

HILLSBOROUGH COUNTY, FLORIDA

RECOMMENDATION OF THE LAND USE HEARING OFFICER

Application Number: RZ 08-1338 EL
Applicant(s): Catholic Charities, Attn. Sheila Lopez
General Location: E/S of Harney Rd., 400' NE of E. Hillsborough Ave.
Folio Number: 39941.0000
Sec/Twn/Rge: 35/28/19
Acreage: 12.17 Acres ±
Comprehensive Plan: OC-20
Service Area: Tampa
Community Plan: No Plan, N/A
Existing Zoning: RMC-20
Request: Rezoning to PD
Date(s) Hearing(s): May 19, 2009

SUMMARY OF EVIDENCE PRESENTED

Application Request and Basic Data

The request is to rezone from a Residential, Multi-Family Conventional (RMC-20) zoning district to a Planned Development (PD) for the following two options:

Plan A

- 240 Multi-Family dwelling units

Plan B

- 250-resident transitional housing facility using tents and casitas (sheds),
- 68,901 square feet of building area for social services, eating, bathing, laundry, and recreation,
- Storage trailers and mobile/modular office and laundry.

The applicant is requesting the following variance to the Land Development Code (LDC) regulations for Plan B only:

- Side setback for existing office trailer

Current zoning applying to this property is RMC-20. The Comprehensive Plan Future Land Use designation for the property is OC-20.

Adjacent land uses include Research Park, Warehousing to the north; Intensive Commercial to the south; Undeveloped, Intensive Commercial to the east; and Undeveloped, Intensive Commercial to the west.

The adjacent zoning pattern includes PD-RP to the north; CI to the south; CI to the east; and CI, M to the west.

Testimony Received

The applicant's representative testified that the proposed project is a Planned Development with two options. One option is for the use of a campground for temporary shelter for 250 homeless. The other is to allow the existing zoning of 240 multifamily units. The concentration of the presentation was intended to be on the campground use.

At the campground only adults will be permitted. Shelters will consist of tents and casitas. The county's Comprehensive Plan has numerous Policies and Goals that address the need for shelter for the homeless. The applicant submitted a presentation package with particular attention given to the need for shelter, not just permanent housing. By definition in the county's Land Development Code (LDC), a stay at the campground is limited to 90 days¹. The applicant has agreed to this condition. Campgrounds are also defined by state law. Requirements for permitting are in 64E-15 of the Florida Administrative Code and Chapter 315 of Florida Statutes. Under these definitions and permitting requirements, a campground is not permanent housing. It does not have to meet the requirements of the building code or minimum housing code. State law recognizes that shelters can remain. They do not have to be moved every six months. However, the campers cannot stay. The campground will have connection to water and sewer. It will meet health requirements and must obtain a permit from SWFWMD. The site is in walking distance of a bus stop that is within the right-of-way of Hillsborough Avenue. The campground is modeled after Pinellas Hope. The applicant's representative presented pictures depicting the Pinellas Hope site that show the dining tent, casitas, tents, public showers, restrooms, designated smoking area, public phone, check-in area, fire hydrants and the sign with rules for the camp. One cannot simply walk into the camp. They have to be recommended by a service provider or the police. One has to sign a commitment to check in. All have to be approved. Legal services are provided. The camp has counselors. There is always a camp administrator on-site and security is provided at night. The applicant agrees to provide these services as part of zoning conditions. The camp also serves as a center for the community to give support in a planned way. Churches sign up to bring meals. Restaurants donate food. Hotels donate toiletries. Others donate drivers, clothing and essentials. The shelter recognizes emergency needs of the homeless. The county does not have permanent housing for over 12,000 existing homeless.

The applicant's representative further indicated that instead of the attitude that only permanent housing can be used to provide shelters, there needs to be

¹ The LDC defines "Camp" as, "*Land containing two or more campsites which are located, established or maintained for occupancy by people in temporary lodging units, such as camp tents, or cabins, for recreation, education or vacation purposes.*" The LDC defines "Campsite" as, "*Any plot of land within a camp on which only cabins and camp tents are permitted.*" Part 6.11.00, Special and Conditional Uses, provides for camps in Section 6.11.20 in which the length of stay for campers is limited to a maximum of 90 days. However, Section 2.02.02 LDC, Allowable Uses in Zoning Districts, provides that **"Camps" are a Conditional Use only permitted in the AM, A, AR, and AS zoning districts.**

consideration for methods utilized by others. Research provided indicates that other communities have created solutions that use temporary shelters such as tents. Some use a special exception process. Some use a conditional use permit process. Examples include Pinellas, Seattle, Denver and other cities in Washington State, California and Oregon. The applicant provided a summary of some of the court cases that were accumulated by the Denver project outlining the basic premise that punishing the homeless by not permitting the use of tents is illegal and unconstitutional. One judge stated that tent cities are used by the military, scouting organizations and disaster relief agencies. They can meet the standards for human habitation. The proposal of the applicant is a cost-efficient method that provides for basic needs and provides a method for community participation by businesses and individuals in a planned way. Letters in support were provided.

Rayme Nuckles testified that he is the CEO for the Homeless Coalition in Hillsborough County. He provided background on the homeless issue with regard to the project. Every other year they are required to complete a homeless count. In 2007, the homeless count was 9500 homeless men, women, and children living on the streets. 15% of those individuals have access to transitional housing and emergency shelter beds. That means approximately 7,000 to 8,000 people are on the streets on a nightly basis in the community. The difficulty is that Hillsborough has a fragmented system. They have been working with Hillsborough County government and the City of Tampa on a number of projects of different types for the past seven to eight years. The proposed project provides more services and potential beds for the community which is drastically needed. Part of the ten-year plan to end homelessness is specifically addressing the needs of those who are chronic in the community. Adding 250 beds in the community will make a drastic increase with regard to the amount of individuals that are served. He further indicated that they have maximized all of the federal, state and local resources that are available to the community; therefore, Catholic Charities' proposal to develop Hillsborough Cares is needed. With regard to the services and the beds, the proposal meets the aspects of the ten-year plan. The Homeless Coalition requested Catholic Charities to provide casitas. There have been a number of individuals in the community, including Mayor Iorio, who would help us with developing the casitas so they would not have tents.

