Appliance Stores, Small
- Art Supply Store
- Bicycle Sales/repair
- Book/Stationary Store, New and Used
- Camera/Photography Store
- Florist Shop
- Furniture/home furnishings
- General Business, Such as Retail Goods and Stores
- Jewelry Store (Watch, clock, Jewelry Repair)
- New Stand
- Novelty and Souvenir Shop
- Optician/Optical Supplies
- Locksmith
- Mail and Package Services
- Mail Order Office
- Mail Order Pickup Facilities
- Pet shop (no outdoor rec area)
- Sporting Goods Store

5,000 – 10,000 SF Specialty Food Store to include:
- Bakery, Candies, & Nuts, Dairy, Delicatessens, Meat Seafood and Produce

Group B – Office - No drive-thru
10,000 SF limited to:
Urgent Care (no 24 hour operation)
- Outpatient Surgical Center (no 24 hour operation)
- Employment Services
- Government Office
- Health Practitioner's Office
- Medical Offices or Clinics with scheduled or Emergency Services by Physicians (No 24 hr use)
- Professional Office
- Professional Services

Group C – Residence Support - No drive-thru
10,000 SF limited to:
- Day Care (child / pet)
- Community Residential Home/Memory Care (maximum 125 beds)

No drive thru facilities will be permitted to prevent intense uses from developing on site.

A waiver to the additional 2-foot setback for every foot above 20-feet in height, per LDC Section 6.01.01. endnote 8 is being requested only on the west side of the site. The 2:1 requirement is to address potential compatibility issues however, the adjacent use is TBW water facility. There is a 5-foot buffer proposed along the western PD boundary. The eastern boundary will maintain the "2:1" requirement although the closest single- family development is located 500 feet to the east with heavy vegetation functioning as a buffer between both uses. The LDC requires a 5-foot buffer with a Type A screening between the proposed residential use and the adjacent AR zoning along the east/north. With the required 5-foot buffer and building height of 35-feet, an additional 30-foot setback is required (35'- 20'= 15' X 2 = 30' + 5' buffer). The total required setback is 35 feet. Furthermore, the applicant is committed to include a 6-foot fence with a10-foot buffer / type B screening.

Commercial development standards will be of the Commercial Neighborhood (CN) standards, single story structures.

As part of this remand, the condition pertaining to the timing mechanism for the development of the Parcel 1 (residential) will require that prior to the issuance of any building permits for 58 dwelling units or more, the road and utility infrastructure (North South Entry Road with sidewalks and pedestrian connections and utility stub outs necessary to service Parcel 2) will need to be constructed and Certificate of Completion issued.

The new condition will still require that Parcel 2 be developed with two non-residential uses from two different use Groups. Each use will have a minimum of 2,500 square feet of building space.

Additionally, the applicant commits that in order to demonstrate that Parcel 2 will have adequate land area to accommodate two non-residential uses and related parking, open space, etc., if Parcel 2 is developed in more than one phase, a Preliminary Site Development Plan (PSDP) will be required to be submitted for site development review and approval. The PSDP will need to include the use proposed as Phase 1 along with the most intense use from a different Group list as Phase 2. For instance, if a developer proposes a use from Group A as Phase 1, the PSDP shall include a the most intense use remaining in Group B or C (10K sq ft Medical / Health Practitioner's Office). If a developer proposes a use from Group B as Phase 1, the PSDP shall include the most intense use remaining in Group A or C (4,500 sq ft Sit Down Restaurant).

Planning Commission and Development Services staff have reviewed the change in the conditions and has found them acceptable. The condition will still ensure that the project be developed with three different uses and be reviewed in accordance with site development regulations established by the Land Development Code.

The applicant also proposes to provide landscaping and native species vegetation along the floodplain compensation slope areas, subject to review and approval by the County Stormwater review section.

Staff has received letters of concerns and opposition from area residents, the Tampa Bay Conservancy and Sierra Club. The letters expressed concerns with traffic generated by the proposed development, school capacity, noise, impacts to the nature preserve, increase in density, introduction of commercial uses in the area, impacts to water supply and reduction of setbacks/buffer from the natural preserve along the east. The applicant has amended the application and reduced the intensity of the non-residential uses, restricted square footage of the day care, eliminated school uses, and will maintain the required buffer/setback along the east in accordance with the Land Development Code. The project will maintain a minimum of 35 feet of building setback along the east, meeting the requirement of the Code. In addition, a 20-foot buffer, with Type B screening will be in place for the residential portion. Per LDC Sec. 6.06.06, the proposed project would require at least 5 feet of buffer between residential uses (Parcel 1) and AR zoning with Type A screening. The Type A screening requires plantings or a solid fence. The applicant proposes 20 feet of buffer with Type B screening. Existing vegetation will be allowed to remain in lieu of required landscaping and trees, subject to approval by Natural Resources. The additional landscaping (Type B) consists of a row of evergreen shade trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line. The solid fence will also be placed at least 10 feet from the parcel line, away from existing vegetated areas. Between Parcel 2 (non-residential uses) and the nature preserve site along the east, the applicant proposes a 30-foot buffer with Type B screening. The Code requires at least 20 feet of buffer and Type B screening. Per the submitted site plan, retention ponds will be placed along the east, adjacent to the nature preserve, and vegetation will be preserved subject to Natural Resources review and approval. As part of the site development review process, the developer is required to provide wildlife and environmental studies in accordance with the Land Development Code. The project will be conditioned requiring that water distribution system improvements will need to be completed prior to connection to the County's water system by this future development. No building permits that would create demand for water service will be issued until the completion of two County funded Capital Improvement Program projects in South County are put into operation. Stormwater design and construction will be subject to review and approval by the site development review section as established in the Land Development Code to ensure the project will capture all stormwater onsite. The proposed PD plan shows areas for future retention ponds. Comments from the School Board state that a school concurrency review will be issued PRIOR TO preliminary plat or site plan approval. The School Board also indicated that at this time, additional capacity at the middle and high school levels exists in adjacent service areas to accommodate the proposed project, and capacity exists in the Elementary School level for this area.

Although cross access to adjacent parcels is encouraged, the existing adjacent uses restricts this. The Tampa Bay Water supply facility is located to the west with its own access fenced with a 6-foot chain link fence with electrical wires to prevent trespassing. The Gibbon Nature Preserve is located to the north and east of the subject site and future development of this site is unlikely.

The is located between a water supply facility to the west and a storm water pond and recreation land/preserve to the east and to the north. Residential subdivisions surround this area to the north, northeast and south. Other residential projects are located further to the west. The site is also bisected by the 150-foot wide TECO easement creating two distinct areas for commercial use along Boyette Road and the residential component internal to the site, adjacent to the preserve. The TECO easement functions as buffer between both uses, however the site will be interconnected by vehicular and pedestrian access.

There are wetlands present on the site. The Environmental Protection Commission, EPC, reviewed the proposed Site Plan and does not object. No impacts to wetlands or setbacks are shown on the proposed Plan. The Conservation and Environmental Lands Management reviewed this rezoning petition and has no comments. Transportation staff does not object to this request and proposes conditions for site access and road improvements along Boyette Rd.

The area is a mix of mostly residential single family-detached, and low scale commercial, and office uses. Residential support uses (schools and churches) are also commonly found in the area. The proposed project scale and design would ensure that is compatible with the surrounding development pattern and land uses. Intensive uses are being eliminated from the proposed development. The project will maintain the required setbacks along the east, where the adjacent nature preserve is located, as required per the LDC. The applicant, however, will provide additional buffer and screening more than what the Code requires. The non-residential component will be limited to 1-story buildings with a residential design. Compared to the initial proposal by the applicant, the project has been scaled down, more restrictions have been proposed, and compliance with provision from the Code has been maintained. Staff from the Planning Commission has evaluated the request and has found it Consistent. Objective 19 and Policy 19.2 indicates that a mixed-use development must be integrated. Policy 16.2 requires the gradual transition between uses. The applicant's site plan shows the commercial buildings are in the southern portion of the property facing south towards Boyette Road. The proposed site plan shows an integrated design to the residential located on the northern portion of the property and a gradual transition from the natural preservation area to the north and east, consistent with policy direction. To ensure the project will be developed in accordance with the objectives and policies above, a timing mechanism for the development of the mix of uses is being proposed requiring the construction of the access road and infrastructure serving the project and the non-residential uses in Parcel 2 to be completed before more than 57 residential units can be issued building permits. Planning Commission staff also sees no compatibility issues as the adjacent use is public institutional. Lastly, a waiver to the Commercial Locational Criteria (CLC) has been requested, and Planning Commission staff recommends approval of the waiver.

5.2 Recommendation

Based on the above considerations, staff recommends approval with conditions.

6.0 PROPOSED CONDITIONS

Prior to PD Site Plan Certification, the applicant shall revise the PD General Site Plan:

1. Prior to site plan certification, the applicant shall revise site plan to add a label ~~along the project frontage on Boyette Road that states "+/-8 FEET OF ROW PRESERVATION TO BE PROVIDED ALONG BOYETTE ROAD PER HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN"~~ in the Site Data Table, next to Proposed Land Use for Parcel 1: *Subject to Condition 1.4*

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted December 22, 2022.

1. The project shall be limited to a Mixed-Use project with up to 86 multifamily (attached single-family) units in Parcel 1, subject to condition 1.4 and up to 20,000 sq. ft. of non-residential uses in Parcel 2. Interim agricultural or current mini-golf (golf driving range) recreational uses shall be permitted until the site is developed in accordance with the conditions contained herein.

   Development of Parcel 2 shall be limited to the following:

   1.1 Group A – Retail/commercial – No drive-thru
   4,500 SF site down restaurant
   2,500 SF coffee shop
   5,000 SF Bank
   4,000 SF Fitness Center
   5,000 SF Brewery/Beer Garden
   5,000 SF Retail limited to:
   - Apparel and Shoe Store
   - Appliance Stores, Small
   - Art Supply Store
   - Bicycle Sales/repair
   - Book/Stationary Store, New and Used
   - Camera/Photography Store
   - Florist Shop
   - Furniture/home furnishings
   - General Business, Such as Retail Goods and Stores
   - Jewelry Store (Watch, clock, Jewelry Repair)
   - New Stand
   - Novelty and Souvenir Shop
   - Optician/Optical Supplies
   - Locksmith
   - Mail and Package Services
   - Mail Order Office
   - Mail Order Pickup Facilities
   - Pet shop (no outdoor rec area)
   - Sporting Goods Store

   5,000 – 10,000 SF Specialty Food Store to include:
   - Bakery, Candies, & Nuts, Dairy, Delicatessens, Meat Seafood and Produce

   1.2 Group B – Office - No drive-thru
   10,000 SF limited to:

Urgent Care (no 24-hour operation)
Outpatient Surgical Center (no 24-hour operation)
Employment Services
Government Office
Health Practitioner's Office
Medical Offices or Clinics with scheduled or Emergency Services by Physicians (No 24 hr use)
Professional Office
Professional Services

1.3 Group C – Residence Support - No drive-thru
10,000 SF limited to:
Day Care (child / pet)
Or a Community Residential Home/Memory Care (standards and maximum number of beds in accordance with LDC 6.11.28)

1.4 ~~Prior to the issuance of any Certificate of Occupancy for 58 or more residential units, two of the non-residential uses listed in the Group lists above shall be constructed with a Certificate of Occupancy issued.~~ If Parcel 1 (Residential Tract) is developed as the first phase of development in the PD, to ensure the project will provide a mix of uses, the construction plans for Parcel 1 shall include the North South Entry Road with sidewalks and pedestrian connections and utility stub outs necessary to service Parcel 2 (the 3.82 Acre Non-Residential Tract). This infrastructure will serve both Parcel 1 and Parcel 2. Prior to the issuance of any building permits in excess of the 57th dwelling unit, the road and utility infrastructure described above shall be constructed and Certificate of Completion issued. Additionally:

a. The developer shall pick/develop the required two uses from different Groups.

b. If Parcel 2 (non-residential) is developed in more than one phase, a Preliminary Site Development Plan (PSDP) shall be required to be submitted for site development review and approval. The PSDP shall include the use proposed in Phase 1 along with the most intense use from the other Group lists as Phase 2 demonstrating adequate land area for maximum building footprint, minimum required parking spaces, open space, etc. for the second non-residential use. For instance, if a developer proposes a use from Group A as Phase 1, the PSDP shall include a the most intense use from Group B. Or, if a developer proposes a use from Group B or C as Phase 1, the PSDP shall include the most intense use from Group A.

c. No single non-residential use shall be less than 2,500 sq. ft. in building space.

1.5 Buildings containing Non-residential uses shall be of a residential character in their design. At a minimum, the buildings shall be subject to the below:

a. Architecturally finished on all sides. Cladded in brick, stucco, or wood siding. Paint shall not constitute an architectural finish.
b. Pitched roofs, if provided, shall be a minimum of 4 to 12 in pitch.
c. Flat roofs shall provide a cornice at least 12 inches high and projected at least 2 inches.
d. Windows facing roads (external/internal) shall include a trim consistent with the architectural style of the building.
e. At least 50 percent of the facades area facing the Boyette Rd. shall consist of windows, awnings, entrances, columns, porches, stoops, pilasters, or similar features.

2. Development standards shall be as indicated in the General Site Development Plan and as follows:

2.1 Single Family attached units in Parcel 1:

Maximum building height	35 feet/2 stories
Minimum front yard setback	20 feet
Minimum side yard setback	20 feet (between buildings)
Minimum rear yard setback	10 feet to PD lines Along the east PD line, a minimum of 35 feet of building setback shall be maintained.
Maximum impervious area	75%

2.4 Non-Residential Uses in Parcel 2:

In accordance with the CN zoning district development standards (see condition 11 for right-of-way preservation). Buildings shall be limited to one story.

3. Open space and Community Gathering Areas shall be provided for the residential project and subject to LDC Sec 6.02.18.

4. Buffer and screening between adjacent parcels shall be as depicted in the General Site Plan. Existing vegetation in lieu of the required plantings shall be permitted, subject to Natural Resources approval. A 10-foot buffer and Type B screening with a 6-foot high solid fence (non-white Trex style) shall be maintained along the east PD line in Parcel 1, as shown on the General Site Plan. The fence shall be installed at least 10 feet from the PD line.

5. The additional 2 feet of building setback required for every foot of building height over 20 feet in accordance with LDC 6.01.01 footnote 8 shall not apply to west PD line, in Parcel 1.

6. The site is subject to the requirements of LDC Sec. 6.06.03.I.2.b. Scenic Corridor Easement.

7. The developer shall be permitted one (1) full connection to Boyette Road.

8. The unutilized driveway aprons shall be removed; and curbing and grass strip restored to meet typical standards.

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

10. The developer shall extend the existing eastbound left turn lane into the project on Boyette Rd with the initial increment of development.

11. As Boyette Road is included in the Hillsborough County Corridor Preservation Plan as a future 6-lane improvement, the developer shall designate 8 feet of right of way preservation along the project frontage on Boyette Road. Building setbacks shall be calculated from the future right-of-way line.

12. The floodplain compensation area's 4:1 slope shall be planted with native species on 3-foot centers for herbaceous ground cover, 5-foot centers for shrubs, and 10-foot centers for trees where feasible and subject to review and approval by the County's Stormwater Review staff.

1~~2~~3. 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.

13~~3~~4. 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.

14~~5~~5. 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).

15~~6~~6. 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.

16~~7~~7. Water distribution system improvements will need to be completed prior to connection to the County's water system. No building permits that would create demand for water service shall be issued until the completion by the County of funded Capital Improvement Program projects C32001 - South County Potable Water Repump Station Expansion and C32011 - Potable Water In-Line Booster Pump Station, and the projects are put into operation.

17~~8~~8. 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.

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

Zoning Administrator Sign Off:	J. Brian Grady Tue Jan 10 2023 07:17:36

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

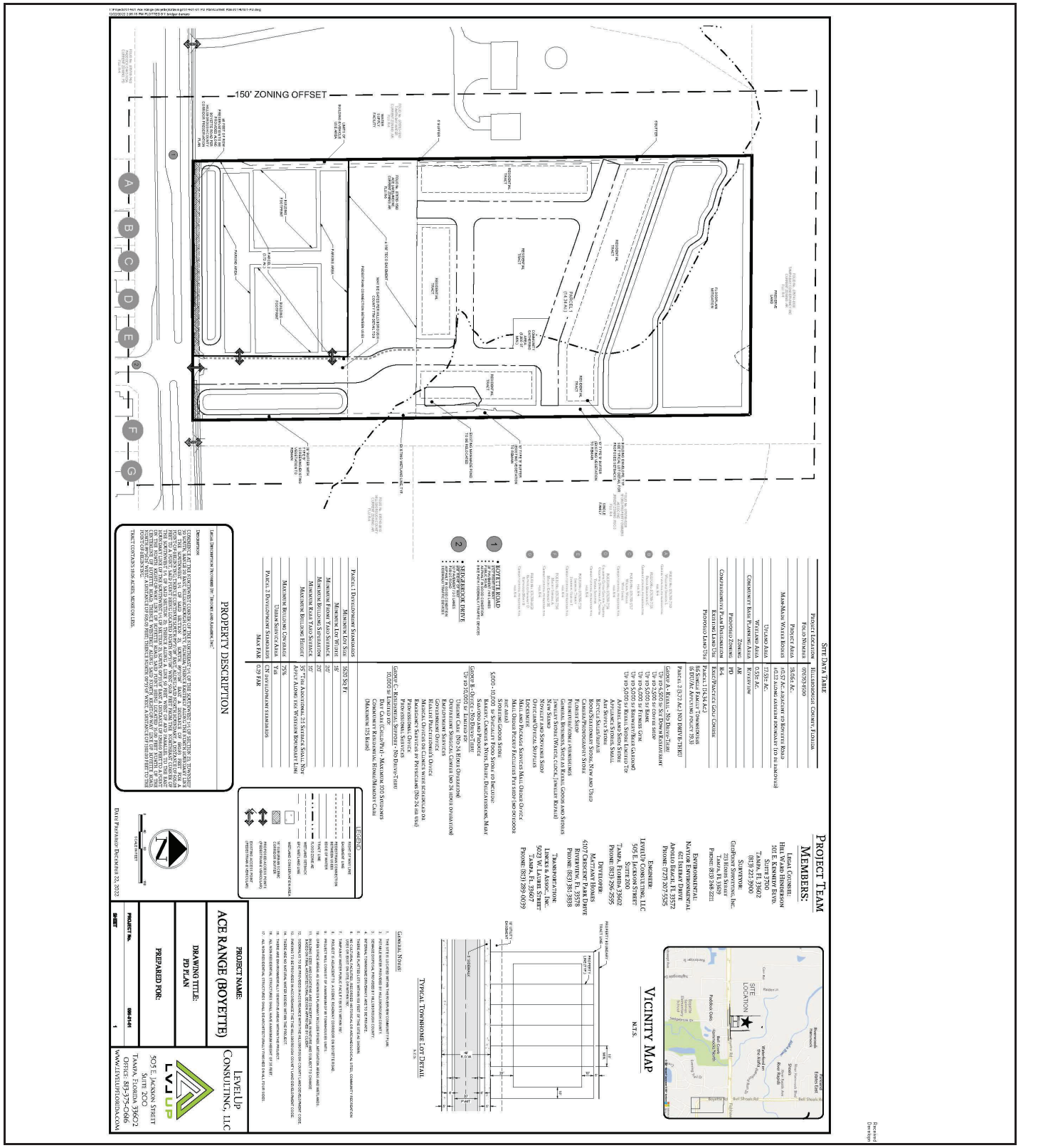
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are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

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS



Current overall Site Aerial

8.0 PROPOSED SITE PLAN (FULL)



9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, Senior Planner
PLANNING AREA: RV/South
DATE: 03/30/2022
AGENCY/DEPT: Transportation
PETITION NO: PD 22-0075

☐ 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

- The developer shall be permitted one (1) full connection to Boyette Road.
- The unutilized driveway aprons shall be removed; and curbing and grass strip restored to meet typical standards.
- Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundary.
- The developer shall extend the existing eastbound left turn lane into the project on Boyette Rd with the initial increment of development.
- As Boyette Road is included in the Hillsborough County Corridor Preservation Plan as a future 6-lane improvement, the developer shall designate 8 feet of right of way preservation along the project frontage on Boyette Road. Building setbacks shall be calculated from the future right-of-way line.

OTHER CONDITIONS:

- Prior to site plan certification, the applicant shall revise site plan to add a label along the project frontage on Boyette Road that states "+/-8 FEET OF ROW PRESERVATION TO BE PROVIDED ALONG BOYETTE ROAD PER HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN "

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone the +/-18-acre site from Agricultural (AR) to PD to construct 86 townhomes and a maximum of 20,000 square feet of Retail/Commercial and Office uses. The site currently operates as private multi-use recreational facility with a miniature golf course, driving range and batting cages. The site is located on Boyette Rd., approximately +/- 1,300 feet east of Carr Rd. The Future Land Use designation of the site is Residential – 4 (R-4).

Trip Generation Analysis

The applicant submitted a trip generation and site access analysis as required by the Development Review Procedures Manual (DRPM). Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR: Mini-Golf (ITE 431)	**60***	**0**	**6**
AR: Golf Driving Range (ITE 432)	**410**	**12**	**38**
AR: Batting Cage (ITE 433)	**160***	**0**	**16**
Total Trips	**630**	**12**	**60**

*Estimated based on PM peak hour trips.

Proposed Zoning:

Zoning, Land Use/Size, ITE Code	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD: 5,000 sf Apparel Store (ITE 876)	**332**	**5**	**21**
PD:4,500 sf Fast Food Restaurant without Drive Through Window (ITE 933)	**1,558**	**113**	**128**
PD: 86 Town Homes (ITE 220)	**630**	**40**	**48**
PD: 100 Student Daycare (ITE 565)	**409**	**78**	**79**
Total Trips	**2,929**	**236**	**276**
Internal Capture	**N/A**	**12**	**44**
Pass-By Trips	**N/A**	**2**	**0**
Net Trips	**2,929**	**224**	**232**

Trip Generation Difference:

	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference (+/-)	**+2,299**	**+212**	**+172**

The proposed rezoning will result in an increase of trips potentially generated by 2,299 daily trips, 212 AM peak hour trips and 172 PM peak hour trips.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Boyette Rd. (between Balm Riverview Rd. and Bell Shoals Rd.) is a 4-lane, divided, collector roadway in good condition. Boyette Rd. is characterized by +/- 12-foot wide travel lanes lying within +/- 127ft of right-of-way. There are +/- 5-foot sidewalks and +/- 4-foot wide bicycle facilities along both sides of Boyette Rd. in the vicinity of the proposed project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Boyette Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 6-lane roadway. The site plan indicates that the right of way on Boyette is 127 feet. According to the Hillsborough County Transportation Technical Manual, a TS-6 4 lane divided roadway with two 11-foot additional travel lanes would total 134 feet of right of way. Adding the existing right turn lane would total 143 feet required for the planned improvement. Subtracting out the existing roadway and dividing evenly for each side of the roadway, a total of 8 additional feet of ROW is required for preservation along the subject frontage on Boyette Road.

SITE ACCESS

The project has a single access on Boyette Rd at a signalized intersection aligning with Sedgebrook Drive and served by an existing 270ft left turn lane. The internal driveway serves the commercial neighborhood uses in Parcel 2. The residential tract is separated from the other uses by a +/-160 ft TECO easement that will remain undeveloped with the exception of the driveway access. The proposed gated entry option to the residential tract will be located outside of the TECO easement as shown on the PD site plan.

Based on the applicant's site access analysis, the existing eastbound left turn lane should be extended to 365 feet to accommodate the peak season plus project traffic. A westbound right turn lane is not warranted.

LEVEL OF SERVICE (LOS)

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	**From**	**To**	**LOS Standard**	**Peak Hr Directional LOS**
BOYETTE RD	BALM RIVERVIEW RD	BELL SHOALS RD	D	C

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

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**
Boyette Rd.	County Collector - Urban	4 Lanes ☐Substandard Road ☐Sufficient ROW Width	☒ Corridor Preservation Plan ☒ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generation ☐Not applicable for this request			
	Average Annual Daily Trips	**A.M. Peak Hour Trips**	**P.M. Peak Hour Trips**
Existing	630	12	60
Proposed	2,929	224	232
Difference (+/-)	+2,299	+212	+172

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

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

Design Exception/Administrative Variance ☒Not applicable for this request		
Road Name/Nature of Request	**Type**	**Finding**
	Choose an item.	Choose an item.
Notes:		

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 report.

COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:	RZ PD 22-0075 REMAND
DATE OF HEARING:	January 17, 2023
APPLICANT:	MattMattamy Tampa/Sarasota, LLC.
PETITION REQUEST:	A request to rezone property from AR to PD to permit a mixed-use development consisting of 86 multi-family dwelling units (attached single-family) and a maximum of 20,000 square feet of commercial, office, residential support uses and/or a Community Residential Home (Type C)
LOCATION:	12910 Boyette Road
SIZE OF PROPERTY:	17.67 acres, m.o.l.
EXISTING ZONING DISTRICT:	AR
FUTURE LAND USE CATEGORY:	RES-4
SERVICE AREA:	Urban
COMMUNITY PLAN:	Riverview

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: Mattamy Tampa/Sarasota, LLC

FLU Category: RES-4

Service Area: Urban

Site Acreage: 18 +/-

Community Plan Area: Riverview

Overlay: None



Introduction Summary:

The applicant seeks to rezone a parcel zoned Agricultural Rural (AR) to Planned Development (PD) to allow for the development of a mixed-use project. The project is located on the north side of Boyette Road, 1⁄2 mile west of Bell Shoals Rd. in Riverview. A TECO easement runs east-west bisecting the parcel into two areas. The project will consist of 86 multifamily units (attached single-family) north of the TECO easement and up to 20,000 square feet of commercial, office, residential support uses and/or a Community Residential Home Type C south of the TECO easement, along Boyette Road. The developer intends to utilize the Mixed Use Incentive program set forth in the Comprehensive Plan to achieve a density up to 6 du/acre on the site. The site will have one access points on Boyette Rd.

Zoning: Existing Proposed		
District(s)	AR	Planned Development
Typical General Use(s)	Single-Family Residential (Conventional/Mobile Home)	Multi-family Residential and Non-Residential
Acreage	18	18
Density/Intensity	1 unit per 5 acre (upland)	6 units per acre/0.20 FAR
Mathematical Maximum*	3 units	86 Res. Units / 20,000 sq ft

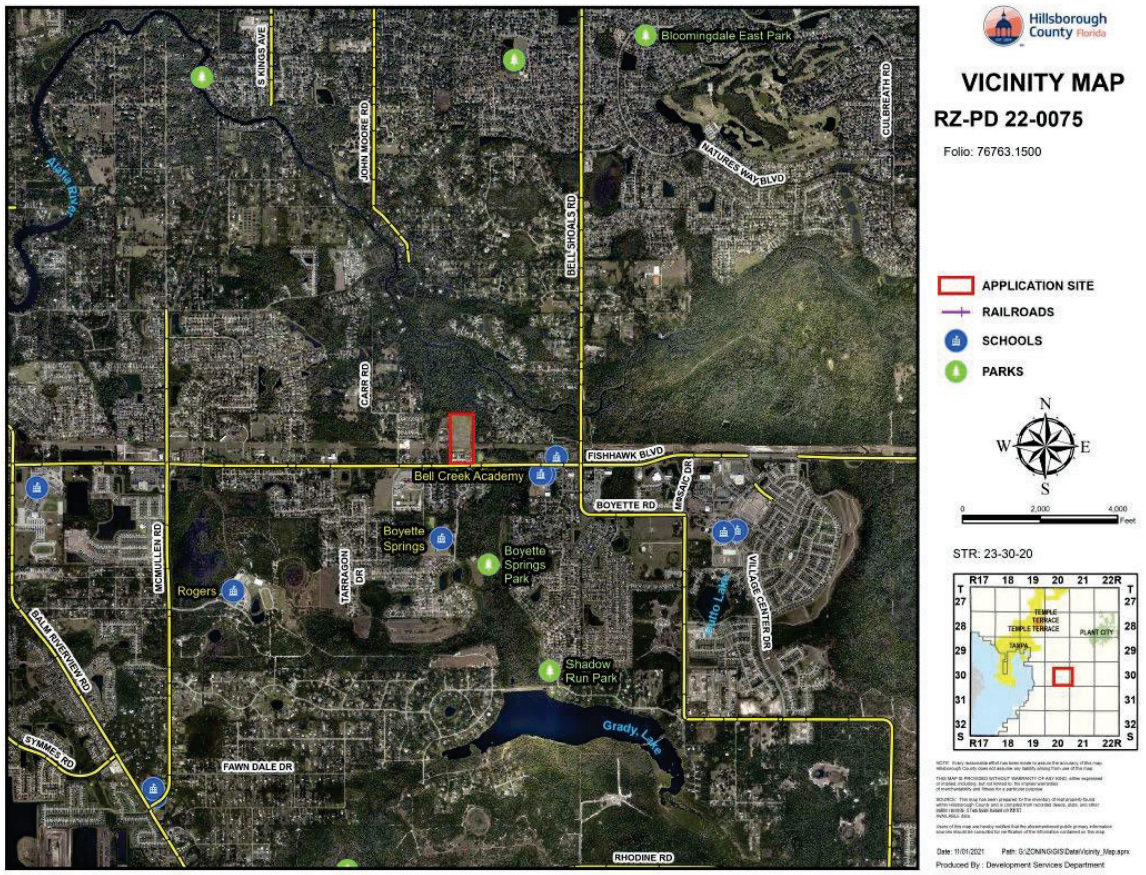
*number represents a pre-development approximation

Development Standards: Existing Proposed			
District(s)	AR	PD	
Lot Size / Lot Width	5 Ac / 150’	1,620 sq ft / 18’	
Setbacks/Buffering and Screening	50’ Front 50’ Rear 15’ Sides	Residential 20’ Front 10’ Rear (35’ east) 10’ Sides (35’ east)	Non-Residential 20’ Front 20’ Rear 20’ Sides
Height	50’	35’	35’

Additional Information:	
PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	To Section 6.01.01.01 Footnote 8. Reduce the required building setback for building height over 20 feet (west).

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

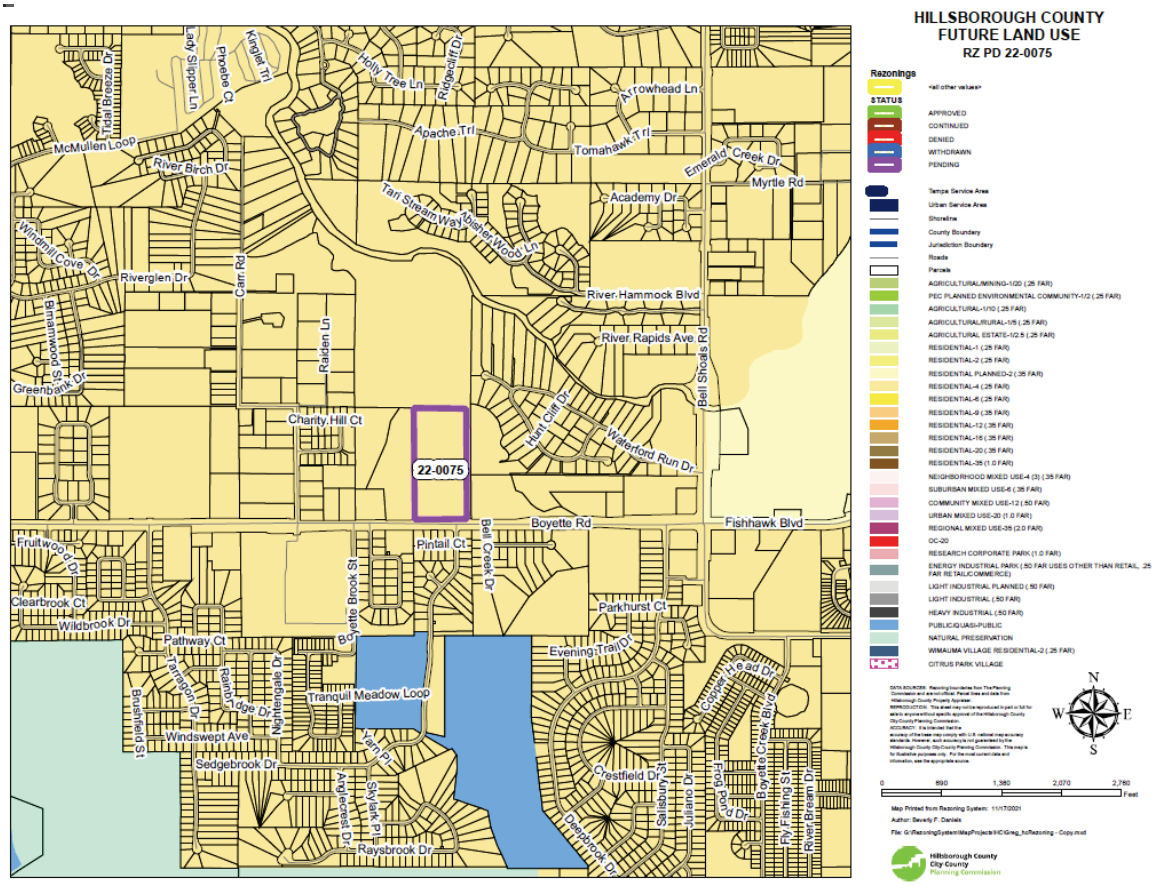
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

The project is located north of Boyette Road, between McMullen Rd. and Bells Shoals Rd. Area mostly consists of residential land. Some office uses are located to the west and east. Commercial uses are found further east, at the intersection of Boyette Rd and Bell Shoals Rd. Private schools and churches are also found in the area.

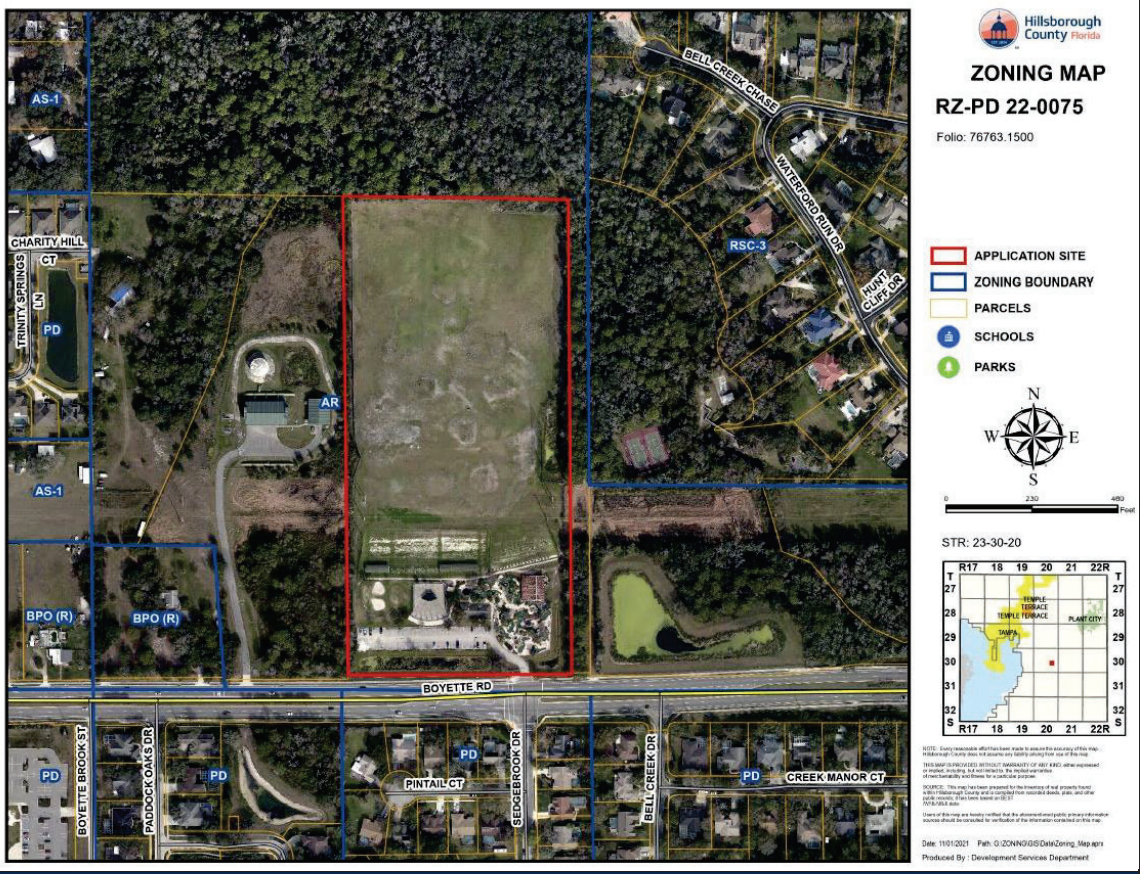
2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential - 4
Maximum Density/F.A.R.:	Up to a maximum of 4.0 dwelling units per gross acre. Alternative methods for calculating density of certain uses are specified in the land development regulations. Density bonuses and credits may be considered in this category and are described in the Plan. suburban scale neighborhood commercial, office, multi-purpose or mixed use projects limited to 175,000 sq. ft. or .25 FAR, whichever is less intense. Actual square footage limit is dependent on classification of roadway intersection where project is located.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Nonresidential uses shall meet locational criteria for specific land use. Agricultural uses

	may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

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

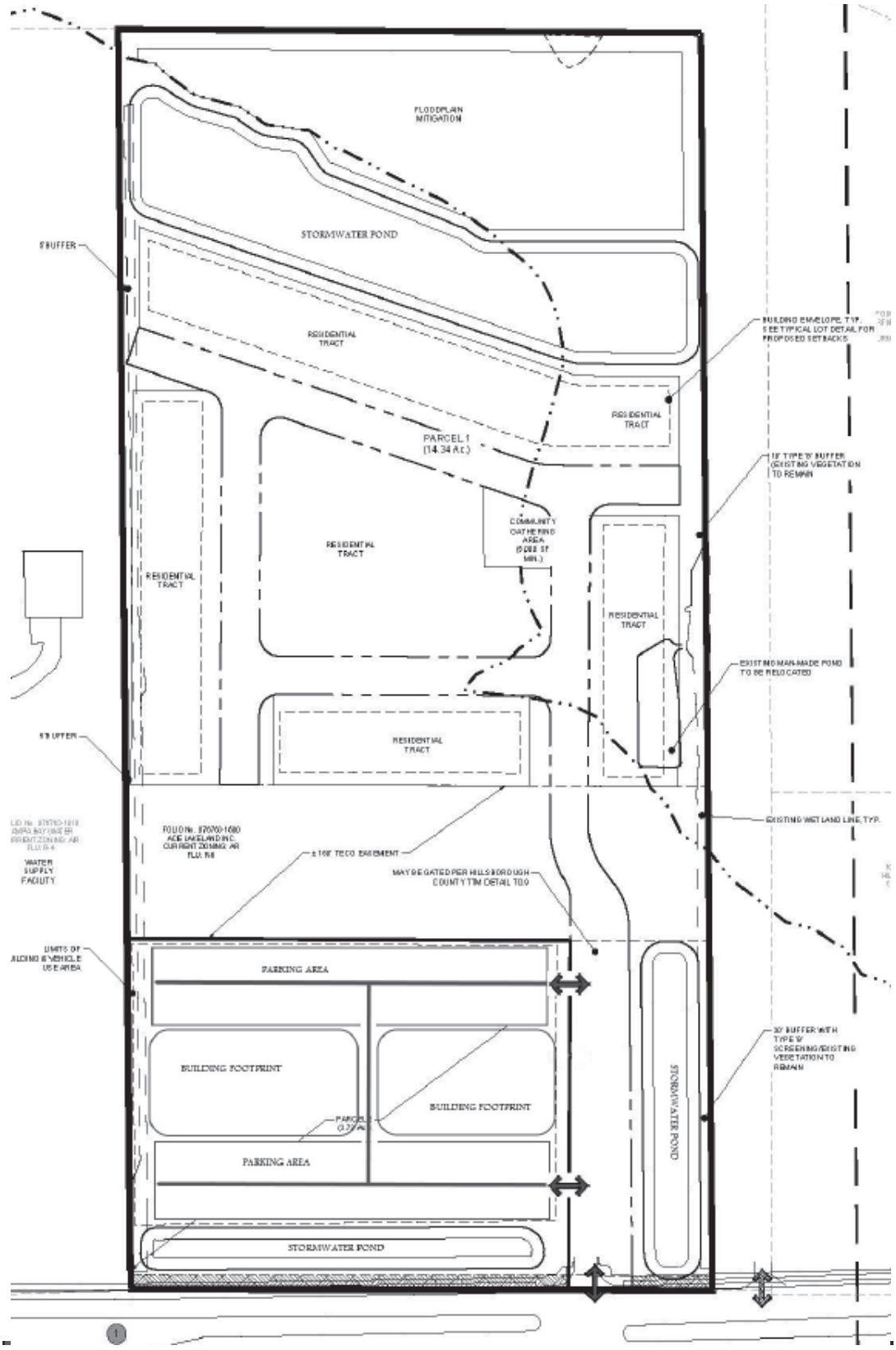


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR,	1 Du/5 ac	Single Family Detached, Agricultural	Natural Preserve
South	PD 85-0014	4 Du/ac	Single Family Detached	Single Family

East	AR,	1 Du/5 ac	Single Family Detached, Agricultural	Natural Preserve
West	AR,	1 Du/5 ac / 0.25 FAR	Single Family Detached, Agricultural	Public Use / Water Treatment

2.0 LAND USE MAP SET AND SUMMARY DATA
2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)


FLOODPLAIN MITIGATION
STORMWATER POND
5' BUFFER
RESIDENTIAL TRACT
BUILDING ENVELOPE, TYP. SEE TYPICAL LOT DETAIL FOR PROPOSED SETBACKS
RESIDENTIAL TRACT
PARCEL 1 (14.34 Ac.)
15' TYPE 'B' BUFFER (EXISTING VEGETATION TO REMAIN
COMMUNITY GATHERING AREA (5000 SF MIN.)
RESIDENTIAL TRACT
RESIDENTIAL TRACT
RESIDENTIAL TRACT
EXISTING MAN-MADE POND TO BE RELOCATED
5' BUFFER
RESIDENTIAL TRACT
EXISTING WETLAND LINE, TYP.
WATER SUPPLY FACILITY
± 16' TECO EASEMENT
MAY BE GATED PER HILLSBOROUGH COUNTY TIM DETAIL TO.0
LIMITS OF BUILDING & VEHICLE USE AREA
PARKING AREA
BUILDING FOOTPRINT
BUILDING FOOTPRINT
PARKING AREA
STORMWATER POND
STORMWATER POND
30' BUFFER WITH TYPE 'B' SCREENING/EXISTING VEGETATION TO REMAIN

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
Boyette Rd.	County Collector - Urban	4 Lanes ☐Substandard Road ☐Sufficient ROW Width	☒ Corridor Preservation Plan ☒ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generation ☐Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	630	12	60
Proposed	2,929	224	232
Difference (+/-)	+2,299	+212	+172

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

Connectivity and Cross Access ☐Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance ☒Not applicable for this request

Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
Notes:		

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 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:
☒ Wetlands/Other Surface Waters
☐ Use of Environmentally Sensitive Land Credit ☐ Wellhead Protection Area
☐ Surface Water Resource Protection Area

☐ Potable Water Wellfield Protection Area ☐ Significant Wildlife Habitat
☐ Coastal High Hazard Area
☐ Urban/Suburban/Rural Scenic Corridor ☒ Adjacent to ELAPP property

☐ Other _____

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	
Service Area/ Water & Wastewater ☐Urban ☐ City of Tampa ☐Rural ☐ City of Temple Terrace	☐Yes ☐ No	☐ Yes ☐ 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

(Fee estimate is based on a 1,500 square foot, 3 bedroom, 1-2 story townhome)
Mobility: $5,995.00 * 86 units = $515,570

Shopping Center (per 1,000 s.f.) Mobility: $12,206 Fire: $313

ALF
(per Bed/Fire per 1k sf)

Mobility: $1,128 Fire: $95

Parks: $1,957 * 86 units School: $7,027.00 * 86 units Fire:$249.00*86units Total townhome

= $168,302 = $604,322 =$ 21,414

= $1,309,608

Daycare
(per 1,000 s.f.)
Mobility: $11,840
Fire: $95

Project Summary/Description:
Urban Mobility, Central Park, South Fire - 86 townhome units; 31-36k s.f. retail strip; 10k Urgent Care (Clinic), 10k Med Office; 10k Daycare, 125bedALF.10kCharterschool. Charter school is exempt from impacts.

Medical Office (10k or less s.f.) (per 1,000 s.f.)
Mobility: $19,674
Fire: $158

Clinic
(per 1,000 s.f.) Mobility: $30,011 Fire: $95

Comprehensive Plan:	**Comments Received**	**Findings**	**Conditions Requested**	**Additional Information/Comments**
Planning Commission ☐ Meets Locational Criteria ☐N/A ☒ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A ☒Density Bonus	☒Yes ☐ No	☐ Inconsistent ☒ Consistent	☒Yes ☐ No	

Requested ☒Consistent ☐Inconsistent				

5.0 IMPLEMENTATION RECOMMENDATIONS

Remand

This case was presented at the July 25, 2022 Zoning Hearing Master hearing. In order to build more than 57 residential units and exceed the density of 4 DU/ac in Parcel 1, the applicant proposed a mixed use project. In conversations with Planning Commission staff, the applicant had proposed and committed to a timing mechanism that would guarantee the development of all proposed uses (residential in Parcel 1 and non-residential in Parcel 2) and comply with the mixed use Objectives and Policies from the Comprehensive Plan Objective 19 and Policy 19.2 for the integration of mixed-use developments. A condition was proposed stating that *prior to the issuance of any Certificate of Occupancy for 58 or more residential units, two of the non- residential uses listed in the Group lists need be constructed with a Certificate of Occupancy issued*. At the July hearing, the applicant submitted a modification to this condition to require that *prior to the issuance of any building permits for 58 dwelling units or more, the road and utility infrastructure (North South Entry Road with sidewalks and pedestrian connections and utility stub outs necessary to service Parcel 2) to be constructed and Certificate of Completion issued.* This modification of the condition would not require two of the non-residential uses listed in the Group lists to be constructed with a Certificate of Occupancy issued prior to the issuance of any Certificate of Occupancy for 58 or more residential units. Staff from the Planning Commission and Development Services could not amend the reports and the case remained scheduled for the BOCC Land Use Meeting. At the BOCC Land Use Hearing on October 11, 2022, the case was remanded to the Zoning Hearing Master hearing in order to allow the evaluation by staff of the proposed modification to the condition with the timing mechanism for the development of the two project Parcels.

5.1 Compatibility

The property's existing use is a recreational golf course. The site is surrounded to the south, southeast, and southwest by single-family detached home sub. Further southwest is Saint Stephens Catholic Church and School. The parcel adjacent to the west contains the Hillsborough County South Central Water Pump Station. Further to the west is single-family detached housing. The adjacent parcel to the north and east is owned by the Tampa Bay Conservancy Inc. (Myron and Helen Gibbons Nature Preserve). Further to the northeast is the

western boundary of a large single-family detached home subdivision with frontage directly on Bell Shoals Road. To the east, along Boyette Rd., is land owned by Hillsborough County containing a large water retention pond.

The subject property is currently developed as a golf driving range. According to the project's narrative, this property is one of the last developable sites in the area, and with its direct access onto Boyette Road, a lighted intersection, and close proximately to Bell Shoals Road, it is a prime location for a mixed-use project. Boyette Road is a 4-lane collector road and existing land uses along this corridor range from commercial uses, private educational facilities, retail uses, residential uses, and preserved areas.

The request is to rezone the subject site from Agricultural Rural (AR) to Planned Development (PD) to allow up to 86 Townhomes (single-family attached) with a density bonus within Parcel 1 (north an existing TECO easement) and up to 20,000 sq. ft. of limited Commercial Neighborhood (CN) from three distinct use categories in Parcel 2 (south of the TECO easement, along Boyette Rd.). In order achieve 86 residential units (at 6 du/ac), the applicant is utilizing Policy 19.3 which provides incentives to encourage mixed-use development by providing at least 3 uses on site which in turn will permit density/FAR up to the next land use category, where 2 uses shall be non-residential uses. The non-residential uses have been classified into 3 Groups. The applicant met with staff and is proposing a list and size of development that could be considered, where at least 2 uses shall be developed in Parcel 2, one use from either Group, where no two uses are chosen from the same group. The applicant is also committed to limiting the height to one-story and architecturally finished on all four sides with a residential like appearance for the non-residential portion of the site.

The three use Groups are proposed as follows:

Group A – Retail – No drive-thru

4,500 SF site down restaurant 2,500 SF coffee shop
5,000 SF Bank

4,000 SF Fitness Center
5,000 SF Brewery/Beer Garden 5,000 SF Retail limited to:

Apparel and Shoe Store
Appliance Stores, Small
Art Supply Store
Bicycle Sales/repair
Book/Stationary Store, New and Used Camera/Photography Store

Florist Shop
Furniture/home furnishings

General Business, Such as Retail Goods and Stores Jewelry Store (Watch, clock, Jewelry Repair)
New Stand
Novelty and Souvenir Shop
Optician/Optical Supplies
Locksmith
Mail and Package Services
Mail Order Office
Mail Order Pickup Facilities
Pet shop (no outdoor rec area)
Sporting Goods Store

5,000 – 10,000 SF Specialty Food Store to include:
Bakery, Candies, & Nuts, Dairy, Delicatessens, Meat Seafood and Produce

Group B – Office - No drive-thru

10,000 SF limited to:
Urgent Care (no 24 hour operation)

Outpatient Surgical Center (no 24 hour operation) Employment Services
Government Office
Health Practitioner's Office

Medical Offices or Clinics with scheduled or Emergency Services by Physicians (No 24 hr use) Professional Office
Professional Services

Group C – Residence Support - No drive-thru

10,000 SF limited to:
Day Care (child / pet)

Community Residential Home/Memory Care (maximum 125 beds)

No drive thru facilities will be permitted to prevent intense uses from developing on site.

A waiver to the additional 2-foot setback for every foot above 20-feet in height, per LDC Section 6.01.01. endnote 8 is being requested only on the west side of the site. The 2:1 requirement is to address potential compatibility issues however; the adjacent use is TBW water facility. There is a 5-foot buffer proposed along the western PD boundary. The eastern boundary will maintain the "2:1" requirement although the closest single- family development is located 500 feet to the east with heavy vegetation functioning as a buffer between both uses. The LDC requires a 5-foot buffer with a Type A screening between the

proposed residential use and the adjacent AR zoning along the east/north. With the required 5-foot buffer and building height of 35-feet, an additional 30-foot setback is required (35'- 20'= 15' X 2 = 30' + 5' buffer). The total required setback is 35 feet. Furthermore, the applicant is committed to include a 6-foot fence with a10-foot buffer / type B screening.

Commercial development standards will be of the Commercial Neighborhood (CN) standards, single story structures.

As part of this remand, the condition pertaining to the timing mechanism for the development of the Parcel 1 (residential) will require that prior to the issuance of any building permits for 58 dwelling units or more, the road and utility infrastructure (North South Entry Road with sidewalks and pedestrian connections and utility stub outs necessary to service Parcel 2) will need to be constructed and Certificate of Completion issued.

The new condition will still require that Parcel 2 be developed with two non-residential uses from two different use Groups. Each use will have a minimum of 2,500 square feet of building space.

Additionally, the applicant commits that in order to demonstrate that Parcel 2 will have adequate land area to accommodate two non-residential uses and related parking, open space, etc., if Parcel 2 is developed in more than one phase, a Preliminary Site Development Plan (PSDP) will be required to be submitted for site development review and approval. The PSDP will need to include the use proposed as Phase 1 along with the most intense use from a different Group list as Phase 2. For instance, if a developer proposes a use from Group A as Phase 1, the PSDP shall include a the most intense use remaining in Group B or C (10K sq ft Medical / Health Practitioner's Office). If a developer proposes a use from Group B as Phase 1, the PSDP shall include the most intense use remaining in Group A or C (4,500 sq ft Sit Down Restaurant).

Planning Commission and Development Services staff have reviewed the change in the conditions and has found them acceptable. The condition will still ensure that the project be developed with three different uses and be reviewed in accordance with site development regulations established by the Land Development Code.

The applicant also proposes to provide landscaping and native species vegetation along the floodplain compensation slope areas, subject to review and approval by the County Stormwater review section.

Staff has received letters of concerns and opposition from area residents, the Tampa Bay Conservancy and Sierra Club. The letters expressed concerns with traffic generated by the proposed development, school capacity, noise, impacts to the nature preserve, increase in density, introduction of commercial uses in the

area, impacts to water supply and reduction of setbacks/buffer from the natural preserve along the east. The applicant has amended the application and reduced the intensity of the non-residential uses, restricted square footage of the day care, eliminated school uses, and will maintain the required buffer/setback along the east in accordance with the Land Development Code. The project will maintain a minimum of 35 feet of building setback along the east, meeting the requirement of the Code. In addition, a 20-foot buffer, with Type B screening will be in place for the residential portion. Per LDC Sec. 6.06.06, the proposed project would require at least 5 feet of buffer between residential uses (Parcel 1) and AR zoning with Type A screening. The Type A screening requires plantings or a solid fence. The applicant proposes 20 feet of buffer with Type B screening. Existing vegetation will be allowed to remain in lieu of required landscaping and trees, subject to approval by Natural Resources. The additional landscaping (Type B) consists of a row of evergreen shade trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line. The solid fence will also be placed at least 10 feet from the parcel line, away from existing vegetated areas. Between Parcel 2 (non-residential uses) and the nature preserve site along the east, the applicant proposes a 30-foot buffer with Type B screening. The Code requires at least 20 feet of buffer and Type B screening. Per the submitted site plan, retention ponds will be placed along the east, adjacent to the nature preserve, and vegetation will be preserved subject to Natural Resources review and approval. As part of the site development review process, the developer is required to provide wildlife and environmental studies in accordance with the Land Development Code. The project will be conditioned requiring that water distribution system improvements will need to be completed prior to connection to the County's water system by this future development. No building permits that would create demand for water service will be issued until the completion of two County funded Capital Improvement Program projects in South County are put into operation. Stormwater design and construction will be subject to review and approval by the site development review section as established in the Land Development Code to ensure the project will capture all stormwater onsite. The proposed PD plan shows areas for future retention ponds. Comments from the School Board state that a school concurrency review will be issued PRIOR TO preliminary plat or site plan approval. The School Board also indicated that at this time, additional capacity at the middle and high school levels exists in adjacent service areas to accommodate the proposed project, and capacity exists in the Elementary School level for this area.

Although cross access to adjacent parcels is encouraged, the existing adjacent uses restricts this. The Tampa Bay Water supply facility is located to the west with its own access fenced with a 6-foot chain link fence with electrical wires to prevent trespassing. The Gibbon Nature Preserve is located to the north and east of the subject site and future development of this site is unlikely.

The is located between a water supply facility to the west and a storm water pond and recreation land/preserve to the east and to the north. Residential subdivisions surround this area to the north, northeast and south. Other residential projects are located further to the west. The site is also bisected by the 150-foot wide TECO easement creating two distinct areas for commercial use along Boyette Road and the residential component internal to the site, adjacent to the preserve. The TECO easement functions as buffer between both uses, however the site will be interconnected by vehicular and pedestrian access.

There are wetlands present on the site. The Environmental Protection Commission, EPC, reviewed the proposed Site Plan and does not object. No impacts to wetlands or setbacks are shown on the proposed Plan. The Conservation and Environmental Lands Management reviewed this rezoning petition and has no comments. Transportation staff does not object to this request and proposes conditions for site access and road improvements along Boyette Rd.

The area is a mix of mostly residential single family-detached, and low scale commercial, and office uses. Residential support uses (schools and churches) are also commonly found in the area. The proposed project scale and design would ensure that is compatible with the surrounding development pattern and land uses. Intensive uses are being eliminated from the proposed development. The project will maintain the required setbacks along the east, where the adjacent nature preserve is located, as required per the LDC. The applicant, however, will provide additional buffer and screening more than what the Code requires. The non-residential component will be limited to 1-story buildings with a residential design. Compared to the initial proposal by the applicant, the project has been scaled down, more restrictions have been proposed, and compliance with provision from the Code has been maintained. Staff from the Planning Commission has evaluated the request and has found it Consistent. Objective 19 and Policy 19.2 indicates that a mixed-use development must be integrated. Policy 16.2 requires the gradual transition between uses. The applicant's site plan shows the commercial buildings are in the southern portion of the property facing south towards Boyette Road. The proposed site plan shows an integrated design to the residential located on the northern portion of the property and a gradual transition from the natural preservation area to the north and east, consistent with policy direction. To ensure the project will be developed in accordance with the objectives and policies above, a timing mechanism for the development of the mix of uses is being proposed requiring the construction of the access road and infrastructure serving the project and the non-residential uses in Parcel 2 to be completed before more than 57 residential units can be issued building permits. Planning Commission staff also sees no compatibility issues as the adjacent use is public institutional. Lastly, a waiver to the Commercial Locational Criteria (CLC) has been requested, and Planning Commission staff recommends approval of the waiver.

5.2 Recommendation

Based on the above considerations, staff recommends approval with conditions.

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

SUMMARY OF HEARING

THIS CAUSE came for hearing before the Hillsborough County Land Use Hearing Officer on January 17, 2023. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition. He stated that Mr. Cameron Clark of the County Attorney's Office would make a brief statement regarding the application prior to the applicant's presentation.

Mr. Cameron Clark of the County's Attorney's Office stated that there was a letter in the record that was submitted on the day of the Zoning Hearing Master (ZHM) hearing from Attorney Jane Graham who is objecting to the ZHM hearing going forward and wished to address that objection at the start of the ZHM hearing. He added that he understood that Ms. Graham was present at the hearing and is representing opponents. Mr. Clark stated that when he looked at the reasons behind the objection, the substantive one was the allegation that the ZHM hearing initially violated the six month window where the application has to go to a hearing within the first six months on the initial hearing date or its withdrawn. In conferring with staff, Mr. Clark testified that did not happen. The initial hearing date was set for January 18, 022 and Ms. Graham concluded that the application should have been withdrawn by June. He added that it was actually five months as July would be six months from the hearing date. The application was heard in July of 2022 and staff determined that it was in order to be heard. The application went to the Board of County Commissioners and it was remanded which resets the six month window for withdrawal. Mr. Clark stated that there was also an objection that the Planning Commission and Development Services staff changed their recommendations but there is nothing in the Land Development Code that requires the reports after a remand be the same. Staff can always reanalyze the application and there is not a final decision until they go to the Board and are voted on at that time. Mr. Clark concluded his comments by stating that he did not see any reason for anything to be heard prior to the hearing and that Ms. Graham would be able to testify at the appropriate time during the ZHM hearing.

Ms. Kami Corbett testified on behalf of MattMattamy Homes. She stated that the application had been remanded at the request of the applicant. She added that a full presentation including transportation and environmental was made at the prior ZHM hearing and those sections will not be repeated. This issue for the remand pertains to the condition which included a timing mechanism associated

with providing three land uses. The condition proposed at the prior hearing did not capture the spirit of the providing the uses therefore the applicant requested a remand to work with staff on a revised condition. Conditions 1.4 and 1.5 in the staff report have been revised and is supported by the applicant. A condition regarding additional wetland plantings has been proposed. Ms. Corbett stated that those are the only changes to the application since the last hearing. There are additional letters in opposition from citizens regarding generalized concerns about traffic but not specific to the development itself. She stated that Ms. Graham submitted a letter asserting that the rezoning was inconsistent with the Riverview Community Plan which specifically addresses densities along the Alafia River. Ms. Corbett testified that the subject property is not along the Alafia River therefore the policy is not applicable. She added that County staff accurately analyzed this issue in their staff report.

Mr. Israel Monsanto, Development Services Department testified regarding the County's staff report and the remand. Mr. Monsanto stated that in order to build more than 57 residential units and exceed the density of four dwelling units per acre in Parcel 1, the applicant has proposed a mixed use project. The applicant committed to a timing mechanism that would guarantee the development of all proposed uses, residential in Parcel 1 and non-residential in Parcel 2, and comply with the mixed use objectives from Comprehensive Plan Objective 19 and Policy 19.2 for the integration of mixed use development. Mr. Monsanto testified that a zoning condition was proposed stating that prior to the issuance of any Certificate of Occupancies for 58 or more residential units, two of the non-residential uses listed in the Group lists need to be constructed with a Certificate of Occupancy issued. Mr. Monsanto summarized the condition and circumstances that followed at the prior ZHM hearing which led to the staffs not supporting the revised condition. Subsequent to the remand, the applicant worked with staff to draft a condition that requires Parcel 2 to be developed with two non-residential uses from two different use Groups with each use having a minimum of 2,500 square feet of building space. The applicant has committed submit a Preliminary Site Development plan for review and approval to ensure that there is adequate land area to accommodate two non-residential land uses and the associated parking, open space and other requirements. Mr. Monsanto concluded his presentation by stating that the Planning Commission has found the request consistent with the Comprehensive Plan. The applicant proposes to provide landscaping and native species vegetation along the floodplain compensation slope area subject to the review and approval of the Stormwater review section.

Ms. Jillian Massey of the Planning Commission staff testified that the property is designated Residential-4 and located within the Urban Service Area and the Riverview Community Planning Area. The proposed density of six dwelling units per acre exceeds the density permitted under the RES-4 Future Land Use category however, a density bonus is proposed as outlined in Policy 19.3. She added that a zoning condition is proposed to ensure all three uses are developed to comply with the density bonus criteria. Neighborhood Commercial land uses

are proposed for the non-residential portion of the site. Planning Commission staff worked with the applicant to limit the possible Neighborhood Commercial uses to help protect the surrounding residential and preservation land uses. The request is consistent with Objective 16 and Policy 16.3 regarding compatibility. A waiver of commercial locational criteria is supported by staff as the project is a mixed use development with limited Neighborhood Commercial land uses. Ms. Massey testified that the request meets Goal One of the Riverview Community Plan which strives to achieve better design and densities compatible with the Riverview vision. In closing, Ms. Massey stated that the Planning Commission staff finds the request consistent with the Comprehensive Plan subject to the proposed conditions.

Hearing Master Finch asked audience members if there were any proponents of the application. No one replied.

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

Ms. Jane Graham testified on behalf of Mr. James Anderson who resides at 10514 Sedbrook Drive. She stated that Mr. Anderson opposes the application and requests that it be denied. She referred to her letter objecting to the remand of the rezoning application and entered it into the record. Ms. Graham stated that several people will speak in opposition and explain why the application fails to meet the rezoning criteria under Land Development Code Section 10.03.03.E. The application is inconsistent with the Comprehensive Plan Goal 6 which intends to reduce density along the Alafia River. The rezoning requests to increase density. Ms. Graham testified that Bell Creek is a tributary of the Alafia River and is only a number of feet away on the norther border of the subject property. She concluded her comments by stating that the request is incompatible with the surrounding uses.

Mr. James Anderson 105146 Brook Drive Riverview testified in opposition. Ms. Graham asked Mr. Anderson if he had taken the pictures that were shown during his presentation. Mr. Anderson replied yes. He described the traffic that comes from Boyette Elementary and the backups that are existing which effectively block parts of Boyette Road when the school dismisses students in the afternoon. Ms. Graham asked Mr. Anderson if agreed that the traffic congestion is existing and could be further aggravated. Mr. Anderson replied that it will and stated that the addition of 2,299 cars coming from Sedbrook Drive which is where Boyette Elementary is will make the traffic worse. Ms. Graham asked Mr. Anderson to describe the next photo. Mr. Anderson stated that it is a photo of the property and shows that there is about 50 to 60 feet between the Ace Golf facility and Bell Creek. A bridge goes across Bell Creek which is connected to the Alafia River. Ms. Graham showed several other photos of the subject property. Mr. Anderson discussed a photo of the power lines that go across the Ace Golf property and stated that the proposed townhome location will require residents to go under the power line as they leave the property. He added that

there are also pipelines including ammonia and water that are existing. Ms. Graham submitted photos and letters of objection into the record.

