



Homeowners' Association, Inc.

P.O. Box 1773

Mango, FL 33550

www.timberpond3.com

Board of County Commissioners Land Use Meeting May 23, 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, May 23rd, 2006 at 9 a.m. In attendance from Timber Pond III subdivision was:
Nancy Striker, Secretary

Present from Mainstreet Homes was:
Judy James, Land Use Attorney

The meeting was called to order and the pledge of allegiance was said. The members of the various agencies present were:

Paula Harvey, Planning and Zoning Division
Adam Gormly, Assistant County Attorney
Stephen Griffin, Planning Commission
Richard Cabrera, Planning and Growth Management.
Ken Hagan, Vice Chairman, Board of County Commissioner, District 2
Kathy Castor, Board of County Commissioner, District 1
Thomas Scott, Board of County Commissioner, District 3
Ronda Storms, Board of County Commissioner, District 4
Brian Blair, Chaplain, Board of County Commissioner, District 6
Mark Sharpe, Board of County Commissioner, District 7

Paula Harvey: D-7 is rezoning petition 06-541. Mainstreet Homes, Incorporated, is asking for consideration to rezone a 21.17-acre site south side of Rosier Road, west of Pam Drive in Brandon. The rezoning is for a single-family residential use. The applicant is actually proposing to construct 17 single-family homes on the project. The primary issues, so that the Board understands, that the public was concerned about in this petition were regarding drainage in the area. We've asked for Public Works Staff to be in attendance today if you have questions regarding those issues. The Zoning Hearing Master did recommend approval, subject to conditions, and oral argument has been filed.

Thomas Scott: Move to open.

Ronda Storms: Second.

Ken Hagan: Motion to open for oral argument. Please record your vote.

Recording Secretary: The motion carried 4-0.

Thomas Scott: Ms. James--back again?

Ken Hagan: It's the Judy James show today. Good morning.

Judy James: Good morning. I'm Judy James, 325 South Boulevard. This is a request to rezone a 22-acre site in north Brandon for 17 single-family homes. There are 7.24 acres of uplands on the property, and we are proposing only 17 homes. Under the Res-6 category, we could have over 40 homes on this project. As shown on our site plan, the wetlands have been delineated on the property, and we have no wetland intrusion except for the relocation of the drainage ditch, which the County is requesting. Again, I'm trying to keep everything going to the north. Here's our property. Here's Wee Lake. Our access will be off of Clemmons Road. As you can see on the site plan, we've already done the tree survey on this site, and as part of the application, this site plan is showing a 30-foot right-of-way for the road in order to allow it to meander among the trees. That is not part of the approval for today. That would be separate waiver from the County later on in the development process. However, there is a waiver of the standard condition that says you have to have sidewalks on both sides of the road. We've asked that that be changed to allow for sidewalks on only one side if approved by Planning and Growth Management, and basically that's because our homes only are on one side of the road. Going back to the site plan, here's our wetland line. We're staying outside of the wetland. The lots are a minimum of 8400 square feet; however, most of them are over a quarter of an acre or so. When you do the math on this, the average lot size would be over a third acre. This in the corner, we did meet with EPC. They are aware that this is a wetland area. That's where the existing drainage ditch is going. The County Public Works Staff needs to relocate that drainage ditch, and that's what we're showing on our site plan. We originally showed access to Rosier Road; however, at the hearing it became very clear that the neighbors -- this portion of Rosier Road right in this area here is not a public right-of-way, so we'll be eliminating a proposed emergency access onto Rosier Road. When I go to the issue of drainage, this area is in a flood zone in terms of Wee Lake and Lake June and Lake Weir, and let me just show you here, this is a map of the flood zone for the area. Again, here's our property. Some of the surrounding homes you can see on Rosier Road. [The floodplain does come down Rosier Road.](#) Also over in Timber Pond, some of those homes are currently existing in the floodplain. We have -- most of our road is out of the floodplain. Most of the homes will be -- with the 17 lots we're proposing, that these will be custom-built homes so that a builder has the option of using stilt-built or limited fill, however they need to do for each lot. Looking at the drainage -- and I'm not the drainage engineer, but I'm just going to do some quick overall -- Lake Mead and Wee Lake were at one time connected. They've been bifurcated by the extension of Jersey Avenue through the area. Then you have -- so now Lake Mead focus acts as a closed basin. Wee Lake is connected to June Lake with this drainage ditch system that's overgrown. My client owned this property back in 2004, when there were the problems with the hurricanes. In the backup, there were numerous e-mails back and forth with Public Works in terms of a CIP project that Public Works has planned for this area, and Public Works reviewed the zoning. They included three different conditions that said we would meet, actually, to help them with their CIP project. Going back to the site plan, Public Works needs to relocate the drainage ditch here and here along Rosier Road to

