



Standard Agenda Item Cover Sheet

Agenda Item N^o. _____

Meeting Date: April 7, 2026

Consent Section Regular Section Public Hearing

Requires Chair Signature? Yes No Includes a Technology Component? Yes No

Subject: Litigation regarding denied G.L. Acquisitions Corporation rezoning (RZ-PD 23-0132)			
Department Name: County Attorney's Office			
Contact Person: Mary J. Dorman		Contact Phone: 272-5670	
Sign-Off Approvals:			
_____ Assistant County Administrator	Date	_____ Department Director	Date
_____ Management and Budget – Approved as to Financial Impact Accuracy	Date	_____ County Attorney – Approved as to Legal Sufficiency	Date

Staff's Recommended Board Motion:
 Provide direction to the County Attorney's Office regarding whether or not to appeal the circuit court's Amended Order Granting Petition for Writ of Certiorari in favor of G.L. Acquisitions Corporation, Inc. quashing the Board of County Commissioners' denial of RZ-PD 23-0132.

Financial Impact Statement:
 This action will not have a financial impact upon the County beyond the filing fee; funding for this fee is included in the County Attorney's budget.

Background:
 G.L. Acquisitions Corporation, Inc. ("GLA") filed rezoning application MM 23-0132, seeking to rezone the Pebble Creek Golf Course in order to develop 251 single family homes on the approximately 150-acre site. The Pebble Creek Golf Course is located within the Pebble Creek community, east of Bruce B. Downs Boulevard and south of the Pasco/Hillsborough County line. On July 18, 2023, the Board of County Commissioners ("Board") denied GLA's rezoning application by a vote of 5 to 2, finding that the rezoning application was not consistent with the Comprehensive Plan and not compatible with the existing neighborhood. GLA challenged the rezoning denial in circuit court. On June 19, 2024, the circuit court issued an order granting GLA's petition for writ of certiorari and quashing the Board's denial of the rezoning application. On August 13, 2024, the Board voted to direct the County Attorney's Office to appeal the ruling of the circuit court to the Second District Court of Appeal ("Second DCA"). On July 9, 2025, the Second DCA granted the County's Petition for Writ of Certiorari, quashing the circuit court's order. The circuit court then took up the case again and issued the attached Amended Order Granting Petition for Writ of Certiorari in favor of GLA.

This agenda item seeks Board direction on whether or not to appeal the circuit court's Amended Order by filing another second-tier petition for writ of certiorari with the Second DCA.

List Attachments: Amended Order Granting Petition for Writ of Certiorari; Order Denying Motion for Rehearing

IN THE THIRTEENTH JUDICIAL CIRCUIT FOR THE STATE OF FLORIDA
CIRCUIT CIVIL DIVISION

GLA ACQUISITIONS
CORPORATION, INC.,

Case No. 23-CA-015824

Petitioner,

Division: I

v.

HILLSBOROUGH COUNTY
BOARD OF COUNTY
COMMISSIONERS,

Respondent.

_____ /

AMENDED ORDER GRANTING PETITION FOR WRIT OF CERTIORARI

This case is before the Court on Petitioner GLA Acquisitions Corporation, Inc.’s (GLA) petition for writ of certiorari filed on October 11, 2023, seeking to review the Hillsborough County Board of County Commissioners’ (the Board) denial of its application to rezone a property it has contracted to purchase. The petition alleges that the Board failed to follow the essential requirements of the law and that its denial is not supported by competent substantial evidence. Having reviewed the petition, response, reply, the record in its entirety, and being otherwise fully informed, the Court finds that, because the record lacks any competent, substantial evidence to support the Board’s determination, the petition must be granted.

Facts and Procedural History

The 150-acres of property (“the Property”) at issue, Pebble Creek Golf Course, opened in 1967 and was zoned specifically as a golf course. The surrounding Pebble Creek neighborhood was zoned and developed as a mixed-use community in 1972, five years after the golf course opened. In 2021, the property owner, Ace Golf, Inc., determined that the golf course was no longer financially viable as a business due to consistently low membership and related financial

difficulties.¹ Ace Golf first offered to sell the golf course to the Pebble Creek Homeowners Association. Hillsborough County was also offered an opportunity to purchase. When those offers were rejected, Ace Golf sought other potential purchasers, and ultimately entered into a contract with GLA contingent upon GLA obtaining the requested rezoning at issue here.

