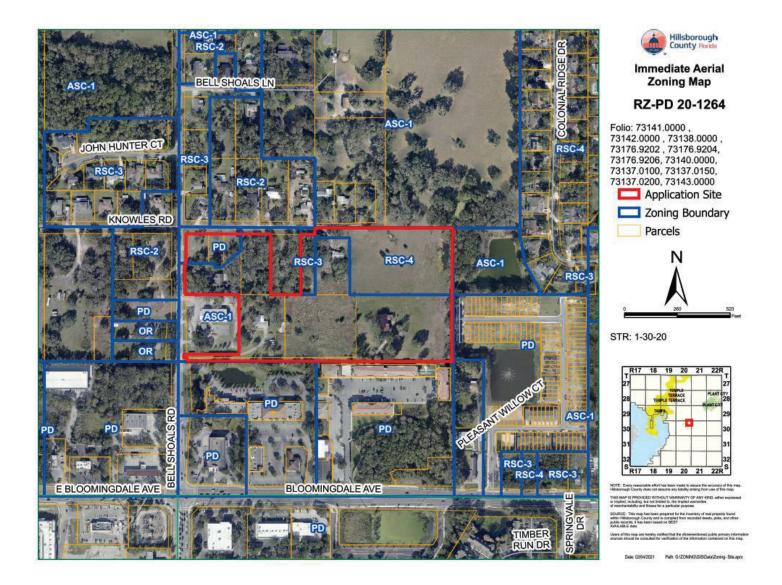


STAFF REPORT

SUBJECT:	PD 20-1264 BR/C	PLANNING AREA:	Brandon	
REQUEST:	Rezone to Planned Development	SECTOR	Central	
APPLICANT:	Mattamy Tampa/Sarasota, LLC			
Existing Zoning:		Comp Plan Category	Comp Plan Category: Residential 4 (RES-4)	
Agricultural Single Family Conventional (ASC-1);		Community Mixed L	Community Mixed Used (CMU-12)	
Residential Single Family Conventional (RSC-3);				
Residential Single Family Conventional (RSC-4); and				
PD 04-0784				



CASE REVIEWER: Israel Monsanto

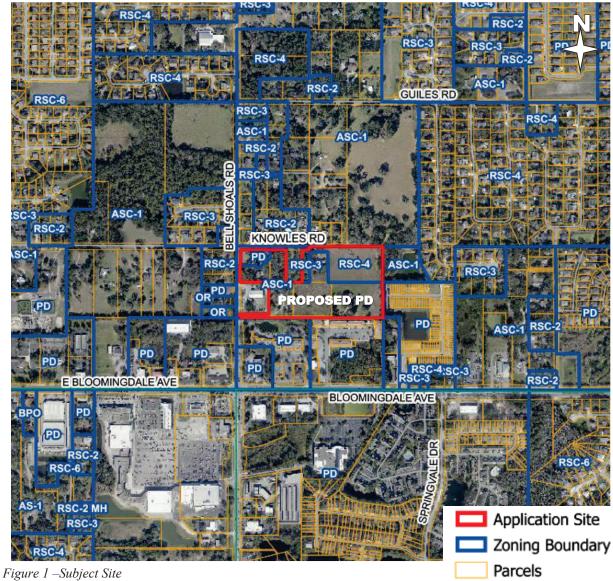
Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The applicant seeks to rezone eleven (11) parcels, currently zoned Agricultural Single Family Conventional (ASC-1); Residential Single Family Conventional (RSC-3); Residential Single Family Conventional (RSC-4); and PD (04-0784) to a new Planned Development district. The proposed PD would be approximately 16.5 acres in size. The site is generally located on the southeast corner of Bell Shoals Road and Knowles Road, in Brandon. The site is within the Brandon Community Plan and is in the Urban Service Area. The site has a Future Land Use classification of CMU-12 (Community Mixed Use) and is occupied by five single residences today.

The request is to rezone the site to allow up to up to 164 single-family attached units or townhomes.



CASE REVIEWER: Israel Monsanto

Surrounding zoning and uses are:

LOCATION	ZONING	USE / APPROVED FOR
North	-Residential Single-Family Conventional (RSC-2)	Residential SF, Agricultural
	-Agricultural Single-Family Conventional (ASC-1)	
South	-Planned Development PD (03-0861),	-Commercial
	-Planned Development PD (95-0205),	-Multifamily
East	-Agricultural Single-Family Conventional (ASC-1)	-County Retention Pond
	-Planned Development PD (17-0071),	-116 Townhouse units, or
		-58 duplexes or
		-71 SF detached residential units.
West	-Planned Development PD (02-0453),	-Office Residential
	-Residential Single-Family Conventional (RSC-2)	-SF residential home
	-Office Residential (OR)	-Office Residential
	-Agricultural Single-Family Conventional (ASC-1)	-Church

The Applicant is proposing a minimum lot size of 1,674 square feet with a minimum lot width of 18' feet for the townhome units.

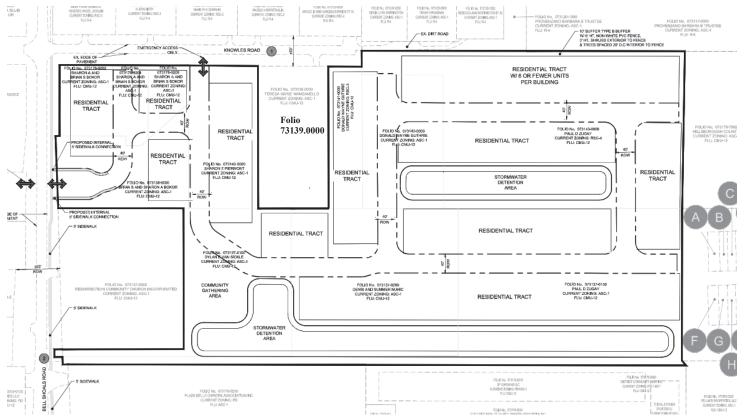


Figure 2 –Proposed PD Plan

The proposed PD will include a 10-foot landscaped buffer along Knowles Rd. (a 63-foot wide Right of Way) with 6-foot high a pre cast wall—and tThe adjacent parcels to the northeast, zoned ASC-1, will be separated by a 15-foot wide buffer and screened by a 6-foot high black, powder coated aluminum (or other similar material) wrought iron style, picket fence with Type B landscaping. The applicant is also proposing to plant

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3 feet high shrubs on the outside face of the fence along the NE PD line. In addition, the buildings along the NE would be limited to 6-unit structures <u>and will be separated from each other at least 20 feet</u>.

The site will have its main access from the west, off Bell Shoals Road. A second access point, off Knowles Rd. to the north, will be limited for emergency vehicles only.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The applicant has not requested variations from the general site development requirements found in Parts 6.05.00, Parking and Loading; and 6.06.00, Landscaping, Irrigation and Buffering Requirements of the Land Development Code. A variation is being requested from LDC 6.07.00, Fences and Walls to increase a fence from 6 to 8 feet along a portion of the site boundary.

The area of the project surrounding a single family parcel, identified with folio# 73139.0000, zoned ASC-1 (Area 3 of figure 4) will provide an 8-foot high fence. Per the LDC Section 6.07.02.C.1.f, the maximum average height of any fence or wall shall be six feet (there are exceptions to this height rule that would not apply in this circumstance). The applicant states that the request is the result of meetings with the adjacent property owner. According to the applicant, the neighboring property owner does not object to the rezoning petition, but desires the fence around the property in question to be increased to 8 feet and utilize a non-white PVC solid fence. The increased height would augment the screening and a 5-foot buffer will be provided.

Per LDC Section 6.06.06, the proposed project would require a 5-foot buffer with Type A screening against adjacent ASC-1 zoned parcels. The project will meet this standard with the provision of the buffer with landscaping and a 6-foot high PVC fence along all other the project boundaries, although this requirement is not needed if the uses are separated by a 50-foot wide Right-of-Way.



Figure 3 – Subject Site 10-foot Buffer Areas

The applicant is proposing to increase the minimum 5-foot buffer to 10 and 15 feet along certain areas of the PD boundaries, adjacent to ASC-1 zoned parcels, specifically, northeast and along Knowles Rd. Landscaping in accordance with the Type B screening (evergreen shade trees planted on 20 foot center) will be provided within the 10-foot buffers, thus providing increased screening. The applicant also proposes to plant 3-foot shrubs within the buffers areas along the north.

A waiver has been requested from LDC Section 6.01.01, footnote 8. the LDC requires that structures with a permitted height greater than 20 feet shall be set back an additional two feet for every one foot of structure height over 20 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard as established in the Schedule of Area, Height, Bulk and Placement Regulations. In this case, the project proposes 10 feet of rear yard setback and 5 feet of buffer along the project's boundaries. The proposed building height would be 35 feet. Per the requirement above, the minimum building setback required, including buffers, would be 45 feet. According to the narrative the eastern northern boundary, identified as 1 in the graphic below, closest residential unit is approximately 110 feet to the north, approximately 65 feet greater than the required setback. For the northwestern boundary, identified as 2, closest residential unit is approximately 90 feet to the north, approximately 45 feet above the requirement.

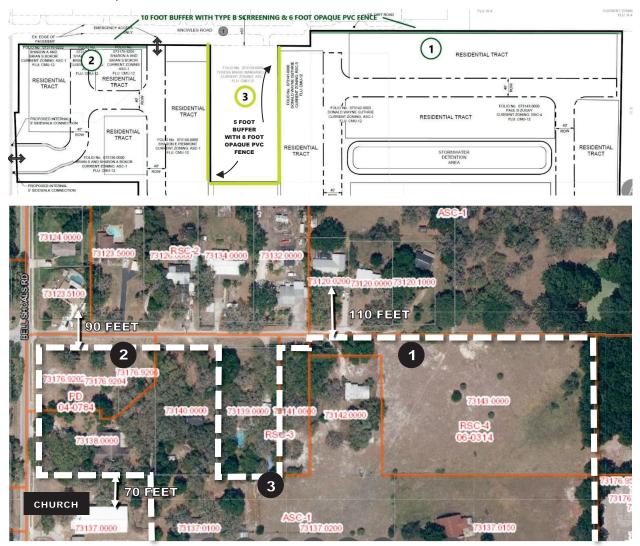
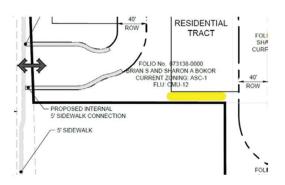


Figure 4 – Setback Areas

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As noted before, a 5 foot buffer with a 8 foot PVC fence is being proposed along the boundary labeled as **3**. This proposal is based on discussions with the owner who did not object to this rezoning request.

There is also a small portion of the site that would require a 45 foot setback (shown to the right). However, the site is a non-residential use (church) and the actual distance from the church to the property line is 70 feet, well over the required setback.



Staff has reviewed the applicant's waiver request and finds it supportable. A solid PVC fence will be placed along all most of the boundaries to screen the proposed structures. Other boundaries will provide additional landscaping. Proposed structures along the road will have an effective building setback of more than 70 feet when the ROW width (63+/-) on the north is added to the 10-foot buffer area being provided. Adjacent lots along the northeast have their structures placed at least \$\frac{85}{90}\$ feet from their front property lines. These properties to the NE are also separated by a dirt driveway 20 feet wide that serve as access to these homes. Therefore, the setbacks of the proposed townhome measured to these parcel lines along the NE would be at least \$\frac{40}{45}\$ feet when the 20-foot wide dirt driveway, 10 feet of rear building setback and \$\frac{10}{40}\$ 15 feet of buffer are factored in. The applicant will provide a 5-foot buffer surrounding the ASC-1 parcel with folio number 73139.0000 with a solid 8-foot high PVC fence. The ASC-1 district's side and rear setbacks are 15 and 50 feet respectively, therefore, the resulting building separations along this parcel would be 30 feet and 65 feet. Lastly, the church building, adjacent to the west and also zoned ASC-1, is placed at least 70 feet from the site's boundary line where townhomes are being placed. Maximum building height for the ASC-1 district is 50 feet, which is greater than the proposed 35 feet height for the subject project.

1.3 Evaluation of Existing and Planned Public Facilities

Public Utilities

This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.

School Board

Comments were received from the Hillsborough County Public Schools. Bloomingdale High School currently does not have capacity, and Burns Middle School is approaching capacity. However, additional capacity exists in adjacent concurrency service areas to accommodate the proposed project at these grade levels. A school concurrency review will be issued PRIOR TO preliminary plat or site plan approval.

School Data	Brooker Elementary	Burns Middle	Bloomingdale High
FISH Capacity	1002	1394	2090
2019-20 Enrollment	793	1261	2265
Current Utilization	79%	90%	108%
Concurrency Reservations	31	24	32
Students Generated	19	8	12
Proposed Utilization	84%	93%	110%

Source: 2020-21 40th Day Enrollment Count with Updated Concurrency Reservations.

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Transportation

Bell Shoals Rd. is a publicly maintained 2-lane, undivided, substandard collector roadway characterized by +/- 10-foot wide travel lanes in average condition. The roadway lies within a variable width right-of- way (between +/- 60 feet and +/- 70-feet in width) along the project's frontage. There are no bicycle facilities present on Bell Shoals Rd. in the vicinity of the proposed project. There are +/- 4 and 5-foot wide sidewalks along portions of the east and west sides of Bell Shoals Rd. in the vicinity of the proposed project.

SITE ACCESS AND CONNECTIVITY

The project is proposing one full access (1) connection to Bell Shoals Rd. and one (1) emergency access connection to Knowles Rd. Staff cannot support elimination of pedestrian connectivity to Knowles Rd., and so has proposed that a the emergency only access be changed to a emergency vehicular and pedestrian access. Such access must be gated for emergency vehicles, and may be gated for pedestrians; however, if the pedestrian is gated it must be available for the daily use of project residents.

The applicant's Engineer of Record (EOR) submitted two Administrative Variance Requests:

- Access management variance for spacing dated January 6, 2021.
- Substandard road variance dated February 26, 2021.

The County Engineer found the Variances to be approvable; therefore, these will be approved if PD 20-1264 is approved by the BOCC.

ROADWAY LEVEL OF SERVICE (LOS)

Roadway	From	То	LOS Standard	Peak Hour Directional LOS
Bell Shoals Rd.	Lithia Pinecrest Rd.	Bloomingdale Ave.	D	C

Source: Hillsborough County 2019 Level of Service Report.

Impact Fees

Estimated Fees:

(Fee estimate is based on a 1,500 square foot, 3 bedroom, Townhouse Unit 1-2 Stories)

Mobility: \$4,278.00 * 164 units = \$701,592.00 Parks: \$1,656.00 * 164 units = \$271,584.00 School: \$7,027.00 * 164 units = \$1,152,428.00 Fire: \$249.00 * 164 units = \$40,836.00

Total Townhouse = \$2,166,440.00

Project Summary/Description:

Urban Mobility, Central Parks/Fire 164 Townhouse Units

1.4 Natural Resources/Environmental

The Environmental Protection Commission, EPC, reviewed the application and has no objection.

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1.5 Comprehensive Plan Consistency

The Planning Commission staff finds the proposed re-zoning **consistent** with the <u>Future of Hillsborough</u> Comprehensive Plan.

1.6 Compatibility

Adjacent zoning districts permit residential uses today. The area mostly consists of low to medium density residential uses, as well as office to the west and commercial to the south. The PD (17-0071) located to the east is currently approved and being developed with a similar townhome project with medium residential density and comparable development standards to those being proposed for the subject PD. Residential lots along the north, while zoned RSC-2, RSC-3 and ASC-1, are a mix of 1 acre and 1/3 acre lots. Most of these lots are separated by public roads. The proposed project will not front Knowles Rd. to the north and will have access from Bell Shoals to the west.

Although buffer and screening are not required along the roads abutting the project, the applicant proposes a 5 foot wider landscaped buffer with a 6-foot high fences along the PD boundaries. Increased fence height will be provided along a single parcel surrounded by this project. The buffer area is being increased to 10 15 feet along the north and NE. The 10-foot buffer will be in accordance with the Type B screening for the landscaping in addition to a solid 10 fence. The applicant met with area residents and, based on conversation with neighbors, the project will be provide a pre cast wall along Kwnoles Rd. and a black, powder coated aluminum (or other similar material) wrought iron style, picket fence along the Northeast. Both fences will have 3-foot high shrubs planted on the outside providing enhanced landscaping in view from the surrounding properties in the area.



Figure 5 – Surrounding development pattern and zoning

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Other Aarea residents have expressed concerns with this rezoning petition. Concerns for increased traffic and safety issues in the area including the intersection of Bloomingdale Ave. and Bell Shoals Rd. have been included in letters received by staff. As part of this rezoning request, the applicant has provided documents for review by Transportation staff road improvements adjacent to the site where feasible. All road improvements will be reviewed in accordance with the conditions stipulated by this rezoning during the plat review process and provided during the site construction of the project.

The area today consists of a mix of office, residential support uses, multifamily, single family residential and agricultural uses and zoning districts. The proposed use would consist of a residential use that serves as a transition to commercial uses to the south and residential single-family to the north, as well as low scale office to the west. The CMU-12 Future Land Use category contemplates the mix of uses in the area and the proposed medium density of the project is consistent with the Comprehensive Plan policies and objectives. The site could be potentially developed with up to 198 units per the CMU-12 density allowance (12 du/ac), however, proposed project's density is 9.9 DU/ac. Transportation staff has no objection to the location of the main access on Bell Shoals and road improvements will be required by the developer. The site is located within the urban service area and will connect to water and sewer. Based on these considerations, staff recommends approval, with conditions.

1.7 Agency Comments

The following agencies reviewed the application and offer no objections:

- EPC
- Conservation and Environmental Lands Management
- Water Resources Services

1.8 Exhibits

Exhibit 1: General Aerial Map Exhibit 2: Immediate Aerial Map Exhibit 3: Future Land Use Map

Exhibit 4: Proposed Site Plan PD 20-1264

2.0 Recommendation

Staff recommends approval, subject to the following conditions.

2.1 Recommended Conditions of Approval

CONDITIONS:

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

- 1. Indicate the areas where a 10 <u>and a 15</u>-foot buffer will be provided, and the 8-foot high fence location, per condition 6. <u>Also, add notes indicating the location of the screening per conditions</u> 6.1 and 6.2.
- 2. Show a pedestrian sidewalk stubout along the southern project boundary and label "Pedestrian Access Stubout See Conditions of Approval". Such connection shall occur along the eastern half of the project's boundary with folio 073137.0000;
- 3. Replace note 4 within the "General Notes" part of the plan which states, "Internal roadways are to be private." With a note stating, "Internal driveways are to be private." [Note: Staff cannot support internal roadways for the project as currently shown. Doing so would require compliance

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with the Transportation Technical Manual (TTM) which requires road rights-of-way to be a minimum of 50 feet in width (only 40 feet are provided). Additionally, the project would be required to comply with provisions of the

LDC which requires continuation/connection to existing roadways (i.e. Knowles Rd.) and the project is proposing no such connection.];

- 4. Replace the label which states "Emergency Access Only" to "Gated Emergency-Only Vehicular Access and Gated Pedestrian Access See Conditions of Approval"; and,
- 5. Add a note within the "General Notes" section which states "Sidewalks shall be provided in accordance with the LDC."

APPROVAL - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted February 23, 2021.

- 1. The project shall be limited to up to 164 townhomes. Interim residential and/or agricultural use low scale passive agricultural uses shall be permitted.
- 2. Development standards shall be as follows:

Minimum lot area 1,674 square feet

Minimum lot width 18 feet

Maximum building height 35 feet (2-stories)

Minimum front yard20 feetMinimum building separation10 feetMinimum rear yard setback10 feetMinimum building setbacks from project's boundaries15 feetMaximum lot coverage75 percent

- 3. The project is not subject to the Land Development Code Section 6.01.01 Footnote 8 for additional structure setback.
- 4. Townhome structures along the northeast PD boundary shall be limited to no more than 6 units per building. <u>The building separation in this area shall be a minimum of 20 feet between buildings.</u>
- 5. Location of retention ponds and internal driveways shall generally conform with the General Site Plan.
- 6. A 5-foot buffer with a 6-foot high, non-white, PVC fence pre-cast wall, shall be provided around the project, unless otherwise specified herein.
 - A 10-foot wide buffer area with a 6-foot high, nonpre-white, PVC fencecast wall and Type B landscaping shall be provided along the northnorthern property boundary abutting the Knowles Road right-of-way, as shown on the General Site Plan. Existing vegetation, excluding invasive species, may be used in lieu of the required screening, subject to Natural Resources approval with 3-foot shrubs, planted on the outside of the fence, planted 3-feet on center and with the trees planted 20-feet on center.

APPLICATION: PD 20-1264 BR/C

ZHM HEARING DATE: March 15, 2021

BOCC MEETING DATE: May 11, 2021

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6.2 In addition to the above requirement, A 15-foot wide buffer area will be provided along the northern property boundary east of the Knowles Right of Way to the eastern property boundary, with a 6-foot high black, powder coated aluminum (or other similar material) wrought iron style, picket fence and Type B landscaping shall be provided with 3-foot high shrubs shall be installed, planted 3-feet on center and planted on the outside face of the fence along and with the NE PD trees planted 20-feet on center. The fence shall be placed 10' feet from northern property boundary-as indicated on the General Site Plan.

- An 8-foot high non-white, PVC fence shall be provided adjacent to the parcel identified with folio number 73139.0000, zoned ASC-1.
- 6.4 The buffer areas shall be platted as a separate tract, not as part of individual lots and shall be maintained by an HOA a Home Owner Association, Property Owner's Association or Condominium Association. or similar entity.
- 7. Community gathering space shall be in accordance with Land Development Code (LDC) Section 6.02.18. A community garden within the community gathering space shall be permitted.
- 8. If PD 20-1264 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated February 26, 2021) which was found approvable by the County Engineer (on March 4, 2021). Approval of this Administrative Variance will waive the Bell Shoals Rd. substandard road improvements required by Section 6.04.03.L. of the LDC.
- 9. If PD 20-1264 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated January 6, 2021) which was found approvable by the County Engineer (on March 4, 2021). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to the south to +/- 185 feet.
- 10. The developer shall construct a sidewalk stubout along the eastern half of the project's boundary with folio 073137.0000. Such connection may be gated; however, if gated the connection shall be available for the daily use of project residents.
- 11. The developer shall construct a gated vehicular access connection to Knowles Rd. Such connection shall be restricted to emergency vehicles only and shall be gated with a Knox-box (or similar acceptable to Hillsborough County). Such emergency access connection shall be accompanied by a pedestrian access connection. The pedestrian connection to Knowles Rd. may be gated; however, if gated the pedestrian connection shall be available for the daily use of project residents.
- 12. Notwithstanding anything on the PD site plan or herein these conditions to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries."
- 4113. 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.

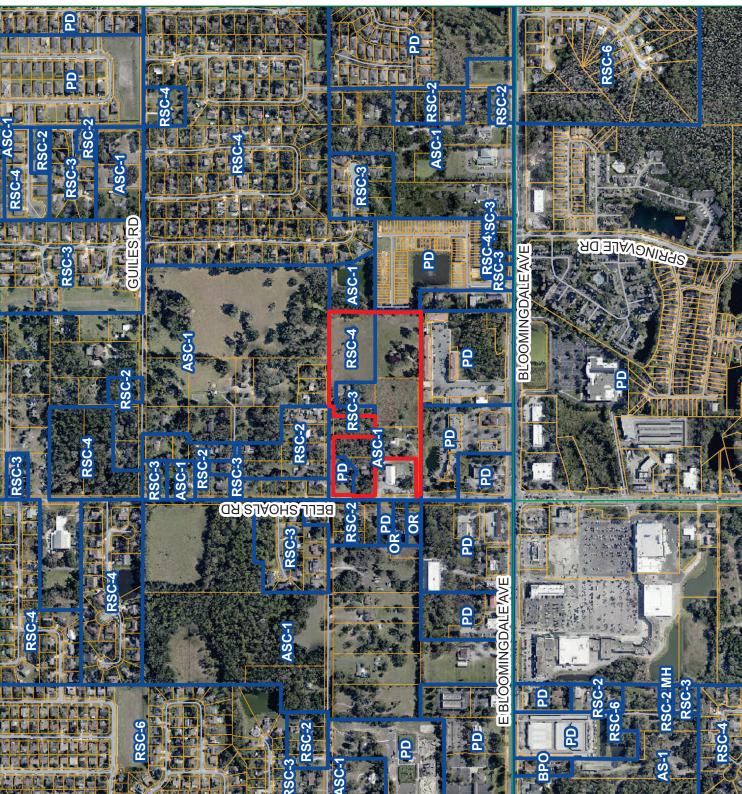
CASE REVIEWER: Israel Monsanto

- 1214. 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.
- 1315. 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).
- <u>1416.</u> 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.
- 4517. 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.
- <u>1618</u>. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.

Staff's Recommendation: Approval, subject to conditions

Zoning

Administrator





General Aerial

RZ-PD 20-1264 Zoning Map

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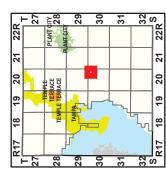
Application Site

Zoning Boundary

Parcels



STR: 1-30-20





Immediate Aerial Zoning Map

RZ-PD 20-1264

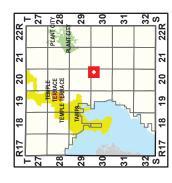
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■ Application Site

Zoning Boundary **Parcels**



STR: 1-30-20



SPRINGVALEDR COLONIAL RIDGE DR BEILL SHOALS RD

AGRICULTURAL/MINING-1/20 (.25 FAR) call other values: Tampa Service CONTINUED Major Roads PENDING Rezonings STATUS P.inectest Rd Valrico Rd Bloomingdale Ave bg sisone, no 20-1264 EBell Shoals Rd Ave E Bloomingdale T ПП Bryan Rd

HILLSBOROUGH COUNTY FUTURE LAND USE

RZ PD 20-1264

Jrban Service Area

Jurisdiction Boundary County Boundary

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

AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR) AGRICULTURAL/RURAL-1/5 (.25 FAR)

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

RESIDENTIAL PLANNED-2 (.35 FAR.)

RESIDENTIAL-4 (.25 FAR)

RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-12 (.35 FAR) RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-16 (.35 FAR) RESIDENTIAL-20 (.35 FAR)

RESIDENTIAL-35 (1.0 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR) COMMUNITY MIXED USE-12 (.50 FAR) SUBURBAN MIXED USE-6 (.35 FAR)

REGIONAL MIXED USE-35(2.0 FAR) JRBAN MIXED USE-20 (1.0 FAR)

RESEARCH CORPORATE PARK (1.0 FAR)

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

LIGHT INDUSTRIAL PLANNED (.50 FAR)

HEAVY INDUSTRIAL (.50 FAR) JIGHT INDUSTRIAL (.50 FAR)

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

John Moore Rd

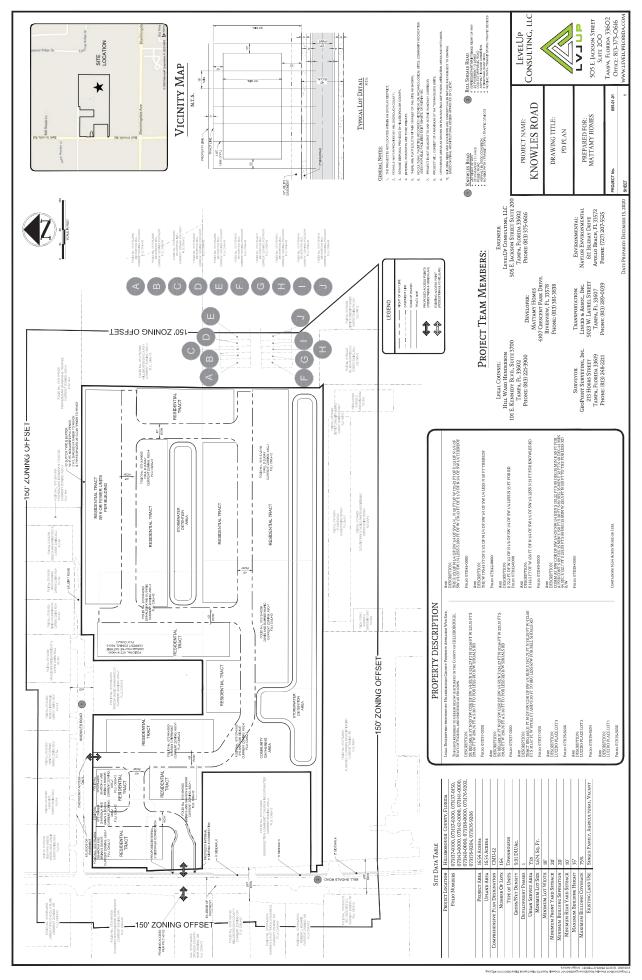


1,840

920

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

Map Printed from Rezoning System: 2/25/2021



COUNTY OF HILLSBOROUGH

RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER: RZ PD 20-1264

DATE OF HEARING: March 15, 2021

APPLICANT: Mattamy Tampa/Sarasota, LLC

PETITION REQUEST: A request to rezone property from RSC-

3, RSC-4, ASC-1 & PD to PD to develop

up to 164 single-family attached or

townhome dwelling units

LOCATION: 310 feet east of the intersection of Bell

Shoals Rd. and Knowles Rd.

SIZE OF PROPERTY: 16.48 acres, m.o.l.

EXISTING ZONING DISTRICT: RSC-3, RSC-4, ASC-1 & PD

FUTURE LAND USE CATEGORY: CMU-12

SERVICE AREA: Urban

COMMUNITY PLAN: Brandon

DEVELOPMENT REVIEW STAFF REPORT

1.0 Summary

1.1 Project Narrative

The applicant seeks to rezone eleven (11) parcels, currently zoned Agricultural Single Family Conventional (ASC-1); Residential Single Family Conventional (RSC-3); Residential Single Family Conventional (RSC-4); and PD (04-0784) to a new Planned Development district. The proposed PD would be approximately 16.5 acres in size. The site is generally located on the southeast corner of Bell Shoals Road and Knowles Road, in Brandon. The site is within the Brandon Community Plan and is in the Urban Service Area. The site has a Future Land Use classification of CMU-12 (Community Mixed Use) and is occupied by five single residences today.

The request is to rezone the site to allow up to up to 164 single-family attached units or townhomes.

Surrounding zoning and uses are:

LOCATION	ZONING	USE / APPROVED FOR
North	-Residential Single-Family Conventional (RSC-2) - Agricultural Single-Family Conventional (ASC-1)	Residential SF, Agricultural
South	-Planned Development PD (03-0861), -Planned Development PD (95-0205),	-Commercial -Multifamily
East	-Agricultural Single-Family Conventional (ASC-1) - Planned Development PD (17-0071),	-County Retention Pond -116 Townhouse units, or -58 duplexes or -71 SF detached residential units.
	-Planned Development PD (02-0453), -Residential Single-Family Conventional (RSC-2) -Office Residential (OR)	
West	-Agricultural Single-Family Conventional (ASC-1)	-Office Residential -SF residential home -Office Residential -Church

The Applicant is proposing a minimum lot size of 1,674 square feet with a minimum lot width of 18' feet for the townhome units.

The proposed PD will include a 10-foot landscaped buffer along Knowles Rd. (a 63-foot wide Right of Way) with 6-foot high a pre cast wall. and The adjacent parcels to the northeast, zoned ASC-1, will be separated by a 15-foot wide buffer and screened by a 6-foot high black, powder coated aluminum (or other similar material) wrought iron style, picket fence with Type B landscaping. The applicant is also proposing to plant 3 feet high shrubs on the outside face of the fence along the NE PD line. In addition, the buildings along the NE would be limited to 6-unit structures and will be separated from each other at least 20 feet.

The site will have its main access from the west, off Bell Shoals Road. A second access point, off Knowles Rd. to the north, will be limited for emergency vehicles only.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The applicant has not requested variations from the general site development requirements found in Parts 6.05.00, Parking and Loading; and 6.06.00, Landscaping, Irrigation and Buffering Requirements of the Land Development Code. A variation is being requested from LDC 6.07.00, Fences and Walls to increase a fence from 6 to 8 feet along a portion of the site boundary.

The area of the project surrounding a single family parcel, identified with folio# 73139.0000, zoned ASC- 1 (Area 3 of figure 4) will provide an 8-foot high fence. Per the LDC Section 6.07.02.C.1.f, the maximum average height of any fence or wall shall be six feet (there are exceptions to this height rule that would not apply in this circumstance). The applicant states that the request is the result of meetings with the adjacent property owner. According to the applicant, the neighboring property owner does not object to the rezoning petition, but desires the fence around the property in question to be increased to 8 feet and utilize a non-white PVC solid fence. The increased height would augment the screening and a 5-foot buffer will be provided.

Per LDC Section 6.06.06, the proposed project would require a 5-foot buffer with Type A screening against adjacent ASC-1 zoned parcels. The project will meet this standard with the provision of the buffer with landscaping and a 6-foot high PVC fence along all other the project boundaries, although this requirement is not needed if the uses are separated by a 50-foot wide Right-of-Way.

The applicant is proposing to increase the minimum 5-foot buffer to 10 and 15 feet along certain areas of the PD boundaries, adjacent to ASC-1 zoned parcels, specifically, northeast and along Knowles Rd. Landscaping in accordance with the Type B screening (evergreen shade trees planted on 20 foot center) will be

provided within the 10-foot buffers, thus providing increased screening. The applicant also proposes to plant 3-foot shrubs within the buffers areas along the north.

A waiver has been requested from LDC Section 6.01.01, footnote 8. the LDC requires that structures with a permitted height greater than 20 feet shall be set back an additional two feet for every one foot of structure height over 20 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard as established in the Schedule of Area, Height, Bulk and Placement Regulations. In this case, the project proposes 10 feet of rear yard setback and 5 feet of buffer along the project's boundaries. The proposed building height would be 35 feet. Per the requirement above, the minimum building setback required, including buffers, would be 45 feet. According to the narrative the eastern northern boundary, identified as 1 in the graphic below, closest residential unit is approximately 110 feet to the north, approximately 65 feet greater than the required setback. For the northwestern boundary, identified as 2, closest residential unit is approximately 90 feet to the north, approximately 45 feet above the requirement.

As noted before, a 5 foot buffer with a 8 foot PVC fence is being proposed along the boundary labeled as **3**. This proposal is based on discussions with the owner who did not object to this rezoning request.

There is also a small portion of the site that would require a 45 foot setback (shown to the right). However, the site is a non-residential use (church) and the actual distance from the church to the property line is 70 feet, well over the required setback.

Staff has reviewed the applicant's waiver request and finds it supportable. A solid PVC fence will be placed along all most of the boundaries to screen the proposed structures. Other boundaries will provide additional landscaping. Proposed structures along the road will have an effective building setback of more than 70 feet when the ROW width (63+/-) on the north is added to the 10foot buffer area being provided. Adjacent lots along the northeast have their structures placed at least 85 90 feet from their front property lines. These properties to the NE are also separated by a dirt driveway 20 feet wide that serve as access to these homes. Therefore, the setbacks of the proposed townhome measured to these parcel lines along the NE would be at least 40 45 feet when the 20-foot wide dirt driveway, 10 feet of rear building setback and 10 15 feet of buffer are factored in. The applicant will provide a 5-foot buffer surrounding the ASC-1 parcel with folio number 73139.0000 with a solid 8-foot high PVC fence. The ASC-1 district's side and rear setbacks are 15 and 50 feet respectively. therefore, the resulting building separations along this parcel would be 30 feet and 65 feet. Lastly, the church building, adjacent to the west and also zoned ASC-1, is placed at least 70 feet from the site's boundary line where townhomes

are being placed. Maximum building height for the ASC-1 district is 50 feet, which is greater than the proposed 35 feet height for the subject project.

1.3 Evaluation of Existing and Planned Public Facilities

Public Utilities

This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.

School Board

Comments were received from the Hillsborough County Public Schools. Bloomingdale High School currently does not have capacity, and Burns Middle School is approaching capacity. However, additional capacity exists in adjacent concurrency service areas to accommodate the proposed project at these grade levels. A school concurrency review will be issued PRIOR TO preliminary plat or site plan approval.

Transportation

Bell Shoals Rd. is a publicly maintained 2-lane, undivided, substandard collector roadway characterized by +/- 10-foot wide travel lanes in average condition. The roadway lies within a variable width right-of- way (between +/- 60 feet and +/- 70-feet in width) along the project's frontage. There are no bicycle facilities present on Bell Shoals Rd. in the vicinity of the proposed project. There are +/- 4 and 5-foot wide sidewalks along portions of the east and west sides of Bell Shoals Rd. in the vicinity of the proposed project.

SITE ACCESS AND CONNECTIVITY

The project is proposing one full access (1) connection to Bell Shoals Rd. and one (1) emergency access connection to Knowles Rd. Staff cannot support elimination of pedestrian connectivity to Knowles Rd., and so has proposed that the emergency only access be changed to a emergency vehicular and pedestrian access. Such access must be gated for emergency vehicles, and may be gated for pedestrians; however, if the pedestrian is gated it must be available for the daily use of project residents.

The applicant's Engineer of Record (EOR) submitted two Administrative Variance Requests:

- Access management variance for spacing dated January 6, 2021.
- Substandard road variance dated February 26, 2021.

The County Engineer found the Variances to be approvable; therefore, these will be approved if PD 20- 1264 is approved by the BOCC.

ROADWAY LEVEL OF SERVICE (LOS)

Roadway	From	То	LOS Standard	Peak Hour Directional LOS
Bell Shoals Rd.	Lithia Pinecrest Rd.	Bloomingdale Ave.	D	C

Source: Hillsborough County 2019 Level of Service Report.

Impact Fees

Estimated Fees:

(Fee estimate is based on a 1,500 square foot, 3 bedroom, Townhouse Unit 1-2 Stories)

Mobility: \$4,278.00 * 164 units = \$701,592.00

Parks: \$1,656.00 * 164 units = \$271,584.00 School: \$7,027.00 * 164 units = \$1,152,428.00

Fire: \$249.00 * 164 units = \$40,836.00 Total Townhouse = \$2,166,440.00

Project Summary/Description:

Urban Mobility, Central Parks/Fire 164 Townhouse Units

1.4 Natural Resources/Environmental

The Environmental Protection Commission, EPC, reviewed the application and has no objection.

1.5 Comprehensive Plan Consistency

The Planning Commission staff finds the proposed re-zoning **consistent** with the *Future of Hillsborough* Comprehensive Plan.

1.6 Compatibility

Adjacent zoning districts permit residential uses today. The area mostly consists of low to medium density residential uses, as well as office to the west and

commercial to the south. The PD (17-0071) located to the east is currently approved and being developed with a similar townhome project with medium residential density and comparable development standards to those being proposed for the subject PD. Residential lots along the north, while zoned RSC-2, RSC-3 and ASC-1, are a mix of 1 acre and 1/3 acre lots. Most of these lots are separated by public roads. The proposed project will not front Knowles Rd. to the north and will have access from Bell Shoals to the west.

Although buffer and screening are not required along the roads abutting the project, the applicant proposes a 5 foot wider landscaped buffer with a 6-foot high fences along the PD boundaries. Increased fence height will be provided along a single parcel surrounded by this project. The buffer area is being increased to 10 15 feet along the north and NE. The 10-foot buffer will be in accordance with the Type B screening for the landscaping in addition to a solid PVC fence. The applicant met with area residents and, based on conversation with neighbors, the project will be provide a pre cast wall along Knowles Rd. and a black, powder coated aluminum (or other similar material) wrought iron style, picket fence along the Northeast. Both fences will have 3-foot high shrubs planted on the outside providing enhanced landscaping in view from the surrounding properties in the area.

Other area residents have expressed concerns with this rezoning petition. Concerns for increased traffic and safety issues in the area including the intersection of Bloomingdale Ave. and Bell Shoals Rd. have been included in letters received by staff. As part of this rezoning request, the applicant has provided documents for review by Transportation staff road improvements adjacent to the site where feasible. All road improvements will be reviewed in accordance with the conditions stipulated by this rezoning during the plat review process and provided during the site construction of the project.

The area today consists of a mix of office, residential support uses, multifamily, single family residential and agricultural uses and zoning districts. The proposed use would consist of a residential use that serves as a transition to commercial uses to the south and residential single-family to the north, as well as low scale office to the west. The CMU-12 Future Land Use category contemplates the mix of uses in the area and the proposed medium density of the project is consistent with the Comprehensive Plan policies and objectives. The site could be potentially developed with up to 198 units per the CMU-12 density allowance (12 du/ac), however, proposed project's density is 9.9 DU/ac. Transportation staff has no objection to the location of the main access on Bell Shoals and road improvements will be required by the developer. The site is located within the urban service area and will connect to water and sewer. Based on these considerations, staff recommends approval, with conditions.

1.7 Agency Comments

The following agencies reviewed the application and offer no objections: - EPC

- Conservation and Environmental Lands Management
- Water Resources Services

1.8 Exhibits

Exhibit 1: General Aerial Map Exhibit 2: Immediate Aerial Map Exhibit 3: Future Land Use Map

Exhibit 4: Proposed Site Plan PD 20-1264

2.0 Recommendation

Staff recommends approval, subject to the conditions.

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

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on March 15, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Ms. Kami Corbett 101 East Kennedy Blvd Suite 3700 Tampa testified on behalf of Mattamy Homes. She introduced her development team and stated that Ms. Albert would testify first regarding land planning and Mr. Henry will testify regarding transportation.

Ms. Isabelle Albert with Halff Associates stated that the property is 16.5 acres and locate don Bell Shoals and Knowles Road in the Brandon area just north of Bloomingdale Avenue. The area is a mixture of zoning from agricultural to residential to Planned Development. She added that the property is designated Community Mixed Use-12 by the Comprehensive Plan. Ms. Albert testified that the request is intended to allow 164 townhomes to be developed on-site. The property is located in the Urban Service Area. The second use requirement can be met by showing that a sidewalk links to a commercial area within one-quarter mile located on Bloomingdale Avenue. She showed a graphic to discuss the surrounding properties and stated that there is a new townhome development to the east and a County pond to the northeast. There is vacant ASC-1 property to the north and commercial development to the south. Ms. Albert stated that the applicant held several community meetings and amendments to the site plan

were made as a result. The developer originally planned a main access on Knowles Road but amended that request such that it is now proposed to be a gated emergency access point only. Additionally, the applicant discussed increasing the buffering and screening along the northern boundary. In response, the applicant proposes to increase the buffer from 5 feet to 15 feet with a 6-foot fence and additional vegetation including a hedge and trees planted 20feet on center. To the west, the buffer will be increased from 5 feet to 10 feet and the screening will go from a Type A to Type B including a wall. The Planning Commission staff found the request consistent with the Comprehensive Plan including the minimum density requirement and the required horizontal integration to the commercial use along Bloomingdale Avenue. Ms. Albert stated that the request is consistent with the Brandon Community Plan including the suburban character district which encourages a mix of residential dwelling types. Also, the request is consistent with the Hillsborough County Vision Map. She completed her testimony by stating that the Development Services Department found the request compatible.

Mr. Steve Henry 5023 West Laurel Tampa testified regarding transportation for the applicant and stated that a traffic analysis was conducted for the project. The results showed that Bell Shoals Road operates at an acceptable level of service. He showed a graphic to discuss the existing traffic as compared to the addition of the project traffic. Mr. Henry entered a copy of the Hillsborough County Level of Service report that shows the intersection with Bell Shoals operates at an acceptable level of service. Mr. Henry stated that two administrative variances have been filed and deemed approvable by the County Engineer. Access to the project has been aligned with the proposed access on the west side of Bell Shoals. That project is currently going through the zoning process. He testified that Bell Shoals is a collector roadway and has a spacing criteria of 245 feet. The distance to Knowles Road is 285 feet however the distance to the church is 185 feet which requires a design variance for spacing. The County Engineer found it approvable as access is aligned with the project to the west.

Hearing Master Finch asked Mr. Henry what would happen if the project to the west is not approved. Mr. Henry replied that an existing County pond for Bell Shoals resulted in a driveway for the maintenance of the pond and the subject property project would align with that driveway.

Mr. Henry continued his presentation by stating that the second waiver pertains to the widening of Bell Shoals Road and a requirement to provide 7-foot wide bike lanes. There is not sufficient right-of-way on Bell Shoals to widen it for the bike lanes therefore the County elected not to provide them when the plans were prepared. A sidewalk is proposed on both the east and west side of Bell Shoals as a part of the widening. The developer will add a sidewalk on Knowles Road which will connect to Bell Shoals thereby providing a continuous sidewalk. Mr. Henry showed the plans for the road improvement which include adding dual lefts, two through lands and a right-turn lane at the intersection to increase capacity.

Ms. Corbett concluded the applicant's presentation by stating that the conditions were modified as a result of discussions with Ms. Anne Pollack who represents the property owner to the northeast which is vacant agricultural land. Those changed conditions include Condition 4 and 6.1, 6.2 and 6.4. Ms. Corbett described the increase in buffering and screening adjacent to Ms. Pollack's clients property. A cleanup transportation condition was proposed to be added.

Hearing Master Finch asked if that was regarding bicycle and pedestrian access. Ms. Corbett replied yes. Hearing Officer Finch stated that it was added as condition 12.

Ms. Corbett concluded her presentation by submitting a letter of support from the property owner in the middle of the project which is not a part of the rezoning.

Mr. Israel Monsanto, Development Services Department testified regarding the County's staff report. Mr. Monsanto stated that condition 4 and 6 regarding wider buffers and additional screening and building placement were revised. Condition 12 was added regarding transportation. Mr. Monsanto showed a graphic to discuss the request for the rezoning from Agricultural and Residential Single-Family Conventional to Planned Development to allow up to 164 single-family attached units or townhomes. The property is 16.5 acres in size. He described the location of the property and added that it is located in the Brandon Community Plan and CMU-12 Future Land Use category. He added that a 10foot landscaped buffer is proposed along Knowles Road with a 6-foot high precast wall. Mr. Monsanto described the proposed buffering and screening for the project as well as the second access point which will be emergency only. A PD variation is requested to increase the fence height from 6 feet to 8 feet along a portion of the site boundary identified by folio 73139.0000 in response to a neighbor's request. Staff supports the variation request. A waiver is also requested regarding structures over 20 feet in height being required to setback an additional 2 feet for every one foot of height over 20 feet. The applicant justifies the waiver by stating that the existing adjacent homes will be at a greater setback than the Code requirement due to the design of the project. Mr. Monsanto described the surrounding area and added that neighbors were concerned about the increased traffic created by the project. The applicant will provide transportation improvements. Mr. Monsanto concluded his presentation by stating that the site could potentially be developed with 198 units per the CMU-12 density maximum.

Ms. Yeneka Mills of the Planning Commission staff testified that the property is within the Community Mixed Use-12 Future Land Use category and located in the Urban Service Area and the Brandon Community Planning Area. She testified that the request is consistent with the surrounding area. The request is also consistent with Policies 1.3 and 1.4 of the Future Land Use Element regarding compatibility as well as Policies 16.2, 16.3, 16.8 and 16.10 regarding infill redevelopment compatibility. The CMU-12 land use category requires horizontal integration which is being satisfied by connection of a continuous

sidewalk to an adjacent commercial use. The rezoning is consistent with the minimum density requirements. She concluded her remarks by stating that the rezoning request is consistent with the Future of Hillsborough Comprehensive Plan.

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

Ms. Anne Pollack 433 Central Avenue St. Pete testified in support on behalf of the Barrington Trust who is the adjacent property owner to the northeast. She added that her client understands development is happening in the area. Her client appreciates the developer working with them and making several changes to the plan and conditions. There is one remaining concern and that is the proposed 15 foot buffer on the northeast side. Ms. Pollack testified that her client would like the buffer increased to 20 feet based on the height of the townhomes.

Hearing Master Finch asked Ms. Pollack who she was representing. Ms. Pollack replied The Barrington Revocable Trust. Hearing Master Finch asked Ms. Pollack if she spoke to Ms. Corbett about the additional 5 foot buffer prior to the hearing. Ms. Pollack replied yes and added that it was the one item they did not agree upon.

Mr. Brian Bokor 3209 Bell Shoals Road Brandon testified as one of the property owners and stated that the developer will pay his fair share of the mobility fees. He added that the concerns over transportation should not be the basis for denial. He also stated that the timing of the track signal on Bell Shoals south of the Bloomingdale and Bell Shoals intersection should be examined. The poor timing is causing delays. Mr. Bokor finished his testimony in support by stating that the School Board indicates that there is sufficient capacity at this time.

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

Mr. James Barry 3028 Colonial Ridge Drive Brandon testified in opposition. Mr. Barry stated that he lives in the Colonial Ridge subdivision which is to the east of the subject property. He showed a PowerPoint presentation and testified that multi-family has already been developed on Bloomingdale Avenue. The project consists of 112 townhomes with access onto Bloomingdale. There is also an 81 unit project on Bloomingdale with a small access onto Bell Shoals. He showed a picture to discuss the backup of traffic at the intersection of Bell Shoals and Guiles. Mr. Bokor stated that the additional 164 units will add to the congestion and safety issues. He discussed the traffic and stated that the intersection of Bloomingdale and Bell Shoals is one of the worst intersections in the County for accidents. He cited crash data and added that the condition will be exacerbated by the additional 164 units. Mr. Bokor testified regarding environmental concerns. He stated that there are existing bald eagles, ospreys and other birds in the area. He is concerned about the effect of the construction regarding a risk of

environmental damage. He concluded his remarks by stating that schools are near or over capacity and that the safety issues as well as the risk to the environment results in his opposition to the request.

County staff did not have additional comments.

Hearing Master Finch asked Mr. Ratliff about the testimony in opposition regarding safety issues from the intersection of Bell Shoals and Bloomingdale. Mr. Ratliff of the County's transportation review section replied that safety is on a spectrum. Every additional trip from development increases the likelihood of a crash. However, the County has not identified a problem to the level of stating that development cannot occur on the property. He added that the County Engineer did not note any issues in the review of the administrative variances.

Hearing Master Finch asked Mr. Ratliff if he was in agreement with Mr. Henry's presentation and specifically the graph which showed capacity with the project traffic. Mr. Ratliff replied that he was not looking close enough to agree or disagree but stated the House Bill 7207 states that existing deficiencies are not something staff can review. Developers are required to pay and go which is why the concurrency system was repealed.

Ms. Corbett testified during the rebuttal period and asked the neighbor in opposition what was the source of his crash data. Mr. Barry replied that his data was from the Hillsborough county Sheriff's Office.

Mr. Henry testified during the rebuttal period that the improvement will be from two lanes to five lanes which will help the backup of traffic. He added that the County's five year crash history looks at the top 100 intersections and uses all data, not just the Sheriff's data. The Heat map does not include the subject intersection in terms of identifying it as a high accident area. The study was done by the MPO. The Sheriff's data is somewhat flawed. The project will consume less than 2 percent of the capacity therefore the project impact on the intersection is insignificant.

Ms. Corbett showed a graphic to discuss the stormwater pond. The neighboring townhome project is recently County owned and serves the adjacent subdivision. An environmental review was done and found that there are no endangered species on-site. Mr. Barry's presentation was great but he is not an expert in the any area he provided testimony. She testified that the request is consistent with the Brandon Community Plan. Regarding the request from Ms. Pollack for an additional five feet of buffer, it would require a redesign of the site plan. The adjacent zoning is ASC-1 which requires a 50-foot front yard setback. When combined with the subject 20 feet, a resulting 70 foot setback would be provided. Ms. Corbett ended her rebuttal testimony by stating that the expert testimony provided supports a recommendation of approval based on compatibility and consistency with the Comprehensive Plan.

The hearing was then concluded.

EVIDENCE SUBMITTED

Mr. Grady submitted a revised County staff report into the record.

Mr. Henry submitted a copy of the 2019 Hillsborough County Level of Service report and a map of high crash areas and a listing of the 5-year crash summary report in Hillsborough County into the record.

Mr. Barry submitted a copy of his PowerPoint presentation into the record. Ms. Corbett submitted a copy of her PowerPoint presentation, a copy of a letter from Mattamy Homes committing to buffering and screening provisions, a letter from Brain Bokor regarding improvements and timing of a signal and a Memorandum of Law regarding citizen testimony into the record.

PREFACE

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

FINDINGS OF FACT

- The subject site is 16.48 acres in size and is zoned Agricultural Single Family Conventional-1 (ASC-1), Residential Single-Family Conventional-3 (RSC-3), Residential Single-Family Conventional-4 (RSC-4) and Planned Development (PD). The property is designated Community Mixed Use-12 (CMU-12) by the Comprehensive Plan and located in the Urban Service Area and the Brandon Community Planning Area.
- 2. The request to rezone from ASC-1, RSC-3, RSC-4 and PD to Planned Development (PD) is for the purpose of developing a 164 unit single-family attached or townhome project.
- 3. The applicant has requested one Planned Development variation regarding the six-foot maximum height of a fence. The applicant is requesting an eightfoot fence along a portion of the boundary identified by folio # 73139.0000. The applicant justified the variation as it was a result of a request by the neighboring property owner.

The variation is consistent with Land Development Code Section 5.03.06.C(b) as it is harmony with the project, does not interfere with the adjacent property owners and mitigates a possible visual impact that furthers the intent of the Land Development Code.

4. The applicant has also requested a waiver to Land Development Code Section 6.01.01 regarding the required additional 2-to-1 setback for structures

over 20 feet in height. The applicant justified the waiver by stating that the effective setback will be more than 70 feet when the right-of-way width is added to the 10-foot buffer on the north. Additionally, the applicant has committed to additional buffering and screening in excess of Code requirements.

- 5. The Planning Commission found the request to be consistent with the Brandon Community Plan. The request is consistent with Policies 1.3 and 1.4 of the Future Land Use Element regarding compatibility as well as Policies 16.2, 16.3, 16.8 and 16.10 regarding infill redevelopment compatibility. The CMU-12 land use category requires horizontal integration which is being satisfied by connection of a continuous sidewalk to an adjacent commercial use. The rezoning is consistent with the minimum density requirements. In summary, the Planning Commission found the request consistent with the Comprehensive Plan.
- 6. The surrounding area is developed with a mix of existing residential development to the north, office uses to the west and commercial land uses to the south.
- 7. Testimony in support was provided by a representative of the adjacent property to the northeast. The testimony was complementary of the applicant as the buffering and screening was increased at the request of the neighboring property owner. The representative stated that all modifications were agreed to with the exception of an additional five feet of buffer on the northeastern side. The applicant's representative testified that the additional five feet could not be provided due to the location of a stormwater pond and the entire redesign of the townhome site plan if it were to be accommodated.

Testimony in support was also provided by the subject property owner.

8. Testimony in opposition was provided by a resident of the neighboring Colonial Ridge subdivision. The testimony expressed concerns regarding traffic congestion, the existing unsafe conditions at the intersection of Bell Shoals and Bloomingdale Avenue as recorded by the Sheriff's Department and the possible negative impact to the wildlife in the area.

The applicant's transportation engineer stated that the comments provided by the neighbor citing crash data was from the Sheriff's Department which can be flawed. The applicant's engineer submitted a copy of the County's Heat Map and 5-year Crash Summary which showed that the intersection of Bell Shoals and Bloomingdale was not identified as an intersection of concern. Additionally, the applicant's representative stated that an environmental review of the property was conducted and no endangered species were identified.

County Transportation staff also commented regarding the neighbor's traffic congestion and intersection comments by stating that the County Engineer did not identify any safety issues during the review of the administrative waiver requests. He added that House Bill 7207 states that existing deficiencies are not something staff can review. Developers are required to pay and go which is why the concurrency system was repealed.

- 9. The proposed 164 single-family attached or townhome dwelling units serve to provide a transition of housing types from the single-family to the north to the commercial area to the south.
- 10. The additional buffering and screening proposed by the applicant serves to mitigate potential negative impacts to adjacent properties.
- 11. Approval of the Planned Development zoning with the conditions proposed by the Development Services Department serves to provide a compatible land use in the area.

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

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

CONCLUSIONS OF LAW

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

SUMMARY

The request is to rezone 16.48 acres from ASC-1, RSC-3, RSC-4 and PD to PD to develop a 164-unit single family attached or townhome community.

The Planning Commission found the request to be consistent with the Brandon Community Plan. The Planning Commission determined that the request is consistent with the Comprehensive Plan and supports the rezoning request.

The applicant has requested one Planned Development variation regarding the six-foot maximum height of a fence. The applicant is requesting an eight-foot fence along a portion of the boundary identified by folio # 73139.0000. The applicant justified the variation as it was a result of a request by the neighboring

property owner. The variation is consistent with Land Development Code Section 5.03.06.C(b) as it is harmony with the project, does not interfere with the adjacent property owners and mitigates a possible visual impact that furthers the intent of the Land Development Code.

The applicant has also requested a waiver to Land Development Code Section 6.01.01 regarding the required additional 2-to-1 setback for structures over 20 feet in height. The applicant justified the waiver by stating that the effective setback will be more than 70 feet when the right-of-way width is added to the 10-foot buffer on the north. Additionally, the applicant has committed to additional buffering and screening in excess of Code requirements.

Testimony in support was provided by a representative of the adjacent property to the northeast. The testimony was complementary of the applicant as the buffering and screening was increased at the request of the neighboring property owner. The representative stated that all modifications were agreed to with the exception of an additional five feet of buffer on the northeastern side. The applicant's representative testified that the additional five feet could not be provided due to the location of a stormwater pond and the entire redesign of the townhome site plan if it were to be accommodated.

Testimony in opposition was provided by a resident of the neighboring Colonial Ridge subdivision. The testimony expressed concerns regarding traffic congestion, the existing unsafe conditions at the intersection of Bell Shoals and Bloomingdale Avenue as recorded by the Sheriff's Department and the possible negative impact to the wildlife in the area. The applicant's transportation engineer stated that the comments provided by the neighbor citing crash data was from the Sheriff's Department which can be flawed. The applicant's engineer submitted a copy of the County's Heat Map and 5-year Crash Summary which showed that the intersection of Bell Shoals and Bloomingdale was not identified as an intersection of concern. Additionally, the applicant's representative stated that an environmental review of the property was conducted and no endangered species were identified. County Transportation staff also commented regarding the neighbor's traffic congestion and intersection comments by stating that the County Engineer did not identify any safety issues during the review of the administrative waiver requests. He added that House Bill 7207 states that existing deficiencies are not something staff can review. Developers are required to pay and go which is why the concurrency system was repealed.

The request is compatible with the character of the area and is consistent with the intent of the Land Development Code and Comprehensive Plan.

RECOMMENDATION

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

April 5, 2021

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine

Date



Unincorporated Hillsborough County Rezoning		
Hearing Date: March 15, 2021 Report Prepared: March 4, 2021	Petition: PD 20-1264 3209, 3203, 3221 and 3227 Bell Shoals Road and 1009, 1021 and 1029 Knowles Road Southeast quadrant of Knowles Road and Bell Shoals Road	
Summary Data:	T	
Comprehensive Plan Finding:	CONSISTENT	
Adopted Future Land Use:	Community Mixed Use-12 (12 du/ga; 0.50 FAR)	
Service Area	Urban	
Community Plan:	Brandon	
Requested Zoning:	Agricultural Single-Family Conventional-1 (ASC-1), Residential Single-Family Conventional-4 (RSC-4) and Planned development (PD) to Planned Development (PD) to develop 164 townhomes	
Parcel Size (Approx.):	16.54 acres	
Street Functional Classification:	Knowles Road – Local Road Bell Shoals Road – County Collector	
Locational Criteria	N/A	
Evacuation Zone	The subject property is not in an Evacuation Zone	



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

Context

- The approximately 16.54 acre subject property is located south of Knowles Road and east of Bell Shoals Road. The subject property is in the Urban Service Area (USA). It falls within the limits of the Suburban Character District on the Character Districts Map in the Brandon Community Plan.
- The subject site's Future Land Use designation is Community Mixed Use-12 (CMU-12). Typical allowable uses in the CMU-12 Future Land Use category include residential, community scale retail commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed use projects at appropriate locations. Non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element (FLUE). Projects that are 10 acres in size or greater in the CMU-12 Future Land Use category must demonstrate a mix of land uses in accordance with FLUE Policy 19.1.
- The subject property is surrounded by the CMU-12 Future Land Use category to the west, south and east. Directly to the north is a large area designated as Residential-4 (RES-4). To the south, across Bloomingdale Avenue, is the Office Commercial-20 (OC-20) Future Land Use category.
- The subject property is zoned Agricultural Single-Family Conventional-1 (ASC-1), Residential Single Family Conventional-4 (RSC-4) and Planned Development (PD). Other nearby zoning districts include Residential Single Family Conventional-2 (RSC-2), Residential Single Family Conventional-3 (RSC-3) and Office Residential (OR). To the south are Planned Developments (PDs) approved for light commercial and multi-family residential uses.
- The subject property is surrounded by single-family residential homes and agricultural lands to the north, a church to the west, a County retention pond facility and multi-family residential homes to the east and light commercial and multi-family residential homes to the south.
- The applicant is requesting to rezone the property from ASC-1, RSC-4 and PD to PD to develop 164 townhomes.

