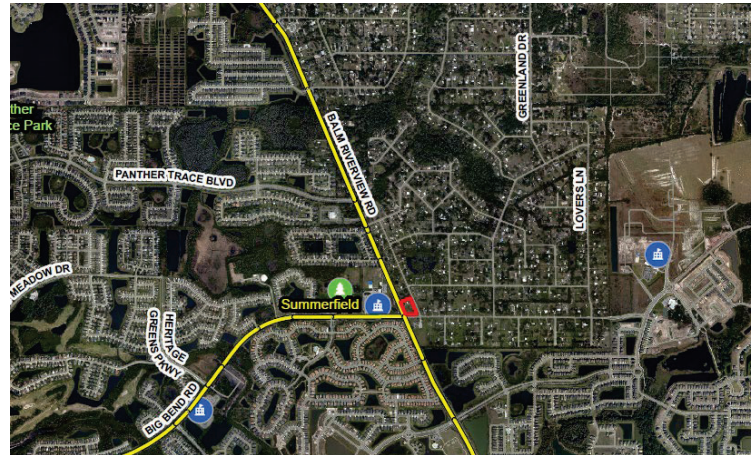




**Rezoning Application:** PD 22-0561  
**Zoning Hearing Master Date:** June 13, 2022  
**BOCC Land Use Meeting Date:** August 25, 2022

**Applicant:** Sandra & David Kennedy  
 Fernando Trejo  
**FLU Category:** RP-2  
**Service Area:** Rural  
**Site Acreage:** 1.80 +/-  
**Community Plan Area:** Riverview  
**Overlay:** None



**Introduction Summary:**

The applicants request to rezone the subject properties from AS-1 (Agricultural Single-Family) to PD (Planned Development) to allow for the development of a convenience store (with gas sales) and car wash.

Zoning:	Existing	Proposed
District(s)	AS-1	PD 22-0561
Typical General Use(s)	Single-Family Residential/Agricultural	Convenience Store (with gas sales) and Car Wash
Acreage	1.80	1.80
Density/Intensity	1 unit per acre	0.08 F.A.R
Mathematical Maximum*	1 unit	5,972 sf

\*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	AS-1	PD 21-1235
Lot Size / Lot Width	1 acre / 50 feet	N/A
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides No buffering /screening required	35' Front (south) 35' Front (west) 35' Side (north) 50' Front (east) Buffering /Screening required and provided
Height	50'	25' / 1-story

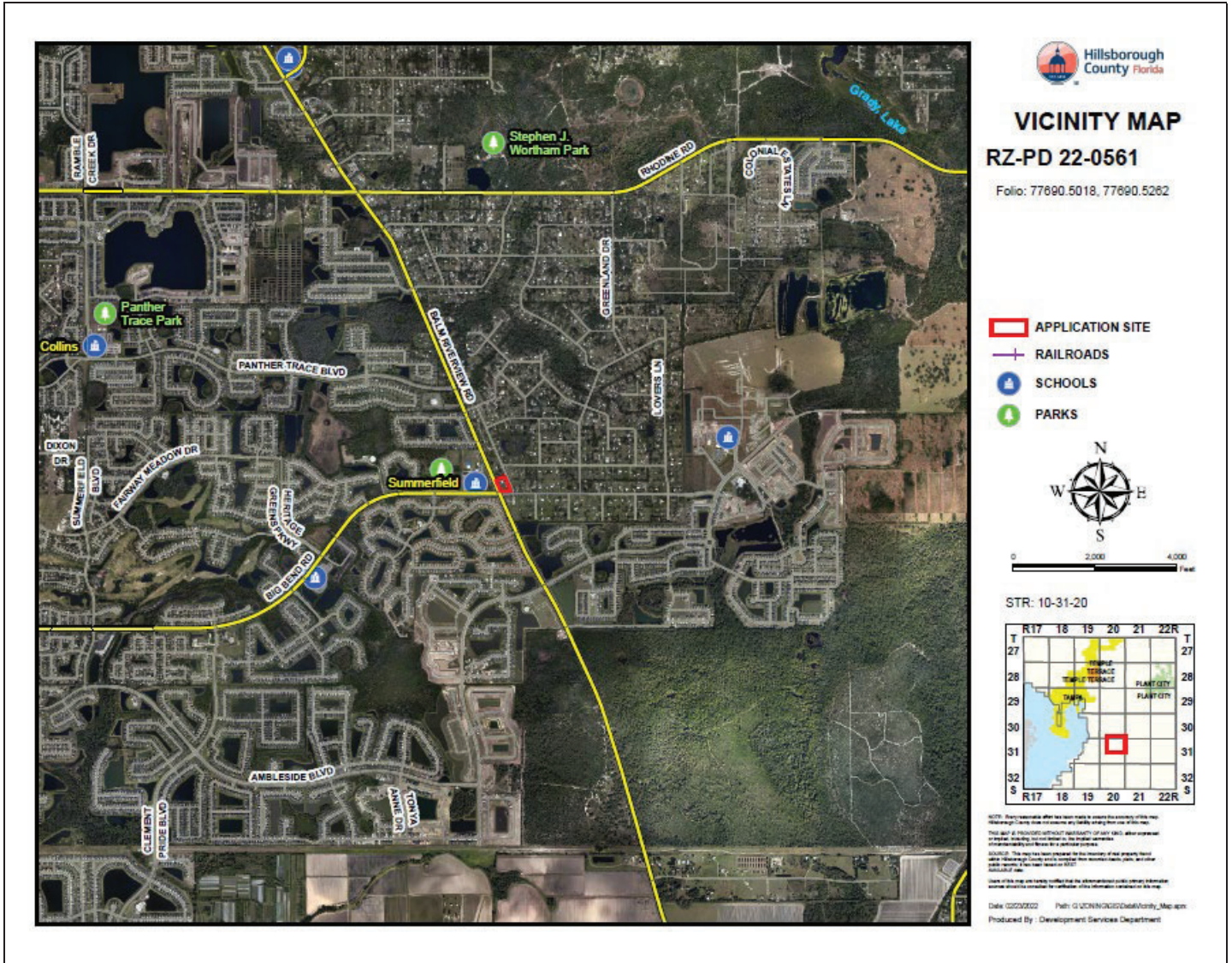
**Additional Information:**

PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	None requested as part of this application

<b>Planning Commission Recommendation:</b> Consistent	<b>Development Services Recommendation:</b> Approvable, subject to proposed conditions
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## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map

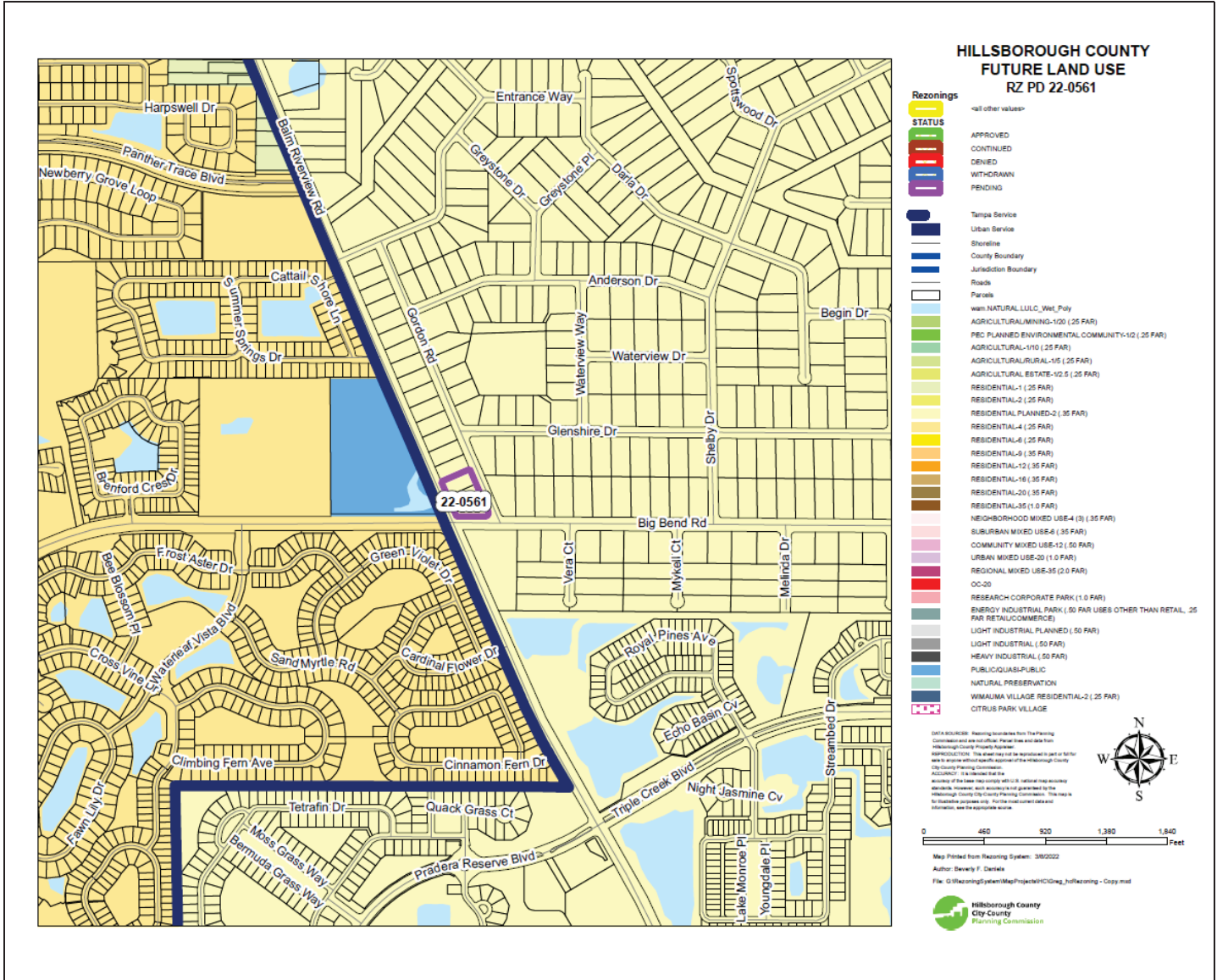


#### Context of Surrounding Area:

The site is located at the northeast corner of the Balm-Riverview Road (a collector roadway) and Big Bend Road (a collector roadway) signalized intersection. The subject area is within the Riverview community and is developed primarily with single-family residential and residential support uses. Non-residential uses include Summerfield Elementary to the west (west side of Balm Riverview Road) and the Firm Foundation Christian Fellowship church to the south (south side of Big Bend Road).

2.0 LAND USE MAP SET AND SUMMARY DATA

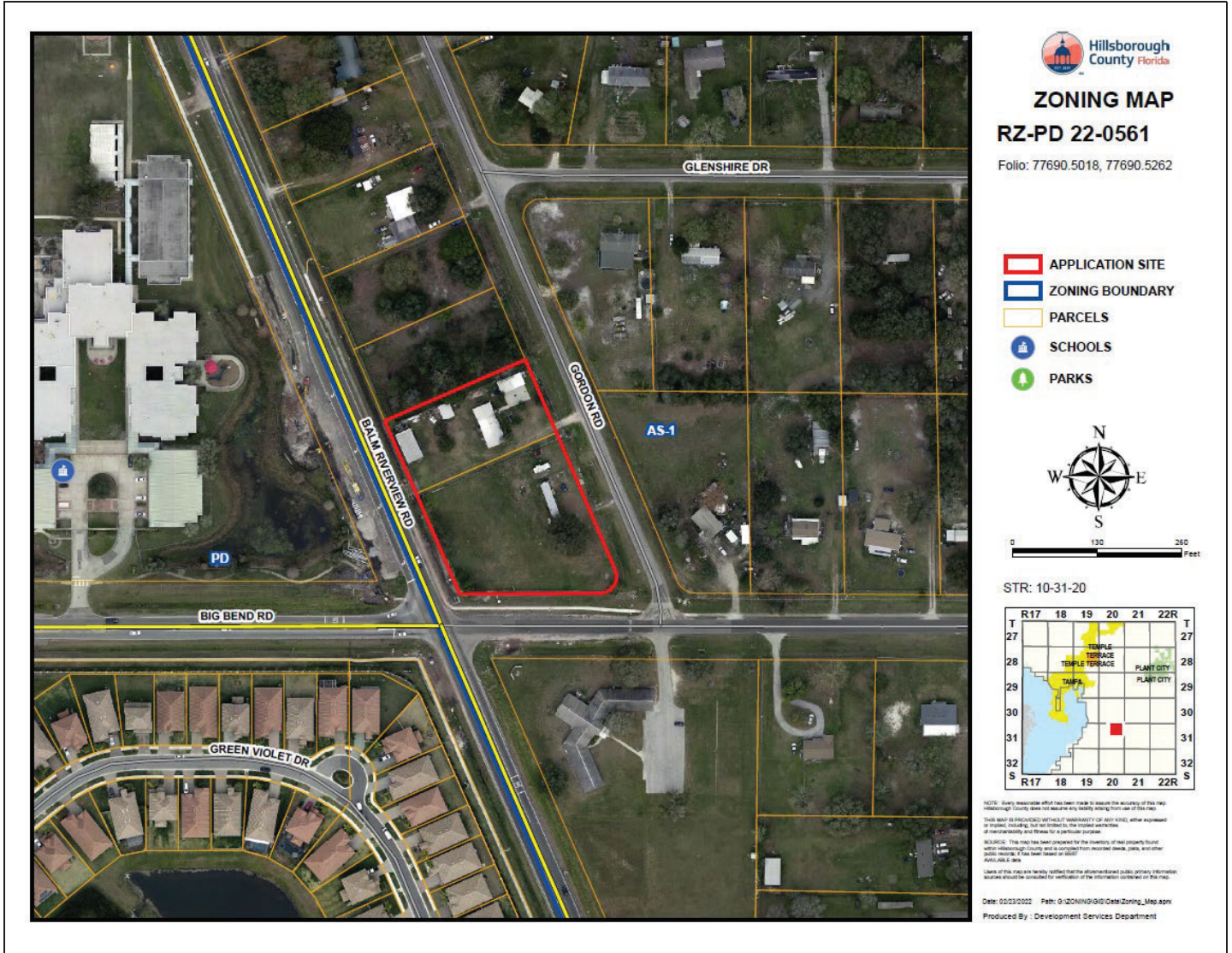
2.2 Future Land Use Map



Subject Site Future Land Use Category:	RP-2
Maximum Density/F.A.R.:	0.25 FAR
Typical Uses:	Agricultural, Residential, suburban scale neighborhood and community commercial, office uses, multi-purpose and clustered mixed use projects.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

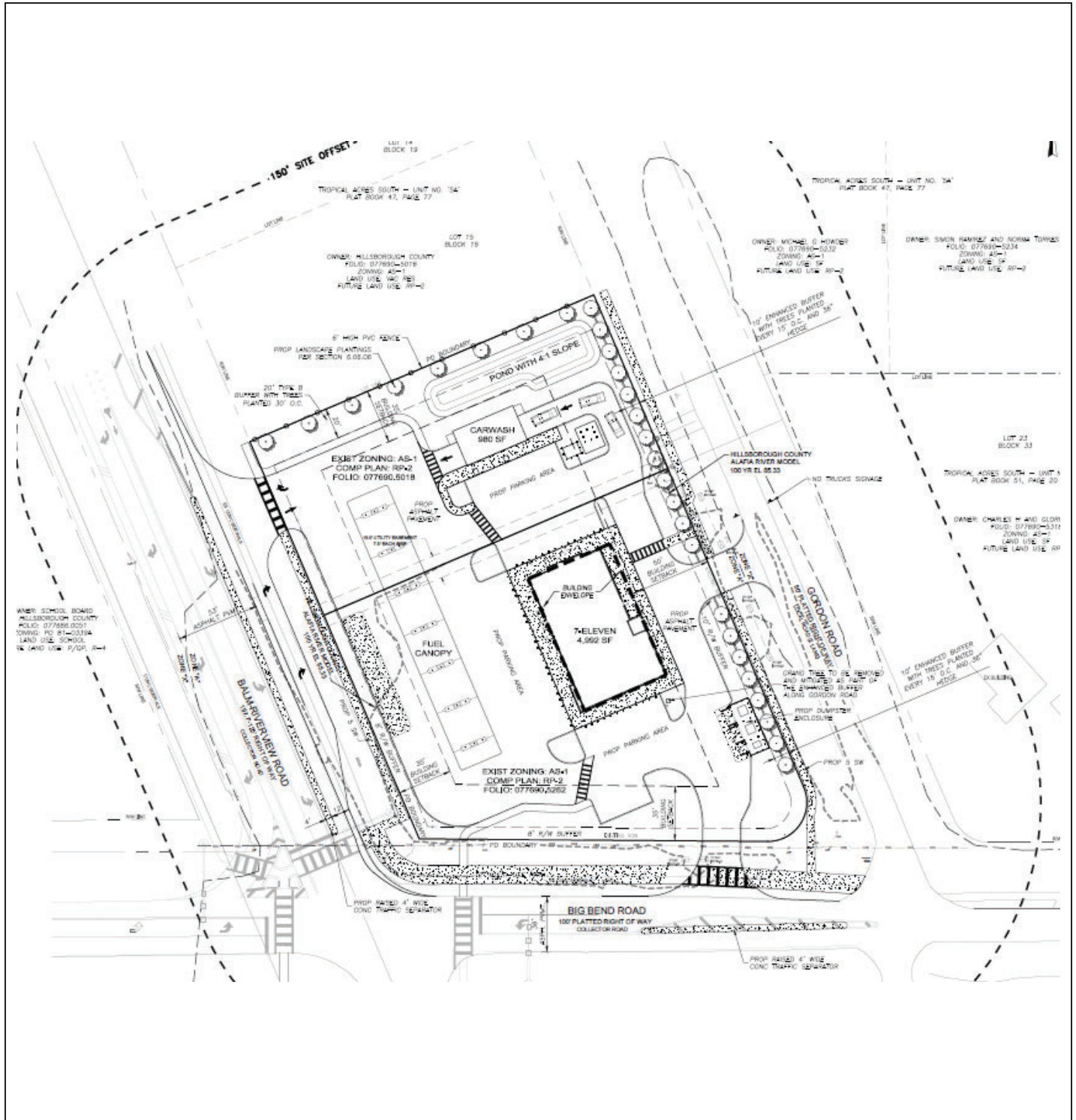


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AS-1	1 unit per acre	Single-Family Residential/Agricultural	County-owned public use facility
South	AS-1	1 unit per acre	Single-Family Residential/Agricultural	Convenience Store with Gas Sales
East	AS-1	1 unit per acre	Single-Family Residential/Agricultural	Single-Family Residential
West	PD	N/A	School	Public elementary school

2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)****Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
Balm Riverview Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Big Bend Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Gordon Rd.	County Local - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	19	1	2
Proposed	3,710	446	385
Difference (+/-)	(+) 3,691	(+) 445	(+) 383

\*Trips reported are based on net new external trips unless otherwise noted.

**Connectivity and Cross Access**  Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East	X	Vehicular & Pedestrian	None	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC

Notes:

**Design Exception/Administrative Variance**  Not applicable for this request

Road Name/Nature of Request	Type	Finding
N/A - Number of Access Connections	Administrative Variance Requested	Approvable
Big Bend Rd. - Access Spacing	Administrative Variance Requested	Approvable
Gordon Rd. - Substandard Road	Administrative Variance Requested	Approvable
Balm Riverview Rd. - Substandard Road	Design Exception Requested	Approvable
Big Bend Rd. - Substandard Road	Design Exception Requested	Approvable

Notes:

**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contains no wetlands
Natural Resources	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Existing grand oak on site
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
<b>Transportation</b> <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input checked="" type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Service Area/ Water &amp; Wastewater</b> <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Conditional connection to County water and wastewater services permitted
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b> Automated Car Wash    Retail – Conv Mkt. w/ Gas (Per 1,000 s.f.)    (per fueling position for Mobility, per 1,000 SF for fire) Mobility: \$34,804.00    Mobility: \$12,361 – 16,580 Fire: \$313.00    Fire: \$313.00 Rural Mobility, South Fire - Convenience Market, with Gas, Automated Car Wash. No specifics to breakdown of project components				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b> <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The subject site is located at the northeast signalized intersection of Big Bend Road and Balm Riverview Road, both collector roadways, which meets commercial locational criteria. Due to the size of the site, building setbacks will exceed those required in standard commercial zoning districts. Also due to the size of the site, the intensity of the project will be a 0.08 FAR, which is less than the maximum permitted under the Future Land Use Category. Building heights are limited to 1-story (25 feet).

The applicant will provide buffering and screening which exceeds Land Development Code requirements. While not required along the northern PD boundary, a 20 foot buffer with Type B screening will be provided. Property to the north is developed with a County public facility (water services). The closest residential home to the north is located approximately 250 feet from the PD boundary. Given the adjacent use and distance from residential, the car wash is proposed within the northern area of the site.

Buffering and screening along Gordon Road is also proposed, which is not required as this is front yard, yet is proposed to enhance compatibility with the adjacent neighborhood. Tree plantings and hedges will be placed along the 10 foot buffer positioned adjacent to Gordon Road. Property to the west is developed with a single-family home on a 1.2 acre parcel and is separated by Gordon Road (an 80 +/- foot wide right of way). The home is located 50 feet from Gordon Road and oriented towards Big Bend Road.

The site's primary access points will be on Big Bend and Balm-Riverview Road. A third access point on Gordon Road is also proposed to provide connectivity to an existing public roadway, to reduce the use of arterial roadways and to reduce travel distances. Tanker/commercial trucks will not be permitted to use this access point to eliminate commercial truck traffic within the adjacent residential. The access will have signage prohibiting tanker truck use and be designed with a turning radius that would not accommodate large commercial trucks.

Given the above, staff has not identified any compatibility issues with the proposal.

### 5.2 Recommendation

Approvable, subject to conditions.



## 6.0 PROPOSED CONDITIONS

### Requirements for Certification:

1. Northern buffer to correct the "20' Type B buffer with trees planted 30' O.C.," to "20' Type B buffer with trees planted 20' O.C." to match the "landscaping plantings per 6.06.06" notation within the same buffer.
2. Project Data Table to remove "Maximum F.A.R. 0.25."
3. Site plan to remove the "Grand tree to be removed and mitigated as part of the enhanced buffer along Gordon Road" and replaced with "Existing Grand Oak."
4. Project Data Table to correct the total building area to 5,972 sf.
5. Project Data Table to remove the "maximum F.A.R."
6. Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:
  - Show the existing structure footprint and sidewalk on/along adjacent folio 77690.0516 (to which this project will tie in to);
  - Redesign internal sidewalk connections such that they cross internal driveways at 90 degree angles and have receiving ramps on both ends;
  - Correct the proposed sidewalk shading along Balm Riverview Rd. such that it extends to the northbound project boundary;
7. Prior to PD Site Plan Certification, the applicant's Engineer of Record shall revise the Balm Riverview Rd. Design Exception request to correct the discrepancy between the proposed right turn lane width specified in the text and the width shown on the Typical Section.

### CHANGES TO CONDITIONS:

**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted May 24, 2022.

1. The project shall be limited to a 4,992 square foot convenience store with gas pumps and 980 square foot carwash.
2. The convenience store building, car wash building and the fueling canopy shall be developed where generally shown within the depicted building envelope that provides a minimum setback of 35 feet from the northern PD boundary, 35 feet from the western PD boundary, 50 feet from the eastern PD boundary and 35 feet from the southern PD boundary. For the purpose of potentially preserving the existing grand oak, building and fuel canopy locations may be adjusted within the building envelope.
3. The dumpster, parking area and drive aisles shall be provided where generally depicted on the general site plan. For the purpose of potentially preserving the existing grand oak, the minimum number of standard parking spaces may be reduced and/or the maximum number of compact spaces may be increased in accordance with Land Development Code Section 6.05.02.L.
4. Building heights shall be limited to a maximum of 25 feet / 1-story.
5. A 20 foot wide buffer with Type B screening shall be provided along the northern PD boundary, as depicted on the general site plan. The Type A component of the Type B screening treatment shall be a 6 foot high PVC fence, as noted on the general site plan.
6. A 10 foot wide buffer shall be provided along the eastern PD boundary, as depicted on the general site plan. Within this buffer, plantings shall include trees planted on 15 foot centers and hedges at a minimum height of

36 inches. Specific tree and hedge species will be at the review and approval of Natural Resources staff. Any trees planted within this buffer shall not be credited as grand oak replacements should the existing grand oak be removed.