Ms. Ethel Hammer 19825 Angel Lane Odessa testified in opposition. Ms. Hammer stated that she was representing the Tampa Bay Conservancy and that their Board of Directors had voted unanimously to oppose the application as submitted. Ms. Hammer continued by stating that the objection is based on the density and intensity of the project including the proposed waivers. She added that the Conservancy does not object to the development of the site as long as it would be within the parameters of the RES-4 Future Land Use category. Ms. Hammer stated that the waiver to commercial locational criteria is not justified as commercial land uses are inconsistent with the surrounding land use pattern. There is single-family residential to the north, south, east and west. County staff mentioned the presence of a school nearby but that is a residential support use which should not be used to justify commercial development. She discussed the existing commercial to the east of Bell Shoals and also to the west and stated that is where the commercial development belongs. The approval of commercial on the subject property would serve as a precedent for other vacant parcels along Boyette Road. Ms. Hammer stated that not only is the developer asking for a waiver, but also to develop four times the amount of square footage that would be permitted if the site met commercial locational criteria. She stated that if the property met the criteria, it would only be permitted to develop 5,000 square feet. Instead, the rezoning requests 20,000 square feet which is four times more. Goal 1 of the Riverview Community Plan strongly encourage the avoidance of strict commercial. Goal 6 of the Riverview Plan directs the protection of the Alafia River watershed. She stated that it is her opinion that the word watershed is more than just the properties that are immediately adjacent. A portion of the subject property fronts Bell Creek and the property is also located in the Coastal High Hazard Area. Ms. Hammer concluded her presentation by stating that the Tampa Bay Conservancy objects to the granting of the density bonus as the waiver of commercial locational criteria. Ms. Graham submitted a copy of Ms. Hammer's written statement and resume into the record.

Mr. Gary Gibbons 800 29th Avenue North St. Petersburg testified in opposition and on behalf of the Gibbons family. Mr. Gibbons stated that the preserve is named after his mother. He detailed his family's ownership of land in the area and stated that the property is located in the Coastal High Hazard Area and has significant wildlife habitat. He discussed Goal 6 of the Riverview Community Plan and the reduction of densities and intensities to protect the environment and wildlife along the Alafia River and surrounding watershed. Mr. Gibbons summed up his comments by stating that the Alafia River is the primary source of drinking water for Tampa Bay Water which serves the entire region and that the project is incompatible with the surrounding properties.

Mr. Ryan Brooks 12714 Shadowcrest Court testified in opposition and stated that he was speaking both as a private resident and as Vice President of the Boyette Springs Homeowners Association. He filed their objection into the record. Mr.

Brooks described the existing traffic generated by the school and stated that the additional project traffic will result in cars blocking the entrances to the subdivision. He stated that he has witnessed several accidents at the neighboring intersections.

Ms. Jennifer Miller 13317 Waterford Run Drive testified in opposition and stated that he is the Waterford on the Alafia Homeowners Association President. She added that she was speaking on behalf of everyone in the Waterford community. A letter of opposition was sent to County staff in January of 2022. Ms. Miller stated that she met with representatives of the Mattamy group to discuss their opposition and sent pictures of Bell Creek flooding to the County. The pictures were shown at the ZHM hearing and Ms. Miller stated that they show that the Creek overflows not only during hurricanes but also where there is severe rain for more than two days. She described the traffic generated by the school and concluded her comments by stating that the rezoning does not fit into the area.

Ms. Prather attempted to virtually testify in opposition but had technical issues such that she could not be heard or understood.

Ms. Graham asked if she could call Ms. Prather as she could be seen to ensure compliance with County policy. Ms. Prather could not be heard via Ms. Graham's cell phone.

Ms. Graham asked the Hearing Master if she could submit additional evidence from Ms. Prather after the hearing due to the technical audio difficulties.

Mr. Clark of the County Attorney's Office stated that the virtual participation in the hearing is an option and does not preclude the fact that there may be audio difficulties. He added that additional evidence is rarely approved and stated that it would be unlikely for this circumstance. Mr. Clark stated that if Ms. Prather was on the adjacent property owner mailing list, she would be able to come to the Board. Hearing Master Finch asked Mr. Clark if she had already affirmed that. Mr. Clark replied that she had but that he had not confirmed it.

Ms. Graham asked if Ms. Prather could submit her comments after the hearing. Hearing Master Finch replied no as the hearing would be closed and documents are to be submitted at the hearing into the record as Ms. Graham had done with Ms. Hammer's report at the ZHM hearing.

Ms. Prather resolved her audio issues and began her testimony in opposition.

Ms. Sabine Prather 1601 Bentwood Drive Sun City Florida testified and stated that she had signed off on a letter that Attorney Graham proposed in November about the project's consistency with the community planning. She added that two of the parcels are located in a flood zone. Ms. Prather stated that she is very concerned with climate change and the weather changes that are going on. She expressed concerns regarding flooding and the impact of insurance companies leaving Florida that may make it impossible for new residents to obtain insurance

in flood zones.

County staff did not have additional comments.

Ms. Corbett testified during the rebuttal period and asked Mr. Henry to testify regarding traffic issues and then Abbey Naylor will address the environmental concerns.

Mr. Steve Henry 5023 West Laurel testified on behalf of the applicant regarding transportation issues. Mr. Henry stated that the school hours are from 7:40 am to 1:55 pm. The traffic counts conducted incorporated the am peak hours and show that the intersection operates at an acceptable level of service. He added that he suspects that there may be some operational issues with the school drop off and pick up. But from a capacity standpoint, the intersection currently operates at an acceptable level of service and continues that acceptable level with the project traffic. County staff stated in their staff report that Boyette Road operates at Level of Service C. Mr. Henry concluded his comments by submitting the County's Level of Service report documenting Boyette Road's Level of Service C status into the record.

Ms. Abbey Naylor 14706 Tudor Chase Drive testified on behalf of the applicant regarding environmental issues. Ms. Naylor stated that the nature preserve is important and offers a good habitat for wildlife. Ms. Naylor showed a graphic to discuss the proposed development plan. She stated that there is proposed flood mitigation on the northern and eastern sides of the preserve. To the south will be a storm water management pond and then south of the pond will be the beginning of the building area. On the west side of the preserve is 194 feet of buffer area between the adjacent parcel and the start of the subject development. There is 343 feet of buffer on the eastern side which is farther away than the length of a football field. The floodplain mitigation area will include native vegetation which will be coordinated with the County at the time of development. No wetlands will be impacted and the floodplain mitigation area will essentially become a wetland by design. Regarding the concerns stated by the opposition that development is intended to be reduced adjacent to the Alafia River, Ms. Naylor testified that the Alafia River watershed is 118 square miles in size. The Goal stated in the Comprehensive Plan is intended to reduce the density and intensity directly adjacent to the Alafia River, i.e. river front properties thereby protecting the surrounding watershed. She added that she did not believe the intent of the goal was to reduce the density and intensity of 118 square miles. Ms. Naylor described other examples of projects adjacent to preserves in Hillsborough County such as the Fish Hawk Nature Preserve. She concluded her comments by stating that there is an apartment complex abutting the Bell Creek preserve to the south.

Mr. Trent Stephenson 505 East Jackson testified on behalf of the applicant and stated that he is the civil engineer for the project. He discussed the proposed encroachment into the flood plain and stated that there will be a compensation

area which is required by the County and that includes not having any adverse impacts to the neighbors. Mr. Stephenson stated that the area is a sensitive basin that the County has identified as having low flooding and limits the project to a discharge rate of the mean annual storm event which is a 2.33 year storm versus the 25 year storm. Therefore restrictions are in place to try to reduce the flooding situation in the area.

Ms. Corbett continued the applicant's rebuttal and stated that the subject property is an existing golf driving range. She added that it is not a vacant environmentally sensitive piece of property. There are TECO and gas lines on-site that were acknowledged by the opposition that have an equal or more detrimental potential for environmental impacts than the proposed project. She concluded her testimony by stating that the traffic concerns have been addressed as has the environmental compatibility.

The hearing was then concluded.

EVIDENCE SUBMITTED

*Mr. Anderson submitted copies of site and surrounding area photographs into the record.
*Ms. Graham submitted copies of letters in opposition to the Hearing Master, Ms. Lundgren and Mr. Tschantz of the County Attorney's Office, Mr. Monsanto of the Development Services Department and a copy of Ms. Hammer's planning analysis of the rezoning application into the record.
*Mr. Gibbons submitted a copy of his written presentation and aerial photographs and a Hillsborough County map into the record.
*Mr. Brooks submitted a copy of a letter in opposition from the Boyette Springs Homeowners Association into the record.
*Ms. Miller submitted a copy of a letter and photographic exhibits in opposition from the Waterford on the Alafia Homeowners Association into the record.
*Ms. Corbett submitted a site plan depicting the proposed location of the flood plain mitigation and storm water pond, and graphics showing development adjacent to other nature preserves into the record.
*Mr. Henry submitted a copy of the 2020 Hillsborough County Level of Service report 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.

REMAND FINDINGS OF FACT

1. The subject site is 17.67 acres in size and is zoned Agricultural Rural (AR) and designated Residential-4 (RES-4). The property is located in the Urban Service Area and the Riverview Community Planning Area.

2. The purpose of the rezoning from AR to Planned Development (PD) is to permit the development of a maximum of 86 townhomes and up to 20,000 square feet of commercial, office, residential support uses and/or a Type C Community Residential Home.

3. The rezoning application was remanded to the Zoning Hearing Master hearing at the request of the applicant to revise a zoning condition pertaining to the timing of the development of Phase I which is the residential portion of the project. Additionally, a zoning condition has been added to require additional plantings in the floodplain compensation area.

4. The PD includes a request to utilize Policy 19.3 of the Comprehensive Plan's Future Land Use Element which states that projects with three or more land uses may utilize the density of the next higher land use category which in this case would be the RES-6 Future Land Use category.

5. The applicant has requested a waiver to the additional two-to-one setback for buildings over twenty (20) feet in height on the western side of the project only.

   The waiver is justified as the adjacent use along the entire western boundary is a Tampa Bay Water supply facility (the Hillsborough County South Central Water Pump Station). The applicant is providing a five (5) foot buffer along the western PD boundary.

6. No Planned Development Variations have been requested by the applicant.

7. The Planning Commission found the proposed density of six dwelling units per acre exceeds the density permitted under the RES-4 Future Land Use category however, a density bonus is proposed as outlined in Policy 19.3 which states that projects with three or more land uses may utilize the density of the next higher land use category which would be the RES-6 Future Land Use category. Staff testified that the revised zoning condition proposed to ensure all three uses are developed to comply with the density bonus criteria is supported by staff. The Planning Commission staff worked with the applicant to limit the possible Neighborhood Commercial uses to help protect the surrounding residential and preservation land uses. The request is consistent with Objective 16 and Policy 16.3 regarding compatibility. Staff stated that a waiver of commercial locational criteria is supported by staff as the project is a mixed use development with limited Neighborhood

Commercial land uses. The Planning Commission found the rezoning request as reviewed prior to the Zoning Hearing Master hearing consistent with the Comprehensive Plan.

8. The Development Services Department staff testified that they found the request approvable and supports the revised zoning condition regarding the development timing mechanism.

9. The subject property is currently developed with a golf driving range facility which includes batting cages, a miniature golf course and associated retail land uses. The facility is lighted for operation at night and has been in existence for approximately twenty (20) years.

10. The subject property is bisected by a TECO easement that includes existing power lines which run east-west through the property. The Planned Development proposes to locate the townhomes north of the TECO easement (Parcel 1) and the non-residential land uses south of the TECO easement (Parcel 2) which fronts Boyette Road.

11. The area surrounding the subject property is developed with a water supply facility owned by Tampa Bay Water to the west, a 60-acre nature preserve with an ownership strip to the east and the majority of the preserve to the north and residential subdivisions across Boyette Road to the south. Hillsborough County owns a larger tract of land fronting Boyette Road to the east of the nature preserve property that includes a stormwater pond. Also to the east of the nature preserve property is a wooded tract that is owned by the homeowners association for the residential subdivision to the northeast. The tract appears to be developed with recreational amenities including a lighted tennis court that serve the residents of the subdivision.

12. The applicant proposes to provide the required floodplain mitigation compensation area with native plantings as well as the stormwater pond at the northern portion of the subject property to buffer the nature preserve to the north and northeast corner of the site from the proposed townhomes. Further, a stormwater pond is proposed to be located at the southeastern portion of the parcel to also buffer the non-residential development from the nature preserve property.

    The applicant committed to a zoning condition which requires a 4:1 slope that will be planted with appropriate native species on three-foot centers for herbaceous ground cover, five-foot centers for shrubs and ten-foot center for trees.

13. Testimony in opposition was provided at the Zoning Hearing Master hearing and also submitted into the County's record prior to the hearing.

    An attorney representing a neighbor submitted letters in opposition to the Zoning Hearing Master and the Development Services Department planner assigned to the rezoning case and letters requesting the County cancel the Zoning Hearing Master hearing to attorneys in the County Attorney's Office. The request to cancel the hearing was based on the alleged violation of the Land Development Code (LDC) section pertaining to the time in which an application must be heard at a public hearing. It is noted that the Assistant County Attorney at the Zoning Hearing Master hearing addressed the request and found the application had met the requirements of the LDC and therefore the application could proceed and be heard.

    The President of the Tampa Bay Conservancy who owns the nature preserve to the east and north testified in opposition at the Zoning Hearing Master hearing. A planning analysis was submitted into the record. The objections were based on the proposed density and intensity of the project including the proposed waivers and a concern that approving the project would provide precedent for future development. Further, opposition to the waiver of commercial locational criteria was expressed as commercial land uses are inconsistent with the surrounding land use pattern. The Conservancy representative stated that the intensity bonus equates to four times the square footage permitted under the Future Land Use designation. Objections to the rezoning were also cited in conflict with the Goal 1 of the Riverview Community Plan which strongly encourages the avoidance of strict commercial and Goal 6 encouraging the reduction of densities and intensities along the Alafia River.

    A family member of the Gibbons Nature Preserve testified in opposition and expressed concerns regarding the property's location in the Coastal High Hazard Area, incompatibility with the Comprehensive Plan and Riverview Community Plan and possible effects to the County's drinking water given the parcel's proximity to the Alafia River.

    Two citizens from neighboring Homeowner's Associations testified in opposition. The first was a representative of the Boyette Springs Homeowners Association who stated that the existing traffic generated by the school and additional project traffic will result in cars blocking the entrances to the subdivision. The second citizen was a representative of the Waterford on the Alafia Homeowners Association who had concerns regarding traffic and flooding.

14. A non-residential land use has operated on the subject property for almost twenty (20) years. The existing golf driving range, miniature golf course and batting cages land use includes a lighted field and parking lot area as well as

accessory retail sales. The impacts to the surrounding parcels from the existing use are similar in nature to similarly sized commercial land uses.

15. The development of Parcel 2 with limited Commercial Neighborhood land uses is appropriate along the frontage of Boyette Road which is a four-lane collector roadway.

16. The proposed land use of single-family attached dwelling units (townhomes) is consistent with the development pattern in the area and serves to provide an alternative housing option to the community. The requested density bonus to achieve a maximum of 86 dwelling units is appropriate given the required mixed use development and the timing mechanism which requires that the road and utility infrastructure be constructed and Certificates of Occupancy issued prior to any building permits being issued after the 57th dwelling unit.

17. Opposition to the rezoning request included concerns regarding the possible negative impact to the transportation network in the area as traffic is currently congested given the school in the area. The applicant's professional engineer testified that the traffic counts conducted for the project incorporated the existing school traffic and resulted in an acceptable level of service both before the development and after with the project traffic. Further, County staff stated in their staff report that Boyette Road operates at Level of Service C. County Transportation staff had no objection to the rezoning request subject to the proposed zoning conditions.

18. Testimony from the opposition addressed the rezoning request's conflict with certain environmental policies in the Comprehensive Plan including Goal 6 of the Riverview Community Plan which seeks to protect properties along the Alafia River. The Planning Commission stated in their staff report that the Alafia River does not abut the subject property. Further, Planning Commission staff stated that a small portion in the northeast corner of the subject property is located in the Coastal High Hazard Area and no development will occur in this area.

19. The design of the site plan with the floodplain mitigation and stormwater ponds adjacent to the nature preserve both to the north and east as well as along the Boyette Road frontage mitigates the impacts of the project to the surrounding area. The delineation of the land uses north and south of the TECO easement with a connecting access road provides a gradual transition of land uses from the preserve to Boyette Road.

20. The rezoning to Planned Development with the zoning conditions as prepared by the Development Services Department for 86 townhomes and up to 20,000 square feet of commercial, office, residential support uses and/or a Type C Community Residential Home is an appropriate mixed-use project. The site plan and associated zoning conditions result in a project that is compatible with the surrounding land uses in the area and consistent with the Comprehensive Plan.

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

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan unless zoning condition 1.4 is revised as presented by the applicant's representative at the Zoning Hearing Master hearing.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law unless zoning condition 1.4 is revised as presented by the applicant's representative at the Zoning Hearing Master hearing.

SUMMARY

The request is to rezone 17.67 acres from AR to PD to permit the development of a maximum of 86 townhomes and up to 20,000 square feet of commercial, office, residential support uses and/or a Type C Community Residential Home.

The rezoning application was remanded to the Zoning Hearing Master hearing at the request of the applicant to revise a zoning condition pertaining to the timing of the development of Phase I which is the residential portion of the project. Additionally, a zoning condition has been added to require additional plantings in the floodplain compensation area.

The PD includes a request to utilize Policy 19.3 of the Comprehensive Plan's Future Land Use Element which states that projects with three or more land uses may utilize the density of the next higher land use category which in this case would be the RES-6 Future Land Use category. The applicant has requested a waiver to the additional two-to-one setback for buildings over twenty (20) feet in height on the western side of the project only. The waiver is justified as the adjacent use along the entire western boundary is a Tampa Bay Water supply facility (the Hillsborough County South Central Water Pump Station). The applicant is providing a five (5) foot buffer along the western PD boundary.

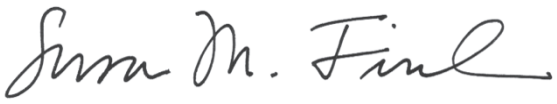
Testimony in opposition was provided at the Zoning Hearing Master hearing and also submitted into the County's record prior to the hearing. The concerns expressed pertained to compatibility with the surrounding area, the increase in density and intensity of the project and its possible effects on the transportation network and environmental features. An attorney representing a property owner requested to cancel the hearing based on the alleged violation of the Land Development Code (LDC) section pertaining to the time in which an application must be heard at a public hearing. The Assistant County Attorney at the Zoning Hearing Master hearing addressed the request and found the application had met the requirements of the LDC and therefore the application could proceed and be heard. The opposition addressed the rezoning request's conflict with Goal 6 of the Riverview Community Plan which seeks to protect properties along the Alafia River. The Planning Commission stated in their staff report that the Alafia River does not abut the subject property and concluded that the project is in accordance with the Riverview Community Plan. Further, Planning Commission staff stated that a small portion in the northeast corner of the subject property is located in the Coastal High Hazard Area and no development will occur in this area. Specific concern was noted by the opposition regarding the possible negative impact to the transportation network in the area as traffic is currently congested given the school in the area. The applicant's professional engineer testified that the traffic counts conducted for the project incorporated the existing school traffic and resulted in an acceptable level of service both before the development and after with the project traffic. Further, County staff stated in their staff report that Boyette Road operates at Level of Service C. County Transportation staff had no objection to the rezoning request subject to the proposed zoning conditions.

A non-residential land use has operated on the subject property for almost twenty (20) years. The existing golf driving range, miniature golf course and batting cages land use includes a lighted field and parking lot area as well as accessory retail sales. The impacts to the surrounding parcels from the existing use are similar in nature to similarly sized commercial land uses. The design of the site plan with the floodplain mitigation and stormwater ponds adjacent to the nature preserve both to the north and east as well as along the Boyette Road frontage is considerate to the surrounding area. The delineation of the land uses north and south of the TECO easement with a connecting access road provides a gradual transition of land uses from the preserve to Boyette Road.

The rezoning to Planned Development with the zoning conditions as prepared by the Development Services Department for 86 townhomes and up to 20,000 square feet of commercial, office, residential support uses and/or a Type C Community Residential Home is an appropriate mixed-use project. The site plan and associated zoning conditions result in a project that is compatible with the surrounding land uses in the area and consistent with the Comprehensive Plan.

RECOMMENDATION

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



February 7, 2023

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

Hillsborough County
City-County
Planning Commission

Unincorporated Hillsborough County Rezoning	
Hearing Date: January 17, 2023 **Report Prepared:** January 5, 2023	**Petition: PD 22-0075** 12910 Boyette Road *North of Boyette Road, east of Carr Road, west of Bell Shoals Road, and south of the Alafia River*
Summary Data:	
Comprehensive Plan Finding:	**CONSISTENT**
Adopted Future Land Use:	Residential-4 (4 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan:	Riverview
Requested Zoning:	Agricultural Rural (AR) to Planned Development (PD) to allow for 86 Townhomes with a density bonus and 20,000 sq. ft. of limited Commercial Neighborhood (CN) from two distinct use categories
Parcel Size (Approx.):	17.66 +/- acres
Street Functional Classification:	Carr Road - **Local** Boyette Road - **County Arterial** Bell Shoals Road - **County Collector**
Locational Criteria	Does not meet; waiver requested
Evacuation Zone	None

Plan Hillsborough
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813 – 272 – 5940
601 E Kennedy Blvd
18th floor
Tampa, FL, 33602

Context

- The 17.66 acre subject site is located at 12910 Boyette Road, north of Boyette Road and east of Carr Road, west of Bell Shoals Road and south of the Alafia River.

- The subject site is in the Urban Service Area (USA) and is within the limits of the Riverview Community Plan.

- The subject site is in the Residential-4 (RES-4) Future Land Use (FLU) Category. The RES-4 FLU surrounds the property and allows residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses will need to meet locational criteria for specific land uses and agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element. The RES-4 FLU category allows up to a maximum of four (4) dwelling units an acre and suburban scale neighborhood commercial, office, multi-purpose or mixed-use projects are limited to 175,000 sq. ft. or 0.25 FAR, whichever is less intense.

- The property currently has Agricultural Rural (AR) zoning. The AR zoning district is also found to the north, west and a portion to the east. Planned Development (PD04-1822) and the Agricultural Single-Family-1 (AS-1) zoning is found further to the west and northwest. To the southwest is Business Professional Office (BPO), Office Residential (OR), Commercial Neighborhood (CN) and PD 05-0107, approved for 15,000 sq. ft. of business-professional office. To the south and southeast is PD 19-0081, approved for 74 residential dwelling units on 5,000 sq. ft. lots. To the northeast is Residential Single-Family Conventional-3 (RSC-3).

- The property's existing use is a recreational golf course. To the south, southeast, and southwest are single-family detached homes. Further southwest is Saint Stephens Catholic Church and School. To the east is public/quasi-public institutions which contains the Hillsborough County South Central Water Pump Station. Further to the east is single-family detached housing. To the north of the property is the vacant land owned by the Tampa Bay Conservancy. Northeast is the western boundary of a large single-family detached home subdivision with frontage directly on Bell Shoals Road. To the east is public/quasi-public institutions which is owned by Hillsborough County and contains a large water retention pond.

- The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Planned Development (PD) to allow for 86 Townhomes with a density bonus and 20,000 sq. ft. of limited Commercial Neighborhood (CN) from two distinct use categories.

- The applicant is proposing to utilize bonus density for mixed-use developments that is outlined in FLUE Policy 19.3.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area

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.*

Implementation of the Growth Management Strategy and Future Land Use Element

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 8.1: *The character of each land use category is defined by building type, residential density, functional use, and the physical composition of the land. The integration of these factors sets the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive, but are intended to be illustrative of the character of uses permitted within the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.*

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.*

Relationship to Land Development Regulations

Objective 9: *All existing and future land development regulations shall be made consistent with the Comprehensive Plan, and all development approvals shall be consistent with those development regulations as per the timeframe provided for within Chapter 163, Florida Statutes. Whenever feasible and consistent with Comprehensive Plan policies, land development regulations shall be designed to provide flexible, alternative solutions to problems.*

Policy 9.1: *Each land use plan category shall have a set of zoning districts that may be permitted within that land use plan category, and development shall not be approved for zoning that is inconsistent with the plan.*

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

Community Development and Land Uses

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:*

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

Policy 16.10: *Any density increase shall be compatible with existing, proposed, or planned surrounding development. Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*

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.*

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.*

Mixed Use Land Use Categories

Objective 19: *All development in the mixed use categories shall be integrated and interconnected to each other.*

Policy 19.2: *In the mixed use land use categories, when two or more uses are required on the same project, then the development shall be implemented through a zoning district that demonstrates street connectivity, description of land uses, and site placement, access locations and internal connections at a minimum.*

Policy 19.3: Incentives for Mixed Use: *The following incentives are available to encourage mixed use and vertically integrated mixed use projects within the Urban Service Area:*

- *Parking structures shall not count towards the FAR for projects that include 3 or more land uses or vertically integrate two land uses.*

- *Projects that either include 3 or more land uses or vertically integrate two land uses may utilize a density bonus to the next higher land use category or the following FAR bonus:*

    - *Property with a Future Land Use Category of 35 units per acre and/or 1.00 FAR and higher and within the USA – may increase up to 50 units and/or an additional .50 FAR*
    - *Property within a Future Land Use Category of 9 units per acre and/or .5 FAR and higher and within the USA – Increase in FAR by .25*
    - *Property within a Future Land Use Category of 4 units per acre and/or .25 FAR and higher and within the USA – Increase in FAR by .10*

- *When considering mixed use projects of 3 or more land uses, a different housing type (multi-family, attached single family or detached single family) may be considered as one of the uses.*

Commercial-Locational Criteria

Objective 22: *To avoid strip commercial development, locational criteria for neighborhood serving commercial uses shall be implemented to scale new commercial development consistent with the character of the areas and to the availability of public facilities and the market.*

Policy 22.1: *The locational criteria for neighborhood serving non-residential uses in specified land uses categories will:*

- provide a means of ensuring appropriate neighborhood serving commercial development without requiring that all neighborhood commercial sites be designated on the Future Land Use Map;

- establish a maximum square footage for each proposed neighborhood serving commercial intersection node to ensure that the scale of neighborhood serving commercial development defined as convenience, neighborhood, and general types of commercial uses, is generally consistent with surrounding residential character; and

- establish maximum frontages for neighborhood serving commercial uses at intersections ensuring that adequate access exists or can be provided.

Policy 22.8: *The Board of County Commissioners may grant a waiver to the intersection criteria for the location of commercial uses outlined in Policy 22.2. The waiver would be based on the compatibility of the use with the surrounding area and would require a recommendation by the Planning Commission staff. Unique circumstances and specific findings should be identified by the staff or the Board of County Commissioners which would support granting a waiver to this section of the Plan. The Board of County Commissioners may reverse or affirm the Planning Commission staff's recommendation through their normal review of rezoning petitions. The waiver can only be related to the location of the neighborhood serving commercial or agriculturally oriented community serving commercial zoning or development. The square footage requirement of the plan cannot be waived.*

LIVABLE COMMUNITIES ELEMENT

1.0 Community and Special Area Studies

Riverview Community Plan

IV. Goals

The plan's vision is supported by the following thirteen goals (listed in priority order) with accompanying strategies:

Goal 1 Achieve better design and densities that are compatible with Riverview's vision.

- *Develop Riverview district-specific design guidelines and standards.*

  The standards shall build on recognizable themes and design elements that are reflective of historic landmarks, architecture and heritage of Riverview. The mixed-use, residential, non-residential and roadway design standards shall include elements such as those listed.

  Mixed Use-Commercial-Residential

  - *Incorporate traditional neighborhood development (TND) and Crime Prevention through Environmental Design (CPTED) techniques and principles in design standards.*
  - *Develop visually pleasing sign standards that prohibit pole signs and require monument signs. It also is the desire of the community to limit or keep out any additional billboard signs.*
  - *Avoid "strip" development patterns for commercial uses.*
  - *Enhance the ability to walk or bike between adjoining commercial areas.*
  - *Promote aesthetically pleasing subdivision entrances, formal and manicured landscapes and other amenities such as street furniture, public art, and creative paving techniques.*
  - *Promote diversity in housing type and style to counter generic subdivision look.*
  - *Provide appropriate and compatible buffers and transitions to existing, adjacent land uses particularly with agricultural operations and the lands acquired for preservation and/or open space.*
  - *Require natural and attractive stormwater retention facilities, such as standards for gently sloping grass sides/banks and prohibiting hard (i.e. concrete, asphalt) surfaces and aeration techniques: screen and buffer ponds with natural vegetation or berms or at a minimum vinyl fencing with vines, prohibit plain exposed chain link fencing. Encourage master stormwater facilities.*

  Transportation

- *Develop distinctive roadway design and landscape standards for new developments and redevelopment projects that complement the community's uniqueness as well as encourage buffers to parking areas, water retention areas and sidewalks. Techniques may include landscaping, berming and median enhancements.*

- *Use standards for new and redeveloped projects that incorporate transit-friendly street design along bus routes (bus stops, bus bulges, bus lanes, etc.). such as those found in the Traditional Neighborhood Development (TND) Infill code.*

Miscellaneous

- *Develop key design elements and landscape designs for local parks that would promote a unique sense of place and establish community landmarks.*

- *Improve drainage standards to enhance aesthetics and ensure adequate drainage prior to onsite development.*

- *In appropriate areas, as described in the District Map, identify and reduce residential densities in the Future Land Use Element.*

- *Consult with developers regarding residential site design and the creation of neighborhood character.*

- *Improve enforcement of all county land development codes.*

Goal 2 Reflect the vision of Riverview using the Riverview District Concept Map. The Riverview District Concept Map will illustrate the unique qualities and land uses related to distinct geographic areas identified as "districts".

The following specific districts are incorporated into the Riverview District Concept Map. Require future development and redevelopment to comply with the adopted Riverview District Concept Map.

1. ***Hwy 301 Corridor –*** *Provide a safe, attractive and efficient corridor system that contributes to the character and economic well-being of the community and provides a sense of arrival.*

2. ***Downtown –*** *Focus and direct mixed-use development to create an aesthetically pleasing and pedestrian-friendly downtown.*

3. ***Riverfront –*** *Recognize the historical, environmental, scenic, and recreational value of the Alafia River.*

4. ***Mixed Use –*** *Focus and direct development toward walkable mixed-use town center locations throughout the community while respecting existing land use.*

5. ***Residential –*** *Encourage attractive residential development that complements the surrounding character and promotes housing diversity.*

6. ***Industrial–****Attract employment centers and desirable industry with appropriate infrastructure in areas without conflicting with surrounding land use.*

7. ***Open Space –*** *Build upon the county owned Boyette Scrub lands by acquiring lands from willing sellers.*

Goal 4 Provide safe, attractive, efficient multi-modal transportation, including vehicular, bicycle/pedestrian and transit.

- *Protect the capacity of low-volume neighborhood and uncongested roads.*
- *Explore opportunities for constructing a bridge across the Alafia as an alternative north-south transportation route.*
- *Prioritize and improve major connector roadways and intersections to improve safety and efficiency concurrently as the community grows.*
- *Provide sidewalks, pedestrian crossings, bike lanes, and connections to the Hillsborough County Greenway and Trail Master Plan, and extend crossing signal times and use traffic calming techniques along major thoroughfares.*
- *Expand mass transit, such as more bus stops and routes and park and ride facilities.*
- *Diligently enforce traffic speed laws.*
- *Provide safe and efficient emergency evacuation routes.*
- *Continue to implement the Livable Roadways strategies and "Guidelines for Landscaping Hillsborough County Roadways" (or updated replacement documents) for enhancing the appearance of major roadways (such as Boyette Road, US 301, Riverview Drive and Balm-Riverview Road).*
- *Encourage increased participation in Keep Hillsborough County Beautiful Program (KHCB).*
- *Implement access management standards such as frontage roads, joint access points, rear lot access points, and managed turning movements.*
- *Discourage speeding and cut-through traffic by designing roadways with traffic calming measures and using appropriate design speeds to prevent implementation of reactive traffic calming techniques (i.e. speed humps) after construction).*
- *Coordinate with the Florida Department of Transportation and the County to ensure adequate notice, education and awareness of hazardous material truck and disposal routes and activities.*
- *Prepare and adopt a US Highway 301 Corridor Plan Overlay that also designates mixed-use town centers.*

- *Enhance the appearance of US Highway 301 with attractively landscaped medians, tree plantings, sidewalks and the provision of pedestrian-scale lighting.*

- *Establish east/west pedestrian crossings along US Highway 301 to facilitate access to retail opportunities and other destinations (i.e., library, school, neighborhoods). To this end, consider a pedestrian overpass and traffic calming techniques as options.*

- *Remove roadside vendors at busy intersections (Hwy. 301/Big Bend Road, Boyette Road and Balm Riverview Road).*

Goal 6 Prioritize the significance of improved quality, enjoyment, and protection of the Alafia River and other natural resources such as open space.

- *Promote environmental education and awareness programs to promote water conservation, Florida Friendly landscaping techniques, and to protect water quality and environmental resources.*

- *Reduce to the extent possible Future Land Use Map densities and intensities along the Alafia River to maintain, preserve, and protect the environmental quality and wildlife habitat of the Alafia River and surrounding watershed.*

- *Protect the water quality and wildlife habitat associated with the Alafia watershed.*

Support environmental agencies such as the Southwest Florida Water Management District and the Department of Environmental Protection in protecting and restoring shoreline integrity and river ecosystems.

Staff Analysis of Goals, Objectives and Policies:

The 17.66 ± acre subject site is located at 12910 Boyette Road, north of Boyette Road and east of Carr Road, west of Bell Shoals Road and south of the Alafia River. The subject site is in the Urban Service Area (USA) and is within the limits of the Riverview Community Plan. The applicant is requesting to rezone the subject site from Agricultural Rural (AR) to Planned Development (PD) to allow 86 Townhomes and 20,000 sq. ft. of limited Commercial Neighborhood (CN) uses from distinct use categories.

The request complies with Future Land Use Element (FLUE) Objective 1, which requires development to be directed into the Urban Service Area. Objective 8 emphasizes consistency with the maximum permitted density and intensity per the future Land Use category and consistency with the character of each land use category. The subject site is in the Residential-4 (RES-4) Future Land Use (FLU) Category. The RES-4 FLU surrounds the property and allows residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses will need to meet locational criteria for specific land uses and agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element. The RES-4 FLU category allows up to a maximum of four (4) dwelling units an acre and suburban scale neighborhood commercial, office, multi-purpose or mixed-use projects are limited to 175,000 sq. ft. or 0.25 FAR, whichever is less intense.

The area is mostly composed of residential single-family. However, there are a few parcels with office and residential support uses at the northwest, northeast and south of the Carr Road and Boyette Road intersection. The property's existing use is a recreational golf

course. To the south, southeast, and southwest are single-family detached homes. Further southwest is Saint Stephens Catholic Church and School. To the east is public/quasi-public institutions which contains the Hillsborough County South Central Water Pump Station. Further to the east is single-family detached housing. To the north of the property is the vacant land owned by the Tampa Bay Conservancy. Northeast is the western boundary of a large single-family detached home subdivision with frontage directly on Bell Shoals Road. To the east is public/quasi-public institutions which is owned by Hillsborough County and contains a large water retention pond.

The proposed development is consistent with Policy 1.4 and Policy 8.1, which requires compatibility with the surrounding uses. The request is surrounded by detached residential to the northeast and southeast, and a large preservation area is located to the north. A school is located directly across the street on the south side of Boyette. Directly abutting the site to the west is a Public Institutional use that borders a large portion of the subject site on the western boundary.

Policy 9.1 indicates that a proposed zoning must be consistent with the Future Land Use category. The PD zoning district is intended for design flexibility in cases where standard district regulations are inadequate to protect surrounding property. The intent of these districts is to encourage creative, innovative, and/or mixed-use development, and to ensure and promote land use compatibility and harmony for land that is to be planned and developed in a single development operation or a programmed series of development phases.

The proposed development is consistent with FLUE Objective 8, which requires consistency with the Future Land categories maximum densities and intensities. The applicant's site plan indicates a Floor Area Ratio (FAR) of 0.19, which is below the maximum 0.25 FAR per the RES-4 FLU category. The applicant's proposed density of six (6) dwelling units to the acre (du/ac), exceeds that permitted of the RES-4 FLU category. However, the applicant is proposing a mixed-use development that will utilize bonus density outlined in FLUE Policy 19.3. A condition has been placed on the proposed development to ensure all three uses are developed to comply with the bonus density criteria. FLUE Policy 16.10 refers to the compatibility of density increases, and Goal 6 of the Riverview Community plan seeks to protect the Alafia River. The Alafia River is to the north of the property, adjacent to the preservation area and does not abut the property. The property does contain a small portion of Coastal High Hazard Area (CHHA) in the northeast corner and no development is proposed in this location. Commercial neighborhood (CN) uses have been proposed for the non-residential portion of the development, to help meet the density bonus provisions under FLUE Policy 19.3. The applicant proposes to limit the CN uses to help achieve consistency with FLUE Policy 16.3 by protect the surrounding residential and natural preservation use. Furthermore, non-residential is limited to the southern portion of the property as depicted on the proposed site plan. Residential is limited to the northern portion of the property and no setback reductions have been proposed adjacent to the natural preservation areas.

The proposed request is consistent with Objective 16 and Policy 16.3 which refers to the protection of existing neighborhoods protection. As previously mentioned, the area is mostly single-family detached residential with residential support uses and a preserve area. The proposed mix of uses will complement the area and blend architecturally. The applicant is committed to limiting the height to one-story and to an architectural finish on all four sides with a residential like appearance. The applicant has stated in the narrative

that the minimum lot size for the townhomes will be 1,620 square feet, with a maximum height of 35 feet. A waiver to the setback is requested only on the west side of the property and Planning Commission staff sees no compatibility issues as the adjacent use is public institutional. No other setbacks reductions have been requested.

The subject site does not meet the Commercial Locational Criteria (CLC) of Objective 22 and FLUE Policies 22.1 and 22.8. The site is located west and approximately 2,500 linear feet from the intersection of Boyette Road and Bell Shoals Road, the nearest qualifying intersection. The applicant has requested a waiver to CLC with an accompanying justification. The applicant states that the proposed commercial uses are part of a mixed-use development and the proposed CN uses are limited. Furthermore, the applicant proposes to limit the size of each use to no greater than 5,000 sq. ft. for most uses and up to 10,000 sq. ft. for specific uses such as medical office or a specialty food store. The proposed list of uses has been thoroughly reviewed and selected to help compliment the surrounding area, it is not intended to introduce intensive retail uses. Staff recommends approval of the waiver to CLC.

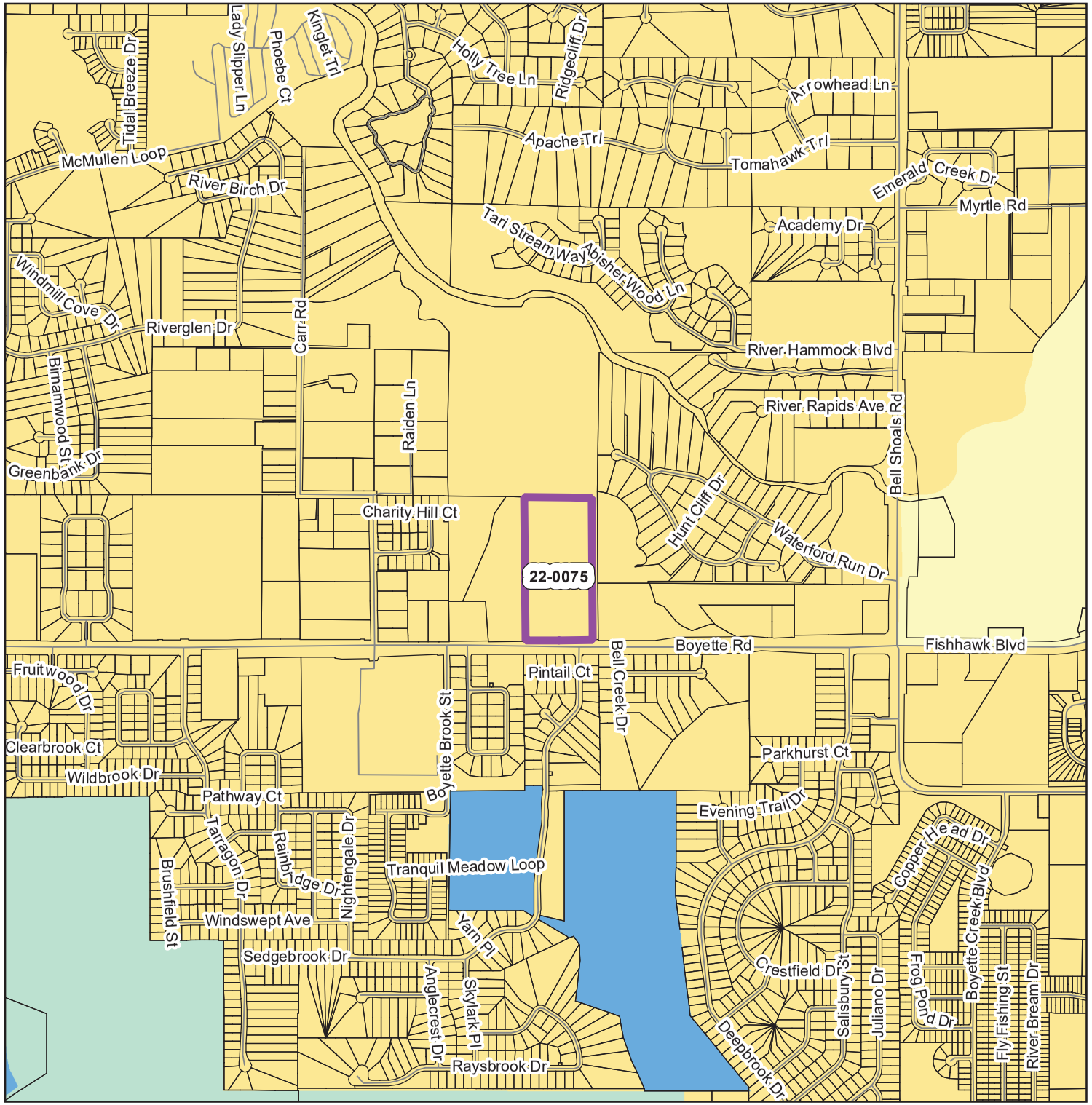
The Community Design Component (CDC) in the Future Land Use Element of the Comprehensive Plan contains policy direction about designing developments that relate to the predominant character of the surroundings (CDC Goal 12). It further states that new developments should recognize the existing community and be designed in a way that is compatible with the established character of an area (CDC Objective 12-1). A recent site visit indicates that this area is low-density in nature and commercial is concentrated the intersection of Boyette Road and Carr Road. However, the proposed uses are relatively passive commercial uses that would not intensify the area.

Objective 19 and Policy 19.2 indicates that a mixed-use development must be integrated. Policy 16.2 requires the gradual transition between uses. The applicant's site plan shows the commercial buildings are in the southern portion of the property facing south towards Boyette Road. The proposed site plan shows an integrated design to the residential located on the northern portion of the property and a gradual transition from the natural preservation area to the north and east, consistent with policy direction.

The request also meets Goal 1 of the Riverview Community Plan, which strives to achieve better design and densities compatible with Riverview vision. The intent of this policy is to avoid commercial strip patterns, require and maintain appropriate buffering to preservation and open space none of which the proposed request accomplishes. Furthermore, Goal 4 refers to the protection and maintain of low volume roads. The proposed mix-use development with the limited CN uses would complement the area and could provide residential support uses.

Recommendation

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



HILLSBOROUGH COUNTY FUTURE LAND USE

RZ PD 22-0075

Rezonings

- <all other values>

STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

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

DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser.
REPRODUCTION: This sheet may not be reproduced in part or full for sale to anyone without specific approval of the Hillsborough County City-County Planning Commission.
ACCURACY: It is intended that the accuracy of the base map comply with U.S. national map accuracy standards. However, such accuracy is not guaranteed by the Hillsborough County City-County Planning Commission. This map is for illustrative purposes only. For the most current data and information, see the appropriate source.

N W E S

0 690 1,380 2,070 2,760 Feet

Map Printed from Rezoning System: 11/17/2021

Author: Beverly F. Daniels

File: G:\RezoningSystem\MapProjects\HC\Greg_hcRezoning - Copy.mxd

Hillsborough County City-County Planning Commission

GENERAL
SITE PLAN
FOR
CERTIFICATION

Hillsborough County Florida

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

BOARD OF COUNTY COMMISSIONERS
Harry Cohen
Ken Hagan
Pat Kemp
Gwendolyn "Gwen" Myers
Michael Owen
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Joshua Wostal
COUNTY ADMINISTRATOR Bonnie M. Wise **COUNTY ATTORNEY** Christine M. Beck **INTERNAL AUDITOR** Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR
Gregory S. Horwedel

HILLSBOROUGH COUNTY
DEVELOPMENT SERVICES DEPARTMENT

GENERAL SITE PLAN REVIEW/CERTIFICATION

Project Name: Mattamy Ace Golf

Zoning File: RZ-PD (22-0075) **Modification:** None

Atlas Page: None **Submitted:** 02/15/23

To Planner for Review: 02/15/23 **Date Due:** ASAP

Contact Person: : Kami Corbett, Esq, Hill Ward Henderson **Phone:** 813-227-8421/kami.corbett@hwhlaw.com

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

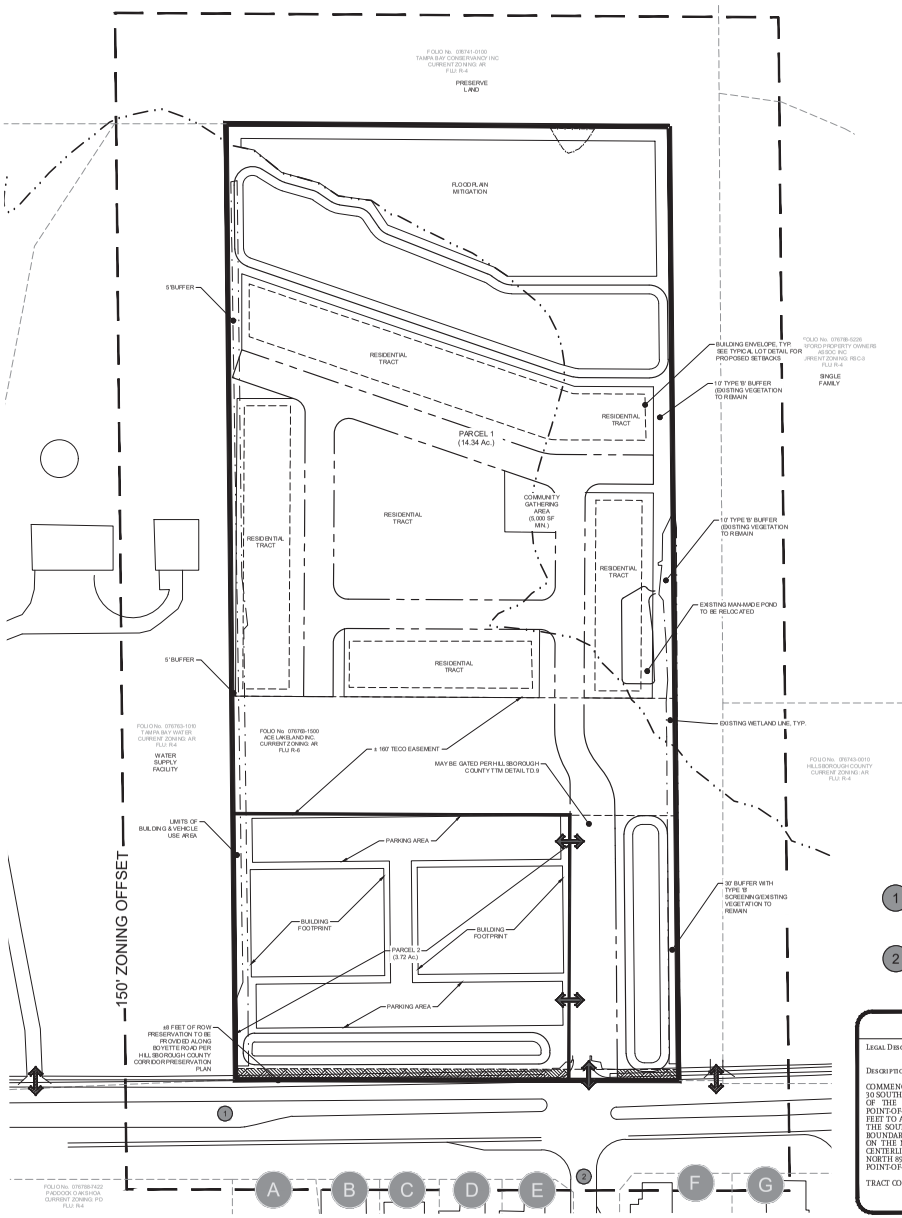
☑ The Development Services Department HAS NO OBJECTION to this General Site Plan.

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

Reviewed by: Israel Monsanto Date: 2/15/23

Date Agent/Owner notified of Disapproval: _____

Received September 15, 2022
Development Services



Site Data Table

Project Location	Hillsborough County, Florida
Folio Number	076763-1500
Project Area	18.06± Ac.
Man-Made Water Bodies	±0.57 Ac. adjacent to Boyette Road ±0.12 along eastern boundary (to be removed)
Upland Area	17.53± Ac.
Wetland Area	0.53± Ac.
Community Base Planning Area	Riverview
Zoning	AR
Proposed Zoning	PD
Comprehensive Plan Designation	R-4
Existing Land Use	Exec/Practice Golf Course
Proposed Land Use	Parcel 1 (14.34 Ac.) 86 Single Family Townhouses (6 DU/Ac Applying Policy 19.3) Parcel 2 (3.72 Ac.) Group A - Retail Up to 4,500 sf Sit Down Restaurant Up to 2,500 sf coffee shop Up to 5,000 sf Bank Up to 4,000 sf Fitness Gym Up to 5,000 sf Brewery/Beer Garden Up to 5,000 sf Retail Store 5,000 to 10,000 sf Neighborhood Grocery Store Group B - Office Up to 10,000 sf Urgent Care with Medical Office Outpatient Surgical Center without 24 Hour Service Group C - Residential Support Up to 10,000 sf Day Care (Child or Pet) Charter School Up to 125 Bed ALF/Memory Care Facility
Parcel 1 Development Standards	
Minimum Lot Size	1620 Sq Ft
Minimum Lot Width	18'
Minimum Front Yard Setback	20'
Minimum Building Seperation	20'
Minimum Rear Yard Setback	10'
Maximum Building Height	35' *The Additional 2:1 Setback Shall Not Apply Along the Western Boundary Line
Maximum Building Coverage	75%
Urban Service Area	Yes
Parcel 2 Development Standards	CN development standards
Max FAR	0.19 FAR

Project Team Members:

Legal Counsel:
Hill Ward Henderson
101 E. Kennedy Blvd.
Suite 3700
Tampa, FL 33602
(813) 221-3900

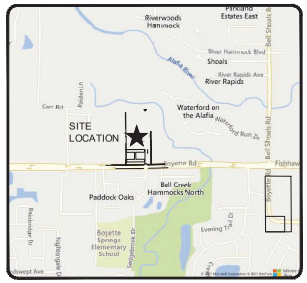
Surveyor:
GeoPoint Surveying, Inc.
213 Hobbs Street
Tampa, FL 33619
Phone: (813) 248-2211

Environmental:
Naylor Environmental
611 Islebay Drive
Apollo Beach, FL 33572
Phone: (727) 207-5525

Engineer:
LevelUp Consulting, LLC
505 E. Jackson Street
Suite 200
Tampa, Florida 33602
Phone: (813)-296-2595

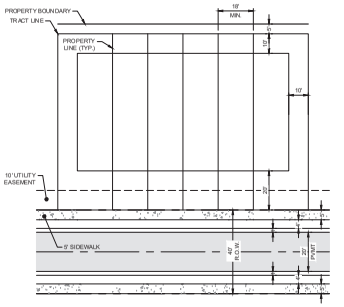
Developer:
Mattamy Homes
4107 Crescent Park Drive
Riverview, FL. 33578
Phone: (813) 381-3838

Transportation:
Lincks & Assoc., Inc.
5023 W. Laurel Street
Tampa, FL. 33607
Phone: (813) 289-0039



Vicinity Map

N.T.S.



Typical Townhome Lot Detail

N.T.S.

General Notes:

1. THE SITE IS LOCATED WITHIN THE RIVERVIEW COMMUNITY PLAN.
2. POTABLE WATER PROVIDED BY HILLSBOROUGH COUNTY.
3. SEWAGE DISPOSAL PROVIDED BY HILLSBOROUGH COUNTY.
4. INTERNAL TOWNHOME DRIVEWAYS ARE TO BE PRIVATE.
5. THERE ARE FLAT TED LOTS WITHIN 150 FEET OF THE SITE AS SHOWN.
6. NO CULTURAL FACILITIES, RECORDED HISTORICAL OR ARCHAEOLOGICAL SITES, COMMUNITY RECREATION USES OR EXIST ON-SITE, OR WITHIN 150'.
7. TAMPA BAY WATER PUBLIC FACILITY EXISTS WITHIN 150'.
8. PROJECT IS ADJACENT TO A SCENIC ROADWAY CORRIDOR ON BOYETTE ROAD.
9. PROJECT WILL CONSIST OF A MAXIMUM OF 86 TOWNHOUSES UNITS.
10. OPEN SPACE AREAS AS SHOWN ON PLAN MAY INCLUDE PONDS, MITIGATION AREAS AND WETLANDS.
11. BUILDING SIZES AND LOCATIONS ARE CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE BASED ON FINAL ARCHITECTURAL DESIGN APPROVED BY CLIENT.
12. SIDEWALKS TO BE PROVIDED IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE.
13. PARKING TO BE PROVIDED IN ACCORDANCE THE THE HILLSBOROUGH COUNTY LAND DEVELOPMENT CODE.
14. THERE ARE NO NATURAL WATERBODIES WITHIN THE PROJECT.
15. THERE ARE ENVIRONMENTALLY SENSITIVE AREAS WITHIN THE PROJECT.
16. ALL NON-RESIDENTIAL STRUCTURES SHALL HAVE A MAXIMUM HEIGHT OF 35 FEET.
17. ALL NON-RESIDENTIAL STRUCTURES SHALL BE ARCHITECTURALLY FINISHED ON ALL FOUR SIDES.

1 • BOYETTE ROAD
- 213' RIGHT OF WAY
- 20' PAVEMENT / 4-6 LANES
- PUBLIC ROAD
- ASPHALT IN GOOD CONDITION
- BIKE PATH / SIDEWALK / TRAFFIC DEVICES

2 • SEDGEBROOK DRIVE
- 100' RIGHT OF WAY
- 30' PAVEMENT / 2-3 LANES
- PUBLIC ROAD
- ASPHALT IN GOOD CONDITION
- SIDEWALK/ TRAFFIC DEVICES

LEGEND
- RIGHT OF WAY LINE
- EASEMENT LINE
- EDGE OF WATER
- TRACT LINE
- FLOOD ZONE AE
- WETLAND SETBACK
- EPC WETLAND LINE
- WETLAND CONSERVATION AREA
- 15' SUBURBAN SCENIC CORRIDOR BUFFER
- PROPOSED ACCESS POINTS (PEDESTRIAN & VEHICULAR)
- EXISTING ACCESS POINT (PEDESTRIAN & VEHICULAR)

PROPERTY DESCRIPTION

Legal Description Provided By: "Brooks and Amadeen, Inc."

Description:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 30 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA; THENCE EASTERLY ALONG THE NORTH BOUNDARY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 23, SOUTH 89°37'08" EAST A DISTANCE OF 680.83 FEET FOR A POINT-OF-BEGINNING; THENCE CONTINUE SOUTH 89°37'08" EAST, ALONG SAID NORTH BOUNDARY, A DISTANCE OF 605.08 FEET TO A POINT, SAID POINT BEING LOCATED NORTH 89°37'08" WEST 50.01 FEET FROM THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 23; THENCE ALONG A LINE 50 FEET WEST OF AND PARALLEL TO THE EAST BOUNDARY LINE OF THE SOUTHWEST 1/4 OF SECTION 23, SOUTH 00°31'48" EAST A DISTANCE OF 1298.60 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF BOYETTE ROAD, SAID POINT BEING LOCATED 35.00 FEET NORTH OF THE CENTERLINE OF BOYETTE ROAD; THENCE WESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE OF BOYETTE ROAD, NORTH 89°56'26" WEST, A DISTANCE OF 605.03 FEET; THENCE NORTH 00°31'48" WEST, A DISTANCE OF 1302.00 FEET TO THE POINT-OF-BEGINNING.

TRACT CONTAINS 18.06 ACRES, MORE OR LESS.

FOLIO No. 076788-7360
William Ward Henderson
Current zoning: PD-RESIDENTIAL
FLU: R-4
FOLIO No. 076788-7358
Frank Brayboni C
Current zoning: PD-RESIDENTIAL
FLU: R-4
FOLIO No. 076788-6757
Wilson Wayma
Witt James
Current zoning: PD-RESIDENTIAL
FLU: R-4
FOLIO No. 076788-7354
Gillespie Clyde Cointon Trustee
Gillespie Dorothea A Trustee
Tangle Jennifer
Current zoning: PD-RESIDENTIAL
FLU: R-4
FOLIO No. 076788-7352
Jamieson Tommy
Jamieson Glenda J
Current zoning: PD-RESIDENTIAL
FLU: R-4
FOLIO No. 076788-7396
Macedo Samuel A
Macedo Kimberly M
Current zoning: PD-RESIDENTIAL
FLU: R-4
FOLIO No. 076788-2030
Reynolds Jefferey D
Reynolds Mary B
Current zoning: PD-RESIDENTIAL
FLU: R-4

0 40 80 160
SCALE IN FEET

Date Prepared: September 16, 2021

PROJECT NAME:
ACE RANGE (BOYETTE)

DRAWING TITLE:
PD PLAN

PREPARED FOR:

PROJECT No. 095-01-01

SHEET 1

LevelUp Consulting, LLC
505 E. Jackson Street
Suite 200
Tampa, Florida 33602
Office: 813-375-0616
www.levelupflorida.com

22-0075

AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, Senior Planner
PLANNING AREA: RV/South
DATE: 03/30/2022
AGENCY/DEPT: Transportation
PETITION NO: PD 22-0075

☐ 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

- The developer shall be permitted one (1) full connection to Boyette Road.
- The unutilized driveway aprons shall be removed; and curbing and grass strip restored to meet typical standards.
- Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundary.
- The developer shall extend the existing eastbound left turn lane into the project on Boyette Rd with the initial increment of development.
- As Boyette Road is included in the Hillsborough County Corridor Preservation Plan as a future 6-lane improvement, the developer shall designate 8 feet of right of way preservation along the project frontage on Boyette Road. Building setbacks shall be calculated from the future right-of-way line.

OTHER CONDITIONS:

- Prior to site plan certification, the applicant shall revise site plan to add a label along the project frontage on Boyette Road that states "+/-8 FEET OF ROW PRESERVATION TO BE PROVIDED ALONG BOYETTE ROAD PER HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN "

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone the +/-18-acre site from Agricultural (AR) to PD to construct 86 townhomes and a maximum of 20,000 square feet of Retail/Commercial and Office uses. The site currently operates as private multi-use recreational facility with a miniature golf course, driving range and batting cages. The site is located on Boyette Rd., approximately +/- 1,300 feet east of Carr Rd. The Future Land Use designation of the site is Residential – 4 (R-4).

Trip Generation Analysis

The applicant submitted a trip generation and site access analysis as required by the Development Review Procedures Manual (DRPM). Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR: Mini-Golf (ITE 431)	**60***	**0**	**6**
AR: Golf Driving Range (ITE 432)	**410**	**12**	**38**
AR: Batting Cage (ITE 433)	**160***	**0**	**16**
Total Trips	**630**	**12**	**60**

*Estimated based on PM peak hour trips.

Proposed Zoning:

Zoning, Land Use/Size, ITE Code	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD: 5,000 sf Apparel Store (ITE 876)	**332**	**5**	**21**
PD:4,500 sf Fast Food Restaurant without Drive Through Window (ITE 933)	**1,558**	**113**	**128**
PD: 86 Town Homes (ITE 220)	**630**	**40**	**48**
PD: 100 Student Daycare (ITE 565)	**409**	**78**	**79**
Total Trips	**2,929**	**236**	**276**
Internal Capture	**N/A**	**12**	**44**
Pass-By Trips	**N/A**	**2**	**0**
Net Trips	**2,929**	**224**	**232**

Trip Generation Difference:

	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference (+/-)	**+2,299**	**+212**	**+172**

The proposed rezoning will result in an increase of trips potentially generated by 2,299 daily trips, 212 AM peak hour trips and 172 PM peak hour trips.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Boyette Rd. (between Balm Riverview Rd. and Bell Shoals Rd.) is a 4-lane, divided, collector roadway in good condition. Boyette Rd. is characterized by +/- 12-foot wide travel lanes lying within +/- 127ft of right-of-way. There are +/- 5-foot sidewalks and +/- 4-foot wide bicycle facilities along both sides of Boyette Rd. in the vicinity of the proposed project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Boyette Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 6-lane roadway. The site plan indicates that the right of way on Boyette is 127 feet. According to the Hillsborough County Transportation Technical Manual, a TS-6 4 lane divided roadway with two 11-foot additional travel lanes would total 134 feet of right of way. Adding the existing right turn lane would total 143 feet required for the planned improvement. Subtracting out the existing roadway and dividing evenly for each side of the roadway, a total of 8 additional feet of ROW is required for preservation along the subject frontage on Boyette Road.

SITE ACCESS

The project has a single access on Boyette Rd at a signalized intersection aligning with Sedgebrook Drive and served by an existing 270ft left turn lane. The internal driveway serves the commercial neighborhood uses in Parcel 2. The residential tract is separated from the other uses by a +/-160 ft TECO easement that will remain undeveloped with the exception of the driveway access. The proposed gated entry option to the residential tract will be located outside of the TECO easement as shown on the PD site plan.

Based on the applicant's site access analysis, the existing eastbound left turn lane should be extended to 365 feet to accommodate the peak season plus project traffic. A westbound right turn lane is not warranted.

LEVEL OF SERVICE (LOS)

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	**From**	**To**	**LOS Standard**	**Peak Hr Directional LOS**
BOYETTE RD	BALM RIVERVIEW RD	BELL SHOALS RD	D	C

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

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**
Boyette Rd.	County Collector - Urban	4 Lanes ☐Substandard Road ☐Sufficient ROW Width	☒ Corridor Preservation Plan ☒ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generation ☐Not applicable for this request			
	Average Annual Daily Trips	**A.M. Peak Hour Trips**	**P.M. Peak Hour Trips**
Existing	630	12	60
Proposed	2,929	224	232
Difference (+/-)	+2,299	+212	+172

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

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

Design Exception/Administrative Variance ☒Not applicable for this request		
Road Name/Nature of Request	**Type**	**Finding**
	Choose an item.	Choose an item.
Notes:		

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 report.

COMMISSION

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Pat Kemp VICE-CHAIR
Harry Cohen
Ken Hagan
Gwendolyn "Gwen" W. Myers
Kimberly Overman
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DIRECTORS

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Rick Muratti, Esq. LEGAL DEPT
Reginald Sanford, MPH AIR DIVISION
Steffanie L. Wickham WASTE DIVISION
Sterlin Woodard, P.E. WETLANDS DIVISION

AGENCY COMMENT SHEET

REZONING	
HEARING DATE: January 18, 2022	**COMMENT DATE:** November 15, 2021
PETITION NO.: 22-0075	**PROPERTY ADDRESS:** 121910 Boyette Rd
EPC REVIEWER: Mike Thompson	**FOLIO #:** 76763.1500
CONTACT INFORMATION: (813) 627-2600 X1219	**STR:** 23-30S-20E
EMAIL: thompson@epchc.org	
REQUESTED ZONING: PD	

FINDINGS	
WETLANDS PRESENT	YES
SITE INSPECTION DATE	NA
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Ditch near eastern boundary and wetland along northern boundary.

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.

- 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.

- The site plan depicts wetland impacts that have not been authorized by the Executive Director of the EPC. The wetland impacts are indicated for ponds. 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. If you choose to proceed with the wetland impacts depicted on the plan, a separate wetland impact/mitigation proposal and appropriate fees must be submitted to this agency for review.

- 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.

Hillsborough County PUBLIC SCHOOLS
Preparing Students for Life

Adequate Facilities Analysis: Rezoning

Date: 1/6/2022

Jurisdiction: Hillsborough County

Case Number: RZ 22-0075

HCPS #: RZ-419

Address: 12910 Boyette Rd., Riverview, 33569

Parcel Folio Number(s): 076763-1500

Acreage: 17.66 (+/- acres)

Proposed Zoning: Planned Development

Future Land Use: Residential-4

Maximum Residential Units: 86 Units

Residential Type: Single-Family Attached

School Data	Boyette Springs Elementary	Rodgers Middle	Riverview High
FISH Capacity Total school capacity as reported to the Florida Inventory of School Houses (FISH)	*1019*	*1207*	*2568*
2020-21 Enrollment K-12 enrollment on 2021-22 40th day of school. This count is used to evaluate school concurrency per Interlocal Agreements with area jurisdictions	*754*	*1146*	*2516*
Current Utilization Percentage of school capacity utilized based on 40th day enrollment and FISH capacity	*74%*	*95%*	*98%*
Concurrency Reservations Existing concurrency reservations due to previously approved development. Source: CSA Tracking Sheet as of 1/6/2022	*191*	*204*	*97*
Students Generated Estimated number of new students expected in development based on adopted generation rates. Source: Duncan Associates, School Impact Fee Study for Hillsborough County, Florida, Dec. 2019	*10*	*5*	*7*
Proposed Utilization School capacity utilization based on 40th day enrollment, existing concurrency reservations, and estimated student generation for application	*94%*	*112%*	*102%*

Notes: Rodgers Middle and Riverview High School are projected to be over capacity given current reservations and the estimated impact of the proposed development. In these cases, state law requires the school district to consider whether additional capacity exists in adjacent concurrency service areas (i.e., school attendance boundaries). At this time, additional capacity at the middle and high school levels exists in adjacent service areas to accommodate the proposed project.