In 2023, GLA filed an application to rezone the Property from its current classification as a golf course to residential. GLA sought to develop single family homes at the center of what was once the golf course while maintaining a ring of buffer areas between the existing neighborhood and the new homes. GLA received conditional approvals from the County Planning Commission and the County Development Services Department, despite proposing less than the minimum density required by the Comprehensive Plan. On May 15, 2023, the Zoning Hearing Master (ZHM) held a duly noticed evidentiary hearing on GLA’s application. Multiple witnesses testified at the hearing, including county staff, experts, and residents. The ZHM concluded that GLA’s rezoning request was consistent with the Comprehensive Plan and recommended approval with certain conditions to which GLA agreed. Specifically, the ZHM found that “[t]he proposed parks and site plan design that includes developing the single-family homes internal to the site and providing a ring of stormwater ponds and significant open space along the perimeter serves to increase compatibility with the neighboring residential homes.”

On July 18, 2023, the Board held a duly noticed hearing on GLA’s application. The Board heard presentations and arguments from county staff, GLA’s attorney, GLA’s expert planner, and multiple residents. On September 14, 2023, the Board rendered a Resolution, stating:

1. The Board finds that based upon the record evidence, the major modification is inconsistent with Objective 16 of the

¹ The golf course is permanently defunct. Transcript p. 47. There is no evidence in the record that it will ever be use as a golf course again. Rather than a manicured golf course, as zoned, the Property is an unkept, overgrown, unused space.

Comprehensive Plan, and is inconsistent with Policies 1.4, 8.1, and 8.2, 10.10 and 16.8 of the Comprehensive Plan.

2. The open space character of the subject property is an integral part of the neighborhood design of PD 72-0319 (Planned Development 72-0319).

3. The removal of the open space around which the surrounding existing neighborhood was developed and constructed would not protect nor maintain the character the existing neighborhood.

Resolution at 3–4. The Board concluded that the “record evidence supports that the retention of the existing PD zoning accomplishes a legitimate public purpose,” and denied the rezoning. Thus, GLA filed the Petition. This Court held a hearing on May 24, 2024, and both parties had an opportunity to present their arguments. When asked about the evidence the Board relied on when it found that the proposal did not conform to the comprehensive plan, the Board stated:

[T]he Board's decision is supported by both the lay witness testimony that talks about kind of the . . . integral part of that piece of property with the design of the neighborhood, that open space that is a component and a centerpiece of that property that people moved to the neighborhood for. And so there is -- there is evidence in the record on which the Board relied to make its determination and that is what the issue is here at the end of the day.

Hearing Transcript at 57. At no other point during the hearing did the Board identify any additional evidence up on which the Board based its resolution.² This Court granted the petition on June 19, 2024.

The Board sought second-tier certiorari review. On July 9, 2025, the Second District Court of Appeal quashed the order granting GLA’s petition on the basis that this Court departed from the essential requirements of the law because it reviewed and cited to an individual commissioner’s

² The Court is aware of its duty to comb the record for competent, substantial evidence that supports the resolution. Out of an abundance of caution, the Court gave the Board an additional opportunity at the May 24, 2024, hearing to identify the evidence upon which the resolution was based.

comment rather than considering solely whether the written resolution was supported by competent, substantial evidence.

After the Second DCA's July 28, 2025, decision in this case, the Court held further hearings on the Petition. After argument and review of Florida law, this Court found that it retained jurisdiction to consider the Petition, and was required to write this Order.

Analysis

Under Florida law, the scope of issues that are reviewable by a circuit court under first-tier certiorari review of quasi-judicial rezoning decisions is strictly limited as to whether: (1) the local government afforded GLA due process; (2) the local government observed the essential requirements of law; and (3) the decision is supported by competent and substantial evidence. *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624, 626 (Fla. 1982). The Florida Supreme Court has set forth a framework that requires rezoning applicants to prove that their proposal is consistent with the comprehensive plan and complies with all procedural requirements of the zoning ordinance. *Snyder*, 627 So. 2d at 476 (Fla. 1993). If the proposal complies with the comprehensive plan, the Board may still deny the application to accomplish "a legitimate public purpose," at which point the Board has "the burden of showing that the refusal to rezone the property is not arbitrary, discriminatory, or unreasonable." *Id.* The Court is thus tasked with reviewing whether there is any competent, substantial evidence to establish: (1) the application is inconsistent with the comprehensive plan or with the applicable zoning ordinance's procedural requirements; or, if found consistent, (2) there is a legitimate public purpose behind maintaining the existing zoning classification. *Id.*

GLA asserts that its proposal complied with the Comprehensive Plan, based on the testimony and reports of hired experts and county staff, who found that the proposed single family

residential homes are compatible with the surrounding residential homes and that the proposed ponds and open spaces would serve as a sufficient buffer between the old and the proposed, new neighborhoods.³ There is no competent, substantial evidence in the record to indicate that the proposal does not in fact comply with the Comprehensive Plan. Therefore, the burden shifted to the Board to demonstrate a legitimate public purpose in maintaining the existing classification.

