

TIMBER POND III

Homeowners' Association, Inc.

P.O. Box 1773
Mango, FL 33550
www.timberpond3.com

Zoning Hearing Master Hearing April 4, 2006

Application Number: RZ 06-541 BR
Applicant: Mainstreet Homes, Inc.
Location: South side of Rosier Rd., 850' West of Pam Dr.
Folio Number: 67351.0050
Acreage: ~21.17
Comprehensive Plan: Res-6
Service Area: Urban
Impact Fees: Fees Required
Existing Zoning: ASC-1
Request: Rezoning to PD for Single-Family, Residential

The meeting was held at the County Center, 601 E. Kennedy Blvd., Tampa, FL 33602 on Tuesday, April 4th, 2006 at 6 p.m. . In attendance from Timber Pond III subdivision were:
Felipe Cuesta, President
Nancy Striker, Secretary
Valerie Norstrom, Architectural Committee Chairperson
Sondra & Mike Cliggitt, Architectural Committee

The meeting was called to order and the pledge of allegiance was said. The members of the dais were introduced:

Andrew Baker, Zoning Hearing Master
Brian Grady, Planning and Growth Management Zoning Administrator
Stephen Griffin, Planning Commission
Lewis Whitehead, County Attorney's Office
Tylon McGee, Planning and Growth Management
Glen Shopmyer, Transportation Division

It was explained that this is a public hearing for rezoning petitions, the first of a two-step process. This is the time for all interested citizens and rezoning applicants to present evidence and testimony. All speakers are sworn in under oath. The evidence presented will become the complete factual record of each case, and after tonight's hearing, the record closes, and no new evidence may be submitted hereafter. The Land Use Hearing Officer does not make the final

decision, but instead, he makes a recommendation to the Board of County Commissioners. The Hearing Master will file a recommendation for each petition heard tonight on April 25, 2006

The second part of the rezoning process is a public meeting before the Board of County Commissioners. Tonight's petitions are scheduled to be heard by the Board at their May 23, 2006, Land Use Meeting. The Board will only consider the record, and the Zoning Hearing Master's recommendation, in making a final decision on the zoning petition. The Board is not required to hear oral arguments at the public meeting. However, the Board may elect to do so from those who are a party of record, and who file for oral argument within ten days after the Zoning Hearing Master's recommendation. Requests should be filed with the Clerk of the Board of the County Commissioners on the 12th floor at the County Center. For further information, please call 276-2058. Keep in mind that only the comments that are said here tonight can be repeated before the Board of County Commissioners. It is the role of the County Attorney's Office to ensure that no new evidence is submitted at the public meeting before the Board, and only those who properly file for oral argument speak before the Board. The Board of County Commissioners makes the final decision on any land development request.

The process for hearing zoning cases is as follows: the petitioner has 15 minutes to present their petition. Then Planning and Growth Management staff has 5 minutes to present their comments and recommendations. Then the Planning Commission will be allowed 5 minutes to present their portion of the staff report. The proponents, those in support of the petition, will be allowed 15 minutes to present their support. Opponents, those in opposition to the petition, will also be allowed to have 15 minutes to present their opposition to the petition. If appropriate, then, staff will have additional time to present any recommendations or changes. Following that, the applicant will have 5 minutes to present a final rebuttal to the comments that have been presented.

Brian Grady: The next item is item number 17, rezoning application 06-0541. The applicant is Mainstreet Homes Inc. The request is to request from agricultural single-family conventional-1 to a planned development for a single-family residential subdivision.

Judy James: 325 South Boulevard. I represent the applicant. And this is a request to rezone to planned development a 22-acre parcel for 17 single-family homes. The property is located in north Brandon off of Parsons and Clemmons Avenue. It's designated a Residential-4 under the comprehensive plan. The wetlands have been delineated on site by EPC and there are 7.24 of uplands. The wetlands surround Wee Lake and the project has been designed to keep the large trees on site and limit the impacts on the wetlands. There is nothing proposed on the wetlands. We have a valid wetland established by EPC. The wetland crossing that is for a proposed emergency access to -- the road to the north and also to relocate an existing drainage ditch.

