



**Project Feasibility Report**

**Ruskin Property  
0 East Shell Point Road  
Ruskin, FL 33570**

**PREPARED FOR:**

**Compass Commercial Real Estate  
605 Lincoln Road, 7<sup>th</sup> Floor  
Miami Beach, FL 33139**

**PREPARED BY:**

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**INTRODUCTION**

The following feasibility report is for the Ruskin Property located at 0 East Shell Point Road, Ruskin, FL 33570 on the northwest corner of the intersection of East Shell Point Road and Interchange Street in unincorporated Hillsborough County (Figure 1.1). This report will review existing conditions, current approvals, and required approvals for the development of the property to accommodate a day care and neighborhood retail use on the subject property.

This report is divided into seven sections. Section I describes the current development proposal, Section II details physical conditions and location, Section III provides the future land use and zoning on the subject property, Section IV outlines the property’s approval history, Section V summarizes development standards for the proposed uses, Section VI provides a tentative schedule as well as explanation of the Hillsborough County entitlement process, and Section VII includes preliminary development fees.



Figure 1.1 Map of subject property and surrounding area including parcel addresses. Note that no parcel address is available for the subject property through the Hillsborough County Property Appraiser website as of the date of this report

**SECTION I. CURRENT DEVELOPMENT PROPOSAL**

The Conceptual Site Plan (CSP), provided in Exhibit 1, depicts the proposed development which consists of two 5,000 square foot structures and onsite parking. One structure is dedicated to a day care use, and the other is dedicated to Commercial, Neighborhood uses—specifically retail. Access to the property is provided along Interchange Street and E Shell Point Road in conformance with the approved General Site Plan (Exhibit 2) and other pertinent documentation

expounded on throughout this report. A total of 67 parking spaces in addition to a drop-off for the day care center are specified on the CSP as well.

## **SECTION II. PHYSICAL CONDITIONS AND LOCATION**

The subject property, referred to as the “Ruskin Property,” contains a total of 3.18 acres (approximately 138,520.8 square feet). The Property Folio Number for the site is 055199-0000.

The property is part of the 1UU | Ruskin Colony Farms subdivision and the last warranty deed shows that the property was sold by Best Dog Park Ever Inc. to Hostetter Daniel Clayton on December 12, 2019. Prior warranty deeds available through the Hillsborough County Property Appraiser website are listed in Table 2.1 below. Copies of these documents are provided in Exhibit 3. Exhibit 2 contains the approved General Site Plan for the PD (dated August 22, 2005).

<b>Table 2.1. Warranty Deeds/Quit-Claim Deeds (from Hillsborough County PA)</b>			
<b>GRANTOR</b>	<b>GRANTEE</b>	<b>PRICE</b>	<b>SALE/ MODIFICATION DATE</b>
Best Dog Park Ever, Inc.	Hostetter Daniel Clayton	\$225,000.00	12/12/2019
Barrows Wilson & Bryant, LLC	Best Dog Park Ever, Inc.	\$138,000.00	2/16/2018
Wilson Robert W	Barrows Wilson & Bryant, LLC	\$10.00	6/18/2012
Barrows Steven P	Barrows Wilson & Bryant	\$10.00	6/18/2012
Spencer William H	Barrows Wilson & Bryant	\$705,000.00	1/4/2006, 1/17/2006 (Modified)
Spencer II LLC, Ryan Group LLC	Spencer William H	\$10.00	1/4/2006, 1/17/2006 (Modified)
Spencer Farms Inc.	Spencer II LLC	\$528,889.00	2/3/2004 2/4/2004 (Modified)

### ***Existing Site Conditions:***

According to the Hillsborough County Property Appraiser website, the use on the subject property as of the date of this report, is Vacant Residential. The property is located within the AE flood zone. Based on a site visit, aerial photos, and the approved site plan, it appears that the subject property does not contain wetlands. It is recommended that an environmental review be carried out to confirm this.

### ***Surrounding Uses:***

A summary of the surrounding uses is provided in Table 2.2. Maps representing the future land use and zoning on and around the property are provided in Figure 2.1 and Figure 2.2.

<b>Table 2.2. Summary of Surrounding Uses</b>			
<b>LOCATION</b>	<b>EXISTING USES</b>	<b>FLU DESIGNATION</b>	<b>ZONING DESIGNATION</b>
North	Drainage	R-12	RMC-12
East	ROW	R-6	CG
South	Multi-Family Residential	R-12	RMC-12
West	Single-Family Residential	R-12	PD

**North:** The parcels north of the subject property are dedicated to drainage and single-family residential uses with zoning of RMC-12 and future land use of R-12. These homes abutting the northern detention area were constructed between 2005 and 2006 and are placed in close proximity to one another (approximately 10' of space between each structure). Despite this, the properties have both front and back yards and typically contain 3-4 bedrooms and two baths.

**South:** The parcels located south of the subject property are primarily multifamily, namely duplexes and triplexes, with zoning of RMC-12 and future land use of R-12. The four parcels closest to the subject property are all owned by Loba Investments, LLC and the buildings located on these parcels were built between 1988 and 1989. The two structures closest to the subject property have driveways on E Shell Point Road, and the remaining two have driveways on 9th Street NE, although aerial imagery shows an unpaved path leading out from a parcel with folio #055234-0000 to the intersection of Interchange Street and E Shell Point Road.





**East:**

The parcels located generally east of the subject property are dedicated to right of way (ROW) for railroad tracks. Just east of this ROW are warehouses and light and heavy industrial uses. The area is zoned CG and has a future land use designation of R-6. The warehouse located on the parcel with folio #055229-0050, has a gross floor area (GFA) of 5,000 and a total parcel square footage of 58,370. The warehouse located on the parcel with folio #055229-0000 has a GFA of 7,840 square feet and total parcel square footage of 62,291. On the parcel with folio #055232-0400 there is a small agricultural use, however, the Hillsborough County Property Appraiser has designated the Property Use as "Open Storage." This parcel is 28,314 square feet, and no gross floor area is available for the existing structures on the property.

**West:**

To the area generally west of the subject property, there are single-family residential homes with zoning of PD and future land use designation of R-12. These homes were constructed from 2006 to 2008 and are part of the same PD as the subject property. Their style of construction mimics that of the single-family residential homes north of the detention area. They are also placed in close proximity to one another (approximately 10' of space between each structure) and have both front and back yards and typically contain 3-4 bedrooms with two baths.



Figure 2.1. Subject Area Future Land Use Map

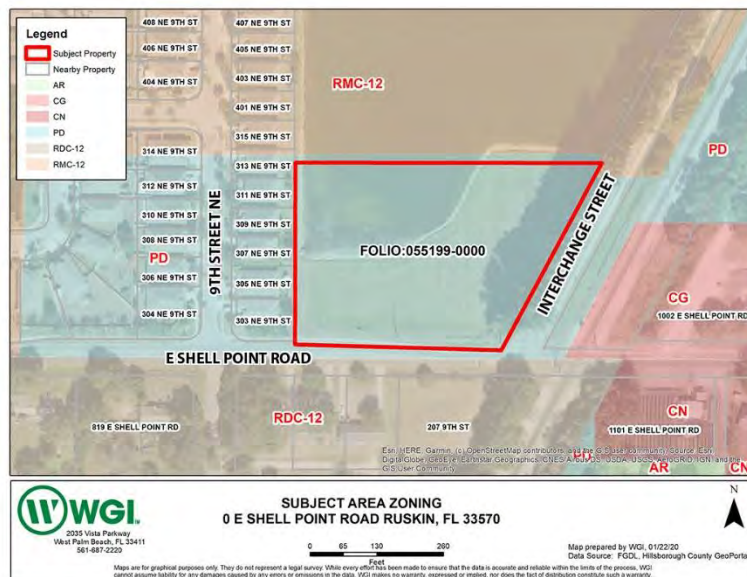


Figure 2.2. Subject Area Zoning Map

**Platting:**

On January 1, 2005, a new plat was recorded with Hillsborough County for the residential parcels adjacent to the subject property in the PD. The subject property was omitted from this replat, and as a result, the subject property remains a part of the 1UU | Ruskin Colony Farms subdivision (Plat Book 5, Page 63). This plat, shown in Exhibit 2, was originally recorded on January 2, 1910. As a consequence of the age of the original plat, development on the subject property may necessitate a replat.

**Utilities:**

- **TECO (Tampa Electric)**  
TECO (Tampa Electric) provides power to businesses located in the 33570 zip code area. Further information about service availability may be obtained by calling (813) 223-0800 or visiting [www.tampaelectric.com](http://www.tampaelectric.com).
- **Hillsborough County Water and Wastewater**  
Hillsborough County provides water and sewer services to the subject property. Based on the address provided, the Hillsborough County website provides contact information for the service center located at 925 E. Twiggs Street, Tampa, FL 33602. Additional support for water and sewer connections can be obtained by calling (813) 272-6680 or visiting <https://www.hillsboroughcounty.org/residents/property-owners-and-renters/water-and-sewer>.
- **TECO (People's Gas)**  
TECO (People's Gas) provides natural gas to businesses located in the 33570 zip code area. Further information about service availability may be obtained by calling (954) 453-0777 or visiting [www.peoplesgas.com](http://www.peoplesgas.com).

**Internet, TV, Phone Services:**

Cell coverage is provided by AT&T, Sprint, T-Mobile, and Verizon. The following companies offer internet, voice, and TV services in the area surrounding the subject property. All services described in this subsection may not be available; additional services may be established at a later date.

**Table 2.2. Internet, TV, Phone Service Providers**

	VOICE	TV	INTERNET
AT&T	X	X	X
Frontier	X	X	X
DISH	-	X	X
Spectrum	X	X	X
EarthLink	-	-	X
Viasat	X	-	X
HughesNet	X	-	X

**Alarm System Providers:**

The following businesses offer alarm system services in the area:

- ADT
- Frontpoint
- Guardian
- Protect America
- Vivint

It is important to note that providers listed may not offer services exclusively to businesses or residential clients at the subject property.

**Solid Waste Service:**

Hillsborough County permits commercial trash collection from county businesses approved through the Waste Profile Program. This necessitates submission of a Solid Waste Profile Form available on the Hillsborough County website. Businesses that wish to dispose of commercial waste in the county may self-haul or contract with one of several authorized franchise haulers. As of the date of this report, the franchise haulers are as follows:



- **Republic Waste Services**  
(813) 265-0292  
[www.republicservices.com](http://www.republicservices.com)
- **Waste Management of Florida, Inc.**  
(813) 621-3053  
[www.wm.com](http://www.wm.com)
- **Progressive Waste Solutions**  
(813) 248-3802  
[www.wasteservicesinc.com](http://www.wasteservicesinc.com)

Hillsborough County will not accept bio-hazardous, containerized, hazardous, liquid, polychlorinated biphenyl (PCB), or radioactive waste material. Nor will they accept waste contained within sealed 55-gallon drums. In addition, non-hazardous waste materials requiring special handling or that may be contaminated require special approval prior to disposal. Further information about commercial waste disposal is available on the Hillsborough County website at the following web address: <https://www.hillsboroughcounty.org/en/businesses/entrepreneur-and-small-business-support/commercial-property-owner/commercial-trash-service>

Different standards are applied to disposal of residential waste. Further information about disposal of solid waste in Hillsborough County may be found in Chapter 130 ("Solid Waste Collection and Disposal") of the Hillsborough County Code of Ordinances and Laws ([Part B, Public Utilities](#)) as well as at the following web address: <https://www.hillsboroughcounty.org/en/government/departments/solid-waste>

***Wellhead Protection Areas:***

According to maps available on the Hillsborough County website, the subject property is not located in an Adopted Wellhead Resource Protection Area, nor is it located in an Adopted Surface Water Resource Protection Area.

***Flood Zone (See Exhibit 4):***

The subject property is located within the AE flood zone (Special Flood Hazard Area). The property has a Base Flood Elevation of 9.0 feet. According to the Federal Emergency Management Agency (FEMA), these areas are subject to inundation by the 1-percent-annual-chance flood event. Mandatory flood insurance purchase requirements and floodplain management standards apply to properties within this zone.

***Emergency Management Contacts:***

- **Hillsborough County Fire Rescue**  
Hillsborough County Fire Rescue currently provides emergency services to the subject property.

The Hillsborough County Fire Marshal's Office is located at 9450 E. Columbus Drive, Tampa, FL 33619. They may be reached by phone at (813) 44-5541.

- **American Red Cross of Tampa Bay**  
3310 W. Main Street, Tampa, FL 33607, 813-348-4820
- **Florida Division of Emergency Management**  
2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100

**SECTION III. FUTURE LAND USE AND ZONING**

BOCC Conditions of Approval require "Parcel C" which appears to occupy the same area as the subject property, to be developed in accordance with CN zoning district standards as well as any specified design standards of the Land Development code unless otherwise specified.

***Future Land Use:***

The subject property falls within the Urban Development Area of the Urban Service Area which was established to focus new growth and redevelopment and concentrate public and private investment where services are available and will be most



needed. The property also has a Future Land Use (FLU) designation of Residential 12 (R-12). According to the Future Land Use Element (FLUE) of the Comprehensive Plan for Unincorporated Hillsborough County Florida, the R-12 designation is reserved for residential, urban-scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses shall meet established locational criteria for specific land use ([see page 197 of the FLUE](#)).

It may be inferred that day care centers are permitted as a residential support use on the subject property based on definitions provided in the Hillsborough County Code of Ordinances and Policy 17.1 of the Hillsborough County FLUE. To elaborate, [Article XII, Part 12.01.00](#) of the Hillsborough County Code of Ordinances defines “Child Care Center” as follows:

*“ Any establishment other than a Family Child Care Home as defined herein that provides, on a regular basis, supervision and care for children unrelated to the operator for a period of less than 24 hours a day and which receives a payment, fee, grant or bartering arrangement for any of the children receiving care, wherever operated, and whether or not operated for profit, except that the following are not included: public schools and non-public schools which are in compliance with the compulsory school attendance law, Chapter 232, Florida Statutes; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods. The term includes kindergartens, nurseries, nursery schools, **day care centers** and day nurseries.”*

Policy 17.1 of the Hillsborough County FLUE explicitly permits child care centers as a residential support use. Specifically, Policy 17.1 states:

“Residential support uses (child care centers, adult care center, churches, etc.) is an allowable land use in any of the residential, commercial and industrial land use plan categories consistent with the following criteria:

- a) The facility shall be of a design, intensity and scale to serve the surrounding neighborhood or the non-residential development in which it occurs, and to be compatible with the surrounding land uses and zoning;”

**Zoning:**

Currently, the property is zoned Planned Development (PD). The PD district is intended for unified, large scale, mixed use developments proposed in areas lacking a predominant urban/suburban development pattern and adjacent land use compatibility is not a significant factor. Broad, general concept plans are permitted with limited flexibility to accommodate land use changes in response to evolving market conditions (see Hillsborough County Code of Ordinances, Section 5.03.04).

In 2005, Hillsborough County and its Board of County Commissioners approved rezoning and site plans for the Planned Development at the subject property. The proposal, which involved construction of single-family housing alongside various commercial uses included adjacent parcels. The original site plan referenced three parcels denoted, “Parcel A”, “Parcel B”, and “Parcel C.” Parcel A and Parcel B were developed as single family residential homes, and Parcel C was left vacant. According to the approved General Site Plan for the PD dated August 22, 2005, the subject property, which appears to comprise “Parcel C”, was intended to be developed with 5,000 square feet of Commercial, Neighborhood (CN) uses. The intent of the CN district is to provide for limited retail use and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods (see Hillsborough County Code of Ordinances, [Section 2.01.01](#)). Allowed uses within the CN district are listed in Table 3.1 below. Note that while this list is not comprehensive, it includes uses that are pertinent to the client’s request.

<b>Table 3.1. Uses Allowed Within the CN District</b>		
<b>Permitted Uses</b>		
<ul style="list-style-type: none"> <li>• Family Day Care Home</li> <li>• Schools, Private and Charter (K-12)</li> <li>• Accessory Retail</li> <li>• Apparel and Shoe Store</li> <li>• Appliances, Stores, Small</li> <li>• Automotive Supply Store</li> <li>• Bank/Credit Union</li> <li>• Bicycle Sales</li> </ul>	<ul style="list-style-type: none"> <li>• Florist Shop</li> <li>• Food Product Stores: Bakery, Candies &amp; Nuts, Dairy, Delicatessens, Meat, Seafood and Produce</li> <li>• Furniture/Home Furnishings</li> <li>• General Business, such as Retail Goods and Stores</li> <li>• Grocery Stores</li> </ul>	<ul style="list-style-type: none"> <li>• News Stand</li> <li>• Novelty and Souvenir Shop</li> <li>• Optician/Optical Supplies</li> <li>• Pet Shop</li> <li>• Restaurants (Eating Establishments)</li> <li>• Shopping Centers</li> <li>• Specialty Food Store</li> <li>• Sporting Goods Store</li> </ul>





<ul style="list-style-type: none"> <li>• Book/Stationary Store, New and Used</li> <li>• Camera/Photography Store</li> <li>• Drug Stores</li> </ul>	<ul style="list-style-type: none"> <li>• Gun Sales</li> <li>• Hardware Store</li> <li>• Jewelry Store</li> <li>• Liquor Store</li> </ul>	<ul style="list-style-type: none"> <li>• Supermarket</li> <li>• Tobacco Shop</li> <li>• Travel Agencies</li> <li>• Barber, Beauty Shop</li> </ul>
<b>Conditional Uses</b>		
<ul style="list-style-type: none"> <li>• Pre-K, Day Care, Child Care and Child Nurseries</li> <li>• Agricultural Stands—Temporary or permanent</li> <li>• Accessory structures</li> </ul>	<ul style="list-style-type: none"> <li>• Alcoholic beverage</li> <li>• Bicycle repair</li> <li>• Gasoline Sales and Service</li> </ul>	
<b>Accessory Uses</b>		
<ul style="list-style-type: none"> <li>• Automated Teller (ATM)</li> </ul>		

The Board of County Commissioners granted the original applicant's (Spencer II, LLC) request for rezoning from RMC-12 and CG to PD on the aforementioned parcels, subject to conditions. These conditions are set forth in a letter dated March 9, 2005 from the Planning and Zoning Division to the applicant. Among the constraints imposed is the requirement that Parcel C be developed with a maximum of 5,000 square feet of CN uses and a maximum of 5,000 square feet of residential support uses. The current development proposal is in conformity with these requirements.

#### ***Planning Area:***

As previously stated, the subject property is located within the Urban Development Area of the Urban Service Area. In addition, the subject property is also located within Neighborhood Area 2 as defined by the Ruskin Community Plan (adopted in 2005). This plan stipulates specific architectural and site design standards for buildings constructed at the subject property. Furthermore, it imposes density requirements for development on property containing wetlands.

#### **SECTION IV. LATEST APPROVAL HISTORY**

Table 4.1 below outlines the approval history on the subject property.

<b>Table 4.1. Approval History on the Subject Property</b>			
<b>RESOLUTION / ORDINANCE / APPLICATION NUMBER</b>	<b>DATE</b>	<b>SUMMARY</b>	<b>EXHIBIT</b>
RZ-04-1889 RU / #RR05-052	3/8/2005	Board of County Commissioners <b>APPROVED WITH CONDITIONS</b> the request for rezoning all three parcels in original PD application by Spencer II, LLC	See Exhibit 5
	9/15/2005	Planning and Growth Management Department staff find the revised General Site Plan to be <b>CONSISTENT</b> with the Future of Hillsborough Comprehensive Plan subject to the conditions proposed by the Planning and Growth Management Department	

#### **SECTION V. SITE DEVELOPMENT STANDARDS**

The BOCC Final Conditions of Approval state that Parcel C, which appears to include the subject property, "shall be developed in accordance with CN zoning district standards as well as any specified design standards of the Hillsborough County Land Development Code (HC LDC) unless otherwise specified.

