



# Hillsborough County Florida

## DEVELOPMENT SERVICES

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## MEMORANDUM

DATE: November 16, 2021

TO: Distribution List

FROM: *Rosa Timoteo*  
Rosa Timoteo, Planning & Zoning Technician,  
Development Services Department

SUBJECT: RESULTS – **November 15, 2021 ZONING HEARING MASTER HEARING**

Please read this memorandum carefully and follow up in your respective area.

The following petitions were **WITHDRAWN** from the **November 15, 2021** Zoning Hearing Master Hearing:

RZ-PD 21-0650	David Wright / TSP Co., Inc.
MM 21-1222	Retailer Florida Real Estate LLC / Tampa Electric Co.
RZ-STD 21-1349	The Docobo Corporation

The following petitions were **CONTINUED** to the **December 13, 2021** Zoning Hearing Master Hearing:

RZ-PD 18-0798	Johnson Pope Bokor Ruppel & Bums, LLP
RZ-PD 20-1253	RKM Development Corp / William Lloyd
RZ-PD 21-0222	RRGG LLC / First Rate Properties, LLC.
RZ-PD 21-0626	Francisco J. Otero-Cossio
RZ-PD 21-0647	David Wright / TSP Companies, Inc.
RZ-PD 21-0701	Soney FM LLC / Ram A. Goel
RZ-PD 21-0744	William Sullivan / Potomac Land Company
RZ-PD 21-0745	Bricklemeyer Law Group
RZ-PD 21-0748	Northstar Tampa Medical LLP
RZ-PD 21-0863	BDG Sheldon, LLC.
RZ-PD 21-0864	Belleair Development, LLC.
MM 21-0884	Build to Suit, Inc.
RZ-PD 21-0959	Lennar Homes, LLC
MM 21-0963	Scannell Properties, LLC / Noam Neuman
MM 21-1090	Boos Development / Jose Martinez
RZ-PD 21-1092	PPF SS 1601 South Kingsway Road, LLC.
MM 21-1106	Cypress Creek Land, Corp.
MM 21-1108	Homes for Hillsborough, Inc., / Michael Morina
MM 21-1196	Community Treatment Services, Inc.

## BOARD OF COUNTY COMMISSIONERS

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## DEPUTY COUNTY ADMINISTRATOR

Gregory S. Horwedel

RZ-STD 21-1208  
MM 21-1226  
RZ-PD 21-1231  
RZ-PD 21-1235  
RZ-PD 21-1340

Graceland Real Estate Investment, Corp.  
The Davis Group  
Triple M Tube Tech, LLC.  
Advanced Engineering Consultants  
Rhodine Development, LLC.

The following petitions were HEARD by Zoning Hearing Master **Susan Finch** and are scheduled to be heard by the Board of County Commissioners on **January 13, 2022**:

MM 21-0417  
RZ-PD 21-0742  
RZ-PD 21-0969  
MM 21-1234  
RZ-STD 21-1348

Dune FL Land I Sub LLC/Southshore Bay Club LLC.  
IPS Enterprises, Inc.  
2<sup>nd</sup> Wave Development, LLC.  
Pulte Group  
John Forest Turbiville/Conservation & Environmental Lands  
Dept.

## COUNTY OF HILLSBOROUGH

### RECOMMENDATION OF THE LAND USE HEARING OFFICER

**APPLICATION NUMBER:** MM 21-0417 REMAND

**DATE OF HEARING:** November 15, 2021

**APPLICANT:** Dune FL Land I Sub, LLC and  
Southshore Bay Club, LLC

**PETITION REQUEST:** The Major Modification request is to  
modify PD 05-0210 to revise the number  
of development parcels, add a lagoon  
pool and amenity/recreational center,  
reduce the maximum number of  
dwelling units and increase the number  
of access points

**LOCATION:** Approximately 1,550 feet southeast of  
Lagoon Shore and Jackel Chase Drive

**SIZE OF PROPERTY:** 46 acres, m.o.l.

**EXISTING ZONING DISTRICT:** PD 05-0210

**FUTURE LAND USE CATEGORY:** RES-4 and RES-6

**SERVICE AREA:** Urban

**COMMUNITY PLAN:** Wimauma Village

## DEVELOPMENT REVIEW STAFF REPORT

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

### 1.0 Summary

#### 1.1 Project Narrative

The applicant (Dune FL Land I Sub LLC and Southshore Bay Club, LLC) is requesting a major modification to Planned Development (PD) 05-0210, located on the south side of SR 674, between US 301 and West Lake Drive. This PD is approved for a maximum of 940 dwelling units, including single-family detached, townhomes, multi-family and resort dwelling units, in addition to recreational areas, lakes and stormwater ponds. The PD is approximately 192 acres and is within two Future Land Use classifications: RES4 and RES-6. This PD was most recently modified by Personal Appearance (MM) 17-1296.

This MM affects two development parcels within the PD: Parcels Band D. These parcels are approved for residential uses as well as with a neighborhood park and amenity center. The subject site is being developed with a large lagoon pool (4.9 acres) and amenity center/recreational area. The applicant requests the following:

Portions of Parcels B and Parcel D would be reconfigured to new Parcel F. The remaining area of Parcel D would consist of residential units while Parcel F will include the amenity center/recreational space and lagoon pool area.

Five Development Parcels (A, B, C, D, and E)	Six Development Parcels (A, B, C, D, E and F)
Recreational Uses, Private Community	General Indoor/Outdoor Recreational Uses (Lagoon Site)
Total Dwelling Units Allowed: 940	Total Dwelling Units Allowed: 840
Access Points Connections to the south: 2	Access Points Connections to the south: 4

According to the project narrative, the Crystal Lagoon site is an innovative recreational area. The applicant states that the modification seeks to clarify that the site is a permitted use in Parcel F as an “Indoor/Outdoor General Recreational Use” with accessory uses, which include but are not limited to bar, pool, and playground uses. The site will be a recreational water amenity serving the residents and guests of the community. The site is currently under construction and will be located on an approximately 19- acre site including around 5 acres for the Crystal Lagoon. The applicant (Southshore Bay Club, LLC ) will own and operate the lagoon site as a “semiprivate” recreation facility. The narrative also states that, comparable to homes purchased in a golf course community, resident memberships for the amenity will be included in the purchase of every home. Resident access to the amenity is ensured during the amenity hours of operation and will not be limited

Non-resident access to the lagoon site would require purchasing tickets or reservations on the “Crystal Lagoon” portal website that will function much the same as the reservation portal website at another similar site in Pasco County. This would also be similar to how non-residents make reservations and book tee times at country clubs and golf courses. Per the narrative, daily reservations will be limited to non- residents, based upon parking availability in the parking lot within the site. Facility staff would monitor available parking spaces and adjust, limit or stop the number of available reservations accordingly on any given day.

The modification to the PD is needed since the Land Development Code defines this proposed use differently from a private community recreational use:

*Recreational Uses, General Indoor/Outdoor: For profit or non-profit recreational uses and facilities providing sports or recreation opportunities within an enclosed building and/or an outdoor area. Such uses shall include but not be limited to bowling alleys, skating rinks, movie theatres, gymnasiums, fitness centers, dance schools, miniature golf, baseball hitting cages, and playfields. This use shall not include recreational uses specifically listed in Section 2.02.02, Table of Allowable Uses in Zoning Districts, nor Private Community Recreational Uses, Regional Recreational Uses, or Public Parks and Recreation Facilities as defined in this Code.*

The applicant has indicated that daily non-resident reservations will be offered up to a maximum number of reservations at any given time, based upon parking availability within the parking lot. With the purchase of a ticket or reservation, the facility staff will automatically monitor available parking spaces and adjust the number of available reservations at any given time. A condition is being proposed to establish a number of parking spaces in order to regulate the amount of vehicles for the facility users. The required parking spaces would include 246 guest and resident (including ADA) spaces, 220 golf cart spaces (reserved only for residents of the project) and 40 employee spaces. According to the narrative, a patron log would be maintained by the facility staff in real time to ensure that

this limitation is enforced. Additionally, parking for the site will not be permitted along internal project roadways outside of Parcel F. The proposed number of parking will be the maximum allowed in order to restrict the number of visitors (see section 1.2 of this report and Transportation staff report).

The site will have one access point from Lagoon Shore Blvd, an internal collector road. Additional access points are proposed to the south, from parcel B and F to the adjacent PD. However, no access points are approved from the PD to the south to connect to these points.

The PD today is approved for up to 940 dwelling units. According to the approved plats for different phases within the PD, a total of 392 lots have been platted. The platted lots are within Parcels A, B, C and E of the General PD Plan. Parcels A, C and E are platted and mostly built today with homes, stormwater ponds and roads. Parcel B is also mostly platted and developed, with a small tract along the south not yet developed (Forest Brooke PH 2A). That tract is owned by the applicant.

The applicant provided a table with a density reduction calculation. The proposed Parcel F covers an area of 18.78 acres and the square footage proposed for the structures associated with the Lagoon recreational use is no more than 20,000 sq. ft. By removing these from the maximum number of units permitted in the PD, the calculation results in a net reduction of 105 dwelling units that would have been built in this Parcel. This is consistent with the Transportation study provided by the applicant which concludes that the use proposed in Parcel F would represent a reduction of at least 100 dwelling units based on vehicle trips.

Hours of operation proposed are from 10:00 a.m. – 8:00 p.m. The applicant also proposed to extend hours of operation for a bar on site until 11 pm. As indicated in the Transportation report, the applicant and staff specifically discussed that, should a standalone bar use be desired, the transportation analysis would need to be revised accordingly. The applicant assured staff that the bar and other accessory structures would only be open to guests of the amenity and would not be available to be visited separately by the public on their own.

No such transportation or land use revision was received for staff evaluation. As such, the use must be considered accessory to the main use and should have the same operating hours. A Special Use permit for Alcoholic Beverage will be reviewed separately from this MM application.

The site will be enclosed by a 6-foot high fence, and all uses within the site will be ancillary to the Recreational Use, General Indoor/Outdoor and Crystal Lagoon principal use.

## REMAND

This case was heard by the BOCC at the October 12, 2021 Land Use Meeting. The commissioners discussed the proposal and found that the proposed General Indoor/Outdoor Recreational Use - Crystal Lagoon site needed additional clarification mostly related to its functionality. The BOCC requested this case to be remanded to give the applicant an opportunity to clarify some items including:

- Safety and security addressed in the gated community;
- Transportation impacts resulting from this MM request;
- Parking for the proposed use;
- The scale or size of the lagoon site in comparison to the overall residential project;
- Number of developed residential units part of the community (Southshore Bay);
- Findings from the Planning Commission;
- Comparison with other similar types of projects within residential communities such as Golf courses and their sustainability on the long term;
- The road classification of Lagoon Shore Blvd, serving this site (Collector Road) and the existing gate;
- The operation of the Lagoon site inside a gated community;
- Controls after the parking lot is full

The applicant has updated their narrative responding to the items above to provide for more clarification or specificity. Generally, the applicant expanded the explanation of the operational aspects of the proposed use.

There are existing site conditions in the community, such as security cameras and a guardhouse at the entrance gate that will be staffed with a guard who will control non-residents entering the community to access the Lagoon.

The Transportation Assessment previously filed and reviewed by Transportation staff demonstrated that the use would decrease by 100 residential units and the addition of the recreational amenity results in less traffic than the existing approved PD. Also, the Parking Assessment, showed that traffic patterns are more sporadic and typically occur outside of peak traffic times. The hours of operation are also outside of peak traffic times from 10 a.m. to 8 p.m.

The number of parking is being limited to a total of 246 guest spaces, 220 resident golf carts and for 40 employees. The parking lot will also include 70 bike spaces. Once the parking lot is full, no new reservations or tickets can be issued or sold, and no new non-resident guest will be allowed to access the site. A visitor/patron log in real time will be maintained by Crystal Lagoon staff at the site and the community's access gate. The log will include visitor information including the license plate and type of vehicle. A tag will be required to be displayed at all times in the visitor's vehicles parked within the Lagoon site.

The PD modification area is ±46.5 acres. The subject PD (05-0210) is 192 acres and overall, the Southshore Bay community is ±679.9 acres and is comprised of two (2) separate Planned Development approvals: PD 05-0210(subject PD) and PD 0110(PRS20-1025). The Crystal Lagoon contract is 19.7 acres +/-, and represents 2.8% of the overall master plan, while the Crystal Lagoon itself represents just 0.7% (±5-acres) with up to ±20,000 square feet of enclosed space. The Southshore Bay Community has 630 built homes today. The total approved number of units including both PDs is 3,761.

In the narrative, the applicant also states that the site features mostly outdoor structures and the Crystal Lagoon, which results in lower operating costs compared to a golf course. According to the narrative, a Crystal Lagoon uses up to 100 times less chemicals than conventional swimming pool or drinking water treatment technologies and consumes only 2% of the energy needed by conventional swimming pool filtration systems.

The applicant has amended the proposed conditions to further address and clarify some of the comments discussed by the County Commissioners and area residents. The applicant is proposing to restrict certain accessory recreational uses to ensure the site would not incorporate intensive uses commonly associated with General Indoor/Outdoor uses. Additionally, the applicant proposes a security guard to be present at the community's entrance gate during operating hours to monitor the Lagoon site's guests to restrict their access based on parking availability and increase the community's safety. The requirement to keep a visitor's log with vehicle information is being proposed as a condition. Additionally, the log will be required to be available upon request by Hillsborough County. All other proposed conditions remain in place.

Transportation staff has reviewed the narrative and the remand discussions and has updated its report for clarification. Transportation Staff does not object to the amended conditions and no new conditions are being proposed.

Any future change to add uses other than the proposed Indoor/Outdoor Recreational use and its ancillary uses will require a Major Modification to the PD.

## **1.2 Compliance Overview with Land Development Code and Technical Manuals**

The applicant has not requested any variations to Land Development Code (LDC) Parts 6.05.00 (Parking and Loading), 6.06.00 (Landscaping/Buffering) and 6.07.00 (Fences/Walls).

A transportation analysis was submitted by the applicant utilizing a Water Park as a comparable use for the trip calculations. Based on the trip calculation filed for the application, the applicant was advised by staff to consider the parking

calculations to be consistent with the water park use utilized for the trip generation. Per LDC Sec. 6.05.02, Amusement Parks' parking is analyzed by individual review, therefore, staff indicated to the applicant to submit a detailed description of how the site operates, whether and if so how ticket sales are affected by real time parking considerations, data regarding comparable uses, if any, a description of the size and parking provided for other operating lagoons, a recognition that the data regarding those lagoon(s) are not reflective of the post-development condition (since those projects are not yet built out), as well as any other data and description of their operations that they view as helpful.

The applicant submitted a Parking Assessment study to Transportation staff with the methodology utilized to establish the parking demand for the Crystal Lagoon. The Epperson Crystal Lagoon at Pasco County was used as a comparison and case study. Based on the study, the applicant proposes to limit the parking spaces to:

- 246 guest spaces
- 220 golf cart spaces
- 40 employee spaces

The applicant provided conditions limiting the number of parking and restricting parking along internal project roadways outside of Pod F.

### **1.3 Evaluation of Existing and Planned Public Facilities**

#### *Water 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.

#### *Transportation*

SR 674 is a 2-lane, principal arterial roadway, that is owned, maintained and under the permitted authority of the Florida Department of Transportation (FDOT). The roadway characterized by +/-12 feet travel lanes, with pavement in above average condition. There are 5-foot wide bicycle facilities (on paved shoulders) along both sides of the roadway in the vicinity of the proposed project. There are +/- 5-foot wide sidewalks along both sides of SR 674 in the vicinity of the proposed project.

Lagoon Shore Blvd. is a 2 to 4 -lane, privately maintained collector roadway characterized by +/- 11-foot wide travel lanes. There are +/- 5 to 6-foot wide sidewalks along both sides of the roadway. There is a +/- 5-foot wide golf cart path lanes (within the roadway) along portions of the roadway.

#### SITE ACCESS AND CONNECTIVITY

Primary site access will be to/from SR 674. In the future, additional access will be to US 301 (to the west) and Bishop Rd. (to the south) through the adjacent Sunshine Village PD. An existing access has already been constructed within Sunshine Village, connecting to West Lake Dr. The project is decreasing overall project trip generation. As such, the existing turn lanes at the intersection of SR 674 and Lagoon Shore Blvd. should be sufficient to accommodate the additional traffic generated by commercialization of the Parcel F amenity.

The applicant is also proposing to add at least one (1) additional vehicular and pedestrian connection along the southern project boundary of existing Parcel D (proposed Parcels D and F). In order for this access to be effectuated, a corresponding zoning modification for the project to the south (the Sunshine Village PD) will be required. If such change does not take place, then sole access to proposed Parcel F will be from Lagoon Shore Blvd., and sole access to proposed Parcel D will be from Ever Crew Pl. (a roadway stubout constructed to the southern boundary of Parcel B). These potential connections have been designed for flexibility, both in the number (up to a maximum of two) and location of potential access points, given that there is currently no corresponding access shown on the zoning to the south, no detailed construction plans that staff is aware of, and the connection(s) effectuation will require coordination, consent, and zoning modification of the owners of PD to the south. In no instance will fewer than one (1) roadway stubout be constructed. Staff has no objection to this request, as it further provides for community integration and connectivity, which are goals of the Hillsborough County Comprehensive Plan and Land Development Code.

#### PARKING

After numerous calls and meetings with County staff, Hillsborough County zoning section staff determined that the proposed use would be classified as an "Amusement Park" for purposes of compliance with Section 6.05.02.G. (minimum parking standards). The LDC standard for such use is "by individual review". The applicant submitted a document titled "Southshore Bay Crystal Lagoon MM 21-0417 Parking Assessment", received August 4, 2021. The document provides data/characteristics from the nearby Epperson Crystal Lagoon, located in Pasco County, and draws comparisons between the proposed use, which is somewhat smaller. The document explains the lack of available ITE data for a similar use and how non-resident guest ticket sales are affected by real time parking considerations. Staff finds that, given the uniqueness of the proposed use and relative newness of the closest example which is operating in Pasco County (residential portions of the project are still under construction), it is difficult to say

with certainty that the Pasco case analog provides sufficient parking for residents and guests; however, the applicant has committed to providing a substantial number of golf cart parking spaces, as well as a number of bicycle spaces, which will allow project residents to use these alternative modes of transportation, thereby diverting traditional automobile trips from the travel lanes and allowing the 246 proposed regular parking spaces to serve non-residents (as well as those residents who may choose to drive their personal automobiles to the facility).

Given the additional conditions recommended by staff, together with the restrictions on facility operations and parking proposed by the applicant, staff finds it highly likely there will be sufficient parking for the proposed use, and further finds that there is a mechanism for dealing with any potential long-term impacts which, although unexpected, could occur within surrounding residential developments.

#### TRANSIT FACILITIES

HART staff submitted comments on July 21, 2021 indicating a desire for transit facilities be provided immediately west of the proposed project entry.

Transportation Review Section staff coordinated with HART staff and explained that, given the limited right-of-way available, existing turn lane in that location, and the fact that the outparcels on either side of the project entry are not within the subject PD, there is no ability to construct the bus bay and transit amenities required pursuant to Section 6.03.09 at the location proposed. HART staff indicated there were open to the facility being provided in an alternate location.

Transportation Review Section staff also explained that SR 674 is an FDOT owned roadway under their permitting authority and, as such, any bus bay and amenities would be subject to their review and approval. Unfortunately there was insufficient time to consult FDOT staff; therefore, staff has crafted a condition which will require construction of a bus bay within a reasonable walking distance of the subject property (1 mile) while providing an option for the developer to provide the all required facilities except the bus bay in the event FDOT declines to permit construction of a bus bay.