7. The Gordon Road access point shall be posted with a double faced sign stating "Tanker/Commercial Truck Use of this Entry/Exit is Prohibited"
8. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.
9. The project shall be served by, and limited to, the following access connections:
  - a. One (1) right-in/right-out connection to Balm Riverview Rd.;
  - b. One (1) right-in/right-out connection to Big Bend Rd.; and,
  - c. One (1) full access connection to Gordon Rd.
10. With respect to the Gordon Rd. access, such access shall be:
  - a. Located such that it is generally centered on the convenience store use (as shown on the PD site plan);
  - b. Constructed with a maximum width of 24 feet; and,
  - c. Constructed with maximum curb return radii of 15-foot return radii (both internal and external to the site).
11. The developer shall construct the following site access improvements prior to or concurrent with the initial increment of development:
  - a. An eastbound to northbound left turn lane on Big Bend Rd. at its intersection with Gordon Rd.; and,
  - b. A northbound to eastbound right turn lane on Balm Riverview Rd. into the project driveway.


Such turn lanes may require the developer to acquire and/or dedicate and convey additional right-of-way to Hillsborough County along Balm Riverview Rd. and/or Big Bend Rd. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be permitted to modify the site layout (if necessary) to accommodate any site plan changes needed due to the dedication and conveyance additional of right-of-way required by this condition (if any).

12. Prior to or concurrent with the initial increment of development, the developer shall construct a minimum 4-foot wide raised concrete separators on Balm Riverview Rd. and Big Bend Rd. as generally shown on the PD site plan. The location and extent of the separator shall be subject to the review and approval of Hillsborough County.
13. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be required to comply all applicable Transportation Technical Manual standards, LDC regulations, and/or other applicable rules and regulations, unless otherwise varied through the appropriate process.
14. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.03.I. requirements regarding number of access connections. Approval of this Administrative Variance will permit three (3) access connections to serve the project.
15. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.07

access spacing standards with regards to the project's Big Bend Rd. connection. Approval of this Administrative Variance will permit the access to be located +/- 110 feet from Gordon Rd. and +/- 200 feet from Big Bend Rd.

16. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised ~~May 31~~ July 15, 2022) which was found approvable by the County Engineer (on May 31, 2022 and reconfirmed on August 4, 2022) for the Balm Riverview Rd. substandard road improvements. As Balm Riverview Rd. is a substandard collector roadway, the developer shall make certain improvements to Balm Riverview Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Balm Riverview Rd. frontage or as otherwise specified herein these conditions:
- a. The developer shall construct a raised concrete separator as further described in condition 12, hereinabove; and,
  - b. The developer shall relocate the sidewalk along the project's frontage such a new minimum 5-foot wide sidewalk is located along the eastern side of the drainage swales.
17. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Big Bend Rd. substandard road improvements. As Big Bend Rd. is a substandard collector roadway, the developer shall make certain improvements to Big Bend Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Big Bend Rd. frontage or as otherwise specified herein these conditions:
- a. The developer shall construct a raised concrete separator as further described in condition 12, hereinabove; and,
  - b. The developer shall construct a 12-foot wide multi-purpose pathway along the north side of Big Bend Rd. between Balm Riverview Rd. and Gordon Rd. (for a distance of +/- 275 feet).
18. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.
19. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the LDC regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

**Zoning Administrator Sign Off:**



J. Brian Grady  
Mon Aug 8 2022 10:58:25

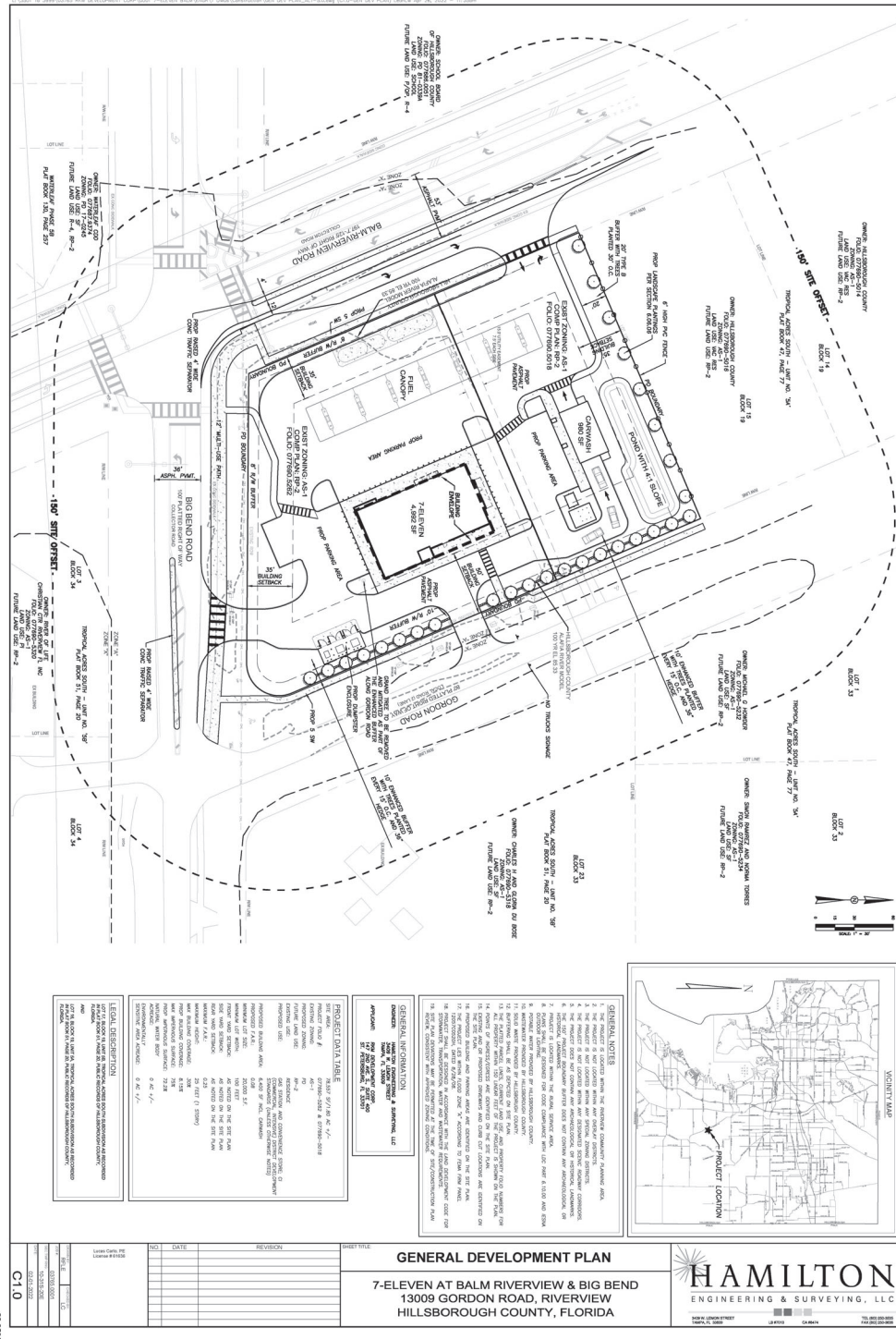
**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.**

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

**7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS**

None.

8.0 PROPOSED SITE PLAN (FULL)



**9.0 FULL TRANSPORTATION REPORT (see following pages)**

## AGENCY REVIEW COMMENT SHEET

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TO: Zoning Technician, Development Services Department

DATE: 6/4/2022

REVIEWER: James Ratliff, AICP, PTP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: RV/ South

PETITION NO: RZ 22-0561

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- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

### **CONDITIONS OF APPROVAL**

1. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.
2. The project shall be served by, and limited to, the following access connections:
  - a. One (1) right-in/right-out connection to Balm Riverview Rd.;
  - b. One (1) right-in/right-out connection to Big Bend Rd.; and,
  - c. One (1) full access connection to Gordon Rd.
3. With respect to the Gordon Rd. access, such access shall be:
  - a. Located such that it is generally centered on the convenience store use (as shown on the PD site plan);
  - b. Constructed with a maximum width of 24 feet; and,
  - c. Constructed with maximum curb return radii of 15-foot return radii (both internal and external to the site).
4. The developer shall construct the following site access improvements prior to or concurrent with the initial increment of development:
  - a. An eastbound to northbound left turn lane on Big Bend Rd. at its intersection with Gordon Rd.; and,
  - b. A northbound to eastbound right turn lane on Balm Riverview Rd. into the project driveway.

Such turn lanes may require the developer to acquire and/or dedicate and convey additional right-of-way to Hillsborough County along Balm Riverview Rd. and/or Big Bend Rd. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be permitted to modify the site layout (if necessary) to accommodate any site plan changes needed due to the dedication and conveyance additional of right-of-way required by this condition (if any).

5. Prior to or concurrent with the initial increment of development, the developer shall construct a minimum 4-foot wide raised concrete separators on Balm Riverview Rd. and Big Bend Rd. as generally shown on the PD site plan. The location and extent of the separator shall be subject to the review and approval of Hillsborough County.



6. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be required to comply all applicable Transportation Technical Manual standards, LDC regulations, and/or other applicable rules and regulations, unless otherwise varied through the appropriate process.
7. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.03.I. requirements regarding number of access connections. Approval of this Administrative Variance will permit three (3) access connections to serve the project.
8. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.07 access spacing standards with regards to the project's Big Bend Rd. connection. Approval of this Administrative Variance will permit the access to be located +/- 110 feet from Gordon Rd. and +/- 200 feet from Big Bend Rd.
9. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Balm Riverview Rd. substandard road improvements. As Balm Riverview Rd. is a substandard collector roadway, the developer shall make certain improvements to Balm Riverview Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Balm Riverview Rd. frontage or as otherwise specified herein these conditions:
  - a. The developer shall construct a raised concrete separator as further described in condition 5, hereinabove; and,
  - b. The developer shall relocate the sidewalk along the project's frontage such a new minimum 5-foot wide sidewalk is located along the eastern side of the drainage swales.
10. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Big Bend Rd. substandard road improvements. As Big Bend Rd. is a substandard collector roadway, the developer shall make certain improvements to Big Bend Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Big Bend Rd. frontage or as otherwise specified herein these conditions:
  - a. The developer shall construct a raised concrete separator as further described in condition 5, hereinabove; and,
  - b. The developer shall construct a 12-foot wide multi-purpose pathway along the north side of Big Bend Rd. between Balm Riverview Rd. and Gordon Rd. (for a distance of +/- 275 feet).

Other Conditions

- Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:
  - Show the existing structure footprint and sidewalk on/along adjacent folio 77690.0516 (to which this project will tie in to);
  - Redesign internal sidewalk connections such that they cross internal driveways at 90 degree angles and have receiving ramps on both ends;

- Correct the proposed sidewalk shading along Balm Riverview Rd. such that it extends to the northbound project boundary;
- Prior to PD Site Plan Certification, the applicant’s Engineer of Record shall revise the Balm Riverview Rd. Design Exception request to correct the discrepancy between the proposed right turn lane width specified in the text and the width shown on the Typical Section.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone two parcels, totaling +/- 1.8 ac., from Agricultural Single-Family Conventional - 1 (AS-1) to Planned Development (PD). The proposed PD is seeking entitlements for 4,992 s.f. of convenience store with gas pump uses and a 980 s.f., 1 bay, automated car wash.

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer’s Trip Generation Manual, 10<sup>th</sup> Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AS-1, 1 Single Family Detached Dwelling Units (ITE LUC 210)	19	1	2

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 4,434 s.f. Gas Station and Convenience Store (ITE LUC 960)	3,710	368	307
PD, Automated Car Wash, 1 Bay (ITE LUC 948)	Not Available	78 (est.)	78
Subtotal:	3,710	446	385

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>(+) 3,691</b>	<b>(+) 445</b>	<b>(+) 383</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

Balm Riverview Rd. is a 2-lane, undivided, publicly maintained, substandard collector roadway characterized by +/- 12-foot travel lanes in above average condition (in the vicinity of the proposed project). Along the project’s frontage, the roadway lies within a +/- 100-foot wide right-of-way. There are +/- 5-foot wide sidewalks along portions of the east and west sides of Balm Riverview Rd. in the vicinity of the proposed project. There are +/- 4 to 5-foot wide bicycle facilities (on paved shoulders) along Balm Riverview Rd. south of Big Bend Rd.; however, there are generally no bicycle facilities present along the portion of Balm Riverview Rd. north of Big Bend Rd. (except for a southbound keyhole bicycle lane between turn lanes at the intersection).

Balm Riverview Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway. Although there is no typical section for 2-lane enhanced roadways, the minimum right-of-way necessary is calculated by taking the typical section for a 2-lane urban, undivided roadway (TS-4 within the Hillsborough County Transportation Technical Manual), which requires a minimum of 64 feet of right-of-way, and adding an additional 12 feet of right-of-way for enhancements, plus an additional 12 feet each for needed turn lanes (i.e. a southbound to westbound right turn lane and a southbound to eastbound left turn lane), for a total of 100 feet of right-of-way required. As there is +/- 100 feet of right-of-way existing along the project's frontage, no additional right-of-way is needed to accommodate the future enhanced roadway.

Big Bend Rd. is a 2-lane, undivided, publicly maintained, substandard collector roadway characterized by +/- 12-foot wide travel lanes in above average condition (in the vicinity of the proposed project). The roadway lies within a +/- 100-foot wide right-of-way in the vicinity of the proposed project. There are +/- 4-foot to 5-foot wide sidewalks along portions of the north and south sides of Big Bend Rd. in the vicinity of the proposed project. There are no bicycle facilities present along Big Bend Rd. in the vicinity of the proposed project.

The nearby Triple Creek development recently constructed improvements at the intersection of Big Bend Rd. and Balm Riverview Rd. The nature and geometry of such improvements are generally shown on the PD site plan.

Gordon Rd. is a 2-lane, undivided, publicly maintained, substandard local roadway characterized (post work performed by the County as a part of the adjacent pump station project) by +/- 20-feet of pavement in above average condition in the vicinity of the project. The roadway lies within a +/- 80-foot wide right-of-way in the vicinity of the proposed project. There are no bicycle facilities present along Gordon Rd. There is a +/- 5-foot wide sidewalk along a portion of Gordon Rd. (in front of the newly constructed County pump station) just north of the proposed project.

## **SITE ACCESS AND CONNECTIVITY**

### *Generally*

The applicant is proposing three access connections to serve the proposed project. Pursuant to Section 6.04.03.I. of the LDC, and based upon the project's anticipated trip generation, only two access connections are needed to serve the proposed project. As such, the applicant was required to request a Section 6.04.02.B. administrative variance from the Section 6.04.03.I requirement that the project be served by two driveways. Furthermore, one of the proposed driveways (the connection to Big Bend Rd.) does not meet minimum access spacing standards found within Section 6.04.7 of the LDC. As such, the applicant was required to seek a Section 6.04.02.B. Administrative Variance.

During the last iteration of the proposed project, which was previously withdrawn, there were several discussions between staff and the applicant's team regarding the applicability of various LDC access standards and how staff applies the standards. The issue of number of access driveways is closely related to the appropriate access spacing standard which forms the basis for the variances described above. Although each variance request is detailed below, it may be helpful to understand how staff generally looked at and applied the various standards, as well as the generally purpose behind each standard.

### *Standards for Number of Driveways*

Section 6.04.03.I. (regarding number of driveways) provides a formula for calculating the required number of driveways. The number arrived at is both a minimum and a maximum. The LDC states that the number of entrances is based on the peak hour flow rate. There is also a formula which states "Number of Driveways = Peak Hour Total Project Traffic/Maximum Vehicle Flow". It also provides an option for staff to allow fewer driveways than required "if through an approved traffic engineering study it is demonstrated that the proposed driveway connections will provide adequate capacity for the project to operate in a safe and efficient manner without causing delays or backups on the impacted roadways." There is no similar

provision for staff allowances for more driveways than are necessary, hence the need for a Section 6.04.02.B. administrative variance in those situations. Per current practice, staff will allow greater connections administratively where such connections further community connectivity (i.e. meet other LDC requirements and/or Comprehensive Plan policies) and when such connections can meet required spacing criteria.

#### Standards for Spacing of Driveways

Section 6.04.07 (regarding minimum spacing criteria) provides a table for determining the minimum required spacing for access connections, based upon the roadway class and existing/planned geometric characterizes of the roadway. While table is used for the vast majority of projects, there is another table within the LDC (Section 6.04.08) which provides minimum spacing criteria for isolated corner properties. Isolated corner properties are properties that, because of size or configuration, cannot meet the minimum spacing requirements within Section 6.04.07. It does not apply automatically to all corner parcels, and usage of these standards comes with additional requirements and restrictions. Section 6.04.03.R of the LDC provides that when the isolated corner criteria is utilized, there will be no more than one connection per frontage. Additionally, the LDC requires that in most cases when joint or alternative access (which meets or exceeds the applicable minimum connection spacing standard within Section 6.04.07) becomes available, the driveway permitted under the isolated corner criteria shall be closed.

#### Applicability to the Subject PD

When evaluating whether and how proposed project access meets LDC requirements, staff started with the project accesses which could meet spacing standards (i.e. the Gordon Rd. and Balm Riverview Rd. accesses). In addition to being critical to the overall site circulation and safe and efficient functioning of the project, the Gordon Rd. access helps promote integration of the use with the surrounding community and helps to minimize the number of trips unnecessarily traveling on collector or arterial roadways. Per the LDC, this access can accommodate 180 peak hour trips. As the project is anticipated to generate 368 a.m. peak hour trips (the highest generating peak hour), additional access was needed to accommodate the project. The next access which complies with LDC criteria is the Balm Riverview Rd. access. This access can accommodate 300 peak hour trips. Between the two access driveways, no additional access is needed to accommodate Section 6.04.03.I. The applicant requested an additional access on Big Bend Rd., as discussed below.

The applicant's additional requested access connection to Big Bend Rd. is not required per Section 6.04.03.I. and cannot meet minimum spacing requirements. This access is located on a collector roadway between two intersections, one of which is planned to be a very significant facility in the future (Big Bend Rd. is shown on the Hillsborough Corridor Preservation Plan as a future 6-lane roadway west of Balm Riverview Rd.) The other existing intersection (with Gordon Rd.) is itself in a less than ideal location, being only +/- 317 feet from the intersection of Big Bend Rd. and Balm Riverview Rd. (typical greater separation would be desirable at the intersection of a future 6-lane and 2-lane enhanced roadway). Given the access is not required per Section 6.04.03.I, and the roadway cannot meet the additional requirements of Section 6.04.03.R., this roadway cannot be considered under the Section 6.04.08 isolated corner criteria. As such, the applicant submitted a spacing variance from the Section 6.04.07 criteria as further described below.

Consistent with Section 6.04.04.D. of the LDC, an eastbound to northbound left turn lane is required on Big Bend Road onto Gordon Rd. It should be noted that the configuration for the left turn lane shown the previous iteration's site plan (i.e. back to back turn lanes) does not meet minimum standards for turn lane length. The applicant will have the option of applying for a Design Exception for this issue at the time of site/construction plan review; however, if such Design Exception was denied the back-to-back left turn lanes will be required (and which potentially introduce intersection design, offset and stormwater issues that cannot be accommodated within the existing right-of-way). A northbound to eastbound right turn lane into the project driveway was also found to be warranted pursuant to Section 6.04.04.D. of the LDC.

Staff has proposed conditions which requires the applicant to dedicate/convey and/or obtain additional right-of-way (if necessary) to construct these required improvements. These conditions also provide

flexibility in the site plan to allow reconfiguration if necessary due to additional right-of-way dedication and conveyance.

Concerns with Gordon Rd. Access

Hillsborough County City-County Planning Commission (hereinafter referred to as “PC”) staff expressed some concerns with the Gordon Rd. access introducing the potential for heavy truck traffic into and out the neighborhood to the north and east of the site. Transportation Review Section (TRS) staff met with PC staff to explain the substantial impacts that elimination of that the Gordon Rd. access would have on the neighborhood (due to certain vehicles not being able to reach the site given existing roadway conditions and necessary turning restrictions). Staff also explained that elimination would of the access would put unnecessary trips on Big Bend Rd. (east of the Balm River Rd.) and Balm Riverview Rd., both heavily traveled roadways with no opportunities for expansion once they reach a failing levels of service. PC staff indicated that they would support the access provided the site and access were designed such that heavy trucks would not be able to utilize the access. The applicant provided auto-turn analysis supporting our analysis of this issue, and staff found that that the proposed combination of building placement relative to access location, driveway width, and return radii sizing restrict the ability for heavy trucks to utilize the site. TRS staff worked with PC to craft a condition which addresses their concerns by memorializing these design issues to regulate construction of the access and guide any potential PD modification or site plan changes with respect to this issue.

**ADMINISTRATIVE VARIANCE #1, NUMBER OF DRIVEWAYS**

The applicant’s Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated May 23, 2022) from the Section 6.04.03.I. LDC requirement, governing number of driveways which may be permitted. Based upon the functional classification of adjacent roadways, the LDC requires (and permits) only two (2) access connections for the subject PD. The applicant is proposing three (3) access connections to serve the proposed project. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable on May 31, 2022. If this rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request.

**ADMINISTRATIVE VARIANCE #2, ACCESS SPACING – BIG BEND RD.**

The applicant’s Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated May 23, 2022) from the Section 6.04.07. LDC requirement, governing spacing for the proposed Big Bend Rd. access. Per the LDC, Big Bend Rd. is a Class 5 roadway, which requires minimum connection spacing of 245 feet. The applicant is proposing the driveway in a location which is +/- 200 feet from the intersection of Big Bend. Rd. and Balm Riverview Rd., and +/- 110 feet from the intersection of Big Bend. Rd. and Gordon Rd. As such, the applicant is seeking a variance of 45 feet and 135 feet, respectively. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable on May 31, 2022. If this rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request.

**ADMINISTRATIVE VARIANCE #3, SUBSTANDARD ROAD – GORDON RD.**

The applicant’s Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated May 31, 2022) from the Section 6.04.03.L. LDC requirement, whereby the developer is required to improve the public roadway network, in this case Gordon Rd. (between the project access and nearest roadway meeting applicable standards) to current County standards as a TS-3 urban local roadway (non-residential subtype) or TS-7 rural local and collector roadway. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable (on May 31, 2022).

If PD 22-0561 is approved, the County Engineer will approve the above referenced Administrative Variance Request, upon which the developer will not be required to make improvements to the roadway.

### **DESIGN EXCEPTION #1, SUBSTANDARD ROAD – BALM RIVERVIEW RD.**

Given that Balm Riverview Rd. is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception (DE) request (on May 23, 2022 and revised May 31, 2022) for Balm Riverview Rd. to determine the specific improvements that would be required by the County Engineer. Based on factors presented within the Design Exception request, the County Engineer found the DE approvable (on May 31, 2022). The deviations from the TS-7 Typical Section (2-Lane Undivided, Local and Collector Rural Roadways), which is the primarily applicable Typical Section, as well as other applicable Typical Sections include:

- The developer shall be permitted to utilize the existing 11-foot to travel lanes in lieu of the 12-foot wide travel lanes typically required by the Hillsborough County Transportation Technical Manual (TTM) TS-7;
- The developer shall be permitted to install a 4-foot wide raised concrete separator in lieu of the 22-foot wide grassy median typically required pursuant to TS-8 (the Typical Section for 2-lane divided rural collector roadways);
- The developer shall be permitted to install a 1-foot wide sod strip between the sidewalk and the project boundary in lieu of the 2-foot wide sod strip required pursuant to TTM TS-7; and,
- The developer shall be permitted to eliminate the required 8-foot wide stabilized shoulders, of which 5-feet is required to be paved pursuant to TTM TS-7.