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

Matthew Pleasant

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

AGENCY COMMENT SHEET

TO: **Zoning/Code Administration**, **Development Services Department**

FROM: **Reviewer:** Carla Shelton Knight **Date:** January 9, 2023

Agency: Natural Resources **Petition #:** 22-0075

( ) This agency has **no comment**

( ) This agency has **no objections**

(X) This agency has **no objections, subject to listed or attached conditions**

( ) This agency **objects, based on the listed or attached issues.**

1. An evaluation of the property supports the possibility that listed animal species may occur or have restricted activity zones throughout the property. Pursuant to the Land Development Code (LDC), a wildlife survey of any endangered, threatened or species of special concern in accordance with the Florida Fish and Wildlife Conservation Commission Wildlife Methodology Guidelines shall be required. This survey information must be provided upon submittal of the preliminary plans through the Land Development Code's Site Development or Subdivision process. Essential Wildlife Habitat as defined by the LDC must be addressed, if applicable, in consideration with the overall boundaries of this rezoning request. **This statement should be identified as a condition of the rezoning.**

2. The planting of required trees shall be sensitive to overhead electric utility lines. Trees that exceed a mature, overall height of 20 feet shall not be planted within 30 feet of an existing or proposed overhead electric utility line. **This statement should be identified as a condition of the rezoning**.

3. Wetlands or other surface waters are considered Environmentally Sensitive Areas and are subject to Conservation Area and Preservation Area setbacks. A minimum setback must be maintained around these areas which shall be designated on all future plan submittals. Proposed land alterations are restricted within the wetland setback areas. **This statement should be identified as a condition of the rezoning**.

4. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development, as proposed, will be issued, does not itself serve to justify any impacts to trees, natural plant communities, or wildlife habitat, and does not grant any implied or vested right to environmental approvals.

5. The construction and location of any proposed environmental impacts are not approved by this correspondence, but shall be reviewed by Natural Resources staff through the site and subdivision development plan process pursuant to the Land Development Code.

6. If the notes and/or graphics 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.

Hillsborough County Florida
Development Services

AGENCY REVIEW COMMENT SHEET

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

TO:	Zoning Review, Development Services	**DATE:**	12/05/2022
REVIEWER:	Ron Barnes, Impact & Mobility Fee Coordinator		
APPLICANT:	Mattamy Tampa/Sarasota LLC	**PETITION NO:**	22-0075
LOCATION:	12910 Boyette Rd		
FOLIO NO:	76763.1500		

Estimated Fees:

(Fee estimate is based on a 1,500 square foot, 3 bedroom, 1-2 story townhome)
Mobility: $6,661.00 * 86 units = $572,846
Parks: $1,957 * 86 units = $168,302
School: $7,027.00 * 86 units = $604,322
Fire: $249.00 * 86 units = $ 21,414
Total townhome = $1,309,608

Shopping Center (per 1,000 s.f.)
Mobility: $13,562
Fire: $313

ALF (per Bed/Fire per 1k sf)
Mobility: $1,253
Fire: $95

Daycare (per 1,000 s.f.)
Mobility: $13.156
Fire: $95

Medical Office (10k or less s.f.) (per 1,000 s.f.)
Mobility: $21,860
Fire: $158

Clinic (per 1,000 s.f.)
Mobility: $33,345
Fire: $95

Project Summary/Description:

Urban Mobility, Central Park, South Fire - 86 townhome units; 31-36k s.f. retail strip; 10k Urgent Care (Clinic), 10k Med Office; 10k Daycare, 125 bed ALF. 10k Charter school. Charter school is exempt from impacts.

WATER RESOURCE SERVICES
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PETITION NO.: PD22-0075 **REVIEWED BY:** **Randy Rochelle** **DATE:** 12/2/2021

FOLIO NO.: 76763.1500

WATER

☐ The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.

☒ A 8 inch water main exists ☒ (adjacent to the site), ☐ (approximately __ feet from the site) and is located within the north Right-of-Way of Boyette Road . 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 two funded CIP projects that are currently under construction, C32001 - South County Potable Water Repump Station Expansion and C32011 - Potable Water In-Line Booster Pump Station, and will need to be completed by the County prior to issuance of any building permits prior to June 1, 2022, that will create additional demand on the system.

WASTEWATER

☐ The property lies within the _____ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.

☒ A 4 inch wastewater force main exists ☒ (adjacent to the site), ☐ (approximately _ feet from the site) and is located within the north Right-of-Way of Boyette Road . 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: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems

Statement of Record

The South County service area (generally south of the Alafia River) has seen significant customer growth over the recent past. As new customers are added to the system there is an increased demand for potable water that is causing delivery issues during certain periods of the year. The greatest demand for water occurs during the spring dry season, generally the months of March through May. During the dry season of 2021 the Water Resources Department was challenged to deliver water to the southern portions of the service area to meet customer expectations for pressure and flow. While Levels of Service per the Comprehensive Plan were met, customers complained of very low pressure during early morning hours. Efforts to increase flow and pressure to the south resulted in unacceptably high pressures in the north portions of the service area. The Florida Plumbing Code limits household pressure to 80 psi to prevent damage to plumbing and possible injury due to system failure. The Department had to balance the operational challenges of customer demand in the south with over pressurization in the north, and as a result, water pressure and flow in the South County service area remained unsatisfactory during the dry period of 2021.

As a result of demand challenges, the Department initiated several projects to improve pressure and flow to the south area. Two projects currently under construction CIP C32001 - South County Potable Water Repump Station Expansion and CIP C32011 - Potable Water In-Line Booster Pump will increase the delivery pressure to customers.

These projects are scheduled to be completed and operational prior to the 2022 dry season, and must demonstrate improved water delivery through the highest demand periods before additional connections to the system can be recommended.

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management **DATE:** 24 November 2021

REVIEWER: **Bernard W. Kaiser, Conservation and Environmental Lands Management**

APPLICANT: Isabelle Albert **PETITION NO:** RZ-PD 22-0075

LOCATION: 12910 Boyette Rd, Riverview, FL 33569

FOLIO NO: 76763.1500 **SEC:** 23 **TWN:** 30 **RNG:** 20

☒ 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: _____.

VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Tuesday, January 17, 2023

TIME: Commencing at 6:04 p.m.
Concluding at 11:35 p.m.

Reported via Cisco Webex Videoconference by:
Diane DeMarsh, CER No. 1654

MR. GRADY: The first item is Agenda Item B.1 Rezoning PD 22-0075. The applicant is MatMattamy Tampa/Sarasota, LLC. The request is to rezone from AR to a planned development. This was our case that was remanded and heard previously by you. Israel Monsanto will provide staff recommendation after presentation by the applicant. Before we go to applicant presentation, Cameron Clark with the County Attorney's Office just has a brief statement he'd like to make.

MR. CLARK: Yes. Madam Hearing Officer, there's a letter in the record that was submitted just today from Attorney Jane Graham who is objecting to this hearing going forward and wished to address that objection at the start of today's hearing. It's understand Ms. Graham is here representing opponents.

Looking at the reasons behind the objection, the substantive one was the allegation that the hearing initially violated the six monthly window where it has to go to hearing within the first six months of the initial hearing date or it's withdrawn. In conferring with staff, that did not in fact happen. Although I note in the record, that the initial hearing date was set January 18 of 22 and Ms. Graham concluded that it should have been withdrawn by June. That's actually five months, it would be July would be six months from the hearing date. It actually was heard in July of '22. Staff determined it was in order for that. It ultimately went back to the Board

and it was remanded, which resets the six month window for withdrawal.

There's also an objection of the fact that Planning Commission Staff and Development Services Staff changed the recommendation in their reports, but there's nothing in the Land Development Code that requires the reports after a remand to be the same. The staff can always reanalyze them. There's not a final decision on these applications until they go to the Board and they're voted on at that time.

So that being said, I don't think there's any -- I've looked at this and I don't find there's any reason for anything to be heard before the hearing. On this, Ms. Graham, of course, is able to testify at the appropriate time during the hearing. Thank you.

HEARING MASTER: All right. Thank you for that clarification. We'll call for the applicant. Good evening.

MS. CORBETT: Good evening. Kami Corbett with the law firm of Hill, Ward and Anderson. And wow, it's good to be back. It's been a long time. Nice to see everyone. I saw med people for the first time this evening that -- I had seen on screen only.

Representing Mattamy Homes this evening is -- staff indicated this is a remanded application. It was remanded essentially at the request of the applicant, which the Board granted as opposed to a remand that perhaps the Board heard and

wanted to remand back for additional information.

As you may recall, we presented our full planning presentation transportation environmental cases at that time. We're not going to repeat that. All of that remains the same. The one thing that is different, as you recall, when we came and testified last time, we had a disagreement with Staff on the one of the -- one of the conditions relating to the timing mechanism associated with providing the three uses on the site. And we actually came forward with a condition that didn't quite capture the spirit of that either. We took your comments to heart on that and did decide to remand and work with Staff and come up with a condition. And in that conditions are reflected in Condition 1.4 and 1.5 in the Staff Report. And we are in agreement with them. We also codified our condition regarding the wetlands planting, the additional wetlands plantings that we proffered at the last hearing. And are two -- only changes to this applications since you last heard it, other than some additional letters of opposition in the record from some people expressing generalized concerns about traffic, but not specific, anything related specific to the development itself.

Ms. Graham also submitted into a -- the record a letter asserting that this rezoning was inconsistent with the Riverview Committee Plan, which specifically addresses densities along the Alafia River. This property is not along the Alafia River and therefore that policy is not applicable. And I

think Staff accurately analyze that in their Staff Report.

And with that, unless you have any questions of us, we're not going provide additional testimony or direct testimony and we reserve any time for rebuttal.

HEARING MASTER: No. No questions. I've read the Staff Report and the reasons as -- as well as your revised conditions, so thank you so much. If you could please sign in with the Clerk's office. Development Services. Good evening.

MR. MONSANTO: Good evening. Israel Monsanto, Development Services. As the applicant stated, this case was presented at the July 23, 2022 Zoning Hearing Master Hearing. In order to build more than 57 residential units and exceed the density of four dwelling units per the acre in Parcel 1, the applicant proposed a mixed use project. In conversations with Planning Commission staff, the applicant had proposed and committed to a timing mechanism that would guarantee the development of all proposed uses, residential in Parcel 1 and non-residential in Parcel 2, and comply with the mixed use Objectives and Policies from -- from the Comprehensive Plan Objective 19 and Policy 19.2 for the integration of mixed-use developments.

A condition was proposed stating that prior to the issuance of any Certificate of Occupancy for 50 -- for 58 or more residential units, two of the non-residential uses listed in the Group lists need be constructed with a

Certificate of Occupancy issued. At the July hearing, the applicant submitted a modification to this condition to require that prior to the issuance of any building permits for 58 dwelling units or more, the road and utility infrastructure, north south entry road with sidewalks and pedestrian connections and utility stub outs necessary to service Parcel 2, to be constructed and Certificate of Completion issued.

The applicant also proposed to remove the to use as being required from the two use groups and also the minimum size required for buildings from the non-residential parcel. This modification of the condition will not require two of the non-residential uses listed in Group lists to be constructed with a Certificate of Occupancy issued prior to the issuance of any Certificate of Occupancy for 58 or more residential units.

So Staff from the Planning Commission and Development Services could not amend the reports of the hearing due to the nature of the changes and the case remains scheduled for the Board Land Use Meeting. Also, to clarify, Staff had filed a report finding the case consistent and (inaudible) the conditions. The new changes proposed by the applicant at that Zoning Hearing Master in July would not be found consistent with the Comprehensive Plan.

At the Board Land Use Hearing on October -- on October 11th, the case was remanded by -- to the Zoning Hearing Master hearing. This would allow the evaluation by Staff of the

proposed modification to the condition with the timing mechanism for the development of the two parcel -- two project Parcels.

As part of this remand, the condition pertaining to the timing mechanism for the development of the Parcel 1 will require, again, that prior to the issuance of any building permits for 58 dwelling units or more, the road and utility infrastructure going north south with the sidewalks and pedestrian connections and also utility stub outs serving -- serving Parcel 2 will have to be constructed and Certificate of Completion issued.

The new condition will still require that Parcel 2 be developed with two non-residential uses from two different use Groups and each -- each use will have a minimum of 2,500 square feet of building space. So that condition -- those two conditions remain in the proposed conditions.

Additionally, the applicant commits that in order to demonstrate that Parcel 2 will have adequate land area to accommodate two non-residential uses and related parking, open space, etcetera, if Parcel 2 is developed in more than one phase, a Prelim -- Preliminary Site Development Plan will be required to be submitted for site development review and approval. This plan will need to include the use -- the use proposed as Phase 1 along with the most intense use from a different Group list as Phase 2.

Planning Commission and Development Services Staff

have reviewed these changes in the conditions. The Planning Commission -- I'm sorry, the condition will still ensure that the project be developed with three different uses and be reviewed in accordance with site development regulations established by the -- established by the Land Development Code.

Planning Commission has found then consistent with the Comprehensive Plan.

The applicant also proposes to provide landscaping and native species vegetation along the floodplain compensation slope areas, subject to review and approval by the County Stormwater review section. All other conditions have remained the same. No changes to the -- to the design, the building design. We received no objection from other reviewing agencies. And I'm available if you have any questions.

HEARING MASTER: No questions. I appreciate the clarification in this Staff Report regarding the remand. Thank you so much.

MR. MONSANTO: Thank you.

HEARING MASTER: All right. Planning Commission.

MS. MASSEY: Good evening Madam Hearing Officer. This is Jillian Massey with the Planning Commission Staff.

The subject property is located in the Residential-4 Future Land Use category. It's in the urban service area and within the limits of the Riverview Community Plan. The subject site is surrounded by Residential-4 Future Land Use category on

all sides and allows consideration of up to four dwelling units per acre. Suburban scale neighborhood commercial office, multi-purpose and mixed-use projects, which are limited to a 175,000 square feet or 0.25, whichever is less intent.

The applicant site plan indicates a floor area ratio of 0.19, which is below the maximum of 0.25 FAR per their Residential-4 Future Land Use category. The applicants proposed density of six dwelling units to the acre exceeds the permitted -- permitted of the Residential-4. However, the applicant is proposing a mixed use development that will utilize the -- the density bonus outlined in the Future Land Use Element Policy 19.3.

Commercial neighborhood uses have been proposed for the non-residential portion of the development to help meet the density bonus provisions under the Policy 19.3. The applicant proposes to limit the commercial neighborhood uses to help achieve consistency with this -- with the Policy 16.3 by protecting the surrounding residential and natural preservation use. Furthermore, non-residential is limited to the southern portion of the property as depicted on the proposed site plan. Residential is limited to the northern portion of the property and no setback reductions have been proposed adjacent to the natural preservation areas.

The site does not meet commercial locational criteria of Objective 22 of the Future Land Use Element. The site is

located west in approximately 2,500 linear feet from the intersection of Boyette Road and Bell Shoals Road, nearest qualifying intersection. However, the applicant has requested a waiver of the commercial locational criteria within a company justification.

The proposed list of uses has been thoroughly reviewed and selected to help complement the surrounding area and it is not intended to introduce intensive retail uses. Staff recommends approval of the waiver to the commercial locational criteria. Objective 19 and Policy 19.2 states that a mixed use development must be integrated. Policy 16.2 requires a gradual transition between uses. The proposed site plan shows an integrated design to the residential located on the northern portion of the property and a gradual transition from the natural preservation area to the north and east consistent with this policy direction.

The request also meets Goal One of the Riverview Community Plan which strives to achieve better design and densities compatible with the Riverview vision. And based upon these considerations, the Planning Commission Staff finds the proposed land development consistent with the Unincorporated Hillsborough County Comprehensive Plan subject to the conditions proposed by the Development Services Department.

HEARING MASTER: Thank you so much. I appreciate it. All right. We'll go to proponents. Is there anyone who would

like to speak in favor of this application, either in the room or online? I see no one. No one online. Okay. Opponents, how many people would like to speak? If you could just raise your hand. So I have four people in the room. Is there anyone online that would like to speak?

UNIDENTIFIED SPEAKER: Yes, we do have one online.

HEARING MASTER: One online. So let's say we'll do three and a half minutes each. To try to keep it fair, Michael, if you could divide the time, the 15 minutes.

UNIDENTIFIED SPEAKER: I apologize, we have two online. Two online.

HEARING MASTER: All right. So we're down to three. Let's do three minutes a piece. And if you could try to keep your comments to that, I'd appreciate it.

Let's start with those in the room, if you wanted to speak first. And if you could start by giving us your name and address please. Good evening.

MS. GRAHAM: Good evening, Ms. Finch. My name is Jane Graham. I'm an attorney at Sunshine City Law. I represent Mr. James Anderson, an effective party who lives at 10514 Sedbrook (Phonetically) Drive. He opposes this application and requests that you deny it. First, and I won't get into this, I do have a letter explaining the objection, as to the remand. I'd like to enter that into the record.

Tonight, we -- you're going to hear from a number of

people that will explain why this application fails to meet the rezoning criteria with competent substantial evidence under 10.03.03.E. Notably, and this was already referenced, comprehensive -- in the Comprehensive Plan, it's inconsistent. Goal 6 intends to reduce density along the Alafia River. This is actually asking to increase it. Bell Creek is a tributary of the Alafia River, which is only a number of feet away on the northern border of this property. And you will see photographic evidence tonight from people that will show that.

You will also hear from people who will speak to the incompatibility of the surrounding neighboring uses, speaking to specific observations of traffic and specific observations as to the -- the Land Use compatibility and area. I'd like to call up Mr. James Anderson, who can provide some photos into the record, if I may.

HEARING MASTER: Absolutely.

MS. GRAHAM: Thank you. Thank you. Good evening. Could you please state your name for the record?

MR. ANDERSON: Sure. My name is James Anderson. I do have a voice disorder. My address is 105146 Brook Drive and it's in Riverview, Florida --

MS. GRAHAM: Thank you.

MR. ANDERSON: -- 33569.

MS. GRAHAM: And you took these -- is there a way to share these pictures?

HEARING MASTER: Yes. Right next to you is an overhead.

MS. GRAHAM: Oh. You took this picture?

MR. ANDERSON: I did. So what we have is traffic coming from Boyetta Elementary School. In the morning, it comes out Boyette on Tarragon. In the evening, it backs up on Boyette all the way to Saint Stephens Catholic Church, sometimes further, which effectively blocks parts of Boyette when the schools release.

MS. GRAHAM: Okay. And so when you say that it's already an issue that could get further aggravated?

MR. ANDERSON: It will. So the additional traffic of 2,299 cars coming out accross from Sedbrook Drive, which is where Boyetta Elementary is, is just going to make that traffic a lot worse. It's already there.

MS. GRAHAM: And James, what is this photo?

MR. ANDERSON: Okay. That's a photo -- there's a distance at that location of about 50 or 60 feet from the Ace Golf to Bell Creek.

Ms. GRAHAM: Okay.

MR. ANDERSON: And the bridge is the bridge that goes across Bell Creek.

MS. GRAHAM: And that is connected to the Alafia River?

MR. ANDERSON: Correct.

MS. GRAHAM: Okay. And what is that?

MR. ANDERSON: Okay. That's Bell Creek. And that's directly down from Ace Golf whre the development will happen.

MS. GRAHAM: And over here?

MR. ANDERSON: And that's the spot where I assumed is about as close as possible from Bell Creek to the Ace Golf. So that's about halfway in between that's one of the walkways.

This is the preserve that's immediately adjacent to Ace Golf.

MS. GRAHAM: Okay.

MR. ANDERSON: Okay. So the powerlines go across Ace Golf Property. So if the townhouses are built, everyone going home or leaving their townhouses are going to have to go underneath the Tampa electric powerlines. That's why I took pictures of that. There's also pipelines that run that run through there, an ammonia pipeline, water pipeline. And I think a few.

MS. GRAHAM: Thanks. So I -- the only other thing that I would say is that I have some information by our expert who we'd actually like to go next. Her name is Ethel Hammer. And I have her -- her report, which I'd like to submit by proxy for the record.

HEARING MASTER: Certainly.

MS. GRAHAM: And then so I have these photos is --

HEARING MASTER: You could hand them to the Clerk's

office.

MS. GRAHAM: Okay. And then also, just the -- the letters that state these objections.

HEARING MASTER: Yes. Everything goes to the Clerk's office and then it'll be a part of the record.

MS. GRAHAM: Thank you very much.

HEARING MASTER: All right. And you mentioned Ms. Hammer would like to go next?

MS. GRAHAM: Yes.

HEARING MASTER: Correct. All right. Good evening, Ms. Hammer.

MS. HAMMER: Good evening. My name is Ethel Hammer. My address is 19825 Angel Lane, Odessa. I am here this evening representing the Tampa Bay Conservancy. The Conservancy's Board of Directors reviewed this application and unanimously voted to oppose it as submitted.

We object to the density and intensity of the application, specifically, objecting to the granting of the waivers that are being requested. The Conservancy Board does not object to the development of the site, as long as it would be within the parameters of the Residential-4 Land Use category.

First, I'd like to address the waiver to locational criteria. This location does not justify commercial development. It -- excuse me, the commercial is inconsistent with the surrounding land use pattern. This rounding

neighborhood is single-family residential to the north, to the east, to the south and to the west. Staff mentions the presence of the school near the subject property. But if that is mentioned the justification, a school is a residential support use and should never be used as justification for commercial development.

There's existing commercial (inaudible) to the east of Bell Schoals and one to the west at (inaudible). That is where the commercial development belongs. There are numerous other vacant parcels along Boyette and upper properties available for redevelopment that this approval would set a precedent for development at unsanctioned intersections or nodes.

Not only is the developer asking for a waiver, but the request is essentially four times the amount of square footage that would be permitted if this met locational criteria. And by that I mean, if this were a major local road on a four-lane roadway, it would only be permitted 5,000 square feet. Instead, this request is for 20,000, which is four times what would normally be permitted at this type of location.

Goal 1 of the Riverview Community Plan strongly encourages the avoidance of strict commercial. Permitting non-residential development at locations that don't meet locational criteria encourages the opposite. It encourages strict commercial.

Goal 6 of the Riverview Plan directs the protection of

the Alafia River watershed. It encourages reduction of the city in the watershed and not just for properties that are immediately adjacent to the river. And it usees the word "watershed" and it is my opinion that that intent is for more than just the singular properties immediately adjacent. A portion of the front plain for Bell Creek is actually on the subject property. It's also within a coastal high hazard area.

So my inclusion of a part of the Bell Creek front plain on its property and its adjacency to Bell Creek, it encourages or substantiates the argument that the density on this property should not be increased.

The Tampa Bay Conservancy objects to the granting of the density bonus and we object to the granting of the waiver to the locational criterial. Lower densities and no commercial development will result in lower impacts to the preserve. To provide production to (inaudible) Preserve, the Conservancy requests that Goal 6 of the Riverview Community Plan be implemented. And I've asked Jane Graham to submit my written statement and my resume into the record. Thank you.

HEARING MASTER: Thank you, Ms. Hammer. I appreciate your testimony. All right. Good evening, sir, next.

MR. GIBBONS: My name is Gary Gibbons. I am -- my address is 800 29th Avenue North in Saint Petersburg. I'm here to represent the Gibbons family.

THE CLERK: Could you repeat your name into the

microphone? I didn't catch that.

MR. GIBBONS: Gary Gibbons. I'm here to represent my 97 year old mother, Helen Gibbons, since the preserve is named after, as well as my four -- her four children, nine grandchildren and 12 great grandchildren. My father bought this property at a 60 acre track back in 1960s. And it has been un -- unimproved the whole time since then and continues that way as a preserve today. The only thing that we ever built were two bridges, one of which is -- this is the second bridge. The first one was washed away in a flood. This bridge crosses Bell Creek.

Bell Creek is in the -- there's Bell Creek. And it's in the -- the coastal high hazard area. And this is all significant wildlife habitat area. The preserve is a significant wildlife habitat and Bell Creek is -- is designated in the coastal high hazard area. It's the exact kind of property intended to be protected under Goal 6 of the Riverview Community Plan. The Community Plan clearly states that densities and intensities are to be reduced, not increased, in order to maintain preserve and protect the environmental quality and of the wildlife habitate of the Alafia River and the surrounding watershed.

This rezoning application violates Goal 6 by seeking to intensify development by adding commercial uses that were never contemplated under the current zoning and then trying to

leverage that intents to commercial use to increase the density right next to the watershed and significant wildlife habitate area. This -- the Alafia River is a primary source of drinking water for Tampa Bay water, which serves the entire region. This project is totally incompatible with the surrounding properties and for that reason, we object.

HEARING MASTER: Thank you so much. Sir, if you could please sign in with the Cler's office. Next please. Good evening.

MR. BROOKS: Good evening. Ryan Brooks. 12714 Shadowcrest Court. I am here both as a private resident and as the vice president of Boyette Springs Homeowners Association. We want to enter in our record and our objection as well. It may seem like everyone else, I don't know all the laws and everything else. I just like everyone else in my neighborhood, want to be able to drive into my neighborhood. And as it currently stands, that is not possible during the school time. And based on 2,300 more cars coming to and from, I think that breaks down to several per minute. And it will expand to the point to where all entrances into the subdivision are blocked off or significant traffic. I've witnessed several accidents through these intersections and myself and everyone in our neighborhood, all we want to do is just go on. And with that, we object and want to enter this into the record from the Homeowners Association.

HEARING MASTER: Thank you so much. I appreciate your testimony. You can submit it, as well as sign in.

Is there anyone else in the room that would like to speak in opposition? I think we have one more online.

MR. ALI: We have two more online.

HEARING MASTER: Oh, two more. Okay.

MR. ALI: We have Sabine and we have Jennifer.

HEARING MASTER: Yes. One. Whichever one would like to go first. It's Ms. Prather we're having difficulty hearing her.

MS. PRATHER: (Inaudible).

HEARING MASTER: The volume is very low. Is there --

MR. ALI: Sabine, we -- we can't hear you. If you speak, you may need to project a little more.

MS. PRATHER: (Inaudible). My name is Sabine. I live at 1601 Bentwood Drive, Sun City Center. (Inaudible).

MR. ALI: Sabine, I'm sorry. Stand by. We can't hear you.

HEARING MASTER: Let's go to the other speaker and we'll come back to her.

MS. MILLER: Are you ready for me.

HEARING MASTER: Yes, ma'am.

MS. MILLER: Okay. Hi. My name is Jennifer Miller. I'm at 13317 Waterford Run Drive. I'm an HOA president for Waterford on the Alafie. I'm speak today on behalf of everyone

in the Waterford Community. The community is in opposition of rezoning a -- application PD 22-0075. It has townhomes and commercial property builds on Boyette Road. The HOA sent a letter of opposition to County Staff a year ago, January 2022.

We met with the Mattamy representatives to go over our opposition and we sent pictures of Bell Creek flooding to the County over the weekend. The pictures were taken by me and they're located east and southeast of the property under rezoning review. I'm going to keep it short so that other people can speak, but I would like to say that we hope that you take both of our letters into consideration for fully considering this application.

Personally, there's -- thank you. There's the flooding pictures of Bell Creek. So you can see that the Creek does overflow. And it does overflow not only during hurricanes, but when it has severe rain. So if we have rain for more than two days in a row, that's what we get. And you can see there that where the pictures were taken in -- in proximity to it's based off.

I'd like to say in closing that -- or for someone who lives in this area, has lived in this area for the past 20 years, I see the traffic that is coming out here and the school traffic that we're having to deal with out here, is bringing this town to an area where there's single-family residential homes, just does not think to fit into the plan. I would hope

that you would take into consideration of that because we live here and if we're having to deal with this versus just whatever the Hillsborough County Plan requires to be set for. Thank you.

HEARING MASTER: Thank you for your testimony. Were we able to get Ms. Prather with her volume situation corrected?

MR. ALI: I can walk her through turn on the audio. Ms. Sabine, if you see on the bottom left where it says mute, there should be a dropdown arrow, if you click that dropdown arrow, you should see audio settings near the bottom. And if you click on that, you should be able to turn your microphone all the way up. Right now, you're muted.

MS. PRATHER: (Inaudible) muted.

MR. ALI: Okay. Then I can hear you, but your audio still sounds the same.

HEARING MASTER: Ms. Prather, have you submitted written comments into the record previously for this file?

MS. PRATHER: (Inaudible response.)

HEARING MASTER: All right. Are you -- are you able -- well, you have testified here.

Mr. Clark, in that she is having technical difficulty and there were some -- we obvious can see her face, we have a visual --

MR. CLARK: Is she -- ma'am, are you on the mailing list? Were you on the notice list? She's nodding yes.

HEARING MASTER: Yes.

MR. CLARK: Well, if she was on the mail list for notice, then she's able to speak before the Board.

As far as speaking, I mean -- unfortunately for purposes of this right now, it's almost like she's in the gallery, but not saying anything. I mean, she's present, but we can't make out any of the argument. But if she's on the mailing list, provided that she's on the mailing list for this hearing, then she would be able to speak before the Board.

HEARING MASTER: All right.

MR. ALI: Madam Chair, I can suggest if she wants to call in with her phone, I can also stay on the line with her Webcam, she can do it that way. The audio might be better.

HEARING MASTER: Okay.

MR. ALI: I would have to give her the number to -- to call in.

HEARING MASTER: All right. We'll do that. We -- we not only allow public comment, but we give technical support as well. We're here to help you however we can. Ms. Prather, are you going to call in?

MR. ANDERSON: It looks like she's looking for the number.

HEARING MASTER: Can -- can we just -- can you just give her the number?

MR. ALI: Yes. I -- I -- I believe she was attached to the email. The email has the number, if she can go to that

email. I can send it to her real quick, but I'm pretty sure she should have the email from us that she's able to enter this meeting.

HEARING MASTER: I mean, we have we see or speak on camera while she's playing.

MS. GRAHAM: Madam Officer, if I may, I could try calling her on my phone really quickly.

HEARING MASTER: I mean, we have a -- we'll see her speak on camera while she's playing the -- if that's okay with you, it works for me.

THE CLERK: As long as the record can capture it.

HEARING MASTER: Yeah. You think you can do that?

UNIDENTIFIED SPEAKER: As long as I can pick it up on the audio.

HEARING MASTER: Sure. All right. We'll try it.

MS. GRAHAM: Trouble shooting.

HEARING MASTER: I appreciate it. Is this your last speaker, by the way?

MS. GRAHAM: Yes.

HEARING MASTER: Okay.

MS. GRAHAM: Thank you for your patience.

HEARING MASTER: Oh, thank you for trying. I appreciate it.

MS. GRAHAM: Hi Sabine. Yeah, can you hear -- can you hear us?

MS. PRATHER: Can you guys hear me now?

MS. GRAHAM: Yes.

MS. PRATHER: Okay. Okay. Thanks. I'm sorry, I don't know what the problem is.

Okay. My name is Sabine Prather. I reside at 1601 Bentwood Drive, Sun City Center and I'm speaking on behalf of (inaudible) Tampa Bay. And I (inaudible). I also just wanted to say that --

MS. GRAHAM: Sabine, we can't hear. You keep going in and out.

MS. PRATHER: Okay.

MS. GRAHAM: You need to mute your audio.

MS. PRATHER: Oh. Okay. Hold on. Okay. Can you hear me better now?

MS. GRAHAM: Yeah. Yeah, we can.

MS. PRATHER: Okay. I also just wanted to say that two of the residential (inaudible).

MS. GRAHAM: You know, Sabine, we -- we can't hear you.

MR. GRADY: Could -- could she just not use the speaker on her phone?

MS. GRAHAM: Yeah, could you hold it up to your ear?

(Simultaneous conversation.)

MS. PRATHER: Okay. Speaker. Okay --

MS. GRAHAM: It is, but try just holding -- talking

into it.

MS. PRATHER: Okay. So I was -- I was doing that. Okay. Sounds a little better. I wanted to say (inaudible).

HEARING MASTER: We can't hear that.

MS. GRAHAM: You know what, Sabine, we're going to cut this off. So this is what I'd like to suggest, I apologize for the technical difficulties. I'd like to suggest is I know that there is that section of the Code that says that for in kind of usual circumstances, he can bring in new evidence in front of the County Commission. So I'd like to suggest that she does that.

MR. CLARK: So she's talking about the additional evidence rule. The virtual reservation is an option option, but it doesn't preclude the fact that you may have some difficulty with audio. In fact, I -- I can't understand why her audio's not working on her end anyway. I would find unlikely that you're going to get a -- I don't make that determination, but it's a very rare thing that gets approved and I would find it unlikely if it gets granted on that basis.

I would say this, if she is on the mailing list for this rezoning, the -- the (inaudible) mailing list went out from the applicant (inaudible), she's able to come to the Board just on that basis. I don't know, I haven't looked at the list to see if she is, but if she is, she doesn't even have to submit evidence at this level. She can because she's on the mailing

list.

HEARING MASTER: And -- excuse me. And Mr. Clark, didn't she already affirm?

MR. CLARK: She said she was. I'm just saying from my end, I haven't looked at the list to confirm it. She's saying that she was. If that's the case, she could speak at the Board meeting.

MS. GRAHAM: Given the extenuating circumstances if she would be able to submit her -- her comments in writing after to this Board, would that be possible?

HEARING MASTER: I don't believe so. No. Once the hearing is closed, it's closed. And that's why the documents have to be submitted into the record. You can't -- that's why you submitted Ms. Hammer's report physically into the record.

MR. ALI: Madam Chair, I did just now email her the -- the call in number to WebEx if -- if you want her to try and call in. The audio should be much clearer.

HEARING MASTER: If she can. I really need to wrap this up and keep moving. This is the very first case in a long agenda of people that would like to speak and I think we have really, really tried to take her testimony. So we will do this one last try for her to participate. And I hope -- I genuinely hope that she's able to do it.

MR. ALI: Okay. She's trying now.

HEARING MASTER: Thank you.

MR. ALI: All right. It looks like she just called in. Sabrine, can you hear us? All right. Hang on a second. All right. I just want you to -- go ahead. Yeah, go ahead and speak normal in the mic. Put the phone up to your ear. There you go.

MS. PRATHER: Good evening (inaudible).

MR. ALI: Go ahead and start over.

MS. PRATHER: Okay. I'll start over. My -- my name is Sabine Prather. I live at -- I lie at 1601 Bentwood Drive in Sun City Center, Florida. And I'm speaking on behalf of the (inaudible) Tampa Bay and I want to say that we have signed off in the letter that Attorney Graham proposed in November about the -- the consistency with the community planning. I also want to say that two of the parcels that residential parcels are in a flood zone. And because of the (inaudible) is very concerned with climate change and -- and the weather changes that is going on. We are concerned with the appropriate (inaudible). We're concerned with flooding and now with the insurance company leaving Florida, it may be impossible for new residents to obtain insurance in the flood zones. And that is the extent of my comment.

HEARING MASTER: All right. Well, thank you for those. We -- we waited for them and I appreciate you giving them, so thank you so much.

All right. So that -- with that, we'll close

opposition testimony. We'll go back to Development Services. Mr. Grady, is there anything further?

MR. GRADY: Nothing further.

HEARING MASTER: All right. And then the applicant has the last word. You have five minutes for rebuttal.

MS. CORBETT: We had actually reserved 13 minutes of time for rebuttal. Hopefully, we don't need 18 minutes. We'll be brief and be on the point -- on point too.

HEARING MASTER: I will --

MS. CORBETT: -- stay within the five minutes.

HEARING MASTER: -- I will extend it because we went a little over obviously on the opposition, so I will allow it.

MS. CORBETT: Okay. And I would like at this time to ask -- since we ended on -- kind of talking about traffic, I'd like to have Steve Henry to address traffic and then Abbey Naylor will address the environmental issues. Thank you.

HEARING MASTER: Good evening.

MR. HENRY: Good evening. Steve Henry, Link and Associates, 5023 West Laurel, Tampa 33607. So we did the traffic analysis for the project. One, the -- the school is open from 7:40 and then gets out at 1:55. So our counts do incorporate the a.m. peak hours, which does show that the intersection operates at an acceptable level of service. We suspect that there may be some operational issues with the school drop off and pick up. But as far as a capacity

standpoint, can the intersection operates a simple level of service today and also operates -- will operate at the level of service with this project traffic. In addition to that, you'll see in the Staff Report that staff looked at the Boyette Road and operates a level of service C. And I'll also enter into the record the level of service report for Hillsborough County also shows that Boyette Road operates the level of service C.

So that concludes my presentation unless you got any questions.

HEARING MASTER: No questions at this time. If you could please sign in. Thank you. Good evening.

MS. NAYLOR: Hi. Good evening. Abbey Naylor. Naylor and Barmel Solutions, 14706 Tudor Chase Drive, Tampa, Florida 33626.

So I wanted to speak to the environmental comments that were made. You know, particularly as it relates to the nature preserve. We absolutely acknowledge the major preserve is important and does offer a good habitat and -- and wildlife habitat. So knowing that we -- that -- that is the case, we really did design the site plan to buffer from the preserve, really above and beyond what's required by the Land Development Code.

So this graphic is just a really basic development plan. It's probably hard to see, but you know, on the north and the east side where we do -- we are adjacent to the preserve,

there's a flood mitigation area that's directly adjacent to the preserve. South of that is our storm water management pond and then south of that would be the -- the beginning of what would be impervious or -- development and building. A little hard to see, but on the -- the west side, we have 194 feet of -- of buffer between the adjacent parcel and the start of development. And then on the east side, we have 343 feet. And just for a point of reference, that's farther than the length of a football field.

We have offered, and it is included now in the conditions that the floodplain mitigation or the floodplain mitigation area, we are going to plan with native vegetative species. We'll work with the county to select those at the time of development. We are not impacting any wetlands on the project site and the flood claim mitigation area will -- really will essentially become at wetland area you know, by design. So we do feel like we really addressed the -- the fact that the nature of preserve is there and designed it to -- to really protect that -- that system.

There was also a comment regarding the -- the rule about reducing development adjacent to -- about reducing development adjacent to the Alafia River. And first of all, the Alafia River watershed is 418 square miles. So it's -- it's massive. And the goal of that rule is really to reduce the density and intensity directly adjacent to the Alafia River,

i.e., like riverfront parcels. So in doing so, that would protect the surrounding watershed. So you know, clearly, I don't think the rule is written that the density and intensity of 118 square miles is the intent of that rule. So we really do feel like we're -- we're meeting that rule and we -- we're not a -- a parcel that abuts the -- the Alafia River.

Lastly, I mentioned that you know, really that there are a lot of preserves in Hillsborough County, which is -- which is wonderful. There are a lot of other -- it's not unprecedented to have development adjacent and there are other developments adjacent to -- to other preserve in -- in Hillsborough County. There's -- this is Bell Creek Nature Preserve. You can see you know, the amount of development that surround it and I'm sure that there are buffering requirements when this list was put in, but just some precedent of having development. Here's Fish Hawk Nature Preserve. Again, there is development that does abut major preserves in the county.

Lastly, Alafia's a nature preserve. And these are all located in the Riverview Lithia area. There's an apartment complex that abuts that just directly south. So that concludes my -- my rebuttal. If you have any questions.

HEARING MASTER: No questions at this time. If you can sign in. Thank you. Good evening,

MR. STEPHENSON: Good evening. Trent Stephenson, LevelUp Consulting, 505 East Jackson. I have been sworn.

I'm the civil engineer for the project. A couple of items address regarding of the floodplain encroachment. Yes, there are encroachments to the floodplain. But as having showed in the plan, we have provided a compensation area, which is a requirement of the County. So we had to adhere and we can't have any adverse impacts to our neighbors.

Additionally, this is a sensitive basin. So the County has identified low flooding here, the sensitive basin will limit us to a discharge rate of the mean annual storm events, which is a 2.33 year storm versus -- and the pre-development versus the 25 year storm. So we -- we have restrictions in place to try and reduce and help out the situation of flooding in the area. That's it. Thank you.

HEARING MASTER: Thank you. Appreciate it.

MS. CORBETT: Kami Corbett again for the record. I just wanted to point out, and I think you're aware of this because you reviewed the record, but for people who might be watching and not understand, the subject property that we're talking about here is an existing commercial golfing range, golf -- golf range. And for the record, he's golfed several times by the opposition. It's not a vacant environmentally sensitive piece of property. It is in use for commercial use now. There are also to teco transition lines and gas lines and other things that are happening on this site that were acknowledged by the opposition that have equal or more

detrimental potential detrimental environmental impact than the proposed development.

So I just wanted to point those things out and make sure that it -- we're not talking about this particular property that's being rezoned, it does have some floodplain area on it, but it's not a vacant preserved property. And with that, we will rest on our previous presentation. All of the issues with respect to compatibility and consistency with the comprehensive plan as well as -- can you give me one moment?

HEARING MASTER: It seems that we have another moment, yes. Okay. Go ahead.

MS. CORBETT: Sorry. And so -- I lost my place. Where was I? We were talking -- oh resting on our case with consistency and compatibility. We talked about traffic. Mr. Henry's addressed that in the prior hearing. He suggested it here. Environmental compatibility was addressed at the last hearing and we've addressed it here. The only new argument that appears to have surfaced is this argument with respect to reviewing community plan. And I think you heard plenty of testimony and evidence on that.

And with that, we respectfully request your approval.

HEARING MASTER: All right. Thank you so much. So with that we'll close Rezoning PD 22-0075 and go to the next case.

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING
MASTER HEARINGS

ZONING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, December 12, 2022

TIME: Commencing at 6:04 p.m.
Concluding at 9:15 p.m.

Reported via Cisco Webex Videoconference by:
Vicki Parent, CER No. 1255

P R O C E E D I N G S

HEARING MASTER: -- 2-1387 is continued to the January 17, 2023 Zoning Hearing Master Meeting.

MR. GRADY: I'll now go through the public PD 22-0075. This application's being continued by the applicant of the January 17, 2023 Zoning Hearing Master Hearing.

Item A.2, Major Mod application 22-0671. This application is out of order to be heard and is being continued to the January 17, 2023 Zoning Hearing Master Hearing.

Item A.3, Rezoning PD 22-0719. This application is out of order to be heard and is being continued to the January 17, 2023 Zoning Hearing Master Hearing.

Item A.4, Rezoning PD 22-0856. This application is out of order to be heard and is being continued to the January 17, 2023 Zoning Hearing Master Hearing.

Item A.5, Rezoning PD 22-0857. This application is out of order to be heard and is being continued to the January 17, 2023 Zoning Hearing Master Hearing.

Item A.6, Rezoning PD 22-0865. This application is being continued by staff to the January 17, 2023 Zoning Hearing Master Hearing.

Item A.7, Rezoning PD 22-0866. This application is being continued by the applicant to the January 17, 2023 Zoning Hearing Master Hearing.

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

ZONING HEARING MASTER HEARINGS
July 25, 2022
ZONING HEARING MASTER: SUSAN FINCH

D1:

Application Number:	RZ-PD 22-0075
Applicant:	Mattamy Tampa/Sarasota, LLC
Location:	12910 Boyette Rd.
Folio Number:	076763.1500
Acreage:	17.67 acres, more or less
Comprehensive Plan:	R-4
Service Area:	Urban
Existing Zoning:	AR
Request:	Rezone to Planned Development

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MR. GRADY: The next item is agenda item D-1, Rezoning-PD 22-0075. The applicant is Mattamy Tampa Sarasota, LLC.

The request is to rezone from AR to Planned Development. Israel Monsanto will provide staff recommendation after presentation by the applicant.

HEARING MASTER FINCH: All right. Is the applicant here? Good evening.

MS. CORBETT: Good evening. Kami Corbett with the law firm of Hill, Ward, and Henderson. We do have a lot of information to go through this evening. So I'm going to go ahead and turn it over to Ms. Isabelle Albert for the presentation.

HEARING MASTER FINCH: Thank you so much. Good evening.

MS. ALBERT: Thank you. Good evening. Isabelle Albert with Halff Associates, 1000 North Ashley Drive, Suite 900. Next, please.

So what we have before you tonight is a rezoning to Planned Development. The site is the -- you may know it as the Ace Golf range. It's off of Boyette Road and Bell Shoals Road. It is in the Riverview Area and the Urban Service Area.

The properties surround us -- to the east, we have some residential development about 200 feet

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away, and then we also have a stormwater pond that is the result of the expansion of Boyette Road. To the west, we have a Hillsborough County pump station, and then to the south we have some residential. Next, please.

So just to give you an overall look of the area, we have -- our site is dissected by 160-foot-wide TECO easement, and so that kind of forces the development along Boyette Road to be nonresidential on the north side of the Boyette Road as seen here. It's either commercial or we have some churches. There's BPO and Commercial Neighborhood uses there.

On the south side, there's some older residential development that's existing, but also we have the St. Stephens Catholic school church there, as well as commercial uses along Bell Shoals Road. Next, please.

So this is just in general. The surrounding residential is Residential-4 for Future Land Use and the Planned Development and the Commercial and BPO uses along Boyette Road as described and then a residential development with the RSC-3 and larger lot on the north side of Boyette Road of the TECO easement. Next, please.

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So this is just to give you an idea since 2004. This is around the area where the golf range came in and did the development. You see the existing residential to the south, to the northeast, and then we have all along the west -- we have the existing residential.

You'll also see the parcel St. Stephens starting to develop to do their -- to do their school. Now, if you go further to most recently, which you'll see on the next slide, please, really not much has been occurring since then.

And you'll see only at St. Stephens. We have the Hillsborough County pump station located just adjacent to us. We also have the new church uses and the school's also on the south side of Boyette Road.

The only residential in the area has been developed really is just to the north of the TECO easement. Area shown in the yellow. And this is -- if you go to the next slides, please.

You'll see if you look at the bigger picture Boyette is really the main east-west arterial, you know, on I-75, 301, Bell Shoals, and Lithia. Bell Shoals and 301 are really the only two streets that go all the way north to Bloomingdale.

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In looking at it, you know, we have the Alafia River that kind of separates us from this area from the rest of the -- you know, from the rest of the development in the area. We have a lot of natural resources. The Alafia River, as you can see in the green, and other nature preserve in the area. Next, please.

The one thing that's -- that's major that was changed back in 2010 -- this is an aerial from 2010 on the upper side. It's a two-lane roadway. Boyette was a two-lane roadway.

Our site was there, and there was like a -- some -- a turn lane. So you really only had three lanes there, but since then, this area has been developed as a lighted intersection. It's now a four-lane. It has additional three turn lanes.

So this is an ideal site to be developed more than what it could be today, and so looking at that, we came up with this concept. Next, please.

We looked at it also in the bigger area, and really it's the one last piece that can be developed -- that can be well developed for this area. It's sort of like an infill development for residential and commercial opportunities, and it's providing different types of -- we thought we could

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provide it different types of housing -- housing types for new homeowners. Next, please.

And so with that, we came with this concept. This concept has provided to have townhomes on the north side of the TECO easement, as it was seen in the other development area around us. And on the south side is just maintaining the existing commercial building, commercial development that's there.

The Ace Golf range, it is a recreational area, but it really functions as a commercial business. And people are familiar with that site as a commercial business, and therefore, we -- looking at the development overall, in the Residential-4 Future Land Use, we wanted to have a density bump up to the Residential-6 to be able to develop a proper townhome development.

But by doing that, we use the density bonus request, and for that, we need to have like three uses. So three nonresidential -- two nonresidential uses and one residential use. By adding or by reintroducing the commercial and the office, we also had to request a waiver to commercial location criteria.

And so by working with staff for over six

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months now, we've been working a lot with staff in order to come up with some -- some development that they felt would be comfortable for the area considering it did not meet commercial locational criteria, but they also recognize that Boyette Road is an active node at this area.

There's an existing commercial use there, and therefore, that was restricted commercial uses. As you can see, they would be able to support -- find this site supportable.

Part of that also looking at it, we will introduce conditions -- additional conditions. One of them was just to specify the type of fencing on the north side of the TECO easement.

We heard from the neighbors that they do not want a pure white PVC fence considering the existing vegetation in the area, which I do have to point out -- and I'm sorry, I failed to say that -- to the north side of us and to the east side of us we have a preserved area.

On the east side, we have a 50-foot easement preserved area from the preserve access to the area on the north side of us. And so with that natural vegetation, we felt that, you know, their concern about having a white PVC fence was -- was

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understandable and therefore, we're going to introduce a condition that's going to be like a nonwhite trek style 6-foot fence.

So we did -- we're going to be submitting that, and we also had the restriction to the development height and the style with additional architectural features.

Part of the density bonus to have the three uses, staff and -- in discussion with staff, Planning Commission staff wanted some kind of time mechanism, which is not something that is typically found in the Comprehensive Plan for a density bonus, but they wanted to assure that the development the commercial was going to be happening.

And understanding what they want, we are going to propose a different condition that has been proposed in the past -- has been supported in the past, and it's specifically the idea making sure that the development of the commercial site that's existing, but the redevelopment of a commercial site is going to occur.

Now, I'm just presenting because this is something we wanted to present to the Board, but I'm just going to enter that into the record just

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to be considered.

HEARING MASTER FINCH: Is that something that's proposed -- I have a revised staff report. Is that something --

MS. ALBERT: That is not (overlapping talk) --

HEARING MASTER FINCH: So are you going to explain how that works, the timing of it?

MS. ALBERT: I will explain -- well, explain the timing of it, basically, the Planning Commission's position was that, that you have to have a percentage of housing units to -- I believe the top of my head was like 56 or 58.

And after that, anything -- the commercial had to be developed, built and developed. Our proposed was to have the residential developed, and then the commercial portion of it was going to be basically pad ready.

Have the utilities, have the access -- main access, have the parking area, the ponds, all of that. But just to be ready for a commercial or business or to be interested to come and see how it's ready.

HEARING MASTER FINCH: So you're saying that all 86 townhomes would be built and the

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infrastructure would be in place but not -- it wouldn't be vertical in any way?

MS. ALBERT: Correct. Correct.

HEARING MASTER FINCH: I see. And the Planning Commission has accepted that?

MS. ALBERT: No, they have not. And this is what -- something that we're going to be presenting. I understand the Planning Commission -- what's currently in the record is -- I was going to talk about that at the next slide, but --

HEARING MASTER FINCH: Okay.

MS. ALBERT: We can go just to the next slide.

HEARING MASTER FINCH: Sure.

MS. ALBERT: Obviously, the Planning Commission is supporting the application that is in front of you, with the conditions that are in front of you.

I understand we all talked about it, but we feel like it's actually a better proposition of condition that feels that would work better for the site, and these conditions, I will enter them into the record. I will give you a copy of it.

HEARING MASTER FINCH: Okay. So you have

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this drafted, this proposed condition?

MS. ALBERT: Correct.

HEARING MASTER FINCH: Okay.

MS. ALBERT: Correct.

HEARING MASTER FINCH: All right. Remind me how the condition reads now in terms of -- is there a timing mechanism?

MS. ALBERT: If you look at 1.4, Condition 1.4 it talks about --

HEARING MASTER FINCH: I see.

MS. ALBERT: And for such a small site, it's a bit difficult to do so. But however, we feel -- we understand the concerns of Planning Commission, and we're proposing an alternate condition that we feel still would meet the intent.

The goal is to develop the commercial -- make sure the commercial is developed that is not always going to stay vacant. And knowing the site, knowing how the site is already used as a commercial, the demand for it, we feel that having a site ready, pad ready site is better and provides more opportunities for different developers.

As we could see, we have all these different conditions -- you know, 2,500 square feet of blah, blah, blah. If we build it already, we already

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limit a lot of our end users. And so by having it pad ready; that showing them, hey, we can work with you, we would have a lot more options of interest for commercial nonresidential development.

HEARING MASTER FINCH: Was the Planning Commission aware of this condition before tonight's hearing?

MS. ALBERT: We submitted it -- we -- we just submitted it at 4:00 o'clock, and the Planning Commission has informed me that they were not supporting that condition.

HEARING MASTER FINCH: I see.

MS. ALBERT: We understood that. This is something we wanted to have it into the record in order to be able to discuss it.

HEARING MASTER FINCH: Okay. All right. Does that complete your presentation?

MS. ALBERT: That completes my presentation. We have next presenter too.

HEARING MASTER FINCH: Can I just ask you one question before you leave, because it's a land use question?

MS. ALBERT: Sure.

HEARING MASTER FINCH: The -- the existing golf course driving range, just give me a snapshot

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of the uses. It's not just a driving range is my understanding.

MS. ALBERT: There's retail -- there's retail there. I mean, it's like a traditional when you walk in, and the owner is here and he will be speaking.

HEARING MASTER FINCH: How long has that use been there approximately?

MS. ALBERT: When I look at it, he could be a better person to answer that, but --

HEARING MASTER FINCH: I'm just looking for a year, approximately.

MS. ALBERT: Twenty. 2003.

HEARING MASTER FINCH: 2003.

MS. ALBERT: My aerial was 2005.

HEARING MASTER FINCH: And it has lighting that operates at night?

MS. ALBERT: Yes.

HEARING MASTER FINCH: Okay. All right. That's the ending of my questions. Thank you. If you could please sign in with the clerk's office. Thank you.

MS. ALBERT: Thank you.

HEARING MASTER FINCH: Good evening.

MS. NAYLOR: Hi. Good evening. Abbey

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Naylor, 14706 Tudor Chase Drive, Tampa.

I am with Naylor Environmental Solutions. I'm the environmental consultant on the project. It should be the same -- I think they are next slides. Thank you.

So I just wanted to discuss the environmental considerations for the project. It being an active driving range, there aren't much in terms of wetlands on the site. There are some right along the fringe. They'll be completely avoided.

We've completed a protected species survey on-site, and there will be no protected species impact associated with the proposed plan. As discussed, the current condition is an active driving range, and within that surrounding, you know, the limits of the driving range, I just wanted to show you kind of a picture perspective. It's what you would expect kind of a mode -- a mode driving range. Next slide, please.

What I wanted to address, as, you know, we are aware that there is a preserve adjacent to the site. There's an access road that runs along the east side of the -- the east driving range and then predominantly the preserve is located north of the driving range.

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Knowing the sensitivity of this preserve area and its importance to Hillsborough County, we've incorporated into the design to have the floodplain mitigation compensation area directly adjacent to that preserve. And then proposing to actually plant that floodplain area with native species where feasible.

In addition to that, there's even additional buffer. Obviously, we need stormwater associated with the development, and we've located that stormwater adjacent to the floodplain compensation.

So any pervious, impervious surface would be quite a distance on the existing preserve on the west side, approximately 213-foot buffer and then on the east side, 340 feet. You know, a football field is, including the end zones is 360 feet.

So that's a pretty, you know, significant buffer from the existing preserve, you know, knowing just how to separate those townhomes from that habitat to the north.

Knowing what the existing condition is being the driving range, I see that floodplain mitigation area and stormwater really being a net improvement in terms of what's occurring adjacent to the preserve at this time. That's all I have. Any

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questions?

HEARING MASTER FINCH: No, not at this time but thank you. If you could, please, sign in.

Ms. Corbett, does that complete your presentation?

MS. CORBETT: Kami Corbett for the record. Yes, it does.

HEARING MASTER FINCH: Okay. Thank you so much.

We'll go to Development Services.

MR. MONSANTO: Good evening. Israel Monsanto, Development Services.

The property's existing use is a recreational golf course. Uses in the surroundings today consist of residential detached homes. Residential support uses, such as churches and schools, a water pump station adjacent to the west, and a nature preserve known as the Myron and Helen Gibbons Nature Preserve.

Further along the east is land owned by Hillsborough County containing a larger water retention pond.

The request tonight is to rezone the subject site from Agricultural Rural to a Planned Development to allow up to 86 townhomes,

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single-family attached with a density bonus within Parcel 1 of the provided site plan. This Parcel 1 is located north of an existing TECO easement and also up to 20,000 square feet of limited Commercial Neighborhood from three distinct use categories in Parcel 2, which is south of the TECO easement.

This parcel is along Boyette Road. In order to achieve 86 residential units, which is at six dwelling units per the acre, the applicant is utilizing Policy 19.3 which provides incentives to encourage mixed-use development by providing at least three uses on-site, which in turn will permit density and floor area ratios up to the next land use category where two uses will be nonresidential uses.

The nonresidential use have been classified into three groups as noted in the staff report. The applicant met with staff and is proposing a list of size and development that could be considered where at least two uses shall be developed in Parcel 2; one use from either group where no two uses are chosen from the same group.

The applicant is also committed to limiting the height to one-story and architecturally finished on all four sides with a residential-like

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appearance for the nonresidential portion of the site.

The uses proposed by the applicant are low scale neighborhood commercial, office professional and medical, assisted living facilities and daycare or pet care.

The uses are broken into three groups. Group A which generally consists of retail commercial with no drive-through. This arranging from 2500 square feet to 10,000 square feet of maximum building space.

Group B consisting of office limited to 10,000 square feet and no 24-hour operations, and then the Group C, which is residential support, is limited to 10,000 square feet. In this case, a daycare or pet care and a community residential home and memory care Type C.

The applicant requested a waiver to the additional 2-foot of building setback for every foot above 20 feet in height per the Land Development Code Section 6.01.01 end note No. 8. This is only along the west where the adjacent use is the Tampa Bay water facility.

The staff finds the request is preferable since there is no compatibility concerns with that

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adjacent use. The applicant is not requesting the required additional setback for the proposed structure on the east to be waived adjacent to the nature reserve and will maintain a total of 35 feet of setback.

Along the east in Parcel 1, where the project will provide 10 feet of buffer with Type B screening and a solid fence where 5 feet of buffer with Type A screening is required by the Code.

Parcel 2 contains the nonresidential uses will conform with the development standards of Commercial Neighborhood standards with single-story structures.

The applicant is also committed to a timing mechanism as stated by the applicant and as noted in Condition 1.4 that would guarantee the development of all proposed uses and comply with the mixed-use objective and policies from Comprehensive Plan.

Staff has received letters of concerns and opposition from area residents, the Tampa Bay Conservancy and the Sierra Club. The letters expressed concerns with traffic generated by the proposed development, school capacity, noise, impacts to the nature preserve, increase in

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density, introduction of commercial uses in the area, impacts to water supply, and reduction of setbacks/buffer from the natural preserve along the east.

The applicant has amended this application compared to the original request and reducing the intensity of the nonresidential uses, restricted square footage of the daycares and other uses, eliminated school uses, and will maintain the required buffer setback along the east, which is actually more than what the Land Development Code requires.

Per the submitted site plan, retention ponds will be placed along the east in Parcel 2 and also along the north in Parcel 1 and is adjacent to the preserve. And vegetation will be preserved subject to Natural Resources' review and approval along the eastern side and north.

As part of the Site Development Review process, the developer is required to provide wildlife environmental studies in accordance with the Land Development Code.

The project will be conditioned as requiring that water distribution system improvements will need to be completed prior to connection to the

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County's water system by future -- by this future development.

No building permits that would create a demand for water service will be issued until the completion of two County Funded Capital Improvement Programs projects in south county are put into operation.

Stormwater design and construction will be subject to review and approval by the site development review section as established in the Land Development Code to ensure the project will capture all stormwater on-site only.

The proposed Planned Development plan shows areas where future retention ponds. Comments from the school board state that a school concurrency review will be issued prior to preliminary plat or site plan approval.

The school board also indicated that at this time additional capacity at the middle and high school level exists in adjacent service areas to accommodate the proposed project, and capacity exists in the elementary school level for this area.

There are wetlands present on the site. However, the Environmental Protection Commission

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review the proposed site plan and does not object. No impacts to wetlands or setbacks are shown on the proposed plan.

Conservation and Environmental Lands Management reviewed this rezoning petition and has no comments. Transportation Staff does not object to this request and proposes conditions for site access and road improvements along Boyette -- Boyette Road.

The areas is a mix of mostly residential single-family detached and low scale commercial and office uses. Residential support uses such as schools and churches are also commonly found in this area.

The proposed project scale and design would ensure that it's compatible with the surrounding development pattern and land uses. Intensive uses are being restricted from the proposed development.

The staff from the Planning Commission has evaluated this request and has found it consistent and sees no compatibility issues of the adjacent use is probably institutional.

However, to the commercial locational criteria has been requested and Planning Commission staff recommends approval of the waiver. Based on

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the above consideration, the staff recommendations approval with conditions, and this is based on the conditions that we have submitted on the record already. And Planning Commission will speak to that proposed changes.

I need to note also that there is also a staff report correction that has been handed to you, I believe. There is a typo on Condition No. 4. The buffer along the east in Parcel 1 should be 10 feet as proposed by the applicant and also as noted in the site plan on the record. And right now it states 20 feet; so it should be 10 feet.

HEARING MASTER FINCH: On Condition No. 4 you said?

MR. MONSANTO: Correct.

HEARING MASTER FINCH: I see that correction. Okay. Mr. Monsanto, I had a question about Ms. Albert's testimony and the submittal of this revised Condition 1.4. Are you aware of this? Have you seen it?

MR. MONSANTO: Yes. We received it today as Ms. Albert stated, around four today. And we -- we have concerns with that proposed change because our reports are -- have been filed on that -- that

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condition was predicated on basically the conversation with Planning Commission and that's the requirement to this project to have the bonus density and also to ensure that the three uses will be in place when all is developed.

HEARING MASTER FINCH: Does the -- because as you're aware, the revised condition takes out that timing altogether. Does that change the Development Services recommendation for this application?

MR. MONSANTO: Yes. If we -- if that condition is removed, then Development Services staff has concerns because that's not -- that's not consistent with what was proposed and also not consistent with the Comprehensive Plan.

HEARING MASTER FINCH: All right. Anything further, Mr. Grady, you wanted to add?

MR. GRADY: Nothing further. I think, again -- and the Planning Commission can address this. I think that was an issue for consistency to obtain the density bonus.

And, again, if Planning Commission were not to recommend approval of the -- the infill density bonuses, then, you know, obviously, staff would likewise not be supportive of this. Again, it goes

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back to, you know, what's necessary for purposes of meeting the intent of the density bonus, which again the Planning Commission addressed further.

I would also note, I think just a clarification regarding the proposed Condition 4. Collectively, on our end, staff feels I think there might be a typo. They may have meant to say non-white Trex style, E accents e-k.

And if that's the case, we believe what the intent is, is that if that type of style provides for us even though it's not a wood fence or it's -- it has a look of a natural look -- natural wood look.

So we would propose that it's a Trex style which provides for a natural look of wood, just to clarify what the intent of that is. So it's on rebuttal I would ask the applicant to clarify that and see if they have any concerns with that provision.

HEARING MASTER FINCH: Okay. We'll come back to them at the end. Fair enough. All right.

Mr. Monsanto, that completes your presentation. Correct?

MR. MONSANTO: Yes. Correct.

HEARING MASTER FINCH: All right. Thank you

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so much for that. I appreciate it.

We'll go to the Planning Commission.

MS. MASSEY: Hi. This is Jillian Massey with the Planning Commission staff.

The site is in the Residential-4 Future Land Use Category. It's in the Urban Service Area and within the limits of the Riverview Community Plan.

The Residential-4 Future Land Use Category surrounds the property and allows residential, suburban scale, neighborhood, commercial, office uses, and multipurpose projects. Nonresidential uses to meet locational criteria for specified land uses.

The applicant's site plan indicates a floor area ratio of 0.19, which is consistent with Future Land Use Element Objective 8. The proposed density of six dwelling units to the acre exceeds that permitted Residential-4 Future Land Use Category.

However, the applicant is proposing a mixed-use development that would utilize a bonus density outlined in Future Land Use Element Policy 19.3.

A condition has been placed on the proposed development to ensure all three uses are developed to comply with the bonus density criteria. Future

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Land Use Element Policy 16.10 refers to the compatibility of density increases and Goal 6 of the Riverview Community Plan seeks to protect the Alafia River.

The Alafia River is to the north of the property adjacent to the preservation area, and the property contains a small portion in the Coastal High-Hazard Area in the northeast corner.

Commercial Neighborhood uses have been proposed for the nonresidential portion of the development in order to meet the density bonus provisions under Future Land Use Element 19.3.

The staff has worked with the applicant to limit the Commercial Neighborhood uses to help protect the surrounding residential and Natural Preservation use, consistent with Future Element -- Future Land Use Element Policy 16.3.