help open up that connection between Wee Lake and June Lake. They also need -- the drainage right now from Clemmons Road just dumps into the project. They need some pretreatment and a linear pond taking the drainage from Clemmons into Wee Lake to help that problem, so we've agreed to that condition, that we would provide drainage for Clemmons Road coming into their site, we would work with the County, the Public Works, with their CIP, to relocate it. Subsequent to this meeting -- and just to put it on the record -- there was a meeting with Public Works in the neighborhood. They've explained the project to the citizens as to what is needed to improve the drainage in the area. We believe that the project is compatible with the surrounding area. If you go back to this map, you can see the number of lots. Res-6 is the predominant zoning in the area. We're larger than that. We do have some larger lots on our northern boundary. We tried to be compatible with those. Our lots are oriented towards the lake, not towards them, and we would ask your approval. I'll be happy to answer any questions and save some time for rebuttal. Thank you.

Ken Hagan: Thank you. At this time, we'll hear from those that are here in opposition to the application. You have a total of 15 minutes. Good morning.

Mary Beth Sultenfuss: My name is Mary Beth Sultenfuss. I live at 713 Rosier Road. I'm on the north side of this property, where the homes are being built. On the east side of this property, right here, there's less than 300 feet that borders a neighborhood of Res-6. The rest of the 21 acres, this entire surrounding here, is ASC-1 property. There's only 7.24 acres of upland. The only land that can be developed is on this north and northeast end. While 17 homes on 21 acres sounds very generous, the reality is these homes are crammed up against this north and northeast end. Only four of the 17 proposed homes will be next to this neighborhood right here of the RSC-6. This is not comparable to the surrounding area, and it will have an adverse impact on the adjacent properties. The County states that our homes to the north will be buffered by the trees that will be saved and a small retention pond, but the developer is planning to put a road along our fence line. They can't fit a road, the trees, and houses without pushing those houses into the water. Those trees are going to be gone. And we're talking about grand oaks, not swamp maples. There is a market for one-acre home sites. There's no reason to build on every inch of land left in this County, especially areas that are facing major flooding problems without being developed. The County needs to use this property to relieve drainage problems they allowed from developments to the south and to the west. The landowner and the County could work out a fair exchange of drainage easement and provision of water and sewer that would actually save the taxpayers money and satisfy everyone here. Please look at the map and proposed development and listen to those of us who live here. Keep the ASC-1 zoning and help with the water and sewer issue. It would be far less expensive for the County than the problems you're going to cause by changing the zoning. There is a market for one-acre home sites. The landowner will still make a profit, and there's no good reason to allow this development. And before anyone points out that this was recommended by the County staff and you vote for it out of fear of being sued, may I very respectfully suggest that we are all capable of making mistakes or missing something in the review.

Ken Hagan: Good morning.