Frank Murphy, President of Catholic Charities provided additional information about housing terms. The government funding for affordable housing makes it more accessible. The definition of an affordable house is a house that somebody who makes 80% of the median income in Hillsborough County can afford. That is roughly \$34,000. Street homeless do not have that kind of income. There are therefore other categories. Transitional housing is used for zero months to two years, providing some very limited support. There is also limited availability. Lots of street homeless need some sort of emergency shelter. From the community's perspective the best way would be a cost-effective way. There needs to be a model that can take the people who really want to be independent, provide a plan and assist with the step towards independence. By doing Hillsborough Cares, the 10,000-plus people who are currently in substandard housing under the freeway, under cardboard boxes, behind dumpsters, in drainage culverts and other such places would have a chance to live independently. The proposed tents would be hard-sided tents. With the community services that will be provided a

lot of people will have a chance to become independent and get off the streets. If successful meeting the guidelines they have set forth in the proposal, they would be able to serve about a thousand people a year. The success rate is about 50%. Therefore 500 people would have a chance for more permanent housing.

Father Shawn O'Brien from the Sacred Heart Friary in downtown Tampa provided additional testimony. Shortly after his arrival at Sacred Heart four years ago he and his brother friars became aware that there was a large homeless population in the city. The homeless asked from time to time if they could sleep on the steps of the church. However, after a short period of time, they proceeded to inform their friends and neighbors. Soon there were over 50 to 60 people. Sacred Heart Parish suddenly became front-page news. People would frequently drive by and see the number of homeless people in the city of Tampa. Soon they became aware of the fact that there were needs that were far greater than they were capable of serving. They soon came to the conclusion that they could not continue. In many ways they were really enabling the homeless to continue to live on the streets and were enabling their destructive behaviors. When Pinellas Hope came along, it seemed to be exactly what they needed. It was much more than just a soup kitchen or clothing drive or a place to get a sandwich. It allows the homeless to get their feet back on the ground and gives them the dignity that they deserve to get free of their drugs and to get a stable job. It is their hope and and prayer that the people at Sacred Heart will in some way will be able to work with Hillsborough County to provide the kinds of services that Pinellas Hope was able to offer to their homeless population.

Dr. Sondra Fogle, an associate professor in the School of Social Work at the University of South Florida, testified that she studied issues of homelessness for over 20 years and has extensive experience working in community-university partnerships. Her colleague, Dr. Kathleen Moore from the Department of Mental Health, Law, and Policy, also at the University of South Florida, partnered with Pinellas County Health and Human Services to conduct a process evaluation on the initial five-month operation of Pinellas Hope. There was no cost associated with that activity. In the evaluation various sources of data were collected to gain insight into the general economic and social climate of Pinellas County and the perceptions of the services from the residents as well as the stakeholders. They were able to determine who was most likely to benefit from the services, how, and for whom this type of innovative model program can work most efficiently and effectively for, and the areas that needed future attention. Findings from the process evaluation suggest that the service program and shelter options are viable for the homeless person without a debilitating mental health or substance abuse issue. The environment of care found at the facility offered by staff, volunteers, and among the residents themselves helped individuals to regain some sense of self-esteem. Stakeholders and residents alike pointed to the program's flexibility as being a key feature that was helpful for the success of Pinellas Hope residents. Overall, Pinellas Hope was determined to be a viable, cost-effective option for providing shelter to those who are homeless. In addition, they conducted a small research project to learn about what happened to a small sample of residents who used Pinellas Hope services during the pilot time frame, which was also conducted in collaboration with Pinellas County Health and Human Services. Preliminary findings suggest that residents were very satisfied with the environment and services. Overwhelmingly, the majority were not

involved in illegal activities or in the jail system post-discharge from Pinellas Hope. Approximately 24 are working, full or part-time. About the same percentage of residents is renting an apartment or a room in a house. Pinellas Hope provides a model facility that can be very effective to help many individuals who are experiencing homelessness. This assistance can be crucial for reducing the negative effects for the individual as well as those for the larger community. In the long run, the cost is considerably less than other ways by which services for housing the homelessness are offered.

Father Bruce Craig, Pastor of Mary Help of Christians Parish, provided testimony. The subject property was originally the parish and the church but became run down in such a way that they had to move. He has worked with the homeless for the last 20 Years in Columbus, Ohio, Boston and in New York City. He indicated frustration because many of the people cannot really be helped. However, there are a good number of them who can. The main issue about homelessness is the hopelessness that the people have. A place like Pinellas Hope gives the men and women hope. With the hope they have the opportunity and the possibility of moving forward into life which they will not have without that type of facility. It is a vicious circle on the street.

Peter Pensa, a certified Planner with Avid Group, provided testimony. He indicated that his testimony would be about compatibility and the campground section of the code. The Comprehensive Plan has numerous provisions, including full Elements related to economically disadvantaged groups; in particular to the Policies, the Economically Disadvantaged Element, Policy 3.2. The Housing Element, Objective 2.8, basically says that the county shall provide and support the provision of emergency, transitional and long-term housing for homeless persons. The subject application is filling a specific part of that need for homeless services. It is a transitional facility. It is also providing an emergency service to allow someone who is in an immediate need to find more permanent housing and to get established and find a job to be able to transition back into society.

The applicant's Land Planner further addressed the matter of Compatibility indicating that the Future Land Use Element Policy 1.4 and the LDC definitions give a description of compatibility.² They describe the elements of compatibility being the height, scale, mass, and bulk of structures. He indicated that the buildings are small, unobtrusive and interior to the site. They are much smaller than what would be allowed by the Code and the Comprehensive Plan for any other type of development. The next compatibility provision refers to pedestrian and vehicular traffic, circulation, access, and parking impacts, then landscaping. The applicant is proposing to provide landscaping per the code. They are not asking for any deviation. The applicant also will comply with the county lighting ordinance, both in terms of minimums and maximums, to ensure that lighting is

² The Hillsborough County Land Development Code defines Compatibility in Section 12.01.00 as, "The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as". Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development."

compatible with the surrounding neighborhood, which is commercial and industrial³, and to make sure they have the minimum amount of lighting needed for the safety of the residents. Central services will be provided and shower and restroom facilities will be constructed on the site. The dining facility, the existing building, will be renovated. Dining services will be provided for the people that reside at the campground. Given the nature and eclectic layout of the surrounding area the applicant's Planner concluded that "Architecture" is not a material consideration. Exhibits shown depicted campgrounds and RV parks located in Hillsborough County. The vast majority of them are within municipal limits or within the Urban Service Area. Relatively few of them are outside the Urban Service Area. When asked by the Hearing Officer whether those shown have been determined to be legally nonconforming, illegal or conforming to zoning, the applicant's Land Planner advised that he did not know.