No other improvements will be required along Balm Riverview Rd., except for sidewalks/pedestrian connections otherwise required by Section 6.03.02 of the LDC. Staff notes the applicant states in DE they will be relocated the existing sidewalk along the project's frontage to the east side of the drainage swales.

Lastly, staff notes there is a discrepancy in the DE request between the width of the northbound right turn lane shown on the Typical Section (which is 11-feet) and the written text of the DE which states the turn lane will be 12-feet. Staff has included a condition which requires the Design Exception to be clarified prior to or concurrent with PD site plan certification.

### **DESIGN EXCEPTION #2, SUBSTANDARD ROAD – BIG BEND RD.**

Given that Big Bend Rd. is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception (DE) request (on May 23, 2022 and revised May 31, 2022) for Balm Riverview Rd. to determine the specific improvements that would be required by the County Engineer. Based on factors presented within the Design Exception request, the County Engineer found the DE approvable (on May 31, 2022). The deviations from the TS-7 Typical Section (2-Lane Undivided, Local and Collector Rural Roadways), which is the primarily applicable Typical Section, as well as other applicable Typical Sections include:

- The developer shall be permitted to utilize the existing 11-foot to travel lanes in lieu of the 12-foot wide travel lanes typically required by the Hillsborough County Transportation Technical Manual (TTM) TS-7;
- The developer shall be permitted to install a 12-foot wide multi-purpose path in lieu of the 5-foot wide paved shoulders (which serve as a bicycle facility in rural typical sections) and 5-foot wide sidewalk typically required pursuant to TTM TS-7;
- The developer shall be permitted to reduce the separation of the pedestrian facilities to the nearest through lane from the 29 feet required pursuant to TS-7 to 7 feet;

- The developer shall be permitted to install a 4-foot wide raised concrete separator in lieu of the 22-foot wide grassy median typically required pursuant to TS-8 (the Typical Section for 2-lane divided rural collector roadways); and,
- The developer shall be permitted to leave the shoulders in their existing conditions instead of the required 8-foot wide stabilized shoulders, of which 5-feet is required to be paved, pursuant to TTM TS-7.

No other improvements will be required along Big Bend Rd., except for sidewalks/pedestrian connections otherwise required by Section 6.03.02 of the LDC as well as the eastbound to northbound left turn lane discussed in the “Site Access and Connectivity” section of the report, hereinabove.

**ROADWAY LEVEL OF SERVICE**

Level of Service (LOS) information for adjacent roadway sections is reported below.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Balm Riverview Rd.	Big Bend Rd.	Boyette Rd.	D	C
Balm Riverview Rd.	Balm Rd.	Big Bend Rd.	C	C
Big Bend Rd.	Summerfield Blvd.	Balm Riverview Rd.	D	C

Source: Hillsborough County 2019 Level of Service Report.

## Ratliff, James

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**From:** Williams, Michael  
**Sent:** Tuesday, May 31, 2022 5:03 PM  
**To:** Michael Yates; vcastro@palmtraffic.com  
**Cc:** Tirado, Sheida; msmith@gardnerbrewer.com; Heinrich, Michelle; Ratliff, James  
**Subject:** FW: PD 22-0561 DE & AV Review  
**Attachments:** 22-0561 AVReq 05-23-22\_1.pdf; 22-0561 AVReq 05-23-22\_2.pdf; 22-0561 AVReq 05-31-22\_3.pdf; 22-0561 DEREQ 05-31-22\_1.pdf; 22-0561 DEREQ 05-31-22\_2.pdf

**Importance:** High

Michael/Vicki,

I have found the attached Section 6.04.02.B. Administrative Variances (AV) and Design Exceptions (DE) for PD 22-0561 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Ingrid Padron ([padroni@hillsboroughcounty.org](mailto:padroni@hillsboroughcounty.org) or 813-307-1709) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to [PW-CEIntake@hillsboroughcounty.org](mailto:PW-CEIntake@hillsboroughcounty.org)

Mike

**Michael J. Williams, P.E.**

**Director, Development Review**

**County Engineer**

Development Services Department

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P: (813) 307-1851

M: (813) 614-2190

E: [Williamsm@HillsboroughCounty.org](mailto:Williamsm@HillsboroughCounty.org)

W: HCFLGov.net

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**Hillsborough County**

601 E. Kennedy Blvd., Tampa, FL 33602

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[Facebook](#) | [Twitter](#) | [YouTube](#) | [LinkedIn](#) | [HCFL Stay Safe](#)



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**From:** Tirado, Sheida <TiradoS@hillsboroughcounty.org>  
**Sent:** Tuesday, May 31, 2022 4:40 PM  
**To:** Williams, Michael <WilliamsM@HillsboroughCounty.ORG>  
**Subject:** PD 22-0561 DE & AV Review  
**Importance:** High

Hello Mike,

The following DEs and AVs for this zoning case are approvable to me, please include the following people in your email.

[vcastro@palmtraffic.com](mailto:vcastro@palmtraffic.com)  
[myates@palmtraffic.com](mailto:myates@palmtraffic.com)  
[msmith@gardnerbrewer.com](mailto:msmith@gardnerbrewer.com)  
[HeinrichM@HillsboroughCounty.ORG](mailto:HeinrichM@HillsboroughCounty.ORG)  
[RatliffJa@hillsboroughcounty.org](mailto:RatliffJa@hillsboroughcounty.org)

Best Regards,

**Sheida L. Tirado, PE** *(she/her/hers)*  
**Transportation Review Manager**  
Development Services Department

---

P: (813) 276-8364  
E: [tirados@HCFLGov.net](mailto:tirados@HCFLGov.net)  
W: [HCFLGov.net](http://HCFLGov.net)

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**Hillsborough County**  
601 E. Kennedy Blvd., Tampa, FL 33602

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May 23, 2022

Mr. Michael Williams, P.E.  
Hillsborough County Development Services  
County Engineer  
Development Review Director  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview (22-0561)  
Administrative Variance Request – Number of Access Points  
Palm Traffic Project No. T22007

Dear Mr. Williams:

The letter documents our request for an administrative variance to Hillsborough County Land Development Code (LDC) Section 6.04.03.I (number of access points) in association with the proposed development of an approximate 4,992 convenience market with 16 fueling pumps and a car wash. The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road.

This request is for a variance to the number of driveway criteria of the LDC Section 6.04.03.I – Number of Access Points. Based on the code, the maximum driveway connections would be one. The justification for this variance is as follows:

1. All three driveways are vital to the access and circulation for the property.
2. The two main driveways, one on Balm Riverview Road and one on Big Bend Road, are both restricted to right-in/right-out access. Without the third driveway on Gordon Road, access from the north on Balm Riverview Road would be difficult.
3. Per the code, the driveway on Gordon Road, a local road, should be a secondary access. Eliminating either of the other two driveways would change the usage of the Gordon Road access.

Justification must address Section 6.04.02.B.3 criteria (a) and (b) – if applicable, (c). In the consideration of the variance request, the issuing authority shall determine to the best of its ability that the following circumstances are met:

**a) There is unreasonable burden on the applicant**

Due to the right-in/right-out driveways located on the collector/arterial, two-lane roadways limiting access to the corner parcel, all the driveways are required to provide reasonable access so as not to make the Gordon Road driveway the primary access point.

**b) The variance would not be detrimental to the public health, safety and welfare.**

The proposed right-in/right-out driveways have been moved as far from the signalized intersection as possible. In addition, a future cross access is being provided to the parcel to the north to provide future interconnectivity among the parcels and reducing

additional traffic on the adjacent roadway. With the limited access on Balm Riverview Road and Big Bend Road, all the accesses are required to provide the public with the safest access to the parcel. None of the roadways are wide enough for U-turns at the intersection, therefore each access provides access from different directions.

As part of this connection, the driveway will be designed to make it difficult for large delivery or fuel trucks to use Gordon Road. The design of the access to Gordon Road will be documented in the zoning conditions of approval.

**c) Without the variance, reasonable access cannot be provided.**

The two main accesses to the parcel are restricted to right-in/right-out driveways. Therefore, all the driveways are vital to the circulation within and access to the property.

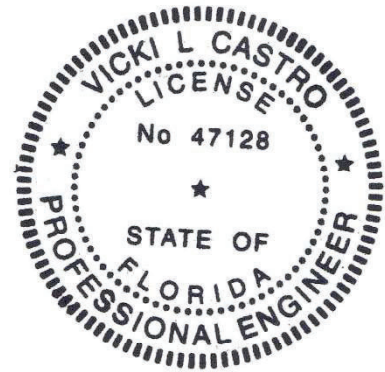
Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

Palm Traffic

**Vicki L Castro**

Digitally signed by Vicki L Castro  
Date: 2022.05.23 11:51:16 -04'00'



Vicki L Castro, P.E.  
Principal

Based on the information provided by the applicant, this request is:

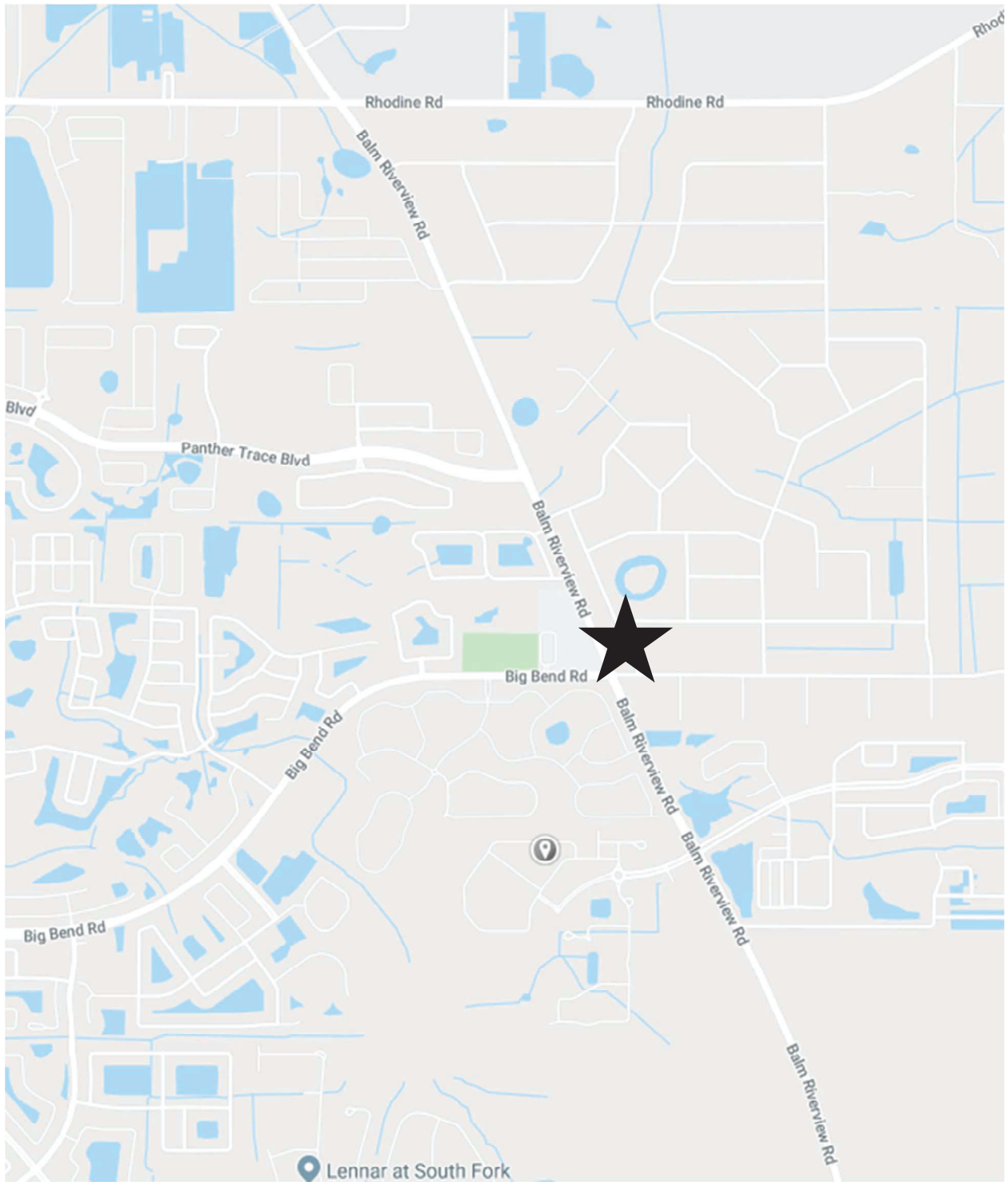
Disapproved  Approved with Conditions  Approved

If there are any further questions or you need clarification, please contact Sheida Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

### LOCATION MAP







May 23, 2022

Mr. Michael Williams, P.E.  
Hillsborough County Development Services  
County Engineer  
Development Review Director  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview (22-0561)  
Administrative Variance Request – Driveway on Big Bend Road  
Palm Traffic Project No. T22007

Dear Mr. Williams:

The letter documents our request for an administrative variance to Hillsborough County Land Development Code (LDC) Section 6.04.07 (connection spacing) in association with the proposed development of up to 4,992 convenience market with 16 fueling pumps and a car wash. This request is made based on the January 28, 2022 meeting.

The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road. Big Bend Road is identified on the Hillsborough County Comprehensive Plan Functional Classification Map as a collector roadway with a posted speed limit of 35 mph.

This request is for a variance to the access connection spacing criteria of the LDC Section 6.04.07. – Minimum Connection Spacing. The justification for this variance is as follows:

1. Big Bend Road is Class 5 roadway with a connection spacing requirement of 245 feet.
2. The parcel has approximately 330 feet of frontage on Big Bend Road.
3. The proposed right-in/right-out driveway is approximately 195 feet from the corner and 110 feet from Gordon Road, as shown in Figure 1.
4. LDC Section 6.04.03.J references right-in/right-out accesses which do not meet the minimum spacing. They may be permitted where, due to size, configuration or location of the parcel, there is no feasible alternative access meeting the desired standard.

Justification must address Section 6.04.02.B.3 criteria (a) and (b) – if applicable, (c). In the consideration of the variance request, the issuing authority shall determine to the best of its ability that the following circumstances are met:

**a) There is unreasonable burden on the applicant**

There is no feasible way for the applicant to meet the minimum connection spacing requirement outlined in LDC Section 6.04.07 due to the limited frontage on Big Bend Road.

**b) The variance would not be detrimental to the public health, safety and welfare.**

The proposed right-in/right-out driveway has been moved as far east of the signalized intersection as possible. With the limited access on Balm Riverview Road, this access will serve as a primary access for exiting traffic going to the west and south.

As part of this connection, a raised concrete separator will be installed in the existing gore area in the median of Big Bend Road.

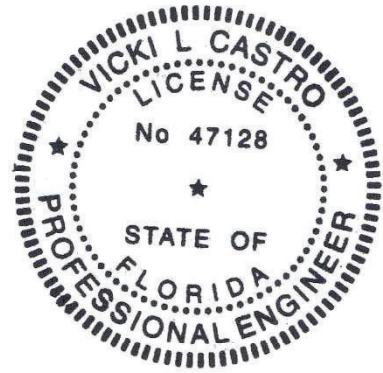
**c) Without the variance, reasonable access cannot be provided.**

The two accesses to the parcel are right-in/right-out driveways. Both are vital to the circulation within and access to the property.

Sincerely,  
Palm Traffic

**Vicki L Castro**

Digitally signed by Vicki L Castro  
Date: 2022.05.23 12:01:29 -04'00'



Vicki L Castro, P.E.  
Principal

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Based on the information provided by the applicant, this request is:

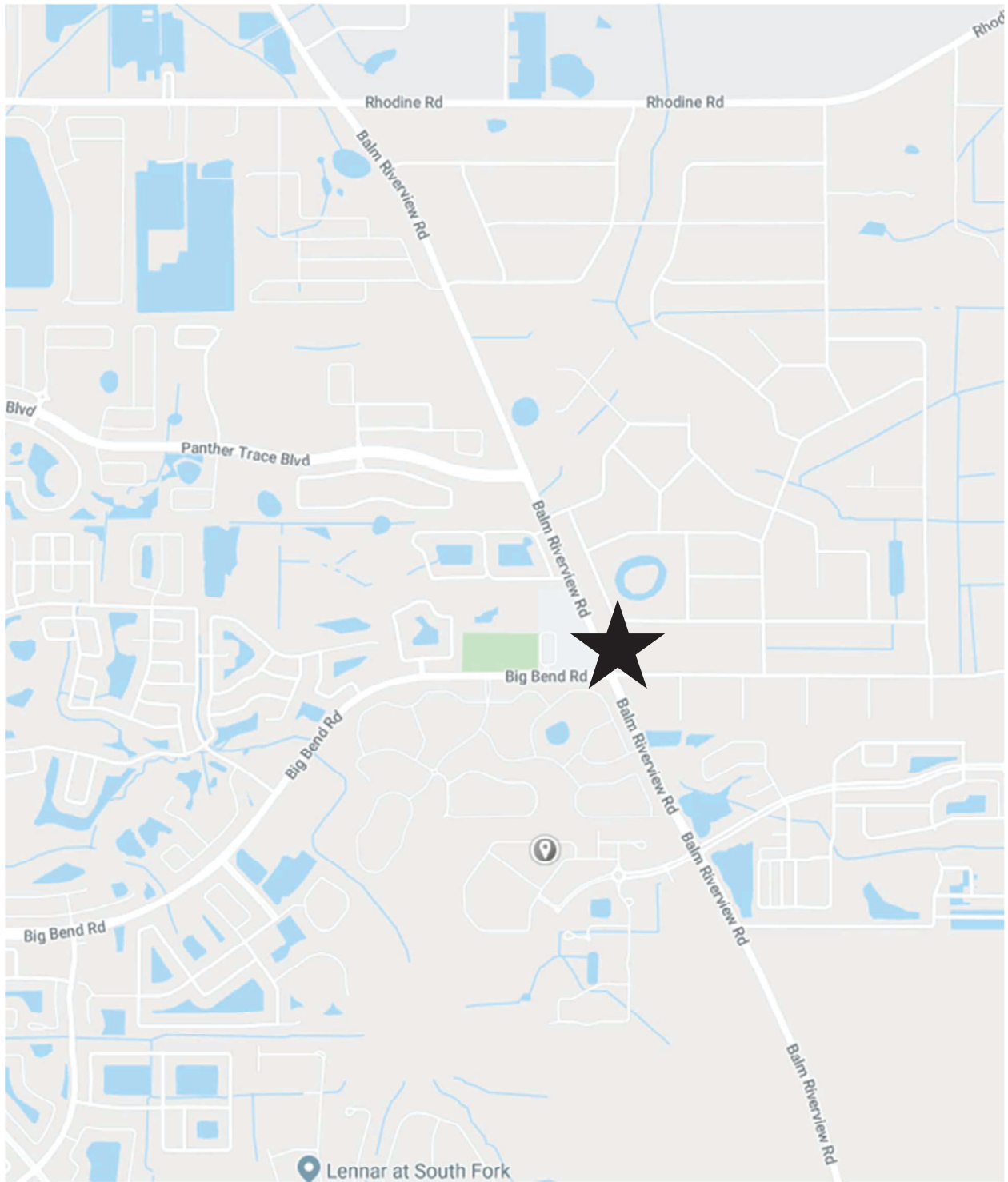
\_\_\_\_\_Disapproved \_\_\_\_\_Approved with Conditions \_\_\_\_\_Approved

If there are any further questions or you need clarification, please contact Sheida Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

### LOCATION MAP









May 31, 2022

Mr. Michael Williams, P.E.  
Hillsborough County Development Services  
County Engineer  
Development Review Director  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview Rd and Big Bend Rd NEC (22-061)  
Administrative Variance Request – Gordon Road  
Palm Traffic Project No. T21094

Dear Mr. Williams:

The purpose of this letter is to provide justification for the administrative variance to meet the requirements of the Hillsborough County Land Development Code (LDC) Section 6.04.03.L (existing facility) in association with the proposed development of a 4,992 square foot convenience market with 16 fueling positions and accessory car wash located east of Balm Riverview Road and north of Big Bend Road, as shown in Figure 1. This request is made based on our virtual meeting with Hillsborough County staff.

The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road, as shown in Figure 2. Big Bend Road is identified on the Hillsborough County Comprehensive Plan Functional Classification Map as a local roadway. Gordon Road was identified during our meeting as a substandard road. Gordon Road has a posted speed limit of 25 mph. Gordon Road is currently being reconstructed with the Hillsborough County Pump Station project (PI 5765) to include 10-foot travel lanes and 6-foot unpaved shoulder within approximately 65 feet of right of way.

This request is for an administrative variance to the TS-7 typical section of the Hillsborough County Transportation Technical Manual in accordance with LDC Section 6.04.02.B for the section from Race Track Road to our project access, for the following reasons: (a) there is an unreasonable burden on the applicant; (b) the variance would not be detrimental to the public health, safety and welfare; and; if applicable, (c) without the variance, reasonable access cannot be provided. These items are further discussed below.

**a) There is unreasonable burden on the applicant**

The typical TS-7 section for local and collector rural roadway requires a minimum of 96 feet of ROW with 12-foot travel lanes, a 5-foot paved shoulder, open drainage and a 5-foot sidewalk. The adjacent segment of Gordon Road is currently being reconstructed with the Hillsborough County Pump Station project (PI 5765) to include 10-foot travel lanes and 6-foot unpaved shoulder within approximately 65 feet of right of way. Sidewalk along the project frontage will be provided within the existing ROW.

**The variance would not be detrimental to the public health, safety and welfare.**

Gordon Road has a posted speed limit of 25 mph. This section of roadway is rural in nature and serves primary residential homes. According to the Florida Green Book, on a local road in constrained areas where the speed limit is 35 mph or lower, 10-foot lanes may be used. Additionally, along the frontage of our project, we are providing a 5-foot sidewalk. Given the information outlined in this section, the reduced travel lane width and lack of paved shoulder (in lieu of the unpaved shoulder being constructed by Hillsborough county) will not have any impact on public health, safety, or welfare.

**b) Without the variance, reasonable access cannot be provided.**

The access to Gordon Road is a secondary access for the proposed project and will provide neighborhood connectivity. Additionally, the access will be restricted by design and signage not to allow delivery vehicles. The 10-foot travel lanes and unpaved shoulders being constructed by Hillsborough County help keep the speed down and help provide a safe section that serves passenger vehicles.