Furthermore, nonresidential is limited to the southern portion of the property as depicted on the proposed site plan. Residential is limited to the northern portion of the property, and no setback reductions have been proposed on the northern property boundary adjacent to the Natural Preservation areas.

The proposed request is consistent with

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Objective 16 and Policy 16.3, which refers to the production of existing neighborhoods. As previously mentioned, the area is mostly single-family detached residential with residential support uses and a preserved area.

The proposed mix of uses will complement the area and blend architecturally. The subject site does not meet commercial locational criteria in accordance with Objective 22 and Policies 22.1 and 22.8.

The site is located west in approximately 2500 linear feet away from the node of Boyette Road and Bell Shoals Road, the nearest qualifying intersection. A waiver to the commercial locational criteria has been requested, and staff recommends approval of the waiver.

One of the reasons being proposed by -- to that commercial -- excuse me, one of the reasons the proposed commercial uses is a part of the mixed-use development and the proposed uses are limited to specific Commercial Neighborhood uses.

The size of each use has been limited to no greater than 5,000 square feet for most uses and up to 10,000 square feet for specified uses, such as medical office or specialty food store.

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The proposed list of uses has been thoroughly reviewed and selected to help complement the surrounding area and is not intended to introduce intensive retail uses.

Objective policy -- excuse me, Objective 19 and Policy 19.2 indicates that a mixed-use development must be integrated. Policy 16.2 requires the gradual transition between uses.

The applicant's site plan shows the commercial buildings are in the southern portion of the property facing south towards Boyette Road. The proposed site plan shows an integrated design to the residential located on the northern portion of the property and a gradual transition from the Natural Preservation area to the north, east consistent with policy direction.

I just wanted to note for the record previous discussions regarding the conditions of approval. Planning Commission staff, we filed our report with the understanding of the agreed upon conditions of approval including Condition 1.4.

And this is mutually agreed upon between Planning Commission staff and the County and the applicant's representative. Changing that condition would -- it undermines a connection

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between the proposed mixed-use density bonus and the required three uses to achieve this bonus.

This is a substantial change to the project. It's not supported by Planning Commission staff. The support of the mixed-use density bonus is contingent on that condition and as it is worded by the Development Services Department.

So with that being said, the Planning Commission staff does find the -- the application consistent with the Comprehensive Plan but subject to the conditions proposed by Development Services, particularly the wording of condition of approval 1.4 which creates a clear nexus between the Comprehensive Plan policy direction under Objective 19 in the Future Land Use Element and the applicant's request for a mixed-use density bonus.

The proposed mixed-use density bonus is contingent on that condition as written by the County and changing that condition would result in the application being found inconsistent with the Comprehensive Plan. And that concludes my testimony.

HEARING MASTER FINCH: Ms. Massey, just to make sure I understood it. There was a little breakup in the end of your presentation. So if --

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if the proposed 1.4 condition is changed to what the applicant submitted this evening, then the Planning Commission then would find the rezoning inconsistent with the Comprehensive Plan; is that correct?

MS. MASSEY: That is correct. That the finding of consistent is based upon the agreed upon condition of approval and the way that it is currently worded.

HEARING MASTER FINCH: All right. Understood. Thank you for that. I appreciate it. I think you covered it. I was going to ask you more about the Policy 19.3 and the three land uses, but I think you explained that adequately for the record. Thank you for that. I appreciate it.

All right. We'll turn to anyone who would like to speak in support? Anyone in favor? How many do we have? I see one coming who would like to speak to. Anyone online? Okay. Good. One in opposition. But nobody online in support? Okay.

If you want to -- were you going to show those or you're just submitting them? If you'd like to show them, we have an overhead over here. And then at the end, you can hand them to her and they'll be a part of the record.

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If you could start by giving us your name and address, please.

MR. PLACE: William Place, 610 Garrison Cove Lane, Tampa, Florida 33602.

And I'm here with my wife, Su Lee. We are the property owners. We built the Ace Golf range site in 2003 and have operated it for almost 20 years now.

I'm mainly here to talk about that condition, the timing condition, which I believe has some very unintended consequences and is not -- certainly not in the public benefit.

I understand that this condition has gone into some other projects -- large projects where the builders actually didn't build a commercial. They were building hundreds of homes. And at the very end didn't build the commercial piece and they were in violation of that -- of the condition.

This is a 17-acre project. Okay. It can only succeed if all parts of it are built, and I'd like to tell you why and what our interest is in this.

First of all, I'd like to point out, you know, we have operated this as a commercial business. We do have a retail shop in there,

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miniature golf course, batting cages, driving range. The County put in -- go to the next slide, please. Of course, they four-laned the road here since we built up the driving range.

And that light that you can see right there was put in as well as the left turn lane partially due because of the amount of traffic that we have coming in and out of our facility, which has particularly been substantially even since COVID.

It's now as you can see a very prime commercial site. It's nicely buffered. You can see that wall across this -- the four-lane highway. That's the subdivision there. They have a nice wall that separates them, and of course, the preserve that surrounds the property.

And I might add nobody ever goes into this preserve. It's -- it's wet. It is very difficult to access. It has no parking. We had offered parking to them as part of this project, and they did not want it. So while it's a very beautiful area, it is never visited. We've enjoyed it as a nice buffer for our property. Next slide, please.

And I'd like to point out that one of the letters in opposition was from the community that's there in the upper right. I believe they're called

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Waterford.

And the point of this slide is to show you we have 500 feet -- actually 495 feet on that yellow line that shows from our property line to the nearest home. And that's through thick woods.

And they actually opposed our initial request to go in on the site. They said our lighting would shine in their windows, and the birds fly into the nets and be killed and so forth. And none of that has ever materialized.

We even had opposition across the street from the residents there, and following our approval, they requested a crosswalk be put in so they could get over to our site.

I understand there are some who are opposing us leaving now, as many did when we were asking to go in from this site. We're planning to retire after 20 years. So we're looking at options to -- to sell this property for our retirement.

There's a lot of costs if it were to stay as a driving range because 20 years old, it would need a lot of investment. We had a lot of builders contact us wanting just to put townhomes on the entire site -- Pulte, DR Horton, and others.

And we turned that down because it never

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reached the figure that made sense given the investment we have in the golf range. So we've also had a lot of commercial -- offers for commercial development.

At one point we were under contract with a developer that was going to put in a Walmart neighborhood store. So that kind of gives you an idea of how, you know, commercial developers look at this.

If Walmart's interested in it, it's got to be a pretty viable site. They have actually ended up rethinking their brick and mortar strategy and they backed out of the deal. But we've also had doggy daycare, self-storage. We had a school.

We even had a restaurant that was interested, but because of the condition of no drive-throughs, they decided not to pursue. So what I'm trying to say is there is no chance that this is not going to be developed.

So we would truly meet all the County conditions without having this requirement that all the commercial has to be built and CO'd before the additional density is provided.

That's an -- you know, in hundred -- many hundreds of home project, it's an inconsequential

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condition. But when you're only building 84 townhomes, you can't mobilize twice. You can't -- you got a chicken and the egg thing here where, you know, residential attracts the commercial.

And additionally, the builder is going to prepare all the commercial site, do all the utility stub-outs to it; and so the chances of us saying, okay, we're going to put all that in, but then we're not going to build it. Is it just -- it just -- I'm sorry, it just doesn't make sense.

I understand why in a large project, perhaps, it does because, you know, people do bad things. But in any case, you know, I understand, too, for a builder to have to mobilize twice.

So if you think about this, that condition says, okay, all the commercial has to go in and actually be CO'd before the builder can then build his remaining 30 townhomes.

A builder is not going to do 54 and wait, you know, do 30 later, and then we wait for all of that before -- you know, for the commercial to be all developed before he can do all his project. It also drives the cost of the homes up. And this is -- this is affordable housing townhomes. And it -- it unnecessarily would delay the project as

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well for quite -- quite some time.

Now, my interest, I want to get it all developed. I want -- I want to get out of our investment here. So we've actually retained a firm called Alliant Partners, a fourth generation firm out of Ybor City, who is going to do the commercial development.

And I'd like to present a letter for the record of their position on that condition.

HEARING MASTER FINCH: You've got about seven minutes left.

MR. PLACE: I'll try to be quicker. That eliminates a lot of the presentation. They're not here to state that. So I just want to say that, you know, this project would make no sense without the commercial.

It doesn't make sense to withhold the -- the residential until all the commercial is built. It will actually be far easier to find the best commercial uses, and we've been restricted pretty heavily as to what those uses can be. They need to be, you know, fit very well in the neighborhood, neighborhood commercial uses.

So that condition also kind of goes against enabling us to find the best uses; uses that

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residents -- we polled the residents. So these are uses that the residents want. But again, it throws the timing off. It can actually kill the project.

Sometimes there's unintended consequences of conditions. And just to give you another example, I mean, we also have a condition that no drive-throughs can go in on the commercial. But it seems odd right now with what we've gone through with the pandemic that, you know, people are demanding drive-throughs. They don't want to go into crowded buildings. They want their food to go.

So we've actually had to turn down commercial users. I know of a large sit-down restaurant that wanted to have a to-go drive-through because of the amount of to-go orders they have. We can't accommodate them now because of that condition.

So I'm afraid that sometimes in trying to do some good things we're also kind of hurting ourselves, and by saying no drive-throughs, you're restricting who can go in there and -- and actually kind of going against the social norm at this point.

Anyhow, we'd like to ask that staff

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reconsider that timing condition. Any questions?

HEARING MASTER FINCH: My only question is, I see in the -- in the draft conditions that it contemplates the interim use of the current golf driving range. And so what is the timing of that? I understand you're the seller of the property.

So if this were to be approved, are you planning to operate it until -- you know, do you have some time frame for that like, perhaps, simultaneous with the residential construction or --

MR. PLACE: We would be operating up until the time that -- well, of course, there's permitting and so forth, the rest of the rezoning. We're anticipating maybe another year of operation until the residential builder has all those permits.

As soon as they would need to start construction, of course, they're putting in the entry road that the commercial piece uses and of course, all the commercial stub-outs. So probably a year's time, but we would operate right up to that moment where they said, okay, it's now time to build.

HEARING MASTER FINCH: Understood. Okay.

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That was my only question. Thank you for your testimony. I appreciate it. If you like to submit those into the record, they'll be part of it. You can both sign in if you like.

MR. PLACE: Thank you.

HEARING MASTER FINCH: Thank you for that.

All right. Seeing that that was the only person to speak in support; is that correct? All right.

We'll go to testimony in opposition. Did you want to speak in opposition? Okay. And I have one other person online. So we'll take you, sir, first because it's a maximum of 15 minutes. We'll give you -- Rabi, if you can put it for seven and a half minutes to divide the time.

MR. ANDERSON: I'll be as quick as I can.

HEARING MASTER FINCH: I appreciate that.

MR. ANDERSON: My name is James Anderson. I have a voice disability. It's called laryngeal dystonia.

HEARING MASTER FINCH: Give us your address, please. I'm sorry.

MR. ANDERSON: It's 10514 Sedgebrook Drive in Riverview.

HEARING MASTER FINCH: Thank you so much.

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MR. ANDERSON: My wife and I had a home built in 1999 on Sedgebrook Drive. I've lived in the home for four years. I do actually use a preserve that was talked about. I walk my dogs to Bell Creek, and before my older dog got old, I walked to the Alafia River.

It was mentioned affordable housing. I'm not sure what that means. There's not a lot of affordable housing in Riverview. I'm a retired firefighter. If you think of fire, police, teachers, they're not really going to be able to afford this.

Just going through the Planning Commission report, it doesn't meet the location criteria. On Policy 16.10, any density increase shall be compatible with existing surrounding development.

If you look to the north, south, east, and west, none of the areas are anywhere close to this. They're asking for six units per acre. The community that I'm in we have springs.

It's four units per acre, and the others, if you look at page 4 of the application, the other densities are one dwelling unit for 5 acres to the north, four dwelling units per acre to the south. That's my community. One dwelling unit for 5 acres

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to the east. One dwelling unit for 5 acres to the west. And that's on page 4 of the application.

If you go to page 7 of the planning report, goal No. 2, item No. 4, mixed-use, focus in direct development toward walkable mixed-use town center. This is not a town center.

This has a preserve to the right, and then as I said, a drainage pond to the left is the county facility. It's not a town center. Across the street is a community that's been there -- that part of the community was probably built about 30 years ago. My brother first moved into the community in '98. So that part was already built.

They would be using the same traffic light as Boyette Springs. And Boyette Springs, later on in the report, it says there's a school right across the street. The schools in Boyette Springs is on Sedgebrook Drive.

So the traffic backs up at this school every morning and every afternoon, and it backs up all the way out on to Boyette. So that light is already restricted from school traffic in the morning and in the afternoon.

The proposed density -- I'm on page 10 -- of 6 dwelling units per acre, in my opinion, it's just

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too dense for this area. And, again, I already mentioned on page 10. It says on the document from the planning the school is located directly across the street on the south side of Boyette. No. It's located on Sedgebrook Drive.

Okay. Next item, the subject site does not meet commercial location criteria, CLC, Objective 22 and FLU Policies 22.1 and 22.8. And a waiver has been requested but hasn't been authorized. The development should wait for the waiver.

And it is mixed-use development going in right across -- I understand there's a wall there, but it's going right across my residential community. And, of course, the applicant's site plan shows commercial buildings on the southern parts or directly across from Boyette Springs.

If they're going to allow the mixed-use, it should be some written proviso requiring no variances for the businesses. Buffers on Boyette Road for Boyette Springs. That wall isn't a complete buffer.

If you have commercial areas over there and there's a variance issued in later years, who knows what's going to go in there. Nobody does. And,

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again, the commercial area is using the same traffic light as Boyette Springs and Boyette Springs Elementary.

The density is currently three units for the 18 acres. They're going to six units. So going from a total of three to a total of 86. That's a huge increase across from a residential neighborhood.

And the traffic that's going to come from this, if you look at the presentation, the document, you already have Boyette listed as level of service D as in dog. You're adding 22 according to your document -- 2209 more cars.

When I -- most of my turns are at that traffic light across from this development going to the right on Boyette. If I try to do that in the evening, the traffic is a stand still. It's a stand still now, and you're going to add 2299 more two-way volumes every day to that.

HEARING MASTER FINCH: You got about a minute left.

MR. ANDERSON: Okay. Again, I'd just like to highlight the four surrounding properties; one dwelling unit for 5-acre, four dwelling units per acre, one dwelling unit for 5 acres, and one

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dwelling unit for 5 acres in the amount of additional daily trips 2299. I think that is it. Any questions?

HEARING MASTER FINCH: I don't have any questions, but I appreciate you coming down and your testimony. If you could please sign in with the clerk's office, if you'd like to submit anything, you're more than welcome to.

All right. Seeing no one else in the room in opposition, we'll go to the person online.

MR. LAMPE: Ethel, I believe you have to enable your camera.

MS. HAMMER: Good evening. My name is Ethel Hammer. My address is 19825 Angle Lane, Odessa, Florida 33556.

And I'm here this evening representing the Tampa Bay Conservancy, and I am currently serving as the president of that organization. The Conservancy is a nonprofit organization that owns the 60-acre parcel of land that is adjacent and immediately to the north of this rezoning request.

That property known as the Myron and Helen Gibbons Nature Preserve is a pristine riverine habitat on Bell Creek and the Alafia River. Recently, we were privileged to have this property

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nationally recognized as a growth for us by the Old Growth Forest Network. It is our premier property in Hillsborough County.

It's a highly sensitive habitat with over 120 different species. It's a refuge for wildlife, and it contributes to the protection of water quality in the Alafia River.

I wanted to make a couple of comments about some of the statements that the owner of the adjacent property said. We do have parking. We have that 50-foot access strip into the preserve that affords quite a bit of parking for our visitors.

We are not all wet. We wouldn't have been designated as an Old Growth Forest if we were all wet. The -- he made the statement that it's never visited.

We have organized groups that come to the preserve. We collaborate with the Boy Scouts and the Girl Scouts for educational visits. Last year, we hosted -- we were one of the sites that hosted the Florida Birding Festival.

So we do have invited visitors to our preserve. The board of the Conservancy reviewed this rezoning application and voted unanimously to

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oppose it as presented. The basis for our objection is the intensity of the project and the potential impacts to the preserve.

Both the increased density over what the Comp Plan permits and the introduction of commercial into the area would be objectionable, and we feel would not be appropriate at this location.

The introduction of commercial is not compatible with the surrounding residential development, nor is it compatible with the pristine environment of our preserve.

Both the commercial and the increased density have the potential to bring increased unwanted foot traffic into the preserve which could result in very negative impacts, and we've recently experienced vandalism to some of the structures in the preserve.

We also would be concerned about the potential for increased noise that will result from the increased density of development. Basically, it is our position that the more intense the project, the more incompatible it will be to the preserve.

We ask that you recommend denial of this

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application as submitted to protect the neighborhood and to protect the environmental treasure that we have in the Gibbons preserve. Thank you.

HEARING MASTER FINCH: Thank you, Ms. Hammer, for your testimony. I appreciate it.

All right. Just one final check of anyone else that would like to speak in opposition?

Seeing none, we'll close that portion of the hearing. We'll go back to Development Services. Mr. Grady, anything further?

MR. GRADY: Nothing further, unless you have questions.

HEARING MASTER FINCH: Just to go back to the question of the Planning Commission and the change in their finding, if the proposed condition were to be implemented as part of the application and, therefore, that would change Development Services's position as well; is that correct?

MR. GRADY: Correct. Also, just to ask the applicant to clarify about the fencing condition I spoke of earlier.

HEARING MASTER FINCH: All right. Will do.

All right. We'll close that and we'll go to rebuttal. Ms. Corbett.

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MS. CORBETT: Yes. If I could briefly ask Ms. Naylor to come back to the podium. And just ask you a question, in your professional opinion -- and do we have your resumé on file?

MS. NAYLOR: I have a copy.

MS. CORBETT: Could you qualify yourself? And in your professional opinion, is this development incompatible with the nature preserve to the north?

MS. NAYLOR: I don't see that this development is incompatible.

MR. GRADY: Ma'am, we need your name and address for the record.

MS. NAYLOR: I'm sorry. Abbey Naylor, 14706 Tudor Chase Drive, Tampa, Florida.

I don't see that this development is incompatible with the adjacent land use given the amount of additional buffer we're providing to that preserve.

In the design, it was -- we heard and saw the comments back from the Sierra Club and the Tampa Bay Conservancy and do recognize that that is a beautiful property and a valuable preserve for the area providing that floodplain compensation and stormwater management that's directly adjacent

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providing a buffer from impervious development in the narrowest part of 213 feet and at the furthest distance 340 feet.

I do believe that is a very compatible transition for the project.

HEARING MASTER FINCH: All right. Thank you so much. If you'd like to submit your resumé into the record, you're more than welcome to.

MS. CORBETT: And just briefly, obviously, the gentleman that was reading from staff report, the conclusion of the staff report is that this development is compatible and consistent. So I would like to just state that.

Speaking to -- I just want to clarify something about the change to Condition 1.4 and kind of how we got here. That policy interpretation of 19.3 and the timing mechanism that either does or doesn't exist in the Comprehensive Plan has been evolving over the last several years.

The condition that we are proposing tonight is consistent with conditions proposed in other developments that have been approved. There was a recent -- probably within the last six months -- zoning that I actually handled for another client

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that was on Simmons Loop and 301, which is a large multifamily 464-unit development.

And at the Board hearing, the conditions of the zoning didn't have a timing mechanism at all. But the same thing, we were relying on the third use to do a density bump.

And they -- at the Board hearing, that client was asked by one of the Board members, would you agree to a condition that would limit the development of the density beyond the density bump and condition on a CO to the day care, which was our proposed use?

And for that client who was the developer of the multifamily and the daycare, they were able to agree to a condition that they would not CO anything until the daycare was done because that worked for them. They were going to pull all the permits of the multifamily.

And so now here we find ourselves with staff now taking that condition from that zoning is now being the new guidepost as to when the timing mechanism should be in place.

And so that's why our client Mattamy and the property owner here were somewhat caught off guard because in previous interpretations of Policy 19.3,

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what we are proposing for our timing mechanism was acceptable. And so, yes, we're here -- we're seeking a recommendation of approval from you, and if the only way that you feel comfortable doing that is based on the staff reports, we would ask that you do so.

But the only way we could present our case to the Board of County Commissioners was to present this issue to you this evening.

HEARING MASTER FINCH: Understood. I understand your point. I just want to ask the proposed condition, which completely eliminates the timing as well as the commitment for the three uses, because if you eliminate that, it reads condition No. 1 just talks about it's a mixed-use project, and here's what you can do. But there's no commitment to actually developing the three uses.

MS. CORBETT: The intent is that there would have to be three uses. So we couldn't just do one use and then two uses from one use group. We understand that that is the language doesn't -- on that is not clear.

We understand that there do need to be three uses that are not trying to be cute and get out of

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that requirement.

HEARING MASTER FINCH: Okay. You understand as it's drafted that the elimination of that requirement is gone with the proposed draft in my opinion. But be that, I understand your intent in presenting the issue as it -- as it's unfolded tonight.

And you understand the Planning Commission's testimony and then the corresponding Development Services change and recommendation if that were to go forward?

MS. CORBETT: Yes.

HEARING MASTER FINCH: All right. Is there anything else you want --

MS. CORBETT: I think we had some housekeeping with conditions. Defense -- I didn't hear what you were saying the seeking of clarification.

MR. GRADY: We think there's a typo because the collective understanding of staff on our end is you meant white Trex as a X not K?

MS. CORBETT: And nonwhite, yes.

MR. GRADY: And then some -- we think it's appropriate to add an explanation of what that intent of that -- and our understanding is Trex

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style is sort of like it provides for a natural look of wood. And so I think that explanation needs to be in the condition to sort of understand the intent is that it's not a wood or natural fence, but it's a material that has a look of wood. So it's not a white PVC fence because they didn't want --

MS. CORBETT: Correct.

MR. GRADY: -- so that was my understanding.

MS. CORBETT: In the record there are actually two photographs that were submitted into the record where someone who is in opposition specifically requested that nonwhite Trex-style fence, and there are two photographs.

And so we wouldn't have any objection to somehow incorporating those either in the site plan in some manner.

MR. GRADY: Yes. We just need -- I think that kind of clarification is what is intended by that so any reviewers will understand what is intended.

MS. CORBETT: Yes. We can provide that clarification. And then also in the proposed conditions that Ms. Albert submitted, she did not speak about the -- our offer to -- for the

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floodplain compensation area, have a 4-to-1 slope be planted with appropriate native species on 3-foot centers for herbaceous ground cover and 5-foot centers for shrubs and 10-foot centers for trees. And we also offering that condition. I just want to make sure that that was said into the record.

HEARING MASTER FINCH: Okay. Understood. All right. Does that complete your rebuttal testimony?

MS. CORBETT: If I could have 30 seconds for Mr. McGraw?

HEARING MASTER FINCH: Sure. You have a minute and a half. Good evening.

MR. MCGRAW: Hi. My name is Mac McGraw. I'm with the applicant Mattamy Homes. My address is 3000 West San Nicholas Street in Tampa, Florida.

So one thing I want to correct that Mr. Place said, I think he was trying to say that our townhomes are priced relative to single-family development at a discount. A significant discount.

We're not building affordable homes. I just want to make sure that's clear so I don't read that in the paper tomorrow.

Also, on the timing mechanism, we're talking

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about 88 townhomes or 86 townhomes. The prices stop at 56 and wait for the commercial to come online. It's an extreme burden for us because we have to build this infrastructure up front and then we have to maybe possibly wait.

In this situation we're not -- we're partnering with Bill in the sense that he's going to be continuing to market the property while we're in there selling homes, and so we're not -- we don't control that component of the development.

So it's very -- it'd be hard for us to possibly do this if we have to stop and wait for him to complete before we go back in there and finish 20, 30 more townhomes. So we just want to make sure that's explained. And I think that's it. Thank you.

HEARING MASTER FINCH: All right. Thank you for your testimony. If you could please sign in with the clerk's office.

All right. Anything else, Ms. Corbett? Okay.

Then with that, we will close Rezoning 22-0075.

It is a little after -- I have 8:07. I think it's appropriate to take a five-minute break

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, June 13, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 11:56 p.m.

PLACE: Robert W. Saunders, Sr. Public Library
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2022, Zoning Hearing Master Hearing.

Item A-2, Major Mod Application 21-0963. This application is out of order to be heard and is being continued to the July 25th, 2022, Zoning Hearing Master Hearing.

Item A-3, Major Mod Application 21-1270. This application is being withdrawn by the Zoning Administrator in accordance with the Land Development Code Section 10.03.02.C.2.

A-4, as I noted the change to the agenda, is being continued to the August 15th Zoning Hearing Master Hearing as RZ-PD 21-1321.

Item A-5, Major Mod Application 21-1334. This application is being withdrawn by the Zoning Administrator in accordance with LDC Section 10.03.02.C.2.

Item A-6, Rezoning-PD 22-00 -- RZ-PD 22-0075. This application is out of order to be heard and is being continued to the July 25th, 2022, Zoning Hearing Master Hearing.

Item A-7, Major Mod Application 22-0087. This application is being continued by the applicant to the July 25th, 2022, Zoning Hearing Master Hearing.

Item A-8, Major Mod Application 22-0109.

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, May 16, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 10:14 p.m.

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being continued to the June 13, 2022, Zoning Hearing Master Hearing.

Item A-4, Major Mod Application 21-1334. This application is being continued by the applicant to the June 13, 2022, Zoning Hearing Master Hearing.

Item A-5, we dealt with the changes. This is a staff continuance to the June 13th, 2022, Zoning Hearing Master Hearing.

Item A-6, Rezoning-PD 21-1338. This application is being continued by the applicant to the June 13, 2022, Zoning Hearing Master Hearing.

Item A-7, Rezoning-PD 22-0075. This application is being continued by the applicant to the June 13, 2022, Zoning Hearing Master Hearing.

Item A-8, Rezoning-PD 22-0083. This application is out of order to be heard and is being continued to the June 13, 2022, Zoning Hearing Master Hearing.

Item A-9, Major Mod Application 22-0089. This application is being continued by the applicant to the July 25th, 2022, Zoning Hearing Master Hearing.

Item A-10, Major Mod Application 22-0109. This application is being continued by the

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, April 18, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 7:37 p.m.

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application is being continued by the applicant to the June 13, 2022, Zoning Hearing Master Hearing.

Item A-7, Major Mod Application 21-1334. This application is being continued by the applicant to the May 16, 2022, Zoning Hearing Master Hearing.

Item A-8, Rezoning-PD 21-1338. This application is being continued by the applicant to the May 16, 2022, Zoning Hearing Master Hearing.

Item A-9, Rezoning-PD 22-075 -- 0075. This application is being continued by the applicant to the May 16, 2022, Zoning Hearing Master Hearing.

Item A-10, Rezoning-PD 22-083 -- 0083. This application is out of order to be heard and is being continued to the May 16, 2022, Zoning Hearing Master Hearing.

Item A-11, Major Mod Application 22-0089. This application is being continued by the applicant to the May 16, 2022, Zoning Hearing Master Hearing.

Item A-12, Major Mod Application 22-0109. This application is out of order to be heard and is being continued to the May 16, 2022, Zoning Hearing Master Hearing.

Item A-13, Rezoning-PD 22-0181. This

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, March 14, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 10:07 p.m.

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Item A-4, Major Mod Application 21-1270. This application has been continued by the applicant to the April 18, 2022, Zoning Hearing Master Hearing.

Item A-5, Rezoning-PD 21-1321. This application is being continued by staff to the April 18, 2022, Zoning Hearing Master Hearing.

Item A-6, Rezoning-PD 21-1330. This application is being withdrawn from the Zoning Hearing Master process.

Item A-7, Major Mod Application 21-1334. This application is being continued by the applicant to the April 18, 2022, Zoning Hearing Master Hearing.

Item A-8, Rezoning-PD 21-1338. This application is being continued by the applicant to the April 18, 2022, Zoning Hearing Master Hearing.

Item A-9, Rezoning-PD 22-0075. This application is being continued by the applicant to the April 18, 2022, Zoning Hearing Master Hearing.

Item A-10, Rezoning-PD 22-0083. This application is out of order to be heard and is being continued to the April 18, 2022, Zoning Hearing Master Hearing.

Item A-11, Major Mod Application 22-0089.

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, February 14, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 8:48 p.m.

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Item A-15, Rezoning-PD 21-1338. This application is out of order to be heard and is being continued to the March 14, 2022, Zoning Hearing Master Hearing.

Item A-16, Major Mod Application 21-1342. This application is being continued by the applicant to the March 14, 2022, Zoning Hearing Master Hearing.

Item A-17, Rezoning-PD 22-0075. This application is being continued by the applicant to the March 14, 2022, Zoning Hearing Master Hearing.

Item A-18, Rezoning-Standard 22-0076. This application is out of order to be heard and is being continued to the March 14, 2022, Zoning Hearing Master Hearing.

Item A-19, Rezoning-PD 22-0083. This application is out of order to be heard and is being continued to the March 14, 2022, Zoning Hearing Master Hearing.

Item A-20, Major Mod Application 22-0089. This application is being continued by the applicant to the March 14, 2022, Zoning Hearing Master Hearing.

Item A-21, we dealt with the changes. That is being withdrawn from the Zoning Hearing Master

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

IN RE:

ZONE HEARING MASTER HEARINGS

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY
Land Use Hearing Master

DATE: Monday, January 18, 2022

TIME: Commencing at 6:00 p.m.
Concluding at 10:27 p.m.

PLACE: Robert W. Saunders, Sr. Public Library
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Tampa, Florida 33602

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requested a continuance to the February 14th, 2022, Zoning Hearing Master Hearing.

Item A-18, Rezoning-PD 21-1338. This application is out of order to be heard and is being continued to the February 14th, 2022, Zoning Hearing Master Hearing.

Item A-19, Major Mod Application 21-1339. This application is being continued by the applicant to the February 14th, 2022, Zoning Hearing Master Hearing.

Item A-20, Rezoning-PD 21-1340. This application is out of order to be heard and is being continued to the February 14th, 2022, Zoning Hearing Master Hearing.

Item A-21, Major Mod Application 21-1342. This application is out of order to be heard and is being continued to the February 14th, 2022, Zoning Hearing Master Hearing.

Item A-22, Rezoning-PD 22-0075. This application is being continued by the applicant to the February 14th, 2022, Zoning Hearing Master Hearing.

Item A-23, Rezoning-PD 22-083. This application is out of order to be heard and is being continued to the February 14th, 2022, Zoning

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EXHIBITS SUBMITTED

DURING THE ZHM HEARING

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 1 OF 6

DATE/TIME: 2/25/22 6pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY.** THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # MM 22-0087 or	PLEASE PRINT NAME Kami Corbett MAILING ADDRESS 101 E Kennedy Blvd, St 3400 CITY Tampa STATE FL ZIP 33602 PHONE 813 227-8421
APPLICATION #	
APPLICATION # RZ 22-0698 V.S.	PLEASE PRINT NAME David Wright MAILING ADDRESS P.O. Box 273417 CITY Tampa STATE FL ZIP 33688 PHONE (813) 230-7473
APPLICATION # RZ 22-0456 V.S.	PLEASE PRINT NAME David Wright MAILING ADDRESS P.O. Box 273417 CITY Tampa STATE FL ZIP 33688 PHONE (813) 230-7473
APPLICATION # RZ 22-0789	PLEASE PRINT NAME Jeffrey + Jaime Peck MAILING ADDRESS 1221 Canyon Oaks Dr CITY Brandon STATE FL ZIP 33610 PHONE 302-218-5131
APPLICATION # RZ 22-0829	PLEASE PRINT NAME Ruth P. Londono MAILING ADDRESS 1502 W. Busch Blvd St D1 CITY Tpa STATE FL ZIP 33612 PHONE (813) 919-7802

SIGN-IN SHEET: RFR, (ZHM), PHM, LUHO PAGE 2 OF 6

DATE/TIME: 7/25/22 6pm HEARING MASTER: Susan Finch

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

APPLICATION #	PLEASE PRINT NAME / MAILING ADDRESS / CITY / STATE / ZIP / PHONE
RZ 22-0980	NAME TU MAI MAILING ADDRESS 14031 N. Dale Mabry Hwy. CITY Tampa STATE FL ZIP 33618 PHONE (813) 962-6230
RZ 22-0075	NAME Kami Corbett MAILING ADDRESS 101 E Kennedy Blvd, Ste 3700 CITY TAMPA STATE FL ZIP 3360[illegible] PHONE 813-8227 8424
RZ 22-0075 ex	NAME Isabelle Albert / Halff & Associates MAILING ADDRESS 1000 N Ashley Dr. Ste 900 CITY Tampa STATE FL ZIP 33602 PHONE 813 331-0976
RZ 22-0075	NAME Abbey Naylor MAILING ADDRESS 14706 Tudor Chase Dr. CITY Tampa STATE FL ZIP 33626 PHONE 727-207-5525
RZ 22-0075 ex	NAME Suhee MAILING ADDRESS 610 Garrison Cove Ln CITY Tampa STATE FL ZIP 3360[illegible] PHONE 813-763-2[illegible]
RZ 22-0075 ex	NAME William Place MAILING ADDRESS 610 Garrison Cove Lane CITY Tampa STATE FL ZIP 33602 PHONE 813 763-2664

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 3 OF 6

DATE/TIME: 7/25/22 6pm HEARING MASTER: Susan Finch

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

APPLICATION #	PLEASE PRINT NAME / MAILING ADDRESS / CITY STATE ZIP PHONE
RZ 22-0075	NAME James Anderson MAILING ADDRESS 10514 Sedgebrook Drive CITY Riverview STATE FL ZIP 33569 PHONE 727 430-3494
RZ 22-0075 VS.	NAME Ethel Hammer MAILING ADDRESS 19825 Angel Ln CITY Odessa STATE FL ZIP 33556 PHONE
RZ 22-0075	NAME Mac McGraw MAILING ADDRESS 3000 W. San Nicholas St. CITY Tampa STATE FL ZIP 33629 PHONE 813-390-0627
RZ 22-0557 VS	NAME Marco Raffaele MAILING ADDRESS 11910 Neal Rd CITY Lithia STATE FL ZIP 33547 PHONE
MM 22-0089 ea	NAME Michael Brooks MAILING ADDRESS 400 N. Tampa St / Unit 1910 CITY Tampa STATE FL ZIP 33602 PHONE
MM 22-0089	NAME Rebecca Kert MAILING ADDRESS 400 N Tampa St. Ste 1910 CITY Tampa STATE FL ZIP 33602 PHONE

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 4 OF 6

DATE/TIME: 7/25/22 6pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**. THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #	PLEASE PRINT NAME / MAILING ADDRESS / CITY / STATE / ZIP / PHONE
MM 22-0089	NAME Barbara Fite MAILING ADDRESS 16102 E Lk Burrell Dr CITY Lutz STATE FL ZIP 33548 PHONE 813 246-5544
RZ 22-0420 ea	NAME Kami Corbett MAILING ADDRESS 101 E Kennedy Blvd, Ste 3700 CITY Tampa STATE FL ZIP 33602 PHONE
RZ 22-0442 ea	NAME Isabelle Albert MAILING ADDRESS 1000 N Ashley Dr ste 900 CITY Tampa STATE FL ZIP 33602 PHONE
RZ 22-0443 ea	NAME Rebecca Kert MAILING ADDRESS 400 N. Tampa St ste 1910 CITY Tampa STATE FL ZIP 33602 PHONE
RZ 22-0477	NAME Wesley Mills MAILING ADDRESS 700 22nd PLACE CITY VERO BEACH STATE FL ZIP 32960 PHONE 772-226-7282
MM 0670 22-	NAME Brian Smith MAILING ADDRESS 307 11th Ave. E CITY Palmetto STATE FL ZIP 34221 PHONE 813-957-2277

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 5 OF 6

DATE/TIME: 7/25/22 6pm HEARING MASTER: Susan Finch

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

APPLICATION #	PLEASE PRINT NAME / MAILING ADDRESS / CITY STATE ZIP PHONE
RZ 22-0683	NAME Nicole Neugebauer MAILING ADDRESS 401 E. Jackson St ste 2100 CITY Tampa STATE FL ZIP 33602 PHONE 813-223-4800
MM 22-0782 VS.	NAME David Mechanik MAILING ADDRESS 305 S. Boulevard CITY Tampa STATE FL ZIP 33606 PHONE (813) 276-1920
RZ 22-0832 et	NAME KEN TINKLER, [illegible] FIELDS MAILING ADDRESS 4221 W. Boyscout Blvd CITY Tampa STATE FL ZIP ____ PHONE 813 223 7000
RZ 22-0832	NAME Matt Femal MAILING ADDRESS 201 N Franklin St. Suite 1400 CITY Tampa STATE FL ZIP 33602 PHONE 813-635-5526
RZ 22-0834	NAME Mark Bentley MAILING ADDRESS 401 E Jackson St CITY Tamp STATE FL ZIP 33602 PHONE ____
RZ 22-0834	NAME Russell Ohlenberg MAILING ADDRESS 3737 Lake Joyce Dr. CITY Land O'Lakes STATE FL ZIP 34639 PHONE 813.962.1752

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 6 OF 6

DATE/TIME: 7/25/22 6pm HEARING MASTER: Susan Finch

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

APPLICATION #	PLEASE PRINT
MM 22-0862 ea	NAME Elise Batsel MAILING ADDRESS 401 E. Jackson St, Ste 2100 CITY Tampa STATE FL ZIP 33602 PHONE 765 993 3429
APPLICATION #	PLEASE PRINT
MM 22-0862	NAME Steve Henry MAILING ADDRESS 5023 W. LAUREL St CITY TPA STATE FL ZIP 33607 PHONE 813-289 0039
APPLICATION #	PLEASE PRINT
MM 22-0862	NAME (Daryl) MAX FORGEY, AICP MAILING ADDRESS 236 SE 45th STREET CITY CAPE CORAL STATE FL ZIP 33904 PHONE 239,560 5864
APPLICATION #	PLEASE PRINT
MM 22-0862	NAME CHARLES ROTHE MAILING ADDRESS 2303 Hwy 60 CITY VALRICO STATE FL ZIP 33594 PHONE 813 267 5476
APPLICATION #	PLEASE PRINT
MM 22-0862	NAME Elizabeth R Belcher MAILING ADDRESS 406 S Miller Rd CITY Valrico STATE FL ZIP 33594 PHONE 813-478-1041
APPLICATION #	PLEASE PRINT
	NAME MAILING ADDRESS CITY STATE ZIP PHONE

HEARING TYPE: ZHM, PHM, VRH, LUHO **DATE: 07/25/2022**

HEARING MASTER: Susan Finch **PAGE: 1 OF 1**

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.

Kami 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.

Ruth 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.

Susan Finch, ZHM, questions to Development Services.

Jillian Massey, Planning Commission, answers ZHM questions.

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.

Ethel Hammer, opponent, presents testimony.

Susan Finch, ZHM, calls opponents/Development Services.

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.

Kami Corbett, applicant rep, responds to Development Services.

Brian Grady, Development Services, provides clarification.

Kami 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.

Timothy Lampkin, Development Services, staff report.

Susan Finch, ZHM, statement to Development Services.

Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents.

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.

Kami 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.

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.

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, ZHM, calls proponents/opponents/Development Services/applicant rep/closes MM 22-0782.

D.11. RZ 22-0832

Brian Grady, Development Services, calls RZ 22-0832.

Ken 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.

Susan Finch, ZHM, questions to Development Services.

Tania 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

Brian Grady, Development Services, calls RZ 22-0834.

Mark Bentley, applicant rep, presents testimony.

Russell Ottenberg, applicant rep, presents testimony.

Susan Finch, ZHM, questions to applicant rep.

Russell Ottenberg, applicant rep, answers ZHM questions.

Mark Bentley, applicant rep, continues testimony.

Timothy 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, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-0834.

D.14. MM 22-0862

Brian Grady, Development Services, calls MM 22-0862.

Susan Finch, ZHM, oath.

Elise 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:	PD 22-0075
Zoning Hearing Master Date:	July 25, 2022
BOCC Land Use Meeting Date:	September 13, 2022

Application No. RZ 22-0075
Name: Rosa Tmotea
Entered at Public Hearing: ZHM
Exhibit # 1 Date: 7/25/22

iborough
nty Florida
Development Services Department

1.0 APPLICATION SUMMARY

Applicant:	Mattamy Tampa/Sarasota, LLC
FLU Category:	RES-4
Service Area:	Urban
Site Acreage:	18 +/-
Community Plan Area:	Riverview
Overlay:	None



Introduction Summary:

The applicant seeks to rezone a parcel zoned Agricultural Rural (AR) to Planned Development (PD) to allow for the development of a mixed-use project. The project is located on the north side of Boyette Road, ½ mile west of Bell Shoals Rd. in Riverview. A TECO easement runs east-west bisecting the parcel into two areas. The project will consist of 86 multifamily units (attached single-family) north of the TECO easement and up to 20,000 square feet of commercial, office, residential support uses and/or a Community Residential Home Type C south of the TECO easement, along Boyette Road. The developer intends to utilize the Mixed Use Incentive program set forth in the Comprehensive Plan to achieve a density up to 6 du/acre on the site. The site will have one access points on Boyette Rd.

Zoning:	Existing	Proposed
District(s)	AR	Planned Development
Typical General Use(s)	Single-Family Residential (Conventional/Mobile Home)	Multi-family Residential and Non-Residential
Acreage	18	18
Density/Intensity	1 unit per 5 acre (upland)	6 units per acre/0.20 FAR
Mathematical Maximum*	3 units	86 Res. Units / 20,000 sq ft

*number represents a pre-development approximation

Development Standards:	Existing	Proposed	
District(s)	AR	PD	
Lot Size / Lot Width	5 Ac / 150'	1,620 sq ft / 18'	
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	Residential 20' Front 10' Rear (35' east) 10' Sides (35' east)	Non-Residential 20' Front 20' Rear 20' Sides
Height	50'	35'	35'

Additional Information:	
PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	To Section 6.01.01.01 Footnote 8. Reduce the required building setback for building height over 20 feet (west).

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

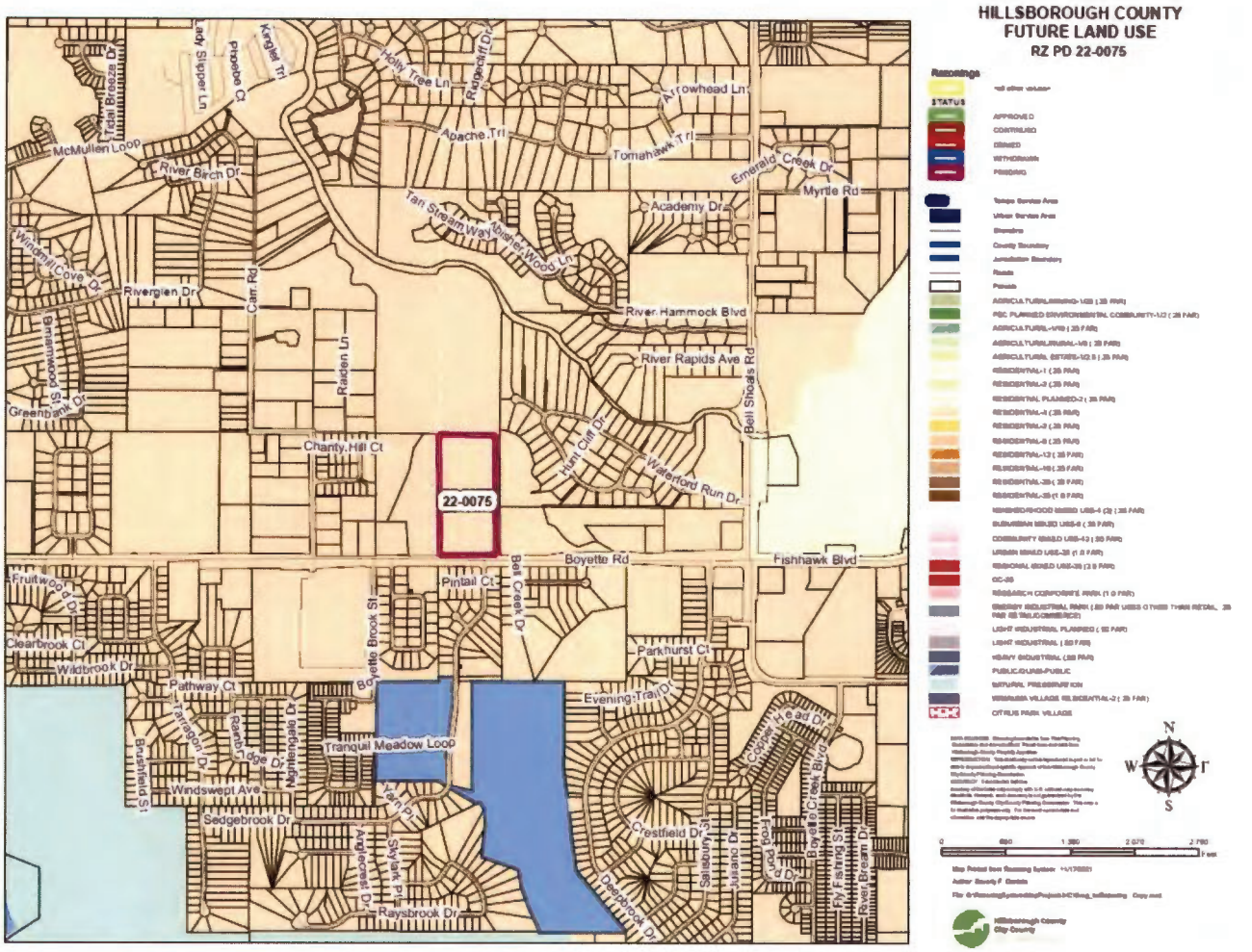


Context of Surrounding Area:

The project is located north of Boyette Road, between McMullen Rd. and Bells Shoals Rd. Area mostly consists of residential land. Some office uses are located to the west and east. Commercial uses are found further east, at the intersection of Boyette Rd and Bell Shoals Rd. Private schools and churches are also found in the area.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential - 4
Maximum Density/F.A.R.:	Up to a maximum of 4.0 dwelling units per gross acre. Alternative methods for calculating density of certain uses are specified in the land development regulations. Density bonuses and credits may be considered in this category and are described in the Plan. suburban scale neighborhood commercial, office, multi-purpose or mixed use projects limited to 175,000 sq. ft. or .25 FAR, whichever is less intense. Actual square footage limit is dependent on classification of roadway intersection where project is located.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Nonresidential uses shall meet locational criteria for specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

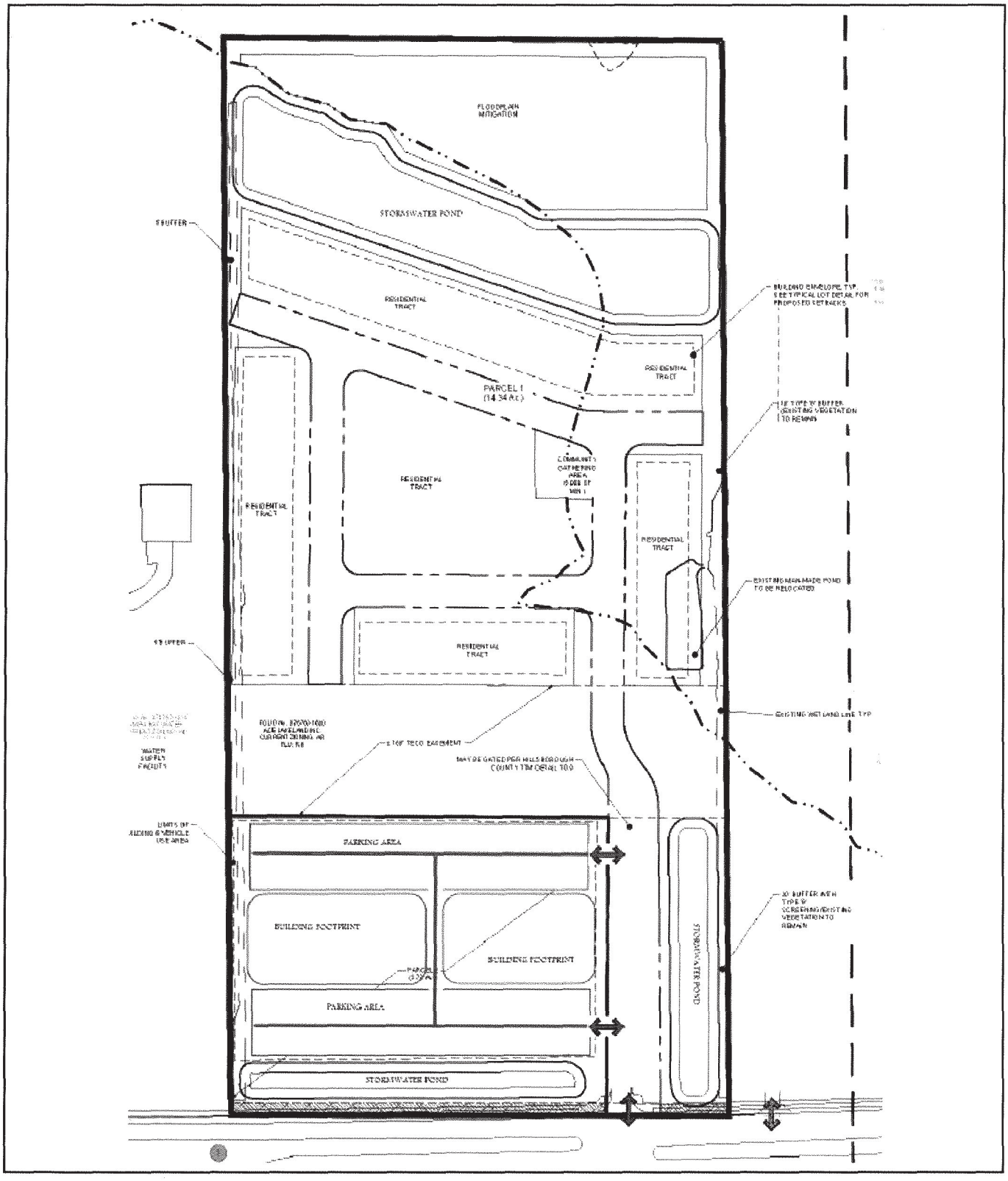


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR,	1 Du/5 ac	Single Family Detached, Agricultural	Natural Preserve
South	PD 85-0014	4 Du/ac	Single Family Detached	Single Family
East	AR,	1 Du/5 ac	Single Family Detached, Agricultural	Natural Preserve
West	AR,	1 Du/5 ac / 0.25 FAR	Single Family Detached, Agricultural	Public Use / Water Treatment

2.0 LAND USE MAP SET AND SUMMARY DATA

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



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

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
Boyette Rd.	County Collector - Urban	4 Lanes ☐Substandard Road ☐Sufficient ROW Width	☒ Corridor Preservation Plan ☒ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generation ☐Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	630	12	60
Proposed	2,929	224	232
Difference (+/-)	+2,299	+212	+172

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

Connectivity and Cross Access ☐Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance ☒Not applicable for this request

Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
Notes:		

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 report.

APPLICATION NUMBER:	PD 22-0075
ZHM HEARING DATE:	July 25, 2022
BOCC LUM MEETING DATE:	September 13, 2022

Case Reviewer: Israel Monsanto

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: ☒ Wetlands/Other Surface Waters ☐ Use of Environmentally Sensitive Land Credit ☐ Wellhead Protection Area ☐ Surface Water Resource Protection Area	☐ Potable Water Wellfield Protection Area ☐ Significant Wildlife Habitat ☐ Coastal High Hazard Area ☐ Urban/Suburban/Rural Scenic Corridor ☒ Adjacent to ELAPP property ☐ Other _____			
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	
Service Area/ Water & Wastewater ☐Urban ☐ City of Tampa ☐Rural ☐ City of Temple Terrace	☐ Yes ☐ No	☐ Yes ☐ 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

(Fee estimate is based on a 1,500 square foot, 3 bedroom, 1-2 story townhome)
Mobility: $5,995.00 * 86 units = $515,570
Parks: $1,957 * 86 units = $168,302
School: $7,027.00 * 86 units = $604,322
Fire: $249.00 * 86 units = $ 21,414
Total townhome = $1,309,608

Shopping Center (per 1,000 s.f.)
Mobility: $12,206
Fire: $313

ALF (per Bed/Fire per 1k sf)
Mobility: $1,128
Fire: $95

Daycare (per 1,000 s.f.)
Mobility: $11,840
Fire: $95

Medical Office (10k or less s.f.) (per 1,000 s.f.)
Mobility: $19,674
Fire: $158

Clinic (per 1,000 s.f.)
Mobility: $30,011
Fire: $95

Project Summary/Description:
Urban Mobility, Central Park, South Fire - 86 townhome units; 31-36k s.f. retail strip; 10k Urgent Care (Clinic), 10k Med Office; 10k Daycare, 125 bed ALF. 10k Charter school. Charter school is exempt from impacts.

Comprehensive Plan:	**Comments Received**	**Findings**	**Conditions Requested**	**Additional Information/Comments**
Planning Commission ☐ Meets Locational Criteria ☐ N/A ☒ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A ☒ Density Bonus Requested ☒ Consistent ☐ Inconsistent	☒ Yes ☐ No	☐ Inconsistent ☒ Consistent	☒ Yes ☐ No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The property's existing use is a recreational golf course. The site is surrounded to the south, southeast, and southwest by single-family detached home sub. Further southwest is Saint Stephens Catholic Church and School. The parcel adjacent to the west contains the Hillsborough County South Central Water Pump Station. Further to the west is single-family detached housing. The adjacent parcel to the north and east is owned by the Tampa Bay Conservancy Inc. (Myron and Helen Gibbons Nature Preserve). Further to the northeast is the western boundary of a large single-family detached home subdivision with frontage directly on Bell Shoals Road. To the east, along Boyette Rd., is land owned by Hillsborough County containing a large water retention pond.

The subject property is currently developed as a golf driving range. According to the project's narrative, this property is one of the last developable sites in the area, and with its direct access onto Boyette Road, a lighted intersection, and close proximately to Bell Shoals Road, it is a prime location for a mixed-use project. Boyette Road is a 4-lane collector road and existing land uses along this corridor range from commercial uses, private educational facilities, retail uses, residential uses, and preserved areas.

The request is to rezone the subject site from Agricultural Rural (AR) to Planned Development (PD) to allow up to 86 Townhomes (single-family attached) with a density bonus within Parcel 1 (north an existing TECO easement) and up to 20,000 sq. ft. of limited Commercial Neighborhood (CN) from three distinct use categories in Parcel 2 (south of the TECO easement, along Boyette Rd.). In order achieve 86 residential units (at 6 du/ac), the applicant is utilizing Policy 19.3 which provides incentives to encourage mixed-use development by providing at least 3 uses on site which in turn will permit density/FAR up to the next land use category, where 2 uses shall be non-residential uses. The non-residential uses have been classified into 3 Groups. The applicant met with staff and is proposing a list and size of development that could be considered, where at least 2 uses shall be developed in Parcel 2, one use from either Group, where no two uses are chosen from the same group. The applicant is also committed to limiting the height to one-story and architecturally finished on all four sides with a residential like appearance for the non-residential portion of the site.

The three use Groups are proposed as follows:

Group A – Retail – No drive-thru

4,500 SF site down restaurant
2,500 SF coffee shop
5,000 SF Bank
4,000 SF Fitness Center
5,000 SF Brewery/Beer Garden
5,000 SF Retail limited to:

- Apparel and Shoe Store
- Appliance Stores, Small
- Art Supply Store
- Bicycle Sales/repair
- Book/Stationary Store, New and Used
- Camera/Photography Store
- Florist Shop
- Furniture/home furnishings
- General Business, Such as Retail Goods and Stores
- Jewelry Store (Watch, clock, Jewelry Repair)
- New Stand
- Novelty and Souvenir Shop
- Optician/Optical Supplies

Locksmith
Mail and Package Services
Mail Order Office
Mail Order Pickup Facilities
Pet shop (no outdoor rec area)
Sporting Goods Store
5,000 – 10,000 SF Specialty Food Store to include:
Bakery, Candies, & Nuts, Dairy, Delicatessens, Meat Seafood and Produce

Group B – Office - No drive-thru
10,000 SF limited to:
Urgent Care (no 24 hour operation)
Outpatient Surgical Center (no 24 hour operation)
Employment Services
Government Office
Health Practitioner's Office
Medical Offices or Clinics with scheduled or Emergency Services by Physicians (No 24 hr use)
Professional Office
Professional Services

Group C– Residence Support - No drive-thru
10,000 SF limited to:
Day Care (child / pet)
Community Residential Home/Memory Care (maximum 125 beds)

No drive thru facilities will be permitted to prevent intense uses from developing on site.

A waiver to the additional 2-foot setback for every foot above 20-feet in height, per LDC Section 6.01.01. endnote 8 is being requested only on the west side of the site. The 2:1 requirement is to address potential compatibility issues however, the adjacent use is TBW water facility. There is a 5-foot buffer proposed along the western PD boundary. The eastern boundary will maintain the "2:1" requirement although the closest single-family development is located 500 feet to the east with heavy vegetation functioning as a buffer between both uses. The LDC requires a 5-foot buffer with a Type A screening between the proposed residential use and the adjacent AR zoning along the east/north. With the required 5-foot buffer and building height of 35-feet, an additional 30-foot setback is required (35' - 20' = 15' X 2 = 30' + 5' buffer). The total required setback is 35 feet. Furthermore, the applicant is committed to include a 6-foot fence with a10-foot buffer / type B screening.

Commercial development standards will be of the Commercial Neighborhood (CN) standards, single story structures. The applicant is committed to a timing mechanism that would guarantee the development of all proposed uses and comply with the mixed use Objectives and Policies from the Comprehensive Plan. Prior to the issuance of any Certificate of Occupancy for 58 or more residential units, two of the non-residential uses listed in the Group lists above will need be constructed with a Certificate of Occupancy issued.

Staff has received letters of concerns and opposition from area residents, the Tampa Bay Conservancy and Sierra Club. The letters expressed concerns with traffic generated by the proposed development, school capacity, noise, impacts to the nature preserve, increase in density, introduction of commercial uses in the area, impacts to water supply and reduction of setbacks/buffer from the natural preserve along the east. The applicant has amended the application and reduced the intensity of the non-residential uses, restricted square footage of the day care, eliminated school uses, and will maintain the required buffer/setback along the east in accordance with the Land Development Code. The project will maintain a minimum of 35 feet of building setback along the east, meeting the requirement of the Code. In

addition, a 20-foot buffer, with Type B screening will be in place for the residential portion. Per LDC Sec. 6.06.06, the proposed project would require at least 5 feet of buffer between residential uses (Parcel 1) and AR zoning with Type A screening. The Type A screening requires plantings or a solid fence. The applicant proposes ~~2~~10 feet of buffer with Type B screening. Existing vegetation will be allowed to remain in lieu of required landscaping and trees, subject to approval by Natural Resources. The additional landscaping (Type B) consists of a row of evergreen shade trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line. The solid fence will also be placed at least 10 feet from the parcel line, away from existing vegetated areas. Between Parcel 2 (non-residential uses) and the nature preserve site along the east, the applicant proposes a 30-foot buffer with Type B screening. The Code requires at least 20 feet of buffer and Type B screening. Per the submitted site plan, retention ponds will be placed along the east, adjacent to the nature preserve, and vegetation will be preserved subject to Natural Resources review and approval. As part of the site development review process, the developer is required to provide wildlife and environmental studies in accordance with the Land Development Code. The project will be conditioned requiring that water distribution system improvements will need to be completed prior to connection to the County's water system by this future development. No building permits that would create demand for water service will be issued until the completion of two County funded Capital Improvement Program projects in South County are put into operation. Stormwater design and construction will be subject to review and approval by the site development review section as established in the Land Development Code to ensure the project will capture all stormwater onsite. The proposed PD plan shows areas for future retention ponds. Comments from the School Board state that a school concurrency review will be issued PRIOR TO preliminary plat or site plan approval. The School Board also indicated that at this time, additional capacity at the middle and high school levels exists in adjacent service areas to accommodate the proposed project, and capacity exists in the Elementary School level for this area.

Although cross access to adjacent parcels is encouraged, the existing adjacent uses restricts this. The Tampa Bay Water supply facility is located to the west with its own access fenced with a 6-foot chain link fence with electrical wires to prevent trespassing. The Gibbon Nature Preserve is located to the north and east of the subject site and future development of this site is unlikely.

The is located between a water supply facility to the west and a storm water pond and recreation land/preserve to the east and to the north. Residential subdivisions surround this area to the north, northeast and south. Other residential projects are located further to the west. The site is also bisected by the 150-foot wide TECO easement creating two distinct areas for commercial use along Boyette Road and the residential component internal to the site, adjacent to the preserve. The TECO easement functions as buffer between both uses, however the site will be interconnected by vehicular and pedestrian access.

There are wetlands present on the site. The Environmental Protection Commission, EPC, reviewed the proposed Site Plan and does not object. No impacts to wetlands or setbacks are shown on the proposed Plan. The Conservation and Environmental Lands Management reviewed this rezoning petition and has no comments. Transportation staff does not object to this request and proposes conditions for site access and road improvements along Boyette Rd.

The area is a mix of mostly residential single family-detached, and low scale commercial, and office uses. Residential support uses (schools and churches) are also commonly found in the area. The proposed project scale and design would ensure that is compatible with the surrounding development pattern and land uses. Intensive uses are being eliminated from the proposed development. The project will maintain the required setbacks along the east, where the adjacent nature preserve is located, as required per the LDC. The applicant, however, will provide additional buffer and screening more than what the Code requires. The non-residential component will be limited to 1-story buildings with a residential design. Compared to the initial proposal by the applicant, the project has been scaled down, more restrictions have been proposed, and compliance with provision from the Code has been maintained. Staff from the Planning Commission has evaluated the request and has found it Consistent. Objective 19 and Policy 19.2 indicates that a mixed-use development must be integrated. Policy 16.2 requires the gradual transition between uses. The

applicant's site plan shows the commercial buildings are in the southern portion of the property facing south towards Boyette Road. The proposed site plan shows an integrated design to the residential located on the northern portion of the property and a gradual transition from the natural preservation area to the north and east, consistent with policy direction. To ensure the project will be developed in accordance with the objectives and policies above, a timing mechanism for the development of the mix of uses is being proposed requiring the construction and certificates of occupancies for two non-residential uses to be issued before the additional residential units can be constructed. Planning Commission staff also sees no compatibility issues as the adjacent use is public institutional. Lastly, a waiver to the Commercial Locational Criteria (CLC) has been requested, and Planning Commission staff recommends approval of the waiver.

5.2 Recommendation
Based on the above considerations, staff recommends approval with conditions.

6.0 PROPOSED CONDITIONS
Prior to PD Site Plan Certification, the applicant shall revise the PD General Site Plan:

1. Prior to site plan certification, the applicant shall revise site plan to add a label along the project frontage on Boyette Road that states "+/-8 FEET OF ROW PRESERVATION TO BE PROVIDED ALONG BOYETTE ROAD PER HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN"

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 limited to a Mixed-Use project with up to 86 multifamily (attached single-family) units in Parcel 1 and up to 20,000 sq. ft. of non-residential uses in Parcel 2. Interim agricultural or current mini-golf (golf driving range) recreational uses shall be permitted until the site is developed in accordance with the conditions contained herein.

   Development of Parcel 2 shall be limited to the following:

   1.1 Group A – Retail/commercial – No drive-thru
   4,500 SF site down restaurant
   2,500 SF coffee shop
   5,000 SF Bank
   4,000 SF Fitness Center
   5,000 SF Brewery/Beer Garden
   5,000 SF Retail limited to:
   - Apparel and Shoe Store
   - Appliance Stores, Small
   - Art Supply Store
   - Bicycle Sales/repair
   - Book/Stationary Store, New and Used
   - Camera/Photography Store
   - Florist Shop
   - Furniture/home furnishings
   - General Business, Such as Retail Goods and Stores
   - Jewelry Store (Watch, clock, Jewelry Repair)
   - New Stand
   - Novelty and Souvenir Shop
   - Optician/Optical Supplies

Locksmith
Mail and Package Services
Mail Order Office
Mail Order Pickup Facilities
Pet shop (no outdoor rec area)
Sporting Goods Store
5,000 – 10,000 SF Specialty Food Store to include:
Bakery, Candies, & Nuts, Dairy, Delicatessens, Meat Seafood and Produce

1.2 Group B – Office - No drive-thru
10,000 SF limited to:
Urgent Care (no 24-hour operation)
Outpatient Surgical Center (no 24-hour operation)
Employment Services
Government Office
Health Practitioner's Office
Medical Offices or Clinics with scheduled or Emergency Services by Physicians (No 24 hr use)
Professional Office
Professional Services

1.3 Group C – Residence Support - No drive-thru
10,000 SF limited to:
Day Care (child / pet)
Or a Community Residential Home Type C/Memory Care (standards and maximum number of beds in accordance with LDC 6.11.28)

1.4 Prior to the issuance of any Certificate of Occupancy for 58 or more residential units, two of the non-residential uses listed in the Group lists above shall be constructed with a Certificate of Occupancy issued. Additionally:

a. The developer shall pick/develop the required two uses from different Groups.

b. No single non-residential use shall be less than 2,500 sq. ft. in building space.