The applicant's Land Planner further advised that the table of allowable uses in the LDC does not specify uses for Planned Development zonings. Sections 5.03.01 and 5.03.04 provide for the flexibility to address the unique needs of a proposed development and to provide the protection for compatibility of the proposed use in a Planned Development.⁴ The applicant is proposing a development of 250 camp sites with normally one resident. On rare occasions, there might be two married people occupying a site. It is not a facility for families, so that there would not be any children. The intensity of the use is dramatically lower than what is allowed by code. With a 12.17-acre site, with Office Commercial land use, there could be nearly 400,000 square feet of office use, 185,000-plus square foot of retail or 243 apartment units which would equate to about 610 people based on census data for which indicates 2.51 people per household. If the property was built with affordable housing apartments, there would be approximately 916 people and 365 units. If a boarding house was to be built, there could be potentially 608 units, which, like the subject use, would typically have one person per unit or approximately 608 people. With 250 campsites there are 250 people. That is far less than half the number of people that would be allowed by other uses permitted by right including the previously approved Preliminary Site Plan. From a traffic perspective, other uses would vary from roughly 150 to 600 or 700 PM trips per peak hour. Campgrounds based on ITE trip rates would produce 93 PM peak-hour trips. The proposed use, because it is not like a typical KOA type campground, is more likely to be 10 to 20 trips during the peak hour mostly from the volunteers that come to help with serving mealtime dinners.

The applicant's Land Planner reviewed a land use map, showing both the county and city land uses for an area a little over one mile radius. He described the area as eclectic, pre-dominantly industrial and mixed use. There is some residential

³ The single family residential community known as "East Lake Park" is approximately 300 feet south of Hillsborough Avenue's southerly right-of-way. East Lake Park's driveway entrance is also about 300 feet from the Hillsborough Ave driveway connection of the subject site.

⁴ LDC Section 5.03.04.A represents the following with respect to the Planned Development or "PD" option, "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."

on the south side around the lake. The residential is not immediately abutting the site but on the other side of a four-lane divided highway. It is buffered by commercial to its north as well as Hillsborough Ave and then commercial that is in front of the subject property. The commercial use between Hillsborough Avenue and the site is a variety of retail and heavy commercial uses. There is a commercial truck service located immediately in front of the property. To the east of the subject property is a property owned by the credit union. To the north is a planned industrial park. An aerial was presented depicting the developed conditions within a one mile radius which is predominantly non-single-family, a mixture of commercial, industrial and other nonresidential uses. The site is located within the Urban Service Area. The applicant is proposing a very low density. LDC section 6.11.20 (Ref: Footnote 1), which is the Camp section, recognizes the low intensity of campgrounds and that every ten campers constitute a dwelling unit. At that conversion factor, the applicant has a density of only 2.05 dwelling units per acre. The proposed project is very low intensity. As opposed to 20 dwelling units per acre that is allowed by the land use in the current zoning and that would be allowed with Plan "A". The length of stay is a maximum of 90 days. The applicant has agreed to in writing in the application and stated for the record that the residents will be restricted to 90 days. Water and sewer are available and will be extended to the site. Currently the site is on well and septic due to the age of the existing structure which was built in the '50s. For traffic requirements, the applicant will be constructing sidewalks and bus stops in front of the property, both on Harney and Hillsborough, to serve the mass transit needs of the type of residents that would be there. The gate along Hillsborough is intended for emergency access at the county's request. The pedestrians would be able to access through both entrances⁵. During discussions with county staff, it was originally asked that Hillsborough Avenue be the primary entrance but later requested that it be relocated to Harney Road. The driveways exist today. There would be one central bathroom, similar to what is done with most public campgrounds or boy-scout camps. There would be both bathrooms and shower facilities that would be sized as required by the building code.

The Hearing Officer requested that the Land Planner indicate why the proposed use would be compatible to the residential uses to the south. He replied that the location is not highly visible and is tucked in amongst commercial and industrial uses. It is not immediately abutting the residential neighborhood. It is a location that allows for convenient mass transit services and access. It is located in an area where there is a high concentration of industrial and commercial uses that would be appropriate for employment of the transitional residents that would be there. The site is in the Urban Service Area with mass transit services to provide access to needed jobs. It is located close to government services and social services that would help the homeless with their transition. The site is several hundred feet away from residential uses. One variance is requested by the applicant. They have asked to recognize the setback for the existing office trailer that is located on the property. It is a campground support structure.

Eric Aisenberg with Malloy, James, Aisenberg testified that he is a home builder and developer in Hillsborough County and sits on the Hillsborough County Affordable Housing Advisory Board. That board addresses affordable housing,

⁵ This was later corrected in testimony to indicate that pedestrian access is only on Harney Rd.

not homelessness. He made the distinction between the two and indicated that homelessness is now an emergency situation due to the economic downturn which is increasingly getting worse and worse. When there is a recovery, the homeless issue is going to continue for years to come. Unless a homeless person has a place to stay, there is no way that they can accumulate any funds to find permanent housing down the road. If one were to build permanent housing, it would cost approximately \$100,000 per unit. The casitas that are being proposed cost \$800 each. The tents cost even less.

Father Robert Moore testified that he is the Secretary General for the Diocese of St. Petersburg and represents Bishop Robert Lynch, Bishop of the Diocese of St. Petersburg. He leads the Catholic community of the five counties of Pinellas, Hillsborough, Pasco, Hernando, and Citrus Counties. To provide shelter for the homeless he has taken the initiative in the Diocese to look for avenues of opportunities to provide emergency and transitional housing in those regions. They are not looking at focusing in one area, but in each county, they are looking to partner with other agencies and institutions and churches to make an effort to provide for the needs for the homeless. They have already succeeded in working in Pinellas County and are making efforts in the other counties as well. The only piece of land that the church has available for the proposed use is the subject property. Bishop Lynch is offering the property for the use of the homeless.