The proposed lot sizes are minimum of 70-foot wide, 120 feet deep, 8400 square foot minimum. Because of the unique characteristics of this site, these lots will be developed for custom homes and the developer has designed the project with a 30-foot right of way, utilities, and retention for the road. But he will not be doing the mass grading. The developer will be in charge of the road and the utilities. Each lot will be individually graded so that the homes can be customized around the trees and to address some of the fill issues. We do know that the 30-foot right of way requires an additional step that's not part of this process, but we wanted to put it on the record that would require a waiver of the subdivision regulations. However, if you can see on our site plan, we were very sensitive to the trees on this site. The road meanders. And that wouldn't be possible with the 50-foot right of way. The site is in the area that has had flooding

areas in the past. My client owned it when it flooded in the hurricanes. He's met with Storm Water and Public Works departments to help craft a solution that would solve not only the flooding problem for his property, but the other projects and other homes in the area.

According to the e-mail of March of 2005 and December 2004, which is in the package, the County is recommending a new capital improvement program from this property to Windhorst Road and is also seeking funding to establish it as a CIP project based on the study they have done to relieve the problems in the area. When you read the e-mails from the County, you'll see that they talk about the drainage basin centered around Lake Meade and then the drainage basin that stays with Wee Lake and then heads up to Lake June. Well it goes across the road and up to Lake June and up to Windhorst. The property is right in this area.

As part of the County's solution to the problems with Wee Lake, you've got Timber Pond to the west and to the south and the homes along Clemmons Road. A quote from the e-mail: "A major contribution to the flooding in Wee Lake is that the large contributing drainage basin and the insufficient outfall capacity to and through Rosier Road and then through to Windhorst. There is an existing drainage ditch that connects Wee Lake to this Lake June across Rosier; however, it's overgrown. The County has not been able to get in there and maintain it. One of the conditions that's proposed is that we would relocate that drainage ditch and we would work with the County to develop it according to their proposed plans.

The County's also seeking to provide some storm water drainage treatment off of Clemmons Road. Currently, as I understand it, the drainage from Clemmons Road goes directly into an outfall on Wee Lake. There is no treatment, there is no filtration. And another condition requires that we address that. Mr. Hubbard has also suggested in his correspondence to ensure that the County is looking for funding. And the applicant would appreciate any impact fee credits or financial assistance if we do them as proposed under the conditions.

The lot sizes that we use, the 70 by 120 were established to be compatible with the surrounding area. In the Tangelo subdivisions, the lots are about 70 feet wide; some of them are about 113 feet deep, others 65 feet wide, 130 feet deep. But the widths are comparable. Again to the south you have subdivision of 70 by 120. And the same over in the Timber Pond area. This project will be connected to public sewer and water and sewer. And we had a citizens meeting. Concerns were raised: drainage, wildlife, compatibility. As shown on the site plan there will be a minor impact to the wetland. There will be a small impact to connect to Rosier Road. Both impacts are subject to approval by EPC and we can only go forward if they approve them. There are no lots proposed in the wetlands. And as to the wildlife, we're required to do the studies prior to preliminary plat approval. My client, in your package, you'll also see a proposal to clean the nuisance species out of the lake and spend \$70,000. This will improve the water quality of the lake. We do have the engineer to address the issues about the flood plain. The road and the majority of the lots were designed to lie outside of the flood plain and portions of the lot itself lie within the flood plain. There are construction options such as stem walls, lot specific grading which can be utilized. If you look at the conditions in condition #3, we would ask that that be deleted. I did discuss this earlier with Brian. It relates to parking requirements. And that doesn't apply to a single-family subdivision. Conditions 10 and 11 are the two conditions that refer to the Public Works plans that they would like us to implement for them regarding the outfall to Rosier Road and the connection to Clemmons. I would just ask that we would follow plans prepared by the County. We've never seen those plans. We weren't able to obtain copies of them. If you would just add a condition, phrase or as otherwise approved by Public Works, that gives our engineer the opportunity to work with the Public Works

Department and maybe incorporate the designs into our subdivision.