Compliance with Comprehensive Plan:

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

Future Land Use Element

Urban Service Area (USA)

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

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Policy 1.2: Minimum Density

All new residential or mixed-use land use categories within the USA shall have a density of 4 du/ga or greater unless environmental features or existing development patterns do not support those densities.

Within the USA and in categories allowing 4 units per acre or greater, new development or redevelopment shall occur at a density of at least 75% of the allowable density of the land use category, unless the development meets the criteria of Policy 1.3.

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

Neighborhood/Community Development

Objective 16: Neighborhood Protection The neighborhood is 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 16.8: The overall density and lot sizes of new residential projects shall reflect the character of the surrounding area, recognizing the choice of lifestyles described in this Plan.

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

Mixed Use Land Use Categories

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

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Policy 19.1: Larger new projects proposed in all mixed use plan categories shall be required to develop with a minimum of 2 land uses in accordance with the following:

- Requirements for 2 land uses will apply to properties 10 acres or greater in the RMU-35, UMU-20, and CMU-12 land use categories, and to properties 20 acres or greater in the SMU-6 and NMU-4 land use categories.
- At least 10% of the total building square footage in the project shall be used for uses other than the primary use.
- The mix of uses may be horizontally integrated (located in separate building). Horizontal integration may also be achieved by utilizing off-site uses of a different type located within ¼ mile of the project, on the same side of the street of a collector or arterial roadway connected by a continuous pedestrian sidewalk.
- The land uses that may be included in a mixed use project include: retail commercial, office, light industrial, residential, residential support uses, and civic uses provided that the use is permitted in the land use category.
- These requirements do not apply within ½ of a mile of an identified Community Activity Centers (if other mixed use standards have been adopted for that area or when the project is exclusively industrial).

Community Design Component

- 5.0 NEIGHBORHOOD LEVEL DESIGN
- 5.1 COMPATIBILITY

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

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

Livable Communities Element: Brandon Community Plan

Goal 6: Re-establish Brandon's historical, hospitable, and family oriented character through thoughtful planning and forward thinking development practices by concentrating density in certain areas to preserve the semi-rural lifestyle of other areas. Attempt to buffer and transition uses in concentric circles where possible with most intense uses in an area at a node (intersection) and proceeding out from there. Create a plan for how areas could be developed and redeveloped for the future. Each of these areas would have potential for different building heights, parking configurations, fencing, buffering, landscape requirements, special use limitations, and design standards. These standards apply to new construction on infill property, redevelopment of undesirable areas and renovation of existing buildings. The primary consideration of all changes should be compatibility with existing structures to ensure neighborhood preservation.

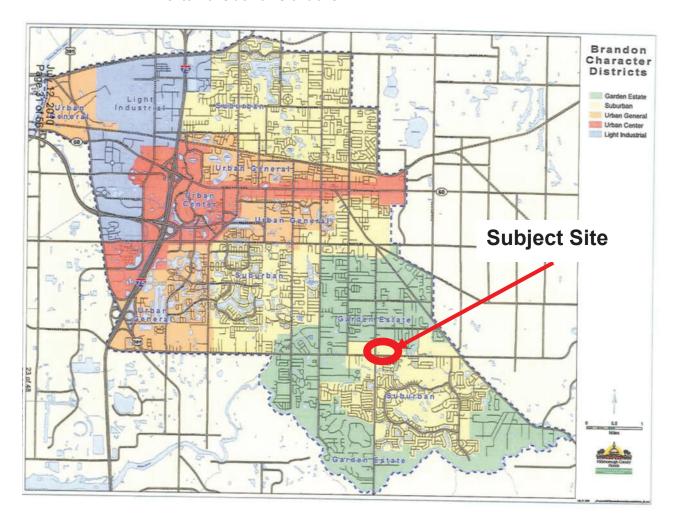
Strategies:

- 3. Implement Brandon Character Districts to protect established neighborhoods and historic patterns of development.
- 5. General design characteristics for each Brandon Character District are described below. The design characteristics are descriptive as to the general nature of the vicinity and its

PD 20-1264 4

surroundings and do not affect the Future Land Use or zoning of properties in effect at the time of adoption of the Brandon Community Plan. Any proposed changes to the zoning of property may proceed in accordance with the Land Development Code.

d. Suburban - Primarily residential area of single-family detached homes with side and perimeter yards on one-quarter acre or less. Mixed-use is usually confined to certain intersection locations. This district has a wide range of residential building types: single-family detached, single-family attached and townhouses. Setbacks and street canopy vary. Streets typically define medium-sized blocks. New development/redevelopment would be required to build internal sidewalks and connect to existing external sidewalks or trails.



Staff Analysis of Goals, Objectives and Policies:

The applicant is requesting to rezone the approximately 16.54 acre property from Agricultural Single-Family Conventional-1 (ASC-1), Residential Single-Family Conventional-4 (RSC-4) and Planned Development (PD) to Planned Development to allow for the development of 164 townhomes.

The proposal meets the intent of Objective 1 and Policies 1.3 and 1.4 of the Future Land Use Element of the Comprehensive Plan (FLUE) by providing growth within the Urban

PD 20-1264 5

Service Area. The proposed Planned Development also meets the minimum density required for properties within the Urban Service Area. Specifically, 164 townhomes are proposed on 16.54 acres, a density of 9.9 dwelling units per gross acre (du/ga), which is consistent with the density expected in the CMU-12 category. The request also meets the compatibility requirements of FLUE Policy 1.4 as the predominant character of the area is residential, including both single-family homes and multi-family homes.

The proposal also meets the intent of Objective 16 and its accompanying policies (16.2, 16.3, 16.8 and 16.10) that require new development, infill and redevelopment to be compatible with the surrounding area in character, lot size and density. In this case, the proposal is consistent with the development pattern in the area, which consists of both single-family and multi-family residential.

Goal 12 and Objective 12-1 of the Community Design Component (CDC) in the FLUE requires new developments to recognize the existing community and be designed to relate to and be compatible with the predominant character of the surrounding area. In this case, the surrounding land-use pattern is low to medium density residential and the proposal would be compatible with the existing development pattern.

Properties developing in mixed use categories must demonstrate a mix uses if the acreage threshold is reached. The subject site is over 10 acres in size and located within CMU-12 and therefore must meet FLUE Policy 19.1. The proposed Planned Development is meeting this requirement through horizontal integration with off-site uses. This requirement allows a property to utilize off-site uses of a different type located within ¼ mile of the project, on the same side of the street of a collector or arterial roadway if the off-site use and the project are connected by a continuous pedestrian sidewalk. The subject property is connected to the light commercial uses at the northeast corner of Bell Shoals Road and Bloomingdale Avenue, which is located within a ¼ mile of the site, by a continuous pedestrian sidewalk and therefore the proposed PD is consistent with the mixed use requirement in the Comprehensive Plan.

The proposed development is also consistent with the Brandon Community Plan in the Livable Communities Element of the Comprehensive Plan. It meets the intent of Goal 6, strategies 3 and 5 (d) which require each of the character districts to follow a specific development pattern. The subject site is in the Suburban Character District, which is primarily a residential area of single-family detached homes, mixed-uses at intersections and townhomes. The proposed PD meets the requirements of the district designation by providing townhomes.

Recommendation

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

PD 20-1264 6

AGRICULTURAL/MINING-1/20 (.25 FAR) call other values: Tampa Service CONTINUED Major Roads PENDING Rezonings STATUS P.inectest Rd Valrico Rd Bloomingdale Ave bg sisone, no 20-1264 T Bell Shoals Rd Ave E Bloomingdale T ПП Bryan Rd

HILLSBOROUGH COUNTY FUTURE LAND USE

RZ PD 20-1264

Jrban Service Area

Jurisdiction Boundary County Boundary

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

AGRICULTURAL-1/10 (.25 FAR)

AGRICULTURAL ESTATE-1/2.5 (.25 FAR) AGRICULTURAL/RURAL-1/5 (.25 FAR)

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

RESIDENTIAL PLANNED-2 (.35 FAR.)

RESIDENTIAL-4 (.25 FAR)

RESIDENTIAL-6 (.25 FAR)

RESIDENTIAL-12 (.35 FAR) RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-16 (.35 FAR) RESIDENTIAL-20 (.35 FAR)

RESIDENTIAL-35 (1.0 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR) COMMUNITY MIXED USE-12 (.50 FAR) SUBURBAN MIXED USE-6 (.35 FAR)

REGIONAL MIXED USE-35(2.0 FAR) JRBAN MIXED USE-20 (1.0 FAR)

RESEARCH CORPORATE PARK (1.0 FAR)

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

LIGHT INDUSTRIAL PLANNED (.50 FAR)

HEAVY INDUSTRIAL (.50 FAR) JIGHT INDUSTRIAL (.50 FAR)

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

John Moore Rd



1,840

920

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

Map Printed from Rezoning System: 2/25/2021

GENERAL SITE PLAN FOR CERTIFICATION



DEVELOPMENT SERVICES

PO Box 1110, Tampa, FL 33601-1110

HILLSBOROUGH COUNTY DEVELOPMENT SERVICES DEPARTMENT

GENERAL SITE PLAN REVIEW/CERTIFICATION

BOARD OF COUNTY COMMISSIONERS

Harry Cohen
Ken Hagan
Pat Kemp
Gwendolyn "Gwen" Myers
Kimberly Overman
Mariella Smith
Stacy R. White
COUNTY ADMINISTRATOR
Bonnie M. Wise

COUNTY ATTORNEY
Christine M. Beck
INTERNAL AUDITOR

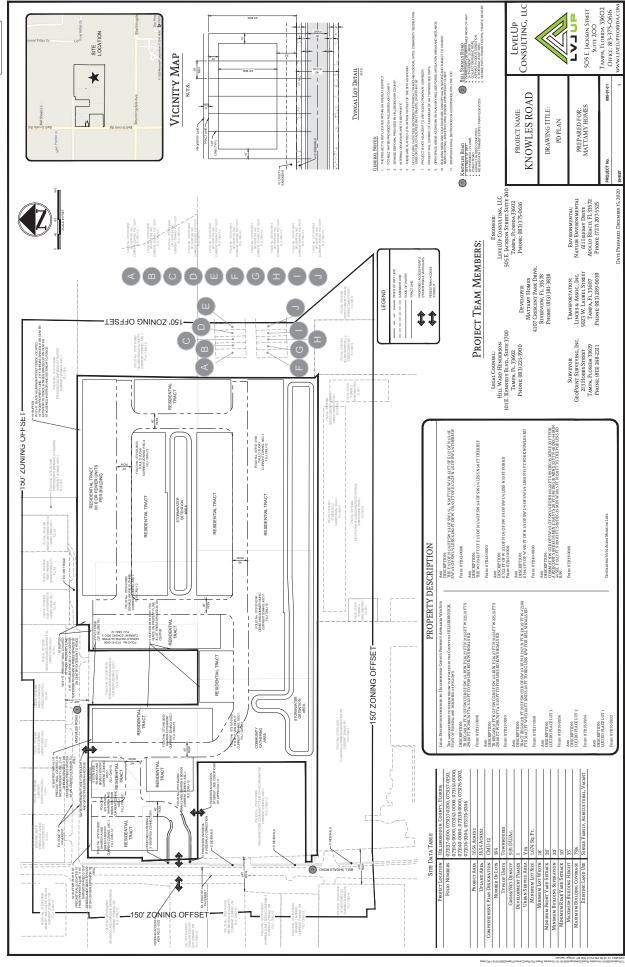
Peggy Caskey

DEPUTY COUNTY ADMINISTRATOR

Lucia E. Garsys

Project Name: Knowles Road						
Zoning File:	RZ-PD 20-1264		N	lone		
Atlas Page:	None	Submitted:	4/2	9/21		
To Planner fo	or Review: 4/29/21	Date Due:	AS	SAP		
	_{on:} Kami Corbett	Phone: kami	.corbett@	hwhlaw.com	1	
Right-Of-Wa	Right-Of-Way or Land Required for Dedication: Yes No					
(The Dev	velopment Services Departn	nent HAS NO OBJE	CTION to this	General Site Plan.		
() The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:						
Reviewed by	Israel Mo	nsanto	Date:	4/29/21		
Date Agent/0	Date Agent/Owner notified of Disapproval:					





AGENCY COMMNENTS

AGENCY REVIEW COMMENT SHEET

TO: Z	Zoning Technician, Development Services Depart	ortment DATE: 3/07/2021	
REVIEWER: James Ratliff, AICP, PTP AGENCY/DEPT: Transportation			
PLANNING AREA/SECTOR: BR/ Central PETITION NO: F		PETITION NO: RZ 20-1264	
	This agency has no comments.		
	This agency has no objection.		
X	This agency has no objection, subject to the listed or attached conditions.		
	This agency objects for the reasons set forth below.		

REPORT SUMMARY AND CONCLUSIONS

- The proposed project is anticipated to increase the maximum trip generation potential of the subject property at building (by 906 average daily trips, 53 a.m. peak hour trips, and 61 p.m. peak hour trips).
- Vehicular access to the site will be to/from Bell Shoals Rd. Additional emergency-only
 vehicular and pedestrian access will be provided to Knowles Rd. The developer will be required
 to construct a pedestrian cross-access stubout along the eastern half of its boundary with folio
 073137.0000.
- The applicant submitted a Section 6.04.02.B. Administrative Variance from the Section 6.04.07 access spacing requirements, which was found approvable by the County Engineer. If the rezoning is approved, the County Engineer will approve the Administrative Variance, upon which the developer shall be permitted to locate the project entry +/- 185 feet from the next closest driveway to the south. The project entry will be required to be located a minimum of 245 feet from Knowles Rd. and align with a proposed project on the west side of Bell Shoals Rd.
- Bell Shoals Rd. is a substandard collector roadway. The applicant requested a Section 6.04.02.B.
 Administrative Variance from the Section 6.04.03.L. requirement to improve the substandard
 roadway, which was found approvable by the County Engineer. If the rezoning is approved, the
 County Engineer will approve the Administrative Variance, upon which the developer will not be
 required to make improvements to Bell Shoals Rd.
- Transportation Review Section staff has no objection to the proposed request, subject to the conditions of approval provided hereinbelow.

CONDITIONS OF APPROVAL

- 1. If PD 20-1264 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated February 26, 2021) which was found approvable by the County Engineer (on March 4, 2021). Approval of this Administrative Variance will waive the Bell Shoals Rd. substandard road improvements required by Section 6.04.03.L. of the LDC.
- 2. If PD 20-1264 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated January 6, 2021) which was found approvable by the County Engineer (on March 4, 2021). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to the south to +/- 185 feet.

- 3. The developer shall construct a sidewalk stubout along the eastern half of the project's boundary with folio 073137.0000. Such connection may be gated; however, if gated the connection shall be available for the daily use of project residents.
- 4. The developer shall construct a gated vehicular access connection to Knowles Rd. Such connection shall be restricted to emergency vehicles only and shall be gated with a Knox-box (or similar acceptable to Hillsborough County). Such emergency access connection shall be accompanied by a pedestrian access connection. The pedestrian connection to Knowles Rd. may be gated; however, if gated the pedestrian connection shall be available for the daily use of project residents.

Other Conditions

- Prior to PD site plan certification, the applicant shall revise the PD site plan to:
 - Show a pedestrian sidewalk stubout along the southern project boundary and label
 "Pedestrian Access Stubout See Conditions of Approval". Such connection shall occur along the eastern half of the project's boundary with folio 073137.0000;
 - O Replace note 4 within the "General Notes" part of the plan which states, "Internal roadways are to be private." With a note stating, "Internal driveways are to be private." [Note: Staff cannot support internal roadways for the project as currently shown. Doing so would require compliance with the Transportation Technical Manual (TTM) which requires road rights-of-way to be a minimum of 50 feet in width (only 40 feet are provided). Additionally, the project would be required to comply with provisions of the LDC which requires continuation/connection to existing roadways (i.e. Knowles Rd.) and the project is proposing no such connection.];
 - O Replace the label which states "Emergency Access Only" to "Gated Emergency-Only Vehicular Access and Gated Pedestrian Access See Conditions of Approval"; and,
 - O Add a note within the "General Notes" section which states "Sidewalks shall be provided in accordance with the LDC."

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone multiple parcels, totaling +/- 16.48 ac., from Agricultural Single-Family Conventional – 1 (ASC-1), Residential Single-Family Conventional – 3 (RSC-3), Residential, Single-Family Conventional – 4 (ASC-4) and Planned Development (PD) #04-0784 to PD. PD 04-0784 is approved for 3 single-family detached dwelling units. The applicant is proposing 164 single-family attached townhomes.

As required by Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis. Based upon the number of inbound peak hour trips and directional distribution of those trips, auxiliary (turn) lanes were found not to meet the Section 6.04.04.D. turn lane warrants. Staff has prepared a comparison of the potential trips generated by development permitted, based upon the Institute of Transportation Engineer's Trip Generation Manual, 10th Edition, under the existing and proposed zoning designations utilizing a generalized worst-case scenario.

Existing Zoning:

Emoung Zoning.				
Land Use/Size	24 Hour Two-	Total Peak Hour Trips		
	Way Volume	AM	PM	
ASC-1, RSC-3, RSC-4 and PD, 31 single-family detached dwelling units (ITE LUC 210)	293	23	31	

Proposed Zoning:

Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 164 single-family attached dwelling units	1,199	76	92

(ITE Code 220)			
Trip Generation Difference:			
Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
Difference	(+) 906	(+) 53	(+) 61

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

Bell Shoals Rd. is a publically maintained 2-lane, undivided, substandard collector roadway characterized by +/- 10-foot wide travel lanes in average condition. The roadway lies within a variable width right-of-way (between +/- 60 feet and +/- 70-feet in width) along the project's frontage. There are no bicycle facilities present on Bell Shoals Rd. in the vicinity of the proposed project. There are +/- 4 and 5-foot wide sidewalks along portions of the east and west sides of Bell Shoals Rd. in the vicinity of the proposed project.

SITE ACCESS AND CONNECTIVITY

The project is proposing one full access (1) connection to Bell Shoals Rd. and one (1) emergency access connection to Knowles Rd. Staff cannot support elimination of pedestrian connectivity to Knowles Rd., and so has proposed that a the emergency only access be changed to a emergency vehicular and pedestrian access. Such access must be gated for emergency vehicles, and may be gated for pedestrians; however, if the pedestrian is gated it must be available for the daily use of project residents.

Per Section 6.04.03.Q. of the LDC, pedestrian cross access is required where a residential project is within a zoning or future land use classification of 12 units per acre or greater, and is adjacent to a project developed with non-residential uses or where such adjacent parcel also has a future land use designation allowing commercial uses or residential uses with a density of 12 units per acre or greater. Since both properties are within the CMU-12 future land use district, pedestrian cross access is required. The applicant did not request a Section 6.04.02.B. Administrative Variance to waive the cross-access requirement. As such, staff has proposed a condition which will require the developer to add the required pedestrian cross access along its boundary with folio 073137.0000.

REQUESTED ADMINISTRATIVE VARIANCE #1

The applicant's Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated February 26, 2021 and received March 2, 2021) from the Section 6.04.03.L. LDC requirement, whereby the developer is required to improve Bell Shoals Rd. (between the project roadway and nearest roadway meeting County standards) to current County standards for a TS-4 collector roadway. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable on March 4, 2021. If the rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request, upon which the developer will not be required to make improvements to the roadway.

REQUESTED ADMINISTRATIVE VARIANCE #2

The applicant's Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated January 6, 2021 and received March 2, 2021) from the Section 6.04.07 LDC requirement governing access. The Hillsborough County LDC requires a minimum connection spacing of 245 feet for Class 6 roadways. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable on March 4, 2021. If the rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request, upon which the developer will be permitted to locate the Bell Shoals Rd. access +/- 185 feet from the next closest driveway connection to the south. As no variance was requested for northern connection spacing, the developer will have to locate that access a minimum of 245 from Knowles Rd. It should be noted that the

applicant's request letter incorrectly referenced a variance from Section 6.04.08 isolated corner criteria standards, when in fact the standard for which the variance is being sought is the Section 6.04.07 spacing standard. The applicant should correct this error prior to final approval of the variance.

ROADWAY LEVEL OF SERVICE (LOS)

Roadway	From	То	LOS Standard	Peak Hour Directional LOS
Bell Shoals Rd.	Lithia Pinecrest Rd.	Bloomingdale Ave.	D	С

Source: Hillsborough County 2019 Level of Service Report.

From: Williams, Michael [WilliamsM@HillsboroughCounty.ORG]

Sent: Thursday, March 4, 2021 11:06 AM

To: shenry@lincks.com

CC: Tirado, Sheida [TiradoS@hillsboroughcounty.org]; Ratliff, James

[RatliffJa@hillsboroughcounty.org]; Garantiva, Sofia [GarantivaS@hillsboroughcounty.org];

Monsanto, Israel [Monsantol@hillsboroughcounty.org]

Subject: FW: RE: RZ-PD 20-1264

Attachments: 20-1264 AVReq 03-02-21.pdf

Steve – the following documents are APPROVABLE:

Access management variance for spacing dated January 6, 2021.

• Substandard road variance dated February 26, 2021.

Mike

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

Sent: Tuesday, March 2, 2021 9:25 AM

To: Ackett, Kelli <AckettK@hillsboroughcounty.org>; Albert Marrero <marreroa@plancom.org>; Alvarez, Alicia <AlvarezA@hillsboroughcounty.org>; Amanda Shaw <ashaw@hcso.tampa.fl.us>; Amber Dickerson <amber.dickerson@sdhc.k12.fl.us>; Andrea Papandrew <papandrewa@plancom.org>; Ayesha Brinkley <ayesha.brinkley@sdhc.k12.fl.us>; Blinck, Jim <BlinckJ@HillsboroughCounty.ORG>; Brown, Gregory <BrownGr@hillsboroughcounty.org>; Cabrera, Richard <CabreraR@HillsboroughCounty.ORG>; Castro, Jason <CastroJR@HillsboroughCounty.ORG>; Danny Santos <Daniel.Santos@dot.state.fl.us>; David Skrelunas <David.Skrelunas@dot.state.fl.us>; Dickerson, Ross <DickersonR@HillsboroughCounty.ORG>; Ellen Morrison <ellen.morrison@swfwmd.state.fl.us>; Franklin, Deborah <FranklinDS@hillsboroughcounty.org>; Greg Colangelo <colangeg@plancom.org>; Holman, Emily - PUD <HolmanE@HillsboroughCounty.ORG>; Hudkins, Michael <HudkinsM@hillsboroughcounty.org>; Hummel, Christina < HummelC@hillsboroughcounty.org>; Impact Fees <ImpactFees@hillsboroughcounty.org>; Ivana Kajtezovic <Ikajtezovic@tampabaywater.org>; James Hamilton < jkhamilton@tecoenergy.com>; Jessica Rohr < jrohr@hcso.tampa.fl.us>; Jiwuan Haley <haleyj@plancom.org>; Kaiser, Bernard <KAISERB@HillsboroughCounty.ORG>; Katz, Jonah <KatzJ@hillsboroughcounty.org>; Kelly O'Connor <kelly.oconnor@myfwc.com>; Mineer, Lindsey <Lindsey.Mineer@dot.state.fl.us>; Lindstrom, Eric <LindstromE@hillsboroughcounty.org>; Mackenzie, Jason <MackenzieJ@hillsboroughcounty.org>; Matthew Pleasant <matthew.pleasant@hcps.net>; McGuire, Kevin <McGuireK@HillsboroughCounty.ORG>; Melanie Ganas <mxganas@tecoenergy.com>; Melissa Lienhard lienhardm@plancom.org; Martin, Monica Martin, Martin, Mar Petrovic, Jaksa < PetrovicJ@HillsboroughCounty.ORG>; Pezone, Kathleen <PezoneK@hillsboroughcounty.org>; Ratliff, James <RatliffJa@hillsboroughcounty.org>; Hessinger, Rebecca <HessingerR@hillsboroughcounty.org>; Carroll, Richard <CarrollR@HillsboroughCounty.ORG>; Rochelle, Randy < RochelleR@HillsboroughCounty.ORG>; Rodriguez, Dan < RodriguezD@gohart.org>; Sanchez, Silvia <sanchezs@epchc.org>; Schipfer, Andy <Schipfer@epchc.org>; Shelton, Carla <SheltonC@HillsboroughCounty.ORG>; Garantiva, Sofia <GarantivaS@hillsboroughcounty.org>; Tapley, Kimberly <tapleyk@epchc.org>; Thompson, Mike <Thompson@epchc.org>; Tony Mantegna <tmantegna@tampaairport.com>; Salisbury, Troy <SalisburyT@hillsboroughcounty.org>; Turbiville, John (Forest) <TurbivilleJ@HillsboroughCounty.ORG>; Valdez, Rick <ValdezR@HillsboroughCounty.ORG>; Will

Augustine <august@plancom.org>; Yeneka Mills <millsy@plancom.org>
Cc: Grady, Brian <GradyB@HillsboroughCounty.ORG>; Monsanto, Israel
<Monsantol@hillsboroughcounty.org>; Timoteo, Rosalina <TimoteoR@HillsboroughCounty.ORG>;
Garantiva, Sofia <GarantivaS@hillsboroughcounty.org>; Padron, Ingrid
<Padronl@hillsboroughcounty.org>; Williams, Michael <WilliamsM@HillsboroughCounty.ORG>
Subject: RE: RZ-PD 20-1264

Good Day All,

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

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

Planner assigned:

Planner: Israel Monsanto

Contact: monsantoi@hillsboroughcounty.org

Thank you,

Ashley Rome

Planning & Zoning Technician

Development Services Dept.

P: (813) 272-5595

E: romea@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.



Additional / Revised Information Sheet

Date Stamp Here

Application Number: PD 20-1264 Applica	nt's Name: Mattamy Tampa/Sarasota LLC
Reviewing Planner's Name: Israel Monsanto	Date: 02/22/2021
Application Type: Planned Development (PD) Minor Modification/Personal Minor Modification/Personal	
The following must be	attached to this Sheet.
Cover Letter with summary of the changes and/or additional submitted, all changes on the site plan must be listed in details.	ail in the Cover Letter.
An updated Project Narrative consistent with the change	es or additional information provided, if applicable.
Submittal Via:	
Email (Preferred). Note that no follow up paper file is necessary.	Pdf format only. Maximum attachment(s) size is 15 MB.
Email this sheet along all the additional/revised submittal ite	ems in pdf to: ZoningIntake-DSD@hcflgov.net
☐ Mail or delivery. Number of Plans Submitted: Large_	Small
For PD, MM, PRS and SU: 7 large copies 24"X36", one small 8.5X11". For RZ-Standard: if plot plan is larger than 8.5"X11", 7 large copies shor Minor Change: 6 large copies. For Variances or Conditional Use permits: one 8.5"X11" or larger)	oould be submitted.
Mail to: Development Services Department Community Development Division P.O. Box 1110 Tampa, FL 33601-1110	Hand Deliver to: County Center Development Services Department 19th Floor 601 E. Kennedy Blvd., Tampa
I certify that changes described above are the only changes changes will require an additional submission and certificat	
Kami Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett Corbett	O = Hill Ward Henderson
Signature	Date
FOR OFFIC	E USE ONLY
☐ Notification E-Mail Sent ☐ Scanned into OP	ΓΙΧ
☐ Transmittal Completed	In-Take Completed by:



SENDER'S DIRECT DIAL: (813) 227-8421

SENDER'S E-MAIL: Kami.Corbett@hwhlaw.com

February 22, 2021

Via Email: MonsantoI@hillsboroughcounty.org

Israel Monsanto Principal Planner Development Services Department Hillsborough County 601 E. Kennedy Boulevard Tampa, Florida 33602

Re: PD 20-1264

Dear Mr. Monsanto:

Enclosed please find; (i) an Administrative Variance Request to Land Development Code Section 6.04.08; and (ii) an Administrative Variance Request to Land Development Code Section 6.04.03L, in conjunction with this rezoning application.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

HILL WARD HENDERSON

Kami Corbett

KC/bc



LINCKS & ASSOCIATES, INC.

January 6, 2021

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

Re:

Knowles Road Townhomes

Folio Number

073137-0100

073140-0000 073137-0150

073137-0130

RZ

20-1264

Lincks Project No. 20085

The purpose of this letter is to request a Section 6.04.02.B Administrative Variance to Section 6.04.08 of the Hillsborough County Land Development Code, for the access to Bell Shoals Road for the project. The project is located east of Bell Shoals Road and south of Knowles Road. The developer proposes to rezone the property to Planned Development to allow up to 164 Townhomes.

The access to serve the project is proposed to be as follows:

- One (1) full access to Bell Shoals Road
- One (1) emergency access to Knowles Road

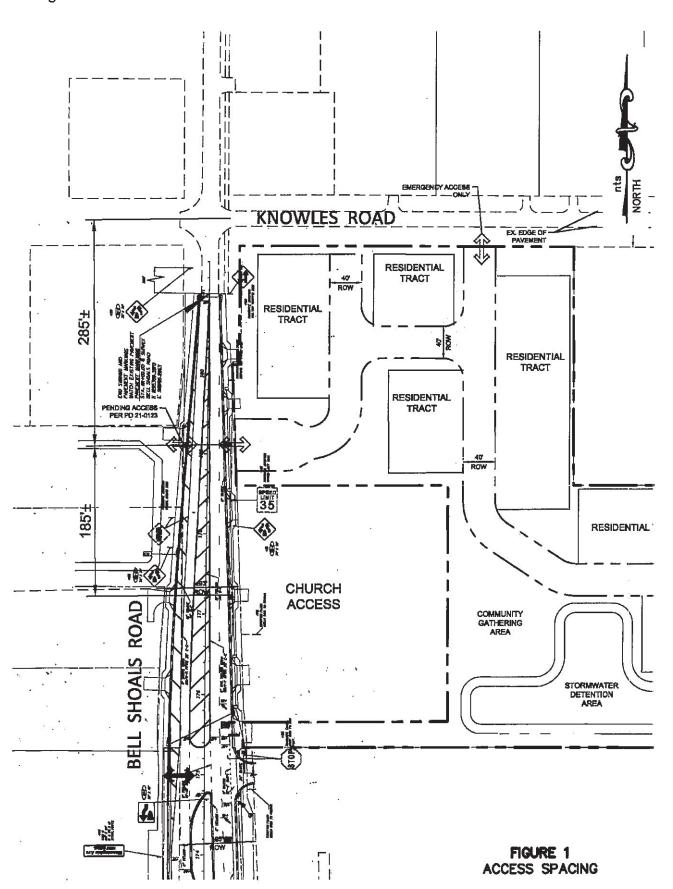
The access to Bell Shoals Road from the project is to align with the proposed access to serve the mini-warehouse project on the west side of Bell Shoals Road. In conjunction with the development of the project, the two existing accesses to Bell Shoals Road along the property frontage are to be removed. The subject access is approximately 285' feet from Knowles Road and approximately 185' feet from the northern church circular driveway, as illustrated in Figure 1.

The request is for an Administrative Variance to Section 6.04.08 of the Hillsborough County LDC for the access spacing for the access to Bell Shoals Road. Based on Section 6.04.08, the connection spacing for Bell Shoals Road is 245 feet.

The justification for the variance is as follows:

(a) there is an unreasonable burden on the applicant,

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



- 1. The project has frontage on Knowles Road and Bell Shoals Road. Knowles Road is a substandard local road that serves Single Family Homes.
- 2. Given the status of Knowles Road, the access for the project is proposed to be via Bell Shoals Road; a County collector road.
 - (b) the variance would not be detrimental to the public health, safety and welfare,

The proposed access will align with the proposed access for the mini-warehouse project and in conjunction with the development of the project, the two existing accesses to Bell Shoals Road will be removed.

Based on the above, the proposed variance is not detrimental to the health, safety, and welfare of the public.

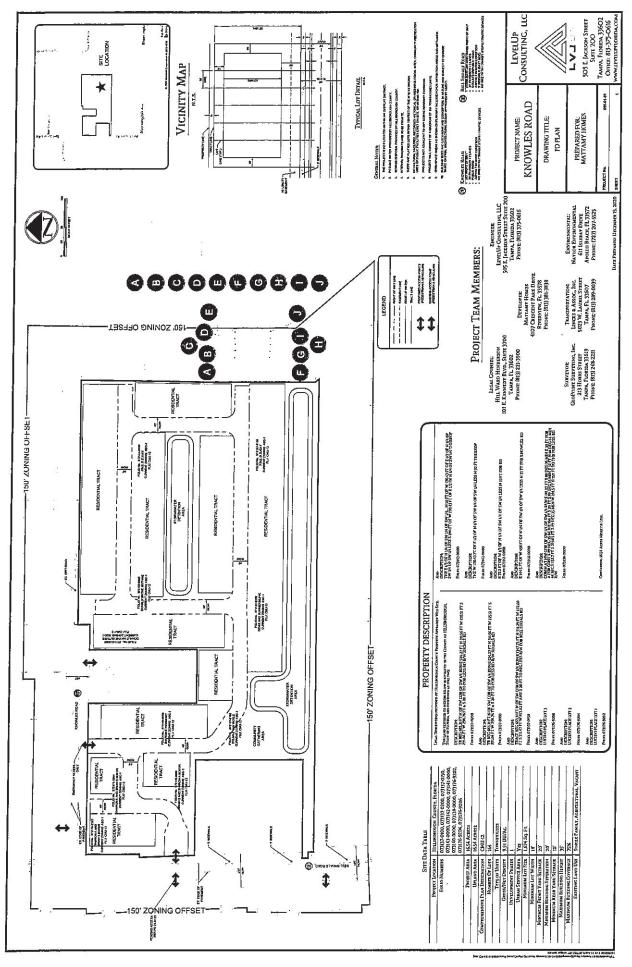
(c) without the variance, reasonable access cannot be provided. In the evaluation of the variance request, the issuing authority shall give valid consideration to the land use plans, policies, and local traffic circulation/operation of the site and adjacent areas.

The subject property has limited frontage along Bell Shoals Road. The location of the access was set due to the mini-warehouse project on the west side of Bell Shoals Road.

Please do not hesitate to contact us if you have any questions or require a information. Best Regards, Steven J Henry President Lincks & Associates, Inc. P.E. #51555	ny additional
Based on the information provided by the applicant, this request is: DisapprovedApproved	
If there are any further questions or you need clarification, please cor White, AICP, PTP, or James Ratliff, AICP.	ntact Charles
Date	Sincerely,
Michael Hillsborough Cou	el J. Williams nty Engineer







Sec. 6.04.05. - Access Pavement Requirements

A. Type I

- 1. Rural Section—Driveway does not need to be paved except for a four-foot paved transition extending from the edge of the roadway towards the site. The purpose of the paved transition is to protect the edge of pavement of the public roadway from damage and deterioration. This requirement does not apply when the public roadway has a four-foot (or wider) paved shoulder.
- 2. Urban Section—Driveway shall be paved to the right-of-way line or to the back of sidewalk, whichever is less.

B. Type II

- 1. Urban Section. These accesses shall be paved to the right-of-way line or to the back of sidewalk, whichever is distance is less.
- 2. Rural Section. These accesses shall be paved to the right-of-way line.

C. Type III

Rural and Urban Sections. These accesses shall be paved to the right-of-way line.

D. Surfacing Requirements

The pavement should be structurally adequate to meet the expected traffic loads an shall not be less than the requirements contained in the Hillsborough County Transportation Technical Manual, latest edition.

Sec. 6.04.06. - Maintenance Responsibilities

A. Introduction

The purpose of this section is to identify the various responsibilities relative to maintenance of access points. The occupant and the owner of the property services by the access shall be responsible for meeting the terms and conditions of the permit, if any.

B. Maintenance Responsibility by Jurisdiction

- 1. State Highway System. For those connections onto the State Highway System, the Florida Department of Transportation will normally maintain the connection surface, sidewalks, and all drainage facilities within the right-of-way.
- 2. County Roadway System. For the connections onto the County Roadway System, within the unincorporated portion of the County, the County Public Works Department will maintain the first four feet, nearest the edge of pavement, of the connection. In addition, the Department will maintain drainage structures within the right-of-way which accommodates roadway drainage.
- 3. Traffic Control Devices. All traffic control devices, including signs, signals and pavement markings, installed and properly permitted on the public right-of-way or public easements to control traffic utilizing the connection, shall be maintained by the County. Any devices required by the permit but installed off the public right-of-way shall be maintained by the permittee in a condition satisfactory to the County's Director of Public Works. The permittee shall be responsible for correcting any on-site deficiencies in an appropriate an timely manner.

Sec. 6.04.07. - Table: Minimum Spacing

24/2020	Hilisborou	gh County, FL Land Development Code	
ACCESS CLASSIFICATION(See Notes)	MINIMUM CONNECTION SPACING	MINIMUM MEDIAN; OPENING SPACING (Directional)	MINIMUM MEDIAN OPENING SPACING (Full)
CLASS 1	(See Federal Highway Admi	l nistration and FDOT Requirem	lnents)
Roadway providing for high speed, high volume traffic movement serving interstate, interregional and intercity needs as well as some intracity travel. These roadways do not provide direct property connections.			
CLASS 2			
A specially protected corridor distinguished by an extensive existing or planned system of access roads and restrictive median treatments.	>45 mph 1320 ft ≤45 mph 660 ft	>45 mph 1320 ft ≤ 45 mph 660'	>45 mph 2640 ft ≤ 45 mph 1320 ft

Development Services New and existing >45 mph 660 ft ≤45 mph >45 mph 1320 ft ≤45 mph >45 mph 2640 ft ≤45 mph 330 ft 660 ft 1320 ft roadways primarily in areas without extensive development or extensive subdivided properties. These corridors will be distinguished by existing or desired restrictive median treatments. Two lane highways with a desired high degree of access management should also be included. CLASS 4 >45 mph 660 ft≤45 mph N.A. N.A. New and existing 330 ft roadways primarily in areas without extensive development or extensive subdivided properties. These corridors will be distinguished by nonrestrictive median treatments or highways with two-way left turn lanes.

Development Services CLASS 5 **Existing roadways** >45 mph 330 ft ≤ 45 mph All Speeds 660 ft >45 mph 1320 ft ≤ 45 primarily in areas 245 ft mph 660 ft with moderate or extensive development or where the land is extensively subdivided. These corridors will be distinguished by existing or desired restrictive median treatments. CLASS 6 Existing roadways >45 mph 330 ft ≤45 mph N.A. N.A. primarily in areas 245 ft with extensive development or where the land is extensively subdivided. These corridors will be distinguished by existing or expected non restrictive medians, such as an undivided two or four lane highway or multi-lane highways with twoway left turn lanes. CLASS 7

2/24/2020	Hillsborou	ugh County, FL Land Development Code	Development Servi
Subdivision roads and all other local roadways functioning as subdivision roads.	TYPE I = 10 ft Type II = 50 ft (<5000 vpd*) 175 ft (≥ 5000 vpd*)	ALL SPEEDS 330 ft	ALL SPEEDS 330 ft
March 1, 1991	Type III =50 ft (<5000 vpd*) 250 ft (≥ 5000 vpd*) * refers to volume on		

NOTES AND SPECIAL REQUIREMENTS

adjacent roadway

- 1. Access road systems in Access Class 2 assumes the provision of an access road system or adequate internal property circulation through existing or new public and private roads in transportation and comprehensive plans and through local land development regulations.
- 2. Minimum connection and directional median spacing openings specified here may not be adequate if extensive right or left-turn storage is required. Greater distances may be required to provide sufficient sitespecific storage.
- 3. Connections and median openings on the public roadway system located up to ¼ mile from an interchange area or up to the first intersection with an arterial roadway, whichever distance is less, shall be regulated to protect the safety and operational efficiency of the limited access facility and the interchange area. The 14 mile distance shall be measured from the end of the taper of the ramp furthest from the interchange.
 - a. The distance to the first connection shall be at least 660 feet where the posted speed limit is greater than 45 mph or 440 feet where the posted speed limit is 45 mph or less. The distance will be measured from the end of the taper for the particular quadrant of the interchange. If the above connection spacing cannot be provided, a single connection per property will be provided if no other reasonable access to the property exists and the issuing authority determines that the connection does not create a safety, operational or weaving hazard.
 - b. The minimum distance to the first median opening shall be at least 1,320 feet as measured from the end of the taper of the egress ramp.
 - c. Connections and median openings meeting the above spacing standards still may not be permitted in the location requested in the permit application, when the issuing authority determines, based on traffic engineering principles, that the safety or operation of the interchange or the limited access highway would be adversely affected.

(Ord. No. 00-21, § 2, 5-18-00; Ord. No. 08-15, § 2, 6-12-08, eff. 10-1-08)

CORNER CLEARANCE AT INTERSECTIONS For Isolated Corner Properties Only				
Position Access Allowed Minimum Clearance				
	With Restrictive Medi	an		
Approaching Intersection	Right In/Out	115'		
Approaching Intersection	Right In Only	75'		
Departing Intersection	Right In Out	230' (125)*		
Departing Intersection	Right Out Only	100'		
Without Restrictive Median				
Approaching Intersection	Full Access	230' (125)*		
Approaching Intersection	Right In Only**	100'		
Departing Intersection	Full Access	230' (125)*		
Departing Intersection	Right Out Only**	100'		

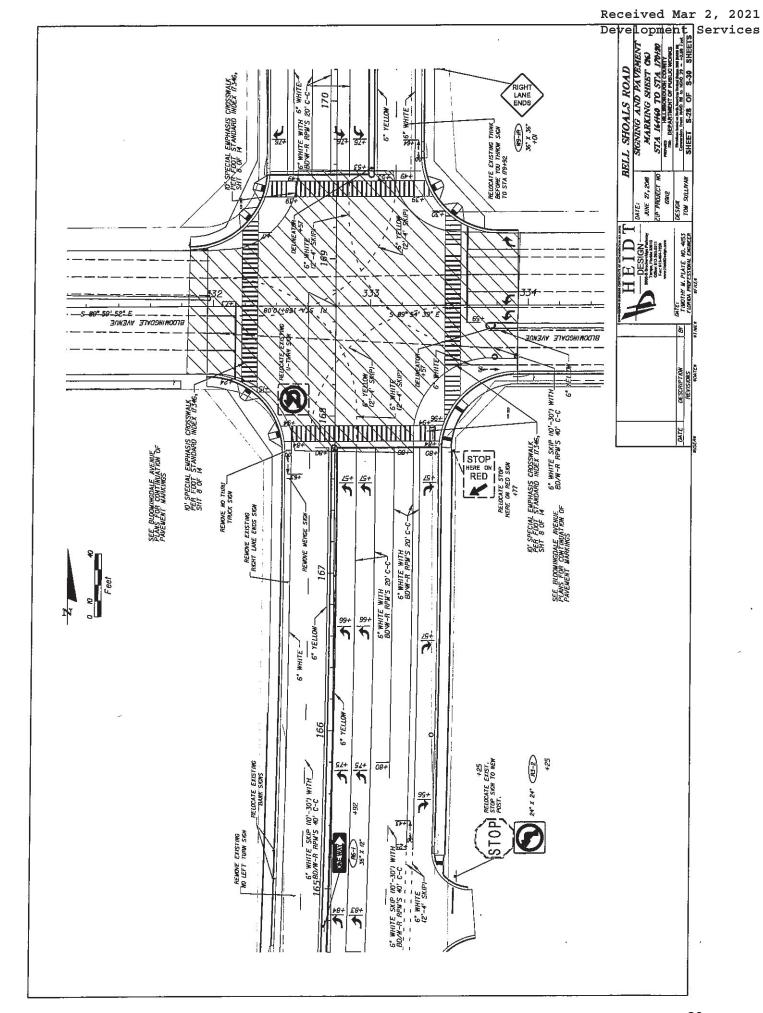
Isolated corner properties that, because of size or configuration cannot meet the above spacing requirements may apply for a variance as provided in <u>6.04.02</u> C.

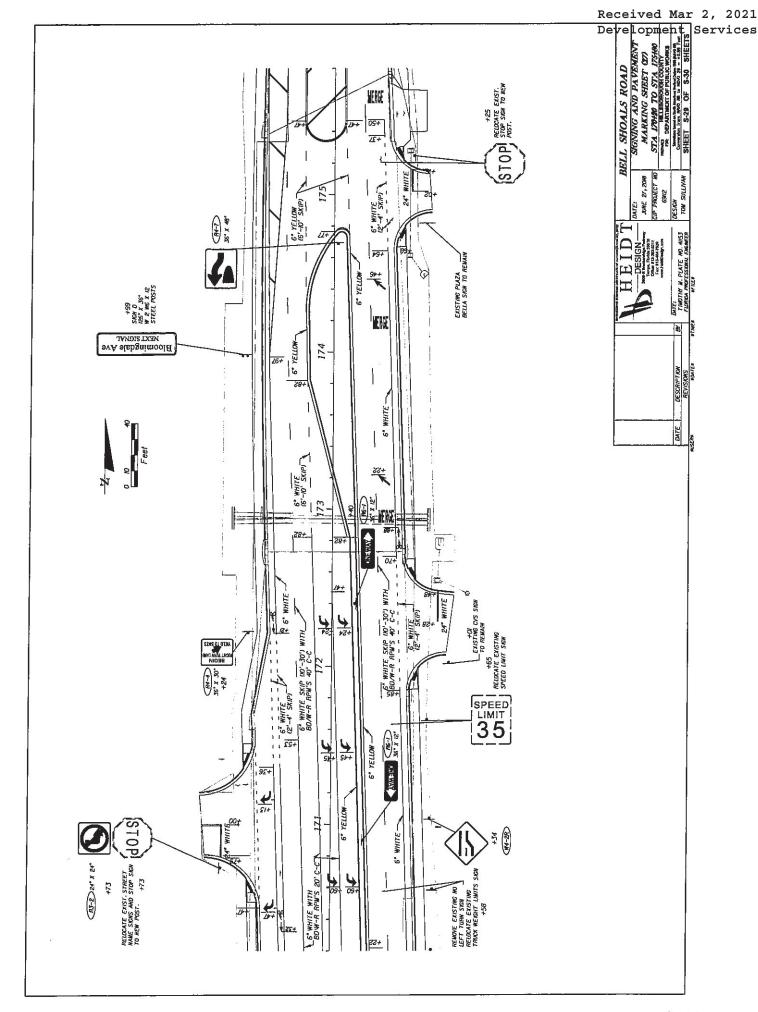
^{*} Access Class 7 may use the measurements in parenthesis if the posted speed limit is 35 MPH or less.

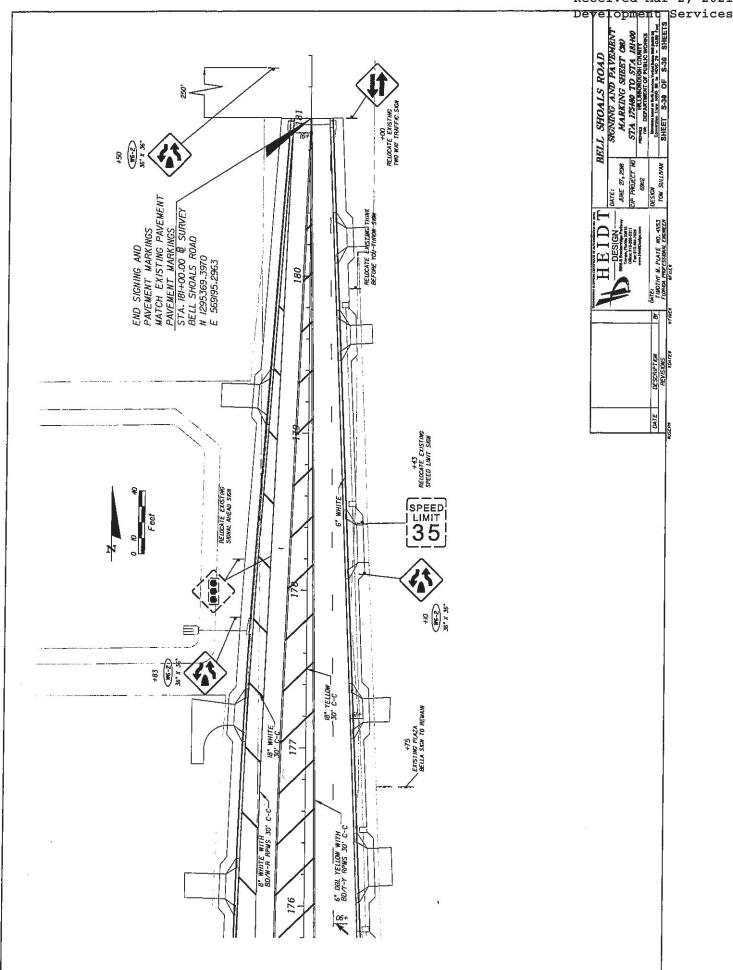
^{**} Right In/Out Right in Only and Right Out Only connections on roadways without restrictive medians shall, by design of the connection, effectively eliminate unpermitted movements.

BELL SHOALS ROAD PLANS











LINCKS & ASSOCIATES, INC.

January 6, 2021

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

Re:

Knowles Road Townhomes

Folio Number 073137-0100

073140-0000 073137-0150 073137-0200

RZ

20-1264

Lincks Project No. 20085

The purpose of this letter is to request a Section 6.04.02.B Administrative Variance to Section 6.04.03L of the Hillsborough County Land Development Code, which requires improvement of projects taking access to a substandard road to improve the roadway to current County standards between the project driveway and the nearest standard road. The developer proposes to rezone the subject property to the Planned Development to allow up to 164 Townhomes.

The access to serve the project is proposed to be as follows:

- One (1) full access to Bell Shoals Road
- One (1) emergency access to Knowles Road

Table 1 provides the trip generation for the project.

The request is to waive the requirement to improve Bell Shoals Road (between Bloomingdale Avenue and the project access) to current County standards for a TS-4 roadway, the standards for which are found within the Hillsborough County Transportation Technical Manual. It should be noted that Bell Shoals road is currently under construction to be widened to a 4 lane divided roadway south of Bloomingdale Avenue. To the north of Bloomingdale Avenue, the 4-laning extends approximately 700 feet and then transitions to the 2-lane undivided roadway. Bell Shoals Road meets TS-5 north of Bloomingdale Avenue for the 4 lane section. Within the transition, from the 4 lane section to the 2 lane undivided section, the bike lanes are dropped. This occurs approximately 400' south of the project access.

The justification variance is as follows:

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

- (a) there is an unreasonable burden on the applicant,
- 1) Bike Lanes TS-4 has 7' bike lanes. The Bell Shoals Road plans have 5 bike lanes from Bloomingdale Avenue to approximately 400' south of the project access for the project.

Sidewalk is proposed to be provided on the east and west side of Bell Shoals Road, to the terminus of the roadway project, which then connects to the existing sidewalk on the east side of Bell Shoals Road. In addition, this project will provide sidewalk along the property frontage on Knowles Road to connect to the sidewalk within Bell Shoals Road.

(b) the variance would not be detrimental to the public health, safety and welfare,

The substandard section is approximately 400' south of the project access and sidewalk is to be provided on the east and west sides of Bell Shoals Road

(c) without the variance, reasonable access cannot be provided. In the evaluation of the variance request, the issuing authority shall give valid consideration to the land use plans, policies, and local traffic circulation/operation of the site and adjacent areas.

Bell Shoals Road is only the access to a collector roadway for the project.

Mr. Mike Williams January 6, 2021 Page 3

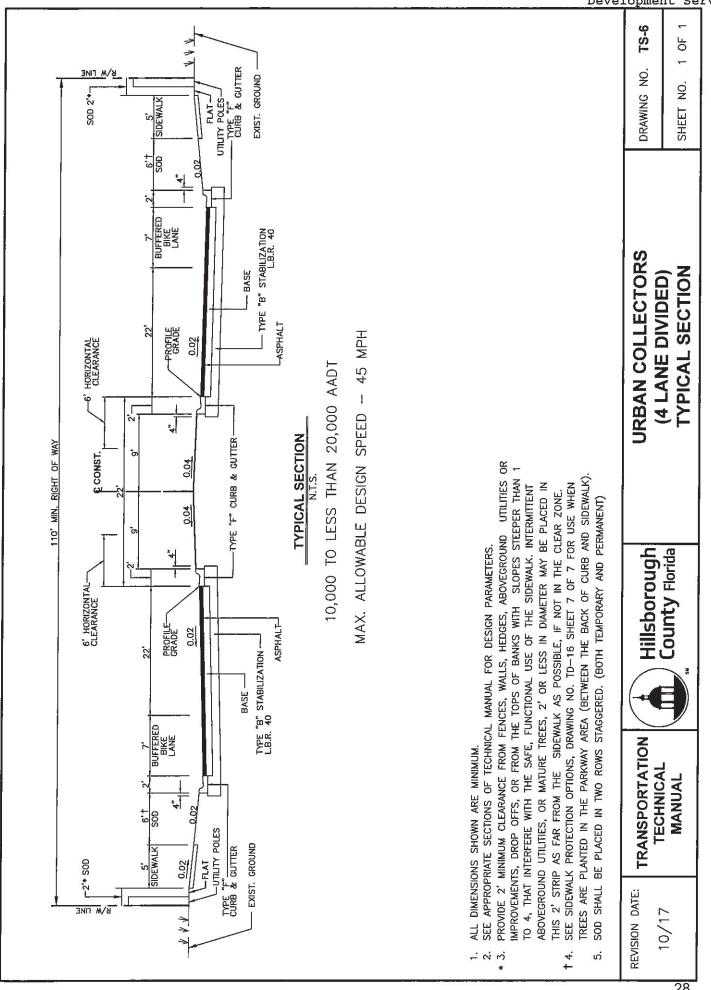
information.	any questions or require any additional
Steven J Henry President Lincks & Associates, Inc. P.E. #51555	No. 5
J. 2. 110 1000	
Based on the information provided by the approvedDisapprovedApproved If there are any further questions or you need White, AICP, PTP, or James Ratliff, AICP.	
Date	
Date	Sincerely,
Date	Sincerely, Michael J. Williams

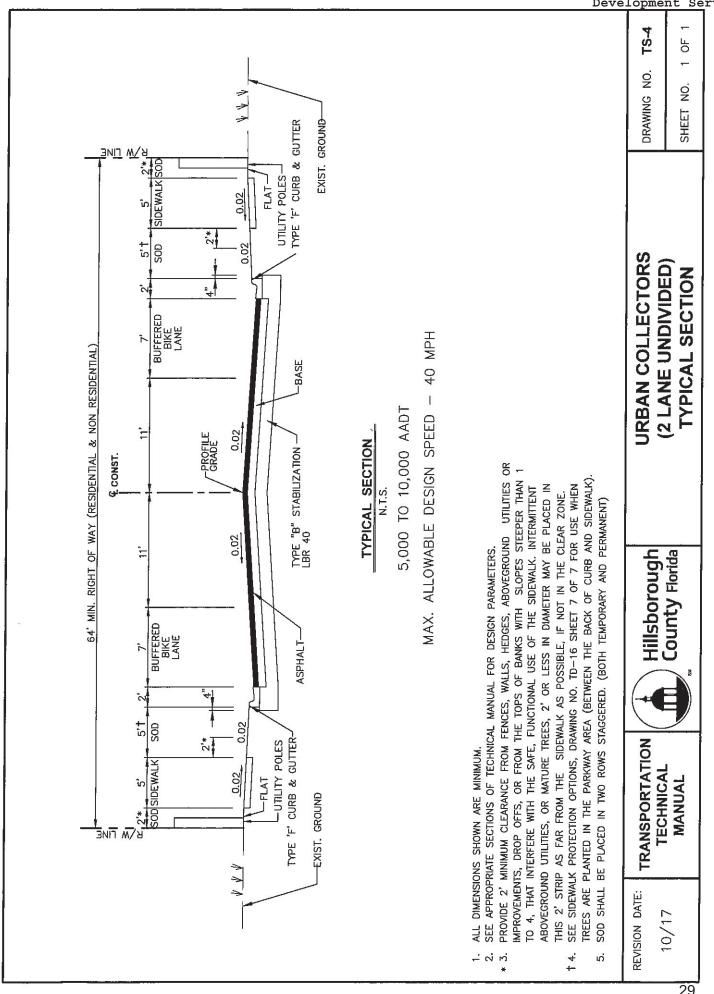


Received Mar 2, 2021 Development Services

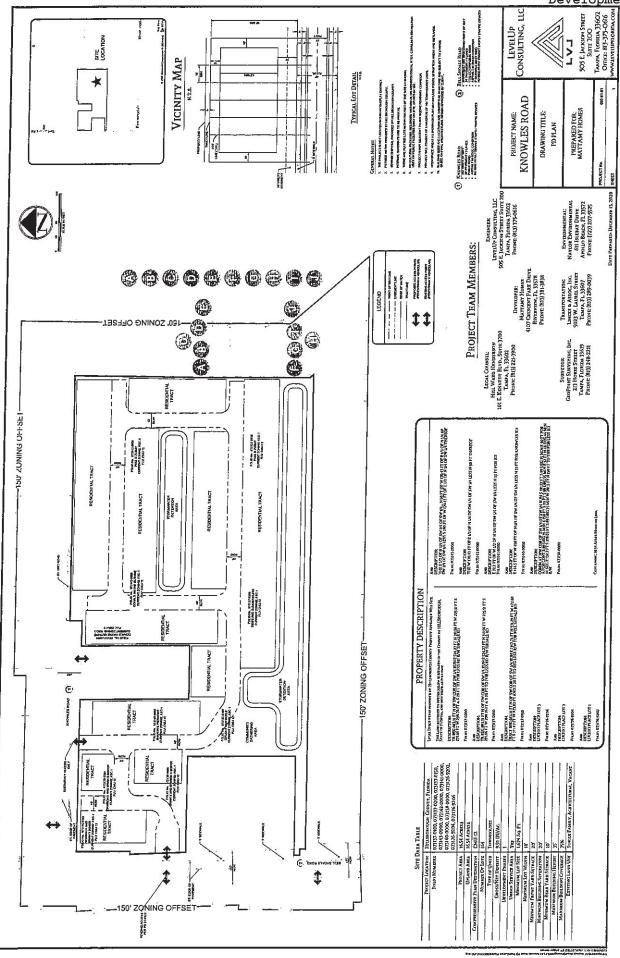
TTM







Received Mar 2, 2021 Development Services





Topic #625-000-002 FDOT Design Manual

January 1, 2020

Table 210.2.1 - Minimum Travel and Auxiliary Lane Widths

Context Classification		Travel (feet) Design Speed (mph)		Auxiliary (foot) Design Spood (mph)			Two-Way Loft Turn (feet) Design Speed (mph)			
C1	Natural	11	11	12	11	11	12	, NI	A UA	
C2	Rural	11	11	12	11	11	12	N/A		
C2T	Rural Town	11	11	12	11	11	12	12	12	
C3	Suburban	10	11	12	10	11	12 ·	11	12	
C4	Urban General	10	11	12	10	11	12	11	12	
C5	Urban Center	10	11	12	10	11	12	11	12	
C6	Urban Core	10	11	12	10	11	12	11	12	

Notes:

Travel Lanes:

- (1) Minimum 11-foot travel lanes on designated freight corridors, SIS facilities, or when truck volume exceeds 10% on vary low speed roadways (design speed ≤ 35 mph) (regardless of context).
- (2) Minimum 12-foot travel lanes on all undivided 2-lane, 2-way roadways (for all context classifications and design speeds). However, 11-foot lanes may be used on 2-lane, 2-way curbed roadways that have adjacent buffered bicycle lanes.
- (3) 10-foot travel lanes are typically provided on very low speed roadways (design speed ≤ 35 mph), but should consider wider lanes when transit is present or truck volume exceeds 10%.
- (4) Travel lanes should not exceed 14 feet in width.

Auxiliary Lanes:

- (1) Auxiliary lanes are typically the same width as the adjacent travel lane.
- (2) Table values for right turn lanes may be reduced by 1 foot when a bicycle keyhole is present.
- (3) Median turn lanes should not exceed 15 feet in width.
- (4) For high speed curbed roadways, 11-foot minimum lane widths for dual left turn lanes are allowed.
- (5) For RRR Projects, 9-foot right turn lanes on very low speed roadways (design speed ≤ 35 mph) are allowed.

Two-way Left Turn Lanes:

- (1) Two-way left turn isnes are typically one foot wider than the adjacent travel lanes.
- (2) For RRR Projects, the values in the table may be reduced by 1-foot.