Sheila Lopez stated that she resides at 10606 1st Street North in St. Petersburg. She works for Catholic Charities and serves as the Director of Pinellas Hope. They have served 1,260 people to date and have been operating since December 2007. They are showing a 56% success rate. She specifically addressed the safety needs of women. They have had 242 women out of 1260 people and have had a 58% success rate, a little better than that for men. They are the only shelter, as would be the case for Hillsborough County, which will take couples. When couples go to other shelters they have to separate.

Fred Dobbins who serves as Chairman of the Advisory Board of the Tampa Command of the Salvation Army and as Chairman of the Pastoral Council of the Diocese of St. Petersburg provided testimony. The Salvation Army operates the largest number of beds available in Hillsborough County for people like those who would be served by Hillsborough Cares. There is a severe deficiency of such beds which neither government nor the very effective nonprofit organizations have been able to fill. He has visited and observed Pinellas Hope, which is now becoming a model for the growing gap of service. The community's need for transitional shelter with professional counseling and placement services close to public transportation is obvious to anyone willing to invest just a few hours of study. The availability of the Diocese land, with a combination of security, sanitation, buildings for counseling and the feeding of the homeless close to public transportation is a unique opportunity for Hillsborough County. More remote locations will be less effective.

Planning and Growth Management Department staff provided testimony indicating reasons for not supporting the project as proposed. With respect to Plan "B," the transitional housing facility, there is no Hillsborough County Ordinance to govern this type of shelter in conjunction with the managed care that will be required by the Individual residents, such as the psychological and

social evaluations for drug and alcohol use and other personal issues that would require referral to treatment services; the health services for providing medical care and referrals; the provision of basic personal living services that include food service, clothing, bathrooms, shower, laundry; the computer services to provide for job searches; the counseling help in locating families or social services agencies applicable to each person; and police protection and presence that will include restrictions above and beyond normal residential housing. Staff found all of the services proposed by the applicant laudable activities that would fall under the Land Development Code's definition of Family Support Services⁶, which would be supported by staff if they occurred as part of a conventionally constructed, integrated service and housing facility. The proposed facility does not meet the functional characteristics to be defined as a camp under the LDC. The LDC definition identifies camps as outdoor passive uses and defines them as temporary lodging units, such as camp tents, cabins for recreation, education, and vacation purposes. Camps are only permitted in agricultural zoning districts. The definition of Family Support Services was reviewed by staff. Those services are permitted in office or commercial zoning districts or as an accessory use to a church. A camp, as defined by the LDC, cannot provide family support services. A Planned Development is the only zoning district that can be considered to allow the proposed type of transitional housing facility with the related Family Support Services. The review procedures in the LDC, Section 5.03.06, state that staff shall make the recommendation based on the relationship between the anticipated project and surrounding uses and the consistency of the proposed development with the county's Comprehensive Plan and/or state planning and development principles of the LDC. Only certain regulations can be varied through approval of a PD zoning district. Ordinance Number 04-018, Minimum Housing Standards required for Hillsborough County cannot be waived through the PD zoning process. The applicant's revised request statement refers to the need of the facility to provide emergency transitional housing accommodations. The county's minimum housing ordinance's purpose is to secure the public safety, health, and general welfare of citizens and establish minimum standards for the occupancy of buildings and dwelling units. Additionally, no person shall be allowed to occupy a structure for living purposes that does not provide for sleeping, cooking equipment, eating, bathrooms, hot and cold water supply, heating facilities, light and ventilation, lights, electrical outlets, and systems, etc. Even for a temporary use, staff does not support minimum housing standards that conflict with an existing county ordinance. Based on those facts, staff found no regulatory policy to support Plan "B" as proposed. The staff does not support Plan "A," the multifamily development option under the current PD request, since the existing RMC-20 zoning district could accommodate the applicant's request, subject to meeting the LDC's Site Development Regulations. The applicant could also request the Affordable Housing Development option from LDC Section

⁶ The Land Development Code Section 12.01.00 defines "Family Support Services" as, "Non-profit establishments engaged in providing one or more of a variety of individual and family social, counseling, welfare or referral services, including refugee, disaster and temporary relief services. Such establishments may also provide respite care for adoptive/foster children as well as training, tutoring, mentoring, resource information, administrative aid, fund raising and clothing assistance services. Family support services do not include community residential homes or professional residential treatment facilities as defined in this Code. Government offices engaged in the delivery of social services are classified as Public Use Facilities."

6.11.07 for that use. However, if the density bonus is requested, it would require that the applicant ask for the bonus through the PD process. Staff could not support Plan "A" currently because of insufficient traffic analyses. A building official from Hillsborough County, Mr. Wayne Frances, advised that there is not a provision in the Florida Building Code to waive minimum standards. Inside the Florida Building Code there is no exemption for minimum housing standards. There is no category in the Building Code that the "casitas" would fit under for habitable structures. For habitable structures, foundation, safety, light, ventilation, heating, egress and smoke detectors are required. For a dwelling unit, kitchen, sleeping quarters and bathrooms are required. Mr. Jim Blink with Hillsborough County Code Enforcement also provided testimony with respect to minimum housing standards. Mr. Blink stated that minimum housing requires at least 150 square feet. A house must have a bathroom and a full kitchen. When asked who can waive the minimum housing standards, he replied that it is a local ordinance under Chapter 162 of the State Statutes. He believed that the Hillsborough County Board of County Commissioners could alter that if they so chose.

Planning Commission staff testified that the site of the proposed rezoning is located in the Office Commercial-20 land use category. It is within the Tampa Service Area of the Urban Service Area. The request allows for two options. The first option providing for multifamily residential use would be consistent with the current zoning and consistent with the Office Commercial-20 land use category. Option B, to allow for the 250-bed transition housing facility, is the option primarily addressed by the staff report. The Comprehensive Plan does outline a number of policies and objectives in both the Housing and the Economically Disadvantaged Elements of the Comprehensive Plan regarding the issue of homelessness. The Comprehensive Plan identifies that there is absolutely a need to address transitional housing for homeless people. The difficulty is that the Comprehensive Plan also explicitly states in the Future Land Use Element Policy A-2.2, that developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County, the State of Florida and the Federal Government. The unique housing type does not appear to meet the requirements of Hillsborough County's land development regulations such as the minimum housing standard. County staff has identified that it does not meet the minimum housing standards. As such, staff had concerns regarding the ability of the tents and casitas not meeting the minimum standards in the building code and, thus, not being compliant with those Goals and Objectives of the Comprehensive Plan. Additionally, staff identified a concern for identification of the proposal as a Camp. Camp is an agricultural use as identified in the zoning matrix of the Land Development Code. The allowance of a camp in the agricultural zoning districts indicates that is the intention of the Land Development Code as to where that use is to be directed. In the subject request, the site is in the Urban Service Area and it is in a very intensive land use category, Office Commercial-20. The mix of uses surrounding it is very intensive industrial/commercial, as well as the single-family residential neighborhoods further to the south. It is not an agricultural or a rural area where it is appropriate for what it would be traditionally seen as a camp. Categorizing the use as a Transitional Housing Facility would be appropriate if there was such a definition in the Land Development Code; but there is not. On that basis, staff did find Option "A," the multifamily residential option, Consistent with the Comprehensive Plan. However, given the concerns regarding consistency with

the Land Development Code requirements and the definition of the use as a Camp, staff did find Option B Inconsistent with the Comprehensive Plan.