Finally, the standard condition that says we're supposed to have sidewalks on both sides of the road. Because of the design of this subdivision, with the road and lots only on one side of it, we are going to be asking for a waiver. Again that's not part of this parcel, but I would ask that it state sidewalks be located on both sides of the road unless otherwise approved. So we don't have to have a zoning condition for sidewalks and we could go ask for a waiver. With that, I'd be happy to answer any questions and we ask your approval.

Andrew Baker: No questions at this time. We'll hear from staff.

Tylon McGee, Planning and Growth Management: This is rezoning 17-acre site to a planned development. The applicant is asking for 17 single-family homes on a vacant parcel.

As stated, the applicant is proposing 8400 square foot, lots that are consistent with the area. And in the surrounding area, an established community with RSC-6 is to the south and east of the site. The site has approximately 7.24 acres of upland. And based on the comprehensive plan, with the wetland, the applicant can yield a maximum 43 units. The applicant is proposing a maximum of 17 units. Also staff has conditioned the site to where the applicant will provide a 6-foot solid screening adjacent to the ASC-1 zoning to the north of the site. As far as the changes to transportation condition outlay, Glen addressed that. And Brian if you can address the changes to condition 10 and 11.

Brian Grady: Staff doesn't have objection to the deletion of condition 3. Regarding condition 11, my assumption is that was crafted by the Public Works Department. I think what Miss James requested was that unless otherwise approved by the Public Works Storm Water Management section, as long as that review and approval is subject to them, I don't necessarily have a problem with providing that flexibility. Again provided that any kind of review and approvals are at the discretion of the Public Works Department. I'll have Glen respond to the sidewalk issue.

Glen Shopmyer, Transportation Division: I'm assuming that the contention here is the "and maintain" again? Both sides of the street, when the units are only on one side.

Brian Grady: He's asking for flexibility to ask for potential waivers of that as part of their alternative right of way design for their roadway.

Glen Shopmyer: I believe we could allow that because from my recollection, the code does allow for the sidewalk waivers within the site but not exterior along public roads. It would be internal only. Our condition, then, should -- if applicable, the developer shall construct and maintain sidewalks within the right of way along roads interior to the site. As long as it is going to be a private road and private sidewalk, it should remain as "and maintain." Now the exterior sidewalks along any public road, they should construct but not necessarily have to maintain, again because of the state statutes. But interior, if it should remain as a private road, I think it should remain as "and maintain."

Also at this time I'd like to enter into natural resources' comments. Basically saying that staff has no objection to the requests subject to conditions. Thanks.

Andrew Baker: Thank you. Planning Commission?

Stephen Griffin: Thank you, Mr. Hearing Master. The requested rezoning is within the residential-6 land use category: category provides for residential development maximum up to 6 units per acre. It's also within the urban development area of the Urban Service Area. This proposed development of 17 single-family homes on 21.17 acres would be at a density of about .8 units per acre and that would be far below the density limit of the Residential-6, and still consistent with that Residential-6 category. This proposed development is in an area of single-family residential development. You have single-family subdivisions. You have

scattered single-family homes on individual lots. The requested rezoning development plan would be consistent with that pattern of single-family residential uses.

The site does contain a large wetland area that greatly reduces the potential for development of this site. However, the site is inside the Urban Service Area, where the County growth management strategy encourages higher densities. But, given the compatibility uses, the environmentally sensitive nature of the site, the proposed density would be consistent with the Comprehensive Plan for development inside the Urban Service Area, when you have those conditions provided for this particular site.

Based upon these considerations, Mr. Hearing Master, the Planning Commission finds the requested rezoning consistent with the future of Hillsborough Comprehensive Plan, subject to those conditions as prepared by the Planning and Growth Management Department.

Andrew Baker: Thank you very much. Is there anyone in the audience in support of this petition? Anyone in support? Anyone in opposition? Please come forward and give your name, please.

Mary Beth Sultenfuss: 713 Rosier Road. Our property is on the north side of this development, which would be on the edge of the road they're proposing, and right on the edge of the houses. The property is 21 acres. Only 7 acres of this is buildable. The entire piece is almost surrounded by 1-acre home sites, not 6 to the acre. There's a small portion on the east side that has 6 to the acre. What is buildable is on the north side where every home is on a minimum of 1 home per acre. This is not compatible.