210 - Arterials and Collectors

3

Development Services

BELL SHOALS ROAD PLANS



Received Mar 2, 2021 Services SIGNING AND PAVEMENT
MARKING SHEET ON
STA 16446 TO STA 17499
FROM: BELLENGHOUS COUNT
OF DEPARTMENT OF BRIED WORLD
COMMENTED TO SHEET STA 518 OF 549 SHEETS BELL SHOALS ROAD NO SPECIAL EMPHASIS CROSSWAUX PER-FOOT STANDAND INDEX 17346, SHT 8 OF 14 RIGHT LANE ENDS BDW-R RPW'S 20' C-C-6" YELLOW -36" X 36" +O! RELOCATE EXISTING THINK BEFORE YOU THROW SIGN TO STA 179+92 TOW SULLNAM JUNE 27, 2018 ONTE: THOTHY M. PLATE NO. 41153
FIDHIN PROFESSIONAL ENEMER
STILES HEID 亩 BLOOWINGDALE AVENUE 6 WHITE SKIP (10'-30') WITH BD/W-R RPW'S 40' C-C NO'SPECIAL EMPHASIS CROSSWALK PER FDOT STANDARD INDEX 11346, SHT 8 OF 14 DATE REDOVE STORY
HERE ON RED SIGN
ACTOR OF SIGN 10' SPECIAL EMPHASIS CROSSWALK PER FDOT STANDARD INDEX 17346, SHT 8 OF 14 SEE BLOOMINGDALE AVENUE PLANS FOR CONTINUATION OF PAVEMENT MARKINGS 15 15+ REMOVE NO THRU TRICK SIGN SEE BLOOMINGDALE AVENUE PLANS FOR CONTINUATION OF PAVEMENT MARKINGS REMOVE EXISTING RIGHT LANE ENDS SIGN REMOVE MERGE SIGN 6" WHITE WITH BOW-R RPM'S 20' C-C BOW-R APN'S 20' C-C-994 99+ 6" YELLOW -6" WHITE. 6" YELLOW 991 STOP STOP STON TO NEW 52+ **5** 24. X 24' (R3-2) BANK SIGHS 52+ 08+ 6" WHITE SKIP (10'-30') WITH 95+ 76+ 6' WHITE SKIP IND-30' WITH SAME REW'S 40' C-C KI NO LEFT TURN SIGN WAYNER . 36. X 12. +8+ +83

Received Mar 2, 2021 Services SIGNING AND PAVEMENT
MARKING SHEET CT)
STA Dray of 1974 175400
mans HILISONOIS COURT
TO DEPARTMENT OF THE SIGNING BELL SHOALS ROAD +25 RELOCATE EXIST. STOP SKM TO NEW POST. 09Ŧ (STOP) 24" WHITE (2'-4' SKIP) TOW SULLIVAN JUNE 27, 2018 (6'-10' SKIP! 35 × 48° DATE: THOTHY M. PLATE NO. 4153
FLORIDA PROFESSIONA ENGINEER
** AFILES EXISTING PLAZA BELLA SIGN TO REMAIN +99 SIGN D 126" X 36" W 2 W6 X 12 STEEL POSTS **ERCE** Bloomingdale Ave ANDIS TXAN 6" YELLOW 174 6. WHITE 173 02+ SECTION OF SKIP (10'-30') WITH A 6" WHITE EXISTING CVS SIGN 24" WHITE 1 124 6" WHITE SKIP 110'-30') WITH BONN-R RPW'S 40' C-C Services of the service of the servi G WHITE - C AVERATION 35° X 62° St 6° YELLOW 5/+ # WHITE 6" YELLOW 6" WHITE -# +34 (#4-29) BDW-R RPW'S 20' C-CT R3-2 24" X 24" RELOCATE EXIST. STREET
NAME SIGNS AND STOP SIGN
TO NEW POST. +73 REMOVE EXISTING NO
LEFT TURN SIGN
RELOCATE EXISTING
TRUCK WEGHT LIMITS SIGN
+58 09+ る

Received Mar 2, 2021 Services +00 RELOCATE EXISTING TWO WAY TRAFFIC SIGN +50 (W6-2) 36' x 36' CIP PROJECT NO 69112 JUNE 27, 2018 TOW SULLNAM END SIGNING AND
PAVEMENT MARKINGS
MATCH EXISTING PAVEMENT
PAVEMENT MARKINGS
STA. 181-00-00 & SURVEY
BELL SHOALS ROAD
N 1295369.3970
E 569195.2963 DATE: THOTHY M. PLATE NO. 4153
FIDHUM PHOTESSONAL ENGINEER
THE RELIEF 180 DATE +43
RELOCATE EXISTING
SPEED LIMIT SIGN RELOCATE EXISTING SPEED LIMIT +10 186-2 36' X 36' IB YELLOW +75 EXISTING PLAZA BELLA SKN TO REMAIN 10" WHITE 177 B' WHITE WITH BO/W-R RPWS 30' C-C-6" DBL YELLOW WITH BD/Y-Y RPWS 30" C-C 176 06+



LINCKS & ASSOCIATES, INC.

February 26, 2021

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

Re: Knowles Road Townhomes

Folio Number 073137-0100

073140-0000 073137-0150 073137-0200

RZ 20-1264 Lincks Project No. 20085

The purpose of this letter is to request a Section 6.04.02.B Administrative Variance to Section 6.04.03L of the Hillsborough County Land Development Code, which requires improvement of projects taking access to a substandard road to improve the roadway to current County standards between the project driveway and the nearest standard road. The developer proposes to rezone the subject property to the Planned Development to allow up to 164 Townhomes.

The access to serve the project is proposed to be as follows:

- One (1) full access to Bell Shoals Road
- One (1) emergency access to Knowles Road

Table 1 provides the trip generation for the project.

The request is to waive the requirement to improve Bell Shoals Road (between Bloomingdale Avenue and the project access) to current County standards for a TS-4 roadway, the standards for which are found within the Hillsborough County Transportation Technical Manual. It should be noted that Bell Shoals road is currently under construction to be widened to a 4 lane divided roadway south of Bloomingdale Avenue. To the north of Bloomingdale Avenue, the 4-laning extends approximately 700 feet and then transitions to the 2-lane undivided roadway. Bell Shoals Road meets TS-5 north of Bloomingdale Avenue for the 4 lane section. Within the transition, from the 4 lane section to the 2 lane undivided section, the bike lanes are dropped. This occurs approximately 400' south of the project access.

5023 West Laurel Street Tampa, FL 33607 813 289 0039 Telephone 8133 287 0674 Telefax www.Lincks.com Website Mr. Mike Williams February 26, 2021 Page 2

The justification variance is as follows:

- (a) there is an unreasonable burden on the applicant,
- 1) Bike Lanes TS-4 has 7' bike lanes. The Bell Shoals Road plans have 5 foot bike lanes from Bloomingdale Avenue to approximately 400' south of the project access for the project. Based on the construction plans for Bell Shoals Road, there is not sufficient right of way to extend the bike lanes north to the project access.

Sidewalk is proposed to be provided on the east and west side of Bell Shoals Road, to the terminus of the roadway project, which then connects to the existing sidewalk on the east side of Bell Shoals Road. In addition, this project will provide sidewalk along the property frontage on Knowles Road to connect to the sidewalk within Bell Shoals Road.

(b) the variance would not be detrimental to the public health, safety and welfare.

The substandard section is approximately 400' south of the project access and sidewalk is to be provided on the east and west sides of Bell Shoals Road

(c) without the variance, reasonable access cannot be provided. In the evaluation of the variance request, the issuing authority shall give valid consideration to the land use plans, policies, and local traffic circulation/operation of the site and adjacent areas.

Bell Shoals Road is only the access to a collector roadway for the project.

Mr. Mike Williams February 26, 2021 Page 3

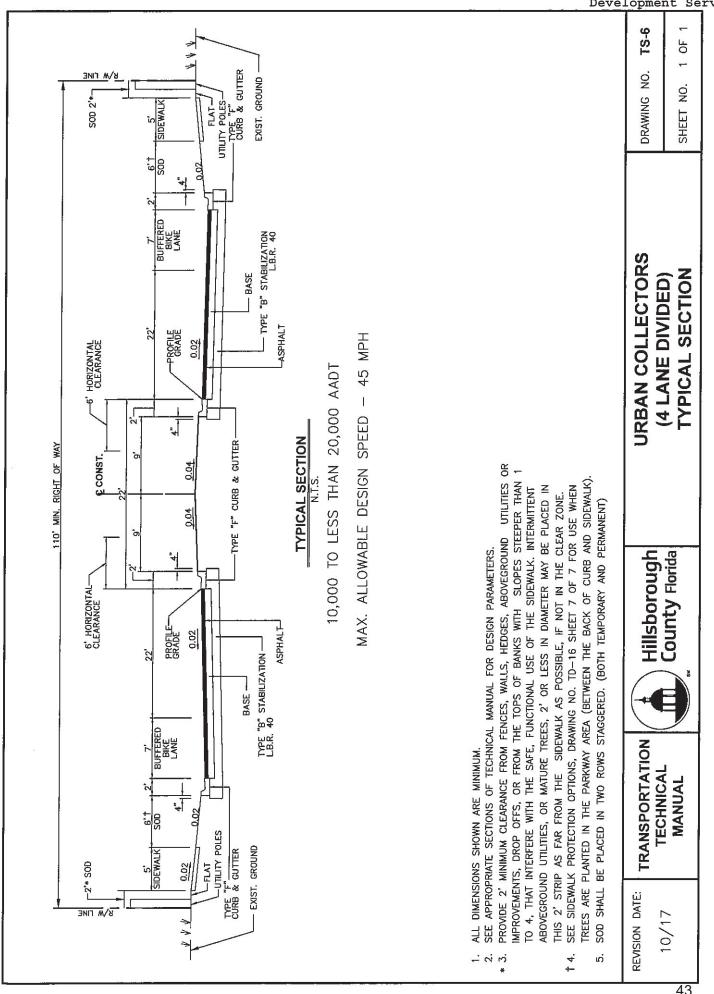
Please do not hesitate to contact us if you have any questions or require any additional information.					
Best Regards					
Steven J Henry President					
Lincks & Associates, Inc.	A Vances				
Lincks & Associates, Inc. P.E. #51555					
Based on the information provided by the a	pplicant, this request is:				
DisapprovedApproved If there are any further questions or you nee White, AICP, PTP, or James Ratliff, AICP. Date	ed clarification, please contact Charles				
Approved If there are any further questions or you nee White, AICP, PTP, or James Ratliff, AICP.	ed clarification, please contact Charles Sincerely,				
Approved If there are any further questions or you nee White, AICP, PTP, or James Ratliff, AICP.					
Approved If there are any further questions or you nee White, AICP, PTP, or James Ratliff, AICP.	Sincerely,				

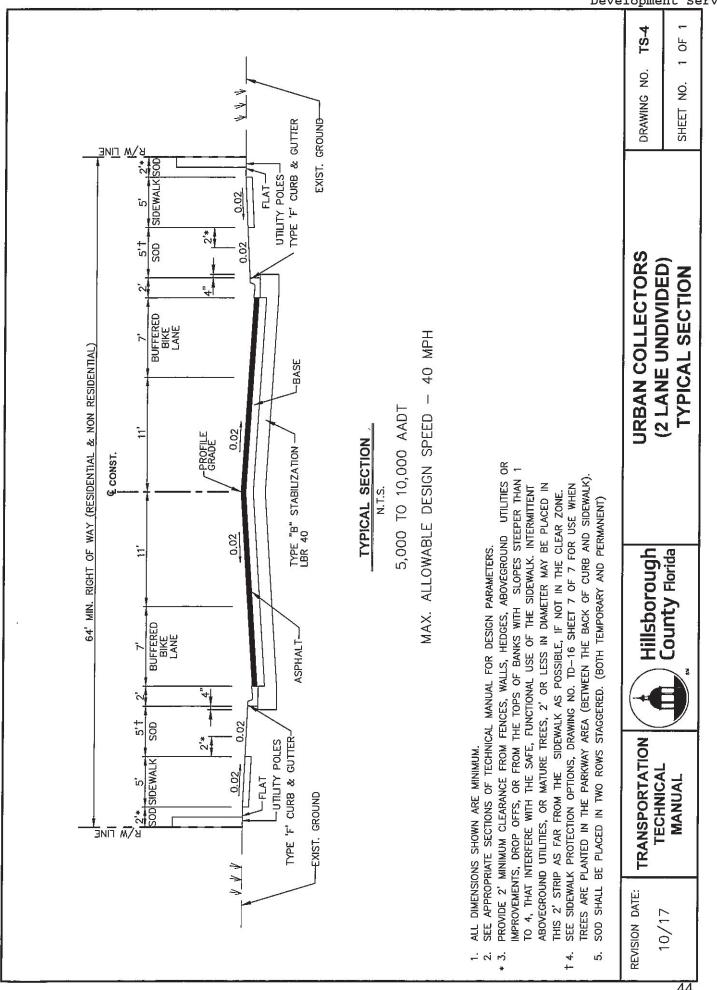


TTM

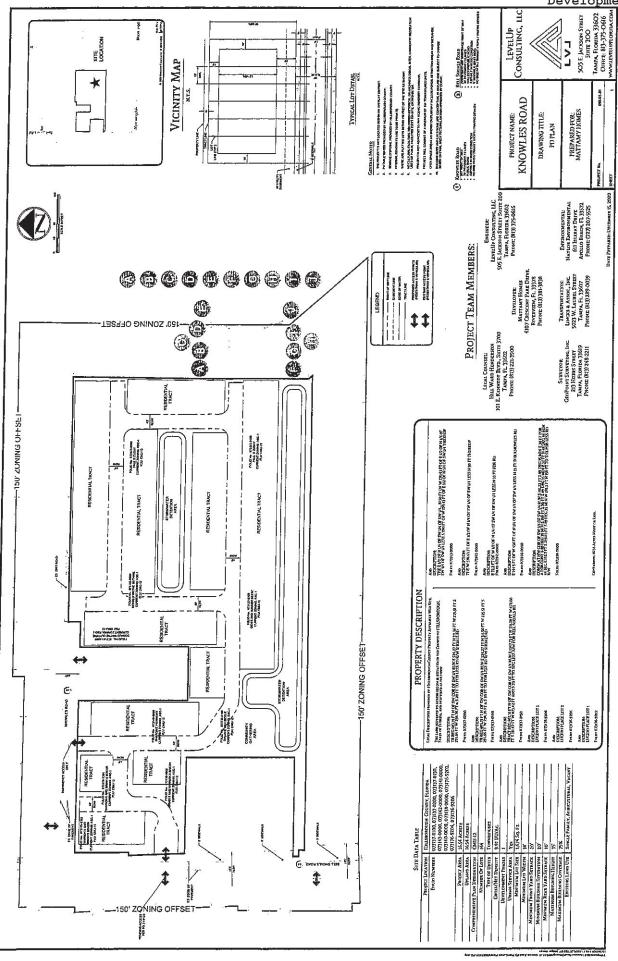


LINCKS & ASSOCIATES, INC.





Received Mar 2, 2021 Development Services





Topic #625-000-002 FDOT Design Manual

January 1, 2020

Table 210.2.1 - Minimum Travel and Auxiliary Lane Widths

Context Classification		Travel (feet) Dosign Speed (mph)		Auxiltary (feet) Design Speed (mph)			Two-Way Loft Turn (feet) Dosign Speed (mph)		
C1	Natural	11	11	12	11	11	12	N/A	
C2	Rural	11	11	12	11	11	12		
C2T	Rural Town	11	11	12	11	11	12	12	12
C3	Suburban	10	11	12	10	11	12 ·	11	12
C4	Urban General	10	11	12	10	11	12	11	12
C5	Urban Center	10	11	12	10	11	12	11	12
C6	Urban Core	10	11	12	10	11	12	11	12

Hotes:

Travel Lanes:

- (1) Minimum 11-foot travel lanes on designated freight conidors, SIS facilities, or when truck volume exceeds 10% on very low speed roadways (design speed ≤ 35 mph) (regardless of context).
- (2) Minimum 12-foot travel lanes on all undivided 2-lane, 2-way roadways (for all context classifications and dasign speeds). However, 11-foot lanes may be used on 2-lane, 2-way curbed roadways that have adjacent buffered bicycle lanes.
- (3) 10-foot travel lanes are typically provided on very low speed roadways (design speed ≤ 35 mph), but should consider wider lanes when transit is present or truck volume exceeds 10%.
- (4) Travel lanes should not exceed 14 feet in width.

Auxiliary Lanes:

- (1) Auxiliary lanes are typically the same width as the adjacent travel lane.
- (2) Table values for right turn lanes may be reduced by 1 foot when a bicycle keyhole is present.
- (3) Median turn lanes should not exceed 15 feet in width.
- (4) For high speed curbed roadways, 11-foot minimum lane widths for dual laft turn lanes are allowed.
- (5) For RRR Projects, 9-foot right turn lanes on very low speed roadways (design speed ≤ 35 mph) are allowed.

Two-way Left Turn Lanes:

- (1) Two-way left turn lanes are typically one foot wider than the adjacent travel lanes.
- (2) For RRR Projects, the values in the table may be reduced by 1-fool.

210 - Arterials and Collectors

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Development Services

BELL SHOALS ROAD PLANS



Received Mar 2, 2021 <u>Development</u> Services SIGNING AND PAVEMENT
MARKING SHEET OK
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FOR DEPARTMENT OF PRINCE COUNTY
CONTROL OF THE CHARGE TO STALIDAD

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SHEET S-28 OF S-30 SHEETS BELL SHOALS ROAD 6° WHITE NO SPECIAL EMPHASIS CROSSWALK PER FDOT STANDARD INDEX 17346, SHT 8.0F 14 RIGHT LANE ENDS \$6" WHITE 6° YELLOW 36" X 36" +Ot RELOCATE EXISTING THINK.
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Received Mar 2, 2021 Services SIGNING AND PAVEMENT

MARKING SHEET (27)

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Received Mar 2, 2021 Services BELL SHOALS ROAD
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SPEED LIMIT SIGN RELOCATE EXISTING SPEED LIMIT +10 186-2 36" X 36" -30, C-C +75 EXISTING PLAZA BELLA SIGN TO REWAIN 30' C-C 8" WHITE WITH BO/W-R RPMS 30' C-C-6" DBL YELLOW WITH 176 06+

COMMISSION

Mariella Smith CHAIR
Pat Kemp VICE-CHAIR
Ken Hagan
Lesley "Les" Miller, Jr.
Sandra L. Murman
Kimberly Overman
Stacy White



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Hooshang Boostani, P.E. WASTE DIVISION Elaine S. DeLeeuw, ADMIN DIVISION Sam Elrabi, P.E. WATER DIVISION Rick Muratti, Esq. LEGAL DEPT Andy Schipfer, P.E. WETLANDS DIVISION Sterlin Woodard, P.E. AIR DIVISION

AGENCY COMMENT SHEET

REZONING					
HEARING DATE: January 19, 2021	COMMENT DATE: January 12, 2021				
PETITION NO.: 20-1264	PROPERTY ADDRESS: 3203, 3209, 3221, 3227 Bell				
EPC REVIEWER: Abbie Weeks	Shoals Rd and 1009, 1021, 1029 Knowles Rd, Brandon				
CONTACT INFORMATION: (813)627-2600 X1101	FOLIO #: 073137.0100, 073137.0150, 073137.0200,				
EMAIL: weeksa@epchc.org	073138.0000, 073140.0000, 073141,0000, 073142.0000, 073143.0000, 073176.9202, 073176.9204, 073176.9206				
	STR: 01-30S-20E				
REQUESTED ZONING: From ASC-1, RSC-3, RSC-4 & PD to PD					
FINDINGS					
WETLANDS PRESENT	YES				
SITE INSPECTION DATE	10/7/2020				
WETLAND LINE VALIDITY	No Wetland Determination for folios 073143.0000				
	& 073137.0150 valid through 8/14/2025. No				
formal wetland determination for the remaining					

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:

073137.0200

WETLANDS VERIFICATION (AERIAL PHOTO,

SOILS SURVEY, EPC FILES)

parcels within the project area.

A small herbaceous wetland is located in the

southcentral portion of the project area on folio

- 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 a stormwater pond. 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.

REZ 20-1264 January 12, 2021 Page **3** of **3**

cc: <u>kami.corbett@hwhlaw.com</u>



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: 02/12/2021

REVIEWER: Ron Barnes, Impact & Mobility Fee Coordinator

APPLICANT: Mattamy Tampa/Sarasota, LLC PETITION NO: 20-1264

LOCATION: 3221 Bell Shoals Rd

FOLIO NO: 73137.0100

Estimated Fees:

(Fee estimate is based on a 1,500 square foot, 3 bedroom, Townhouse Unit 1-2 Stories)

Mobility: \$4,278.00 * 164 units = \$701,592.00 Parks: \$1,656.00 * 164 units = \$271,584.00 School: \$7,027.00 * 164 units = \$1,152,428.00 Fire: \$249.00 * 164 units = \$40,836.00

Total Townhouse = \$2,166,440.00

Project Summary/Description:

Urban Mobility, Central Parks/Fire 164 Townhouse Units



Adequate Facilities Analysis: Rezoning

Date: Jan. 15, 2021 **Acreage:** 16.54 (+/- acres)

Jurisdiction: Hillsborough County Proposed Zoning: Planned Development

Case Number: RZ 20-1264 Future Land Use: Community Mixed Use - 12

HCPS #: RZ-344 Maximum Residential Units: 164 Units

Address: 3221 Bell Shoals Road, Brandon Residential Type: Single-Family Attached

Parcel Folio Number(s): 073137-0100, et al.

School Data	Brooker Elementary	Burns Middle	Bloomingdale High
FISH Capacity	1002	1394	2090
2019-20 Enrollment	793	1261	2265
Current Utilization	79%	90%	108%
Concurrency Reservations	31	24	32
Students Generated	19	8	12
Proposed Utilization	84%	93%	110%

Source: 2020-21 40th Day Enrollment Count with Updated Concurrency Reservations.

<u>NOTE</u>: Bloomingdale High School currently does not have capacity, and Burns Middle School is approaching capacity. However, additional capacity exists in adjacent concurrency service areas to accommodate the proposed project at these grade levels.

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

Matthew Pleasant

Department Manager, Planning & Siting Growth Management Department Hillsborough County Public Schools

E: matthew.pleasant@hcps.net

Matthew Pleasan

P: 813.272.4429

WATER RESOURCE SERVICES REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER

PETIT	TION NO.: PD20-1264 REVIEWED BY: Randy Rochelle DATE: 9/28/2020				
FOLIO NO.: 73137.0100, 73140.0000, 73143.0000, 73137.0150 & 73137.0200					
\boxtimes	This agency would \square (support), \boxtimes (conditionally support) the proposal.				
	WATER				
	The property lies within the <u>Hillsborough County</u> Water Service Area. The applicant should contact the provider to determine the availability of water service.				
	No Hillsborough County water line of adequate capacity is presently available.				
\boxtimes	A <u>8</u> inch water main exists <u>(adjacent to the site)</u> , <u>(approximately 65</u> feet from the site) <u>and is located within the west Right-of-Way of Bell Shoals Road</u> .				
	Water distribution improvements may be needed prior to connection to the County's water system.				
	No CIP water line is planned that may provide service to the proposed development.				
	The nearest CIP water main (inches), will be located [] (adjacent to the site), [] (feet from the site at). Expected completion date is				
	WASTEWATER				
\boxtimes	The property lies within the <u>Hillsborough County</u> Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.				
	No Hillsborough County wastewater line of adequate capacity is presently available.				
\boxtimes	A $\underline{4}$ inch wastewater force main exists \boxtimes (adjacent to the site), \square (approximately $\underline{}$ feet from the site) and is located within the east Right-of-Way of Bell Shoals Road.				
	Wastewater distribution improvements may be needed prior to connection to the County's wastewater system.				
	No CIP wastewater line is planned that may provide service to the proposed development.				
	The nearest CIP wastewater main (inches), will be located (adjacent to the site), (feet from the site at). Expected completion date is				
COMN	MENTS: This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site				

improvements as well as possible off-site improvements.

AGENCY REVIEW COMMENT SHEET

TO:	ZONING TECHNICIAN, Planning Growth Management	gement D	ATE: 23 Sep. 2020
REV	TEWER: Bernard W. Kaiser, Conservation and E	nvironmental Lands M	anagement
APP	LICANT: Kami Corbett	PETITION NO: RZ-	PD 20-1264
LOC	CATION: 3221 Bell Shoals Rd, Brandon, FL 33511		
	IO NO: 73137.0100,73140.0000, 73143.0000, 7.0150, 73137.0200	SEC: <u>01</u> TWN: <u>30</u>	RNG: <u>20</u>
\boxtimes	This agency has no comments.		
	This agency has no objection.		
	This agency has no objection, subject to listed o	r attached conditions.	
	This agency objects, based on the listed or attac	ched conditions.	
COM	MENTS:		

VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

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

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

SUSAN FINCH

Land Use Hearing Master

DATE:

Monday, March 15, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 10:35 p.m.

PLACE:

Webex Videoconference

Reported By:

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

Executive Reporting Service

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Page 143
 1
                   HILLSBOROUGH COUNTY, FLORIDA
                   BOARD OF COUNTY COMMISSIONERS
 2
                  ZONING HEARING MASTER HEARINGS
 3
                          March 15, 2021
                ZONING HEARING MASTER: SUSAN FINCH
 4
 5
      D4:
                              RZ-PD 20-1264
 6
      Application Number:
      Applicant:
                              Mattamy Tampa, Sarasota, LLC
 7
                               310' East of Inter: Bell Shoals
      Location:
                              Rd., Knowles Rd.
8
     Folio Number:
                               073141.0000, 073142.0000,
                               073138.0000, 073176.9202,
9
                               073176.9206, 073142.0000,
                               073138.0000, 073176.9202,
                               073176.9204 & 073176.9206
10
                              16.48 acres, more or less
      Acreage:
11
     Comprehensive Plan:
                              CMU-12
      Service Area:
                              Urban
                              RSC-4, ASC-1 & 06-0314
12
      Existing Zoning:
      Request:
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Page 144 1 MR. GRADY: The next item is agenda item 2 D-4, Rezoning-PD 20-1264. The applicant's Mattamy 3 Tampa/Sarasota, LLC. The request is to rezone from RSC-4 and ASC-1 to a Planned Development. 5 Israel Monsanto will provide staff recommendation after presentation by the applicant. 6 There were revisions to the staff report handed out, which Mr. Monsanto will go over those revisions as part of his presentation. HEARING MASTER FINCH: I have those. 10 11 you. 12 All right. The applicant. Good evening. 13 MS. CORBETT: Kami Corbett with the law firm 14 of Hill, Ward, Henderson, 101 East Kennedy Boulevard, Suite 3700. 15 16 I have the privilege of representing Mattamy 17 Homes this evening. I have with me Mr. Mac McGraw, Mr. Tom Griggs. I also have with me this evening 18 19 Isabelle Albert, who is our planning expert with 20 Trent Stephenson from Level Up and Steve Lincks 21 (sic) from Lincks Engineering, who's doing our civil engineering. 22 23 And in the interest of time, I'm going to go 24 ahead and have Ms. Albert now come up and give her 25 planning testify followed by Mr. Henry's

	Page 145
1	transportation testimony related to transportation
2	issues, and then I'll talk to you about the cleanup
3	conditions when I come back.
4	HEARING MASTER FINCH: All right. Thank
5	you.
6	MS. ALBERT: Good evening. Isabelle Albert,
7	with Halff Associates assisting with this rezoning
8	application. Thank you.
9	So this is the site. The site is
10	16 1/2-acre site. It's located on Bell Shoals and
11	Knowles Road in Brandon area, just north of
12	Bloomingdale Avenue. It has a mixture of zoning
13	from Agricultural to Residential to Planned
14	Development. And it is located within the
15	Community Mixed-Use-12 Future Land Use category.
16	The rezoning is to allow a 164-townhome
17	development. And the site is located in the Urban
18	Mixed-Use sorry, in the Urban Service Area as
19	well as with a mixed-use category. Part of the
20	rezoning request is that to have to provide a
21	second use that could be could be met by showing
22	that we have sidewalks on our side of the street
23	within a quarter mile of the commercial area, which
24	is located on Bloomingdale Avenue.
25	What we have surrounding development, this is

our site right here, and then to the east, we have a new townhome development that's being built. And to the northeast, there's the county pond there with the vegetated area.

And then to the north, we have some vacant ASC-1 zoning as well as different residential development to the north. And then to the east -- sorry, to the west, we have some Office Residential zoning as well as other residential zoning. And to the south of us is -- the whole intersection over here is the commercial development.

We've had a couple of community meetings, and from it, we made some amendment to our site plan. We originally had our main access on Knowles Road where it's located right now. It's shown as emergency only gate, but we were able to include the corner pieces.

So, therefore, we're able to move the access from Knowles Road to Bell Shoals Road. And leaving these accesses on Knowles Road are the only emergency access.

And part of the discussion that we had with some of the neighbors was to increase the screening and buffer along the northern boundary. We have on one side, which is required right now, is a 5-foot

Page 147 buffer with a Type A screening, which would be just 1 a fence or a wall. 2 We've increased on the east side --3 actually, to the east side, we've increased that buffer to 15 feet, and with discussion and 5 agreement with the property owners to the north, we provided 6-foot aluminum fence with additional vegetation, including a hedge and trace 20-foot on center. On the west side of that, we have a 10-foot 10 buffer. So we'll increase it from 5 feet to 11 12 10 feet buffer and also, basically, going from a 13 Type A to Type B, which is to provide the wall -we're providing a wall with additional screening. 14 15 That's all labeled out on the site plan. 16 Planning Commission staff reviewed the 17 rezoning request and found it consistent with the 18 Comprehensive Plan. Part of these being in the 19 Urban Service Area. We have a minimum density 20 requirement. 21 In our case, we would have to meet at least 22 148 units, and we're able to provide 164 units. 23 Being, again, in the mixed use, as I stated 24 earlier. We were able to show staff that we do 25 meet Policy 19.1 by the horizontal integration with

Executive Reporting Service

So Development Services Department reviewed

Page 149 the rezoning and found it compatible with the area 1 2 and as well as the Planning Commission, they 3 reviewed it and they found it consistent with the Comprehensive Plan. And next is going to be Steve 5 Henry. Thank you. HEARING MASTER FINCH: Thank you. MR. HENRY: Steve Henry, Lincks & Associates, 5023 West Laurel, Tampa, 33607. We conducted the traffic analysis for the And based on the results of the analysis, 10 11 Bell Shoals Road operates at an acceptable level of 12 service. What I've graphically shown here is the level of service of Bell Shoals Road. 13 14 So on the left-side, you've got the a.m. 15 peak hour; the right side the p.m. peak hour. 16 I'm showing in the green is the peak season traffic 17 on Bell Shoals, and the blue is the additional 18 traffic that we would be adding. 19 On the top, you can see the line which shows 20 the Level of Service D capacity. So there's 21 sufficient capacity on the road that would handle 22 not only the peak season traffic but also the 23 addition of our project traffic. 24 In addition, I'll enter into the record 25 tonight the copy of the Hillsborough County Level

of Service Report, which also shows that Bell
Shoals Road and this intersection operates at an
acceptable level of service.

With this project, we have filed two administrative variances for the project. Both have been deemed approvable by the county engineer.

The first has to do with the access for the project, and this -- what this shows is our project, which is on the east side of Bell Shoals. And I've highlighted that in yellow. And then it also shows the roadway plans that -- for Bell Shoals as being widened.

And what we have done is aligned our access with the proposed access on the west side of Bell Shoals. So as you can see in purple, that is a proposed project that's currently going through the zoning process, and we've aligned our access with theirs.

Bell Shoals in this area is a collector roadway, and it has a spacing criteria of 245 feet. So we meet -- actually, if you look at the graphic, we meet the criteria from Knowles Road. It's 285 feet. We don't quite meet it to the northern church access. That's 185 feet.

So that's where we need the design variance

1	Page 151 for is to spacing for that. But what we've done is
2	
	aligned our access with the access on the west
3	side. So the county engineers looked at it and has
4	deemed it approvable for that spacing criteria.
5	HEARING MASTER FINCH: Let me ask you the
6	adjacent project to the west in your graphic, is
7	that you said that's in the zoning process right
8	now?
9	MR. HENRY: I lost it there.
10	HEARING MASTER FINCH: That's okay. It's
11	no. Okay. There it is. The zoning it's in the
12	zoning process right now, the project on the west?
13	MR. HENRY: Correct. Yes.
14	HEARING MASTER FINCH: What if it is not
15	approved? What happens?
16	MR. HENRY: Well, there's actually if you
17	can see underneath it, that is what that is is
18	that is a county pond for Bell Shoals Road.
19	There's actually a driveway in that same area for
20	maintenance of that pond. So we would still align
21	with that driveway.
22	HEARING MASTER FINCH: So that driveway will
23	be there regardless of the outcome of that project?
24	MR. HENRY: Correct.
25	HEARING MASTER FINCH: Okay. Thank you.

MR. HENRY: Sure. Then the second -- the second waiver that we're asking for is for Bell Shoals Road. So, currently, it is being widened to a four-lane divided roadway.

That widening extends about 700 feet north of Bloomingdale Avenue, and then as you can see, it starts to taper from there, from the four lanes to two lanes. Our access, which is shown in blue, is in the two-lane section.

So we were required to meet the TS-4 standards of the transportation technical manual. In that manual it has that the -- you need bike lanes, 7-foot bike lanes along the TS-4 roadway.

What I've done here -- as you can see on the plans, these are a copy of the plans. You can see in the bottom there where the bike lane ends based on the current plans for the widening of Bell Shoals Road.

That's about 400 feet south of our project.

There's not sufficient right-of-way on Bell Shoals

Road to widen it to provide those bike lanes. The

County elected not to have those bike lanes added

when they did the plans.

But what I've done in yellow is highlight the sidewalk that is proposed along both the east

Page 153 and west side of Bell Shoals as part of the 1 2 widening. In addition to that, we are adding sidewalk on Knowles Road which will connect to Bell 3 Shoals Road. So we'll have that continuous 5 sidewalk around the project. And, again, the county engineer has deemed 6 7 this approvable. And the final one is just simply the -- this is the roadway plans at the intersection of Bell Shoals and Bloomingdale. just shows you what is the geometry is going to be. 10 If you look at the top, that's the southbound 11 12 approach for Bell Shoals Road. 13 So we're adding dual lefts, two throughs, 14 and a right turn at that intersection to help with 15 that capacity at the intersection. Thank you. 16 HEARING MASTER FINCH: Thank you. 17 appreciate it. MS. CORBETT: Good evening. Kami Corbett 18 19 again. 20 The conditions that we are modifying, we're 21 actually modifying as a result of our discussions 22 with Ms. Anne Pollack, who I believe is online this 23 evening, and who is representing the property owner 24 on the northeast quadrant, the vacant -- vacant 25 agricultural land.

And those are changes to Condition 4 and Condition 6.1 and 6.2 and 6.4, and I just want to make sure we picked all of those up because we did share these with Ms. Pollack. And she was in agreement with them as we were drafting them and just wanted to make sure -- I'm not if I have a copy of what you-all have.

But essentially, what we're doing in

Condition 4 is adding a requirement for building

separation to be a minimum of 20 feet between those

buildings. We're clarifying that the -- where the

property abuts Bell Shoals, we're providing a

10-foot buffer. I'm sorry. Knowles Road

right-of-way, we're providing a 10-foot buffer with

the Type B.

And then when we transition over to the northeast area where Ms. Pollack's client's are, we're transitioning to a 15-foot-wide buffer. So we have increased that at their request, and we're providing a different type of screening also at their request.

And then also 6.4, just clarifying that it has to be -- the maintenance has to be handled by some form of formal association, whether it be homeowners property or condo association.

Page 155 And then Mr. Ratliff was also going to be 1 2 adding a cleanup transportation condition. 3 that make it into the record, Brian? HEARING MASTER FINCH: Is that regarding 5 bicycle and pedestrian access anywhere on the property --MS. CORBETT: Correct. And that was to allow it to make sure we had the flexibility to allow another sidewalk down on -- over on Bell 10 Shoals. HEARING MASTER FINCH: Yes. That's been 11 12 added as Condition 12. 13 MS. CORBETT: Okay. And I would like to 14 reserve any time for rebuttal. I will be placing 15 into the record a letter from the property owner in 16 the doughnut hole. Basically, the one property 17 that's not part of the project, and she is in support of the buffering and screening that's being 18 19 provided to her. 20 HEARING MASTER FINCH: Okay. Thank you very 21 much. So that completes your presentation for the 22 moment? 23 MS. CORBETT: For now, yeah, and save the 24 remaining 1 minute 42. 25 HEARING MASTER FINCH: Okay. Thank you.

Page 156 1 Development Services, please. 2 MR. MONSANTO: Good evening. Israel 3 Monsanto, Development Services. As the applicant -- the proposed conditions 5 by the applicant, which are Conditions 4 and 6, those are regarding, like Ms. Corbett referenced, wider buffers and additional screening and also the building placement. And also as you pointed out, Condition 12 has been added per transportation instructions, and 10 I will share the screen again in one second. May 11 12 have to switch the screen again. 13 MR. LAMPE: You'll have to switch the 14 screen. Thank you. 15 MR. MONSANTO: Is that okay? 16 MR. LAMPE: It's all good. 17 MR. MONSANTO: All right. One second here. 18 All right. The applicant seeks to rezone 11 19 parcels currently zoned Agricultural and 20 Residential Single-Family Conventional to a PD to a 21 new PD to allow up to 164 single-family attached 22 units or townhomes. 23 The proposed PD will be about 16.5 acres in 24 size and is generally located on the southeast 25 corner of Bell Shoals Road and Knowles Road in

1 Brandon.

The site is within the Brandon Community

Plan and it's within the Urban Service Area with a

Future Land Use of Community Mixed-Use-12, CMU-12.

The proposed PD will include a 10-foot landscape buffer along Knowles Road with 6-foot high of precast wall. The applicant -- the adjacent parcels to the northeast zoned ASC-1 will be separated by a 15-foot-wide buffer and a screen by a 6-foot-high (unintelligible) style picket fence with Type B screening.

The applicant is also proposing to plant

3 feet high shrubs on the outside face of the

fences along the north. The site will have its

main access from the west of Bell Shoals Road and a

second access point from the north to the -- will

be limited for emergency vehicles only.

PD variations is being requested on Land

Development Code 6.07 for fences and walls to

increase the fence height from 6 to 8 feet along

the portion of the site boundary, and this

8-foot-high fence will be placed around the

single-family parcel identified with folio

73139.0000. This is the parcel in question here.

So this area here will have the 8-foot-high fence.

According to the applicant, the neighboring property owner does not object to this rezoning petition but desires the fence around the property in question to be increased 2 feet.

Staff has reviewed the justification statements submitted by the applicant for the variation of meets the criteria of approval for LDC Section 5.03.06 and your recommendation for this application is required to include a finding on whether the requested variation meet the criteria of approval.

In addition to the PD variation, a waiver has been requested from the Code Section 6.01.01 footnote eight. The Code requires a structure with permitted height greater than 20 feet shall be set back an additional 2 feet for every foot of the structure height over 20.

As noted the applicant -- I'm sorry. Go back. The additional setback shall be added to setbacks or buffer which functions as a required rear or side yard as established in the schedule of area height and placement regulations.

The applicant states that even the location of the adjacent homes in relationship to the project boundaries, there will be setback between

existing homes and the proposed structure will
exceed the requirement of the Code. And,
additionally, along the north, existing of
right-of-way and private driveways at distance
between the uses.

The applicant also proposes landscaping and fences along this project boundaries that meet or exceed the Code. As noted by the applicant, variances requested were submitted for Transportation Review. The county engineer found the variances approvable. Therefore, this will be approved if this rezoning is approved by the county commissioners.

Adjacent zoning districts permit residential uses today. The area mostly consists of low to medium density residential uses as well as office to the west and commercial to the south. These two PDs allow for institutional, commercial, and educational uses from office residential to the west or residential to the north, county (unintelligible) to the east and a townhome project to the southeast.

Residential along the north are a mix of 1 acre and third of acre lots. Some parcels to the west along Bell Shoals, as I stated, are zoned for

Office Residential uses. The project will provide buffers and landscaping meeting or exceeding Code requirements with a provision of wall, fences, and natural screening.

Other neighbors in the area have expressed concerns with this rezoning. Concern for increased traffic and safety issues in the area, including intersection of Bloomingdale Avenue and Bell Shoals have been included in letters received by staff.

As part of this rezoning request, the applicant has provided documents for review for transportation and for road improvements adjacent to the site will be required.

All road improvements will be reviewed in accordance with the conditions stipulated by this rezoning during site review process and provided during the site construction of the project.

Proposed project will consist of residential use that serves as a transition to commercial uses to the south and residential single-family to the north, as well as low scale office to the west.

The SMU-12 Future Land Use category contemplates a mix of uses in the area, and the proposed medium density of the project is consistent with the Comprehensive Plan.

	Page 161
1	The site could be potentially developed with
2	up to 198 units per the CMU-12 density allowance
3	and where the proposed project density is 9.9
4	dwelling units per the acre.
5	The site is located within the Urban Service
6	Area; will connect to water and sewer. And based
7	on all these considerations, the staff recommends
8	approval with conditions. And I'm available if you
9	have any questions.
10	HEARING MASTER FINCH: No. You answered my
11	questions, but thank you so much.
12	Planning Commission, please.
13	MS. MILLS: Yeneka Mills, Planning
14	Commission staff.
15	The subject property is located within the
16	Community Mixed-Use-12 Future Land Use
17	classification, the Urban Service Area, and the
18	Brandon Community Planning Area.
19	The proposal meets the intent of Objective 1
20	and Policies 1.3 and 1.4 of the Future Land Use
21	Element by providing growth within the Urban
22	Service Area.
23	The proposed development also meets the
24	minimum density required for properties within the
25	Urban Service Area. Specifically, 164 townhomes

Page 162 are being proposed on a 16.54-acre site, which is a 1 2 density of 9.9 dwelling units per gross acre. 3 is consistent with the density expected within the Community Mixed-Use-12 Future Land Use classification. The request also meets compatibility requirements of Future Land Use Element Policy 1.4 as the predominate character of area is residential, including both single-family homes and multifamily homes. 10 11 The proposal also meets the intent of 12 Objective 16 and its accompanying Policies 16.2, 13 16.3, 16.8, and 16.10 that require redevelopment, 14 infill and redevelopment to be compatible with the 15 surrounding area in character, lot size, and 16 density. 17 In this case, the proposal is consistent 18 with the development pattern in the area. 19 Properties developed -- developing mixed-use 20 categories must demonstrate a mix of uses if the 21 acreage threshold is reached. 22 A subject site is over 10 acres in size and located within the CMU-12 Future Land Use 23 24 classification and, therefore, must meet Policy 25 19.1.

The proposed Planned Development is meeting this requirement through horizontal integration with off-site uses. The requirement allows a property to utilize off-site uses of a different type located within a quarter mile of the project on the same side as the same street of a collector or arterial roadway if the same use and the project are connected by a continuous pedestrian sidewalk.

The subject property is connected to the like commercial uses at the northeast corner of Bell Shoals Road and Bloomingdale Avenue. The proposed development is also consistent with the Brandon Community Plan.

The subject site is located within the character district, which is primarily a residential area of single-family detached homes and mixture of uses at intersections and townhomes.

The proposed Planned Development meets the requirements of this district designation by (audio interruption) and based upon (audio interruption) --

MR. LAMPE: Ms. Mills, we lost you there, the last 30 seconds.

MS. MILLS: -- (audio interruption) the consistent with the Hillsborough Comp Plan.

Page 164 1 MR. LAMPE: Ms. Mills, we lost your audio 2 there for the last 15 seconds. 3 MS. MILLS: Can you hear me now? MR. LAMPE: Your WiFi might be having an issue. 5 MS. MILLS: Can you hear me now? 6 7 MR. LAMPE: Yes. MS. MILLS: The subject site is in the suburban character district, which is primarily a residential area of a single-family detached homes, 10 mixed uses at intersections and townhomes. 11 12 The proposed Planned Development meets the 13 requirement of that district by providing the 14 townhomes, and based on those considerations, 15 Planning Commission staff finds the proposed 16 Planned Development consistent with the Future of 17 Hillsborough Comprehensive Plan subject to conditions proposed by the Development Services 18 19 Department. Thank you. 20 HEARING MASTER FINCH: Thank you. 21 appreciate it. 22 Is there anyone that would like to speak in 23 support of this project? Anyone in support in the 24 room? Online? 25 MR. LAMPE: I believe we have Brian Bokor

Page 165 and Anne Pollack both which were signed up for the 1 2 applicant team. 3 MS. POLLACK: I'm not an applicant. MR. LAMPE: Okay. So Anne Pollack. 5 MS. POLLACK: Good evening. My name is Anne Pollack with Fletcher, Fischer, Pollack Law Firm, 6 433 Central Avenue, St. Pete. I represent Barrington Trust. (Unintelligible) is trustee, the owner of the property directly to the north on the northeast side of the subject property. 10 We understand that development is happening 11 12 and that area is transitioning. Our goal is to 13 ensure that the development -- it does come, 14 reflects the existing relatively rural 15 neighborhood, complements what is already there and 16 has been for so long, and minimizes the impact on 17 the long-term residents. 18 For instance, the owner of this property has 19 lived on this property for over 54 years. 20 had several discussions with the applicant's 21 representatives, and we appreciate the developer's 22 efforts to work with us. Our concerns related most 23 specifically to the transition between the proposed 24 buildings and what's already there across Knowles 25 Road.

The applicant has agreed to several changes that help with this transition, and Ms. Corbett has explained the changes. They made to the conditions, and we would ask if you support this application; require that these conditions be included.

We do have one remaining concern. We feel it's a big concern and it shouldn't be that difficult for the developer to make the change. The buffer is proposed now to be 15 feet on the northeast side, but we would request that it be increased to 20 feet.

Given the height of the townhouses in comparison to the existing development, a transition requiring a 20-foot landscape buffer, which is still less than half the required 45-foot buffer, would mitigate the remaining impacts from this development.

Moreover, while in some places the distance between buildings now, today is large. This whole area is transitioning to more dense development, and it's difficult to imagine this area will remain as rural as it is in long term. Thus the need to think about the future and not just the present when determining what is an appropriate buffer

Page 167 1 here. 2 So we would request that you recommend a 3 20-foot buffer on the north side of the project. Thank you for considering our comments and helping 5 to create a less impactful new development in this area. HEARING MASTER FINCH: Ms. Pollack, can I just ask you to clarify who are you representing? MS. POLLACK: I represent the owner of the property on the northeast side of the subject 10 property. The Barrington Revocable Trust. 11 12 HEARING MASTER FINCH: All right. And did 13 you speak to Ms. Corbett about your additional 14 5-foot requested buffer on the northeast prior to 15 this hearing today? 16 MS. POLLACK: Yes. Uh-huh. 17 HEARING MASTER FINCH: And I guess that remains a point of contention. Is that what you're 18 19 saying? 20 MS. POLLACK: Correct. They've been 21 agreeable to everything else, but this was one item 22 that we could not agree on.

HEARING MASTER FINCH: All right.

Understood. All right. Thank you for your

testimony. I appreciate it.

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1	Is there someone else who wanted to speak in
2	support?
3	MR. LAMPE: We also have Brian Bokor who is
4	also signed up as the applicant team. I just want
5	to confirm that if he's with the applicant team or
6	support?
7	MR. BOKOR: I am here for the property owner
8	and support of the project.
9	HEARING MASTER FINCH: You're the property
10	owner, you said?
11	MR. BOKOR: I'm one of the property owners,
12	and I'm voicing my support for the project. Yes.
13	HEARING MASTER FINCH: All right. Could you
14	give us your name and address for the record?
15	MR. BOKOR: My name is Brian Bokor. My
16	address is 3209 Bell Shoals Road, Brandon, Florida
17	33511.
18	HEARING MASTER FINCH: All right. Did you
19	have anything else you wanted to say other than to
20	testify in support?
21	MR. BOKOR: I just wanted to say thank you
22	for the opportunity to comment. With all due
23	respect, it is my understanding the transportation
24	concurrency has been appealed and the developer
25	will pay a fair share of the mobility fee.

Therefore, I feel the transportation concern should not be basis of denial. Furthermore, the improvements to Bell Shoals once completed will alleviate transportation congestion in the area.

Additionally, I feel the County should examine the timing of the track signal that was constructed on Bell Shoals Road south of Bloomingdale and Bell Shoals intersection at the Publix and Starwood Avenue.

The poor timing of that light has caused many of the delays in this area, particularly after 3:00 p.m. when school's letting out, and continues throughout the evening rush-hour area.

With respect to school concurrency, capacity the school board's comments indicates there's sufficient capacity at this time. As owner of multiple parcels of this assemblage, I would like to voice my support for zoning Application 20-1264. Thank you very much for your time. I appreciate it.

HEARING MASTER FINCH: Thank you. I appreciate your testimony.

All right. Anyone else in the room or online that would like to testify in support?

Seeing no one, anyone in opposition to this

	Page 170
1	project? I see one person in the room. Do we have
2	anyone virtually?
3	MR. LAMPE: We have two people signed up.
4	One was James Barry, but I believe that's him here.
5	And the other one is Rebecca Barrington, but I
6	don't believe she signed in.
7	HEARING MASTER FINCH: All right.
8	Mr. Barry, if you could give us your name and
9	address, please.
10	MR. BARRY: Sure. James Barry, 3028
11	Colonial Ridge Drive in Brandon. And I have not
12	been sworn.
13	HEARING MASTER FINCH: All right. If
14	there's anyone in the room, this case or any other
15	case in the future, if you want to speak it
16	looks like your whole team.
17	All right. Do you solemnly swear to tell
18	the truth, the whole truth, and nothing but the
19	truth so help you God?
20	(Witnesses affirmed to the oath.)
21	HEARING MASTER FINCH: Thank you. Please
22	proceed.
23	MR. BARRY: I appreciate the opportunity to
24	speak with you tonight. I do have a presentation.
25	We live in the Colonial Oaks subdivision, which is

Page 171 just to the east of this parcel. The county pond 1 2 and wetland on the east of this parcel is right between our street and that parcel. 3 HEARING MASTER FINCH: Okay. 5 MR. BARRY: Can we put up the slides? they see it? Okay. Thank you. So the reason we're here tonight is, I think, to add a little texture to some of the things that we've heard both from the applicant and from the Planning Staff. They talk about how it's a mixed-use area 10 11 of, you know, residential, multifamily, 12 single-family, and commercial. I think the 13 important thing to remember is that the multifamily 14 that has already been developed is on Bloomingdale 15 Avenue. 16 One is The District, and that's 112 17 townhomes nearly complete that is just to the 18 southeast of the parcel in question. And their 19 ingress and egress is directly onto Bloomingdale 20 Avenue. 21 And just to the west of that and to the 22 south of this parcel is Labernum Garden apartments 23 with 81 units. It also has ingress and egress on 24 Bloomingdale Avenue. But they also have a small 25 side entrance on Bell Shoals.

This picture is taken at Bell Shoals and

Guiles, which is approximately half a mile north of
the intersection. That traffic routinely backs up
at rush hour morning and afternoon from

Bloomingdale all the way up to Guiles and beyond.

I don't think 700 feet of four lanes at the intersection is going to alleviate any of this.

The parcel in question there access onto Bell

Shoals will be about halfway between this point and Bloomingdale, and I think 164 new units trying to get into that level of traffic is not only going to add to congestion but going to add to safety issues.

There are two crosswalks nearby. One of which services Bloomingdale High School. We've had several near misses trying to use those crosswalks, and, again, the additional traffic was added to the safety issues of trying to cross Bell Shoals Avenue.

I think I may have misinterpreted the traffic or the transportation reports because it seemed like it would add a thousand trips per day, but I'm sorry, I'm not familiar with how those things are calculated.

But it just seemed like three-quarters of

Page 173 1 those would be between -- be to the south, between 2 the development and Bloomingdale Avenue. 3 that presents a particular problem for this reason. Despite the improvements, Bloomingdale and 5 Bell Shoals is already one of the worst intersections in the county for accidents. five months in 2020, it was in the top five county wide. In August it was No. 2 in all Hillsborough County for crashes. 10 In September, No. 3. In October, November, and December of 2020, it was the fifth worst 11 12 intersection in the county according to the HCSO 13 statistics. So the safety issues involved in this 14 will be exacerbated by adding 164 units to a 15 two-lane road in close proximity to the one of the 16 worst intersections in the county. 17 We also have some environmental concerns. 18 This is a small pond and wetland between our 19 subdivision and the proposed development. 20 Fortunately right now, we have a fairly 21 healthy ecosystem. We have bald eagles. We have 22 ospreys. We have hooded mergansers, which I had to 23 look up in a bird book. We're worried about the 24 impact on this environment from that developer. 25 We already have construction debris and

trash that we find in the pond. There is a great deal of runoff that we think might adversely affect the area. We know the plan for the development includes retention ponds, but we still think there could be a serious risk of environmental damage from this development.

These are other looks of our pond. We take kayaks out there to scoop up the trash. A lot of it comes from the construction to the south and the southeast that's currently underway, and we can only imagine it might get worse with 164 more units.

It's -- it's said that duckweed being present in a pond is a sign of a healthy ecosystem. But when duckweed completely overtakes a pond, it's a sign of increased nitrogen levels from runoffs. So it's runoff from paved surfaces and lawns are also contributing to environmental degradation of the area.

So in summary, we already have almost 200 units along Bloomingdale Avenue of multifamily housing. Although this is adjacent to those, it encroaches into an area that's all agriculture and single-family. And we think this is inconsistent with the current layout of the area.

There's been plenty of public comments about the stress on public services. Schools that are at or near or over capacity. Fire and law enforcement issues. But the safety issues and the congestion issues along Bell Shoals are probably the biggest concern, as well as the risk to the environment.

And we're not completely opposed to development. We just think it should be something more consistent with the surrounding area. If this was an RSC-3 or 4 proposal, we probably wouldn't be asking for any of your time tonight, but we think that this development or this kind of density encroaching more from that Bloomingdale corridor is going to be detrimental to our area.

I appreciate your time and I'll answer any questions.

HEARING MASTER FINCH: I don't have any at this time, but I appreciate your testimony.

MR. BARRY: Thank you.

HEARING MASTER FINCH: If you could please sign in with the clerk's office. Thank you. Do you have a copy of that presentation? You can submit it into the record. Absolutely.

All right. Anyone else that would like to speak in opposition to this application, either in

Page 176 the room or online? No one. 1 All right. Mr. Grady, anything further from 2 3 you? MR. GRADY: Nothing further. 5 HEARING MASTER FINCH: All right. Then let me ask for Mr. Ratliff to comment on the gentleman's concerns about the intersection and the safety concerns that he raised from Bell Shoals and Bloomingdale in that area. Mr. Ratliff. MR. RATLIFF: James Ratliff, Transportation 10 Review section. 11 12 So there is not any, you know -- of course, 13 safety is a spectrum. There's -- every single 14 additional trip that development places on the 15 road, you know, increases the likelihood of a 16 crash. 17 But that being said, we have not identified 18 there being a problem that would rise to the level 19 of us, you know, saying that development can't 20 occur here. 21 So the county engineer did review the design 22 exception request -- or excuse me, I believe it was 23 administrative variance request and did not 24 essentially, you know, notate any -- any issues 25 there.

Page 178 1 If I could ask the gentleman, I did not hear his source for his crash data. 2 3 HEARING MASTER FINCH: Yep, we can ask him his source. Sir, could you come forward, please, 5 with your mask on, though. If you could just put on the record your name again. MR. BARRY: James Barry. The source for the crash reports was Hillsborough County Sheriff's Office data from the Hillsborough County GIS website. 10 11 HEARING MASTER FINCH: All right. Thank you 12 so much. I appreciate it. 13 MS. CORBETT: Kami Corbett again. I'd like 14 to ask Steve Henry to address the transportation 15 issues, and I'll address a couple of the others. 16 HEARING MASTER FINCH: Okay. 17 MR. HENRY: Good evening. Steve Henry 18 again, Lincks & Associates. Couple of the comments 19 that Mr. Barry made, one is the backup. Again, 20 we're going from basically two lanes at the intersection to five lanes at the intersection. 21 22 So that is one to help the backup. That is 23 going to alleviate that backup that you see there 24 today and go from essentially two lanes at 25 intersection to five lanes at the intersection.

Page 179 far as safety -- and I will certain certainly into 1 2 the record, but we got the five-year crash history. 3 And looks at the top 100 intersections in Hillsborough County and this looks at all the data, 5 not just the sheriffs but all the data. And that intersection is not even on the list. In addition to that, on the ELMO, this -this is the -- from the Hillsborough County MPO. This is what they call their heat map. And this provides -- shows where accidents are occurring and 10 the level of accidents. 11 12 And our intersection is right in this area 13 right in here. You can see. It is not a high 14 accident area. So the -- and maybe Ms. Corbett can 15 explain better, but basically, that data is pretty 16 very limited from the sheriff's office. 17 This -- I am going to enter into the record, 18 which is the Hillsborough County data looks at all 19 the reports, and this one also looks at. This is a 20 study that has been done by the MPO with their 21 being zero looking at the serious accident history within Hillsborough County. 22 23 So, again, the data I think is somewhat 24 flawed from the sheriff's office, and we've seen 25 that on numerous occasions along Bloomingdale

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1 Avenue.

And then also, as far as our impact on the intersection, we will consume less than 2 percent of the capacity at the intersection. So our impact on the intersection is insignificant. Thank you.

HEARING MASTER FINCH: All right. Thank

you. If you could submit that into the record, I

appreciate it.

All right, Ms. Corbett.

MS. CORBETT: Place the photo on the ELMO.

Give you sort of a better look of the stormwater

pond here. Kami Corbett again.

This is the pond in question. This actually -- and I have this experience and knowledge because I actually rezoned the townhomes, The District that he's referring to, the D.R. Horton project. I actually was involved in that rezoning.

And at the time of that rezoning, that pond -- that pond is actually stormwater pond for this subdivision, and it's only become county owned within the last couple of years because as we discovered in the rezoning, this pond was privately owned previously.

It was a owned by a land owner who owned it,

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Page 181 and there was no one obligated to maintain it, and 1 2 it was not being maintained. And it's only since 3 the County purchased the property and is maintaining it that there's really been any kind of 5 maintenance going on. So I think that would explain some of the conditions in the pond. Also, I'd like to say Ms. Abbey Naylor performed an environmental review and found that there were no endangered species on the site. So we don't really have any concerns on 10 11 that. 12 And then I will be placing into the record a 13 memorandum of law on lay testimony. Unfortunately, 14 Mr. Barry -- or Mr. Barry did a great -- a nice job 15 in his presentation. Unfortunately, he's not an 16 expert in any of the areas on which he was 17 testifying. 18 The Future Land Use of this property is 19 CMU-12, and it's been planned that way for a long 20 time. And we are consistent, as you heard from 21 both the Planning Commission and Development 22 Services that we're consistent and compatible with 23 that land use. So, in fact, it is planned for 24 mixed use and including townhomes. 25 Also, I note on the character district from

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the Brandon Community Plan, that character district is not intended to be regulatory. Yet we still comply with it. So it's not even something that's mandatory, but we are complying with it and we are consistent with it.

And, lastly, I think to get to your question about Ms. Pollack and the 20-foot setback, we did consider that and we originally had the same 10 feet along her client's property boundary that we had on the northwest side.

And she asked us to take a look at it, and we were able to give the additional 5 feet, but once we get into the next additional 5 feet, we're talking about redesigning our entire site plan.

And with drainage stormwater constraints and the drainage going to the south, we really cannot accommodate, and it's not just a simple thing for us to do. And although we are reducing the setbacks, we have significantly increased the screening.

And if you had to look at it and while we might look to the future, all of the zoning is on that property now is ASC-1, and they have a 50-foot front yard setback requirement in ASC-1.

So with our 20 feet, we would be 70 feet

	Page 183
1	from anything that could develop under this
2	current this current zoning. And if they were
3	to rezone, they would then have control over also
4	what kind of compatibility setbacks, buffers, and
5	screenings.
6	So we're actually providing two times the
7	required buffer on the northwest side and three
8	times the required buffer on the northeast side,
9	and so we did try to work in good faith.
10	We did made all of the concessions that we
11	were able to make we thought made the whole project
12	a better project. And we were able to do that, but
13	we just could not get there with that last
14	condition.
15	And, lastly, in conclusion, I believe that
16	all of the expert testimony you have heard this
17	evening supports a recommendation of approval based
18	on compatibility and consistency with a
19	Comprehensive Plan.
20	HEARING MASTER FINCH: All right. Thank you
21	for that. I appreciate it.
22	And we'll close Rezoning 20-1264 and go to
23	the next case.
24	
25	

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	>
IN RE:)
ZONE HEARING MASTER HEARINGS)))
	2

ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

PAMELA JO HATLEY

Land Use Hearing Master

DATE:

Monday, February 15, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 11:35 p.m.