James Burton: Good morning. I'm James Burton. I reside at 715 Rosier Road, and although my opposition may have been cleared up with Ms. James's statement that the developer won't use Rosier as an emergency access, I would nevertheless like to have my comments on the record in regards to that. There is a bit of an error in the -- and I don't know if it lies in the lap of the developer or the County road department, but this portion of Rosier Road right here -- my property is right here -- is, in fact, private property. In fact, from my property all the way up to Pam Drive right here is a 25-foot easement. It's a dirt road. It's not County maintained.

It's maintained by the property owners: myself, Sultenfuss, and the Stubbses have put a lot of our money into this road that washes out every time it rains. That in and of itself is another problem, and that Mike Hubbard with the storm water department is very familiar. In any event, I would oppose any sort of access from the developer via Rosier Road, that portion of Rosier I own and pay taxes on. I don't

think anyone has a right to give the developer a right-of-way through my property. Additionally, I would like to point out some of the drainage problems. All the water that runs off of Rosier Road collects in my front yard, and although there is some plan to relieve some of that, nevertheless, I think that the problem will be compounded with the addition of 17 homes in the area. Thank you.

Ken Hagan: Thank you, sir.

Bobby Stubbs: My name is Bobby Stubbs. I reside at 705 Rosier Road. I also own 711 Rosier Road, and I own all the property across the street from my Rosier Road residence. I am going to go to this map first. This is from the storm water department, where they're trying to get items done to correct problems of drainage in the area, and as you can see, right in the middle, this is Wee Lake. This is my home approximately right here.

Adam Gormly: Excuse me, sir. Can I interject? Was this exhibit shown at the Zoning Hearing Master hearing? At this point, the information presented to the Board needs to be limited to that information.

Bobby Stubbs: All right. That's fine.

Adam Gormly: Thank you.

Judy James: Wait. For the Board's purposes--Judy James, 325 South Boulevard--I don't object to them showing the map. I wanted to let you know it was new evidence, but I think it would help the deliberations today. Thank you.

Bobby Stubbs: Okay. I'll use this map.

Adam Gormly: With the non-objection from the applicant, I think it's appropriate to see that.

Ken Hagan: Please continue, sir.

Bobby Stubbs: Anyway, this is a lake. It is a basin. My home sits approximately right here. Okay? This is Rosier Road. If I turn off Parsons Avenue onto Rosier Road and I immediately accelerate to 25 miles an hour; I put my car in neutral, I will coast. I will go downhill all the way from Rosier Road to my property nonstop without ever using the accelerator because all of the water is coming across from Parsons Avenue, all through these homes and is all migrating down towards this lake, all through here, Clemmons Road and so forth. It especially passes through my yard and my neighbor's yard. Over here is a low area that's located between Rosier Road and Clemmons Road that the greater portion of the winter months, after the rain, is underwater. This is where they plan on putting a retention pond at a place that is already full of water. They plan on taking all the water off this road down through here, all this water through here, all this water that moves across here, and put it into this one location into an already filled bucket. In other words, this water is going to start expanding. I don't care how deep you dig that hole or how wide you dig that hole, the hole fills up with water, whether it's heavy rains or light rains over a period of time. They plan on putting a fence, a solid panel fencing along that northern side of this property, which is going to stop all the migration of water through here, causing a backup of water into my yard. They plan on putting a road along here that is going to stop all the migration, normal migration of water and add to the water and put it in this retention pond. They plan on putting seven or the vast majority of the homes along here and stopping the migration of water and putting it into this pond. This pond can only handle so much water, and you're going to have diesel -- diesel pumps down in my backyard dumping out this retention pond and going through the property to get it to this lake. You've all heard about Timber Pond. That's located right over here. All of the flood problems there were caused as a result of building across a natural flow of water, and that's why Davis Park, which is a County park, went underwater also. All of these things combined are -- are a recipe for disaster. You are going to build a dam across the back of this property. You are going to go from the one -- the north -- northeast side of this lake to the northwest side of this lake, and you're going to build a dam. Whether it is a road, or whether it's elevated houses, or whether it's a fence; the main thing here is you are building a dam. And this is the thing that has caused the problems in this area before, is blocking off the natural migration of water, okay. And there's no way to get rid of it once it starts collecting except by manpower and putting it over land through hoses. So all of these migration and water problems are going to occur as a result. It is strange to me that at this meeting now comes