#### *Impact Fees*

##### Estimated Fees

(Fee estimate is based on a 2,000 square foot, 3 bedroom, Single Family Detached Unit) Mobility: \$7,346 per unit

Parks: \$1,815 per unit

School: \$8,227 per unit

Fire: \$335 per unit

Single Family Detached per unit = \$17,723

(Fee estimate is based on a 1,200 square foot, 2 bedroom, Multi-Family Units 1-2 story) Mobility: \$5,329 per unit

Parks: \$1,316 per unit  
School: \$3,891 per unit

Fire: \$249 per unit  
Multi-Family (1-2 story) per unit = \$10,785

Water Slide Park  
(Mobility per parking space) (Fire per 1,000 s.f.)  
Mobility:  $\$1,038 \times 280 = \$290,640$  Fire:  $\$313 \times 45 = \$14,085$   
Total: \$304,725

#### Project Summary/Description

Urban Mobility, South Park/Fire - up to 840 Single Family; or up to 400 Multi-Family and 440 Single Family. Lagoon/water recreation facility 45,000 sq ft building area, 280 parking spaces.

#### *School Board*

The School Board review this application and found that adequate capacity does not exist at Reddick Elementary, Shields Middle, or Sumner High School at this time. Additionally, there is no capacity available in adjacent concurrency service areas at the high school level.

### **1.4 Natural Resources/Environmental Issues**

The Environmental Protection Commission (EPC) has reviewed the application and offers no objections, subject to conditions. In the site plan's current configuration, a resubmittal is not necessary.

### **1.5 Comprehensive Plan Consistency**

No changes to their recommendations were received by the Planning Commission, therefore, Planning Commission staff finds the proposed modification **inconsistent** with the Future of Hillsborough Comprehensive Plan.

### **1.6 Compatibility**

The surrounding area consists of residential uses. The PD was approved for a variety of residential units including detached, attached and multi-family with associated recreational (private community) uses for the project. The proposed operational characteristics of the site falls more closely under an Indoor/Outdoor General Recreational use as defined in the Land Development Code, therefore, this proposed use is outside of the definition of a Private Community Recreational use.

Based on the description in the project narrative, the amenity center would operate to accommodate both, internal and external users of the residential project. Residents would utilize the site as a typical amenity center found in residential projects, with no additional membership or passes needed. All external users would be required to purchase advanced reservation online. The applicant proposes parking accounting for the anticipated site capacity and has agreed to limit the number of parking spaces. This restriction would contribute to restrict the number of external users. Additionally, the applicant has proposed conditions to prohibit the off-site parking, along adjacent roads to eliminate impacts to streets accessing the site, limit hours of operation, and has restricted the square footage of the structures.

Transportation staff reviewed the application and the documentation submitted by the applicant. Upon review of these materials, staff has found the proposed traffic and parking assessment acceptable. Per the trip generation analysis, the traffic generated by the proposed use would result in less traffic compared with the trips otherwise generated by dwelling units that the subject site could accommodate if developed with residential uses. Additionally, development of the land with the proposed recreational use would result in a reduction of the overall dwelling count of the PD.

The applicant indicated that neighborhood meetings were conducted with area residents. County staff received calls and letters from residents stating that improvements and speed limits should be lowered before zoning changes. In addition, residents have expressed concerns with the functionality and operation of the proposed use, access control, potential off-site parking issues, traffic on the collector road, etc. After the remand, the applicant arranged to meet with a resident of the community to address concerns raised at the August ZHM and at the BOCC land use meeting in October.

As noted, Planning Commission did not change their original recommendation and filed an inconsistency finding and the locational criteria waiver request could not be approved at this moment. In their findings, staff indicated that the site is not located at a major intersection and is located along a local roadway as designated by the functional classification map. During the analysis of this rezoning, Transportation staff noted that Lagoon shore Boulevard functions more like a collector roadway. Planning Commission staff indicated that while Lagoon shore Boulevard may function more like a collector, staff can only consider roadway lanes and roadways listed on the 2040 Highway Cost Affordable Long Range Transportation Plan as per FLUE Policy 22.2 in making a consistency finding. Planning Commission staff also noted that allowing this use to be open to the public, increases the volume of traffic and activity traveling along Lagoon Shore Boulevard, which is a local residential roadway. This is inconsistent with FLUE Policy 16.5, which requires that development of higher intensity non-residential land uses that are adjacent to established neighborhoods to be restricted to collectors and arterials and to locations external to established and

developing neighborhoods. Planning Commission has maintained their inconsistency finding after this case was remanded by the BOCC.

Compared to the initial submittal, staff recognizes that the applicant has made efforts to reduce and mitigate impacts of the proposed use within the PD including establishing a number of parking spaces available on-site to restrict guests, limiting hours of operation, and prohibiting off-street parking. Additionally, the applicant has demonstrated that the overall number of dwelling units allowed in the PD is being effectively reduced since the area occupied by the proposed use replaces units with recreational land and non-residential square footage. This represents a reduction of the overall density in the project and impacts from the traffic resulting from the proposed use would be less if compared with 100 dwelling units built on site. The applicant has also decreased the square footage for the structures in the Lagoon site from their original request from 50,000 to 20,000 sq. ft. The 20,000 sq. ft. of building space has already site and building approvals for the amenity center. The proposed use is along a road functioning as a collector and residential driveways do not have direct access on to it. Transportation staff has reviewed the parking assessment and does not object. Transportation staff finds it highly likely there will be sufficient parking for the proposed use based on the conditions recommended by staff, together with the restrictions on facility operations and parking proposed by the applicant. As part of the remand, conditions have been amended addressing the discussions and concerns raised at the BOCC Land Use Meeting by restricting uses and providing for monitoring and additional operational and controls for visitors' access to the site. Development Services staff does not object to the amended conditions by the applicant. Staff has reviewed the new proposed language and provided edits with the appropriate regulatory provisions. Based on these considerations, staff recommends approval, with conditions.

### **1.7 Agency Comments**

The following agencies reviewed the application and have no objections: •  
Conservation and Environmental Lands Management

- FDOT
- HART requested that a bus landing/shelter pad be constructed along SR 674.

### **1.8 Exhibits**

Exhibit 1: Zoning Map

Exhibit 2: Future Land Use Map

Exhibit 3: Current Certified Plan for PD 05-0210 (PRS 17-1296) Exhibit 4:

Proposed Site Plan 21-0417

## **2.0 Recommendation**

Staff recommends approval, subject to the conditions.

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

### **SUMMARY OF HEARING**

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

Ms. Kami Corbett testified on behalf of the applicant. Ms. Corbett showed a PowerPoint presentation and stated that the application was remanded regarding issues pertaining to safety, security and transportation impacts. Additionally, issues regarding the transportation impact, parking, the size and scale of lagoon, number of units developed to date, the roadway classification and operation of the lagoon inside a gated facility and control after the parking lot is full were identified in the Board of County Commissioner's meeting. Ms. Corbett identified the location of the property and stated that the project has two interconnected zoning approvals with a total of 2,924 dwelling units on 679.9 acres. There are 1,011 platted lots within the area. There are 630 homes constructed or under construction. The lagoon tract is 19.7 acres which represents 2.8 percent of the land area. The Crystal Lagoon is approximately 5 acres in size and is centrally located and was specifically developed as an amenity and alternative to a golf course. Ms. Corbett testified that older golf course communities have golf courses that take up a lot of land which is a significant impact when the golf course fails. Some of the older courses have been converted to trails and others were not maintained. The lagoon is a compact design and more environmentally sustainable. She added that the reason the applicant is seeking semi-public status is to ensure the long term viability of the amenity by having outside sources of revenue and not just rely on the residents of the community to maintain the amenity. Ms. Corbett showed a copy of the proposed site plan and stated that there are ancillary uses such as volleyball, outdoor cabanas, pools, kayaking, paddle boarding and food and beverage services. There is 20,000 square feet of enclosed space and conditions are proposed to limit the hours of operation, screening and parking. The number of units is proposed to be reduced by 100 dwelling units. Ms. Corbett showed aerial photos of the subject property and pointed out Lagoon Shore Boulevard which runs from 674 to Bishop Road and added that there are parking areas already established. She described the outdoor amenity that includes food and beverage services. The proposed zoning conditions limit the hours of operation from 10am to 8pm. The entrance is controlled by a manned gate and public access from the residential area is not allowed. There is a requirement that a log be maintained of the visitor license plate, color, make and model of the car. The lagoon area will be screened with

a 6-foot fence with lighting that is controlled to limit off-site impacts. Ms. Corbett described the proposed parking which was determined by doing a site specific study of the Epperson Crystal Lagoon project in Pasco County. She concluded her presentation by stating that no parking signs have been installed on streets outside the lagoon area and that Lagoon Shore Boulevard has been determined as evidenced by an email in the record to function as a collector.

Mr. Steve Henry 5021 West Laurel Tampa testified on behalf of the applicant regarding transportation issues. Mr. Henry discussed the functional classification of the project roadway. Policy 22.2 of the Future Land Use Element states that locational criteria is based on the roadway being shown on the Cost Affordable Long Range Transportation Plan. He added that the policy is flawed in that the map does not consider developer roadways. Only federally and locally funded roads are shown unless specifically requested by the County to include a roadway. Mr. Henry cited examples of developer funded roads that are not shown on the Cost Affordable Long Range Transportation map. He showed photos of other project roadways that are collector roads and testified that the commercial locational criteria policy is flawed.

Ms. Corbett continued the applicant's presentation by showing an aerial photo and identifying the location of the collector roadway in the proximity of the lagoon uses. She discussed the commercial locational criteria policy and stated that the Development Services staff agreed that the lagoon use is most alike to an outdoor recreational use. The Comprehensive Plan provides a definition for private recreational sites and does not require compliance with commercial locational criteria standards. She referenced Mr. Henry's testimony and stated that the site could never meet locational criteria because it has a developer funded roadway. She summarized her presentation by stating that the site is not commercial and the project's semi-private status helps to ensure the long term viability of the lagoon amenity.

Hearing Master Finch asked Ms. Corbett about the Board of County Commissioner's discussion pertaining to what would happen if the lagoon use went away. Ms. Corbett responded that if the lagoon were no longer a use, the zoning would need to be modified because only those uses are permitted in the lagoon area.

Hearing Master Finch asked Ms. Corbett to identify the zoning conditions that were added to address the security and operations questions raised by the Board of County Commissioners. Ms. Corbett asked if the County could assist with which conditions were existing and which conditions were added.

Mr. Israel Monsanto of the Development Services Department, testified regarding the County staff report. Mr. Monsanto described the Major Modification and showed a PowerPoint presentation to discuss the proposed general indoor/outdoor recreational use of the Crystal Lagoon. The Board of County Commissioners requested that the case be remanded to provide the applicant

the opportunity to clarify issues regarding safety and security, transportation impacts, parking and the scale of the lagoon in comparison with the original project in addition to the number of residential units and comparison with other similar type projects with golf courses. The applicant has updated their narrative and expanded the explanation of the operational aspect of the use. A guard will staff the entrance gate to control non-residents from entering the lagoon use. County transportation staff found that the lagoon use would decrease the total number of approved residential dwelling units by 100 units and result in less traffic than the existing approved project. The traffic will occur outside of peak traffic times. He detailed the hours of operation and the required number of parking spaces. Mr. Monsanto testified that once the parking lot is full no new reservations or tickets can be sold. A visitor patron log will be maintained by project staff and available for review by Hillsborough County. The applicant is proposing to amend Condition 1 to eliminate uses such as golf courses and bowling alleys. Additionally, the applicant is proposing that a security guard be present at the project entrance to restrict access based on parking availability and increase safety. Mr. Monsanto detailed that proposed changes to the zoning conditions in an updated staff report.

Hearing Master Finch asked Mr. Monsanto if zoning condition 1.2 was added because of the remand. Mr. Monsanto replied not exactly and stated that the main changes were to clarify the ancillary uses and to prohibit certain recreational uses and to add a requirement for a security guard and a patron log.

Ms. Andrea Papandrew of the Planning Commission testified regarding the Planning Commission staff report. Ms. Papandrew stated that the property is designated RES-4 and RES-6 by the Future Land Use Map and is located within the Urban Service Area and the Wimauma Village Community Plan. She described the request and stated that the lagoon constitutes a non-residential use and is subject to locational criteria. It was determined that Lagoon Shore Boulevard operates as a collector roadway by the County Engineer. She added that commercial locational criteria is not based on the classification of the roadway but rather the number of lanes of the roadway. Additionally, the road must be shown on the 2040 Highway Cost Affordable Long Range Transportation map. As Lagoon Shore Boulevard is not shown on the map, it does not meet commercial locational criteria. Ms. Papandrew testified that the staff determined that the proposed use would be too intense and not complementary to the surrounding development pattern based on Objective 16 and its associated policies. She concluded her presentation by stating that there has not been a significant change in the request to alleviate the Planning Commission's staff concerns. Therefore, the project is inconsistent with the Comprehensive Plan.

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

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

the application. No one replied.

Mr. Steve Henry 5023 West Laurel Tampa testified on behalf of the applicant regarding transportation issues. Mr. Henry stated that the project roadway does not appear on the County's Functional Classification Map which resulted in the Planning Commission identifying the road as a local road. The road is not on the map because it is not completed. The County Engineer has determined that it is a collector and functions as a collector roadway. Once the roadway is completed, it will likely be on the Functional Classification Map.

Ms. Corbett concluded rebuttal testimony by stating that the developer's representatives had a phone conference with a person in opposition. Additionally, the applicant provided written answers to specific questions. She stated that Southshore Bay is located within a Community Development District (CDD) and the road is owned by the CDD which requires the road to remain accessible to the general public. The gates provide an additional level of security and an opportunity to track those who enter and exit the community. All persons who purchased homes in the community are subject to a club plan and it was disclosed to members that members of public could possibly have access to the club in the future. Finally, Ms. Corbett referenced a letter from the Pasco County District Commissioner for the Epperson Ranch project stating that in the three years the lagoon use has been operational, there have not been any complaints from residents regarding the lagoon or parking issues.

Hearing Master Finch then concluded the hearing.

### **EVIDENCE SUBMITTED**

Ms. Corbett submitted a copy of her PowerPoint presentation into the record. Mr. Henry submitted a copy of the County's 2045 Cost Feasible Map and Photos of Lagoon Shore Blvd. and other developer funded roadway projects. Mr. Grady submitted a revised County staff report into the record.

### **PREFACE**

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

### **REMAND FINDINGS OF FACT**

1. The Findings of Fact found in the Zoning Hearing Master's Recommendation dated September 7, 2021 are referenced and incorporated into the Hearing Master's complete Recommendation.

2. The subject site is 56.87 acres in size and is zoned Planned Development (05-0210). The property is designated RES-4 and RES-6 by the Comprehensive Plan and located in the Urban Service Area and the Wimauma Village Community Planning Area.
3. The Planned Development (PD) is currently 192 acres in size and approved for a maximum of 940 dwelling units which include single-family detached, townhomes, multi-family and resort dwelling units. The PD is also approved for recreational areas, lakes and stormwater ponds.
4. The Major Modification request proposes to modify 56.87 acres of the PD. The modifications primarily serve to reduce the maximum number of dwelling units by 100 units and instead develop a lagoon as a recreational water amenity for both residents and guests. The site plan is proposed to be modified to increase the number of development parcels from five to six and increase the number of access points from two to four.
5. The Major Modification application was remanded by the Board of County Commissioners on October 12, 2021 to provide the applicant the opportunity to clarify issues pertaining to the operation of the lagoon recreational amenity within the gated community as well as issues pertaining to parking, transportation, safety, security and the use of the lagoon site acreage if it were to no longer exist.
6. In response to the Remand and the Board of County Commissioner comments, the applicant submitted a revised narrative to clarify and limit the lagoon recreational amenity. The applicant agreed to amend the proposed zoning conditions as follows:
  - a. Certain recreational ancillary uses are prohibited to ensure the use of the property will not intensify. These prohibited uses include bowling alleys, skating rinks, movie theatres, gymnasiums and fitness centers, dance schools, miniature golf, baseball hitting cages and athletic fields.
  - b. Ancillary uses have been specified to include bar, eating establishment, pool, volleyball, cabanas and shaded areas.
  - c. A security guard will be required at the entrance gate during lagoon operating hours to limit guest access based on parking availability and also to increase safety.
  - d. A log book will be required to document vehicles entering the facility and compliance with the number of maximum reservations for the lagoon amenity. The log book is required to be available for review by Hillsborough County upon request.
  - e. Patron access to the lagoon amenity is restricted to the gated entrance only such that the number of patrons is monitored at one location.

7. The Planning Commission found that the lagoon constitutes a non-residential use and is subject to locational criteria. Staff stated that commercial locational criteria is not based on the classification of the roadway but rather the number of lanes of the roadway. Additionally, the road must be shown on the 2040 Highway Cost Affordable Long Range Transportation map. As Lagoon Shore Boulevard is not shown on the map, it does not meet commercial locational criteria. The Planning Commission staff found that the proposed use would be too intense and not complementary to the surrounding development pattern based on Objective 16 and its associated policies. Finally, staff found that there has not been a significant change in the request to alleviate the Planning Commission's staff concerns therefore, the project is inconsistent with the Comprehensive Plan.
8. The Development Services Department supports the modification as the proposed additional zoning conditions limit the operation of the recreational use as well as the identify prohibited uses which serves to reduce and mitigate the impacts of the proposed lagoon.
9. The applicant's transportation engineer refuted the Planning Commission's finding of inconsistency by stating that copy of the 2045 Cost Feasible Highway Plan which does not show Lagoon Shore Boulevard as well as other developer roads such as the extension of Simmons Loop Road that is planned from Big Bend Road to Paseo al Mar. The lack of recognition on the map prevents developer roads from meeting the Planning Commission criteria.

The County Engineer agreed that Lagoon Shore Blvd. is a collector road that goes from 674 to Bishop Road. A traffic signal is currently being designed at the intersection with State Road 674.

10. No Planned Development variations are requested as a part of the Major Modification application.
11. The required parking was determined by County staff and the applicant to be most like a water park in terms of vehicular trip generation. The applicant submitted a detailed description of the day to day workings of the lagoon including data from the applicant's other lagoon project in Pasco County. This analysis resulted in the determination that the lagoon would be required to have 246 guest spaces, 220 golf cart spaces and 40 employee parking spaces.
12. The applicant's representative testified in response to a Board of County Commissioner concern regarding the future use of the lagoon acreage if it were to no longer exist that a zoning modification would be required which would include public notice and hearing.

13. The modification for the lagoon with the proposed operational safeguards in place such as the monitoring of the number of patrons and vehicles with access only through a staffed guard gate is consistent with both the Land Development Code and the Comprehensive Plan as it is a recreational amenity. The lagoon will not promote other commercial development as it is integrated in the Planned Development with sufficient restrictions that will ensure compatibility.

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

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

### **CONCLUSIONS OF LAW**

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

### **SUMMARY**

Planned Development 05-0210 is currently approved for a maximum of 940 dwelling units which include single-family detached, townhomes, multi-family and resort dwelling units. The PD is also approved for recreational areas, lakes and stormwater ponds.

The Major Modification request proposes to modify 56.87 acres of the PD. The modifications primarily serve to reduce the maximum number of dwelling units by 100 units and instead develop a lagoon as a recreational water amenity for both residents and guests. The site plan is proposed to be modified to increase the number of development parcels from five to six and increase the number of access points from two to four.