PLACE:

Appeared via Cisco Webex

Videoconference

Reported By:

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

	Page 9
1	statement that we included in the backup listed
2	this incorrectly as a staff as an
3	applicant-requested continuance when, in fact, it's
4	an out-of-order continuance to the April 19th,
5	2021, Zoning Hearing Master Hearing.
6	Item A-10, Major Mod 20-1138. This
7	application is being continued by the applicant to
8	the March 15th, 2021, Zoning Hearing Master
9	Hearing.
10	Item A-11, Rezoning-PD 20-1198. This
11	application is out of order to be heard and is
12	being continued to the March 15th, 2021, Zoning
13	Hearing Master Hearing.
14	Item A-12, Rezoning-PD 20-1252. This
15	application is being continued by staff to the
16	March 15th, 2021, Zoning Hearing Master Hearing.
17	Item A-13, RZ-PD 20-1255. This application
18	is being continued by staff to the March 15th,
19	2021, Zoning Hearing Master Hearing.
20	Item A-14, Rezoning-PD 20-1256. This
21	application is being continued by the applicant to
22	the March 15th, 2021, Zoning Hearing Master
23	Hearing.
24	Item A-15, Rezoning-PD 20-1264. This
25	application is out of order to be heard and is

Page 10 being continued to the March 15th, 2021, Zoning 1 Hearing Master Hearing. Item A-16, Rezoning-PD 20-1270. application is out of order to be heard and is 4 5 being continued to the March 15th, 2021, Zoning 6 Hearing Master Hearing. Item A-17, Rezoning 20-1377. 8 application is out of order to be heard and is being continued to the April 19, 2021, Zoning 9 Hearing Master Hearing. 10 11 I'll note for the record that the -- again, 12 the statement that was in the backup that outlined 13 this continuance had the wrong hearing date and we 14 submitted the corrected statement into the record. 15 A-18, Major Mod 21-0024. This application is 16 being continued by the applicant to the March 15, 17 2021, Zoning Hearing Master Hearing. 18 Item A-19, Rezoning 21-0034. This 19 application is continued by staff to the 20 March 15th, 2021, Zoning Hearing Master Hearing. 21 Item A-20, Major Mod 21-0036. 22 application is out of order to be heard and is 23 being continued to the April 19, 2021, Zoning 24 Hearing Master Hearing. 25 Item A-21, Major Mod 21-0038.

Page 1

HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS

	X
IN RE:)
ZONE HEARING HEARINGS	MASTER)
	X

ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE:

DWIGHT WELLS

Land Use Hearing Master

DATE:

Tuesday, January 19, 2021

TIME:

Commencing at 6:00 p.m.

Concluding at 6:08 p.m.

PLACE:

Appeared via Webex Videoconference

Reported By:

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

Page 10 2021, Zoning Hearing Master Hearing at 6:00 p.m. 1 2 Item A-15, Rezoning-PD 20-1253. application is being continued by the applicant to the May 17th, 2021, Zoning Hearing Master Hearing 4 5 beginning at 6:00 p.m. 6 Item A-16, Rezoning-PD 20-1255. 7 application is being continued by staff to the 8 February 15th, 2021, Zoning Hearing Master Hearing 9 beginning at 6:00 p.m. Item A-17, Rezoning-PD 20-1256. 10 application is being continued by the applicant to 11 12 the February 15th, 2021, Zoning Hearing Master 13 Hearing beginning at 6:00 p.m. 14 Item A-18, Rezoning-PD 20-1257. 15 application is being withdrawn from the Zoning 16 Hearing Master process. Item A-19, RZ-PD 20-1264. This application 17 18 is out of order to be heard and is being continued 19 to the February 15th, 2021, Zoning Hearing Master 20 Hearing beginning at 6:00 p.m. 21 Item A-20, Rezoning-PD 20-1266. 22 application is being continued by staff to the February 15th, 2021, Zoning Hearing Master Hearing 23 24 beginning at 6:00 p.m. 25 Item A-21, Rezoning-PD 20-1270.

Page 1

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, December 14, 2020

TIME:

Commencing at 6:00 p.m.

Concluding at 8:36 p.m.

PLACE:

Appeared via Webex videoconference

Reported By:

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

	Page 11
1	application is being continued by staff to the
2	January 19, 2021, Zoning Hearing Master Hearing.
3	Item A-18, Rezoning PD 20-1253. This
4	application is being continued by the applicant to
5	the January 19, 2021, Zoning Hearing Master
6	Hearing.
7	Item A-19, Rezoning-PD 20-1255. This
8	application is being continued by the applicant to
9	the January 19, 2021, Zoning Hearing Master
10	Hearing.
11	Item A-20, Rezoning PD 20-1256. This
12	application is being continued by the applicant to
13	the January 19, 2021, Zoning Hearing Master
14	Hearing.
15	Item A-21, Rezoning-PD 20-1257. This
16	application is being continued by the applicant to
17	the January 19, 2021, Zoning Hearing Master
18	Hearing.
19	Item A-22, Major Mod Application 20-1258.
20	This application is being continued by the
21	applicant to the January 19, 2021, Zoning Hearing
22	Master Hearing.
23	Item A-23, Rezoning-PD 20-1264. This
24	application is out of order to be heard and is
25	being continued to the January 19, 2021, Zoning

Page 12 1 Hearing Master Hearing. Item A-24, Rezoning-PD 20-1265. application is being continued by the applicant to the January 19, 2021, Zoning Hearing Master 5 Hearing. Item A-25, Rezoning-PD 20-1266. 6 application is being continued by the applicant to the January 19, 2021, Zoning Hearing Master Hearing. And item A-26, Rezoning Standard 20-1282. 10 This application is out of order to be heard and is 11 12 being continued to the January 19, 2021, Zoning 13 Hearing Master Hearing. That concludes all withdrawals and 14 15 continuances. 16 HEARING MASTER HATLEY: Thank you, 17 Mr. Grady. 18 All right. I'm going to go over a few 19 procedures for the meeting this evening. First of 20 all, the agenda items tonight are items that 21 require a public hearing by a Hearing Officer 22 before going before the Board of County 23 Commissioners for final decision. 24 I will conduct a hearing on each item on the 25 agenda and will submit a written recommendation.

EXHIBITS SUBMITTED DURING THE ZHM HEARING

SIGN-IN SHEET: RFR ZHM, PHM, LUHO DATE/TIME: 3 (15 21 6 M) HEARING MASTER: Susan Finch				
	ARLY, THIS INFORMATION WILL BE USED FOR MAILING			
APPLICATION #	NAME OUG TOESMU			
PZ 20-0374	MAILING ADDRESS DE JAY 5.#45 CITY J. J. G. STATE EL ZIP 3370/PHONE 804 -			
APPLICATION #	NAME JOW GYGIEN			
RZ				
RC 875U	MAILING ADDRESS 11964 Nea Rd			
20-0374	CITY LIFE STATEFC ZIP 33547 PHONE 8 13-49 3 000			
APPLICATION #	PLEASE PRINT TO Mai			
RZ VS				
-	MAILING ADDRESS 14031 North Dale Mabry by			
21-0242	CITY Tampa STATE FC ZIP 37618 PHONE			
APPLICATION #	PLEASE PRINT Cherie Howington			
12:	MAILING ADDRESS CILO N FORCE			
STD-21	MAILING ADDRESS OF CO. STORY CO.			
0129	CITY LKID STATE 71 ZIP 3380 PHONE 8156505024			
APPLICATION #	NAME DEFF COX			
RZ US				
0 000	MAILING ADDRESS 10453 Carroll brook Circle			
21 - 6267	CITY Tampa STATE FL ZIP 33/18 PHONE			
APPLICATION #	NAME OSCOLUTIONAN			
RZ				
0	MAILING ADDRESS 2112 US Huyy1.			
21-0302	CITY KUSKIN STATE (ZIP 33574PHONE 8/3863 3789			

SIGN-IN SHEET:	RFR,	ZHM, PHM,	LUHO	0	PAGE OF
DATE/TIME:	1151	21 GpM	HEARING MASTER:	Susan	Finch

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING			
APPLICATION#	PLEASE PRINT NAME		
KZ	MAILING ADDRESS MESS AND MAILING ADDRESS		
21-0363	CITY STATE ZIP PHONE		
APPLICATION #	PLEASE PRINT NAME		
\\Z	MAILING ADDRESS 4500 A. DAS ABOY HAY		
21-0304	CITYSTATEPHONE		
APPLICATION#	PLEASE PRINT J.D. ALSABBAGH		
	MAILING ADDRESS 8370 W. 11 (1) S AVE # 205		
20-0382	CITY TAMPA STATE PL ZIP 33615 PHONE \$138800700		
APPLICATION # RZ PD	PLEASE PRINT NAME CHZIS MCNEAL		
20-1252	MAILING ADDRESS CHENER & MCHEST ENGINEERING		
40 (Q) Q	CITY LUTZ STATE FL ZIP33549 PHONE 32052564		
APPLICATION#	PLEASE PRINT Condy Barsa		
(,	MAILING ADDRESS 2535 N. Habana pl		
20-1252	CITY TPA STATE 4, ZIP3368 PHONE 813 857 865		
APPLICATION #	PLEASE PRINT NAME CYCLS MARKE		
RZ-PD	MAILING ADDRESS 15957 N. FLORIPA AVE		
20-1255	CITY LUTZ STATE FL ZIP 33549 PHONE 613 2052564		

SIGN-IN SHEET: RFR,	
DATE/TIME: 3 15/8	2) 6PM HEARING MASTER: Susan Finch
PLEASE PRINT CLE	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION#	NAME Kami Carbett
0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	MAILING ADDRESS 101 & Kennedy Blud, Ste 3700
26 - 12 64	CITYTAM DA STATEPL ZIP33/62 PHONE 813-227842
APPLICATION# RZ-PD	PLEASE PRINT— NAME + Subelle albert
	MAILING ADDRESS 1000 N ashley Dr.
26 - 1264	CITY Tompe STATE PL ZIP 33602 PHONE 813 420 470
APPLICATION #	PLEASE PRINT NAME
KZ-PD	
20-1264	MAILING ADDRESS SC23 W. CAREL ST CITY PA STATE L ZIP STOPHONE 9039
APPLICATION #	PLEASE PRINT NAME Anne Pollack
KZ-PD 15	MAILING ADDRESS 433 Central Ave.
26 - 1264	CITY St. Pete STATE FL ZIP 33701 PHONE
20 120	CITY Y[. 1616 STATE (ZIP) (4) PHONE
APPLICATION #	PLEASE PRINT NAME PIGN BOKOP
RZ-PDUS	MAILING ADDRESS 3209 Bell Shoals Rd
20 - 1264	MAILING ADDRESS SQUE DALL MOCE TO
20 (24)	CITY Brankon STATE FL ZIP 33511 PHONE
APPLICATION #	PLEASE PRINT JAMES BARRY
RZ-PD	·
26-1264	MAILING ADDRESS 3028 COLONIAL RINGS DA CITY BRANDO J STATE FL ZIP 33511 PHONE 419-2633
To logar	CITY Branco J STATE FC ZIP 36311 PHONE 419-2633

SIGN-IN SHEET: RFR, (DATE/TIME: 3 1518	ZHM, PHM, LUHO PAGE 4 OF 4 LON HEARING MASTER: Susan Finch
PLEASE PRINT CLE APPLICATION #	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
RZ-11 US 20-1266	NAME Truett Gardner MAILING ADDRESS 400 N Ashley Dr CITY Tampa STATE FL ZIP 37602 PHONE
APPLICATION# RZ-PD 26-1276	PLEASE PRINT NAME Dole Marymon MAILING ADDRESS 10 408 Bloowingdole Ave CITY/Liverview STATE F/ ZIP3357CPHONE 813-309 6618
APPLICATION # RZ-191) 26-1270	PLEASE PRINT NAME PICHAL FRODES MAILING ADDRESS 606 E Adres CITY IMPA STATEFL ZIP SSLAPHONE 503. 9008
APPLICATION# RZ-PP 20-1270	PLEASE PRINT NAME MICHAEL YATES PAUM TRAFFIC MAILING ADDRESS 400 N Tampa St., 15th Floor CITY AMPA STATE FL ZIP 33602 PHONE 205 8057
APPLICATION# RZ-PP US 21-0034	MAILING ADDRESS 4 4031 North Dale Mabry Hwy CITY Tampe state Fazip 3368 PHONE
APPLICATION # {	MAILING ADDRESS 1403 North Dale Mabby Hwy CITY Tampa STATE FL ZIP 33618 PHONE

HEARING TYPE: ZHM, PHM, VRH, LUHO DATE: 3/15/2021

HEARING MASTER: Susan Finch PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 20-0374	Todd Pressman	Applicant Presentation Packet	No
RZ 21-0303	Michael Horner	Applicant Presentation Packet	No
RZ 21-0304	Michael Horner	1. Applicant Presentation Packet	No
RZ 20-0382	Brian Grady	Revised Staff Report	Yes (copy)
RZ 20-0382	J.D. Alsabbagh	2. Applicant Presentation Packet	No
RZ 20-1255	Brian Grady	Revised Staff Report	Yes (copy)
RZ 20-1264	Brian Grady	Revised Staff Report	Yes (copy)
RZ 20-1264	Steve Henry	2. Applicant Presentation Packet	No
RZ 20-1264	James Barry	3. Opposition Presentation Packet	No
RZ 20-1264	Steve Henry	4. Applicant Presentation Packet	No
RZ 20-1264	Kami Corbett	5. Applicant Presentation Packet	No
RZ 20-1270	Brian Grady	Revised Staff Report	Yes (copy)
RZ 20-1270	Brian Grady	2. Revised Staff Report	Yes (copy)
RZ 20-1270	Michael Brooks	3. Applicant Presentation Packet	Yes (copy)

MARCH 15, 2021 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, March 15, 2021, at 6:00 p.m., held virtually.

- ► Susan Finch, ZHM, called the meeting to order and led in the pledge of allegiance to the flag.
- A. WITHDRAWALS AND CONTINUANCES
- Brian Grady, Development Services, reviewed changes/withdrawals/continuances.
- Susan Finch, ZHM, overview of ZHM process.
- Senior Assistant County Attorney Mary Dorman overview of oral argument/ZHM process.
- Susan Finch, ZHM, confirmed the Oral arguments date
- Susan Finch, ZHM, Oath
- B. REMANDS Not Addressed.
- C. REZONING STANDARD (RZ-STD):

C.1. RZ 20-0374

- ▶ Brian Grady, Development Services, calls RZ 20-0374.
- Todd Pressman, applicant rep, presents testimony.
- ▶ Brian Grady, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services Staff.
- ▶ Brian Grady, Development Services Staff, answers ZHM questions.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents.
- ▶ John Grygiel, proponent, presents testimony.
- Susan Finch, ZHM, questions to proponent.
- John Grygiel, proponent, answers ZHM questions.

- Susan Finch, ZHM, calls opponents/Development Services/applicant rep.
- Todd Pressman, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 20-0374.

C.2. RZ 21-0129

- ▶ Brian Grady, Development Services, calls RZ 21-0129.
- Cherie Howington, applicant rep, presents testimony.
- ► Isis Brown, Development Services, staff report.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 21-0129.

C.3. RZ 21-0242

- ▶ Brian Grady, Development Services, calls RZ 21-0242.
- Tu Mai, applicant rep, presents testimony.
- ► Isis Brown, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services Transportation.
- James Ratliff, Development Services Transportation, introduction.
- ▶ Brian Grady, Development Services, answers ZHM questions.
- ▶ James Ratliff, Development Services Traffic, answers ZHM questions.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, questions to Planning Commission Staff.
- Yeneka Mills, Planning Commission Staff, answers ZHM questions.
- Susan Finch, ZHM, calls proponents/opponents/Development Services.
- Susan Finch, ZHM, questions to applicant rep.
- ► Tu Mai, applicant rep, answers ZHM questions.

- Susan Finch, ZHM, questions to applicant rep.
- Tu Mai, applicant rep, answers ZHM questions.
- Brian Grady, Development Service, answers ZHM questions.
- Susan Finch, ZHM, statement to applicant rep.
- Tu Mai, applicant rep, request continuance.
- Susan Finch, ZHM, questions to Development Services.
- ▶ Brian Grady, Development Services, answers ZHM questions.
- Susan Finch, ZHM, continues application to April 19, 2021.

C.4. RZ 21-0267

- ▶ Brian Grady, Development Services, calls RZ 21-0267.
- ▶ Jeff Fox, applicant rep, presents testimony.
- Isis Brown, Development Services, staff report.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services.
- ▶ Brian Grady, Development Services, continues testimony.
- Susan Finch, ZHM, calls applicant rep/closes RZ 21-0267.

C.5. RZ 21-0302

- ▶ Brian Grady, Development Services, calls RZ 21-0302.
- ▶ Josephine Morgana Pittman, applicant rep, presents testimony.
- ► Isis Brown, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- ► Isis Brown, Development Services, answers ZHM questions.
- ▶ Brian Grady, Development Services, answers ZHM questions.
- Susan Finch, ZHM, questions to Development Services Transportation.

- James Ratliff, Development Services Transportation, answers ZHM questions.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services.
- Brian Grady, Development Services, questions to applicant rep.
- ▶ Josephine Morgana Pittman, applicant rep, answers Development Services questions.
- ▶ Brian Grady, Development Services, statement for the record.
- Yeneka Mills, Planning Commission, responds to Development Services.
- Susan Finch, ZHM, questions to applicant rep.
- Josephine Morgana Pittman, applicant rep, answers ZHM questions.
- Brian Grady, Development Services, responds to applicant rep.
- Susan Finch, ZHM, statement for the record.
- Susan Finch, ZHM, closes RZ 21-0302.

C.6. RZ 21-0303

- ▶ Brian Grady, Development Services, calls RZ 21-0303.
- Michael Horner, applicant rep, presents testimony.
- ► Timothy Lampkin, Development Services, staff report.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, questions to Planning Commission.
- Yeneka Mills, Planning Commission, answers ZHM questions.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep.
- Michael Horner, applicant rep, provides rebuttal.
- Susan Finch, ZHM, questions to Planning Commission.
- Yeneka Mills, Planning Commission, answers ZHM questions.

Susan Finch, ZHM, closes RZ 21-0303.

C.7. RZ 21-0304

- ▶ Brian Grady, Development Services, calls RZ 21-0304.
- Michael Horner, applicant rep, presents testimony.
- Christopher Grandlienard, Development Services, staff report.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep.
- Michael Horner, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 21-0304.
- D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ 20-0382

- ▶ Brian Grady, Development Services, calls RZ 20-0382.
- J.D. Alsabbagh, applicant rep, presents testimony.
- Steve Beachy, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services
- ► Steve Beachy, Development Services, answers ZHM questions.
- ► Brian Grady, Development Services, answers ZHM questions.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services.
- Brian Grady, Development Services, statement for the record.
- Susan Finch, ZHM, calls applicant rep/closes RZ 20-0382.
- Susan Finch, ZHM, break.
- Susan Finch, ZHM, returns from break.

D.2. RZ 20-1252

- ▶ Brian Grady, Development Services, calls RZ 20-1252.
- Chris McNeal, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Chris McNeal, applicant rep, answers ZHM questions and continues testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Chris McNeal, applicant rep, answers ZHM questions, no evidence submitted.
- ▶ Brian Grady, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.
- ▶ Brian Grady, Development Services, answers ZHM questions.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents.
- Cindy Barsa, proponent, presents testimony.
- Susan Finch, ZHM, calls opponents/Development Services/applicant rep/closes RZ 20-1252.

D.3. RZ 20-1255

- ▶ Brian Grady, Development Services, calls RZ 20-1255.
- Chris McNeal, applicant rep, presents testimony.
- Israel Monsanto, Development Services, staff report.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls for proponents/opponents/Development Services/applicant rep.
- Chris McNeal, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 20-1255.

D.4. RZ 20-1264

- ▶ Brian Grady, Development Services, calls RZ 20-1264.
- ► Kami Corbett, ► Isabelle Albert, ► Steve Henry, applicant reps, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- ► Steve Henry, applicant rep, answers ZHM questions and continues testimony.
- Kami Corbett, applicant rep, continues testimony.
- ► Israel Monsanto, Development Services, staff report.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents.
- Anne Pollack, proponent, presents testimony.
- Susan Finch, ZHM, questions to proponent.
- Anne Pollack, proponent, answers ZHM questions.
- ▶ Brian Bokor, proponent, presents testimony.
- Susan Finch, ZHM, calls opponents.
- ► James Barry, opponent, introduction.
- Susan Finch, ZHM, Oath.
- ▶ James Barry, opponent, presents testimony.
- Susan Finch, ZHM, calls Development Services.
- ▶ James Ratliff, Development Services Transportation, presents testimony.
- Susan Finch, ZHM, calls applicant rep.
- ► Kami Corbett, applicant rep, questions to opponent.
- ▶ James Barry, opponent, answer applicant rep. questions.
- ► Kami Corbett and Steve Henry, applicant reps, provide rebuttal.

Susan Finch, ZHM, closes RZ 20-1264.

D.5. RZ 20-1266

- ▶ Brian Grady, Development Services, calls RZ 20-1266.
- Truett Gardner, applicant rep, presents testimony.
- Susan Finch, ZHM, questions to applicant rep.
- Truett Gardner, applicant rep, answers ZHM questions.
- ► Brian Grady, Development Services, answers ZHM questions.
- Truett Gardner, applicant rep, answers ZHM questions
- Susan Finch, ZHM, questions the County Attorney.
- Senior Assistant County Attorney Mary Dorman answers ZHM questions.
- Susan Finch, ZHM, questions to the county Attorney.
- ► Senior Assistant County Attorney Mary Dorman answers ZHM questions.
- Susan Finch, ZHM, questions to applicant rep.
- Truett Gardner, applicant rep, answers ZHM questions.
- ▶ Brian Grady, Development Services, staff report.
- Yeneka Mills, Planning Commission, staff report.
- ► Susan Finch, ZHM, calls proponents/opponents/Development Services.
- Brian Grady, Development Services, questions to the County Attorney.
- Senior Assistant County Attorney Johanna Lundgren answers Development Services questions.
- Truett Gardner, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 20-1266.

D.6. RZ 20-1270

- ▶ Brian Grady, Development Services, calls RZ 20-1270.
- ► Michael Brooks, ► Dale Meryman, ► Michael Yates, applicant reps, presents testimony.
- Michelle Heinrich, Development Services, staff report.
- James Ratliff, Development Services Transportation, staff report
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep.
- Michael Brooks, applicant rep, provides rebuttal.
- Susan Finch, ZHM, closes RZ 20-1270.

D.7. RZ 21-0034

- ▶ Brian Grady, Development Services, calls RZ 21-0034.
- Tu Mai, applicant rep, presents testimony.
- ► Susan Finch, ZHM, questions to applicant rep.
- ► Tu Mai, applicant rep, answers ZHM questions.
- ▶ Israel Monsanto, Development Services, staff report.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 21-0034.

D.8. RZ 21-0121

- ▶ Brian Grady, Development Services, calls RZ 21-0121.
- Hung Mai, applicant rep, presents testimony.
- Israel Monsanto, Development Services, staff report.
- Susan Finch, ZHM, questions to Development Services.

- ► Israel Monsanto, Development Services, answers ZHM questions.
- Yeneka Mills, Planning Commission, staff report.
- Susan Finch, ZHM, calls proponents/opponents/Development Services/applicant rep/closes RZ 21-0121.

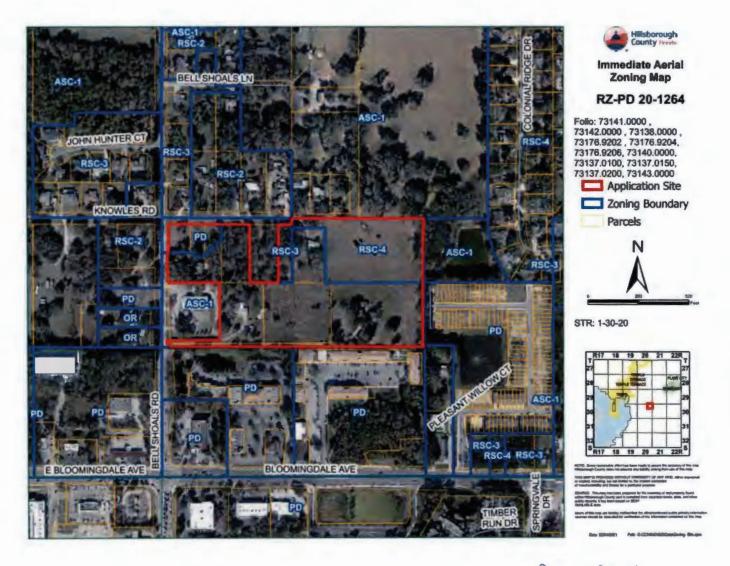
ADJOURNMENT

Susan Finch, ZHM, adjourns the meeting.



STAFF REPORT

SUBJECT:	PD 20-1264 BR/C	PLANNING AREA:	Brandon	
REQUEST:	Rezone to Planned Development	SECTOR	Central	
APPLICANT:	Mattamy Tampa/Sarasota, LLC			
Existing Zoning:		Comp Plan Category: Residential 4 (RES-4)		
Agricultural Single Family Conventional (ASC-1);		Community Mixed Used (CMU-12)		
Residential Single Family Conventional (RSC-3);				
Residential Single Family Conventional (RSC-4); and				
PD 04-0784				



Application No. 20 - 1264

Name: Bran Grady

Entered at Public Hearing: 7+17

Exhibit # Date: 315

CASE REVIEWER: Israel Monsanto

Application Review Summary and Recommendation

1.0 Summary

1.1 Project Narrative

The applicant seeks to rezone eleven (11) parcels, currently zoned Agricultural Single Family Conventional (ASC-1); Residential Single Family Conventional (RSC-3); Residential Single Family Conventional (RSC-4); and PD (04-0784) to a new Planned Development district. The proposed PD would be approximately 16.5 acres in size. The site is generally located on the southeast corner of Bell Shoals Road and Knowles Road, in Brandon. The site is within the Brandon Community Plan and is in the Urban Service Area. The site has a Future Land Use classification of CMU-12 (Community Mixed Use) and is occupied by five single residences today.

The request is to rezone the site to allow up to up to 164 single-family attached units or townhomes.



CASE REVIEWER: Israel Monsanto

Surrounding zoning and uses are:

LOCATION	ZONING	USE / APPROVED FOR	
North	-Residential Single-Family Conventional (RSC-2) -Agricultural Single-Family Conventional (ASC-1)	Residential SF, Agricultural	
South	-Planned Development PD (03-0861), -Planned Development PD (95-0205),	-Commercial -Multifamily	
East	-Agricultural Single-Family Conventional (ASC-1) -Planned Development PD (17-0071),	-County Retention Pond -116 Townhouse units, or -58 duplexes or -71 SF detached residential units	
West	-Planned Development PD (02-0453), -Residential Single-Family Conventional (RSC-2) -Office Residential (OR) -Agricultural Single-Family Conventional (ASC-1)	-Office Residential -SF residential home -Office Residential -Church	

The Applicant is proposing a minimum lot size of 1,674 square feet with a minimum lot width of 18' feet for the townhome units.

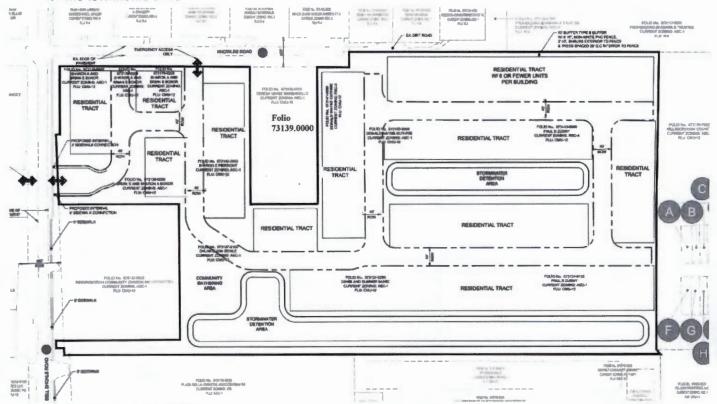


Figure 2-Proposed PD Plan

The proposed PD will include a 10-foot landscaped buffer along Knowles Rd. (a 63-foot wide Right of Way) with 6-foot high a pre cast wall—and tThe adjacent parcels to the northeast, zoned ASC-1, will be separated by a 15-foot wide buffer and screened by a 6-foot high black, powder coated aluminum (or other similar material) wrought iron style, picket fence with Type B landscaping. The applicant is also proposing to plant

CASE REVIEWER: Israel Monsanto

3 feet high shrubs on the outside face of the fence along the NE PD line. In addition, the buildings along the NE would be limited to 6-unit structures and will be separated from each other at least 20 feet.

The site will have its main access from the west, off Bell Shoals Road. A second access point, off Knowles Rd. to the north, will be limited for emergency vehicles only.

1.2 Compliance Overview with Land Development Code and Technical Manuals

The applicant has not requested variations from the general site development requirements found in Parts 6.05.00, Parking and Loading; and 6.06.00, Landscaping, Irrigation and Buffering Requirements of the Land Development Code. A variation is being requested from LDC 6.07.00, Fences and Walls to increase a fence from 6 to 8 feet along a portion of the site boundary.

The area of the project surrounding a single family parcel, identified with folio# 73139.0000, zoned ASC-1 (Area 3 of figure 4) will provide an 8-foot high fence. Per the LDC Section 6.07.02.C.1.f, the maximum average height of any fence or wall shall be six feet (there are exceptions to this height rule that would not apply in this circumstance). The applicant states that the request is the result of meetings with the adjacent property owner. According to the applicant, the neighboring property owner does not object to the rezoning petition, but desires the fence around the property in question to be increased to 8 feet and utilize a non-white PVC solid fence. The increased height would augment the screening and a 5-foot buffer will be provided.

Per LDC Section 6.06.06, the proposed project would require a 5-foot buffer with Type A screening against adjacent ASC-1 zoned parcels. The project will meet this standard with the provision of the buffer with landscaping and a 6-foot high PVG fence along all other the project boundaries, although this requirement is not needed if the uses are separated by a 50-foot wide Right-of-Way.



Figure 3 - Subject Site 10-foot Buffer Areas

CASE REVIEWER: Israel Monsanto

The applicant is proposing to increase the minimum 5-foot buffer to 10 and 15 feet along certain areas of the PD boundaries, adjacent to ASC-1 zoned parcels, specifically, northeast and along Knowles Rd. Landscaping in accordance with the Type B screening (evergreen shade trees planted on 20 foot center) will be provided within the 10-foot buffers, thus providing increased screening. The applicant also proposes to plant 3-foot shrubs within the buffers areas along the north.

A waiver has been requested from LDC Section 6.01.01, footnote 8. the LDC requires that structures with a permitted height greater than 20 feet shall be set back an additional two feet for every one foot of structure height over 20 feet. The additional setback shall be added to setbacks or buffers which function as a required rear and side yard as established in the Schedule of Area, Height, Bulk and Placement Regulations. In this case, the project proposes 10 feet of rear yard setback and 5 feet of buffer along the project's boundaries. The proposed building height would be 35 feet. Per the requirement above, the minimum building setback required, including buffers, would be 45 feet. According to the narrative the eastern northern boundary, identified as 1 in the graphic below, closest residential unit is approximately 110 feet to the north, approximately 65 feet greater than the required setback. For the northwestern boundary, identified as 2, closest residential unit is approximately 90 feet to the north, approximately 45 feet above the requirement.

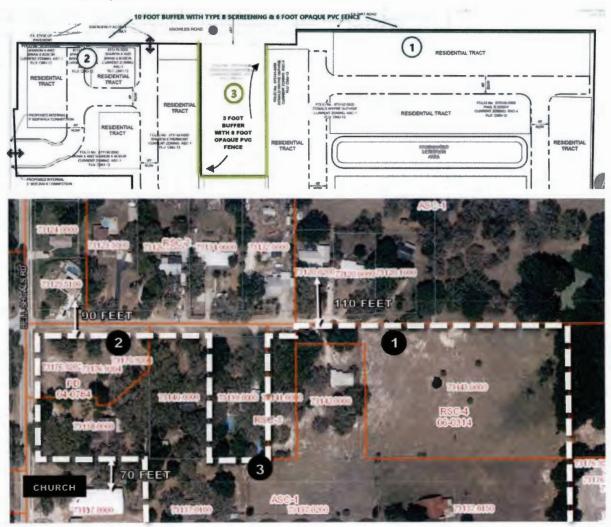
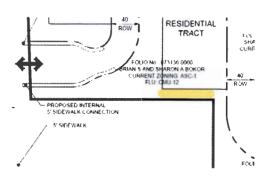


Figure 4 - Setback Areas

CASE REVIEWER: Israel Monsanto

As noted before, a 5 foot buffer with a 8 foot PVC fence is being proposed along the boundary labeled as **3**. This proposal is based on discussions with the owner who did not object to this rezoning request.

There is also a small portion of the site that would require a 45 foot setback (shown to the right). However, the site is a non-residential use (church) and the actual distance from the church to the property line is 70 feet, well over the required setback.



Staff has reviewed the applicant's waiver request and finds it supportable. A solid PVC fence will be placed along all most of the boundaries to screen the proposed structures. Other boundaries will provide additional landscaping. Proposed structures along the road will have an effective building setback of more than 70 feet when the ROW width (63+/-) on the north is added to the 10-foot buffer area being provided. Adjacent lots along the northeast have their structures placed at least \$5.90 feet from their front property lines. These properties to the NE are also separated by a dirt driveway 20 feet wide that serve as access to these homes. Therefore, the setbacks of the proposed townhome measured to these parcel lines along the NE would be at least \$40.45 feet when the 20-foot wide dirt driveway, 10 feet of rear building setback and \$15 feet of buffer are factored in. The applicant will provide a 5-foot buffer surrounding the ASC-1 parcel with folio number 73139.0000 with a solid 8-foot high PVC fence. The ASC-1 district's side and rear setbacks are 15 and 50 feet respectively, therefore, the resulting building separations along this parcel would be 30 feet and 65 feet. Lastly, the church building, adjacent to the west and also zoned ASC-1, is placed at least 70 feet from the site's boundary line where townhomes are being placed. Maximum building height for the ASC-1 district is 50 feet, which is greater than the proposed 35 feet height for the subject project.

1.3 Evaluation of Existing and Planned Public Facilities

Public Utilities

This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.

School Board

Comments were received from the Hillsborough County Public Schools. Bloomingdale High School currently does not have capacity, and Burns Middle School is approaching capacity. However, additional capacity exists in adjacent concurrency service areas to accommodate the proposed project at these grade levels. A school concurrency review will be issued PRIOR TO preliminary plat or site plan approval.

School Data	Brooker Elementary	Burns Middle	Bloomingdale High
FISH Capacity	1002	1394	2090
2019-20 Enrollment	793	1261	2265
Current Utilization	79%	90%	108%
Concurrency Reservations	31	24	32
Students Generated	19	8	12
Proposed Utilization	84%	93%	110%

Source: 2020-21 40th Day Enrollment Count with Updated Concurrency Reservations.

CASE REVIEWER: Israel Monsanto

Transportation

Bell Shoals Rd. is a publicly maintained 2-lane, undivided, substandard collector roadway characterized by +/- 10-foot wide travel lanes in average condition. The roadway lies within a variable width right-of- way (between +/- 60 feet and +/- 70-feet in width) along the project's frontage. There are no bicycle facilities present on Bell Shoals Rd. in the vicinity of the proposed project. There are +/- 4 and 5-foot wide sidewalks along portions of the east and west sides of Bell Shoals Rd. in the vicinity of the proposed project.

SITE ACCESS AND CONNECTIVITY

The project is proposing one full access (1) connection to Bell Shoals Rd. and one (1) emergency access connection to Knowles Rd. Staff cannot support elimination of pedestrian connectivity to Knowles Rd., and so has proposed that a the emergency only access be changed to a emergency vehicular and pedestrian access. Such access must be gated for emergency vehicles, and may be gated for pedestrians; however, if the pedestrian is gated it must be available for the daily use of project residents.

The applicant's Engineer of Record (EOR) submitted two Administrative Variance Requests:

- Access management variance for spacing dated January 6, 2021.
- Substandard road variance dated February 26, 2021.

The County Engineer found the Variances to be approvable; therefore, these will be approved if PD 20-1264 is approved by the BOCC.

ROADWAY LEVEL OF SERVICE (LOS)

Roadway	From	То	LOS Standard	Peak Hour Directional LOS
Bell Shoals Rd.	Lithia Pinecrest Rd.	Bloomingdale Ave.	D	C

Source: Hillsborough County 2019 Level of Service Report.

Impact Fees

Estimated Fees:

(Fee estimate is based on a 1,500 square foot, 3 bedroom, Townhouse Unit 1-2 Stories)

Mobility: \$4,278.00 * 164 units = \$701,592.00 Parks: \$1,656.00 * 164 units = \$271,584.00 School: \$7,027.00 * 164 units = \$1,152,428.00 Fire: \$249.00 * 164 units = \$40,836.00

Total Townhouse = \$2,166,440.00

Project Summary/Description:

Urban Mobility, Central Parks/Fire 164 Townhouse Units

1.4 Natural Resources/Environmental

The Environmental Protection Commission, EPC, reviewed the application and has no objection.

CASE REVIEWER: Israel Monsanto

1.5 Comprehensive Plan Consistency

The Planning Commission staff finds the proposed re-zoning **consistent** with the <u>Future of Hillsborough</u> Comprehensive Plan.

1.6 Compatibility

Adjacent zoning districts permit residential uses today. The area mostly consists of low to medium density residential uses, as well as office to the west and commercial to the south. The PD (17-0071) located to the east is currently approved and being developed with a similar townhome project with medium residential density and comparable development standards to those being proposed for the subject PD. Residential lots along the north, while zoned RSC-2, RSC-3 and ASC-1, are a mix of 1 acre and 1/3 acre lots. Most of these lots are separated by public roads. The proposed project will not front Knowles Rd. to the north and will have access from Bell Shoals to the west.

Although buffer and screening are not required along the roads abutting the project, the applicant proposes a 5 foot-wider landscaped buffer with a 6-foot high fences along the PD boundaries. Increased fence height will be provided along a single parcel surrounded by this project. The buffer area is being increased to 10 15 feet along the north and NE. The 10-foot buffer will be in accordance with the Type B screening for the landscaping in addition to a solid PVC fence. The applicant met with area residents and, based on conversation with neighbors, the project will be provide a pre cast wall along Kwnoles Rd. and a black, powder coated aluminum (or other similar material) wrought iron style, picket fence along the Northeast. Both fences will have 3-foot high shrubs planted on the outside providing enhanced landscaping in view from the surrounding properties in the area.



Figure 5 - Surrounding development pattern and zoning

CASE REVIEWER: Israel Monsanto

Other Aarea residents have expressed concerns with this rezoning petition. Concerns for increased traffic and safety issues in the area including the intersection of Bloomingdale Ave. and Bell Shoals Rd. have been included in letters received by staff. As part of this rezoning request, the applicant has provided documents for review by Transportation staff road improvements adjacent to the site where feasible. All road improvements will be reviewed in accordance with the conditions stipulated by this rezoning during the plat review process and provided during the site construction of the project.

The area today consists of a mix of office, residential support uses, multifamily, single family residential and agricultural uses and zoning districts. The proposed use would consist of a residential use that serves as a transition to commercial uses to the south and residential single-family to the north, as well as low scale office to the west. The CMU-12 Future Land Use category contemplates the mix of uses in the area and the proposed medium density of the project is consistent with the Comprehensive Plan policies and objectives. The site could be potentially developed with up to 198 units per the CMU-12 density allowance (12 du/ac), however, proposed project's density is 9.9 DU/ac. Transportation staff has no objection to the location of the main access on Bell Shoals and road improvements will be required by the developer. The site is located within the urban service area and will connect to water and sewer. Based on these considerations, staff recommends approval, with conditions.

1.7 Agency Comments

The following agencies reviewed the application and offer no objections:

- FPC
- Conservation and Environmental Lands Management
- Water Resources Services

1.8 Exhibits

Exhibit 1: General Aerial Map Exhibit 2: Immediate Aerial Map Exhibit 3: Future Land Use Map

Exhibit 4: Proposed Site Plan PD 20-1264

2.0 Recommendation

Staff recommends approval, subject to the following conditions.

2.1 Recommended Conditions of Approval

CONDITIONS:

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

- Indicate the areas where a 10 and a 15-foot buffer will be provided, and the 8-foot high fence location, per condition 6. Also, add notes indicating the location of the screening per conditions 6.1 and 6.2.
- Show a pedestrian sidewalk stubout along the southern project boundary and label "Pedestrian Access Stubout – See Conditions of Approval". Such connection shall occur along the eastern half of the project's boundary with folio 073137.0000;
- 3. Replace note 4 within the "General Notes" part of the plan which states, "Internal roadways are to be private." With a note stating, "Internal driveways are to be private." [Note: Staff cannot support internal roadways for the project as currently shown. Doing so would require compliance

APPLICATION: PD 20-1264 BR/C ZHM HEARING DATE: March 15, 2021

BOCC MEETING DATE: May 11, 2021 CASE REVIEWER: Israel Monsanto

with the Transportation Technical Manual (TTM) which requires road rights-of-way to be a minimum of 50 feet in width (only 40 feet are provided). Additionally, the project would be required to comply with provisions of the

LDC which requires continuation/connection to existing roadways (i.e. Knowles Rd.) and the project is proposing no such connection.];

- 4. Replace the label which states "Emergency Access Only" to "Gated Emergency-Only Vehicular Access and Gated Pedestrian Access See Conditions of Approval"; and,
- 5. Add a note within the "General Notes" section which states "Sidewalks shall be provided in accordance with the LDC."

APPROVAL - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted February 23, 2021.

- 1. The project shall be limited to up to 164 townhomes. Interim residential and/or agricultural use low scale passive agricultural uses shall be permitted.
- 2. Development standards shall be as follows:

Minimum lot area 1,674 square feet

Minimum lot width 18 feet

Maximum building height 35 feet (2-stories)

Minimum front yard20 feetMinimum building separation10 feetMinimum rear yard setback10 feetMinimum building setbacks from project's boundaries15 feetMaximum lot coverage75 percent

- 3. The project is not subject to the Land Development Code Section 6.01.01 Footnote 8 for additional structure setback.
- 4. Townhome structures along the northeast PD boundary shall be limited to no more than 6 units per building. <u>The building separation in this area shall be a minimum of 20 feet between buildings.</u>
- 5. Location of retention ponds and internal driveways shall generally conform with the General Site
- 6. A 5-foot buffer with a 6-foot high, non-white, PVC fence pre-cast wall, shall be provided around the project, unless otherwise specified herein.
 - A 10-foot wide buffer area with a 6-foot high, nonpre-white, PVC-fencecast wall and Type B landscaping shall be provided along the northnorthern property boundary abutting the Knowles Road right-of-way, as shown on the General Site Plan. Existing regetation, excluding invasive species, may be used in lieu of the required screening, subject to Natural Resources approval with 3-foot shrubs, planted on the outside of the fence, planted 3-feet on center and with the trees planted 20-feet on center.

CASE REVIEWER: Israel Monsanto

- 6.2 In addition to the above requirement, A 15-foot wide buffer area will be provided along the northern property boundary east of the Knowles Right of Way to the eastern property boundary, with a 6-foot high black, powder coated aluminum (or other similar material) wrought iron style, picket fence and Type B landscaping shall be provided with 3-foot high shrubs shall be installed, planted 3-feet on center and planted on the outside face of the fence along and with the NE PD trees planted 20-feet on center. The fence shall be placed 10' feet from northern property boundary as indicated on the General Site Plan.
- 6.3 An 8-foot high non-white, PVC fence shall be provided adjacent to the parcel identified with folio number 73139.0000, zoned ASC-1.
- 6.4 The buffer areas shall be platted as a separate tract, not as part of individual lots and shall be maintained by an HOA a Home Owner Association, Property Owner's Association or Condominium Association. or similar entity.
- 7. Community gathering space shall be in accordance with Land Development Code (LDC) Section 6.02.18. A community garden within the community gathering space shall be permitted.
- 8. If PD 20-1264 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated February 26, 2021) which was found approvable by the County Engineer (on March 4, 2021). Approval of this Administrative Variance will waive the Bell Shoals Rd. substandard road improvements required by Section 6.04.03.L. of the LDC.
- 9. If PD 20-1264 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated January 6, 2021) which was found approvable by the County Engineer (on March 4, 2021). Approval of this Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to the south to +/- 185 feet.
- 10. The developer shall construct a sidewalk stubout along the eastern half of the project's boundary with folio 073137.0000. Such connection may be gated; however, if gated the connection shall be available for the daily use of project residents.
- 11. The developer shall construct a gated vehicular access connection to Knowles Rd. Such connection shall be restricted to emergency vehicles only and shall be gated with a Knox-box (or similar acceptable to Hillsborough County). Such emergency access connection shall be accompanied by a pedestrian access connection. The pedestrian connection to Knowles Rd. may be gated; however, if gated the pedestrian connection shall be available for the daily use of project residents.
- 12. Notwithstanding anything on the PD site plan or herein these conditions to the contrary, bicycle and pedestrian access may be permitted anywhere along the PD boundaries."
- 4113. 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.

CASE REVIEWER: Israel Monsanto

- 1214. 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).
- 1416. 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.
- 15.17. 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.
- 1618. 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.

Staff's Recommendation: Approval, subject to conditions

Zoning

Administrator

Sign-off: Th

Thu Mar 4 2021 16:26:21

BLOOMINGDA

SPRINGVALEDRA

Hillsborough County Florida

General Aerial Zoning Map

RZ-PD 20-1264

Folio: 73141,0000, 73142.0000, 73138.0000, 73176.9202, 73176.9204, 73176.9206, 73142.0000, 73138.0000, 73176.9202, 73176.9204, 73176.9206

Zoning Boundary Application Site

Parcels

RSC-4

BELLISHOALSRD

STR: 1-30-20

Hillsborough County Florida Immediate Aerial Zoning Map

RZ-PD 20-1264

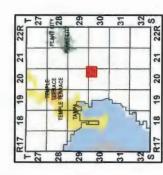
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Application Site

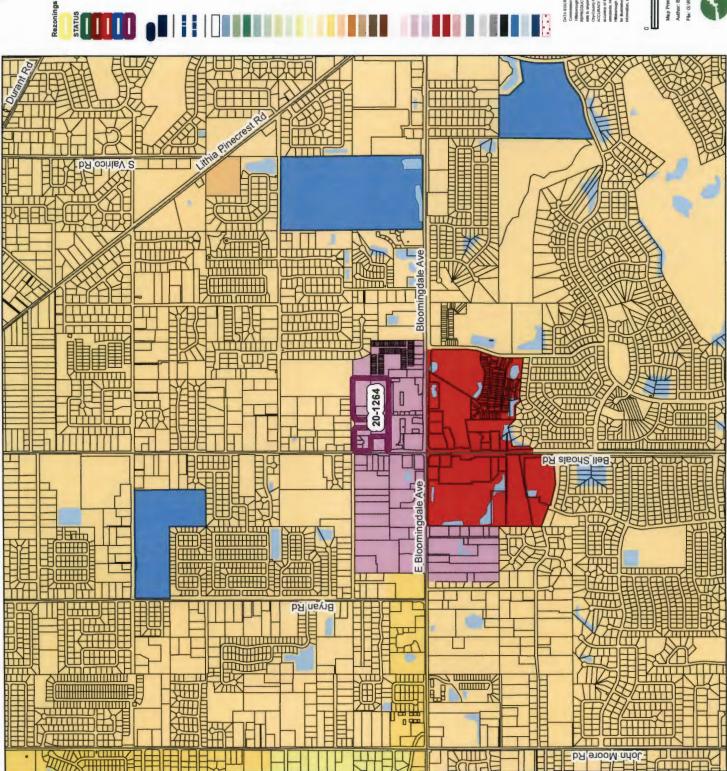
Zoning Boundary

Parcels

STR: 1-30-20



SPRINGVALE DR COLONIAL RIDGE DR **BLOOMINGDALE AVE** BELL SHOALS RD



HILLSBOROUGH COUNTY FUTURE LAND USE

RZ PD 20-1264

PEC PLANNED ENVIRONMENTAL COM AGRICULTURAL/MINING-1/20 (.25 FAR) AGRICULTURAL ESTATE-1/2,5 (.25 FAR.) AGRICULTURAL/RURAL-1/5 (.25 FAR) AGRICULTURAL-1/10 (.25 FAR)

RESIDENTIAL PLANNED-2 (.35 FAR) RESIDENTIAL-2 (.25 FAR) RESIDENTIAL-4 (.25 FAR)

RESIDENTIAL-1 (.25 FAR)

RESIDENTIAL-8 (.25 FAR) RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-12 (.35 FAR)

RESIDENTIAL-16 (.35 FAR) RESIDENTIAL-20 (.35 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR. SUBURBAN MIXED USE-6 (.35 FAR) RESIDENTIAL-35 (1.0 FAR)

COMMUNITY MIXED USE-12 (.50 FAR)

REGIONAL MIXED USE-35 (2.0 FAR) URBAN MIXED USE-20 (1.0 FAR)

RESEARCH CORPORATE PARK (1.0 FAR)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER FAR RETAIL/COMMERCE)

LIGHT INDUSTRIAL PLANNED (.50 FAR.)

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

WMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR NATURAL PRESERVATION

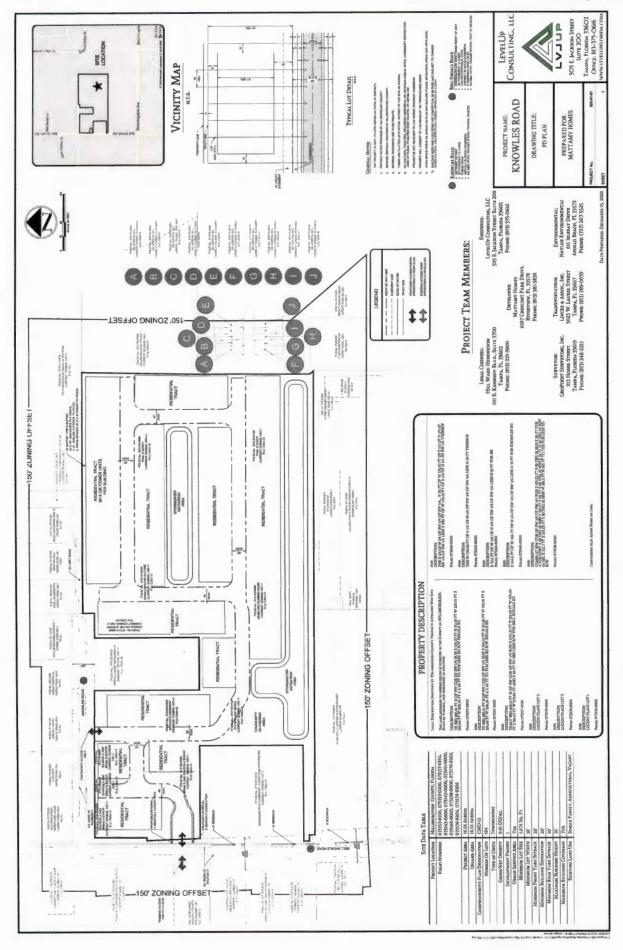
PUBLIC/QUASI-PUBLIC

CITRUS PARK VILLAGE



Author: Beverly F. Deniel





Application No. Steve. Henry

Name: Steve. Henry

Entered at Public Hearing: 747

Exhibit # 2 Date: 3/15/21

2019

LEVEL OF SERVICE

REPORT



30TH ST 2
19TH AVE NW
FLETCHER AVE 2
1
US HWY 41 2
SHELL POINT RD
SHELL POINT RD 4
FLETCHER AVE 6
BEARSS AVE 6
SHELL POINT RD 4
19TH AVE NE
IER AVE
CKD
HOOVER BLVD
WATERS AVE
IVE
PASCO COUNTY 2
US HWY 41 4
FLETCHER AVE
BOYETTE RD
BALM RD
BALM RIVERVIEW
BOYETTE RD
US HWY 301
CR 672
BENJAMIN RD
FLORIDA AVE
BRUCE B DOWNS BLVD
BLOOMINGDALE AVE
LITHIA PINECREST 2
SLIGH AVE
WATERS AVE
1-75 N RAMP
US HWY 301
SUMMERFIELD BLVD
BALM RIVERVIEW
GORNTO LAKE RD
KINGS AVE
BELL SHOALS RD
LITHIA PINECREST RD
LITTLE RD
TARPON SPRINGS RD
BALM RIVERVIEW RD
BELL SHOALS RD 4

Zoning Hearing Master

PUBLIC COMMENT

RZ-PD20-1264

MARCH 15, 2021

Application No. James Parmy
Name: Vames Parmy
Entered at Public Hearing: ZHM
Exhibit # 3 Date: 3/5/2/

Current Zoning



- Primarily ASC1and RSC 2,3, or 4
- Much of the "PD" on the map has already been developed into Multi-Family



Labernum Gardens 81 Units Bloomingdale Ave Campo Family YMCA LITHIA DAKS Walmart Supercenter © Chick-fil-A Lutheran Church BLOOMINGDALE Bloemingdale High School E TIMBRE

Bell Shoals Rd. north of Bloomingdale Ave.

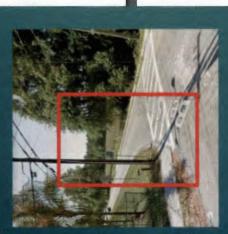


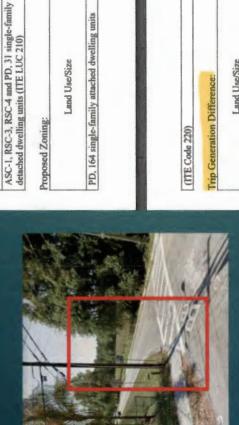
Transportation Department Agency Report Estimates ~+1,000 more vehicles per day

existing and proposed zoning designations utilizing a generalized worst-case scenario.









PM 31

23

293

Total Peak Hour Trips AM PN

24 Hour Two-Way Volume

Land Use/Size

Existing Zoning:

PM 92

Total Peak
Hour Trips
AM PN
76 92

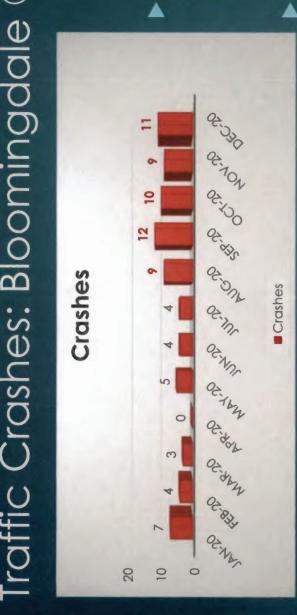
24 Hour Two-Way Volume 1,199

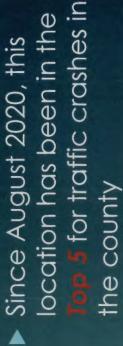
Land Use/Size

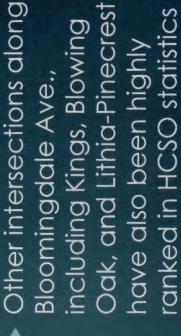
(+) 906 (+) 53 (+) 61 Hour Trips Total Peak 24 Hour Two-Way Volume Land Use/Size Trip Generation Difference:

Unprotected pedestrian crosswalks and obstructed views Crosswalk at Guiles Rd services Bloomingdale HS ~1,000 more vehicle trips per day

Traffic Crashes: Bloomingdale @ Bell Shoals

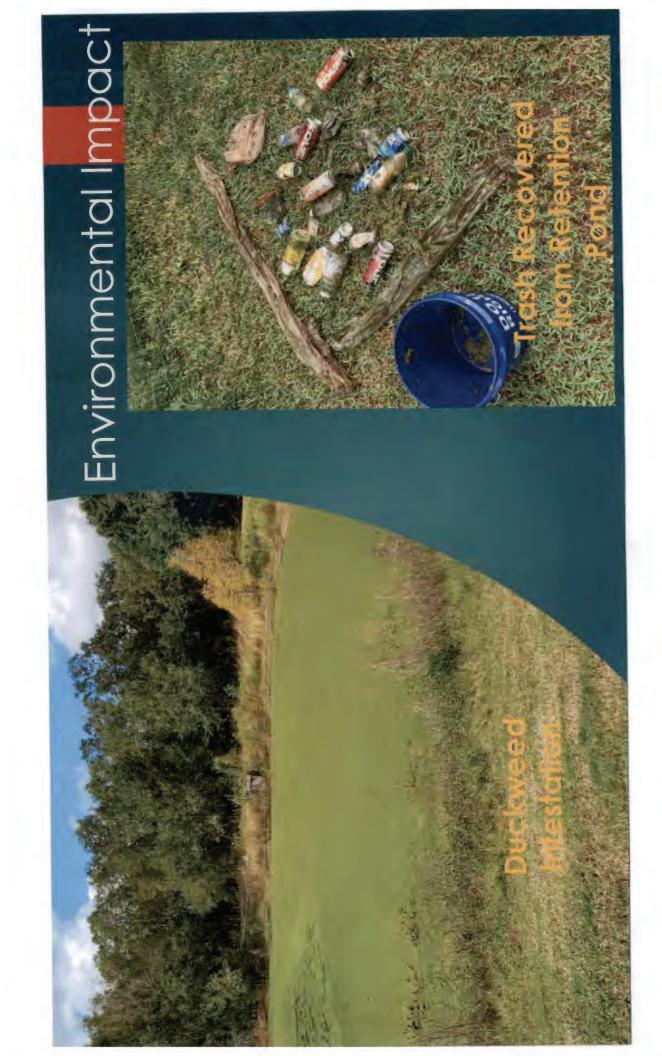






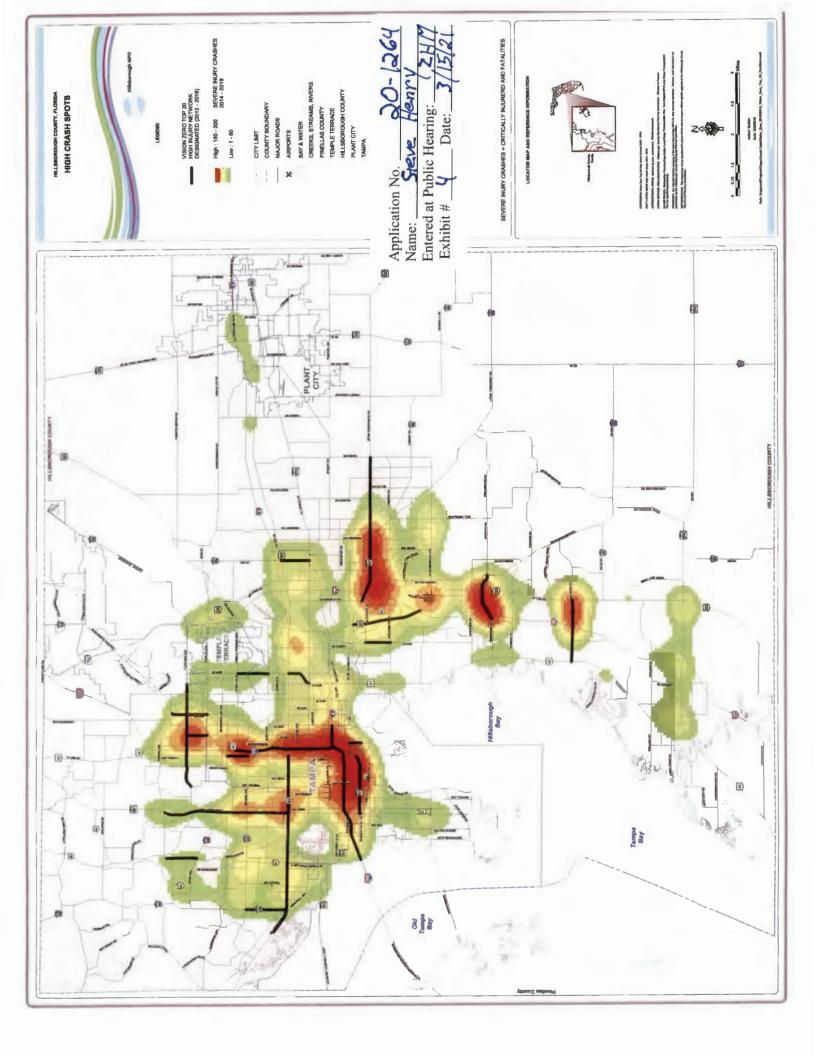


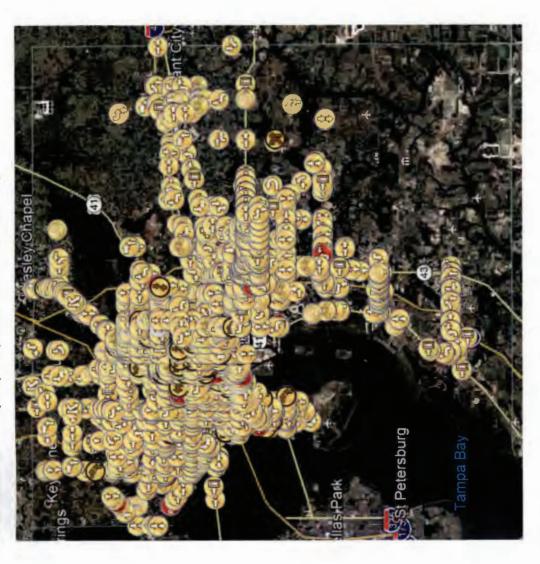




Summary

- ▶ Nearly 200 new multi-family units on adjacent properties
- Incongruous with adjacent RSC parcels
- Stress on public services (Fire-Rescue, Law Enforcement, Schools, etc)
- Exacerbate existing traffic issues
- Congestion
- ► Crashes
- Adverse environmental impact
- ▶ Risk to wildlife
- ▶ Trash
- ▶ Increased nitrogen levels in retention ponds
- ► RSC-3 or 4 are acceptable alternatives





Selections used to generate this report:

Date Range: 1/1/2016 - 12/31/2020 Severity: Fatal, Incapacitating, NonIncapacitating Intersection Type: Signalized-BUFFER

Report Memo:

Report for Fatal, Incapacitating and Non-Incapacitating Injuries Only. Top 100 Signalized Intersections.