At this point in the hearing, staff requested the opportunity to clarify matters regarding the Building Code and Minimum Housing Standards. The Building Code intends to create minimum standards for safe, sound structures. The housing ordinance sets minimum standards for having acceptable housing for residential dwelling purposes. Those are important distinctions because one can have a structure that is built structurally sound to meet the minimum Building Code requirements but is not acceptable to live in. Staff identified that the subject request is for interim housing. Since it is housing, it does not meet the minimum housing ordinance requirement. The applicant's representative replied that there is a specific exemption in the Building Code for tents that are occupied less than 90 days. The Hillsborough County building official present at the hearing further clarified that the Building Code provides for tents/temporary structures, for less than 180 days. Beyond 180 days, the Building Code takes effect. All of the requirements of the Florida Building Code will have to be met because it is no longer a temporary structure. The user would need foundation ties, egress, and all of the other requirements of the Florida Building Code. The code reference to "less than 180 days" is Code Section 3103 of the Florida Building Code⁷. As long as a structure is up for less than 180 days, it is a temporary structure. Beyond those 180 days, it has to meet the requirements of the Building Code.

Many members of the public spoke as proponents of the subject zoning petition. A substantial portion of this testimony supported the need in the community for transitional housing. Many of the speakers represented homeless charities or were advocates for the homeless. Some were law enforcement and some were homeless persons. There was also significant testimony regarding the success of Catholic Charities in working with the homeless.

The Director of Portamento of Hope Soup Kitchen testified regarding services for the homeless. She indicated that the homeless spend one to two weeks in jail with every incident and are charged with illegal camping and trespassing. Currently there are 9500 homeless in Hillsborough County. There are less than 500 beds for the county. The cost for one homeless arrest for booking is approximately \$25. The cost per day to house the homeless in jail is about \$62 per day. That was based on 2004 findings. If only 2,000 homeless are arrested every year, the cost is approximately \$868,000 per year. She is in support of the Tent City in Tampa so that more homeless will have shelter off the streets and, consequently, the taxpayers will bear less financial burden.

Deputy Tim Myers, of the Pinellas County Sheriff's Office testified that Catholic Charities does contract with their office for off-duty detail. It is eight hours at

⁷ Section 3103 of the Florida Building Code is entitled "Temporary Structures." The following is provided under Section 3103.1, "General": *"The provisions of this section shall apply to structures erected for a period of less than 180 days. Tents and other membrane structures erected for a period of less than 180 days shall comply with the Florida Fire Prevention Code. Those erected for a longer period of time shall comply with applicable sections of this code.*

Exception: *Provisions of the Florida Fire Prevention Code shall apply to tents and membrane structures erected for a period of less than 180 days."*

night. They are at the facility from 8:00 at night to 4:00 in the morning, 365 days a year. They are there to provide security. Since they have been there, there have been no major incidents within the camp. Not only are they there in the camp, but they also patrol the area around it as well. They also have not had any major incidents around the outside. He concluded that it is a good program, especially with the sheriff's office involvement. They not only bring people into the camp, being a homeless outreach, but are provided the opportunity to break the barrier between law enforcement and the clients that they service. They have not had any problems in the camp during the entire period from December 2007 to present day. The Hearing Master interrupted to ask if there is a difference between trouble in and around the camp and what would be considered "normal" crime. The witness replied that there is no difference. He concludes that the clients realize they are being offered a great deal of services, a great deal of benefits and they know that if they step out of the bounds of the rules for the camp that they are not going to be allowed to reside there.

There was substantial testimony presented in opposition to the subject petition that included representatives of residential and business properties:

Hal Hart, who resides in East Lake Park, indicated that the entrance to his community is less than 265 feet from the subject property. His personal residence is approximately 750 feet from the property. Their Civic Association learned about the petition sometime in November 2008. East Lake Park contains 325 homes and the entire community has access to a landlocked 100-acre lake which is the heart of their community, second to the Civic Center, which has a playground, a boat ramp and a meeting building. They were told that the Hillsborough site was to be modeled after Pinellas Hope. Some of the residents went to Pinellas Hope in December and were present to testify at the Land Use Hearing. They also spoke to other communities in their area, in roughly a 1-mile radius. They have had two community meetings with significant attendance and on several occasions members of the community have met with Catholic Charities to discuss alternatives and certain accommodations. Catholic Charities owns 98 properties in Hillsborough County. However, they were told that the subject site is a suitable location because it is all industrial in the area. East Lake-Orient Park, over the last two years, has been working on a Community Plan which is in the approval process by the BOCC. There was a hearing on May 11th, and another will be in June. The Community Plan includes lots of single-family residential. He further indicated that there are in excess of ten neighborhoods in the area. Within a two-mile radius there are eight schools. Within those eight schools, there are more than 3,000 children. His concern is that camp residents will be free to come and go as they please. The security that the applicant is offering is for resident-to-resident violence or resident-to-staff violence. It is not designed to protect the community. Two miles is not out of reach for someone who walks all day and comes and goes as they please. There is also an international tourist attraction, the Hard Rock Casino, that has just announced an \$800-million expansion. The Fair Authority, who has written a letter of opposition, is talking about a resort expansion on their property. The fairgrounds are approximately a mile to their first the entrance on Orient Road. There are a lot of things that create an environment in the community conducive to retail development. Their community is anticipating, especially with the latest expansion by Hard Rock Casino, more restaurants and more hotels. The