#### ***Lot Criteria***

<b>Table 5.1. Lot Criteria</b>		
<b>CRITERIA</b>	<b>REQUIREMENT</b>	<b>PROPOSED</b>
<b>Lot Area</b> (See Section 6.01.01 of the HC LDC)	7,000 sf min.	Approximately 138,521 sf
<b>Lot Width</b> (See Section 6.01.01 of the HC LDC)	70' min.	Approximately 356'



<p style="text-align: center;"><b>Density</b> (See <a href="#">Section 6.01.01</a> of the HC LDC, <a href="#">FLUE, p.197</a>)</p>	<p>R-12 Permits 175,000 sf or 0.50 FAR, whichever is least intense. All non-residential development which exceeds 0.35 FAR must be for office or residential support uses, not retail.</p>	<p>Approximately 0.18 FAR CN Uses Approximately 0.18 FAR residential support uses  (Approximately 0.36 FAR total)</p>
<p style="text-align: center;"><b>Building Coverage</b> (See <a href="#">Section 6.01.01</a> of the HC LDC)</p>	<p>20% max.</p>	<p>10% allocated to CN Uses, 10% allocated to residential support uses for a maximum of approximately 27,704 sf</p>
<p style="text-align: center;"><b>Impervious*</b> (See <a href="#">Section 6.01.01</a> of the HC LDC)</p>	<p>60% max.</p>	<p>30% allocated to CN Uses, 30% allocated to residential support Uses for a maximum of approximately 83,113 sf max.</p>
<p>* Retention areas should be landscaped and designed to serve as aesthetic amenities and meaningful open space for the project</p>		

BOCC Conditions of Approval also specify a maximum of 5,000 square feet of CN uses and a maximum of 5,000 square feet of residential support uses on the subject parcel.

**Parking and Loading:**

Use and the required number of parking spaces per [Section 6.05.02](#) of the HC LDC.

<b>Table 5.2. Parking Requirements by Use</b>		
Use	REQUIREMENT	PROPOSED
Child Care Center	3.2 per 1,000 sq. ft. GFA	67 spaces provided in CSP to serve 5,000 sf of CN uses and 5,000 sf of day care use
<b>Retail</b>		
<b>Convenience Goods</b>		
<b>Eating establishment</b>		
—sit down	15.0 per 1,000 sq. ft. Gross Floor Area (GFA)	
—sit down with drive-thru	10.0 per 1,000 sq. ft. GFA	
—fast food without drive-through	20.0 per 1,000 sq. ft. GFA	
—fast food with drive-through	10.0 per 1,000 sq. ft. GFA	
—walk-in/drive-through	5.0 per 1,000 sq. ft. GFA	
Convenience Stores	5.0 per 1,000 sq. ft. GFA	
<b>Shopper Goods</b>		
apparel stores	4.0 per 1,000 sq. ft. GFA	
department stores	4.0 per 1,000 sq. ft. GFA	
drinking establishment	10.0 per 1,000 sq. ft. GFA	
<b>Furniture and Home</b>		
furnishings stores	1.0 per 1,000 sq. ft. GFA	
supermarket	5.0 per 1,000 sq. ft. GFA	
Gas Station	1.0 per four pumps	
Mobile Home/Recreational Veh. Sales	2.0 per 1,000 sq. ft. GFA	
Motor Vehicle Sales	2.0 per 1,000 sq. ft. GFA	
Service Stations	1.0 per four pumps, plus 3.0 per repair bay	
<b>Shopping Centers</b>		
Less than 50,000 sq. ft. GFA	5.0 per 1,000 sq. ft. GFA	
50,001—400,000 sq. ft. GFA	4.5 per 1,000 sq. ft. GFA	



More than 400,000 sq. ft. GFA	4.0 per 1,000 sq. ft. GFA	
All Other Retail	5.0 per 1,000 sq. ft. GFA	

**Required Setbacks:**

The BOCC Final Conditions of Approval state that CN uses shall be located within 300 feet of the intersection of Interchange Street and Shell Point Road, and a buffer area with screening such as a wall, fence or other opaque measure should be provided along the western property line where the property abuts the residential property to the west. Parking areas should be broken up with buildings and landscaped medians.

Table 5.2. Setbacks				
FRONT*	SIDE*	SIDE STREET*	REAR*	PROPOSED
30' min.	20' min. buffer required (Subject to additional requirements depending on use and length of structure**)			30' min. front setback 20' min. side buffer
* See Section 6.01.01 of the HC LDC				
** Refer to Section 6.01.01, 6.01.04, 6.06.06, and 6.11.00 for detailed buffering requirements				

**Building Height:**

Maximum building height is 35 feet, however structures with a permitted height greater than 20 feet must be set back an additional two feet for every one foot of structure height over 20 feet (see Section 6.01.01 of the HC LDC). The proposed building height of the subject property is not to exceed the maximum permitted building height of 35 feet.

**Signage:**

According to the BOCC Final Conditions of Approval of the PD, billboards, pole signs, banners, and pennants are prohibited on the subject property. However, building signs, canopy signs, ground signs, flags, temporary signs, and window signs are permitted under conditions described in table 5.3 below.

Table 5.3. Signage Standards	
SIGN TYPE	STANDARDS*
Building Signs	Not permitted above the roofline, cornice line, parapet, or the highest point of a façade. Each premise/unit is permitted to display building signs with area not to exceed 1 ¼ sf per each linear foot of building frontage facing a public street or parking lot (200 sf max., 20 sf per premise). Signs cannot project more than 4' from the building wall to which the sign is attached or project into the public ROW.
Canopy Signs	Permitted in addition to building signs. Aggregate sign area not to exceed aggregate sign area permitted for building signs Canopy signs not permitted above the roofline of the canopy structure
Ground Signs	Max. height 30' adjacent to expressway or arterial highway. 15' in height if located adjacent to a collector or local street. Must be set back at least 10' from the ROW line and side yard property line Must not encroach on the required site distance as determined by Florida Department of Transportation Design Standard Index No. 546. Monument signs must be set back at least 15' from the ROW line. One additional foot of height is available for each additional foot of setback until a maximum height of 30' along arterials and expressways, and 15' adjacent to collectors and local roads. One ground sign permitted for each premises having street frontage of 300' or less and thereafter, one additional ground sign is permitted for each additional 300' of street frontage. These signs may be combined but cannot exceed 200sf in aggregate sign area. No single face can exceed 100 sf in aggregate sign area. May not be placed closer than 150' apart on the same premise.
Flags	Premises are permitted to display an unlimited number of flags. Aggregate area of flags are not included in the calculation of building signs for the premise provided the flag is displayed from a flagpole



Window Signs	Maximum aggregate sign area shall not exceed 25% of the total window surface area of the premise facing a public street or parking lot. Window signs are not included in calculating the aggregate sign area
* Further information regarding signage (e.g., height measurement methodology) can be found in Article VII of the HC LDC.	

**Additional Requirements:**

All conditions of the BOCC approval of the PD site plan are provided in Exhibit 5. These conditions impose additional requirements on development at the subject property and include stipulations pertaining to traffic surveys, installation of bike lanes and turning lanes and water management, among other things.

Additional requirements for child care facilities such as the proposed day care center may be found in [Section 6.11.24](#) as well as [Chapter 28, Article VII of the Hillsborough County, Florida Code of Ordinances, Part A.](#)

**SECTION VI. ENTITLEMENT PROCESS/SCHEDULE**

The approval process for the proposed development will require the processing of a Hillsborough County pre-submittal review, a Preliminary Site Development Plan review, a Site Development Construction Plan review, and a Building Permit Review. The Site Development Construction Plan review must be accepted and the Development Review Committee date set prior to the Building Permit Application. This typically is about 32 working days after the construction plan submittal.

Both water and sewer connections will need to be established with Hillsborough County. At a minimum, this will require design review and payment of impact fees. Refer to Exhibit 7 for locations of existing water and sewer facilities.

Hillsborough County may require payment of Fire Inspection and Fire Impact Fees.

The following jurisdictions will be involved:

- Hillsborough County (Land Development, Water, and Sewer)
- SWFWMD (Stormwater)
- FDEP (Water and Sewer)
- Hillsborough County Health Department (Water and Sewer)
- Hillsborough Area Regional Transit Authority (Transportation)

**Tentative Schedule:**

The following schedule outlines a tentative approval timeline for this project:

Deliverable	Month									
	1	2	3	4	5	6	7	8	9	10
Site Plan Presubmittal Conference Application/Meeting (See Exhibit 8)										
Pre-Application Meeting with SWFWMD										
Submit Preliminary Site Development Plan										
Submit for SWFMD ERP (with Civil/Surface Water Management Plans)										
DRC Meeting 1										
DRC Meeting 2										
Submit to Hillsborough County for Water										
Submit Site Development Construction Plan Set										
Submit Building Permit										
USACE Permit Issued (if individual permit is required)										
SWFWMD ERP Issued										
Approval of Site Development Construction Plan Set										
Approval of Hillsborough County for Water										
Submit to FDEP and HC Health Department										
Approval from FDEP and HC Health Department										





**Required Submittal Professionals:**

A Final Site Plan will require the following professional review:

- Planning
- Landscape
- Civil Engineering
- Environmental
- Survey
- Architecture
- Traffic Engineering
- Attorney
- Geotechnical

Modifications to Planned Development districts must comply with requirements under [Section 5.03.07](#) of the HC LDC which stipulates that changes to any condition on the site plan or to the list of conditions that have received a “critical design feature” designation shall be considered a Major Modification and shall be reviewed in accordance with [Section 10.03.00](#).

Some modifications to previously approved PD site plans do not require adherence to procedures outlined in [Section 10.03.00](#). Administrative approval is available for the following modifications which are pertinent to the development proposal:

- Reduction in the number of approved parking spaces by a maximum of 10%, provided the reduction meets the minimum off-street parking requirement— see [5.03.07\(B\)\(1\)\(a\)](#)
- Relocation of approved density or intensity farther than 500 feet from the zoning lot boundaries or farther than 200 feet from any part of the PD which has been constructed or sold to an owner or owners different from the applicant requesting the change— see [5.03.07\(B\)\(1\)\(b\)](#)

The approval process for the proposed development will require the processing of a Hillsborough County pre-submittal review, a Preliminary Site Development Plan review, a Site Development Construction Plan review, and a Building Permit review. The Site Development Construction Plan Review must be accepted alongside other associated permits.

**SECTION VII. PRELIMINARY DEVELOPMENT FEE ESTIMATES**

Regulatory fees are a part of any development process. The following fees are estimates for the various review and permit activity and will be further discussed as project specifics develop and finalize. ***Fees are provided for informational purposes only and cannot be relied upon for financial planning purposes.***

***Hillsborough County Preliminary & Site Development Application Fees:***

<b>Preliminary Site Development</b>	<b>Submittal</b>	<b>Resubmittal</b>	<b>2<sup>nd</sup> Resubmittal</b>
Natural Resources Review	\$364.56	n/a	\$300.00
Stormwater Review	\$366.11	n/a	\$200.00
Site Engineering Review	\$111.73	n/a	\$100.00
Zoning Review	\$685.25	n/a	n/a
Water/Wastewater Service Application	\$373.71	n/a	n/a
Transportation – Site Access	\$108.26	n/a	n/a
EPC Review	\$460.00	n/a	\$230.00
Fire Dept. Review	\$15.00	n/a	n/a
Grand Oaks Protection Review	\$358.27	n/a	n/a
Street and Address Review	\$145.68	n/a	n/a



<b>Site Development Construction Plan</b>	<b>Submittal</b>	<b>Resubmittal</b>	<b>2nd &amp; Additional Resubmittals</b>
Natural Resources Review	\$372.86	n/a	\$172.03
Stormwater	\$637.32	n/a	\$298.82
Stormwater Construction Inspections	\$960.00	n/a	n/a
Site Engineering Review	\$172.66	n/a	\$71.93
Site Engineering Inspections	\$170.03	n/a	n/a
Zoning Review	\$471.37	n/a	\$187.17
Stormwater Master Plan (If Applicable)	\$1,500.00	n/a	\$500.00
Utilities Review	\$232.34	n/a	n/a
Utilities Reservation of Capacity	\$24.75	n/a	n/a
Cert. of Capacity (Stormwater, Transportation, Solid Waste, Parks)**	\$35.79	n/a	n/a
EPC Review	\$710.00	n/a	\$355.00
Fire Department Review	\$15.00	n/a	n/a
Grand Oaks Protection**	\$382.47	n/a	n/a
Street and Addresses	\$199.48	n/a	n/a
<b>Minor Site Development</b>			<b>Submittal</b>
Basic Fee Review (if applicable)			\$200.00
Natural Resources Review			\$362.34
Stormwater Review			\$311.45
Site Engineering Review			\$168.74
Grand Oaks Protection Review (if applicable, please ask)**			\$507.55
EPC Review			\$310.00
Utilities Review			\$168.74
Zoning Review			\$471.37
Fire Department Review			\$15.00
Stormwater Construction Inspections			\$960.00
Site Engineering Inspections			\$170.03
<b>Subdivision/Site Development Projects</b>			<b>Submittal</b>
Review & Processing of Extensions			\$175.00
<b>Reinspections (Nat. Resources, Drainage, Paving, Zoning Compliance)</b>			<b>Submittal</b>
Natural Resources Inspection			\$50.00
Drainage Inspection			\$50.00
Paving Inspection			\$50.00
Zoning Compliance			\$50.00
<b>Easement Access</b>			<b>Submittal</b>
Basic Fee			\$100.00
** Fee to be paid at the end of review only if determined to be applicable			

*Note: For all projects, additional agencies may require review without a fee.*

A copy of the most recent Hillsborough County permit fee schedule is available in Exhibit 6.

**Estimated Impact Fees:**

Refer to Exhibit 5 for the most recent copy of the Hillsborough County Mobility Fee Schedule. The fees are subject to change based on new information, change in development proposal, and/or review by government staff.



**Water Fees:**

The following is a preliminary estimate of connection fees for water service in accordance with Hillsborough County Code of Ordinances. Meter sizing is independent of impact fee determination

Commercial (Per ERC) - \$1,750 (All service areas)

Additional information regarding the calculation of water and sewer impact fees may be found in the FY 2019C Schedule of Rates for Public Utility System Services Provided by Hillsborough County, Florida available at this web address:

<https://www.hillsboroughcounty.org/library/hillsborough/media-center/documents/public-utilities/water-sewer-impact-fees/current-water-sewer-impact-fee-schedule.pdf>

**CONCLUSION**

The proposed development, as shown on the Conceptual Site Plan in Exhibit 1, includes one 5,000 square foot day care facility, and one 5,000 square foot building dedicated to CN uses (retail). The property is presently zoned PD and has a future land use designation of R-12. A large portion of the property is comprised of water from a detention area that spans the entirety of the abutting parcel to the north (Folio No. 056352-0268). The surrounding properties are primarily residential (single family and multi-family), however, higher intensity uses are located to the east abutting a ROW easement for railroad tracks.

The General Site Plan (approved in 2005) for the subject property supports the proposed uses of day care or neighborhood retail. Two of the three parcels indicated on this plan have already been developed with the approved residential uses. According to the HC LDC, the remaining parcel, intended to be developed with 5,000 square feet of Commercial, Neighborhood (CN) uses and 5,000 square feet of residential support uses, permit construction of child care facilities as well as a myriad of retail uses. To proceed with the current development proposal, permits to regulatory agencies must be submitted in a timely fashion, and new Preliminary Site Development Plans and Site Development Construction Plans/Building Plan applications will need to be filed with the County. It is estimated that the overall process will take approximately 12 months if there are no delays during the review process.

The following factors must be taken into consideration prior to initiating the development review process for the proposed improvements on the subject property:

1. The property is zoned "Planned Development," but the approved General Site Plan indicates 5,000 square feet of residential support uses and 5,000 square feet of CN for the area encompassing the subject property. A Preliminary Site Development Plan, Site Development Construction Plan, and Building Permit applications will be required by Hillsborough County
2. The plat for the subject property was filed in 1910. It may be necessary to file a new plat with Hillsborough County. The platting process is subject to agency review, and Preliminary Review is necessary to determine the appropriate subdivision review process.
3. According to a letter from the applicant's representative dated August 30, 2005 included in the final General Site Plan submission, a child care facility was omitted from consideration on the subject property. However, the approved General Site Plan reflects the 5,000 sf of CN uses and 5,000 sf of residential support uses described in the BOCC approval.
4. Water service will be provided by Hillsborough County. Additional permitting with Hillsborough County will be required to establish a connection
5. Sewer service is available to the property and is provided by Hillsborough County.
6. The General Site Plan for the subject property indicates two points of access, the first, southbound on Interchange Street (a collector street), the second westbound on Shell Point Road (a collector street). BOCC conditions (see Exhibit 5) of approval were the impetus for the inclusion of turning lanes, bike paths, and sidewalks among other similar improvements to the subject property. These conditions necessitate clarification regarding existing and required ROW dedications for future development on the subject property.



7. The northwest corner of the property is comprised of water. Based on a site visit, aerial photos, and the approved site plan, it appears that the subject property does not contain wetlands. It is nonetheless recommended that an environmental review be carried out to confirm this.

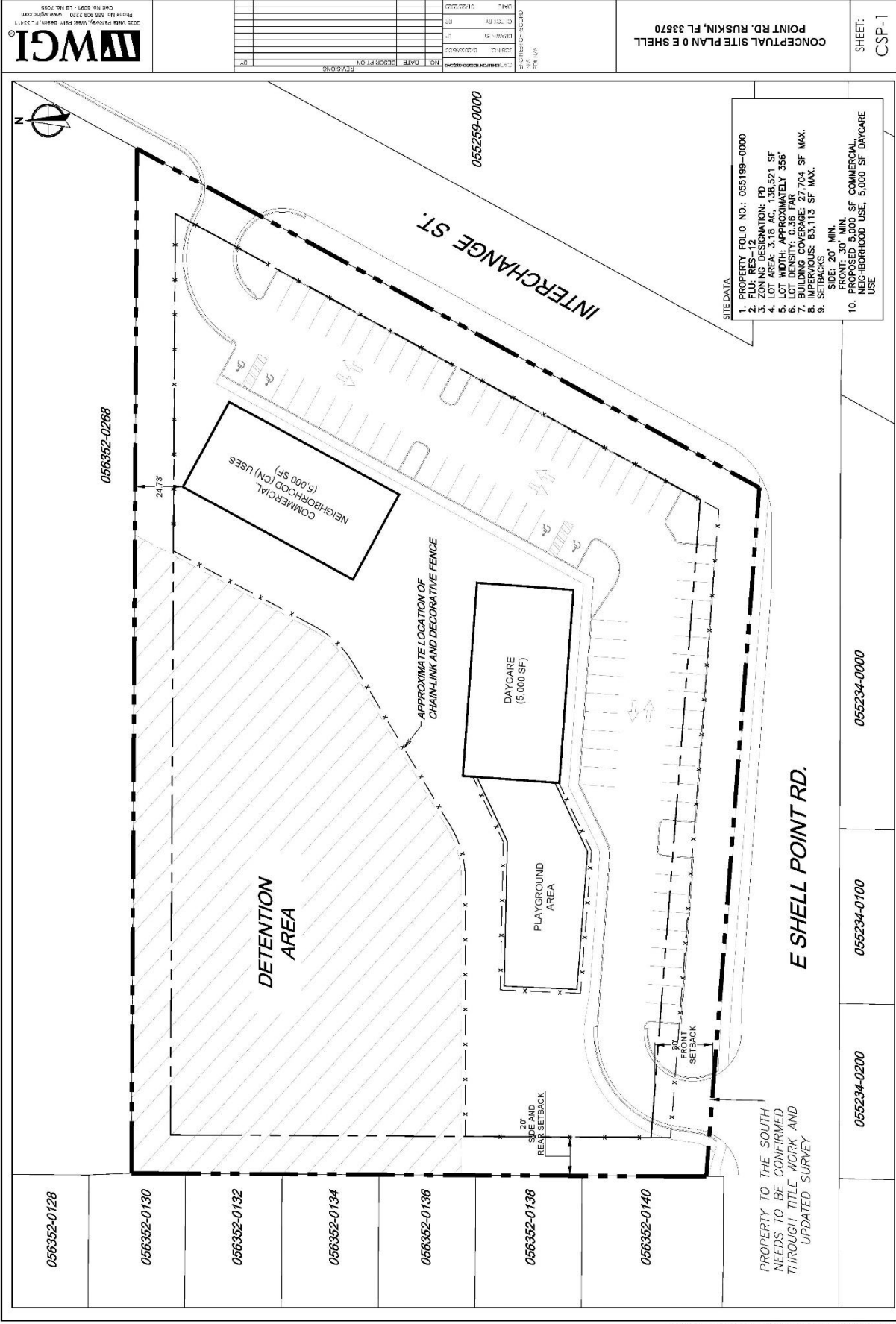




# Exhibit 1

## Conceptual Site Plan





**WGI**  
 2530 US 90, Ruskin, FL 33570  
 Phone: 888.928.2270 Fax: 813.941.1115  
 Email: info@wgi.com Website: www.wgi.com