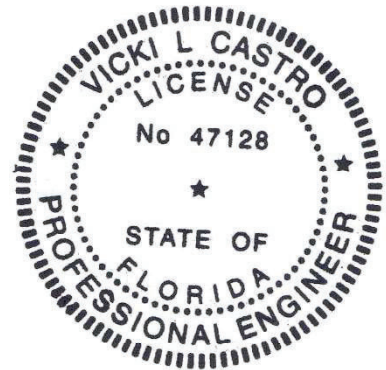
Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

Palm Traffic

**Vicki L Castro**

Digitally signed by Vicki L Castro  
Date: 2022.05.31 13:26:22 -04'00'



Vicki L Castro, P.E.  
Principal

Based on the information provided by the applicant, this request is:

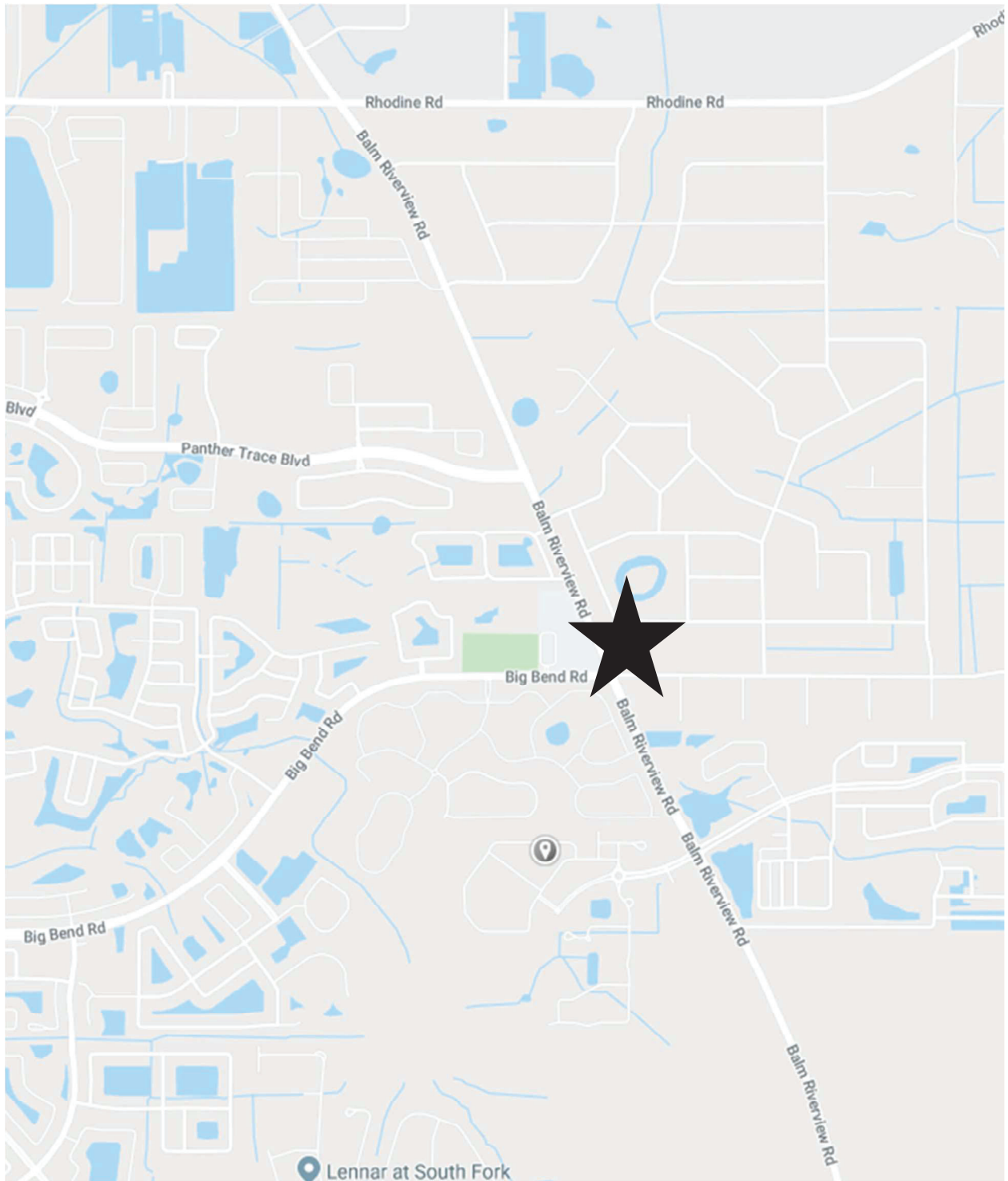
\_\_\_\_\_ Disapproved    \_\_\_\_\_ Approved with Conditions    \_\_\_\_\_ Approved

If there are any further questions or you need clarification, please contact Sheida Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

**Figure 1. Location Map**







May 23, 2022  
Revised May 31, 2022

Mr. Michael Williams, P.E.  
Hillsborough County  
Development Services Department  
Development Review Director  
County Engineer  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview Road and Big Bend Road NEC (22-0561)  
Design Exception – Balm Riverview Road  
Palm Traffic Project No. T21094

Dear Mr. Williams:

The purpose of this letter is to provide justification for the design exception per Transportation Technical Manual (TTM) 1.7 to meet the requirements of the Hillsborough County Land Development Code (LDC) Section 6.04.03.L (existing facility) in association with the proposed development of a 4,992 square foot convenience market with 16 fueling positions and accessory car wash located east of Balm Riverview Road and north of Big Bend Road, as shown in Figure 1. This request is made based on our virtual meeting with Hillsborough County staff.

The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road. Balm Riverview Road is identified in the Hillsborough County Comprehensive Plan Functional Classification Map as a collector roadway. Balm Riverview was identified during our meeting as a substandard road. Balm Riverview Road has a posted speed limit of 45 mph. Balm Riverview Road currently has 11-foot travel lanes, an 11-foot southbound left turn lane, an 11-foot southbound right turn lane, a 5-foot bike lane southbound and a 5-foot sidewalk northbound and southbound within approximately 130 feet of right of way.

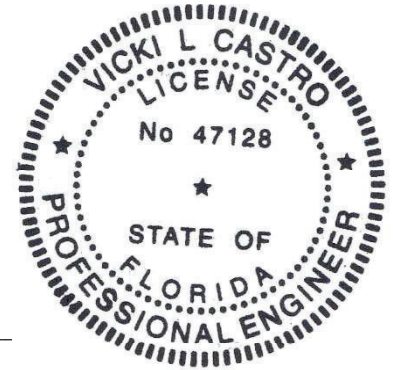
This request is a design exception to the Hillsborough County Transportation Technical Manual for Balm Riverview Road from Big Bend Road to the proposed project driveway. The requested exceptions to the TS-7 typical section and the justification are as follows:

1. The typical TS-7 section requires 12-foot lanes, 7-foot paved shoulders/bike lanes, 5-foot sidewalk, and open drainage.
2. The request is to maintain the recently constructed 11-foot travel lanes and turn lanes. On the east side of Balm Riverview Road, a 4-foot concrete traffic separator, 5-foot bike lane and 12-foot northbound right turn lane will be added. The existing 5-foot sidewalk east of Balm Riverview Road will be moved to east of the open drainage.
3. The proposed general development plan is shown in Figure 2. Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

**Vicki L Castro** Digitally signed by Vicki L Castro  
Date: 2022.05.31 13:12:40 -04'00'

Vicki L Castro, P.E.  
Principal



Based on the information provided by the applicant, this request is:

\_\_\_\_\_ Disapproved \_\_\_\_\_ Approved with Conditions \_\_\_\_\_ Approved

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

**FIGURE 1. LOCATION MAP**

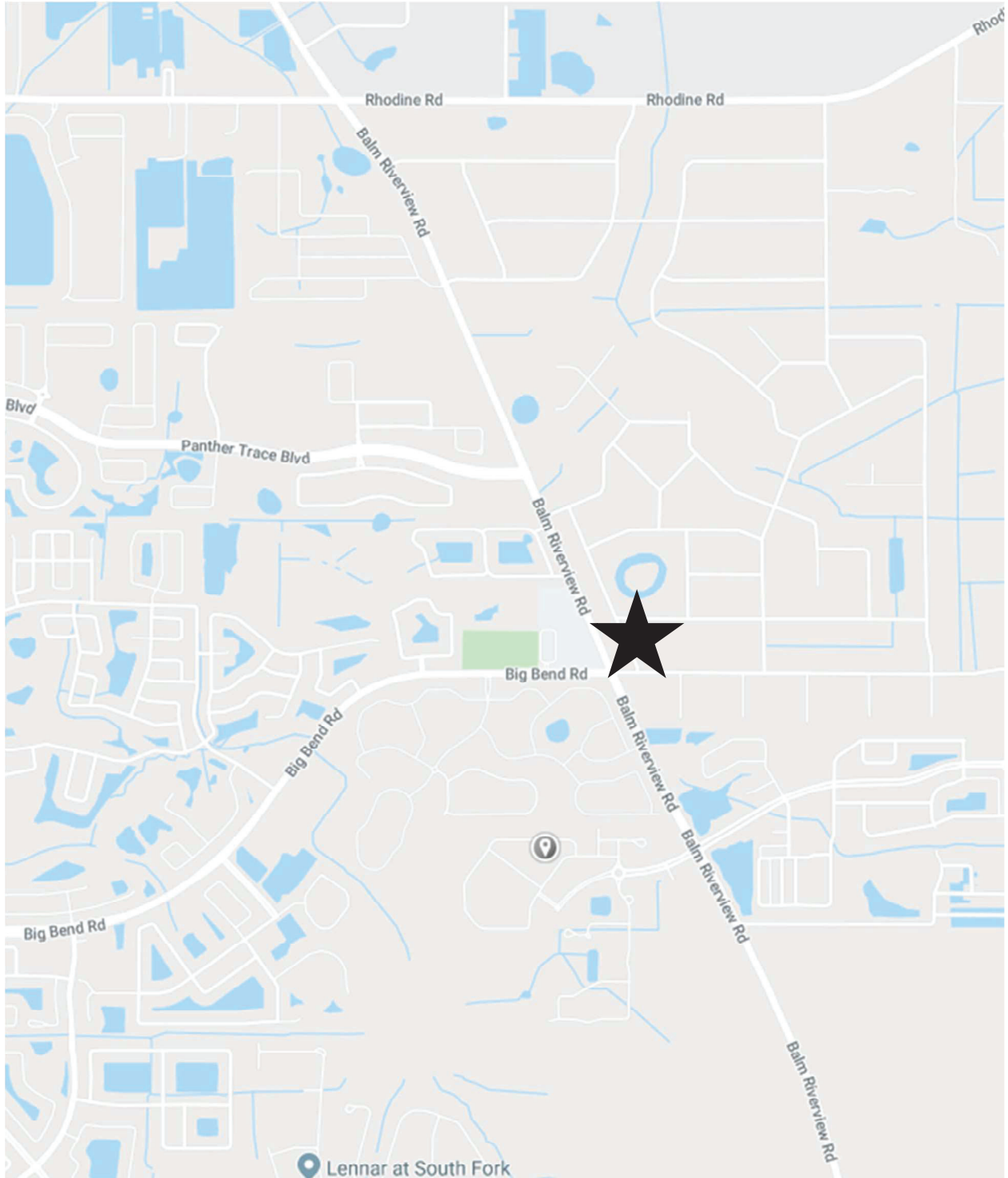
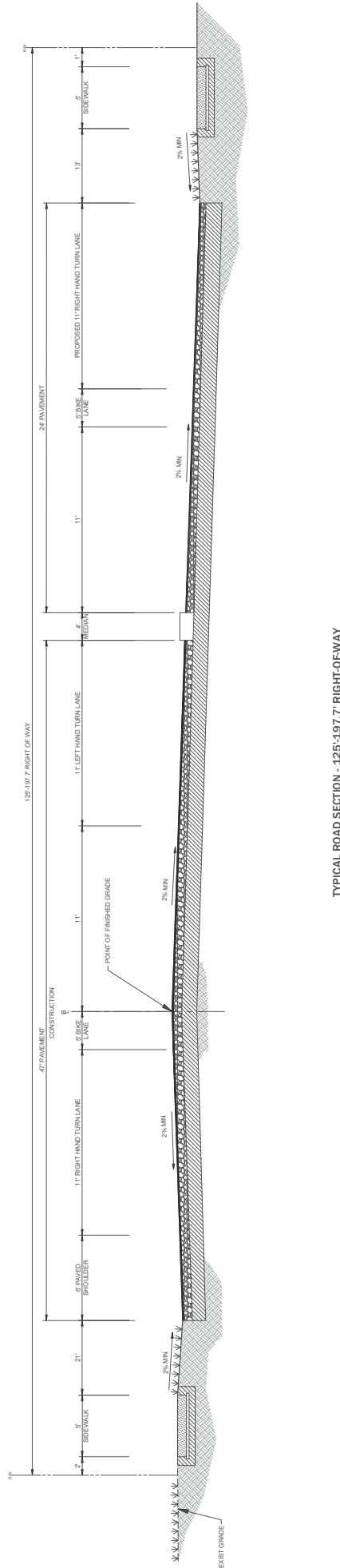






FIGURE 3: TYPICAL SECTION - BALM RIVERVIEW



TYPICAL ROAD SECTION - 125'-197.7' RIGHT-OF-WAY



May 23, 2022  
Revised May 31, 2022

Mr. Michael Williams, P.E.  
Hillsborough County  
Development Services Department  
Development Review Director  
County Engineer  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview Road and Big Bend Road NEC (22-0561)  
Design Exception – Big Bend Road  
Palm Traffic Project No. T21094

Dear Mr. Williams:

The purpose of this letter is to provide justification for the design exception per Transportation Technical Manual (TTM) 1.7 to meet the requirements of the Hillsborough County Land Development Code (LDC) Section 6.04.03.L (existing facility) in association with the proposed development of a 4,992 square foot convenience market with 16 fueling positions and accessory car wash located east of Balm Riverview Road and north of Big Bend Road, as shown in Figure 1. This request is made based on our virtual meeting with Hillsborough County staff.

The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road. Big Bend Road is identified on the Hillsborough County Comprehensive Plan Functional Classification Map as a collector roadway. Big Bend Road was identified during our meeting as a substandard road. Big Bend Road has a posted speed limit of 35 mph. Big Bend Road currently has 12-foot travel lanes, a 12-foot westbound left turn lane and a 5-foot sidewalk on the north side of Big Bend Road within approximately 85 feet of right of way.

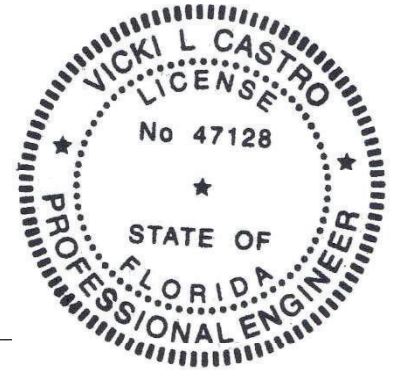
This request is a design exception to the Hillsborough County Transportation Technical Manual for Big Bend Road from Balm Riverview Road to Gordon Road. The requested exceptions to the TS-7 typical section and the justification are as follows:

1. The typical TS-7 section requires 12-foot lanes, 7-foot paved shoulders/bike lanes, 5-foot sidewalk, and open drainage.
2. The request is to maintain the recently constructed 12-foot travel lanes and turn lanes. On the north side of Big Bend Road, a 4-foot concrete traffic separator will be added in the existing gore area, and a 12-foot multi-use path will be added (in lieu of the 5-foot bike path and 5-foot sidewalk) along with open drainage. No modifications to the south side of Big Bend Road are proposed.
3. The proposed general development plan is shown in Figure 2. Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

**Vicki L Castro** Digitally signed by Vicki L Castro  
Date: 2022.05.31 13:10:27 -04'00'

Vicki L Castro, P.E.  
Principal



Based on the information provided by the applicant, this request is:

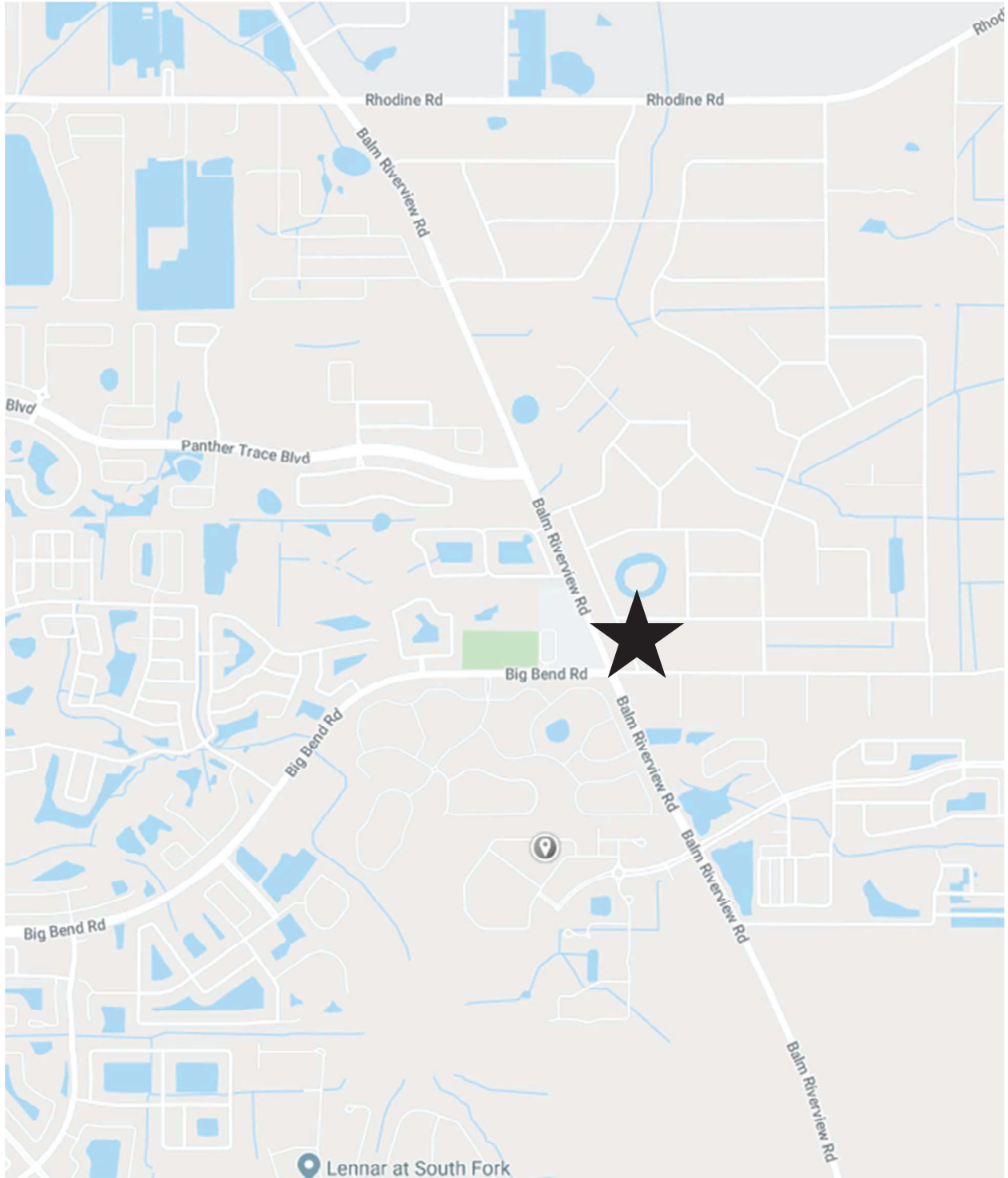
\_\_\_\_\_ Disapproved \_\_\_\_\_ Approved with Conditions \_\_\_\_\_ Approved

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

Sincerely,

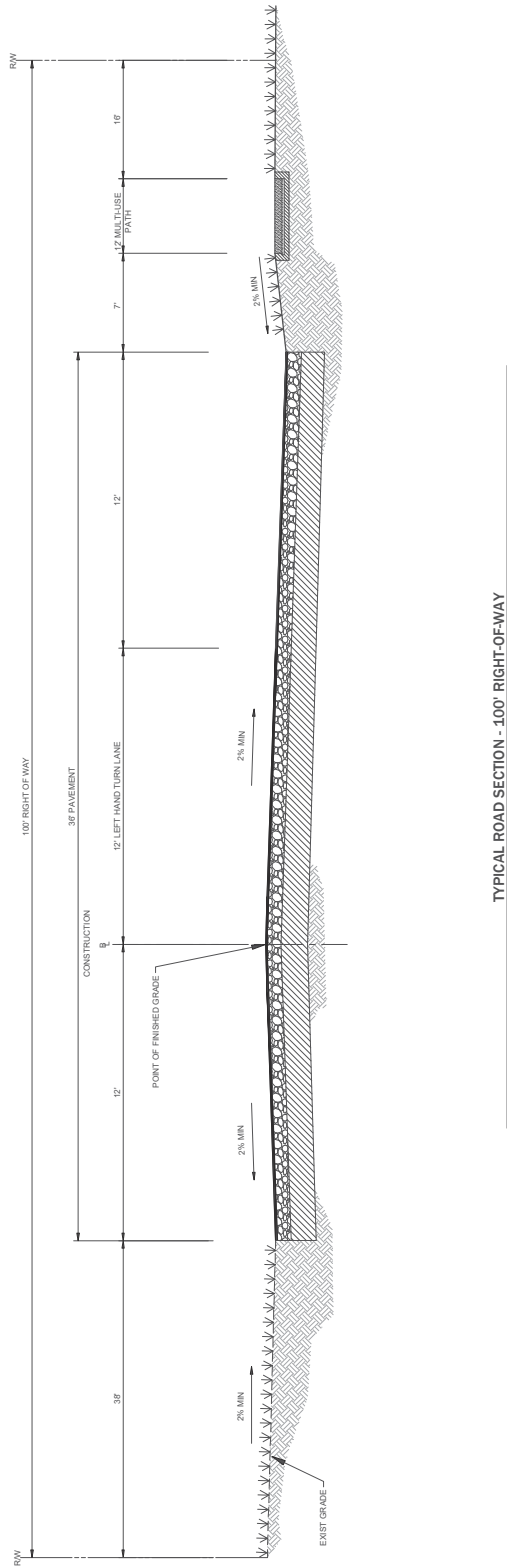
Michael J. Williams  
Hillsborough County Engineer

**FIGURE 1. LOCATION MAP**





**FIGURE 3: TYPICAL SECTION - BIG BEND**



Transportation Comment Sheet

**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)**

<b>Adjoining Roadways (check if applicable)</b>			
<b>Road Name</b>	<b>Classification</b>	<b>Current Conditions</b>	<b>Select Future Improvements</b>
Balm Riverview Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Big Bend Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Gordon Rd.	County Local - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	19	1	2
Proposed	3,710	446	385
Difference (+/-)	<b>(+) 3,691</b>	<b>(+) 445</b>	<b>(+) 383</b>

\*Trips reported are based on net new external trips unless otherwise noted.

<b>Connectivity and Cross Access</b> <input type="checkbox"/> Not applicable for this request				
<b>Project Boundary</b>	<b>Primary Access</b>	<b>Additional Connectivity/Access</b>	<b>Cross Access</b>	<b>Finding</b>
North		None	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East	X	Vehicular & Pedestrian	None	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC
Notes:				

<b>Design Exception/Administrative Variance</b> <input type="checkbox"/> Not applicable for this request		
<b>Road Name/Nature of Request</b>	<b>Type</b>	<b>Finding</b>
N/A - Number of Access Connections	Administrative Variance Requested	Approvable
Big Bend Rd. - Access Spacing	Administrative Variance Requested	Approvable
Gordon Rd. – Substandard Road	Administrative Variance Requested	Approvable
Balm Riverview Rd. – Substandard Road	Design Exception Requested	Approvable
Big Bend Rd. – Substandard Road	Design Exception Requested	Approvable
Notes:		

Transportation Comment Sheet

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input checked="" type="checkbox"/> Design Exception/Adm. Variance Requested <input checked="" type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**COUNTY OF HILLSBOROUGH  
LAND USE HEARING OFFICER'S RECOMMENDATION**

<b>Application number:</b>	RZ-PD 22-0561
<b>Hearing date:</b>	June 13, 2022
<b>Applicant:</b>	Sandra and David Kennedy, Fernando Trejo
<b>Request:</b>	Rezone to Planned Development
<b>Location:</b>	13007 and 13009 Gordon Road, Riverview  Northeast quadrant of Big Bend Road and Balm Riverview Road intersection, west side of Gordon Road.
<b>Parcel size:</b>	1.8 acres +/-
<b>Existing zoning:</b>	AS-1
<b>Future land use designation:</b>	Res Planned-2 (1/5 du/ga; 0.25 FAR; 2 du/ga if all requirements are met)
<b>Service area:</b>	Rural
<b>Community planning area:</b>	Riverview Community Plan and  Southshore Areawide Systems Plan

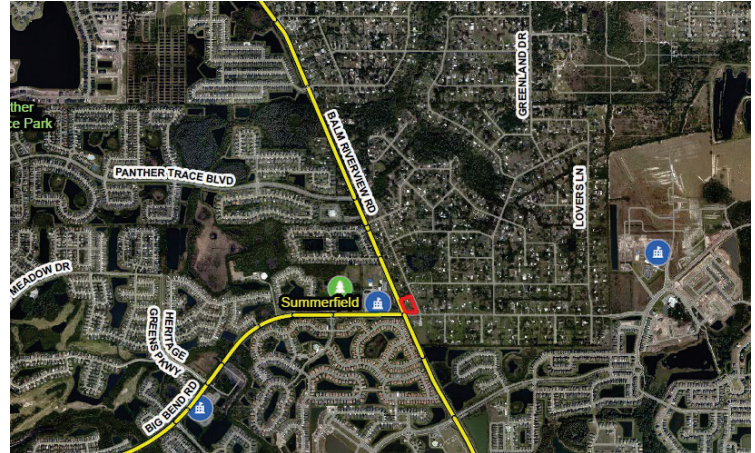


**A. APPLICATION REVIEW**

**DEVELOPMENT SERVICES STAFF REPORT  
APPLICATION REVIEW SUMMARY AND RECOMMENDATION**

**Rezoning Application:** PD 22-0561  
**Zoning Hearing Master Date:** June 13, 2022  
**BOCC Land Use Meeting Date:** August 25, 2022

**Applicant:** Sandra & David Kennedy  
 Fernando Trejo  
**FLU Category:** RP-2  
**Service Area:** Rural  
**Site Acreage:** 1.80 +/-  
**Community Plan Area:** Riverview  
**Overlay:** None



**Introduction Summary:**

The applicants request to rezone the subject properties from AS-1 (Agricultural Single-Family) to PD (Planned Development) to allow for the development of a convenience store (with gas sales) and car wash.

