

Synopsis of February 28, 2013 Meeting at Lutz Elementary School Concerning EPC Project of Heightened Public Concern & EPC Responses to Public Comments

On February 28, 2013, from 6:15pm until 7:55pm, EPC held a meeting on the proposed Gates School Project. EPC's Executive Director had declared this to be a Project of Heightened Public Concern under EPC's rules.

An estimated 250 people were in attendance.

Dr. Rick Garrity, the Executive Director of EPC, opened the meeting. He announced the EPC staff members present and provided a description of EPC's responsibilities. He, and other EPC staff, repeatedly informed the people present that the application to EPC is still open and EPC is still accepting comments and information. Dr. Garrity stated that EPC has issued a "conceptual approval" for the project but has not yet made a Final Agency Action. Dr. Garrity stated that the focus of tonight's meeting would be the wetlands impact issue. Other issues that are outside of tonight's meeting include: Hillsborough County-required approvals (such as traffic, stormwater, natural resources, etc); SWFWMD approvals; decisions on the type(s) of wastewater treatment; noise; etc.

Dr. Scott Emery facilitated the remainder of the meeting for EPC. He showed 4 slides of the site, with the location of the wetlands highlighted, and with the proposed project buildings and roads. He pointed out that the proposed impact to wetlands would occur as part of an access road from the site to US 41. He stated that the amount of impact would be roughly 0.8 acres, with the majority of that being due to a crossing of a wetland "pond" with a fill road. He stated that this amount of impact could be reduced if the crossing were to be a bridge.

Mr. Andy Zodrow of EPC explained that EPC cannot force an Applicant to purchase a piece of adjacent property to locate the access road in order to avoid impacting a wetland.

The Consultant Engineer for the Gates School Project (Mr. Matt Campo) then got up and briefly explained the basics of the proposed project to the people present. He stated that they are currently evaluating the possible use of a wooden bridge structure over the pond, to further reduce the wetland impact. He stated that a wetland located inside the proposed circular driveway is currently degraded and would be enhanced via this project. He stated that whatever wetland impacts are left after the refinement of the project design will either be mitigated on-site or in a mitigation bank. He stated that the stormwater plan is still conceptual. He indicated that the site is within a "closed basin", making the stormwater requirements more restrictive/stringent. He stated that the school may be able to utilize public water supply, but if not, will utilize groundwater well(s). He stated that the decision on wastewater disposal/treatment will be made later in the entire process. He stated that the site is within the County's Wellhead Protection Zone.

A Consulting Ecologist, Ms. Nancy Scott, stood up and briefly described the total acreage of wetlands on site (5.24 acres) and the amount that may need to be impacted by the project (0.8 acres).

Dr. Garrity stood up and reiterated that the wastewater issue will be considered separately and Mr. Zodrow stated that that would be a separate challenge process.

All of the above was completed in 25 minutes.

Dr. Emery stood up and provided the directions for those who wished to speak. He stressed that EPC is still accepting information that can assist EPC in making the most informed decision possible. The remainder of the time (until 7:55pm) was spent in EPC listening to 25 different citizens speak. Some of the questions were answered by EPC staff or the Gates School Consultants on the spot.

Note: Multiple speakers expressed similar comments addressing issues that are not under the review of the EPC. Those comments covered flooding, traffic, potable well issues, property values, stormwater treatment, upland trees, etc. Although EPC cannot speak to or consider those concerns in their regulatory role for this project, EPC will distribute this summary to the following agencies so that these citizen thoughts and concerns are relayed appropriately: Hillsborough County Property Appraiser; Hillsborough County School Board; Hillsborough County zoning, traffic, stormwater, utilities, fire and rescue departments/divisions; Planning Commission, Southwest Florida Water Management District, Florida Fish & Wildlife Conservation Commission, and Tampa Bay Water.