up -- and they admit that, one: the largest portion of the parcel is in -- [is located in the floodplain](#). However, at the Hearing Zoning Master's report to the County Commissioners, item number 5, the proposed development is [outside the floodplain](#). Why was that statement put in there, that it's outside the floodplain, when from their own case reviewer for the zoning master stated it was in the floodplain? But now all of a sudden it's in the floodplain again, but they're addressing those issues. They've had two opportunities to address the issue. What are they going to come up with next, a variance from taking care of those issues? I have a concern about what's been going on here, especially when I see a recommendation coming down from the hearing zoning master -- and this is recommendations to you, as Board members, that you're supposed to take and listen to. Number one, based on the staff report, the reason stated, the conditions -- they want you to approve it. Secondly, there is always conflict between new development enters an area that was constructed on well and septic. What kind of statement is that?? What does it infer?! What does it conjure up in your mind? That we were going to come in here in coonskin caps with muskets across our back after eating our breakfast of possum gravy and grits?

Ken Hagan: Excuse me, sir. I hate to break up the breakfast here, but we have less than five minutes left, and I want to make sure the woman behind you has an opportunity to speak as well.

Bobby Stubbs: Yes. Well, I think there is a lot wrong with this development. It does NOT need to be approved. It's going to cause flooding, and we're on the record as stating it is going to cause flooding. And the grits and possum gravy were good.

[Laughter]

Ken Hagan: Thank you, sir. Next, please.

Sharon Clemons: My name is Sharon Clemons. I reside at 520 Clemmons Road.

Adam Gormly: Excuse me, ma'am. Excuse me, ma'am. Could you repeat your name please? I'm checking to see if I have you filed for oral argument.

Sharon Clemons: Sharon Clemons. Okay. What I'm here for is the Monday --

Adam Gormly: Ma'am, excuse me. I don't have you as filed request for oral argument for this meeting.

Sharon Clemons: That's what I'm just getting ready to explain to you.

Adam Gormly: At this point, the Board is limited to hearing oral argument from those folks who have requested it.

Sharon Clemons: If he gets here -- he was in an automobile accident. If he gets here in five minutes, can he speak?

Adam Gormly: Whom are you referring to, ma'am?

Sharon Clemons: Mark McClure. He is our speaker.

Adam Gormly: Mark?

Sharon Clemons: McClure.

Adam Gormly: I don't have an oral argument filed for that gentleman either. The other people who have filed who have not yet spoken are Michael Cliggitt, Sondra Cliggitt, and Dan and Jean McLean.

Sharon Clemons: He is supposed to be on there.

Adam Gormly: We can check the list, but we don't have record of yourself or the other gentleman filing oral argument at this time, ma'am.

Bobby Stubbs: May I resume please?

Ken Hagan: Please.

Bobby Stubbs: Thank you. Now, we got through with breakfast. I'm not here to contest a good neighbor asking to have a barn too close to my property. I'm not here to contest a fence that I might think is ugly across the back of my property. Or a road that's a few feet from my back door with rumbling tires in the middle of the night. I'm here to contest objects that are going to STOP THE NATURAL MIGRATION OF WATER ACROSS THE LAND. And whether you call it a berm, whether you call it fill, or whether you call it a levee, it is a DAM, okay. And it is going to stop the water movement across my -- across the property. It is going to cause an accumulation of that water, and that accumulation starts building up and it starts moving across, and it's called "flood." And that is

what's going to occur with this property. Because you are building a dam from one side of this lake to the other. And this is what's been done in the past, and this is the reason that the County has come to us, as residents of Rosier Road, and asked us for easement and right of entry to go in and correct problems so *Timber Pond* can be relieved from their flooding and that they don't have to come out and with pumps, and pump from one pond, to another pond, to another pond, to a drainage ditch, to get it out of the way. Folks, I'm talking about liquid, WATER! Mrs. Storms?