Zoning:	Existing	Proposed
District(s)	AS-1	PD 22-0561
Typical General Use(s)	Single-Family Residential/Agricultural	Convenience Store (with gas sales) and Car Wash
Acreage	1.80	1.80
Density/Intensity	1 unit per acre	0.08 F.A.R
Mathematical Maximum*	1 unit	5,972 sf

\*number represents a pre-development approximation

Development Standards:	Existing	Proposed
District(s)	AS-1	PD 21-1235
Lot Size / Lot Width	1 acre / 50 feet	N/A
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides No buffering /screening required	35' Front (south) 35' Front (west) 35' Side (north) 50' Front (east) Buffering /Screening required and provided
Height	50'	25' / 1-story

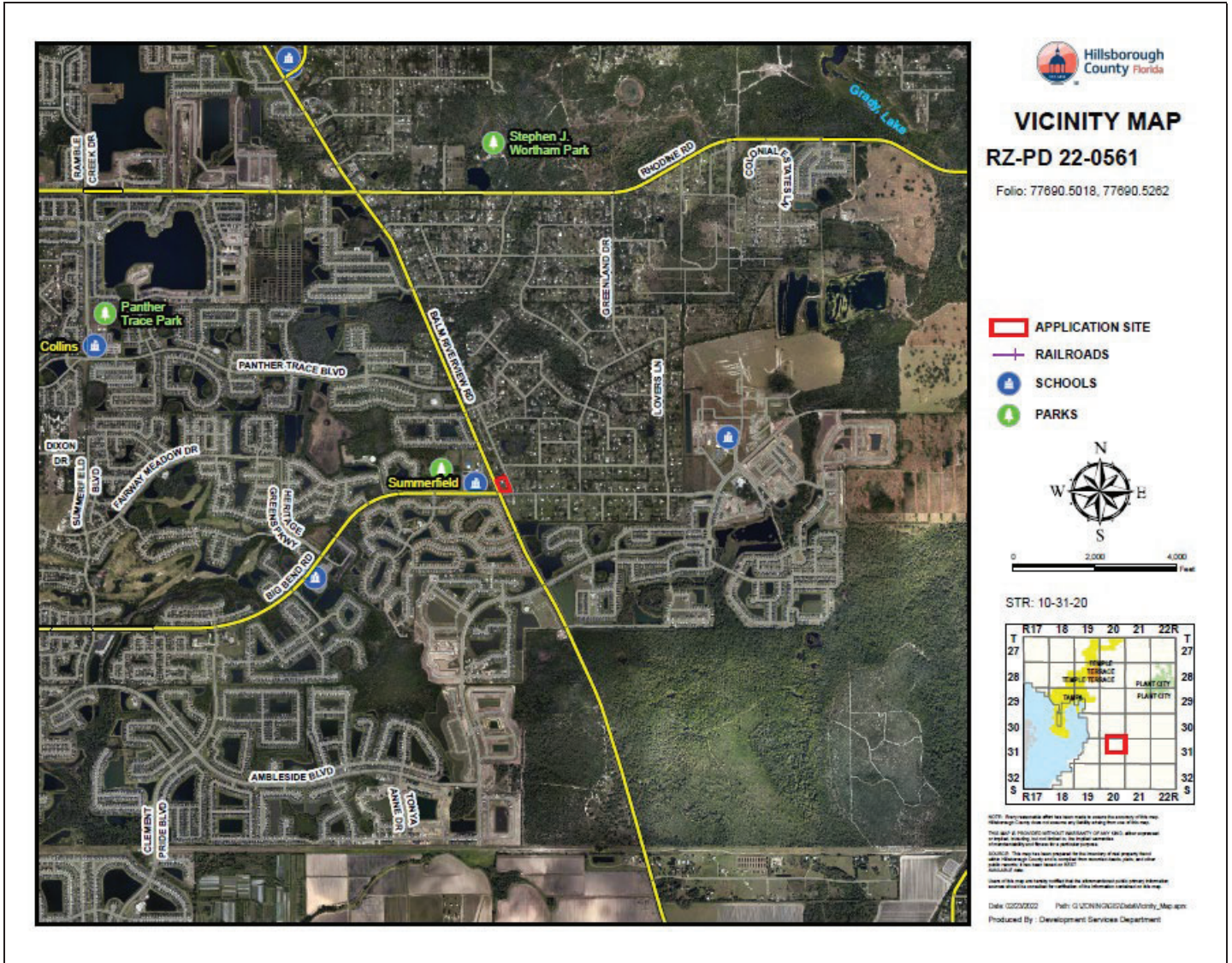
**Additional Information:**

PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	None requested as part of this application

<b>Planning Commission Recommendation:</b> Consistent	<b>Development Services Recommendation:</b> Approvable, subject to proposed conditions
--	---

## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map

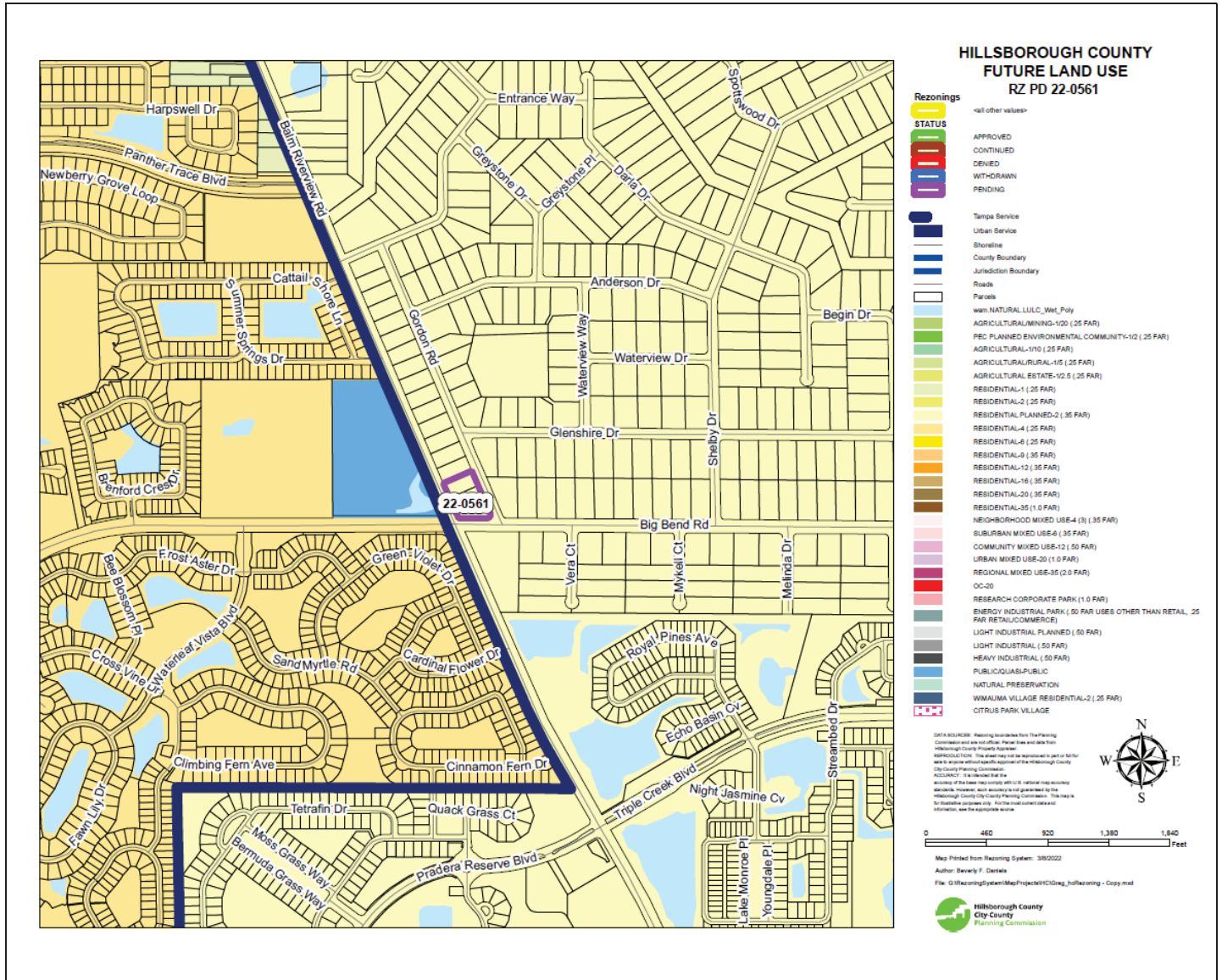


#### Context of Surrounding Area:

The site is located at the northeast corner of the Balm-Riverview Road (a collector roadway) and Big Bend Road (a collector roadway) signalized intersection. The subject area is within the Riverview community and is developed primarily with single-family residential and residential support uses. Non-residential uses include Summerfield Elementary to the west (west side of Balm Riverview Road) and the Firm Foundation Christian Fellowship church to the south (south side of Big Bend Road).

## 2.0 LAND USE MAP SET AND SUMMARY DATA

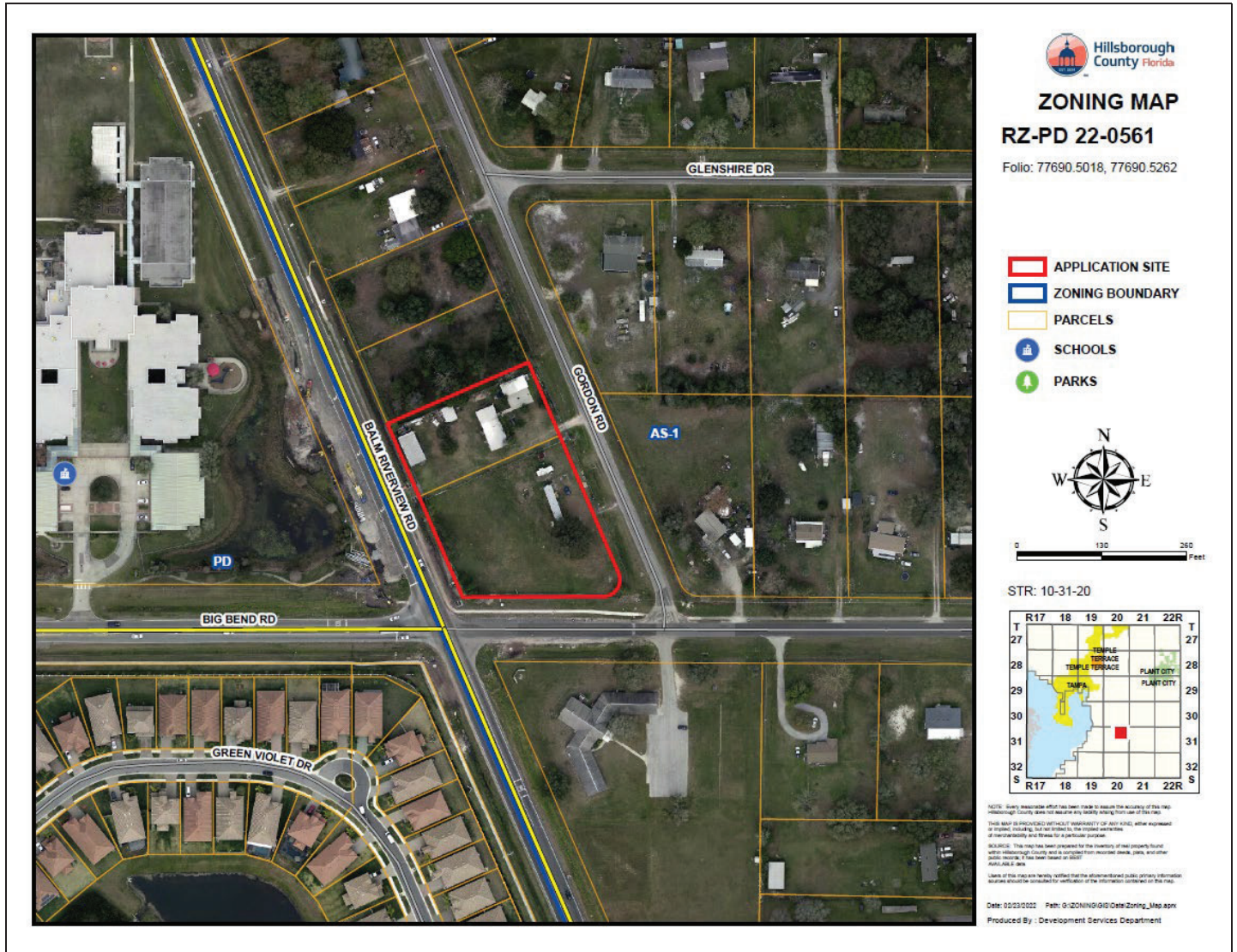
### 2.2 Future Land Use Map



Subject Site Future Land Use Category:	RP-2
Maximum Density/F.A.R.:	0.25 FAR
Typical Uses:	Agricultural, Residential, suburban scale neighborhood and community commercial, office uses, multi-purpose and clustered mixed use projects.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map

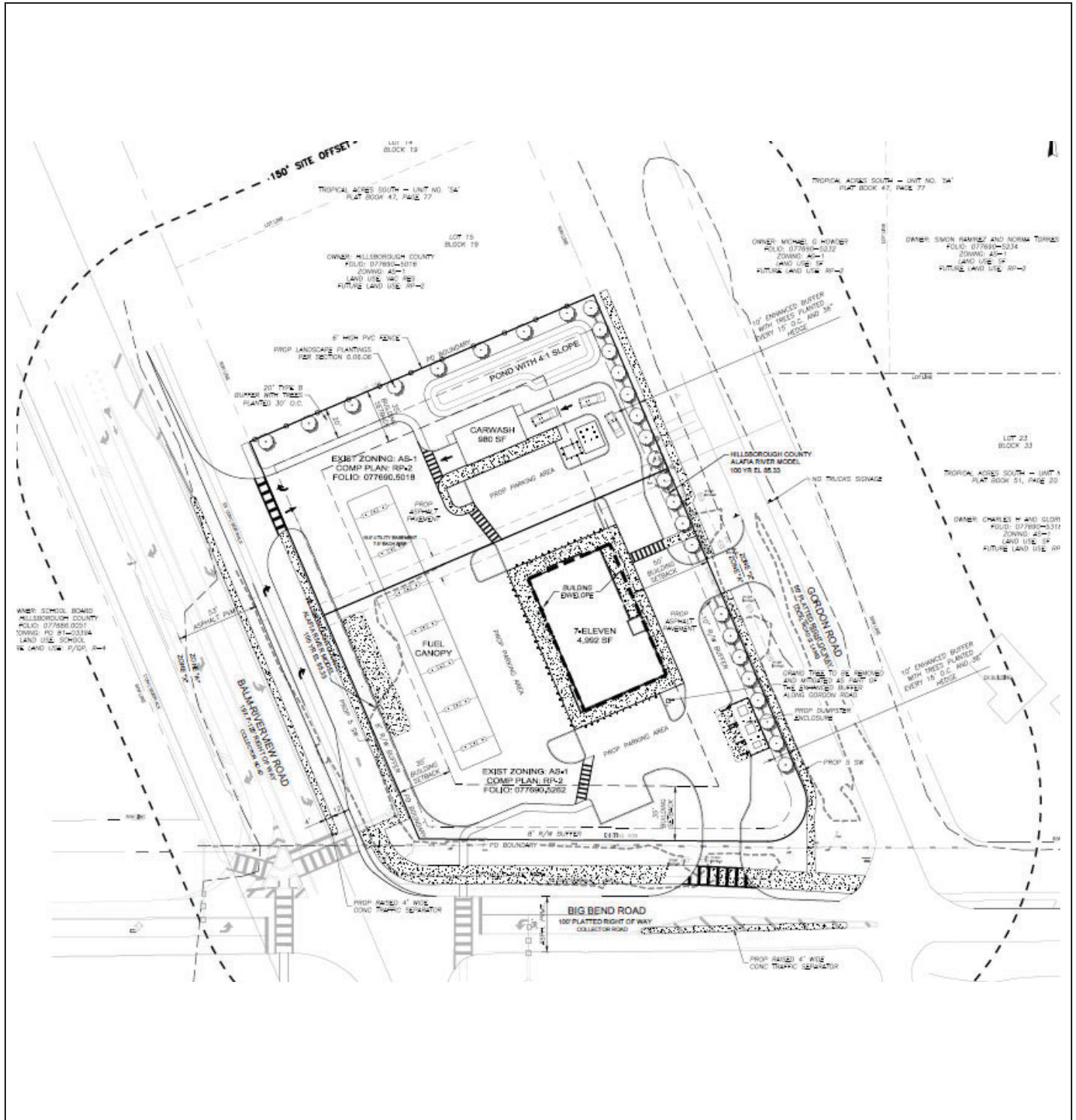


Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AS-1	1 unit per acre	Single-Family Residential/Agricultural	County-owned public use facility
South	AS-1	1 unit per acre	Single-Family Residential/Agricultural	Convenience Store with Gas Sales
East	AS-1	1 unit per acre	Single-Family Residential/Agricultural	Single-Family Residential
West	PD	N/A	School	Public elementary school

### 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)****Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
Balm Riverview Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Big Bend Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Gordon Rd.	County Local - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	19	1	2
Proposed	3,710	446	385
Difference (+/-)	(+) 3,691	(+) 445	(+) 383

\*Trips reported are based on net new external trips unless otherwise noted.

**Connectivity and Cross Access**  Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East	X	Vehicular & Pedestrian	None	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC

Notes:

**Design Exception/Administrative Variance**  Not applicable for this request

Road Name/Nature of Request	Type	Finding
N/A - Number of Access Connections	Administrative Variance Requested	Approvable
Big Bend Rd. - Access Spacing	Administrative Variance Requested	Approvable
Gordon Rd. - Substandard Road	Administrative Variance Requested	Approvable
Balm Riverview Rd. - Substandard Road	Design Exception Requested	Approvable
Big Bend Rd. - Substandard Road	Design Exception Requested	Approvable

Notes:

**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contains no wetlands
Natural Resources	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Existing grand oak on site
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
<b>Transportation</b> <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input checked="" type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Service Area/ Water &amp; Wastewater</b> <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Conditional connection to County water and wastewater services permitted
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b> Automated Car Wash    Retail – Conv Mkt. w/ Gas (Per 1,000 s.f.)                      (per fueling position for Mobility, per 1,000 SF for fire) Mobility: \$34,804.00                      Mobility: \$12,361 – 16,580 Fire: \$313.00                                  Fire: \$313.00 Rural Mobility, South Fire - Convenience Market, with Gas, Automated Car Wash. No specifics to breakdown of project components				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b> <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The subject site is located at the northeast signalized intersection of Big Bend Road and Balm Riverview Road, both collector roadways, which meets commercial locational criteria. Due to the size of the site, building setbacks will exceed those required in standard commercial zoning districts. Also due to the size of the site, the intensity of the project will be a 0.08 FAR, which is less than the maximum permitted under the Future Land Use Category. Building heights are limited to 1-story (25 feet).

The applicant will provide buffering and screening which exceeds Land Development Code requirements. While not required along the northern PD boundary, a 20 foot buffer with Type B screening will be provided. Property to the north is developed with a County public facility (water services). The closest residential home to the north is located approximately 250 feet from the PD boundary. Given the adjacent use and distance from residential, the car wash is proposed within the northern area of the site.

Buffering and screening along Gordon Road is also proposed, which is not required as this is front yard, yet is proposed to enhance compatibility with the adjacent neighborhood. Tree plantings and hedges will be placed along the 10 foot buffer positioned adjacent to Gordon Road. Property to the west is developed with a single-family home on a 1.2 acre parcel and is separated by Gordon Road (an 80 +/- foot wide right of way). The home is located 50 feet from Gordon Road and oriented towards Big Bend Road.

The site's primary access points will be on Big Bend and Balm-Riverview Road. A third access point on Gordon Road is also proposed to provide connectivity to an existing public roadway, to reduce the use of arterial roadways and to reduce travel distances. Tanker/commercial trucks will not be permitted to use this access point to eliminate commercial truck traffic within the adjacent residential. The access will have signage prohibiting tanker truck use and be designed with a turning radius that would not accommodate large commercial trucks.

Given the above, staff has not identified any compatibility issues with the proposal.

### 5.2 Recommendation

Approvable, subject to conditions.

## 6.0 PROPOSED CONDITIONS

### Requirements for Certification:

1. Northern buffer to correct the "20' Type B buffer with trees planted 30' O.C.," to "20' Type B buffer with trees planted 20' O.C." to match the "landscaping plantings per 6.06.06" notation within the same buffer.
2. Project Data Table to remove "Maximum F.A.R. 0.25."
3. Site plan to remove the "Grand tree to be removed and mitigated as part of the enhanced buffer along Gordon Road" and replaced with "Existing Grand Oak."
4. Project Data Table to correct the total building area to 5,972 sf.
5. Project Data Table to remove the "maximum F.A.R."
6. Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:
  - Show the existing structure footprint and sidewalk on/along adjacent folio 77690.0516 (to which this project will tie in to);
  - Redesign internal sidewalk connections such that they cross internal driveways at 90 degree angles and have receiving ramps on both ends;
  - Correct the proposed sidewalk shading along Balm Riverview Rd. such that it extends to the northbound project boundary;
7. Prior to PD Site Plan Certification, the applicant's Engineer of Record shall revise the Balm Riverview Rd. Design Exception request to correct the discrepancy between the proposed right turn lane width specified in the text and the width shown on the Typical Section.

### CHANGES TO CONDITIONS:

**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted May 24, 2022.

1. The project shall be limited to a 4,992 square foot convenience store with gas pumps and 980 square foot carwash.
2. The convenience store building, car wash building and the fueling canopy shall be developed where generally shown within the depicted building envelope that provides a minimum setback of 35 feet from the northern PD boundary, 35 feet from the western PD boundary, 50 feet from the eastern PD boundary and 35 feet from the southern PD boundary. For the purpose of potentially preserving the existing grand oak, building and fuel canopy locations may be adjusted within the building envelope.
3. The dumpster, parking area and drive aisles shall be provided where generally depicted on the general site plan. For the purpose of potentially preserving the existing grand oak, the minimum number of standard parking spaces may be reduced and/or the maximum number of compact spaces may be increased in accordance with Land Development Code Section 6.05.02.L.
4. Building heights shall be limited to a maximum of 25 feet / 1-story.
5. A 20 foot wide buffer with Type B screening shall be provided along the northern PD boundary, as depicted on the general site plan. The Type A component of the Type B screening treatment shall be a 6 foot high PVC fence, as noted on the general site plan.
6. A 10 foot wide buffer shall be provided along the eastern PD boundary, as depicted on the general site plan. Within this buffer, plantings shall include trees planted on 15 foot centers and hedges at a minimum height of

36 inches. Specific tree and hedge species will be at the review and approval of Natural Resources staff. Any trees planted within this buffer shall not be credited as grand oak replacements should the existing grand oak be removed.