The application was Remanded by the Board of County Commissioners on October 12, 2021 to provide the applicant an opportunity to respond to Commissioner comments. In response to the Remand, the applicant submitted a revised narrative to clarify and limit the lagoon recreational amenity. The applicant agreed to amend the proposed zoning conditions as follows:

- f. Certain recreational ancillary uses are prohibited to ensure the use of the property will not intensify. These prohibited uses include bowling alleys, skating rinks, movie theatres, gymnasiums and fitness centers, dance schools, miniature golf, baseball hitting cages and athletic fields.
- g. Ancillary uses have been specified to include bar, eating establishment, pool, volleyball, cabanas and shaded areas.
- h. A security guard will be required at the entrance gate during lagoon operating hours to limit guest access based on parking availability and to increase safety.
- i. A log book will be required to document vehicles entering the facility and compliance with the number of maximum reservations for the lagoon amenity. The log book is required to be available for review by Hillsborough County upon request.
- j. Patron access to the lagoon amenity is restricted to the gated entrance only such that the number of patrons is monitored at one location.

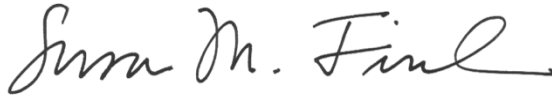
The Planning Commission continued to find that the proposed lagoon constitutes a non-residential use and is subject to locational criteria. Staff stated that commercial locational criteria is not based on the classification of the roadway but rather the number of lanes of the roadway. Additionally, the road must be shown on the 2040 Highway Cost Affordable Long Range Transportation map. As Lagoon Shore Boulevard is not shown on the map, it does not meet commercial locational criteria. The Planning Commission staff found that the proposed use would be too intense and not complementary to the surrounding development pattern based on Objective 16 and its associated policies. Finally, staff found that there has not been a significant change in the request to alleviate the Planning Commission's staff concerns therefore, the project is inconsistent with the Comprehensive Plan.

The Development Services Department supports the modification as the proposed additional zoning conditions limit the operation of the recreational use as well as the identify prohibited uses which serves to reduce and mitigate the impacts of the proposed lagoon.

The modification for the lagoon with the proposed operational safeguards in place such as the monitoring of the number of patrons and vehicles with access only through a staffed guard gate is consistent with both the Land Development Code and the Comprehensive Plan as it is a recreational amenity. The lagoon will not promote other commercial development as it is integrated in the Planned Development with sufficient restrictions that will ensure compatibility.

## RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 05-0210 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.

A handwritten signature in cursive script that reads "Susan M. Finch".

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

**Date**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ PD 21-0742 REMAND

**DATE OF HEARING:** November 15, 2021

**APPLICANT:** IPS Enterprises, Inc.

**PETITION REQUEST:** A request to rezone property from AR and ASC-1 to PD to permit K-12 Private School with a maximum of 107,000 square feet

**LOCATION:** Southwest Corner of Skewlee Road and Hart Pond Road

**SIZE OF PROPERTY:** 15.1 acres, m.o.l.

**EXISTING ZONING DISTRICT:** AR and ASC-1

**FUTURE LAND USE CATEGORY:** RES-1

**SERVICE AREA:** Rural

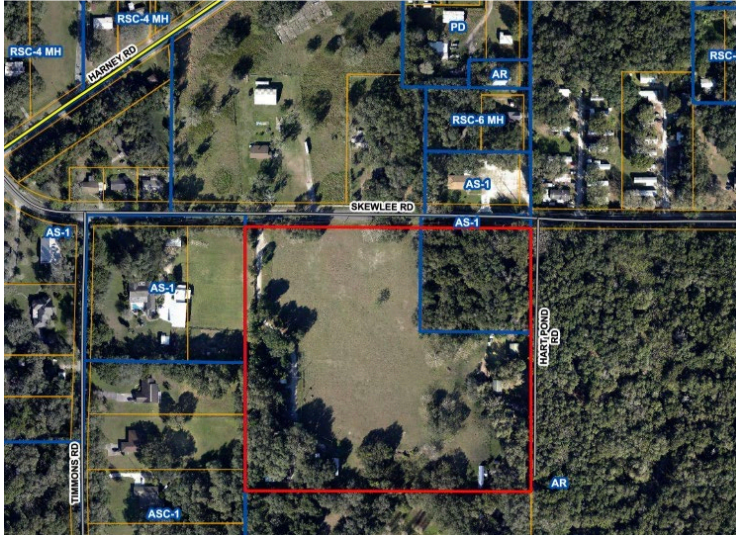
**COMMUNITY PLAN:** Thonotosassa Community Plan

## DEVELOPMENT REVIEW STAFF REPORT

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

### 1.0 APPLICATION SUMMARY

#### Development Services Department



Applicant: Bohler Engineering, FL, LLC

FLU Category: RES-1

Service Area: Rural

Site Acreage: 15

Community Plan Area: Thonotosassa

Overlay: None

Request: Rezone To Planned Development for a K-12 Private School

#### Request Summary:

The existing zoning districts are AR and AS 1, which permits Residential and Agricultural uses pursuant to the development standards in the table below. The proposed zoning for Planned Development (site plan controlled district) to allow a 1,452-Student, Private K-12 School (107,000 square feet), pursuant to the

development standards in the table below and site plan depicted in Section 2.4 of this report.

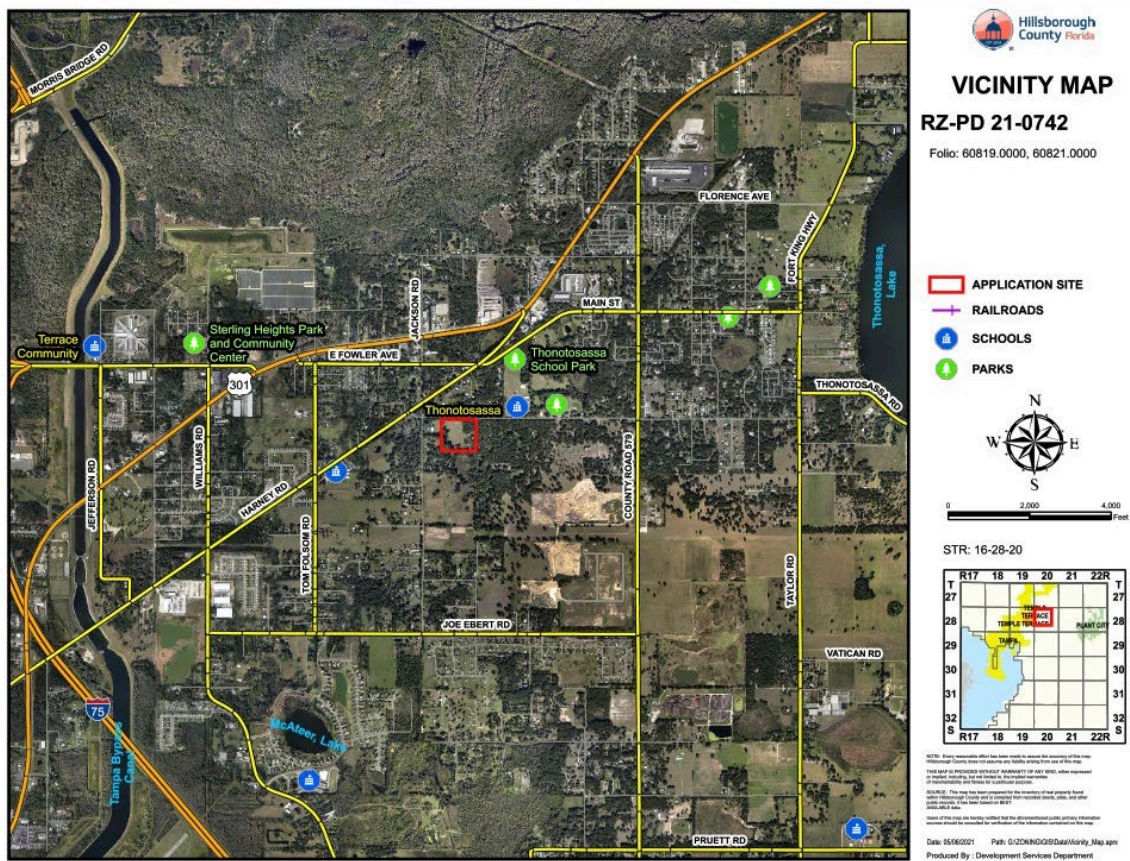
Uses		PD Zoning
	Residential/Agricultural	1,456 (K – 12) Student Private School (107,000 sq. ft.)
	AR: 2 dwellings; AS-1: 2 dwellings	163,300 sq. ft. (0.25 FAR); No dwelling units

\*Mathematical maximum entitlements may be reduced due to roads, stormwater and other improvements.

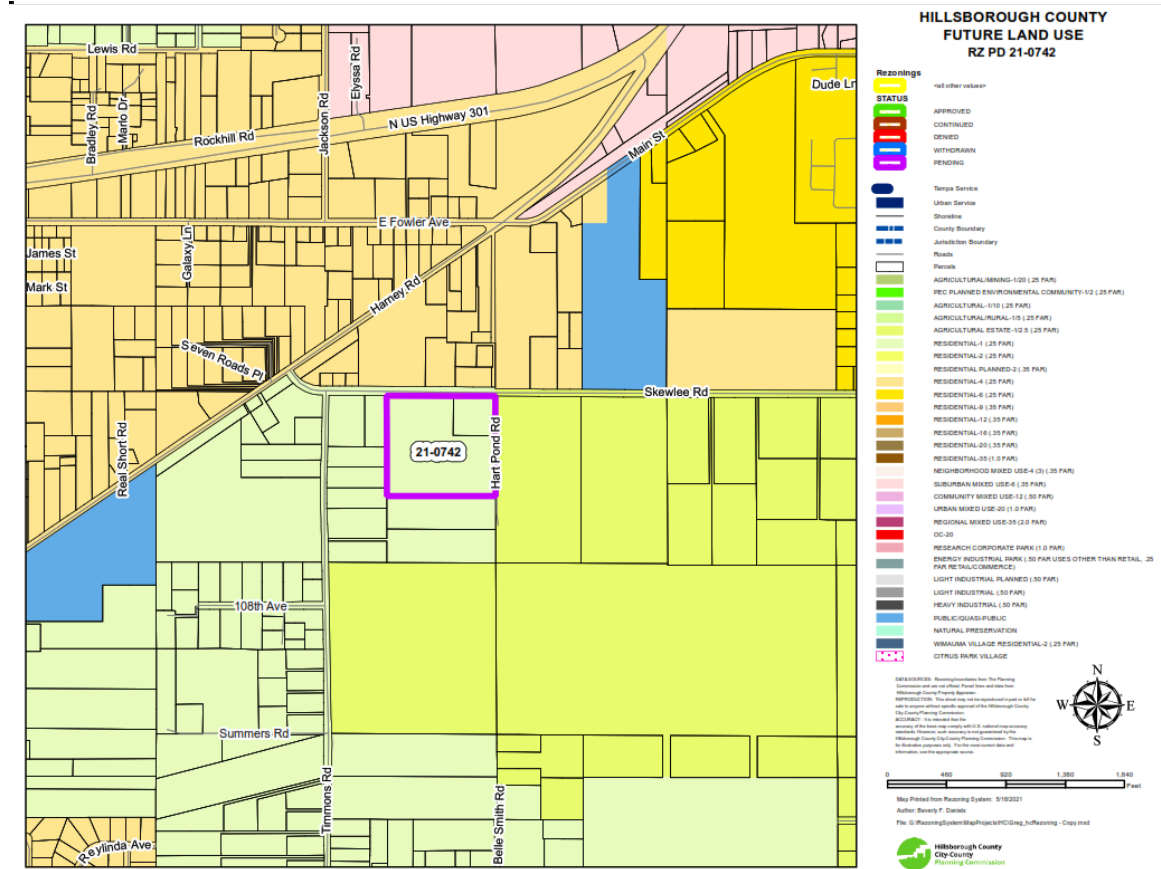
	Current AR and AS-1 Zoning	Proposed PD Zoning
Density / Intensity	1 du/5 Ac - 1 du/Ac	107,000 Sq. Ft.
Lot Size / Lot Width	5 Ac - 1 ac / 150'	3,200 sf / 40'

Setbacks/Buffering and Screening	50' Front 50'Rear 25' Sides	50' Front 50'Rear 15' Sides	50' Front 50'Rear 25' sides
Height	50'		50'
Additional Information:			
PD Variations		None	
Waiver(s) to the Land Development Code		None	
Planning Commission Recommendation		CONSISTENT	
Development Services Department Recommendation		APPROVABLE WITH CONDITIONS	

## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map

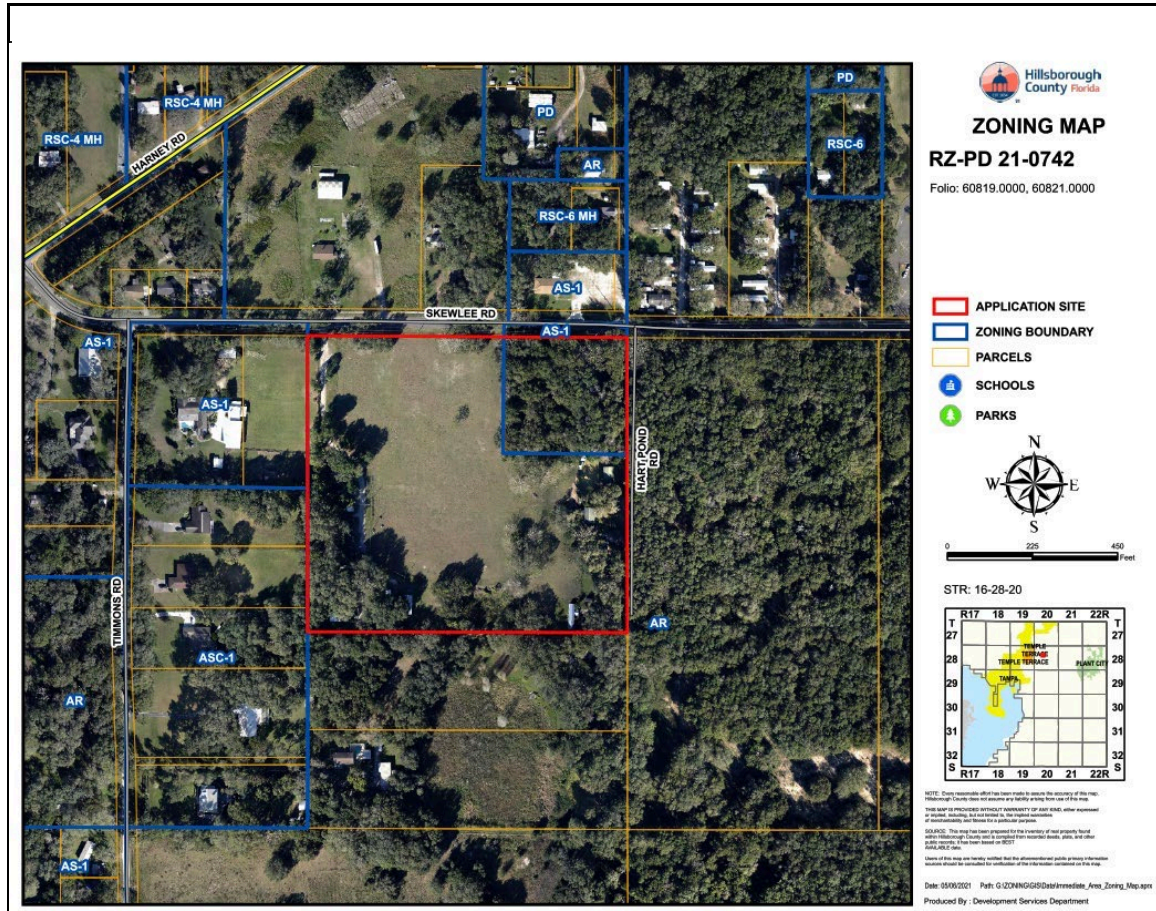


The area mostly consists of residential properties, zoned Agricultural, in addition to some vacant land. Lot sizes range from 1/4 Acre to 20 Acres. Thonotosassa Elementary School and Thonotosassa Park and Recreation Center are located in the vicinity, east of the site.



Subject Site Future Land Use Category:	Residential-1 (RES-1)
Maximum Density/F.A.R.:	Up to 1.0 dwelling units per gross acre / Rural scale neighborhood commercial, office or multipurpose projects are limited 45,000 sq. ft. or 0.25 FAR.
Typical Uses:	Farms, ranches, residential uses, rural scale neighborhood commercial use, office and multipurpose projects. Commercial, office and multipurpose uses shall meet locational criteria for specific land use projects.

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



### Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR/AS-1	1 du-5ac / 1 du/ac	Agricultural/Residential	Farm, Residential / House of Worship
South	AR	1 du-5ac	Agricultural/Residential	Residential
East				Vacant acreage



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

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
Skewlee Rd.	County Local – Rural (Considered Collector for Purposes of this Rezoning)	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation ☐ Not applicable for this request

	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	38	2	4
Proposed	3,611	1,558	961
Difference (+/-)	<b>(+) 3,573</b>	<b>(+) 1,556</b>	<b>(+) 957</b>

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

<b>Connectivity and Cross Access</b> <input type="checkbox"/> Not applicable for this request				
<b>Project Boundary</b>	<b>Primary Access</b>	<b>Additional Connectivity/Access</b>	<b>Cross Access</b>	<b>Finding</b>
North	X	Vehicular & Pedestrian	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				
<b>Design Exception/Administrative Variance</b> <input type="checkbox"/> Not applicable for this request				
<b>Road Name/Nature of Request</b>	<b>Type</b>		<b>Finding</b>	
Skewlee Rd. Substandard Rd.	Design Exception Requested		Approvable	

	Choose an item.	Choose an item.
Notes:		

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY				
INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	A Noticed Exemption Verification letter has been issued by the EPC.
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Aviation Authority	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters  <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area  <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor  <input type="checkbox"/> Adjacent to ELAPP property <input checked="" type="checkbox"/> Other __ Volume Sensitive _____				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments

<b>Transportation</b>  <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Service Area/ Water &amp; Wastewater</b>  <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The 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.
<b>Hillsborough County School Board</b>  Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b>  <b>Estimated Fees:</b>  School (k-12) (non-charter) (Per Student) (Fire Per 1,000 s.f.) Mobility: \$792 per student (Elementary) Mobility: \$907 per student (Middle) Mobility: \$990 per student (High) Fire:\$98 (per1,000 s.f.)				

<b>Project Summary/Description</b>  Rural Mobility, Northeast Fire - School K-12, 1,456 students; 107,000 s.f. Unknown student breakdown.
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Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input type="checkbox"/> No	
4.0 Additional Site Information & Agency Comments Summary				
<b>Transportation</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>	
<input checked="" type="checkbox"/> Design Exception/Adm. Variance Requested <input checked="" type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

## 5.0 IMPLEMENTATION RECOMMENDATIONS

Remand:

At the October 12, 2021 Hillsborough County Board of County Commissioners' (BOCC) Land Use Meeting, the BOCC remanded the application to the November 15, 2021 ZHM for consideration of various issues related to Transportation. In response, the applicant submitted revised transportation analysis and PD site plans. Transportation Staff has amended its report accordingly (See Section 9).

### *Revised Plan and Narrative*

Subsequent to the remand, the applicant submitted a revised site plan and narrative, and met with Transportation Review Section staff. Changes included committing to:

- The use of two arrival and dismissal periods (one for grade levels K-5 and the other for grade levels 7-12) after enrollment reaches 50% of maximum capacity; and,
- Two specific morning and afternoon bell times which maintain a 30-minute separation from each other as well as 30-minute minimum separation from the morning and afternoon bell times at Thonotosassa Elementary.

## 5.1 Compatibility

### Summary:

The request is to rezone from Agricultural Rural (AR) and Agricultural Single-Family (AS-1) to a Planned Development District to allow the construction of a Private School. The proposed school will consist of a maximum of 1,456 students, K to 12. The site is located on the south side of Skewlee Rd., 800 feet east of Harney Rd. in Thonotosassa. The Future Land Use is R-1 and the site is within the Thonotosassa Community Plan. The subject PD will be 15.11 acres in size.