Ronda Storms: Mr. Chair, I just wondered if – sir (referring to Bobby Stubbs), if you're aware of Mr. McClure's objections and that you share them, perhaps you would want to take the opportunity to give him a voice of his concerns if you already know them and you share his views.

Bobby Stubbs: Is Mr. McClure here?

Ronda Storms: No. He didn't sign on the list.

Thomas Scott: How much time do they have left?

Bobby Stubbs: This is Mr. Clemons (pointing to a man in the audience). On Clemmons Road -- you might know-- in Brandon, Florida. This is Mr. Clemons.

Thomas Scott: The clock is ticking.

Bobby Stubbs: Yes, sir (Bobby Stubbs leaves the podium to speak to Mr. Clemons in the audience).

Thomas Scott: He (referring to Bobby Stubbs) has less than two minutes, so the clock is ticking, though.

Bobby Stubbs: (back to the podium) Mr. Clemons reminded me that the EPC recognizes that there is an underground stream in our area there and that excessive digging into lower areas should not be done. The director of ECP, Don Rogers -- Don Rogers. Okay? But anyway, folks, you know, I wouldn't be here pleading for this if there weren't a genuine concern. I should be at work. You're at work. I'm not. You have to be here. I have to be here too, because I want to get my point across. WATER IS GOING TO ACCUMULATE AND FLOOD THE AREA BECAUSE THEY'RE GOING TO BUILD A DAM. Thank you.

Ken Hagan: Thank you, sir. At this point, the applicant will have rebuttal.

Judy James: Commissioners, as you've heard, this property is currently zoned ASC-1. It could be developed with one-acre lots on the property. If the development occurred with the one-acre lots, however, it would *still have* a road. There would still be the problem with how do you develop a road on this property, and how do you make it so that the water can still come across from the northeast and come through into Wee Lake. We have to resolve those issues as part of the zoning. However, this PD is changing it from the one-acre lots to 17 lots, which are comparable to the area, but we're bringing in public water and sewer. In order to go with one acre, you can't do that in the urban service area and have well and septic tank. You're only allowed up to two lots on well and septic tank with a potential waiver for a third. So it's simply not economically viable to bring in public water and sewer to this property for seven one-acre lots. Seventeen acres was my client's break point. I mean, the Comp Plan was up to 42 lots. When you look at the floodplain issue -- [and there was an error in the Zoning Hearing Master's report](#). But, however, it's very clear in the record. This map was placed in the record that shows the floodplain line on this property and going north. The Public Works' comments were in this project and says, "Since the largest portion of the property proposed for rezoning is located within the 100-year floodplain, we were going to have to meet the compensation criteria." That is condition -- I believe it's 9. Then Public Works went on to say, "due to the 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 the plans prepared by the storm water management section." That's in the conditions. That is the condition that relieves the drainage problem coming off of Clemmons Road. The final condition, excuse me, the *next* one, says the off-site infrastructure improvement shall include the relocation / upgrading of the existing ditch from Wee Lake to Rosier Road, construction of a new culvert under Rosier Road to connect it to Lake June in accordance with the plans prepared by Public Works. Again, this is a County CIP project. They've come to us and asked us

to basically step in and do part of that CIP, and we are willing to do that. And the last one, the applicant shall dedicate a drainage easement over Wee Lake outfall. The only portion of that that is a little bit difficult -- here is where we'll have the improvements for Clemmons Road. We'll have the drainage easement, relocate that ditch, and there was a long e-mail that's in the record, and I'm not going to read it into the record, but the County went through and did a study, they submitted it to this Board as part of the Lake June/Wee Lake CIP improvement project, and these are the improvements they recommended. That's what they implemented through our zoning by asking us to do them. The only problem is that the County will need to acquire drainage easements from the neighbors that just spoke on Rosier Road, in order to continue that drainage outfall going to the north. But we've stated and we have it as a condition that we will take on the responsibility to work with the County to do those improvements, and we have recommendations of approval. We would ask your approval, and I'd be happy to answer any questions.