1.5 Buildings containing Non-residential uses shall be of a residential character in their design. At a minimum, the buildings shall be subject to the below:

a. Architecturally finished on all sides. Cladded in brick, stucco, or wood siding. Paint shall not constitute an architectural finish.
b. Pitched roofs, if provided, shall be a minimum of 4 to 12 in pitch.
c. Flat roofs shall provide a cornice at least 12 inches high and projected at least 2 inches.
d. Windows facing roads (external/internal) shall include a trim consistent with the architectural style of the building.
e. At least 50 percent of the facades area facing the Boyette Rd. shall consist of windows, awnings, entrances, columns, porches, stoops, pilasters, or similar features.

2. Development standards shall be as indicated in the General Site Development Plan and as follows:

2.1 Single Family attached units in Parcel 1:

Maximum building height	35 feet/2 stories
Minimum front yard setback	20 feet
Minimum side yard setback	20 feet (between buildings)
Minimum rear yard setback	10 feet to PD lines Along the east PD line, a minimum of 35 feet of building setback shall be maintained.
Maximum impervious area	75%

2.4 Non-Residential Uses in Parcel 2:

In accordance with the CN zoning district development standards (see condition 11 for right-of-way preservation). Buildings shall be limited to one story.

3. Open space and Community Gathering Areas shall be provided for the residential project and subject to LDC Sec 6.02.18.

4. Buffer and screening between adjacent parcels shall be as depicted in the General Site Plan. Existing vegetation in lieu of the required plantings shall be permitted, subject to Natural Resources approval. A ~~2~~10-foot buffer and Type B screening with a 6-foot high solid fence shall be maintained along the east PD line in Parcel 1, as shown on the General Site Plan. The fence shall be installed at least 10 feet from the PD line.

5. The additional 2 feet of building setback required for every foot of building height over 20 feet in accordance with LDC 6.01.01 footnote 8 shall not apply to west PD line, in Parcel 1.

6. The site is subject to the requirements of LDC Sec. 6.06.03.I.2.b. Scenic Corridor Easement.

7. The developer shall be permitted one (1) full connection to Boyette Road.

8. The unutilized driveway aprons shall be removed; and curbing and grass strip restored to meet typical standards.

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

10. The developer shall extend the existing eastbound left turn lane into the project on Boyette Rd with the initial increment of development.

11. As Boyette Road is included in the Hillsborough County Corridor Preservation Plan as a future 6-lane improvement, the developer shall designate 8 feet of right of way preservation along the project frontage on Boyette Road. Building setbacks shall be calculated from the future right-of-way line.

12. 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.

13. 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.

14. 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).

15. 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.

16. Water distribution system improvements will need to be completed prior to connection to the County's water system. No building permits that would create demand for water service shall be issued until the completion by the County of funded Capital Improvement Program projects C32001 - South County Potable Water Repump Station Expansion and C32011 - Potable Water In-Line Booster Pump Station, and the projects are put into operation.

17. 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.

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

Zoning Administrator Sign Off:	J. Brian Grady Sun Jul 17 2022 08:30:10

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

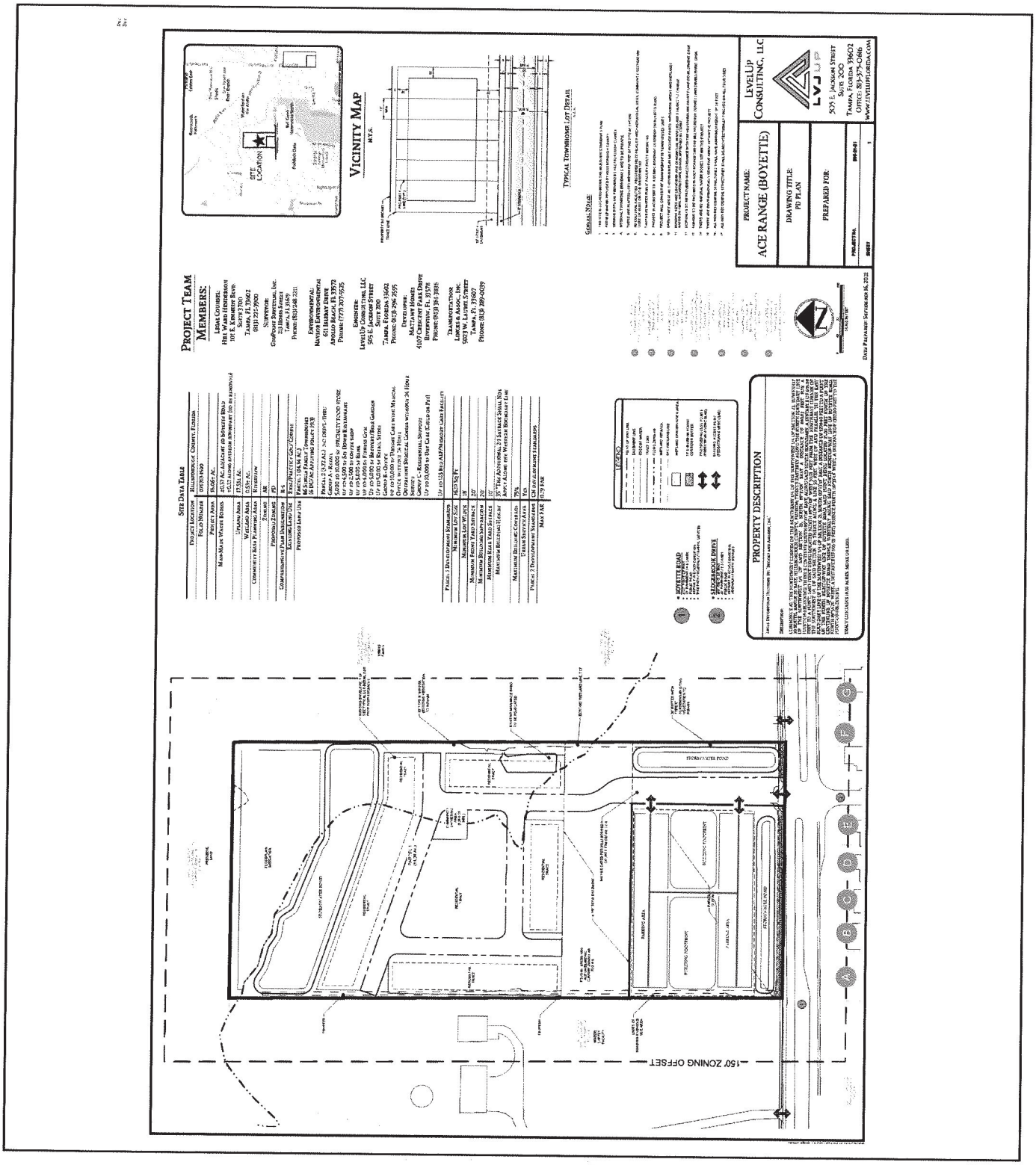
Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are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

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS



Current overall Site Aerial

8.0 PROPOSED SITE PLAN (FULL)



9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department	**DATE:** 03/30/2022
REVIEWER: Alex Steady, Senior Planner	**AGENCY/DEPT:** Transportation
PLANNING AREA: RV/South	**PETITION NO:** PD 22-0075

☐ 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

- The developer shall be permitted one (1) full connection to Boyette Road.
- The unutilized driveway aprons shall be removed; and curbing and grass strip restored to meet typical standards.
- Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundary.
- The developer shall extend the existing eastbound left turn lane into the project on Boyette Rd with the initial increment of development.
- As Boyette Road is included in the Hillsborough County Corridor Preservation Plan as a future 6-lane improvement, the developer shall designate 8 feet of right of way preservation along the project frontage on Boyette Road. Building setbacks shall be calculated from the future right-of-way line.

OTHER CONDITIONS:

- Prior to site plan certification, the applicant shall revise site plan to add a label along the project frontage on Boyette Road that states "+/-8 FEET OF ROW PRESERVATION TO BE PROVIDED ALONG BOYETTE ROAD PER HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN "

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone the +/-18-acre site from Agricultural (AR) to PD to construct 86 townhomes and a maximum of 20,000 square feet of Retail/Commercial and Office uses. The site currently operates as private multi-use recreational facility with a miniature golf course, driving range and batting cages. The site is located on Boyette Rd., approximately +/- 1,300 feet east of Carr Rd. The Future Land Use designation of the site is Residential – 4 (R-4).

Trip Generation Analysis

The applicant submitted a trip generation and site access analysis as required by the Development Review Procedures Manual (DRPM). Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR: Mini-Golf (ITE 431)	**60***	**0**	**6**
AR: Golf Driving Range (ITE 432)	**410**	**12**	**38**
AR: Batting Cage (ITE 433)	**160***	**0**	**16**
Total Trips	**630**	**12**	**60**

*Estimated based on PM peak hour trips.

Proposed Zoning:

Zoning, Land Use/Size, ITE Code	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD: 5,000 sf Apparel Store (ITE 876)	**332**	**5**	**21**
PD:4,500 sf Fast Food Restaurant without Drive Through Window (ITE 933)	**1,558**	**113**	**128**
PD: 86 Town Homes (ITE 220)	**630**	**40**	**48**
PD: 100 Student Daycare (ITE 565)	**409**	**78**	**79**
Total Trips	**2,929**	**236**	**276**
Internal Capture	**N/A**	**12**	**44**
Pass-By Trips	**N/A**	**2**	**0**
Net Trips	**2,929**	**224**	**232**

Trip Generation Difference:

	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference (+/-)	**+2,299**	**+212**	**+172**

The proposed rezoning will result in an increase of trips potentially generated by 2,299 daily trips, 212 AM peak hour trips and 172 PM peak hour trips.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Boyette Rd. (between Balm Riverview Rd. and Bell Shoals Rd.) is a 4-lane, divided, collector roadway in good condition. Boyette Rd. is characterized by +/- 12-foot wide travel lanes lying within +/- 127ft of right-of-way. There are +/- 5-foot sidewalks and +/- 4-foot wide bicycle facilities along both sides of Boyette Rd. in the vicinity of the proposed project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Boyette Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 6-lane roadway. The site plan indicates that the right of way on Boyette is 127 feet. According to the Hillsborough County Transportation Technical Manual, a TS-6 4 lane divided roadway with two 11-foot additional travel lanes would total 134 feet of right of way. Adding the existing right turn lane would total 143 feet required for the planned improvement. Subtracting out the existing roadway and dividing evenly for each side of the roadway, a total of 8 additional feet of ROW is required for preservation along the subject frontage on Boyette Road.

SITE ACCESS

The project has a single access on Boyette Rd at a signalized intersection aligning with Sedgebrook Drive and served by an existing 270ft left turn lane. The internal driveway serves the commercial neighborhood uses in Parcel 2. The residential tract is separated from the other uses by a +/-160 ft TECO easement that will remain undeveloped with the exception of the driveway access. The proposed gated entry option to the residential tract will be located outside of the TECO easement as shown on the PD site plan.

Based on the applicant's site access analysis, the existing eastbound left turn lane should be extended to 365 feet to accommodate the peak season plus project traffic. A westbound right turn lane is not warranted.

LEVEL OF SERVICE (LOS)

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	**From**	**To**	**LOS Standard**	**Peak Hr Directional LOS**
BOYETTE RD	BALM RIVERVIEW RD	BELL SHOALS RD	D	C

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

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	**Classification**	**Current Conditions**	**Select Future Improvements**
Boyette Rd.	County Collector - Urban	4 Lanes ☐Substandard Road ☐Sufficient ROW Width	☒ Corridor Preservation Plan ☒ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

Project Trip Generation ☐Not applicable for this request			
	Average Annual Daily Trips	**A.M. Peak Hour Trips**	**P.M. Peak Hour Trips**
Existing	630	12	60
Proposed	2,929	224	232
Difference (+/-)	+2,299	+212	+172

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

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

Design Exception/Administrative Variance ☒Not applicable for this request		
Road Name/Nature of Request	**Type**	**Finding**
	Choose an item.	Choose an item.
Notes:		

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 report.

Application No. RZ 22-0075
Name: Isabelle Albert
Entered at Public Hearing: ZHM
Exhibit # 2 Date: 7/25/22

Alliant
PARTNERS

July 25th, 2022

Re: 12910 Boyette Road, Riverview, FL 33569

The subject property is 17.6 commercial acres at a traffic signal on a 4-lane road. This is not farm land or a large master planned community where the retail could be treated as an afterthought and put on the shelf. Based on cell tower data, this property currently generates more traffic than some of the largest drive thru food users. Ace Range is a large commercial operation.

We have been very active in this area for the last several decades (Alliant Partners and the Radiant Group) and we want to curate the right mixed-use retail here in the event Mattamy is able to set the ground work with residential on approx. 80% of the site. We need them to go first as they are providing the infrastructure and utilities to the remaining 20% of the site that we would ultimately develop into retail, which is much less acreage being used for retail than is the case today.

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This site deserves the best-in-class retail and not forcing a convenient deal in order to please a one-off scenario. With the timing as currently being asked of us, we won't be able to have the best retailers here. We will be forced to design a shirt around a button. The neighborhood deserves better.

Please let all of the townhomes happen first so we can then design the best retail to follow. New roof tops always lead retailer growth and location decisions.

Thank you,



Spencer Muratides
Alliant Partners Development

ISABELLE ALBERT, AICP ***Hire Date: 10/12/15***
HALFF ASSOCIATES, INC.

Bachelor of Science, Urban & Regional Planning & Co-op Program University of Waterloo

Registrations

- American Institute of Certified Planners

Professional Societies

- American Planning Association
- Leader of Girls Scouts Troop
- International Council of Shopping Centers

Isabelle Albert has 20 years of experience with urban planning, zoning, and the public hearing process. She provides professional services related to land use issues, special and conditional uses, as well as zoning, community planning, subdivision regulations, and growth management regulations. Her previous experience as Principal Planner for Hillsborough County provides a unique understanding of local planning issues.

Experience:

- **Firestone/Bloxham Redevelopment • Tallahassee, FL**
  Coordinated redevelopment project for the 5.3-acre site mixed-use development (residential, commercial, hotel). Required master plan and form-base site design.

- **Pinecrest Land Property • Tampa, FL**
  Coordinated redevelopment project for a +/-164-acre residential development in Hillsborough County. Required master plan, companion plan and zoning amendments.

- **Brandon Main Street • Tampa, FL**
  Coordinated redevelopment project for a +/-56-acre site mixed-use development (residential, commercial, open space) – required master plan and zoning amendment including crafting Traditional Neighborhood Design guidelines.

- **Westshore Medical/Professional Development Due Diligence • Tampa, FL**
  Prepared Due Diligence report for the Zoning and Land Use component, including pertaining regulations of the Westshore Overlay District, and Development of Regional Impact requirements.

- **Van Dyke Road and Old Tobacco Road Plan Amendment, ROW Vacation and Rezoning • Lutz, FL**
  Coordinated redevelopment project for a 25+ acre Mixed-Use project in Hillsborough County. Project includes retail, medical office and multi-family development. Required master plan, ROW vacation, and companion plan and zoning amendments.

- **Fisher Pumps Land Use Plan Amendment/ Comprehensive Plan Amendment • Tampa, FL**
  Coordinated redevelopment project for redevelopment of a 3+ acre heavy commercial project in Hillsborough County. Required companion plan and zoning amendments.

- **Gunn Highway Comprehensive Plan Amendment and Rezoning • Tampa, FL**
  Coordinated redevelopment project for 13+ acre medium density residential project in Hillsborough County. Required master plan and companion plan and zoning amendments.

- **During her tenure as Principal Planner at the Hillsborough County Government, she was**

responsible for the following:

- Managing land applications for zoning and subdivision review
- Preparing Land Development Code text amendments
- Making presentations at public hearings on land use related matters

- **Previous experience includes:**
  - Working at the Planning Office of the Metropolitan Area of San Salvador, El Salvador, identifying new corridors between urban parks
  - Internship at the Bauhaus Academy working with architects and land planners on identifying and redesigning new public spaces from existing spaces

PROPOSED CONDITIONS

Revisions to existing condition #4:

4. Buffer and screening between adjacent parcels shall be as depicted in the General Site Plan. Existing vegetation in lieu of the required plantings shall be permitted, subject to Natural Resources approval. A 10-foot buffer and Type B screening with a 6-foot high solid fence (non-white TREK style) shall be maintained along the east PD line in Parcel 1, as shown on the General Site Plan. The fence shall be installed at least 10 feet from the PD line.

Proposed condition in lieu of proposed condition # 1.4

~~1.4 Prior to the issuance of any Certificate of Occupancy for 58 or more residential units, two of the nonresidential uses listed in the Group lists above shall be constructed with a Certificate of Occupancy issued. Additionally:~~

~~a. The developer shall pick/develop the required two uses from different Groups.~~

~~b. No single non-residential use shall be less than 2,500 sq. ft. in building space.~~

1.4 Construction plans for Parcel 1 shall include Parcel 2 with utilities connection on site, stormwater, driveway access, and drive-aisle between Parcel 1 and 2.

New condition:

The floodplain compensation area's 4:1 slope will be planted with appropriate native species on 3-foot centers for herbaceous ground cover, 5-foot centers for shrubs, and 10-foot centers for trees.

REZONING PD 22-0075
ACE GOLF RIVERVIEW DRIVING RANGE

Zoning Hearing Master Hearing

Monday, July 25th, 2022

LOCATION (RIVERVIEW AREA & URBAN SERVICE AREA)

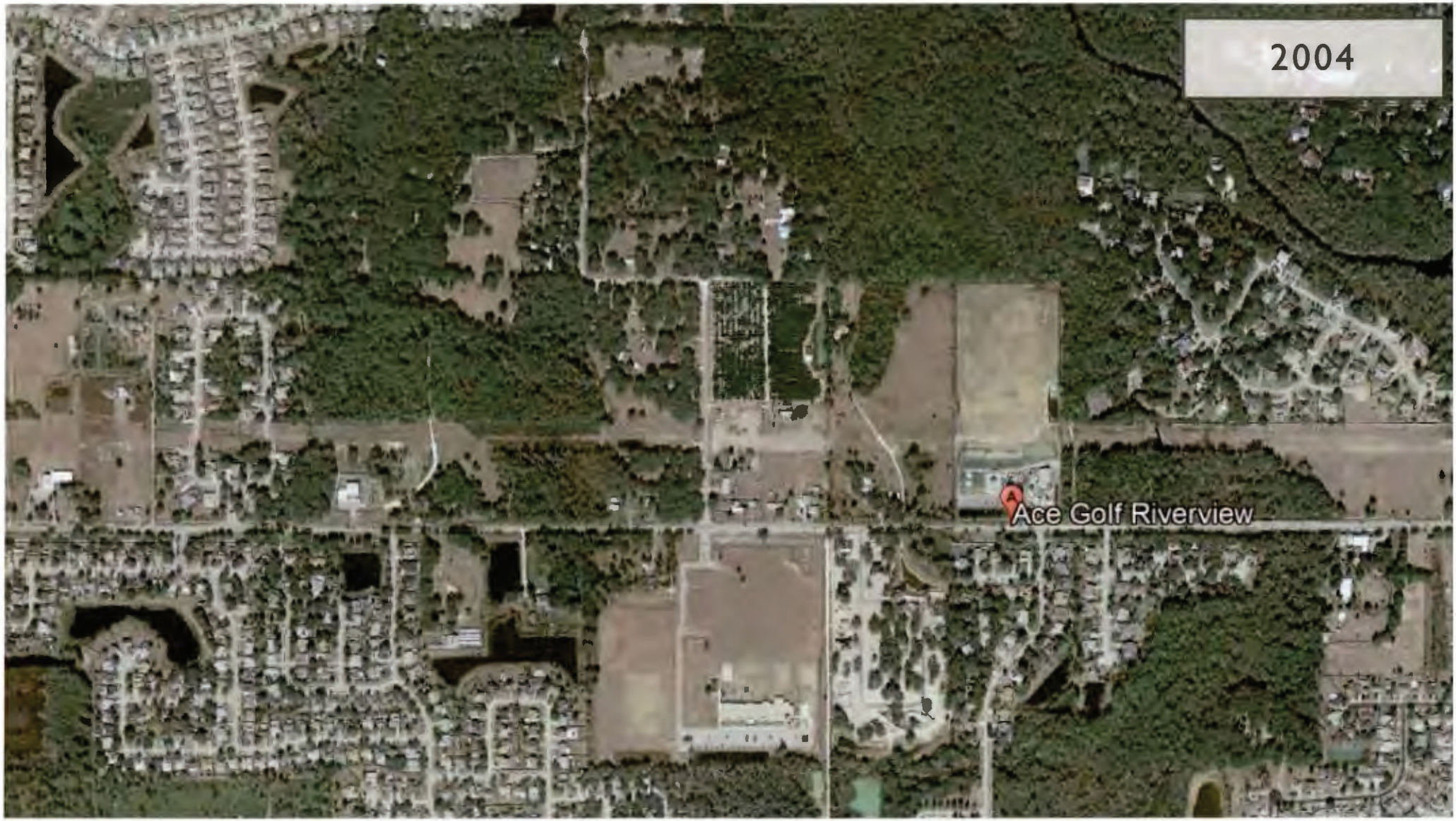


VICINITY


Canine Cabana
A Simpler Place Farm & Market
11291 Boyette Rd
TECO Easement
FOUNDATION Coffee Co
Boyette Rd
Boyette Rd
Boyette Rd
Boyette Rd
Boyette Rd
Clarkson Insurance
St Stephen Catholic Church
St Stephens Catholic School
St. Stephen Catholic Church Family Life
Bell Creek Academy
7 Eleven
Joe's Pizza
The Work 24

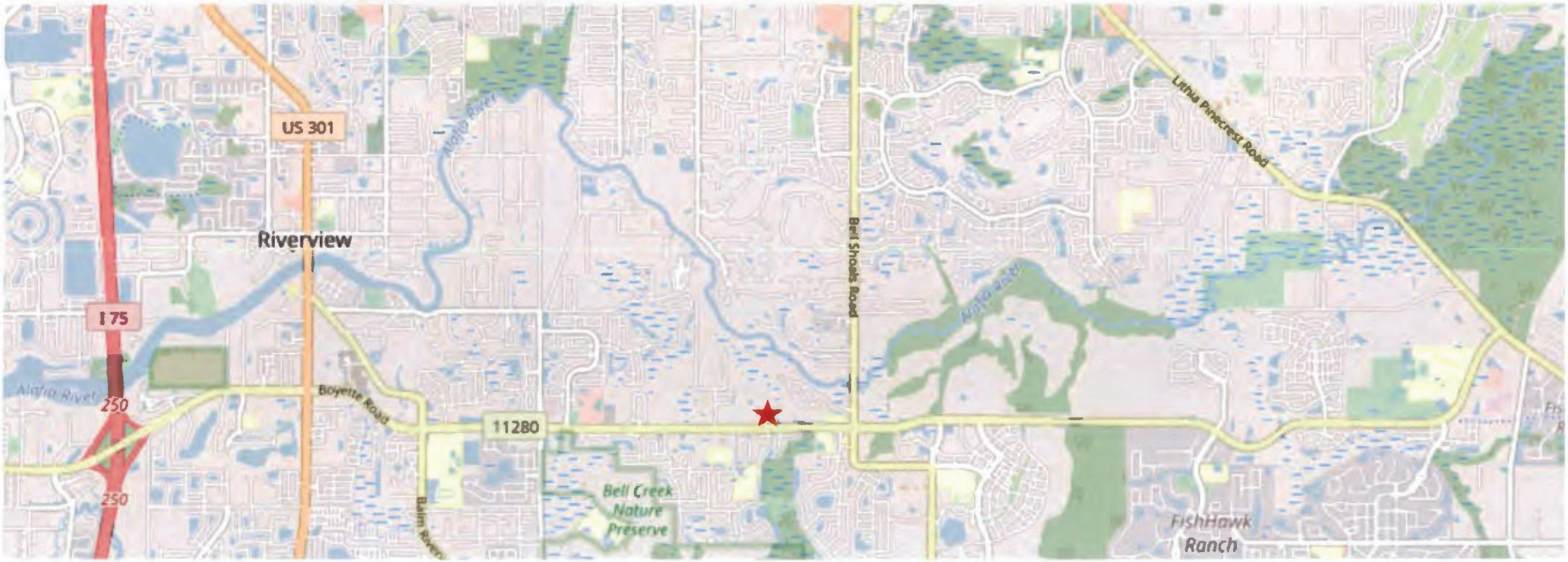
ZONING AND LAND USE




2004
Ace Golf Riverview


2021
.862 Degrees

MAJOR EAST – WEST ARTERIAL ROAD




2010
2-LANE
ADDITIONAL 1 TURN LANE
TOTAL 3- LANE AT INTERSECTION


2019
4-LANES
ADDITIONAL 3 TURN LANES
TOTAL 7-LANES AT INTERSECTION
LIGHTED INTERSECTION

LAST REMAINING DEVELOPABLE LAND (DISTURBED)

INFILL DEVELOPMENT FOR RESIDENTIAL AND COMMERCIAL OPPORTUNITIES

PROVIDING DIFFERENT HOUSING TYPE (ATTAINABLE) FOR FIRST TIME HOME OWNERS



PROPOSAL

(4 REVISIONS IN RESPONSE TO COMMENTS RECEIVED)

Existing Land Use	Exec/Practice Golf Course
Proposed Land Use	Parcel 1 (14.34 Ac.) 86 Single Family Townhouses (6 DU/Ac Applying policy 19.3)
	Parcel 2 (3.72 Ac.) Group A - Retail Up to 4,500 sf Sit Down Restaurant Up to 2,500 sf coffee shop Up to 5,000 sf Bank Up to 4,000 sf Fitness Gym Up to 5,000 sf Brewery/Beer Garden Up to 5,000 sf Retail Store 5,000 to 10,000 sf Neighborhood Grocery Store Group B - Office Up to 10,000 sf Urgent Care with Medical Office Outpatient Surgical Center without 24 Hour Service Group C - Residential Support Up to 10,000 sf Day Care (Child or Pet) Charter School Up to 125 Bed ALF/Memory Care Facility



REQUEST:

DENSITY BONUS

WAIVER TO COMMERCIAL LOCATIONAL CRITERIA

INCREASE BUFFER FROM 5 TO 10 FEET (RESIDENTIAL PORTION)

COMMITTED TO A NON-WHITE TREK STYLE 6-FOOT FENCE

RESTRICTED COMMERCIAL USES

RESTRICTED SIZE DEVELOPMENT AND HEIGHT

ADDITIONAL ARCHITECTURAL FEATURES

DEVELOPMENT SERVICES STAFF RECOMMENDATION

COMPATIBLE WITH THE SURROUNDING DEVELOPMENT PATTERN

PLANNING COMMISSION STAFF RECOMMENDATION

CONSISTENT WITH THE FUTURE LAND USE ELEMENT (URBAN SERVICE AREA, LAND USE CATEGORIES, RELATIONSHIP TO THE LAND DEVELOPMENT REGULATIONS, COMMUNITY DEVELOPMENT AND LAND USES, MIXED USE LAND USE CATEGORIES, COMMERCIAL LOCATIONAL CRITERIA)

CONSISTENT WITH THE LIVABLE COMMUNITIES ELEMENT (RIVERVIEW COMMUNITY PLAN)

ENVIRONMENTAL CONSIDERATIONS

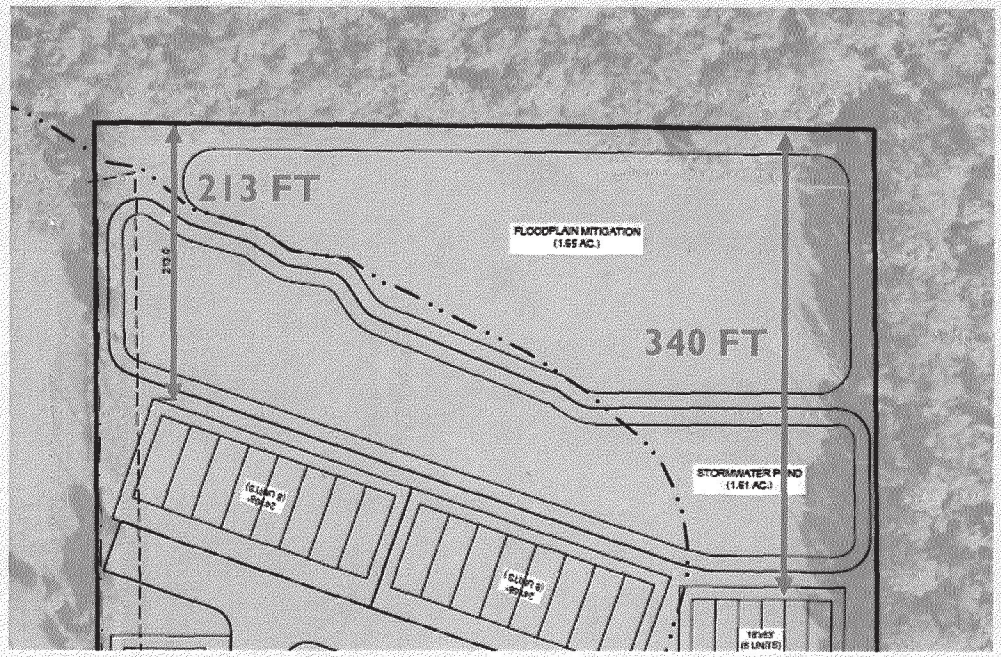
- AVOIDING IMPACT TO WETLANDS AND SURFACE WATERS
- NO PROTECTED SPECIES IMPACTS
- CURRENT CONDITION - ACTIVE DRIVING RANGE WITH NET SURROUNDING PROPERTY





PROPOSED ENVIRONMENTAL IMPROVMENTS

- 1.65-ACRE FLOODPLAIN MITIGATION ADJACENT TO PRESERVE; PROPOSED TO PLANT WITH NATIVE SPECIES WHERE FEASIBLE
- 1.61-ACRE STORMWATER POND ADJACENT TO FLOODPLAIN
- FLOODPLAIN AND STORMWATER PROVIDE 213 FT ON WEST AND 340 FT ON EAST BUFFER TO THE ADJACENT PROPERTY (300 FT = FOOTBALL FIELD)
- PROPOSED IMPROVEMENTS ADJACENT TO PRESERVE ARE A NET IMPROVEMENT



Application No. RZ 22-0075
Name: William Place
Entered at Public Hearing: ZHM
Exhibit # 3 Date: 7/25/22

Alliant PARTNERS

July 25th, 2022

Re: 12910 Boyette Road, Riverview, FL 33569

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Spencer Muratides
Alliant Partners Development


Ruler
Line
Path
Polygon
Circle
3D path
3D polygon
Measure the distance between two points on the ground
Map Length:
495.46 Feet
Ground Length:
495.80
Heading:
89.81 degrees
Mouse Navigation
Save
Clear
Bell Creek
Patel Bella
Photography
Ace Golf Riverview
Ace Golf Riverview
Myron and Helen Gibbons Nature Preserve
Boyette Rd
Boyette Rd
Boyette Rd
Mobile Villa Properties





Application No. RZ 22-0075
Name: Abbey Naylor
Entered at Public Hearing: ZHM
Exhibit # 4 Date: 7/25/22

NAYLOR LLC
ENVIRONMENTAL SOLUTIONS



Abbey Naylor
Principal Ecologist

Abbey Naylor is owner and Principal Ecologist of Naylor Environmental Solutions LLC with a B.S. in Marine Biology. She has over 20 years of experience in the environmental industry in Florida, with focused interest in the greater Tampa Bay area. Her specialties include local, state, and federal environmental permitting, environmental site assessments including protected species surveys, wetland jurisdictional determinations, permit compliance and project management; She has extensive experience working on commercial, large scale residential, and mixed-use projects. She has also worked in other areas including utility pipelines, marinas, parks, and airports. Ms. Naylor can offer a thorough understanding of local, state, and federal issues as they relate to environmental regulatory concerns. She has worked with regulatory agencies at all levels. She is familiar with project due diligence requirements and the steps necessary to take a project from conception to final build-out. She has also provided expert witness testimony and litigation support.

Expertise

- Environmental Permitting for Wetlands and Protected Species
  - U.S. Army Corps of Engineers – Section 404 and Section 10
  - Water Management Districts
  - Florida Department of Environmental Protection/State 404 Program
  - Florida Fish and Wildlife Conservation Commission
  - U.S. Fish and Wildlife Service
  - Local Government Environmental Agencies
- Wetland Delineation, Habitat Assessments, and Protected Species Surveys throughout Florida
- Wetland and Protected Species Mitigation Solutions
- Environmental Monitoring
- Due Diligence Support
- Expert Witness Testimony

Ms. Naylor's Highlighted Project Experience

Due Diligence Review

Project: **Various**
Key Locations: Hillsborough, Pinellas, Manatee, Lee, Sarasota, Hernando, Polk, Charlotte, and Pasco Counties
Description: Performed numerous due diligence reviews for potential project sites over the last 18 years throughout the state of Florida with a focus in central and south Florida; focused on wetlands and protected species, environmental permitting feasibility, mitigation options and cost. Worked with developers and engineers to gain an understanding of development potential prior to site purchase.

Commercial Development

Project: **Market at Mirada**
Location: SR 52 & Clinton Ave Extension, Pasco County, FL
Description: Conducted a wetland delineation and protected species survey for a 15.46-acre property at the future location of a Publix. Prepared environmental reports for use in permit applications.

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www.naylorenv.com

Project: **Wawa and Tommy's Car Wash**
Location: W. Waters Ave. and N. Dale Mabry, Tampa, FL
Description: Secured environmental permits for a 5-acre site. Coordinated mitigation with USACE, SWFWMD, and EPC.

Project: **Rolling Oaks Commons - Shopping Plaza**
Location: Rolling Oaks Blvd. Kissimmee, FL
Description: Secured environmental permits for a 70-acre shopping plaza with a Target anchor that had multiple protected species present including gopher tortoises and sand skinks. Coordinated with the USFWS and FWC to secure permits and provide species and wetland mitigation.

Project: **Marketplace at Citrus Park**
Location: Sheldon and Linebaugh, Westchase, FL
Description: Played an integral role in securing USACE, SWFWMD, and EPC environmental permits for a 32-acre project which includes a Costco and multiple outparcels. Wetland impacts were in excess of 5 acres and a combination of onsite and offsite mitigation was developed to satisfy permitting requirements.

Residential Development

Project: **Blue Heron Lakes**
Location: Bradenton, FL
Description: Secured a USACE permit and SWFWMD ERP modifications for the construction of an apartment complex on 117-acres. Updated protected species surveys and agency coordination. Oversaw the onsite mitigation which includes the restoration of a 1.30-acre wetland. Supporting in the HUD process and PDP Amendments for the development.

Project: **Wellington Estates**
Location: Oldsmar, FL
Description: Secured a USACE permit and modification to a SWFWMD permit for the construction of a residential subdivision. The project included assessing the site for wetland and protected species impacts. The schedule for obtaining permits was extremely tight, and Ms. Naylor helped facilitate timely issuance of permits for construction.

Project: **Fountains at Falkenburg**
Location: Hillsborough County, FL
Description: Secured entitlements for an affordable housing development with a commercial development outparcel located at the corner of south Falkenburg Road and Camden Field Parkway. The project involved wetland jurisdictional determination, listed species survey, justification of wetland impacts and extensive coordination with EPC in demonstrating reasonable use of the property. Permits were obtained from EPC, USACE, and SWFWMD.

Project: **Belmond Reserve**
Location: Riverview, Hillsborough County, FL
Description: Secured EPC, SWFWMD, and USACE permits for a 188-acre residential development. Conducted protected species surveys and secured a Biological Opinion from USFWS. Received a gopher

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tortoise conservation permit from FWC and oversaw the relocation of over 120 burrows to an offsite recipient location.

Industrial

Project: **Augusta Chemical**
Location: Augusta, GA
Description: Secured a USACE Section 404 Nationwide permit for the implementation of a site-wide corrective action plan at the former Augusta Chemical Plant. The project included providing protective cover of soil contaminants by covering the area with clean soil until such a time that the area could be remediated. Effort included a wetland delineation, protected species survey and completed the permitting and agency coordination with the USACE for authorization of wetland impacts.

Project: **Foley Cellulose Effluent Pipeline**
Location: Perry, FL
Description: As a project manager, was responsible for overseeing the request for a permit extension from the USACE for a 15.3-mile effluent pipeline for the Foley Cellulose Kraft pulp mill. The USACE had previously issued a permit and provided several extensions, however due to the change in regulations and amount of time that had passed since original issuance, the USACE required significant updates to the permit in order to issue the extension. Responsible for overseeing the re-delineation of wetlands and reviewing the pipeline route for threatened and endangered species. The revisions are also requiring revisiting seagrass monitoring requirement subsequent to the NPDES permit being issued. Required the resubmittal of all permit drawings, revised UMAM forms and revised mitigation. The extension request was issued in early 2018.

Expert Witness Testimony/Litigation

Project: **Confidential**
Location: Wellington, FL
Description: Provided expert witness testimony and litigation support for a large development project in South Florida. Providing expert opinions on environmental resource permitting, wetlands ecology, and protected species. Participated in depositions and documentation to support appeal of an ERP.

Project: **Clearwater Christian Easter Mitigation Bank**
Location: Clearwater, FL
Description: Provided expert witness testimony to the Clearwater Community Develop Board regarding mitigation of impacts via establishment of the mitigation bank. Demonstrated the preferred method is the approval of the mitigation bank since it would provide the greatest benefit to the City. Discussed how the mitigation bank aimed to restore tidal flow, nutrients and therefore wildlife to the habitat.

Other Project Experience

Project experience also includes restoration, mitigation banking, linear projects including energy, utilities, and local government roads, parks and recreation, airports, and marine and seagrass projects.

Tel: 727-207-5525
www.naylorenv.com

Prior Work Experience

Position: **Vice President, Birkitt Environmental Services, Inc., 2008-2019**
Location: Tampa, FL
Description: Provided environmental consulting services to a variety of industries and clients, both public and private.

Position: **Director Environmental Services, AVID Group, 2006-2008**
Location: Palm Harbor, FL
Descriptions: Provided environmental consulting services for commercial and residential development clients.

Position: **Environmental Scientist, Birkitt Environmental Services, Inc., 2003-2006**
Location: Tampa, FL
Description: Provided environmental consulting services to a variety of industries and clients, both public and private.

Position: **Environmental Specialist at Florida Department of Environmental Protection – Submerged Lands and Environmental Resource Program 2002-2003**
Location: Fort Meyers and Punta Gorda, FL
Description: Permitted a variety of projects utilizing Florida Administrative Codes and Florida Statues in wetlands and surface waters, including OFW's and aquatic preserves. Types of projects permitted include seawalls, docks, linear utility projects, shoreline stabilization projects, single-family, waterway dredging, among others. Performed field verification of permittee submitted survey results. Worked with applicants to avoid or minimize impacts and assisted in identify mitigation to offset unavoidable impacts. Worked in Charlotte, Highlands, Lee, and Collier Counties. Participated in annual seagrass monitoring at 50 transect locations throughout the Charlotte Harbor Aquatic Preserve. Recorded seagrass type, health, and density as well as water quality parameters. Coordinated with FWC on protected species review for projects.

Position: **Fisheries Biologist – Mote Marine Laboratory, 2001-2002**
Location: Sarasota, FL
Description: Conducted stock enhancement research in coastal and offshore essential fish habitat. Conducted fish releases of aquaculture raised Red Snapper and Snook populations, and surveyed and monitored the populations in order to identify success of stocking efforts. Work also included extensive scientific diving, artificial reef construction and deployment, and aquatic ID and taxonomy.

Presentations:

Naylor, A. 2011, 2013, 2015, 2016, 2017, 2018, 2019, 2021. Florida Chamber of Commerce Environmental Permitting Summer School, Marco Island Presentation: Strategic Decisions in Environmental Permitting and Due Diligence.

Naylor, A. 2011. Tampa Bay Association of Environmental Professionals: Key Considerations in Environmental Permitting - Emerging Policies and Economic Conditions.

Naylor, A. 2010. Agency on Bay Management Presentation on the proposed Clearwater Christian Mitigation Bank in Clearwater, FL.

Tel: 727-207-5525
www.naylorenv.com

Naylor, A. 2009. Florida Chamber's Growth Management, Energy, Climate Change and the Environmental Short Course, Daytona, February 2009- Presentation: Green Opportunities in Community and Development.

Naylor, A. 2009. Florida Chamber of Commerce Environmental Permitting Summer School, Marco Island Presentation: Sustainability Challenges and Opportunities in Florida.

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www.naylorenv.com

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 1 OF 9

DATE/TIME: 1/17/23 HEARING MASTER: Susan Finch

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

APPLICATION #	
22-0075	PLEASE PRINT NAME Kamala Corbett MAILING ADDRESS 101 E Kennedy Blvd, Ste 3700 CITY TAMPA STATE FL ZIP 33602 PHONE 813 227-8421
22-0075	PLEASE PRINT NAME James Anderson MAILING ADDRESS 10514 Sedgebrook Drive CITY Riverview STATE FL ZIP 33569 PHONE 727 430-3494
22-0075	PLEASE PRINT NAME Jane Graham MAILING ADDRESS 737 Main Street Suite 100 CITY Safety Harbor STATE FL ZIP 34695 PHONE 727 291 9526
22-0075 VS	PLEASE PRINT NAME Ethel Hammer MAILING ADDRESS 19825 Angel Lane CITY Odessa STATE FL ZIP 33556 PHONE
22-0075	PLEASE PRINT NAME Gary A. Gibbons MAILING ADDRESS 800 29th Ave N, CITY St. Petersburg STATE FL ZIP 33704 PHONE 813-785-2028
22-0075	PLEASE PRINT NAME Ryan Brooks MAILING ADDRESS 12714 Shadowcrest Ct CITY Riverview STATE FL ZIP 33655 PHONE 8132157991

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 2 OF 9

DATE/TIME: 1/17/23 HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**. THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #	
22-0075 VS	PLEASE PRINT NAME Sabine Prather MAILING ADDRESS 1661 Bentwood Drive CITY Sun City Center STATE FL ZIP 33573 PHONE
APPLICATION #	
22-0075 VS	PLEASE PRINT NAME Jennifer Miller MAILING ADDRESS 13317 Waterford Run Drive CITY Riverview STATE FL ZIP 33569 PHONE
APPLICATION #	
22-0075	PLEASE PRINT NAME STEVE HENRY MAILING ADDRESS 5023 W. LAUREL ST CITY TPA STATE FL ZIP 33607 PHONE 813-289 0054
APPLICATION #	
22-0075	PLEASE PRINT NAME Abbey Naylor MAILING ADDRESS 14206 Tudor Chase Dr. CITY Tampa STATE FL ZIP 33626 PHONE 727-207-5525
APPLICATION #	
22.0075	PLEASE PRINT NAME TRENT STEPHENSON MAILING ADDRESS 505 E Jackson St #200 CITY Tampa STATE FL ZIP 33602 PHONE 813 375.0616
APPLICATION #	
22-1591	PLEASE PRINT NAME Todd Pressman MAILING ADDRESS 200 2nd Ave S #451 CITY St. Pete STATE FL ZIP 33701 PHONE 727-804-1760

H:\groups\wpodocs\zoning\signin.frm

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

DATE/TIME: 1/17/23 HEARING MASTER: Susan Finch

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

APPLICATION #	PLEASE PRINT
22-1642	NAME Jeff Cathey MAILING ADDRESS 1142 Water Tower Rd. CITY Lake Park STATE FL ZIP 33403 PHONE 561-244-0368
22-0719	NAME SUNNY SIA MAILING ADDRESS 9903 Maple St. CITY Gibsonton STATE FL ZIP 33534 PHONE 8132055727
22-0719	NAME Grace McComas MAILING ADDRESS 805 Old Darby St CITY Seffner STATE FL ZIP 33584 PHONE 813 240 3907
22-0719	NAME Elizabeth Belcher MAILING ADDRESS Exempt CITY Email Eibelcher@Att.Net STATE ZIP PHONE (813) 468-7902
22-0857	NAME Roger GRUNKE MAILING ADDRESS 2708 N Elmore Ave CITY Tpa STATE FL ZIP 33602 PHONE 8136792945
22-0857	NAME Marla Frazer MAILING ADDRESS 11215 Davis Rd CITY Tpa STATE FL ZIP 33637 PHONE 813 777-9931

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DATE/TIME: 1/17/23 HEARING MASTER: Susan Finch

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APPLICATION #	PLEASE PRINT
22-0857	NAME FLORENCE BARBER-HANCOCK MAILING ADDRESS 21004 NEGRIL CT. CITY LUTZ STATE FL ZIP 33558 PHONE 813 948-7597
APPLICATION #	PLEASE PRINT
22-0857	NAME Theresa L Maida MAILING ADDRESS 11107 Davis Rd CITY Tampa STATE FL ZIP 33637 PHONE 813-985-6190
APPLICATION #	PLEASE PRINT
22-0866	NAME Kamala Corbett MAILING ADDRESS 101 E Kennedy Blvd Ste 3700 CITY TAMPA STATE FL ZIP 33602 PHONE 813-227-8421
APPLICATION #	PLEASE PRINT
22-1226	NAME Kamala Corbett MAILING ADDRESS 101 E Kennedy Blvd Ste 3700 CITY TAMPA STATE FL ZIP 33602 PHONE 813-227-8421
APPLICATION #	PLEASE PRINT
22-1226	NAME STEVE HENRY MAILING ADDRESS 508 W. LINEBAUGH ST CITY TPA STATE FL ZIP 33607 PHONE 813-789-0039
APPLICATION #	PLEASE PRINT
22-1228	NAME Elise Batsel MAILING ADDRESS 401 E. Jackson St. Tampa CITY T STATE FL ZIP 06 PHONE 813-222-5057

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DATE/TIME: 1/17/23 HEARING MASTER: Susan Finch

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APPLICATION #	
22-1228	PLEASE PRINT NAME David M. Smith MAILING ADDRESS 401 E. Jackson Street Suite 2100 CITY Tampa STATE FL ZIP 33601 PHONE 813 222-5010
APPLICATION # 22-1228	PLEASE PRINT NAME STEVE HENRY MAILING ADDRESS 5023 W. LAUREL ST CITY TPA STATE FL ZIP 33607 PHONE 813-289 0039
APPLICATION # 22-1228 VS	PLEASE PRINT NAME Katie Russo MAILING ADDRESS 400 N. Ashley Drive #2020 CITY Tampa STATE FL ZIP 33602 PHONE
APPLICATION # 22-1228	PLEASE PRINT NAME SHERRI SOUTHWELL MAILING ADDRESS 552 FRANDER PL CITY Apollo Bch STATE FL ZIP 33572 PHONE 8134107027
APPLICATION # 22-1228	PLEASE PRINT NAME Jeanine Lussier MAILING ADDRESS 477 Flamingo Drive CITY Apollo Beach STATE FL ZIP 33572 PHONE 813-992-7023
APPLICATION # 22-1228	PLEASE PRINT NAME Steve Finley MAILING ADDRESS 815 Isleboy Dr CITY Apollo Beach STATE FL ZIP 33572 PHONE 813-449-3980

SIGN-IN SHEET: RFR, ZHM PHM, LUHO PAGE 6 OF 9

DATE/TIME: 1/17/23 HEARING MASTER: Susan Finch

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

APPLICATION #	PLEASE PRINT
22-1228	NAME Kim Plant MAILING ADDRESS 1029 Apollo Beach Blvd Apt 4 CITY Apollo Beach STATE FL ZIP 33572 PHONE 813-394-2041
APPLICATION # 22-1228 VS	NAME Laura Shepherd MAILING ADDRESS 5218 Point Harbor Lane CITY Apollo Beach STATE FL ZIP 33572 PHONE
APPLICATION # 22-1228 VS	NAME Nicole Cameron MAILING ADDRESS 5414 Conch Shell Place CITY Apollo Beach STATE FL ZIP 33572 PHONE
APPLICATION # 22-1229	NAME Kamala Corbett MAILING ADDRESS 10 E Kennedy Blvd Ste 100 CITY Tampa STATE FL ZIP 33602 PHONE 813-227-8120
APPLICATION # 22-1229	NAME Stephen Sposato MAILING ADDRESS 505 E Jackson St CITY Tampa STATE FL ZIP 33602 PHONE 813-375-0516
APPLICATION # 22-1229	NAME STEVE HENRY MAILING ADDRESS 5023 W. LAUREL ST CITY TPA STATE FL ZIP 33607 PHONE 813-289-0029

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 7 OF 9

DATE/TIME: 1/17/23 HEARING MASTER: Susan Finch

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

APPLICATION #	
22-1229	PLEASE PRINT NAME Alan Daoud MAILING ADDRESS 3007 Drake Landing Ct CITY Valrico STATE FL ZIP 33596 PHONE 813-789-2707
APPLICATION #	
22-1229	PLEASE PRINT NAME Todd Pressman MAILING ADDRESS 200 2nd Ave S. #451 CITY St. Pete STATE FL ZIP 33701 PHONE 727-804-1760
APPLICATION #	
22-1229	PLEASE PRINT NAME Wendy Olivero MAILING ADDRESS 717 Bryan Rd CITY Brandon STATE FL ZIP 33511 PHONE 813-695-2482
APPLICATION #	
22-1229	PLEASE PRINT NAME Dina Cagnina MAILING ADDRESS 713 Coulter Place CITY Brandon STATE FL ZIP 33511 PHONE 813.546.5433
APPLICATION #	
22-1229	PLEASE PRINT NAME Lisa Dikersmore MAILING ADDRESS 703 Coulter Place CITY Brandon STATE FL ZIP 33511 PHONE 813-601-2782
APPLICATION #	
22-1229	PLEASE PRINT NAME Lisa Knox MAILING ADDRESS 508 S. Bryan Cir CITY Brandon STATE FL ZIP 33511 PHONE 352-339-3140

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 8 OF 9

DATE/TIME: 1/17/23 HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY.** THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #	
22-1338	PLEASE PRINT NAME Elisa Batsel MAILING ADDRESS 401 E Jackson St. CITY Tampa STATE ____ ZIP 33602 PHONE 813 222 5057
APPLICATION # 22-1338	PLEASE PRINT NAME David M. Smith MAILING ADDRESS 401 E. Jackson Street Suite 2100 CITY Tampa STATE FL ZIP 33601 PHONE 813 222 5010
APPLICATION # 22-1338	PLEASE PRINT NAME PAT KILKER MAILING ADDRESS 7005 ADEEN ST CITY TAMPA STATE FL ZIP 33617 PHONE 407 316-5331
APPLICATION # 22-1338	PLEASE PRINT NAME Claude-Perrette Conzé MAILING ADDRESS 4512 Porpoise Drive CITY Tampa STATE FL ZIP 33617 PHONE 8139561751
APPLICATION # 22-1338	PLEASE PRINT NAME TIM McMURRY MAILING ADDRESS 8019 PAULSON LN CITY TAMPA STATE FL ZIP 33617 PHONE 813 748 8762
APPLICATION # 22-1338	PLEASE PRINT NAME SARA McMURRY MAILING ADDRESS 8019 PAULSON LANE CITY TAMPA STATE FL ZIP 33617 PHONE 813-263-7279

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO PAGE 9 OF 9

DATE/TIME: _____ HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY.** THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # 22-1378	PLEASE PRINT NAME Jeremy Couch MAILING ADDRESS 17937 Huntington Bow Circle CITY Lutz STATE FL ZIP 33558 PHONE 813 920 2005
APPLICATION # 22-1387	PLEASE PRINT NAME Kamala Corbett MAILING ADDRESS 101 E Kennedy Blvd CITY Tampa STATE FL ZIP 33602 PHONE 813-227-8421
APPLICATION # 22-1387 VS	PLEASE PRINT NAME Michael Ball MAILING ADDRESS 16545 South US Highway 301 CITY Wimauma STATE FL ZIP 33598 PHONE _____
APPLICATION # 22-1387	PLEASE PRINT NAME STEVE HENRY MAILING ADDRESS 5023 W. LAUREL ST CITY TPA STATE FL ZIP 33607 PHONE 813-289 0039.
APPLICATION # 22-1499	PLEASE PRINT NAME Addie Clark MAILING ADDRESS 400 N. Ashley Dr. CITY Tampa STATE FL ZIP 33603 PHONE 561-319-9759
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____

HEARING TYPE: ZHM, PHM, VRH, LUHO **DATE: January 17, 2022**

HEARING MASTER: Susan Finch **PAGE: _1_ OF 1**

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 22-0075	James Anderson	1. Opposition Presentation Packet	No
RZ 22-0075	Ethel Hammer	2. Opposition Presentation Packet	No
RZ 22-0075	Gary Gibbons	3. Opposition Presentation Packet	No
RZ 22-0075	Ryan Brooks	4. Opposition Presentation Packet	No
RZ 22-0075	Jennifer Miller	5. Opposition Presentation Packet	No
RZ 22-0075	Kami Corbett	6. Applicant Presentation Packet	No
RZ 22-0075	Steve Henry	7. Applicant Presentation Packet	No
RZ 22-1591	Todd Pressman	1. Applicant Presentation Packet	No
RZ 22-0719	Grace McComas	1. Opposition Presentation Packet	No
RZ 22-0719	Sunny Sia	2. Applicant Presentation Packet	No
RZ 22-0866	Kami Corbett	1. Applicant Presentation Packet	No
RZ 22-1226	Brian Grady	1. Staff Report	Yes (copy)
RZ 22-1226	Kami Corbett	2. Applicant Presentation Packet	No
MM 22-1228	Brian Grady	1. Staff Report	No
MM 22-1228	Sherri Southwell	2. Opposition Presentation Packet	No
MM 22-1228	David Smith	3. Applicant Presentation Packet	No
RZ 22-1229	Stephen Sposato	1. Applicant Presentation Packet	No
RZ 22-1229	Steve Henry	2. Applicant Presentation Packet	No
RZ 22-1229	Todd Pressman	3. Opposition Presentation Packet	No
RZ 22-1229	Wendy Oliverio	4. Opposition Presentation Packet	No
RZ 22-1229	Lisa Knox	5. Opposition Presentation Packet	No
RZ 22-1229	Kami Corbett	6. Applicant Presentation Packet	No
RZ 22-1338	Elise Batsel	1. Applicant Presentation Packet	No
RZ 22-1338	Brian Grady	2. Staff Report	No
RZ 22-1387	Kami Corbett	1. Applicant Presentation Packet	No
RZ 22-1387	Brian Grady	2. Staff Report	No
RZ 22-1387	Steve Henry	3. Applicant Presentation Packet	No
RZ 22-1499	Brian Grady	1. Staff Report	No

JANUARY 17, 2023 – ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, January 17, 2023, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

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

A. WITHDRAWALS AND CONTINUANCES

Brian Grady, Development Services, introduces staff and reviews changes/withdrawals/continuances.

Susan Finch, ZHM, overview of ZHM process.

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

Susan Finch, ZHM, Oath.

B. REMANDS

B.1. RZ 22-0075

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

Cameron Clark, Senior Assistant County Attorney, statement for record.

Kami Corbett, applicant rep, presents testimony.

Israel Monsanto, Development Services, staff report.

Jillian Massey, Planning Commission, staff report.

Susan Finch, ZHM, calls proponents/opponents

Jane Graham, opponent, presents testimony.

James Anderson, opponent, presents testimony.

Ethel Hammer, opponent, presents testimony.

Gary Gibbons, opponent, presents testimony.

Ryan Brooks, opponent, presents testimony.

- Sabine Prather, opponent, technical difficulties.
- Jennifer Miller, opponent, presents testimony.
- Susan Finch, ZHM, questions to opponent and County Attorney.
- Cameron Clark, Senior Assistant County Attorney, answers ZHM questions.
- Sabine Prather, opponent, technical difficulties.
- Jane Graham, opponent, questions to County Attorney.
- Cameron Clark, Senior Assistant County Attorney, answers opponent questions.
- Jane Graham, opponent, questions to ZHM.
- Susan Finch, ZHM, answers opponent questions.
- Sabine Prather, opponent, presents testimony.
- Susan Finch, ZHM, calls Development Services/applicant rep.
- Kami Corbett, applicant rep, provides rebuttal
- Steve Henry, applicant rep, provides rebuttal.
- Abbey Naylor, applicant rep, provides rebuttal.
- Trent Stephenson, applicant rep, provides rebuttal.
- Kami Corbett, applicant rep, continues rebuttal.
- Susan Finch, ZHM, closes RZ 22-0075.

C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-1591

- Brian Grady, Development Services, calls RZ 22-1591.
- Todd Pressman, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep and Development Services.

- Brian Grady, Development Services, answers ZHM questions.
- Todd Pressman, applicant rep, answers ZHM questions and continues testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Todd Pressman, applicant rep, answers ZHM questions.
- Isis Brown, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Isis Brown, Development Services, answers ZHM questions.
- Brian Grady, Development Services, statement for record.
- Jillian Massey, Planning Commission, statement for record.
- Susan Finch, ZHM, questions to Planning Commission.
- Jillian Massey, Planning Commission, answers ZHM questions and staff report.
- Susan Finch, ZHM, calls proponents/opponents.
- Susan Finch, ZHM, questions to Development Services.
- Brian Grady, Development Services, answers ZHM questions.
- Susan Finch, ZHM, questions to applicant rep.
- Todd Pressman, applicant rep, answers ZHM questions and provides rebuttal.
- Susan Finch, ZHM, closes RZ 22-1591.

C.2. RZ 22-1642

- Brian Grady, Development Services, calls RZ 22-1642.
- Jeff Cathey, applicant rep, presents testimony.
- Isis Brown, Development Services, staff report.

- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 22-1642.

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

D.1. RZ 22-0719

- Brian Grady, Development Services, calls RZ 22-0719.
- Sunny Sia, applicant rep, presents testimony.
- Tim Lampkin, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents.
- Grace McComas, opponent, presents testimony.
- Elizabeth Belcher, opponent, presents testimony.
- Susan Finch, ZHM, calls Development Services/applicant rep.
- Sunny Sia, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 22-0719.

D.2. RZ 22-0857

- Brian Grady, Development Services, calls RZ 22-0857.
- Marla Frazer, applicant rep, presents testimony.
- Roger Grunke, applicant rep, presents testimony.
- Michelle Heinrich, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents.
- Florence Hancock, proponent, presents testimony.

- Susan Finch, ZHM, calls opponents.
- Theresa Maida, opponent, presents testimony.
- Susan Finch, ZHM, questions to opponent.
- Theresa Maida, opponent, answers ZHM questions and continues testimony.
- Susan Finch, ZHM, calls Development Services.
- Brian Grady, Development Services, statement for record.
- Susan Finch, ZHM, questions to Development Services.
- Michelle Heinrich, Development Services, answers ZHM questions.
- Susan Finch, ZHM, calls applicant rep.
- Marla Frazer, applicant rep, provides rebuttal.
- Roger Grunke, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 22-0857.

D.3. RZ 22-0866

- Brian Grady, Development Services, calls RZ 22-0866.
- Kami Corbett, applicant rep, presents testimony.
- Tim Lampkin, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services /applicant rep/closes RZ 22-0866.

D.4. RZ 22-1226

- Brian Grady, Development Services, calls RZ 22-1226.
- Kami Corbett, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to Development Services.

- Brian Grady, Development Services, answers ZHM.
- Susan Finch, ZHM, requests information to be added to staff report.
- Tania Chapela, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Tania Chapela, Development Services, answers ZHM questions.
- Alex Steady, Development Services Transportation, answers ZHM questions.
- Susan Finch, ZHM, requests additional information to be added to staff report.
- Brian Grady, Development Services, statement for record.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep.
- Kami Corbett, applicant rep, provides rebuttal.
- Steve Henry, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 22-1226.

D.5. MM 22-1228

- Brian Grady, Development Services, calls MM 22-1228.
- Elise Batsel, applicant rep, presents testimony.
- David Smith, applicant rep, presents testimony.
- Steve Henry, applicant rep, presents testimony.
- Elise Batsel, applicant rep, continues testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Elise Batsel, applicant rep, answers ZHM questions.

- Steve Henry, applicant rep, answers ZHM questions.
- Sam Ball, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- James Ratliff, Development Services Transportation, answers ZHM questions.
- Elise Batsel, applicant rep, answers ZHM questions.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents.
- Katie Russo, proponent, presents testimony.
- Susan Finch, ZHM, calls opponents.
- Sherri Southwell, opponent, presents testimony.
- Jeanine Lussier, opponent, presents testimony.
- Steven Finley, opponent, presents testimony.
- Kim Plant, opponent, presents testimony.
- Laura Shepherd, opponent, presents testimony.
- Nicole Cameron, opponent, presents testimony.
- Susan Finch, ZHM, calls Development Services.
- Elise Batsel, applicant rep, questions to Development Services.
- Susan Finch, ZHM, questions to applicant rep.
- Brian Grady, Development Services, answers applicant rep and ZHM questions.
- Elise Batsel, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes MM 22-1228.

D.6. RZ 22-1229

- Brian Grady, Development Services, calls RZ 22-1229.
- Kami Corbett, applicant rep, presents testimony.
- Steven Sposato, applicant rep, presents testimony.
- Steve Henry, applicant rep, presents testimony.
- Michelle Heinrich, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents.
- Alan Daoud, proponent, presents testimony.
- Susan Finch, ZHM, calls opponents.
- Todd Pressman, opponent, presents testimony.
- Wendy Oliviero, opponent, presents testimony.
- Dina Cagnina, opponent, presents testimony.
- Lisa Dunsmore, opponent, presents testimony.
- Lisa Knox, opponent, presents testimony.
- Susan Finch, ZHM, calls Development Services/applicant rep.
- Steve Henry, applicant rep, provides rebuttal.
- Kami Corbett, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 22-1229.

D.7. RZ 22-1338

- Brian Grady, Development Services, calls RZ 22-1338.
- Elise Batsel, applicant rep, presents testimony.
- David Smith, applicant rep, presents testimony.

- Susan Finch, ZHM, questions to applicant rep.
- David Smith, applicant rep, answers ZHM questions and continues testimony.
- Elise Batsel, applicant rep, continues testimony.
- Michelle Heinrich, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- Michelle Heinrich, Development Services, answers ZHM questions.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, questions to Planning Commission.
- Jillian Massey, Planning Commission, answers ZHM questions.
- Susan Finch, ZHM, questions to County Attorney.
- Cameron Clark, Senior Assistant County Attorney, answers ZHM questions.
- Jillian Massey, Planning Commission, answers ZHM questions.
- Susan Finch, ZHM, calls proponents/opponents.
- Pat Kilker, opponent, presents testimony.
- Claude-Penrette Conze, opponent, presents testimony.
- Tim McMurry, opponent, presents testimony.
- Sara McMurry, opponent, presents testimony.
- Susan Finch, ZHM, calls Development Services.
- Alex Steady, Development Services Transportation, statement for record.
- Susan Finch, ZHM, calls applicant rep.
- Elise Batsel, applicant rep, provides rebuttal.
- Jeremy Couch, applicant rep, provides rebuttal.

- Elise Batsel, applicant rep, continues rebuttal.
- Susan Finch, ZHM, closes RZ 22-1338.

D.8. RZ 22-1387

- Brian Grady, Development Services, calls RZ 22-1387.
- Kami Corbett, applicant rep, presents testimony.
- Tania Chapela, Development Services, staff report.
- Jillian Massey, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents.
- Michael Ball, opponent, presents testimony.
- Brian Grady, Development Services, asks opponent to read letter into record.
- Michael Ball, opponent, reads letter into record.
- Susan Finch, ZHM, calls Development Services/applicant rep.
- Steven Henry, applicant rep, provides rebuttal.
- Kami Corbett, applicant rep, provides rebuttal.
- Steve Henry, applicant rep, continues rebuttal.
- Kami Corbett, applicant rep, continues rebuttal.
- Susan Finch, ZHM, closes RZ 22-1387.

D.9. RZ 22-1499

- Brian Grady, Development Services, calls RZ 22-1499.
- Addie Clark, 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 22-1499.

ADJOURNMENT

▶ Susan Finch, ZHM, adjourns meeting.