As far as the drainage issues, the problem is the County allowed a subdivision and roads to be built over what was a creek bed that connected the lakes that are southeast of this lake, which allowed it to drain through. Every year, the County has to set up pumps on Rosier Road and for months has to pump water from the lake south of here to this lake, to Lake June, and so forth. The problem is not that they haven't maintained overgrowth. The pipes that connect the lakes aren't big enough. There is no pipe between the one south of here and you've allowed more development and it's all coming that way. We also have drainage coming from the north into Wee Lake, which is just natural drainage from the way the land is structured. If they raise the elevations for 17 homes there, the homes on the north are going to get flooded. And I understand that there's ways to work around this, but it's still a major issue for us.

The road that they're proposing to put through: these are the trees they're going to fit through, if you let them, a 30-foot road. It's supposed to be a 50-foot road. There's no way you can meander, go straight or anything, put a 30-foot road, leave the trees, build houses and not get them in the water. There's just not enough room for all that.

Road access: they're proposing that they have an emergency exit on Rosier Road. They have no legal access to Rosier Road. Rosier Road from Pam Drive is a 25-foot wide dirt road that we own and maintain. They have no access to that road. Clemmons Road, which is their only legal access, is only 30-feet wide.

We've got the major flooding issues. If the zoning were to remain one home per acre, if the County would work with these people and allow some kind of roadway to get to it and help a little bit with the water and sewer issues, you need that lake to pump into. There's no way with the problem that was created. That would be a fair exchange. They would be happy. They could develop something. Keep it within the one home per acre. Wouldn't cause as much problem as this is going to cause all the way around.

Andrew Baker: Thank you very much. Next?

Sondra Cliggitt: I've lived in Brandon for 30 years and I have lived at 1119 Belladonna Drive,

Brandon 33510 since 2001. And I'm representing just one of three groups here tonight. My husband and I sit on the Architecture Committee for the homeowner's association for Timber Pond III. Also present here tonight is its President, its Secretary, and several homeowners from our subdivision.

I'm extremely concerned about the planned development for the property to the east of my home, which is in a flood plain. In order to go quickly, I would like to share some pictures. Let me just show you where I live on the map. This is the acreage; the orange dot is 1119 Belladonna Drive, which is right here in all of this area. I was sworn in, so I can attest that these pictures were taken on my property. And the pictures I'd like to show you are from the Summer and the Fall of 2004. This is my backyard. You can see here a road that runs behind our house. It took the pumps about three to four months, the pumps located down on Rosier, before this water began to recede. You can see here a road that runs behind my house. And you can see here where the road is completely crested over. I do want to make the point that these photos are from 2004, not 1997. I did not own the home in 1997. I understand the conditions were much worse then. These pictures show what the property looks like now. These pictures were taken last week. But this is all a retention pond. And you can see the drainage culvert here the way it is supposed to look.

It's terrifying to me to think about how much worse these pictures might look if the flood plain is actually altered by this development. I respectfully request that these photos become documentary evidence and that you consider the very negative impact approval of this rezoning can have on this existing neighborhood. Thank you.

Andrew Baker: Thank you.

Bruce Miller: I live at 608 W. Jersey Avenue in Brandon. I brought my own ELMO operator with me this evening, my wife Theresa. Here is a plot plan of the development. And she has the pencil on our property. That's 2.5 acres. It's not 120 by 70. All of those plots up there are an acre or maybe even a little more. So they're telling you that this development is based on 120 by 70 and I see like four houses there on small lots.

I have a question, if that's okay. What's the process that this board goes through when an applicant reschedules a hearing? Are they moved to the bottom of the agenda? Is that modus operandi? Because this meeting was for yesterday. And then we got a note that it was rescheduled for today.

Andrew Baker: We'll ponder that question while you proceed.

Bruce Miller: On March 29th, Mainstreet, the developer and the representatives and their lawyer, had a little meeting. And at that meeting, I learned that originally this development was for five homes on this 21-acre track. But you people wouldn't allow it. That's what they told us. County wouldn't allow it. So now they've come back with 17 homes and it appears that you're about to allow it.