Ken Hagan: Thank you, Ms. James. Planning Commission?

Steve Griffin: Commissioners, the requested rezoning is within the Residential-6 land use category. It's also within the urban development area of the urban service area. This proposed planned development of 17 single-family lots would be at a density of less than one unit to the acre, which is far below the density of the Residential-6. The Comprehensive Plan does provide for higher densities inside our Urban Service Area; however, policy AA-1.3 does acknowledge for densities lower than three units to the acre, when we have issues of land use compatibility or where environmental features could be disturbed. And that is the case in this particular situation, where we have a compatibility issue and a large wetland system that has to be recognized. Overall, we feel that the proposed planned development does acknowledge the land use compatibility with the larger single-family lots and the environmental sensitive features of this site, and based on these considerations, the Planning Commission finds this requested rezoning consistent with the future of Hillsborough Comprehensive Plan, subject to those conditions as prepared by the Planning and Growth Management department.

Ken Hagan: ZHM?

Adam Gormly: The ZHM found that this proposed project with 17 single-family units would have a density of .8 units per acre, which is far below the density allowed. He found it to be compatible with surrounding development and appropriate for the subject area. Regarding the drainage issues, the Hearing Master stated that the drainage problems are not because of the proposed development, but there's an existing problem that the developer is willing to work with the County to provide a solution. And recited three conditions: numbers 10, 11, and 12, as examples of that, and found the developer is required to make improvements both on- and off-site to correct flooding problems. With that, he found the petition to be consistent with the Comprehensive Plan and recommended approval.

Ken Hagan: What's the pleasure of the Board? Commissioner Storms?

Ronda Storms: I'd like to have the question answered on the record, Mr. Cabrera.

Rick Cabrera: Well, good morning. Richard Cabrera, Planning and Growth Management. And yes, ma'am, the question is? -- I'm sorry?

Ronda Storms: Floodplain.

Rick Cabrera: Yes, ma'am. The property is encompassed within the limits of the 100-year water surface elevation, and it is shown on the new soon-to-be-revised FEMA floodplain maps. We will utilize the information from the County studies as part of the -- a review process to make sure that any impacts to the floodplain from a volumetric standpoint are compensated for as referred to earlier as a cup-for-cup measures. And they were correct in indicating that there is a CIP project that's currently under PD&E through the Public Works department, and it's slated to go to construction in the next few years.

Ronda Storms: Board members, the reason why I raised that as an issue -- and I'm trying to pull it up on my on-line agenda -- is that the [ZHM seems to indicate it's not in the floodplain](#) and states that it's not in the -- my backup has him stating that it's not in the floodplain.

Adam Gormly: That's correct.

Ronda Storms: And --

Rick Cabrera: Well, it may not be --

Ronda Storms: Wait, wait.

Rick Cabrera: I'm sorry.

Ronda Storms: Thank you. Thank you, Rick. I think you do a great job. But the reason why that's important is because that's an incorrect assertion for the record, and if there's that mistake in the record, then I wonder what other mistakes there might be in the backup as it relates to giving the adequate storm water protection. And so, I'm not prepared to support, based on that sort of glaring mistake, I'm not prepared to support the request --

Rick Cabrera: May I offer clarification?

Ronda Storms: No, because I'm about to move to deny.

Rick Cabrera: Okay.

Ronda Storms: Thank you. And you're not advocating for it.

Rick Cabrera: No, no, no.

Ronda Storms: Thank you. Thank you. So I'm going to move to deny.

Kathy Castor: Second.