7. The Gordon Road access point shall be posted with a double faced sign stating "Tanker/Commercial Truck Use of this Entry/Exit is Prohibited"
8. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.
9. The project shall be served by, and limited to, the following access connections:
  - a. One (1) right-in/right-out connection to Balm Riverview Rd.;
  - b. One (1) right-in/right-out connection to Big Bend Rd.; and,
  - c. One (1) full access connection to Gordon Rd.
10. With respect to the Gordon Rd. access, such access shall be:
  - a. Located such that it is generally centered on the convenience store use (as shown on the PD site plan);
  - b. Constructed with a maximum width of 24 feet; and,
  - c. Constructed with maximum curb return radii of 15-foot return radii (both internal and external to the site).
11. The developer shall construct the following site access improvements prior to or concurrent with the initial increment of development:
  - a. An eastbound to northbound left turn lane on Big Bend Rd. at its intersection with Gordon Rd.; and,
  - b. A northbound to eastbound right turn lane on Balm Riverview Rd. into the project driveway.

Such turn lanes may require the developer to acquire and/or dedicate and convey additional right-of-way to Hillsborough County along Balm Riverview Rd. and/or Big Bend Rd. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be permitted to modify the site layout (if necessary) to accommodate any site plan changes needed due to the dedication and conveyance additional of right-of-way required by this condition (if any).

12. Prior to or concurrent with the initial increment of development, the developer shall construct a minimum 4-foot wide raised concrete separators on Balm Riverview Rd. and Big Bend Rd. as generally shown on the PD site plan. The location and extent of the separator shall be subject to the review and approval of Hillsborough County.
13. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be required to comply all applicable Transportation Technical Manual standards, LDC regulations, and/or other applicable rules and regulations, unless otherwise varied through the appropriate process.
14. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.03.I. requirements regarding number of access connections. Approval of this Administrative Variance will permit three (3) access connections to serve the project.
15. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.07

access spacing standards with regards to the project's Big Bend Rd. connection. Approval of this Administrative Variance will permit the access to be located +/- 110 feet from Gordon Rd. and +/- 200 feet from Big Bend Rd.

16. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Balm Riverview Rd. substandard road improvements. As Balm Riverview Rd. is a substandard collector roadway, the developer shall make certain improvements to Balm Riverview Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Balm Riverview Rd. frontage or as otherwise specified herein these conditions:
  - a. The developer shall construct a raised concrete separator as further described in condition 12, hereinabove; and,
  - b. The developer shall relocate the sidewalk along the project's frontage such a new minimum 5-foot wide sidewalk is located along the eastern side of the drainage swales.
17. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Big Bend Rd. substandard road improvements. As Big Bend Rd. is a substandard collector roadway, the developer shall make certain improvements to Big Bend Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Big Bend Rd. frontage or as otherwise specified herein these conditions:
  - a. The developer shall construct a raised concrete separator as further described in condition 12, hereinabove; and,
  - b. The developer shall construct a 12-foot wide multi-purpose pathway along the north side of Big Bend Rd. between Balm Riverview Rd. and Gordon Rd. (for a distance of +/- 275 feet).
18. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.
19. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the LDC regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

**Zoning Administrator Sign Off:**

A handwritten signature in black ink, appearing to read "J. Brian Grady". The signature is written over a faint, semi-transparent watermark that says "Integrision Desktop".

J. Brian Grady  
Tue Jun 14 2022 13:03:22

**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.**

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

## **B. HEARING SUMMARY**

This case was heard by the Hillsborough County Land Use Hearing Officer on June 13, 2022. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

### **Applicant**

Mr. Truett Gardner spoke on behalf of the applicant. Mr. Gardner presented the rezoning request and provided testimony as reflected in the hearing transcript, a copy of which is attached to and made a part of this recommendation.

### **Development Services Department**

Ms. Michelle Heinrich, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record.

### **Planning Commission**

Ms. Melissa Lienhard, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record.

### **Proponents**

The hearing officer asked whether there was anyone at the hearing in person or online to speak in support of the application. There were none.

### **Opponents**

The hearing officer asked whether there was anyone at the hearing in person or online to speak in opposition to the application.

After being sworn in, Mr. Buddy Harwell spoke in opposition to the proposed rezoning and provided testimony as reflected in the hearing transcript, a copy of which is attached to and made a part of this recommendation.

After being sworn in, Mr. James Frankland spoke in opposition to the proposed rezoning and provided testimony as reflected in the hearing transcript, a copy of which is attached to and made a part of this recommendation.

### **Development Services Department**

Mr. Grady stated Development Services Department had nothing further.

### **Applicant Rebuttal**

Mr. Gardner presented rebuttal testimony as reflected in the hearing transcript, a copy of which is attached to and made a part of this recommendation.

Mr. Michael Yates, Palm Traffic Engineering + Planning, presented rebuttal testimony as reflected in the hearing transcript, a copy of which is attached to and made a part of this recommendation.

The hearing officer closed the hearing RZ-PD 22-0561.

### **C. EVIDENCE SUBMITTED**

Mr. Grady submitted into the record at the hearing a copy of revised conditions for the Development Services staff report.

Mr. Harwell submitted into the record at the hearing documentary evidence in opposition to the requested rezoning.

### **D. FINDINGS OF FACT**

1. The Subject Property consists of approximately 1.8 acres of vacant land at 13007 and 13009 Gordon Road, Riverview, located in the northeast quadrant of the Big Bend Road and Balm Riverview Road intersection, west side of Gordon Road.
2. The Subject Property is designated RP-2 on the Future Land Use Map and is zoned AS-1.
3. The Subject Property is in the Rural Services Area and is within the geographical boundaries of the Riverview Community Plan and Southshore Areawide Systems Plan.
4. The Subject Property is located at the signalized intersection of Big Bend Road and Balm Riverview Road, both of which are collector roadways. The Subject Property meets Commercial Locational Criteria. The surrounding area is developed primarily with single-family residential and residential support uses. Non-residential uses include Summerfield Elementary School to the west across Balm Riverview Road and the Firm Foundation Christian Fellowship Church to the south across Big Bend Road.
5. Uses surrounding the Subject Property include two parcels zoned AS-1, owned and in use by Hillsborough County to the northwest; a place of worship to the southeast; a residential subdivision to the southwest; an elementary school to the west; residential properties zoned AS-1 and developed as single-family homes in the Tropical Acres subdivision to the east and northeast.
6. The applicant is requesting to rezone the Subject Property to Planned Development to allow for development of a 4,992-square-foot convenience store with gasoline sales and a 980-square-foot car wash.
7. The applicant requested an Administrative Variance to permit three access connections to serve the proposed project. The County Engineer found the Administrative Variance approvable.

8. The applicant requested an Administrative Variance for access spacing standards related to the proposed Big Bend Road connection to allow the access to be located 110 feet +/- from Gordon Road and 200 feet +/- from Big Bend Road. The County Engineer found the Administrative Variance approvable.
9. The applicant requested a Design Exception for Balm Riverview Road substandard roadway improvements. The developer will be required to construct a raised concrete separator as described in Condition 12 of the approval conditions, and will be required to relocate the sidewalk along the Subject Property's frontage to a new minimum 5-foot-wide sidewalk along the eastern side of the project's drainage swales. The County Engineer found the Design Exception approvable.
10. The applicant requested a Design Exception for Big Bend Road substandard roadway improvements. The developer will be required to construct a raised concrete separator as described in Condition 12 of the approval conditions, and will be required to construct a 12-foot-wide multi-purpose pathway along the north side of Big Bend Road between Balm Riverview Road and Gordon Road for a distance of 275 feet +/- . The County Engineer found the Design Exception approvable.
11. The applicant is providing building setbacks that exceed those required in standard commercial zoning districts. The intensity of the proposed development is 0.08 FAR, which is less than the maximum permitted under the Future Land Use category. The applicant will provide buffering and screening that exceeds LDC requirements, including a 20-foot buffer with Type B screening along the northern boundary of the Subject Property, and a 10-foot buffer adjacent to Gordon Road to enhance compatibility with the adjacent neighborhood.
12. Community residents expressed opposition to the proposed rezoning. They raised issues related to crime, safety, alcoholic beverage sales, and traffic. However, the request under consideration is for a rezoning and not for an alcoholic beverage special use approval. The citizens in opposition propounded no expert opinion related to the technical issues of crime, safety, and traffic.
13. Development Services staff identified no compatibility issues with the proposed Planned Development and found the request approvable with the conditions enumerated in the staff report based on the applicant's general site plan submitted May 24, 2022.
14. Planning Commission staff found the proposed major modification consistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to the conditions proposed by Development Services Department.



## E. FINDINGS OF COMPLIANCE OR NON-COMPLIANCE WITH COMPREHENSIVE PLAN

The proposed request to rezone the Subject Property to Planned Development is in compliance with, and does further the intent of the Goals, Objectives, and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County* and is compatible with the existing and planned development pattern found in the surrounding area.

## F. CONCLUSIONS OF LAW


A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” § 163.3194(3)(a), Fla. Stat. (2022). Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant’s testimony and evidence, there is substantial competent evidence demonstrating the requested rezoning to a Planned Development is consistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

## G. SUMMARY

The applicant is requesting to rezone the Subject Property to Planned Development to allow for development of a 4,992-square-foot convenience store with gasoline sales and a 980-square-foot car wash. The applicant requested an Administrative Variance to permit three access connections to serve the proposed project. The County Engineer found the Administrative Variance approvable. The applicant requested an Administrative Variance for access spacing standards related to the proposed Big Bend Road connection. The County Engineer found the Administrative Variance approvable. The applicant requested a Design Exception for Balm Riverview Road substandard roadway improvements. The County Engineer found the Design Exception approvable. The applicant requested a Design Exception for Big Bend Road substandard roadway improvements. The County Engineer found the Design Exception approvable.

## H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **APPROVAL** of the rezoning request, subject to the conditions enumerated in the Development Services staff report, based on the applicant’s general site plan submitted May 24, 2022.

  
Pamela Jo Hatley PhD, JD  
Land Use Hearing Officer

July 6, 2022  
Date:

# Hearing Transcript

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY  
Land Use Hearing Master

DATE: Monday, June 13, 2022

TIME: Commencing at 6:00 p.m.  
Concluding at 11:56 p.m.

PLACE: Robert W. Saunders, Sr. Public  
Library  
Ada T. Payne Community Room  
1505 N. Nebraska Avenue  
Tampa, Florida 33602

Reported via Cisco Webex Videoconference by:

Christina M. Walsh, RPR  
Executive Reporting Service  
Ulmerton Business Center  
13555 Automobile Blvd., Suite 130  
Clearwater, FL 33762  
(800) 337-7740

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HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS  
  
ZONING HEARING MASTER HEARINGS  
June 13, 2022  
ZONING HEARING MASTER: PAMELA JO HATLEY

D11:  
Application Number: RZ-PD 22-0561  
Applicant: Sandra & David Kennedy,  
Fernando Trejo  
Location: NE corner of Big Bend Rd. &  
Balm Riverview Rd.  
Folio Number: 077690.5018 & 077690.5262  
Acreage: 1.8 acres, more or less  
Comprehensive Plan: RP-2  
Service Area: Rural  
Existing Zoning: AS-1  
Request: Rezone to Planned Development

1 MR. GRADY: The next item is agenda item  
2 D-11, Rezoning-PD 22-0561. The applicants are  
3 Sandra and David Kennedy and Fernando Trejo. The  
4 request is to rezone from AS-1 to Planned  
5 Development.

6 Michelle Heinrich will provide staff  
7 recommendation after presentation by the applicant.

8 MR. GARDNER: Yes. Can you hear me? This  
9 is Truett Gardner. Mrs. Hatley?

10 HEARING MASTER HATLEY: Yes.

11 MR. GARDNER: Hi. How are you? I'll share  
12 my screen. I've got a PowerPoint presentation.  
13 This is a request to rezone to PD to operate a  
14 convenience store with gas --

15 THE CLERK: State your address for the  
16 record.

17 HEARING MASTER HATLEY: Mr. Gardner, we need  
18 you to state your address, please.

19 MR. GARDNER: Sure. 400 North Ashley Drive.

20 HEARING MASTER HATLEY: Thank you.

21 MR. GARDNER: So, yes, again, so this is a  
22 request for PD to allow for a convenience store  
23 with gas and a car wash facility. And since we  
24 have no findings of inconsistency, all findings of  
25 consistency, we're not aware of any opposition at

1 all.

2 In fact, the few calls we've gotten have  
3 been supportive, and we've got the complete  
4 application package. I thought I would just  
5 provide some context to this because this is a  
6 matter that came before the Board before in a  
7 somewhat different stance than it is now.

8 And that application was withdrawn about a  
9 year and a half ago, December of 2020, and the  
10 prior site plan challenged largely by the size of  
11 the site. This site has now increased by an excess  
12 of 60 percent, and that allowed for us to provide a  
13 much better, safer ingress and egress.

14 There is a residential area to the east of  
15 us. We've now had a 50-foot setback and enhanced  
16 buffer along the east side. The site to the north  
17 of us was residential single-family; has now been  
18 acquired by the County for use as a pumping  
19 facility.

20 And so -- and the site has been completely  
21 reconfigured. And so with that, we've got full  
22 findings, again, of consistency. Michael Yates is  
23 our traffic consultant. He is present at the  
24 hearing to answer any questions.

25 And then also Lucas Carlo is our civil

1 engineer and can also answer any questions. And so  
2 with that, we'll allow staff to proceed, and we can  
3 answer any questions after that.

4 HEARING MASTER HATLEY: Thank you,  
5 Mr. Gardner.

6 All right. Development Services.

7 MS. HEINRICH: Good evening. Michelle,  
8 Heinrich Development Services. I'm going to go  
9 ahead and share my screen if it allows me to  
10 override Mr. Gardner's. No problem.

11 So, again, this is PD 22-0561. It is a  
12 request to rezone property from AS-1 to PD with the  
13 proposed uses being a convenience store with gas  
14 sales and a car wash. The site is 1.8 acres in  
15 size, and it's located at the northeast corner of  
16 Balm-Riverview Road and Big Bend Road.

17 It is in the RP-2 Future Land Use Category,  
18 but it is not prohibited to seek rezoning under the  
19 current moratorium. It is in the Rural Service  
20 Area and also in the Riverview Community Plan Area,  
21 and there are no PD variations associated with the  
22 request.

23 Again, the Future Land Use Category is RP-2,  
24 which is a rural land use category. It allows a  
25 maximum FAR of 0.25, and it can consider

1 nonresidential uses subject to commercial  
2 locational criteria. Again, it is located at the  
3 signalized intersection of Balm-Riverview and Big  
4 Bend Roads. Residential and residential support  
5 uses are what is found within the area.

6 To the north is zoned AS-1, and that is  
7 currently a county owned public use facility  
8 associated with water services. To the south it is  
9 currently zoned AS-1 and developed with a church.  
10 To the east, also AS-1 developed with single-family  
11 residential, which is located approximately 50 feet  
12 from its property boundary.

13 And to the west is PD zoning and a public  
14 school is currently developed at that site.  
15 Showing the proposed layout of the project, you'll  
16 see that the convenience store is limited to  
17 slightly under 5,000 square feet with a gas canopy  
18 and a car wash freestanding separate facility that  
19 measures at 918 square feet.

20 And that brings a FAR on the site to less  
21 than .25 which is a 0.08. The building envelope  
22 provides setbacks of 35 feet along the south,  
23 north, and west and 50 along the east. Building  
24 heights are limited to 25 feet, one-story.

25 A 20-foot buffer with Type B screening is



1 provided along the north. This is not required by  
2 the LDC but is being proposed by the applicant.

3 Also, a 10-foot-wide buffer with tree and  
4 shrub plantings is provided along the east. Again,  
5 that is not required by the LDC but proposed by the  
6 applicant to enhance compatibility with the  
7 adjacent residential uses.

8 A right in, right out access is permitted on  
9 Big Bend Road. Another right in, right out access  
10 on Balm-Riverview Road and a full access on Gordon  
11 Road, but we would note that this access is not to  
12 be used by commercial trucks or tanker trucks.

13 It will have signage to reinforce that and  
14 also, the turning radius will be restricted to not  
15 allow turn movements to use that access point.

16 Staff does find the project approvable  
17 subject to conditions. Mostly because we found the  
18 project to be compatible with the surrounding area,  
19 it's below maximum intensity.

20 It is found to be compatible given the  
21 compatibility measures provided, such as the  
22 setbacks, building height. The project exceeds the  
23 requirements for buffering and screening.

24 And also, just to note that Gordon Road --  
25 the Gordon Road access point, it is encouraged by

1 staff to comply LDC and Comprehensive Plan policies  
2 relative to connecting the public roads, reducing  
3 travel distances, and alleviating the use of  
4 arterial roadways.

5 And, again, as previously stated, that  
6 access is limited to the domestic vehicle and  
7 residents and visitors to the site to residential  
8 uses.

9 The use is permissible by the RP-2 Future  
10 Land Use Category and meets locational criteria.  
11 It was, therefore, found consistent with the  
12 Comprehensive Plan, and we did receive no agency  
13 objections.

14 I also wanted to note which either will be  
15 passed out to you or already was there, are two  
16 proposed condition modifications. Those are found  
17 in Conditions 2 and Conditions 3, and you'll see on  
18 there we did add some wording to the sentences  
19 dealing with preserving a grand oak.

20 At the applicant's request that was  
21 clarified to convey that it wasn't required to be  
22 preserved. That will be handled and reviewed at  
23 site development. But if it is to be preserved,  
24 the conditions here give some flexibility to allow  
25 for preserving that grand oak.

1           And with that, I have no more comments and  
2           I'm available for any questions.

3           HEARING MASTER HATLEY: All right. Thank  
4           you very much.

5           Planning Commission.

6           MS. LIENHARD: Thank you. Melissa Lienhard,  
7           Planning Commission staff.

8           The subject property is located in the  
9           Residential Plan-2 Future Land Use Category. The  
10          site is in the Rural Area and also located within  
11          the limits of the Riverview Community Plan and the  
12          Southshore Areawide Systems Plan.

13          The site is located in the RP-2 Future Land  
14          Use Category and nonresidential uses can be  
15          considered in this category and are subject to  
16          commercial locational criteria as outlined in  
17          Objective 22 of the Future Land Use Element.

18          The subject site does meet locational  
19          criteria as it is located within 660 feet of the  
20          Big Bend Road and Balm-Riverview Road qualifying  
21          intersection. Typically, having access onto a  
22          local road, which is Gordon Road, for a  
23          nonresidential use would present a compatibility  
24          issue and also be inconsistent with Policy 16.5 of  
25          the Future Land Use Element.

1           That policy requires higher -- I'm sorry,  
2           higher intensity, nonresidential land uses adjacent  
3           to establish neighborhoods be restricted to  
4           collectors and arterials into locations external to  
5           established and developing neighborhoods.

6           However, in this unique case, having  
7           residents travel an indirect route to use the gas  
8           station rather than providing an access point from  
9           Gordon Road would prove to be inefficient.

10           The subject site meets the intent of Future  
11           Land Use Element Policy -- I'm sorry, Objective 16  
12           and its accompanying policies regarding the  
13           protection of adjacent land uses through various  
14           buffering and mitigation measures.

15           According to Policy 1.4, compatibility does  
16           not mean the same as. Rather it refers to the  
17           sensitivity of development proposals in maintaining  
18           the character of existing development.

19           The rezoning application has proposed  
20           several mitigation efforts to help protect and seek  
21           compatibility with the surrounding residential  
22           neighborhood. Not only does the site plan propose  
23           enhanced screening and buffering along Gordon Road  
24           to mitigate these impacts to the residential lots  
25           to the east.

1           The access point onto Gordon Road will not  
2           function as the primarily access point.  
3           Furthermore, conditions will be in place to  
4           restrict larger tanker trucks for using the Gordon  
5           Road access to further mitigate impacts.

6           A no truck sign will be placed on Gordon  
7           Road as well. The Gordon Road access is consistent  
8           with Goal 4 of the Riverview Community Plan which  
9           calls for an efficient multimodal transportation  
10          system.

11          As per the site plan, there will be a  
12          pedestrian connection to accommodate the  
13          single-family residential to the east. Also, with  
14          the addition of the no truck signage placed on  
15          Gordon Road, this support in the effort of  
16          maintaining capacity of low volume neighborhood  
17          roadways.

18          Based upon those considerations, Planning  
19          Commission staff finds the proposed Planned  
20          Development consistent with the Future of  
21          Hillsborough Comprehensive Plan unincorporated  
22          Hillsborough County subject to conditions proposed  
23          by the Development Services. Thank you.

24                 HEARING MASTER HATLEY: All right. Thank  
25                 you.

1           Is there anyone here or online who wishes to  
2           speak in support of this application? All right.  
3           I don't see anyone.

4           Is there anyone here or online who wishes to  
5           speak in opposition to this application?

6           MR. HARWELL: Good evening. Mr. Franklin  
7           and I need to be sworn in.

8           HEARING MASTER HATLEY: All right. Is there  
9           anyone else with you needs to be sworn in?

10          MR. HARWELL: Just the two of us.

11          HEARING MASTER HATLEY: Okay. Okay. All  
12          right. Do you swear or affirm that the testimony  
13          you're about to give is the truth, the whole truth,  
14          and nothing but the truth?

15          MR. HARWELL: Yes.

16          (Witnesses affirmed to the oath.)

17          HEARING MASTER HATLEY: Thank you.

18          MR. HARWELL: My name is Buddy Harwell, Balm  
19          Florida, here vice president of the Balm Civic  
20          Association. We ask for your denial on this.

21          HEARING MASTER HATLEY: Mr. Harwell, excuse  
22          me, we need your address, please. Thank you.

23          MR. HARWELL: PO Box 297 Gibsonton, Florida  
24          33534.

25          HEARING MASTER HATLEY: Okay.

1           MR. HARWELL: One of the main reasons is  
2           location of the gas station convenience store right  
3           across the street from an elementary school. Just  
4           there's a lot of people in the area concerned.  
5           This is just a bad location for it.

6           I do want to point out that you are asking  
7           for three variances and two design exceptions to  
8           get this done on three substandard roads. The  
9           right in, right out on Balm-Riverview and Big Bend  
10          is going to create the southbound traffic on  
11          Balm-Riverview and eastbound traffic on Big Bend to  
12          access Gordon Street.

13          The sign is not going to stop any tanker  
14          trucks or anything else. This is going to create  
15          3600 more trips in the area that are in a school  
16          zone.

17          I want to point out back in 2020 another  
18          developer came in to the Board of County  
19          Commissioners to ask for a variance as far as  
20          the -- the commercial inside RP node. And this is  
21          a narrative of the reasoning and, you know, I just  
22          want to enter that.

23          So this is an RP-2. It's on the boundary,  
24          but I just wanted to enter that also. That is the  
25          approval. This is a sheet that shows stats for --

1 convenience stores are the fourth most common  
2 location for violent crime and gas stations are  
3 seventh.

4 This is about gasoline fires and service  
5 stations. I'll enter it so you can look at, and  
6 here's a letter from the civic with several other  
7 individuals signing it, approving this. Thank you  
8 very much.

9 HEARING MASTER HATLEY: Yes, sir. Thank  
10 you.

11 Is there anyone else who wishes to speak in  
12 opposition to this application?

13 MR. FRANKLAND: My name is James Franklin,  
14 15064 Balm Road, beautiful downtown Balm.

15 The only thing I've got against this place,  
16 they're going to sell alcohol. I don't think  
17 alcohol should be sold anywhere around a school.  
18 Thank you.