NO.	DATE	DESCRIPTION	BY

CONCEPTUAL SITE PLAN 0 SHELL POINT RD, RUSKIN, FL 33570

SHEET: CSP-1

**SITE DATA**

1. PROPERTY FOLIO NO.: 055198-0000
2. ZONING DESIGNATION: PD
3. LOT AREA: 3.18 AC, 138,521 SF
4. LOT WIDTH: APPROXIMATELY 356'
5. LOT DENSITY: 0.36 FAR
6. BUILDING COVERAGE: 27,704 SF MAX.
7. SETBACKS: 65,113 SF MAX.
8. SIDE: 20' MIN.
9. FRONT: 30' MIN.
10. PROPOSED 5,000 SF COMMERCIAL, NEIGHBORHOOD USE, 5,000 SF DAYCARE USE

056352-0128  
 056352-0130  
 056352-0132  
 056352-0134  
 056352-0136  
 056352-0138  
 056352-0140

PROPERTY TO THE SOUTH NEEDS TO BE CONFIRMED THROUGH TITLE WORK AND UPDATED SURVEY

055234-0200  
 055234-0100  
 055234-0000

# Exhibit 2

## Approved General Site Plan & Ruskin Colony Farms Plat







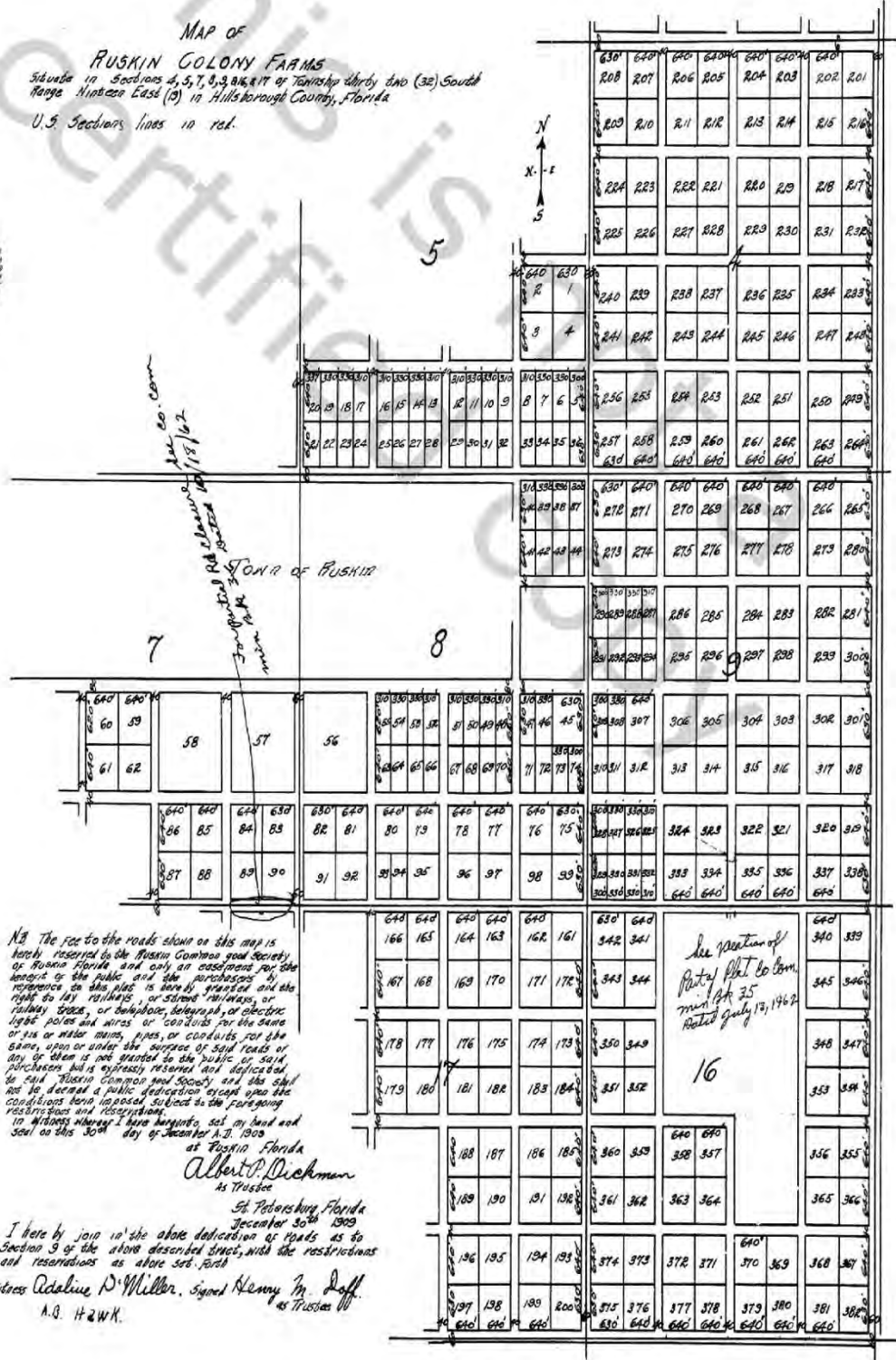
MAP OF  
**RUSKIN COLONY FARMS**  
 Situate in Sections 4, 5, 7, 8, 9, 16, 17 of Township thirty two (32) South  
 Range Nineteen East (19) in Hillsborough County, Florida  
 U.S. Sections lines in red.

STATE OF FLORIDA  
 COUNTY OF HILLSBOROUGH

THIS IS TO CERTIFY THAT THIS PLAN IS A  
 TRUE AND CORRECT COPY THAT HAS BEEN  
 PHOTOGRAPHICALLY REPRODUCED FROM THE  
 ORIGINAL PLAN AND THE PHOTOGRAPHIC  
 REPRODUCTION HAS BEEN RETOUCHEE AS  
 NECESSARY TO CORRECT THE COPY TO THE  
 ORIGINAL PLAN DRAWING OR TRACKING THEREBY  
 RECORDED BY THE CLERK OF COUNTY COURT  
 OF HILLSBOROUGH COUNTY, FLORIDA. THE  
 ORIGINAL PLAN HAS BEEN PRESENTED AND IS  
 AVAILABLE FOR EXAMINATION UPON REQUEST.

RECORD KEPT BY:  
 WITNESSED MY HAND AND OFFICIAL SEAL THIS  
 8<sup>th</sup> DAY OF December, 1926

NOTARY PUBLIC  
Quincy D. Hall DEPUTY CLERK



18. The fee to the roads shown on this map is hereby reserved to the Ruskin Common pool Society of Florida Florida and only an easement for the benefit of the public and the purchaser by reference to this plat is hereby granted and the right to lay railroads, or street railways, or railway tracks, or telephone, telegraph, or electric light poles and wires, or conduits for the same or gas or water mains, pipes, or conduits for the same, upon or under the surface of said roads or any of them is not granted to the public or said purchasers and is expressly reserved and dedicated to said Ruskin Common pool Society and the said fee to be deemed a public dedication except upon the conditions herein imposed, subject to the foregoing reservations and restrictions.

In witness whereof I have hereunto set my hand and seal on this 30<sup>th</sup> day of December A.D. 1926

at Ruskin Florida  
 Albert P. Dickman  
 as Trustee

I here by join in the above dedication of roads as to Section 9 of the above described tract, with the restrictions and reservations as above set forth.

Witness Adelaide D. Miller, Signer Henry M. Doff  
 as Trustee  
 A.B. H & W.K.

Filed Jan 3<sup>rd</sup> 1910  
 C-18 41066 Clerk

# Exhibit 3

## Owner's & Encumbrance Report





**INSTR # 2004041342**

**O BK 13520 PG 0501**

**Pgs 0501 - 502: (2pgs)**

RECORDED 02/03/2004 02:51:03 PM  
RICHARD AKE CLERK OF COURT  
HILLSBOROUGH COUNTY  
DOC TAX PD (F.S. 201.02) 3,702.30  
DEPUTY CLERK G Thompson

**Prepared By & Return To:**

Gary N. Strohauser, Esquire  
BAXTER, STROHAUSER, MANNION & SILBERMANN, P.A.  
1150 Cleveland Street, Suite 300  
Clearwater, Florida 33755

PARCEL ID: U-05-32-19-1UU-000000-00006.0 Folio: 055199-0000

**WARRANTY DEED**

THIS INDENTURE made this 30 day of January, 2004, between SPENCER FARMS, INC., a corporation existing under the laws of the State of Florida, whose address is 405 9<sup>th</sup> St. NE (P. O. Box 1218), Ruskin, FL 33570, party of the first part, and SPENCER II, LLC, a Florida limited liability company, party of the second part, whose address is: 2502 N. Rocky Point Drive, Tampa, FL 33607.

**WITNESSETH:**

THAT the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part forever, the following described land, situate, lying and being in the County of Hillsborough, State of Florida, to-wit:

That portion of Lot 6 lying west of Interchange Street, and Lots 7, 8, and 33, and that portion of Lot 34 lying west of Interchange Street, LESS AND EXCEPT rights-of-way and LESS road, all being in MAP OF RUSKIN COLONY FARMS, according to map or plat thereof as recorded in Plat Book 5, Page 63, Public Records of Hillsborough County, Florida, and lying in Section 5, Township 32 South, Range 19 East.

SUBJECT to easements, covenants and restrictions of record.

SUBJECT to taxes for 2004 and subsequent years.

AND the said party of the first part hereby fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever.



IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed in its name by its respective officers and its corporate seal to be affixed the day and year first above written.

Signed, Sealed and Delivered  
In the Presence Of:

SPENCER FARMS, INC., a Florida corporation

Sign: [Signature]

By: [Signature]  
William H. Spencer, its President

Print: Gary N. Stobner

Sign: [Signature]

Print: JOANNE A. LINDSTROM

STATE OF FLORIDA  
COUNTY OF ~~HILLSBOROUGH~~ PINELLAS

I HEREBY CERTIFY that on this 20 day of January, 2004, before me personally appeared, William H. Spencer, President of Spencer Farms, Inc., a Florida corporation, to me known to be the person described in and who executed the foregoing conveyance and he acknowledged the execution thereof to be his free act and deed as such officer, for the uses and purposes therein mentioned; and that he affixed thereto the official seal of said corporation, and declared said instrument to be the act and deed of said corporation and who did take an oath.

WITNESS my hand and official seal at Hillsborough County, State of Florida, the day and year last aforesaid.

Sign: [Signature]

Print:



My Commission Expires:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32

**INSTR # 2006003009**

**O BK 15945 PG 0980**

**Pgs 0980 - 981; (2pgs)**

RECORDED 01/04/2006 11:48:20 AM  
PAT FRANK CLERK OF COURT  
HILLSBOROUGH COUNTY  
DOC TAX PD (F.S. 201.02) 4,935.00  
DEPUTY CLERK G Thompson

This Document Prepared By and Return to:  
Lisa L. Morgan  
American Title & Abstract Company  
241 Apollo Beach Blvd.  
Apollo Beach, Fl. 33572

Parcel ID Number: 55199.0000

# Warranty Deed

This Indenture, Made this 12th day of December, 2005 A.D., Between William H. Spencer

of the County of Hillsborough, State of Florida, grantor, and Barrows, Wilson and Bryant, LLC, a Florida limited liability company

whose address is: 902 Sago Palm Way, Apollo Beach, FL 33572

of the County of Hillsborough, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of TEN DOLLARS (\$10) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Hillsborough State of Florida to wit:

SEE ATTACHED EXHIBIT "A"

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Lisa L. Morgan  
Printed Name: Lisa L. Morgan  
Witness

William H. Spencer (Seal)  
William H. Spencer  
P.O. Address: 2926 W. Hawthorne Road, Tampa, FL 33611

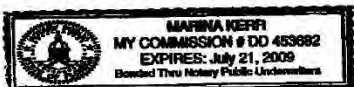
Marina Kerr  
Printed Name: Marina Kerr  
Witness

\_\_\_\_ (Seal)  
P.O. Address: 2926 W. Hawthorne Road, Tampa, FL 33611

STATE OF Florida  
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 12th day of December, 2005 by William H. Spencer

who are personally known to me or who have produced their Florida driver's license as identification.



Marina Kerr  
Printed Name: Marina Kerr  
Notary Public  
My Commission Expires:

**EXHIBIT "A" LEGAL DESCRIPTION**

A portion of Lots 33 and 34, of RUSKIN COLONY FARMS SUBDIVISION, as recorded in Plat Book 5, page 63, of the public records of Hillsborough County, Florida, lying within Section 5, Township 32 South, Range 19 East, and being further described as follows:

Commence at the Southwest corner said Lot 33; thence along the North right-of-way line of Shell Point Road, said line also being 30 feet North of and parallel to the South line of the Southeast 1/4 of said Section 5, North 89° 33'55" East, for 115.01 feet to the Point of Beginning; thence, leaving said line, North 00° 30'15" West, for 312.59 feet; thence North 89° 29'45" East, for 528.81 feet to the West right-of-way line of Interchange Street; thence along said West line, South 27° 43'49" West, for 355.30 feet to said North right-of-way line of Shell Point Road; thence along said North line, South 89° 33'55" West, for 360.74 feet to the Point of Beginning.



INSTRUMENT#: 2018065276, BK: 25564 PG: 1133 PGS: 1133 - 1134 02/16/2018 at  
 09:34:37 AM, DOC TAX PD (F.S.201.02) \$966.00 DEPUTY CLERK: SCHRIESTIAN Pat  
 Frank, Clerk of the Circuit Court Hillsborough County

Prepared by and return to:  
**JARROD M. SCHARBER**

**WALLER & SCHARBER, P.A.**  
 38038 Meridian Avenue  
 Dade City, FL 33525  
 352-567-4690  
 File Number: 2018-8  
 \$138,000.00

Parcel Identification No. U-05-32-19-1UU-000000-00006.0

[Space Above This Line For Recording Data]

## Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture** made this 1st day of February, 2018 between Barrows, Wilson & Bryant, LLC, a Florida limited liability company whose post office address is 11002 Linda Vista Ln, Dade City, FL 33525 of the County of Pasco, State of Florida, grantor, and BEST DOG PARK EVER, INC., a Florida corporation whose post office address is 2635 Manatee Harbor Drive, Ruskin, FL 33570 of the County of Hillsborough, State of Florida, grantee,

**Witnesseth** that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Hillsborough County, Florida, to-wit:

A portion of Lots 33 and 34 of Ruskin Colony Farms Subdivision, as recorded in Plat Book 5, Page 63 of the Public Records of Hillsborough County, Florida, lying within Section 5, Township 32 South, Range 19 East and being further described as follows:

Commence at the Southwest corner of said Lot 33; thence along the North right of way line of Shell Point Road, said line also being 30 feet North of and parallel to the South line of the Southeast ¼ of said Section 5, N 89°33'55" E for 115.01 feet to the Point of beginning; thence leaving said line, N 00°30'15" W for 312.59 feet; thence N 89°29'45" E, for 528.81 feet to the West right of way line of Interchange Street; thence along said West line, S 27°43'49" W, for 355.30 feet to said North right of way line of Shell Point Road; thence along said North line, S 89°33'55" W, for 360.74 feet to the Point of Beginning.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]  
Witness Name: Daymi Cepero  
Marian Whitmire  
Witness Name: Marian Whitmire

BARROWS WILSON AND BRYANT LLC

By: Beverly B. Bryant  
BEVERLY B. BRYANT, Manager

State of Florida  
County of Pasco

The foregoing instrument was acknowledged before me this 1st day of February, 2018 by BEVERLY B. BRYANT, Manager of BARROWS WILSON AND BRYANT LLC, on behalf of the corporation. She  is personally known to me or  has produced a driver's license as identification.

[Notary Seal]



Marian E. Whitmire  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

INSTRUMENT#: 2019534706, BK: 27185 PG: 1413 PGS: 1413 - 1415 12/12/2019 at  
 09:35:05 AM, DOC TAX PD(F.S.201.02) \$1575.00 DEPUTY CLERK:CHRISTIAN Pat  
 Frank, Clerk of the Circuit Court Hillsborough County

**This Instrument Prepared By  
 And, When Recorded, Return To:**

**Richmond C. Flowers, Esquire  
 Adams and Reese LLP  
 150 2<sup>nd</sup> Avenue North, Suite 1700  
 St. Petersburg, Florida 33701**

**Documentary stamp taxes: \$1,575.00**

**STATUTORY WARRANTY DEED**

**THIS STATUTORY WARRANTY DEED (this "Deed") is made on this 10<sup>th</sup> day of December, 2019, by BEST DOG PARK EVER, INC., a Florida corporation ("Grantor"), with an address of 2635 Manatee Harbor Drive, Ruskin, FL 33570, in favor of DANIEL CLAYTON HOSTETTER, individually ("Grantee"), with an address of 7 Parker Road, Osterville, MA 02655.**

**WITNESSETH:**

**THAT Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration paid by Grantee to Grantor, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, and sold unto Grantee and Grantee's successors and assigns forever, the real property situate, lying, and being in Hillsborough County, Florida, as more particularly described as follows:**

**A portion of Lots 33 and 34 of Ruskin Colony Farms Subdivision, as recorded in Plat Book 5, Page 63 of the Public Records of Hillsborough County, Florida, lying within Section 5, Township 32 South, Range 19 East and being further described as follows:**

**Commence at the Southwest corner of said Lot 33; thence along the North right of way line of Shell Point Road, said line also being 30 feet North of and parallel to the South line of the Southeast 1/4 of said Section 5, N 89° 33' 55" E for 115.01 feet to the Point of Beginning; thence leaving said line, N 00° 30' 15" W for 312.59 feet; thence N 89° 29' 45" E, for 528.81 feet to the West right of way line of Interchange Street; thence along said West line, S 27° 43' 49" W, for 355.30 feet to said North right of way line of Shell Point Road; thence along said North line, S 89° 33' 55" W, for 360.74 feet to the Point of Beginning.**

**(the "Property").**

**TO HAVE AND TO HOLD the Property, together with all and singular the rights, tenements, hereditaments, and appurtenances thereto belonging or in any way appertaining thereto, subject to all matters set forth on Exhibit "A" attached hereto and incorporated herein by this reference (the "Permitted Exceptions"), unto Grantee and Grantee's successors and 58503029-1**



assigns in fee simple forever; provided, however, the reference to the Permitted Exceptions herein is not intended to re-impose same.

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good and lawful authority to sell and convey the Property; and that Grantor hereby warrants the title to the Property, subject to the Permitted Exceptions, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written.

Signed, sealed, and delivered in the presence of:

"Grantor"

BEST DOG PARK EVER, INC., a Florida corporation

[Signature]  
Print Name: Richard C. Hines

By: [Signature]  
David S. Levy, as President

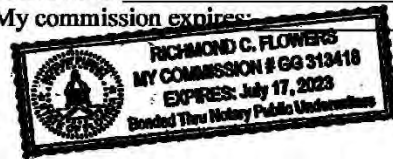
Pamela Neet Brickley  
Print Name: Pamela Neet Brickley

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of December, 2019, by David S. Levy, as President of Best Dog Park Ever, Inc., a Florida corporation, on behalf of such corporation. He is either [CHECK WHERE APPLICABLE]  personally known to me, or \_\_\_\_\_ has produced a \_\_\_\_\_ driver's license as identification.

[Signature]  
Notary Public  
Print Name: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

(Notarial Seal)



**Exhibit "A"**

**Permitted Exceptions**

1. General or special taxes and assessments required to be paid in the year 2020 and subsequent years.
2. Dedications, Boundary Lines and Rights-of-Way as shown on the Plat of MAP OF RUSKIN COLONY FARMS, as recorded in Plat Book 5, Page 63.
3. Memorandum of Agreement recorded February 3, 2005 in Official Records Book 14651, Page 87.
4. Rights and Non-Exclusive Easement in favor of Tampa Electric Company as granted by Easement recorded in Official Records Book 14711, Page 1372.
5. Rights and Non-Exclusive Easement for Ingress/Egress in favor of Tampa Electric Company as granted by Temporary Access Easement recorded in Official Records Book 14762, Page 1615.
6. Non-Exclusive Perpetual Drainage Easement as granted by Easement Agreement recorded January 4, 2006 in Official Records Book 15947, Page 12.