The future school building area will be a maximum of 107,000 sq. ft., resulting in a 0.16 FAR. The site will have two access points for the drop off and pick up of students, as indicated in the submitted General Site Plan. The applicant is proposing specific development standards for the site including, minimum building setbacks at 50 feet front and rear, and 25 feet for the side yards. Maximum building height would be 50 feet, and additional building setbacks would be required for structures exceeding 20 feet in height, in accordance with LDC Section 6.01.01 footnote 8.

The proposed use would require 10 feet of buffer and a Type A screening against adjacent uses. This screening type allows the use of a solid fence as an option, in addition to natural screening. The applicant, however, is proposing the following:

- 10 -foot, with Type A landscaped buffer, to include a minimum 6-foot high pvc/wood fence, and trees 30 feet on center along the east, south and west.
- 10 -foot landscaped buffer, to include trees 60 feet on center along the frontage road to the north.

The site will be regulated in accordance with the Land Development Code 6.11.88 for School site standards. Per the submitted General Site Plan, the play fields are being located internal to the site. The applicant has proposed to restrict use of the play fields until 9 pm on weekdays, with no activities on weekends. In order to avoid interference or impacts to adjacent parcels, the applicant proposes that all field and playground lighting will be pointed away from adjacent

residential properties. Additionally, the screening proposed will provide natural screening to further mitigate impacts of the school activities.

Transportation review section has evaluated the traffic circulation plan as well as the event parking plan proposed by the applicant and has found them appropriate and in accordance with the LDC Sec. 6.03.13. Additionally, a Design Exception request (dated July 26, 2021) was found approvable by the County Engineer.

Staff finds that the proposed school is compatible with the area and meets the LDC standards for Private Schools. The area today generally consists of residential, agricultural, residential support uses and parks, including public schools and places of worship. Private Schools are permitted in the majority of the County's zoning district, subject to the standards of the Land Development Code. The applicant proposes a more restrictive screening of the site, exceeding minimum Code requirements, to mitigate the use against adjacent properties and is also restricting the use and location of the playfields. The buildings are located on the eastern portion of the site, away from residences to the west and south. The applicant also proposes to improve the road along the frontage to allow safe vehicle movements in and out of the site. The site is large enough to accommodate the proposed number of students, capped as indicated in the General Site Plan. Lastly, the number of parking spaces will be a minimum of 243, as required by the LDC. No reviewing agency objected to this request. The EPC approved the proposed Site Plan and provided conditions.

## **5.2 Recommendation**

Based on the above considerations, staff finds the request approvable with conditions.

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

## **SUMMARY OF HEARING**

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

Mr. Michael Horner 14502 North Dale Mabry Highway testified on behalf of IDEA Schools who are the applicants for the rezoning application. Mr. Horner stated that the application was originally heard by the Zoning Hearing Master on August 16<sup>th</sup> and a recommendation for approval was filed by the Hearing Master on September 7<sup>th</sup>. He added that the request is essentially the same aside from a few transportation updates. Both Planning staffs have recommended approval.

There are no waivers or variations requested. The number of students, 1,456, is the same. Mr. Horner provided the breakdown of students by grade. He testified that the prior transportation analysis assumed a busing provision. The County's transportation staff disagreed with the analysis and requested a 100% non-busing impact assessment which has been completed. Mr. Horner testified that the school would have busing. The traffic analysis is a worse case scenario. The school will not have the required staggering until an assessment is done on year three. Prior to year three, the school will be reaching the 50% capacity point.

Hearing Master Finch asked Mr. Horner about proposed zoning condition 12 regarding the split arrival and dismissal schedule and if prior to staggered schedule if everything would start at the same time. Mr. Horner replied that the staggered schedule only goes into effect when the number of students exceeds 728. Prior to that, there will be one bell time. He added that the key is that there is an offset to the school times of Thonotosassa Elementary.

Mr. Horner continued his presentation by stating that there are restrictions on the access on the western driveway which will be reverted to inbound only during the peak arrival and dismissal time periods. Otherwise, it will be two-way traffic. He discussed the proposed site plan and stated that there was a concern about the circuitous nature of the school access. The access provides on-site queuing which is required by Hillsborough County. He filed into the record documents from 7 or 8 other school sites that have the exact same queuing requirement. Mr. Horner testified that there is approximately 9,000 linear feet of on-site queuing area.

Mr. Michael Raysor testified on behalf of the applicant regarding transportation issues. Mr. Raysor stated that he has been a professional engineer with a specialty in traffic engineering for the past 24 years. He added that he conducted a traffic study for the 1,456 student charter school and was updated based on the Remand. The study was expanded to include the intersections of Skewlee Road and Harney Road to the west and the intersection of Skewlee Road and Mango Road to the east. The updated version of the traffic study did not include busing in order to provide a worse case scenario even though busing is customary for IDEA schools and required by the school's charter. Mr. Raysor described the access restrictions and stated that the multiple start and dismissal times result in the spreading out of traffic flows over time thereby minimizing traffic impacts. The traffic analysis identified that both left and right turn lanes are required on Skewlee Road at the western site access connection with dual receiving lanes internal to the site. The site meets queuing requirements and provides 8,980 feet of on-site queuing storage. The area complies with the Land Development Code's formula with a 25 % safety factor. Mr. Raysor showed a graphic to describe the transportation improvements. The graphics were filed into the record.

Mr. Israel Monsanto, Development Services Department testified regarding the County's staff report. Mr. Monsanto stated that the rezoning was remanded at

the October 12, 2021 Board of County Commissioners meeting for consideration of various issues related to transportation. In response, the applicant submitted a revised transportation analysis and PD site plan. In addition, the County's transportation staff has amended their comment sheet. Changes submitted by the applicant include committing to the use of two arrival and dismissal periods. After enrollment reaches 50% of the maximum capacity, the morning and afternoon bell will be a minimum 30-minute separation from the bell times at Thonotosassa Elementary. Mr. Monsanto testified that zoning condition 1 has been amended to specify the number of students in grade ranges for a total of 1,456. County transportation staff amended zoning condition 12 and added a new condition # 13.

Mr. James Ratliff of the County's Transportation Review Section testified that regarding the busing issue, the charters don't get issued for location specific approvals.

Ms. Andrea Papandrew of the Planning Commission staff testified that the property is within the Residential 1 Future Land Use category and located in the Urban Service Area and Thonotosassa Community Planning Area. She stated that the rezoning was remanded to provide the applicant an opportunity for submittal of information regarding the queuing and the impacts of Skewlee Road. The proposed school use is consistent with the RES-1 land use category as well as the intent of Objective 4 and Policy 4.1 as well as Policies 16.1, 16.2, 16.3 and 16.10 regarding neighborhood protection of the Comprehensive Plan. In summary, the Planning Commission found the request is consistent with the Thonotosassa Community Plan and the Comprehensive Plan.

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

Ms. Rosa Moctezuma 313 East Kirby Street Tampa testified in support. Ms. Moctezuma stated that she is the proud mother of two students at the IDEA school. She described how much her children like attending the school and the quality of the education.

Ms. Autumn Holt 202 Windwood Oaks Drive Tampa testified in support and stated that she is the proud grandparent of a child attending the Tampa Bay IDEA school. She added that the school notifies her about all things that are happening and that the school has been a great opportunity for her granddaughter.

Ms. Octavia Smith 508 East Caracas Street Tampa testified in support. She stated that she is the parent of two students at the IDEA Victory school. Ms. Smith testified that the school is spectacular and provides an encouraging environment. It stresses academics while building thoughtful citizens.

Ms. Julene Robinson testified as the Executive Director with IDEA Tampa Bay.

She thanked the three parents that testified in support and stated that she was excited to join IDEA public schools where the focus is having 100% of the students go through to college. Ms. Robinson described the IDEA campuses and stated that the schools are very important in the community.

Mr. Horner read a letter of support into the record from Christina Barker who is the Chief of Staff for the Vinik Family Foundation and a member of the fiduciary board for IDEA Florida. Community relationships have been built across the greater Tampa Bay area and the school offers a rigorous yet joyful educational experience. She requested the Commission to approve the rezoning.

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

Ms. Patricia Hall 2910 Harbor View Avenue Tampa testified in opposition. Ms. Hall stated that the proposed school across the street from Thonotosassa Elementary is a concern to the School Board for a number of reasons. She detailed the enrollment of Thonotosassa Elementary as having 430 children with a letter grade of C. She added that the Folsom school is within one mile and has 493 students. A third school with an enrollment of over 1,400 students will drain resources that are already scarce in the school district. Ms. Hall testified that Skewlee Road is a narrow two-lane road already congested at school drop-off and pickup times. She added that neighbors have complained about the traffic in the past. Flooding has been a perpetual problem in Thonotosassa after significant rainfall. Ms. Hope stated that she hoped the IDEA school would find a more suitable location. She concluded her remarks by discussing the founder of the IDEA school program and stated that the school is inappropriate for the neighborhood.

Ms. Veronica McDonald 16405 Shagbark Place Tampa testified in opposition. She stated that the traffic study was done in April of 2021 which was very atypical because of COVID as students were learning at home. Ms. McDonald testified that the busing of students will add to the existing congestion on deteriorated roadways. She expressed concerns regarding the wetlands on-site and the need for a wetland delineation. Ms. McDonald testified that the buffers are minimal and that there should be no design exception of the school. The developer should instead improve Skewlee Road from Harney Road to Taylor with sidewalks on both sides. The developer should install a traffic light when warranted at their own expense. Finally, Ms. McDonald stated that the topography of the area shows the site is low-lying and water mitigation is necessary through stormwater improvements.

County staff did not have additional comments.

Mr. Horner testified during the rebuttal period that there are 1,456 students proposed. A zoning condition is proposed that requires the sidewalk to be extended for the entire extent of Skewlee Road to Mango Road which is a

distance of over one mile. Regarding the traffic study, the volumes were adjusted for COVID. The site will provide buffering beyond the minimum requirements and will also exceed the required tree planting standards.

Mr. Gregory Roth 3820 Northdale Boulevard Tampa testified on behalf of the applicant to address the flooding and grading issue raised by a person in opposition. Mr. Roth stated that the site is designed to meet the Land Development Code and Southwest Florida Water Management District requirements for stormwater. He showed an SWFWMD aerial to discuss the existing grade elevation of the property which is 50 at the northeast corner of the property and 47 at the northwest corner of the site. He added that the entire site falls to the south and discharges to the south of the subject property. There is an existing man-made depressional ditch on-site. A letter of no exception was received from EPC and it is not a wetland that would need further verification. Mr. Roth testified that any new development or improvements along Skewlee Road will have to be in accordance with the County and State standards for stormwater and follow the natural discharge. The landscape buffer will exceed Code requirements.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Mr. Horner submitted site graphics pertaining to charter school queuing examples, information regarding IDEA charter schools, transportation analysis data and a copy of the agreement between IDEA and the School Board into the record.

Mr. Roth submitted a SWFWMD aerial into the record.

### **PREFACE**

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

### **REMAND FINDINGS OF FACT**

1. The Findings of Fact found in the Zoning Hearing Master's Recommendation dated September 7, 2021 are referenced and incorporated into the Hearing Master's complete Recommendation.
2. The subject site is 15.1 acres in size and is zoned Agricultural Single-Family -1 (AS-1) and Agricultural Rural (AR). The property is designated Residential-1 (RES-1) by the Comprehensive Plan and located in the Rural Service Area and the Thonotosassa Community Planning Area.

3. The request to rezone from AS-1 and AR to Planned Development (PD) is to permit a 107,000 square foot K-12 private school with 1,456 students.
4. The Board of County Commissioners remanded the rezoning application on October 12, 2021 to address various issues pertaining to transportation.
5. The Planning Commission staff stated that the proposed school is consistent with the RES-1 land use category as well as the intent of Objective 4 and Policy 4.1 of the Comprehensive Plan. In summary, the Planning Commission found the request is consistent with the Thonotosassa Community Plan and the Comprehensive Plan.
6. In response to the Board of County Commissioner's concerns, the applicant submitted a revised transportation analysis which represented a worse-case scenario that included no busing of students.
7. The applicant has agreed to new zoning conditions that 1) require two arrival and dismissal bells (one for grades K-5 and one for grades 6-12) after enrollment reaches 50% of maximum capacity and 2) require two morning and afternoon bells that maintain a 30-minute minimum separation from the morning and afternoon bells at Thonotosassa Elementary School.
8. The applicant's transportation engineer testified that the school provides 8,980 linear feet of on-site queuing area which meets County standards. The applicant has agreed to construct a sidewalk on the south side of the road from Harney to the west to Mango to the east which is approximately 1.06 miles.
9. Testimony in support of the school was provided at the Zoning Hearing Master from parents of current students at other IDEA charter schools.
10. Testimony in opposition was provided by two members of the public at the Zoning Hearing Master hearing. The testimony focused on the applicant's transportation analysis and its lack of recognition of the existing school traffic, congestion on area roads and the fact that the study was done during COVID times at which students were studying at home on-line. Additionally, concerns were expressed about existing flooding and how the proposed school will negatively impact the surrounding area.

The applicant's representative refuted the testimony in opposition by stating that the transportation analysis was adjusted to account for the traffic volumes pre-COVID. Regarding flooding, the applicant's engineer testified that the project will be developed in accordance with all

SWFWMD regulations for the retention of water and that the drainage will be designed to reflect the natural discharge of the property.

11. Residential support uses, such as a school, are permitted within the majority of Hillsborough County's zoning districts. The application for a Planned Development zoning for a private school results in certainty to the surrounding community that measures are in place to ensure compatibility.
12. The implementation of the staggered bell times both for the existing Thonotosassa Elementary School and the subject charter school once it exceeds 50% of its maximum capacity serves to address possible transportation issues associated with the school. It is noted that while the revised transportation analysis does not include a busing component as requested by Hillsborough County, the applicant's representative testified that the school will have busing thereby decreasing the traffic impact of the school overall.
13. Approval of the Planned Development zoning with the conditions proposed by the Development Services Department result in a development that is compatible with the surrounding area and consistent with the intent of the Land Development Code and Comprehensive Plan.

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

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

#### **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 Board of County Commissioners remanded the rezoning application on October 12, 2021 to address various issues pertaining to transportation.

The request is to rezone 15.1 acres from AS-1 and AR to PD to permit the development of a 107,000 square foot K-12 private school with 1,456 students.

The Planning Commission staff stated that the proposed school is consistent with the RES-1 land use category as well as the intent of Objective 4 and Policy 4.1 of

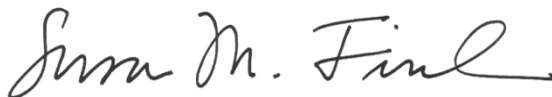
the Comprehensive Plan and found the request is consistent with the Thonotosassa Community Plan and the Comprehensive Plan.

In response to the Board of County Commissioner's concerns, the applicant submitted a revised transportation analysis which represented a worse-case scenario that included no busing of students. The applicant has agreed to new zoning conditions that 1) require two arrival and dismissal bells (one for grades K-5 and one for grades 6-12) after enrollment reaches 50% of maximum capacity and 2) require two morning and afternoon bells that maintain a 30-minute minimum separation from the morning and afternoon bells at Thonotosassa Elementary School.

The implementation of the staggered bell times both for the existing Thonotosassa Elementary School and the subject charter school once it exceeds 50% of its maximum capacity serves to address possible transportation issues associated with the school. It is noted that while the revised transportation analysis does not include a busing component as requested by Hillsborough County, the applicant's representative testified that the school will have busing thereby decreasing the traffic impact of the school overall.

### 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.



December 8, 2021

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

**Date**

**COUNTY OF HILLSBOROUGH**

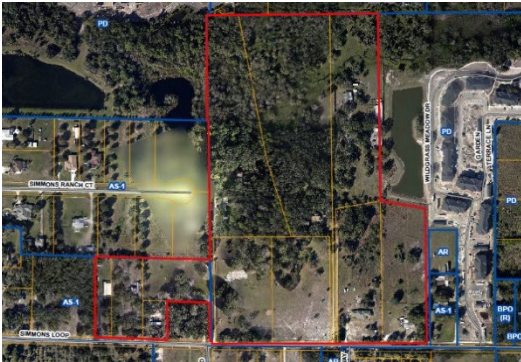
**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

<b>APPLICATION NUMBER:</b>	RZ PD 21-0969
<b>DATE OF HEARING:</b>	November 15, 2021
<b>APPLICANT:</b>	2 <sup>nd</sup> Wave Development, LLC
<b>PETITION REQUEST:</b>	A request to rezone property from AR and AS-1 to PD to permit single-family detached and attached dwelling units, multi-family dwelling units and a day care center
<b>LOCATION:</b>	North side of Simmons Loot and 1,500 feet west of S. US Highway 301
<b>SIZE OF PROPERTY:</b>	58.28 acres, m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	AR and AS-1
<b>FUTURE LAND USE CATEGORY:</b>	SMU-6
<b>SERVICE AREA:</b>	Urban
<b>COMMUNITY PLAN:</b>	Riverview Community Plan

## DEVELOPMENT REVIEW STAFF REPORT

**\*Please note that formatting issues prevented the entire staff report from being included in the Hearing Master's Recommendation. Please refer to the Hillsborough County Development Services Department website for the complete staff report.**

### 1.0 APPLICATION SUMMARY



Applicant: 2<sup>nd</sup> Wave Development, LLC

FLU Category: SMU-6

Service Area: Urban

Site Acreage: 56.6

Community Plan Area: Riverview

Overlay: None

#### Introduction Summary:

The applicant seeks to rezone multiple parcels zoned Agricultural Rural (AR) and Agricultural, Single-Family (AS-1) to a Planned Development (PD) to allow for the development of a mixed-use project. The project is located on the north side of Simmons Loop Rd, 1/4 mile west of US Hwy 301 in Riverview. The project will consist of a mix of residential units (detached, duplexes and Multi-family) with a maximum count of 469 (8.08 Du/ac). A non-residential component is also proposed consisting of a Day Care for a maximum number of 100 children, 10,000 sq. ft. in size. The developer intends to utilize the Mixed Use Incentive program set forth in the Comprehensive Plan to achieve a density up to 9 du/acre on the site. The site will have two access points on Simmons Loop Rd. and provide for cross access to the west.