Speaker #1: Greg Hofschneider. Mr. Hofschneider stated that one of the proponents of the Gates School, Stanley Kroh is a former EPC employee. Mr. Hofschneider stated that EPC had not gotten with the County regarding Gates School's previous permit. Mr. Hofschneider stated his opinion that Gates had not been a "good neighbor" at their other school site location. *EPC has researched these comments and offers the following responses: Mr. Kroh worked for EPC from roughly 1990 to 2000. No special treatment was given to this project based on familiarity with the applicant or agents. EPC (as a commenting agency for Hillsborough County Development Review Services) reviewed the site plan for the Learning Gate School prior to construction.*

Speaker #2: Shawn Hohenthanner: Mr. Hohenthanner stated that there is no need for this school. Mr. Hohenthanner recited actual numbers of students and existing capacities of schools. This person submitted this information to EPC. *EPC has received this information and has examined it to see if and to what extent it may pertain to any of EPC's permitting roles (wetlands, water quality, noise, etc). EPC's rules do not directly address "need" for more classrooms/schools. EPC relies upon agencies such as the School Board to determine whether more schools are needed within a certain part of the County. EPC makes the assumption that the School Board would not authorize a new public/charter school if they determined there was no need for one.*

Speaker #3: Ivana Blakenship: This person was representing Tampa Bay Water. She stated that the site is within a Wellhead Protection Area. TBW will be reviewing whatever type(s) of wastewater treatment that will be proposed and will review any plans that call for potable water wells to be installed.

Acknowledged.

Speaker #4: Tom Parkus (sp?): This person is a Consultant for TBW. He stated that he would be examining the stormwater plans for the site. He indicated that he would be examining the interactions between the Surficial and Upper Floridan Aquifers.

Acknowledged.

Speaker #5: Lynn Bushman: This person indicated she was a 20 year resident of Lutz and lived very close to where the proposed school would be. She stated that the new access road to US41 would increase the water levels in the wetland “pond”. She indicated the water levels are already quite high and the local area cannot stand further increases.

EPC reviews stormwater drainage plans to ensure that wetlands are not impacted by alterations in flows or volumes associated with development. This examination includes making sure wetlands are not adversely impacted by too little water or too much water. When the construction plans are submitted, EPC shall undertake a detailed review of wetland hydrology.

Speaker #6: Matt Mule: This person stated that making the access road “straight” across the pond would reduce wetland impacts. He stated that he thought EPC’s rule required an Applicant to “avoid or minimize” wetland impacts, regardless of the price. He stated that if the Applicant acquired the land straight across the pond, the road would impact less of the wetland.

EPC’s Andy Zodrow responded to this question at the meeting: Mr. Zodrow stated that there is an economic component to the EPC Wetland Rule. Mr. Zodrow also stated that EPC cannot force an Applicant to purchase separate property in order to avoid/minimize a wetland impact.

Speaker #7: Mark Mule: This person questioned the ability of the project to obtain potable water from Hillsborough County. He stated that there needed to be a common easement for the school site to obtain potable water.

Potable water common easement is not an EPC issue. As stated above, EPC will send this document to the County Public Utility Department.

Speakers #8 and #9: Betty and Gilbert McGhee: This couple owns a house on Sunset Manor that backs up to the wetland “pond”. They state they will be affected by the school. They state that wildlife will be adversely affected (they mentioned deer and red-tailed hawks). They stated there will be traffic problems. They stated that the proposed bridge and cars will destroy their current view from their backyard. They stated that oil and gas from the vehicles will spill into the water. They stated that there will be litter problems and noise pollution. They stated there will be damage to the environment and that it will destroy Sunset Manor. They spoke of concerns over gas and oil spills moving into the water. They were concerned with pollution from the automobiles associated with the school and the potential noise pollution. They spoke of the proposed project as placing an environmentally damaging footprint on the land, and that it would destroy the community. They talked about the Comprehensive Plan and how they believed the proposed project is inconsistent with that plan. They read from a document that schools are to avoid sensitive environmental areas. They stated that the school at this location is in conflict with the Lutz Community Plan. They wanted to know who at the County removed some wording from the plan that stated that schools are to avoid major environmentally sensitive areas.

Many issues raised by this comment are not under the regulatory authority of EPC. Approval of a wetland impact under EPC rules is a two step process. In the first step EPC's Wetland Rule and Basis of Review requires that impacts to wetlands must be justified for reasonable use of the land. These rules do not consider the quality of the wetland or wildlife utilization as justification for impact or denial during this step. In the second step of the impact approval process wetland quality (which can include the habitat value to wetland species) is considered when determining the type and amount of mitigation required. EPC's noise experts indicate that (pursuant to state law), noise complaints associated with roads are to be sent directly to the owner of the road.