# Exhibit 4

## Floodplain Map







**Exhibit 5**  
**Latest Site**  
**Development Review -**  
**RZ-04-1889 RU**  
**#RR05-052**



Pat Frank  
 Clerk of the Circuit Court  
 Hillsborough County, Florida



P.O. Box 1110  
 Tampa, Florida 33601  
 Telephone (813) 276-8100

MEMORANDUM

DATE: April 29, 2005  
 TO: Peggy Sewell, Planning and Growth Management  
 FROM: *YML* Gail M. Letzring, Manager, BOCC Records  
 SUBJECT: Rezoning Resolutions

Attached is an executed copy of the following rezoning resolutions:

<u>Petitioners</u>	<u>Petition #</u>	<u>Resolution#</u>	<u>Approved</u>
Hardy E. Huntley	MM04-1818RU	RR05-066	03-08-05
John A. Tipton, Artesian Farms, Inc.	MM04-1579RU	RR05-065	03-08-05
Dimitri Artzibushev, CCIM,(remand)	RZ04-0713CW	RR05-064	03-08-05
Vivi & James E. Lewis	RZ05-0254GR	RR05-063	03-08-05
Wildwood Acres Development, Inc.	RZ05-0221TH	RR05-061	03-08-05
Khaled Akkawi	RZ05-0252TH	RR05-062	03-08-05
Linda Pearson, AICP	MM05-0199TC	RR05-060	03-08-05
Delaney, Smith, Williams, Cappy & Boyle	RZ05-0190GR	RR05-059	03-08-05
Mary Burbach	RZ05-0115BR	RR05-058	03-08-05
J&J Real Ventures One LLC	RZ05-0111TC	RR05-057	03-08-05
Bricklemyer, Smolker, Bolves, P.A.	RZ05-0109GR	RR05-056	03-08-05
Michael D. Horner, AICP	MM05-0108KE	RR05-055	03-08-05
Rhodine Road, LLC	RZ05-0069BW	RR05-054	03-08-05
James D. Verble	RZ05-0003BR	RR05-053	03-08-05
Spencer II LLC	RZ04-1889RU	RR05-052	03-08-05
Pulte Home Corporation	RZ04-1830CW	RR05-051	03-08-05
Michael D. Horner	RZ04-1775BR	RR05-050	03-08-05
Christopher & Ronda Demian	RZ04-1731BR	RR05-049	03-08-05
Carol Boraiko (remand)	RZ04-0967RU	RR05-048	03-08-05

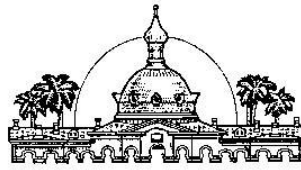
We are providing the copies for your files.

yg

Attachments

cc: Board files (orig.)





Hillsborough County  
Florida

Office of the County Administrator  
Patricia G. Bean

BOARD OF COUNTY COMMISSIONERS

Brian Blair  
Kathy Castor  
Ken Hagan  
Jim Norman  
Thomas Scott  
Mark Sharpe  
Ronda Storms

Deputy County Administrator  
Wally Hill

Assistant County Administrators  
Bernardo Garcia  
Carl S. Harness  
Manus J. O'Donnell

MEMORANDUM

APR 28 2005

**DATE:** April 28, 2005  
**TO:** Midge Dixon, BOCC Records  
**FROM:** ps Peggy Sewell, Administrative Assistant, Planning and Growth Management Department  
**SUBJECT:** RESOLUTIONS

The following Resolutions are being submitted to you for certification:

✓ MM 04-1818 RU RR05-066 ✓ MM 04-1579 RU RR05-065 ✓ RZ 04-0713 CW (R) RR05-064  
✓ RZ 05-0254 GR RR05-063 ✓ RZ 05-0252 TH RR05-062 ✓ RZ 05-0221 TH RR05-061  
✓ MM 05-0199 TC RR05-060 ✓ RZ 05-0190 GR RR05-059 ✓ RZ 05-0115 BR RR05-058  
✓ RZ 05-0111 TC RR05-057 ✓ RZ 05-0109 GR RR05-056 MM 05-0108 KE RR05-055  
✓ RZ 05-0069 BW RR05-054 ✓ RZ 05-0003 BR RR05-053 ✓ RZ 04-1889 RU RR05-052  
✓ RZ 04-1830 CW RR05-051 ✓ RZ 04-1775 BR RR05-050 ✓ RZ 04-1731 BR RR05-049  
✓ RZ 04-0967 RU (R) RR05-048

ps

Attachment

**RESOLUTION # RR05-052****REZONING PETITION # RZ 04-1889 RU**

Upon motion by Commissioner Scott, seconded by Commissioner Sharpe, the following resolution was adopted by a 6-0 vote, with the individual commissioners voting as follows:

Castor	yes
Hagan	yes
Scott	yes
Storms	absent
Norman	yes
Blair	yes
Sharpe	yes

WHEREAS, on the 30 day of September, 2004, Spencer II, LLC submitted a rezoning petition requesting a change from RMC-12 (Residential Multi-Family Conventional) and CG zoning classification to PD (Planned Development) zoning classification for the parcel of land described in said petition; and,

WHEREAS, the Zoning Hearing Master on January 18, 2005, held a duly noticed public hearing on said rezoning petition for PD (Planned Development) zoning and hearing and considered testimony and documents received thereon; and,

WHEREAS, the Zoning Hearing Master filed with the Board of County Commissioners of Hillsborough County a recommendation of approval of said rezoning petition; and,

WHEREAS, said recommendation of approval contained findings of fact and conclusions of law relating to consistency with the Comprehensive Plan and compatibility with adjoining land uses and zoning classifications, a copy of which recommendation is attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, the public notice requirements contained in the Land Use Regulations of Hillsborough County have been satisfied; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has received and considered the report and recommendation of the Hillsborough County Administration; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has received and considered the report and recommendation of the Zoning Hearing Master; and,

WHEREAS, the Board of County Commissioners of Hillsborough County has on March 8, 2005, held a duly noticed public meeting on the petition for PD (Planned Development) zoning and has heard and considered the evidence received thereon.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. The Board of County Commissioners of Hillsborough County is authorized and empowered to consider the petition for PD (Planned Development) filed by Spencer II, LLC.

B. The Board of County Commissioners of Hillsborough County having considered the report and recommendation of the Hillsborough County Administration, the recommendation of the Zoning Hearing Master and evidence and testimony from both the applicant and persons from the surrounding neighborhood, finds that the uses permitted in the PD (Planned Development) zoning classification are compatible with the existing land uses present in the area surrounding the subject property.

C. The Board of County Commissioners of Hillsborough County having considered the report of the Hillsborough County Administration, the recommendation of the Zoning Hearing Master, and evidence and testimony from both the applicant and persons from the surrounding neighborhood, finds that the PD (Planned Development) classification is compatible with the zoning districts applicable to the lands surrounding the subject property.

D. The Board of County Commissioners of Hillsborough County having considered the report and recommendation of the Hillsborough County Administration, the record of the hearing before the Zoning Hearing Master, and evidence and testimony from both the applicant and persons from the surrounding neighborhood, and the Zoning Hearing Master recommendation finds that the rezoning of the subject property would be consistent with the goals, policies and objectives contained in the Comprehensive Plan enacted by the Board of County Commissioners of Hillsborough County pursuant to the authority contained in Chapter 75-390, Laws of Florida (1975), as amended, and Part II of Chapter 163, Florida Statutes, entitled, "Local Government Comprehensive Planning and Land Development Regulation Act".

II. CONCLUSIONS

The Board of County Commissioners of Hillsborough County hereby approves the petition for PD (Planned Development) zoning filed by Spencer II, LLC.

III. EFFECTIVE DATE

This resolution shall take effect upon vote of the Board of County Commissioners of Hillsborough County in regards to the application.



NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

I. FINDINGS OF FACT

A. The Board of County Commissioners of Hillsborough County is authorized and empowered to consider the petition for PD (Planned Development) filed by Spencer II, LLC.

B. The Board of County Commissioners of Hillsborough County having considered the report and recommendation of the Hillsborough County Administration, the recommendation of the Zoning Hearing Master and evidence and testimony from both the applicant and persons from the surrounding neighborhood, finds that the uses permitted in the PD (Planned Development) zoning classification are compatible with the existing land uses present in the area surrounding the subject property.

C. The Board of County Commissioners of Hillsborough County having considered the report of the Hillsborough County Administration, the recommendation of the Zoning Hearing Master, and evidence and testimony from both the applicant and persons from the surrounding neighborhood, finds that the PD (Planned Development) classification is compatible with the zoning districts applicable to the lands surrounding the subject property.

D. The Board of County Commissioners of Hillsborough County having considered the report and recommendation of the Hillsborough County Administration, the record of the hearing before the Zoning Hearing Master, and evidence and testimony from both the applicant and persons from the surrounding neighborhood, and the Zoning Hearing Master recommendation finds that the rezoning of the subject property would be consistent with the goals, policies and objectives contained in the Comprehensive Plan enacted by the Board of County Commissioners of Hillsborough County pursuant to the authority contained in Chapter 75-390, Laws of Florida (1975), as amended, and Part II of Chapter 163, Florida Statutes, entitled, "Local Government Comprehensive Planning and Land Development Regulation Act".

II. CONCLUSIONS

The Board of County Commissioners of Hillsborough County hereby approves the petition for PD (Planned Development) zoning filed by Spencer II, LLC.

III. EFFECTIVE DATE

This resolution shall take effect upon vote of the Board of County Commissioners of Hillsborough County in regards to the application.

STATE OF FLORIDA     )  
  )

COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the resolution adopted by the Board of County Commissioners of Hillsborough County, Florida at its regular meeting of March 8, 2005 as the same appears of record in Minute Book 346 of the Public Records of Hillsborough County, Florida.

WITNESS, my hand and official seal this 29th day of April, 2005.

PAT FRANK, CLERK

BY: Justine W. Gregory  
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

BY [Signature]

Approved As To Form And  
Legal Sufficiency

EXHIBIT A

## HILLSBOROUGH COUNTY, FLORIDA

## RECOMMENDATION OF THE LAND USE HEARING OFFICER

APPLICATION NUMBER:	RZ 04-1889 RU
APPLICANT(S):	Spencer II, LLC
GENERAL LOCATION:	Northwest Corner of Interchange St. & Shell Point Rd.
FOLIO NUMBER:	5519.0000, 55227.0000
SEC/TWN/RGE:	05/32/19
ACREAGE:	6.23 Acres +/-
COMPREHENSIVE PLAN:	Res-12
SERVICE AREA:	Urban
IMPACT FEES:	Fees Required
EXISTING ZONING:	RMC-12 & C-G
REQUEST:	Rezoning to PD for Commercial & Single-family Residential
DATE(S) OF PUBLIC HEARING:	January 18, 2005

## SUMMARY OF EVIDENCE PRESENTED

**Application Request and Basic Data**

The applicant requests a rezoning from RMC-12 and C-G to PD to allow for the development of single-family dwellings, a maximum of 5,000 square feet of commercial usage, and a maximum of 5,000 square feet of residential support uses. A General Site Plan, dated RECEIVED DEC 20 2004, was submitted as a part of the application. Said plan depicts the property, the locations and configurations of the proposed residential lots, commercial uses, and off-street parking.

The subject property comprises two parcels separated by 9<sup>th</sup> Remnants of a citrus grove are situated upon the eastern parcel and the western parcel is under construction.

Current zoning applying to the subject property is RMC-12 and C-G. The Comprehensive Plan designation for the property is Res-12.

**RZ 04-1889 RU - LUHO RECOMMENDATION - Page 2**

Adjacent land uses include a citrus grove and land under construction to the north; Interchange St., a railroad right-of-way, and commercial uses to the east; East Shell Point Rd. and single-family dwellings to the south; and undeveloped land to the west.

The adjacent zoning pattern includes RMC-12 to the north; PD-C and C-G to the east; RDC-12 to the south; and RMC-12 to the west.

**Testimony Received**

The applicant's representative presented testimony describing the request. She expressed a concern regarding a proposed condition relating to bike paths.

P&GM Staff presented testimony describing the request, asserting that a revised site plan would be required, showing the location of the proposed residential support use. Staff stated that it would submit a revised condition regarding the bike path requirement. P&GM Staff finds the PD rezoning request to be **supportable, subject to conditions**.

HCCCPC Staff presented testimony describing the request, stating that the request would allow residential uses to be developed in coordination with the subdivision now being constructed to the north and west. Staff testified that the proposal, as being revised, would provide for an appropriate transition of uses from west to east. HCCCPC Staff finds the proposed rezoning to be **consistent** with the Future of Hillsborough Comprehensive Plan.

No testimony was entered into the record by members of the general public, either in support of or in opposition to the application.

**Exhibits Submitted**

1. Proposed Revised Condition. (Applicant's Representative)

**FINDINGS OF FACT**

1. **The proposed commercial uses are located within a designated activity area.**
2. **The proposed uses would be compatible with the established land use pattern of the immediate area.**
3. **The requested rezoning would produce no significant adverse impact upon adjacent land uses.**

**FINDING OF COMPLIANCE/NON-COMPLIANCE WITH COMPREHENSIVE PLAN**

**The rezoning request is in compliance with applicable provisions and policies of the Future of Hillsborough Comprehensive Plan.**

**CONCLUSIONS OF LAW**

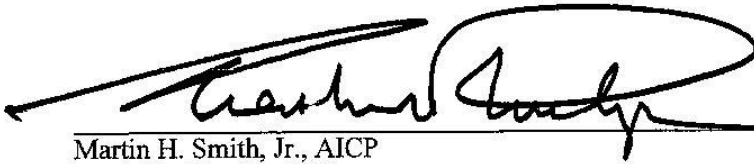
The requested rezoning is concluded to be consistent with applicable zoning criteria and principles of zoning law.

**SUMMARY**

The requested rezoning is appropriate.

**RECOMMENDATION**

**APPROVAL** of the PD rezoning request, subject to the recommended conditions set forth within the Land Use Application Summary Report dated January 7, 2005, as revised by Changes To Conditions dated January 21, 2005.



Martin H. Smith, Jr., AICP  
Land Use Hearing Officer

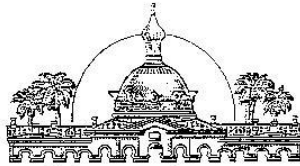
February 8, 2005

Date

MHSjr/hs

RECEIVED  
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Hillsborough County  
Florida

Office of the County Administrator  
Patricia G. Bean

March 9, 2005

BOARD OF COUNTY COMMISSIONERS

Brian Blair  
Kathy Castor  
Ken Hagan  
Jim Norman  
Thomas Scott  
Mark Sharpe  
Ronda Storms

Deputy County Administrator  
Wally Hill

Assistant County Administrators  
Bernardo Garcia  
Carl S. Harness  
Manes J. O'Donnell

Spencer II LLC  
2502 N. Rocky Point Dr.  
Tampa, FL 33607

RE: PETITION NO. RZ 04-1889 RU

Dear Applicant:

At the regularly scheduled public meeting on March 8, 2005, the Board of County Commissioners granted your request for rezoning of the tract of land described in your application from RMC-12 and CG to PD with the attached conditions.

The approval of a planned development rezoning requires the developer submit a revised General Site Plan reflecting all conditions, within 90 days of zoning approval. Failure to submit the site plans within the time period will place your rezoning in violation.

To comply with this requirement, please complete and submit the enclosed application for General Site Plan Review/Certification, to the Planning and Zoning Division, 20th floor of the County Center, 601 East Kennedy Boulevard. For information concerning the certification process, please contact Laura Pierce at 272-5920.

Please keep this letter for your records. If we may be of service to you in the future, feel free to contact me at 272-5920.

Sincerely,

Paula M. Harvey, AICP, Director  
Planning and Zoning Division



FINAL CONDITIONS  
OF APPROVAL

PETITION NUMBER: RZ 04-1889 RU  
MEETING DATE: March 8, 2005  
DATE TYPED: March 8, 2005

Approval - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted December 20, 2004.

1. The project shall be permitted a maximum of 19 single family homes developed in accordance with RSC-9 zoning district standards unless otherwise specified herein.
  - 1.1 Corner lots may reduce one front yard setback to 15 feet for front yards that function as a side yard.
  - 1.2 The northernmost lots within Parcel A and Parcel B may be combined with property located within the subdivision to the north in order to achieve a lot that is consistent with RSC-9 standards.
2. Parcel C shall be permitted a maximum of 5,000 square feet of CN uses and a maximum of 5,000 square feet of residential support uses.
  - 2.2 CN uses shall be located within 300 feet of the intersection of Interchange Street and Shell Point Road.
  - 2.3 Parcel C shall be developed in accordance with CN zoning district standards as well as any specified design standards of the Land Development Code unless otherwise specified herein.
3. Prior to Site Plan Certification, the developer shall revise the data on the site plan to reference a maximum of 5,000 square feet of CN uses and 5,000 square feet of residential support uses and the graphics within Parcel C shall be revised to reflect these approved uses. Uses shall be located within the building envelop shown on the site plan.
4. Approval of the petition does not constitute a guarantee that the Environmental Protection Commission approvals necessary for the development as proposed will be issued, does not itself serve to justify any impacts to wetlands and does not grant any implied or vested rights to environmental impact approval. Any jurisdictional wetlands existing on the property, as delineated by the Hillsborough County Environmental Protection Commission, as well the required 30-foot setback line from all conservation areas, must be shown on any construction site plan.
5. An open space area shall be provided within the northwest portion of Parcel A as shown on the site plan and shall contain a minimum of 5,280 square feet.
6. Access to the westernmost lots within Parcel A shall be via the roadway that connects to the adjacent subdivision to the north and west.
7. Buffering and screening shall be provided in accordance with the Land Development Code

FINAL CONDITIONS  
OF APPROVALPETITION NUMBER: RZ 04-1889 RU  
MEETING DATE: March 8, 2005  
DATE TYPED: March 8, 2005

- 
- 7.1 A 10-foot landscape buffer shall be provided along the southern boundary of Parcel A as shown on the site plan.
8. Prior to Concurrency approval, the Developer shall provide a traffic analysis, signed by a Professional Engineer, showing the length of the left and right turn lanes needed to serve development traffic. The turn lanes shall be constructed to FDOT and/or Hillsborough County standards. For existing turn lanes, if the required turn lane storage, as identified in the transportation analysis, is greater than the length of the existing turn lane, then the Developer shall extend the turn lanes by the necessary queue storage length, while maintaining the proper taper and braking distance lengths. The Developer shall construct, at his expense, the following:
- 8.1. Eastbound left turn lane on Shell Point Rd @ 12<sup>th</sup> Street / Interchange, shall also serve project access on Shell Point Rd. The project access onto Shell Point Rd shall be located in such a manner as to meet LDC spacing criteria and not create an unsafe movement for left turning vehicles heading west on Shell Point Rd turning onto 9<sup>th</sup> Street.
- 8.2. If warranted, southbound right turn lane on 12<sup>th</sup> Street / Interchange @ project access
9. The developer shall dedicate an additional five (5) feet of right-of-way along 9<sup>th</sup> Street where the right-of-way is less than fifty (50) feet. The total platted right-of-way to be dedicated to the County, measured from the centerline of the roadway, shall be twenty-five (25) feet along each side of the roadway. The developer shall only dedicate the needed roadway right-of-way for properties along their project boundary.
10. Shell Point Rd is identified on the Hillsborough County Greenway Plan as needing bicycle facilities. The Developer shall construct a shared use path along the entire property boundary consistent with the requirements of the Transportation Technical Manual. The type of facility to be constructed shall be consistent with the type of facility constructed by adjacent developments on Shell Point east of 15<sup>th</sup> Street. The shared-use path shall include the proper ADA curb ramps at the intersection of 12<sup>th</sup> Street / Interchange Street and Shell Point Rd.
11. Consistent with the shared-use path required by approved residential development along 12<sup>th</sup> Street / Interchange, the Developer shall construct an eight (8) foot shared-use path on 12<sup>th</sup> Street / Interchange from the terminus of the shared-use path to Shell Point Rd. The shared-use path shall be constructed on the same side of the roadway as the shared-use path to be constructed by the residential developments. The shared-use path shall include the proper ADA curb ramps at the intersection of 12<sup>th</sup> Street / Interchange Street and Shell Point Rd. The Developer shall also provide the cross-walk striping @ the intersection of 12<sup>th</sup> Street / Interchange Street and Shell Point.
12. Approval of this application does not ensure that water will be available at the time when the applicant seeks permits to actually develop.