## Zoning: Existing Proposed

District(s)	AR	AS-1	Planned Development
Typical General Use(s)	Single-Family Residential (Conventional/Mobile Home)	Single-Family Residential (Conventional/Mobile Home)	Single-Family, MF Residential and Day Care
Acreage	50	6.22	56
Density/Intensity	1 unit per 5 acre (upland)	1 unit per acre (upland)	8.08 units per acre/10,000 sq ft
Mathematical Maximum*	10 units	6 units	469 units

\*number represents a pre-development approximation

Development Standards: Existing Proposed				
District(s)	AR	AS-1	PD	
Lot Size / Lot Width	5 Ac / 150'	1 Ac / 150'	N/A	
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	50' Front 50' Rear 15' Sides	Residential 20' Front 15' Rear 10' Sides	Non-Residential 20' Front 20' Rear 20' Sides
Height			45'	35'

	50'	50'		
<b>Additional Information:</b>				
PD Variation(s)		None requested as part of this application		
Waiver(s) to the Land Development Code		To Section 6.01.01.01 Footnote 8. Reduce the required building setback for building height over 20 feet.		
<b>Planning Commission Recommendation:</b>  Consistent		<b>Development Services Recommendation:</b>  Approvable, subject to proposed conditions		

**VICINITY MAP**  
**RZ-PD 21-0969**

Folio: 77747.0200, 77747.0350, 77747.0400, 77747.0250, 77771.9052, 77771.9054, 77771.9056, 77771.9058, 77771.9060, 77771.9062, 77771.9064

**APPLICATION SITE**  
**RAILROADS**  
**SCHOOLS**  
**PARKS**

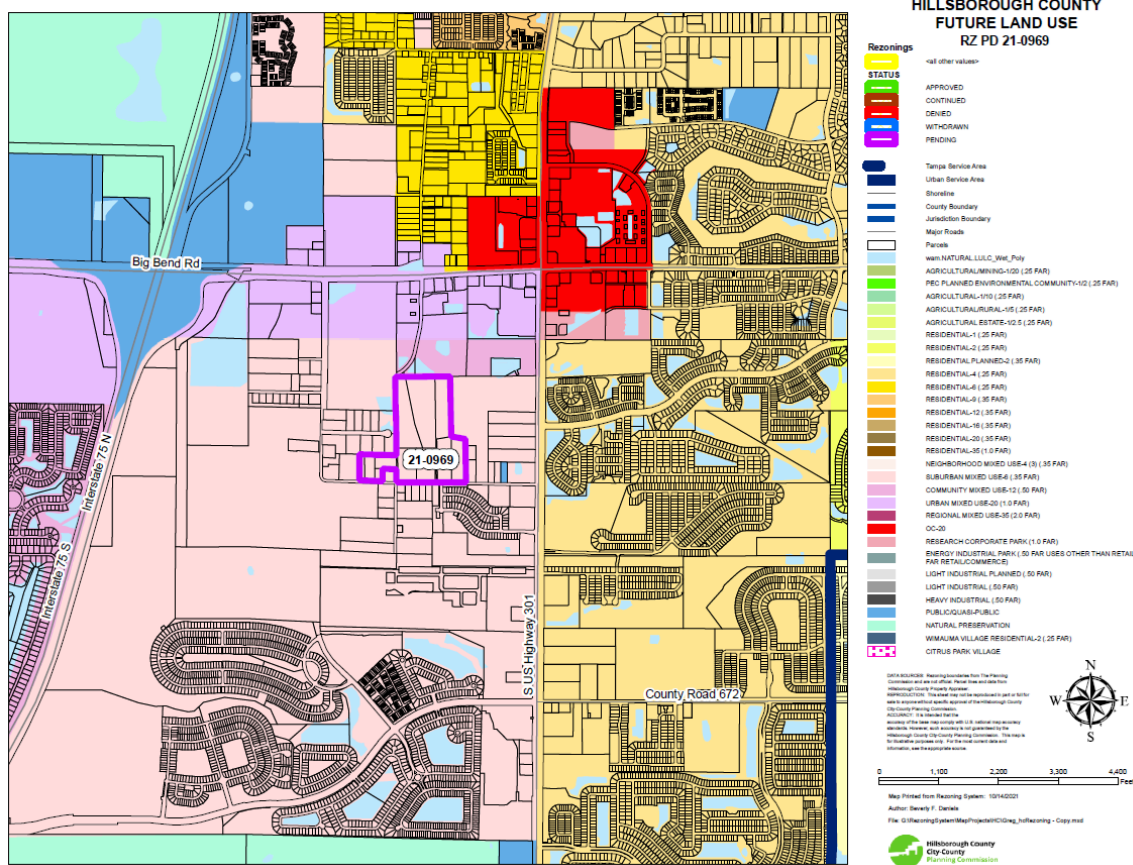
STR: 18-31-20

Scale: 0 2,000 4,000 Feet

Map labels include: CSX, Corr, Eisenhower, East Bay, Doby, Covington Garden Dr, Covington Stone Ave, Winthrop College Prep Academy, Vance Vogel Sports Complex, Summerfield Crossings, Summerfield Crossing Blvd, Big Bend Rd, Collins, Panther Trace Park, DIXON DR, SUMMERFIELD BLVD, PANTHER TRACE BLVD, PARKWAY MEADOW DR, AMLEIGH BLVD, CLEMENT ROSE BLVD, Creekside Charter Academy, Belmont, Summer, COUNTY ROAD 672, ATERS WORTH GLEN BLVD, PASEO ALMA BLVD, and I-75.

The project is generally located south of Big Bend Road, between I-75 and US Hwy 301. Area consists of residential and agricultural land. St. Joseph Hospital is located NW of the site. Areas to the east are developed with multi-family apartments and residential single-family neighborhoods are approved and being developed south and southwest of the site.

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



Subject Site Future Land Use Category:	Suburban Mixed Use - 6
Maximum Density/F.A.R.:	Up to 6.0 dwelling units per gross acre. Suburban scale neighborhood commercial, projects limited to 175,000 sq. ft. or 0.25 FAR, whichever is less intense for free standing projects (pursuant to the locational criteria) or 20% of the projects land area when part of larger planned research/corporate park.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Neighborhood Commercial uses shall meet locational criteria or be part of larger mixed use planned development. Office uses are not subject to locational criteria.

**Hillsborough County Florida**

**ZONING MAP**

**RD-PD 21-0969**

File: 77747.0200, 77747.0350, 77747.0400, 77747.0250, 77771.9052, 77771.9054, 77771.9056, 77771.9058, 77771.9060, 77771.9062, 77771.9064

**APPLICATION SITE**

**ZONING BOUNDARY**

**PARCELS**

**SCHOOLS**

**PARKS**

**STR: 18-31-20**

**DATE: 10/08/2021 File: 01/20/2019/000 Zoning\_Map.apr**

**Produced By: Development Services Department**

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD-1 89-0160	15 Du/ac – 0.27 FAR	Retail, Office, Multi family	Retail, Office, Multi family
South	PD 04-1476, PD 06-1687,	2.89 Du/ac – 0.23 FAR 1.37 Du/ac	Single Family Detached, Agricultural	Vacant, Single Family, Farm



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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Simmons Loop Rd.	County Collector - Urban	<input type="checkbox"/> 2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	84	6	9
Proposed	3,493	297	359
Difference (+/-)	+3,409	+297	+359

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		Choose an item.	Vehicular & Pedestrian	Meets LDC
Notes:				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
Simmons Loop Rd./Substandard Roadway	Design Exception Requested	Approvable
Simmons Loop Rd./Driveway Spacing	Administrative Variance Requested	Approvable
Notes: Condition of approval to improve 2,000 feet of Simmons Loop Rd.		

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input checked="" type="checkbox"/> Design Exception/Adm. Variance Requested <input checked="" type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See report.

### Level or Service:

Simmons Loop Rd is not a regulated roadway within 2020 Hillsborough County Level of Service (LOS) Report

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY				
INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments

Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters  <input type="checkbox"/> Use of Environmentally Sensitive Land Credit  <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area  <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property  <input type="checkbox"/> Other _____				
<b>Public Facilities:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b>  <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Sec. 9
<b>Service Area/ Water &amp; Wastewater</b>  <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Hillsborough County School Board</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Adequate <input type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input checked="" type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A				
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**Impact/Mobility Fees**  
**Estimated Fees**  
(Fee estimate is based on a 2,000 square foot, 3 bedroom, Single Family Detached Unit) Mobility: \$7,346\*133 = \$977,018  
Parks: \$1,815\*133 = \$241,395  
School: \$8,227\*133 = \$1,094,191  
Fire: \$335\*133 = \$44,555

(Fee estimate is based on a 1,200 square foot, 2 bedroom, Multi-family Units 3 story)

Mobility: \$3,891\*469 = \$1,824,879 Parks: \$1,316\*469 = \$617,204 School: \$3,891\*469 = \$1,824,879 Fire: \$249\*469 = \$116,781

Daycare (per 1,000 s.f.)  
Mobility: \$10,525\*10 = \$105,250 Fire: \$95\*10 = \$950

<b>Project Summary/Description</b>				
Urban Mobility, South Park/Fire - 469 units, 336 multi-family (3 story), 133 single family detached. 10,000 s.f. daycare facility. Credit for prior structures may apply.				
<b>Comprehensive Plan:</b>	<b>Comments Received</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b>  <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Density Bonus requested for Mixed Use Projects (3 horizontal uses)

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The surroundings generally consist of single-family residential lots with a mix of lot sizes from over one acre to 5,000 sq. ft. lots and Multifamily uses. A recently approved mixed use project located to the east consists of multifamily units and retail. Areas to the west and south have been approved with Planned Developments with residential single family detached units. The area has a FLU of Suburban Mixed Use 6, that covers land between I 75 and US Hwy 301, south of Big Bend Rd. and north of Ayersworth Blvd.

The project would consist of a mix of residential units and residential support uses (Day Care) to utilize the Mixed-Use Incentive program set forth in the Comprehensive Plan to achieve a maximum density of 9 du/acre on the site. The project is 56.5 acres in size and is located in the Riverview Community Plan. The rezoning would allow the development of a maximum of 469 residential units at 8.08 Du/ac.

Per the narrative, the project will be a *“build to rent product- BTR, a component providing a unique opportunity for housing diversity and an emerging, highly demanded rental product to the southern Hillsborough County market area. BTR generally means a residential community that will be owned by a single entity (under unified ownership and control) that will offer all of the units as a “for-rent” product located on tracts maintained by the owner entity”*.

The residential units will consist of 133 single family detached or duplex units, and 336 multifamily units. The applicant proposes that at least 46 units of the 133 SF/Duplex would consist of detached/single units.

The development standards proposed for the residential component will be similar to other approved residential projects in the area, including 15 feet of rear yards for the detached units, and 20 feet for the multifamily buildings. Maximum building height for the single-family units will be 35', similar or more restrictive than some of the area's residential uses. The multifamily structures will be a maximum of 45'. Per the proposed Site Plan, single family and /duplex units will be placed in the perimeter of the project, west, east and south, along Simmons Loop Rd. adjacent to existing single-family parcels. The multifamily units will be limited to the eastern portion of the site, closer to the multifamily project adjacent to the east. The overall placement of the residential units in the subject project would provide for a transition from single family detached uses adjacent to the west of the site, and higher density, multi-family uses to the east.

As part of this application, the applicant has requested a waiver from Land Development Code (LDC) Section 6.01.01 footnote 8, which requires an

additional 2 feet of building setback for every foot over 20 feet of building height. The waiver would only apply along the NE portion of the site, as shown in the Site Plan, where adjacent to the existing multi-family project to the northeast (Wildgrass Multifamily Apartments). The proposed use is similar in nature to the one located immediately to the northeast. Additionally, a driveway is being proposed between the MF units in this project and the PD boundaries to the NE which provides adequate setbacks from the project's boundaries. A pond located on the Wildgrass MF project to the east further increases the building setbacks from both projects. Therefore, staff does not object to this waiver.

Applicant also proposes at least 30% of the project to consist of Open and Gathering Spaces available to future residents. These spaces will include amenities such as landscaping, hardscape, benches, etc. for recreation and will be distributed as pocket parks and open areas throughout the site.

The non-residential use (daycare) is limited to one story of building height and will be of a relatively low intensity FAR (max. 0.22) to ensure compatibility with the neighborhood. Type B landscaped buffers, 20 feet wide, will screen the non-residential uses from external residential areas to the west of the daycare, while 10' internal buffering is proposed. These buffers are shown on the PD Site Plan to further ensure impacts to residential uses in the immediate area are mitigated.

Non-residential uses will be parked in accordance with the LDC and no design variations are requested to support the non-residential component. The day care use is a residential support use that is typically found in residential zoning districts, subject to specific standards. The applicant is not requesting waivers from the standards found in the LDC for the development of this use.

20-foot buffers with Type B screening (solid fence and plantings) will be provided along the west and adjacent to residential single family uses. Along Simmons Loop Rd., the applicant proposes 10 feet of landscaped buffer with a shade, understory and hedgerow, as indicate in the Site Plan. Natural Resources staff reviewed the proposed buffer and landscaping and found it to be appropriate.

The applicant also proposes open space areas covering at least 32% of the site, inclusive of wetlands, which is more restrictive than requirements from the LDC for single family subdivisions. The residential portion will be subject to LDC Sec 6.02.18 Open Space provision.

The site is in the Urban Service Area, south of the Alafia River. As a result of water demand challenges, the Utilities Department initiated several projects to improve pressure and flow to the south area. Two projects currently under construction CIP C32001 - South County Potable Water Repump Station Expansion and CIP C32011 - Potable Water In- Line Booster Pump will increase the delivery pressure to customers. These projects are scheduled to be completed and operational prior to the 2022 dry season and must demonstrate

improved water delivery through the highest demand periods before additional connections to the system can be recommended. Conditions will be placed restricting building permit issuance that would create demand for water service until the completion by the County of funded Capital Improvement Program projects C32001 - South County Potable Water Repump Station Expansion and C32011 - Potable Water In-Line Booster Pump Station, and the projects are put into operation.

There are wetlands present on the site. The Environmental Protection Commission, EPC, reviewed the proposed Site Plan and does not object. No impact to wetlands or setbacks are shown on the proposed Plan. No PDD design variations have been requested.

The general area is transitioning from large tracts of land, single family residential, to a higher density area with a mix of uses, in accordance with the Future Land Use classification or SMU-6. The density proposed of 8.08 DU/ac will still be below the maximum allowed per the Comprehensive Plan, under the density bonus requested. The design of the site would locate the detached units in areas adjacent to existing similar development patterns. Transportation staff does not object to this rezoning request and has proposed conditions. Design Exceptions and Administrative Variances have been requested for road improvements. These have been conditionally approved by the County Engineer. Cross access will be provided for future road extensions and road improvements on Simmons Loop Rd. will be required.

## **5.2 Recommendation**

Approvable, subject to 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 November 15, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Ms. Kami Corbett testified on behalf of the applicant, 2<sup>nd</sup> Wave Development, LLC. Ms. Corbett introduced Ms. Alexis Crespo to testify regarding land use planning issues.

Ms. Alexis Crespo 28100 Bonita Grande Drive Bonita Springs testified on behalf of the applicant. Ms. Crespo stated that she had a PowerPoint presentation. She described the requested rezoning and testified that the proposed Planned

Development would allow a mix of uses including single-family attached and detached, multi-family residential and a day care use. The density bonus provision outlined in the SMU-6 Future Land Use category would be instituted. The applicant requests a maximum of 469 dwelling units. 133 would be single-family detached and attached and 336 would be multi-family. She showed an aerial photo to describe the location of the property which is in the Riverview Community Planning area. Ms. Crespo stated that the surrounding area is developed with a major hospital complex to the north and west and also an apartment complex which is located to the north. There is a Sam's Club along the Big Bend Road frontage. To the south is a single-family residential project. To the west is a larger lot residential subdivision. The density bonus provision allows up to nine units per acre. A 10,000 square foot day care center is proposed on the west side of the subject property. A build to rent type of community is proposed which offers renters the ability to live in a single-family detached villas type product or conventional multi-family apartment building. Ms. Crespo stated that two access points would be via Simmons Loop which is a collector roadway. A 20-foot wide Type B buffer will be provided and include opaque fencing with shrubs to ensure compatibility with the adjacent single-family development. A 10-foot buffer will be provided along Simmons Loop and include decorative fencing with shrubs and trees to protect the visual quality of the roadway. Ms. Crespo showed a graphic to discuss the location of the residential land uses and added that the buildings will be one and two story on the west side of the site to increase compatibility with the larger lot community along Simmons Ranch Court. The multi-family buildings are proposed along the eastern side of the project closest to Wildgrass and the preserve area. On-site recreational facilities will be located near the eastern entrance.

Hearing Master Finch asked Ms. Crespo to address the requested waiver. Ms. Crespo replied that the waiver would apply to the easternmost multi-family buildings.

Ms. Crespo continued her presentation by showing line of sight graphics depicting the location of the multi-family building to the nearest home on Simmons Ranch Court. A Type B buffer will be enhanced such that there will be no direct visual affecting the adjacent single-family homes. Ms. Crespo asked that zoning condition 3 be amended regarding open space. There will be 30 percent open space and 5 percent for a community gathering area.

Mr. Steve Henry 5023 West Laurel Tampa testified on behalf of the applicant regarding transportation issues. Mr. Henry stated that he did a traffic analysis and also submitted a design exception and an administrative variance. He described the condition of Simmons Loop Road and stated that the subject project will connect to improvements made by the developer of Simmons Village. The connection will extend approximately 300 feet by Simmons Village developer and 2,000 feet by the subject property developer. A 5-foot bike lane will be provided. Mr. Henry detailed the transportation improvements and stated that an administrative variance is requested regarding the spacing for the western

driveway.

Ms. Corbett completed the applicant's presentation by asking Ms. Crespo to state her qualifications on the record and asked if it was her professional opinion that the development is both consistent with the Comprehensive Plan and Land Development Code and is compatible with the surrounding area. Ms. Crespo replied yes.

Mr. Israel Monsanto, Development Services Department testified regarding the County's staff report. Mr. Monsanto stated that the property is 56.6 acres in size and located on the north side of Simmons Loop Road, a quarter mile west of US Highway 301. The request is to rezone from AS-1 and AR to Planned Development to permit a mixed-use project. He described the surrounding area and stated that the applicant has requested to utilize the mixed use incentive program to achieve a density of up to nine dwelling units per acre for a total of 469 units which equates to a density of 8.08 units per acre. The maximum building height for the single-family is 35 feet. Multi-family structures will be a maximum of 45 feet in height. The placement of the single-family and duplex units in the west, east and south with the multi-family in the eastern portion of the site provides a transition from single-family to higher densities. A waiver of the required 2 to 1 setback for buildings over 20 feet in height is requested and apply only to those buildings on the northeast portion of the project. Mr. Monsanto added that the waiver for the multi-family building setback is in an area with multi-family development adjacent to the property to the northeast. He described the proposed buffering and screening. A zoning condition is proposed that would limit building permits if certain Capital Improvement projects are not in operation. The proposed day care is limited to 10,000 square feet. A revised County staff report has been submitted to update zoning condition 3 regarding the percentage of open space.

Ms. Andrea Papandrew of the Planning Commission staff testified that the property is within the Suburban Mixed Use-1 Future Land Use category and located in the Urban Service Area and Riverview Community Planning Area as well as the SouthShore Community Plan. She stated that projects over 20 acres in size are required to demonstrate a mix of land uses in accordance with Policy 19.1. The project will include multi-family, single-family attached and detached dwelling units as well as a day care center. The applicant proposes to utilize the mixed-use density bonus described in Policy 19.3 for the next highest land use category which would be RES-9 permitting the consideration of up to 500 dwelling units. The applicant is requesting 469 dwelling units. Ms. Papandrew testified that Policy 16.5 requires that residential developments of over 50 units shall include a community gathering place that meets the standards in the Land Development Code. The project includes a community gathering space of 19 acres. A 10,000 square foot day care center is considered a residential support use and is compatible with the surrounding development. She stated that the request is consistent with Policy 19.2 regarding the mix of land uses and cross access will permit the residents to access the day care without driving on

Simmons Loop. In summary, the Planning Commission found the request is consistent with the Comprehensive Plan.

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

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

Mr. Tom Auda, 6727 Simmons Loop Riverview testified in opposition. Mr. Auda introduced his wife, Ms. Beverly Auda, and stated that he is not an expert in traffic. He added that he and his wife moved into the late EG Simmons house located at the corner of Simmons Loop and Simmons Ranch Court. He referred to other zoning petitions that he objected to at the Zoning Hearing Master hearing. Mr. Auda described the recently approved development in the area which he believes will result in more cars and congestions. The subject property development will increase the total of dwelling units by another 460 rentals doors with 460 additional cars. He testified that it is his opinion that owners tend to take better care of their property than renters since they have a vested interest and renters are transient which does not enhance neighborhood stability. The proposed 100 student day care center will attract more traffic during peak am and pm travel times. The only access to the project is via Simmons Loop which is a two lane road with the exception of its intersection with Big Bend Road. Mr. Auda testified that he has not seen any plans to widen the road and does not want his land used to make improvements. The traffic analysis he reviewed does not consider the broader area of the development to the north and south or east of US 301. He described the traffic backing up at Big Bend Road and Simmons Loop all day every day. He stated that the proposed improvements to Big Bend Road at I-75 as well as the overpass to Apollo Beach will only help to alleviate the current congestion problem and not solve it. Mr. Auda discussed the transportation analysis and methodology and stated that the study suggests the traffic will increase significantly. He concluded his comments by asking that the rezoning request not be approved.