Application No. RZ 22-0875
Name: James Anderson
Entered at Public Hearing: ZHM
Exhibit # 1 Date: 11/17/2023


Gibbons
Nature Preserve













SUNSHINE CITY LAW

Jane Graham, Esq.
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526

January 17, 2023

Zoning Hearing Master
Hillsborough County
601 E Kennedy Blvd.
Tampa, FL 33602

Re: Objection to Application #PD 22-0075

Dear Zoning Hearing Master:

I represent Mr. James Anderson who opposes Mattamy Tampa/Sarasota LLC's request to rezone the property at 12910 Boyette Road, Application No. RZ PD 22-0075. Mr. Anderson is an adversely affected party who owns the property at 10514 Sedgebrook Drive, Riverview, FL 33569. He attended and participated in the July 25, 2022 land use hearing officer public hearing.

Mr. Anderson respectfully restates his objection to Mattamy Tampa/Sarasota LLC's rezoning application for the property at 12910 Boyette Road (Application #PD 22-0075) to build 86 townhomes and 20,000 square feet of commercial space across from our neighborhood and incorporates herein his objections provided at the July 25, 2022 hearing. He also joins Ms. Ethel Hammer, Mr. Gary Gibbons, the Sierra Club, Boyette Springs HOA, and the Waterford HOA in their stated and written positions.

The Applicant fails to meet their burden to meet the criteria of LDC 10.03.03(E), specifically the following criteria:

3. The Comprehensive Plan/8. Applicable goals, objectives, and policies contained in the Comprehensive Plan.

a. Goal 6, Livable Communities Element:

> Most notably, the Applicant's request for a density bonus is inconsistent with Goal 6, Livable Communities Element which requires the reduction of future land use map density and intensity along the Alafia River. Goal 6 states:
>
> Prioritize the significance of improved quality, enjoyment, and protection of the Alafia River and other natural resources such as open space.

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* * *

- Reduce to the extent possible Future Land Use Map densities and intensities along the Alafia River to maintain, preserve, and protect the environmental quality and wildlife habitat of the Alafia River and surrounding watershed.

Planning Commission staff previously acknowledged in their July 13, 2022 report that Goal 6 as relevant, stating:

> ...Goal 6 of the Riverview Community plan seeks to protect the Alafia River. The Alafia River is to the north of the property, adjacent to the preservation area and the property contains a small portion in the Coastal High Hazard Area (CHHA) in the northeast corner.

Based on Goal 6 of the Livable Communities Element, the Applicant cannot increase density or intensity by the Alafia River. Density is supposed to be reduced, not increased on this property. However, the Application is proposing to increase density through a density bonus, based on FLU Policy 19.3, Incentives for Mixed Use.

Bell Creek is a tributary of the Alafia River and clearly within its watershed. The banks of Bell Creek are within fifty steps of the northern border of this property, and the Coastal High Hazard Area associated with Bell Creek extends on to this property directly. The intent of Goal 6 is to not increase density in the environmentally sensitive area.

2. Various FLU goals and objectives:

> FLU Objective 16: Neighborhood Protection The neighborhood is the functional unit of community development. There is a need to protect existing, neighborhoods and communities and those that will emerge in the future. To preserve, protect, and enhance neighborhoods and communities, all new development must conform to the following policies.
>
> FLU Policy 16.1: Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as: locational criteria for the placement of non-residential uses as identified in this Plan.

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> FLU Policy 16.10: Any density increase shall be compatible with existing, proposed, or planned surrounding development. Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

A density increase to allow a commercial and residential development conflicts with the prevailing land use pattern of open green space and homes with larger lots. The traffic and circulation will be affected, and is already under stress. See attached photos by James Anderson.

6. Physical characteristics of the subject parcel and surrounding lands/ 10. Nature of and impacts on surrounding land use/ 11. Environmental impact of the use.

The Gibbons Preserve is directly beside this property. This property is surrounded on almost all sides by open space, with significant wildlife habitat both extending north along the Alafia River and south to Boyette Springs Park, and Bell Creek. See the attached maps.

7. Impact on the surrounding transportation network.

School traffic on Sedgebrook Drive is already problematic and the addition of 2,299 daily trips will further escalate the gridlock. Attached please find photos taken by Mr. Anderson. Boyette Springs Elementary School is on Sedgebrook Drive. During school pick-up and drop-off, traffic backs up on Boyette Road almost to Tarragon Drive. There are frequently accidents on Boyette Road and the new project will likely exacerbate it. Kids walk on the side of the road.

Conclusion

Mr. Anderson urges you to deny this proposal which is incompatible with Comprehensive Plan and fails to meet the criteria required for a rezoning. It is incomptible with the surrounding neighborhood filled with open space and single-family homes on large lots. Mattamy Homes should develop this property based on the existing laws and not ask for more.

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Thank you for your concern. My client appreciates the opportunity to participate in the process. Please let me know if there is any additional information I can provide.

Sincerely,

Jane Graham, Esq., B.C.S.
Sunshine City Law

SUNSHINE CITY LAW

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Johanna Lundgren
Hillsborough County Attorney's Office
601 E Kennedy Blvd Fl 27
Tampa, FL 33602-4932
Via email: LundgrenJ@HillsboroughCounty.org

January 17, 2023

Re: Legal Objections to Misstatement in Staff Report and Remand for January 17, 2023 Item B(1): RZ PD 22-0075, 12910 Boyette Road and Request for Cancellation of Hearing

Dear Ms. Lundgren:

I represent Mr. James Anderson, who opposes Mattamy Tampa/Sarasota LLC's request to rezone the property at 12910 Boyette Road, Application No. RZ PD 22-0075. Mr. Anderson is an adversely affected party who owns the property at 10514 Sedgebrook Drive, Riverview, FL 33569. He attended and participated in the July 25, 2022 land use hearing officer public hearing.

This item is scheduled to be heard at the Zoning Hearing Master tonight at 6:00 P.M. based on a "remand" from the Board of County Commissioners. This remand is inappropriate in light of the serious discrepancy in the record vs. misstatements in tonight's staff report regarding Mattamy's requested change to the timing mechanism for condition 1.4, and non-conformance with the County's remand procedures. This case should be deemed withdrawn and tonight's hearing should be cancelled.

The Land Use Hearing Officer's Findings of Fact dated July 25, 2022 at pg. 30 state:

> 20. If the Planned Development were to proceed with the revised zoning condition 1.4 which eliminates the requirement for three land uses as well as the timing mechanism that ensures that a portion of the non-residential land uses are completed prior to the completion of the townhome project, then the project is not eligible for the requested density bonus. **The Planning Commission testified that the change to the zoning condition would be a substantial change to the project and would not be supported by Planning Commission staff and would result in a finding of inconsistency with the Comprehensive Plan. The Development Services Department testified that if the Planning Commission did not support the rezoning, then staff would also not support the request.**

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The Land Use Hearing Officer recommended approval of the Application with the requirement that original zoning condition 1.4 remain in place as originally discussed and approved by staff. Pg. 32. The Applicant's revised version of condition 1.4 was rejected.

However, the January 17, 2023 staff report mischaracterizes and rewrites the record, stating:

> This modification of the condition (1.4) would not require two of the non-residential uses listed in the Group lists to be constructed with a Certificate of Occupancy issued prior to the issuance of any Certificate of Occupancy for 58 or more residential units**. Staff from the Planning Commission and Development Services could not amend the reports and the case remained scheduled for the BOCC Land Use Meeting. At the BOCC Land Use Hearing on October 11, 2022, the case was remanded to the Zoning Hearing Master hearing in order to allow the evaluation by staff of the proposed modification to the condition with the timing mechanism for the development of the two project Parcels**.
>
> (Staff Report at 8).

Tonight's staff report conspicuously omits the Land Use Hearing Officer's finding of fact that the proposed modification was in fact presented at the July 2022 Land Use Hearing and rejected by the Planning Commission staff, Development Services Staff, and the Land Use Hearing Officer. The proposed modification was already considered and summarily rejected.

The LDC provides no procedure where an applicant can request a last-minute modification which is rejected by Planning Commission staff, Development Services Staff, and a Land Use Hearing Officer, and then allowed a second bite at the apple to reargue the same revised condition at a second Land Use Hearing. The correct procedure would have been for Applicant to present their case in front of the BOCC, win or lose, and appeal if needed.

The Hillsborough LDC provides for situations where the BOCC may remand a proceeding back to the Land Use Hearing Officer, and this is not one of them. Section 10.03.04(e)(3), Land Development Code states:

> … if the Board finds that oral argument has raised issues that require further Land Use Hearing Officer review, then the Board reserves the right to remand the proceedings to the Land Use Hearing Officer. If the

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> Board decides to remand the proceedings, then the Board shall establish a date for said hearing.

Section 10.03.05(A) provides:

> If the Administrator finds, based upon the nature of the requested modification, the review criteria contained in 10.03.03.E above, and County staff comment that additional review is required, then the Administrator shall establish a continuance date for the public hearing. During the interim, appropriate staff shall have an opportunity to review said application as modified and submit recommendations.

However, the Board never discussed this application or any reason to remand it. There was no oral argument regarding this application on October 11, 2022 at all. Instead, the record of the October 11, 2022 BOCC Land Use Hearing reflects the applicant's request for a remand with no discussion by the Board. Staff Report, pg. 39. ("The next change in the agenda item 14, F3, 00275. Applicant is requesting a remand of this application December 12th, 2022 zoning hearing master hearing."). Moreover, at the July 2022 hearing, it was clear that no additional review of the revised Condition 1.4 was required. Staff outright rejected it.

The LDC provides no mechanism by which Mattamy Homes can get a second chance at a Land Use Hearing five months later to reargue a condition which has already been rejected.

Additionally, as previously advised, this Application already violated Hillsborough County's continuance requirements last July. Section 10.03.02(C)(2), Hillsborough Land Development Code states:

> (I)n no case shall the public hearing be continued to a hearing date that is more than six months after the originally scheduled hearing date. If a public hearing is not held on the application within the required time frame, the application shall be withdrawn from processing by the Zoning Administrator.

The original zoning hearing date was January 18, 2022, which was then continued to February 14, 2022, and then several times again until it was finally heard on July 25, 2022, over six months after the originally scheduled hearing date. The application should have been deemed withdrawn as of on June 18, 2022.

SUNSHINE CITY LAW

Jane Graham, Esq.
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526

Based on the foregoing, the January 17, 2023 hearing in front of the Zoning Hearing Master should be cancelled.

Please confirm receipt and advise how the County intends to proceed. My client appreciates the opportunity to participate in the process as an affected party. I look forward to working with you to promptly resolve this matter. Please let me know if I can provide any additional information.

Sincerely,

Jane Graham, Esq., B.C.S.
Sunshine City Law

Cc: Israel Monsanto

SUNSHINE CITY LAW

Jane Graham, Esq.
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526

Israel Monsanto
Executive Planner, Development Services Department
601 E, Kennedy Blvd Fl
Tampa, FL 33602-4932
Via email: monsantoi@HCFLGov.net

November 30, 2022

Re: RZ PD 22-0075, 12910 Boyette Road

Dear Mr. Monsanto:

The undersigned parties of record request that Hillsborough Planning Staff finds PD 22-0075, Mattamy Tampa/Sarasota LLC's rezoning application for the property at 12910 Boyette Road ("Application") inconsistent with the Hillsborough County Comprehensive Plan. The Applicant's request for a density bonus is inconsistent with Goal 6, Livable Communities Element which requires the reduction of future land use map density and intensity along the Alafia River.

Goal 6 of the Livable Communities Element of the Hillsborough County Comprehensive Plan states:

> Prioritize the significance of improved quality, enjoyment, and protection of the Alafia River and other natural resources such as open space.
>
> * * *
>
> - Reduce to the extent possible Future Land Use Map densities and intensities along the Alafia River to maintain, preserve, and protect the environmental quality and wildlife habitat of the Alafia River and surrounding watershed.

Planning Commission staff previously acknowledged in their July 13, 2022 report that Goal 6 as relevant, stating:

> …Goal 6 of the Riverview Community plan seeks to protect the Alafia River. The Alafia River is to the north of the property, adjacent to the preservation area and the property contains a small portion in the Coastal High Hazard Area (CHHA) in the northeast corner.

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Based on Goal 6 of the Livable Communities Element, the Applicant cannot increase density or intensity by the Alafia River. Density is supposed to be reduced, not increased on this property. However, the Application is proposing to increase density through a density bonus, based on FLU Policy 19.3, Incentives for Mixed Use. The July 13 Report omitted any discussion of the prohibition on density increases along the Alafia River.

When comparing broader policies like FLU Policy 19.3 with more specific policies for communities like the Riverview Plan, Goal 6, the more specific policy controls. The Livable Communities Element, 1.0 states:

> Community and Special Area Studies are intended to be extensions and refinements of the County's Comprehensive Plan. The studies should discuss the special and unique characteristics of the areas under study and examine the issues and problems facing the areas and provide strategies for solutions…The Comprehensive Plan is general in nature and provides guidance on an issue county-wide. A community or special area study is more detailed in nature and is intended to provide specific recommendations on issues in a particular area of the county.

Likewise, FLU Policy 18.1 states:

> The community plans will be adopted as part of the Comprehensive Plan in the Livable Communities Element; these more restrictive community specific policies will apply in guiding the development of the community.

As such, Goal 6 controls. This Application is inconsistent with the Comprehensive Plan because it requests a density bonus when no such increase in density can occur. Please confirm receipt and advise how the County intends to proceed. The undersigned appreciate the opportunity to participate in the process as an affected parties and look forward to working with you to through the process.

Sincerely,

Jane Graham, Esq., B.C.S.
Attorney for James Anderson

Cc: Johanna Lundgren



SUNSHINE CITY LAW

Jane Graham, Esq.
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526

Ethel Hammer

Gary Gibbons

Nancy Stevens

Sabine Prather

SUNSHINE CITY LAW

Jane Graham, Esq.
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526

Richard Tschantz
Hillsborough County Attorney's Office
601 E Kennedy Blvd Fl 27
Tampa, FL 33602-4932
Via email: tschantzr@hillsboroughcounty.org

September 30, 2022

Re: RZ PD 22-0075, 12910 Boyette Road

Dear Mr. Tschantz:

I have been retained as legal counsel by Mr. James Anderson regarding his opposition to Mattamy Tampa/Sarasota LLC's request to rezone the property at 12910 Boyette Road, Application No. RZ PD 22-0075. Mr. Anderson is an adversely affected party who owns the property at 10514 Sedgebrook Drive, Riverview, FL 33569. He attended and participated in the July 25, 2022 land use hearing officer public hearing.

Based on my review of the record, it appears the July 25, 2022 hearing for this item violated Hillsborough County's continuance requirements. Section 10.03.02(C)(2), Hillsborough Land Development Code states:

> (I)n no case shall the public hearing be continued to a hearing date that is more than six months after the originally scheduled hearing date. If a public hearing is not held on the application within the required time frame, the application shall be withdrawn from processing by the Zoning Administrator.

The original zoning hearing date was January 18, 2022, which was then continued to February 14, 2022, and then several times again until it was finally heard on July 25, 2022, over six months after the originally scheduled hearing date (See Composite Exhibit "A").

The application should have been withdrawn on June 18, 2022. It was improper that the item was heard on July 25, 2022. To cure this defect, the Applicant should resubmit the application and be heard in front of the Land Use Hearing Officer again, before the Board of County Commissioners hears this item. The October 11, 2022 hearing in front of the Board of County Commissioners should be cancelled.

SUNSHINE CITY LAW

Jane Graham, Esq.
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526

Please confirm receipt and advise how the County intends to proceed. My client appreciates the opportunity to participate in the process as an affected party. I look forward to working with you to promptly resolve this matter. Please let me know if I can provide any additional information.

Sincerely,

Jane Graham, Esq., B.C.S.
Sunshine City Law

Cc: Israel Monsanto

Application No. RZ 22-0675
Name: Ethel Hammer
Entered at Public Hearing: ZHM
Exhibit # 2 Date: 1/17/2023

Planning Analysis for RZ Petition PD22-0075

Ethel Hammer

Rezoning Petition PD 22-0075 is located on the north side of Boyette Road, immediately adjacent to the Gibbons Preserve, an approximate 60 acre parcel of land owned by the Tampa Bay Conservancy. The Conservancy Board of Directors has reviewed the subject rezoning petition for its consistency with the Future Land Use Element of the Comprehensive Plan, and for its potential impact to the nature preserve known as the Myron and Helen Gibbons Nature Preserve.

The application as presented is not consistent with the Comprehensive Plan. The applicant has requested two waivers to the Comprehensive Plan to permit the uses and intensity as proposed. The first waiver is a request to increase the density of the project from four units per acre to six units per acre. The increased density is eligible for consideration under the Mixed-Use provision of the Future Land Use Element. To provide three uses, the applicant is proposing multifamily residential, and two different types of non-residential. Because the property does not meet Locational Criteria as set forth in the Comprehensive Plan, a waiver to the locational criteria must also be approved.

Locational Criteria

The Planning Commission staff is recommending approval to the Locational Criteria waiver. The rationale for granting the waiver is that the applicant is proposing a Mixed Use development. This is circular logic. The Planning Commission staff recommends approval for commercial, because the applicant is proposing commercial as part of the development. The second basis for their recommendation was that the applicant would agree to limit the intensity of uses. Policy 22.8 of the Future Land Use Element states "The waiver would be based on the compatibility of the use with the surrounding area". It further states, "Unique circumstances and specific findings should be identified by the staff or the Board of County Commissioners which would support granting a waiver". No planning analysis was provided for the appropriateness of commercial at this location, such as compatibility with surrounding land uses, transportation impact, and the appropriateness of a commercial development at a "mid-block" location. No unique circumstances have been identified to justify the granting of this waiver, as required by Policy 22.8. Recommending a waiver to Locational Criteria because the applicant is proposing a Mixed-Use project, i.e., adding commercial to a residential project, is not justification and provides no planning basis for approval of the request.

The appropriate intensity of commercial development at various categories of intersections is outlined in Policy 22.2 of the Future Land Use Element. Limitations on square footage are imposed to permit development in scale and harmony with the intensity of the intersection and the surrounding land uses. If this property were located at an intersection meeting the criteria for commercial development as defined by Policy 22.2, it would be most similar to the lowest intensity intersection of a Major Local/4 Lane Road. That type of intersection is permitted a maximum of 5,000 square feet of non-residential development. This property is not located at an intersection, and is requesting four times the amount of non-residential development, or 20,000 square feet, that would be permissible at a similar location that meets the criteria. No justification is provided by staff for recommending approval of 20,000 square

feet of non-residential development at a substandard location and at an intensity far exceeding what would be permissible if it met the locational criteria .

Policy 22.1 states the locational criteria establishes a maximum square footage for each proposed neighborhood serving commercial intersection node to ensure that the scale of the non-residential uses is generally consistent with the surrounding residential character. A project of 20,000 square feet at this location is not consistent with the residential character and scale of the surrounding land uses.

Riverview Community Plan

Goal 1 of the Riverview Community Plan states "Avoid strip development patterns for commercial uses". Permitting the development of non-residential development at locations that do not meet the Locational Criteria encourages strip commercial development. PD22-0075 is inconsistent with Goal 1 of the Community Plan. Commercial development of this magnitude is inconsistent with the development pattern along this segment of Boyette Road, which is predominantly residential and residential-support uses. The subject property is located between the existing commercial nodes at Bell Shoals to the east, and McMullen Road to the west. Based on the existing land use pattern, there are numerous parcels of land, either vacant or available for redevelopment, between these two nodes. A waiver of locational criteria between the two nodes would establish a precedent for further commercialization of this corridor. Commercial development should be restricted to nodes as established by Policy 22.2, unless unique circumstances exist.

Goal 6 of the Riverview Community Plan provides strong direction for the protection of the Alafia River watershed. The goal states 'Reduce to the extent possible Future Land Use Map densities and intensities along the Alafia River to maintain, preserve, and protect the environmental quality and wildlife habitat of the Alafia River and surrounding watershed." Goal 6 suggests that existing densities be *reduced*. This rezoning application requests that densities be *increased*, which is directly inconsistent with the intent of the Community Plan goal.

Staff has suggested that this Goal applies only to properties immediately adjacent to and fronting on the Alafia River. The staff interpretation ignores the reference in the Goal to *the River and its surrounding watershed.* If the Goal referred only to those properties abutting the Alafia River, inclusion of the term "surrounding watershed" would be meaningless. The language of Goal 6 strives to protect the River and its surrounding watershed by reducing densities and intensities within that watershed. Assuming this goal refers only to densities along a narrow strip of land abutting the Alafia River will not achieve the goal of protecting the riverine habitat.

Proposed Staff Conditions of Development

The applicant is requesting a density bonus based on the development of a Mixed-Use project, consisting of three distinct uses. The original staff report required that the developer construct the two non-residential uses prior to the development of more than 57 residential units. In other words, the density bonus can only be realized if the two non-residential uses are developed. The developer objected to this condition, and submitted substitute language to the staff. The staff has now incorporated that substitute language into a revised staff report, with no explanation why this meaningless language has been adopted by staff. The developer's language would permit the 86 units

to be constructed if the roadways and utility lines are stubbed out to the non-residential parcels. This requirement does not guarantee that anything will be developed on the frontage or when it might be developed. Stubbing utilities to outparcels is normal development practice, and is typically done at the time of overall site development. Based on this revised language, the County has no guarantee of either or both of the non-residential uses being developed, while the developer constructs 86 units on the property. The Conservancy objects to a waiver of the locational criteria and the subsequent development of commercial uses on the frontage of this property; therefore, this condition is unnecessary if the waiver is not granted.

The Transportation staff requested that an eight (8) foot strip of land be reserved for future right-of-way along Boyette Road. This request appeared as part of Condition 1 on the original staff report, but was struck through on the current staff report. Because of future transportation needs, the Conservancy requests that the appropriate amount of future right-of-way be reserved.

Tampa Bay Conservancy Recommendation

The Tampa Bay Conservancy objects to the granting of the density bonus, and objects to the granting of the waiver to the Locational Criteria. Lower densities and no commercial development will result in less impacts to the Preserve. To provide protection to the Gibbons Preserve, the Conservancy requests that Goal 6 of the Riverview Community Plan be implemented, which will ensure protection of the environmental quality and wildlife habitat of the Alafia River watershed.

Ethel D. Hammer

Ethel D. Hammer has over thirty-five years of experience in the field of land use planning and public administration. She has been qualified as an expert in numerous courts and quasi-judicial proceedings throughout Florida, providing expert witness testimony on land planning and development matters.

Professional Experience

President, Engelhardt, Hammer & Associates, Inc., Tampa, Florida – Project management and client representation of land use, environmental, litigation and eminent domain matters handled by firm.

Director of Planning, Taub & Williams, P.A., Tampa, Florida - Responsible for the coordination and project management of land development matters, including rezoning petitions, site plans, and Developments of Regional Impact.

Principal Planner and Senior Planner, Hillsborough County Department of Development Coordination, Tampa, Florida - Responsible for short-range planning in Hillsborough County. Supervised and coordinated the planning analyses of rezoning petitions, subdivision plats, site plans, and other land development proposals. Supervised a staff of nine professional and technical employees.

Environmental Planner, Hillsborough County Planning Commission, Tampa, Florida - Provided environmental review of applications for subdivisions, site plans, and rezoning petitions. Reviewed phosphate mining activities. Reviewed all Tampa Port Authority permit applications. Served as official Development of Regional Impact Coordinator for the Planning Commission and conducted environmental reviews of all DRI applications.

Expert Witness Testimony/Eminent Domain

Ms. Hammer has been the land planning expert witness in hundreds of cases or projects. She has provided expert witness services in over 500 eminent domain cases, representing either the condemning authority or the landowner. She has testified in numerous trials, including eminent domain and land use litigation cases. Ms. Hammer has been qualified as an expert in many courts throughout Florida, including Hillsborough, Polk, Pasco, Manatee, Pinellas, Miami-Dade, Duval, Broward, Lee, Brevard, Washington and Orange Counties and has provided expert opinions on cases in numerous other counties throughout the State of Florida. Ms. Hammer has also testified in administrative law hearings and tax valuation hearings. Representative clients include the Florida Department of Transportation, Florida Turnpike, Tampa Bay Water Authority, Southwest Florida Water Management District, Hillsborough County, Pinellas County, Lee County, Florida Power and Light, Florida Power and many private law firms representing hundreds of landowners.

Land Use Regulatory Approvals

Ms. Hammer has provided land use permitting and regulatory approval services to numerous private clients for over twenty-five years. These services include rezonings, comprehensive land use plan amendments, Developments of Regional Impact, master planning, variances, and permitting for residential, commercial, industrial, and phosphate mining projects and clients. Representative clients include Lowe's Home Improvement, Kash n' Karry, Cargill, US Home, Winn Dixie, and CF Industries.

Education

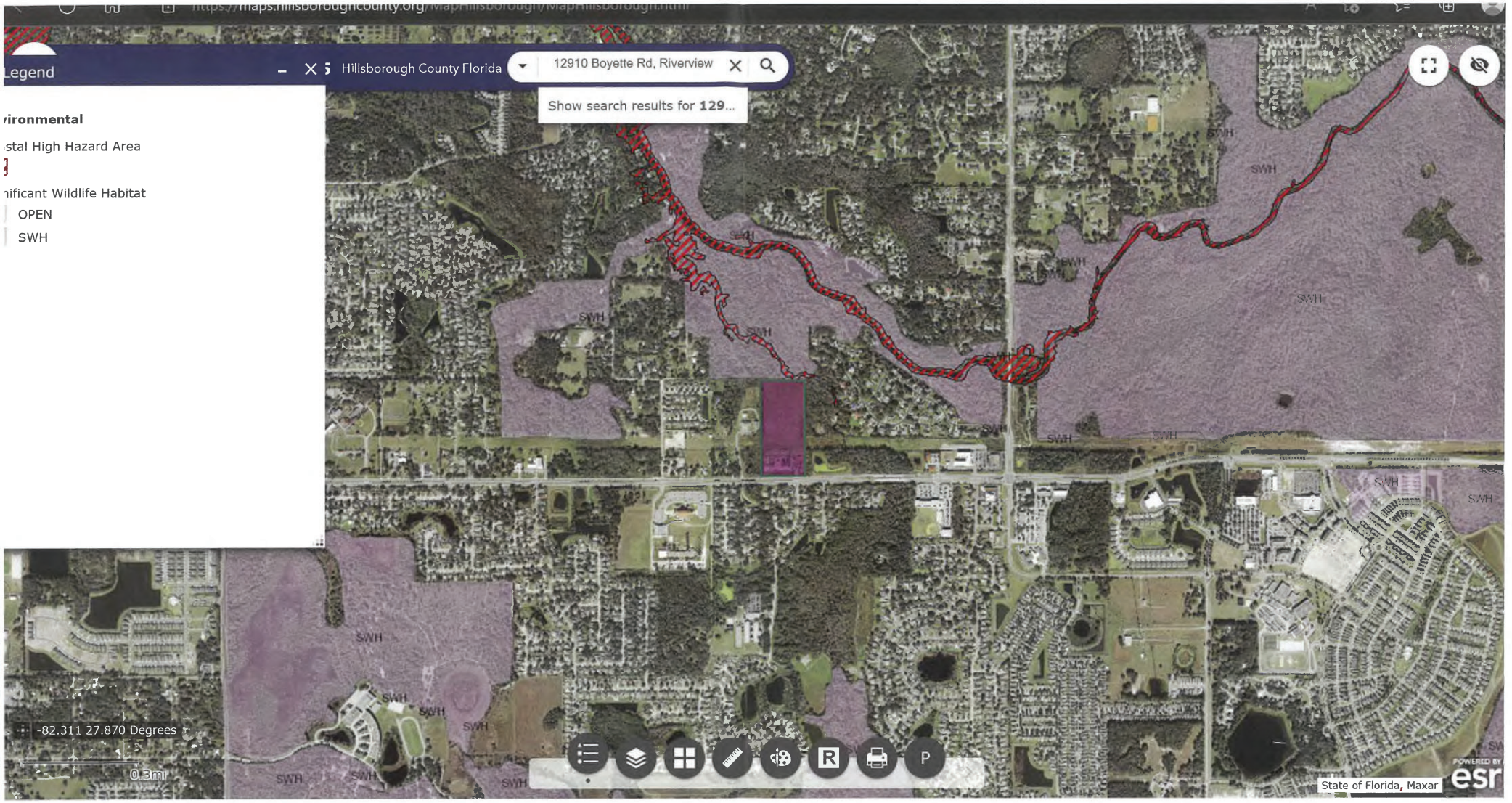
Undergraduate Degree, Biology, Juniata College
Graduate Degree (M.S.), Environmental Planning, University of Pittsburgh
Post-Graduate Studies, University of Pittsburgh

Representative Clients

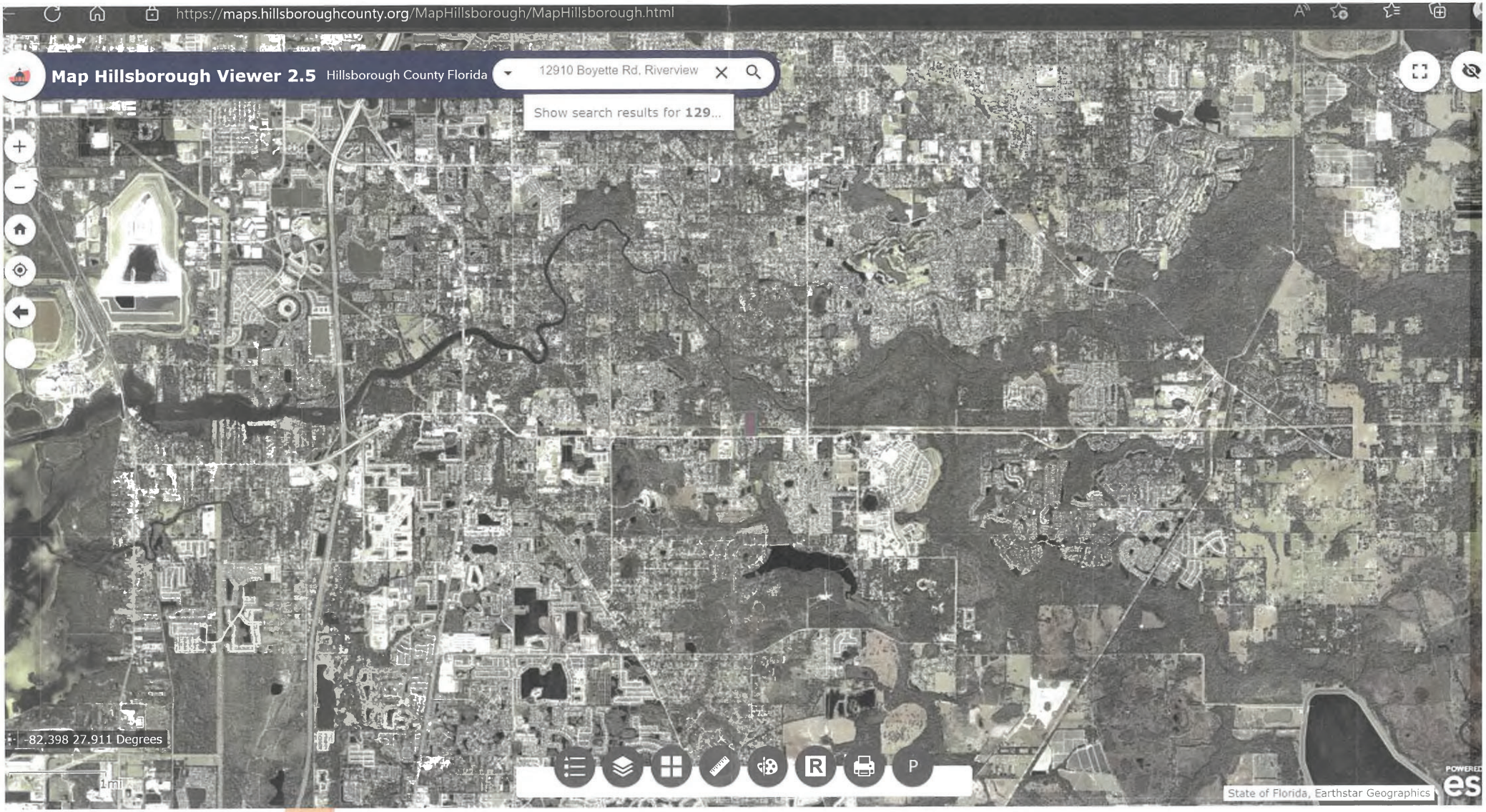
Private Sector
·Bank of America
·AmSouth Banks
·Avis Rent-A-Car, Inc.
·Belleair Development
·Cargill Fertilizer, Inc.
·Chick-Fil-A
·Codina Development
·Florida Gas
·Florida Rock
·GTE Credit Union
·Lowe's
·Melting Pot
·M/I Homes
·Office Depot
·Progress Energy
·Rinker Materials
·Tampa Bay Park of Commerce
·Tampa Boys and Girls Club
·Winn Dixie
·Westfield Shopping Centers

Public Sector
·Hillsborough County
·City of Lakeland
·City of Plant City
·City of Polk City
·City of Tampa
·Charlotte County
·FDOT District 1
·FDOT District 7
·Manatee County
·Tampa Port Authority
·Town of St. Leo
·Town of Tarpon Springs
·Sumter County

Law Firms
·Akerman Senterfitt
·Johnson, Pope
·Fowler White
·de La Parte & Gilbert
·Gaylord, Merlin, Ludovici, Diaz & Bain
·Gray Robinson
·Hill Ward Henderson
·Linsky and Linsky
·Macfarlane Ferguson
·Saxon, Gilmore
·Harris, Harris, Bauerle Sharma
·Policastro & LeRoux
·Holland & Knight
·Shumaker Loop & Kendrick
·Scarritt Law Group, P.A.



Application No. RZ 22-0575
Name: Gary Gibbons
Entered at Public Hearing: ZHM
Exhibit # 3 Date: 1/17/2023


https://maps.hillsboroughcounty.org/MapHillsborough/MapHillsborough.html
Map Hillsborough Viewer 2.5
Hillsborough County Florida
12910 Boyette Rd, Riverview
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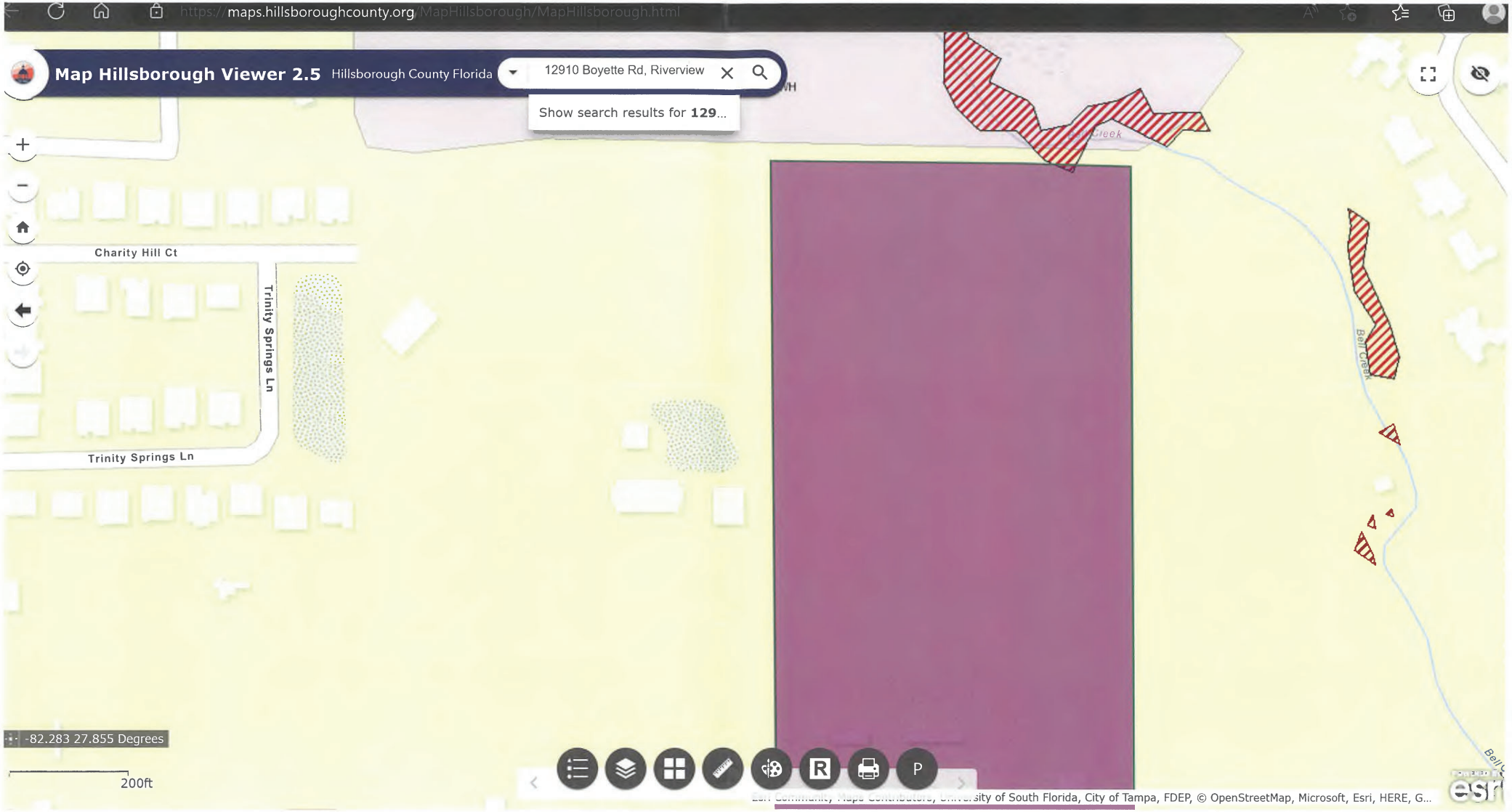
https://maps.hillsboroughcounty.org/MapHillsborough/MapHillsborough.html
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Trinity Springs Ln
Trinity Springs Ln
Bell Creek
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Application No. RZ 22-0675
Name: Ryan Brooks ZHM
Entered at Public Hearing:
Exhibit # 4 Date: 1/17/2023

January 17, 2023

Zoning Hearing Master
Hillsborough County
601 E Kennedy Blvd.
Tampa, FL 33602

Re: Objection to Application #PD 22-0075

Dear Zoning Hearing Master:

On behalf of the Boyette Springs Homeowners Association, we respectfully state our objection to Mattamy Tampa/Sarasota LLC's rezoning application for the property at 12910 Boyette Road (Application #PD 22-0075) to build 86 townhomes and 20,000 square feet of commercial space across from our neighborhood.

This project is incompatible with the traffic and safety in the neighborhood and must be denied.

There are already traffic backups on Boyette Road, Sedgebrook Drive, and Bell Creek Drive. The proposed project will add 2,299 daily trips to an already extremely strained area for traffic. Our neighborhood can't tolerate further backups, and the developer isn't proposing anything to fix it.

Boyette Springs Elementary School is on Sedgebrook Drive. During school pick-up and drop-off, traffic backs up on Boyette Road almost to Tarragon Drive. Adding over two thousand daily trips, including an extra 200 plus trips during the morning, will make this situation worse. There are frequently accidents on Boyette Road and we as a community are concerned that the new project will exacerbate it. Kids walk on the side of the road and the extra traffic will put their safety at risk. Or, parents won't want them to walk and drive them instead. As a result, there will be even more cars on the road.

We are also concerned that the proposal will change the safety and character of our neighborhood and reduce property values. Our single-family home community is surrounded by a nature preserve, parks, and a driving range. Adding retail, other commercial uses, and 86 townhomes directly across the street changes the character of our peaceful neighborhood and may bring safety issues like break-ins in the neighborhood.

We enjoy the natural environment in our neighborhood by Bell Creek, a tributary of the Alafia River, and close walking distance to the Gibbons Nature Preserve. The Hillsborough Comprehensive Plan (Goal 6, Riverview Plan) requires you to reduce the number of homes and square footage of commercial space along the river, not increase it.

We urge you to deny this proposal which is incompatible with our neighborhood, based on Comprehensive Plan FLU Policy 1.4. Mattamy Homes should develop this property based on the existing laws and not ask for more.

Sincerely, BSHOA VP

Boyette Springs Homeowners Association

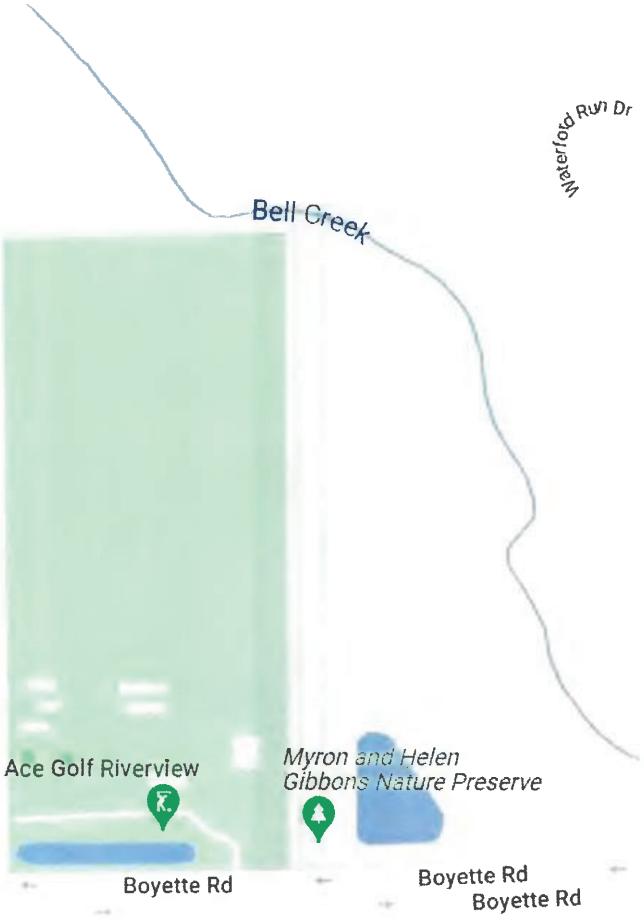
Application No. RZ 22-0075
Name: Jennifer Miller
Entered at Public Hearing: ZHM
Exhibit # 5 Date: 1/17/2023

Hello,

My name is Jennifer Miller, HOA President for Waterford on the Alafia. We have already sent a letter of opposition (*emailed to County staff on Jan. 17, 2022*) for application **PD 22-0075** but we wanted to provide some pictures regarding the flooding we mentioned in our park and of Bell Creek.

To put this into perspective, the people with houses on Bell Creek can never see the water from their backyard. You can see from Google Maps the creek is far from their properties. Pictures 4 and 5 are taken from their immediate backyard and/or pool area.

Pictures 1-3 are of the community park. When the park floods, we can't even get to the parking lot (picture 3). You would need a small boat to get from the parking lot to the tennis courts (picture 2).



The green line shows the width after it floods. The small red line inside is the normal size of the creek. This doesn't just happen when we have a hurricane, this happens with several days of heavy rain and no hurricane.

Waterford's concern is that the developments retention ponds could overflow into our already flooded area. Having an Engineer create a drainage plan for a new community is one thing but letting the Engineer see the below flooding pictures to see what happens <u>at least once a year</u> and not just a 100 yr. floodplain, is another.




4


5


2


3


1

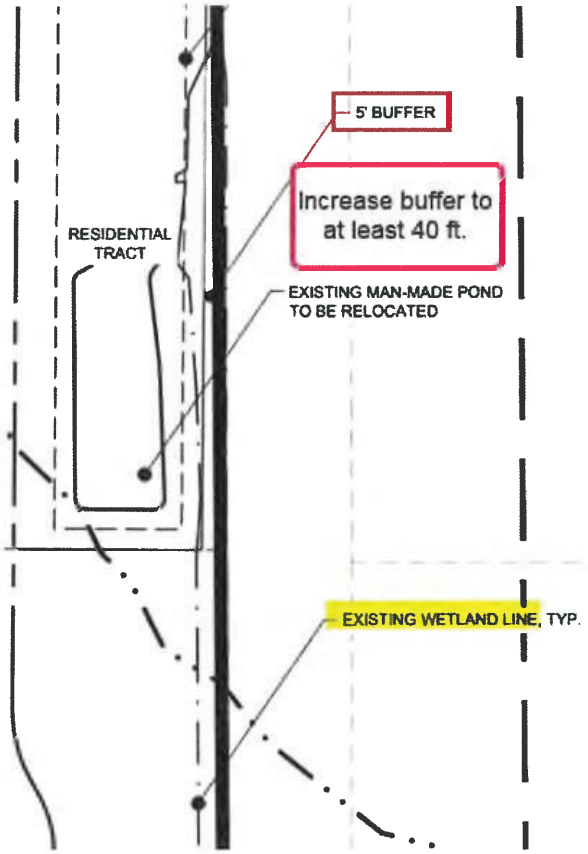
Hello,

My name is Jennifer Miller and I'm the HOA President for Waterford on the Alafia (a community located to the East of the proposed rezoning). I am writing on behalf of our community regarding application number **PD 22-0075** – Rezoning to a Planned Development.

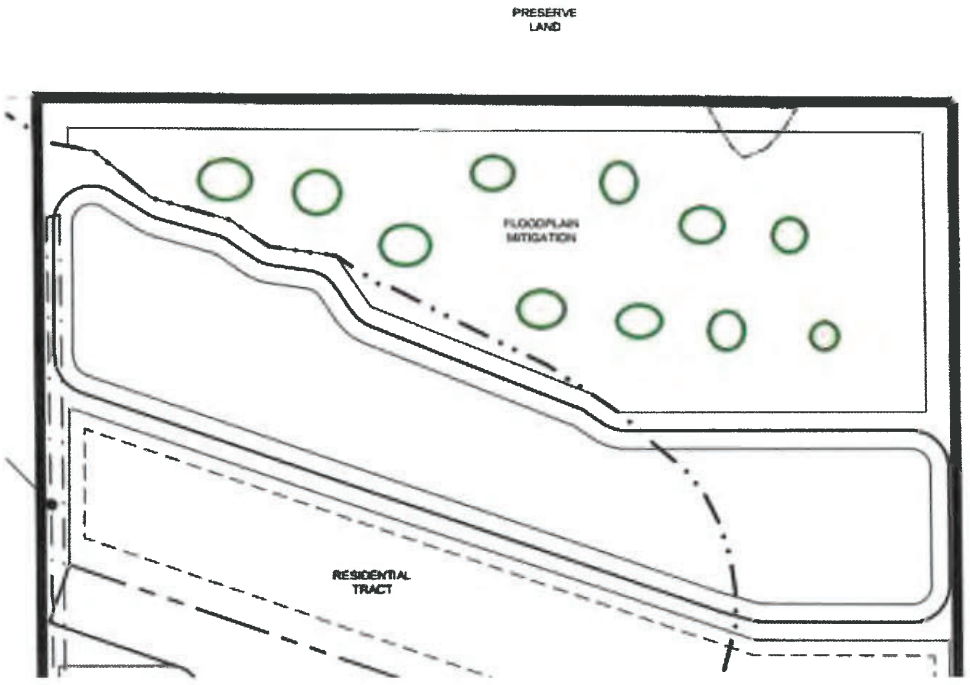
Our community would like to pass along our concerns to County Staff regarding the proposed rezoning for 12910 Boyette Rd. Riverview, FL 33569.

- We are opposed to the developers request for an increase in density (existing plan allows 4 units per acre, proposed is 6 units per acre).
    - We feel the area resources are already being strained from other developments around us and from the South County area. Currently, properties South of the Alafia River are subject to temporary one day a week irrigation from Jan. 4, 2021 – Dec. 31, 2022.
    - According to the EPA, the average person uses 82 gallons of water per day. By reducing the number of townhomes, it could save thousands of gallons of water per day on an already strained water table.
    - Schools in this area are full. We have 2 charter schools across the street from each other (a 0.6 mile walk from the proposed townhomes) and both schools have a waiting list to get in. Does the impact study address this?
    - Traffic on Boyette, FishHawk and Bell Shoals is strained already at rush hour.

- We are concerned that the buffer zone of 5 ft. is insufficient and will result in destruction of a wildlife migration trail. We would like to see a 40 ft. buffer along Tampa Bay Conservancy (East side). We would also like to ensure there are plenty of trees, whether that is keeping the ones there or planting new ones to keep the area looking natural.



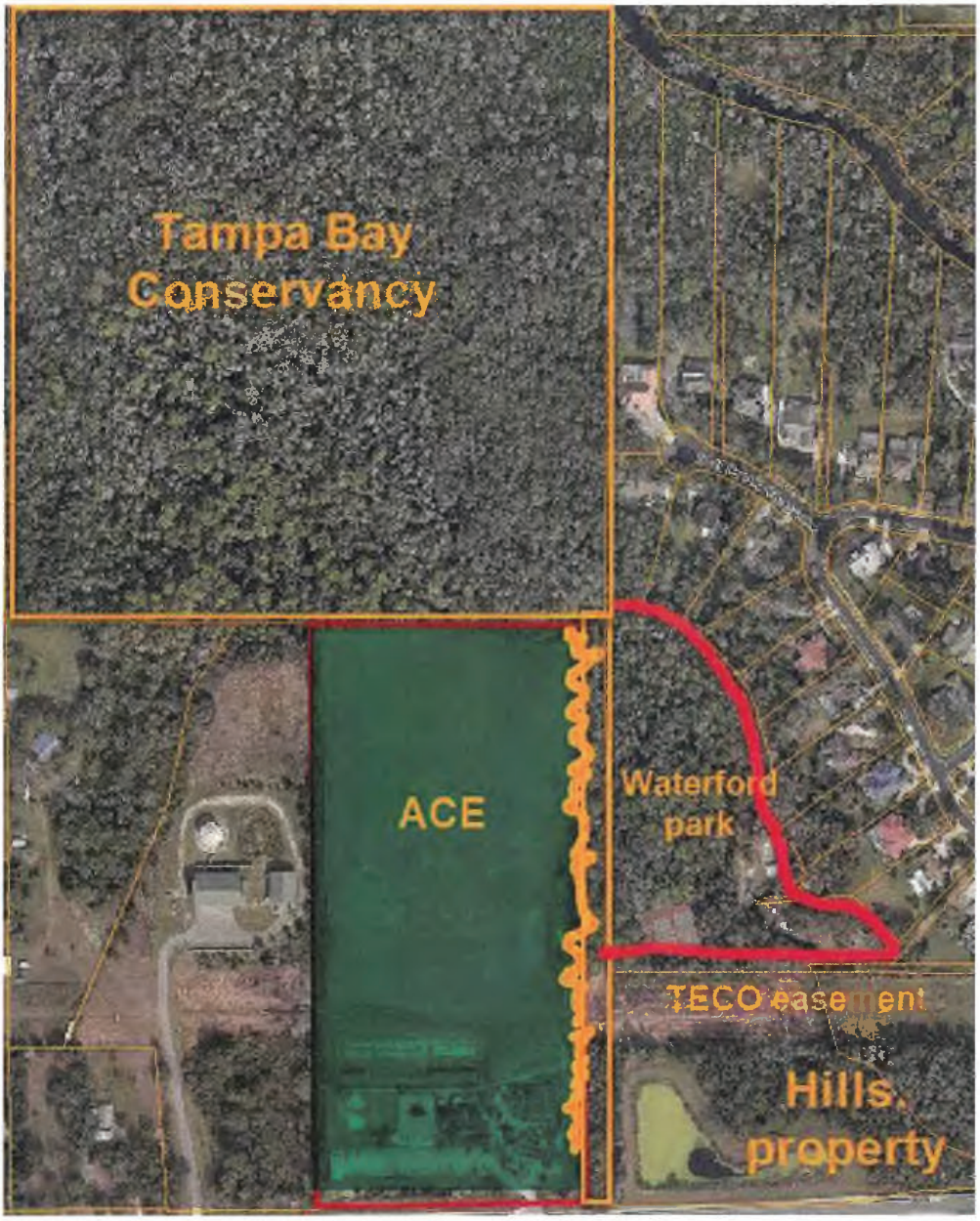
- We would like to keep as many of the current trees at the rear of the community and add some new trees to keep that area looking natural.



- We would like a copy of the environmental study that was done showing there will be no adverse impact to the surrounding properties.

- We would like to have access to the Engineer drawings for this community's drainage and the floodplain survey to ensure no flooding will happen on any surrounding properties. Our park already floods due to Bell Creek being narrow and random releases of water from the Dam located in Shadow Run for Lake Grady.
    - Where will the street and surface water be drained to?

- We would like a 6 ft. tall Trex style fence as that looks more natural (a white PVC fence, is not acceptable). It should run from the road along the side of the property facing our sub-division (see photo below, orange squiggly line).
    - This would protect the townhome residents from coyote and bobcat coming in from the preserve.


Tampa Bay
Conservancy
ACE
Waterford
park
TECO easement
Hills.
property



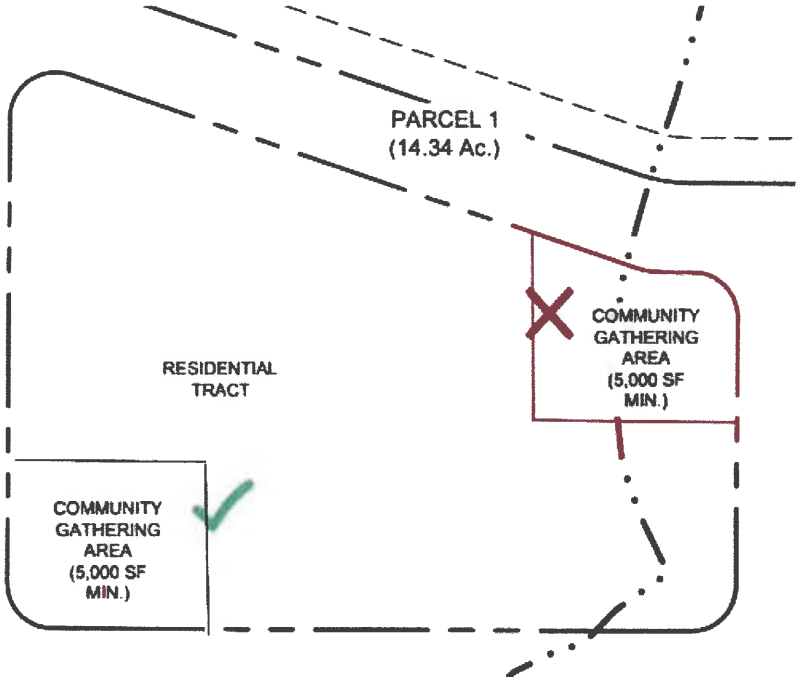


- We would prefer the community lighting be low, so it doesn't shine into the preserve or our backyards.

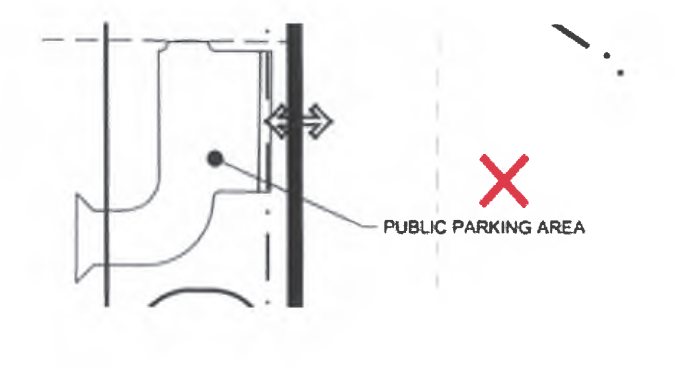


- Is there anything in writing stating how many investors can or can't purchase in the community? If so, what is the Investor to homeowner ratio?

- We would like the Community Gathering area moved so we don't hear the potential noise from gatherings.



- We are opposed to the public parking lot.
    - We are concerned that if there are trash cans or dumpsters in the area, it will impact the wildlife looking for an easy meal.
    - Current wildlife that has been seen within our community in the last year: deer, red fox, bobcat, coyote, boar, gopher turtles, raccoon, gators, raccoons, peacock's, osprey and several other bird species.



- We are opposed to any type of school or daycare going in front of the townhomes (parcel 2 - 3.72 acres) because we have so many in the area already. We have a lot of noise from the charter schools now, as well as traffic issues due the number of schools in the area. We are not opposed to professional office space.

PROPOSED LAND USE	PARCEL 1 (14.34 AC.) 86 SINGLE FAMILY TOWNHOUSES (6 DU/AC APPLYING POLICY 19.3)
X	PARCEL 2 (3.72 AC.) UP TO 30,000 SF OF RESIDENTIAL SUPPORT, BPO, & COMMERCIAL NEIGHBORHOOD USES WITH EXCEPTIONS (NO DRIVE-THRUS & NO CONVENIENCE STORES -WITH OR WITHOUT GAS PUMPS)

Rezoning

My name is Gary Gibbons. I am here to represent the Gibbons Family (my 97-year old mother, Helen Gibbons, my 3 siblings who among us have 9 children, who have blessed our mother with 12 great grandchildren, 2 of whom have been born since this Petition was filed).

My father bought what is now the 60-acre **Helen and Myron Gibbons Nature Preserve** in the early 1960's and he always wanted the land to stay undeveloped—which it did until the time that it was donated to the Tampa Bay Conservancy who has continued his wishes. The Preserve has been designated as an Old Growth Forrest and the County recognizes it as a Significant Wildlife Habitat.

My mother, on behalf of her children, grandchildren and great-grandchildren has filed a letter in opposition to this Rezoning Request **as being too intensive and not being compatible with surrounding properties—Her objection letter is in the record.**

Show map on the Elmo:

As you can see, Bell Creek abuts the Applicant's property and runs through the Preserve. Bell Creek floods frequently, and has since the 1960's. We had a footbridge over the creek that washed away in a previous flood.

Bell Creek is a major tributary of the Alafia River—which is a major source of drinking water for Tampa Bay Water, which provides drinking water for the entire region.

The Preserve is a Significant Wildlife Habitat Area, and Bell Creek is a designated Coastal High Hazard Area. **It is the exact kind of property intended to be protected under Goal 6 of the Riverview Community Plan.**

That Community Plan clearly states that densities and intensities are to be REDUCED, not INCREASED in order to maintain, preserve and protect the environmental quality and wildlife habitat of the Alafia River and its surrounding watershed.

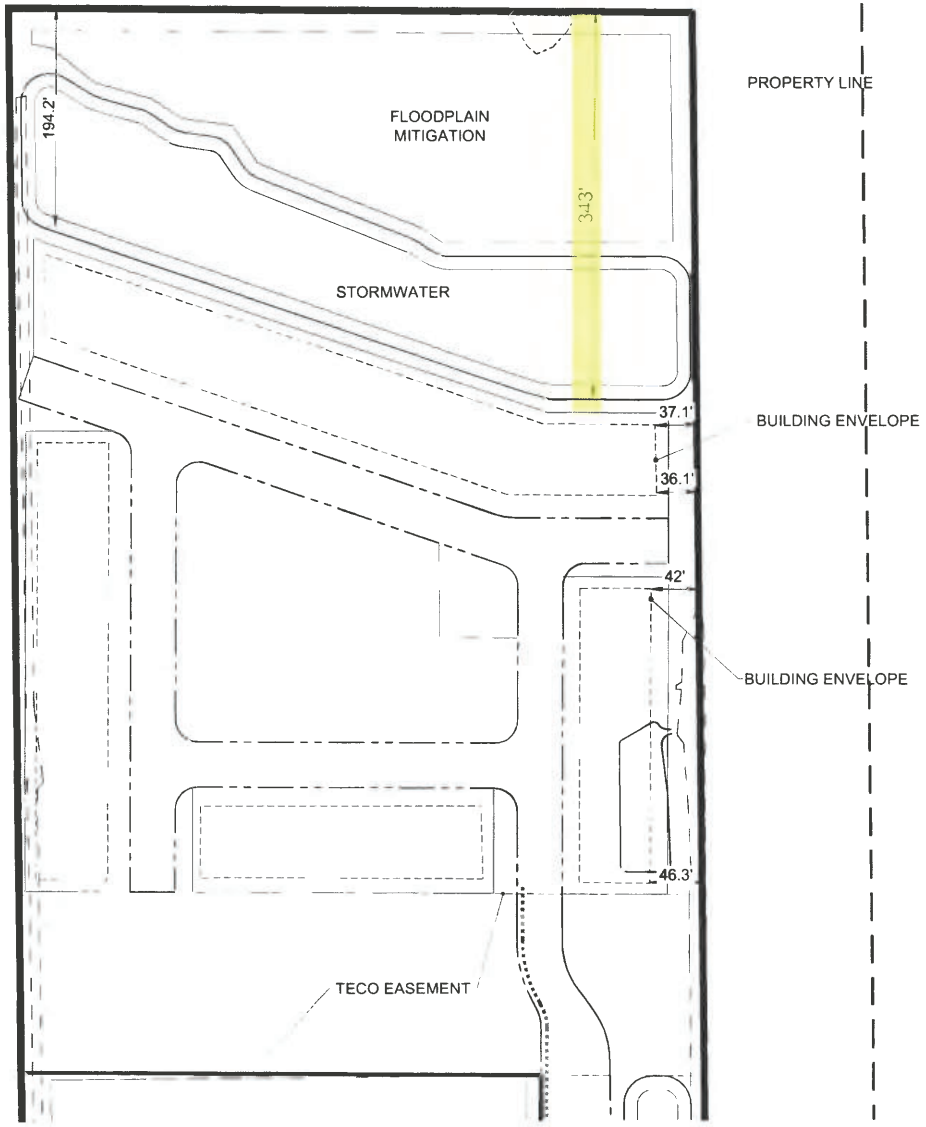
This rezoning application violates Goal 6 by seeking to intensify development by adding commercial uses that were never contemplated under the current zoning -- and then trying to leverage that intensive commercial use to INCREASE THE DENSITY right next to the watershed and a Significant Wildlife Habit Area. That should never be allowed!

Offer the maps into evidence in the record.

This project is totally incompatible with the surrounding properties.

For protection of this critical watershed, this Application should be denied.

Application No. RZ 22-6675
Name: Kami Corbett
Entered at Public Hearing: ZHM
Exhibit # 6 Date: 6/17/2023



PROJECT TEAM MEMBERS:

LEGAL COUNSEL:
HILL WARD HENDERSON
101 E. KENNEDY BLVD.
SUITE 3700
TAMPA, FL 33602
(813) 221-3900

SURVEYOR:
GEOPOINT SURVEYING, INC.
213 HOBBS STREET
TAMPA, FL 33619
PHONE: (813) 248-2211

ENVIRONMENTAL:
NAYLOR ENVIRONMENTAL
611 ISLEBAY DRIVE
APOLLO BEACH, FL 33572
PHONE: (727) 207-5525

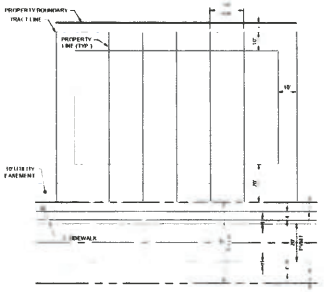
ENGINEER:
LEVELUP CONSULTING, LLC
505 E. JACKSON STREET
SUITE 200
TAMPA, FLORIDA 33602
PHONE: (813)-296-2595

DEVELOPER:
MATTAMY HOMES
4107 CRESCENT PARK DRIVE
RIVERVIEW, FL. 33578
PHONE: (813) 381-3838

TRANSPORTATION:
LINCKS & ASSOC., INC.
5023 W. LAUREL STREET
TAMPA, FL. 33607
PHONE: (813) 289-0039



VICINITY MAP
N.T.S.



TYPICAL TOWNHOME LOT DETAIL
N.T.S.

PROPERTY DESCRIPTION

LEGAL DESCRIPTION PROVIDED BY "BROOKS AND AMANDE, INC."

DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 20 EAST, AND RUN THENCE ALONG THE NORTH BOUNDARY OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 FOR A DISTANCE OF 660.00 FEET TO THE NORTHWEST CORNER OF BOYETTE SPRINGS PHASE 2A, AS RECORDED IN PLAT BOOK 131, PAGE 111 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA; THENCE ALONG THE WEST BOUNDARY OF SAID BOYETTE SPRINGS PHASE 2A FOR A DISTANCE OF 1,320.00 FEET TO THE SOUTHWEST CORNER OF SAID BOYETTE SPRINGS PHASE 2A; THENCE ALONG THE SOUTH BOUNDARY OF SAID BOYETTE SPRINGS PHASE 2A, NORTH 89°56'26" WEST, A DISTANCE OF 660.26 FEET TO THE POINT-OF-BEGINNING.

TRACT CONTAINS 18.06 ACRES, MORE OR LESS.