Ken Hagan: You can sit down (referring to Mr. Cabrera). Okay. We have a motion to deny by Commissioner Storms, second by Commissioner Castor. Commissioner Scott?

Thomas Scott: Let me -- I need clarification on -- under the existing zoning, it is my understanding they could build one-acre lots. Is that accurate? So no matter what happens, they can build one-acre lots right now; is that right, staff?

Paula Harvey: That's correct. If they provided public water and sewer for the one-acre lots, they could realize the full potential of the allowable density under that zoning. However, if they're going to do well and septic tank, there are further limitations on this property. They could get two homes and three with a variance if they did well and septic. So it's a dramatic difference with -- under the current zoning, given their location in the Urban Service Area.

Thomas Scott: Okay. I guess I need to go back to the issue of the flooding, though. Even if you build whatever is allowable now --

Paula Harvey: Yes.

Thomas Scott: -- the flooding issue still has to be addressed, though. I mean, the flooding issue is not going to go away.

Paula Harvey: Absolutely. Absolutely. No matter what you construct, the flooding issue will have to be addressed.

Thomas Scott: So the residents understand you still have a flooding issue no matter what, that still has to be addressed by somebody.

Ken Hagan: Commissioner Castor?

Kathy Castor: No, I didn't [inaudible]

Ken Hagan: Commissioner Sharpe?

Mark Sharpe: That was my question. If we have the denial and they move forward with what is approvable -- I'm just trying to get a -- I'm trying to determine would we be better off with the mitigation that would be offered under the -- under the applicant's request. Or are we better off denying and going with what we've got, with regard to the flooding issue?

Paula Harvey: Well, purely on the issue of the infrastructure that -- including storm water issues, the zoning approval provides for the applicant to participate in some of the storm water improvements that Public Works envisions that need to be done here according to their plans.

And in addition to that, you will have public water and sewer to the site, which in this particular location would be a definite improvement and would be desired in terms of the development. If you don't, then you greatly limit the number of homes that could actually be realized on the property, but they would be served with well and septic, and there would be no conditions to this developer to participate in the

County's plans for the drainage improvements. They would have to comply to the extent that they have to comply to accommodate their development, but any further participation wouldn't be a requirement.

Ken Hagan: Commissioner Storms?

Ronda Storms: [inaudible]

Ken Hagan: Commissioner Blair?

Brian Blair: What about storm water improvements? Does that address the problem at all? The -- what's in the CIP?

Paula Harvey: Well, I'm not an engineer, which is why I had asked for the representatives from storm water and Public Works to be here. It was my understanding, based on the comments from Public Works, that these improvements were specific to this area, and that's what their plan calls for, is what we've provided for in the conditions.

Brian Blair: Because I'm not clear because Commissioner Storms also brought up the controversy of the floodplain issue, so I would move for remand.

Mark Sharpe: Second.

Ken Hagan: Commissioner Scott?

Thomas Scott: Well, I was going to give staff the opportunity to address the issue of the question raised by Commissioner Storms. Commissioner Storms?

Ronda Storms: You want to come back, sir (referring to Rick Cabrera), and explain the issue on the flooding?

Rick Cabrera: Rick Cabrera, Planning and Growth Management. There are several areas all located throughout Hillsborough County that are, indeed, subject to flooding. However, are not currently depicted as being within a 100-year regulatory floodplain on the FEMA firm panels, the flood insurance rate maps. However, the County, as you're aware, has commenced 17 studies of the 17 drainage basins throughout the County, and they have established 100-year water surface elevations for various areas throughout the County that do hold water, and that's what our department utilizes to perform the reviews based on the information provided on the -- within the County studies. Now, it does raise somewhat of a -- a little bit of a conundrum for our department because there are [areas that are shown on the proposed-to-be-revised FEMA maps that are shown to be in floodplains, that are not shown on the currently mandated by FEMA](#) --

Thomas Scott: Does this property meet that?