community has been struggling for some time to garner retail and office space to the area. They also have Net Park Center at the corner of Hillsborough and 56th. He is concerned about safety for those employees. Immediately adjacent to Net Park is the Hartline transfer station. If camp residents are commuting via Hartline, that is a logical place for them to start. It is approximately half a mile from the camp site. Referring to an aerial photo depicting the Pinellas tent city and to some residents that have visited Pinellas tent city, he further indicated that the particular property is surrounded on three sides by either swamp or water. There are no residences for miles. There is no retail for miles. It is an "all-industrial" area. He further indicated that the uses are warehouses and shipping facilities like FEDEX or UPS. There is one gas station. There is little opportunity for "crimes of opportunity." Within a few hundred feet of the proposed site in Hillsborough County there are 325 single-family homes around a hundred-acre lake. This was described as a "huge difference." A land use map was presented and purported to indicate a large area of residential in the surrounding area of the subject site. Petitions in opposition were circulated within a two-mile radius. There were 873 signatures with 422 children represented. There were also letters of opposition from local businesses and letters from neighboring civic associations. The petitions in opposition were submitted into the record.

Steve Shepler, an East Lake Park resident, spoke about the process of developing a Community Plan⁸ over the past two years with Hillsborough County Planning Commission and the Growth Management Department. The plan intends to reflect the vision for the community. It is being developed to enhance and improve the quality of life in the community. The community plan identified eight policies that are very important to accomplishing their goals: community improvement, public safety, neighborhood identity, transportation, parks and recreation, natural resources, economic development, housing, and education. The proposed tent city is inconsistent with each of these policies according to Mr. Shepler. Specifically it will undermine the efforts to improve their community's appearance, decrease crime, and it will also decrease the cohesiveness within their community. A tent city will create blight and invite nuisance activity for residential and business communities. He believes the applicant has ignored the transportation impacts to the community by failing to submit a current traffic analysis and has not proposed any improvements that would mitigate the transportation impacts of the development. There are no safeguards in the proposed rezoning to protect their environmental assets. In particular, the community is concerned about the runoff from the subject property in periods of heavy rain. He feels the proposal does not protect the existing businesses and will likely discourage future economic development for existing business assets, such as the Hard Rock Hotel, Fairgrounds and Net Park. It will consume land dedicated for office-commercial development for a rural use that is incompatible with the business activity. Also, the tents do not constitute housing and do nothing to add to the safe, decent, and affordable housing stock which they desire in their community. The tent city will likely deter any school facility from directing new educational resources to the community. For all these reasons, he concludes that it is very clear that the proposal is inconsistent with their

⁸ There is not currently an approved East Lake-Orient Park Community Plan. From a regulatory standpoint it does not yet exist as it has not yet been adopted.

Community Plan and undermines the goals and policies that they have worked to develop.

Eleanor Wanka lives one block south of Hillsborough Avenue in East Lake Park. She has lived in East Lake Park for 31 years. She is concerned for her family's financial welfare and safety and expressed her opposition to the request. Her current livelihood consists of several rental homes in East Lake Park, which support a younger daughter and her in caring for her totally disabled daughter. The knowledge that homeless tent dwellers just north of Hillsborough Avenue may wander into their neighborhood would be an impediment to her renting opportunities, thus posing a threat to her family's livelihood.

John Hartmann, General Manager of Select Trucks of Tampa which is located immediately south and adjacent to the subject property, provided opposition testimony. Mr. Hartmann provided details of his business operations and significant sales and property taxes which his company pays. He has also attended every meeting regarding the proposal. He has been to Pinellas Hope to witness the operation. He indicates that the proposal is at an inappropriate location. He concludes that the proposal will impact his business. The bus stops described by the applicant are right outside his gate. He has been there three years and during that time he has seen one person sit on the bench. He also indicated that there are safety issues with placing a lot of people at the bus stop. He further indicates that the request is not in compliance with minimum housing and lacks public facilities to assist the homeless.

Cami Corbett appeared representing Select Trucks. She specifically discussed land use related matters. Directing attention to LDC Section 5.03.01 regarding Planned Developments and their purpose. That section provides that Planned Development Districts are supposed to be used where standard regulations are inadequate to protect surrounding properties or where design flexibility is sought. It is intended to encourage creative, innovative design to ensure and to promote land use harmony. In this instance, the Planned Development District is being used to just simply "fit a square peg in a round hole without smoothing out the edges". She noted that there are no proposed conditions of approval other than the plan. There are no conditions regarding support services including security. There is no requirement that Catholic Charities operate the facility. She indicated that they are only promises being made on the public record. Ms. Corbett submitted a letter into the record intending to outline issues that would be appropriate to consider if there is a recommendation for approval. These include licensing requirements, health standards and standards of care published by the Hillsborough County Homeless Coalition and Natural Resource Protection comments.

Dr. David Grabou lives in condominiums not that far from the subject site. He has a doctorate from the Massachusetts School of Professional Psychology in Massachusetts. He has a Masters from Harvard and a Bachelor's of Psychology in education. As a clinical psychologist, he has been working in nursing homes for nearly 15 years. Nursing homes are not just for the elderly. They exist for the purpose of rehabilitating those who are recovering from surgery of all kinds, recovering from strokes or other cardiac events and from trauma, and for those who are simply unable to care for themselves. The last category subsumes the

homeless according to Dr. Grabou. By the time some homeless people arrive at nursing homes, they have, more than likely, gone through an emergency room at a local hospital and are typically somehow compromised and frequently suffering from dual diagnosis of substance abuse and perhaps major mental illness. Their dependence on substances may be ongoing, recent, or historical and may have come from an environment that is unstructured and harsh. They are unfamiliar with time restraints or schedules. Their sleep is often done in the daytime; which is difficult to achieve. Eating regular meals is an odd thing for the homeless. They are generally missing external structures such as a home, a job and regularity. When external structures are lost, internal structures are threatened and sometimes severely compromised by a slide into profound depression, sometimes bipolarity and sometimes psychosis. Substance abuse is frequently a means to mood management. Dr. Grabou questions whether the proposed plan in any way addresses those needs and issues? People with multiple problems need more than a wooden structure or a tent. They need physical structures, plural, and organizational structures around them. Those must be consistent and ideally long-term. Once external structures are established, internal structures can begin to be developed with the help of teachers, volunteers, therapists, medical professionals, and others. That takes time. As proposed, there is no requirement that those supportive services would be provided. The proposal represents the absolute minimum investment according to Dr. Grabou. The housing suggested in the proposal is inadequate and the setting for the project is inappropriate. He described his comments as being from a mental health perspective. He further indicated that bugs, mosquitoes and temperature are severe outside which is very stressful for the homeless. Land and casitas for sleeping are of limited benefit for homeless people. Proper building with programs that enrich and teach and people that can treat their psychological and physical ailments are needed. He believes that as described in the proposal, this project is not adequately defined as to how those services would be provided to the homeless.