Speaker #10: Jack Henry: He stated he lives on Yocum Rd. He is worried about the groundwater resource. He talked about the damage from wellfield pumping. He stated there were 715 wells in the area. He was concerned about the added water demands from the school and the impacts to the groundwater.

EPC would have the ability to comment on a new groundwater withdrawal, if one is proposed. The primary regulatory authority for groundwater withdrawals is the Southwest Florida Water Management District. EPC is sending this document to Tampa Bay Water and the Southwest Florida Water Management District.

Speaker #11: Ben Foster: He stated he lives in Crystal Lakes Manor. He is concerned over a new wellfield that is planned nearby, and the damage to the groundwater it will cause. *EPC is currently searching for information regarding a new wellfield. EPC is sending this document to Tampa Bay Water and the Southwest Florida Water Management District.*

Speaker #12: Donna Olsen: Lives on the northwest part of Lake Commiston for 12 years. She has seen the lake 10-15 feet lower than it is now, and has also seen it higher than it is now. She is concerned about the fragile nature of the water table...possible sinkhole problems. She is also concerned about an amphitheater that she believes will be built along the lake shore by the school. There will be noise associated with this. She stated that the quality of life and property values of those on the lake will suffer as a result of the school.

EPC is currently researching water level records from SWFWMD. Preliminary work indicates this "10-15 feet" is a horizontal estimate. EPC's wetland rule does not specifically speak to sinkholes. EPC's noise experts indicate that schools are exempt from noise regulations set by EPC. If there were to be a non-school function at that location, EPC noise experts could become involved at that point (if there were noise issues).

Speaker #13: Bernadette Tillberg: Lives near Ms. Olson since 1999. She is concerned about the amphitheater proposed on the lakeshore. While she stated she liked children, she did not necessarily like to hear them singing across the lake at different times. She also stated her agreement with a previous speaker that the lake levels fluctuate dramatically.

EPC is examining the range of water level fluctuations on the lake. EPC's noise experts indicate that schools are exempt from noise regulations set by EPC. If there were to be a non-school function at that location, EPC noise experts could become involved at that point (if there were noise issues).

Speaker #14: Pamela Jo Hatley: Spoke representing the Lutz Citizens Coalition plus several individuals. She spoke to EPC's Basis of Review, stating that in her opinion EPC can only grant a wetland impact if reasonable use cannot be achieved otherwise. She stated that the school has not yet demonstrated this. She listed multiple aspects of the proposed project that were not consistent with the existing land use/zoning/other regulations and plans, including: school site not on a 4-lane road (inconsistent with the Lutz community Plan); the plan does not avoid impacting sensitive lands; that the wetland impacts will exceed the footprint of the road; negative impacts to residents of Sunset Lane; dangerous for emergency vehicles; that the land is currently zoned for a reasonable use other than a school; that the impacts would not be nominal; that the impacts would not be offset by benefits to the public; that there is no need for the added classrooms (other existing schools are under capacity); that there could be damage to the public wells and Floridan Aquifer. She utilized the EPC's Basis of Review to define what constitutes reasonable, including that the use cannot be speculative. She stated that the use is not suitable for this parcel of land, and that access via a long and winding roadway is not reasonable. *EPC staff have reviewed the information provided by the applicant and have determined it is sufficient for a conceptual approval. EPC staff is still willing to receive additional information for this application. The staff is still considering information related to this matter and the Executive Director has not yet made a final decision regarding the application.*