Rick Cabrera: [Yeah. Yes, sir, it's one of those areas.](#)

Thomas Scott: Okay. Thank you.

Bruce McClendon: Mr. Chairman.

Ken Hagan: Go ahead.

Bruce McClendon: I would like to suggest something in the event this is remanded. I think in the past we've had an issue, when it's become apparent to the Board that there's a drainage, a serious drainage issue or concern associated with the development, it's been our practice to require they do the up-front drainage study *before* the zoning is given, not afterwards. In this particular case, our staff report shows this was not a red-lined area. We were not aware this had extraordinary drainage issues, and I think *now* that it's brought to our attention, in the event you want to remand it, I would suggest that it be remanded with. And not brought back until a drainage study is prepared, and these issues have been dealt with, in the event you remand it.

Brian Blair: That's my exact point, because it's not fair to the petitioner when all of a sudden we come up and say that the -- we have a new 100-year floodplain -- the FEMA study that's not even out yet, that's not even released yet for -- yet they're told that they're not in a flood zone. So that's why I think it's appropriate to -- just to be fair, to remand it, to give them the opportunity to do what they need to do with all agencies.

Ken Hagan: Does your substitute motion include the drainage study?

Brian Blair: Yes, it does.

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Ken Hagan: Okay. Commissioner Storms?

Ronda Storms: I'd like to ask Ms. Sultenfuss if this was part -- I notice that you have -- ma'am (referring to Mary Beth Sultenfuss, who had been sitting), you have to come up to the microphone. Was this part of your objections? I'm reading your -- it says -- your statement here, according to the ZHM report, "says this is not compatible. Ms. Sultenfuss also discussed drainage issues," and that's the extent of it -- of your comments there that are provided in the backup -- in the summary of the backup. Did you want to speak to that?

Mary Beth Sultenfuss: The main points is they're cramming these homes -- they're going to have homes ten feet apart in our backyards. We live on a minimum of one acre, to say nothing of the drainage. These drainage problems were caused by the County. The County allowed development to the south and to the west, allowed them to dump into this, blocking one area, and gave no thought to how this water was going to go forward. These people (pointing to residents in audience) -- *these people* shouldn't have to pay for that. There could easily, today, be an exchange where they can be allowed to put the seven homes, one acre per home. The County could help bring in water and sewer for them; they will give the easements that the County's going to need to send this water on across. You need easements from *us* to send this water across. You guys caused this problem -- not you personally, but the County -- because you allowed development to build over natural flows. And you didn't increase/improve how that flow's going to keep on going--

Ken Hagan: Thank you, ma'am.

Mary Beth Sultenfuss: --and to build these homes so close together *right* next to one-acre home sites and say it's comparable, I -- I -- it amazes me, totally amazes me. It's not right. We're not right -- this -- this development is not right next to six homes per acre. It's right next to one home per acre, one home per five acres, one home per three acres.

Ken Hagan: Thank you, ma'am. Commissioner Storms, any other questions?

Ronda Storms: No. That's all, Mr. Chair.

Ken Hagan: Commissioner Blair?

Brian Blair: I want to say that's why we included that study in the motion. Also I want to thank Commissioner Storms for bringing up the fact that there were separate conflicting reports, and I think that we need to get a study -- a map of the -- of the most current FEMA plan study so we can understand that as well. Thank you.

Ken Hagan: We have a substitute motion to remand back to the ZHM, to also include a drainage study. Motion by Commissioner Blair, seconded by Commissioner Sharpe. Please record your vote.

Adam Gormly: Commissioners, before you vote, if we could just announce a date for that remand.

Paula Harvey: July -- in order to do the analysis and have staff time to review it, the earliest date we could schedule it for would be July 17th. That's a Monday.

Ken Hagan: That would be July 17th at 6:00 p.m. Please record your vote.

Recording Secretary: The motion carried 4-2. Commissioner Castor and Storms voted no.