CDMS - Crash Data Management System

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

Intersection Summary Top 100 Report Click for Drill Down US 301 @ GISSONTON DR				498	295		2,182	210		631		84		1,267	1,267	1	1,643		4,680		1,165	3,	3,437
Top 100 Report Click for Drill Down US 301 @ GIBSONTON DR 175 @ BIG BEND RD						Injury Severity	everity	ā	Ped and Bike		Crash Type	Ape					Str	ategic Highv Safety Plan	Strategic Highway Safety Plan				
US 301 @ GIBSONTON DR I 75 @ BIG BEND RD		Total	Total	Total	Fatal	incap		Possible Ped	d Bike	Angle	Left	Right Head	Comm.	m. Work	-		Lane	¥ ±	Distract	Teen Driver	Aging Driver	Impaired	Motor
175 @ BIG BEND RD		77	0		O	22	55	0 0	6	12	+	+	+	+	1	43		+	00	10	14	4	. 5
		7.4	1	105	1	22	51		H	7	+	0 0	H		S	38	=	21	12	9	10	-	6
US 301 @ CR 672 (BIG BEND RD)		89	0	66	0	21	47	-	H	11	\vdash	H	-		3	43	S	80	11	S	15	2	1
US 301 @ SUN CITY CENTER BLVD		65	1	95	1	20	44	0 1	-	00	34	0 0	S	14	2	43	6	43	6	6	52	1	0
US 301 @ PROGRESS BLVD	100	59	1	82	1	80	20	0 2	1	7	4	0 5	7	1	3	17	6	16	4	10	6	5	2
SR 60 @ BRANDON TOWN CENTER DR		52	1	11	1	2	49	0 2	2	6	6	0 0	2	2	4	20	10	17	12	4	88	4	2
SR 582 @ 15TH ST		46	0	62	0	9	40	9 0	7	11	10	0 2	1	0	4	56	5	15	3	7	8	4	2
CR 676A @ GORNTO LAKE RD		46	0	63	0	12	34	0 1	1	10	00	1 0	1	0	7	24	5	80	11	4	8	2	1
CR 672 @ SIMMONS LOOP		45	0	71	0	16	59	0 0	0	1	1	0 0	3	1	1	13	3	80	13	5	7	1	1
SR 60 @ ROCKY POINT DR		43	2	63	2	00	33	0 1	1	3	1	0 2	9	0	ın	14	00	9	00	9	9	3	2
CR 584 @ HANLEY RD		42	1	49	1	9	35	0	4	4	6	2 2	0		2	18	00	6	80	7	12	1	2
SR 597 @ EHRLICH RD		42	3	55	3	80	31	0 2	1	9		0 0	-	1	1	15	2	11	6	4	11	4	1
175 @ GIBSONTON DR		42	0	9	0	14	28	0 1	0	80	S	0 0	4	0	1	13	00	9	10	7	S	1	4
CR 676 @ PROVIDENCE RD		40	1	90	1	S	34	0 2	2	2	11	0 0	1	0	E	19	9	17	11	2	12	2	0
SR 60 @ MOUNT CARMEL RD		39	4	47	4	9	52	0 5	2	S	9		2		1	12	25	9	10	9	12	2	2
CR 676A @ PROVIDENCE RD		39	0	55	0	00	31		2	9		1 0			1	16	4	11	12	5	10	0	3
US 301 @ CROSSTOWN EXPRESS LN		39	1	63	1	8	30	0 0	0	2	21	0 0	4	0	2	17	5	22	9	2	5	2	1
CR 587A @ HIMES AVE		38	2	45	2	4	32	0 5	2	00	00	0 1	1	1	3	20	3	15	7	7	9	4	3
BIG BEND RD @ SUMMERFIELD BLVD		38	0	7.1	0	14	24	0 1	1	5	20	0 3	1	0	4	26	3	59	10	7	7	1	2
SR 580 @ TOWN N COUNTRY BLVD		37	0	20	0	4	33	0 7	4	6	7	1 0	1	0	1	20	2	19	9	1	11	3	1
US 301 @ CAUSEWAY BLVD		37	0	45	0	80	29	0 3	3	7	3	1 0	9	0	1	6	9	17	7	0	2	9	1
SR 580 @ HILLSBOROUGH AVE		36	1	40	1	9	59	0 0	2	2	3	1 1	2	2	2	14	3	7	11	4	10	1	2
US 301 @ PALM RIVER RD		34	0	51	0	2	59	0 0	0	6	7	0 1	2	0	5	17	S	10	10	3	4	1	0
175 @ BRANDON BLVD		34	2	54	2	S	27	0 1	0	1	0	0 0	2	S	2	2	9	2	13	80	3	1	1
SR 60 @ FALKENBURG RD		34	2	41	2	80	24	0 0	1	9	4	2 0	3	2	3	16	4	13	3	2	2	2	6
SR 574 @ LAKEWOOD DR		34	2	99	2	6	23	0 4	-	7	16	1 0	3	0	E	22	2	23	2	5	6	2	-
US 92 @ HARNEY RD		34	1	44	1	-	32	0 2	-	7	4	0 0	9	0	0	13	0	15	7	1	11	3	0
CR 584 @ ANDERSON RD		34	2	40	2	4	28	0 2	2	4	9	0 0	2	0	2	15	2	S	6	1	00	2	-
CR 672 @ LINCOLN RD		34	1	20	1	10	23	0 0	0	9	13	0	0	0	4	24	2	19	10	7	9	-	0
SR 582 @ 56TH ST		34	0	42	0	_	27	0 4	4	1	4	0 2	2	٥	М	18	2	ru.	2	1	9	4	-
SR 60 @ SAINT CLOUD AVE		33	1	47	1	9	92	0	-	2	14	0 1	0	0	3	17	m	18	12	S	12	0	2
SR 574 @ PARSONS AVE		33	0	47	0	_	92	0 2	2	6	15	1 0	-	0	8	23	2	13	00	80	2	0	4
US 301 @ MARTIN LUTHER KING BLVD		33	1	42	1	7	25	0	0	4	2	1 0	4	0	m	6	4	6	_	2	6	2	2
US 92 @ ORIENT RD		33	2	42	2	9	25	0 5	1	2	15	0 0	0	0	5	17	2	14	6	3	6	2	S
CR 589 @ LINEBAUGH AVE		33	7	38	5	2	56	0 2	0	3	4	0 2	1	1	4	16	2	10	2	5	14	4	2
SR 582 @ 22ND ST		33	1	46	1	5	27	0 8	4	10	00	0 0	0	0	3	16	4	14	3	7	80	2	2
US 41 @ FOWLER AVE		33	0	42	0	6	24	0 9	3	2	2	1 1	4	0	2	12	2	00	2	2	80	S	1
CR 676A @ BELL SHOALS RD		33	0	46	0	2	28	0 1	2	2	2	1 0	2	0	3	19	7	3	9	11	6	2	2
SR 60 @ VALRICO RD		32	0	37	0	9	92	0 5		2	00	0 0	0	0	2	14	2	10	s	80	11	2	2
US 41 @ SYMMES RD		32	0	45	0	10	22	0 2	S	4	11	0 0	-	0	2	21	9	19	4	4	80	8	2
SR 60 @ LAKEWOOD DR		31	0	46	0	12	19	0 1	8	2	1	0 2	2	0	4	12	4	4	9	2	00	2	8
US 92 @ SR 580		31	0	40	0	7	24	0 3	m	00	S	0 1	2	٥	1	16	4	00	6	8	4	2	2

CDMS - Crash Data Management System

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

							-										Chra	Strategic Highway	hwav				
Intersection Summary				Ę	njury Sev	Severity	۵.	Ped and Bike		Cras	Crash Type						Stra	Safety Plan	ne.				
Top 100 Report Click for Drill Down	Total	Total Fatalities Ir	Total	Fatal Crashes	Incap Inc	Non Possible Incap Injury	ible Ped	Bike	e Angle	Left	Right	Head	Comm.	Work	No Restraint	Speed Agr. Driving	Lane	At D	Distract Do	Driver E	Aging Driver Im 65+	Impaired	Motor
US 92 @ HIMES AVE	_			1	4	26 0		1	1	6	0	1	1	0	9	14	4	11	0	3	2	9	5
SR 580 @ LOIS AVE	31	3	30	3	7	21 0) 12	2 4	6	2	0	0	5	0	2	15	3	4	1	-	9	3	5
JS 41 @ APOLLO BEACH BLVD	31	0	39	0	7	24 0	0 0	0	5	9	0	1	2	4	3	15	4	13	5	2	10	-	4
USB 41 @ SR 580	31	1	45	1	4	26 0	0 4	3	4	00	0	0	2	0	1	16	4	12	1	2	9	2	7
US 41 @ FLETCHER AVE	31	0	40	0	9	25 0	0 1	3	9	12	0	1	3	0	2	17	2	18	4	1	9	9	-
SR 674 @ 33RD ST SE	30	0	35	0		23 0	0 0	0	S	3	0	2	2	1	2	13	2	9	9	9	14	2	-
CR 587 @ CITRUS PARK DR	30	1	43	1	m	26 0	0 0	1	11	6	0	0	0	2	1	19	1	12	6	9	6	0	0
US 301 @ RIVERVIEW DR	30	0	39	0	7	H	0 0	8		00	0	0	0	0	2	12	2	15	9	2	14	1	1
US 92 @ COLUMBUS DR	59	0	33	0	2	-	0 0	1	_	4	0	1	8	0	3	18	2	7	3	1	4	4	0
SR 580 @ WATERS AVE	29	1	31	1	4		0 1	-	8	2	0	0	0	1	0	12	9	5	4	4	7	5	S
BIG BEND RD @ SUMMERFIELD CROSSING BLVD	29	0	54	0	12	17 0	0 0	0 0	23	4	0	0	0	0	2	28	3	25	4	89	S	1	0
SR 582 @ 30TH ST	58	1	37	1	H	-	0 2	-		0	1	1	4	0	3	17	2	9	3	5	3	0	m
CR 579A @ BELL SHOALS RD	58	0	47	0	10	H	0 2	1	7	7	0	0	0	0	0	15	5	16	5	5	7	3	**
SR 580 @ WEBB RD	28	1	40	1	9	21 0	0 3	1 2	1	11	0	0	0	0	2	18	1	11	5	7	9	2	4
CR 584 @ SHELDON RD	28	0	32	0	8	25 0	0 1	1 1	4	8	2	0	1	0	0	11	1	7	m	5	2	1	2
EHRLICH RD @ TURNER RD	28	0	47	0	2	26 0	0 0	0 1	S	00	0	0	2	0	0	19	9	12	3	9	3	3	1
CR 676 @ FALKENBURG RD	28	0	42	0	4	24 0	0 0	0 0	S	2	1	0	0	0	2	12	3	6	12	2	3	3	1
US 41 @ SR 574	27	0	41	0	3	24 0	0	0 1	12	S	0	0	3	1	4	18	3	6	0	1	9	3	2
US 41 @ BUSCH BLVD	7.2	2	34	2	3	22 0	9 0	9	3	3	0	0	2	0	1	12	2	7	0	3	2	4	2
SR 597 @ UNEBAUGH AVE	72	0	32	0	1	26 0	0 1	1 1	3	1	0	2	0	0	0	5	2	4	5	3	7	1	2
US 301 @ SYMMES RD	27	0	36	0	2	22 0	0 0	0 4	2	1	0	1	1	0	0	11	7	2	00	3	9	1	9
CR 640 @ LUMSDEN RD	27	1	41	1	2	21 0	0 1	0	9	9	1	2	1	12	5	11	2	3	4	S	7	-	2
SR 60 @ KINGS AVE	26	0	36	0	7	19 0	0	0 4	8	1	0	0	S	0	0	80	2	9	80	4	00	0	0
US 41 @ PALM RIVER RD	56	0	44	0	7	19 0	0 2	2 1	2	17	1	1	1	0	4	21	2	16	2	-	7	2	m
14 @ US 41	92	0	31	0	9	20 02	0 1	1	5	1	0	3	5	0	3	15	10	80	2	8	1	-	S
SR 574 @ ORIENT RD	97	2	31	2	4	20 02	0	3 2	25	0	0	0	4	0	4	80	4	9	2	-	2	9	0
SR 589 @ MEMORIAL HWY	56	0	35	0	9	20 02	0	0 0	12	0	0	1	0	2	4	7	5	12	5	-	3	4	-
USB 41 @ WATERS AVE	92	1	32	1	6	16 (0	7 1	9	9	0	0	2	0	0	12	4	6	2	4	9	-	7
SR 580 @ 22ND ST	26	0	35	0	3	23 (0	4 4	4	4	0	0	2	0	0	16	2	80	1	1	9	0	0
US 41 @ BIG BEND RD	36	1	30	1	3	22 0	0	0 2	1	0	1	2	2	0	0	9	4	1	S	80	3	3	2
GIBSONTON DR @ MATHOG RD	97	1	37	1	3	22 0	0	0 0	3	e	0	0	1	0	1	7	2	7	6	2	9	2	0
SR 676 @ 78TH ST	26	1	30	1	7	18 0	7 0	4 1	2	10	0	2	1	1	0	16	5	11	5	-	m	2	7
US 41 @ CAUSEWAY BLVD	92	0	37	0	9	20 02	0	0 0	4	3	0	0	7	0	3	80	4	7	5	4	4	1	יט
US 41 @ 1STH ST	25	3	28	3	4	18 (0 1	11 1	00	1	0	1	0	0	1	6	3	6	0	3	2	2	0
SR 580 @ HANLEY RD	25	0	31	0	4	21 0	0	3 0	9	3	1	0	2	1	0	7	4	6	60	1	7	2	0
CR 587 @ ANDERSON RD	25	0	33	0	4	21 0	0	2 0	4	4	1	0	0	1	0	14	3	S	7	S	2	1	-
CR 676A @ KINGS AVE	25	0	32	0	7	18	0	3 0	4	9	1	1	2	0	1	11	4	9	9	3	6	4	-
SR 60 @ HILTOP RD	24	0	32	0	2	22 (0	2 0	10	0	1	0	0	0	0	12	3	14	4	4	3	0	-
US 92 @ SR 60	24	0	59	0	3	21 (0	1 2	S	10	1	0	0	0	1	14	3	80	2	2	3	1	1
CR 672 @ COVINGTON GARDEN DR	24	0	59	0	7	17 (1	0	3 0	0	2	0	1	3	2	1	80	1	4	7	2	4	3	0
CR 676 @ KINGS AVE	24	0	34	0	3	21 (0	0 1	3	1	2	1	2	0	2	5	0	80	6	2	9	1	0
		,	20			10		-	'	•					0	13	4	11		,		,	2

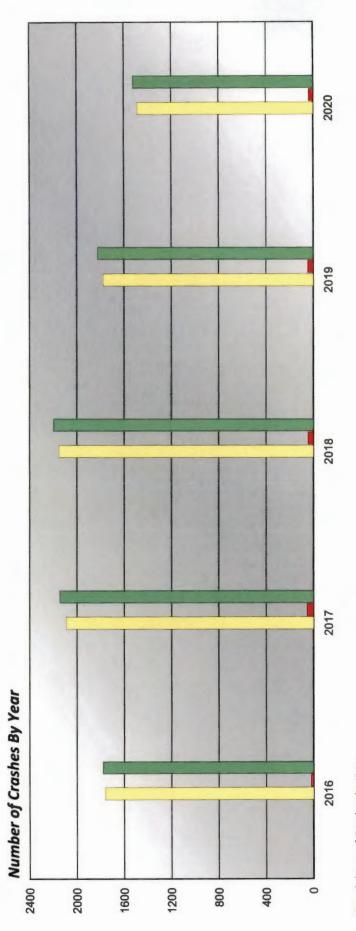
5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

CDMS - Crash Data Management System

Records Date Range: Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	9	Angles		Head On	In	Intoxication	=	Speeding		Run Control	Introl	Vuil.	Vul. Users	*	Agr. Driving		Lane Depart	At Im.	M.
01/01/2016 to 12/31/2020 9,468	219	12,581	619	498	595		2,182		210		631		84		1,267	15	1,6	1,643		4,680	H	1,165	3,437	37
Intersection Summary						Injury	Injury Severity	^	Ped and Bike	P .	Cra	Crash Type						Stra	ategic Highy Safety Plan	Strategic Highway Safety Plan				
Top 100 Report		To	Total To	Total Total Fatalities Injuries	Fatal	Incap	Non	Possible	Ped	e Ke	Angle Turn	t Right	Head	Comm.	Work	No	Speed Agr. Driving	Lane	≱t Int.	Distract	Teen Driver 15-19	Aging Driver 65+	Impaired	Motor
SR 60 @ PROVIDENCE RD		-	23	0 29		9	17	0	0	1	4 1	0	0	0	0	0	7	1	3	5	2	9	1	1
FALKENBURG RD @ PALM RIVER RD		-	23	0 27	0	4	19	0	1	1	7 4	0	1	2	0	3	13	3	6	8	1	2	3	2
US 41 @ CR 585A		2	23	1 25	1	3	19	0	1	1	6 1	0	2	3	0	5	1	3	10	2	1	3	2	3
US 92 @ 1275		7	23	0 33	0	5	18	0	0	0	6 2	0	1	0	0	3	80	9	7	5	1	2	4	2
SR 580 @ CR 589		2	23	1 33	1	1	21	0	1	2	9 3	0	0	0	0	1	14	1	3	2	3	7	1	1
SR 93 @ E SLIGH AVE		,	23	1 25	1	0	22	0	0	0	3 2	0	0	3	0	0	9	8	1	1	5	2	0	1
SLIGH AVE @ ANDERSON RD		1	23	0 34	0	5	18	0	0	0	6 4	0	0	0	0	0	15	2	13	S	9	2	0	8
CR 587A @ ARMENIA AVE		-	23	0 30	0	3	20	0	1	1	7 3	0	1	2	0	2	15	1	5	1	S	9	1	1
CR 581 @ 1315T AVE		2	23	0 25	0	3	20	0	2	5	0 10	0	1	0	0	4	11	2	15	12	5	S	1	2
SR 39 @ KNIGHTS GRIFFIN RD		-	23	1 39	1	5	17	0	0	0	6 12	0 2	0	1	0	1	16	1	18	9	3	7	3	1
CR 579A @ BALM RIVERVIEW RD		2	23	1 25	1	5	17	0	0	0	7 2	0	1	1	0	1	13	2	89	8	7	2	1	2
CR 676A @ JOHN MOORE RD		-	23	0 32	0	5	18	0	0	1	3 3	0	0	1	0	0	12	4	9	9	2	6	1	1
SR 45 @ NEBRASKA AVE			22	2 24	2	5	15	0	3	3	5 7	0	0	0	0	1	14	2	11	1	1	4	4	9
14 @ US 301		2	22	0 31	0	5	17	0	1	0	2 2	1	0	1	0	3	4	S	9	9	4	3	2	3
US 41 @ HILLSBOROUGH AVE			22	2 26	2	0	20	0	3	0	7 2	0	0	3	0	2	12	1	80	1	0	9	3	1
14 @ CR 579			22	0 27	0	5	17	0	0	0	80	1	0	3	1	2	17	2	6	80	3	7	2	1

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ear Crash Summ	-	(1)	ry Report (1/1/2016 to 12/31/2020	12/31/2	מכחו								CDIMS - Crasn Data N	asn Data Mi	anagemen	System
ords Date Range:		Crashes	Crashes Fatalities Injuries Peds Bike	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
מכמנו ובו בי פומנו ומו	חבטבלובלב	9.468	219	12,581	12,581 619 498	498	595	2,182	210	631	28	1,267	1,643	4,680	1,165	3,437

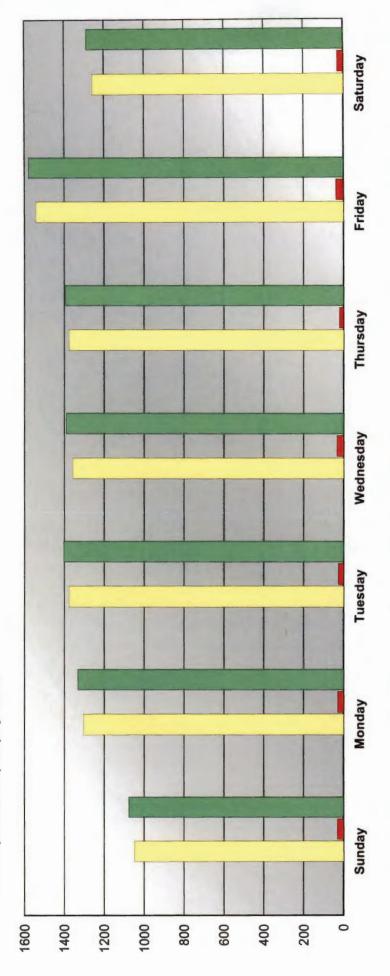


Breakdown of Crashes by Year

	2016	2017	2018	2019	2020
Injury Crashes	1,759	2,090	2,151	1,776	1,485
Fatal Crashes	21	55	46	47	38
Total Crashes	1,780	2,145	2,197	1,823	1,523

Teal Class Summerly mepoir (1/1/2/2010 to 1/1/2/2010)			7,5050	77/20/20									COMO - C	CDINIS - CIASH DATA MININ	ningemen	i systen
cords Date Range:		Crashes	Fatalities	Fatalities Injuries Peds Bike Motorcycle	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
0505/15/51 of 12/31/2020	/2020	9,468	219	12,581 619 498	619	498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437

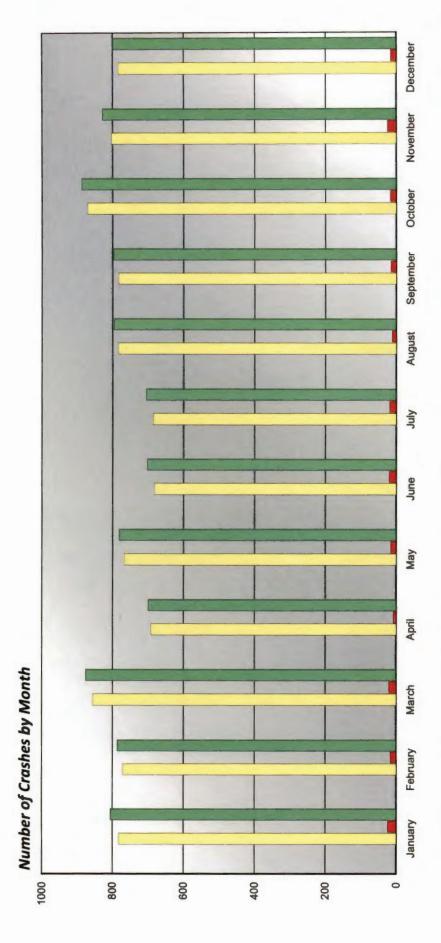
Number of Crashes by Day of Week



	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Injury Crashes	1,047	1,304	1,377	1,358	1,377	1,541	1,257	9,261
Fatal Crashes	30	59	72	33	20	38	30	207
Total Crashes	1,077	1,333	1,404	1,391	1,397	1,579	1,287	9,468

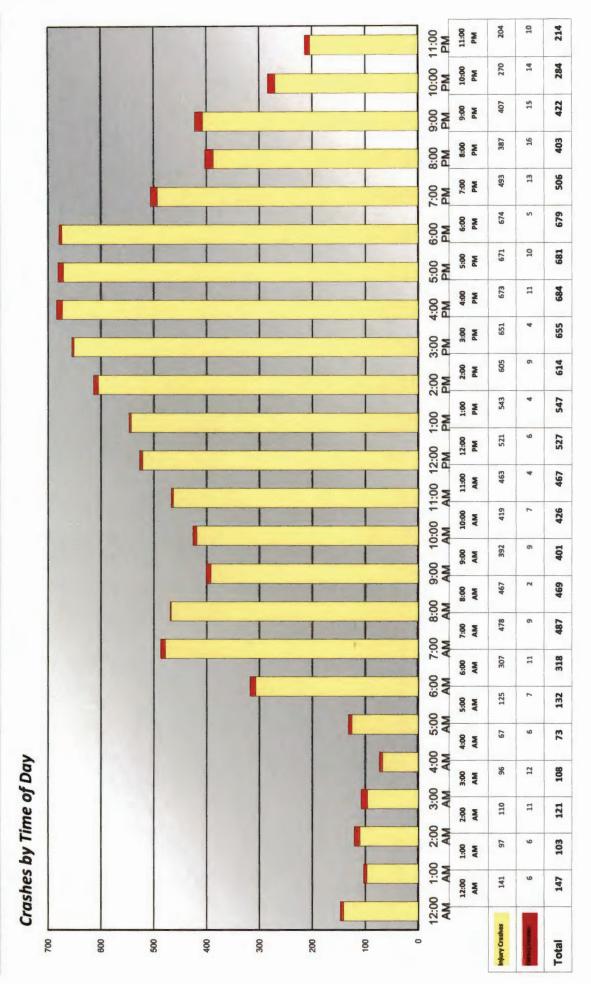
5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)			-									CDIMO - CI	CDIMS - CIUSH DULU IN	anagemen	t System
lecords Date Range:	Crashes	Fatalities	Fatalities Injuries Pads Bike Motorcycle	Pads	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	Ar Int.
1/01/2016 to 12/31/2020	9,468		219 12,581 619 498	619	498	595	2,182	210	631	88	1,267	1,643	4,680	1,165	3,437



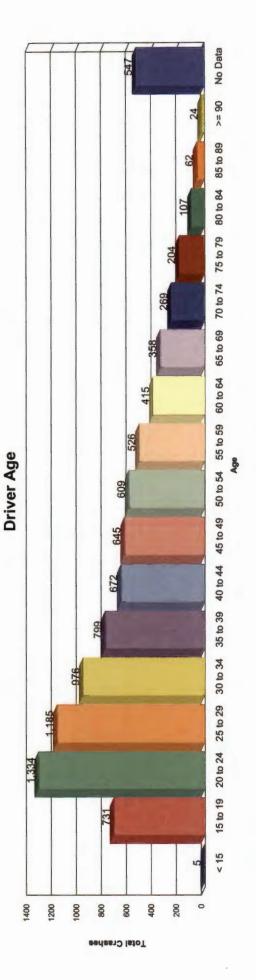
	January	February	March	April	May	June	July	August	September	October	November	December	Total
Injury Crashes	782	177	856	692	767	682	989	784	783	870	804	784	9,261
Fatal Crashes	24	16	20	60	15	20	19	12	15	17	25	16	207
Total Crashes	908	787	876	700	782	702	705	796	798	887	829	800	9,468

Records Date Range:	Crashes	Fatalities	injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
חבטכ/ וב/כן מן פנטכ/ וט/ וו	9 468	219	12.581	619	498	595	2.182	210	631	84	1.267	1.643	4.680	1.165	3.437



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Records Date Range:	Se:	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
01/01/2016 to	to 12/31/2020	9,468	219	12,581	619	498	595	2,182	210	631	28	1,267	1,643	4,680	1,165	3,437
river Age	Driver Age Summary (Vehicle 1, Driver 1)	(Vehicle 1,	Driver 1)									Dri	Driver Actions			
Drill Down Rot	Ш	Crashes	Fatalities	Injuries	S	Peds	Bike	Motorcycle	Intoxication	on Speeding	H	Run Control	Run Off-Road	Distraction	Agr.	Agr. Driving
Age < 15		5	0	9		0	н	0	0	0		0	0	0		1
Age 15 to 19		731	11	1,028	on.	16	17	28	12	7		86	27	167		408
Age 20 to 24		1334	28	1,786	10	81	58	92	91	20		173	63	777		653
Age 25 to 29		1185	20	1,589	•	63	45	83	110	14		171	52	229		602
Age 30 to 34		976	22	1,315	10	62	37	55	89	11		151	41	164		493
Age 35 to 39		799	25	1,061	-	20	48	41	61	6		114	27	181		371
Age 40 to 44		672	22	906		34	32	38	99	1		103	26	120		339
Age 45 to 49		645	12	843		46	41	48	53	00		75	28	130		326
Age 50 to 54		609	11	808		35	30	54	51	1		86	18	109		316
Age 55 to 59		526	10	672		40	38	37	37	1		79	12	71		258
Age 60 to 64		415	11	529		31	34	28	13	3		57	o	69		224
Age 65 to 69		358	10	490		25	92	24	15	0		55	6	99		190
Age 70 to 74		269	7	350		19	10	21	7	4		33	5	43		162
Age 75 to 79		204	11	285		12	7	6	1	0		41	7	37		133
Age 80 to 84		107	1	152		4	4	2	60	0		13	8	21		68
Age 85 to 89		62	2	86		2	1	2	0	2		10	0	6		38
Age >= 90		24	2	32		m	8	1	1	0		0	0	00		11



rds Date Range:	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	tane Depart	All line.
Second select of reach	0 450	210	12 581	619	498	505	2 182	210	631	84	1267	1.643	4.680	1,165	3,437

Crash Type Summary

									The state of	
Impact Type								Strategic Highway Safety Plan (SHSP)	y Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Angle	3,646	77	5282	28	135	195	348	2818	1	2263
Front to Front	460	11	672	9	12	16	32	304	460	268
Front to Rear	3,168	17	4163	12	60)	118	138	845	2	292
Rear to Side	4	0	7	0	0	1	1	0	0	0
Sideswipe, same direction	326	9	402	S	co)	51	64	173	326	55
Unknown	1,864	108	2055	268	335	214	1060	240	376	559

								Strategic Highway Cafety Dian (SHSP)	y Dian (SHCP)	
Relation to Intersection								The state of the s	The state of the s	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Intersection	3,437	98	1198	362	173	187	755	2480	377	3437
Intersection-Related	1,474	11	1878	92	R	12	240	471	139	0
Non-Junction	3,630	79	4643	172	171	280	829	1211	540	0
Driveway/Ally Access Related	427	7	559	18	8	31	92	308	29	0
Entrance/Exit Ramp	110	3	134	-	4	4	o	46	25	0
Railway Grade Crossing	10	1	30	0	0	0	0	e	1	0
Other, Explain in Narrative	100	2	127	8	13	7	35	39	15	0
Unknown	284	5	369	32	37	77	13	122	39	0

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)	nary Report (1	/1/2016 to	12/31/20	020)								CDMS - Crash Dat	ash Data M	anagemen	System
Records Date Range:	Crashes	Fatalities	Injuries	Peds	Bike	Injuries Peds Bike Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vol. Users	Agr. Dening	- Canadami	MIN
01/01/2016 to 12/31/2020	/2020 9,468	219	12,581	12,581 619 498	498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437

Vehicle 1 Direction Summary

Total Crashes By Vehicle 1 Direction



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115 127 96	705 43 639 51 854 48	304 317 329	w - u	- 0 0	Direction 17 17 12 12	74 74 98	65 69 99
116	922 57	301	0	က	13	73	82
9	48 20	19	0	0	-	7	56

cords Date Range: Cras	Crashes Fatalities	10	Injuries P	Peds B	Bike Mo	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
12/31/2020				619	498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437
At Fault Vehicle Summary	mary														
Vehicle Type											Strategic Hig	Strategic Highway Safety Plan (SHSP)	lan (SHSP)		
Click for Drill Down		Crashes	Fatalin	ties	Fatalities Injuries	Peds	Bike	Motorcycle		Vulnerable Users	Aggressive Driving	Driving	Lane Departure	At Intersection	ction
All Terrain Vehicle (ATV)		9	0	1	7	0		0 0		0	2		2	m	1
bus		29	1	1,0	43	00		3 0		6	15	2	1	7	1
Cargo Van (10,000lbs (4,536kg) or less)		78	8		66	00		8 2		17	4	1	9	24	
ow Speed Vehicle		2	0		2	0		0 0		0			0	1	
Medium/Heavy Trucks (more than 10,000lbs	Olbs	146	7		183	12		6 2		19	61	-	23	42	
Moped		35	0		37	0		0 0		0	1	16	5	15	_1
Motor Home		1	0		1	0		0 0		0			0	1	
Motorcycle		333	20		349	60		4 333		333	11	116	18	88	
Other Light Trucks (10,000lbs (4,536kg)		105	0		126	6		8 1		18	S	20	11	33	
Other, Explain in Narrative		28	0		31	0		4 0		4	-1	14	4	80	1
Passenger Car	Į,	5,367	103		7204	334	26	261 151		718	77	2779	652	1982	7
Passenger Van		351	00		475	14	,	18 16		46	T	181	38	135	5
Pickup		1,040	38		1382	74	W1	55 24		148	45	476	110	34	346
Jinknown		178	2		202	46	,,	27 13		80	-	1	21	55	
No Data		1,769	34		2437	106	10	104 53		251	6	915	211	701	_

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Summary	

													The second second second		
Records Date Range:	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
01/01/2016 to 12/31/2020	2,468	219	12,561	619	496	202	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437
Vehicle Movement											Strategic High	Strategic Highway Safety Plan (SHSP)	in (SHSP)		٦
Click for Drill Down		Crashes	Fatalities		Injuries	Peds	Bike	Motorcycle		Vulnerable Users	Aggressive Driving	Driving	Lane Departure	At Intersection	ection
Straight Ahead		5,262	152		8689	319	224	272		784	2111	1	449	1563	12
Turning Left		2,288	39		3311	117	65	3 136		311	1816	9	320	1487	7
Turning Right		539	5		639	87	150	30		250	249	6	29	191	_
Making U-Turn		134	-		195	1		21		23	78		24	38	ا
Backing		29	1		30	10	-4	2		14	4		1	5	1
Changing Lanes		332	4		409	61	141	3 49		61	17	7	151	32	
Overtaking/Passing		39	ю		43	0	-	12		13	21		10	4	
Parked		3	0		65	0		0		1	0		0	0	1
Slowing		299	0		394	6	9	5 22		36	51		7	28	
Other, Explain in Narrative		16	2		125	4	7	9		15	18		31	13	
Improven		453			5.0.4	6.0	9.0	46		136	456		406	34	

Friday, March 12, 2021

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rds Date Range:	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	AT INT.
0000/12/21 01 3100/	9 468	219	12.581	619 498	867	505	2 182	210	621	84	1 267	1 6.42	4 680	1 165	2 437

Roadway Condition Summary

Roadway Location								Strategic Highway Safety Plan (SHSP)	Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
On Roadway	1967	195	11997	575	438	695	1524	4582	912	3393
Median	\$	9	*	19	1	LA.	œ	13	22	7
Shoulder	*	7	366	22	12	00	31	31	59	12
Off Roadway	3	93	364	17	29	12	53	46	155	23
Unknown	3	1	19	77	350	1	27	œ	17	2

Road Condition	A						200	Strategic Highway Safety Plan (SHSP)	Plan (SHSP)	
Click for Drill Down	Crashes	Crashes Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Wet	1,019	22	1366	45	25	32	100	429	149	335
Dry	8,440	195	11207	574	473	558	1538	4250	1012	3099
ice/Frost	1	0	2	0	0	0	0	1	0	0
Other, Explain in Narrative	1	0	1	0	0	1	1	0	0	0
Unknown		2	S	0	0	4	4	0	4	3

Page 14 of 19

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12/31/	1
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y Report	
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Crash	
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CDMS - Crash Data Management System

Records Date Range:	Crashes	Fatalities	Injuries	Peds B	Bike N	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
01/01/2016 to 12/31/2020	9,468	219	12,581	619	498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437
Road Contributing Cause Summary	use Summe	לטו									Strategic High	Strategic Highway Safety Plan (SHSP)	an (SHSP)		
Click for Drill Down		Crashes	Fatalities	H	Injuries	Peds	Bilice	Motorcycle	Vuinerable Users	€ Users	Aggressive Driving	Driving	Lane Departure	At Intersection	ection
None		3,675	782/	7	1,000	:	987	88	25	1581	6843		6692	36	3320
Debris		4	•		4	0	0	8			1		1		~
Obstruction in Roadway		9			•	**	0	•		9-6	m		1		
Rut, Holes, Bumps		7				•	•	uh.		2	1		3		
Work Zone		M			8	•	0	1		que	34		6		~
Other, Explain in Narrative	9.	-				S	m	~		(3)	32		*		
Unknown		-	21		*	6	6	23	-		182		*		

	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
2/31/2020	9,468	219	12,581	619	619 498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437

Traffic Control								Strategic Highway Safety Plan (SHSP)	Plan (SHSP)	
Click for Brill Brown	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Traffic Control Signal	4,542	101	6232	265	237	244	715	2665	475	2563
Stop Sign	239	(6)	323	15	300	36	36	186	14	99
Flashing Signal	17	0	20	0		0	1	16	2	13
Yield Sign	20	0	49	**	11	1	4	21	9	9
School Zone Sign/Device	10	0	11	0	0	1	1	9	1	4
No Controls	4,492	113	5787	308	214	327	822	1768	651	751
Railway Crossing Device	2	0	ED.	0	0	0	0	1	0	0
Person	1	0	1	0	0	0	0	0	1	0
Other, Explain in Narrative	20	0	100	9	1	1	7	34	7	00
Unknown		1	62	16	40	4	23	4	00	16
Unknown	*		4	00	9	1	14	S	0	10
		The state of the s								

Road Alignment								Strategic Highway Safety Plan (SHSP)	Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Straight	9,102	206	12130	572	474	561	1546	4536	1079	3354
Curve Left	851	40	201	59	3	15	22	73	49	38
Curve Right	191	4	214	11	14	17	38	70	36	33
Unknown	99	4	36	31	7	2	37	1	1	12

Records Date Range:	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	- Nun-Control	Vid. Dsers	Agr. Driving	Lane Depart	At Int.
1/01/2016 to 12/31/2020	9,468	219	12,581	619	498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437

Environment Summary Report

Lighting								Strategic Highway Sarety Plan (SHSP)	rety Plan (SHSP)	THE PERSON NAMED IN
Click for Drill Dewn	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Daylight	6,269	79	8335	292	342	362	926	3205	878	2170
Dark-Lighted	2,260	101	3031	239	101	163	480	1042	345	935
Dusk	389	6	537	25	6	36	89	205	89	155
Dawn	200	7	246	13	15	6	36	94	21	9/
Dark-Not Lighted	333	22	414	47	30	23	26	128	51	94
Unknown	17	1	18	m	1	2	9	9	2	7
	10000									
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	2000		-							
	0			1				The state of the s		
		Dark (No Street Light)	et Light)			Not Dark		Others		

Weather								Strategic Highway Safety Plan (SHSP)	ety Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Clear	7,221	164	9620	512	412	477	1339	3629	891	2653
Cloudy	1,593	41	2088	76	74	66	242	07.7	183	578
Fog. Smag, Smoke	36	0	32	44	2	1	4	13	4	60
Bain	624	13	838	30	6	17	95	268	98	198
Other, Explain in Narrative	4	1	6	Ф	1	1	2	0	-	0



	Injuries
	Fatalities
	Crashes
Crashes	
Located	Area

hes	Injuries
t, and Unlocated Crashes	Fatalities
ot, and Unic	Crashes
Property, Parking Lot,	
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APOLLO BEACH	32	-	40
BALMWIMAUMA	7	0	8
BLOOMINGDALE	06	0	124
BRANDON	640	13	879
CARROLLWOOD	184	2	244
CITRUS PARK	78	4	94
CLAIR-MEL	2	0	2
DOVER	1	0	1
E LAKE ORIENT PARK	537	16	728
EAST HILLSBOROUGH	55	0	72
EAST LAKE	109	22	135
GIBSONTON	38	0	51
KNIGHTS/ANTIOCH	1	0	1
LITHIA	80	0	8
Lutz	36	1	41
NEW TAMPA	53	1	65
No Data	17	-	20
PALM RIVER	54	2	73
Pebble Creek	13	0	20
PLANT CITY	165	o	238
RIVERVIEW	195	2	266
RUSKIN	51	0	70
SEFFNER	82	2	111.
SUMMERFIELD	89	0	152
SUN CITY CENTER	29	0	34
SWEETWATER CREEK	1	0	1
TAMPA	3752	96	4945
TAMPA INT AIRPORT	1	0	1
TEMPLE TERRACE	133	2	170
THONOTOSASSA	18	1	24

Totals:

At Int.

Lane Depart 1,165

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

Records Date Range:	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving
01/01/2016 to 12/31/2020	9,468	219	12,581	619	498	595	2,182	210	631	84	1,267	1,643	4,680
UNINCORPORATED		2163	3	42	2844								
UNINCORPORATED H.C.	H.C.	569		12	771								
UNIV OF SOUTH FLORIDA	ORIDA	3		0	4								
USF		51		0	65								
VALRICO		99		0	93								
WIMAUMA		1		0	-								
Totals:		9468		219	12581								

Application No. 20-264

Name: Kan; Conett

Entered at Public Hearing: 2HM

Exhibit # 5 Date: 3/5/2/

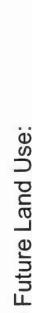
RZ-PD 20-1264

Representative: Kami Corbett, Esq. / Hill Ward Henderson, P.A. Applicant: Mattamy Tampa/Sarasota, LLC

March 15, 2021

Site Information

- 16.54 +/- acres in Brandon
- Knowles Road and Bell Shoals Road
- Access onto Bell Shoals Road
 Emergency Access only from Knowles
- Current Zoning: ASC-1, RSC-4, and PD
- Future Land Use: CMU-12





Rezoning Request

- Up to 164 attached townhome units
- Site located within the Urban Service Area
- Horizontal integration with uses to the south via pedestrian improvements (Policy 19.1)



Development Surrounding

Proposed PD zoning compatible

Satisfies goals of Comprehensive Plan Policy 1.2: Minimum density requirement

- Policy 1.4: Compatibilit surrounding area is residential
- Policy 19.1: Integrates mix of uses

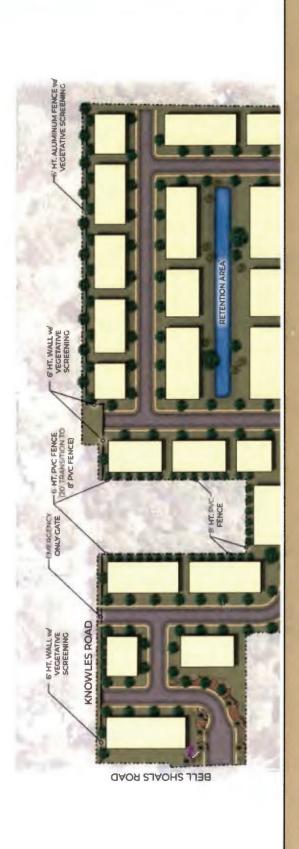


Community Meetings:

- Feedback and <u>meetings with neighbors</u> resulted in access revisions
- Moved access point from Knowles to Bell Shoals
- Required addition of parcel fronting Bell Shoal

Also resulted in other revisions:

- Addition of buffer screening and 8-foot fence (variance supported by Staff)
- Increase in vegetation along northern boundary line
- Buildings along northeast boundary limited to 6-unit structures, minimum 20-foot separation.



Consistency with Comprehensive Plan

- Planning Commission finds Rezoning CONSISTENT
- Satisfies minimum density requirements within the Urban Service Area
- CMU-12 must provide at least 148 units (requesting 164 units)
- Promotes integration with adjacent land uses
- Requirement to integrate with mixed uses within ¼ mile
- Horizontal integration achieved via extension of sidewalk to commercial/retail uses along Bloomingdale Avenue directly south
- Objective 16 new development to be compatible with surrounding area in character and density – Area has a mix of single-family, townhomes, and multi-family development.

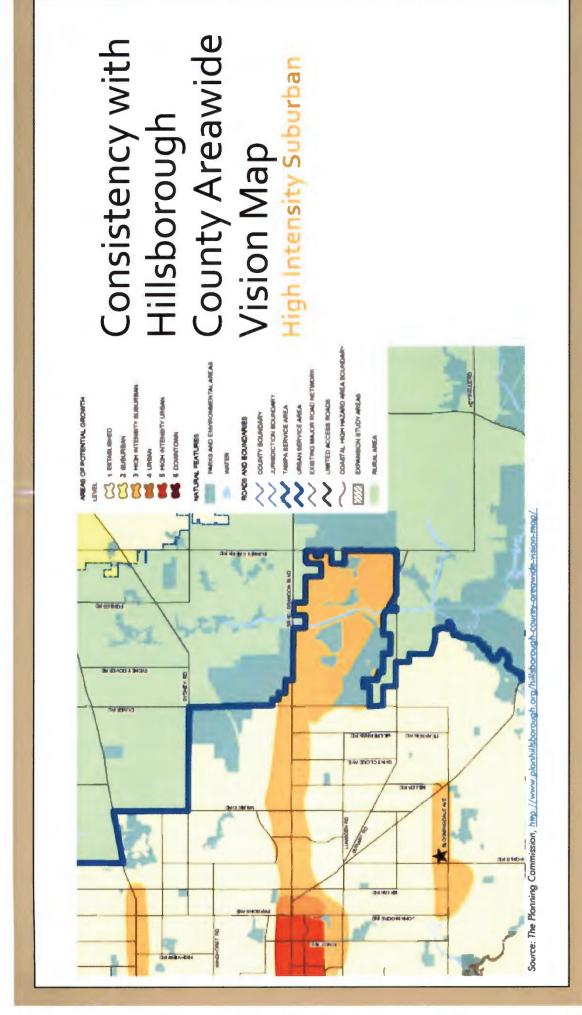


Brandon Community Plan

- Goal 1: Establish a balanced transportation system by prioritizing options to serve local and regional needs and facilitating multi-modal choices.
- Goal 3: Revitalize (protect, reinvest, maintain) Brandon's older infrastructure and ensure that concurrency requirements are met on new development.
- Goal 5: Recreational and cultural resources need to be provided to support our family friendly community.

Suburban - Primarily residential area of single-family detached homes with side and perimeter yards on one-quarter acre or less. Mixed-use is usually confined to certain intersection locations. This district has a wide range of residential building types: single-family detached, single-family attached and townhouses. Setbacks and street canopy vary. Streets typically define medium-sized blocks. New development/redevelopment would be required to build internal sidewalks and connect to existing external sidewalks or trails.

BRANDON CHARACTER DISTRICTS: SUBURBAN (GOAL 6)

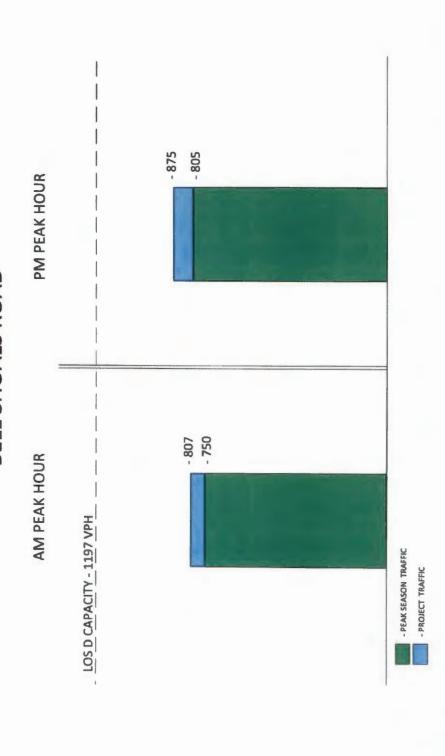


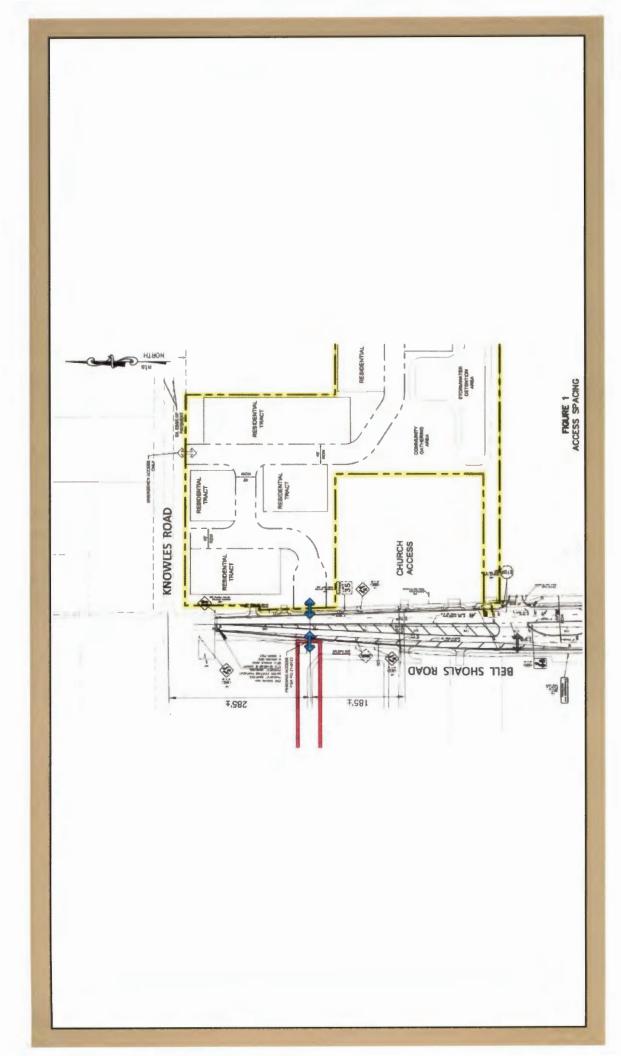
DEVELOPMENT SERVICES DEPARTMENT STAFF FOUND THE REQUEST COMPATIBLE WITH THE AREA

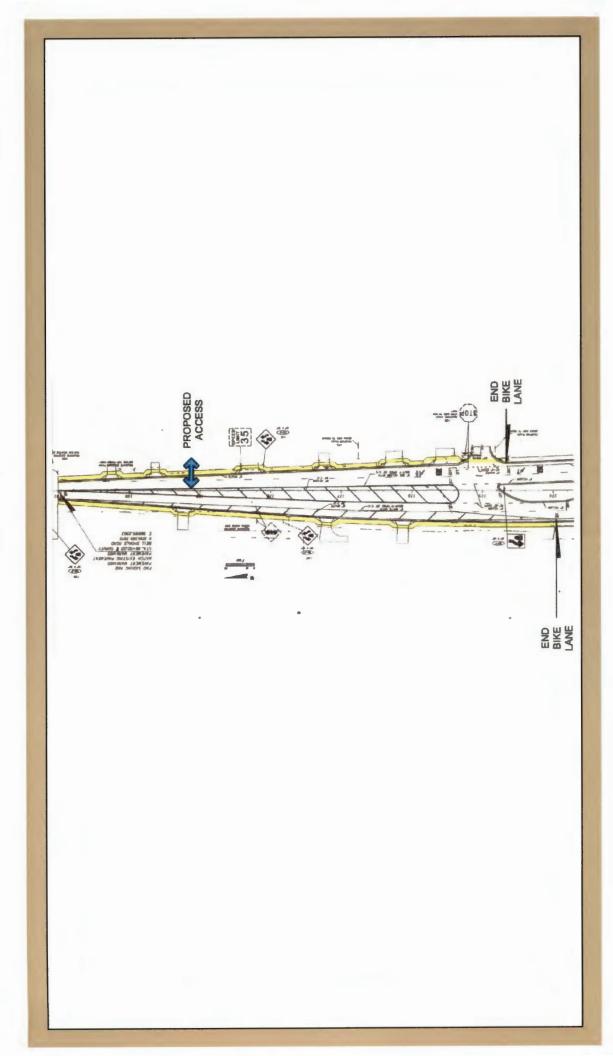
PLANNING COMMISSION STAFF FOUND THE REQUEST CONSISTENT WITH THE COMPREHENSIVE PLAN

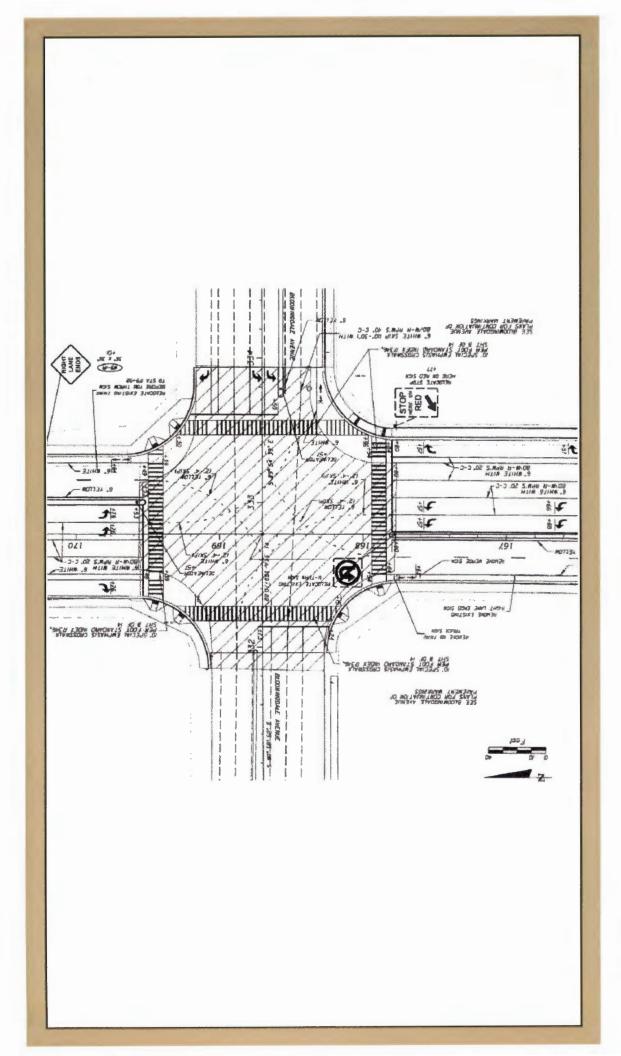
THANK YOU.

LEVEL OF SERVICE BELL SHOALS ROAD









THANKYOU.



HILLSBOROUGH COUNTY CDMS - DATA CRASH MANAGEMENT SYSTEM

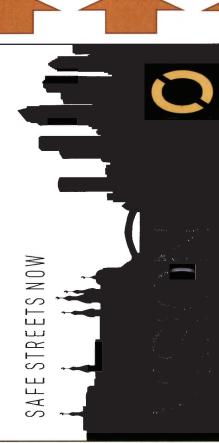


Relies on the Hillsborough County CDMS

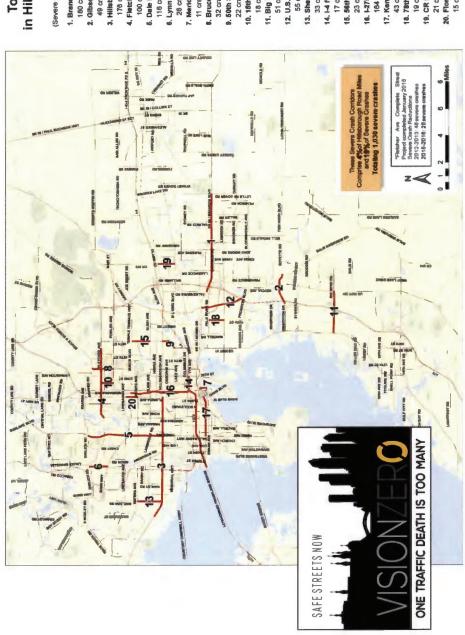
Prioritizes roadways based on severe crash corridors



ONE TRAFFIC DEATH IS TOO MANY



Bloomingdale Avenue NOT on the Top 20 Vision Zero



in Hillsborough County (2012 - 2016) Top 20 Severe Crash Corridors All Modes

(Severe crash = A crash resulting in a fatality or incapacitating injury)

- 1. Brandon Blvd from Falkenburg Rd to Dover Rd (7.18 miles) 180 crashes (25 crashes per mile)
- 2. Gibsonton Dr/Boyette Rd from L75 to Balm Riverview Rd (2.33 miles) 49 crashes (21 crashes per mile)
 - 3. Hillsborough Ave from Longboat Bivd to Florida Ave (8.87 miles)
 - 4. Fletcher Ave from Armenia Ave to 50th St (5.09 miles) 176 crashes (19.8 crashes per mile)
 - 100 crashes (19.6 crashes per mile)*
- 5. Dale Matbry from Hillsborough Ave to Bearss Ave (6.17 miles 116 crashes (18.8 crashes per mile)
 - 6. Lynn Turner from Gunn Hwy to Ehrlich Rd (1.51 miles) 28 crashes (18.5 crashes per mile)
- 7. Meridian Ave from Channelside Dr to Twiggs St (0.6 miles)
- 3. Bruce B. Downs from Fowler Ave to Bearss Ave (1.77 miles) 11 crashes (18.3 crashes per mile) 32 crashes (18.1 crashes per mile)
- 9. 50th St from MLK Blvd to Hillsborough Ave (1.24 miles) 22 crashes (17.7 crashes per mile)
 - 16th St from Fowler Ave to Fletcher Ave (1.02 miles) 18 crashes (17.6 crashes per mile)
 - 11. Big Bend Rd from U.S. 41 to I-75 (3.07 miles
 - 51 crashes (16.6 crashes per mile)
 - 12. U.S. 301 from I-75 to Adamo Dr (3.39 miles)
- 13. Sheldon Rd from Hillsborough Ave to Waters Ave (2.04 miles) 55 crashes (16.2 crashes per mile)
- 14. L4 from L275 to 22nd St (1.08 miles
- 17 crashes (15.7 crashes per mile)
- 15. 56th St from Sligh Ave to Busch Bivd (1.51 miles) 23 crashes (15.2 crashes per mile)
- 16. F275 from Howard Frankland Bridge to Busch Blvd (10.86 miles)
 - 17. Kennedy Blvd from Date Malbry Hwy to Ashley Dr (2.85 miles) 184 crashes (15.1 crashes per mile)
 - 18. 78th St from Causeway Blvd to Palm River Rd (1.26 miles) 43 crashes (15.1 crashes per mile) 19 crashes (15.1 crashes per mile)
 - 19. CR 579 / Mango Rd from MLK Blvd to U.S. 92 (1.4 miles)
- 20. Florida Ave from Waters Ave to Linebaugh Ave (1.01 miles)
 - 15 crashes (14.9 crashes per mile)



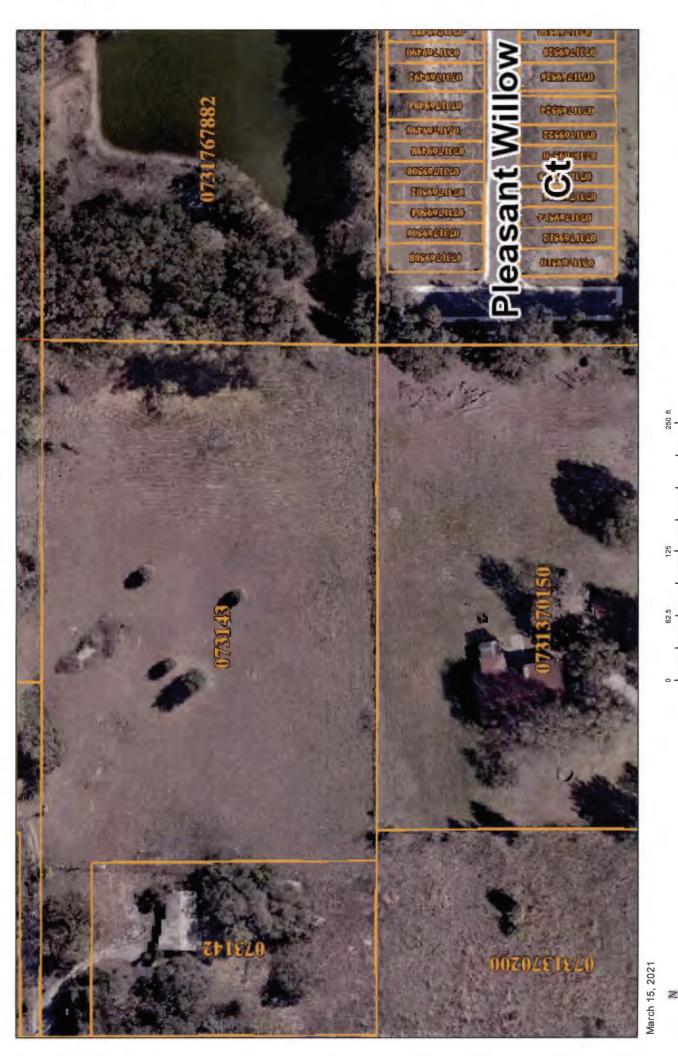
Bob Henriquez, CFA
Hillsborough County Property Appraiser
This map is for assessment purposes only.
It is not a survey.