Speaker #15: Mike White: Professional Firefighter and paramedic for the City of Tampa. He is also the president of the Lutz Civic Association. He listed his reasons why the school is not suitable at this location: lack of need for the extra classrooms (currently exists excess capacity); the application represents a self-imposed hardship under the EPC rules; up to 60 homes could be built on this site (therefore denial of the application would not result in loss of all/substantially all economic value of the property); single family homes on the site would not require the road to US41 (therefore no wetland impacts needed). He stated that the school has not proven reasonable use under the EPC rules Basis of Review 3.2.1. He stated that the wetland impacts from the proposed bridge could be avoided. He stated that a bridge would need to be designed to handle emergency vehicles that weigh 55,000 pounds, and that there is inadequate space for a safe staging area (the school would require 2 alarms with respect to firefighting). He stated there would be problems for emergency responders to the site. He talked about a viable option to purchase the property to the north for access to avoid wetlands. *EPC staff is still willing to receive additional information for this application; however, at this point EPC staff respectfully disagree with Mr. Whites's assessment that the applicants have not demonstrated that the impact is necessary for reasonable use of the land at a conceptual level. EPC will send this document to the School Board and other County departments who may have expertise in bridge weight limits and related matters.*

Speaker #16: Don Hassinger: Lutz resident for 32 years. He stated that the intent of the EPC is to allow wetland impacts only as a last resort, and that the applicant had not yet demonstrated reasonable use. He stated there were 5 options for access. He stated that there are flooding problems in Lutz and that much of the area is in Flood Zones A and AE (per FEMA). He stated the area where the school would be and the access will flood. He referenced the Lutz Community Plan and that emergency access will be a problem. He stated the site is within the

Cypress Creek Watershed and Thirteen Mile Run and that water diversions within this drainage basin will be problematic. He stated that Nye Park is under attack. He stated that ELAPP should purchase the site. He referenced the Comprehensive Plan and the Community Plan and indicated the proposed school at this location is not consistent with these.

EPC staff is still willing to receive additional information to this application; however, at this point EPC staff respectfully disagree with Mr. Hassinger's assessment that the applicants have not demonstrated that the impact is necessary for reasonable use of the land at a conceptual level..

Speaker #17: Lynn Hassinger: Lives on Cypress Cove Road, across from Sunset Manor. She watched that sub-division being built. She stated that attendees to the school will not be residents, that they will cause traffic problems, with 2,000 cars a day. She stated that the wetlands dried up in 2001, and that there was a muck fire in the past. She stated that at other times there was flooding. She stated in 2002 her septic system failed, and that public sewers are not available. She stated that she was told to move her septic system by the Health Dept. She mentioned her grouted well and that there were high water problems in 2004 and again in 2012. She compared this area to the situation in the Everglades. She said this site is not suitable for the school project. There will be diversions of water required to prevent flooding. She said it was a self-imposed hardship.

EPC staff is still willing to receive additional information to this application; however, at this point EPC staff respectfully disagrees with Ms. Hassinger's assessment that the wetland impact is a self imposed hardship under EPC rules at the conceptual level. As has been stated in the previous responses, EPC will make sure that the appropriate agencies receive this information regarding matters outside of EPC's expertise.

Speaker #18: Mary Dryson: Stated she is a Certified Arborist. She stated she was concerned with the secondary impacts of construction on the environment, in addition to that actual impacts to the wetlands from the footprint. She stated the impacts will exceed the 0.8 acres of actual direct impact. She stated that these impacts will affect quality of life and wildlife, that there was significant wildlife habitat there. She stated the project was a self-created hardship and was not a reasonable use. She stated that the site was to be an ELAPP property. She was concerned with the treatment of stormwater. She stated the project does not meet the requirements of the Comprehensive Plan or the Lutz Community Plan. She was concerned about the presence of the amphitheater along the lakeshore...that the sounds would echo the 250 feet to her home. She stated she did not want the project. She then talked about the existing Gates School. She stated there were 4,000 people at the existing school, with room for only 600. She indicated she felt the school did not work with the community. She stated concerns about the floodplain, flooding issues, and FEMA's special requirements in sensitive floodplain areas.

EPC staff examines impacts to wetlands. EPC engineers work to make certain flow regimes and water level regimes are not altered significantly. EPC is still accepting information, including any information on secondary impacts. Secondary impacts to wetlands are addressed through wetland conservation area setbacks of 30 ft.

Speaker #19: Jay Muffly: Wanted to know how much volume (cubic feet) of water the road will displace and where that water will go. He stated the road will alter water flows.

Proposed Road footprint is within 2 wetlands, Wetland 6 and Wetland 7. The existing flow pattern is for Wetland 7 to flow southwest through an overflow saddle to Wetland 6 with a gradient of about 0.3 feet.