DATE PREPARED: DECEMBER 22, 2022

PROJECT NAME: ACE RANGE (BOYETTE)	LEVELUP CONSULTING, LLC
DRAWING TITLE: RESIDENTIAL SETBACKS	
PREPARED FOR:	505 E. JACKSON STREET SUITE 200 TAMPA, FLORIDA 33602 OFFICE: 813-375-0616 WWW.LEVELUPFLORIDA.COM
PROJECT No 095-01-01	
SHEET 1	



Alafia Scrub Nature Preserve

Conservation and Environmental Lands Management Department

HCFLGov.net

813-672-7876

LEGEND

- Preserve Entrance
- Preserve Boundary
- Parking
- Kiosk
- Trailhead
- Trail Marker
- Audio Tour
- Trail Bench
- Observation Deck
- Picnic Table

PUBLIC TRAILS

Hiking Only Trails

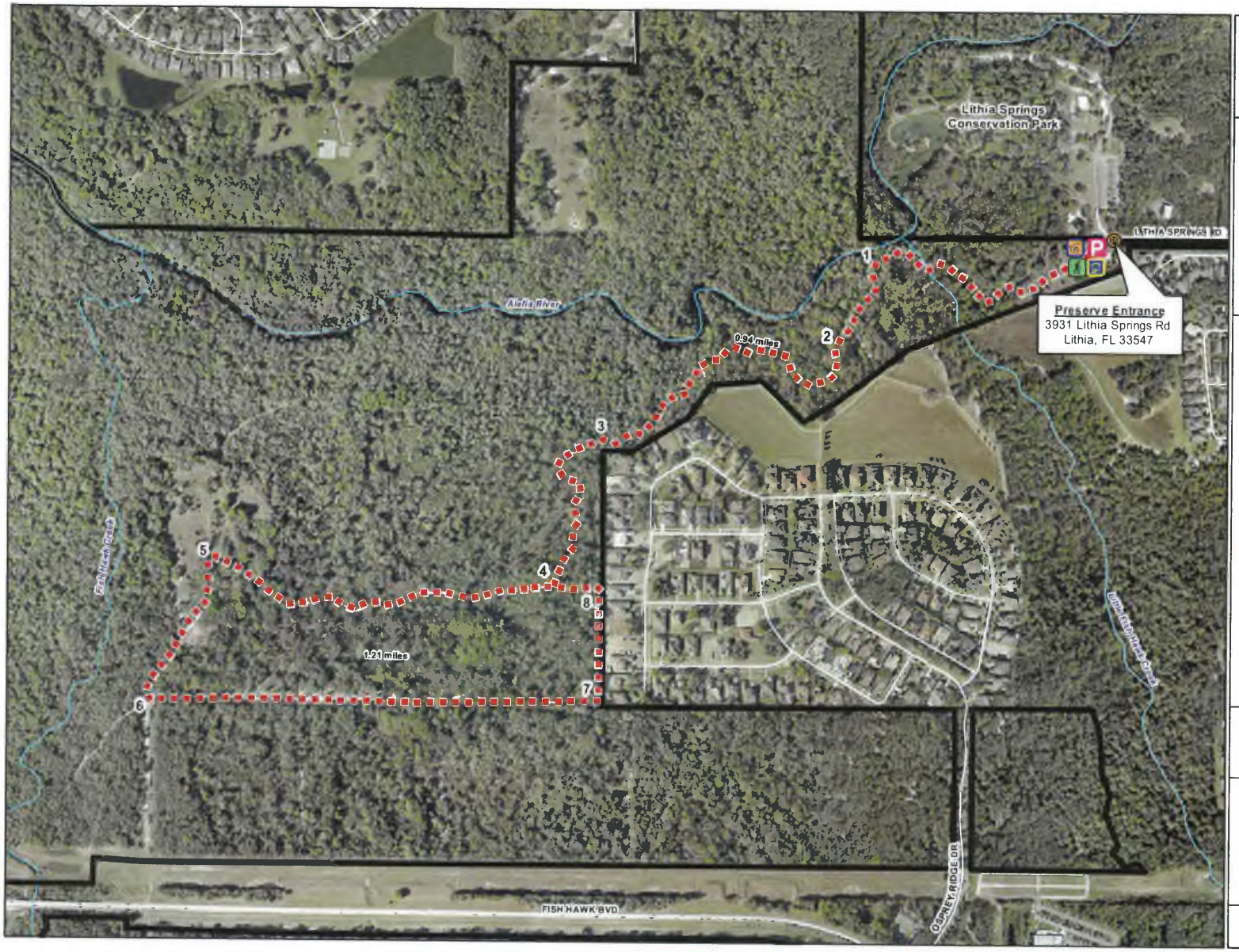
- Red Loops - 1.7 miles
- Connector - 955 feet
- Yellow Spur - 917 feet

Hillsborough County Florida

0 0.05 0.1 0.15 0.2 0.25

Miles

"Navigate map with a mobile map app, such as Avenza"



Fish Hawk Creek (North) Nature Preserve

Conservation and Environmental Lands Management Department

HCFLGov.net

For map information, contact:
813-672-7876
For emergencies, contact:
813-744-5572 or 911

LEGEND

- Preserve Entrance
- Preserve Boundary
- Parking
- Kiosk
- Trailhead
- Picnic Shelter
- Streams
- # Trail Marker

PUBLIC TRAILS

Hiking Only Trail

- Red Trail

Hillsborough County Florida

0 0.05 0.1 0.15 0.2 0.25
Miles

Navigate map with a mobile map app, such as Avenza



Bell Creek Nature Preserve

Conservation and Environmental Lands Management Department

HCFLGov.net

813-672-7876

LEGEND

- Preserve Entrance
- Preserve Boundary
- Parking
- Kiosk
- Trailhead
- Picnic Table
- Office Complex
- Streams
- # Trail Marker
- Audio Tour

PUBLIC TRAILS

Hiking Only Trails

- North (Red) Loop
- Yellow Spur
- Blue Loop

Hillsborough County Florida

0 0.1 0.2 0.3 0.4 0.5 Miles

Navigate map with a mobile map app, such as Avenza

Application No. RZ 22-0075
Name: Steve Henry
Entered at Public Hearing: ZHM
Exhibit # 7 Date: 1/17/2023

2020
LEVEL OF SERVICE
REPORT

Hillsborough County Florida

Updated October 2021

On Street	From	To	Lane No	Lane Type	Length	Speed Limit	LOS Std	AADT*	Peak Hour Pk Dir Vol	Daily MSV	Daily v/c Ratio	Daily LOS	Pk Hr Pk Dir MSV	Pk Hr Pk Dir v/c Ratio	Pk Hr Pk Dir LOS	Jurisdiction	Local Func Class
11TH AVE NW	14TH ST NW	US 41	2	U	1.09	35	D	3,167	161	14,060	0.23	C	713	0.23	C	CR	C
12TH ST NE / INTERCHANGE ST	SHELL POINT RD	US 41	2	U	1.67	40	D	3,360	171	16,815	0.20	C	836	0.20	C	CR	C
131ST AVE	NEBRASKA AVE	30TH ST	2	U	1.54	30	E	9,315	475	14,820	0.63	D	760	0.63	D	CR	C
14TH AVE SE	US 41	24TH ST SE	2	U	2.05	45	D	1,984	101	16,815	0.12	C	836	0.12	C	CR	C
14TH ST NW	SHELL POINT RD	19TH AVE NW	2	U	1.00	40	D	1,300	74	16,815	0.08	C	836	0.09	C	CR	C
15TH ST	FOWLER AVE	FLETCHER AVE	2	U	1.02	30	D	8,900	458	14,060	0.63	D	713	0.64	D	CR	C
19TH AVE NE	US HWY 41	US HWY 301	2	U	6.09	45	D	15,200	686	16,815	0.90	C	836	0.82	C	CR	A
19TH AVE NW	EG SYMMONS PARK	US HWY 41	2	U	2.32	45	D	3,600	174	16,815	0.21	C	836	0.21	C	CR	C
21ST AVE SE	6TH ST SE	24TH ST SE	2	U	1.52	45	D	2,135	109	16,815	0.13	C	836	0.13	C	CR	C
21ST ST SE	SR 674	SHELL POINT RD	2	U	0.51	35	D	2,500	160	14,060	0.18	C	713	0.22	C	CR	C
22ND ST	CLUB DR	BEARSS AVE	2	U	1.79	25	E	9,700	471	14,820	0.65	D	760	0.62	D	CR	C
24TH ST SE	21ST AVE SE	SR 674	2	U	1.25	45	D	3,764	192	16,815	0.22	C	836	0.23	C	CR	C
24TH ST NE	SR 674	SHELL POINT RD	4	D	0.50	40	D	4,700	261	37,810	0.12	C	1900	0.14	C	CR	C
24TH ST NE	SHELL POINT RD	19TH AVE NE	2	D	1.01	30	D	3,150	161	14,763	0.21	C	749	0.21	C	CR	C
30TH ST	SR 674	SHELL POINT RD	4	D	0.46	40	D	17,100	989	37,810	0.45	C	1900	0.52	C	CR	C
30TH ST	SHELL POINT RD	19TH AVE NE	2	D	1.08	40	D	17,100	989	17,656	0.97	F	878	1.13	F	CR	C
46TH ST	FLETCHER AVE	SKIPPER RD	2	U	0.78	35	D	14,683	748	14,060	1.04	E	713	1.05	E	CR	C
50TH ST	FOWLER AVE	FLETCHER AVE	2	U	1.01	45	E	10,941	558	16,816	0.65	C	837	0.67	C	CR	C
56TH ST	FOWLER AVE	FLETCHER AVE	4	D	1.01	45	D	21,500	812	37,810	0.57	C	1900	0.43	C	CR	A
6TH ST SE	21ST AVE SE	SR 674	2	U	1.26	40	D	3,363	171	16,815	0.20	C	836	0.20	C	CR	C
78TH ST	RIVERVIEW DR	MADISON AVE	2	U	2.40	50	D	4,500	335	16,815	0.27	C	836	0.40	C	CR	C
78TH ST	MADISON AVE	CAUSEWAY BLVD	2	U	1.62	50	E	14,100	683	16,816	0.84	C	837	0.82	C	CR	C
78TH ST	CAUSEWAY BLVD	PALM RIVER RD	4	D	1.26	45	E	16,900	872	37,811	0.45	C	1901	0.46	C	CR	A
78TH ST	PALM RIVER RD	ADAMO DR	4	D	0.79	45	D	16,900	872	37,810	0.45	C	1900	0.46	C	CR	A
ANDERSON RD	HILLSBOROUGH AVE	SLIGH AVE	2	U	1.09	35	D	10,629	542	14,060	0.76	D	713	0.76	D	CR	C
ANDERSON RD	SLIGH AVE	WATERS AVE	4	D	1.08	45	E	17,100	942	37,811	0.45	C	1901	0.50	C	CR	A
ANDERSON RD	WATERS AVE	LINEBAUGH AVE	4	D	1.05	50	E	22,100	1058	37,811	0.58	C	1901	0.56	C	CR	A
ANDERSON RD	LINEBAUGH AVE	GUNN HWY	4	D	1.50	45	D	20,800	1169	37,810	0.55	C	1900	0.62	C	CR	A
ANGEL LN	LUTZ LAKE FERN	PASCO COUNTY	2	U	0.92	35	C	766	39	13,680	0.06	C	675	0.06	C	CR	C
APOLLO BEACH BLVD	SURFSIDE BLVD	US HWY 41	4	D	2.47	35	D	5,102	260	30,780	0.17	C	1549	0.17	C	CR	C
ARMENIA AVE	JOROME DR (CITY LIMITS)	FLETCHER AVE	2	U	0.99	35	D	5,600	255	14,060	0.40	C	713	0.36	C	CR	C
BALM BOYETTE RD	CR 672	BOYETTE RD	2	U	4.19	40	C	2,800	162	17,300	0.16	B	860	0.19	B	CR	C
CR 672 / BALM RD	BALM RIVERVIEW RD	BALM BOYETTE RD	2	U	1.48	55	D	8,100	361	23,400	0.35	B	1160	0.31	B	CR	A
CR 672 / BALM RD	US HWY 301	BALM RIVERVIEW RD	2	U	3.80	55	D	6,000	286	23,400	0.26	B	1160	0.25	B	CR	A
BALM RIVERVIEW RD	BALM RD	BIG BEND RD	2	U	2.35	55	C	5,300	278	13,680	0.39	C	675	0.41	C	CR	C
BALM RIVERVIEW RD	BIG BEND RD	RHODINE RD	2	U	1.55	45	D	15,000	622	14,060	1.07	F	713	0.87	D	CR	C
BALM RIVERVIEW RD	RHODINE RD	BOYETTE RD	2	U	2.51	45	D	15,100	647	14,060	1.07	F	713	0.91	D	CR	C
BALM RIVERVIEW RD	BOYETTE RD	US HWY 301	2	U	1.22	35	D	8,600	488	14,060	0.61	D	713	0.68	D	CR	C
BALM WIMAUMA RD	SR 674	CR 672	2	U	3.97	50	C	2,752	140	17,300	0.16	B	860	0.16	B	CR	C
BARRY RD	HANLEY RD	BENJAMIN RD	2	U	1.30	25	D	5,592	285	14,060	0.40	C	713	0.40	C	CR	C
BEARSS AVE	DALE MABRY HWY	FLORIDA AVE	4	D	2.87	45	E	42,768	2179	37,811	1.13	F	1901	1.15	F	CR	A
BEARSS AVE	NEBRASKA AVE	BRUCE B DOWNS BLVD	4	D	1.88	45	D	29,200	1172	37,810	0.77	C	1900	0.62	C	CR	A
BELL SHOALS RD	BOYETTE RD	BLOOMINGDALE AVE	2	U	2.76	45	D	29,187	1487	16,815	1.74	F	836	1.78	F	CR	C
BELL SHOALS RD	BLOOMINGDALE AVE	LITHIA PINECREST	2	U	1.99	35	D	4,934	226	14,060	0.35	C	713	0.32	C	CR	C
BENJAMIN RD	HILLSBOROUGH AVE	SLIGH AVE	2	U	1.01	40	D	16,722	852	16,815	0.99	D	836	1.02	F	CR	C
BENJAMIN RD	SLIGH AVE	WATERS AVE	2	U	1.01	35	D	17,364	885	14,060	1.23	F	713	1.24	F	CR	C
BIG BEND RD	DICKMAN RD	US HWY 41	2	U	1.00	45	D	5,000	255	14,060	0.36	C	713	0.36	C	CR	C
BIG BEND RD	US HWY 41	I-75 N RAMP	4	D	1.75	55	D	36,000	1600	37,810	0.95	C	1900	0.84	C	CR	A
BIG BEND RD	I-75 N RAMP	US HWY 301	4	D	1.32	55	D	45,900	3681	37,810	1.21	F	1900	1.94	F	CR	A
BIG BEND RD	US HWY 301	SUMMERFIELD BLVD	6	D	1.02	45	D	26,605	1356	37,810	0.70	C	1900	0.71	C	CR	C
BIG BEND RD	SUMMERFIELD BLVD	BALM RIVERVIEW	2	U	2.12	45	D	23,500	2010	16,815	1.40	F	836	2.40	F	CR	C
BLOOMINGDALE AVE	US HWY 301	GORNTO LAKE RD	6	D	0.45	45	D	36,500	1483	56,905	0.64	C	2869	0.52	C	CR	A
BLOOMINGDALE AVE	GORNTO LAKE RD	KINGS AVE	4	D	2.24	45	D	42,500	1847	37,810	1.12	F	1900	0.97	D	CR	A
BLOOMINGDALE AVE	KINGS AVE	BELL SHOALS RD	4	D	1.52	45	D	41,100	1621	37,810	1.09	F	1900	0.85	C	CR	A
BLOOMINGDALE AVE	BELL SHOALS RD	LITHIA PINECREST RD	4	D	1.56	45	D	29,600	1134	37,810	0.78	C	1900	0.60	C	CR	A
BLOOMINGDALE AVE	LITHIA PINECREST RD	LITTLE RD	2	U	1.47	45	D	16,900	928	16,815	1.01	F	836	1.11	F	CR	C
BOY SCOUT RD	RACE TRACK RD	TARPON SPRINGS RD	2	U	3.83	45	C	6,200	356	17,300	0.36	B	860	0.41	B	CR	C
BOYETTE RD	US HWY 301	BALM RIVERVIEW RD	6	D	0.83	45	D	26,800	1320	56,905	0.47	C	2869	0.46	C	CR	A
BOYETTE RD	BALM RIVERVIEW RD	BELL SHOALS RD	4	D	1.17	45	D	29,200	1636	37,810	0.77	C	1900	0.86	C	CR	A

PARTY OF RECORD

Dear Commissioner,

I live in the Boyette Springs neighborhood at 10619 Deepbrook Dr I object to Mattamy Tampa/Sarasota LLC's rezoning application for the property at 12910 Boyette Road (Application #PD 22-0075) to build 86 townhomes and 20,000 square feet of commercial space across from my neighborhood.

This project is incompatible with the traffic and safety in the neighborhood and must be denied.

There are already traffic backups on Boyette Road, Sedgebrook Drive, and Bell Creek Drive. (Insert specific observation/story/add photo of bad traffic). The proposed project will add 2,299 daily trips to an already extremely strained area for traffic. Our neighborhood can't tolerate further backups, and the developer isn't proposing anything to fix it.

Boyette Springs Elementary School is on Sedgebrook Drive. During school pick-up and drop-off, traffic backs up on Boyette Road almost to Tarragon Drive. Adding over two thousand daily trips, including an extra 200 plus trips during the morning, will make this situation worse. There are frequently accidents on Boyette Road and I am concerned this will exacerbate it. (Insert specific story/photo/details here). Kids walk on the side of the road (include photos!) and adding this extra traffic will put them at risk. Or, parents won't want them to walk and drive them instead. As a result, there will be even more cars on the road.

I am also concerned that the proposal will change the safety and character of my neighborhood and reduce property values. We live in a single-family community surrounding by a nature preserve, parks, and a driving range. Adding retail, other commercial uses, and 86 townhomes directly across the street changes the character of our peaceful neighborhood and may bring safety issues like break-ins in the neighborhood.

I urge you to deny this proposal which is incompatible with my neighborhood, based on Comprehensive Plan FLU Policy 1.4. Mattamy Homes should develop this property based on the existing laws and not ask for more.

Sincerely,

H Benson

Happy Benson
10619 Deepbrook Dr
33569
813-662-4525

10619 Deephrooke Dr
33569

TAMPA FL 335
SAINT PETERSBURG FL
14 DEC 2022 PM 4 L



HC Zoning Hearing Master
P.O. Box 1110
Tampa, FL
33601

33601-111010

Template Opposition Letter

Dear Commissioner,

I live in the Boyette Springs neighborhood at 12107 Wildbrook Dr. I object to Mattamy Tampa/Sarasota LLC's rezoning application for the property at 12910 Boyette Road (Application #PD 22-0075) to build 86 townhomes and 20,000 square feet of commercial space across from my neighborhood.

This project is incompatible with the traffic and safety in the neighborhood and must be denied.

There are already traffic backups on Boyette Road, Sedgebrook Drive, and Bell Creek Drive. (Insert specific observation/story/add photo of bad traffic). The proposed project will add 2,299 daily trips to an already extremely strained area for traffic. Our neighborhood can't tolerate further backups, and the developer isn't proposing anything to fix it.

Boyette Springs Elementary School is on Sedgebrook Drive. During school pick-up and drop-off, traffic backs up on Boyette Road almost to Tarragon Drive. Adding over two thousand daily trips, including an extra 200 plus trips during the morning, will make this situation worse. There are frequently accidents on Boyette Road and I am concerned this will exacerbate it. (Insert specific story/photo/details here). Kids walk on the side of the road (include photos!) and adding this extra traffic will put them at risk. Or, parents won't want them to walk and drive them instead. As a result, there will be even more cars on the road.

I am also concerned that the proposal will change the safety and character of my neighborhood and reduce property values. We live in a single-family community surrounding by a nature preserve, parks, and a driving range. Adding retail, other commercial uses, and 86 townhomes directly across the street changes the character of our peaceful neighborhood and may bring safety issues like break-ins in the neighborhood.

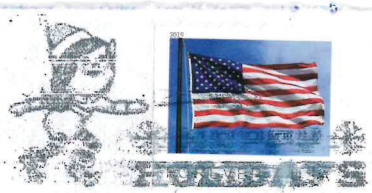
I urge you to deny this proposal which is incompatible with my neighborhood, based on Comprehensive Plan FLU Policy 1.4. Mattamy Homes should develop this property based on the existing laws and not ask for more.

Sincerely,

Stacy M. Calley

Larry A Colley
12107 Wildbrook Dr
Riverview, FL 33569-4109

TAMPA FL 335
SAINT PETERSBURG FL
13 DEC 2022 PM 9 L



Zoning Hearing Master
P.O. Box 1110
Tampa, FL 33601

33601-111010

Received April 18, 2022
Development Services

Helen C. Gibbons
3501 Bayshore Blvd., Tampa, FL 33629

April 7, 2022

Zoning Hearing Master
Hillsborough County
601 E. Kennedy Blvd.
Tampa, FL, 33602

Re: RZ22-0075 (12910 Boyette Road, Riverview, FL)

Dear Zoning Hearing Master:

I am writing this letter on behalf of the Gibbons family, who for many years owned the property next door to the property which is proposed to be rezoned and developed. My four children told me about what is proposed on the property next door. My children and my 9 grandchildren and 10 great-grandchildren all join with me in objecting to the rezoning of this property.

My husband purchased this property in the early 1960s. Other than building a wooden bridge over Bell Creek so that we could walk on a trail that meanders through the property and along the Alafia River and Bell Creek, we never took any action to disturb the land or change it from its pristine state. As a result, the property which is now owned by the Tampa Bay Conservancy and is a nature preserve (graciously named after my husband and me) has been designated as a unique biological site and one of the few Old Growth Forests remaining in this area.

Needless to say, there have been unbelievable changes in the area since we first started enjoying our property in the 1960s, but this property has always been zoned as Agricultural Residential, and with that designation, it was intended that there would be minimal impacts on the surrounding land, especially the Preserve. The planning for this area never contemplated that there would be 86 townhomes and a huge grocery store, and a large day care center on this property. At most, there would be agricultural uses and one single-family residence on a 5-acre lot.

The Preserve has limited parking which restricts the numbers of people who can visit at any one time, and it has helped to "preserve the Preserve," so to speak. Having the Preserve become a private park for new residents of 86 townhomes, grocery store customers and employees, and all of the day care customers will have huge adverse impacts on the Preserve.

I do not understand how the developers can say with a straight face that the proposed development is "compatible" and that there will be no impacts on surrounding properties.

The last thing that is needed on this property is an intrusive development of this magnitude. Please deny this rezoning request.

Sincerely,

Helen C. Gibbons

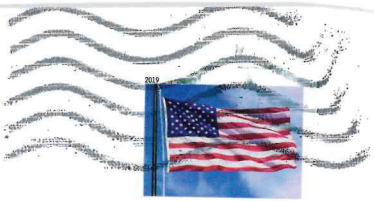
Helen C. Gibbons

Received April 18, 2022
Development Services

22-0075

Allen Gibbons
3501 Bayshore Blvd
Tampa, FL 33629

TAMPA FL 335
SAINT PETERSBURG FL
APR 2022 PM 3 L



Zoning Hearing Master
Hillsborough County
601 E Kennedy Blvd.
Tampa, FL 33602

33602-49323

Rome, Ashley

From: Monsanto, Israel
Sent: Tuesday, November 22, 2022 2:26 PM
To: Jane Graham
Cc: James Anderson; Ethel Hammer; Gary Gibbons; Grady, Brian; Gormly, Adam; Watts, Melissa; Clark, Cameron; Dorman, Mary; Lundgren, Johanna; Rome, Ashley; Medrano, Maricela
Subject: RE: PD 22-ed, Ace Golf Rezoning 22-0075
Attachments: PGM Store Tutorial.pdf

Good afternoon Ms. Graham,

Our department just received updated information earlier this afternoon for PD RZ 22-0075. Zoning Intake staff will be uploading the files received later today to the PGM Store (online permit system) to be available to the public.

PGM Store Instructions:
For your convenience, application records may be viewed directly on our website. We have attached the instructions to access the PGM Store. To review all application records on our website please turn off your Pop-Up Blocker before you log in. Click on the following link

https://www.hillsboroughcounty.org/en/businesses/permits-and-records/permits/plans-and-permit-information-pgm-store

To enter the PGM Store. Click on ENTER PGM STORE. The username and password are public. Double click on Document Repository. To access the information, please enter the tracking number in the box that reads APP/Permit/Tracking #, or by address or folio #, then click Query. A blue bar will pop up with the Application number, Folio ID, Permit type & Current Status. Double click on the bar to access the documents. Scroll down the page and you will find all the documents you are looking for. The Tracking, in this case, would be 22-0075.

Please feel free to email me if questions.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:15 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

As to the portion of your question regarding participation by objectors, there is no deadline to "register" to participate in the hearing. An objector may submit documentary evidence either in person or by proxy during the Zoning Hearing Master hearing, or by submitting documentary evidence to the master file two business days prior to the hearing. See Sec. 10.03.06 of the LDC.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Tuesday, November 22, 2022 1:55 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Good afternoon,

As of today, has your department received any site plan revisions for this application? If so, how might we access them? What is the deadline for someone to register as an interested party? Is there a deadline for an objector to submit information?

Thanks and happy Thanksgiving.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Monday, November 14, 2022 3:34 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Hi Jane,

This case was remanded to the December 12 ZHM. Deadline to submit site plan revisions is November 22.

Our department has not received updated materials yet.

Regards,

Israel Monsanto
Executive Planner

Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, November 14, 2022 3:28 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Hi Johanna,

Hope you are doing well. Are there any updates on the status of this application?

Is there a deadline to submit additional comments?

Thanks.

Best,

Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100

Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, October 11, 2022 8:44 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, the statements in your below email are accurate, and the remand hearing will not be limited to specific issues.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, 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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:39 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam

<Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Thanks for letting me know. I appreciate it.

So I am clear about the Dec 12 hearing we spoke about earlier today (and this could help resolve our question/objection), could you please confirm that the remand request will bring PD-22-0075 back to the Land Use Hearing Officer hearing, where:

1) The hearing will not be limited to a specific issue on remand but will be a fresh hearing where everything relating to the application will be open for discussion from the beginning;
2) New parties of record, including those who did not participate in the July 25 hearing, may participate;
3) New evidence will be accepted from the applicant, proponents, and opponents; and
4) Public comment time (the cumulative total of 15 min) will be open, available to both people who participated in the July 25 hearing and those who did not.

If so, could you confirm by email and ensure this is in the record during the remand discussion tomorrow?

Also, Ms. Corbett shared with me the Oct. 11 BOCC Changes/Corrections/Additions document which states that the request is for a remand of the application, without specifying any specific conditions/corrections/new evidence. I understand this to mean the entire application is to be remanded, without limitation. Is that your interpretation as well?

Thanks again.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 5:44 PM

To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
The Board does not typically take public testimony or comment on the Changes portion of the agenda, which is the point in the meeting at which the Board will consider and vote on the remand. For this reason, there is not a separate form for a request to speak on the remand request.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 5:04 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Hi Johanna,

It was great to speak with you today.

I want to let you know that I intend to make a legal/procedural objection during tomorrow's meeting relating to the requested remand. I will be there in person to make this objection.

I previously submitted a form for comment for agenda item itself (F.3). Do I need to submit an additional form specifically relating to the requested remand?

Thanks and I will see you tomorrow.

Best,
Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 11:27 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, I have been advised of the remand request for RZ 22-0075.

The Board will take up the request for remand at the beginning of the meeting, when the BOCC takes a vote on the requested continuances and changes to the agenda. While the BOCC has discretion as to the decision to remand, assuming the Board grants the request, the case will not be heard by the Board tomorrow and would be scheduled for a remand hearing on the Zoning Hearing Master hearing date requested by the applicant (December 12, 2022 at 6 PM).

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115

E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:19 AM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>
Subject: FW: PD 22-ed, Ace Golf Rezoning

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

Dear Ms. Lundgren,

I represent Mr. Anderson in PD 22-0075. Yesterday, we were forwarded the below email from Ms. Kami Corbett, stating that the Applicant Mattamy Homes will be requesting a remand. Have you heard anything about this? What would the procedure be for this? Is it possible that the Board of Commissioners would refuse their request and move forward with the hearing anyway?

Please advise asap.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Kami Corbett <kami.corbett@hwhlaw.com>
Date: October 9, 2022 at 3:38:11 PM EDT
To: waterfordpoa@yahoo.com, president@tampabayconservancy.org, jfrank41@verizon.net, tbico@live.com
Cc: Mac McCraw <Mac.McCraw@mattamycorp.com>
Subject: Ace Golf Rezoning - PD 22-0075 [IWOV-FirmLive.FID1739201]

Good Afternoon -

I am the representative for Mattamy Homes, the Applicant for the above referenced rezoning. I am reaching out to you because each of you have expressed concerns about the proposed rezoning. I realize that this application has been in process for some time and has changed several times and the community did not get an opportunity to meet with the Applicant to understand the changes and discuss whether there were any other conditions or mitigating measures Mattamy could undertake help alleviate your concerns.

Upon review of the comments in the record and the last minute changes to the conditions that were presented to the ZHM, but not vetted by staff, Mattamy intends to request a remand of this case to allow us an opportunity to have staff review the conditions and to re-engage with the community.

If you know of others who have an interest in this case who would like to be part of this discussion, please feel free to share this email with them.

Kami Corbett
Shareholder

o: 813.221.3900 | d: 813.227.8421 | kami.corbett@hwhlaw.com | hwhlaw.com
101 E. Kennedy Blvd., Suite 3700, Tampa, FL 33602

HILL WARD HENDERSON
vcard bio

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Please consider the environment before printing this e-mail.

From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 9:09 AM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: edh@ehaplanners.com; gibbgary@gmail.com
Subject: Fwd: PD 22-0075, Ace Golf Rezoning

FYI

-----Original Message-----
From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
To: James Anderson <chocolatelab101@aol.com>

Sent: Mon, Oct 10, 2022 8:24 am
Subject: RE: PD 22-0075, Ace Golf Rezoning

Hi Mr. Anderson,

Yes. This case is scheduled for tomorrow's BOCC.

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 6:11 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Subject: PD 22-0075, Ace Golf Rezoning

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

Good morning Israel:

Does PD 22-0075 remain on the BOCC agenda for October 11, 2022?

Thank you!

James Anderson
10514 Sedgebrook Drive
Riverview, FL 33569

Rome, Ashley

From: Monsanto, Israel
Sent: Friday, December 2, 2022 11:28 AM
To: Rome, Ashley
Cc: Timoteo, Rosalina
Subject: FW: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Hi Ashley,

See below email for the record 22-0075.

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: Karla Llanos <llanosk@plancom.org>
Sent: Friday, December 2, 2022 11:24 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Subject: FW: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Good morning Israel,

I think you already got this email because I saw your email on the distribution list. But Melissa still wanted make sure you had this in your records.

Karla Llanos | MPA

Senior Planner | CPPR Division
813.272.5940 (Main)
813.212.0650 (Direct)
planhillsborough.org



All incoming and outgoing messages are subject to public records inspection.

-----Original Message-----
From: Melissa Lienhard <lienhardm@plancom.org>
Sent: Friday, December 2, 2022 10:44 AM
To: Karla Llanos <llanosk@plancom.org>
Subject: FW: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Hi, would you please forward this to Israel to ensure they received a copy as well? Thanks!

Melissa E. Lienhard | AICP
Planning Commission
Executive Planner
813.547.4364 (O)
planhillsborough.org

All incoming and outgoing messages are subject to public records inspection.

-----Original Message-----
From: Sharon Snyder <snyders@plancom.org>
Sent: Friday, December 2, 2022 10:25 AM
To: Melissa Lienhard <lienhardm@plancom.org>
Cc: Melissa Zornitta <zornittam@plancom.org>
Subject: FW: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Sharon Snyder

Office Manager
813.565.9316 (o)
planhillsborough.org

All incoming and outgoing messages are
subject to public records inspection.

-----Original Message-----
From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Friday, December 2, 2022 9:52 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Sharon Snyder <snyders@plancom.org>; ryanrbrooks@yahoo.com
Subject: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency
Good morning Mr. Monsanto,

Attached please find a co-signed letter from my client, Tampa Bay Conservancy, the Gibbons Family, and Boyette Springs HOA requesting Hillsborough County Planning Staff find PD 22 0075inconsistent with the Comprehensive Plan.

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526

jane@sunshinecitylaw.com <mailto:jane@sunshinecitylaw.com>
www.sunshinecitylaw.com <http://www.sunshinecitylaw.com>

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
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To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning 22-0075

Good afternoon Ms. Graham,

Our department just received updated information earlier this afternoon for PD RZ 22-0075. Zoning Intake staff will be uploading the files received later today to the PGM Store (online permit system) to be available to the public.

PGM Store Instructions:
For your convenience, application records may be viewed directly on our website. We have attached the instructions to access the PGM Store. To review all application records on our website please turn off your Pop-Up Blocker before you log in. Click on the following link

https://www.hillsboroughcounty.org/en/businesses/permits-and-records/permits/plans-and-permit-information-pgm-store

To enter the PGM Store. Click on ENTER PGM STORE. The username and password are public. Double click on Document Repository. To access the information, please enter the tracking number in the box that reads APP/Permit/Tracking #, or by address or folio #, then click Query. A blue bar will pop up with the Application number, Folio ID, Permit type & Current Status. Double click on the bar to access the documents. Scroll down the page and you will find all the documents you are looking for. The Tracking, in this case, would be 22-0075.
Please feel free to email me if questions.

Regards,
Israel Monsanto
Executive Planner
Development Services Department

_____

P: (813) 276-8389
E: monsantoi@HCFLGov.net <mailto:monsantoi@HCFLGov.net>
W: HCFLGov.net <http://www.hcflgov.net/>

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

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<https://crushcovidhc.org/>

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From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org <mailto:LundgrenJ@hillsboroughcounty.org> >
Sent: Tuesday, November 22, 2022 2:15 PM
To: Jane Graham <jane@sunshinecitylaw.com <mailto:jane@sunshinecitylaw.com> >; Monsanto, Israel <MonsantoI@hillsboroughcounty.org <mailto:MonsantoI@hillsboroughcounty.org> >
Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <Gormlya@HillsboroughCounty.ORG <mailto:Gormlya@HillsboroughCounty.ORG> >; Watts, Melissa <WattsM@hillsboroughcounty.org <mailto:WattsM@hillsboroughcounty.org> >; Clark, Cameron <ClarkC@HillsboroughCounty.ORG <mailto:ClarkC@HillsboroughCounty.ORG> >; Dorman, Mary <DormanM@hillsboroughcounty.org <mailto:DormanM@hillsboroughcounty.org> >
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham

As to the portion of your question regarding participation by objectors, there is no deadline to “register” to participate in the hearing. An objector may submit documentary evidence either in person or by proxy during the Zoning Hearing Master hearing, or by submitting documentary evidence to the master file two business days prior to the hearing. See Sec. 10.03.06 of the LDC.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney’s Office

_____

P: (813) 307-3115

E: LundgrenJ@HillsboroughCounty.org <mailto:LundgrenJ@HillsboroughCounty.org>

W: HillsboroughCounty.org
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Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <GormlyA@HillsboroughCounty.ORG <mailto:GormlyA@HillsboroughCounty.ORG> >; Watts, Melissa <WattsM@hillsboroughcounty.org <mailto:WattsM@hillsboroughcounty.org> >
Subject: RE: PD 22-ed, Ace Golf Rezoning
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Good afternoon,

As of today, has your department received any site plan revisions for this application? If so, how might we access them? What is the deadline for someone to register as an interested party? Is there a deadline for an objector to submit information?
Thanks and happy Thanksgiving.
Sincerely,
Jane Graham, Esq.

Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com <mailto:jane@sunshinecitylaw.com>

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Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <Gormlya@HillsboroughCounty.ORG <mailto:Gormlya@HillsboroughCounty.ORG> >; Watts, Melissa <WattsM@hillsboroughcounty.org <mailto:WattsM@hillsboroughcounty.org> >
Subject: RE: PD 22-ed, Ace Golf Rezoning
Hi Jane,
This case was remanded to the December 12 ZHM. Deadline to submit site plan revisions is November 22.
Our department has not received updated materials yet.
Regards,
Israel Monsanto

Executive Planner
Development Services Department

_____

P: (813) 276-8389

E: monsantoi@HCFLGov.net <mailto:monsantoi@HCFLGov.net>

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Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <Gormlya@HillsboroughCounty.ORG <mailto:Gormlya@HillsboroughCounty.ORG> >
Subject: RE: PD 22-ed, Ace Golf Rezoning
External email: Use caution when clicking on links, opening attachments or replying to this email.
Hi Johanna,

Hope you are doing well. Are there any updates on the status of this application?

Is there a deadline to submit additional comments?

Thanks.

Best,

Jane

Jane Graham, Esq.

Florida Bar Board Certified Attorney in City, County, and Local Government Law

Attorney and Founder

Sunshine City Law

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Safety Harbor, FL 34695

(727) 291-9526

jane@sunshinecitylaw.com <mailto:jane@sunshinecitylaw.com>

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Monsanto, Israel <MonsantoI@hillsboroughcounty.org
<mailto:MonsantoI@hillsboroughcounty.org> >

Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <Gormlya@HillsboroughCounty.ORG <mailto:Gormlya@HillsboroughCounty.ORG> >
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

Yes, the statements in your below email are accurate, and the remand hearing will not be limited to specific issues.

Johanna M. Lundgren, AICP

Senior Assistant County Attorney

Hillsborough County Attorney's Office

_____

P: (813) 307-3115

E: LundgrenJ@HillsboroughCounty.org <mailto:LundgrenJ@HillsboroughCounty.org>

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Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary

Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <Gormlya@HillsboroughCounty.ORG <mailto:Gormlya@HillsboroughCounty.ORG> >
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Thanks for letting me know. I appreciate it.

So I am clear about the Dec 12 hearing we spoke about earlier today (and this could help resolve our question/objection), could you please confirm that the remand request will bring PD-22-0075 back to the Land Use Hearing Officer hearing, where:

1. The hearing will not be limited to a specific issue on remand but will be a fresh hearing where everything relating to the application will be open for discussion from the beginning;
2. New parties of record, including those who did not participate in the July 25 hearing, may participate;
3. New evidence will be accepted from the applicant, proponents, and opponents; and
4. Public comment time (the cumulative total of 15 min) will be open, available to both people who participated in the July 25 hearing and those who did not.

If so, could you confirm by email and ensure this is in the record during the remand discussion tomorrow?

Also, Ms. Corbett shared with me the Oct. 11 BOCC Changes/Corrections/Additions document which states that the request is for a remand of the application, without specifying any specific conditions/corrections/new evidence. I understand this to mean the entire application is to be remanded, without limitation. Is that your interpretation as well?

Thanks again.

Sincerely,

Jane Graham, Esq.

Florida Bar Board Certified Attorney in City, County, and Local Government Law

Attorney and Founder

Sunshine City Law

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Safety Harbor, FL 34695

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jane@sunshinecitylaw.com <mailto:jane@sunshinecitylaw.com>

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<mailto:LundgrenJ@hillsboroughcounty.org> >
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<mailto:MonsantoI@hillsboroughcounty.org> >
Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <Gormlya@HillsboroughCounty.ORG
<mailto:Gormlya@HillsboroughCounty.ORG> >
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

The Board does not typically take public testimony or comment on the Changes portion of the agenda, which is the point in the meeting at which the Board will consider and vote on the remand. For this reason, there is not a separate form for a request to speak on the remand request.

Johanna M. Lundgren, AICP

Senior Assistant County Attorney

Hillsborough County Attorney’s Office

_____

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E: LundgrenJ@HillsboroughCounty.org <mailto:LundgrenJ@HillsboroughCounty.org>

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Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <GormlyA@HillsboroughCounty.ORG <mailto:GormlyA@HillsboroughCounty.ORG> >
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Hi Johanna,
It was great to speak with you today.
I want to let you know that I intend to make a legal/procedural objection during tomorrow's meeting relating to the requested remand. I will be there in person to make this objection.
I previously submitted a form for comment for agenda item itself (F.3). Do I need to submit an additional form specifically relating to the requested remand?

Thanks and I will see you tomorrow.

Best,

Jane

Jane Graham, Esq.

Florida Bar Board Certified Attorney in City, County, and Local Government Law

Attorney and Founder

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Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >; Grady, Brian <GradyB@HillsboroughCounty.ORG <mailto:GradyB@HillsboroughCounty.ORG> >; Gormly, Adam <Gormlya@HillsboroughCounty.ORG <mailto:Gormlya@HillsboroughCounty.ORG> >
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

Yes, I have been advised of the remand request for RZ 22-0075.

The Board will take up the request for remand at the beginning of the meeting, when the BOCC takes a vote on the requested continuances and changes to the agenda. While the BOCC has discretion as to the decision to remand, assuming the Board grants the request, the case will not be heard by the Board tomorrow and would be scheduled for a remand hearing on the Zoning Hearing Master hearing date requested by the applicant (December 12, 2022 at 6 PM).

Johanna M. Lundgren, AICP

Senior Assistant County Attorney

Hillsborough County Attorney's Office

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Cc: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com> >; Ethel Hammer <edh@ehaplanners.com <mailto:edh@ehaplanners.com> >; Gary Gibbons <gibbgary@gmail.com <mailto:gibbgary@gmail.com> >
Subject: FW: PD 22-ed, Ace Golf Rezoning

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Dear Ms. Lundgren,

I represent Mr. Anderson in PD 22-0075. Yesterday, we were forwarded the below email from Ms. Kami Corbett, stating that the Applicant Mattamy Homes will be requesting a remand. Have you heard anything about this? What would the procedure be for this? Is it possible that the Board of Commissioners would refuse their request and move forward with the hearing anyway?

Please advise asap.

Sincerely,

Jane Graham, Esq.

Florida Bar Board Certified Attorney in City, County, and Local Government Law

Attorney and Founder

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From: Kami Corbett <kami.corbett@hwhlaw.com <mailto:kami.corbett@hwhlaw.com> >
Date: October 9, 2022 at 3:38:11 PM EDT
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Cc: Mac McCraw <Mac.McCraw@mattamycorp.com <mailto:Mac.McCraw@mattamycorp.com> >
Subject: Ace Golf Rezoning - PD 22-0075 [IWOV-FirmLive.FID1739201]

Good Afternoon -

I am the representative for Mattamy Homes, the Applicant for the above referenced rezoning. I am reaching out to you because each of you have expressed concerns about the proposed rezoning. I realize that this application has been in process for some time and has changed several times and the community did not get an opportunity to meet with the Applicant to understand the changes and discuss whether there were any other conditions or mitigating measures Mattamy could undertake help alleviate your concerns.

Upon review of the comments in the record and the last minute changes to the conditions that were presented to the ZHM, but not vetted by staff, Mattamy intends to request a remand of this case to allow us an opportunity to have staff review the conditions and to re-engage with the community.

If you know of others who have an interest in this case who would like to be part of this discussion, please feel free to share this email with them.

Kami Corbett

Shareholder

o: 813.221.3900 <tel:813.221.3900>

| d: 813.227.8421 <tel:813.227.8421>

| kami.corbett@hwhlaw.com <mailto:kami.corbett@hwhlaw.com>

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vcard <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.hw
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bio
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om%2Fpeople-Kamala-E-Kami-
Corbett&data=05%7C01%7CMonsantoI%40hillsboroughcounty.org%7Cbe17b766827
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Please consider the environment before printing this e-mail.

From: James Anderson <chocolatelab101@aol.com
<mailto:chocolatelab101@aol.com> >
Sent: Monday, October 10, 2022 9:09 AM
To: Jane Graham <jane@sunshinecitylaw.com <mailto:jane@sunshinecitylaw.com> >
Cc: edh@ehaplanners.com <mailto:edh@ehaplanners.com> ; gibbgary@gmail.com
<mailto:gibbgary@gmail.com>
Subject: Fwd: PD 22-0075, Ace Golf Rezoning

FYI

-----Original Message-----
From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org
<mailto:MonsantoI@hillsboroughcounty.org> >
To: James Anderson <chocolatelab101@aol.com <mailto:chocolatelab101@aol.com>
>
Sent: Mon, Oct 10, 2022 8:24 am
Subject: RE: PD 22-0075, Ace Golf Rezoning

Hi Mr. Anderson,

Yes. This case is scheduled for tomorrow's BOCC.

Israel Monsanto

Executive Planner

Development Services Department

_____

P: (813) 276-8389

E: monsantoi@HCFLGov.net <mailto:monsantoi@HCFLGov.net>

W: HCFLGov.net
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.hcflgov.net%2F&data=05%7C01%7CMonsantoI%40hillsboroughcounty.org%7Cbe17b76682794fee71aa08daccbdcdf5%7C81fe4c9d9bb849bd90ed89b8063f4c8a%7C1%7C0%7C638047412834933978%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=4GIC02BTAABoZ9DbwYUTGtdGw9%2FI6HCeRUnYL1EJfoU%3D&reserved=0>

Hillsborough County

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| Twitter
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2Fhillsboroughfl&data=05%7C01%7CMonsantoI%40hillsboroughcounty.org%7Cbe17b76682794fee71aa08daccbdcdf5%7C81fe4c9d9bb849bd90ed89b8063f4c8a%7C1%7C0%7C638047412834933978%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=%2FZizYl8WYvOeRRkHi9gNwg5ap0ovoUMARQKfbod%2FHTI%3D&reserved=0>
| YouTube
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.youtube.com%2Fuser%2FHillsboroughCounty&data=05%7C01%7CMonsantoI%40hillsboroughcounty.org%7Cbe17b76682794fee71aa08daccbdcdf5%7C81fe4c9d9bb849bd90ed89b8063f4c8a%7C1%7C0%7C638047412834933978%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=dboI4dvfmZy4VZYkCtf7w5a0vRNIwBquGC%2BkHImJuXE%3D&reserved=0>
| LinkedIn
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.linkedin.com%2Fcompany%2Fhillsborough-county&data=05%7C01%7CMonsantoI%40hillsboroughcounty.org%7Cbe17b76682794fee71aa08daccbdcdf5%7C81fe4c9d9bb849bd90ed89b8063f4c8a%7C1%7C0%7C638047412835090190%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=XPikIPIiSSxE9xQ3jY5EBiX85UuZkp7F4Hze%2FvtJvnE%3D&reserved=0>
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<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fhcflgov.net%2Fstaysafe&data=05%7C01%7CMonsantoI%40hillsboroughcounty.org%7Cbe17b766827

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<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcrushcovidhc.o
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From: James Anderson <chocolatelab101@aol.com
<mailto:chocolatelab101@aol.com> >
Sent: Monday, October 10, 2022 6:11 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org
<mailto:MonsantoI@hillsboroughcounty.org> >
Subject: PD 22-0075, Ace Golf Rezoning

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

Good morning Israel:

Does PD 22-0075 remain on the BOCC agenda for October 11, 2022?

Thank you!

James Anderson

10514 Sedgebrook Drive

Riverview, FL 33569

Rome, Ashley

From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Friday, December 2, 2022 9:52 AM
To: Monsanto, Israel
Cc: James Anderson; Ethel Hammer; Gary Gibbons; Grady, Brian; Gormly, Adam; Watts, Melissa; Clark, Cameron; Dorman, Mary; Lundgren, Johanna; Rome, Ashley; Medrano, Maricela; Snyder, Sharon; ryanrbrooks@yahoo.com
Subject: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency
Attachments: 12 2 22 letter pd 22 0075.pdf

Good morning Mr. Monsanto,

Attached please find a co-signed letter from my client, Tampa Bay Conservancy, the Gibbons Family, and Boyette Springs HOA requesting Hillsborough County Planning Staff find PD 22 0075inconsistent with the Comprehensive Plan.

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:26 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna

<LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning 22-0075

Good afternoon Ms. Graham,

Our department just received updated information earlier this afternoon for PD RZ 22-0075. Zoning Intake staff will be uploading the files received later today to the PGM Store (online permit system) to be available to the public.

PGM Store Instructions:
For your convenience, application records may be viewed directly on our website. We have attached the instructions to access the PGM Store. To review all application records on our website please turn off your Pop-Up Blocker before you log in. Click on the following link

https://www.hillsboroughcounty.org/en/businesses/permits-and-records/permits/plans-and-permit-information-pgm-store

To enter the PGM Store. Click on ENTER PGM STORE. The username and password are public. Double click on Document Repository. To access the information, please enter the tracking number in the box that reads APP/Permit/Tracking #, or by address or folio #, then click Query. A blue bar will pop up with the Application number, Folio ID, Permit type & Current Status. Double click on the bar to access the documents. Scroll down the page and you will find all the documents you are looking for. The Tracking, in this case, would be 22-0075.

Please feel free to email me if questions.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:15 PM

To: Jane Graham <jane@sunshinecitylaw.com>; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

As to the portion of your question regarding participation by objectors, there is no deadline to "register" to participate in the hearing. An objector may submit documentary evidence either in person or by proxy during the Zoning Hearing Master hearing, or by submitting documentary evidence to the master file two business days prior to the hearing. See Sec. 10.03.06 of the LDC.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Tuesday, November 22, 2022 1:55 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Good afternoon,

As of today, has your department received any site plan revisions for this application? If so, how might we access them? What is the deadline for someone to register as an interested party? Is there a deadline for an objector to submit information?

Thanks and happy Thanksgiving.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Monday, November 14, 2022 3:34 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Hi Jane,

This case was remanded to the December 12 ZHM. Deadline to submit site plan revisions is November 22.

Our department has not received updated materials yet.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

Visit CrushCOVIDHC.org

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, November 14, 2022 3:28 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Hi Johanna,

Hope you are doing well. Are there any updates on the status of this application?

Is there a deadline to submit additional comments?

Thanks.

Best,

Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com



From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, October 11, 2022 8:44 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, the statements in your below email are accurate, and the remand hearing will not be limited to specific issues.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

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601 E. Kennedy Blvd., 27th Floor, 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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:39 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Thanks for letting me know. I appreciate it.

So I am clear about the Dec 12 hearing we spoke about earlier today (and this could help resolve our question/objection), could you please confirm that the remand request will bring PD-22-0075 back to the Land Use Hearing Officer hearing, where:

1) The hearing will not be limited to a specific issue on remand but will be a fresh hearing where everything relating to the application will be open for discussion from the beginning;
2) New parties of record, including those who did not participate in the July 25 hearing, may participate;
3) New evidence will be accepted from the applicant, proponents, and opponents; and
4) Public comment time (the cumulative total of 15 min) will be open, available to both people who participated in the July 25 hearing and those who did not.

If so, could you confirm by email and ensure this is in the record during the remand discussion tomorrow?

Also, Ms. Corbett shared with me the Oct. 11 BOCC Changes/Corrections/Additions document which states that the request is for a remand of the application, without specifying any specific conditions/corrections/new evidence. I understand this to mean the entire application is to be remanded, without limitation. Is that your interpretation as well?

Thanks again.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 5:44 PM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

The Board does not typically take public testimony or comment on the Changes portion of the agenda, which is the point in the meeting at which the Board will consider and vote on the remand. For this reason, there is not a separate form for a request to speak on the remand request.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 5:04 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Hi Johanna,

It was great to speak with you today.

I want to let you know that I intend to make a legal/procedural objection during tomorrow's meeting relating to the requested remand. I will be there in person to make this objection.

I previously submitted a form for comment for agenda item itself (F.3). Do I need to submit an additional form specifically relating to the requested remand?

Thanks and I will see you tomorrow.

Best,
Jane

Jane Graham, Esq.

Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 11:27 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, I have been advised of the remand request for RZ 22-0075.

The Board will take up the request for remand at the beginning of the meeting, when the BOCC takes a vote on the requested continuances and changes to the agenda. While the BOCC has discretion as to the decision to remand, assuming the Board grants the request, the case will not be heard by the Board tomorrow and would be scheduled for a remand hearing on the Zoning Hearing Master hearing date requested by the applicant (December 12, 2022 at 6 PM).

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:19 AM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>
Subject: FW: PD 22-ed, Ace Golf Rezoning

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

Dear Ms. Lundgren,

I represent Mr. Anderson in PD 22-0075. Yesterday, we were forwarded the below email from Ms. Kami Corbett, stating that the Applicant Mattamy Homes will be requesting a remand. Have you heard anything about this? What would the procedure be for this? Is it possible that the Board of Commissioners would refuse their request and move forward with the hearing anyway?

Please advise asap.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Kami Corbett <kami.corbett@hwhlaw.com>
Date: October 9, 2022 at 3:38:11 PM EDT
To: waterfordpoa@yahoo.com, president@tampabayconservancy.org, jfrank41@verizon.net, tbico@live.com
Cc: Mac McCraw <Mac.McCraw@mattamycorp.com>
Subject: Ace Golf Rezoning - PD 22-0075 [IWOV-FirmLive.FID1739201]

Good Afternoon -

I am the representative for Mattamy Homes, the Applicant for the above referenced rezoning. I am reaching out to you because each of you have expressed concerns about the proposed rezoning. I realize that this application has been in process for some time and has changed several times and the community did not get an opportunity to meet with the Applicant to understand the changes and discuss whether there were any other conditions or mitigating measures Mattamy could undertake help alleviate your concerns.

Upon review of the comments in the record and the last minute changes to the conditions that were presented to the ZHM, but not vetted by staff, Mattamy intends to request a remand of this case to allow us an opportunity to have staff review the conditions and to re-engage with the community.

If you know of others who have an interest in this case who would like to be part of this discussion, please feel free to share this email with them.

Kami Corbett
Shareholder

o: 813.221.3900 | d: 813.227.8421 | kami.corbett@hwhlaw.com | hwhlaw.com
101 E. Kennedy Blvd., Suite 3700, Tampa, FL 33602
HILL WARD HENDERSON
vcard bio

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Please consider the environment before printing this e-mail.

From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 9:09 AM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: edh@ehaplanners.com; gibbgary@gmail.com
Subject: Fwd: PD 22-0075, Ace Golf Rezoning

FYI

-----Original Message-----
From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
To: James Anderson <chocolatelab101@aol.com>
Sent: Mon, Oct 10, 2022 8:24 am
Subject: RE: PD 22-0075, Ace Golf Rezoning

Hi Mr. Anderson,

Yes. This case is scheduled for tomorrow's BOCC.

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 6:11 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Subject: PD 22-0075, Ace Golf Rezoning

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

Good morning Israel:

Does PD 22-0075 remain on the BOCC agenda for October 11, 2022?

Thank you!

James Anderson
10514 Sedgebrook Drive
Riverview, FL 33569

Received December 2, 2022
Development Services

Israel Monsanto
Executive Planner, Development Services Department
601 E, Kennedy Blvd Fl
Tampa, FL 33602-4932
Via email: monsantoi@HCFLGov.net

December 2, 2022

Re: RZ PD 22-0075, 12910 Boyette Road

Dear Mr. Monsanto:

The undersigned parties of record request that Hillsborough Planning Staff finds PD 22-0075, Mattamy Tampa/Sarasota LLC's rezoning application for the property at 12910 Boyette Road ("Application") inconsistent with the Hillsborough County Comprehensive Plan. The Applicant's request for a density bonus is inconsistent with Goal 6, Livable Communities Element which requires the reduction of future land use map density and intensity along the Alafia River.

Goal 6 of the Livable Communities Element of the Hillsborough County Comprehensive Plan states:

> Prioritize the significance of improved quality, enjoyment, and protection of the Alafia River and other natural resources such as open space.
>
> * * *
>
> - Reduce to the extent possible Future Land Use Map densities and intensities along the Alafia River to maintain, preserve, and protect the environmental quality and wildlife habitat of the Alafia River and surrounding watershed.

Planning Commission staff previously acknowledged in their July 13, 2022 report that Goal 6 as relevant, stating:

> …Goal 6 of the Riverview Community plan seeks to protect the Alafia River. The Alafia River is to the north of the property, adjacent to the preservation area and the property contains a small portion in the Coastal High Hazard Area (CHHA) in the northeast corner.

Based on Goal 6 of the Livable Communities Element, the Applicant cannot increase density or intensity by the Alafia River. Density is supposed to be reduced, not increased on this property. However, the Application is proposing to increase density through a density bonus, based on FLU Policy 19.3, Incentives for Mixed Use. The July 13 Report omitted any discussion of the prohibition on density increases along the Alafia River.

Received December 2, 2022
Development Services

When comparing broader policies like FLU Policy 19.3 with more specific policies for communities like the Riverview Plan, Goal 6, the more specific policy controls. The Livable Communities Element, 1.0 states:

> Community and Special Area Studies are intended to be extensions and refinements of the County's Comprehensive Plan. The studies should discuss the special and unique characteristics of the areas under study and examine the issues and problems facing the areas and provide strategies for solutions…The Comprehensive Plan is general in nature and provides guidance on an issue county-wide. A community or special area study is more detailed in nature and is intended to provide specific recommendations on issues in a particular area of the county.

Likewise, FLU Policy 18.1 states:

> The community plans will be adopted as part of the Comprehensive Plan in the Livable Communities Element; these more restrictive community specific policies will apply in guiding the development of the community.

As such, Goal 6 controls. This Application is inconsistent with the Comprehensive Plan because it requests a density bonus when no such increase in density can occur. Please confirm receipt and advise how the County intends to proceed. The undersigned appreciate the opportunity to participate in the process as an affected parties and look forward to working with you through the process.

Sincerely,

Jane Graham, Esq., B.C.S.
Sunshine City Law
Attorney for James Anderson

Ethel Hammer
Vice President
Tampa Bay Conservancy

Gary Gibbons
Gibbons Family

Ryan Brooks
Vice President
Boyette Springs Homeowners Association

Cc: Planning Commission
Johanna Lundgren
Melissa Zornitta
Brian Grady
Adam Gormly
Melissa Watts
Cameron Clark
Mary Dorman
Ashley Rome
Maricela Medrano

(electronic signatures provided for expediency)

Rome, Ashley

From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Thursday, December 8, 2022 1:16 PM
To: Monsanto, Israel
Cc: James Anderson; Ethel Hammer; Gary Gibbons; Grady, Brian; Gormly, Adam; Watts, Melissa; Clark, Cameron; Dorman, Mary; Lundgren, Johanna; Rome, Ashley; Medrano, Maricela; Snyder, Sharon; ryanrbrooks@yahoo.com
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Hope you are doing well. Following up to see if the County has any update on this project and/or response to this letter?

Thanks.

Best,
Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Jane Graham
Sent: Friday, December 2, 2022 9:52 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela

<MedranoM@HillsboroughCounty.ORG>; Sharon Snyder <snyders@plancom.org>; ryanrbrooks@yahoo.com
Subject: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Good morning Mr. Monsanto,

Attached please find a co-signed letter from my client, Tampa Bay Conservancy, the Gibbons Family, and Boyette Springs HOA requesting Hillsborough County Planning Staff find PD 22 0075inconsistent with the Comprehensive Plan.

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:26 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning 22-0075

Good afternoon Ms. Graham,

Our department just received updated information earlier this afternoon for PD RZ 22-0075. Zoning Intake staff will be uploading the files received later today to the PGM Store (online permit system) to be available to the public.

PGM Store Instructions:

For your convenience, application records may be viewed directly on our website. We have attached the instructions to access the PGM Store. To review all application records on our website please turn off your Pop-Up Blocker before you log in. Click on the following link

https://www.hillsboroughcounty.org/en/businesses/permits-and-records/permits/plans-and-permit-information-pgm-store

To enter the PGM Store. Click on ENTER PGM STORE. The username and password are public. Double click on Document Repository. To access the information, please enter the tracking number in the box that reads APP/Permit/Tracking #, or by address or folio #, then click Query. A blue bar will pop up with the Application number, Folio ID, Permit type & Current Status. Double click on the bar to access the documents. Scroll down the page and you will find all the documents you are looking for. The Tracking, in this case, would be 22-0075.

Please feel free to email me if questions.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:15 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

As to the portion of your question regarding participation by objectors, there is no deadline to "register" to participate in the hearing. An objector may submit documentary evidence either in person or by proxy during the Zoning Hearing Master hearing, or by submitting documentary evidence to the master file two business days prior to the hearing. See Sec. 10.03.06 of the LDC.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Tuesday, November 22, 2022 1:55 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Good afternoon,

As of today, has your department received any site plan revisions for this application? If so, how might we access them? What is the deadline for someone to register as an interested party? Is there a deadline for an objector to submit information?

Thanks and happy Thanksgiving.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695

(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Monday, November 14, 2022 3:34 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Hi Jane,

This case was remanded to the December 12 ZHM. Deadline to submit site plan revisions is November 22.

Our department has not received updated materials yet.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, November 14, 2022 3:28 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Hi Johanna,

Hope you are doing well. Are there any updates on the status of this application?

Is there a deadline to submit additional comments?

Thanks.

Best,

Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, October 11, 2022 8:44 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantol@hillsboroughcounty.org; Monsanto, Israel

<MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, the statements in your below email are accurate, and the remand hearing will not be limited to specific issues.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, 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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:39 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Thanks for letting me know. I appreciate it.

So I am clear about the Dec 12 hearing we spoke about earlier today (and this could help resolve our question/objection), could you please confirm that the remand request will bring PD-22-0075 back to the Land Use Hearing Officer hearing, where:

1) The hearing will not be limited to a specific issue on remand but will be a fresh hearing where everything relating to the application will be open for discussion from the beginning;
2) New parties of record, including those who did not participate in the July 25 hearing, may participate;
3) New evidence will be accepted from the applicant, proponents, and opponents; and
4) Public comment time (the cumulative total of 15 min) will be open, available to both people who participated in the July 25 hearing and those who did not.

If so, could you confirm by email and ensure this is in the record during the remand discussion tomorrow?

Also, Ms. Corbett shared with me the Oct. 11 BOCC Changes/Corrections/Additions document which states that the request is for a remand of the application, without specifying any specific conditions/corrections/new evidence. I understand this to mean the entire application is to be remanded, without limitation. Is that your interpretation as well?

Thanks again.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 5:44 PM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
The Board does not typically take public testimony or comment on the Changes portion of the agenda, which is the point in the meeting at which the Board will consider and vote on the remand. For this reason, there is not a separate form for a request to speak on the remand request.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 5:04 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Hi Johanna,

It was great to speak with you today.

I want to let you know that I intend to make a legal/procedural objection during tomorrow's meeting relating to the requested remand. I will be there in person to make this objection.

I previously submitted a form for comment for agenda item itself (F.3). Do I need to submit an additional form specifically relating to the requested remand?

Thanks and I will see you tomorrow.

Best,
Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

SUNSHINE CITY LAW

THE FLORIDA BAR BOARD CERTIFIED CITY, COUNTY & LOCAL GOVERNMENT LAW

From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 11:27 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, I have been advised of the remand request for RZ 22-0075.

The Board will take up the request for remand at the beginning of the meeting, when the BOCC takes a vote on the requested continuances and changes to the agenda. While the BOCC has discretion as to the decision to remand, assuming the Board grants the request, the case will not be heard by the Board tomorrow and would be scheduled for a remand hearing on the Zoning Hearing Master hearing date requested by the applicant (December 12, 2022 at 6 PM).

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:19 AM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>
Subject: FW: PD 22-ed, Ace Golf Rezoning

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

Dear Ms. Lundgren,

I represent Mr. Anderson in PD 22-0075. Yesterday, we were forwarded the below email from Ms. Kami Corbett, stating that the Applicant Mattamy Homes will be requesting a remand. Have you heard anything about this? What would the procedure be for this? Is it possible that the Board of Commissioners would refuse their request and move forward with the hearing anyway?

Please advise asap.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Kami Corbett <kami.corbett@hwhlaw.com>
Date: October 9, 2022 at 3:38:11 PM EDT
To: waterfordpoa@yahoo.com, president@tampabayconservancy.org, jfrank41@verizon.net, tbico@live.com
Cc: Mac McCraw <Mac.McCraw@mattamycorp.com>
Subject: Ace Golf Rezoning - PD 22-0075 [IWOV-FirmLive.FID1739201]

Good Afternoon -

I am the representative for Mattamy Homes, the Applicant for the above referenced rezoning. I am reaching out to you because each of you have expressed concerns about the proposed rezoning. I realize that this application has been in process for some time and has changed several times and the community did not get an opportunity to meet with the Applicant to understand the changes and discuss whether there were any other conditions or mitigating measures Mattamy could undertake help alleviate your concerns.

Upon review of the comments in the record and the last minute changes to the conditions that were presented to the ZHM, but not vetted by staff, Mattamy intends to request a remand of this case to allow us an opportunity to have staff review the conditions and to re-engage with the community.

If you know of others who have an interest in this case who would like to be part of this discussion, please feel free to share this email with them.

Kami Corbett
Shareholder

o: 813.221.3900 | d: 813.227.8421 | kami.corbett@hwhlaw.com | hwhlaw.com
101 E. Kennedy Blvd., Suite 3700, Tampa, FL 33602

HILL WARD HENDERSON

vcard bio

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Please consider the environment before printing this e-mail.

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To: Jane Graham <jane@sunshinecitylaw.com>
Cc: edh@ehaplanners.com; gibbgary@gmail.com
Subject: Fwd: PD 22-0075, Ace Golf Rezoning

FYI

-----Original Message-----
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To: James Anderson <chocolatelab101@aol.com>
Sent: Mon, Oct 10, 2022 8:24 am
Subject: RE: PD 22-0075, Ace Golf Rezoning

Hi Mr. Anderson,

Yes. This case is scheduled for tomorrow's BOCC.