FINAL CONDITIONS  
OF APPROVAL

PETITION NUMBER: RZ 04-1889 RU  
MEETING DATE: March 8, 2005  
DATE TYPED: March 8, 2005

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14. In the event there is a conflict between a zoning condition of approval, as stated herein, and any written or graphic notation on the general site plan, the more restrictive requirement shall apply.
15. The development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.
16. Within 90 days of approval of RZ 04-1889 by the Hillsborough County Board of County Commissioners, the developer shall submit to the County Planning and Development Management Department a revised General Development Plan for certification reflecting all the conditions outlined above.
17. Effective as of February 1, 1990, this development order/permit shall meet the concurrency requirements of Chapter 163, Part II, Florida Statutes. Approval of this development order/permit does not constitute a guarantee that there will be public facilities at the time of application for subsequent development orders or permits to allow issuance of such development orders or permits.



MARCH 8, 2005 - LAND USE MEETING - DRAFT MINUTES

The Board of County Commissioners, Hillsborough County, Florida, met in Land Use Meeting and Public Hearing, scheduled for Tuesday, March 8, 2005, at 9:00 a.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present: Chairman Jim Norman and Commissioners Brian Blair (arrived at 9:04 a.m.), Kathy Castor (arrived at 9:04 a.m.), Ken Hagan, Thomas Scott, Mark Sharpe, and Ronda Storms (arrived at 9:25 a.m.).

Chairman Norman called the meeting to order at 9:02 a.m. Commissioner Sharpe led in the pledge of allegiance to the flag and gave the invocation.

Mr. Brian Grady, Planning and Growth Management Department (PGMD), read the following changes to the agenda:

CHANGES TO THE MARCH 8, 2005, LAND USE AGENDA

TIME CERTAINS

- 9:00 a.m. - Agenda Page 9, Item D.1. - Regular Agenda.
- 9:15 a.m. - Agenda Page 12, Item I.2. - Staff Items - Discussion about proposed Senate Bill (SB) 926 Interlocal Agreement - Planning Commission (PC).
- 9:30 a.m. - Agenda Page 12, Item I.1. - Staff Items - Report regarding approved Fishhawk Ranch cellular (cell) communication tower.
- 1:30 p.m. - Agenda Page 10, Item E.1. - Public Hearing - Vacation of rights of way, easements, and plats.
- 1:30 p.m. - Agenda Page 10, Items F.1.-F.2. - Public Hearings.
- 1:30 p.m. - Agenda Pages 10-12, Items G.1.a.-G.3.b. - Related Items.
- 2:30 p.m. - Agenda Page 12, Item J.1. - County Attorney Item - Discussion regarding Cypress Creek Mall intervention.

OFF-THE-AGENDA ITEM

Taylor Bay Estates - Accept the plat for recording for Taylor Bay Estates, located in Section 15, Township 29, and Range 20. Also, accept the improvement facilities (roads, drainage, water, and wastewater) for maintenance and a warranty letter of credit in the amount of \$39,497, and authorize the Chairman to execute the subdivider's agreement for warranty of required improvements. Also, accept a performance bond in the amount of \$4,600, and authorize the Chairman to execute the subdivider's agreement for



## TUESDAY, MARCH 8, 2005 - DRAFT MINUTES

performance--placement of lot corners. (The item was to be reviewed as part of the Consent Agenda.)

## WITHDRAWALS, CONTINUANCES, AND REMANDS - MORNING AGENDA

RZ 04-1680-BR - Michael D. Horner, AICP - The applicant requested a remand to the April 11, 2005, Zoning Hearing Master (ZHM) hearing.

RZ 05-0105-BW - Fishhawk Communities Limited Partnership - Staff requested a continuance to the April 12, 2005, land use meeting at 1:30 p.m., to be heard with NOPC 05-0528 as a related item.

WITHDRAWALS, CONTINUANCES, AND REMANDS - AFTERNOON AGENDA - **Addressed later in the meeting.**

## CONSENT AGENDA

Commissioner Castor requested Item B.14., RZ 04-0967-RU, Carol Boraiko, and Item B.20., RZ 05-0069-BW, Rhodine Road LLC, be withheld for a separate vote. **Commissioner Scott moved the remainder of the Consent Agenda and the changes, seconded by Commissioner Sharpe, and carried six to zero.** (Commissioner Storms had not arrived.)

Clerk Warrants and Deposits - The Clerk respectfully requested approval for warrants and direct deposits issued March 1-7, 2005. (05-0343)

Mira Lago West, Phase 2A - Accept the plat for recording for Mira Lago West, Phase 2A, located in Section 1, Township 32, and Range 18, and grant permission to PGMD to administratively accept the improvement facilities (water and wastewater) for maintenance upon proper completion, submittal, and approval of all required documentation, and construction final acceptance by PGMD. Accept a performance bond in the amount of \$1,458,044.76 and a warranty bond in the amount of \$39,043.35, and authorize the Chairman to execute the subdivider's agreement for construction and warranty of required improvements. Also, accept a performance bond for placement of lot corners in the amount of \$13,002, and authorize the Chairman to execute the subdivider's agreement for performance--placement of lot corners. (05-0344, 05-0345)

Mirabay, Phase 3C-2 - Accept the plat for recording for Mirabay, Phase 3C-2, located in Section 32, Township 31, and Range 19, and grant permission to PGMD to administratively accept the improvement facilities (roads, drainage, water, and wastewater) for maintenance upon proper completion, submittal, and approval of all required documentation, and construction final acceptance by PGMD. Accept a performance bond in the amount of \$564,960 and a warranty bond in the amount of \$34,950, and authorize the Chairman to execute the

## TUESDAY, MARCH 8, 2005 - DRAFT MINUTES

## RECOMMENDATION:

ZHM: Approval, subject to conditions  
 PGMD: Approvable, subject to conditions  
 PC: Consistent with Comp Plan

Application Number: RZ 04-1775-BR  
 Applicant: Michael D. Horner, AICP  
 Location: Northwest corner of Hilltop Drive and  
 Lumsden Road  
 Folio Number: 71652.0000, 71657.0000  
 Acreage: 1.64 acres ±  
 Comp Plan: RES-6  
 Service Area: Urban  
 Impact Fees: Fees required  
 Existing Zoning: RSC-3  
 Request: Rezoning to PD for medical and veterinary  
 office uses

## RECOMMENDATION:

ZHM: Approval, subject to conditions  
 PGMD: Approvable, subject to conditions  
 PC: Consistent with Comp Plan

Application Number: RZ 04-1830-CW  
 Applicant: Pulte Home Corporation  
 Location: North side of Linebaugh Avenue, 700 feet  
 east of the Veterans Expressway  
 Folio Number: 3726.0000, 3728.0000  
 Acreage: 39.6 acres ±  
 Comp Plan: SMU-6 and RES-9  
 Service Area: Urban  
 Impact Fees: Fees required  
 Existing Zoning: AS-1  
 Request: Rezoning to PD for mixed-use residential,  
 office, and neighborhood commercial

## RECOMMENDATION:

ZHM: Approval, subject to conditions  
 PGMD: Approvable, subject to conditions  
 PC: Consistent with Comp Plan  
 FLEX REQUIRED

Application Number: RZ 04-1889-RU  
 Applicant: Spencer II LLC

## TUESDAY, MARCH 8, 2005 - DRAFT MINUTES

Location: Northwest corner of Interchange Street and Shell Point Road  
 Folio Number: 5519.0000, 55227.0000  
 Acreage: 6.23 acres ±  
 Comp Plan: RES-12  
 Service Area: Urban  
 Impact Fees: Fees required  
 Existing Zoning: RMC-12 and CG  
 Request: Rezoning to PD for commercial and single-family residential

## RECOMMENDATION:

ZHM: Approval, subject to conditions  
 PGMD: Approvable, subject to conditions  
 PC: Consistent with Comp Plan

Application Number: RZ 05-0003-BR  
 Applicant: James D. Verble  
 Location: Northeast corner of Valrico and Durant Roads  
 Folio Number: 71397.0000  
 Acreage: 1.15 acres ±  
 Comp Plan: RES-4  
 Service Area: Urban  
 Impact Fees: Fees required  
 Existing Zoning: ASC-1  
 Request: Rezoning to RSC-4 (residential, single-family conventional)

## RECOMMENDATION:

ZHM: Approval  
 PGMD: Approvable  
 PC: Consistent with Comp Plan

Application Number: RZ 05-0069-BW  
 Applicant: Rhodine Road LLC  
 Location: North side of Rhodine Road, 3/4 mile east of U.S. Highway 301  
 Folio Number: 77285.0200  
 Acreage: 20.50 acres ±  
 Comp Plan: RES-6  
 Service Area: Urban expansion  
 Impact Fees: Fees required  
 Existing Zoning: AR  
 Request: Rezoning to PD for single-family residential

# Exhibit 6

## Hillsborough County Permit Fees





**DEVELOPMENT SERVICES DEPARTMENT  
BUILDING AND CONSTRUCTION SERVICES  
PERMIT FEE SCHEDULE**

**EXHIBIT A**

ITEM DESCRIPTION	FEES
<b>GENERAL:</b>	
Non-Refundable Plan Review	25% of the permit fee
Expired Permit Reinstatement	50% of the original permit fee
Permit Transfer	10% of the original permit fee
Re-Inspection/Partial Inspection	\$77.00
Permit Refund	See Permit Fee Refund Policy
<b>BUILDING PERMITS:</b>	
New, Renovations and Additions	See Appendix I
Building (General) For all building-related activities not addressed in Appendix I	\$77.00 (maximum one (1) inspection)
Private Provider Plan Review and Inspection - Residential	\$255.00
Private Provider Inspection Only - Residential	\$255.00 plus 25% of the otherwise applicable fee
Private Provider Plan Review and Inspection – Commercial	20% of the otherwise applicable fee
Private Provider Inspection Only – Commercial	45% of the otherwise applicable fee
<b>ELECTRICAL PERMITS:</b>	
New, Renovations and Additions (included in Building Permits above)	See Appendix I
Stand Alone-New Residential Electrical	\$130.00
Electrical (General) For all electrical-related activities not addressed in Appendix I	\$77.00 (maximum one (1) inspection)
Stand Alone- New Residential Low Voltage	\$65.00
Multi-Family Electrical	\$77.00 plus \$35.00 per unit
Manufactured/Modular Home Electrical	\$77.00
Pool Electrical	\$77.00
<b>MECHANICAL PERMITS:</b>	
New, Renovations and Additions (included in Building Permits above)	See Appendix I
Stand Alone - New Residential Mechanical	\$65.00
Mechanical (General) For all mechanical-related activities not addressed in Appendix I	\$77.00 (maximum one (1) inspection)
HVAC Equal Change-outs (Commercial & Residential)	\$77.00 (maximum one (1) inspection)
Multi-Family Mechanical	\$77.00 plus \$35.00 per unit
Manufactured/Modular Home Mechanical	\$77.00
<b>PLUMBING PERMITS:</b>	
New, Renovations and Additions (included in Building Permits above)	See Appendix I
Stand Alone- New Residential Plumbing	\$184.00
Plumbing (General) For all plumbing-related activities not addressed in Appendix I	\$77.00 (maximum one (1) inspection)
Multi-Family Plumbing	\$77.00 plus \$35.00 per unit
Manufactured/Modular Home Plumbing	\$77.00
Plumbing (On-Site Piping)	\$77.00
Plumbing (Lawn Sprinkler)	\$77.00
<b>GAS PERMITS:</b>	
Gas (General) For all gas-related	\$77.00 (maximum one (1) inspection)
LP Gas Tank Set	\$77.00
<b>MANUFACTURED/MODULAR HOME PERMITS:</b>	
Supplemental Plan Review (SPR)	\$51.00
Setup in Park or Private Property	\$130.00
Park Pedestals	\$15.00 per pedestal

**DEVELOPMENT SERVICES DEPARTMENT  
BUILDING AND CONSTRUCTION SERVICES  
PERMIT FEE SCHEDULE**

**EXHIBIT A**

ITEM DESCRIPTION	FEES
<b>SIGN PERMITS:</b>	
Signs – Building	\$180.00
Signs – Pole	\$180.00
Signs – Monument	\$180.00
Signs – Entry Feature	\$180.00
Signs – Miscellaneous / Temporary	\$47.00
Signs – Billboards	\$180.00
Appeal to Land Use Hearing Officer	\$205.00
<b>MISCELLANEOUS:</b>	
Supplemental Plan Review (SPR)	\$51.00
Temporary Power Release (prior to final electrical inspection)	\$77.00
Certificate of Completion	\$51.00
Conditional (Temporary) Certificate of Occupancy	\$154.00
ATF (After-The-Fact) Code Compliance Review	\$225.00 + double penalty fee for ATF permit
Appeal to the Building Board of Adjustments, Appeals and Examiners	\$205.00
Request for Building Official Determination	\$405.00
Fire Restoration Inspection	\$128.00
Stop Work Order Release	\$125.00
Commercial Stocking Authorization	\$154.00
Private Provider Set-Up and Review	\$205.00
Preliminary Plan Review Meeting	\$411.00
Plan Revisions/Lost Plans - first page	\$51.00
Plan Revisions/Lost Plans - subsequent page	\$25.00
After-Hours Inspection (2 hours minimum)	\$205.00
Aluminum Screen Room/Pool Cage (SPR + 1 inspection)	\$128.00
Aluminum Screen Room/Pool Cage (SPR + 2 inspections)	\$205.00
Aluminum Sun Room (SPR + 3 inspections)	\$282.00
Residential Pool/Spa (SPR + 3 inspections)	\$282.00
Utility Shed (under 400 sq. ft.)	\$105.00
Roofing – Residential	\$130.00 up to 2000 s.f. + \$10.00 for each additional 1000 s.f.
Roofing – Commercial	\$220.00 up to 2000 s.f. + \$15.00 for each additional 1000 s.f.
Roofing – Residential (Wind Borne Debris Protection Region – Supplemental Plan Review Required)	\$181.00 up to 2000 s.f. + \$10.00 for each additional 1000 s.f.
Roofing – Commercial (Wind Borne Debris Protection Region – Supplemental Plan Review Required)	\$271.00 up to 2000 s.f. + \$15.00 for each additional 1000 s.f.
Demolition – Residential	\$77.00
Demolition - Commercial	\$154.00
Privacy Wall (SPR + 3 inspections)	\$282.00
Exterior Door and Window Replacement ( 1 inspection)	\$77.00
Garage Door Replacement (1 inspection)	\$77.00
Retaining Wall (SPR + 2 inspections)	\$205.00
Stucco & Exterior Plaster	\$154.00
Dumpster Enclosure	\$205.00
Carport (SPR + 3 inspections)	\$282.00
House Move (4 inspections maximum)	\$308.00
Wood Deck (2 inspections maximum)	\$154.00
Custom Reporting	\$40.00

**NOTE:** Fees for permits or services not specified above will be calculated by the Building Official or his/her designee utilizing the most current MAXIMUS NEXUS methodology based on the estimated actual cost to perform the work.

# Exhibit 7

## Mobility Fee Schedule







## Hillsborough County Florida **Estimated Mobility Fee Schedule of Rates**

Development Services Phase-in schedule effective January 1, 2020, to December 31, 2020

The information provided here is for information only and is not binding, as it could change as a result of changes in development plans, in the ordinance, in the fee structure, or in other circumstances which may occur prior to issuance of the building permit.

	Urban Assessment District <sup>(1)</sup>	Rural Assessment District
<b>Residential:</b>		
Single Family (Detached) - Less than 1,500 sf & Annual HH Income less than 50% SHIP Definition (per dwelling unit)	\$ 1,708	\$ 2,474
Single Family (Detached) - Less than 1,500 sf & Annual HH Income between 50-80% SHIP Definition (per dwelling unit)	\$2,589	\$3,746
Single Family (Detached) - Less than 1,500 sf (per dwelling unit)	\$3,987	\$5,774
Single Family (Detached) - 1,501 to 2,499 sf (per dwelling unit)	\$5,094	\$7,377
Single Family (Detached) - 2,500 sf and greater (per dwelling unit)	\$5,722	\$8,282
Multi-Family (Apartment); 1-2 Stories - Annual HH Income less than 50% SHIP Definition (per dwelling unit)	\$1,195	\$1,731
Multi-Family (Apartment); 1-2 Stories (per dwelling unit)	\$3,294	\$4,780
Multi-Family (Apartment); 3+ Stories - Annual HH Income less than 50% SHIP Definition (per dwelling unit)	\$741	\$1,077
Multi-Family (Apartment); 3+ Stories - Annual HH Income between 50-80% SHIP Definition (per dwelling unit)	\$1,122	\$1,629
Multi-Family (Apartment); 3+ Stories (per dwelling unit)	\$2,060	\$2,992
Residential Condominium/Townhouse (per dwelling unit)	\$2,874	\$4,171
High-Rise Condominium; 3+ Stories (per dwelling unit)	\$2,087	\$3,028
Mobile Home (per dwelling unit)	\$1,878	\$2,725
Congregate Care Facility (per dwelling unit)	\$484	\$705
<b>Lodging:</b>		
Hotel (per room)	\$2,582	\$ 3,078
Hotel; All Suites (per room)	\$1,989	\$ 2,372
Motel (per room)	\$1,829	2,185
<b>Recreation</b>		
General Recreation (per acre)	\$1,020	\$ 1,218
RV Park (per site)	\$722	\$ 862
Marina (per boat berth)	\$1,732	\$ 2,066
Golf Course (per hole)	\$20,983	\$ 25,013
Movie Theater (per screen)	\$19,545	\$ 23,486
Health Club (per 1,000 sf)	\$15,603	\$ 18,620
<b>Institutions</b>		
Elementary School-Private (per student)	\$426	\$510
Middle School-Private (per student)	\$610	\$728
High School- Private (per student)	\$641	\$766
University/Junior College (7,500 or fewer students)- Private (per student)	\$1,181	\$1,406
University/Junior College (more than 7,500 students)- Private (per student)	\$874	\$1,043
Church (per 1,000 sf)	\$3,100	\$3,706
Day Care Center (per 1,000 sf)	\$9,923	\$11,938
Hospital (per 1,000 sf)	\$6,642	\$7,917
Nursing Home (per bed)	\$606	\$727
Clinic (per 1,000 sf)	\$15,417	\$18,398

<sup>(1)</sup>Development in conformance with the Planned Village standards of Policy 33.3 of the Comprehensive Plan and Part 5.04.00 of the Land Development Code within the Residential Planned 2 (RP-2) areas shall be assessed the rate applicable to the urban assessment district.