19 HEARING MASTER HATLEY: Thank you, sir.

20 All right. Mr. Frankland?

21 MR. GRADY: Sir, you need to sign in. Sir.

22 HEARING MASTER HATLEY: Sign over here with  
23 the clerk, please. Thank you.

24 All right. Development Services, anything  
25 further?



1           MR. GRADY: Nothing further, unless you have  
2 questions.

3           HEARING MASTER HATLEY: I don't believe I  
4 do.

5           Applicant, anything further?

6           MR. GARDNER: Yes. Just a couple of things  
7 based on the objections. First of all, Michael  
8 Yates is going to address some of the traffic  
9 concerns.

10           Outside of that, what I heard were more  
11 general-type complaints. Nothing specific about  
12 this property. And then as it relates to alcohol,  
13 that is not a part of this application at all. If  
14 that's requested, that would be a separate  
15 application. But again, that's not a part of this  
16 application. So it should not be considered.

17           HEARING MASTER HATLEY: I understand. Yes.  
18 Thank you.

19           All right. Mr. Yates.

20           MR. YATES: Michael Yates, Palm Traffic, and  
21 I have been sworn.

22           I just want to go through -- I know the  
23 design exceptions and administrative variances got  
24 brought up. One of the administrative variances  
25 was for a number of driveways. That was to add the

1 additional access to Gordon Road for the  
2 connectivity at the request of staff.

3 One of the others was the Gordon Road  
4 roadway which is being improved by the County for  
5 the pump station. So that was the administrative  
6 variance. We had a design exception for  
7 Balm-Riverview Road, which was more for adding a  
8 median traffic separator in there to prevent a left  
9 in or a left out from the driveway, so to make it  
10 fully function as a right in, right out.

11 And the other one was for on Big Bend, we  
12 are adding a traffic separator in there and  
13 providing a multiuse path on the north side. So  
14 those are there. They're not as much for deficient  
15 roadways but for more functionality of the  
16 roadways. So I'm happy to answer any other  
17 questions you may have.

18 HEARING MASTER HATLEY: I don't have any  
19 questions for you. Thank you.

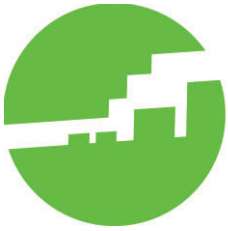
20 MR. YATES: Thank you.

21 HEARING MASTER HATLEY: All right. This  
22 will close the hearing on PD 22-0561.

23

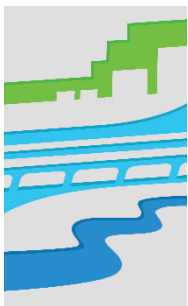
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**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> June 13, 2022  <b>Report Prepared:</b> June 1, 2022	<b>Petition: PD 22-0561</b>  <b>13009 GORDON RD</b>  <i>Northeast quadrant of the Big Bend Road and Balm Riverview Road intersection and west of Gordon Road</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>CONSISTENT</b>
<b>Adopted Future Land Use:</b>	<b>Residential Planned-2 (1/5 du/ga; 0.25 FAR; 2 du/ga if all requirements are met)</b>
<b>Service Area:</b>	Rural
<b>Community Plan:</b>	Riverview, Southshore Areawide Systems
<b>Requested Rezoning:</b>	Rezone from Agricultural Single-Family-1 (AS-1) to a Planned Development (PD) to allow for a 4,992sq. ft. convenience store with gas pumps and a 980 sq. ft. car wash
<b>Parcel Size (Approx.):</b>	1.80+/- acres
<b>Street Functional Classification:</b>	Big Bend Road – <b>Collector</b> Balm Riverview Road – <b>Collector</b> Gordon Road – <b>Local Roadway</b>
<b>Locational Criteria:</b>	Meets Commercial Locational Criteria
<b>Evacuation Area:</b>	The subject property is not in an Evacuation Area.



## **Context**

- The subject property is located on approximately 1.80 acres within the northeast quadrant of the Big Bend Road and Balm Riverview Road intersection and west of Gordon Road. The subject property is located in the Rural Area. It falls within the limits of the Riverview Community Plan and the Southshore Areawide Systems Plan.
- The site has a Future Land Use designation of Residential Planned-2 (RP-2). Typical uses within the RP-2 category are agriculture, residential, suburban scale neighborhood, and community commercial, office uses, multi-purpose and clustered mixed-use projects. Non-residential uses shall meet locational criteria for specific land use. RP-2 is located to the north, south and east of the subject property. The Residential-4 (RES-4) and Public/Quasi Public (P/QP) Land Use categories are located to the west across Balm Riverview Road.
- The subject property is developed with a single-family home on the northern parcel and is vacant on the southern parcel and is zoned Agricultural Single-Family-1 (AS-1). AS-1 zoning is located to the north, south and east of the subject property. The subject property is predominately surrounded by single-family residential lots with one vacant lot further north. Across Big Bend Road to the south are lands developed with predominately single-family residential lots and a church. Properties located west of subject property across Balm Riverview Road have Planned Development (PD) zoning. Across Balm Riverview Road to the west are lands developed predominately with single-family lots. Summerfield Elementary School is also located west of the site along with lands owned by the Hillsborough Real Estate Department that are classified as public/quasi-public institutions.
- The application requests a rezoning on approximately 1.80 acres from Agricultural Single-Family-1 (AS-1) to Planned Development (PD) to allow for a 4,992 sq. ft. convenience store with gas pumps and a 980 sq. ft. car wash.

### **Compliance with Comprehensive Plan:**

The following Goals, Objectives and Policies apply to this rezoning request and are used as a basis for an inconsistency finding.

### **Future Land Use Element**

#### ***Rural Area***

*Rural areas will typically carry land use densities of 1 du/5 ga or lesser intense designations. There will be no new extension of public water or sewer service into the Rural Area unless there is a public health concern identified or the development is classified as a planned village as described in this Plan. New development will utilize private potable water wells and septic systems. In some cases, existing water and/or sewer lines may already be in place either by development approvals granted prior to the adoption of these policies or due to public health/safety issues. Expansion of those systems should be prohibited and limited to cases where public health is at risk.*

*Within the rural area there are existing developments that are characterized as suburban enclaves or rural communities. These are residential developments which have a more dense development pattern and character, usually 1 or 2 du/ga. These enclaves are recognized through the placement of land use categories that permit densities higher than 1 du/5 acres. New*

development of a character similar to the established community will be permitted to infill in a limited manner, but not be permitted to expand into areas designated with lower land use densities.

Rural communities, such as Lutz, Keystone and Thonotosassa will specifically be addressed through community-based planning efforts. These communities, and others like them, have historically served as centers for community activities within the rural environment.

**Objective 4:** The Rural Area will provide areas for long term, agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment, with the goal that no more than 20% of all population growth within the County will occur in the Rural Area.

**Policy 4.1:** Within rural areas, densities shown on the Future Land Use Map will be no higher than 1 du/5 ga unless located within an area identified with a higher density land use category on the Future Land Use Map as a suburban enclave, planned village, a Planned Development pursuant to the PEC ½ category, or rural community which will carry higher densities.

### **One Water**

**4.3.2** Connections to existing water/wastewater systems in the Rural Area may be considered on a very limited basis, so long as such connections do not foster a development pattern that is in conflict with other Plan policies. The intent of this policy is to allow some utilization of existing infrastructure for those properties located along existing lines, not to allow extensions to those systems. Details of implementation shall be outlined in the LDC. Connections to the Limited Access Transmission Main are prohibited.

### **Neighborhood/Community Development**

**Objective 16: Neighborhood Protection** The neighborhood is a functional unit of community development. There is a need to protect existing neighborhoods and communities and those that will emerge in the future. To preserve, protect and enhance neighborhoods and communities, all new development must conform to the following policies.

**Policy 16.1:** Established and planned neighborhoods and communities shall be protected by restricting incompatible land uses through mechanisms such as:

- a) locational criteria for the placement of non-residential uses as identified in this Plan,
- b) limiting commercial development in residential land use categories to neighborhood scale;
- c) requiring buffer areas and screening devices between unlike land uses;

**Policy 16.2:** Gradual transitions of intensities between different land uses shall be provided for as new development is proposed and approved, through the use of professional site planning, buffering, and screening techniques and control of specific land uses.

**Policy 16.3:** Development and redevelopment shall be integrated with the adjacent land uses through:

- a) the creation of like uses; or
- b) creation of complementary uses; or
- c) mitigation of adverse impacts; and
- d) transportation/pedestrian connections

**Policy 16.5:** Development of higher intensity non-residential land uses that are adjacent to established neighborhoods shall be restricted to collectors and arterials and to locations external to established and developing neighborhoods.

### **Commercial-Locational Criteria**

**Objective 22:** To avoid strip commercial development, locational criteria for neighborhood serving commercial uses shall be implemented to scale new commercial development consistent with the character of the areas and to the availability of public facilities and the market.

**Policy 22.1:** The locational criteria for neighborhood serving non-residential uses in specified land uses categories will:

- provide a means of ensuring appropriate neighborhood serving commercial development without requiring that all neighborhood commercial sites be designated on the Future Land Use Map;
- establish a maximum square footage for each proposed neighborhood serving commercial intersection node to ensure that the scale of neighborhood serving commercial development defined as convenience, neighborhood, and general types of commercial uses, is generally consistent with surrounding residential character; and
- establish maximum frontages for neighborhood serving commercial uses at intersections ensuring that adequate access exists or can be provided.

**Policy 22.5:** When planning the location of new non-residential developments at intersections meeting the locational criteria, a transition in land use shall be established that recognizes the existing surrounding community character and supports the creation of a walkable environment. This transition will cluster the most intense land uses toward the intersection, while providing less intense uses, such as offices, professional services, or specialty retail (i.e. antiques, boutiques) toward the edges of the activity center.

**Policy 22.7:** Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements.

The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.

### **Community Design Component**

5.0 NEIGHBORHOOD level DESIGN

5.1 COMPATIBILITY

**GOAL 12:** Design neighborhoods which are related to the predominant character of the surroundings.

**OBJECTIVE 12-1:** *New developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood.*

#### **4.3 COMMERCIAL CHARACTER**

**GOAL 9:** *Evaluate the creation of commercial design standards in a scale and design that complements the character of the community.*

**Policy 9-1.2:** *Avoid "strip" development patterns for commercial uses.*

#### **6.12 ACCESS MANAGEMENT**

**GOAL 15:** *Provide a transportation system throughout Hillsborough County that is safe and functional for all modes of transportation, is aesthetically-pleasing, and is designed to meet the overall needs of the communities it serves.*

**OBJECTIVE 15-12:** *Encourage clear and efficient patterns of movement for access and circulation by designing roadway improvements and new roadways with patterns of access which enhance the livability of the transportation system.*

#### **7.0 SITE DESIGN**

##### **7.1 DEVELOPMENT PATTERN**

**GOAL 17:** *Develop commercial areas in a manner which enhances the County's character and ambiance.*

**OBJECTIVE 17-1:** *Facilitate patterns of site development that appear purposeful and organized.*

**Policy 17-1.4:** *Affect the design of new commercial structures to provide an organized and purposeful character for the whole commercial environment.*

#### **Livable Communities Element**

##### **Riverview Community Plan**

**Goal 4** *Provide safe, attractive, efficient multi-modal transportation, including vehicular, bicycle/pedestrian and transit.*

- *Protect the capacity of low-volume neighborhood and uncongested roads.*

#### **Staff Analysis of Goals, Objectives, and Policies:**

The subject property is located on approximately 1.80 acres within the northeast quadrant of the Big Bend Road and Balm Riverview Road intersection and west of Gordon Road. The subject property is located in the Rural Area. It falls within the limits of the Riverview Community Plan and the Southshore Areawide Systems Plan. The applicant requests a rezoning on approximately 1.8 acres from Agricultural Single-Family-1 (AS-1) to Planned Development (PD) to allow for a 4,992 sq. ft. convenience store with gas pumps and a 980 sq. ft. car wash. This site can be considered for up to 19,602 square feet of non-residential

uses. (1.80 X 43,560 X 0.25 FAR). The applicant is requesting well below what can be considered on the site.

The site is located in the Residential Planned-2 (RP-2) Future Land Use category. The intent of the RP-2 category is to designate areas that are suited for agricultural development in the immediate horizon of the Plan but may be suitable for planned villages as described in this plan, in order to avoid a pattern of single dimensional developments that could create urban sprawl. Non-residential uses can be considered in the RP-2 Future Land Use category and are subject to commercial locational criteria, as outlined in Objective 22 and Policy 22.1 (FLUE) of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*. The subject site meets locational criteria as the site is located within 660 feet of the Big Bend Road and Balm Riverview Road, a qualifying intersection.

Typically, having access onto a local road (Gordon Road) for a non-residential use would present a compatibility issue and also be inconsistent with Policy 16.5 in the Future Land Use Element (FLUE), which requires that higher intensity non-residential land uses adjacent to established neighborhoods be restricted to collectors and arterials and to locations external to established and developing neighborhoods. However, in this unique case, having residents travel an indirect route to use the gas station rather than providing an access point from Gordon Road would prove to be inefficient.

The subject site meets the intent of FLUE Objective 16 and FLUE Policies 16.2, 16.3, regarding the protection of adjacent land uses through various buffering and mitigation measures. According to Policy 1.4 *“Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.”* The rezoning application has proposed several mitigative efforts to help protect and seek compatibility with the surrounding residential neighborhood. Not only does the site plan propose enhanced screening and buffering along Gordon Road to mitigate impacts to the residential lots to the east. Additionally, the access point onto Gordon will not function as the primary access point. Furthermore, conditions will be in place to restrict larger tanker trucks from using the Gordon Road access, which will further mitigate any impacts. A no truck sign will be placed on Gordon Road.

The Community Design Component (CDC) in the FLUE contains policy direction about evaluating the creation of commercial design standards in a scale and design that complements the character of the community (Goal 9). It further states that developments should recognize the existing community and be designed in a way that is compatible (as defined in FLUE policy 1.4) with the established character of the surrounding neighborhood. (Objective 12-1). The site plan addresses staff’s concerns with allowing a nonresidential use adjacent to an established single family residential neighborhood.

The Gordon Road access is consistent with Goal 4 of the Riverview Community Plan, which calls for an efficient multi-modal transportation system. As per the site plan there will be a pedestrian connection to accommodate the single family residential to the east. Also, with the addition of the no truck signage placed on Gordon Road, this will support in the effort of maintaining capacity of low-volume neighborhood roadway.

Overall, the proposed Planned Development would allow for development that is consistent with the Goals, Objectives, and Policies of the *Future of Hillsborough*



***Comprehensive Plan for Unincorporated Hillsborough County, and that is compatible with the existing and planned development pattern found in the surrounding area.***

**Recommendation**

Based upon the above considerations, the Planning Commission staff finds the proposed Planned Development **CONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.





**GENERAL  
SITE PLAN  
FOR  
CERTIFICATION**



**Hillsborough  
County Florida**

**DEVELOPMENT SERVICES**

PO Box 1110, Tampa, FL 33601-1110  
(813) 272-5600

**HILLSBOROUGH COUNTY  
DEVELOPMENT SERVICES DEPARTMENT**

**GENERAL SITE PLAN REVIEW/CERTIFICATION**

**BOARD OF COUNTY  
COMMISSIONERS**

Harry Cohen  
Ken Hagan  
Pat Kemp

Gwendolyn "Gwen" Myers  
Kimberly Overman  
Mariella Smith  
Stacy R. White

**COUNTY ADMINISTRATOR**

Bonnie M. Wise

**COUNTY ATTORNEY**

Christine M. Beck

**INTERNAL AUDITOR**

Peggy Caskey

**DEPUTY COUNTY ADMINISTRATOR**

Gregory S. Horwedel

Project Name: RKM- Big Bend

Zoning File: RZ-PD(22-0561) Modification: None

Atlas Page: None Submitted: 07/28/22

To Planner for Review: 07/28/22 Date Due: ASAP

Contact Person: T. Truett Gardner and Gardner Brewer Hudson Phone: 813-221-9600/ landuse@gardnerbrewer.com

Right-Of-Way or Land Required for Dedication: Yes  No

The Development Services Department HAS NO OBJECTION to this General Site Plan.

The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:

Reviewed by: Michelle Heinrich Date: 8/05/22

Date Agent/Owner notified of Disapproval: \_\_\_\_\_





# **AGENCY COMMENTS**

## AGENCY REVIEW COMMENT SHEET

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TO: Zoning Technician, Development Services Department

DATE: 6/4/2022

REVIEWER: James Ratliff, AICP, PTP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: RV/ South

PETITION NO: RZ 22-0561

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- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached conditions.
- This agency objects for the reasons set forth below.

### **CONDITIONS OF APPROVAL**

1. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.
2. The project shall be served by, and limited to, the following access connections:
  - a. One (1) right-in/right-out connection to Balm Riverview Rd.;
  - b. One (1) right-in/right-out connection to Big Bend Rd.; and,
  - c. One (1) full access connection to Gordon Rd.
3. With respect to the Gordon Rd. access, such access shall be:
  - a. Located such that it is generally centered on the convenience store use (as shown on the PD site plan);
  - b. Constructed with a maximum width of 24 feet; and,
  - c. Constructed with maximum curb return radii of 15-foot return radii (both internal and external to the site).
4. The developer shall construct the following site access improvements prior to or concurrent with the initial increment of development:
  - a. An eastbound to northbound left turn lane on Big Bend Rd. at its intersection with Gordon Rd.; and,
  - b. A northbound to eastbound right turn lane on Balm Riverview Rd. into the project driveway.

Such turn lanes may require the developer to acquire and/or dedicate and convey additional right-of-way to Hillsborough County along Balm Riverview Rd. and/or Big Bend Rd. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be permitted to modify the site layout (if necessary) to accommodate any site plan changes needed due to the dedication and conveyance additional of right-of-way required by this condition (if any).

5. Prior to or concurrent with the initial increment of development, the developer shall construct a minimum 4-foot wide raised concrete separators on Balm Riverview Rd. and Big Bend Rd. as generally shown on the PD site plan. The location and extent of the separator shall be subject to the review and approval of Hillsborough County.

6. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be required to comply all applicable Transportation Technical Manual standards, LDC regulations, and/or other applicable rules and regulations, unless otherwise varied through the appropriate process.
7. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.03.I. requirements regarding number of access connections. Approval of this Administrative Variance will permit three (3) access connections to serve the project.
8. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.07 access spacing standards with regards to the project's Big Bend Rd. connection. Approval of this Administrative Variance will permit the access to be located +/- 110 feet from Gordon Rd. and +/- 200 feet from Big Bend Rd.
9. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Balm Riverview Rd. substandard road improvements. As Balm Riverview Rd. is a substandard collector roadway, the developer shall make certain improvements to Balm Riverview Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Balm Riverview Rd. frontage or as otherwise specified herein these conditions:
  - a. The developer shall construct a raised concrete separator as further described in condition 5, hereinabove; and,
  - b. The developer shall relocate the sidewalk along the project's frontage such a new minimum 5-foot wide sidewalk is located along the eastern side of the drainage swales.
10. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Big Bend Rd. substandard road improvements. As Big Bend Rd. is a substandard collector roadway, the developer shall make certain improvements to Big Bend Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Big Bend Rd. frontage or as otherwise specified herein these conditions:
  - a. The developer shall construct a raised concrete separator as further described in condition 5, hereinabove; and,
  - b. The developer shall construct a 12-foot wide multi-purpose pathway along the north side of Big Bend Rd. between Balm Riverview Rd. and Gordon Rd. (for a distance of +/- 275 feet).

Other Conditions

- Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:
  - Show the existing structure footprint and sidewalk on/along adjacent folio 77690.0516 (to which this project will tie in to);
  - Redesign internal sidewalk connections such that they cross internal driveways at 90 degree angles and have receiving ramps on both ends;



- Correct the proposed sidewalk shading along Balm Riverview Rd. such that it extends to the northbound project boundary;
- Prior to PD Site Plan Certification, the applicant's Engineer of Record shall revise the Balm Riverview Rd. Design Exception request to correct the discrepancy between the proposed right turn lane width specified in the text and the width shown on the Typical Section.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone two parcels, totaling +/- 1.8 ac., from Agricultural Single-Family Conventional - 1 (AS-1) to Planned Development (PD). The proposed PD is seeking entitlements for 4,992 s.f. of convenience store with gas pump uses and a 980 s.f., 1 bay, automated car wash.

As required by the Development Review Procedures Manual (DRPM), the applicant submitted a trip generation and site access analysis for the proposed project. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. The information below is based on data from the Institute of Transportation Engineer's Trip Generation Manual, 10<sup>th</sup> Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AS-1, 1 Single Family Detached Dwelling Units (ITE LUC 210)	19	1	2

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
PD, 4,434 s.f. Gas Station and Convenience Store (ITE LUC 960)	3,710	368	307
PD, Automated Car Wash, 1 Bay (ITE LUC 948)	Not Available	78 (est.)	78
Subtotal:	3,710	446	385

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>(+) 3,691</b>	<b>(+) 445</b>	<b>(+) 383</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

Balm Riverview Rd. is a 2-lane, undivided, publicly maintained, substandard collector roadway characterized by +/- 12-foot travel lanes in above average condition (in the vicinity of the proposed project). Along the project's frontage, the roadway lies within a +/- 100-foot wide right-of-way. There are +/- 5-foot wide sidewalks along portions of the east and west sides of Balm Riverview Rd. in the vicinity of the proposed project. There are +/- 4 to 5-foot wide bicycle facilities (on paved shoulders) along Balm Riverview Rd. south of Big Bend Rd.; however, there are generally no bicycle facilities present along the portion of Balm Riverview Rd. north of Big Bend Rd. (except for a southbound keyhole bicycle lane between turn lanes at the intersection).

Balm Riverview Rd. is shown on the Hillsborough County Corridor Preservation Plan as a future 2-lane enhanced roadway. Although there is no typical section for 2-lane enhanced roadways, the minimum right-of-way necessary is calculated by taking the typical section for a 2-lane urban, undivided roadway (TS-4 within the Hillsborough County Transportation Technical Manual), which requires a minimum of 64 feet of right-of-way, and adding an additional 12 feet of right-of-way for enhancements, plus an additional 12 feet each for needed turn lanes (i.e. a southbound to westbound right turn lane and a southbound to eastbound left turn lane), for a total of 100 feet of right-of-way required. As there is +/- 100 feet of right-of-way existing along the project's frontage, no additional right-of-way is needed to accommodate the future enhanced roadway.

Big Bend Rd. is a 2-lane, undivided, publicly maintained, substandard collector roadway characterized by +/- 12-foot wide travel lanes in above average condition (in the vicinity of the proposed project). The roadway lies within a +/- 100-foot wide right-of-way in the vicinity of the proposed project. There are +/- 4-foot to 5-foot wide sidewalks along portions of the north and south sides of Big Bend Rd. in the vicinity of the proposed project. There are no bicycle facilities present along Big Bend Rd. in the vicinity of the proposed project.

The nearby Triple Creek development recently constructed improvements at the intersection of Big Bend Rd. and Balm Riverview Rd. The nature and geometry of such improvements are generally shown on the PD site plan.

Gordon Rd. is a 2-lane, undivided, publicly maintained, substandard local roadway characterized (post work performed by the County as a part of the adjacent pump station project) by +/- 20-feet of pavement in above average condition in the vicinity of the project. The roadway lies within a +/- 80-foot wide right-of-way in the vicinity of the proposed project. There are no bicycle facilities present along Gordon Rd. There is a +/- 5-foot wide sidewalk along a portion of Gordon Rd. (in front of the newly constructed County pump station) just north of the proposed project.