2020 Aerials



250

125

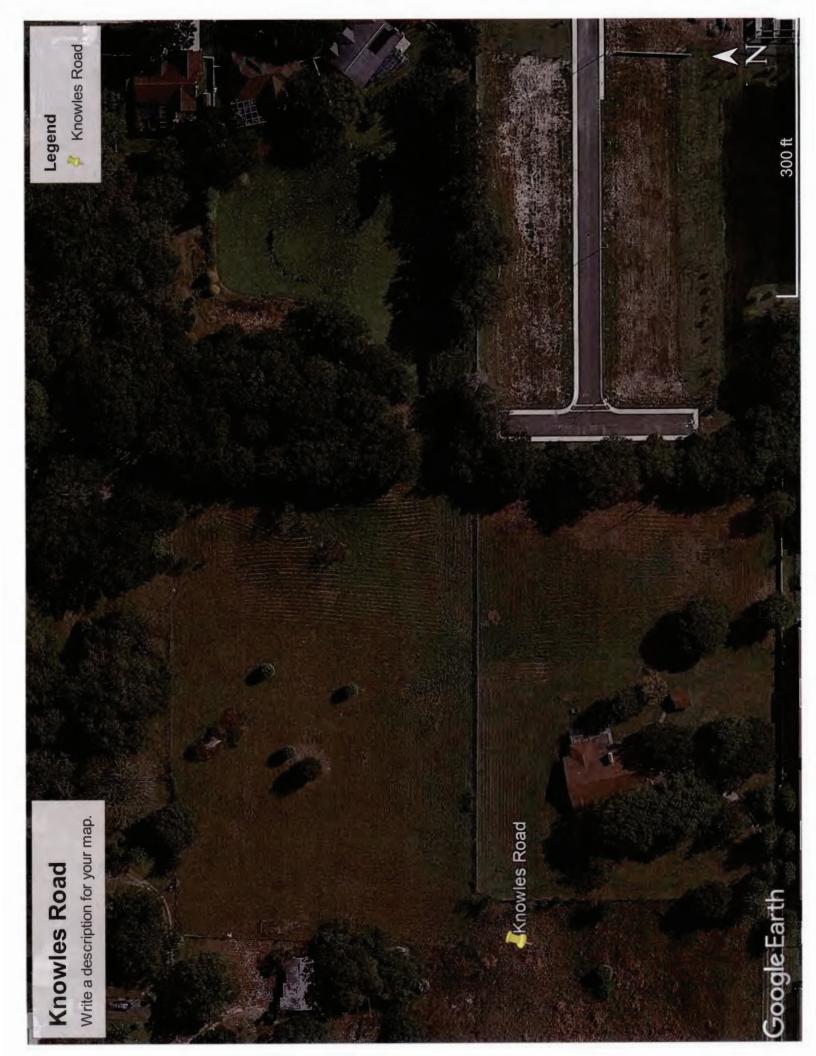


Bob Henriquez, CFA

Hillsborough County Property Appraiser This map is for assessment purposes only. It is not a survey.



2020 Aerials





Mattamy Homes USA • Tampa & Southwest Florida 4107 Crescent Park Drive Riverview, FL 33578 T 813-381-3838

March 2, 2021

Teresa Marie Manganello 1011 Knowles Road Brandon, FL 33511

RE: Mattamy Homes Rezoning Support PD 20-1264

Dear Teresa,

I am writing this letter to confirm our discussions regarding your support of Mattamy Homes' 16.59-acre rezoning around your property located at 1011 Knowles Road.

As discussed, Mattamy Homes intends to provide a 5-foot "Screening Standard A" buffer around the entirety of your western, southern, and eastern property boundaries as per Section 6.06.06 of the Hillsborough County Land Development Code (see attached Land Development Code and Property Line Exhibit).

In addition to the code and within the 5-foot buffer (on or within 6" of the property line), Mattamy Homes will construct an 8' privacy wall/fence and provide landscaping on the Mattamy side of fence. The 8' privacy wall/fence will be constructed on the property line with all of the landscaping on Mattamy Homes' future property. The privacy wall/fence and all the landscaping will be maintained by a to be established homeowner's association (HOA). In addition to the 5-foot buffer, Mattamy Homes will provide a 10-foot rear-yard setback to the townhome buildings; therefore, the constructed townhome buildings will be 15 total feet from the property boundary (see attached PD site plan).

In addition to the buffer described above, Mattamy Homes agrees to not construct the future amenity area adjacent to your property (see attached PD site plan).

Mattamy Homes is seeking your written support, via signature below, in its effort to receive Hillsborough County Board of County Commissioners approval to construct 164 townhome units ranging in size from roughly 1,600 to 2,600 square feet as shown in PD 20-1264. These conditions will be established in the approved zoning conditions.

Teresa Marie Manganello

Date

Silled 9

Mac McCraw

P of Land-Tampa & Southwest Florida

Beverly E. Crosby

From: Brian Bokor <bsbokor@gmail.com>

Sent: Wednesday, March 10, 2021 3:28 PM

To: Kami Corbett
Cc: Mac McCraw

Subject: Comments regarding RZ 20-1264 / Support for the project

[External email; exercise caution]

Ms Corbett

Thank you for the opportunity to comment on RZ 20-1264 as well as voice my opinion in support of this project.

With all due respect, it is my understanding that Transportation Concurrency has been repealed and the Developer will pay their fair share of the mobility fee. Therefore, I feel that transportation concerns should not be the basis of denial.

Furthermore, the improvements to Bell Shoals, when completed, will alleviate transportation congestion in the area. Additionally, the County should examine the timing of traffic signal that was constructed on Bell Shoals south of the Bloomingdale/Bell Shoals intersection at the Publix (Starwood Ave). The poor timing of this light is causing many of the delays, particularly after 3pm when schools are letting out, and continues through the evening rush hours.

With respect to school capacity, the School Board's comments indicate that there is sufficient capacity at this time. Regardless, I do understand that School Concurrency is assessed at the development phase, not at zoning.

As Owner of multiple parcels in the assemblage, I would like to voice my support for rezoning application #20-1264.

Respectfully,

Brian Bokor - Bokor Properties, LLC 813-465-1350 / 813-708-2266 State Certified Residential Appraiser #5784 3209 Bell Shoals Rd Brandon FI 33511



CDMS - DATA CRASH MANAGEMENT SYSTEM HILLSBOROUGH COUNTY



Relies on the Hillsborough County CDMS

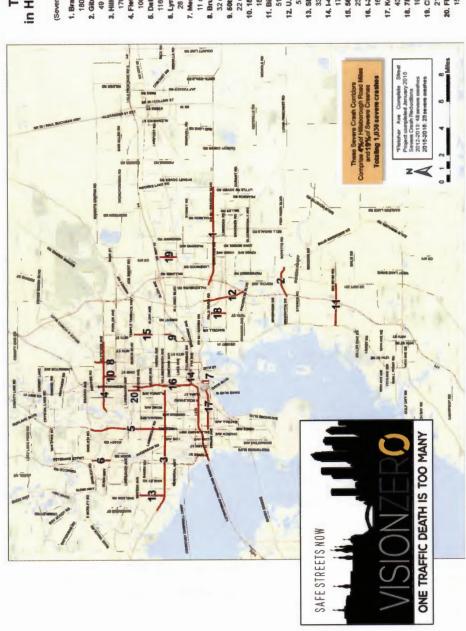
Prioritizes roadways based on severe crash corridors







Bloomingdale Avenue NOT on the Top 20 Vision Zero



Top 20 Severe Crash Corridors in Hillsborough County (2012 - 2016)

(Severe crash = A crash resulting in a fatality or incapacitating injury)

- 1. Brandon Bivd from Falkenburg Rd to Dover Rd (7.18 miles)
- Gibsonton Dr/Boyette Rd from I-75 to Balm Riverview Rd (2.33 miles) 180 crashes (25 crashes per mile) 49 crashes (21 crashes per mile)
 - 3. Hillsborough Ave from Longboat Blvd to Florida Ave (8.87 miles)
 - I. Fletcher Ave from Armenia Ave to 50th St (5.09 miles) 176 crashes (19.8 crashes per mile)
 - 100 crashes (19.6 crashes per mile)
- Dale Mabry from Hillsborough Ave to Bearss Ave (6.17 miles) 116 crashes (18.8 crashes per mile)
 - Lynn Turner from Gunn Hwy to Ehrlich Rd (1.51 miles
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- 18. 78th St from Causeway Blvd to Palm River Rd (1.26 miles 19 crashes (15.1 crashes per mile) 43 crashes (15.1 crashes per mile)
 - 19. CR 579 / Mango Rd from MLK Blvd to U.S. 92 (1.4 miles)
- 20. Florida Ave from Waters Ave to Linebaugh Ave (1.01 miles) 15 crashes (14.9 crashes per mile) 21 crashes (15 crashes per mile)



Selections used to generate this report:

Date Range: 1/1/2016 - 12/31/2020 Severity: Fatal, Incapacitating, NonIncapacitating Intersection Type: Signalized-BUFFER

Report Memo:

Top 100 Signalized Intersections. Report for Fatal, Incapacitating and Non-Incapacitating Injuries Only.



CDMS - Crash Data Management System

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

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34 0 51 0 5 2 34 2 54 2 5 2 34 2 41 2 8 24 34 2 56 2 8 24 34 1 44 1 1 32 8 1 44 1 1 32 8 2 40 2 4 28 8 1 40 1 6 28 8 1 47 1 6 26 8 1 47 1 6 26 8 1 47 1 6 26 8 1 47 1 6 26 8 1 47 1 6 25 8 1 42 1 2 2 8 1 42 1 2 2 8 2 42 2 2 2 8 3 1 42 1 2 8 3 1 4 1 2 2 8 3 4 4 1 2 2	1 6 29	0 2 5	3 1	1 2	2	2	14	3	7	п	4	10 1	2
34 2 54 2 5 5 7 34 2 41 2 8 24 34 2 56 2 8 24 34 1 44 1 1 32 34 1 40 2 4 28 8 1 50 1 3 3 8 1 40 1 0 3 8 1 47 1 6 26 8 1 47 1 6 26 8 1 47 1 6 26 8 1 47 1 2 2 8 1 47 1 2 2 8 1 47 1 2 2 8 2 42 0 7 2 8 3 1 42 1 2 8 3 1 42 1 2 8 3 1 42 1 2 8 3 1 4 1 3 2 8 3 4 4 1 3 <td>0 5 29</td> <td>6 0 0</td> <td>7 0</td> <td>1 2</td> <td>0</td> <td>5</td> <td>17</td> <td>5</td> <td>10</td> <td>10</td> <td>3</td> <td>4 1</td> <td>0</td>	0 5 29	6 0 0	7 0	1 2	0	5	17	5	10	10	3	4 1	0
34 2 41 2 8 24 34 2 56 2 8 24 34 1 44 1 1 32 34 1 40 2 4 28 34 1 50 1 1 23 F 34 0 42 0 7 27 RKING BLVD 33 1 47 1 6 26 E 33 1 47 0 7 26 E 33 1 42 1 2 2 E 33 1 42 1 7 25 E 33 1 42 1 7 25 E 33 1 42 1 7 25 B 3 1 42 1 7 25 B 3 1 42 1 2 2 B 3 1 46 1 5 2 B 3 0 45 0 3 2 B 0 45 0 5 28 B 0 <t< td=""><td>2 5 27</td><td>1 0 1</td><td>0 0</td><td>0 2</td><td>5</td><td>2</td><td>5</td><td>9</td><td>2</td><td>13</td><td>8</td><td>3 1</td><td>1</td></t<>	2 5 27	1 0 1	0 0	0 2	5	2	5	9	2	13	8	3 1	1
34 2 56 2 9 23 34 1 44 1 1 32 34 2 40 2 4 28 34 1 50 1 1 23 E 34 0 42 0 7 27 RKING BLVD 33 1 47 1 6 26 E 33 1 42 1 2 26 E 33 1 42 1 2 2 E 33 1 42 1 2 2 E 33 1 42 1 2 2 A 3 1 42 1 2 2 B 3 1 46 1 5 2 B 3 0 46 0 5 2 B 4 0 0 5	2 8 24	0 1	6 4 2	0 3	2	3	16	4	13	3	2	2 5	3
LD 34 1 44 1 45 1 32 DON RD 34 2 40 2 4 28 RD 34 1 50 1 1 28 RD 4 1 50 1 1 3 3 AVE 33 1 47 1 6 26 LUTHER KING BLVD 33 1 42 1 2 2 D D 42 1 7 25 3 GHAVE 33 2 42 2 6 2 SHAVE 33 7 38 7 36 2 GHAVE 33 7 38 7 3 2 2 AVE 33 7 38 7 3 2 2 AVE 33 0 45 0 9 2 2 AVE 33	2 9 23	4 1	7 16 1	0 3	0	3	22	2	23	5	5	9 2	1
NAD 34 2 40 2 40 2 8 2 40 2 40 28 38 4 1 50 4 28 4 28 4 28 4 23 4 2 4 2 3 3 3 4 4 7 1 2 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 4 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3 4 3 3 3 4 3 3	1 1 32	2 1 7	4 0	9 0	0	0	13	0	15	7	1	11 3	0
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JUD AVE 34 0 42 0 7 27 NUD AVE 33 1 47 1 6 26 S AVE 33 1 47 1 6 26 LUTHER KING BLVD 33 1 42 1 7 26 D D 33 2 42 2 6 25 GH AVE 33 7 38 5 2 2 26 AVE 33 1 46 1 5 2 2 AVE 33 0 42 0 9 2 2	1 10 23	0 0	6 13 0	3 0	0	4	24	S	19	10	7	6 1	0
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133 0 47 0 7 26 110 GBLVD 33 1 42 1 7 25 133 2 42 2 6 25 133 7 38 5 2 26 133 1 46 1 5 27 134 0 42 0 9 24 135 0 46 0 5 28	1 6 26	0 1 2	14 0	1 0	0	m	17	3	18	12	2	12 0	2
ING BLVD 33 1 42 1 7 25 33 2 42 2 6 25 33 7 38 5 2 26 33 1 46 1 5 27 33 0 42 0 9 24 33 0 46 0 5 28	0 7 26	2 2	9 15 1	0 1	0	3	23	5	13	00	88	5 0	4
33 2 42 2 6 25 33 7 38 5 2 26 33 1 46 1 5 27 33 0 42 0 9 24 33 0 46 0 5 28	1 7 25	3 0	4 2 1	0 4	0	3	6	4	6	7	2	9 2	5
33 7 38 5 2 26 33 1 46 1 5 27 33 0 42 0 9 24 33 0 46 0 5 28	2 6 25	5 1	2 15 0	0 0	0 (5	17	2	14	6	3	9 2	5
33 1 46 1 5 27 33 0 42 0 9 24 33 0 46 0 5 28	5 2 26	2 0	3 4 0	2 1	1	4	16	2	10	5	5	14 4	2
33 0 42 0 9 24 33 0 46 0 5 28	1 5 27	8	10 8 0	0 0	0 (3	16	4	14	3	7	8 2	2
33 0 46 0 5 28	0 9 24	9 3	5 2 1	1 4	0	2	12	2	80	2	2	8 5	1
	0 5 28	1 2	5 2 1	0 2	0	3	19	7	3	9	11	9 2	2
SR 60 @ VALRICO RD 32 0 37 0 6 26 0	0 6 26	5 1	2 8 0	0 0	0 (2	14	5	10	5	8	11 2	2
US 41 @ SYMMES RD 32 0 45 0 10 22 0	0 10 22	2 5	4 11 0	0 1	0	2	21	9	19	4	4	8 3	2
SR 60 @ LAKEWOOD DR 31 0 46 0 12 19 0	0 12 19	1 3	5 1 0	2 2	0	4	12	4	4	9	2	8 5	3
US 92 @ SR 580 31 0 40 0 7 24 0	0 7 24	3 3	0 5	1 2	0	1	16	4	80	3	3	4 2	2

CDMS - Crash Data Management System

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

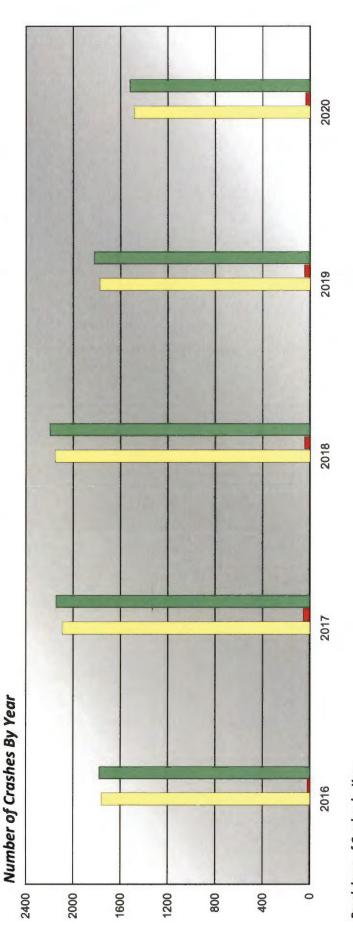
Intersection Summary Top 100 Report Click for Drill Down US 22 @ HIMES AVE SR 580 @ LOIS AVE US 81 @ SR 580 SR 580 @ 33RD 57 SE														-				١				١	3,431
Click for Drill Down US 92 @ HIMES AVE SR 580 @ LOIS AVE US 41 @ SR 580 US 41 @ FLETCHER AVE SR 674 @ 33RD 57 SE					n[u]	Injury Severity	erity	Ped and Bike	and	Cra	Crash Type						Stra	Strategic Highway Safety Plan	ghway				
US 92 @ HIMES AVE SR 580 @ LOIS AVE US 41 @ APOLLO BEACH BLVD US 41 @ SR 580 US 41 @ FLETCHER AVE SR 674 @ 33RD 57 SE	T To	Total	Total T	Total Fa	Fatal Incap	Non Non	n Possible	Ped	Bike	Angle Turn	Right Turn	Head	Comm.	Work	No	Speed Agr.	Lane	Int.	Distract	Teen Driver 15-19	Aging Driver In	Impaired	Motor
SR 580 @ LOIS AVE US 41 @ APOLLO BEACH BLVD USB 41 @ SR 580 US 41 @ FLETCHER AVE SR 674 @ 33RD 57 SE		_	-	_		4 26	-	1	1	1 9	-	\vdash	1	0	9	14	4	11	0	3	2	9	2
US 41 @ APOLLO BEACH BLVD USB 41 @ SR 580 US 41 @ FLETCHER AVE SR 674 @ 33RD 57 SE		31	3		3	7 21	H	12	4	9 2	0	0	s	0	2	15	3	4	1	1	9	3	S
USB 41 @ SR 580 US 41 @ FLETCHER AVE SR 674 @ 33RD 5T SE		31	0	39 (0	7 24	4 0	0	0	5 6	0	1	2	4	3	15	4	13	5	5	10	1	4
US 41 @ FLETCHER AVE SR 674 @ 33RD ST SE		31	1	45	1 6	4 26	0 9	4	3	4 8	0	0	2	0	1	16	4	12	1	2	9	2	2
SR 674 @ 33RD ST SE		31	0	40 (0	6 25	5 0	1	3	6 12	2 0	1	8	0	2	17	2	18	4	1	9	9	1
		30	0	35 (0	7 23	3 0	0	0	5 3	0	2	2	1	2	13	2	9	9	9	14	2	1
CR 587 @ CITRUS PARK DR		30	1	43	1	3 26	0 9	0	1	11 9	0	0	0	2	1	19	1	12	6	9	6	0	0
US 301 @ RIVERVIEW DR		30	0	39 (0	7 23	3 0	0	3	3 8	0	0	0	0	2	12	2	15	9	2	14	1	1
US 92 @ COLUMBUS DR		58			0	2 27	7 0	0	1	7 4	0	1	3	0	3	18	2	7	3	1	4	4	0
SR 580 @ WATERS AVE		29	1	31	1	4 24	4 0	1	1	3 2	0	0	0	1	0	12	9	5	4	4	7	5	2
BIG BEND RD @ SUMMERFIELD CROSSING BLVD		29	0		0 1	12 17	7 0	0	0	23 4	0	0	0	0	2	28	3	25	4	8	5	1	0
SR 582 @ 30TH ST		59	1	37	1	4 2	24 0	2	3	4 0	1	1	4	0	3	17	2	9	3	5	3	0	3
CR 579A @ BELL SHOALS RD		29	0	47 (0 1	10 19	19 0	2	1	7 7	0	0	0	0	0	15	S	16	5	5	7	3	1
SR 580 @ WEBB RD		28	1	40	1	6 2:	21 0	3	2	1 11	1 0	0	0	0	2	18	1	11	5	7	9	2	4
CR 584 @ SHELDON RD		28	0	32	0	3 2	25 0	1	1	4 3	1 2	0	1	0	0	11	1	7	3	S	2	1	2
EHRLICH RD @ TURNER RD		28	0	47	0	2 2	26 0	0	1	5 8	0	0	2	0	0	19	9	12	3	9	3	3	1
CR 676 @ FALKENBURG RD		28	0	42	0	4 2	24 0	0	0	5 2	1	0	0	0	2	12	3	6	12	2	3	3	1
US 41 @ SR 574		22	0	41	0	3 2	24 0	0	1	12 5	0	0	ю	-	4	18	8	6	0	1	9	3	2
US 41 @ BUSCH BLVD		72	2	34	2	3 2	22 0	9	е	3 3	0	0	2	0	1	12	2	7	0	3	2	4	2
SR 597 @ LINEBAUGH AVE	-	27	0	32	0	1 2	26 0	1	1	3 1	0	2	0	0	0	5	2	4	2	6	7	1	7
US 301 @ SYMMES RD		22	0	36	0	5 2	22 0	0	4	2 1	0	1	-	0	0	11	7	2	00	3	9	1	9
CR 640 @ LUMSDEN RD		27	1	41	1	5 2	21 0	1	0	9 9	1	2	1	12	5	11	5	3	4	S	7	1	2
SR 60 @ KINGS AVE		97	0	36	0	7 1	19 0	0	4	3 1	0	0	2	0	0	00	2	9	80	4	80	0	0
US 41 @ PALM RIVER RD		97	0	44	0	7 1	19 0	2	1	2 17	7 1	1	-	0	4	21	2	16	2	1	7	2	6
14 @ US 41		97	0	31	0	6 2	20 02	1	1	5 1	0	6	r2	0	3	15	10	80	2	6	1	1	ועו
SR 574 @ ORIENT RD		92	2	31	2	4 2	20 02	3	2	5 0	0	0	4	0	4	80	4	9	2	1	2	9	0
SR 589 @ MEMORIAL HWY		92	0	35	0	9	20 02	0	0	12 0	0	1	0	2	4	7	S	12	S	1	3	4	-
USB 41 @ WATERS AVE		92	1	32	1	9 1	16 0	7	1	9 9	0	0	2	0	0	12	4	6	2	4	9	-	-
SR 580 @ 22ND ST		92	0	35	0	3 2	23 0	4	4	4 4	0	0	2	0	0	16	2	00	1	1	9	0	0
US 41 @ BIG BEND RD		56	1	30	1	3 2	22 0	0	2	1 0	1	2	2	0	0	9	4	1	5	00	3	3	2
GIBSONTON DR @ MATHOG RD		36	1	37	1	3 2	22 0	0	0	3	0	0	1	0	1	7	2	7	6	2	9	2	0
SR 676 @ 78TH ST		26	1	30	1	7 1	18 0	4	1	2 10	0 0	2	1	-	0	16	S	11	5	1	2	2	2
US 41 @ CAUSEWAY BLVD		97	0	37	0	6 2	20 02	0	0	4 3	0	0	7	0	3	80	4	7	5	4	4	1	Ŋ
US 41 @ 1STH ST		25	3	28	3	4 1	18 0	11	1	8 1	0	1	0	0	1	6	9	6	0	3	2	2	0
SR 580 @ HANLEY RD		25	0	31	0	4 2	21 0	ю	0	6 3	1	0	2	1	0	7	4	6	80	1	7	2	0
CR 587 @ ANDERSON RD		25	0	33	0	4 2	21 0	2	0	4 4	4 1	0	0	1	0	14	3	S	7	2	2	1	1
CR 676A @ KINGS AVE		25	0	32	0	7 1	18 0	3	0	4 6	6 1	1	2	0	1	11	4	9	9	3	6	4	-
SR 60 @ HILLTOP RD		24	0	32	0	2 2	22 0	2	0	10 0	0 1	0	0	0	0	12	3	14	4	4	3	0	1
US 92 @ SR 60		24	0	29	0	3 2	21 0	1	2	5 10	10 1	0	0	0	1	14	8	80	2	2	3	-	-
CR 672 @ COVINGTON GARDEN DR		24	0	53	0	7	17 0	E	0	0 2	2 0	1	8	2	1	80	1	4	~	2	4	3	0
CR 676 @ KINGS AVE		24	0	34	0	2	21 0	0	1	3	1 2	1	2	0	2	2	0	80	6	2	9	-	0
SR 60 @ PARSONS AVE		23	1	30	1	4	18 0	1	0	7	0	1	0	0	0	13	4	11	1	1	S	1	2

Page 3 of 19

Records Date Range: Crashes	Fatalities	Injuries	Peds	Bike		Motorcycle	An	Angles	Head On		Intoxication	rtion	Speeding	ding	Run	Run Control	Vul.	Vul. Users	A	Agr. Driving	Lan	Lane Depart	At Int.	
01/01/2016 to 12/31/2020 9,468	219	12,581	619	498		595	2,182	32	210		631		84		1,	1,267	1,	1,643		4,680		1,165	3,437	
Intersection Summary						Inju	Injury Severity	erity	Pec	Ped and Bike	J	Crash Type	Ape					Stri	Strategic Highway Safety Plan	ghway				
Top 100 Report		+ 8	Total T	Total Total Fatalities Injuries		Fatal	incap Inc	Non Possible	ď	Bike	Angle	Tun T	Right He	Head Comm.	ютт. Work	Restraint	Speed Agr.	Lane	At Int.	Distract	Teen Driver 15-19	Aging Driver Imp 65+	Impaired M	Motor
SR 60 @ PROVIDENCE RD			23	0	_		6	-	0	1	4	1		\vdash	0 0	0	7	1	3	5	2	9	1	1
FALKENBURG RD @ PALM RIVER RD			23	0	27	0	4	19 0	1	1	7	4	0	1 2	2 0	3	13	3	6	8	1	2	3	2
US 41 @ CR 585A			23	1	25	1	3 1	19 0	1	1	9	1	0	2	3 0	S	7	3	10	2	1	3	2	3
US 92 @ 1 275			23	0	33	0	5 1	18 0	0	0	9	2	0	1 (0 0	3	80	9	7	2	1	2	4	2
SR 580 @ CR 589			23	1	33	1	1 2	21 0	1	2	6	3	0	0	0 0	1	14	1	3	2	3	7	1	1
SR 93 @ E SLIGH AVE			23	1	25	1	0	22 0	0	0	3	2	0	0	3 0	0	9	3	1	1	5	2	0	1
SLIGH AVE @ ANDERSON RD			23	0	34	0	5 1	18 0	0	0	9	4	0	0	0 0	0	15	2	13	5	9	2	0	3
CR 587A @ ARMENIA AVE			23	0	30	0	3	20 0	1	1	7	3	0	1	2 0	2	15	1	2	1	5	9	1	1
CR 581 @ 1315T AVE			23	0	25	0	3 2	20 02	2	5	0	10	0	1 (0 0	4	11	2	15	12	5	5	-	2
SR 39 @ KNIGHTS GRIFFIN RD	30.00		23	1	39	1	5	17 0	0	0	9	12	0	0	0	1	16	1	18	9	3	7	3	1
CR 579A @ BALM RIVERVIEW RD			23	1	25	1	5	17 0	0 0	0	7	2	0	1	1 0	1	13	2	60	89	7	2	1	2
CR 676A @ JOHN MOORE RD			23	0	32	0	5	18 0	0	1	3	3	0	0	0	0	12	4	9	9	2	6	1	1
SR 45 @ NEBRASKA AVE			22	2	24	2	5	15 0	3	3	2	7	0	0	0 0	1	14	2	11	1	1	4	4	8
14 @ US 301			22	0	31	0	5	17 0	0 1	0	2	2	1	0	1 0	3	4	2	9	9	4	В	2	8
US 41 @ HILLSBOROUGH AVE			22	2	92	2	0	20 0	3	0	7	2	0	0	3 0	2	12	-	80	1	0	9	m	1
14 @ CR 579			22	0	27	0	S	17 0	0 0	0	00	80	1	0	3 1	2	17	2	6	00	8	7	2	-

At Int. 3,437

Crashes Fatalities Injuries Peds	Fatalities	Fatalities Injuries Peds Bike	Fatalities Injuries Peds Bike Motorcycle	Fatalities Injuries Peds Bike Motorcycle Angles	Fatalities Injuries Peds Bike Motorcycle Angles Head On	Fatalities Injuries Peds Bike Motorcycle Angles Head On Intoxication	Fatalities Injuries Peds	Fatalities Injuries Peds Bike Motorcycle Angles Head On Intoxication Speeding
	i Injuries Peds	i Injuries Peds Bike	injuries Peds Bike Motorcycle	injuries Peds Bike Motorcycle Angles	i Injuries Peds Bike Motorcycle Angles Head On	injuries Peds Bike Motorcycle Angles Head On Intoxication	i Injuries Peds Bike Motorcycle Angles Head-On Intoxication Speeding	i Injuries Peds Bike Motorcycle Angles Head On Intoxication Speeding Run Control
Peds		Bike	Bike Motorcycle	Bike Motorcycle Angles	Bike Motorcycle Angles Head On	Bike Motorcycle Angles Head On Intoxication	Bike Motorcycle Angles Head On Intoxication Speeding	Bike Motorcycle Angles Head On Intoxication Speeding Run Control
	Bike		Motorcycle	Motorcycle Angles	Motorcycle Angles Head On	Motorcycle Angles Head On Intoxication	Motorcycle Angles Head On Intoxication Speeding	Motorcycle Angles Head On Intoxication Speeding Run Control
Angles Head On Intoxication Speeding Run Control	Head On Intoxication Speeding Run Control Vul. Users	Intoxication Speeding Run Control Vul. Users	Speeding Run Control Vul. Users	Run Control Vul. Users	Vul. Users		Agr. Driving	



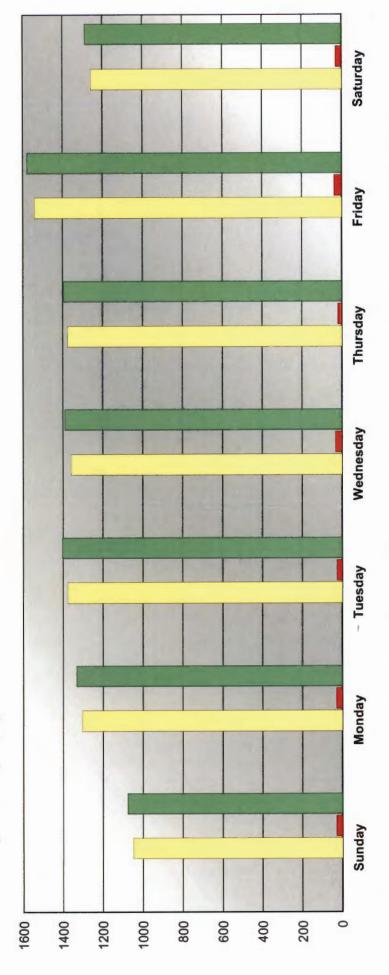
Breakdown of Crashes by Year

	2016	2017	2018	2019	2020
Injury Crashes	1,759	2,090	2,151	1,776	1,485
Fatal Crashes	21	55	46	47	38
Total Crashes	1,780	2,145	2,197	1,823	1,523

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

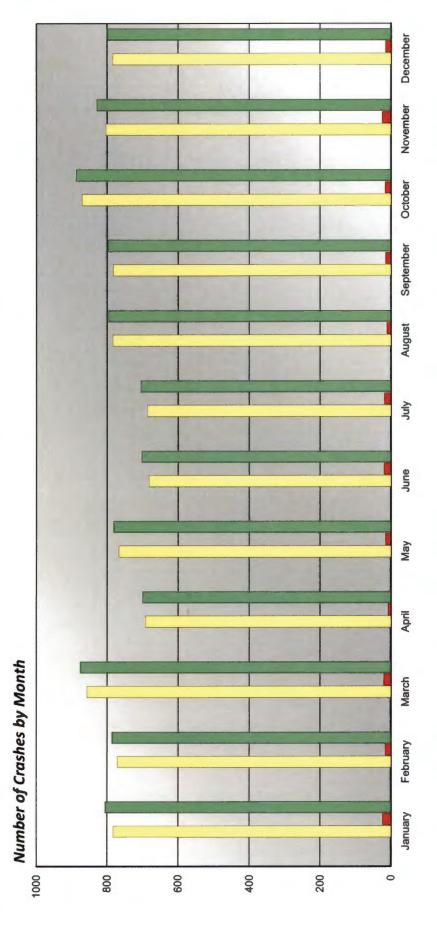
acords Date Range: Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
	-				-			***		* 2000	4 643	4 500	1 165	2 437

Number of Crashes by Day of Week



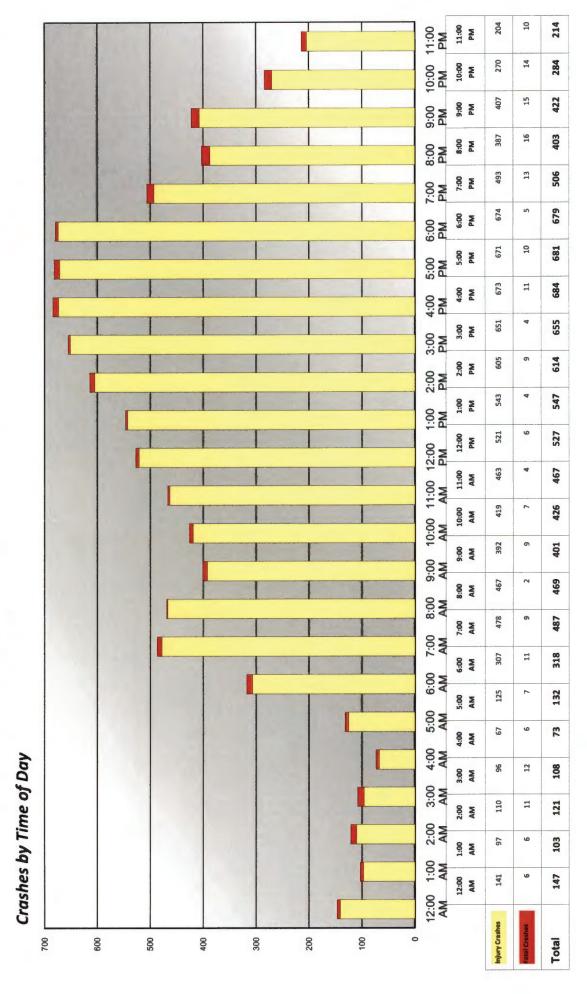
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total
Injury Crashes	1,047	1,304	1,377	1,358	1,377	1,541	1,257	9,261
Payal Crashes	30	29	72	33	20	38	30	207
Total Crashes	1,077	1,333	1,404	1,391	1,397	1,579	1,287	9,468

scords Date Range:	Crashes	Fatalities	Injuries	Peds	Peds Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
11/01/2016 to 12/31/2020	9,468	219	12,581	619	498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437

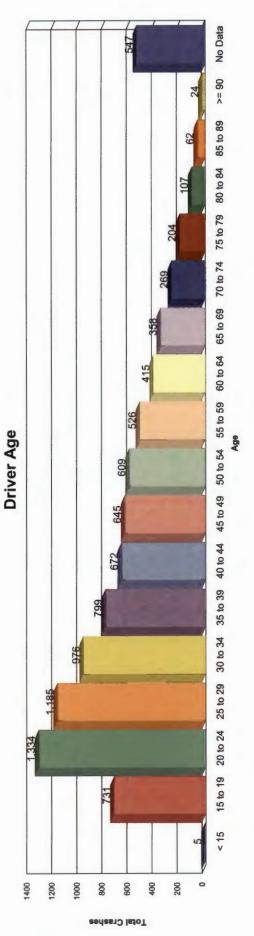


	January	February	March	April	May	June	July	August	September	October	November	December	Total
Injury Crashes	782	177	856	692	767	682	989	784	783	870	804	784	9,261
Fatal Crashes	24	16	20	80	15	20	19	12	15	17	25	16	207
Total Crashes	806	787	876	700	782	702	705	796	798	887	829	800	9,468

Records Date Range:	o	reshes	Fatalities	Injuries	Peds Bike	Bike	Motorcycle	Angles	Heed On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
15/51 of 3105/10/	12/31/2020	9,468	219	12,581	619	498	595	2,182	210	631	25	1,267	1,643	4,680	1,165	3,437



Vehicle 1, Oriver 1, Oriver 1, Oriver 2, Oriver 3, Or	Crashes Fatalities Injuries Peeds 1185 120 611 641 11867 Intoxication Intoxication Speeding Run Control Inference of the control Intoxication Speeding Run Control Inference of the control Intoxication Speeding Run Control Run Off-Road Distraction Agr. Distraction	Barrede Date Banes.	Crashes	Fatalities	Injuries Peds	ds Bike	Motorcycle	Anries	Head On Into	Intoxication So	Speeding Run	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
Monton Registry (Vehicle 1, Driver Actions Fatalities Fatalities Injuries Peds Monton Registry Act of the colspan="8" Act of the colspa	Non-Right Age Summary (Vehicle 1, Driver 1) Peds Bike Motorcycle Introvication Introvication Introvication Special Run Control Run Control Run Control Introvication	1/01/2016 to 12/31/2020			и.		595	2,182		И		,267	1,643	4,680	1,165	3,437
Cashes Fatalites Injuries Bike Motorcycle Intoxication Speeding Run Control Run Control Run Control Run Control Bit Control </td <td>Cashes Fatalities Injuries Bike Motorrycle Intoxication Speeding Run Control Run Off-Road Distraction 4.5 4.5 6 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 <td< td=""><td>Driver Age Summar</td><td>y (Vehicle 1</td><td>, Driver 1)</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>Driver</td><td>Actions</td><td></td><td></td><td></td></td<></td>	Cashes Fatalities Injuries Bike Motorrycle Intoxication Speeding Run Control Run Off-Road Distraction 4.5 4.5 6 1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 <td< td=""><td>Driver Age Summar</td><td>y (Vehicle 1</td><td>, Driver 1)</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>Driver</td><td>Actions</td><td></td><td></td><td></td></td<>	Driver Age Summar	y (Vehicle 1	, Driver 1)								Driver	Actions			
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>=90 24 2 32 3 3 1 1 0 0 0 8 8	>= 90		62	2	86	2	1	2	0	2	10		0	6		38
No Data 547 14 643 96 66 32 21 3 20 9 23	No Data 547 14 643 96 66 32 21 3 20 9 23		24	2	32	6	8	1	1	0	0		0	80		11
			547	14	643	96	99	32	21	9	20		6	23		87



scords Date Range:	5	Crashes Fat	Fatalities	Injuries Peds	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
קבטבין ובורו טן שוטבין וטון		9 468	219	12 581 619 498	619		505	2 183	210	631	V0	1 367	1 6.43	A 690	1 165	2 437

Crash Type Summary

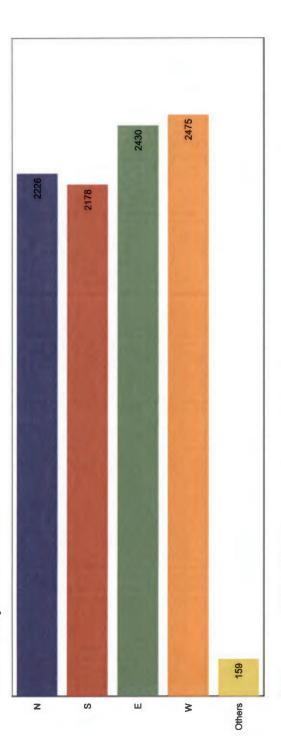
						•				
Impact Type								Strategic Highway Safety Plan (SHSP)	y Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Angle	3,646	11	5282	28	135	195	348	2818	1	2263
Front to Front	460	11	229	9	12	16	32	304	460	268
Front to Rear	3,168	17	4163	12	00	118	138	845	2	292
Rear to Side	4	0	7	0	0	1	1	0	0	0
Sideswipe, same direction	326	9	402	2	00	51	64	173	326	55
Unknown	1,864	108	2055	268	335	214	1060	540	376	559

Relation to Intersection								Strategic Highway Safety Plan (SHSP)	y Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Intersection	3,437	95	4861	182	173	187	524	2480	377	3437
Intersection-Related	1,474	7.2	1878	92	74	85	240	471	139	0
Non-Junction	3,630	79	4643	271	171	260	87.9	1211	540	0
Driveway/Ally Access Related	427	7	559	18	49	31	92	308	29	0
Entrance/Exit Ramp	110	3	134	1	4	4	m	46	25	0
Railway Grade Crossing	9	1	10	0	0	0	0	m	1	0
Other, Explain in Narrative	100	2	127	20	13	7	35	39	15	0
Unknown	284	s	369	35	14	21	65	122	39	0

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Vehicle 1 Direction Summary

Total Crashes By Vehicle 1 Direction



Crash Type By Vehicle 1 Direction

	0	No Data	Other, Explain in Narrative 304	Rear to Rear to .	Side Side	Sideswipe , Opposite Direction	Sideswipe , same direction 74	Unknown 65
96	96 854	16 84	329	2	0	12	98	99
~	116 922	57	301	0	က	13	23	82
	48	20	19	0	0	-	7	26
460	3.168	219	1,270	9	4	51	326	318

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5-Year Crash Summa			1/2016 to	ary Report (1/1/2016 to 12/31/2020)	020)								CDMS - Cr	CDMS - Crash Data M	anagemen	System
Records Date Range	at.	Crashes	Crashes Fatalities Injuries Peds Bike	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
01/01/2016 to 12/31/2020	12/31/2020	9,468	219	12,581	12,581 619 498	498	595	2,182	210	631	28	1,267	1,643	4,680	1,165	3,437

At Fault Vehicle Summary

							The second secon			
Vehicle Type								Strategic Highway Safety Plan (SHSP)	Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
All Terrain Vehicle (ATV)	9	0	7	0	0	0	0	2	2	ĸ
Boss	62	-	43	00	3	0	6	15	1	7
Cargo Van (10,000lbs (4,536kg) or less)	78	Э	66	00	00	2	71	41	9	24
Low Speed Vehicle	2	0	2	0	0	0	0	2	0	1
Medium/Heavy Trucks (more than 10,000lbs	146	7	183	12	9	2	19	61	23	42
Moped	35	0	37	0	0	0	0	16	5	15
Motor Home	1	0	1	0	0	0	0	-	0	1
Motorcycle	333	20	349	60	4	333	333	116	81	84
Other Light Trucks (10,000lbs (4,536kg)	105	0	126	6	60	1	18	20	11	33
Other, Explain in Narrative	28	0	31	0	4	0	4	14	4	œ
Passenger Car	5,367	103	7204	334	261	151	718	2779	652	1982
Passenger Van	351	œ	475	14	18	16	46	181	38	135
Pickup	1,040	38	1382	74	55	24	148	476	110	346
Unknown	178	5	205	46	7.7	13	80	11	2.1	55
No Data	1,769	34	2437	106	104	53	251	915	211	701

5-Year Crash Summary Report (1/1/2016 to 12/31/2020)

Records Date Range:	Crashes	Fatalities	Injuries	Peds	Bike P	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	40
01/01/2016 to 12/31/2020	9,468	219	12,581	619	498	595	2,182	210	631	84	1,267	1,643	4,680	1,1	1,165
Vehicle Movement											Strategic High	Strategic Highway Safety Plan (SHSP)	an (SHSP)		
Click for Drill Down		Crashes	H	Fatalities	Injuries	Peds	Bike	Motorcycie	Vulnera	Vulnerable Users	Aggressive Driving	Driving	Lane Departure	At	At Intersection
Straight Ahead		5,262	152		8689	319	224	272		784	2111	1	449		1563
Turning Left		2,288	39		3311	117	65	136		311	1816	9	320		1487
Turning Right		539	S		689	87	150	30		250	249	6	29		191
Making U-Turn		134	1		195	1	1	21		23	78		24		38
Backing		29	1		30	10	2	2		14	4		+4		Α,
Changing Lanes		332	4		409	6	3	49		61	17,	7	151		32
Overtaking/Passing		39	3		43	0	-	12		13	21		10		4
Parted		en	0		m	0	1	0		1	0		0		J
Slowing		299	0		394	6	9	22		36	51		7		28
Other, Explain in Narrative		91	2		125	4	7	9		15	18		31		13
Unknown		AES	;		104	63	C	45		4 3 5	4	8.	100		P

ecords Date Range:	Crashes	Fatalities	Injuries	Peds Bike	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
/01/2016 to 12/31/2020	9,468	219	12,581	619 498	498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437

Roadway Condition Summary

Roadway Location								Strategic Highway Safety Plan (SHSP)	r Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At intersection
On Roadway	8,944	195	11997	575	438	569	1524	4582	912	3393
Median	49	9	56	8	1	5	80	13	22	7
Shoulder	144	7	160	12	12	00	31	31	65	12
Off Roadway	792	10	301	17	29	12	53	46	155	23
Unknown	2	1	29	12	18	1	72	8	17	2

						-				
Road Condition								Strategic Highway Safety Plan (SHSP)	Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Wet	1,019	22	1366	45	25	32	100	429	149	335
Dry	8,440	195	11207	574	473	558	1538	4250	1012	3099
ice/Frost	1	0	2	0	0	0	0	1	0	0
Other, Explain in Narrative	1	0	1	0	0	1	1	0	0	0
Unknown	7	2	2	0	0	4	4	0	4	3

ecords Date Range:	Crashes	Fatalities I	Injuries	Peds	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
/01/2016 to 12/31/2020	9,468	219	12,581	619	498	595	2,182	210	631	84	1,267	1,643	4,680	1,165	3,437
Road Contributing Cause Summary	se Summo	, in									Strategic High	Strategic Highway Safety Plan (SHSP)	in (SHSP)		
Click for Drill Down		Crashes	Fata	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnera	Vulnerable Users	Aggressive Driving	Driving	Lane Departure	At Intersection	ection
None		9,075	2	207	12093	604	486	260		1581	4543		1089	33	3320
Debris		4		0	4	0	0	m		3	1		1		~
Obstruction in Roadway		9		0	6	1	0	0		1	3		1		7
Rut, Holes, Bumps		7		0	00	0	0	5		2	1		3		_
Work Zone		31		1	39	0	0	1		1	14		6		2
Other, Explain in Narrative		37		1	45	2	3	2		13	16	1 (8) (8)	4		1
Unknown		308		10	383	6	6	21		39	102		82		83

ecords Date Range:	Crashes	Fatalities	Injuries	Peds Bike	Bike	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vul. Users	Agr. Driving	Lane Depart	At Int.
	0 450	210	13 501	000	400	202	2 402	210	631	0.4	1 367	1 643	4 500	1166	CEA E

Ervironment Summary Report

Crashes Cras	figuring										
1, 2, 2, 2, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 3, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2, 2,	Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
1000 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001 1001	Daylight	6,269	79	8335	292	342	362	986	3205	678	2170
11 (lighted 1918)	Dark-Lighted	2,260	101	3031	239	101	163	480	1042	345	935
10000 133 15 15 15 15 15 15 1	Dusk	389	6	537	25	6	36	89	205	89	155
1000 128 22 414 47 30 23 97 128 51 2	Dawn	200	7	246	13	15	6	36	94	21	9/
10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 10000 100000 100000 100000 100000 100000 100000 100000 10000	Dark-Not Lighted	333	22	414	47	30	23	97	128	51	94
1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000	Unknown	17	1	18	6	1	2	9	9	2	7
Seconda Annotone Castres Light Fatalities Injuries East Light Motone Light Motone Light Motone Light Lig		10000	Assessment of the second secon								
10000 1 1 1 1 1 1 1 1		8000							gapen de gapen generale per de la proposition della proposition de		
According to the part According to the part According to the part According to the part		0009			Mary Company of the C						
Dark (No Street Light) Not Dark Not Da		4000				-					
Per Strategic Highway Safety Plan (SHSP) Not Dark Others Strategic Highway Safety Plan (SHSP) Orill Down 7,221 164 GeZo 512 412 477 1339 Aggressive Driving Lane Departure Oog. Smoke 26 0 32 1 2 1 4 13 4 Smoke 26 0 32 1 2 1 4 13 4 Smoke 30 32 1 2 1 4 13 4 Smoke 30 32 1 2 1 4 13 4 Smoke 4 1 3 0 1 4 13 4 At the in In Narrative 4 1 3 0 1 2 0 1 At the in In Narrative 4 1 3 0 1 4 1 3 At the in In Narrative 4 1 4 1		2000									
Net Strategic Highway Safety Plan (SHSP) Opt. Smoke Crashes Fatalities Injuries Peeds Bike Motorcycle Vulnerable Users Aggressive Driving Lane Departure 1533 41 2620 512 412 477 1339 3629 891 1533 41 2088 76 74 99 242 770 183 50 32 1 2 1 4 13 4 8000 6000 6000 1 1 2 0 1 200 4000 1 1 2 0 1		0	Dark (No Stre	et Light)			Not Dark		Others	1	
her. Strategic Highway Safety Plan (SHSP) Drill Down T,221 Fatalities Injuries Bike Motorcycle Vulnerable Users Aggressive Driving Lane Departure 7,221 164 9620 512 412 477 1339 3629 891 Authorise 26 770 183 4 4 13 4 Sylain in Marrative 4 1 3 0 1 1 2 268 86 6000 8000 8000 800 1 1 2 0 1 1 2 1 4 1 4 1 4 4 1 4 1 3 0 1 1 2 0 0 1 1 1 0 1 1 1 0 1 1 0 0 0 1 0 0 0 0 0 0 0 0 0 0 0											
Crashes Crashes Fatalities Peds Bike Motorcycle Vulnerable Users Aggressive Driving Lane Departure Lane D	Weather		ļ						Strategic Highway Saf	fety Plan (SHSP)	
Org. Smoke 252 41 2088 76 74 99 242 770 Org. Smoke 26 0 32 1 2 1 4 13 Aplain in Narrative 4 1 3 0 1 1 4 13 Swole 8000 8000 1 1 2 0 0 4000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000 8000	lick for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Action 1,593 41 2088 76 74 99 242 770 Social in Narrative 4 13 832 30 9 17 56 268 Social in Narrative 4 1 3 0 1 1 2 068 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6000 6	lear	7,221	164	9620	512	412	477	1339	3629	891	2653
Ook. Smoke 26 0 32 1 2 1 4 13 Sxplain in Narrative 4 1 3 0 1 1 2 268 6000 8000 6000 6000 6000 7 1 2 0 4000 2000 1 1 2 0	loudy	1,593	41	2088	9/	74	66	242	770	183	578
524 13 838 30 9 17 56 268 10000 8000 6000 4000 2000	og, Smog, Smoke	26	0	32	1	2	1	4	13	4	80
10000 8000 6000 6000 5000 6000 5000 6000 6	Sain	624	13	838	30	6	17	99	268	98	198
	Other, Explain in Narrative		1	3	0	1	1	2	0	-	0
		10000				And a second sec	en e				
		8000									
		0009			- State of the last of the las		And the second s				
		4000	indo-manyaru iliyamaya taninya fininye filmostanya magap	annonarinnaginagginadelignetilgsetilgsenami	inagu-Greiffen gegin etgenstjost pieten inden inden ingen igensken	generation of the respective terranspectual sections and	de de de la company de la company de de la company de la c				
		2000						to the first the second			
		0							San		

cords Date Range: Fai	Fatalities	Injuries	Peds	Bike Mot	Motorcycle	Angles	Head On	Intoxication	Speeding	Run Control	Vui. Users	Agr. Driving	Lane Depart	At Int.
0000	210	12 501	610	400	202	2 103	210	631	70	1 357	1 5.43	4 690	1165	2 A 2

Located Crashes
Area

Crashes Fatalities Injuries

Private Property, Parking Lot, and Unlocated Crashes

Area Crashes Injuries

Totals:

APOLLO BEACH	00	7	07
PACONINA OLI INA O	32	- 0	5
BALM/WIMAUMA	- 00		0 0
BRANDON	90	2 6	879
CARROLLWOOD	184	2	244
CITRUS PARK	78	4	94
CLAIR-MEL	2	0	2
DOVER	-	0	-
E LAKE ORIENT PARK	537	16	728
EAST HILLSBOROUGH	55	0	72
EAST LAKE	109	2	135
GIBSONTON	38	0	51
KNIGHTS/ANTIOCH	-	0	-
LITHIA	8	0	8
Lutz	36	-	41
NEW TAMPA	53	1	65
No Data	17	1	20
PALM RIVER	54	2	73
Pebble Creek	13	0	20
PLANT CITY	165	6	238
RIVERVIEW	195	2	266
RUSKIN	51	0	70
SEFFNER	82	2	111
SUMMERFIELD	89	0	152
SUN CITY CENTER	29	0	34
SWEETWATER CREEK	1	0	1
TAMPA	3752	96	4945
TAMPA INT AIRPORT	-	0	-
TEMPLE TERRACE	133	2	170
THONOTOSASSA	18	1	24
TOWN-N-COUNTRY	143	7	183

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Lane Depart At Int.

Agr. Driving

Vul. Users	1,643							
Run Control	1,267							
Speeding	84							
Intoxication	631							
Head On	210							
Angles	2,182							
Motorcycle	595							
Bike	498	2844	771	4	65	93	-	12581
Peds	619	42	12	0	0	0	0	219
Injuries	12,581							
Fatalities	219	2163	269	3	51	99	-	9468
Crashes	9,468		LC.	RIDA				
Records Date Range:	01/01/2016 to 12/31/2020	UNINCORPORATED	UNINCORPORATED H.C.	UNIV OF SOUTH FLORIDA	USF	VALRICO	WIMAUMA	Totals:

Traffic Control								Strategic Highway Safety Plan (SHSP)	Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vulnerable Users	Aggressive Driving	Lane Departure	At Intersection
Traffic Control Signal	4,542	101	6232	265	237	244	715	2665	475	2563
Stop Sign	239	3	323	15	30	16	95	186	14	99
Flashing Signal	17	0	20	0	1	0	1	10	2	13
Yield Sign	42	0	49	1	3	1	4	21	9	9
School Zone Sign/Device	10	0	11	0	0	1	1	9	1	4
No Controls	4,492	113	5787	308	214	327	822	1768	651	751
Railway Crossing Device	2	0	3	0	0	0	0	1	0	0
Person	1	0	1	0	0	0	0	0	1	0
Other, Explain in Narrative	37	0	49	9	1	1	7	14	7	00
Unknown	20	1	62	16	9	4	23	4	00	16
Unknown	36	1	44	00	9	1	14	5	0	10

Road Alignment							21.2	Strategic Highway Safety Plan (SHSP)	Plan (SHSP)	
Click for Drill Down	Crashes	Fatalities	Injuries	Peds	Bike	Motorcycle	Vuinerable Users	Aggressive Driving	Lane Departure	At Intersection
Straight	9,102	506	12130	572	474	561	1546	4536	1079	3354
Curve Left	159	5	201	s	3	15	22	73	49	38
Curve Right	167	4	214	11	14	17	38	02	36	33
Unknown	40	4	36	31	7	2	37	1	1	12



SENDER'S DIRECT DIAL: (813) 227-8421

SENDER'S E-MAIL: kami.corbctt@hwhlaw.com

March 15, 2021

To: Hillsborough County Zoning Hearing Master

From: Kami Corbett, Esq. and Jaime Maier, Esq.

Re: Memorandum of Law on Citizen Testimony in Quasi-Judicial Hearings

RZ PD 20-1264

I. <u>Due Process in Quasi-Judicial Hearings</u>

A quasi-judicial hearing is one in which a local government body must rely upon competent, substantial evidence in making its decision to approve or deny a land use application. Quasi-judicial hearings must meet basic due process requirements, which include public notice of the hearing and an opportunity to be heard. Those who must have an opportunity to be heard include the applicant, parties to the case (those who will be affected by the outcome of the case differently than the public at large), and "participants", which include members of the public.

While parties must be given the ability to "present evidence, cross-examine witnesses, and be informed of all the facts upon which the [local government] acts[,]" participants only have the right to attend the hearing and to be heard. In other words, as long as the public has proper notice of the hearing, and is allowed to attend and speak, due process for participants has been served.

II. Competent, Substantial Evidence

As stated above, all quasi-judicial decisions must be based on competent, substantial evidence. Such evidence is defined as "such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred [T]he evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached."³

To satisfy this standard, evidence relied upon must be factual – mere generalized opinion or opposition to an application does not constitute specific, fact-based testimony that constitutes

¹ Jennings v. Dade County, 589 So. 2d 1337, 1340 (Fla. 3d DCA 1991).

² See generally Chapter 286.0114(2)-(4), Florida Statutes.

³ Pollard v. Palm Beach County, 560 So. 2d 1358, 1359-60 (Fla. 4th DCA 1990).

the competent, substantial evidence upon which a local government body must rely.⁴ Similarly, courts have held that "[b]are allegations," and mere "[s]urmise, conjecture or speculation" do not constitute competent, substantial evidence.⁵

Moreover, quantity of testimony is not a stand-in for quality of testimony – a large number of opponents do not turn non-factual or opinion based testimony into competent, substantial evidence. "The objections of a large number of residents of [an] affected neighborhood are not a sound basis for the denial of a permit."

III. Lavperson Testimony

Under a similar line of reasoning as the principles cited above, courts have determined that layperson testimony does not constitute competent, substantial evidence on matters that require expertise. "[L]ayman's opinions unsubstantiated by any competent facts" are therefore not a sound basis for a decision.

Although frequently commented on by residents of neighborhoods affecting by land use applications, traffic conditions are one such matter that require expertise, and therefore cannot be competently testified to by laymen residents. "Lay witnesses may offer their views in land use cases about matters not requiring expert testimony . . . [but] [l]ay witnesses' speculation about potential 'traffic problems, light and noise pollution,' and general unfavorable impacts of a proposed land use are not [] considered competent, substantial evidence . . . There must be evidence other than the lay witnesses' opinions to support such claims."

IV. Parties vs. Participants

As stated in the initial paragraph of this memorandum, parties to a quasi-judicial hearing are afforded extra due process rights over mere participants. To be given party-status, a participant would have to satisfy the "special injury" test. The person who seeks party status challenging a zoning petition must show special damages peculiar to the party which differ in kind than the damages suffered by the affected neighborhood as a whole. "The fact that a person is among those entitled to receive notice under the zoning ordinance is . . . not controlling on the question of who has standing" to challenge or appeal a zoning application.

⁴ Hialeah Gardens v. Miami-Dade Charter Found., Inc., 857 So. 2d 202, 204 (Fla. 3d DCA 2003).

⁵ Fla. Rate Conf. v. Fla. R.R. & Pub. Utils. Comm'n, 108 So. 2d 601, 607-08 (Fla. 1959).

⁶ City of Apopka v. Orange County, 299 So. 2d 657, 659 (Fla. 4th DCA 1974).

⁷ Id at 660.

⁸ Katherine's Bay, LLC v. Fagan, 52 So. 3d 19, 30 (Fla. 1st DCA 2010).

⁹ See generally, Renard v. Dade County, 261 So. 2d 832 (Fla. 1972).

¹⁰ Id. at 835.

589 So.2d 1337 District Court of Appeal of Florida, Third District.

Milton S. JENNINGS, Appellant,

DADE COUNTY and Larry Schatzman, Appellees.

Nos. 88-1324, 88-1325. Aug. 6, 1991.*

On Rehearing Granted Dec. 17, 1991.

Synopsis

Landowner petitioned for writ of certiorari to challenge trial court order which dismissed landowner's count alleging due process violation as result of ex parte communication between adjacent landowner's lobbyist and county commissioners before vote approving use variance for adjacent landowner, which gave to landowner leave to amend complaint only against county, and which denied motion to dismiss count alleging nuisance as result of permitted use. The District Court of Appeal, Nesbitt, J., held on rehearing that: (1) landowner's timely petition activated common-law certiorari jurisdiction; (2) lobbyist's ex parte communication could violate due process despite landowner's actual and constructive knowledge of ex parte communication; and (3) landowner's prima facie case of ex parte contacts would give rise to presumption of prejudice and shift burden to adjacent landowner and county to rebut the presumption.

Quashed and remanded.

Ferguson, J., filed concurring opinion upon grant of rehearing.

Procedural Posture(s): Motion to Dismiss.

Attorneys and Law Firms

*1339 John G. Fletcher, South Miami, for appellant.

Robert D. Korner and Roland C. Robinson, Miami, Robert A. Ginsburg, County Atty., and Eileen Ball Mehta and Craig H. Coller, Asst. County Attys., for appellees.

Joel V. Lumer, Miami, for The Sierra Club as Amicus Curiae.

Before BARKDULL, * NESBITT and FERGUSON, JJ.

ON REHEARING GRANTED

NESBITT, Judge.

The issue we confront is the effect of an ex parte communication upon a decision emanating from a quasijudicial proceeding of the Dade County Commission. We hold that upon proof that a quasi-judicial officer received an ex parte contact, a presumption arises, pursuant to section 90.304, Florida Statutes (1989), that the contact was prejudicial. The aggrieved party will be entitled to a new and complete hearing before the commission unless the defendant proves that the communication was not, in fact, prejudicial. For the reasons that follow, we quash the order under review with directions.

Respondent Schatzman applied for a variance to permit him to operate a quick oil change business on his property adjacent to that of petitioner Jennings. The Zoning Appeals Board granted Schatzman's request. The county commission upheld the board's decision. Six days prior to the commission's action, a lobbyist Schatzman employed to assist him in connection with the proceedings registered his identity as required by section 2-11.1(s) of the Dade County Ordinances. Jennings did not attempt to determine the content of any communication between the lobbyist and the commission or otherwise challenge the propriety of any communication prior to or at the hearing.