The resolution states that “[t]he open space character of the subject property is an integral part of the neighborhood design of PD 72-0319 (Planned Development 72-0319),” and that “[t]he removal of the open space around which the surrounding existing neighborhood was developed and constructed would not protect nor maintain the character the existing neighborhood.” The only evidence in the record that supports the findings and conclusions in the Board’s resolution “that the retention of the existing PD zoning accomplishes a legitimate public purpose” is testimony from a number of residents who opposed the change in zoning. Pt. Appx. at 9 (Resolution at Paragraph H). The Board had no expert testimony of any kind to rely upon in support of its resolution. “Fact-based” testimony of homeowners opposing the proposed rezoning may be considered by the Board and reviewing courts. *See Marion Cnty. v. Priest*, 786 So. 2d 623, 626-27 (Fla. 5th DCA 2001). Conversely, unsupported, conclusory opinion statements do not constitute competent evidence. *BML Invs. v. City of Casselberry*, 476 So. 2d 713, 715 (Fla. 5th DCA 1985) (citing *Conetta v. City of Sarasota*, 400 So. 2d 1051 (Fla. 2d DCA 1981)). Residents opposed to the change gave lay testimony speculating about future problems, including excessive noise and environmental hazards, but did not provide any “fact-based” testimony upon which the Board could base its findings that the proposed changes would be inconsistent with the comprehensive plan and that the retention of

³ The Court understands that the Board can make its decision without regard to with findings. However, its decision must be based on competent, substantial evidence within the record.

the existing zoning accomplishes a legitimate public purpose. Thus, after fully combing the record, the Court cannot find that the Board's resolution finding "that the retention of the existing PD zoning accomplishes a legitimate public purpose" is founded upon competent, substantial evidence.

Because the record contains no competent, substantial evidence to support the Board's resolution, the Petition is hereby GRANTED and the resolution is QUASHED.

ORDERED on the date imprinted with the Judge's signature:

Electronically Conformed 12/7/2025
Paul Huey

PAUL L. HUEY, CIRCUIT COURT JUDGE

Electronic copies provided through JAWS.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR THE STATE OF FLORIDA
CIVIL DIVISION

G.L. ACQUISITIONS
CORPORATION, INC.,

Case No. 23-CA-015824

Division: I

Petitioner,

v.

HILLSBOROUGH COUNTY, a
political subdivision of the State of
Florida,

Respondent.

_____ /

ORDER DENYING MOTION FOR REHEARING

THIS MATTER is before the Court on Respondent Hillsborough County's (the "County") Motion for Rehearing, filed December 22, 2025, requesting that this Court rescind its Amended Order Granting Petition for Writ of Certiorari (the "Amended Order"), entered December 7, 2025. Petitioner G.L. Acquisitions Corporation, Inc. ("G.L. Acquisitions"), filed a Response to Hillsborough County's Motion for Rehearing on January 6, 2026. Having considered the motion, response, and relevant Florida law, the Court hereby DENIES the motion for the following reasons:

On July 9, 2025, the Second District Court of Appeal (the "Second DCA") granted the County's petition seeking second-tier certiorari review and quashed this Court's June 19, 2024, Order Granting Petition for Writ of Certiorari. The Second DCA issued its Mandate on July 28, 2025.

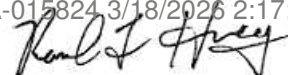
In the instant motion, the County argues that the Amended Order was entered in violation of the Second DCA's Mandate because there was no remand with general or specific instruction from the Second DCA. As noted by G.L. Acquisitions in its response, however, when an order has been quashed on certiorari review, the matter returns to the posture it was in before "as if no order...had been entered." *Foster v. Radulovich*, 331 So. 3d 281, 287 (Fla. 2d DCA 2021) (quoting *Broward County v. G.B.V. Int'l, Ltd.*, 787 So. 2d 838, 844 (Fla. 2001)) (omission in original).

Accordingly, the Court did not exceed its authority in ruling upon G.L. Acquisition's Petition for Writ of Certiorari. The County's motion otherwise raises issues previously considered and addressed by this Court. Fla. R. App. P. 9.330(a)(2)(A).

WHEREFORE, it is hereby ORDERED and ADJUDGED that the County's Motion for Rehearing is hereby **DENIED**.

ORDERED in Tampa, Hillsborough County, Florida, on the date imprinted with the Judge's signature.

23-CA-015824 3/18/2026 2:17:13 PM



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Judge Paul Huey

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