EPC engineers have provided this initial estimation of required fill. The proposed road footprint through wetland 6 is 0.24 acres and 0.54 acres in wetland 7. Assuming a road height of 5.0 feet, this translates to 169,884 cubic feet of fill volume. Assuming a 1:1 ratio of fill volume for water volume, this translates to a water displacement of 1,270,732 gallons. Assuming that properly sized and spaced cross-drains are placed at the proper grade beneath the road footprint, the flow pattern of the wetlands should remain as they are in existing conditions. The water volume initially displaced by the road should move through the cross-drains downstream from Wetland 7 to Wetland 6. If a bridge crossing is proposed, the displacement would be that which is caused by the piling placement, and the flow pattern would be as in existing conditions under the bridge. This latter situation would be significantly less displacement than a fill road.

Speaker #20: Dale Deckard: Lives on Rawlings Circle. He spoke of traffic problems. How Sunset Lane used to be 20 cars per day. He states that the school will overload the road. He wants to know why the school is pushing so hard for this site. He does not think they can put 1,000 students in that school. He is not against the school, but is against the location for the school. He stated that if EPC approves this, then the special interests will have prevailed.

Issues raised by this comment are not under the regulatory authority of EPC. As has been stated in this document earlier, EPC will send this document to the appropriate agencies.

Speaker #21: James: He stated he is in favor of the school. He stated that 60 homes on the site would also cause impacts. He stated that all the houses already built around this site have had an impact. He chooses to put his children in this school. He believes Gates has a right to develop this land. He believes the property owner has a right to sell the land to whoever he wants. He asks why all sides can't reach a common ground? He agrees that road crowding is an issue. He states that flooding has been going on for a long time.

EPC would examine any proposal to develop this property, including a 60 home sub-division, should that be proposed. Other issues raised by this individual are not under the regulatory authority of EPC.

Speaker #22: Sam Walker: Lives on Swan Lake Drive since 1987. He stated that his opinion is that the school gives lots of razzle dazzle. He stated that if a regular public school had proposed this site, they would have been laughed at. He states that only 20% of the students are from Lutz, and that the project does not benefit Lutz. He stated there would be a traffic problem.

Issues raised by this comment are not under the regulatory authority of EPC. As has been stated in this document earlier, EPC will send this document to the appropriate agencies.

Speaker #23: Gary: Lives on the north side of Lake Commiston. He states he has 6.5 acres. He is worried about the impact of the school on the lake. He states that the water flows north. He states he sees otters and pileated woodpeckers among other wildlife. He is concerned about nitrogen concentrations in the lake and algae mats forming.

EPC would review any plans for development on this site to make sure that post project water volumes and flows to wetlands are not significantly altered. Multiple state regulations exist regarding water quality protection from this, or any project proposed.

Speaker #24: Pauline Richard: Lives on 5th Avenue near the elementary school, since 1985. She recounted her memories of past flooding events. She described an instance of fish in the corn in her backyard. She stated that if you impact one little place that is in reality not the only place impacted. She stated that water will be displaced by fill dirt and will have to go somewhere. She states she works at Lutz Elementary School. She states that she has common sense and that voters put in place laws and rules to be followed. She said it is time for politicians to stop giving in to special interests. She stated she has seen many teachers retire from Lutz Elementary after 30 years. She stated that she has seen parents take their children out of Lutz Elementary only to discover how good Lutz Elementary is and bring their children back. *See previous EPC responses on volume displacement and stormwater. As has been stated in this document earlier, EPC will send this document to the appropriate agencies.*

Speaker #25: Debra Barnley: Has lived in the area since 2001 (lives by the fire station). She stated that she tried the public school system. She spent time in European schools (graduated there). She had to wait 2 years to get her children into Learning Gate. Her children have been at Learning Gate for 6 years now. The school teaches the children to not damage the earth. She stated that a developer could put 60 homes here. She stated that in her opinion previous developments didn't have this type of meeting. She used two examples: (1) when the ball fields went in near her home many trees were cut down; and (2) when she saw Cordoba Ranch being developed. She stated that gates School will not damage the land. *EPC will send this document to multiple agencies.*

The last speaker who asked to speak finished at 7:50pm.

Dr. Garrity thanked everyone for coming.