# Hillsborough County Florida Estimated Mobility Fee Schedule of Rates

Phase-in schedule effective January 1, 2020, to December 31, 2020

	Urban Assessment District <sup>(1)</sup>	Rural Assessment District
<b>Office:</b>		
General Office 50,000 sq ft or less (per 1,000 sf)	\$7,193	\$10,435
General Office 50,001-100,000 sq ft (per 1,000 sf)	\$6,088	\$8,835
General Office 100,001-200,000 sq ft (per 1,000 sf)	\$5,151	\$7,477
General Office 200,001-400,000 sq ft (per 1,000 sf)	\$4,358	\$6,326
General Office greater than 400,000 sq ft (per 1,000 sf)	\$3,960	\$5,746
Single Tenant Office Building (per 1,000 sf)	\$5,410	\$7,847
Medical Office 10,000 sq ft or less (per 1,000 sf)	\$11,553	\$16,750
Medical Office greater than 10,000 sq ft (per 1,000 sf)	\$16,821	\$24,393
<b>Retail</b>		
Discount Superstore (per 1,000 sf)	\$7,714	\$9,260
Discount Store; Free-Standing (per 1,000 sf)	\$8,684	\$10,426
Shopping Center 50,000 sq ft or less <sup>(2)</sup> (per 1,000 sfgla)	\$8,382	\$10,097
Shopping Center 50,001-200,000 sq ft <sup>(2)</sup> (per 1,000 sfgla)	\$8,090	\$9,712
Shopping Center 200,001-400,000 sq ft <sup>(2)</sup> (per 1,000 sfgla)	\$7,649	\$9,174
Shopping Center greater than 400,000 sq ft <sup>(2)</sup> (per 1,000 sfgla)	\$7,546	\$9,043
New/Used Auto Sales (per 1,000 sf)	\$10,017	\$11,959
Convenience Market w/Gasoline (per 1,000 sf)	\$29,658	\$35,860
Discount Club (per 1,000 sf)	\$6,338	\$7,610
Home Improvement Superstore (per 1,000 sf)	\$4,661	\$5,597
Electronics Superstore (per 1,000 sf)	\$4,361	\$5,254
Pharmacy/Drug Store with & without Drive-Thru (per 1,000 sf)	\$5,969	\$7,178
Furniture Store (per 1,000 sf)	\$1,629	\$1,944
Bank/Savings Drive-In (per 1,000 sf)	\$17,045	\$20,456
Quality Restaurant (per 1,000 sf)	\$21,128	\$25,296
High-Turnover Restaurant (per 1,000 sf)	\$25,181	\$30,146
Fast Food Restaurant w/Drive-Thru (per 1,000 sf)	\$56,660	\$68,158
Automobile Care Center (per 1,000 sf)	\$7,918	\$9,468
Gas/Service Station with & without Car Wash (per fueling position)	\$6,366	\$7,666
Self-Service Car Wash (per service bay)	\$6,107	\$7,340
<b>Industrial</b>		
General Light Industrial (per 1,000 sf)	\$3,239	\$4,698
General Heavy Industrial (per 1,000 sf)	\$691	\$1,005
Manufacturing (per 1,000 sf)	\$1,778	\$2,578
Warehousing (per 1,000 sf)	\$1,645	\$2,390
Mini-Warehouse (per 1,000 sf)	\$591	\$862
High-Cube Warehouse (per 1,000 sf)	\$774	\$1,126

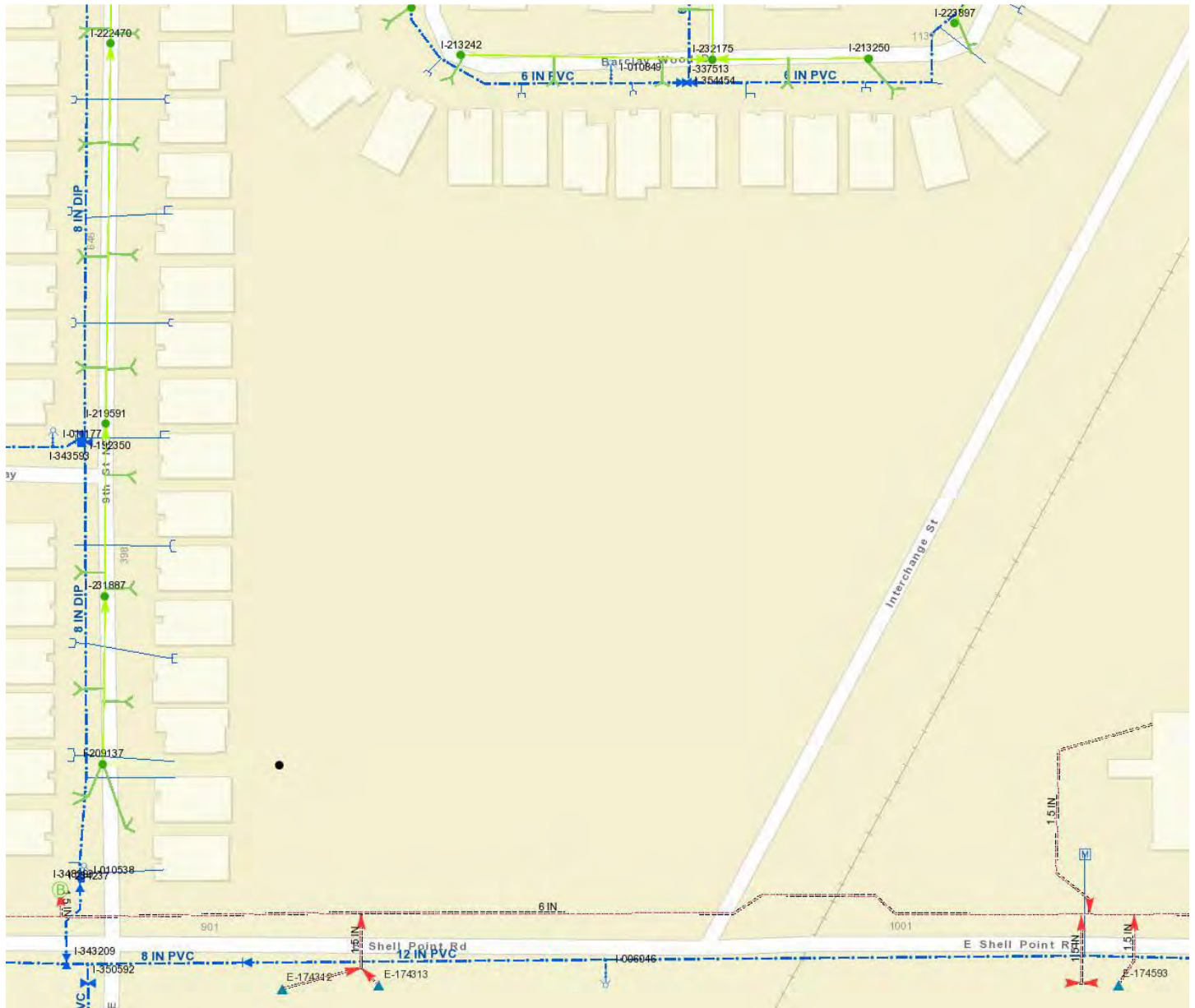
<sup>(1)</sup>Development in conformance with the Planned Village standards of Policy 33.3 of the Comprehensive Plan and Part 5.04.00 of the Land Development Code within the Residential Planned 2 (RP-2) areas shall be assessed the rate applicable to the urban assessment district.

<sup>(2)</sup>In the case of shopping centers with up to 300,000 square feet, fast-food, convenience store, and gas stations located on outparcels should be charged separately using their individual categories, as opposed to the general shopping center rate.

# Exhibit 8

## Water and Sewer Utilities Maps











# Exhibit 9

## Site Plan Presubmittal Conference Application





**Hillsborough  
County Florida**  
Development Services

## Site & Subdivision Pre-Submittal Conference Application

The Hillsborough County Development Services Department is pleased to offer a Pre-Submittal Conference to anyone seeking help in determining the scope and feasibility of their development proposal. This service is offered free of charge and we highly encourage all applicants to take advantage of it.

While this is a voluntary step in the review process, it still requires a substantial investment of time on the part of various county review personnel. For this reason, we have developed specific minimal submission requirements to ensure that the information submitted by you to the county is sufficient for an adequate review. By providing the information as outlined in the submission requirements, county staff will be able to provide you with quality information in a timely fashion that you can use to move your project forward.

The Goal of Development Services is to provide you with courteous and professional service in a timely manner. Thank you for investing your time in a presubmittal conference.

### Important Contact Information

Zoning Counselors	(813) 272-5600 option 3, then 1
Pre-Submittal Line	(813) 272-5600 option 2, then 2
Fax	(813) 307-4443
Email	<a href="mailto:siteplanadmintasks@hillsboroughcounty.org">siteplanadmintasks@hillsboroughcounty.org</a>

## Instructions

1. Complete the Pre-Submittal Conference Application and Project Information Form. If you need assistance completing the bottom portion of the form call or visit one of our Zoning Counselors located at 601 E. Kennedy Blvd., 19th Floor. No appointments are necessary to visit with a Zoning Counselor.
2. To schedule a pre-submittal date please submit your completed package by e-mail to: [siteplanadmintasks@hillsboroughcounty.org](mailto:siteplanadmintasks@hillsboroughcounty.org). If you prefer, you may also do so via regular mail or in person. Please be advised that incomplete submittals will be rejected.
3. Submit your application and completed submittal package to the Site Intake Section of Development Services located on the 19th Floor. At that time you will be given the date of your Pre-Submittal Conference. Please note that there may be multiple applicants meeting on this date and that applicants are served on a "first come first served basis". Our conferences begin promptly at 9:00am. In the event that there are no applicants present at 9:00am, the meeting will be adjourned at 9:15am. Likewise, if no applicants are present immediately following a previous conference with another applicant, the meeting will be adjourned.

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This section is provided for your use:

Appointment Date and Time: \_\_\_\_\_



**Hillsborough  
County Florida**  
Development Services

## Site Pre-Submittal Conference Package Requirements

All Subdivision Pre-Submittal Conference Packages shall, at a minimum, contain the following items. INCOMPLETE packages WILL NOT be accepted for processing. Pre-application Submittal Packages shall be submitted to the Site Intake Coordinator in the Department of Development Services or e-mailed to [siteplanadmintasks@hillsboroughcounty.org](mailto:siteplanadmintasks@hillsboroughcounty.org) There are no fees associated with a pre-submittal conference.

### REQUIREMENTS: The Site Intake Coordinator shall check for the following items in the submittal package:

- 1) One (1) copy of the **Presubmittal Conference Application & Project Information Form** completely filled out prior to submittal.
- 2) One (1) set of preliminary development plans no larger than 24x36 and no smaller than 8½x11. (See below for items to be included on drawing). These preliminary plans do not need the signature and seal of the engineer. If applicable, 24x36 plans shall be folded or they will NOT be accepted.
- 3) A narrative explaining the proposed development. Include information on of size of property, # of lots, zoning district, future land use category, water and sewer services, wetland impacts, density transfers, access, storm water management, phasing, etc.

#### The development plan must be drawn to scale, labeled and include the following items:

1. Draw or sketch the property boundaries to scale or, to the extent possible, proportionally to its dimensions. Include the actual dimensions (length) of each side of the property. Using a dotted line, show the required building setback lines.
2. Draw to scale and label all structures that are located on the property, both existing and proposed. List the current and proposed use of the structures.
3. Show the total square footage (length x width) of each existing or proposed structure.
4. (a) Show the total square footage (length x width) of existing and proposed impervious areas (areas that cannot absorb water; e.g., concrete, asphalt buildings, other structures). (b) Show these dimensions on the site plan (distances of length and width). (c) Include distances of impervious areas to the property line.
5. Show the driveways and parking area dimensions, label as existing or proposed, and indicate the type of material that they are constructed or will be constructed of (concrete, asphalt, dirt, gravel, grass, etc.). Include the number of parking spaces existing and proposed.
6. Show all existing streets and existing or proposed driveway connections to the site.
7. Show the approximate locations of any existing or proposed fire hydrants, signs, sidewalks, power poles, etc.
8. Show distances of all structures to the property line.
9. Show, with arrows, the direction that water flows across the property. If the site is flat, state this on the plan.
10. Show all existing drainage systems on the site (retention ponds, swales, culverts, pipes). Include any existing drainage systems in the right-of-way (roadside ditches, curbs, drainage inlets). If there are no drainage systems adjacent to the site, indicate to the extent possible where the storm water from the property flows.
11. Show all outside waste facilities. These would include dumpsters, solid waste storage areas, proposed or existing septic tank areas or indication of sanitary sewer availability.
12. Label all existing or proposed landscaping areas. Grassed areas are considered landscaped areas. Show the location of all trees on the property and indicate if these trees are proposed to be preserved or removed.
13. North arrow.





**Hillsborough  
County Florida**  
Development Services

## Subdivision Pre-Submittal Conference Package Requirements

All Subdivision Pre-Submittal Conference Packages shall, at a minimum, contain the following items. INCOMPLETE packages WILL NOT be accepted for processing. Pre-application Submittal Packages shall be submitted to the Site Intake Coordinator in the Department of Development Services or e-mailed to [siteplanadmintasks@hillsboroughcounty.org](mailto:siteplanadmintasks@hillsboroughcounty.org) There are no fees associated with a pre-submittal conference.

### REQUIREMENTS: The Site Intake Coordinator shall check for the following items in the submittal package:

- 1) One (1) copy of the **Presubmittal Conference Application & Project Information Form** completely filled out prior to submittal.
- 2) One (1) set of preliminary development plans no larger than 24x36 and no smaller than 8½x11. (See below for items to be included on drawing). These preliminary plans do not need the signature and seal of the engineer. If applicable, 24x36 plans shall be folded or they will NOT be accepted.
- 3) A narrative explaining the proposed development. Include information on of size of property, # of lots, zoning district, future land use category, water and sewer services, wetland impacts, density transfers, access, storm water management, phasing, etc.

### The development plan must be drawn to scale, labeled and include the following items:

1. Folio number(s).
2. Total acreage of the parent parcel (pre-subdivision parcel) being divided.
3. The area (acreage) of each lot being created.
4. Total number of lots.
5. Dimensions of the parent parcel.
6. Dimensions of each new lot including dimensions along roadways.
7. North arrow.
8. Name(s) of all roadways adjacent to the parent parcel.
9. Existing right(s)-of-way widths and widths of any proposed right(s)-of-way.
10. Show, with arrows, the direction that water flows across the property. If the site is flat, state this on the plan. Show all existing drainage systems on the site (retention ponds, swales, culverts, pipes). Include any existing drainage systems in the right-of-way (roadside ditches, curbs, drainage inlets). If there are no drainage systems adjacent to the site, indicate to the extent possible where the storm water from the property flows.
11. A note indicating whether streets are to be dedicated to the public or remain private.
12. A note detailing the availability of public water and sewer and the proposed method for proving services to each lot.
13. A note detailing the locations of fire hydrants located within 500 feet of the parent parcel property boundary.
14. Any significant natural feature(s) of the land including but not limited to trees, waterways, slopes, ditches, wetlands, water bodies, etc.
15. Any known easements including but not limited to access easements, utility easements, conservation easements, etc.
16. Any other information deemed by you to be important to the site including disclosure of any knowledge of endangered species, significant historical or archeological features, past waste disposal, etc.





**Hillsborough  
County Florida**  
Development Services

# Pre-Submittal Conference Application & Project Information

## Section A: Applicant/Land Use Information

1. Applicant/Owner/Agent: \_\_\_\_\_ 1a. Email: \_\_\_\_\_ @ \_\_\_\_\_
2. Mailing Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
3. Company: \_\_\_\_\_ 3a. Phone: ( ) \_\_\_\_\_ 3b. Fax: ( ) \_\_\_\_\_
4. Project Name: \_\_\_\_\_
5. Address/Location of Site: \_\_\_\_\_ 5a. Acreage \_\_\_\_\_
6. Parcel(s) Folio Number (required): \_\_\_\_\_
7. Section/Township/Range: \_\_\_\_\_
8. Proposed Land use: \_\_\_\_\_
9. Is the site currently developed?  yes  no If yes, describe improvements: \_\_\_\_\_
- 
10. Select Type of Submittal:  Subdivision  Site  Straight to Construction  Minor Site
11. Potable Water:  existing  proposed Provider: \_\_\_\_\_
12. Wastewater:  existing  proposed Provider: \_\_\_\_\_
13. Reclaimed Water:  existing  proposed Provided: \_\_\_\_\_

### Site Plan Project Submittal data

### Subdivision Project Submittal Data

- Sq. Ft. of Bldg. Footprint: \_\_\_\_\_ Total # Phases: \_\_\_\_\_ Total # Lots: \_\_\_\_\_
- Gross Floor Area of Bldg: \_\_\_\_\_ # Phase 1 Lots: \_\_\_\_\_ # Phase 2 Lots: \_\_\_\_\_
- Total site impervious area: \_\_\_\_\_ # Phase 3 Lots: \_\_\_\_\_ # Phase 4 Lots: \_\_\_\_\_
- Any trees (5" DBH or larger):  yes  no
- # Parking Spaces: \_\_\_\_\_ existing \_\_\_\_\_ new

## Section B: Regulatory Information (Please see a Zoning Counselor on the 20th Floor if you need assistance)

- FLU(s): \_\_\_\_\_ Zoning: \_\_\_\_\_ Urban Service Area:  yes  no
- Overlay: \_\_\_\_\_ Flood Zone(s): \_\_\_\_\_ Lot of Record:  yes  no
- Proposed use allowed in district:  yes  no Proposed use allowed in FLU:  yes  no
- Is a conditional use, variance, rezoning or FLU amendment required?  yes  no
- If yes, indicate type and case # (if applicable): \_\_\_\_\_

PO Box 1110 - 19th Floor, 610 E Kennedy Blvd, Tampa, FL 33601  
Phone: (813)272-5600 | Fax: (813) 307-4443

# Exhibit 10

## Pertinent Sections of Hillsborough County Code of Ordinances



**Sec. 2.01.01. - Intent**

The County is divided into districts of such number, shape, characteristics, area, common unity of purpose, adaptability, or use as will accomplish the objectives of the Comprehensive Plan and this Code.

**Sec. 5.03.04. - Planned development district options**

There are two district options an applicant may select from when applying for a Planned District rezoning.

**A.Planned Development - (PD)**

The PD District is intended to be used when unified, large scale, mixed use developments are proposed in areas lacking a predominant urban/suburban development pattern and adjacent land use compatibility is not a significant factor. Broad, general concept plans would be permitted with limited flexibility to accommodate land use changes in response to evolving market conditions.

**B.Planned Development - Specific (PD-S)**

The PD-S District is intended to be used for the purpose of binding development to a negotiated specifically detailed site plan with a list of specific conditions that insures compatibility and harmony with surrounding areas.

(Ord. No. 06-18, § 2, 8-1-06)

**Sec. 5.03.07. - Changes to approved PD districts****A. Changes to Critical Design Features**

1. Changes to any condition on the site plan or to the list of conditions that have received a "critical design feature" designation shall be considered a Major Modification and shall be reviewed in accordance with procedures in Sec. 10.03.00.

**B. Changes to Approved PD Site Plans**

The Administrator is authorized to approve the administrative modifications specifically listed in this section of the PD Ordinance, as long as they are in harmony with the originally approved PD district. The Administrator shall not have the power to approve changes that constitute a minor or a major modification of the approval. A minor modification shall require approval by resolution of the Board and shall be heard in the form of a personal appearance. A major modification shall require approval of the Board and shall be handled in the same manner as the original approval.

1. Administrative Modification: The Administrator is authorized to approve the following modifications to approved Planned Development Districts:
  - a. Reduce the number of parking spaces by an amount not to exceed 10 percent of the approved spaces, provided the reduction meets the minimum off-street parking requirement for the uses.
  - b. Any relocation of approved density or intensity farther than 500 feet from the zoning lot boundaries or farther than 200 feet from any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change.
  - c. A change from multi-family to single family, if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development. If no single-family units are included in the project, the requirements of the RSC-9 district shall be the minimum permitted.
  - d. Allow interim passive agricultural uses, as defined by this Code, prior to development, site construction plan approval and/or final subdivision plat approval of the planned district or portion(s) thereof, provided the agricultural activity will not impede development in any part of the district under separate ownership. Additionally, the allowance shall be restricted to planned districts or portions thereof that were agriculturally zoned at the time of rezoning to PD. Upon qualification for interim passive agricultural uses under this provision, the allowance for such uses shall run with the land irrespective of any subsequent zoning changes, including rezoning to a standard district, unless expressly prohibited by condition or restriction imposed by the zoning change, and provided that passive agricultural uses were permitted on the property under its zoning, or through this provision, on November 1, 2012.