Ms. Beverly Auda, 6727 Simmons Loop in Riverview testified in opposition. Ms. Auda stated that there is horrible congestion and dangerous traffic issues on Simmons Loop which affects St. Joseph's South Hospital. She cited the number of multi-family units that were built in 2019 in the area. She also described the new single-family development called South Creek Estates with 93 homes in Phase One. Ms. Auda testified that she did not believe that the Gate Dancer project will improve the traffic situation as it will bring people to Simmons Loop Road. She requested another traffic study to analyze the intersection of Big Bend Road and Simmons Loop Road. She stated that she called the Fire Department to inquire about the number of accidents in the area and for persons getting onto I-75. She described the backup of traffic and stated that ambulances have trouble accessing the area. She testified that she would like to see larger homes with residents that are doctors or staff at the hospital and not

renters that are transients.

Development Services Department staff did not have additional comments.

Mr. Richard Perez with the County's Transportation Review Section testified that he reviewed the applicant's transportation study and found that the project will produce 3,657 daily trip ends with 321 am peak hour trips and 321 pm peak hour trips. Simmons Loop Road is a substandard collector roadway. The applicant will be required to make improvements to Simmons Loop Road which includes turn lanes when warranted. A design exception was found approvable by the County. Mr. Perez testified that the application fully addresses the impacts to the substandard roadway and site access requirements per the Land Development Code and that the Transportation Review Section found it approvable.

Mr. Steve Henry testified during the rebuttal period regarding transportation issues and submitted documents regarding the current status of the transportation improvements in the area. He stated that Big Bend Road improvements are divided into sections. The segment from Covington Gardens to Simmons loop will be six-lanes and include a new interchange. He added that the segment is under construction and proposed to be completed by 2025. The next two sections are from US 41 to Covington Gardens and Simmons Loop to US 301. Those next two sections will start next year with completion by 2025 with the idea being that all segments on Big Bend will be done by 2025. Mr. Henry testified that in addition to what is currently under construction is the overpass over the interstate that connects Apollo Beach Boulevard and Paseo Al Mar which should be completed next year. Further, the Gate Dancer extension which is a developer project which means that the specific completion date is not currently known. The developer is required by their zoning conditions to build the extension in conjunction with the construction of those other roadway improvements. Mr. Henry testified that the Board of County Commissioners eliminated traffic concurrency several years ago. Traffic concurrency was eliminated in lieu of paying mobility fees. The Land Development Code requires the developer to look at the access, which has been done as evidenced by Mr. Perez of the County's Transportation Review Section testimony, and whether the roads are substandard or not. He added that those conditions have been reviewed and are proposed to be mitigated by improving the roadways.

Hearing Master Finch asked Mr. Henry or Ms. Corbett when the subject development will start. Ms. Corbett replied that the project will start within approximately 18 months.

Ms. Corbett continued the applicant's rebuttal testimony by stating that there is a proposed zoning conditions that deals with some of the concurrency related issues such as a water pressure zoning conditions that does not allow development permits to be issued until such time that those water pressure projects are complete. She stated that the County is taking proactive action to address the infrastructure needs. The subject property is located in the heart of

the Urban Service Area. The County is on year 2021 of a 2025 Land Use Plan so it is natural that there are areas that are developing with infill uses. The area is transitioning from what they were in the past to what they were envisioned to be in the future. The SMU-6 land use category which allows a density bonus for mixed land uses encourages residential and residential support uses to be in close proximity to one another. Ms. Corbett completed her rebuttal testimony by stating that a quasi-judicial land use process requires substantial competent evidence and compliance with the Land Development Code and Comprehensive Plan which the applicant has done.

Hearing Master Finch asked Ms. Corbett when cars from the subject project will drive on the road relative to the timing of the road improvement projects described by Mr. Henry. Ms. Alissa Sieben 5231 South Jules Verne Court Tampa testified on behalf of the applicant and replied that the project would not begin for at least 18 months.

Hearing Master Finch asked Ms. Sieben if the project began 18 months from now, when would the cars associated with the new homes drive on the roadways. Ms. Sieben replied 24 months after the project began.

Ms. Sieben testified that the intended target resident for the project is young families that can't necessarily afford a down payment on a single-family home but still want the independence that those type of units offer.

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

Mr. Grady submitted a PowerPoint presentation, revised staff report, agency comment sheet from the County's Water Resource Services Department and an email from the County's Engineer regarding the Administrative Variance and Design Exception with request and backup from the applicant into the record.

Mr. Henry submitted photos of Simmons Loop Road, road improvement plans, an aerial photo and documents regarding the status of road improvement projects in the Big Bend Road area into the record.

Mr. Auda submitted his written testimony in opposition to the rezoning into the record.

Ms. Auda submitted her written testimony in opposition to the rezoning 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

1. The subject site is 58.28 acres in size and is zoned Agricultural Single-Family -1 (AS-1) and Agricultural Rural (AR). The property is designated Suburban Mixed Use-6 (SMU-6) by the Comprehensive Plan and located in the Urban Service Area and the Riverview Community Planning Area.
2. The request to rezone from AS-1 and AR to Planned Development (PD) is to permit a mixed use project consisting of a maximum of 469 dwelling units and a 10,000 square foot day care center with a maximum of 100 children. Of the 469 dwelling units with no less than 46 units are required to be single-family detached and at least 28% of the all of the units are required to be single family detached structures or attached units (duplexes). The remaining units are proposed to be multi-family residential.
3. A waiver is requested to the Land Development Code requirement that buildings over 20 feet be setback an additional two feet for every one foot over 20 feet. The waiver applies only to the area along the northeast portion of the property adjacent to properties that are developed with similar multi-family residential.

The waiver is justified by the compatibility of the proposed multi-family buildings with the adjacent multi-family land uses as well as an intervening driveway which provides the requested setback area. A retention pond is located off-site associated with the adjacent multi-family project which further mitigates the requested waiver.

4. The Planning Commission staff stated that projects over 20 acres in size in the SMU-6 Future Land Use category are required to demonstrate a mix of land uses in accordance with Policy 19.1. The project will include multi-family, single-family attached and detached dwelling units as well as a day care center. The applicant requested to utilize the mixed-use density bonus described in Policy 19.3 for the next highest land use category which would be RES-9 permitting the consideration of up to 500 dwelling units however, the applicant is requesting 469 dwelling units. The Planning Commission staff found the project complies with Policy 16.5 which requires residential developments of over 50 units shall include a community gathering place that meets the standards in the Land Development Code. The project includes a community gathering space of 19 acres. A 10,000 square foot day care center is considered a residential support use and is compatible with the surrounding development. Staff found that the request is consistent with Policy 19.2 regarding the mix of land uses and cross access will permit the residents to access the day care without driving on Simmons Loop. In summary, the Planning Commission found the request is consistent with the Riverview Community Plan and the Comprehensive Plan.

5. The proposed zoning conditions include a requirement that no building permits that would create a demand for water service shall be issued until the County's water distribution system improvements are completed and put into operation.
6. Two people spoke in opposition at the Zoning Hearing Master hearing. The testimony focused on the applicant's traffic study and the existing traffic congestion in the area and development that has been approved but not yet built and that the proposed transportation improvements will alleviate the current congestion but not solve the traffic problems. Concerns were expressed that identified renters as transients and less likely to take care of their property as they do not have a vested interest in their homes. A citizen testified that they would prefer to have larger homes built on the subject property that would be owned and occupied by doctors or other hospital staff working at the nearby St. Joseph's hospital.

In response to the concerns expressed by the citizens, Hillsborough County transportation staff testified that the applicant's transportation analysis had been reviewed and the developer will be required to make improvements to Simmons Loop Road which includes turn lanes when warranted. Staff testified that the transportation analysis and proposed zoning conditions fully address the impacts to the substandard roadway and site access requirements are in accordance with the Land Development Code and that the Transportation Review Section found it approvable.

7. The proposed zoning conditions require the developer to construct turn lanes on Simmons Loop Road prior to or concurrent with the initial phase of development.
8. The applicant's transportation engineer submitted documents into the record regarding improvements to Big Bend Road which state that construction will be complete in 2025.
9. The applicant's representative testified that if the rezoning were approved, construction on the development would begin in approximately 18 months and be completed in approximately 24 months after inception. Therefore, cars associated with the subject property development would be using the area roadways in 2025.
10. The proposed day care center is considered a residential support use and promotes usage of the facility by the residents of the subject residential development thereby lessening the impact on adjacent roadways.
11. The applicant proposes a "Build to Rent" component for the project which which offers renters the ability to live in a single-family home or conventional

multi-family apartment building. This provision results in different housing types being accessible to a wide range of Hillsborough County residents consistent with the Goals and Policies of the Comprehensive Plan.

12. The proposed zoning conditions require that at least 30% of the project will consist of Open and Gathering spaces for project residents. The spaces will include parks and amenity areas with passive recreational elements.
13. Approval of the Planned Development zoning with the conditions proposed by the Development Services Department result in a development that is compatible with the surrounding area and consistent with the intent of the Land Development Code and Comprehensive Plan.

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

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

### **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 58.28 acres from AS-1 and AR to PD to permit a mixed use project consisting of a maximum of 469 dwelling units and a 10,000 square foot day care center with a maximum of 100 children. Of the 469 dwelling units with no less than 46 units are required to be single-family detached and at least 28% of the all of the units are required to be single family detached structures or attached units (duplexes). The remaining units are proposed to be multi-family residential. The applicant proposes a "Build to Rent" component for the project which offers renters the ability to live in a single-family home or conventional multi-family apartment building.

The Planning Commission staff stated that the applicant requested to utilize the mixed-use density bonus described in Policy 19.3 for the next highest land use category which would be RES-9 permitting the consideration of up to 500 dwelling units however, the applicant is requesting 469 dwelling units. The Planning Commission staff found the project complies with Policy 16.5 which requires residential developments of over 50 units shall include a community gathering place that meets the standards in the Land Development Code. The

project includes a community gathering space of 19 acres. A 10,000 square foot day care center is considered a residential support use and is compatible with the surrounding development. Staff found that the request is consistent with Policy 19.2 regarding the mix of land uses and cross access will permit the residents to access the day care without driving on Simmons Loop. In summary, the Planning Commission found the request is consistent with the Riverview Community Plan and the Comprehensive Plan.

A waiver is requested to the Land Development Code requirement that buildings over 20 feet be setback an additional two feet for every one foot over 20 feet. The waiver applies only to the area along the northeast portion of the property adjacent to properties that are developed with similar multi-family residential. The waiver is justified by the compatibility of the proposed multi-family buildings with the adjacent multi-family land uses as well as an intervening driveway which provides the requested setback area. A retention pond is located off-site associated with the adjacent multi-family project which further mitigates the requested waiver.

Two people spoke in opposition at the Zoning Hearing Master hearing. The testimony focused on the applicant's traffic study and the existing traffic congestion in the area and development that has been approved but not yet built and that the proposed transportation improvements will alleviate the current congestion but not solve the traffic problems. Concerns were expressed that identified renters as transients and less likely to take care of their property as they do not have a vested interest in their homes. A citizen testified that they would prefer to have larger homes built on the subject property that would be owned and occupied by doctors or other hospital staff working at the nearby St. Joseph's hospital.

In response to the concerns expressed by the citizens, Hillsborough County transportation staff testified that the applicant's transportation analysis had been reviewed and the developer will be required to make improvements to Simmons Loop Road which includes turn lanes when warranted. Staff testified that the transportation analysis and proposed zoning conditions fully address the impacts to the substandard roadway and site access requirements are in accordance with the Land Development Code and that the Transportation Review Section found it approvable.

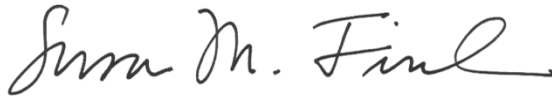
The applicant's transportation engineer submitted documents into the record regarding improvements to Big Bend Road which state that construction will be complete in 2025.

The applicant's representative testified that if the rezoning were approved, construction on the development would begin in approximately 18 months and be completed in approximately 24 months after inception. Therefore, cars

The proposed zoning conditions include a requirement that no building permits that would create a demand for water service shall be issued until the County's water distribution system improvements are completed and put into operation.

### **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.



December 8, 2021

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

**Date**

## COUNTY OF HILLSBOROUGH

### RECOMMENDATION OF THE LAND USE HEARING OFFICER

**APPLICATION NUMBER:** MM 21-1234

**DATE OF HEARING:** November 15, 2021

**APPLICANT:** Pulte Group

**PETITION REQUEST:** The Major Modification request is to modify PD 05-1936 to permit townhomes instead of single-family homes and increase the number of dwelling units from 14 to 48 units

**LOCATION:** North side of Lowell Rd., 420 feet east of Delwood Rd.

**SIZE OF PROPERTY:** 6.56 acres, m.o.l.

**EXISTING ZONING DISTRICT:** PD 05-1936

**FUTURE LAND USE CATEGORY:** RES-9

**SERVICE AREA:** Urban

**COMMUNITY PLAN:** Greater Carrollwood Northdale

## DEVELOPMENT REVIEW STAFF REPORT

### 1.0 APPLICATION SUMMARY

Applicant: Trent Stephenson, P.E., President Level Up Consulting

FLU Category: R-9

Service Area: Urban

Site Acreage: 5.54 acres

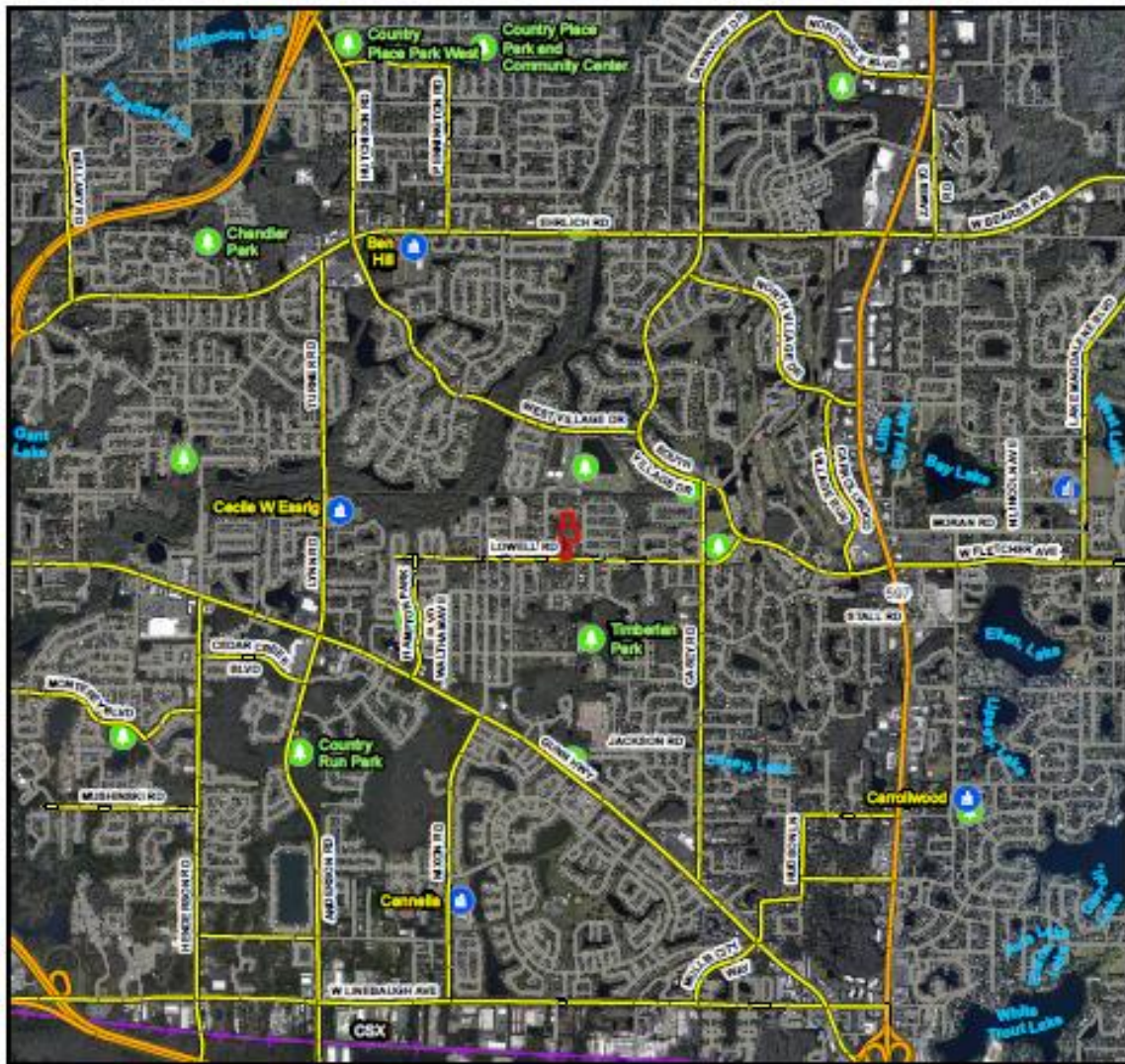
Community Plan Area: Greater Carrollwood Northdale

Overlay: None

Existing Approvals:	
PD 05-1936, as most recently modified by PRS 18-1303. The PD is approved for a maximum of 14 single-family residential lots with conventional dwellings at a density of 2.13 dwelling per acre. Pursuant to PRS 18-1303, the parcels on the west side parcels are conditioned to a minimum lot size of 6,000 sq. ft., and 6,500 sq. ft. minimum lot size for parcels located on the east side.	
Proposed Modifications:	
The applicant is seeking a major modification to the existing Planned Development (PD) 05-1936, as modified by PRS 18-1303. This modification to the PD includes six parcels representing 5.45 of the 6.56-acre project boundary, which has frontage on Lowell Road to the south and Bradford Lane to the north. This same assemblage was included in the recent Comprehensive Plan amendment (HC/CPA-20-03), which changed the Future Land Use designation from Residential-4 (RES-4) to Residential-9 (RES-9). The proposed development substitutes detached single-family homes for townhomes and proposes increasing the density from 14 dwellings (2.13 dwellings per acre) to 48 dwellings (8.8 dwellings per acre).	
Additional Information:	
PD Variation(s):	None Requested as part of this application

Waiver(s) to the Land Development Code:	None requested
Planning Commission Recommendation:	Development Services Recommendation:
Consistent	Approvable, subject to proposed conditions

## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



**Context of Surrounding Area:**

The subject site is located off Lowell Road approximately 2,800 feet to the west of the intersection of Casey Road and Lowell Road, which is also the location of the Carrollwood Cultural Center. The immediate area surrounding the subject property is predominantly residential.