Well, given the recent tenor of discussion between BOCC and the SDHC, you had a fine opportunity to look at the acreage homes around this lake, limit the amount of impact that you are going to have on schools, and keep it at five. That would have sent a message that we are concerned about Brandon High School and Limona and overcrowding. Now you got these 17 homes going on 7 buildable acres. That's way more than one per acre. I know that lawyer speak will change that all around. Right now, there's a development going on at the top of the subdivision. Agenda item number 7 this evening was at Windhorst and Telfair for another development in this area that's going to overcrowd the schools. Miss James, I thought, indicated that the drainage situation starts with Wee Lake--it does not. All of the water from Parsons and

Windhorst, all along Parsons down practically to Victoria, goes into that drainage basin. It goes into Meade Lake, because the Planning Commission and BOCC appear to be afraid to say no to a developer. When they built Timber Pond II, they let them build a dam between Meade Lake and Wee Lake. And so three years later, they came back; they put in a pump system to get water out of Meade into Wee, into the ditch, into June, into the bypass canal, into the bay. I've lived on Wee Lake for 17 years. Please take the opportunity to base this decision on the property to the north and my little 2 acres of paradise there in the south. Thank you.

Andrew Baker: Thank you. Next?

Theresa Miller: I live at 608 W. Jersey Avenue. That was my husband. I just wanted to say we spent 14 years living in this home right here in Timber Pond subdivision looking at the beautiful piece of property where we have lived for five years now on West Jersey Avenue. We stayed in this area because we love and cherish this piece, this beautiful, I can't even describe to you how pristine it is. The trees next to our property are going to be eliminated because there's going to be a home there. You can't really see it on this drawing. But I know when I look to the north from my home, I see beautiful oak trees that are going to have homes on them. There is no way that a home will do anything but destroy these oak trees. I ask you to please consider not changing our zoning, and preserving the one hidden jewel that I have found in Hillsborough County. Thank you.

Andrew Baker: Thank you very much. Next?

Bobby Stubbs: I live at 705 Rosier Road and have since 1971. I also own 711 Rosier Road, which is a residential house. That would be this house and this house depicted as ASC development. However, I'm AR since I've lived there since 1971, and my wife was raised there. She's lived there since 1956.

I vehemently oppose this project for several reasons. One, first off, this is a basin. Looking at a flat picture, a drawing here, you can't see what the land really looks like. You can only hear what it looks like. And so I'm going to try to describe for you what the land looks like when I stand next to my house. If I look to the northeast and I look up, I see the end of Rosier Road. If I turn around and I look to the south, I look down and I see Wee Lake. It is a natural occurrence for water to run and shed across my property -- my property now -- which is right in the main path to be blocked by a road and a berm full of houses. They want to put 17 houses on a berm that runs through a meandering road. And I heard something mentioned about a 6-foot [*chime*] privacy screening. What does privacy screening mean? Does this mean it's going to be slatted wood? Does it mean it's going to be a concrete block? Are they going to cause more flooding in my backyard? They are going to create flooding in my backyard. And when my homes flood, the County's not going to send out a big pumping truck to dump the water out of my backyard that is caused by their over development of this property.

The second thing I want to bring up [*chime, chime, chime*] is this part right here talking about their retention pond. That's a nice retention pond. And it shows the water being flowing in there and so forth and so on. Of course it's like that five months out of the year now anyway. Because when the rains come -- and they will come -- starting in June, that part of the property, which all the water from Clemmons and the houses along Clemmons Road feeds into is full of water. Now how are you going to put more water into an already full bucket? It's already full! It's standing on the ground. It is a mosquito lake in the months of June through October. After the mosquitoes, it turns into a frog pond. The water eventually goes down through the ground, through the aquifer, and feeds to natural water sources that we have. And it is a natural occurrence that this occurs. When they put up this barrier which runs along this entire backside

of our ASC property, one house, one acre, and run it all the way from the northwest corner to the southeast corner, and how high is this road going to be? How high are these custom homes going to be? Are they going to be 4 feet off the ground on that natural berm that is built across the entire bottom side of that property and prevents water from draining its natural drainage through the property? Water can't move through a mound, a barrier, a dam, whatever you want to call it. But that's what they're going to build. It's going to be a dam. It's going to be a barrier for water. And all of that water is going to start flooding our property on the backside of the ASC-1, which is what's all the way around this property. Not six houses to the unit. Who is going to --?