Following the commission order, Jennings filed an action for declaratory and injunctive relief in circuit court wherein he alleged that Schatzman's lobbyist communicated with some or all of the county commissioners prior to the vote, thus denying Jennings due process both under the United States and Florida constitutions as well as section (A) (8) of the Citizens' Bill of Rights, Dade County Charter. Jennings requested *1340 the court to conduct a hearing to establish the truth of the allegations of the complaint and upon a favorable determination then to issue an injunction prohibiting use of the property as allowed by the county. Based upon the identical allegations, Jennings also claimed in the second count of his complaint that Schatzman's use of the permitted variance constituted a nuisance which he requested the court to enjoin. The trial court dismissed Count I of the complaint, against both Dade County and Schatzman. The court gave Jennings leave only against Dade County to amend the complaint and to transfer the matter to the appellate division of the circuit court. The trial court denied

Schatzman's motion to dismiss Count II and required him to file an answer. Jennings then timely filed this application for common law certiorari.

We have jurisdiction based on the following analysis. The trial court's order dismissed Jennings' equitable claim of non-record ex parte communications while it simultaneously reserved jurisdiction for Jennings to amend his complaint so as to seek common law certiorari review pursuant to Dade County v. Marca, S.A., 326 So.2d 183 (Fla.1976). Under Marca, Jennings would be entitled solely to a review of the record as it now exists. However, since the content of ex parte contacts is not part of the existing record, such review would prohibit the ascertainment of the contacts' impact on the commission's determination. This order has the effect then of so radically altering the relief available to Jennings that it is the functional equivalent of requiring him to litigate in a different forum. Thus, Jennings' timely petition activates our common law certiorari jurisdiction because the order sought to be reviewed a) constitutes a departure from the essential requirements of law, and b) requires him to litigate a putative claim in a proceeding that cannot afford him the relief requested and for that reason does not afford him an adequate remedy. See Tantillo v. Miliman, 87 So.2d 413 (Fla.1956); Norris v. Southern Bell Tel. & Tel. Co., 324 So.2d 108 (Fla. 3d DCA 1960). The same reasoning does not apply against Schatzman. Nonetheless, because we have jurisdiction, there is no impediment to our exercising it over Schatzman as a party.

At the outset of our review of the trial court's dismissal, we note that the quality of due process required in a quasi-judicial hearing is not the same as that to which a party to full judicial hearing is entitled. See Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975); Hadley v. Department of Admin., 411 So.2d 184 (Fla.1982). Quasi-judicial proceedings are not controlled by strict rules of evidence and procedure. See Astore v. Florida Real Estate Comm'n, 374 So.2d 40 (Fla. 3d DCA 1979); Woodham v. Williams, 207 So.2d 320 (Fla. 1st DCA 1968). Nonetheless, certain standards of basic fairness must be adhered to in order to afford due process. See Hadley, 411 So.2d at 184; City of Miami v. Jervis. 139 So.2d 513 (Fla. 3d DCA 1962). Consequently, a quasi-judicial decision based upon the record is not conclusive if minimal standards of due process are denied. See Morgan v. United States, 298 U.S. 468, 480-81, 56 S.Ct. 906, 911-12, 80 L.Ed. 1288 (1936); Western Gillette, Inc. v. Arizona Corp. Comm'n, 121 Ariz. 541, 592 P.2d 375 (Ct.App.1979). A quasi-judicial hearing generally meets basic due process requirements if the parties are provided notice of the hearing and an opportunity to be heard. In quasi-judicial zoning proceedings, the parties must be able to present evidence, cross-examine witnesses, and be informed of all the facts upon which the commission acts. Coral Reef Nurseries, Inc. v. Babcock Co., 410 So.2d 648, 652 (Fla. 3d DCA 1982). ¹

The reported decisions considering the due process effect of an ex parte communication upon a quasi-judicial decision are conflicting. Some courts hold that an ex parte communication does not deny due process where the substance of the communication was capable of discovery by the complaining party in time to rebut it on the record. See, e.g., *1341 Richardson v. Perales, 402 U.S. 389, 410, 91 S.Ct. 1420, 1431-32, 28 L.Ed.2d 842 (1971); United Air Lines, Inc. v. C.A.B., 309 F.2d 238 (D.C.Cir.1962); Jarrott v. Scrivener, 225 F.Supp. 827, 834 (D.D.C.1964). Other courts focus upon the nature of the ex parte communication and whether it was material to the point that it prejudiced the complaining party and thus resulted in a denial of procedural due process. E.g., Waste Management v. Pollution Control Bd., 175 Ill.App.3d 1023, 125 Ill.Dec. 524, 530 N.E.2d 682 (Ct.App.1988), appeal denied, 125 Ill.2d 575, 130 Ill.Dec. 490, 537 N.E.2d 819 (1989); Professional Air Traffic Controllers Org. (PATCO) v. Federal Labor Relations Auth., 685 F.2d 547, 564-65 (D.C.Cir.1982); Erdman v. Ingraham, 28 A.D.2d 5, 280 N.Y.S.2d 865, 870 (Ct.App. 1967).

The county adopts the first position and argues that Jennings was not denied due process because he either knew or should have known of an ex parte communication due to the mandatory registration required of lobbyists. The county further contends that Jennings failed to avail himself of section 33–316 of the Dade County Code to subpoena the lobbyist to testify at the hearing so as to detect and refute the content of any ex parte communication. We disagree with the county's position.

Ex parte communications are inherently improper and are anathema to quasi-judicial proceedings. Quasi-judicial officers should avoid all such contacts where they are identifiable. However, we recognize the reality that commissioners are elected officials in which capacity they may unavoidably be the recipients of unsolicited ex parte communications regarding quasi-judicial matters they are to decide. The occurrence of such a communication in a quasi-judicial proceeding does not mandate automatic reversal. Nevertheless, we hold that the allegation of prejudice resulting from ex parte contacts with the decision makers

in a quasi-judicial proceeding states a cause of action. E.g., Waste Management; PATCO. Upon the aggrieved party's proof that an ex parte contact occurred, its effect is presumed to be prejudicial unless the defendant proves the contrary by competent evidence. § 90.304. See generally Caldwell v. Division of Retirement, 372 So.2d 438 (Fla.1979) (for discussion of rebuttable presumption affecting the burden of proof). Because knowledge and evidence of the contact's impact are peculiarly in the hands of the defendant quasi-judicial officer(s), we find such a burden appropriate. See Technicable Video Sys. v. Americable, 479 So.2d 810 (Fla. 3d DCA 1985); Allstate Finance Corp. v. Zimmerman, 330 F.2d 740 (5th Cir.1964).

In determining the prejudicial effect of an ex parte communication, the trial court should consider the following criteria which we adopt from *PATCO*, 685 F.2d at 564–65:

[w]hether, as a result of improper parte communications, agency's decisionmaking process was irrevocably tainted so as to make the ultimate judgment of the agency unfair, either as to an innocent party or to the public interest that the agency was obliged to protect. In making this determination, a number of considerations may be relevant: the gravity of the ex parte communications; whether the contacts may have influenced the agency's ultimate decision; whether the party making the improper contacts benefited from the agency's ultimate decision; whether the contents of the communications were unknown to opposing parties, who therefore had no opportunity to respond; and whether vacation of the agency's decision and remand for new proceedings would serve a useful purpose. Since the principal concerns of the court are the integrity of the process and the fairness of the result, mechanical rules have little place in a judicial decision whether to vacate a voidable agency proceeding. Instead, any such decision

must of necessity be an exercise of equitable discretion.

Accord E & E Hauling, Inc. v. Pollution Control Bd., 116 Ill.App.3d 586, 71 Ill.Dec. 587, 603, 451 N.E.2d 555, 571 (Ct.App.1983), aff'd, 107 Ill.2d 33, 89 Ill.Dec. 821, 481 N.E.2d 664 (1985).

Accordingly, we hold that the allegation of a prejudicial ex parte communication *1342 in a quasi-judicial proceeding before the Dade County Commission will enable a party to maintain an original equitable cause of action to establish its claim. Once established, the offending party will be required to prove an absence of prejudice. ²

In the present case, Jennings' complaint does not allege that any communication which did occur caused him prejudice. Consequently, we direct that upon remand Jennings shall be afforded an opportunity to amend his complaint. Upon such an amendment, Jennings shall be provided an evidentiary hearing to present his prima facie case that ex parte contacts occurred. Upon such proof, prejudice shall be presumed. The burden will then shift to the respondents to rebut the presumption that prejudice occurred to the claimant. Should the respondents produce enough evidence to dispel the presumption, then it will become the duty of the trial judge to determine the claim in light of all the evidence in the case. ³, ⁴

For the foregoing reasons, the application for common law certiorari is granted. The orders of the circuit court are quashed ⁵ and remanded with directions.

BARKDULL, J., concurs.

FERGUSON, Judge (concurring).

I concur in the result and write separately to address two arguments of the appellees: (1) This court in Coral Reef Nurseries, Inc. v. Babcock Co., 410 So.2d 648 (Fla. 3d DCA 1982), rejected attempts to categorize county commission hearings on district boundary changes as "legislative," while treating hearings on applications for special exceptions or variances as "quasi-judicial"; and (2) the petitioner does not state a cause of action by alleging simply that a lobbyist discussed the case in a private meeting with members of the County Commission prior to the hearing. It is clear from

Judge Nesbitt's opinion for the court that neither argument is accepted.

Legislative and Quasi-Judicial Functions Distinct

In support of its argument, that "[t]his Court has previously rejected attempts to categorize county commission hearings on district boundary changes as 'legislative', while treating hearings on applications for special exceptions or variances as 'quasi-judicial'," Dade County cites Coral Reef Nurseries, Inc. v. Babcock Company, 410 So.2d 648 (Fla. 3d DCA 1982). The argument is made for the purpose of bringing this case within what the respondents describe as a legislative-function exception to the rule against ex parte communications. Indeed, there is language in the Coral Reef opinion, particularly the dicta that "it is the character of the administrative hearing leading to the action of the administrative body that determines the label" as legislative or quasi-judicial, Coral Reef at 652, which, when read out of context, lends support to Dade County's contentions. As an abstract proposition, the statement is inaccurate.

Whereas the character of an administrative hearing will determine whether the proceeding is quasi-judicial or executive, De Groot v. Sheffield, 95 So.2d 912, 915 (Fla.1957), it is the nature of the act performed that determines its character as legislative or otherwise. Suburban Medical Center v. Olathe Community Hosp., 226 Kan. 320, 328, 597 P.2d 654, 661 (1979). See also *1343 Walgreen Co. v. Polk County, 524 So.2d 1119, 1120 (Fla. 2d DCA 1988) ("The quasi-judicial nature of a proceeding is not altered by mere procedural flaws.").

A judicial inquiry investigates, declares and enforces liabilities as they stand on present facts and under laws supposed already to exist. That is its purpose and end. Legislation, on the other hand, looks to the future and changes existing conditions by making a new rule to be applied thereafter to all or some part of those subject to its power.

Suburban Medical Center, 597 P.2d at 661 (quoting Prentis v. Atlantic Coast Line Co., 211 U.S. 210, 226, 29 S.Ct. 67, 69, 53 L.Ed. 150 (1908)). ¹

It is settled that the enactment and amending of zoning ordinances is a legislative function—by case law, Schauer v. City of Miami Beach, 112 So.2d 838 (Fla.1959); Machado v. Musgrove, 519 So.2d 629 (Fla. 3d DCA 1987) (en banc), rev. denied, 529 So.2d 694 (Fla.1988), by statute, sections 163.3161 and 166.041, Florida Statutes (1989), and by ordinance, Dade County Code § 35-303. See also Anderson, Law of Zoning, § 1.13 (2d Ed.1976) (zoning is a legislative act representing a legislative judgment as to how land within the city should be utilized and where the lines of demarcation between the several zones should be drawn); 101 C.J.S. Zoning and Land Planning § 1 (1958) (same). It is also fairly settled in this state that the granting of variances, 2 and special exceptions or permits, are quasi-judicial actions. 3 Walgreen Co. v. Polk County, 524 So.2d 1119, 1120 (Fla. 2d DCA 1988); City of New Smyrna Beach v. Barton, 414 So.2d 542 (Fla. 5th DCA) (Cowart, J., concurring specially), rev. denied, 424 So.2d 760 (Fla.1982); City of Apopka v. Orange County, 299 So.2d 657 (Fla. 4th DCA 1974); Sun Ray Homes, Inc. v. County of Dade, 166 So.2d 827 (Fla. 3d DCA 1964).

A variance contemplates a nonconforming use in order to alleviate an undue burden on the individual property owner caused by the existing zoning. Rezoning contemplates a change in existing zoning rules and regulations within a district, subdivision or other comparatively large area in a given governmental unit. Troup v. Bird, 53 So.2d 717 (Fla.1951); Mayflower Property, Inc. v. City of Fort Lauderdale, 137 So.2d 849 (Fla. 2d DCA 1962); 101A C.J.S. Zoning and Land Planning § 231 (1979).

Coral Reef Case Clarified

Coral Reef involved a legislative action. The issue before the court was whether *1344 there was a showing of substantial and material changes in a 1979 application for a rezoning so that a 1978 denial of an application for the same changes, on the same parcel, by the same applicant, would not be precluded by res judicata principles. It was not necessary to hold the 1978 hearing quasi-judicial in character in order to find that the 1978 resolution had preclusive effect on the 1979 zoning hearing. There is a requirement for procedural fairness in all land use hearings, whether

on an application for a boundary change or a variance. Adherence to that constitutional standard, however, does not alter the distinct legal differences between quasi-judicial and legislative proceedings in land use cases.

We clarify Coral Reef, in accordance with its facts, as holding only that legislation denying an application for rezoning has a preclusive effect on a subsequent application for the same rezoning, unless the applicant can show substantial and material changes in circumstances. Treister v. City of Miami, 575 So.2d 218 (Fla. 3d DCA 1991), relying on Coral Reef. An interpretation of Coral Reef as holding that there is no longer a distinction between legislative actions and quasijudicial actions of a county commission in land use cases goes far beyond the actual holding of the case, and is clearly erroneous. See note 1 supra.

Reliance by the respondents on Izaak Walton League of America v. Monroe County, 448 So.2d 1170 (Fla. 3d DCA 1984), is similarly misplaced. In that case we held that county commissioners, when acting in their legislative capacities, have the right to publicly state their views on pending legislative matters. Izaak Walton League does not address the issue of ex parte communications or prehearing pronouncements in quasi-judicial proceedings.

Lobbying

Jennings argues here that the behind-the-scenes lobbying ⁴ of the commissioners by Schatzman, for the purpose of influencing the outcome of an appeal from a quasi-judicial proceeding, violated the Citizens' Bill of Rights ⁵ of the Dade County Charter, as well as the due process provisions of the United States and Florida Constitutions. We agree, obviously, that the lobbying actions were unlawful. Dade County and Schatzman respond that Jennings is entitled to no relief because he has not alleged and demonstrated a resulting prejudice. In the opinion on rehearing this court now clearly rejects that argument.

Prejudice is to be presumed, without further proof, from the mere fact that any county commissioner granted a private audience to a lobbyist, whose purpose was to solicit the commissioner to vote a certain way in an administrative proceeding for reasons not necessarily addressed solely to the

merits of the petition, and that the commissioner did vote accordingly. Starting with the legal definition of lobbying, *1345 see note 4 supra, and applying common knowledge as to how the practice works, there is a compelling reason for placing the burden of proving no prejudice on the party responsible for the ex parte communication.

Although an ex parte communication with a quasi-judicial tribunal makes its final action voidable, rather than void per se, the presumption which is drawn from the fact of the improper conduct, is applied to promote a strong social policy and is sufficient evidence to convince the fact-finder that the innocent party has been prejudiced; the rebuttable presumption imposes upon the party against whom it operates the burden of proof concerning the nonexistence of the presumed fact. § 90.304, Fla.Stat. (1991); Department of Agriculture & Consumer Servs. v. Bonanno, 568 So.2d 24, 31–32 (Fla.1990); Black's Law Dictionary 1349 (4th ed. 1968).

Ex parte lobbying of an administrative body acting quasijudicially denies the parties a fair, open, and impartial hearing. Suburban Medical Center v. Olathe Community Hosp., 226 Kan. 320, 597 P.2d 654 (1979). Adherence to procedures which insure fairness "is essential not only to the legal validity of the administrative regulation, but also to the maintenance of public confidence in the value and soundness of this important governmental process." Id. 597 P.2d at 662 (citing 2 Am.Jur.2d Administrative Law § 351). The constitutional compulsions which led to the establishment of rules regarding the disqualification of judges apply with equal force to every tribunal exercising judicial or quasi-judicial functions. 1 Am.Jur.2d Administrative Law § 64, at 860 (1962); City of Tallahassee v. Florida Pub. Serv. Comm'n, 441 So.2d 620 (Fla.1983) (standard used in disqualifying agency head is same standard used in disqualifying judge). See also Rogers v. Friedman, 438 F.Supp. 428 (E.D.Tex.1977) (rule as to disqualification of judges is same for administrative agencies as it is for courts) (citing K. Davis, Administrative Law § 12.04, at 250 (1972)). Ritter v. Board of Comm'rs of Adams County, 96 Wash.2d 503, 637 P.2d 940 (1981) (same).

All Citations

589 So.2d 1337, 16 Fla. L. Weekly D2059, 17 Fla. L. Weekly D26

Footnotes

- Judge Barkdull participated in decision only.
- Judge Barkdull participated in decision only.
- 1 It was conceded at oral argument that the hearing before the commission in this case was quasi-judicial.
- In such a proceeding, the principles and maxims of equity are applicable. See 22 Fla.Jur.2d Equity §§ 44, et seq. (1980).
- In rebutting the presumption of prejudice, respondent may rely on any favorable evidence presented during the claimant's case-in-chief, including that adduced during respondent's cross-examination of claimant's witnesses.
- 4 Under the PATCO test adopted, one of the primary concerns is whether the ex parte communication had sufficient impact upon the decision and, therefore, whether the vacation of the agency's decision and remand for a new proceeding would be likely to change the result.
- Nothing in this decision shall affect our holding in *Izaak Walton League of America v. Monroe County, 448* So.2d 1170 (Fla. 3d DCA 1984) (county commission acting in a legislative capacity).
- Relying on *Coral Reef*, the majority opinion refers to "quasi-judicial zoning proceedings," a confounding phrase which has its genesis in *Rinker Materials Corp. v. Dade County*, 528 So.2d 904, 906, n. 2 (Fla. 3d DCA 1987). There Dade County argued to this court that the according of "procedural due process" converts a legislative proceeding into a quasi-judicial proceeding, citing *Coral Reef*. That proposition runs afoul of an entire body of administrative law. If an act is in essence legislative in character, the fact of a notice and a hearing does not transform it into a judicial act. If it would be a legislative act without notice and a hearing, it is still a legislative act with notice and a hearing. See *Prentis v. Atlantic Coast Line Co.*, 211 U.S. 210, 29 S.Ct. 67, 53 L.Ed. 150 (1908); *Reagan v. Farmers' Loan & Trust Co.*, 154 U.S. 362, 14 S.Ct. 1047, 38 L.Ed. 1014 (1894).
- A variance is a modification of the zoning ordinance which may be granted when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. 7 FlaJur2d, *Building, Zoning, and Land Controls*, § 140 (1978).
 - The normal function of a variance is to permit a change in "building restrictions or height and density limitations" but not a change in "use classifications". *George v. Miami Shores Village*, 154 So.2d 729 (Fla. 3d DCA 1963).
- An administrative body acts quasi-judicially when it adjudicates private rights of a particular person after a hearing which comports with due process requirements, and makes findings of facts and conclusions of law on the disputed issues. Reviewing courts scrutinize quasi-judicial acts by non-deferential judicial standards. See City of Apopka v. Orange County, 299 So.2d 657 (Fla. 4th DCA 1974).
 - On review of legislative acts, the court makes a deferential inquiry, *i.e.*, is the exercise of discretionary authority "fairly debatable." *Southwest Ranches Homeowners Ass'n v. Broward County*, 502 So.2d 931 (Fla. 4th DCA), *rev. denied*, 511 So.2d 999 (Fla.1987). Further, there is no requirement that a governmental body, acting in its legislative capacity, support its actions with findings of fact and conclusions of law.
- "'Lobbying' is defined as any personal solicitation of a member of a legislative body during a session thereof, by private interview, or letter or message, or other means and appliances not [necessarily] addressed solely to the judgment, to favor or oppose, or to vote for or against, any bill, resolution, report, or claim pending, or to be introduced ..., by any person ... who is employed for a consideration by a person or corporation interested in the passage or defeat of such bill, resolution, or report, or claim, for the purpose of procuring the passage or defeat thereof." Black's Law Dictionary 1086 (rev. 4th ed. 1968). (Emphasis supplied). The work of lobbying is performed by lobbyists.
 - A lobbyist is one who makes it a business to "see" members of a legislative body and procure, by persuasion, importunity, or the use of inducements, the passing of bills, public as well as private, which involve gain to

- 5 Section a(8), Citizens' Bill of Rights, Dade County Charter, provides in pertinent part:
 - At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record.
- PATCO v. Federal Labor Relations Authority, 685 F.2d 547 (D.C.Cir.1982), relied on by Judge Nesbitt, supports this view. There the court was construing section 557(d)(1) of the Administrative Procedure Act, governing ex parte communications. The Act provides, in subsection (C), that a member of the body involved in the decisional process who receives any prohibited communication shall place the contents of the communication on public record. Subsection (D) states that where the communication was knowingly made by a party in violation of this subsection, the party may be required "to show cause why his claim or interest in the proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected on account of such violation." 5 U.S.C.A. § 557(d)(1)(C), (D).

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560 So.2d 1358 District Court of Appeal of Florida, Fourth District.

Patricia POLLARD, Petitioner,

V.

PALM BEACH COUNTY, a political subdivision of the State of Florida, Respondent.

No. 88-1827. | May 9, 1990.

Synopsis

Owner of residential property applied for special exception to use property as adult congregate living facility for elderly. The Circuit Court for Palm Beach County, William C. Williams, III, J., denied owner's petition for writ of certiorari to review denial of application, and owner petitioned for review. The District Court of Appeal held that opinions of neighbors that proposed use would cause traffic problems, would cause light and noise pollution, and would generally have unfavorable impact on area provided no competent substantial evidence to support denial of petition.

Certiorari granted, order quashed, and matter remanded with instructions.

Stone, J., dissented with opinion.

Attorneys and Law Firms

*1359 Bruce G. Kaleita, West Palm Beach, for petitioner.

Richard W. Carlson, Jr. and Thomas P. Callan, Asst. County Attys., West Palm Beach, for respondent.

Opinion

PER CURIAM.

This is a petition to review denial of an application for a special exception. The real property in question is located in an area zoned residential. The use for which a special exception was requested is an adult congregate living facility for the elderly, a use permitted by special exception in a residential area.

Certain procedural shortcomings having been remedied, we now treat only the merits, being satisfied that this court has jurisdiction.

After making appropriate application, petitioner obtained approval of the County Zoning Department and, subsequently, the approval of the County Planning Commission. Approval was based upon documentary evidence and expert opinion.

In public hearings before the County Commission, various neighbors expressed their opinion that the proposed use would cause traffic problems, light and noise pollution and generally would impact unfavorably on the area. The County Commission denied the application and the circuit court denied certiorari to review that denial. We grant the writ and quash the order under review.

We explained the respective burdens of an applicant for a special exception and the zoning authority in *Rural New Town, Inc. v. Palm Beach County,* 315 So.2d 478, 480 (Fla. 4th DCA 1975), as follows:

In rezoning, the burden is upon the applicant to clearly establish such right (as hereinabove indicated). In the case of a special exception, where the applicant has otherwise complied with those conditions set forth in the zoning code, the burden is upon the zoning authority to demonstrate by competent substantial evidence that the special exception is adverse to the public interest. Yokley on Zoning, vol. 2, p. 124. A special exception is a permitted use to which the applicant is entitled unless the zoning authority determines according to the standards of the zoning ordinance that such use would adversely affect the public interest.

(Emphasis in original; some citations omitted.)

The supreme court, in *De Groot v. Sheffield*, 95 So.2d 912, 916 (Fla.1957), explained in the following language what is

meant by the term "competent substantial evidence" in the context of certiorari review:

Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred. We have stated it to be such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. Becker v. Merrill, 155 Fla. 379, 20 So.2d 912; Laney v. Board of Public Instruction, 153 Fla. 728, 15 So.2d 748. In employing the adjective "competent" to modify the word "substantial," we are aware of the familiar rule that in administrative proceedings the formalities in the introduction of testimony common to the courts of justice are not strictly employed. Jenkins v. Curry, 154 Fla. 617, 18 So.2d 521. We are of the view, however, that the evidence relied upon to *1360 sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. To this extent the "substantial" evidence should also be "competent."

(Some citations omitted.)

In City of Apopka v. Orange County, 299 So.2d 657, 660 (Fla. 4th DCA 1974), the "evidence" in opposition to petitioner's application for special exception consisted, as in the present case, of the opinions of neighbors, and in that case we explained:

The evidence in opposition to the request for exception was in the main laymen's opinions unsubstantiated by any competent facts. Witnesses were not sworn and cross examination was specifically prohibited. Although the

Orange County Zoning Act requires the Board of County Commissioners to make a finding that the granting of the special exception shall not adversely affect the public interest, the Board made no finding of facts bearing on the question of the effect the proposed airport would have on the public interest; it simply stated as a conclusion that the exception would adversely affect the public interest. Accordingly we find it impossible to conclude that on an issue as important as the one before the board, there was substantial competent evidence to conclude that the public interest would be adversely affected by granting the appellants the special exception they had applied for.

Earlier in that opinion we also noted:

As pointed out by Professor Anderson in Volume 3 of his work, American Law Of Zoning, § 15.27, pp. 155-56:

"It does not follow, ... that either the legislative or the quasi-judicial functions of zoning should be controlled or unduly influenced by opinions and desires expressed by interested persons at public hearings. Commenting upon the role of the public hearing in the processing of permit applications, the Supreme Court of Rhode Island said:

'Public notice of the hearing of an application for exception ... is not given for the purpose of polling the neighborhood on the question involved, but to give interested persons an opportunity to present facts from which the board may determine whether the particular provision of the ordinance, as applied to the applicant's property, is reasonably necessary for the protection of ... public health.... The board should base their determination upon facts which they find to have been established, instead of upon the wishes of persons who appear for or against the granting of the application.'

The objections of a large number of residents of the affected neighborhood are not a sound basis for the denial of a permit. The quasi-judicial function of a board of adjustment must be exercised on the basis of the facts

adduced; numerous objections by adjoining landowners may not properly be given even a cumulative effect."

299 So.2d at 659.

Our review of the record leads us to conclude that there is literally no competent substantial evidence to support the conclusion reached below. The circuit court overlooked the law which says that a special exception is a permitted use to which the applicant is entitled unless the zoning authority determines according to the standards of the zoning ordinance that the use would adversely affect the public interest. Rural New Town, 315 So.2d at 480. It also overlooked the law which says that opinions of residents are not factual evidence and not a sound basis for denial of a zoning change application. See City of Apopka, 299 So.2d at 660.

For these reasons we grant certiorari, quash the order and remand with instructions that the special exception be granted.

HERSEY, C.J., and ANSTEAD, J., concur.

STONE, J., dissents with opinion.

*1361 STONE, Judge, dissenting.

I would deny certiorari. In my judgment, the record supports the decision of the circuit court upholding the action of the county. I also do not conclude that the trial court overlooked the law.

All Citations

560 So.2d 1358, 15 Fla. L. Weekly D1272

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857 So.2d 202
District Court of Appeal of Florida,
Third District.

CITY OF HIALEAH GARDENS, Petitioner,

v.

MIAMI-DADE CHARTER FOUNDATION, INC., and Luis Machado, Respondents.

No. 3D03–1056. | July 23, 2003.

Rehearing and Rehearing En Banc Denied Oct. 17, 2003.

Synopsis

City petitioned for certiorari review of decision of the Circuit Court, Miami-Dade County, Appellate Division, Sidney B. Shapiro, Celeste H. Muir, and David C. Miller, JJ., quashing city's denial of application for special exception use resolution permitting construction and operation of charter elementary school. The District Court of Appeal, Wells, J., held that competent substantial evidence supported city's finding that proposed special exception use resolution did not meet city's criteria.

Petition granted.

Attorneys and Law Firms

*202 Citrin & Walker and J. Frost Walker, III, Coral Gables, for petitioner.

Tannebaum, Plans & Weiss and Daniel A. Weiss, for respondents.

Before FLETCHER, and WELLS, and NESBITT, Senior Judge.

Opinion

WELLS, Judge.

The City of Hialeah Gardens petitions for certiorari review of a decision of the circuit court, appellate division, quashing *203 the City's denial of an application for a special exception use resolution. We grant the petition and quash the circuit court's decision.

Luis Machado and the Miami-Dade Charter Foundation, Inc. (collectively "Machado") sought a permit from the City of Hialeah Gardens for a "special exception use" resolution permitting the construction and operation of a charter elementary school on approximately 2.1 acres of property fronting Northwest 103rd Street, a main highway artery and extension of West 49th Street in neighboring Hialeah. Under the City's code, the use of this property for a school, due to its location in a BU zone, is authorized upon adoption of a resolution granting a special exception use, which must be found by the City Council to comply with the following requirements:

- (1) The use is a permitted special use as set forth in the special exception uses for that district.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining developments and the proposed character of the district where it is to be located.
- (5) Adequate landscaping and screening is provided as required in this chapter, or as otherwise required.
- (6) Adequate off-street parking and loading is provided. Ingress and egress is designed so as to cause minimum interference with traffic on abutting streets and the use has adequate frontage on a public or approved private street.
- (7) The use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for planned unit developments.

§ 78-132, City of Hialeah Gardens Code.

In the course of the three public hearings held on the matter, Machado presented two site plans and introduced both lay and expert testimony in support of the request. The City's professional staff explained why they could not support the placement of an elementary school on what was characterized as one of the busiest, most congested roadways in Miami-Dade County. Ultimately, the City rejected Machado's application.

The City's decision was overturned by the circuit court, appellate division, primarily for two reasons: first, because the City's testimony addressing "the traffic risks associated with placing a school on a well traveled thoroughfare" was "not based on specific expert competent evidence," and second, because the testimony of staff members, while "cast[ing] doubt" on the evidence presented by Machado, did not overcome Machado's evidence.

Our scope of review of the circuit court's decision is limited to determining whether the circuit court applied the correct law or legal standard, that is, whether it departed from the essential requirements of the law. See Haines City Cmty. Dev. v. Heggs, 658 So.2d 523, 530 (Fla.1995); City of Deerfield Beach v. Vaillant, 419 So.2d 624, 626 (Fla.1982); Metropolitan Dade County v. Blumenthal, 675 So.2d 598, 608-09 (Fla. 3d DCA 1995). We agree with the City that the circuit court applied the wrong law or incorrect legal standard, first, by rejecting the City's decision as not being "based on specific expert competent evidence," and second, by re-weighing the evidence, and in the process, ignoring the evidence supporting the City's decision. See *204 Vaillant, 419 So.2d at 626; see also Dusseau v. Metro. Dade County Bd. of County Comm'rs, 794 So.2d 1270, 1275 (Fla.2001); Fla. Power & Light Co. v. City of Dania, 761 So.2d 1089, 1093 (Fla.2000). We therefore exercise our certiorari jurisdiction because the circuit court violated clearly established principles of law resulting in a substantial miscarriage of justice. See Ivey v. Allstate Ins. Co., 774 So.2d 679, 682-83 (Fla.2000).

A.

Once a special exception applicant demonstrates consistency with a zoning authority's land use plan and meets code criteria, the decision-making body may deny the request only where "the party opposing the application (i.e., either the agency itself or a third party) ... show[s] by competent substantial evidence that the proposed exception does not meet the published criteria." Fla. Power & Light Co., 761 So.2d at 1092; see Irvine v. Duval County Planning Comm'n, 495 So.2d 167 (Fla. 1986); Jesus Fellowship, Inc. v. Miami-Dade County, 752 So.2d 708 (Fla. 3d DCA 2000). In this context, competent evidence is evidence sufficiently relevant and material to the ultimate determination "that a reasonable mind would accept it as adequate to support the conclusion reached." DeGroot v. Sheffield, 95 So.2d 912, 916 (Fla.1957). Substantial evidence is evidence that provides a factual basis from which a fact at issue may reasonably be inferred. Id.; Blumenthal, 675 So.2d at 608; see also Pollard v. Palm Beach County, 560 So.2d 1358, 1359–60 (Fla. 4th DCA 1990) ("evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. To this extent the 'substantial' evidence should also be 'competent.'").

Under this standard, generalized statements in opposition to a land use proposal, even those from an expert, should be disregarded. See Div. of Admin. v. Samter, 393 So.2d 1142, 1145 (Fla. 3d DCA 1981) ("[n]o weight may be accorded an expert opinion which is totally conclusory in nature and is unsupported by any discernible, factually-based chain of underlying reasoning"). However, contrary to the circuit court's decision, relevant fact-based statements, whether expert or not, are to be considered. See Blumenthal, 675 So.2d at 607 ("[u]nder the correct legal standard, citizen testimony in a zoning matter is perfectly permissible and constitutes substantial competent evidence, so long as it is fact-based"); see also Metro. Dade County v. Sportacres Dev. Group, 698 So.2d 281, 282 (Fla. 3d DCA 1997)(holding that materials in the record in conjunction with neighbors' testimony could constitute competent substantial evidence). Here, the Chief of Police, the Director of Public Works, and the Chief Zoning Official, gave specific fact-based reasons for their recommendations that the application be rejected. 1 Their observations were relevant, *205 material, and fact-based and not merely, "generalized statement[s] of opposition." Blumenthal, 675 So.2d at 607; see Jesus Fellowship, 752 So.2d at 709; Miami-Dade County v. Walberg, 739 So.2d 115, 117 (Fla. 3d DCA 1999)(citing Blumenthal, 675 So.2d at 607). In sum, these witnesses were "no group of 'Apopka Witnesses,' i.e., local residents who simply wished the facility to be established elsewhere" but were experts providing factbased, relevant and material evidence. Blumenthal, 675 So.2d at 608, quoting City of Apopka v. Orange County, 299 So.2d 657 (Fla. 4th DCA 1974); see also Allapattah Cmty. Ass'n v. Miami, 379 So.2d 387, 393 (Fla. 3d DCA 1980)(citing to "expert opinion" of planning department).

Inherent in the circuit court's conclusion that the City's denial had to be based on "specific expert competent testimony," is the incorrect assumption that the expert testimony of those opposing Machado's application had to be distilled from the experts' own studies or reports. This is incorrect. The fact that these professionals did not submit, as the circuit court noted, their own "countervailing" charts, statistical studies or other materials did not diminish the sufficiency of their testimony.

The "facts" upon which such testimony rests may derive from relevant portions of the record or from other relevant factual information detailed in the application itself. See Sportacres Dev. Group, 698 So.2d at 282 (holding that "the County Commission had access to a record which contained maps, reports and other information which, in conjunction with the testimony of the neighbors, if believed by the Commission, constituted competent substantial evidence").

Here, the testifying staff members utilized their professional experiences and personal observations, as well as Machado's application, site plan, and traffic study, as the basis for their testimony. These record materials, along with the staff presentations, combined to provide evidence "sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached." *DeGroot*, 95 So.2d at 916. Ignoring this standard constituted a departure from the essential requirements of the law.

B.

A circuit court may not re-weigh the evidence. In reviewing local administrative action, circuit courts are constrained to determine only whether the agency's determination is supported by competent substantial evidence. A circuit court may not re-weigh the evidence to substitute its judgment for that of the agency by determining whether the evidence shows that the application was deficient:

At the circuit court level, a solitary judge quashed the Commission decision, ruling as follows: "The [homeowners] failed to show by competent substantial evidence that such use [was inconsistent with the Dania Code]" (emphasis added). This ruling was improper. Under Vaillant, the circuit court was constrained to determine simply whether the Commission's decision was supported by competent substantial evidence. The circuit court instead decided anew whether the homeowners had shown by competent *206 substantial evidence that the proposed use was deficient. In other words, a single judge conducted his own de novo review of the application and, based on the cold record, substituted his judgment for that of the Commission as to the relative weight of the conflicting testimony. The circuit court thus usurped the fact-finding authority of the agency.

City of Dania, 761 So.2d at 1093; see Vaillant, 419 So.2d at 626.

Re-weighing of the evidence is precisely what the circuit court did when it held:

At best, the testimony by Hialeah Gardens' staff members cast doubt upon the conclusions and evidence submitted by Machado....

The opponents of the special exception use did not show, by competent substantial evidence, that the proposed use was adverse to the public interest.

Consideration of the fact-based testimony of the Director of Public Works and the Chief of Police, as well as other record materials, including the pretzel-like diagram of the proposed site and the memo of the Chief Zoning Officer, was, as the Florida Supreme Court has confirmed, where the circuit court's analysis should have ended:

We reiterate that the "competent substantial evidence" standard cannot be used by a reviewing court as a mechanism for exerting covert control over the policy determinations and factual findings of the local agency. Rather, this standard requires the reviewing court to defer to the agency's superior technical expertise and special vantage point in such matters. The issue before the court is not whether the agency's decision is the "best" decision or the "right" decision or even a "wise" decision, for these are technical and policy-based determinations properly within the purview of the agency. The circuit court has no training or experience—and is inherently unsuited—to sit as a roving "super agency" with plenary oversight in such matters.

The sole issue before the court on first-tier certiorari review is whether the agency's decision is lawful. The court's task vis-a-vis the third prong of *Vaillant* is simple: The court must review the record to assess the evidentiary support for the agency's decision. Evidence contrary to the agency's decision is outside the scope of the inquiry at this point, for the reviewing court above all cannot reweigh the "pros and cons" of conflicting evidence. While contrary evidence may be relevant to the wisdom of the decision, it is irrelevant to the lawfulness of the decision. As long as the record contains competent substantial evidence to support the agency's decision, the decision is presumed lawful and the court's job is ended.

Dusseau, 794 So.2d at 1275-76 (citation omitted).

28 Fig. L. Weekly D1686

In this case, the circuit court substituted its judgment as to the weight of the evidence for that of the City Council, which is contrary to the law and synonymous with failing to observe the essential requirements of the law. See Blumenthal, 675 So.2d at 609; see also City of Dania, 761 So.2d at 1093; Heggs, 658 So.2d at 530.

Accordingly, we grant the Petition for Certiorari, quash the decision of the circuit court, and return this case to the circuit court for final determination consistent with this opinion. See City of Dania, 761 So.2d at 1093–94; see also Allstate Ins. Co. v. Kaklamanos, 843 So.2d 885, 889 (Fla.2003)("district court should exercise its discretion to grant certiorari review only when there has been a violation of a clearly established principle of law resulting *207 in a miscarriage of justice");

Blumenthal 675 So.2d at 608; Maturo v. City of Coral Gables, 619 So.2d 455, 457 (Fla. 3d DCA 1993); Orange County v. Lust, 602 So.2d 568, 572 (Fla. 5th DCA 1992); Herrera v. City of Miami, 600 So.2d 561, 563 (Fla. 3d DCA 1992); City of Ft. Lauderdale v. Multidyne Med. Waste Mgmt. Inc., 567 So.2d 955, 958 (Fla. 4th DCA 1990); City of Deland v. Benline Process Color Co., 493 So.2d 26, 28 (Fla. 5th DCA 1986); Bd. of County Comm'rs of Pinellas County v. City of Clearwater, 440 So.2d 497, 499 (Fla. 2d DCA 1983); Town of Mangonia Park v. Palm Beach Oil, Inc., 436 So.2d 1138, 1139 (Fla. 4th DCA 1983).

All Citations

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Footnotes

Based on personal observation and experience and from a review of Machado's site plans, the Director of Public Works testified that Machado's plan, which called for traffic entering the school property from Northwest 103rd Street to cross over the traffic attempting to exit following drop-off, back onto Northwest 103rd Street, would cause "stacking" of traffic in the westbound lane of Northwest 103rd street.

The Chief of Police testified, based on his 27 years as a policeman and observations of behavior during dropoff and pick-up at other Hialeah Gardens schools, that placing a school at this site was dangerous.

The Chief Zoning Officer's memo concluded that she, as well as the Public Works Director and Chief of Police all agreed:

[t]he additional vehicles related to six hundred (600) students and forty-two (42) staff members during peak hours would cause extreme traffic congestion. Individuals making a left or right turn into the school would back up traffic in both directions on NW 103rd Street. In addition, the exiting of the school onto 103rd Street would cause chaos.

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108 So.2d 601 Supreme Court of Florida.

FLORIDA RATE CONFERENCE, a non-profit corporation, The Traffic and Rate Bureau of St. Petersburg, Florida, The Tampa Chamber of Commerce, The Broward County Traffic Association, The Greater Miami Traffic Association, and The Jacksonville Traffic Bureau, Petitioners,

V.

FLORIDA RAILROAD AND PUBLIC UTILITIES COMMISSION. The Florida Intrastate RateBureau, Respondents.

Jan. 9, 1959.

Rehearing Denied Feb. 23, 1959.

Synopsis

Proceeding on certiorari to review an order of the Railroad Commission granting a rate increase to common carrier motor freight lines. The Supreme Court, Hobson, J., held that where Railroad Commission after determining total amount of additional revenue that it would take in its judgment to give motor carriers involved a reasonable return on their investment, stated that the study of an alleged representative carrier did not follow the stipulated procedure and was therefore unreliable, but the commission was required to make some use of it because it had no other source from which to draw in making the necessary apportionment of the revenues and expenses, the commission's order was invalid on the ground that it showed on its face that it was not supported by competent substantial evidence.

Petition for certiorari granted and order quashed.

Roberts, J., dissented.

Attorneys and Law Firms

*602 Ben F. Overton, Em. Davis, of Baynard, Baynard & McLeod, St. Petersburg, for petitioners.

Lewis W. Petteway, General. Counsel for Florida Railroad and Public Utilities Commission, Tallahassee, A. Pickens Coles, John M. Allison, Tampa, for Florida Intrastate Rate Bureau, for respondents.

Opinion

HOBSON, Justice.

This case was brought before us on a writ of certiorari requesting that we review an order of the respondent Florida Railroad and Public Utilities Commission granting a rate increase of 8.72% to the applicant Florida Intrastate Rate Bureau on behalf of all common carrier motor freight lines participating in Motor Freight Tariff FR&PUC MF No. 7.

The Intrastate Rate Bureau, representing eleven common carrier motor freight lines, originally applied to the Commission on behalf of these common carriers for a rate increase of 10% in all Class and Commodity Rates and Charges. The petitioners appeared at the hearing on the Rate Bureau's application as protestants for and on behalf of the shipping public in their respective metropolitan areas. Information as to petitioners' position in this case is best gleaned from the following excerpts of Order 3910 of the Commission, granting the 8.72% increase:

'Some time prior to the initial hearing in these Dockets, a prehearing conference was held in the offices of the Commission at Tallahassee, Florida between the motor freight carriers participating herein and the Commission's Staff for the purpose of simplifying the *603 issue as much as possible, determining the nature and scope of the exhibits to be offered at the hearing by various parties, and developing a separation procedure to be used by the carriers in ascertaining the inter-intrastate relationship of their operations. A separation procedure was agreed upon, reduced to writing and was subsequently received in evidence herein as Exhibit No. 92. The basis factors for the separation procedure were to be the actual revenues, truck and tractor miles and tons of revenue freight carried. At the conference representatives of Central Truck Lines stated that they could make a separation between interstate and intrastate operations on the basis of actual revenues, truck and tractor miles and tons of revenue freight carried. Because of this representation, and because Central appeared to be the most representative carrier participating herein with both interstate and intrastate operations, Central Truck Lines was selected to make the separation study which would be accepted as representing the inter-intrastate relationship of the carriers as a group.

'During the hearings it developed that the basic factors used in making the separation study were not actual as required by Exhibit No. 92, aforesaid. On the contrary a very simple but completely unreliable method was employed

to determine interstate revenues, truck and tractor miles and tons of revenue freight carried. Schedules which originated or terminated at points outside the State of Florida were considered as exclusively interstate. These interstate schedules all originate or terminate at the carrier's basic terminals in Florida. The factors developed from this simple method did not comprehend shipments interchanged at Jacksonville with R. C. Motor Lines and other carriers. Neither did such factors take into consideration the miles and tonnage involved in transporting purely interstate shipments between such Florida terminals and Florida points of origin or destination. Miles of tonnage of this character were considered as intrastate in nature. All schedules moving between points within the state were considered as exclusively intrastate even though they might be transporting interstate shipments.

'Applicant's witnesses readily admitted the foregoing discrepancies but attempted to minimize their effect by expressing the unsupported opinion that intrastate operations were favored by the method used because intrastate received credit for revenues that would have been credited to interstate operations under a complete and accurate analysis. This conclusion of the witnesses is a matter of opinion, is not predicated upon any reliable facts presented at the hearing, and is not shared by the Commission.

'Transportation companies seldom, if ever, make a satisfactory showing before the Commission for increases in their intrastate rates and charges. They appear always to be convinced that their revenue problems result from intrastate rate deficiencies but the proof of that situation inevitably leaves much to be desired. Carriers must find some reliable approach to the problem of demonstrating the results revenue wise of the intrastate portion of their operations. Once a sound and reliable approach is found it must be observed and followed completely in every detail.

'We are sounding the warning now to the common carrier motor freight lines that future cases of this kind must be supported by more reliable separation techniques. We believe the procedure outlined in Exhibit No. 92 aforesaid would have produced more satisfactory results had the separation procedure outlined therein been followed *604 as intended. It is the purpose of this Commission to require the common carrier motor freight lines participating in this case to begin a continuing and permanent separation study with monthly reports to the Commission so that we may be fully and accurately advised concerning the revenue results of intrastate

operations. The procedures to be observed in this continuing study will be announced in sufficient time for the study to be commenced in July of this year.

'In the meantime, system-wide exhibits of the various carriers, and their annual and quarterly reports filed with the Commission, strongly indicate that some of the carriers are in need of rate relief. The operating ratio is the most frequently used measure of a motor carrier's revenue needs and financial condition. * * * 1

The Commission determined that the applicants as a group were in need of total additional revenue (intrastate and interstate) in the amount of \$1,540,994. The Commission, in its order, then said:

'Apportioning these additional revenue requirements between interstate and intrastate services poses the most difficult part of the problem. The separation study already mentioned herein was intended to simplify this problem. While we feel that the study did not follow the stipulated procedure, and is therefore unreliable, we must make some use of it because we have no other source from which to draw in making the necessary apportionment of revenues and expenses.' (Emphasis supplied.)

The Commission, in its order, then made the necessary computation to enable it to enter the following finding: 'Based upon the record herein, including the quarterly and annual reports filed with the Commission by the participating carriers, the Commission finds as follows:

- '(1) The common carrier motor freight lines participating in Motor Freight Tariff FR&PUC MF No. 7 are in need of additional intrastate revenues in the total sum of \$971,549 on the basis of 1956 operations adjusted for revenue and expense increases occurring during that year and comprehending 1957 wage increases actually committed and agreed to by contract.
- '(2) The additional revenues needed by the carriers can be produced by increasing minimum charges twenty-five cents (25¢) per shipment, and by increasing Class and Commodity Rates and Charges by 8.72%
- '(3) The rates and charges when increased as aforesaid will be fair, just, reasonable, and compensatory.
- '(4) Overseas Transportation Company should be require to discontinue assessing the arbitrary described above for a test

period of one year. At the end of the test period the effect of the discontinuance of the arbitrary on the carrier's operating ratio will be determined as the basis for further action concerning the reinstatement or elimination of said arbitrary.

'(5) The increased rates and charges herein authorized should become effective upon proper tariff publication by applicant.'

*605 One of petitioners' contentions is that it was improper for the Commission to grant this rate increase to eleven carriers on the basis of evidence submitted by one carrier (Central Truck Lines, Inc.), particularly when this carrier is not representative of the other carriers involved.

This contention of the petitioners has been carefully considered and found to be without merit. The Legislature has authorized the Commission to determine facts in making and enforcing administrative rates, rules and regulations. Such determinations when duly made are, by statute, clothed with a presumption that they are prima facie reasonable and just. F.S.A. s 350.12(2)(m). On review this presumption of validity can only be overcome when either the invalidity of the Commission's decision appears plainly on the face of the order, rule, regulation or schedule, or where such weakness is made to appear by clear and satisfactory evidence.

Our examination of the record upon which the Commission based its order discloses that the Commission had before it evidence which included the annual and quarterly financial reports of all eleven carriers, as well as their current operating ratios. The Commission's determination that a rate increase was needed was based on competent substantial evidence supplied by the various carriers involved, including Central Truck Lines.

The record also shows that the selection of Central Truck Lines as the most representative carrier involved with both intra and interstate operations was not arbitrary or unreasonable. Even if we accept petitioners' assertions that Central Truck Line's operating expenses in certain areas are higher percentage-wise than those of the other carriers involved, we do not believe the petitioners have, by clear and satisfactory evidence, shown that Central Truck Lines was not sufficiently representative to provide the material it was selected to present. The petitioners have failed to overcome this statutory presumption in favor of the validity of the Commission's decision and, therefore, cannot prevail as to this point.

The major issue in this petition concerns the validity of the separation study prepared by Central Truck Lines, Inc. As indicated by the Commission's order, Central was selected to prepare a separation study designed to separate its revenues and expenses incident to intrastate operations from those connected with its interstate operations.

The petitioners assume the position that when a common carrier operates in both intrastate and interestate commerce, its revenue and expenses must be separated between intra and interstate by competent evidence before an intrastate rate increase can be granted by the Railroad and Public Utilities Commission. In support of this contention they cite that portion of the case of State ex rel. Railroad Com'rs v. Louisville and Nashville R. Co., 1912, 62 Fla. 315, 57 So. 175, 190, wherein this court said:

'Where the same property, labor, and management are used at the same time by a common carrier in interstate and intrastate commerce the value of the property and labor and management used should be properly apportioned in determining the reasonableness of the compensation for service rendered by the carrier in the intrastate business taken separately and as an entirety, or in connection with the interstate business concurrently done.'

See also State ex rel. Railroad Com'rs v. Seaboard Air Line R. Co., 1904, 48 Fla. 129, 37 So. 314, 320.

The reason behind this rule was explained in the following section of American Jurisprudence, where it is said:

'A state cannot justify unreasonably low rates for domestic transportation, considered alone, upon the ground that the carrier is earning large profits on its interstate business, nor can the carrier impose unreasonably high rates on *606 domestic business in order to meet losses on interstate business; the reasonableness of the rates to be fixed by the state must be decided with reference exclusively to what is just and reasonable in respect of domestic business.' 9 Am.Jur., p. 520, s 130.

We believe the Commission's statement on this subject in the disputed order is of compelling significance. The Commission, after determining the total amount of additional revenue that it would take in its judgment to give all the carriers involved a reasonable return on their investment, said: 'While we feel that the study did not follow the stipulated procedure, and is therefore unreliable, we must make some use of it because we have no other source from which to draw in making the necessary apportionment of revenues and expenses.' (Emphasis supplied.)

This court recognizes that the Railroad Commission has the difficult and highly technical duty of regulating motor highway common carriers. Over the years it has gained a great deal of experience and knowledge in this field. In the instant case we are content that its characterization of the separation study as being 'necessary' to its establishment of a reasonable rate, was a sound exercise of its decisional powers.

We have now reached the very fulcrum of this case. For we are asked to pass upon the validity of a Commission order which, by its own terms, has used an 'unreliable' separation study to support a 'necessary' apportionment of revenues and expenses because it 'had no other source from which to draw this information'. ²

The scope and procedure of the review of administrative orders has been often set forth. From the cases it is clear that on certiorari this court will not undertake to re-weigh or reevaluate the evidence presented to the administrative body whose order is under examination. This court is charged with the duty of examining the record to determine whether the agency's order is in accord with the essential requirements of law and whether the agency had before it competent substantial evidence to support its findings and conclusions. De Groot v. Sheffield, Fla.1957, 95 So.2d 912, 916.

With reference to actions by the Railroad & Public Utilities Commission, the Legislature has clothed the orders with a presumption of validity. Section 350.12(2)(m), F.S.A., reads in part as follows:

'Every rule, regulation, schedule or order heretofore or hereafter made by the commissioners shall be deemed and held to be within their jurisdiction and their powers, and to be reasonable and just and such as ought to have been made in the premises and to have been properly made and arrived at in due form of procedure and such as can and ought to be executed, unless the contrary plainly appears on the face thereof of or be made to appear by clear and satisfactory evidence, and shall not be set aside or held invalid unless the contrary so appears. All presumptions shall be in favor of every action of the commissioners and all doubts as to *607 their jurisdiction and powers shall be resolved in their favor, it being intended that the laws relative to the railroad commissioners shall be deemed remedial laws to be construed liberally to further the legislative intent to regulate and control public carriers in the public interest.'

It is clear that the above statutory injunction imposes a duty upon petitioners to either satisfactorily and clearly show the errors upon which they rely, or to show that such error plainly appears on the face of the order.

If there is competent substantial evidence to sustain the findings and conclusions of the Commission, and no rule of law was violated in the proceedings, and the whole record does not disclose an abuse of authority or arbitrary action, the findings and conclusions of the Commission will not be set aside on certiorari, even though the reviewing court might have reached different conclusions on the evidence. Florida Motor Lines v. State Railroad Commission, 1931, 101 Fla. 1018, 132 So. 851, 862. It is equally clear that the reverse of this holds true, for we have held that where a rate, rule or regulation is made without statutory authority or without giving the carrier affected by it, reasonable opportunity to be heard, or without obtaining or considering any substantial evidence, where investigation, inquiry and evidence are necessary as a basis for the action taken, the proceeding is not had in due course of law and this court will not enforce it. State ex rel. Railroad Com'rs v. Florida East Coast R. Co., 1912, 64 Fla. 112, 59 So. 385, 393.

In the instant case we are blessed with the unique opportunity to inspect the precise evidence which led the Commission to it findings and conclusions, for the Commission has in its order discussed in detail the logical processes and data used in arriving at its findings. The Commission's error, if any, thus plainly shows upon the face of its order. By its own statements the Commission has found the disputed separation study 'necessary' to its conclusions. Further, the Commission has measured the separation study against its experience in this field and determined the study was 'unreliable'. And last, but not least, the Commission has stated it must make some use of this 'unreliable' study 'because (it had) no other source from which to draw' in making the apportionment between intra and interstate expenses and revenue. The question is clearly whether or not the Railroad Commission may ground an essential portion of its order solely on evidence it characterizes as unreliable. We think not. Although we are fully aware of the statutory presumption in favor of such orders and know our obligation to resolve all doubt in favor of the validity of the Commission's actions, it is our opinion that Order 3910 clearly shows upon its face that it is not supported by competent substantial evidence.

Although the terms 'substantial evidence' or 'competent substantial evidence' have been variously defined, past judicial interpretation indicates that an order which bases an essential finding or conclusion solely on unreliable evidence should be held insufficient.

In the case of N. L. R. B. v. A. S. Abell Co., 4 Cir., 1938, 97 F.2d 951, 958, a federal court said that the substantial evidence rule is not satisfied by evidence which merely creates a suspicion or which gives equal support to inconsistent inferences. And in Milford Copper Co. of Utah v. Industrial Commission, 1922, 61 Utah 37, 210 P. 993, 994, the court said that evidence to be substantial must possess something of substantial and relevant consequence and must not consist of vague, uncertain, or irrelevant matter not carrying the quality of proof or having fitness to induce conviction. Surmise, conjecture or speculation have been held not to be substantial evidence. White v. Valley Land Company, 1958, 64 N.M. 9, 322 P.2d 707, 709.

And in this state in the recent case of De Groot v. Sheffield, supra, Mr. Justice Thornal *608 capably defined the term and its usage when he wrote

'We have used the term 'competent substantial evidence' advisedly. Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which

the fact at issue can be reasonably inferred. We have stated it to be such relevant evidence as a reasonable mind would accept as adequate to support a conclusion. Becker v. Merrill, 155 Fla. 379, 20 So.2d 912; Laney v. Board of Public Instruction, 153 Fla. 728, 15 So.2d 748. In employing the adjective 'competent' to modify the word 'substantial,' we are aware of the familiar rule that in administrative proceedings the formalities in the introduction of testimony common to the courts of justice are not strictly employed. Jenkins v. Curry, 154 Fla. 617, 18 So.2d 521. We are of the view, however, that the evidence relied upon to sustain the ultimate finding should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached. To this extent the 'substantial' evidence should also be 'competent.' Schwartz, American Administrative Law, p. 88; The Substantial Evidence Rule by Malcolm Parsons, Fla.Law Review, Vol. IV, No. 4, p. 481; United States Casualty Company v. Maryland Casualty Company, Fla.1951, 55 So.2d 741; Consolidated Edison Co. of New York v. National Labor Relations Board, 305 U.S. 197, 59 S.Ct. 206, 83 L.Ed. 126.'

The evidence relied upon to sustain the ultimate finding in this case has been characterized by the Railroad and Public Utilities Commission as 'unreliable'. Webster's New International Dictionary (2nd Edition) defines unreliable to mean not reliable; undependable; untrustworthy.

Our administrative evidentiary standard is competent substantial evidence. It is clear that the use of unreliable evidence as the sole foundation of an essential portion of the Commission's findings fails to meet this standard. This order is not grounded upon competent substantial evidence legally sufficient to support the Commission's findings and conclusions. This fatal deficiency is etched boldly upon the face of the order herein challenged.

For this reason the petition for writ of certiorari is granted and Order 3910 of the Florida Railroad and Public Utilities Commission is quashed.

ROBERTS, J., dissents.

All Citations

TERRELL, C. J., and THOMAS and O'CONNELL, JJ., concur.

108 So.2d 601

Footnotes

- The operating ratio is the proportion which operating expense bears to operating income. Stated another way, the operating ratio represents the number of cents required to be expended as operating expenses in producing one revenue dollar. An operating ratio in excess of 100 would indicate that operating expenses exceeded operating revenues. Just how low the operating ratio should be is one of the problems of motor carrier rate making. (Taken from Railroad & Public Utilities Commission's Order No. 3910, June 5, 1957.
- The record discloses that a five day actual traffic study of all 11 carriers was conducted. This exhibit was designed to show how the present revenue was split between intra and interstate commerce and what effect on future revenue the proposed increases would have. This exhibit does not contain a separation of interstate and intrastate costs and expenses. The results of such short period studies was stated to be unreliable by a member of the Commission staff. We mention this study here merely to show that were it not for the Commission's own statements, in the order, informing us of the evidence upon which it based its findings and conclusions, we would be presented with the more difficult problem of determining whether or not the other evidence of record was sufficient to support the Commission's findings and conclusions.

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52 So.3d 19 District Court of Appeal of Florida, First District.

KATHERINE'S BAY, LLC, Intervenor, Appellant,

Ronald J. FAGAN and Citrus County, Appellees.

No. 1D10-939. | Dec. 14, 2010.

Synopsis

Background: Developer sought review of Department of Administration decision approving ALJ's ruling that rezoning of its property from low intensity coastal lakes (CL) to Recreational Vehicle Park/Campground (RVP) was invalid because it rendered the county's comprehensive plan internally inconsistent. Neighboring landowner intervened.

Holdings: The District Court of Appeal, Lewis, J., held that:

assertion that recommendation of the county staff was not given sufficient weight was unreviewable;

ALJ's finding that property had severe environmental limitations was thoroughly supported by the county staff's report;

ALJ's finding of severe environmental limitations was insufficient to justify overriding county's determination that amendment to plan was proper;

ALJ erred by relying on neighboring landowner's testimony concerning impact of rezoning; and

reliance by ALJ on definitions provided in Administrative Code was proper.

Reversed and remanded.

Attorneys and Law Firms

*21 Clark A. Stillwell, Inverness, for Appellant.

Shaw P. Stiller, General Counsel, Department of Community Affairs, Tallahassee, and Denise A. Lyn, Inverness, for Appellees.

Opinion

LEWIS, J.

Katherine's Bay, LLC, Appellant, seeks review of a final order issued by the Administration Commission ("the Commission"), which adopted an administrative law judge's ("ALJ") holding that a small-scale development amendment ("the Amendment") to Citrus County's Comprehensive Plan ("the Plan") was invalid because it rendered the Plan internally inconsistent. The ALJ and the Commission recognized two grounds for finding the Amendment inconsistent with the Plan: first, that it violated a policy in the Plan's Future Land Use Element ("FLUE") requiring compatibility of land uses; and second, that it violated a policy in the Plan's FLUE requiring the County to guide future development to areas with minimal environmental limitations. Appellant challenges both grounds. As to the first ground, Appellant argues that there was a lack of competent, substantial evidence to support the ALJ's finding that the Amendment approved a future land use designation that was incompatible with the surrounding uses. We agree. As to the second ground, Appellant argues both that there was a lack of competent, substantial evidence to support the ALJ's factual findings and that the ALJ's ultimate conclusion resulted from an erroneous construction of the Plan. While we do find competent, substantial evidence of the findings the ALJ made in relation to the second ground, we hold that the findings did not support the conclusion that the Amendment rendered the Plan internally inconsistent. Because the ALJ's conclusion that the Amendment rendered the Plan internally inconsistent is not supported by either of the FLUE policies at issue, we reverse and remand to the Commission for reinstatement of the ordinance.