- To the east is property zoned RSC-6 (7,000 sq. ft. min. lot size) and developed with single-family homes.
- North across Bradford Lane and directly west of the subject site is AR zoned property (min. lot size 217,800

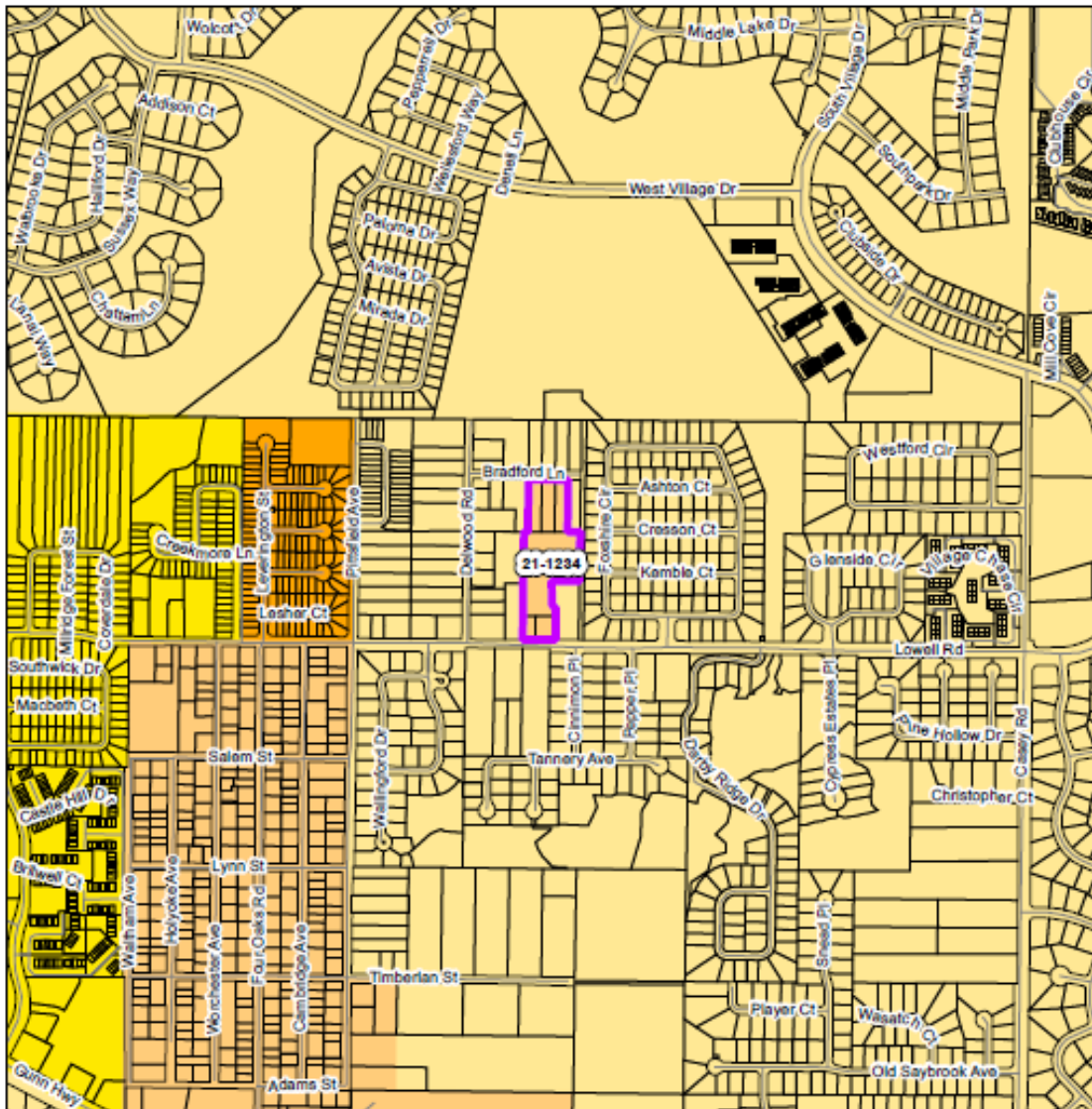
sq. ft.) and developed with single-family homes.

- South across Lowell Road and southwest of the subject property is property zoned RSC-6 and developed with single-family homes.
- To the northwest is RSC-6 zoned property (min. lot size of 7,000 sq. ft.) and developed with single-family homes.

Approximately 3,800 feet to the east of the subject property is the Carrollwood Country Club located off S. Village Drive. Carrollwood Country Club has a golf course, tennis courts with stadium lighting, a fitness center, a junior Olympic sized heated swimming pool, and banquet facilities.

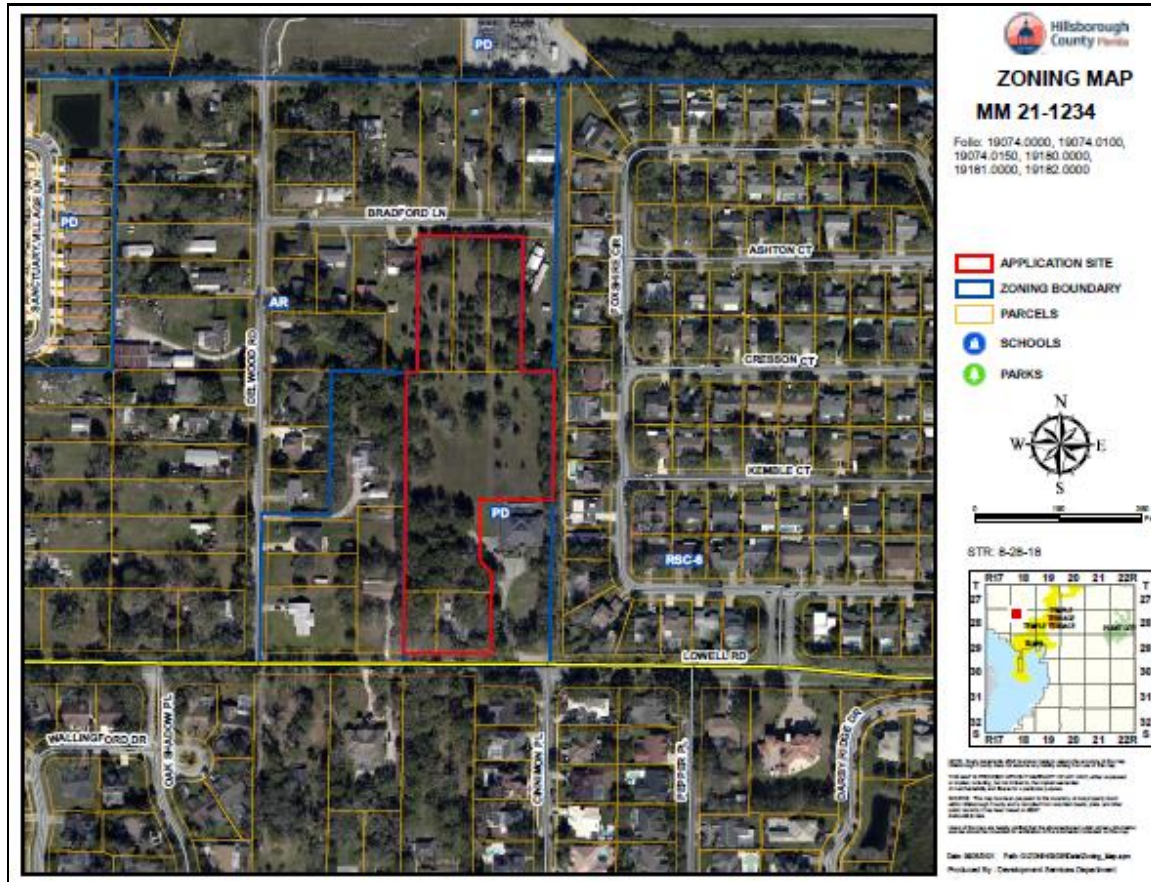
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## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	RES-9 (Residential-9)
Maximum Density/F.A.R.:	9 dwelling units per acre
Typical Uses:	Residential, urban scale neighborhood commercial, office uses, multi- purpose projects and mixed-use development. Nonresidential uses shall meet established locational criteria for specific land use.

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



### Adjacent Zonings and Uses

Location :	Zoning :	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	ASC-1	Minimum 1 acre	Single-family home	Single-family homes
South	AS-1	Minimum 1 acre	Single-family home	Single-family homes
East	AS-1	Minimum 1 acre	Single-family home	Single-family homes
West	RSC-3	Minimum 14,520 sq. ft.	Single-family home	Single-family homes

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

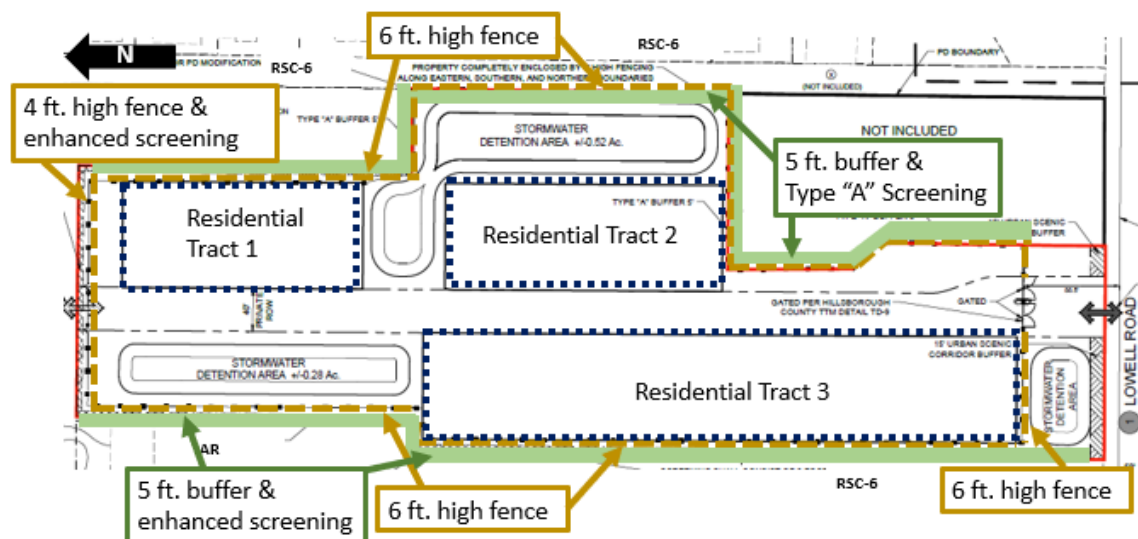


## 2.0 LAND USE MAP SET AND SUMMARY DATA

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

The applicant proposes a 6-foot fence along the east, west, and south property boundary. To the immediate east is property zoned RSC-6 and requires a Type "A", 5-foot buffer along the entire eastern boundary. The applicant is also required to provide Type "A" screening with a 5-foot buffer along the western property boundary. However, the applicant is proposing enhanced screening consisting of 6-foot PVC privacy fencing, a 3-foot high hedge and Oak or Pine trees spaced 20-feet apart along the western boundary. Trees shall be a minimum of 10-feet high at the time of planting, with a minimum of 2-inch caliper, which is nearly equivalent to Type "B" screening, on the western property boundary. The applicant offers the enhanced screening to provide additional buffering for the adjacent homeowners.

Lowell Road is a designated scenic corridor and a 15-foot Urban Scenic Corridor buffer is being provided along Lowell Road. To the north of the scenic corridor buffer area is approximately 75 ft. of queuing / entry area (from the property line) with a retention pond located to the west of the entry/exit queuing area. The site plan shows a 4-foot fence traversing the north side of the development, along with an emergency access. The project will provide two proposed gates with the north gate, which is located off Bradford Lane, being for emergency access. The gates will allow for pedestrian access and connect to sidewalks built along the project's frontage. The proposed development does not indicate that there will be sidewalk on the project's frontage for Lowell Road or Bradford Lane; however, they will be required by County Transportation staff to provide sidewalks on both roadways when site plans are submitted for construction.



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

#### Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
Lowell Rd.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Bradford Ln.	County Local - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

#### Project Trip Generation ☐ Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	170	15	15
Proposed	322	24	31
Difference (+/-)	+152	+9	+16

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Vehicular & Pedestrian	None	Meets LDC
South	X	Pedestrian	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes: Vehicular Connectivity to the north is emergency access only.				

**Design Exception/Administrative Variance ☒ Not applicable for this request**

Road Name/Nature of Request	Type	Finding
Lowell Rd./ Minimum Spacing	Administrative Variance Requested	Approvable
Lowell Rd./ Substandard Road	Design Exception Requested	Approvable

Notes:

#### 4.0 Additional Site Information & Agency Comments Summary

##### Transportation

☒ Design Exception/Adm. Variance Requested ☐ Off-Site Improvements Provided

##### Objections

☐ Yes ☐ N/A ☒ No

## Conditions Requested

☒ Yes ☐ No

## Additional Information/Comments

See Staff Report.

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY				
INFORMATION/REVIEWING AGENCY				
Environmental:		Objections		Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters  <input type="checkbox"/> Use of Environmentally Sensitive Land Credit  <input checked="" type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area  <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area				

<input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor (Lowell Rd.) <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____				
<b>Public Facilities:</b>		<b>Objections</b>		<b>Additional Information/Comments</b>
<b>Transportation</b> <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Transportation "Agency Review Comment Sheet", dated 11/03/21.
<b>Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems.
<b>Hillsborough County School Board</b> Adequate <input checked="" type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This is an analysis for adequate facilities only and is NOT a determination of school concurrency. A school concurrency review will be issued PRIOR TO preliminary plat or site plan approval.

**Impact/Mobility Fees:**

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

Mobility: \$5,329 \* 48 units Parks: \$1,656 \* 48 units School: \$7,027 \* 48 units  
Fire: \$249 \* 48 units

= \$255,792.00 = \$ 79,488.00 = \$337,296.00 =\$ 11,952.00

Total Townhouse = \$684,528.00

Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Hillsborough County City-County Planning Commission review report for in-depth comments.

☐ Density Bonus Requested ☒ Consistent ☒ Inconsistent

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The subject property is located on approximately 5.45 acres at 4901 and 4909 Lowell Road, approximately 2,800 feet to the west of the intersection of Casey Road and Lowell Road, which is also the location of the Carrollwood Cultural Center. The immediate area surrounding the subject property is predominantly residential. The property is located within the limits of the Greater Carrollwood Northdale Community Plan and is located within the Urban Service Area. The applicant requests 48 townhome units on the 5.45-acre subject property with a minimum of 1,600-square-foot lots. At 8.8 dwelling units per acre, the requested density is under maximum allowable density of the RES-9 Future Land Use designation. The applicant is proposing a maximum building height of 30 feet. The RSC-6 zoning located to the southwest of the subject property allows a building height up to 35 feet and the AR zoning located to the northwest and northeast of the subject site allows a building height up to 50 feet.

The site plan proposes a 6-foot fence along with the east, west and south side of the development. A 4-foot fence is provided along the northern boundary off Bradford Lane to provide compatibility and integration with the neighborhood. Along the entire eastern boundary is an approximate 30-foot wide property (folio no. 19374.5009) owned by Tampa Electric Company for a utility right-of-way and developed with utility lines and zoned RSC-6. The applicant is also proposing additional enhanced screening along the western boundary, which exceeds Type "A" screening, to further buffer the existing detached single-family homes adjacent to the western property boundary.

An 8-inch water main exists approximately 50 feet from the site and is located within the south Right-of-Way of Lowell Road. A 12-inch wastewater force main exists adjacent to the site and is located within the north Right-of-Way of Lowell Road. The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems.

There are wetlands present on the subject property. The Environmental Protection Commission (EPC) Wetlands Division has reviewed the proposed rezoning and has determined a resubmittal is not necessary for the site plan's current configuration. If the site plan changes, EPC staff will need to review the zoning again.

The application does not request any variations to Land Development Code Parts 6.06.00 (Landscaping/Buffering). The site will comply with and conform to all other applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code. The applicant has requested an Administrative Variance and Design Exception for transportation that have been found approvable by the County Engineer. The Administrative Variance will permit the reduction of minimum access spacing between the project driveway and next closest driveway to the west to +/- 155 feet and +/- 120 feet to the driveway to the east. The Design Exception addresses that Lowell Rd. is a substandard collector roadway, and the developer will be required to make certain improvements to Lowell Rd., including constructing a minimum 5-foot sidewalk along the north side of Lowell Rd.

Overall, the proposed rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan. Planning Commission staff finds the request would also facilitate the vision of the Greater Carrollwood-Northdale Community Plan.

## **5.2 Recommendation**

The proposed project with the proposed development standards, existing scale and restrictions may be found to be compatible with nearby development

patterns. The proposed development satisfies the intent of the Goals, Objectives and Policies of the Future Land Use Element of the Unincorporated Hillsborough County Comprehensive Plan and finds the proposed Major Modification consistent with the Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County. Based upon the above, staff finds the request approvable.

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

### **SUMMARY OF HEARING**

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

Ms. Kami Corbett testified on behalf of the applicant and stated that they would begin their planning presentation.

Mr. Stephen Sposato with Level Up Consulting testified on behalf of the applicant and stated that he was a certified land planner. Mr. Sposato showed a PowerPoint presentation and stated that the subject property is located in the Greater Carrollwood Northdale Planning Area and fronts on Lowell Road and Bradford Lane to the north. The Major Modification is consistent with the RES-9 Future Land Use category. He described the surrounding area and stated that the applicant held a neighborhood meeting on September 15<sup>th</sup> which identified the primary issues as pertaining to buffering and access. Mr. Sposato showed a copy of the site plan to discuss the design of the project. The Modification proposes 48 townhomes served by a private street. Access is proposed from Lowell Road. A gated emergency access is proposed onto Bradford Lane. Pedestrian access is not proposed although it is required by zoning condition # 16. A fence and gate on Bradford Lane were originally proposed to be 4-feet in height but is now proposed to be 6-feet in height per zoning condition 7.3. An Administrative Variance for access separation and a design exception will be described later in the applicant's presentation. Mr. Sposato concluded his remarks by stating that there are no objections from reviewing agencies.

Mr. Steve Henry 5023 West Laurel Tampa testified on behalf of the applicant regarding transportation issues. Mr. Henry stated that he conducted a traffic analysis for the project and also submitted an Administrative Variance and Design Exception which have both been deemed approvable. He testified that Lowell Road is a substandard road and is considered a collector roadway with speed bumps on the road. An improvement to the roadway would increase the speed of traffic which is contrary to the intent of the existing speed bumps which help slow down traffic. The County has agreed that it is not appropriate to widen Lowell Road for that reason. Instead, the applicant proposes to construct over 2,000 linear feet of sidewalk on the north side of the road. The sidewalk will

increase pedestrian connectivity and a Design Exception has been deemed approvable. The Administrative Variance regarding access spacing addresses the full access on Lowell Road and the regarding 245 feet of spacing which is prevented by existing driveways that are 155 feet to the west and 120 feet to the east. The existing driveways are associated with single-family homes.

Mr. Tim Lampkin of the Development Services Department, testified regarding the County staff report. Mr. Lampkin testified that the request is to modify the Planned Development to permit an increase from 14 single-family homes to 48 townhomes. He described the location of the property and stated that a Comprehensive Plan amendment was recently approved to designate the property with the RES-9 category. He showed a copy of the site plan and discussed the proposed buffering and screening. A 6-foot fence is proposed on the southern and eastern sides of the site. He concluded his presentation by stating that the project is compatible with the development pattern in the area.

Hearing Master Finch asked Mr. Lampkin to clarify the acreage amount for the property and asked if there was a revised staff report. Mr. Lampkin stated that there is a revised staff report and that the modification acreage is 5.45 acres and total Planned Development site is 6.56 acres.

Hearing Master Finch asked Mr. Lampkin about the use of the property within the Planned Development but not subject to the Major Modification. Mr. Lampkin replied that it is developed with a single-family home.

Mr. Lampkin stated that a zoning condition would be added to recognize the existing single-family home. He stated that zoning condition 7.3 would also be amended to reflect the requested 6-foot high fence.