Andrew Baker: Sir, I need for you to sum up. There's other people who want to speak.

Bobby Stubbs: I could go on all day! I vehemently oppose this.

Andrew Baker: Thank you very much, sir. So the chimer that went off that you guys probably didn't hear, was stating that the time was up. So if you've got additional information you want me to consider, just add that to it. Let's not be repetitious on these last two, because there are other people that are waiting, too. Thank you very much.

Marie Hunnicutt: I live at 737 Rosier Road, which is the property to the north of the area of development and just west of the drainage ditch. My home has been the location of the pump for the last few years. I work with Mr. Hubbard every year when flooding begins, to facilitate the placement of the pump on my property. It sounds like airplanes. But we're happy to do it in order to help the people in Timber Pond and the other people in the area, so as to alleviate the flooding problem. This began, as everybody's mentioned with the development of Timber Pond. And the water flow has been stifled through the development. I am very concerned, as everyone else has mentioned, about the drainage. I appreciate very much Mr. Hubbard's commitment to resolving the problem. But we've heard the problem and the commitments to resolve them for many years now. And putting the pump on my property every year really restricts access to the property. I'm concerned about access to my property if that drainage plain is expanded, how will I be able to access my property off a privately maintained road? It's extremely difficult now and very complicated when we have a pump out there, County vehicles, and people hanging out to watch the pump work, and hook up the pipes. So the solution, I would respectfully propose, needs to be one that addresses the long-term drainage problems, which have occurred in the area as well as those that may be created. I understand the need for development. I understand that that is the way all vacant property in north Brandon is going. However, I would hate to see further problems created through not properly addressing the drainage issues. And I hope you will listen to people who have been working with the County now, year after year after year, with no resolution to our problems.

Andrew Baker: Thank you very much.

Valerie Norstrem: 1120 Belladonna Drive. I'll be very brief, because a lot of my concerns have been stated so far. Basically the conditions in 9, 10, 11 and 12 in the staff report are what scare me. I just don't see how the builder can meet whatever the Storm Water Technical Manual's requirements will be, regardless of what they have presented in front of you this evening. I share the same concern about flooding, and have seen tremendous water in my backyard, which faces Belladonna Drive. And with respect to just going ahead and approving this zoning request and just hoping that we meet the Storm Water Technical Manual's drainage and water processing properly, please don't do that to us. Thank you.

Andrew Baker: Thank you. Additional comments from the staff?

Lewis Whitehead, Assistant County Attorney: Mr. Hearing Master, I respectfully ask anyone

who thinks they may want to speak before the Board to place their name and address on the record tonight.

Andrew Baker: Is there anyone else here for this particular petition that wants to just come up and state their name for the record? Thank you Mr. Whitehead.

Jean McLean: 1117 Belladonna Drive in Timber Pond.

Mike Cliggitt: 1119 Belladonna Drive. Next-door neighbor.

Tim McLean: 1117 Belladonna Drive.

Janet Holzman: 1115 Belladonna Drive.

Ed Holzman: 1115 Belladonna Drive.

Linda Dorbad: 526 Clemmons Road.

My name is **Sharon Clemons**, at 520 Clemmons Road, Brandon, FL. My name is spelled C-l-e-m-o-n-s, not two m's.

I'm **Jerry Clemons**, the better half. I mean the other half.

Jennifer McClure: I'm at 516 Clemmons road. And I'm the daughter of those two.

Connie Stubbs: 705 Rosier Road.

Fil Cuesta from 705 Catalpa Place. I'm the homeowner's association President.

Nancy Striker: I live at 708 Catalpa Place. I'm the Secretary for Timber Pond III subdivision.

Andrew Baker: Thank you very much. Any other comments from staff?

Brian Grady: In response to the question about the agenda order: basically they are put on the agenda in the order they are numerically. You'll notice if you look at the agenda that they are just put there in numeric order, from smallest number to largest number. So, there's no other way that we do that.