- e. Allow redevelopment of mobile home parks in the Urban Service Area with affordable housing at the same permitted density with any housing type pursuant to the affordable housing requirements of Section 6.11.07 of this Code and connection to public water and wastewater services. The project shall be subject to the affordable housing standards in Sections 6.11.07 and 6.01.02 of this Code for the RSC-9 district unless alternative standards are necessary to achieve the permitted density. Such alternative standards shall be subject to approval of the Administrator as being the minimum necessary for the provision of affordable housing pursuant to Section 6.11.07 of this Code. If alternative standards are requested, the applicant shall provide written justification with a detailed explanation of why the alternative standards are necessary to achieve the permitted density.
2. Minor Modification: In reaching a decision as to whether or not the changes are substantial enough to be considered a minor modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
    - a. Any change in parking areas resulting in a reduction of more than ten percent in the number of approved spaces which also reduce any minimum required spaces.
    - b. Significant changes in the basic form.
    - c. Any reduction in the amount of open space/recreation area or any substantial change in the location or characteristics of open space.
    - d. Changes in location, or type of pedestrian or vehicular accesses or circulation, or any increase or decrease in the number of pedestrian or vehicular accesses.
    - e. Any increase in density or intensity within 500 feet of the zoning lot boundaries or within 200 feet of any part of the planned district which has been constructed or sold to an owner or owners different from the applicant requesting the change. Relocation of uses, density or intensity which triggers these thresholds shall be considered a minor modification.
    - f. Any increase in density or intensity of use of up to five percent usable floor area, three percent of the number of dwelling units, or five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.
    - g. An increase in structure height less than 15 feet or an increase in number of stories.
    - h. Any change in a condition specifically required by the Board as part of the PD amendment. However, any condition which merely restates a Code requirement without deviation may be modified by the Administrator if the regulation allows a waiver or if the regulation has subsequently been changed by the Board of County Commissioners.
    - i. Any decrease in required yards, except that when such decrease is to apply to three or less single-family lots within the project, the change shall be reviewed per Section 11.04.
    - j. Any deletion of a specifically approved use.
    - k. Any increase in the area allocated to any land use type, except open space/recreation area, by ten percent or less.
    - l. Any increase in traffic generation, up to ten percent.
    - m. Any request for a decrease in intensity from commercial to residential support or conventional single-family, or from commercial or office to conventional single-family, shall be considered a minor modification.
    - n. If any of the above changes are present, the change shall be considered a minor modification.
  3. Major Modification: In reaching a decision as to whether the changes are substantial enough to be considered a Major Modification, the Administrator shall, after reviewing the record of the project, determine if any of the following changes are present:
    - a. Any increase in intensity of use shall be considered to be an increase of more than five percent usable floor area, or an increase of more than three percent in the number of dwelling units, or an increase of more than five percent in the amount of outside land area devoted to sales, displays, or demonstrations over the entire





PD. In no case shall the intensity or density be increased over the maximum permitted by the PD district in general or the Comprehensive Plan.

- b. Any increase in structure height of 15 feet or greater.
- c. Any addition of a use from the specifically approved use. However, a change from multi-family to single family shall be an administrative modification if it does not increase external impacts such as, but not limited to, transportation, schools, parks, or utilities and is consistent in lot size, coverage, and yards with other single-family portions of the development.
- d. Any increase in the area allocated to any land use type, except open space, by more than ten percent.
- e. Any increase in traffic generation by more than ten percent.
- f. If any of the above changes are present, the change shall be considered a major modification.

TABLE 5.1  
CHANGES IN APPROVED GENERAL PLANS

N/A = not applicable

LAND DEVELOPMENT CODE			
	Administrative Modification	Minor Modification	Major Modification
Parking	Reduction ≤ 10% of spaces above the minimum requirement	Reduction > 10% of spaces that also reduce required spaces	N/A
Basic Form	N/A	Significant changes	N/A
Open Space (See also Use)	NA	Reduction in area, location or characteristics; includes recreation area	N/A
Access/Circulation	N/A	Changes in location or type of pedestrian or vehicular accesses or circulation. Increase or decrease in number of pedestrian or vehicular accesses.	N/A
Density/Intensity	Relocation > 500' from zoning lot line or > 200' from other owner and not minor/major modification	Increase or relocation ≤ 500' from zoning lot line or ≤ 200' from other owner	N/A
	N/A	Increase ≤ 5% usable floor area, ≤ 3% of number of dwelling units, ≤ 5% outside land area for sales, displays, demonstrations	Increase > 5% usable floor area, > 3% of number of dwelling units, > 5% outside land area for sales, displays, demonstrations



Height	N/A	Any increase in structure height < 15 feet or increase in number of stories	Any increase ≥ 15'
Conditions	N/A	Any change in condition specifically required by BOCC	N/A
Yards	N/A	Any decrease in required yards (see 5.03.04.C.i.)	N/A
Use	Change from M-F to S-F if no increase in external impacts and is consistent in lot size, coverage, yards with other S-F in development. If no other S-F, then minimum requirements are RSC-9	Any deletion of a specifically approved use.	Any addition of a use different from the specifically approved use
		Any increase in area allocated to any land use type (except open space/recreation area) by ≤ 10%	Any increase in area allocated to any land use type (except open space) by > 10%
		Change from commercial to residential support or conventional S-F	
		Change from commercial or office to conventional S-F	
Traffic Generation	N/A	Any increase ≤ 10%	Any increase > 10%

(Ord. No. 06-18, § 2, 8-1-06; Ord. No. 12-24, § 2(Exh. A)(Item IV.C)(12-0681), 10-25-12, eff. 11-1-12; Ord. No. 16-21, (Exh. A)(Item I-02)(16-1070), 10-11-16, eff. 10-18-16; Ord. No. 18-30, § 2(Exh. A), 10-11-18, eff. 10-18-18)

**Sec. 6.11.24. - Child Care Center**

A.Required patron parking shall be adjacent to the facility and clearly designated by raised directional signage and pavement or wheel stop markings. Each parking space shall be fronted with wheel stops set two feet from a continuous five foot wide sidewalk leading to the building entrance, or a raised curb and a continuous seven-foot wide sidewalk leading to the building entrance.B.If a circular driveway is provided for pick-up/drop-off of children, the following shall be required in addition to Paragraph A above; a paved circular driveway, 12 feet in width with a minimum inside turning radius of 20 feet, and an area a minimum of 15 feet from the designated discharge point where the children are picked up or dropped off, into which cars shall not park or back. If fire regulations require the designation of a fire lane, then the width of the circular driveway shall be at least 20 feet.C.Employee and van parking shall be designated by raised directional signage and pavement or wheel stop markings.D.If an outdoor play area is provided and located within 100 feet of a residential zoning district, the use of



the outdoor play area shall be limited to the hours between 8:00 a.m. and 7:00 p.m. The play area shall be secured with a fence, wall, and/or gate in accordance with the Hillsborough County Child Care Facilities Ordinance. Sections E. and F. of this section shall only apply to Special Use applications.

E.The location and extent of the facility shall not adversely affect the character of the existing neighborhood.F.The Child Care Center shall be of a design, intensity and scale to serve the surrounding neighborhood and to be compatible with the surrounding land uses and zoning.G.These regulations shall not apply to Family Child Care Homes as defined in Part 12.00 of this Code. Family Child Care Homes are permitted as an accessory residential use without special zoning approval or review, subject to child care licensing requirements.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 10-02, § 2(Exh. A), 2-12-10)

## **PART 10.03.00 - PROCEDURE FOR AMENDMENTS TO OFFICIAL ZONING ATLAS (REZONING)**

### **Sec. 10.03.02. - Pre-Hearing Procedures**

#### **A. Who May Request Amendment**

1. The County Commission or Administrator may seek to rezone one or more parcels of land pursuant to the procedures prescribed herein.
2. The owner of one or more parcels of land may seek to rezone any such parcel pursuant to the procedures prescribed herein.

#### **B. Preapplication Conferences and Applications**

1. Conference with the Administrator may be requested in those cases where an applicant is in doubt as to the necessity of filing an application for a rezoning, or Special Use Permit, or the specific zoning classification permitting the proposed use.
2. The applicant may request that the Administrator arrange a presubmittal conference to be attended by representatives of reviewing agencies and the applicant. The purpose of the presubmittal conference is to provide information to a potential applicant concerning the information needed for submittal and the standards and other requirements to be met. The reviewing agencies may include Planning and Growth Management Department (Natural Resources, Zoning Compliance, Traffic Operations, Stormwater Management, Water and Wastewater Utilities, and Adequate Public Facilities Determination), School Board, Environmental Protection Commission, and FDOT, if applicable.
3. All applications shall be typed or neatly printed on forms provided by the Administrator. Applications shall be filed with the Administrator who shall mark thereon the date of filing and shall retain the original. Copies of the application shall be available for public inspection in the offices of the Clerk of the Board and the Administrator.

#### **C. Time of Hearing by the Land Use Hearing Officer and Recommendation**

1. The Administrator shall set the matter for hearing before a Land Use Hearing Officer after the completed application has been filed in accordance with the published Land Use Hearing Officer Hearing Schedule.
2. Continuance(s) of the public hearing shall be permitted in accordance with the procedures and requirements set forth below. However, in no case shall the public hearing be continued to a hearing date that is more than six months after the originally scheduled hearing date. If a public hearing is not held on the application within the required time frame, the application shall be withdrawn from processing by the Zoning Administrator. The hearing time frame shall not apply to an application that is associated with either an application to amend the Hillsborough County Comprehensive Plan, an application for a new Development of Regional Impact (DRI), an application to amend an existing DRI or any application that has been reopened or remanded for further hearing.
3. The public hearing shall be continued by the Land Use Hearing Officer to a date certain if the continuance request is filed in writing by the applicant with the Administrator at least three (3) business days prior to the published staff report filing deadline for the scheduled hearing, or by the County if additional time is needed to complete review. Any continuance request submitted by the applicant to the Administrator less than three (3) business days prior to the published staff report filing deadline for the scheduled hearing will be shown on the agenda to be heard but may be continued at the hearing at the discretion of the hearing officer only if the applicant can demonstrate the reason for the continuance was not known in a timely manner, thereby preventing the applicant from requesting the continuance prior to the deadline.



4. The Land Use Hearing Officer may reopen a hearing for extraordinary cause. Action to reopen a hearing must take place within seven (7) calendar days of the initial close of the hearing. To reopen a hearing, the Land Use Hearing Officer must file with the Administrator an affidavit outlining the reasons for such reopening. Such reopenings shall only be ordered when the Land Use Hearing Officer has additional competent substantial evidence, not previously available, that would affect the Land Use Hearing Officer's recommendation, where it is necessary to avoid undue injury to the County or the applicant.
  5. Upon making a finding that the hearing should be reopened, the Land Use Hearing Officer shall schedule the hearing for a date not to exceed 45 calendar days from the initial close of the hearing. A reopened hearing shall be noticed as an original hearing with notice also going to any persons who appeared at the original hearing. The cost of providing notice shall be borne by the County. The reopened hearing shall be concluded within 30 calendar days of the date established by the Land Use Hearing Officer in his affidavit for reopening the hearing.
  6. The Land Use Hearing Officer shall file his recommendation with the Administrator within fifteen (15) business days of the close of the hearing, with a copy being provided to the Clerk of the Board. The Clerk of the Board shall, on the same calendar day or the next working day, mail or otherwise deliver a copy of the recommendation to the applicant, and to any other person who has supplied the Clerk with a self-addressed stamped envelope for the purpose.
- D. Notice of Public Hearing Before the Land Use Hearing Officer
1. In cases where zoning amendments are initiated by the County, public notice and hearings shall be in accordance with the provisions of Section 125.66(4), the Florida Statutes, with appropriate modifications to indicate that the hearing is to be held by the Land Use Hearing Officer.
  2. In all other cases, upon establishment of a public hearing date, notice of the public hearing shall be given:
    - a. By the Administrator posting a sign(s) no less than 30 calendar days prior to the hearing date in a conspicuous place upon the property which is the subject of the application; and
    - b. By the Administrator causing the publication of a notice one time no less than fifteen (15) calendar days prior to the hearing date in a newspaper of general circulation in Hillsborough County; and
    - c. By the applicant mailing notice no less than thirty (30) calendar days prior to the hearing date. Such notice shall be completed in the manner outlined in Subsections E and F below and the applicant shall submit proof of mailing to the Administrator no more than seven (7) calendar days after the notice deadline.
    - d. In the case of hearings remanded from the Land Use Appeals Board to the Land Use Hearing Officer, notice shall be given pursuant to subsections a. through c., above, and also by the applicant mailing notice no less than thirty (30) calendar days prior to the hearing date to all parties of record from the initial Land Use Hearing Officer hearing, as defined in LDC 10.03.06.A.1 and 10.03.06.A.3. The applicant shall submit proof of said mailing to the Administrator no more than seven (7) calendar days after the notice deadline.
  3. Continuance fees shall be required from the applicant for all continuances requested by the applicant by the deadline described in Section 10.03.02.C.3. Continuance fees and additional notice shall be required from the applicant for all other continuances either requested by the applicant or caused by the actions or inactions of the applicant.
  4. If at any time, the contents of any form of notice, required or otherwise, is determined to be incorrect, the application shall be determined to be out of order and shall be required to continue to the next available hearing, after the prior scheduled meeting, and renote shall be required in order to make the appropriate corrections. Additionally, failure to meet any notice deadlines required in this code shall cause the application to be determined to be out of order and the application shall be required to continue to the next available hearing, after the prior scheduled meeting, and renote shall be required.
  5. Notice of continuances for applications determined to be out of order due to the actions or inactions of the applicant, as described in Subsection D.4 above, shall be required in the following manner:
    - a. The applicant shall mail notice of the new hearing date to which the application has been continued, as determined by the Administrator, no less than thirty (30) days prior to the new hearing date. The applicant shall submit proof of mailing to the Administrator no more than seven (7) calendar days after the notice deadline.





- b. The Administrator shall cause the posting of a sign(s) within ten (10) days following the hearing from which the application is being continued.
    6. Notice of continuances requested by the applicant prior to the deadline, as described in Subsection C.3 above, shall be required in the following manner:
      - a. The applicant shall mail notice of the requested continuance and new hearing date to which the application is being continued no less than seven (7) days prior to the hearing date from which the application is being continued. The applicant shall submit proof of mailing to the Administrator no more than seven (7) calendar days after the notice deadline.
      - b. The Administrator shall cause the posting of a sign(s) no less than three (3) calendar days prior to the currently scheduled hearing that is being continued.
    7. For other continuances requested by the applicant and for continuances caused by any actions or inactions of the applicant, except for applications determined to be out of order, notice shall be required in the following manner:
      - a. The applicant shall mail notice of the new hearing date following approval of the continuance. The notice shall be mailed no less than thirty (30) days prior to the hearing date to which the application has been continued. The applicant shall submit proof of mailing to the Administrator no more than seven (7) calendar days after the notice deadline.
      - b. The Administrator shall cause the posting of a sign(s) following the approval of the continuance within ten (10) days of the decision to reschedule the hearing.
    8. For continuances not caused by any actions or inactions of the applicant, notice shall be required in the following manner:
      - a. The Administrator shall cause the posting of a sign(s) following the approval of the continuance within ten (10) days of the decision to reschedule the hearing.
    9. Proof of Mailing: The applicant shall provide Planning and Growth Management Staff with the documentation listed below as proof of mailing in fulfillment of the notice requirements. Failure to submit proof of mailing in a timely manner shall result in the application being continued to the next available hearing, unless said continuance will cause the hearing to continue beyond the maximum time frame prescribed in Subsection C.1 above, in which case the application shall be withdrawn from processing by the Administrator.
      - a. A completed copy of the official notice letter.
      - b. An original "certificate of mailing" from the U.S. Post Office listing the names, mailing addresses and property folio numbers of all noticed parties.
      - c. A signed and notarized affidavit from the applicant acknowledging completion of the notice requirements.
- E. Property Owners' Notice
1. Notice shall be mailed to all owners of property, as reflected on the current year's tax roll, and, where common property lies within the required notice distance, to all condominium and owners' associations, lying within 500 feet in every direction when the subject parcel is within the Agricultural and Residential-1 Categories of the Comprehensive Plan, and 300 feet in every direction when the parcel is within any of the remaining Plan categories. If a subject parcel contains more than one land use designation, the greatest applicable notice distance shall apply.
  2. If the notification requirements of Paragraph 1 immediately above result in the requirement to notify more than 200 property owners, the applicant may seek administrative relief through the Administrator for consideration of reducing the number of parties which must be notified while still providing sufficient notice.
  3. A reduction in the number of notices may occur in cases where alternative methods of notice can provide sufficient notice and the parties which would receive the alternative notice would be only those which are least likely to be impacted by the proposed amendment. The size of the parcel and the intensity of the development around the subject parcel will be considered. However, large sized projects can expect to be required to provide larger numbers of notices because of the greater area which the project directly impacts. The Administrator shall be required to make a finding that the following criteria have been met:



- a. In no case would notice be waived to property owners less than 250 feet in every direction from the subject property in the rural areas and 150 feet in every direction from the subject property in urban areas; and
- b. The alternative form of notice shall reasonably alert the parties of the amendment action (for example, a condominium complex which has only a small portion of its property within the notification distance and no part of its property within the distance requirement in Paragraph 1 immediately above may receive notice to its Board of Directors more than the minimum requirement of 30 calendar days rather than the proof of mailing notice required to each condominium owner); and
- c. The number of notices required shall not be less than 200 unless the alternative notice method affects a group of property owners such that it is impossible to notice one property owner without noticing the entire group; and
- d. The notice pattern shall be as uniformly applied in all directions as is physically possible.

#### F. Neighborhood Bill of Rights

The Board of County Commissioners recognizes that citizens of neighborhoods have an interest in participating in the planning process and development issues which affect them. To achieve that end, notice shall be provided by the applicant to all duly registered organizations on the Registry of Neighborhood Organizations and Civic Associations whose geographic boundaries lie within one mile of the subject site for any proposed development requiring final approval of the Board of County Commissioners or the LUHO. Accordingly:

1. The Hillsborough County Office of Neighborhood Relations shall maintain a Registry of Neighborhood Organizations and Civic Associations.
2. To register as a Neighborhood Organization, an organization shall provide the name and address of its authorized representative(s), a map which graphically identifies the boundaries of its neighborhood, and any other relevant information as may be required by the Administrator. Additionally, the organization shall provide evidence it meets all of the following requirements:
  - a. The organization is comprised of residents within a defined geographic area.
  - b. There are a minimum of 50 households within the defined geographic area.
  - c. The residents of at least 50 percent of all households in the defined geographic area are members of the organization.
  - d. That membership in the organization is established by virtue of residency or occupancy in the defined geographic area.
  - e. That the organization maintains officers or representatives, including the method by which such officers or representatives are selected. The method may be documented by copies of by-laws, covenants or deed restrictions if the method is specified therein.
  - f. That the organization has a means to appoint a contact person.
  - g. That the organization's officers or representatives are authorized to act on behalf of the organization. This authorization may be documented by copies of by-laws, covenants or deed restrictions.
3. To be registered as a Civic Association, the association must be chartered, area-wide and with dues paying members. The association must submit a copy of its charter with the application. Membership on the registry will allow the association to receive courtesy notice of applications within its area. However, receipt of the notice will not qualify the association as a party of record.

#### G. Notice Content

1. Mailed and published notices shall contain the following information:
  - a. Application number and date of filing.
  - b. Present and proposed zoning classifications and/or proposed Special Use or proposed change if major modification.
  - c. Location of the property.
  - d. Date, time, and place of Land Use Hearing Officer public hearing.



e. A statement in substantial compliance with the following form:

- (1) Copies of the application and department reports are kept by the Administrator and are open to public inspection in the offices of the Clerk of the Board and the Administrator.
- (2) All interested persons wishing to submit testimony or other evidence in this matter must submit same to the Land Use Hearing Officer at the public hearing before him or to the Administrator two business days prior to the public hearing.

f. A statement in substantial compliance with the following form:

The review of the Land Use Hearing Officer's recommendation by the Board of County Commissioners of Hillsborough County shall be restricted to the record as defined in the Hillsborough County Land Development Code, as amended, unless additional evidence and/or oral argument is presented pursuant to the terms of said Code.

g. Instructions for obtaining further information regarding the application.

h. Name, address and telephone number of applicant or applicant's agent.

2. In addition to the foregoing, mailed notices shall include the following:

a. Due date of the staff recommendation on the application.

b. A statement requesting that citizen input be submitted to the County prior to the formulation of the staff report and recommendation to allow for citizen involvement prior to staff's reaching its final recommendation to the Board of County Commissioners or Land Use Hearing Officer, as appropriate.

#### H. County Department Reports

1. When an application has been set for public hearing, the Administrator shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the departmental findings, recommendations, and conditions. This report shall be available at the offices of the Administrator to all persons six calendar days prior to the hearing. The report shall be filed with the Clerk of the Board for inspection by the public.
2. The Planning Commission staff shall, for all applications, prepare a separate written statement outlining the points of compliance or noncompliance with the Comprehensive Plan adopted by Hillsborough County pursuant to the Hillsborough County Local Government Comprehensive Planning Act of 1975, as amended, and shall file said statement with the Administrator at least 12 calendar days prior to the date of the hearing before the Land Use Hearing Officer, with copy thereof submitted to the Clerk of the Board with the Administrator's report referenced above.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 99-25, § 2, 11-18-99; Ord. No. 99-26, § 2, 11-18-99; Ord. No. 00-21, § 2, 5-18-00; Ord. No. 00-38, § 2, 11-2-00; Ord. No. 02-13, § 2, 8-1-02; Ord. No. 03-9, § 2, 6-5-03; Ord. No. 05-10, § 2, 6-16-05, eff. 10-1-05; Ord. No. 05-22, § 2, 11-17-05; Ord. No. 06-18, § 2, 8-1-06; Ord. No. 09-53, Item Q, 6-11-09, eff. 10-1-09; Ord. No. 15-32, § 2(Exh. A) (15-1270), 12-8-15, eff. 12-14-15)

#### Sec. 10.03.03. - Public Hearing Before the Land Use Hearing Officer

##### A. Participants

The participants before the Land Use Hearing Officer shall be the applicant, County agencies, proponents, and opponents, inclusive of the public and witnesses with relevant testimony. The proponent shall be defined as a participant in favor of the application, exclusive of the applicant; whereas, the opponent shall be defined as a participant against the application. Both definitions are inclusive of the public and any other parties of record.