Ms. Andrea Papandrew of the Planning Commission testified regarding the Planning Commission staff report. Ms. Papandrew stated that the property is designated RES-9 by the Future Land Use Map and is located within the Urban Service Area and the Greater Carrollwood Northdale Community Plan. She described the modification request and the surrounding land uses. The request fulfills the intent of Objective 16 and Policies 16.1, 16.2, 16.3 and 16.5. The modification is also consistent with the Greater Carrollwood Northdale Community Plan which emphasizes an efficient roadway network and a walkable environment. Ms. Papandrew testified that the project will provide two gates for access to the internal private roadway. The gates will allow pedestrian access and connect to the sidewalks along the project frontage. Sidewalks will be required on both roadways when the site plan is submitted for construction. She stated that the Planning Commission staff found the request consistent with the Comprehensive Plan.

Mr. Alex Steady of the County's Transportation Review section testified that the applicant's representative testified that they were not including a pedestrian access to the north however, the site plan submitted and under review shows a

gated access. A zoning condition requires the gated access to Bradford Lane to the north.

Hearing Master Finch asked if the access was a pedestrian access point. Mr. Steady replied yes and added that it is for emergency access only and pedestrian access for persons in the development.

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

Mr. Gilon Levert 4910 Bradford Lane Tampa testified in support and stated that his house is adjacent to the subject property. He stated that he has issues with the fence and gate proposed for pedestrian use to Bradford Lane. He added that he and several neighbors are opposed to any pedestrian access to Bradford Lane with the exception of emergency access only. Mr. Levert testified that he supports the proposed gate and access that Pulte proposed including the fence and vegetation. He stated that he is not excited about the change from 4 units to 9 units per acre which was changed one year ago. He does not want the surrounding area to be multi-family townhomes. Mr. Levert stated that Pulte has been very helpful and happy to have this project go forward.

Hearing Master Finch asked Mr. Levert if he was supporting the project with the exception of the pedestrian access. Mr. Levert replied yes and stated that he is opposed to any pedestrian access onto Bradford Lane.

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

Mr. Mark Livingston 13002 Delwood Road testified in opposition. Mr. Livingston stated that he lives down the street from the subject property. He added that he has no idea how the property was changed to RES-9 and how he did not know about it. The majority of the properties in the area are one-half acre in size. Mr. Livingston stated that his main issue is not the density but rather the proposed sidewalks on Lowell as there is a flooding issue in the area which includes the subject property. The subject property will be backfilled which will make flooding in the surrounding area worse. He detailed the ditches in the neighborhood and stated that proposed sidewalks will block drainage. Mr. Livingston testified that the construction in the neighborhood has already begun to affect drainage. He concluded his remarks by stating that the stormwater maps for the area show the water coming down Delwood and turning right up to Lowell Road where water does not run uphill.

Ms. Corbett testified during the rebuttal period that the applicant has been working with the neighbors regarding the pedestrian connection and she understands that there is an objection to that connection. She clarified that the applicant does not object to the condition being removed at the pleasure of the Zoning Hearing Master or the Board of County Commissioners.

Hearing Master Finch asked Ms. Corbett if she was aware that pedestrian access was required by a zoning condition. Ms. Corbett replied yes.

Ms. Corbett continued her rebuttal testimony by stating that the Planning Commissions comments regarding sidewalks is also required by the Land Development Code and will be provided. She stated that Pulte had nothing to do with the Comprehensive Plan amendment and that notice was required. She introduced Mr. Trent Stephenson who is the project engineer.

Mr. Trent Stephenson 505 East Jackson Street Tampa testified on behalf of the applicant regarding drainage issues. The project adheres to all Southwest Florida Water Management District and County development regulations. The project is not allowed to create adverse impacts to the neighbors, either upstream or downstream. He added that through the design of the drainage system, he would look to alleviate current drainage issues and certainly will not make the issue worse.

Ms. Corbett testified that she has no objection to acknowledging the existing single-family home.

Hearing Master Finch then concluded the hearing.

Hearing Master Finch reopened the hearing to take testimony in opposition.

Mr. Tom Jones 13045 Delwood Road testified in opposition and stated that his family bought the home on Delwood 62 years ago and he has resided there almost 59 years. The area has drainage issues. He is concerned about the pedestrian traffic coming out onto Bradford Lane heading to the park. There are no sidewalks or streetlights and he and several other residents have almost hit pedestrians at night. He added that he is fine with the emergency access and his opposition is to the additional pedestrian traffic.

Ms. Corbett testified in rebuttal that the applicant supports the residents request that the condition be removed but that she understands it is required as a zoning condition.

### **EVIDENCE SUBMITTED**

\*Mr. Henry submitted documents regarding the proposed sidewalk and information regarding the roadways in the area 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**

1. The subject site is 6.56 acres in size and is zoned Planned Development (05-1936). The property is designated RES-9 by the Comprehensive Plan and located in the Urban Service Area and the Greater Carrollwood Northdale Community Planning Area.
2. The Planned Development (PD) is currently approved for a maximum of 14 single-family dwelling units.
3. The primary access for the project will be on Lowell Road. A gated emergency access point is proposed onto Bradford Lane. The proposed zoning conditions require the emergency access point to include pedestrian access to Bradford Lane.
4. The Major Modification request proposes to modify 5.45 acres of the PD. The modification proposes to replace the 14 single-family homes with 48 townhomes.
5. The Planning Commission found the request fulfills the intent of Objective 16 and Policies 16.1, 16.2, 16.3 and 16.5 and is consistent with the Greater Carrollwood Northdale Community Plan which emphasizes an efficient roadway network and a walkable environment. The proposed gates will allow pedestrian access and connect to the sidewalks along the project frontage. Planning Commission staff found the request consistent with the Comprehensive Plan.
6. No Planned Development variations are requested as a part of the Major Modification application.
7. Testimony in support of the request (including the proposed emergency access) but opposed to the required pedestrian access onto Bradford Lane was provided at the Zoning Hearing Master hearing. The testimony focused on primarily the opposition to the pedestrian access due to the lack of sidewalks and street lights in the area and the existing park. Concerns were also expressed regarding the lack of adequate drainage in the neighborhood and the effect of the additional development of 48 townhomes to the drainage condition. One neighbor testified that he did not know about the recent RES-9 Comprehensive Plan amendment and stated that he did not want the area to be developed with primarily townhomes.
8. The applicant's representative testified that they supported the resident's concerns not to have pedestrian access to Bradford Lane but understood that it was required by Hillsborough County as a zoning condition. The

applicant's representative added that they would be accepting of what was approved by the Board of County Commissioners.

9. Hillsborough County Transportation staff and the Planning Commission staff testified that the pedestrian access should be required to provide connectivity to the area. County Transportation staff stated in their agency comments that staff believes that not providing the pedestrian connection creates a greater potential for unsafe pedestrian connections.
10. In response to the flooding concerns raised by the neighbors, the applicant's engineer testified that the project would meet all applicable SWFWMD and County drainage regulations.
11. The proposed modification is consistent with the RES-9 Future Land Use category.
12. The pedestrian connection to Bradford Lane should be required as a zoning condition as County Transportation staff has stated that the developer constructed sidewalks along the Lowell Road and Bradford Lane frontages result in a safer and shorter route to the Carrollwood Village Park thereby increasing pedestrian safety.
13. The proposed modification for the replacement of single-family homes to townhomes and increase in the number of dwelling units from 14 units to 48 units is consistent with the RES-9 Future Land Use category. The proposed full access on Lowell Road and emergency access onto Bradford Lane limits the vehicular impacts to the surrounding community. The required pedestrian access onto Bradford Lane is in accordance with the connectivity goals of Hillsborough County and results in a safer pedestrian condition given the location of the nearby Carrollwood Village Park.

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

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

#### **CONCLUSIONS OF LAW**

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

## **SUMMARY**

Planned Development 05-1936 is currently approved for a maximum of 14 single-family homes.

The Major Modification request proposes to modify 5.45 acres of the PD. The modification replaces the single-family homes for townhomes and proposes to increase the maximum number of dwelling units from 14 to 48 units. No Planned Development variations are requested.

The primary access for the project will be on Lowell Road. A gated emergency access point is proposed onto Bradford Lane. The proposed zoning conditions require the emergency access point to include pedestrian access to Bradford Lane.

Testimony in support of the request (including the proposed emergency access) but opposed to the required pedestrian access onto Bradford Lane was provided at the Zoning Hearing Master hearing. The testimony focused on primarily the opposition to the pedestrian access due to the lack of sidewalks and street lights in the area and the existing park. Concerns were also expressed regarding the lack of adequate drainage in the neighborhood and the effect of the additional development of 48 townhomes to the drainage condition. One neighbor testified that he did not know about the recent RES-9 Comprehensive Plan amendment and stated that he did not want the area to be developed with primarily townhomes.

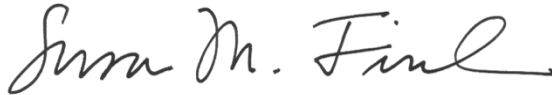
The applicant's representative testified that they supported the resident's concerns not to have pedestrian access to Bradford Lane but understood that it was required by Hillsborough County as a zoning condition. The applicant's representative added that they would be accepting of what was approved by the Board of County Commissioners.

Hillsborough County Transportation staff and the Planning Commission staff testified that the pedestrian access should be required to provide connectivity to the area. County Transportation staff stated in their agency comments that staff believes that not providing the pedestrian connection creates a greater potential for unsafe pedestrian connections.

The pedestrian connection to Bradford Lane should be required as a zoning condition as County Transportation staff has stated that the developer constructed sidewalks along the Lowell Road and Bradford Lane frontages result in a safer and shorter route to the Carrollwood Village Park thereby increasing pedestrian safety.

## RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 05-1936 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.

A handwritten signature in cursive script that reads "Susan M. Finch".

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

**Date**

## COUNTY OF HILLSBOROUGH

### RECOMMENDATION OF THE LAND USE HEARING OFFICER

<b>APPLICATION NUMBER:</b>	RZ STD 21-1348
<b>DATE OF HEARING:</b>	November 15, 2021
<b>APPLICANT:</b>	John Forest Turbiville / Conservation & Environmental Lands Dept.
<b>PETITION REQUEST:</b>	The request is to rezone a parcel of land from PD to AR
<b>LOCATION:</b>	900 feet northwest of the intersection of Kracker Ave. & S. US Highway 41
<b>SIZE OF PROPERTY:</b>	24.82 acres m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	PD 07-0879
<b>FUTURE LAND USE CATEGORY:</b>	N
<b>SERVICE AREA:</b>	Urban

## DEVELOPMENT REVIEW STAFF REPORT\*

**\*Please note that formatting issues prevented the entire staff report from being included in the Hearing Master's Recommendation. Please refer to the Hillsborough County Development Services Department website for the complete staff report.**

### 1.0 APPLICATION SUMMARY

Applicant: John Forest Turbiville / Conservation & Environmental Lands Department

FLU Category: Natural Preservation (N)

Service Area: Urban

Site Acreage: 24.8 MOL

Community Plan Area: Gibsonton & South Shore Areawide Systems

Overlay: None

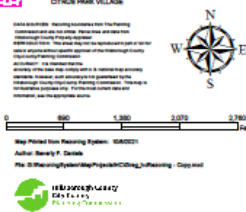
Introduction Summary:		
The existing zoning is Planned Development (PD 07-0879) which permits Single-Family Residential (Conventional Only) uses pursuant to the development standards in the table below. The proposed zoning is Agricultural Rural (AR) which allows Single-Family Residential/Agricultural uses pursuant to the development standards in the table below.		
Zoning:	Existing	Proposed
District(s)	PD 07-0879	AR
Typical General Use(s)	Single-Family Residential (Conventional Only)	Single-Family Residential/Agricultural
Acreage	24.8 MOL	24.8 MOL
Density/Intensity	1 du/gross acre	1 du/5 gross acres
Mathematical Maximum*	24 units	4 units

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\*number represents a pre-development approximation

Development Standards Existing Proposed		
District(s)	PD 07-0879	AR
Lot Size / Lot Width	10,000 sf / 80'	217,800 sf / 150'
Setbacks/Buffering and Screening	25' Front 25' Rear 10' Sides	50' Front 50' Rear 25' Sides
Height	35'	50'
<b>Planning Commission Recommendation:</b>		<b>Development Services Recommendation:</b>
Consistent		Approvable

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



## Adjacent Zonings and Uses

Location	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR	1 du per 5 ga	Single-Family Residential/Agricultural	Vacant
South	RSC-2, RSC-6, AS-1, AR	2 du per ga, 6 du per ga, 1 du per ga, 1 du per 5 ga	Single-Family Residential (Conventional Only), Single-Family Residential/Agricultural	Single-Family Residential, Vacant
East	RSC-2, RSC-6, AS-1	2 du per ga, 6 du per ga, 1 du per ga	Single-Family Residential (Conventional Only), Single-Family Residential/Agricultural	Single-Family Residential, Vacant
West	AR	1 du per 5 ga	Single-Family Residential/Agricultural	Vacant

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

#### Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 41	FDOT Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Kracker Ave.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

#### Project Trip Generation ☐ Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	1,637	58	154
Proposed	0	0	0
Difference (+/-)	-1,637	-58	-154

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

Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access		Finding
			Cross Access	
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

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

INFORMATION/REVIEWING AGENCY				
<b>Environmental:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters  <input type="checkbox"/> Use of Environmentally Sensitive Land Credit  <input type="checkbox"/> Potable Water Wellfield Protection Area <input checked="" type="checkbox"/> Significant Wildlife Habitat <input checked="" type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property  <input type="checkbox"/> Other  <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area				
<b>Public Facilities:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b>  <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	There will be no additional public utilities or roads.

<b>Service Area/ Water &amp; Wastewater</b>  <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Comprehensive Plan:</b>	<b>Comments Received</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

☐ Density Bonus Requested ☒ Consistent ☒ Inconsistent

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The purpose of the rezoning is to allow for the excavating of 220 tropical fish ponds to recontour and revegetate the area in order to restore the natural habitat and wetlands. No residential, commercial or other impervious facilities will be permitted on the parcels. There will be no additional public utilities or roads. The site is located at 6038 Kracker Avenue, which is 900 feet northwest of the intersection of Kracker Avenue and South US Highway 41. The parcel is located in an area comprised of vacant wetlands, single-family residential and commercial. The subject parcel is directly adjacent to wetlands to the north and west and both zoned AR. To the south is single-family residential and vacant parcels zoned RSC-2, RSC-6, AS-1 & AR. To the east is also single-family residential and vacant parcels zoned RSC-2, RSC-6 & AS-1. The subject property is designated Natural Preservation (N) on the Future Land Use map. The Planning Commission finds the proposed use consistent with the Comprehensive Plan. The proposed rezoning will protect vital green space and provide expanded recreational opportunities in the area. The surrounding uses

and districts are similar to the request; rural low-density single-family lots and vacant wetlands; therefore, the rezoning of the subject parcel from PD 07-0879 to AR would be consistent with the existing zoning pattern of the area.

Based on the above considerations staff finds the requested AR zoning district compatible with the existing zoning and development pattern in the area.

### **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on November 15, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition and submitted a revised staff report into the record. He stated that the revisions were not substantive.

Mr. Ross Dickerson Division Manager for the Environmental Management Section of the Conservation & Environmental Lands Management Department testified as the applicant. Mr. Dickerson stated that the request is to rezone from a Planned Development to agricultural. The applicant is partnered with the Southwest Florida Water Management District and AECOM. The site is 24.5 acres and was purchased by the County's ELAPP program in 2012. The site was formerly developed in the 1970's through the 1990's with a fish farm. The request is to rezone the property to Agricultural Rural. The rezoning will facilitate a future request for a Special Use application to excavate the fish farm and return the property to its native upland and wetland habitats. Mr. Dickerson showed photos of the property which has the 220 fish ponds on-site. The site also contains overgrown tangles of Brazilian Pepper trees. He explained the benefits of the restoration and added that there are homeless camps and trash on the property. Mr. Dickerson detailed the restoration process and stated that there is a coastal system with cabbage palms, scattered oaks and grasses. Milkweed will be planted which will provide a food plant for monarch butterflies.

Mr. Chris Grandlienard, Development Services staff, testified regarding the County's staff report. Mr. Grandlienard stated that the request is to rezone the property from Planned Development to Agricultural Rural to permit the excavation of 220 tropical fish ponds to recontour and revegetate the area to restore the natural habitat and vegetation. Mr. Grandlienard described the surrounding zoning districts and land uses and stated that the rezoning will provide vital green space and expand the recreational opportunities in the area.

Ms. Andrea Papandrew, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Papandrew stated that the subject property is within the Natural Preservation Future Land Use classification and the Gibsonton Community Planning Area and Urban Service Area. Ms. Papandrew testified that the request is initiated by the Hillsborough County Conservation and Environmental Management Department for publicly owned land for the purposes

of environmental protection. The request meets Objective 9 and Policies 9.1 and 9.2 regarding the preservation of environmentally sensitive lands. The request is also consistent with Objective 2 and Policy 2.5 of the Coastal Management Element regarding the development of a wetland mitigation program via cooperation with other agencies but that does not impede local control. The property is located within the Coastal High Hazard Area and meets the exception provided for in Policy 6.3 and 10.4 of the Coastal Management Element. Ms. Papandrew concluded her presentation by stating that the Planning Commission finds the proposed rezoning consistent with the Gibsonton Community Plan and the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. None replied.

Hearing Master Finch asked for members of the audience in opposition to the application. None replied.

County staff and Mr. Dickerson did not have additional comments.

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

No documents were submitted 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**

1. The subject property is 24.82 acres in size and is currently zoned Planned Development 07-0879 (PD) and is designated Natural Preservation (N) by the Comprehensive Plan. The property is located within the Gibsonton Community Planning Area and the Urban Service Area.
2. The applicant is requesting a rezoning to the Agricultural Rural (AR) zoning district.
3. The subject property was previously developed from the 1970's to the 1990's with a fish farm. The property was acquired in 2012 by the County's Environmental Lands Acquisition and Protection Program (ELAPP).

4. The Planning Commission staff supports the request. The Planning Commission found that the request meets Objective 9 and Policies 9.1 and 9.2 regarding the preservation of environmentally sensitive lands. The Planning Commission also found the request is consistent with Objective 2 and Policy 2.5 of the Coastal Management Element regarding the development of a wetland mitigation program via cooperation with other agencies but that does not impede local control. The property is located within the Coastal High Hazard Area and meets the exception provided for in Policy 6.3 and 10.4 of the Coastal Management Element. The Planning Commission found the application consistent with the Gibsonton Community Plan and the Comprehensive Plan.
5. The rezoning will facilitate the request for a Special Use application to excavate the existing 220 fish ponds and restore the natural upland and wetland habitat thereby increasing the amount of recreational opportunities in the area.
6. The request for the AR zoning district on the subject property is compatible with the surrounding zoning districts and the N Future Land Use category.

#### **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 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 applicant is requesting a rezoning to the AR zoning district. The property is 24.82 acres in size and is currently zoned PD 07-0879 and designated N by the Comprehensive Plan. The property is located in the Gibsonton Community Planning Area and the Urban Service Area.

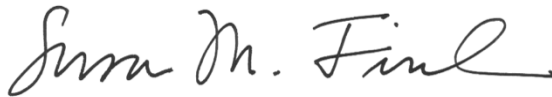
The property was previously developed from the 1970's to the 1990's with a fish farm. The property was acquired in 2012 by the County's Environmental Lands Acquisition and Protection Program (ELAPP).

The Planning Commission found the request consistent with numerous Policies that promote the protection of environmentally sensitive lands and supports the rezoning.

The request for the AR zoning district on the subject property will facilitate the request for a Special Use application to excavate the existing 220 fish ponds and restore the natural upland and wetland habitat thereby increasing the amount of recreational opportunities in the area. The rezoning application is compatible with the surrounding zoning districts and the N Future Land Use category.

### **RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the AR rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above.

A handwritten signature in black ink, reading "Susan M. Finch". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

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

**Date**