Desmond King is a business owner and a longtime resident of the East Tampa area. He owns a business on Martin Luther King and 50th Street and lives in Northview Hills. He is also the Vice President of the Neighborhood Association in the Grant Park area. According to Mr. King, at the present time, the crime in Northview Hills and the Grant Park Area is extremely high. He has personally been threatened by gang members because of his contribution to the community. Mr. King gave a vivid picture of crime in the area and concerns related to placing the facility in the community.

Opposition testimony continued with many area residents identifying similar concerns as identified above.

The applicant's representative then provide rebuttal testimony indicating that the building official identified that tents are permitted less than 180 days, and a campground allows somebody to stay there for 90 days. Therefore, the proposal is within the exception of the building code for tents. If there is an issue that at the end of 180 days, the tents can be taken down and put up again. That is something that can be handled but that is not a reason to deny the application. The applicant's representative stipulated that the proposal does not meet minimum housing standards in Hillsborough County. A minimum housing

standard requires sleeping areas, kitchen, bathroom(s), electricity, running water and sewer. The proposed tents do not have those facilities. Hillsborough County does permit RV parks. When someone stays in an RV at a park, the RVs do not have to meet the minimum housing code. That is because they are not housing. They are shelters. The proposal is emergency care for homeless people. She further referred to the "Continuum of Care" as part of HUD guidelines. There is emergency shelter, transitional, temporary and permanent. That is how Pinellas County approves it. It meets Pinellas County's definition of continuum of care, as emergency shelter. Hillsborough County would be under the same HUD guidelines. Therefore, the applicant thinks they qualify for an exemption from the minimum housing guidelines because they are not minimum housing.

The applicant's representative then addressed the issue regarding the use of the Planned Development process. She discussed the LDC's schedule of uses. Campgrounds are allowed in agricultural areas so they are not placed in the Urban Service Area, although the county has done so⁹. Mobile Home Parks are not permitted anywhere in Hillsborough County except in a Planned Development District. RV parks are not permitted anywhere in Hillsborough County except in a Planned Development District. The use that the applicant is requesting, the campground for homeless, would be a PD (*Ref Footnote 1*). The applicant's representative believes that the subject use would be one of them. She further indicated that there is not currently a process in Hillsborough County that fits. She also discussed issues with the label of Family Support Services. Family Support Services are a daytime service. It does not include sleeping accommodations. This application includes both, the Family Support Services and sleeping accommodations. When one looks at the other provisions of the Comprehensive Plan, it is important to note Policy 3.2: "The County shall continue to support and work closely with the private not-for-profit corporations to provide local transitional and long-term care housing programs and to provide technical assistance to expand programs which help homeless families and individuals reach self-sufficiency." Policy 7.3 is out of the Economic Disadvantaged Group Element: "All county departments with the responsibility for the provision of services to the economically disadvantaged shall participate and contribute their individual area of expertise in the implementation of social planning in conjunction with land use planning." She concludes that the policy is being violated for not having a category for the use.

The applicant's representative then described Comprehensive Plan Objective 2.8: "The County shall provide sufficient emergency, transitional and long-term housing to enable those homeless persons capable of self-sufficiency to regain independence and to provide for continuing care." The Objective identifies the different levels of housing that are needed and that the applicant has tried to address. According to the county's Tampa Hillsborough Citizens Task Force report on homelessness, there are 11,000 persons considered homeless in Hillsborough County. Of those, 1250 are considered the "chronically homeless". The intent is not to just serve the "chronically homeless". The intent is to serve all homeless. The applicant's representative provided a study prepared by USF. Pinellas Hope receives government funding. It is part of the HUD continuum of

⁹ There was no analysis provided to indicate whether purported existing campgrounds in the Urban Service area are either legally or illegally nonconforming.

care. The subject project would be serving more than just the chronically homeless. She then indicated that the distance of separation from the homeless campground to the homes within East Lake Park is over 600 feet. The applicant obtained a Certificate of Capacity for 240 apartments in May of 2007 which was purported to satisfy a traffic review. The applicant felt that at this point in time it was a misuse of the Catholic Charities' funds to pay for an additional traffic analysis since they already received a Certificate of Capacity. Understanding that a previous Preliminary Plan for apartments has expired, she stated that the applicant will have to go through that process again. However, the traffic study was previously performed. The site will be connecting to public water and sewer. In order to do that, they have to go through site development plan review process. The county will then look at wildlife habitat. The county will look again at the trees that have been surveyed and are identified on the site plan. The applicant has already shown, as part of the application, which ones would be saved. She then referred to testimony about the need for the homeless to have external structure. Pinellas Hope provides a meal every evening. The meal is brought in by one of the local churches. There is a check-in procedure. Counseling is provided at the camp. AA is on-site; legal services come to the site and they have a mandatory camp meeting. They have mosquito bombs for mosquito abatement. "Structure" is provided as part of the campground. The Hearing Officer asked how the quantities of homeless would be controlled. The representative responded by stating that only people with a recommendation from a social service provider or the police would be brought to the camp. A homeless person will not be able to walk up to that camp and gain entry.