##### B. Order of Presentation

The order of appearance and total time allotments shall be as follows:

1. Applicant and witnesses; proposal: 15 minutes;
2. Administrator; summary of the application, County staff and department findings: five minutes;



3. Planning Commission staff; statement of compliance or noncompliance: five minutes;
4. Proponents; argument for the application: 15 minutes;
5. Opponents; argument against the application: 15 minutes;
6. Staff; amended recommendations, if any: five minutes;
7. Applicant; rebuttal and summation: five minutes.

For good cause shown, the Land Use Hearing Officer may grant additional time.

#### C. Nature of Hearings

To the maximum extent practicable, the hearings shall be informal. Questioning shall be confined as closely as possible to the scope of direct testimony. The Land Use Hearing Officer may call and question witnesses as he deems necessary and appropriate. The Land Use Hearing Officer shall decide all questions of procedure.

#### D. Evidence

Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Any part of the evidence may be received in written form, and all testimony shall be under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient, in itself, to support a finding by the Land Use Hearing Officer unless it would be admissible over objections in a civil action.

#### E. Matters To Be Considered by the Land Use Hearing Officer in Making Recommendation

The Land Use Hearing Officer shall consider, in addition to all evidence presented at the hearing, the following as are relevant in making his recommendation on an application, which are not listed in any particular order:

1. The zoning history of the subject parcel.
2. Applicable zoning regulations promulgated by the Board of County Commissioners.
3. The Comprehensive Plan.
4. Reports and recommendations filed by reviewing agencies.
5. Uses permitted and the characteristics of the requested zoning classification.
6. Physical characteristics of the subject parcel and surrounding lands.
7. Impact on the surrounding transportation network.
8. Applicable goals, objectives, and policies contained in the Comprehensive Plan.
9. Availability and capacity of public services.
10. Nature of and impacts on surrounding land use.
11. Environmental impact of the use.
12. Applicable development standards promulgated by the Board of County Commissioners.

#### F. Findings and Recommendations of the Land Use Hearing Officer

The recommendation of the Land Use Hearing Officer shall include:

1. Summary of evidence presented.
2. Findings of fact.
3. Conclusions of law.
4. A finding of compliance or a finding of all points of noncompliance with the Comprehensive Plan.
5. A recommendation to either approve or deny the application with reasons therefore specified, including any recommended conditions.

#### G. Compliance With Comprehensive Plan





No application for rezoning, or Special Use Permit, shall be recommended for approval by the Land Use Hearing Officer unless it is found that the application is in compliance with the Comprehensive Plan.

#### H. Record of Hearing Before the Land Use Hearing Officer

1. An audio recording of all public hearings before the Land Use Hearing Officer shall be recorded by the Clerk of the Board and also recorded by an official court reporter.
2. The record of the hearing before the Land Use Hearing Officer shall consist of:
  1. An audio recording of all public hearings before the Land Use Hearing Officer shall be recorded by the Clerk of the Board and also recorded by an official court reporter.
  2. The record of the hearing before the Land Use Hearing Officershall consist of:
    - a. The application and accompanying documents.
    - b. Staff reports and recommendations.
    - c. All exhibits and documentary evidence.
    - d. The summary, findings, conclusions, and recommendation of the Land Use Hearing Officer.
    - e. The audio recording of testimony at the hearing.
    - f. Verbatim transcript of the proceedings.
    - g. Applicable official Zoning Atlas sheets.

#### I. Posted Information in the Land Use Hearing Officer's Hearing Room

A copy of the recommendation of the Land Use Hearing Officer is required to be filed with the Clerk of the Board within 15 working days after the conclusion of the public hearing before said master. Persons wishing to receive a copy of the recommendation by mail may supply the Clerk of the Board with their name, address, and a stamped, self-addressed envelope for that purpose.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 06-18, § 2, 8-1-06)

#### Sec. 10.03.04. - Review by Board of County Commissioners

##### A. Generally

The record of the public hearing and the recommendation of the Land Use Hearing Officer will be considered by the Board of County Commissioners for final decision at a public meeting noticed in accordance with the terms of this Code.

##### B. Notice Date for Board of County Commissioners Consideration

1. Any person wishing to receive notice of the date when the Board will consider the application for rezoning or Special Use Permit may supply the Clerk of the Board with their name, address, and a stamped, self-addressed envelope for that purpose.
2. The Administrator shall arrange for the setting of a date and time at which the Board of County Commissioners will consider an application.
3. The Clerk of the Board shall give notice of the set date and time at which the Board of County Commissioners will consider an application for final decision by proof of mailing to the applicant and to parties who attended and presented evidence at the hearing before the Land Use Hearing Officer, and to parties who submitted written evidence to the Land Use Hearing Officer not less than two business days prior to the Land Use Hearing Officer hearing. Such notice shall be mailed at least 20 calendar days prior to the date set.

##### C. Evidence Before the Board of County Commissioners

1. The record before the Board of Commissioners upon consideration of an application shall be the complete record of the hearing before the Land Use Hearing Officer, including his recommendation. Except in those instances where the application involves a proposed zoning classification change or Special Use request that is either



initiated by the County or is part of the review and application for development approval pursuant to Chapter 380.06, Florida Statutes, the Board, after reviewing the record and recommendation, shall consider additional evidence, and oral argument only as provided in D below.

2. Applications initiated by the County or considered as part of the review of an application for Development of Regional Impact approval shall be considered by the Board within the context of a public hearing as below. All irrelevant, immaterial or unduly repetitious evidence shall be excluded. The record shall be transmitted to the Board at least five calendar days prior to the date set for final consideration by the Board.
3. In those instances where the application involves a proposed zoning classification change or Special Use Permit approval, initiated by either the Board of County Commissioners or the Administrator, the Board shall consider the record of the Land Use Hearing Officer hearing and the recommendation within the context of a public hearing at which all interested individuals and County staff will be given an opportunity to present testimony and other evidence. Said public hearing shall be advertised in accordance with the terms of B above and Section 125.66, Florida Statutes. Said public hearing shall be conducted in accordance with the terms of this Code relating to conduct of the public hearing by the Land Use Hearing Officer. Provisions of D below shall not be required in this context.
4. In those instances where the application involves a proposed zoning classification change or Special Use Permit approval which is being considered as a part of the review of an Application for Development of Regional Impact Approval pursuant to Chapter 380.06, Florida Statutes (1981), as amended, the Board shall consider the record of the Land Use Hearing Officer hearing and the recommendation within the context of a public hearing at which all interested individuals and County staff will be given the opportunity to present testimony and other evidence. Said public hearing shall be advertised in accordance with the terms of B above and Section 380.06, Florida Statutes (1981). Said public hearing shall be conducted in accordance with the terms of this Code relating to conduct of the public hearing by the Land Use Hearing Officer. Provisions of D below shall not be required in this context. The Application for the Development of Regional Impact Approval shall be reviewed in accordance with those procedures mandated by law.

#### D. Additional Evidence and Oral Argument

1. The Board of County Commissioners shall consider only the record of the proceedings before the Land Use Hearing Officer, unless additional evidence, and/or oral argument are accepted pursuant to the terms of this Section. The provisions contained herein relating to restricted presentations before the Board do not apply to public hearings convened by the Board to consider applications initiated by the County or that are part of the Development of Regional Impact review process. These public hearings are governed by the provisions of C above.
2. Additional evidence may be allowed pursuant to the provisions of this Subsection, if:
  - a. Through the exercise of due diligence it could not have been discovered in time to present same to the Land Use Hearing Officer; and/or
  - b. The witness could not appear at the public hearing for good reason beyond his control.
3. Within ten calendar days after the date of filing of the Land Use Hearing Officer's recommendation, the individual seeking to introduce the additional evidence described in 2 above, shall file with the Clerk of the Board a written request including:
  - a. The additional evidence; and
  - b. The reasons why the evidence could not through the exercise of due diligence have been discovered in time to present same to the Land Use Hearing Officer; and/or
  - c. The reasons why the witness could not appear.
4. The request shall be filed on forms available from the Administrator. A copy of said request shall be maintained by the Administrator and maintained in a master file available to the public and the Board.
5. The additional evidence, if documentary, shall be attached to the request. If testimonial in nature, a summary of the testimony shall be provided.
6. The Board shall consider the request for presentation of additional evidence and responses thereto at the public meeting on the Land Use Hearing Officer's recommendation. Staff of the Office of County Attorney shall review



the additional evidence request in regard to whether or not the request meets the criteria stated in 2 above and whether or not the additional evidence is duplicative of material already in the record before the Land Use Hearing Officer. Staff of the County Attorney's Office shall report its findings at the meeting before the Board. The Board shall remand the proceeding to the Land Use Hearing Officer for the purpose of consideration of the additional evidence if he finds all the following:

- a. The additional evidence could not through the exercise of due diligence have been discovered in time to present same to the Land Use Hearing Officer, or the witness could not appear at the public hearing for good reason beyond his control.
  - b. That the additional evidence is not duplicative of material already in the record before the Land Use Hearing Officer.
  - c. The evidence is relevant to the issues raised by the petition at issue.
7. If the Board finds that the additional evidence is not admissible based upon the criteria contained herein, then the Board shall deny the request and proceed to consider the petition. The Board of County Commissioners shall specifically state on the record why a request has been denied. Once a request is denied, the material presented shall not be considered by the Board in its deliberations.
  8. If the Board finds that the additional evidence is admissible and therefore elects to remand the proceedings to the Land Use Hearing Officer, then the Board shall establish a date for said hearing. The remanded proceedings shall be conducted in accordance with the terms of this Code applicable to proceedings before the Land Use Hearing Officer, except that said proceeding does not have to be renoticed. At the conclusion of the remanded proceedings, the Land Use Hearing Officer shall file an amended recommendation which has considered the introduction of the additional evidence. The Clerk of the Board shall renote all parties of record of the new set time and date at which the Board will consider an application for a final decision.
  9. If the applicant elects to waive any objection to the additional evidence, the Board of County Commissioners may proceed to consider the petition without remand.

#### E. Oral Argument

1. The Board may allow public testimony by Parties of Record at its meeting to consider the Land Use Hearing Officer's recommendation. In order to further define the parameters of the testimony, the Board establishes the following standards for consideration of oral argument, one of which must be met in order for the Board to open for oral argument:
  - a. In those instances where the Board finds that oral argument is necessary to resolve ambiguities in the record of the Land Use Hearing Officer proceeding, the Board shall allow said oral argument for said limited purpose.
  - b. In those instances where the Board finds that oral argument is necessary to fully understand the relevancy of additional evidence submitted pursuant to the terms contained herein, the Board shall allow said oral argument for said limited purpose.
  - c. In those instances where the Board finds that there is a mistake in the Land Use Hearing Officer's recommendation, the Board shall allow oral argument for the limited purpose of addressing such an error.
  - d. In those instances where the Board finds that the Land Use Hearing Officer did not address a matter introduced into the record, the Board shall allow oral argument for the limited purpose of addressing such matter.

The content of testimony shall be the same as the content of testimony submitted verbally or in writing to the Land Use Hearing Officer.

2. Requests for oral argument shall be filed with the Clerk of the Board within ten calendar days after the date of filing of the Land Use Hearing Officer recommendation with the Administrator and shall be prepared on forms available from the administrator. The request shall be based upon the criteria described in 1 above and shall include a detailed statement setting out the reasons for approval of the request for oral argument. A copy of the request shall be maintained by the Administrator in a master file available to the public and the Board of County Commissioners.
3. Staff of the Office of County Attorney shall review the request for oral argument in regard to whether or not the request meets the criteria stated in 1. above and whether or not the additional evidence is duplicative of material



already in the record before the Land Use Hearing Officer. Staff of the County Attorney's Office shall report its findings at the meeting before the Board and make a recommendation as to whether the request for oral argument meets the criteria required therefor.

4. In the event the Board approves the request, said approval shall extend only to those individuals named in the request. If the request has been filed in the name of a citizen's association, then the Board reserves the right to request said association to appoint a speaker to present oral argument. The Board shall consider said request at the public meeting on the Land Use Hearing Officer's recommendation. The Board reserves the right on its own motion to grant oral argument.
  5. If the Board permits oral argument, the order of appearance and total time allotments shall be as follows:
    - a. Applicant oral argument: Ten minutes.
    - b. Administrator; summary of the application, County staff and department findings: five minutes.
    - c. Planning Commission staff; statement of compliance or noncompliance: five minutes.
    - d. Party of record (non-applicant) oral argument: ten minutes.
    - e. Staff; amended recommendations, if any: five minutes.
    - f. Applicant; rebuttal: five minutes.
  6. If the Board finds that oral argument has raised issues that require further Land Use Hearing Officer review, then the Board reserves the right to remand the proceedings to the Land Use Hearing Officer. If the Board decides to remand the proceedings, then the Board shall establish a date for said hearing. The remanded proceedings shall be conducted in accordance with the terms of this Code applicable to proceedings before the Land Use Hearing Officer, except that said proceedings do not have to be renoticed. At the conclusion of the remanded proceedings, the Land Use Hearing Officer shall file an amended recommendation which considers the issues addressed by the Board. The Clerk of the Board shall renotice all parties of record of the new set time and date at which the Board will consider an application for a final decision.
- F. Continuances Before the Board
1. The public meeting may be continued by the Administrator to a date certain if the continuance request is filed with the Administrator no less than 14 calendar days before the Board's meeting date. The Administrator shall determine whether the continuance shall be granted due to the petitioner or expert witness being unable to attend, or if it is known that the full Board will not be in attendance.
  2. The applicant shall send notice of the continuance by proof of mailing to all parties of record no less than 11 calendar days before the Board's meeting. This notification shall include the new time, date, and location of the meeting.
  3. If the criteria for granting a continuance as listed in 1 above are not satisfied, the continuance request shall be considered by the Board at its meeting when the petition was scheduled for consideration.
  4. At the Board's discretion for unique circumstances, the Board may continue a petition at the Board meeting without notification.
- G. Consideration and Final Decision of the Board
1. The Board shall consider the record of the hearing before the Land Use Hearing Officer, any additional evidence and oral argument introduced pursuant to the terms herein and shall approve or deny the application by resolution. The resolution shall include a statement of compliance or all points of noncompliance with the Comprehensive Plan, if different from the conclusions of the Land Use Hearing Officer, and shall give specific reasons for any decision contrary to his recommendation. A resolution approving an application shall specify any conditions which are required as part of the Board's approval.
  2. The Board reserves the right to continue the public meeting upon a finding that said continuance is necessary to a complete review of the Land Use Hearing Officer's recommendation. Said continuance shall be to a date and time certain.
  3. The Board reserves the right to remand a petition to the Land Use Hearing Officer when sufficient additional evidence after the Land Use Hearing Officer hearing is provided or when the petition requires further Land Use Hearing Officer review.





(Ord. No. 99-25, § 2, 11-18-99; Ord. No. 99-26, § 2, 11-18-99; Ord. No. 00-38, § 2, 11-2-00; Ord. No. 01-30, § 2, 11-15-01; Ord. No. 03-9, § 2, 6-5-03; Ord. No. 06-18, § 2, 8-1-06)

#### Sec. 10.03.05. - Modification and Withdrawal of Applications

##### A. Modification

1. Requests to modify an application filed prior to the mailing of notice for the hearing before the Land Use Hearing Officer shall be granted by the Administrator as a matter of right. If the Administrator finds, based upon the nature of the requested modification, that the modification can be accomplished in a timely fashion so as to not disrupt original review periods, then said review shall proceed and a hearing shall be held within the original 60 or 90 calendar day review period referenced in Section 10.03.02.C.1.
2. If the Administrator finds that additional time is required to review said request, then County staff shall have an additional period to review said request. The scheduled public hearing before the Land Use Hearing Officer shall be convened and continued to a date certain to allow additional staff review.
3. Requests to modify an application, filed after the date of mailing of notice for the hearing before the Land Use Hearing Officer, shall be considered by the Land Use Hearing Officer at the public hearing. The Land Use Hearing Officer shall grant said request as a matter of right.
4. Any modifications or changes, as listed in Section 5.03.04, to a general development plan filed less than 20 calendar days prior to the hearing shall require a continuance of the application to future hearing.
5. If the Administrator finds, based upon the nature of the requested modification and the review criteria contained in 10.03.03.E herein that renote of the application as modified is required, then the Administrator shall establish a continuance date for the public hearing and shall direct the renote of the application by proof of mailing as modified. During the interim, appropriate staff shall have an opportunity to review said application as modified and submit recommendations.
6. If the Administrator finds, based upon the nature of the requested modification, the review criteria contained in 10.03.03.E above, and County staff comment that additional review is required, then the Administrator shall establish a continuance date for the public hearing. During the interim, appropriate staff shall have an opportunity to review said application as modified and submit recommendations.
7. If the requested modification does not require notice or review, then the Land Use Hearing Officer shall consider the application as modified and submit a recommendation in accordance with the terms contained in this Code.
8. Requests to modify an application filed after the conclusion of the hearing before the Land Use Hearing Officer, but no less than ten days prior to the scheduled review by the Board of County Commissioners, shall be referred to the Administrator who shall grant said request as a matter of right. The Administrator shall assign a new public hearing date and thereafter process the application as modified in the same manner as a new application. The applicant, shall, within three days of requesting said modification mail notice of the new public hearing date to all parties of record. Requests to modify an application filed within ten days before the scheduled review by the Board of County Commissioners shall be considered by the Board on a case by case basis. If the remand is granted, the applicant shall mail notice of the new public hearing date to all parties of record in accordance with the notice procedures outlined in Section 10.03.02.D.
9. The modification must exhibit changes as described in 5.03.04.D Major Modifications in order for the Administrator to assign a new hearing date as a matter of right. Applicable fees for processing a major modification shall be assigned by the Administrator.
10. With the exception of those requests which may arise during the course of the hearing before the Land Use Hearing Officer, all requests for modifications shall be in writing and shall be filed with the Clerk of the Board and the Administrator.

##### B. Withdrawal of Application

1. The applicant has the right at any stage of the proceeding to withdraw the application upon written notification to the Administrator.



2. The applicant may also withdraw the application on the record, either verbally or in writing, at the public hearing or public meeting where the application is scheduled to be heard by the Land Use Hearing Officer and/or the Board of County Commissioners.
3. Nothing contained herein shall authorize a Land Use Hearing Officer to waive or refund any filing fee.

(Ord. No. 99-25, § 2, 11-18-99; Ord. No. 99-26, § 2, 11-18-99; Ord. No. 04-46, § 2, 11-4-04; Ord. No. 06-18, § 2, 8-1-06; Ord. No. 08-29, § 2, eff. 2-1-09; Ord. No. 10-9, § 2, Item A(10-0170), 5-27-10, eff. 10-1-10)

#### Sec. 10.03.06. - Party of Record

##### A. Defined. A Party of Record is:

1. A person who was present at the hearing before the Land Use Hearing Officer and presented either oral testimony or documentary evidence.
2. A person who was notified of the hearing before the Land Use Hearing Officer by proof of mailing pursuant to the terms of this Code.
3. A person who submitted documentary evidence to the master file two business days prior to the Land Use Hearing Officer hearing or by proxy during the Land Use Hearing Officer hearing.

B. Relationship to Law of Standing. The description of Party of Record contained herein is in no way intended either to broaden or restrict that group of individuals recognized by law to have standing to contest a decision of the Board.

C. Staff of the Planning Commission, County departments, and other regulatory agencies shall not be considered a party of Record. However, such staff shall be limited to the record.

(Ord. No. 97-18, § 2, 12-18-97; Ord. No. 99-25, § 2, 11-18-99)