*22 I. Facts and Procedural History

On May 26, 2009, the Citrus County Board of County Commissioners adopted an ordinance that amended the Plan's Generalized Future Land Use Map ("GFLUM"), which is a part of the FLUE. The Amendment changed the future land use designation of a 9.9-acre parcel of land owned by Appellant, based on Appellant's application for such a change.

The subject property is located in a geographic region defined by Citrus County as the "Coastal Area." According to the Plan, "[t]he Coastal Area parallels the Gulf of Mexico, and the boundary may be described as following the west side of US—19 north from the Hernando County line to the Withlacoochee River." The Plan notes that "[t]his boundary is the basis for an environmentally sensitive overlay zone to be used for land use regulatory purposes."

Before the Amendment, the subject property was designated Low Intensity Coastal and Lakes ("CL"), which the Plan defines in pertinent part as follows:

Low Intensity Coastal and Lakes (CL)

This land use category designates those areas having environmental characteristics that are sensitive to development and therefore should be protected. Residential development in this district is limited to a maximum of one dwelling unit per 20 acres....

....

In addition to single family residential development, the following land uses may be allowed provided the permitted use is compatible with the surrounding area, and standards for development are met as specified in the Citrus County Land Development Code (LDC)[:]

- Multifamily residences (in existing platted areas only or in lieu of clustering single family units at a density of one unit per lot of record and requiring the recombination of said lots. For example, a duplex requires two lots to be recombined into a single parcel, a quadruplex four lots, etc.)
- · Recreational uses
- · Agricultural and Silviculture uses
- Public/Semi-Public, Institutional facilities
- · Home occupations
- New railroad right-of-way, storage facilities, or related structures
- Communication towers
- Utilities
- · Commercial fishing and marina related uses

 Commercial uses that are water related, water dependent, or necessary for the support of the immediate population[.]

The Amendment changed the subject property's future land use category from CL to Recreational Vehicle Park/Campground ("RVP"), which the Plan defines in pertinent part as follows:

Recreational Vehicle Park/Campground (RVP)

This category is intended to recognize existing Recreational Vehicle (RV) Parks and Campgrounds, as well as to provide for the location and development of new parks for recreational vehicles. Such parks are intended specifically to allow temporary living accommodation for recreation, camping, or travel use.

...

New RV parks shall be required to preserve thirty percent (30%) of the gross site area as permanent open space, consistent with Policy 17.15.11 of this Plan.

- *23 In addition to RV/campsite development, the following land uses as detailed in the Land Development Code, shall be allowed provided the permitted use is compatible with the surrounding area, and standards for development are met as specified in the County Land Development Code:
- · Recreational Uses
- · Agricultural and Silvicultural Uses
- Public/Semi-Public, Institutional Facilities
- Convenience retail and personal services to serve park visitors and guests up to one percent of the gross site area, not to exceed 5,000 square feet, located within the development and not accessible from any external road[.]

After the Amendment changing the subject property's future land use category from CL to RVP was adopted, Appellee, the owner of neighboring property, challenged the Amendment under the procedure set forth in section 163.3187(3)(a), Florida Statutes (2008). Appellee argued that the Amendment was not "in compliance" with the Local Government Comprehensive Planning and Land Development Regulation Act ("the Act") because it rendered the Plan internally

inconsistent. Appellee identified two policies in the FLUE, among others, that he claimed were inconsistent with the Amendment. Those policies are 17.2.7 and 17.2.8, and they provide as follows:

Policy 17.2.7 The County shall guide future development to the most appropriate areas, as depicted on the GFLUM, specifically those with minimal environmental limitations and the availability of necessary services.

Policy 17.2.8 The County shall utilize land use techniques and development standards to achieve a functional and compatible land use framework which reduces incompatible land uses.

Appellant intervened in the proceedings, and the matter proceeded to a section 120.57 hearing.

The parties stipulated that the subject property is located across the road from Appellee's property, which is on the Homosassa River, and that the subject property is bordered in all directions by property designated as either CL or Coastal and Lakes Residential ("CLR"). They also stipulated that there exists on Appellant's property a parcel designated Coastal/Lakes—Commercial ("CLC") 1 and that this property is being used as an RV park because this use of the property is vested. Further, they stipulated that Appellee's property was in the Coastal High Hazard Area ("CHHA").

At the hearing, Appellee supported his argument that the Amendment rendered the subject property incompatible with the surrounding uses primarily by presenting his own testimony and that of his neighbor. Appellee described the beauty and peacefulness of the area and opined that the introduction of another RV park into the area would lead to increased traffic, litter, noise, and light pollution. He testified that the vested RV park currently existing on Appellant's property is an "eyesore" that "looks like a bunch of junk stored on the front lawn." Appellee also testified that, in 1993, there was a major flood in the area around his home, which was so severe that he had to tie boats to his mailbox to keep them from floating down *24 the road. He was concerned that the RV park Appellant planned to develop on the subject property would require him to manage even more debris in the event of a natural disaster. Appellee also expressed concern that the RV park would decrease his property value. A neighbor expressed the same concerns about the potential for increased traffic and decreased property values in the area. The evidence concerning the subject property's environmental limitations came in the form of the County Staff's report and the testimony of Dr. Timothy Pitts and Sue Farnsworth, both of whom were employed by the County as planners. The report was prepared by Dr. Pitts, who was the County's Senior Planner of Community Development at the time. According to the County Staff's report, the subject property was studied by officials in the fire prevention, engineering, utilities, and environmental divisions. The fire prevention and engineering representatives recommended approval of the application with conditions, and the utilities representative recommended approval. The environmental planner did not recommend approval or denial but noted that the subject property was within a "Karst Sensitive Area." 2 Additionally, the report indicated that a "traffic analysis" had revealed that "adequate capacity exists on Halls River Road for anticipated traffic at the maximum development potential of the site." The report also noted that the subject property was within the CHHA and that it contained "significant wetland areas." According to the report, if the application was granted, Appellant would still need to "design a Master Plan of Development that minimizes wetland alterations."

One of the policies of the Plan that the report indicated may be cause for concern was Policy 3.18.11, which provides as follows:

The County shall protect springs by prohibiting increases in allowed land use intensity at the Generalized Future Land Use level within a Karst Sensitive Area without a hydrogeological analysis that addresses impacts to groundwater resources. The analysis shall be performed by a professional geologist or professional engineer licensed in Florida. Karst Sensitive Area shall be defined as an area in which limestone lies within five (5) feet of depth from natural grade.

In relation to this policy, the report stated that Appellant had "provided a letter from a professional engineer that adequately meets the intent of this policy" and that Appellant intended "to develop the site using methods that will meet the

intent of the Comprehensive Plan." The report also contained the following observations:

This site has some severe environmental restrictions—extensive wetlands, proximity to an Outstanding Florida Waterbody, Karst sensitive landscape—and it will be difficult to design a site that meets the standards of the Comprehensive Plan and the Land Development Code. The following policy would potentially restrict development if this application were to be approved:

Policy 3.16.3 Development shall not be allowed at the maximum densities and intensities of the underlying land use district if those densities would be harmful to natural resources.

So, the applicant should be cautioned that given the environmental sensitivity of the property, development may be limited on this site to less than the allowable maximum intensity. If this *25 application is approved, an appropriately designed master plan of development will be required which meets all standards of the Comprehensive Plan and the Land Development Code and is approved by the Board of County Commissioners.

Ultimately, despite the environmental limitations, the County Staff concluded that the site was "appropriate for some type of RV Park development subject to an appropriately designed master plan." In making this recommendation, the County Staff emphasized that, "based on the environmental limitations of the area, the applicant is cautioned that the site may not be able to be designed at the maximum intensity for this land use district."

Dr. Pitts testified consistently with the County Staff's report. He noted that neither the Plan nor the Land Development Code ("LDC") prohibits RV parks in either karst sensitive areas or the CHHA. He explained, however, that the County has regulations limiting the density or intensity of RV parks in such areas and indicated that the professional studies he had received on the subject property represented that the site could be developed to meet those standards. Dr. Pitts testified that, in his opinion, "just about anything west of [U.S. Highway 19] is ... karst sensitive." Dr. Pitts acknowledged that the subject property had 1.64 acres of wetlands and that there were wetlands in the surrounding areas. He explained that the Plan requires "setbacks" to mitigate wetland impacts and that the LDC required onehundred percent protection of the wetlands. Additionally, he explained that the regulations required fifty percent open

space in the Coastal Area. Based on these regulations, Dr. Pitts testified that it was highly unlikely that Appellant would be permitted to develop the space at the maximum build-out potential theoretically allowed under the new designation, which would be five units per acre. He emphasized that, no matter what the number of approved units proved to be, complete protection of the wetlands would be required. Finally, Dr. Pitts testified that there were several vested uses in the surrounding area, including a 300–to 400–unit RV park, that did not conform to the land use designations identified for those properties in the Plan.

Farnsworth, an environmental planner for the County, testified that the wetlands were located around the perimeter of the property and that they extended into the part of the property beyond the perimeter. She explained, however, that permitting standards for an RV park prohibited the filling of wetlands and that the subject property could be developed as an RV park without the need to fill in the wetlands.

After the hearing, the ALJ issued a Recommended Order concluding that the Amendment was inconsistent with FLUE Policy 17.2.7's requirement that future development be directed to "the most appropriate areas, as depicted on the GFLUM, specifically those with minimal environmental limitations." In support of this conclusion, the ALJ noted the County Staff's finding that the land had "severe environmental limitations." In particular, the ALJ noted that the area in which the subject property was located had extensive wetlands, a karst sensitive landscape, and a CHHA designation. The ALJ acknowledged that the Plan did not expressly prohibit RV parks in CHHA areas and that there were regulations in the Plan and the LDC that would limit the intensity of development on this land even under the RVP designation. The ALJ concluded, however, that "[n]otwithstanding the other provisions within the Plan and LDRs that place limitations on RV park development *26 in an effort to satisfy environmental constraints, ... the subject property is clearly not 'the most appropriate area, as depicted on the GFLUM' for new development, nor is it an area with 'minimal environmental limitations.' "

The ALJ also concluded that the Amendment was inconsistent with FLUE Policy 17.2.8's requirement that development be accomplished in a "functional and compatible land use framework which reduces incompatible land uses." Because "compatible" is not defined in the Plan, the ALJ relied on the definition of "compatibility" in Florida

Administrative Code Rule 9J-5.003(23). That definition is as follows:

"Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

In support of the conclusion that the new designation approved a land use incompatible with the surrounding uses, the ALJ noted Appellee's testimony concerning the characteristics of the area. He also noted Appellee's concerns about noise, lighting, litter, traffic, and property value. The ALJ further noted that there were only six nonconforming land uses and that each was permitted to exist due to vested rights. The ALJ then stated, "It is fair to infer that the insertion of an RV park in the middle of a large tract of vacant CL land would logically lead to further requests for reclassifying CL land to expand the new RV park or to allow other non-residential uses." The ALJ further found the following:

The commercial RV park, with a yetto-be determined number of spaces
for temporary RVs, tenants, and
associated commercial development,
will be in close proximity to
a predominately [sic] residential
neighborhood. A reasonable inference
from the evidence is that these
commercial uses will have a direct or
indirect negative impact on the nearby
residential properties and should not
coexist in close proximity to one
another.

Based on these findings and the determination that the Amendment was inconsistent with FLUE Policy 17.2.7, the ALJ recommended that the Commission conclude that the Amendment was not in compliance with the Act.

The Commission adopted the ALJ's findings and conclusions, except that it modified the finding that the Amendment would

"logically lead to further requests for reclassifying CL land to expand the new RV park or to allow other non-residential uses." The Commission concluded that this finding was mere conjecture, unsupported by competent, substantial evidence. It modified the finding to read, "Unlike the presence of ... pre-existing, non-conforming uses, permitting the addition of an RV park in the middle of a large tract of vacant CL land now would set a precedent that an RV park, a Commercial Land Use, is compatible with the Low Intensity Coastal and Lakes Land Use designation in this vicinity." Based on the adoption of the ALJ's findings and conclusions, as modified, the Commission held that the Amendment had no legal effect.

II. Analysis

A. Standard of Review

The amendment at issue in this case was adopted under the authority of section 163.3187(1)(c), Florida Statutes (2008). Section 163.3187(3)(a) provides for review of amendments adopted under section 163.3187(1)(c) under the following terms:

The state land planning agency shall not review or issue a notice of intent for small scale development amendments which satisfy requirements of paragraph *27 (1) (c). Any affected person may file a petition with the Division of Administrative Hearings pursuant to ss. 120.569 and 120.57 to request a hearing to challenge the compliance of a small scale development amendment with this act within 30 days following the local government's adoption of the amendment, shall serve a copy of the petition on the local government, and shall furnish a copy to the state land planning agency. An administrative law judge shall hold a hearing in the affected jurisdiction not less than 30 days nor more than 60 days following the filing of a petition and the assignment of an administrative law judge. The parties to a hearing

held pursuant to this subsection shall be the petitioner, the local government, and any intervenor. In the proceeding, the local government's determination that the small scale development amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the amendment is not in compliance with the requirements of this act. In any proceeding initiated pursuant to this subsection, the state land planning agency may intervene.

§ 163.3187(3)(a).

Because Appellant is challenging the Administration Commission's final agency action in this appeal, *see id.*, this Court's standard of review is governed by section 120.68(7), Florida Statutes (2010). That section provides in pertinent part as follows:

The court shall remand a case to the agency for further proceedings consistent with the court's decision or set aside agency action, as appropriate, when it finds that:

- (b) The agency's action depends on any finding of fact that is not supported by competent, substantial evidence in the record of a hearing conducted pursuant to ss. 120.569 and 120.57; however, the court shall not substitute its judgment for that of the agency as to the weight of the evidence on any disputed finding of fact; [or]
- (d) The agency has erroneously interpreted a provision of law and a correct interpretation compels a particular action....

§ 120.68(7).

In this Court, Appellant challenges the sufficiency of the evidence supporting the findings of inconsistency with both policies. In addition, Appellant challenges the ALJ's interpretation of the policy requiring that future development be directed toward areas of the County with minimal environmental limitations. The separate arguments concerning each policy will be addressed in turn.

B. FLUE Policy 17.2.7

With regard to FLUE Policy 17.2.7, Appellant raises two arguments: first, that *28 the ALJ erred in relying on the County Staff's finding of "severe environmental limitations" because the County Staff recommended approval of the application; and second, that the ALJ erred in failing to apply the FLUE policies that are more specific to RV parks in the Coastal Area in lieu of FLUE Policy 17.2.7, which is a general planning policy applicable to all land use decisions countywide. We agree with the second point.

i. The County Staff's Report

Appellant insists that the ALJ was required to give the County Staff's recommendation great weight. Even assuming that the County Staff's report was entitled to great weight in this case, there is no basis in the record for believing that the ALJ did not give it due consideration. To the contrary, the ALJ recited it heavily and relied on the concrete findings within it that showed the environmental limitations of the subject property, even though the ALJ disagreed with the ultimate conclusion. If an ALJ were not entitled to disagree, then the ALJ's review would serve no purpose. To the extent Appellant argues that the recommendation of the County Staff was not given sufficient weight, this assertion is unreviewable because "[i]t is not the role of the appellate court to reweigh evidence anew." Young v. Dep't of Educ., Div. of Vocational Rehab., 943 So.2d 901, 902 (Fla. 1st DCA 2006). The ALJ's finding that the subject property had severe environmental limitations was thoroughly supported by the County Staff's report. Whether those limitations required a finding that the Amendment was inconsistent with FLUE Policy 17.2.7 is, however, a separate matter.

ii. Interpretation of the Plan

Appellant's argument that the ALJ erred in relying on a general policy in the Plan where more specific policies existed is an issue of law to be reviewed de novo. See Nassau County v. Willis, 41 So.3d 270, 278 (Fla. 1st DCA 2010). In reviewing this issue de novo, however, we bear in mind that the ALJ

was required under section 163.3187(3)(a) to presume that the County's determination that the Amendment complied with the Act (and, thus, was consistent with the Plan) was correct.

Rules of statutory construction are applicable to the interpretation of comprehensive plans. See Great Outdoors Trading, Inc. v. City of High Springs, 550 So.2d 483, 485 (Fla. 1st DCA 1989) (noting that the rules of statutory construction apply to municipal ordinances and city charters); Willis, 41 So.3d at 279 (noting that a comprehensive plan is like a "constitution for all future development within the governmental boundary") (citation omitted). Appellant argues that this case implicates the rules of construction that specific provisions control over general ones and that one provision should not be read in such a way that it renders another provision meaningless. Both rules are wellestablished. See Murray v. Mariner Health, 994 So.2d 1051, 1061 (Fla.2008). Another rule of construction relevant to this issue is that all provisions on related subjects be read in pari materia and harmonized so that each is given effect. Cone v. State, Dep't of Health, 886 So.2d 1007, 1010 (Fla. 1st DCA 2004).

Here, the ALJ concluded that the Amendment conflicted with FLUE Policy 17.2.7, which provides, "The County shall guide future development to the most appropriate areas, as depicted on the GFLUM, specifically those with minimal environmental limitations and the availability of necessary services." (CP 10–155). Appellant contends that FLUE Policies 17.6.5 and 17.6.12, which are more specific to RV parks in the Coastal Area, indicate *29 that the Amendment was consistent with the Plan. Those policies provide as follows:

Policy 17.6.5 Specialized commercial needs, such as water-dependent and water-related uses, temporary accommodations for tourists and campers, as well as neighborhood commercial uses and services serving residential communities within the general Coastal, Lakes, and Rivers Areas shall be provided for within the Future Land Use Plan and standards for development provided within the County LDC.

Policy 17.6.12 Recreational vehicle (RV) parks and campgrounds shall be designed according to a detailed master plan, shall preserve a minimum of 30 percent of the property in open space, shall provide a minimum of an additional 10 percent of the property as recreation areas, and generally shall conform to the commercial development standards in the Land Development

Code.... In order to minimize the adverse impact of development on the resources and natural features of the Coastal, Lakes, and Rivers Region, the LDC shall be amended to include additional review criteria for all new RVP projects located in this region. Such criteria may include:

- · Restrictions on density
- · Enhanced open space requirements
- Wetland protection
- · Upland preservation
- · Clustering
- · Connection to regional central water and sewer service

Appellant is correct in noting that the development of new RV parks in Coastal Areas was specifically anticipated by FLUE Policy 17.6.12. This observation does not, however, mandate approval of an RVP designation for the particular parcel at issue. Thus, it was appropriate for the ALJ to resort to other portions of the Plan to determine whether approval of the RVP designation for the subject property was proper. The policy that most directly relates to this inquiry is FLUE Policy 17.2.7, which articulates the County's general preference for guiding future development to the "most appropriate areas," which are areas "with minimal environmental limitations."

Two additional provisions of the Plan provide more context for the policies at issue. First, the Plan describes the "Coastal Area" as follows:

The Coastal Area parallels the Gulf of Mexico, and the boundary may be described as following the west side of US-19 north from the Hernando County line to the Withlacoochee River. This boundary is the basis for an environmentally sensitive overlay zone to be used for land use regulatory purposes....

Second, under the heading "Development in Wetland and Coastal Areas," the Plan notes the following:

Future development in the Coastal, Lake, and River Areas will require careful management in order to reduce potential problems and impacts on the environment. Development within these areas will be limited to low, [sic] intensity uses. In addition, all development will be required to meet standards for development and obtain necessary permits from appropriate regulatory agencies.

These two provisions show that, under the Plan, the entire Coastal Area is considered environmentally sensitive, and yet "[f]uture development" of this environmentally sensitive area is expected. Thus, when all the pertinent provisions of the Plan are considered in pari materia, the mere fact *30 that an area has environmental limitations is not a basis to prohibit development as long as the development is carried out in accordance with the limitations provided by the Plan and the LDC. Therefore, the ALJ's finding of "severe environmental limitations" was insufficient to justify overriding the County's determination that the Amendment was proper, particularly in light of the presumption required by section 163.3187(3)(a). The ALJ properly found the existence of wetlands and karst sensitivity in the area, but there was no competent, substantial evidence that these limitations were so severe as to require a prohibition on the development of an RV park under the restrictions that would be imposed by the LDC. In sum, when FLUE Policy 17.2.7 and the evidence related to that policy are viewed in the context of all relevant provisions of the Plan, the conclusion that the Amendment is inconsistent with that policy is unsupported.

C. FLUE Policy 17.2.8

With regard to FLUE Policy 17.2.8, Appellant argues that the ALJ erred in relying on the testimony of Appellee and his neighbor as a basis for finding incompatibility of the subject property's new future land use designation with the surrounding uses. In particular, he argues that this testimony was "unacceptable lay testimony" and that no competent, substantial evidence showed a lack of compatibility, as that term is defined by Florida Administrative Code Rule 9J–5.003(23). We agree.

Initially, we note that the reliance on the definitions provided in Florida Administrative Code Rule 9J-5.003 was proper because the Plan does not define the term "compatible," and because section 163.3184(1)(b) defines "in compliance" in pertinent part as "consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, with the state comprehensive plan, with the appropriate strategic regional policy plan, and with chapter 9J-5, Florida Administrative Code." Therefore, to show that the Amendment provided for an incompatible land use, Appellee was required to prove that, because of the new future land use category assigned to Appellant's property, the land uses or conditions in the area could not "coexist ... in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." See Fla. R. Admin. Code 9J-5.003(23).

Lay witnesses may offer their views in land use cases about matters not requiring expert testimony. Metro. Dade County v. Blumenthal, 675 So.2d 598, 601 (Fla. 3d DCA 1995). For example, lay witnesses may testify about the natural beauty of an area because this is not an issue requiring expertise. Blumenthal, 675 So.2d at 601. Lay witnesses' speculation about potential "traffic problems, light and noise pollution," and general unfavorable impacts of a proposed land use are not, however, considered competent, substantial evidence. Pollard v. Palm Beach County, 560 So.2d 1358, 1359-60 (Fla. 4th DCA 1990). Similarly, lay witnesses' opinions that a proposed land use will devalue homes in the area are insufficient to support a finding that such devaluation will occur. See City of Apopka v. Orange County, 299 So.2d 657, 659-60 (Fla. 4th DCA 1974) (citation omitted). There must be evidence other than the lay witnesses' opinions to support such claims. See BML Invs. v. City of Casselberry, 476 So.2d 713, 715 (Fla. 5th DCA 1985); City of Apopka, 299 So.2d at 660.

Based on these standards, it was error for the ALJ to rely on Appellee's testimony concerning potential light pollution, increased traffic, and negative impacts on *31 the value of the homes in the area. There were no facts to support his concerns, and in fact, the County Staff's report indicates that the traffic issue was studied by an expert and determined that increased traffic would not unduly burden the area.

Although it was proper for the ALJ to consider Appellee's observations that, with the exception of the vested non-conforming uses, the area is predominantly residential

and that it is peaceful, Appellee presented no competent, substantial evidence to support his claim that the new RV park would unduly interfere with those characteristics of the area. The mere fact that Appellee's property has a different future land use designation than Appellant's re-classified property is insufficient. See Hillsborough County v. Westshore Realty, Inc., 444 So.2d 25, 27 (Fla. 2d DCA 1983) (holding that the mere fact that property is in close proximity to another property with a less restrictive classification does not require reclassification). Additionally, while it may have been noteworthy that Appellant presently fails to maintain its vested one-acre RV park in an attractive manner, the concern that the yet-to-be-developed RV park would be maintained in the same way is speculative and does not establish longterm negative impacts stemming from the reclassification of the subject property.

In sum, based on the applicable definition of "compatibility," Appellant's argument that there was insufficient evidence to support a finding that the RV park was incompatible is well-taken. It appears that, in finding the proposed use incompatible with the surrounding uses, the ALJ gave undue emphasis to Appellee's preference not to have an RV park as a neighbor. However, this preference in itself is insufficient

to override Appellant's desire to build an RV park on its land. See Conetta v. City of Sarasota, 400 So.2d 1051, 1053 (Fla. 2d DCA 1981) (suggesting that a land-use decision should not be "based primarily on the sentiments of other residents"). As a result, we hold that the ALJ erred in concluding that the Amendment was inconsistent with FLUE Policy 17.2.8.

III. Conclusion

For the reasons explained above, both of the ALJ's ultimate conclusions as to inconsistency of the Amendment with the remaining portions of the Plan were erroneous. As a result, we reverse and remand to the Commission for reinstatement of the ordinance approving the Amendment.

REVERSED and REMANDED.

WEBSTER and MARSTILLER, JJ., Concur.

All Citations

52 So.3d 19, 35 Fla. L. Weekly D2759

Footnotes

- As provided in the Plan, the CLC category allows commercial uses that are "water related, water dependent, or necessary for the support of the immediate population," i.e. "neighborhood commercial uses, personal services, or professional services." This category is intended "for a single business entity on a single parcel of property."
- 2 According to Dr. Pitts, karst is a "limestone underground sort of rock structure that is very porous" and through which "pollutants can very easily travel."
- In challenging the sufficiency of the evidence, Appellant argues that the ALJ did not view the evidence with an eye toward the proper standard. He contends the ALJ should have considered whether the County's determination that the Amendment was proper was "fairly debatable," based on the standard recognized in Coastal Development of North Florida, Inc. v. City of Jacksonville Beach, 788 So.2d 204 (Fla.2001). The argument that the ALJ applied the wrong standard is not properly before us because Appellant stood silent when Appellee argued to the ALJ that the "fairly debatable" standard did not apply and when the ALJ invited Appellant to provide contrary authority. See Dep't of Bus. & Prof'l. Regulation, Constr. Indus. Licensing Bd. v. Harden, 10 So.3d 647, 649 (Fla. 1st DCA 2009) (recognizing the preservation rule in administrative proceedings).

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299 So.2d 657 District Court of Appeal of Florida, Fourth District.

The CITY OF APOPKA, Florida, et al., Appellants,

ORANGE COUNTY, a political subdivision of the State of Florida, and Clarcona Improvement Association, Appellees.

> No. 73-273. | Feb. 22, 1974. | On Rehearing April 11, 1974.

Synopsis

Application submitted by three communities for special exception to allow construction of airport on extraterritorial land owned by them was denied by the zoning board of adjustment and the board of county commissioners affirmed. Municipalities' petition for certiorari was denied by the Circuit Court, Orange County, Parker Lee McDonald, J., and municipalities appealed. The District Court of Appeal, Downey, J., held that it was not the function of the board of county commissioners to hold a plebiscite on the application for special exception and that board's duty was to make finding as to how construction and operation of proposed airport would affect public interest and base its granting or denial of the special exception on those findings; and that evidence which consisted mainly of laymen's opinions which were unsubstantiated by competent facts and which were submitted at hearing where witnesses were not sworn and where cross-examination was specifically prohibited did not support conclusion that public interest would be adversely affected by the granting of the special exception.

Reversed and remanded with directions.

Attorneys and Law Firms

*657 William G. Mitchell, of Giles, Hedrick & Robinson, Orlando, for appellants.

*658 Steven R. Bechtel, of Mateer & Harbert, Orlando, for appellee Orange county.

Carter A. Bradford, of Bradford, Oswald, Tharp & Fletcher, Orlando, for appellee Clarcona Improvement Assn.

Opinion

DOWNEY, Judge.

This is an appeal by the cities of Apopka, Ocoee, and Winter Garden and the Tri-City Airport Authority from a final judgment of the circuit court denying their petition for certiorari which sought review of an order denying appellants' application for a special exception. This is a companion appeal to those consolidated appeals numbered 72-1204 and 72-1209, 299 So.2d 652.

The appellant cities formed the appellant Tri-City Airport Authority pursuant to Chapter 332, F.S.1971, F.S.A., commonly known as The Airport Law of 1945, for the purpose of building an airport to serve the three cities and the surrounding area. Appropriate engineering studies were made and various sites for the proposed airport were considered. Finally, the Authority determined that a parcel of property located in Orange County outside any municipality and zoned A-1 was the most suitable site for the proposed airport. The Authority thereafter obtained options to buy that property. Orange County's zoning legislation permits construction and operation of 'airplane landing fields and helicopter ports with accessory facilities for private or public use' in an A-1 district as a special exception. Thus, the three cities and the Authority filed an application for a special exception with the Orange County Zoning Board of Adjustment to build their proposed airport. Without entering any finding of fact, the Zoning Board of Adjustment denied the application on the ground that granting it 'would be adverse to the general public interest.' On appeal to the Board of County Commissioners a de novo hearing was held with the following result:

'A motion was made by Commissioner Poe, and carried, that the decision of the Board of Zoning Adjustment on December 2, 1971 denying application No. 2 for a Special Exception in an A-1 District for the construction of a proposed Tri-City Airport be affirmed and upheld on the grounds that the granting of the proposed Special Exception would adversely affect the general public and would be detrimental to the public health, safety, comfort, order, convenience, prosperity and general welfare and, therefore, not

in accordance with the Comprehensive Zoning Plan of Orange County.'

Appellants then filed a petition for a writ of certiorari in the circuit court in accordance with the provisions of the Orange County Zoning Act, Chapter 63-1716, Laws of Florida, as amended, to obtain review of the foregoing decision of the Board of County Commissioners. While the petition for certiorari was pending appellants filed another action in the Circuit Court of Orange County. The new action sought a declaration that implementation of Chapter 332, F.S.1971, F.S.A., by the appellants constituted a governmental function thereby exempting appellants from the operation of Orange County zoning regulations.

In order to determine whether there was substantial competent evidence to support the decision below we must of necessity resort to the evidence introduced at the hearing before the Board of County Commissioners. The appellants adduced evidence from (a) the Tri-City Airport Authority consulting engineer, (b) a representative of the Federal Aviation Agency, (c) and a representative of the Florida Department of Transportation, Mass Transit Division. Their testimony showed that there was a definite public need for the airport; that serious in depth studies had been made to determine the most appropriate location for the airport; that the location in question was the best available considering such factors as (1) convenience to users, (2) land and area requirements, (3) general *659 topography, (4) 'compatability with existing land use, plans and land users', (5) land costs, (6) air space and objections, (7) availability of utilities, (8) noise problems, (9) bird habitats and other ecological problems. The mayors of the three municipalities and the members of the Airport Authority also demonstrated that the selection of the site in question resulted from long study and competent advice on the subject. Approval had been received from every interested government agency including the Federal Aviation Administration, the Florida Department of Transportation, and the Florida Department of Air and Water Pollution Control.

The evidence upon which the Board of County Commissioners relied to deny appellants' application came from one abutting owner, Richard Byrd; several other owners within a two to five mile radius of the proposed airport site; a petition signed by some two hundred members of the Clarcona Improvement Association; and approximately thirty-five people in attendance at the hearing who objected

but did not testify. Byrd's testimony was mainly directed to his opinion of what the airport would do to construction costs in the area and his opinion of what would happen to zoning in the area as a result of the proposed use. It also developed that Byrd is interested in buying the property proposed to be used as the airport. Several other property owners speculated about what would happen to the area's zoning, complained about the anticipated noise, and generally wanted to keep the status quo in the area. One witness who admitted he was a layman with no special training or experience advised the Board about his opinion of the damage to the Florida aquifer which would result from the proposed airport.

Although notice to and hearing of the proponents and opponents of an application for a special exception or other zoning change are essential and all interested parties should be given a full and fair opportunity to express their views, it was not the function of the Board of County Commissioners to hold a plebiscite on the application for the special exception. Rockville Fuel and Feed Co. v. Board of Appeals, 257 Md. 183, 262 A.2d 499, 504 (1970). As pointed out by Professor Anderson in Volume 3 of his work, American Law of Zoning, s 15.27, pp. 155-156:

'It does not follow, . . . that either the legislative or the quasi-judicial functions of zoning should be controlled or even unduly influenced by opinions and desires expressed by interested persons at public hearings. Commenting upon the role of the public hearing in the processing of permit applications, the Supreme Court of Rhode Island said:

'Public notice of the hearing of an application for exception . . . is not given for the purpose of polling the neighborhood on the question involved, but to give interested persons an opportunity to present facts from which the board may determine whether the particular provision of the ordinance, as applied to the applicant's property, is reasonably necessary for the protection of . . . public health The board should base their determination upon facts which they find to have been established, instead of upon the wishes of persons who appear for or against the granting of the application.'

The objections of a large number of residents of the affected neighborhood are not a sound basis for the denial of a permit. The quasi-judicial function of a board of adjustment must be exercised on the basis of the facts adduced; numerous objections by adjoining landowners may not properly be given even a cumulative effect. While the facts disclosed by objecting neighbors should be considered, the courts have said that:

'A mere poll of the neighboring landowners does not serve to assist the board in determining whether the exception *660 applied for is consistent with the public convenience or welfare or whether it will tend to devaluate the neighboring property."

(Footnotes omitted.)

Instead the Board's purpose was to make findings as to how construction and operation of the proposed airport would affect the public and base its granting or denial of the special exception on those findings. Cf. Laney v. Holbrook, 150 Fla. 622, 8 So.2d 465, 146 A.L.R. 202 (1942); Veasey v. Board of Public Instruction, Fla.App.1971, 247 So.2d 80.

The evidence in opposition to the request for exception was in the main laymen's opinions unsubstantiated by any competent facts. Witnesses were not sworn and cross examination was specifically prohibited. Although the Orange County Zoning Act requires the Board of County Commissioners to make a finding that the granting of the special exception shall not adversely affect the public interest, the Board made no finding of facts bearing on the question of the effect the proposed airport would have on the public interest; it simply stated as a conclusion that the exception would adversely affect the public interest. Accordingly, we find it impossible to conclude that on an issue as important as the one before the board, there was substantial competent evidence to conclude that the public interest would be adversely affected by granting the appellants the special exception they had applied for.

The judgment appealed from is therefore reversed and remanded to the circuit court with directions to grant the writ of certiorari and to remand the cause to the board of county commissioners for another de novo hearing on the application for special exception.

If the decision of the board is deemed to be arbitrary or unreasonable the aggrieved party will then have the option of a judicial review by certiorari pursuant to Florida Appellate Rules or a trial de novo in the circuit court pursuant to the Rules of Civil Procedure. Section 163.250 F.S.1971, F.S.A.

Reversed and remanded with directions.

WALDEN and MAGER, JJ., concur.

ON PETITIONS FOR REHEARING.

PER CURIAM.

On petitions for rehearing the parties have advised this court that Orange County has not taken formal suitable action declaring its election to proceed under the provisions of Part II of the act entitled County and Municipal Planning For Future Development (163.160-163.315, F.S.1971, F.S.A.). Accordingly, the petitions for rehearing filed by the parties are granted and we recede from all references in our opinion of February 22, 1974, to the availability of Section 163.250, F.S.1971, F.S.A., in this case.

We maintain the view however, that the judgment appealed from should be reversed with directions to grant the writ of certiorari and to remand the cause to the board of county commissioners for another de novo hearing on the application for a special exception, at which time said board will have the opportunity to apply the balance-of-interests test to the evidence adduced before it. Thereafter, any aggrieved party may have that decision reviewed by the circuit court on petition for certiorari pursuant to the provisions of Chapter 63-1716, Special Acts of Florida, as amended.

WALDEN, MAGER and DOWNEY, JJ., concur.

All Citations

299 So.2d 657

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261 So.2d 832 Supreme Court of Florida.

Grace RENARD, Petitioner,

V.

DADE COUNTY, a political subdivision of the State of Florida, et al., Respondents.

> No. 41388. | April 19, 1972.

Synopsis

Rezoning proceeding. The zoning officials rezoned tract from industrial to multiple family residence and abutting property owners sought certiorari. The Circuit Court for Dade County, Grady L. Crawford, J., entered ruling, and abutting property owner appealed. The District Court of Appeal, 249 So.2d 500, affirmed, and writ of certiorari issued. The Supreme Court, Boyd, J., held that owners of property abutting property sought to be rezoned from industrial to multiple family residence, with increased setback restrictions different in kind from community generally, had standing to bring suit attacking rezoning ordinance as not fairly debatable.

Affirmed.

Procedural Posture(s): On Appeal.

Attorneys and Law Firms

*833 Eugene P. Spellman, of Law Offices of Eugene P. Spellman, Miami, for petitioner.

Stuart Simon, County Atty., and St. Julien P. Rosemond, Asst. County Atty., and Paul Siegel, of Sinclair, Louis, Sand & Siegel, Miami, for respondents.

Opinion

BOYD, Justice.

This cause is before us on petition for writ of certiorari to review the decision of the District Court of Appeal, Third District, reported at 249 So.2d 500. Jurisdiction is based on the certification of the District Court under *834 Article V, s 4(2) of the Florida Constitution, F.S.A., that the decision sought to be reviewed passes upon a question of great public interest, to-wit:

'The standing necessary for a plaintiff to (1) enforce a valid zoning ordinance; (2) attack a validly enacted zoning ordinance as not being fairly debatable and therefore an arbitrary and unreasonable exercise of legislative power; and (3) attack a void ordinance, i.e., one enacted without proper notice required under the enabling statute or authority creating the zoning power.'

Petitioner Renard and respondents Richter, owned certain adjoining properties in the unincorporated area of Dade County zoned IU—2, industrial. The Richters applied for a rezoning of their parcel. The Board of County Commissioners ultimately permitted a rezoning from IU—2 to multiple family residence with certain exceptions relative to a nine-hole golf course and a variance for private, in lieu of public, roads. This was in accordance with the recommendations of the planning board as approved by the zoning appeals board of the county.

Petitioner was an objector in the zoning proceedings held before the Dade County Zoning Appeals Board and an objector before the Board of County Commissioners. Following adverse rulings by the appeals board and County Commission, petitioner sought certiorari before the Circuit Court pursuant to applicable county ordinances. ¹

The Circuit Court ruled that petitioner, not having alleged a special interest, had no standing to prosecute the matter in the Circuit Court and, even if she had standing, the record adequately demonstrated that the issue was fairly debatable and petitioner would not have been entitled to the relief sought.

On appeal, the District Court held that petitioner had sufficient standing to institute suit in the trial court but, that the rezoning in question was fairly debatable and therefore within the legislative discretion of the Board of County Commissioners. The District Court affirmed the judgment of the trial court but certified its decision as one passing on a question of great public interest.

The decision of the District Court on the question certified is as follows: ²

'First, as indicated above, the appellant as an abutting property owner to the property rezoned would, in fact, suffer a special damage by virtue of the increased setback restriction different in kind from the community generally; and this would meet the test of special damage. But, even without meeting this test, we hold that these cases would not be applicable to a property owner within the area wherein actual notice was required to be sent to him prior to any rezoning hearing. Anything to the contrary said in S. A. Lynch Investment Corporation v. City of Miami, supra, is hereby specifically receded from. We further note that there is a distinction in the cases relied on by the County when there is a proceeding in which a plaintiff seeks to enforce an existing zoning ordinance, such as a violation of a setback requirement, special damage is necessary, and no special damage is necessary when a plaintiff seeks to *835 have an act of a zoning authority declared void or is within the immediate area to be affected. Hartnett v. Austin, Fla.1956, 93 So.2d 86; Josephson v. Autrey, Fla.1957, 96 So.2d 784. In other words, we hold special damage must be shown when a taxpayer or property owner seeks to enjoin the violation of an existing ordinance (i.e. Boucher v. Novotny, Fla.1958, 102 So.2d 132; Conrad v. Jackson, Fla.1958, 107 So.2d 369), But need not be shown if the taxpayer or property owner is within the affected range of the property which requires actual notice before the rezoning made may be considered by the legislative body (Hartnett v. Austin, supra; Elwyn v. City of Miami, Fla.App.1959, 113 So.2d 849; Friedland v. City of Hollywood, Fla. App. 1961, 130 So. 2d 306; Vol. 3, American Law of Zoning, Anderson, s 21.05, p. 558), Or when he seeks to review an alleged void act. Hartnett v. Austin, supra; Josephson v. Autrey, supra; Rhodes v. City of Homestead, Fla.App.1971, 248 So.2d 674 (opinion filed May 25, 1971). Therefore, we find that in the instant case the appellant had the standing to institute the suit in the trial court.' (Emphasis supplied.)

In the years following this Court's decision in Boucher v. Novotny, ³ a split has developed between the various District Courts on the issue of standing to sue on zoning matters. The Boucher case was a suit to enjoin the violation of the setback requirements of a municipal zoning ordinance. The Bouchers sought to obtain mandatory injunctive relief to compel the Novotnys to remove allegedly illegal encroachments constructed on their motel. The City had approved the building plans for the Novotny's motel which included the complained of encroachment. The properties of the parties located in the City of Clearwater, were separated by a sixty-

foot wide street. The Bouchers attempted to allege special damages by reason of proximity and by reason of being within the zoning area subject to the same setback requirements as the Novotny's property. This Court held, however, that the Bouchers did not have sufficient standing to sue and stated the following rule: ⁴

'We, therefore, align ourselves with the authorities which hold that one seeking redress, either preventive or corrective, against an Alleged violation of a municipal zoning ordinance must allege and prove special damages peculiar to himself differing in kind as distinguished from damages differing in degree suffered by the community as a whole.' (Emphasis supplied.)

The 'special damage' rule of the Boucher case is an outgrowth of the law of public nuisance. ⁵ Zoning violations have historically been treated as public nuisances not subject to suit by an individual unless that individual has suffered damages different in kind and degree from the rest of the community. The Boucher rule was not intended to be applied to zoning matters other than suits by individuals for zoning violations. ⁶

The general rule regarding standing to contest the action of a zoning authority was *836 stated by this Court in Josephson v. Autrey: ⁷

"We have on numerous occasions held that persons adversely affected by zoning ordinances or the action of zoning agencies have a status as parties sufficient to entitle them to proceed in court to seek relief."

To like effect is this Court's decision in Hartnett v. Austin. 8

In Wags Transportation System v. City of Miami Beach, 9 this Court held that homeowners in a zoning district would be permitted to intervene in an appeal from a decree breaking zoning restrictions and commercializing the area where their homes were located.

The District Court of Appeal, Third District, in Elwyn v. City of Miami, ¹⁰ held that abutting homeowners were entitled to maintain a suit challenging an ordinance granting a variance for a gasoline service station. On petition for rehearing, the Boucher case was raised by the zoning authority and distinguished by the District Court as follows:

'That case (Boucher) was not applicable here because of material difference in the factual situations presented in the two cases. 'The instant case was not one dealing with the violation of a zoning ordinance, but one which challenged the validity of an amendatory zoning ordinance, which, by granting a variance amounting to spot zoning, permitted appellees to put their property to a liberal business use (gasoline service station), prohibited in the more restricted R—3 classification for which the area involved was zoned. The right of an adjacent or nearby home owner directly affected by an alleged improper intrusion of such liberal business to challenge the validity thereof, is recognized.'

A similar case is that of Friedland v. Hollywood, ¹¹ wherein the District Court of *837 Appeal, Second District, held void an ordinance which would have allowed the variance for the construction of a service station in the vicinity of property owned by the plaintiffs.

Some of the foregoing cases attacking the validity of zoning ordinances came to the Circuit Court as petitions for writ of certiorari to review actions of the zoning board of adjustment under Florida Statutes Chapter 176, F.S.A.; others originated in the Circuit Court. On the question of standing to sue there is no basis for distinguishing between cases reaching the courts after appeal to a zoning board, in areas where such boards exist, and those cases originating in the court system. ¹² Florida Statutes s 176.11, F.S.A., provides for appeals to the zoning board of adjustment by 'any person aggrieved.' Florida Statutes s 176.16, F.S.A., provides that 'any person aggrieved' by the decision of the zoning board of adjustment may petition the Circuit Court for writ of certiorari.

An aggrieved or adversely affected person having standing to sue is a person who has a legally recognizable interest which is or will be affected by the action of the zoning authority in question. The interest may be one shared in common with a number of other members of the community as where an entire neighborhood is affected, but not every resident and property owner of a municipality can, as a general rule, claim such an interest. An individual having standing must have a definite interest exceeding the general interest in community good share in common with all citizens. So-called 'spite suits' will not be tolerated in this area of the law any more than in any other.

In determining the sufficiency of the parties' interest to give standing, factors such as the proximity of his property to the property to be zoned or rezoned, the character of the neighborhood, including the existence of common restrictive covenants and set-back requirements, and the type of change proposed are considerations. The fact that a person is among those entitled to receive notice under the zoning ordinance is a factor to be considered on the question of standing to challenge the proposed zoning action. However, since the notice requirements of the many zoning laws throughout the State vary greatly, notice requirements are not controlling on the question of who has standing. Persons having sufficient interest to challenge a zoning ordinance may, or may not, be entitled to receive notice of the proposed action under the zoning ordinances of the community.

It is to be remembered that even though a person has sufficient standing to challenge the action of the zoning authority, he must still carry the burden of proving that the challenged action of the zoning authority was not fairly debatable. ¹³

The question certified to this Court, set out supra, has three parts. Part (1) deals with standing to enforce a valid zoning ordinance. The Boucher rule requiring special damages still covers this type of suit. However, in the twenty years since the Boucher decision, changed conditions, including increased population growth and *838 density, require a more lenient application of that rule. The facts of the Boucher case, if presented today, would probably be sufficient to show special damage.

Part (2) of the question certified to this Court deals with standing to attack a validly enacted zoning ordinance as being an unreasonable exercise of legislative power. As indicated above, persons having a legally recognizable interest, which is adversely affected by the proposed zoning action, have standing to sue.

Part (3) of the question certified deals with standing to attack a zoning ordinance which is void because not properly enacted, as where required notice was not given. Any affected resident, citizen or property owner of the governmental unit in question has standing to challenge such an ordinance. ¹⁴

The District Court found that petitioner Renard had sufficient standing to attack the rezoning here in question, but, on review of the record, determined that the rezoning was 'fairly debatable' and so was a valid exercise of power by the zoning authority. We agree.

Accordingly, and for the foregoing reasons, the decision of the District Court of Appeal is affirmed.

It is so ordered.

ROBERTS, C.J., and ERVIN, CARLTON and McCAIN, JJ., concur.

All Citations

261 So.2d 832

Footnotes

- Metropolitan Code of Dade County, s 33—316: 'No Person aggrieved by any zoning resolution, order, requirement, decision or determination of an administration official or by any decision of the zoning appeals board may apply to the Court for relief unless he has first exhausted the remedies provided for herein and taken all available steps provided in this article . . . it is intended and suggested that such decision may be reviewed by the filing of a petition for writ of certiorari in the Circuit Court of the Eleventh Judicial Circuit in and for Dade County, Florida, in accordance with the procedures and within the time provided by the Florida Appellate Rules for the review of the rulings of any commission or board; and such time shall commence to run from the date of the decision sought to be reviewed.' (Emphasis supplied.)
- 2 Renard v. Dade County, 249 So.2d 500, 502 (Fla.App.3rd 1971).
- 3 102 So.2d 132 (Fla.1958).
- 4 Id. at 135.
- Boucher v. Novotny, 102 So.2d 132, 135 (Fla.1958); North Dade Bar Assoc. v. Dade-Commonwealth Title Ins., 143 So.2d 201, 205 (Fla.App.3rd 1962): "* * * A public nuisance is an offense against the State, and as such is subject to abatement or indictment on the motion of the proper governmental agency. * * *
 - "* * An individual cannot maintain an action for a public nuisance as such. But when an individual suffers special damage from a public nuisance, he may maintain an action.'
 - 'This rule has been applied in Florida to suits to enjoin a zoning violation. Boucher v. Novotny, Fla.1958, 102 So.2d 132.'
- Boucher has been subject to criticism even as applied to zoning violations: 12 Univ.Fla.L.Rev., Third Parties in Zoning, 16, 23, 40 (1959).
- 7 96 So.2d 784, 787 (Fla.1957).
- 93 So.2d 86, 90 (Fla.1956): 'We encounter no difficulty in concluding that the appellees were entitled to bring the suit. They occupied their homes immediately across the street from the proposed parking area. They relied on the existing zoning conditions when they bought their homes. They had a right to a continuation of those conditions in the absence of a showing that the change requisite to an amendment had taken place. They allege that the contemplated change would damage them and that it was contrary to the general welfare and totally unjustified by existing conditions. This gave them a status as parties entitled to come into court to seek relief. True their rights were subject to the power of the city to amend the ordinance on the basis of a proper showing. Nonetheless, they have a right to insist that the showing be made.'
 - See also, 35 Fla.Jur., Zoning Laws, s 30: 'Persons adversely affected by zoning ordinances or the action of zoning agencies have a status as parties sufficient to entitle them to proceed in court to seek relief.'
- 88 So.2d 751, 752 (Fla.1956): 'The petition for leave to intervene alleges that petitioners are within the same zoning district as the property described in the complaints in the consolidated causes, that the decree destroys the value of their property because petitioners have homes on said property which they use for residential purposes, therefore the decree of the lower court breaking these zoning restrictions and commercializing the district renders their property less suitable for residential purposes. Petitioners' property was purchased on

the strength of the zoning ordinance and in reliance upon the fact that all property within the zoning district would be maintained as residential property. * * *

'We think the petition to intervene showed such an interest in the res that the ends of justice require that it be granted. * * * Nothing is more sacred to one than his home and the petitioners should have been permitted to come in and bring their rights in this to the attention of the court.'

- 10 113 So.2d 849 (Fla.App.3rd); cert. denied 116 So.2d 773, (Fla.1959).
- 11 130 So.2d 306 (Fla.App.2d 1961).
- 12 Rathkopf, Zoning and Planning, 36—1 (1971): 'Generally, any person who can show that the existence or enforcement of a zoning restriction adversely affects, or will adversely affect, a property interest vested in him or that the grant of a permit to another or rezoning of another's land will similarly affect him, has the requisite justiciable interest in the controversy, and is a proper party plaintiff. In this aspect, the right of a litigant to sue for declaratory judgment or for an injunction is based upon the same criteria as are determinative of the status of a petitioner as a 'party aggrieved' to bring certiorari to review the determination of a board of appeals or adjustment. The difference, if any, relates only to the forum and form of the remedy.' (Emphasis supplied.)
- 13 City of Miami v. Hollis, 77 So.2d 834 (Fla.1959); City of Jacksonville v. Imler, 235 So.2d 526 (Fla.App.1st 1970).
- See e.g., Rhodes v. City of Homestead, 248 So.2d 674 (Fla.App.3rd 1971); Knowles v. Town of Kenneth City, 247 So.2d 748 (Fla.App.2d 1971).

End of Document

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PARTY OF RECORD

From: formstack@hillsboroughcounty.org
Sent: Friday, September 25, 2020 3:49 PM

To: Commissioner District 4

Subject: (WEB mail) - Bloomingdale - Rezoning 20-1264

The following Commissioner(s) received a direct copy of this email:

- 1 | Commissioner Sandy Murman (District 1)
- 2 | Commissioner Ken Hagan (District 2)
- 3 | Commissioner Les Miller (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 25, 2020 3:48 PM

Name: María Cueva

Address: 3816 Orangepointe Rd

Valrico, FL 33596

Phone Number: (813) 405-5370

Email Address: maricucha1010@gmail.com

Subject: Bloomingdale - Rezoning 20-1264

Message: 124-unit townhome project at this location is insane! Bloomingdale is a NIGHTMARE already!!! STOP BUILDING in Valrico and Brandon!!!!!

Bloomingdale and bell Shoals is one of the top 10 worst intersections in the county! We don't need more congestion and traffic on these roadways!

667389497

Mozilla/5.0 (iPhone; CPU iPhone OS 13_7 like Mac OS X) AppleWebKit/605.1.15 (KHTML, like Gecko) Mobile/15E148 [FBAN/FBIOS;FBDV/iPhone10,6;FBMD/iPhone;FBSN/iOS;FBSV/13.7;FBSS/3;FBID/phone;FBLC/en US;FBOP/5]

From: Medrano, Maricela

Sent: Monday, September 28, 2020 11:42 AM

To: Timoteo, Rosalina Camacho, Juan

Subject: FW: (WEB mail) - Rezoning 20-1264 124 Unit Townhome Project

For the POR. Thank you.

From: Garcia, David <GarciaD@hillsboroughcounty.org>

Sent: Monday, September 28, 2020 11:32 AM

To: Medrano, Maricela < Medrano M@Hillsborough County. ORG >

Subject: FW: (WEB mail) - Rezoning 20-1264 124 Unit Townhome Project

Maricela,

I hope you're doing well. Can you please submit this opposition to the record for 20-1264?

David Garcia

Legislative Aide

Commissioner Stacy White - District 4

P: (813) 272-5740 F: (813) 272-7049

E: GarciaD@HillsboroughCounty.org

W: HillsboroughCounty.org

From: formstack@hillsboroughcounty.org <formstack@hillsboroughcounty.org>

Sent: Friday, September 25, 2020 6:06 PM

To: Commissioner District 4 < ContactDistrict4@hillsboroughcounty.org > **Subject:** (WEB mail) - Rezoning 20-1264 124 Unit Townhome Project

The following Commissioner(s) received a direct copy of this email:

- 1 | Commissioner Sandy Murman (District 1)
- 2 | Commissioner Ken Hagan (District 2)
- 3 | Commissioner Les Miller (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 25, 2020 6:05 PM

Name: James Nelson

Address: 3719 Cold Creek Drive

FL 33596

Phone Number: (813) 476-4907

Email Address: jimpcnelson@aol.com

Subject: Rezoning 20-1264 124 Unit Townhome Project

Message: The above mentioned rezoning request has been brought to my attention. I am here to ask you to decline this request for a lot of reasons. The main ones being that we are already over built for this area and our infrastructure can't handle the traffic we have currently. The closest major intersection to this location is already dangerous and traversing nightmare. At the bequest of my wife and myself, we ask that you disapprove this rezoning request.

667432402

Mozilla/5.0 (iPhone; CPU iPhone OS 13_7 like Mac OS X) AppleWebKit/605.1.15 (KHTML, like Gecko) Mobile/15E148 [FBAN/FBIOS;FBDV/iPhone10,2;FBMD/iPhone;FBSN/iOS;FBSV/13.7;FBSS/3;FBID/phone;FBLC/en_US;FBOP/5]

From: Medrano, Maricela

Sent: Monday, September 28, 2020 3:01 PM

To: Timoteo, Rosalina
Cc: Camacho, Juan

Subject: FW: (WEB mail) - Bloomingdale - Rezoning 20-1264, 124-unit townhome project

For the POR. Thanks.

From: Yunk, David < Yunk D@hillsboroughcounty.org>

Sent: Monday, September 28, 2020 12:09 PM

To: Medrano, Maricela < Medrano M@Hillsborough County. ORG >

Subject: FW: (WEB mail) - Bloomingdale - Rezoning 20-1264, 124-unit townhome project

Hello Maricela,

For Optix...

From: formstack@hillsboroughcounty.org [mailto:formstack@hillsboroughcounty.org]

Sent: Friday, September 25, 2020 9:50 PM

To: Commissioner District 5 < ContactDistrict5@hillsboroughcounty.org>

Subject: (WEB mail) - Bloomingdale - Rezoning 20-1264, 124-unit townhome project

The following Commissioner(s) received a direct copy of this email:

- 1 | Commissioner Sandy Murman (District 1)
- 2 | Commissioner Ken Hagan (District 2)
- 3 | Commissioner Les Miller (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 25, 2020 9:50 PM

Name: Michelle Burnham

Address: 2303 Millcreek Ct

Valrico, FL 33596

Phone Number: (813) 625-3285

Email Address: mburnham01@verizon.net

Subject: Bloomingdale - Rezoning 20-1264, 124-unit townhome project

Message: Dear Hillsborough County Commissioners,

I have been a resident of the Bloomingdale community for 26 years. The traffic in this area has grown to the point of total grid lock. Bloomingdale Ave is a total failed road way. In addition, the Bloomingdale/Bell Shoals intersection, which is the closest to the planned development, was named one of Hillsborough County's most dangerous intersections.

While I recognize and appreciate the much over due widening project is currently taking place on Bell Shoals, this project is only playing catch up for years of growth from the Fish Hawk and surrounding development that was not previously addressed.

I am writing to respectfully request that this 124 unit town home project be denied.

When I moved to this area 26 years ago it was a beautiful community to raise my family. It is disheartening to see what his been done to once a beautiful community. I beg that you please stop this madness in the southeastern part of our county.

I work full-time at USF and have done so for 22 years. What use to be a 35-40 minute drive can sometimes take two hours on a bad evening of traffic.

Please hear your constituents.

Respectfully, Michelle Burnham

667475666

Mozilla/5.0 (iPhone; CPU iPhone OS 13_7 like Mac OS X) AppleWebKit/605.1.15 (KHTML, like Gecko) Version/13.1.2 Mobile/15E148 Safari/604.1

From: Timoteo, Rosalina

Sent: Tuesday, September 29, 2020 11:34 AM

To: Camacho, Juan **Subject:** FW: 20-1264

Juan:

This need to be uploaded in Optix and OnBase – please add email to POR list on G:drive master list. Let me know when it is done!

Thank you!

From: Medrano, Maricela < Medrano M@Hillsborough County. ORG >

Sent: Tuesday, September 29, 2020 11:31 AM

To: Timoteo, Rosalina <TimoteoR@HillsboroughCounty.ORG> **Cc:** Camacho, Juan <CamachoJu@hillsboroughcounty.org>

Subject: FW: 20-1264

For the 20-1264 PRO. Thank you.

From: formstack@hillsboroughcounty.org <formstack@hillsboroughcounty.org>

Sent: Tuesday, September 29, 2020 9:06 AM

To: Commissioner District 4 < Contact District 4 @hillsboroughcounty.org >

Subject: (WEB mail) - New development

The following Commissioner(s) received a direct copy of this email:

4 | Commissioner Stacy White (District 4)

Date and Time Submitted: Sep 29, 2020 9:06 AM

Name: Lisa LoCicero

Address: 2410 College Hill Dr

Brandon, FL 33511

Phone Number: (813) 299-0266

Email Address: monaloka@aol.com

Subject: New development

Message: Emailing to oppose the plan to build a 124 townhome community off of Bell Shoals Road near Knowles Rd. Traffic is already horrendous in this area and this development will only add further trouble. Sincerely Lisa LoCicero

668924399

Mozilla/5.0 (iPhone; CPU iPhone OS 13_7 like Mac OS X) AppleWebKit/605.1.15 (KHTML, like Gecko) Mobile/15E148 [FBAN/FBIOS;FBDV/iPhone11,2;FBMD/iPhone;FBSN/iOS;FBSV/13.7;FBSS/3;FBID/phone;FBLC/en_US;FBOP/5]

From: formstack@hillsboroughcounty.org
Sent: Saturday, September 26, 2020 5:23 PM

To: Commissioner District 4 **Subject:** (WEB mail) - Valrico/Brandon

The following Commissioner(s) received a direct copy of this email:

- 1 | Commissioner Sandy Murman (District 1)
- 2 | Commissioner Ken Hagan (District 2)
- 3 | Commissioner Les Miller (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 26, 2020 5:23 PM

Name: Sherry McClanahan

Address: 4008 Eastridge Dr

Valrico, FL 33596

Phone Number: (813) 343-1125

Email Address: sherry.violet1@gmail.com

Subject: Valrico/Brandon

Message: I have been living in my Bloomingdale home for 24 years. I am begging you to listen to the residents who live here! We already need up to 25 minutes to get to US Hwy 301/I-75 due to over population. I moved to this area because of it's country feel, schools and safety. We are losing all 3. My children are now young adults, however there are plenty of young children that deserve the same sanctity. Thank you for your time.

667655619

Mozilla/5.0 (Linux; Android 8.0.0; moto e5 plus Build/OCPS27.91-150-11-12; wv) AppleWebKit/537.36 (KHTML, like Gecko) Version/4.0 Chrome/85.0.4183.127 Mobile Safari/537.36 [FB IAB/FB4A;FBAV/289.0.0.40.121;]

From: formstack@hillsboroughcounty.org

To: <u>Commissioner District 4</u>

Subject: (WEB mail) - Rezoning on Bell Shoals **Date:** Sunday, January 31, 2021 7:05:25 PM

The following Commissioner(s) received a direct copy of this email:

4 | Commissioner Stacy White (District 4)

Date and Time Submitted: Jan 31, 2021 7:05 PM

Name: Joshua Pacheco

Address: 1131 Bloom hill Avenue

Valrico, FL 33596

Phone Number: (727) 385-6010

Email Address: Delta1014@gmail.com

Subject: Rezoning on Bell Shoals

Message: Good morning Mr. White,

As a constituent of district 4, I am reaching out in regards to Rezoning Application 20-1264 Bloomingdale and Bell Shoals.

This is absolutely insane to allow the rezone to go through as it would greatly increase the traffic on Bloomingdale rd.

By allowing the rezone to go through, would turn Bloomingdale into a parking lot and lower my home value.

I urge you to vote against the rezone.

Sincerely,

Joshua Pacheco

748288292

Mozilla/5.0 (Android 9; Mobile; rv:85.0) Gecko/85.0 Firefox/85.0