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Subject: PD 22-0075, Ace Golf Rezoning

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

Good morning Israel:

Does PD 22-0075 remain on the BOCC agenda for October 11, 2022?

Thank you!

James Anderson
10514 Sedgebrook Drive
Riverview, FL 33569

Rome, Ashley

From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Thursday, December 8, 2022 2:19 PM
To: Monsanto, Israel
Cc: James Anderson; Ethel Hammer; Gary Gibbons; Grady, Brian; Gormly, Adam; Watts, Melissa; Clark, Cameron; Dorman, Mary; Lundgren, Johanna; Rome, Ashley; Medrano, Maricela; Snyder, Sharon; ryanrbrooks@yahoo.com; Karla Llanos
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Thanks for letting me know.

The signatories of the letter would like to know the County's position on the letter. Could you confirm whether the County agrees that the Application is inconsistent with the Comprehensive Plan based on Goal 6?

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Thursday, December 8, 2022 1:31 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron

<ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com; Karla Llanos <llanosk@plancom.org>
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Hi Ms. Graham,

I am out today, but just so you know, your letter has been placed as part of the record for this case.

Also, I am not sure you were aware that the case has been continued by the applicant to the January 17, 2023 ZHM.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Thursday, December 8, 2022 1:16 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Hope you are doing well. Following up to see if the County has any update on this project and/or response to this letter?

Thanks.

Best,
Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Jane Graham
Sent: Friday, December 2, 2022 9:52 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Sharon Snyder <snyders@plancom.org>; ryanrbrooks@yahoo.com
Subject: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Good morning Mr. Monsanto,

Attached please find a co-signed letter from my client, Tampa Bay Conservancy, the Gibbons Family, and Boyette Springs HOA requesting Hillsborough County Planning Staff find PD 22 0075inconsistent with the Comprehensive Plan.

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law

737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:26 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning 22-0075

Good afternoon Ms. Graham,

Our department just received updated information earlier this afternoon for PD RZ 22-0075. Zoning Intake staff will be uploading the files received later today to the PGM Store (online permit system) to be available to the public.

PGM Store Instructions:
For your convenience, application records may be viewed directly on our website. We have attached the instructions to access the PGM Store. To review all application records on our website please turn off your Pop-Up Blocker before you log in. Click on the following link

https://www.hillsboroughcounty.org/en/businesses/permits-and-records/permits/plans-and-permit-information-pgm-store

To enter the PGM Store. Click on ENTER PGM STORE. The username and password are public. Double click on Document Repository. To access the information, please enter the tracking number in the box that reads APP/Permit/Tracking #, or by address or folio #, then click Query. A blue bar will pop up with the Application number, Folio ID, Permit type & Current Status. Double click on the bar to access the documents. Scroll down the page and you will find all the documents you are looking for. The Tracking, in this case, would be 22-0075.

Please feel free to email me if questions.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
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W: HCFLGov.net

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

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From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:15 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

As to the portion of your question regarding participation by objectors, there is no deadline to "register" to participate in the hearing. An objector may submit documentary evidence either in person or by proxy during the Zoning Hearing Master hearing, or by submitting documentary evidence to the master file two business days prior to the hearing. See Sec. 10.03.06 of the LDC.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Tuesday, November 22, 2022 1:55 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Good afternoon,

As of today, has your department received any site plan revisions for this application? If so, how might we access them? What is the deadline for someone to register as an interested party? Is there a deadline for an objector to submit information?

Thanks and happy Thanksgiving.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Monday, November 14, 2022 3:34 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>

Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Hi Jane,

This case was remanded to the December 12 ZHM. Deadline to submit site plan revisions is November 22.

Our department has not received updated materials yet.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, November 14, 2022 3:28 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Hi Johanna,

Hope you are doing well. Are there any updates on the status of this application?

Is there a deadline to submit additional comments?

Thanks.

Best,

Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
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737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, October 11, 2022 8:44 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, the statements in your below email are accurate, and the remand hearing will not be limited to specific issues.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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

From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:39 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Thanks for letting me know. I appreciate it.

So I am clear about the Dec 12 hearing we spoke about earlier today (and this could help resolve our question/objection), could you please confirm that the remand request will bring PD-22-0075 back to the Land Use Hearing Officer hearing, where:

1) The hearing will not be limited to a specific issue on remand but will be a fresh hearing where everything relating to the application will be open for discussion from the beginning;
2) New parties of record, including those who did not participate in the July 25 hearing, may participate;
3) New evidence will be accepted from the applicant, proponents, and opponents; and
4) Public comment time (the cumulative total of 15 min) will be open, available to both people who participated in the July 25 hearing and those who did not.

If so, could you confirm by email and ensure this is in the record during the remand discussion tomorrow?

Also, Ms. Corbett shared with me the Oct. 11 BOCC Changes/Corrections/Additions document which states that the request is for a remand of the application, without specifying any specific conditions/corrections/new evidence. I understand this to mean the entire application is to be remanded, without limitation. Is that your interpretation as well?

Thanks again.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com

www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 5:44 PM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
The Board does not typically take public testimony or comment on the Changes portion of the agenda, which is the point in the meeting at which the Board will consider and vote on the remand. For this reason, there is not a separate form for a request to speak on the remand request.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 5:04 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam

<Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Hi Johanna,

It was great to speak with you today.

I want to let you know that I intend to make a legal/procedural objection during tomorrow's meeting relating to the requested remand. I will be there in person to make this objection.

I previously submitted a form for comment for agenda item itself (F.3). Do I need to submit an additional form specifically relating to the requested remand?

Thanks and I will see you tomorrow.

Best,
Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 11:27 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, I have been advised of the remand request for RZ 22-0075.

The Board will take up the request for remand at the beginning of the meeting, when the BOCC takes a vote on the requested continuances and changes to the agenda. While the BOCC has discretion as to the decision to remand, assuming the Board grants the request, the case will not be heard by the Board tomorrow and would be scheduled for a remand hearing on the Zoning Hearing Master hearing date requested by the applicant (December 12, 2022 at 6 PM).

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:19 AM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>
Subject: FW: PD 22-ed, Ace Golf Rezoning

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

Dear Ms. Lundgren,

I represent Mr. Anderson in PD 22-0075. Yesterday, we were forwarded the below email from Ms. Kami Corbett, stating that the Applicant Mattamy Homes will be requesting a remand. Have you heard anything about this? What would the procedure be for this? Is it possible that the Board of Commissioners would refuse their request and move forward with the hearing anyway?

Please advise asap.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695

(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Kami Corbett <kami.corbett@hwhlaw.com>
Date: October 9, 2022 at 3:38:11 PM EDT
To: waterfordpoa@yahoo.com, president@tampabayconservancy.org, jfrank41@verizon.net, tbico@live.com
Cc: Mac McCraw <Mac.McCraw@mattamycorp.com>
Subject: Ace Golf Rezoning - PD 22-0075 [IWOV-FirmLive.FID1739201]

Good Afternoon -

I am the representative for Mattamy Homes, the Applicant for the above referenced rezoning. I am reaching out to you because each of you have expressed concerns about the proposed rezoning. I realize that this application has been in process for some time and has changed several times and the community did not get an opportunity to meet with the Applicant to understand the changes and discuss whether there were any other conditions or mitigating measures Mattamy could undertake help alleviate your concerns.

Upon review of the comments in the record and the last minute changes to the conditions that were presented to the ZHM, but not vetted by staff, Mattamy intends to request a remand of this case to allow us an opportunity to have staff review the conditions and to re-engage with the community.

If you know of others who have an interest in this case who would like to be part of this discussion, please feel free to share this email with them.

Kami Corbett
Shareholder

o: 813.221.3900 | d: 813.227.8421 | kami.corbett@hwhlaw.com | hwhlaw.com
101 E. Kennedy Blvd., Suite 3700, Tampa, FL 33602

HILL WARD HENDERSON
vcard bio

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Please consider the environment before printing this e-mail.

From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 9:09 AM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: edh@ehaplanners.com; gibbgary@gmail.com
Subject: Fwd: PD 22-0075, Ace Golf Rezoning

FYI

-----Original Message-----
From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
To: James Anderson <chocolatelab101@aol.com>
Sent: Mon, Oct 10, 2022 8:24 am
Subject: RE: PD 22-0075, Ace Golf Rezoning

Hi Mr. Anderson,

Yes. This case is scheduled for tomorrow's BOCC.

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 6:11 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Subject: PD 22-0075, Ace Golf Rezoning

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Good morning Israel:

Does PD 22-0075 remain on the BOCC agenda for October 11, 2022?

Thank you!

James Anderson
10514 Sedgebrook Drive
Riverview, FL 33569

Rome, Ashley

From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Friday, December 9, 2022 4:58 PM
To: Monsanto, Israel
Cc: James Anderson; Ethel Hammer; Gary Gibbons; Grady, Brian; Gormly, Adam; Watts, Melissa; Clark, Cameron; Dorman, Mary; Lundgren, Johanna; Rome, Ashley; Medrano, Maricela; Snyder, Sharon; ryanrbrooks@yahoo.com; Karla Llanos
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency
Attachments: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Hi Mr. Monsanto,

Yes, that is the letter. I did attach it in a December 2 email, which is attached.

Thanks,

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Friday, December 9, 2022 4:39 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna

<LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com; Karla Llanos <llanosk@plancom.org>
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Good afternoon Ms. Graham,

Just to confirm, is the attached letter the one you are referring to? The reason we ask is because we received your initial email, without an attachment and later Ms. Nancy Stevens from the Sierra Club emailed us the attached letter.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Thursday, December 8, 2022 2:19 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com; Karla Llanos <llanosk@plancom.org>
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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Thanks for letting me know.

The signatories of the letter would like to know the County's position on the letter. Could you confirm whether the County agrees that the Application is inconsistent with the Comprehensive Plan based on Goal 6?

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Thursday, December 8, 2022 1:31 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com; Karla Llanos <llanosk@plancom.org>
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Hi Ms. Graham,

I am out today, but just so you know, your letter has been placed as part of the record for this case.

Also, I am not sure you were aware that the case has been continued by the applicant to the January 17, 2023 ZHM.

Regards,

Israel Monsanto
Executive Planner

Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Thursday, December 8, 2022 1:16 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Hope you are doing well. Following up to see if the County has any update on this project and/or response to this letter?

Thanks.

Best,
Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Jane Graham
Sent: Friday, December 2, 2022 9:52 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Sharon Snyder <snyders@plancom.org>; ryanrbrooks@yahoo.com
Subject: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Good morning Mr. Monsanto,

Attached please find a co-signed letter from my client, Tampa Bay Conservancy, the Gibbons Family, and Boyette Springs HOA requesting Hillsborough County Planning Staff find PD 22 0075inconsistent with the Comprehensive Plan.

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:26 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning 22-0075

Good afternoon Ms. Graham,

Our department just received updated information earlier this afternoon for PD RZ 22-0075. Zoning Intake staff will be uploading the files received later today to the PGM Store (online permit system) to be available to the public.

PGM Store Instructions:
For your convenience, application records may be viewed directly on our website. We have attached the instructions to access the PGM Store. To review all application records on our website please turn off your Pop-Up Blocker before you log in. Click on the following link

https://www.hillsboroughcounty.org/en/businesses/permits-and-records/permits/plans-and-permit-information-pgm-store

To enter the PGM Store. Click on ENTER PGM STORE. The username and password are public. Double click on Document Repository. To access the information, please enter the tracking number in the box that reads APP/Permit/Tracking #, or by address or folio #, then click Query. A blue bar will pop up with the Application number, Folio ID, Permit type & Current Status. Double click on the bar to access the documents. Scroll down the page and you will find all the documents you are looking for. The Tracking, in this case, would be 22-0075.

Please feel free to email me if questions.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:15 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

As to the portion of your question regarding participation by objectors, there is no deadline to "register" to participate in the hearing. An objector may submit documentary evidence either in person or by proxy during the Zoning Hearing Master hearing, or by submitting documentary evidence to the master file two business days prior to the hearing. See Sec. 10.03.06 of the LDC.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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601 E. Kennedy Blvd., 27th Floor, 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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Tuesday, November 22, 2022 1:55 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Good afternoon,

As of today, has your department received any site plan revisions for this application? If so, how might we access them? What is the deadline for someone to register as an interested party? Is there a deadline for an objector to submit information?

Thanks and happy Thanksgiving.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Monday, November 14, 2022 3:34 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Hi Jane,

This case was remanded to the December 12 ZHM. Deadline to submit site plan revisions is November 22.

Our department has not received updated materials yet.

Regards,

Israel Monsanto
Executive Planner

Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, November 14, 2022 3:28 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Hi Johanna,

Hope you are doing well. Are there any updates on the status of this application?

Is there a deadline to submit additional comments?

Thanks.

Best,

Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
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737 Main Street, Suite 100

Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, October 11, 2022 8:44 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, the statements in your below email are accurate, and the remand hearing will not be limited to specific issues.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, 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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:39 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam

<Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Thanks for letting me know. I appreciate it.

So I am clear about the Dec 12 hearing we spoke about earlier today (and this could help resolve our question/objection), could you please confirm that the remand request will bring PD-22-0075 back to the Land Use Hearing Officer hearing, where:

1) The hearing will not be limited to a specific issue on remand but will be a fresh hearing where everything relating to the application will be open for discussion from the beginning;
2) New parties of record, including those who did not participate in the July 25 hearing, may participate;
3) New evidence will be accepted from the applicant, proponents, and opponents; and
4) Public comment time (the cumulative total of 15 min) will be open, available to both people who participated in the July 25 hearing and those who did not.

If so, could you confirm by email and ensure this is in the record during the remand discussion tomorrow?

Also, Ms. Corbett shared with me the Oct. 11 BOCC Changes/Corrections/Additions document which states that the request is for a remand of the application, without specifying any specific conditions/corrections/new evidence. I understand this to mean the entire application is to be remanded, without limitation. Is that your interpretation as well?

Thanks again.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 5:44 PM

To: Jane Graham <jane@sunshinecitylaw.com>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
The Board does not typically take public testimony or comment on the Changes portion of the agenda, which is the point in the meeting at which the Board will consider and vote on the remand. For this reason, there is not a separate form for a request to speak on the remand request.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 5:04 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Hi Johanna,

It was great to speak with you today.

I want to let you know that I intend to make a legal/procedural objection during tomorrow's meeting relating to the requested remand. I will be there in person to make this objection.

I previously submitted a form for comment for agenda item itself (F.3). Do I need to submit an additional form specifically relating to the requested remand?

Thanks and I will see you tomorrow.

Best,
Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 11:27 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, I have been advised of the remand request for RZ 22-0075.

The Board will take up the request for remand at the beginning of the meeting, when the BOCC takes a vote on the requested continuances and changes to the agenda. While the BOCC has discretion as to the decision to remand, assuming the Board grants the request, the case will not be heard by the Board tomorrow and would be scheduled for a remand hearing on the Zoning Hearing Master hearing date requested by the applicant (December 12, 2022 at 6 PM).

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115

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W: HillsboroughCounty.org

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:19 AM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>
Subject: FW: PD 22-ed, Ace Golf Rezoning

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

Dear Ms. Lundgren,

I represent Mr. Anderson in PD 22-0075. Yesterday, we were forwarded the below email from Ms. Kami Corbett, stating that the Applicant Mattamy Homes will be requesting a remand. Have you heard anything about this? What would the procedure be for this? Is it possible that the Board of Commissioners would refuse their request and move forward with the hearing anyway?

Please advise asap.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Kami Corbett <kami.corbett@hwhlaw.com>
Date: October 9, 2022 at 3:38:11 PM EDT
To: waterfordpoa@yahoo.com, president@tampabayconservancy.org, jfrank41@verizon.net, tbico@live.com
Cc: Mac McCraw <Mac.McCraw@mattamycorp.com>
Subject: Ace Golf Rezoning - PD 22-0075 [IWOV-FirmLive.FID1739201]

Good Afternoon -

I am the representative for Mattamy Homes, the Applicant for the above referenced rezoning. I am reaching out to you because each of you have expressed concerns about the proposed rezoning. I realize that this application has been in process for some time and has changed several times and the community did not get an opportunity to meet with the Applicant to understand the changes and discuss whether there were any other conditions or mitigating measures Mattamy could undertake help alleviate your concerns.

Upon review of the comments in the record and the last minute changes to the conditions that were presented to the ZHM, but not vetted by staff, Mattamy intends to request a remand of this case to allow us an opportunity to have staff review the conditions and to re-engage with the community.

If you know of others who have an interest in this case who would like to be part of this discussion, please feel free to share this email with them.

Kami Corbett
Shareholder

o: 813.221.3900 | d: 813.227.8421 | kami.corbett@hwhlaw.com | hwhlaw.com
101 E. Kennedy Blvd., Suite 3700, Tampa, FL 33602

HILL WARD HENDERSON
vcard bio

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Please consider the environment before printing this e-mail.

From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 9:09 AM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: edh@ehaplanners.com; gibbgary@gmail.com
Subject: Fwd: PD 22-0075, Ace Golf Rezoning

FYI

-----Original Message-----
From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
To: James Anderson <chocolatelab101@aol.com>

Sent: Mon, Oct 10, 2022 8:24 am
Subject: RE: PD 22-0075, Ace Golf Rezoning

Hi Mr. Anderson,

Yes. This case is scheduled for tomorrow's BOCC.

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 6:11 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Subject: PD 22-0075, Ace Golf Rezoning

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

Good morning Israel:

Does PD 22-0075 remain on the BOCC agenda for October 11, 2022?

Thank you!

James Anderson
10514 Sedgebrook Drive
Riverview, FL 33569

Rome, Ashley

From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, December 19, 2022 1:57 PM
To: Monsanto, Israel
Cc: James Anderson; Ethel Hammer; Gary Gibbons; Grady, Brian; Gormly, Adam; Watts, Melissa; Clark, Cameron; Dorman, Mary; Lundgren, Johanna; Rome, Ashley; Medrano, Maricela; Snyder, Sharon; ryanrbrooks@yahoo.com; Karla Llanos
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Hi Mr. Monsanto,

Following up. Could you confirm whether the County agrees that the Application is inconsistent with the Comprehensive Plan based on Goal 6?

Thanks and happy holidays to you all.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Jane Graham
Sent: Friday, December 9, 2022 4:58 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna

<LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com; Karla Llanos <llanosk@plancom.org>
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Hi Mr. Monsanto,

Yes, that is the letter. I did attach it in a December 2 email, which is attached.

Thanks,

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Friday, December 9, 2022 4:39 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com; Karla Llanos <llanosk@plancom.org>
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Good afternoon Ms. Graham,

Just to confirm, is the attached letter the one you are referring to? The reason we ask is because we received your initial email, without an attachment and later Ms. Nancy Stevens from the Sierra Club emailed us the attached letter.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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: Jane Graham <jane@sunshinecitylaw.com>
Sent: Thursday, December 8, 2022 2:19 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <GormlyA@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com; Karla Llanos <llanosk@plancom.org>
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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Thanks for letting me know.

The signatories of the letter would like to know the County's position on the letter. Could you confirm whether the County agrees that the Application is inconsistent with the Comprehensive Plan based on Goal 6?

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder

Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Thursday, December 8, 2022 1:31 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com; Karla Llanos <llanosk@plancom.org>
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Hi Ms. Graham,

I am out today, but just so you know, your letter has been placed as part of the record for this case.

Also, I am not sure you were aware that the case has been continued by the applicant to the January 17, 2023 ZHM.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Thursday, December 8, 2022 1:16 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Snyder, Sharon <SnyderS@plancom.org>; ryanrbrooks@yahoo.com
Subject: RE: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Hope you are doing well. Following up to see if the County has any update on this project and/or response to this letter?

Thanks.

Best,
Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Jane Graham
Sent: Friday, December 2, 2022 9:52 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>; Sharon Snyder <snyders@plancom.org>; ryanrbrooks@yahoo.com
Subject: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

Good morning Mr. Monsanto,

Attached please find a co-signed letter from my client, Tampa Bay Conservancy, the Gibbons Family, and Boyette Springs HOA requesting Hillsborough County Planning Staff find PD 22 0075inconsistent with the Comprehensive Plan.

Thanks.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:26 PM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>; Lundgren, Johanna

<LundgrenJ@hillsboroughcounty.org>; Rome, Ashley <RomeA@hillsboroughcounty.org>; Medrano, Maricela <MedranoM@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning 22-0075

Good afternoon Ms. Graham,

Our department just received updated information earlier this afternoon for PD RZ 22-0075. Zoning Intake staff will be uploading the files received later today to the PGM Store (online permit system) to be available to the public.

PGM Store Instructions:
For your convenience, application records may be viewed directly on our website. We have attached the instructions to access the PGM Store. To review all application records on our website please turn off your Pop-Up Blocker before you log in. Click on the following link

https://www.hillsboroughcounty.org/en/businesses/permits-and-records/permits/plans-and-permit-information-pgm-store

To enter the PGM Store. Click on ENTER PGM STORE. The username and password are public. Double click on Document Repository. To access the information, please enter the tracking number in the box that reads APP/Permit/Tracking #, or by address or folio #, then click Query. A blue bar will pop up with the Application number, Folio ID, Permit type & Current Status. Double click on the bar to access the documents. Scroll down the page and you will find all the documents you are looking for. The Tracking, in this case, would be 22-0075.

Please feel free to email me if questions.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, November 22, 2022 2:15 PM

To: Jane Graham <jane@sunshinecitylaw.com>; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>; Clark, Cameron <ClarkC@HillsboroughCounty.ORG>; Dorman, Mary <DormanM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

As to the portion of your question regarding participation by objectors, there is no deadline to "register" to participate in the hearing. An objector may submit documentary evidence either in person or by proxy during the Zoning Hearing Master hearing, or by submitting documentary evidence to the master file two business days prior to the hearing. See Sec. 10.03.06 of the LDC.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Tuesday, November 22, 2022 1:55 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Good afternoon,

As of today, has your department received any site plan revisions for this application? If so, how might we access them? What is the deadline for someone to register as an interested party? Is there a deadline for an objector to submit information?

Thanks and happy Thanksgiving.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Sent: Monday, November 14, 2022 3:34 PM
To: Jane Graham <jane@sunshinecitylaw.com>; Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>; Watts, Melissa <WattsM@hillsboroughcounty.org>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Hi Jane,

This case was remanded to the December 12 ZHM. Deadline to submit site plan revisions is November 22.

Our department has not received updated materials yet.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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601 E. Kennedy Blvd., Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, November 14, 2022 3:28 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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

Hi Johanna,

Hope you are doing well. Are there any updates on the status of this application?

Is there a deadline to submit additional comments?

Thanks.

Best,

Jane

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
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737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com





From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Tuesday, October 11, 2022 8:44 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, the statements in your below email are accurate, and the remand hearing will not be limited to specific issues.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
E: LundgrenJ@HillsboroughCounty.org
W: HillsboroughCounty.org

Hillsborough County
601 E. Kennedy Blvd., 27th Floor, Tampa, FL 33602

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:39 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Thanks for letting me know. I appreciate it.

So I am clear about the Dec 12 hearing we spoke about earlier today (and this could help resolve our question/objection), could you please confirm that the remand request will bring PD-22-0075 back to the Land Use Hearing Officer hearing, where:

1) The hearing will not be limited to a specific issue on remand but will be a fresh hearing where everything relating to the application will be open for discussion from the beginning;
2) New parties of record, including those who did not participate in the July 25 hearing, may participate;
3) New evidence will be accepted from the applicant, proponents, and opponents; and
4) Public comment time (the cumulative total of 15 min) will be open, available to both people who participated in the July 25 hearing and those who did not.

If so, could you confirm by email and ensure this is in the record during the remand discussion tomorrow?

Also, Ms. Corbett shared with me the Oct. 11 BOCC Changes/Corrections/Additions document which states that the request is for a remand of the application, without specifying any specific conditions/corrections/new evidence. I understand this to mean the entire application is to be remanded, without limitation. Is that your interpretation as well?

Thanks again.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 5:44 PM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <GormlyA@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,

The Board does not typically take public testimony or comment on the Changes portion of the agenda, which is the point in the meeting at which the Board will consider and vote on the remand. For this reason, there is not a separate form for a request to speak on the remand request.

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 5:04 PM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

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Hi Johanna,

It was great to speak with you today.

I want to let you know that I intend to make a legal/procedural objection during tomorrow's meeting relating to the requested remand. I will be there in person to make this objection.

I previously submitted a form for comment for agenda item itself (F.3). Do I need to submit an additional form specifically relating to the requested remand?

Thanks and I will see you tomorrow.

Best,
Jane

Jane Graham, Esq.

Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>
Sent: Monday, October 10, 2022 11:27 AM
To: Jane Graham <jane@sunshinecitylaw.com>; monsantoI@hillsboroughcounty.org; Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>; Grady, Brian <GradyB@HillsboroughCounty.ORG>; Gormly, Adam <Gormlya@HillsboroughCounty.ORG>
Subject: RE: PD 22-ed, Ace Golf Rezoning

Ms. Graham,
Yes, I have been advised of the remand request for RZ 22-0075.

The Board will take up the request for remand at the beginning of the meeting, when the BOCC takes a vote on the requested continuances and changes to the agenda. While the BOCC has discretion as to the decision to remand, assuming the Board grants the request, the case will not be heard by the Board tomorrow and would be scheduled for a remand hearing on the Zoning Hearing Master hearing date requested by the applicant (December 12, 2022 at 6 PM).

Johanna M. Lundgren, AICP
Senior Assistant County Attorney
Hillsborough County Attorney's Office

P: (813) 307-3115
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W: HillsboroughCounty.org

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From: Jane Graham <jane@sunshinecitylaw.com>
Sent: Monday, October 10, 2022 9:19 AM
To: Lundgren, Johanna <LundgrenJ@hillsboroughcounty.org>; monsantol@hillsboroughcounty.org
Cc: James Anderson <chocolatelab101@aol.com>; Ethel Hammer <edh@ehaplanners.com>; Gary Gibbons <gibbgary@gmail.com>
Subject: FW: PD 22-ed, Ace Golf Rezoning

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

Dear Ms. Lundgren,

I represent Mr. Anderson in PD 22-0075. Yesterday, we were forwarded the below email from Ms. Kami Corbett, stating that the Applicant Mattamy Homes will be requesting a remand. Have you heard anything about this? What would the procedure be for this? Is it possible that the Board of Commissioners would refuse their request and move forward with the hearing anyway?

Please advise asap.

Sincerely,

Jane Graham, Esq.
Florida Bar Board Certified Attorney in City, County, and Local Government Law
Attorney and Founder
Sunshine City Law
737 Main Street, Suite 100
Safety Harbor, FL 34695
(727) 291-9526
jane@sunshinecitylaw.com
www.sunshinecitylaw.com

From: Kami Corbett <kami.corbett@hwhlaw.com>
Date: October 9, 2022 at 3:38:11 PM EDT
To: waterfordpoa@yahoo.com, president@tampabayconservancy.org, jfrank41@verizon.net, tbico@live.com
Cc: Mac McCraw <Mac.McCraw@mattamycorp.com>
Subject: Ace Golf Rezoning - PD 22-0075 [IWOV-FirmLive.FID1739201]

Good Afternoon -

I am the representative for Mattamy Homes, the Applicant for the above referenced rezoning. I am reaching out to you because each of you have expressed concerns about the proposed rezoning. I realize that this application has been in process for some time and has changed several times and the community did not get an opportunity to meet with the Applicant to understand the changes and discuss whether there were any other conditions or mitigating measures Mattamy could undertake help alleviate your concerns.

Upon review of the comments in the record and the last minute changes to the conditions that were presented to the ZHM, but not vetted by staff, Mattamy intends to request a remand of this case to allow us an opportunity to have staff review the conditions and to re-engage with the community.

If you know of others who have an interest in this case who would like to be part of this discussion, please feel free to share this email with them.

Kami Corbett
Shareholder

o: 813.221.3900 | d: 813.227.8421 | kami.corbett@hwhlaw.com | hwhlaw.com
101 E. Kennedy Blvd., Suite 3700, Tampa, FL 33602
HILL WARD HENDERSON
vcard bio

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From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 9:09 AM
To: Jane Graham <jane@sunshinecitylaw.com>
Cc: edh@ehaplanners.com; gibbgary@gmail.com
Subject: Fwd: PD 22-0075, Ace Golf Rezoning

FYI

-----Original Message-----
From: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
To: James Anderson <chocolatelab101@aol.com>
Sent: Mon, Oct 10, 2022 8:24 am
Subject: RE: PD 22-0075, Ace Golf Rezoning

Hi Mr. Anderson,

Yes. This case is scheduled for tomorrow's BOCC.

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: James Anderson <chocolatelab101@aol.com>
Sent: Monday, October 10, 2022 6:11 AM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Subject: PD 22-0075, Ace Golf Rezoning

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

Good morning Israel:

Does PD 22-0075 remain on the BOCC agenda for October 11, 2022?

Thank you!

James Anderson
10514 Sedgebrook Drive
Riverview, FL 33569

Tampa Bay Conservancy

Protecting the region's natural, agricultural and scenic heritage

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April 6, 2022

Zoning Hearing Master
Hillsborough County
601 E Kennedy Blvd
Tampa, FL 33602

Re: RZ22-0075 (12910 Boyette Road, Riverview, FL)

Dear Zoning Hearing Master:

The Tampa Bay Conservancy owns the 60+ acre parcel of land immediately adjacent to this rezoning request. That property, known as the Myron and Helen Gibbons Nature Preserve, was donated to the Conservancy for permanent preservation of a pristine riverine habitat on Bell Creek and the Alafia River. The Preserve is frequented by numerous residents and organizations, who enjoy hiking the nature trails and seeing the native flora and fauna of the property. Last year it was a favorite destination for attendees at the Florida Birding Festival.

The Board of the Conservancy has reviewed the rezoning application, and unanimously voted to oppose the application as proposed. The application has requested an increase in density above what is permitted by the Comprehensive Plan category of Residential -4. No justification for the increased density was provided, other than financial gain for the developer/applicant. The Conservancy objects to the increased density, due to the impacts of urban scale development on the Gibbons Preserve.

The applicant is also requesting setback waivers adjacent to the Preserve. Rather than adhering to the required additional setback for structures over 20 feet in height, they are requesting a reduction to a setback of 10 feet on the eastern property boundary, immediately adjacent to the Preserve. The Conservancy objects to townhouse structures within 10 feet of the property line.

A waiver of Locational Criteria for the development of commercial on the property frontage is requested. The Conservancy objects to the introduction of retail commercial development at this location, which has the potential to introduce incompatible uses adjacent to the nature preserve.

The applicant states in their submittal narrative that "there is no compatibility issue.'' We could not disagree more. A development of this intensity will have impacts to the Gibbons Preserve. It is not simply a vacant piece of property. The Preserve has been nationally recognized as an Old Growth Forest habitat, and officially listed in the Old Growth Forest Network. As such, it is a special habitat that deserves well designed buffering and screening, with appropriate density and intensity levels to minimize impacts adjacent to its boundaries.

We appreciate the opportunity to provide input to this rezoning application. Thank you for your consideration of the issues that will permanently impact our nature preserve.

Respectfully,

Ethel Hammer

Ethel Hammer
President, Tampa Bay Conservancy

From: Medrano, Maricela
To: Timoteo, Rosalina; Rome, Ashley
Subject: POR for 22-0075
Date: Tuesday, September 6, 2022 10:05:04 AM
Attachments: FW (WEB mail) - Ace Golf Rezone RZ 22-0075.msg
image002.png

Good Morning,

Please find attached a POR for 22-0075. Thank you.

Maricela Medrano de Luna, MPA, AICP
Executive Planner
Zoning Customer Engagement Team Leader
Development Services Department (DSD)

P: (813) 272-5852
C: (813) 446-6617
M: (813) 272-5600
E: medranom@HCFLGov.net
W: HCFLGov.net

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: Garcia, David
To: Medrano, Maricela
Subject: FW: (WEB mail) - Ace Golf Rezone: RZ 22-0075
Date: Tuesday, September 6, 2022 9:59:27 AM
Attachments: image001.png

Maricela,

Can you please add this email to the POR for RZ 22-0075?

David R. Garcia
Legislative Aide
Hillsborough County Commissioner Stacy White – District 4

P: (813) 272-5740
F: (813) 272-7049
E: GarciaD@HillsboroughCounty.org
W: HillsboroughCounty.org

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

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From: formstack@hillsboroughcounty.org <formstack@hillsboroughcounty.org>
Sent: Friday, September 2, 2022 4:19 PM
To: Commissioner District 4 <ContactDistrict4@hillsboroughcounty.org>
Subject: (WEB mail) - Ace Golf Rezone: RZ 22-0075

The following Commissioner(s) received a direct copy of this email:

4 | Commissioner Stacy White (District 4)

Date and Time Submitted: Sep 2, 2022 4:18 PM

Name: Monica Messer

Address: 10122 Sedgebrook Dr
Riverview, FL 33569

Phone Number: (813) 672-0409

Email Address: mmesser2@verizon.net

Subject: Ace Golf Rezone: RZ 22-0075

Message: Stacy, HELP! The proposed rezoning and development of the Ace Golf parcel on Boyette Road is a potential disaster for our safety. Due to the cluster of schools on Boyette and the elementary school one block up on Sedgebrook, traffic is already snarled in that section of Boyette, extending up to Bell Shoals. We have had numerous events related to parents dropping off or picking up their kids in one of the three schools in this area when they try to evade normal traffic regulations to get ahead of other parents in the car lines. It is already a very unsafe and very congested area.

It seems the Commission has little power to protect us from development. This is a fight worth throwing your full weight into. Hundreds of children traverse this area to access their schools. It was borderline criminal to put the two Academies across Boyette from each other; now this proposal promises to be beyond criminal.

Please help stop the rezoning and development of Ace Golf parcel, we beg you!

Monica Messer

1005250825

Mozilla/5.0 (Windows NT 6.1; Win64; x64; rv:104.0) Gecko/20100101 Firefox/104.0

From:	Karla Llanos
To:	Timoteo, Rosalina
Cc:	Monsanto, Israel; waterfordpoa@yahoo.com
Subject:	FW: Opposition for rezoning application PD 22-0075 from Waterford on the Alafia
Date:	Monday, February 7, 2022 5:49:42 PM
Attachments:	image001.png Letter to County Staff from Waterford on the Alafia.pdf

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

Hi Rosa,

Not sure if you have received this letter for the record, but if you don't mind uploading to Optix that would great thank you.

Karla

From: waterfordpoa@yahoo.com <waterfordpoa@yahoo.com>
Sent: Monday, February 7, 2022 5:47 PM
To: MonsantoI@hillsboroughcounty.org; Karla Llanos <llanosk@plancom.org>
Subject: Re: Opposition for rezoning application PD 22-0075 from Waterford on the Alafia

Hello,

Here is the letter of opposition to rezoning application number PD 22-0075, again. Please find the attached letter on behalf of our community.

If you have any questions or would like to speak with me you can either email or call 813-309-5218.

What is Rosalina Timoteo's email address?

Sincerely,
Email: waterfordpoa@yahoo.com
Website: http://www.waterford-run-poa.com

President- Jennifer Miller
VP- John Hamm
Secretary- Nilma Baez
Treasurer- Frank Bragg
Member at Large- Josh Potter

On Friday, February 4, 2022, 01:56:42 PM EST, Karla Llanos <llanosk@plancom.org> wrote:

Good Afternoon Jennifer,

I'm glad we had a chance to speak over the phone this morning. The applicant for PD 22-0075 has requested a continuance for the next hearing which is Monday, March 14, 2022. If you have any letters of opposition or other items you wish to submit for the record, please send them to Israel Monsanto and copy Rosalina Timoteo.

Thank you for your time.



Karla Llanos, MPA, Senior Planner

Planning Commission | Comprehensive Plan & Policy Review Division

A: 601 E. Kennedy Blvd 18th Fl., Tampa, FL 33602

P: (813) 272-5940 (main) | (813) 212-0650 (direct)

E: llanosk@plancom.org | W: planhillsborough.org

All incoming and outgoing messages are subject to public records inspection.

From: waterfordpoa@yahoo.com <waterfordpoa@yahoo.com>
Sent: Friday, February 4, 2022 10:48 AM
To: MonsantoI@hillsboroughcounty.org; Karla Llanos <llanosk@plancom.org>
Subject: Re: Opposition for rezoning application PD 22-0075 from Waterford on the Alafia

Hello,

I am writing to make sure this email was received. Please call me at 813-309-5218 to discuss our communities opposition to this project.

Sincerely,

Jennifer Miller

Waterford HOA President

On Monday, January 17, 2022, 05:14:22 PM EST, waterfordpoa@yahoo.com <waterfordpoa@yahoo.com> wrote:

Hello,

My name is Jennifer Miller, President of Waterford on the Alafia. We are writing in opposition to rezoning application number PD 22-0075. Please find the attached letter on behalf of our community.

If you have any questions or would like to speak with me you can either email or call 813-309-5218.

Sincerely,

Email: waterfordpoa@yahoo.com

Website: http://www.waterford-run-poa.com

President- Jennifer Miller

VP- John Hamm

Secretary- Nilma Baez

Treasurer- Frank Bragg

Member at Large- Josh Potter

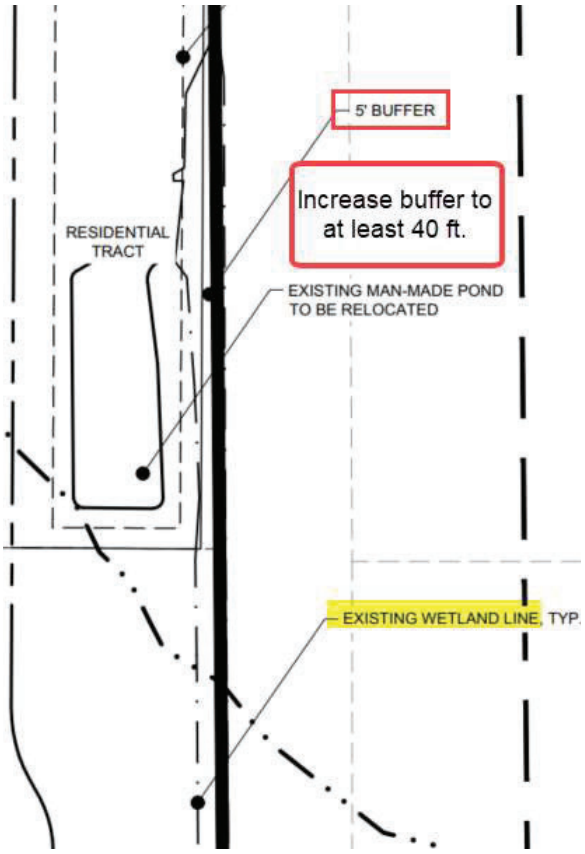
Hello,

My name is Jennifer Miller and I'm the HOA President for Waterford on the Alafia (a community located to the East of the proposed rezoning). I am writing on behalf of our community regarding application number **PD 22-0075** – Rezoning to a Planned Development.

Our community would like to pass along our concerns to County Staff regarding the proposed rezoning for 12910 Boyette Rd. Riverview, FL 33569.

- We are opposed to the developers request for an increase in density (existing plan allows 4 units per acre, proposed is 6 units per acre).
    - We feel the area resources are already being strained from other developments around us and from the South County area. Currently, properties South of the Alafia River are subject to temporary one day a week irrigation from Jan. 4, 2021 – Dec. 31, 2022.
    - According to the EPA, the average person uses 82 gallons of water per day. By reducing the number of townhomes, it could save thousands of gallons of water per day on an already strained water table.
    - Schools in this area are full. We have 2 charter schools across the street from each other (a 0.6 mile walk from the proposed townhomes) and both schools have a waiting list to get in. Does the impact study address this?
    - Traffic on Boyette, FishHawk and Bell Shoals is strained already at rush hour.

- We are concerned that the buffer zone of 5 ft. is insufficient and will result in destruction of a wildlife migration trail. We would like to see a 40 ft. buffer along Tampa Bay Conservancy (East side). We would also like to ensure there are plenty of trees, whether that is keeping the ones there or planting new ones to keep the area looking natural.



- We would like to keep as many of the current trees at the rear of the community and add some new trees to keep that area looking natural.



- We would like a copy of the environmental study that was done showing there will be no adverse impact to the surrounding properties.

- We would like to have access to the Engineer drawings for this community's drainage and the floodplain survey to ensure no flooding will happen on any surrounding properties. Our park already floods due to Bell Creek being narrow and random releases of water from the Dam located in Shadow Run for Lake Grady.
    - Where will the street and surface water be drained to?

- We would like a 6 ft. tall Trex style fence as that looks more natural (a white PVC fence, is not acceptable). It should run from the road along the side of the property facing our sub-division (see photo below, orange squiggly line).
    - This would protect the townhome residents from coyote and bobcat coming in from the preserve.


Tampa Bay
Conservancy
ACE
Waterford
park
TECO easement
Hills.
property



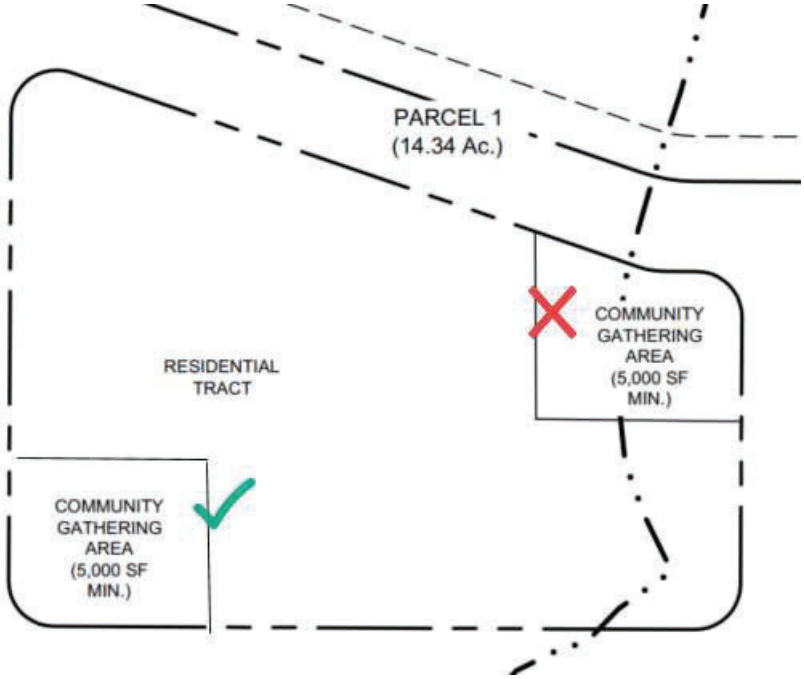


- We would prefer the community lighting be low, so it doesn't shine into the preserve or our backyards.

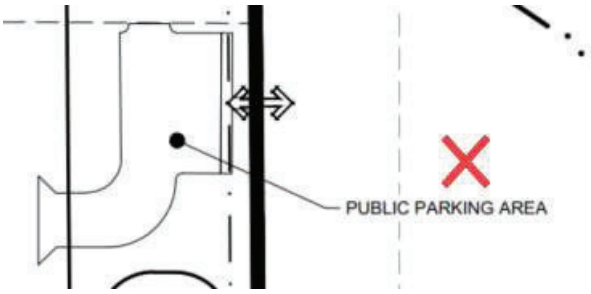


- Is there anything in writing stating how many investors can or can't purchase in the community? If so, what is the Investor to homeowner ratio?

- We would like the Community Gathering area moved so we don't hear the potential noise from gatherings.



- We are opposed to the public parking lot.
    - We are concerned that if there are trash cans or dumpsters in the area, it will impact the wildlife looking for an easy meal.
    - Current wildlife that has been seen within our community in the last year: deer, red fox, bobcat, coyote, boar, gopher turtles, raccoon, gators, raccoons, peacock's, osprey and several other bird species.



- We are opposed to any type of school or daycare going in front of the townhomes (parcel 2 - 3.72 acres) because we have so many in the area already. We have a lot of noise from the charter schools now, as well as traffic issues due the number of schools in the area. We are not opposed to professional office space.

PROPOSED LAND USE	PARCEL 1 (14.34 AC.) 86 SINGLE FAMILY TOWNHOUSES (6 DU/AC APPLYING POLICY 19.3)
X	PARCEL 2 (3.72 AC.) UP TO 30,000 SF OF RESIDENTIAL SUPPORT, BPO, & COMMERCIAL NEIGHBORHOOD USES WITH EXCEPTIONS (NO DRIVE-THRUS & NO CONVENIENCE STORES -WITH OR WITHOUT GAS PUMPS)

From:	Monsanto, Israel
To:	Timoteo, Rosalina
Cc:	Grady, Brian
Subject:	Fwd: Opposition for rezoning application PD 22-0075 from Waterford on the Alafia
Date:	Tuesday, January 18, 2022 7:46:22 AM
Attachments:	Letter to County Staff from Waterford on the Alafia.pdf

Hi Rosa

POR 22-0075.

Israel Monsanto
Principal Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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Image

From: waterfordpoa@yahoo.com <waterfordpoa@yahoo.com>
Sent: Monday, January 17, 2022 5:14:22 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>; llanosk@plancom.org <llanosk@plancom.org>
Subject: Opposition for rezoning application PD 22-0075 from Waterford on the Alafia

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

Hello,

My name is Jennifer Miller, President of Waterford on the Alafia. We are writing in opposition to rezoning application number PD 22-0075. Please find the attached letter on behalf of our community.

If you have any questions or would like to speak with me you can either email or call 813-309-5218.

Sincerely,
Email: waterfordpoa@yahoo.com
Website: http://www.waterford-run-poa.com

President- Jennifer Miller
VP- John Hamm
Secretary- Nilma Baez
Treasurer- Frank Bragg
Member at Large- Josh Potter

From: Garcia, David
To: Medrano, Maricela
Subject: FW: (WEB mail) - Rezoning of Ace Driving Range from Agriculture to Planned Development
Date: Wednesday, May 4, 2022 1:39:23 PM
Attachments: image001.png

Maricela,

Are you able to add this opposition email to the party of record for 22-0075?

David R. Garcia
Legislative Aide
Hillsborough County Commissioner Stacy White – District 4

P: (813) 272-5740
F: (813) 272-7049
E: GarciaD@HillsboroughCounty.org
W: HillsboroughCounty.org

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

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From: formstack@hillsboroughcounty.org <formstack@hillsboroughcounty.org>
Sent: Monday, May 2, 2022 11:29 AM
To: Commissioner District 4 <ContactDistrict4@hillsboroughcounty.org>
Subject: (WEB mail) - Rezoning of Ace Driving Range from Agriculture to Planned Development

The following Commissioner(s) received a direct copy of this email:

4 | Commissioner Stacy White (District 4)

Date and Time Submitted: May 2, 2022 11:29 AM

Name: James Shelton

Address: 12801 Crispwood Ct
Riverview, FL 33569

Phone Number: (813) 677-6422

Email Address: jfrank41@verizon.net

Subject: Rezoning of Ace Driving Range from Agriculture to Planned Development

Message: This property was issued a "special use" permit against the objections of this area. Now they apply for a rezoning to add 80+ townhouses, 20,000 sq. ft. shopping and a 10,000 sq. ft. daycare. If this is allowed, it would be criminal. The property is located at the intersection of Sedgebrook Dr. and Boyette Rd. This is near three schools and the Fish Hawk/Boyette/Bell Shoals intersection. Traffic from the Boyette School is backed up into and onto Boyette rd. Traffic, during mornings and afternoons for the two other schools are backed up for a mile, intersections are blocked completely through light changes. The zoning/rezoning Dept. are making this neighbor unlivable. It should be your jobs as Commissioners to keep a neighbor from becoming like this. I am handicapped and cannot attend these meetings; this one has been postponed several times just to wear the people down and finally no one shows up and it slips through. I will bet you money that if/when they do a traffic count, they will say the road will accept the extra traffic. Is it any wonder the people are so disgusted by our government?

959885764

Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/101.0.4951.41 Safari/537.36 Edg/101.0.1210.32

From: Garcia, David
To: Medrano, Maricela
Subject: FW: (WEB mail) - Rezoning of Ace Driving Range from Agriculture to Planned Development
Date: Wednesday, May 4, 2022 1:39:23 PM
Attachments: image001.png

Maricela,

Are you able to add this opposition email to the party of record for 22-0075?

David R. Garcia
Legislative Aide
Hillsborough County Commissioner Stacy White – District 4

P: (813) 272-5740
F: (813) 272-7049
E: GarciaD@HillsboroughCounty.org
W: HillsboroughCounty.org

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

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From: formstack@hillsboroughcounty.org <formstack@hillsboroughcounty.org>
Sent: Monday, May 2, 2022 11:29 AM
To: Commissioner District 4 <ContactDistrict4@hillsboroughcounty.org>
Subject: (WEB mail) - Rezoning of Ace Driving Range from Agriculture to Planned Development

The following Commissioner(s) received a direct copy of this email:

4 | Commissioner Stacy White (District 4)

Date and Time Submitted: May 2, 2022 11:29 AM

Name: James Shelton

Address: 12801 Crispwood Ct
Riverview, FL 33569

Phone Number: (813) 677-6422

Email Address: jfrank41@verizon.net

Subject: Rezoning of Ace Driving Range from Agriculture to Planned Development

Message: This property was issued a "special use" permit against the objections of this area. Now they apply for a rezoning to add 80+ townhouses, 20,000 sq. ft. shopping and a 10,000 sq. ft. daycare. If this is allowed, it would be criminal. The property is located at the intersection of Sedgebrook Dr. and Boyette Rd. This is near three schools and the Fish Hawk/Boyette/Bell Shoals intersection. Traffic from the Boyette School is backed up into and onto Boyette rd. Traffic, during mornings and afternoons for the two other schools are backed up for a mile, intersections are blocked completely through light changes. The zoning/rezoning Dept. are making this neighbor unlivable. It should be your jobs as Commissioners to keep a neighbor from becoming like this. I am handicapped and cannot attend these meetings; this one has been postponed several times just to wear the people down and finally no one shows up and it slips through. I will bet you money that if/when they do a traffic count, they will say the road will accept the extra traffic. Is it any wonder the people are so disgusted by our government?

959885764

Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/101.0.4951.41 Safari/537.36 Edg/101.0.1210.32

From: Medrano, Maricela
To: Timoteo, Rosalina; Rome, Ashley
Subject: POR 22-0075
Date: Tuesday, September 6, 2022 10:30:11 AM
Attachments: FW (WEB mail) - Zoning application no. RZ 22-0075.msg
image002.png

Hi Rosa and Ashley,

Please find attached an email from David Garcia with a POR for 22-0075. He is requesting to send a response to the constituent letting him know his POR has been submitted on the application record. He would like to be copied on this email. Thank you.

Maricela Medrano de Luna, MPA, AICP
Executive Planner
Zoning Customer Engagement Team Leader
Development Services Department (DSD)

P: (813) 272-5852
C: (813) 446-6617
M: (813) 272-5600
E: medranom@HCFLGov.net
W: HCFLGov.net

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

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From: Garcia, David
To: Medrano, Maricela
Subject: FW: (WEB mail) - Zoning application no. RZ 22-0075
Date: Tuesday, September 6, 2022 10:12:09 AM
Attachments: image001.png

Maricela,

I hope you had a great weekend. Can you please add this email to the POR for RZ 22-0075 and provide a response to this constituent as well and CC me?

David R. Garcia
Legislative Aide
Hillsborough County Commissioner Stacy White – District 4

P: (813) 272-5740
F: (813) 272-7049
E: GarciaD@HillsboroughCounty.org
W: HillsboroughCounty.org

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

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From: formstack@hillsboroughcounty.org <formstack@hillsboroughcounty.org>
Sent: Saturday, September 3, 2022 11:13 AM
To: Commissioner District 4 <ContactDistrict4@hillsboroughcounty.org>
Subject: (WEB mail) - Zoning application no. RZ 22-0075

The following Commissioner(s) received a direct copy of this email:

1 | Commissioner Harry Cohen (District 1)
2 | Commissioner Ken Hagan (District 2)
3 | Commissioner Gwen Myers (District 3)
4 | Commissioner Stacy White (District 4)
5 | Commissioner Mariella Smith (District 5)
6 | Commissioner Pat Kemp (District 6)
7 | Commissioner Kimberly Overman (District 7)

Date and Time Submitted: Sep 3, 2022 11:12 AM

Name: James Shelton

Address: 12801 Crispwood Ct

Riverview, FL 33569

Phone Number: (813) 677-6422

Email Address: jfrank41@verizon.net

Subject: Zoning application no. RZ 22-0075

Message: I write to you in opposition to the above application. There are numerous objections. One, the extra traffic that this development would involve in. This is located very near three schools. When the schools start up in the mornings and let out in the afternoons, this area is totally saturated with vehicles. From the Catholic Church to the west, the Echo development, and Paddock Oaks Subdivision, all these vehicles must make a "U" turn through this intersection if going west. To the east of this intersection, you have the Bell Creek subdivision who must make "u" turns at the light to the east, if they are heading west. The county, through your unrelenting permits, rezoning, etc.; have created a dangerous situation. I live one block south of the Sedgebrook and Boyette intersection, which this development if approved, will be using. At times it takes me 20 minutes to get onto Boyette east bound and you can forget trying to go west on Boyette. If anyone says that Boyette will handle the increased traffic, they will be telling you a falsehood. You, as commissioners have degraded our quality of like to a miserable state, please do not do us more injustice by approving this rezoning. Thank you for your consideration.

1005429197

Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/104.0.5112.102 Safari/537.36 Edg/104.0.1293.70

Rome, Ashley

From: Hearings
Sent: Friday, May 6, 2022 12:24 PM
To: Rome, Ashley; Timoteo, Rosalina
Cc: Monsanto, Israel
Subject: FW: Rezoning RZ22-0075 (12910 Boyette Road, Riverview, FL)
Attachments: Gibbons Letter.docx

----- Original Email -----

From: ICO Chair <tbico@live.com>
Sent: Friday, May 6, 2022 9:08 AM
To: Hearings <Hearings@HillsboroughCounty.ORG>
Subject: Rezoning RZ22-0075 (12910 Boyette Road, Riverview, FL)

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

Good Morning,

Please find attached letter from the Tampa Bay Sierra Club in opposition to the proposed rezoning.

Rocky

Rocky Milburn
813-966-9785
Tampa Bay Group Chair
ICO Chair


SIERRA
CLUB
TAMPA BAY GROUP

Received May 6, 2022
Development Services

SIERRA CLUB
TAMPA BAY GROUP

May 5, 2022

Zoning Hearing Master
Hillsborough County
601 E. Kennedy Blvd.
Tampa, FL, 33602

Re: RZ22-0075 (12910 Boyette Road, Riverview, FL)

Dear Zoning Hearing Master:

The Executive Committee of the Tampa Bay Sierra Club has reviewed the above-referenced Rezoning Application, and has unanimously voted to send this letter opposing the proposed rezoning request.

The application has requested an increase in the density above what would be permitted under the Comprehensive Plan category of Residential – 4. Other than trying to fit more townhomes into the proposed development for additional financial gain, the applicant has not offered any justifiable explanation for the increased density, nor has the applicant established any justification for the requested property line setbacks from the adjacent Myron and Helen Gibbons Nature Preserve, or the waiver of height limitations under the development code.

Sierra Club also objects to the requested Waiver of Locational Criteria for the commercial development that is requested on that portion of the property which fronts on Boyette Road. Placing a 20,000 square foot grocery store and a 10,000 square foot day care center in this location is incompatible with the adjoining Nature Preserve, and will undoubtedly cause adverse impacts to the Preserve.

The Preserve has been designated as an Old Growth Forest, the only one designated in Hillsborough County. While all forests have important ecological roles, old-growth stage is especially important because of its unique structure. Various canopy layers and berry-producing plants are found in an old growth forest which are beneficial to wildlife, especially birds. Also, many old hollowed out trees in an Old Growth Forest provide irreplaceable habitat for many animal species.

The intensive development which is proposed would likely cause damage to this precious ecosystem during the construction process, and from increased foot traffic by all of the new residents and visitors who are presently unable to visit the Preserve in large numbers due to the lack of parking and access at the Preserve itself. If this Preserve becomes a backyard playground for the families who live in the new townhomes and others who park at the grocery store to gain access to the Preserve, it will suffer irreparable harm.

We strongly feel that the proposed development is inconsistent with the Comprehensive Plan, the development code and is incompatible with the neighboring properties. For these reasons, we respectfully request that the application for rezoning as a Planned Development and the waivers be denied.

Sincerely,

Rocky

Rocky Milburn
Chair, Tampa Bay Sierra Club
813-966-9785

Rome, Ashley

From: Timoteo, Rosalina
Sent: Friday, May 6, 2022 10:43 AM
To: Rome, Ashley
Subject: FW: RZ22-0075 (12910 Boyette Road, Riverview, FL)
Attachments: Gibbons Letter.docx

Hi Ashley,

Please see below.

Thank you,

Rosa Timoteo
Senior Planning & Zoning Technician
Development Services Dept.

C: (813) 244-3956
P: (813) 307-1752
E: timoteor@hillsboroughcounty.org
W: HCFLGov.net

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: ICO Chair <tbico@live.com>
Sent: Friday, May 6, 2022 9:49 AM
To: Monsantol@hillsboroughcounty.org; llanosk@plancom.org; Timoteo, Rosalina <TimoteoR@HillsboroughCounty.ORG>
Cc: Gary Gibbons <ggibbons@gibblaw.com>
Subject: Fw: RZ22-0075 (12910 Boyette Road, Riverview, FL)

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

Good Morning,

See attached letter in opposition of the rezoning on the 12910 Boyette Road.

Rocky

Rocky Milburn
813-966-9785
Tampa Bay Group Chair
ICO Chair

SIERRA CLUB
TAMPA BAY GROUP

Received May 6, 2022
Development Services

SIERRA CLUB
TAMPA BAY GROUP

May 5, 2022

Zoning Hearing Master
Hillsborough County
601 E. Kennedy Blvd.
Tampa, FL, 33602

Re: RZ22-0075 (12910 Boyette Road, Riverview, FL)

Dear Zoning Hearing Master:

The Executive Committee of the Tampa Bay Sierra Club has reviewed the above-referenced Rezoning Application, and has unanimously voted to send this letter opposing the proposed rezoning request.

The application has requested an increase in the density above what would be permitted under the Comprehensive Plan category of Residential – 4. Other than trying to fit more townhomes into the proposed development for additional financial gain, the applicant has not offered any justifiable explanation for the increased density, nor has the applicant established any justification for the requested property line setbacks from the adjacent Myron and Helen Gibbons Nature Preserve, or the waiver of height limitations under the development code.

Sierra Club also objects to the requested Waiver of Locational Criteria for the commercial development that is requested on that portion of the property which fronts on Boyette Road. Placing a 20,000 square foot grocery store and a 10,000 square foot day care center in this location is incompatible with the adjoining Nature Preserve, and will undoubtedly cause adverse impacts to the Preserve.

The Preserve has been designated as an Old Growth Forest, the only one designated in Hillsborough County. While all forests have important ecological roles, old-growth stage is especially important because of its unique structure. Various canopy layers and berry-producing plants are found in an old growth forest which are beneficial to wildlife, especially birds. Also, many old hollowed out trees in an Old Growth Forest provide irreplaceable habitat for many animal species.

The intensive development which is proposed would likely cause damage to this precious ecosystem during the construction process, and from increased foot traffic by all of the new residents and visitors who are presently unable to visit the Preserve in large numbers due to the lack of parking and access at the Preserve itself. If this Preserve becomes a backyard playground for the families who live in the new townhomes and others who park at the grocery store to gain access to the Preserve, it will suffer irreparable harm.

We strongly feel that the proposed development is inconsistent with the Comprehensive Plan, the development code and is incompatible with the neighboring properties. For these reasons, we respectfully request that the application for rezoning as a Planned Development and the waivers be denied.

Sincerely,

Rocky

Rocky Milburn
Chair, Tampa Bay Sierra Club
813-966-9785

Rome, Ashley

From: Monsanto, Israel
Sent: Friday, December 2, 2022 1:04 PM
To: Rome, Ashley
Cc: Timoteo, Rosalina; Karla Llanos; Melissa Lienhard; nancy stevens
Subject: FW: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency
Attachments: 12 2 22 letter pd 22 0075.pdf

Hi Ashley,

Please add the attached to the POR for case 22-0075. I am also copying Planning Commission staff for their review of the letter.

Regards,

Israel Monsanto
Executive Planner
Development Services Department

P: (813) 276-8389
E: monsantoi@HCFLGov.net
W: HCFLGov.net

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

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From: nancy stevens <nancystevens909@gmail.com>
Sent: Friday, December 2, 2022 12:27 PM
To: Monsanto, Israel <MonsantoI@hillsboroughcounty.org>
Cc: Jane Graham <jane@sunshinecitylaw.com>; Gary Gibbons <gibbgary@gmail.com>; Sabine Prather <sabineprather@gmail.com>; Milburn Rocky <tampaico@gmail.com>
Subject: co-signed letter on Ace Golf Rezoning 22-0075 inconsistency

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

Good afternoon Mr. Monsanto,

The Sierra Club Tampa Bay Group also joins in support of this letter.
Thank you.

Regards,

Nancy Stevens
813-380-1668
Sierra Club Tampa Bay Group
Conservation Committee Chair
Nancy.Stevens@Florida.SierraClub.org

SIERRA CLUB
TAMPA BAY GROUP

Received December 2, 2022
Development Services

Israel Monsanto
Executive Planner, Development Services Department
601 E, Kennedy Blvd Fl
Tampa, FL 33602-4932
Via email: monsantoi@HCFLGov.net

December 2, 2022

Re: RZ PD 22-0075, 12910 Boyette Road

Dear Mr. Monsanto:

The undersigned parties of record request that Hillsborough Planning Staff finds PD 22-0075, Mattamy Tampa/Sarasota LLC's rezoning application for the property at 12910 Boyette Road ("Application") inconsistent with the Hillsborough County Comprehensive Plan. The Applicant's request for a density bonus is inconsistent with Goal 6, Livable Communities Element which requires the reduction of future land use map density and intensity along the Alafia River.

Goal 6 of the Livable Communities Element of the Hillsborough County Comprehensive Plan states:

> Prioritize the significance of improved quality, enjoyment, and protection of the Alafia River and other natural resources such as open space.
>
> * * *
>
> - Reduce to the extent possible Future Land Use Map densities and intensities along the Alafia River to maintain, preserve, and protect the environmental quality and wildlife habitat of the Alafia River and surrounding watershed.

Planning Commission staff previously acknowledged in their July 13, 2022 report that Goal 6 as relevant, stating:

> …Goal 6 of the Riverview Community plan seeks to protect the Alafia River. The Alafia River is to the north of the property, adjacent to the preservation area and the property contains a small portion in the Coastal High Hazard Area (CHHA) in the northeast corner.

Based on Goal 6 of the Livable Communities Element, the Applicant cannot increase density or intensity by the Alafia River. Density is supposed to be reduced, not increased on this property. However, the Application is proposing to increase density through a density bonus, based on FLU Policy 19.3, Incentives for Mixed Use. The July 13 Report omitted any discussion of the prohibition on density increases along the Alafia River.

Received December 2, 2022
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When comparing broader policies like FLU Policy 19.3 with more specific policies for communities like the Riverview Plan, Goal 6, the more specific policy controls. The Livable Communities Element, 1.0 states:

> Community and Special Area Studies are intended to be extensions and refinements of the County's Comprehensive Plan. The studies should discuss the special and unique characteristics of the areas under study and examine the issues and problems facing the areas and provide strategies for solutions…The Comprehensive Plan is general in nature and provides guidance on an issue county-wide. A community or special area study is more detailed in nature and is intended to provide specific recommendations on issues in a particular area of the county.

Likewise, FLU Policy 18.1 states:

> The community plans will be adopted as part of the Comprehensive Plan in the Livable Communities Element; these more restrictive community specific policies will apply in guiding the development of the community.

As such, Goal 6 controls. This Application is inconsistent with the Comprehensive Plan because it requests a density bonus when no such increase in density can occur. Please confirm receipt and advise how the County intends to proceed. The undersigned appreciate the opportunity to participate in the process as an affected parties and look forward to working with you through the process.

Sincerely,

Jane Graham, Esq., B.C.S.
Sunshine City Law
Attorney for James Anderson

Ethel Hammer
Vice President
Tampa Bay Conservancy

Gary Gibbons
Gibbons Family

Ryan Brooks
Vice President
Boyette Springs Homeowners Association

Cc: Planning Commission
Johanna Lundgren
Melissa Zornitta
Brian Grady
Adam Gormly
Melissa Watts
Cameron Clark
Mary Dorman
Ashley Rome
Maricela Medrano

(electronic signatures provided for expediency)