Exhibits Submitted

Judy James:

Applicant's Presentation Packet

Letter of Support from Betty Tompkins, Pres. Catholic Charities Advisory Board

Booklet of Pinellas Hope-Reducing Street Homelessness

Susan Mariner:

Hillsborough County Ordinance #04-18

Hal Hunt:

East Lake-Orient Park Community Plan

Signed Petitions & Letters of Opposition

Map of Existing Land Use for Proposed Area

Map showing residence in Opposition to application (Oversized Exhibit)

Aerial of Proposed Site (Oversized Exhibit)

Steve Shepler:

East Lake-Orient Park Community Plan

Kami Corbett:

Opposition Presentation Packet

Desmond Key:

CD

Letters of Opposition

Terrell Dossey:
Opposition Presentation Packet

Nancy Kirkland:
Letter of Opposition

FINDINGS OF FACT

1. **The subject site is presently zoned RMC-20 and is located in the Office Commercial-20 (OC-20) Future Land Use category. It is within the Tampa Service Area of the Urban Service Area.**
2. **While a Community Plan for the East Lake-Orient Park has been in process, the plan has not yet been adopted.**
3. **The applicant has requested a Planned Development zoning district with two development options. The first option provides for multifamily residential use, consistent with the existing RMC-20 zoning district and consistent with the Office Commercial-20 Future Land Use category. Option B provides for a 250-bed transitional housing facility for the homeless. Option B is the substantive portion of the request given that a multifamily residential zoning district currently exists on the site.**
4. **The applicant has demonstrated through substantial competent evidence a need for transitional housing for the homeless.**
5. **The surrounding area is comprised of a mix of uses including warehousing, truck sales, commercial uses and residential uses. The single family residential community known as "East Lake Park" is approximately 300 feet south of Hillsborough Avenue's southerly right-of-way. East Lake Park's driveway entrance is also about 300 feet from the Hillsborough Ave driveway connection of the subject site.¹⁰**
6. **The Hillsborough County Land Development Code does not have a definition for a use such as "Transitional Housing for the Homeless." Instead, both the applicant and county staff have reviewed uses defined in the LDC that would most closely resemble the applicant's intention. Those uses are "Camp" and "Family Support Services." Neither accurately describes the applicant's proposal.**
7. **"Camps" by definition in the Hillsborough County LDC are intended for recreation, education or vacation purposes. They are permitted only as "Conditional Uses" in the agricultural zoning districts.**
8. **LDC Section 5.03.04.A represents the following with respect to the Planned Development or "PD" option, "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."**

¹⁰ That particular driveway connection is intended only for emergency access by the applicant.

9. The applicant's proposal for transitional housing includes the use of tents and other structures. There are two controlling documents regarding the evaluation of the structural characteristics of this type of housing: The Florida Building Code and Hillsborough County Ordinance 04-18 which controls minimum housing standards. While tents can be exempt from the Florida Building Code when utilized for less than 180 days, it is clear that while residents may transition out, the applicant's facility is intended to remain. Notwithstanding the applicant's position that tents can be taken down and re-erected, the minimum housing standards do not make provision for tents or other proposed structures that do not meet the ordinance requirements.
10. There are unique characteristics of the requested use that affect compatibility. Expert testimony indicates that the homeless can frequently be suffering from a dual diagnosis of substance abuse and major mental illness. Compatibility is defined as, "*The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony.*" There is not competent and substantial evidence to support that this characteristic of the proposed use and its activities are compatible with single family uses near the site or with truck sales adjacent to the site. The location of the Pinellas Hope project does not exhibit similar locational characteristics.
11. The Hillsborough County Comprehensive Plan's Future Land Use, Housing and Economically Disadvantaged Elements provide Objectives and Policies targeted to housing and support for the homeless. The Housing Element Objective 1.7 and Policies 1.7.1, 1.7.2 and 1.7.6 describe providing "transitional and long term housing" and "alleviate homelessness, by linking housing programs to a comprehensive social services/community services plan." The Economically Disadvantaged Element Objective 3 and Policies 3.2 intends to "support, and work closely with the private, not for profit corporations to provide local transitional and long term care housing...." However, the applicant's method of housing, utilizing tents and similar structures that do not meet the Hillsborough County minimum housing standards, is contradictory to the Future Land Use Element's Policy A-2.2 requiring development to meet or exceed the requirements of all land development regulations.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH COMPREHENSIVE PLAN

- The rezoning request is not in general compliance with certain provisions and policies of the Future of Hillsborough Comprehensive Plan as follows: Future Land Use Element Policy A-2.2 and Objective B-1: Neighborhood Protection; Policies B-1.3, B-1.8 and B-9.8

CONCLUSION OF LAW

- The requested rezoning is not in conformance with the Planned Development (PD) requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

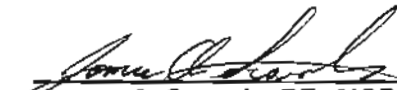
SUMMARY

The applicant has presented clear, convincing evidence of the need for transitional housing for the homeless, an economically disadvantaged group specifically acknowledged in the Economically Disadvantaged Element of the County's Comprehensive Plan. The applicant has further indicated that their request is not a choice between allowing a "tent city" or providing adequate permanent housing as there is no foreseeable future in which adequate housing options will be available. The Comprehensive Plan's Housing Element intends that the County shall continue to work to alleviate homelessness, by linking housing programs to a comprehensive social services/community services plan. Notwithstanding the recognition of "need", the ability to implement applicable Objectives and Policies of the Comprehensive Plan are hampered by the lack of an appropriately defined use in the Land Development Code, a process for reviewing/approving the use and an ability to accommodate alternative temporary housing through the minimum housing standards of Hillsborough County. Opposition testimony indicates that this is the equivalent of trying to "fit a square peg in a round hole without smoothing out the edges." The applicant's frustration is best identified in rebuttal testimony when it was noted that, "there is not currently a process in Hillsborough County that fits." That appears to be a common understanding between the parties and has been identified through this process. A process that would be appropriate for implementation would be through enactment of a "Special Use" category that would ensure a compatibility review. Similarly, the Board of County Commissioners could create an exception in its minimum housing standards, Ordinance 04-18 if that is the will of its public policy.

With regard to compatibility, there are unique characteristics of the requested use that affect compatibility. Expert testimony indicated that the homeless can frequently be suffering from a dual diagnosis of substance abuse and major mental illness. Additionally, the tents and casitas do not currently comply with County minimum housing standards for habitability. Compatibility is defined as, "*The characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony.*" There is not competent and substantial evidence to support that these characteristics of the proposed use and its activities are compatible with single family uses near the site or with the truck sales use adjacent to the site. The location of the Pinellas Hope project does not exhibit similar locational characteristics.

RECOMMENDATION

Denial of the requested Planned Development zoning based on the Findings of Fact and Conclusion of Law herein.


James A. Scarola, PE, AICP
Land Use Hearing Officer

6-10-09
Date

CLERK TO
THE BOARD

2009 JUN 10 PM 3:13

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