Judy James: But I did want to review some comments that came up in terms of the e-mails that went back and forth between my client and Mr. Hubbard back in last March and December. And if I could just read to you from Mr. Hubbard's e-mail: "Prior to the extension of Jersey Avenue, Wee Lake did overflow into Lake Meade. In extreme periods of rainfall, they both filled up and then flowed north to the above described system. Until the system of ditches and culverts were constructed, they were both considered as one large, closed basin and that they had no outlet, but filled up until they both overflowed their banks. Now because Jersey Avenue is extended, Lake Meade is again a closed basin. Based upon an internal investigation of the pumping in Meade Lake and Wee Lake, I discovered", and then he goes on to talk about how the pumping operation works. His conclusion is "I have to agree with your analysis of the situation that what appears to make the most sense is to work out an arrangement, whereby the County develops an engineering recommendation for solving the outfall problem by relocating or expanding your ditch." And then if you look to the proposed zoning conditions, that's exactly what the County has asked us to do. It's not because of our development that this is happening: it's an existing problem. But we're willing to work with the County to provide a solution for. And it's above and beyond what's caused by our development. Number 10 says, "due to existing hydraulic conditions in Wee Lake, site infrastructure improvements shall include a retention pond or a wetland filter to be located next to the west end of Clemmons Road in accordance with plans prepared by the Public Works Storm Water Management section", and I added "or as otherwise approved by the Public Works." Condition 11 – "the site's offsite infrastructure improvements shall include the relocation, up grading the existing ditch from Wee Lake to Rosier Road, and the construction of a new culvert under Rosier Road to connect it with Lake June in accordance with plans prepared by the Public Works." So now we're being required to do offsite improvements on lands that we don't even own. And number 12 says that we're going to "dedicate a drainage

easement over the Wee Lake outfall.” So the County has asked us to do offsite improvement, the County has asked us to give them land, and the County has asked us to do improvements and we're willing to do all of it. Now there was a comment made about there were five homes submitted before. It was actually seven homes. But they were on well and septic tank. This is in the Urban Service Area; you can't develop on well and septic tank in the Urban Service Area. We could have 2 homes and 3 with a waiver. In order to provide for connecting to the public infrastructure and public water and sewer, building roads to County standards, we've asked for 17 homes. I'd like to go back to put on the ELMO an aerial. The comments were made that this property right here and Wee Lake is not surrounded by 7,000 square foot lots. If you look at Wee Lake in its assembled wetland system, that's exactly what goes along it. Timber Pond, all the areas to the south. There are some one-acre lots up here on Rosier Road. I will admit if Rosier Road is a private road, then we won't use that for access. We've provided as emergency access obviously if we don't have access to it, we won't use it.

I do have a map to show for you. The flood plain map off the County's website. This road right here is Belladonna Road. This is Timber Pond III. The pictures that you saw tonight are homes that are located within an existing flood plain. The development we're proposing is over here. As you can see, the lake is obviously part of the flood plain, but we do have significant areas left that can be developed outside of the flood plain area. And we've gone ahead, we've had the tree survey done and identified the trees that we can save, and we meandered the road. I'm not the drainage engineer, but I do have one here tonight to make a few comments on the record. Thank you.

Andrew Baker: Thank you.

Josh Bradley: Johnson Engineering, 1845 Collier Parkway (Lutz). I just have an aerial here I want to show real quick. That the red line, if you can see it here, the red line here does indicate the [*chime*] drainage basin area. I just wanted to show that real quick. So that is a closed basin around Wee Lake. Although we discussed the pumping in and out of Wee Lake, I also would like to show the existing survey. The FEMA flood plain maps in conjunction with the County storm water models show this flood elevation at 33.9, flood plain elevation of 33.9. That's approximately right here along the site. [*chime, chime, chime*] Basically you cannot impact the flood plain area without providing the exact amount of volume. So typically that's done in between the homes. And this can and will be done. We will design this site in accordance with Hillsborough County and Swiftmud and APC requirements, which will not allow us to impact the flood plain. Or not impact the flood plain without providing compensation, cup for cup, volume for volume.

Andrew Baker: Thank you very much.

Judy James: That concludes our presentation, unless you have any questions.

Andrew Baker: No questions. Thank you very much. We'll close the public hearing.