## **SITE ACCESS AND CONNECTIVITY**

### *Generally*

The applicant is proposing three access connections to serve the proposed project. Pursuant to Section 6.04.03.I. of the LDC, and based upon the project's anticipated trip generation, only two access connections are needed to serve the proposed project. As such, the applicant was required to request a Section 6.04.02.B. administrative variance from the Section 6.04.03.I requirement that the project be served by two driveways. Furthermore, one of the proposed driveways (the connection to Big Bend Rd.) does not meet minimum access spacing standards found within Section 6.04.7 of the LDC. As such, the applicant was required to seek a Section 6.04.02.B. Administrative Variance.

During the last iteration of the proposed project, which was previously withdrawn, there were several discussions between staff and the applicant's team regarding the applicability of various LDC access standards and how staff applies the standards. The issue of number of access driveways is closely related to the appropriate access spacing standard which forms the basis for the variances described above. Although each variance request is detailed below, it may be helpful to understand how staff generally looked at and applied the various standards, as well as the generally purpose behind each standard.

### *Standards for Number of Driveways*

Section 6.04.03.I. (regarding number of driveways) provides a formula for calculating the required number of driveways. The number arrived at is both a minimum and a maximum. The LDC states that the number of entrances is based on the peak hour flow rate. There is also a formula which states "Number of Driveways = Peak Hour Total Project Traffic/Maximum Vehicle Flow". It also provides an option for staff to allow fewer driveways than required "if through an approved traffic engineering study it is demonstrated that the proposed driveway connections will provide adequate capacity for the project to operate in a safe and efficient manner without causing delays or backups on the impacted roadways." There is no similar

provision for staff allowances for more driveways than are necessary, hence the need for a Section 6.04.02.B. administrative variance in those situations. Per current practice, staff will allow greater connections administratively where such connections further community connectivity (i.e. meet other LDC requirements and/or Comprehensive Plan policies) and when such connections can meet required spacing criteria.

#### Standards for Spacing of Driveways

Section 6.04.07 (regarding minimum spacing criteria) provides a table for determining the minimum required spacing for access connections, based upon the roadway class and existing/planned geometric characterizes of the roadway. While table is used for the vast majority of projects, there is another table within the LDC (Section 6.04.08) which provides minimum spacing criteria for isolated corner properties. Isolated corner properties are properties that, because of size or configuration, cannot meet the minimum spacing requirements within Section 6.04.07. It does not apply automatically to all corner parcels, and usage of these standards comes with additional requirements and restrictions. Section 6.04.03.R of the LDC provides that when the isolated corner criteria is utilized, there will be no more than one connection per frontage. Additionally, the LDC requires that in most cases when joint or alternative access (which meets or exceeds the applicable minimum connection spacing standard within Section 6.04.07) becomes available, the driveway permitted under the isolated corner criteria shall be closed.

#### Applicability to the Subject PD

When evaluating whether and how proposed project access meets LDC requirements, staff started with the project accesses which could meet spacing standards (i.e. the Gordon Rd. and Balm Riverview Rd. accesses). In addition to being critical to the overall site circulation and safe and efficient functioning of the project, the Gordon Rd. access helps promote integration of the use with the surrounding community and helps to minimize the number of trips unnecessarily traveling on collector or arterial roadways. Per the LDC, this access can accommodate 180 peak hour trips. As the project is anticipated to generate 368 a.m. peak hour trips (the highest generating peak hour), additional access was needed to accommodate the project. The next access which complies with LDC criteria is the Balm Riverview Rd. access. This access can accommodate 300 peak hour trips. Between the two access driveways, no additional access is needed to accommodate Section 6.04.03.I. The applicant requested an additional access on Big Bend Rd., as discussed below.

The applicant's additional requested access connection to Big Bend Rd. is not required per Section 6.04.03.I. and cannot meet minimum spacing requirements. This access is located on a collector roadway between two intersections, one of which is planned to be a very significant facility in the future (Big Bend Rd. is shown on the Hillsborough Corridor Preservation Plan as a future 6-lane roadway west of Balm Riverview Rd.) The other existing intersection (with Gordon Rd.) is itself in a less than ideal location, being only +/- 317 feet from the intersection of Big Bend Rd. and Balm Riverview Rd. (typical greater separation would be desirable at the intersection of a future 6-lane and 2-lane enhanced roadway). Given the access is not required per Section 6.04.03.I, and the roadway cannot meet the additional requirements of Section 6.04.03.R., this roadway cannot be considered under the Section 6.04.08 isolated corner criteria. As such, the applicant submitted a spacing variance from the Section 6.04.07 criteria as further described below.

Consistent with Section 6.04.04.D. of the LDC, an eastbound to northbound left turn lane is required on Big Bend Road onto Gordon Rd. It should be noted that the configuration for the left turn lane shown the previous iteration's site plan (i.e. back to back turn lanes) does not meet minimum standards for turn lane length. The applicant will have the option of applying for a Design Exception for this issue at the time of site/construction plan review; however, if such Design Exception was denied the back-to-back left turn lanes will be required (and which potentially introduce intersection design, offset and stormwater issues that cannot be accommodated within the existing right-of-way). A northbound to eastbound right turn lane into the project driveway was also found to be warranted pursuant to Section 6.04.04.D. of the LDC.

Staff has proposed conditions which requires the applicant to dedicate/convey and/or obtain additional right-of-way (if necessary) to construct these required improvements. These conditions also provide

flexibility in the site plan to allow reconfiguration if necessary due to additional right-of-way dedication and conveyance.

Concerns with Gordon Rd. Access

Hillsborough County City-County Planning Commission (hereinafter referred to as “PC”) staff expressed some concerns with the Gordon Rd. access introducing the potential for heavy truck traffic into and out the neighborhood to the north and east of the site. Transportation Review Section (TRS) staff met with PC staff to explain the substantial impacts that elimination of that the Gordon Rd. access would have on the neighborhood (due to certain vehicles not being able to reach the site given existing roadway conditions and necessary turning restrictions). Staff also explained that elimination would of the access would put unnecessary trips on Big Bend Rd. (east of the Balm River Rd.) and Balm Riverview Rd., both heavily traveled roadways with no opportunities for expansion once they reach a failing levels of service. PC staff indicated that they would support the access provided the site and access were designed such that heavy trucks would not be able to utilize the access. The applicant provided auto-turn analysis supporting our analysis of this issue, and staff found that that the proposed combination of building placement relative to access location, driveway width, and return radii sizing restrict the ability for heavy trucks to utilize the site. TRS staff worked with PC to craft a condition which addresses their concerns by memorializing these design issues to regulate construction of the access and guide any potential PD modification or site plan changes with respect to this issue.

**ADMINISTRATIVE VARIANCE #1, NUMBER OF DRIVEWAYS**

The applicant’s Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated May 23, 2022) from the Section 6.04.03.I. LDC requirement, governing number of driveways which may be permitted. Based upon the functional classification of adjacent roadways, the LDC requires (and permits) only two (2) access connections for the subject PD. The applicant is proposing three (3) access connections to serve the proposed project. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable on May 31, 2022. If this rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request.

**ADMINISTRATIVE VARIANCE #2, ACCESS SPACING – BIG BEND RD.**

The applicant’s Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated May 23, 2022) from the Section 6.04.07. LDC requirement, governing spacing for the proposed Big Bend Rd. access. Per the LDC, Big Bend Rd. is a Class 5 roadway, which requires minimum connection spacing of 245 feet. The applicant is proposing the driveway in a location which is +/- 200 feet from the intersection of Big Bend. Rd. and Balm Riverview Rd., and +/- 110 feet from the intersection of Big Bend. Rd. and Gordon Rd. As such, the applicant is seeking a variance of 45 feet and 135 feet, respectively. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable on May 31, 2022. If this rezoning is approved, the County Engineer will approve the above referenced Administrative Variance Request.

**ADMINISTRATIVE VARIANCE #3, SUBSTANDARD ROAD – GORDON RD.**

The applicant’s Engineer of Record (EOR) submitted a Section 6.04.02.B. Administrative Variance Request (dated May 31, 2022) from the Section 6.04.03.L. LDC requirement, whereby the developer is required to improve the public roadway network, in this case Gordon Rd. (between the project access and nearest roadway meeting applicable standards) to current County standards as a TS-3 urban local roadway (non-residential subtype) or TS-7 rural local and collector roadway. Based on factors presented in the Administrative Variance Request, the County Engineer found the request approvable (on May 31, 2022).

If PD 22-0561 is approved, the County Engineer will approve the above referenced Administrative Variance Request, upon which the developer will not be required to make improvements to the roadway.

### **DESIGN EXCEPTION #1, SUBSTANDARD ROAD – BALM RIVERVIEW RD.**

Given that Balm Riverview Rd. is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception (DE) request (on May 23, 2022 and revised May 31, 2022) for Balm Riverview Rd. to determine the specific improvements that would be required by the County Engineer. Based on factors presented within the Design Exception request, the County Engineer found the DE approvable (on May 31, 2022). The deviations from the TS-7 Typical Section (2-Lane Undivided, Local and Collector Rural Roadways), which is the primarily applicable Typical Section, as well as other applicable Typical Sections include:

- The developer shall be permitted to utilize the existing 11-foot to travel lanes in lieu of the 12-foot wide travel lanes typically required by the Hillsborough County Transportation Technical Manual (TTM) TS-7;
- The developer shall be permitted to install a 4-foot wide raised concrete separator in lieu of the 22-foot wide grassy median typically required pursuant to TS-8 (the Typical Section for 2-lane divided rural collector roadways);
- The developer shall be permitted to install a 1-foot wide sod strip between the sidewalk and the project boundary in lieu of the 2-foot wide sod strip required pursuant to TTM TS-7; and,
- The developer shall be permitted to eliminate the required 8-foot wide stabilized shoulders, of which 5-feet is required to be paved pursuant to TTM TS-7.

No other improvements will be required along Balm Riverview Rd., except for sidewalks/pedestrian connections otherwise required by Section 6.03.02 of the LDC. Staff notes the applicant states in DE they will be relocated the existing sidewalk along the project's frontage to the east side of the drainage swales.

Lastly, staff notes there is a discrepancy in the DE request between the width of the northbound right turn lane shown on the Typical Section (which is 11-feet) and the written text of the DE which states the turn lane will be 12-feet. Staff has included a condition which requires the Design Exception to be clarified prior to or concurrent with PD site plan certification.

### **DESIGN EXCEPTION #2, SUBSTANDARD ROAD – BIG BEND RD.**

Given that Big Bend Rd. is a substandard collector roadway, the applicant's Engineer of Record (EOR) submitted a Design Exception (DE) request (on May 23, 2022 and revised May 31, 2022) for Balm Riverview Rd. to determine the specific improvements that would be required by the County Engineer. Based on factors presented within the Design Exception request, the County Engineer found the DE approvable (on May 31, 2022). The deviations from the TS-7 Typical Section (2-Lane Undivided, Local and Collector Rural Roadways), which is the primarily applicable Typical Section, as well as other applicable Typical Sections include:

- The developer shall be permitted to utilize the existing 11-foot to travel lanes in lieu of the 12-foot wide travel lanes typically required by the Hillsborough County Transportation Technical Manual (TTM) TS-7;
- The developer shall be permitted to install a 12-foot wide multi-purpose path in lieu of the 5-foot wide paved shoulders (which serve as a bicycle facility in rural typical sections) and 5-foot wide sidewalk typically required pursuant to TTM TS-7;
- The developer shall be permitted to reduce the separation of the pedestrian facilities to the nearest through lane from the 29 feet required pursuant to TS-7 to 7 feet;

- The developer shall be permitted to install a 4-foot wide raised concrete separator in lieu of the 22-foot wide grassy median typically required pursuant to TS-8 (the Typical Section for 2-lane divided rural collector roadways); and,
- The developer shall be permitted to leave the shoulders in their existing conditions instead of the required 8-foot wide stabilized shoulders, of which 5-feet is required to be paved, pursuant to TTM TS-7.

No other improvements will be required along Big Bend Rd., except for sidewalks/pedestrian connections otherwise required by Section 6.03.02 of the LDC as well as the eastbound to northbound left turn lane discussed in the “Site Access and Connectivity” section of the report, hereinabove.

**ROADWAY LEVEL OF SERVICE**

Level of Service (LOS) information for adjacent roadway sections is reported below.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
Balm Riverview Rd.	Big Bend Rd.	Boyette Rd.	D	C
Balm Riverview Rd.	Balm Rd.	Big Bend Rd.	C	C
Big Bend Rd.	Summerfield Blvd.	Balm Riverview Rd.	D	C

Source: Hillsborough County 2019 Level of Service Report.

## Ratliff, James

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**From:** Williams, Michael  
**Sent:** Tuesday, May 31, 2022 5:03 PM  
**To:** Michael Yates; vcastro@palmtraffic.com  
**Cc:** Tirado, Sheida; msmith@gardnerbrewer.com; Heinrich, Michelle; Ratliff, James  
**Subject:** FW: PD 22-0561 DE & AV Review  
**Attachments:** 22-0561 AVReq 05-23-22\_1.pdf; 22-0561 AVReq 05-23-22\_2.pdf; 22-0561 AVReq 05-31-22\_3.pdf; 22-0561 DEREQ 05-31-22\_1.pdf; 22-0561 DEREQ 05-31-22\_2.pdf

**Importance:** High

Michael/Vicki,

I have found the attached Section 6.04.02.B. Administrative Variances (AV) and Design Exceptions (DE) for PD 22-0561 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Ingrid Padron ([padroni@hillsboroughcounty.org](mailto:padroni@hillsboroughcounty.org) or 813-307-1709) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to [PW-CEIntake@hillsboroughcounty.org](mailto:PW-CEIntake@hillsboroughcounty.org)

Mike

**Michael J. Williams, P.E.**

**Director, Development Review**

**County Engineer**

Development Services Department

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P: (813) 307-1851

M: (813) 614-2190

E: [Williamsm@HillsboroughCounty.org](mailto:Williamsm@HillsboroughCounty.org)

W: HCFLGov.net

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**Hillsborough County**

601 E. Kennedy Blvd., Tampa, FL 33602

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**From:** Tirado, Sheida <TiradoS@hillsboroughcounty.org>  
**Sent:** Tuesday, May 31, 2022 4:40 PM  
**To:** Williams, Michael <WilliamsM@HillsboroughCounty.ORG>  
**Subject:** PD 22-0561 DE & AV Review  
**Importance:** High

Hello Mike,

The following DEs and AVs for this zoning case are approvable to me, please include the following people in your email.

[vcastro@palmtraffic.com](mailto:vcastro@palmtraffic.com)  
[myates@palmtraffic.com](mailto:myates@palmtraffic.com)  
[msmith@gardnerbrewer.com](mailto:msmith@gardnerbrewer.com)  
[HeinrichM@HillsboroughCounty.ORG](mailto:HeinrichM@HillsboroughCounty.ORG)  
[RatliffJa@hillsboroughcounty.org](mailto:RatliffJa@hillsboroughcounty.org)

Best Regards,

**Sheida L. Tirado, PE** *(she/her/hers)*  
**Transportation Review Manager**  
Development Services Department

---

P: (813) 276-8364  
E: [tirados@HCFLGov.net](mailto:tirados@HCFLGov.net)  
W: [HCFLGov.net](http://HCFLGov.net)

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**Hillsborough County**  
601 E. Kennedy Blvd., Tampa, FL 33602

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May 23, 2022

Mr. Michael Williams, P.E.  
Hillsborough County Development Services  
County Engineer  
Development Review Director  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview (22-0561)  
Administrative Variance Request – Number of Access Points  
Palm Traffic Project No. T22007

Dear Mr. Williams:

The letter documents our request for an administrative variance to Hillsborough County Land Development Code (LDC) Section 6.04.03.I (number of access points) in association with the proposed development of an approximate 4,992 convenience market with 16 fueling pumps and a car wash. The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road.

This request is for a variance to the number of driveway criteria of the LDC Section 6.04.03.I – Number of Access Points. Based on the code, the maximum driveway connections would be one. The justification for this variance is as follows:

1. All three driveways are vital to the access and circulation for the property.
2. The two main driveways, one on Balm Riverview Road and one on Big Bend Road, are both restricted to right-in/right-out access. Without the third driveway on Gordon Road, access from the north on Balm Riverview Road would be difficult.
3. Per the code, the driveway on Gordon Road, a local road, should be a secondary access. Eliminating either of the other two driveways would change the usage of the Gordon Road access.

Justification must address Section 6.04.02.B.3 criteria (a) and (b) – if applicable, (c). In the consideration of the variance request, the issuing authority shall determine to the best of its ability that the following circumstances are met:

**a) There is unreasonable burden on the applicant**

Due to the right-in/right-out driveways located on the collector/arterial, two-lane roadways limiting access to the corner parcel, all the driveways are required to provide reasonable access so as not to make the Gordon Road driveway the primary access point.

**b) The variance would not be detrimental to the public health, safety and welfare.**

The proposed right-in/right-out driveways have been moved as far from the signalized intersection as possible. In addition, a future cross access is being provided to the parcel to the north to provide future interconnectivity among the parcels and reducing

additional traffic on the adjacent roadway. With the limited access on Balm Riverview Road and Big Bend Road, all the accesses are required to provide the public with the safest access to the parcel. None of the roadways are wide enough for U-turns at the intersection, therefore each access provides access from different directions.

As part of this connection, the driveway will be designed to make it difficult for large delivery or fuel trucks to use Gordon Road. The design of the access to Gordon Road will be documented in the zoning conditions of approval.

**c) Without the variance, reasonable access cannot be provided.**

The two main accesses to the parcel are restricted to right-in/right-out driveways. Therefore, all the driveways are vital to the circulation within and access to the property.

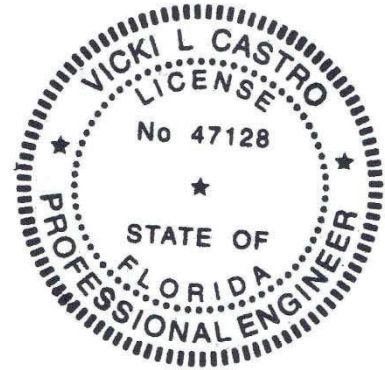
Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

Palm Traffic

**Vicki L Castro**

Digitally signed by Vicki L Castro  
Date: 2022.05.23 11:51:16 -04'00'



Vicki L Castro, P.E.  
Principal

Based on the information provided by the applicant, this request is:

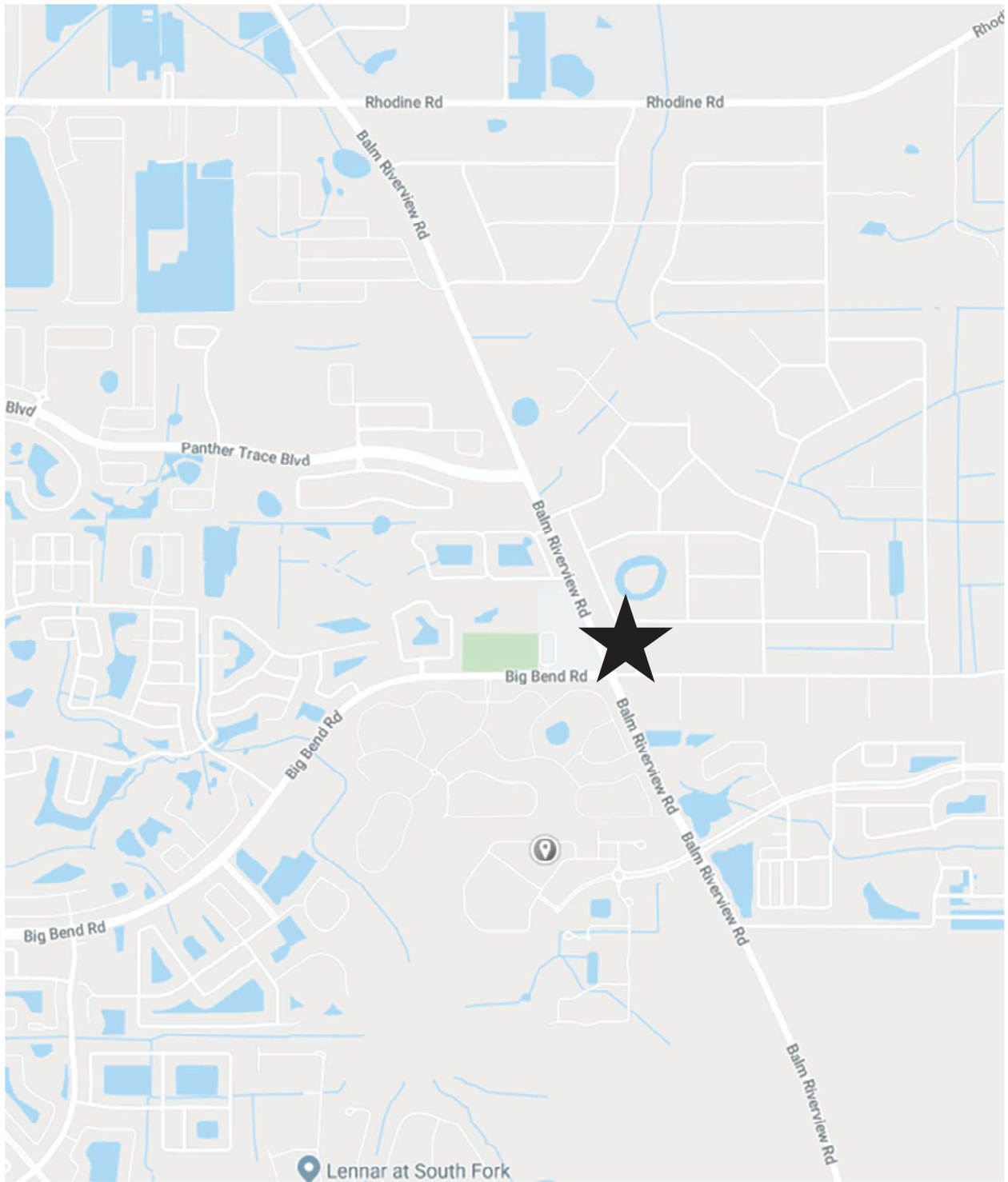
Disapproved  Approved with Conditions  Approved

If there are any further questions or you need clarification, please contact Sheida Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

### LOCATION MAP





- GENERAL NOTES**
- 1. THE PROJECT IS LOCATED WITHIN THE HILLSBOROUGH COUNTY PLANNING AREA.
  - 2. THE PROJECT IS NOT LOCATED WITHIN ANY SPECIAL ZONING DISTRICTS.
  - 3. THE PROJECT IS NOT LOCATED WITHIN ANY DESIGNATED SCENIC ROADWAY CORRIDORS.
  - 4. THE PROJECT DOES NOT CONTAIN ANY AERONAUTICAL OR HISTORICAL LANDMARKS.
  - 5. THE PROJECT DOES NOT CONTAIN ANY AERONAUTICAL OR HISTORICAL LANDMARKS.
  - 6. ENGINEERING DRAWINGS SHALL BE IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY ZONING AND SUBDIVISION CODES.
  - 7. PLANS SHALL BE DESIGNED FOR COMPLIANCE WITH THE HILLSBOROUGH COUNTY ZONING AND SUBDIVISION CODES.
  - 8. OUTDOOR LIGHTING SHALL BE PROVIDED BY THE DEVELOPER.
  - 9. WASTEWATER PROVIDED BY HILLSBOROUGH COUNTY.
  - 10. SOLID WASTE PROVIDED BY HILLSBOROUGH COUNTY.
  - 11. SOLID WASTE PROVIDED BY HILLSBOROUGH COUNTY.
  - 12. THE PROJECT IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND.
  - 13. ALL PROPERTY WITHIN 100 FEET OF THE PROJECT IS SHOWN ON THE PLAN.
  - 14. EXISTING AND AS PROPOSED DRAINAGE AND CURB CUT LOCATIONS ARE IDENTIFIED ON THE SITE PLAN.
  - 15. THE SITE PLAN AND PROPOSED AREAS ARE COPIED ON THE SITE PLAN.
  - 16. THE PROJECT IS NOT TO BE CONSIDERED AS A SUBDIVISION OF LAND.
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**GENERAL INFORMATION**

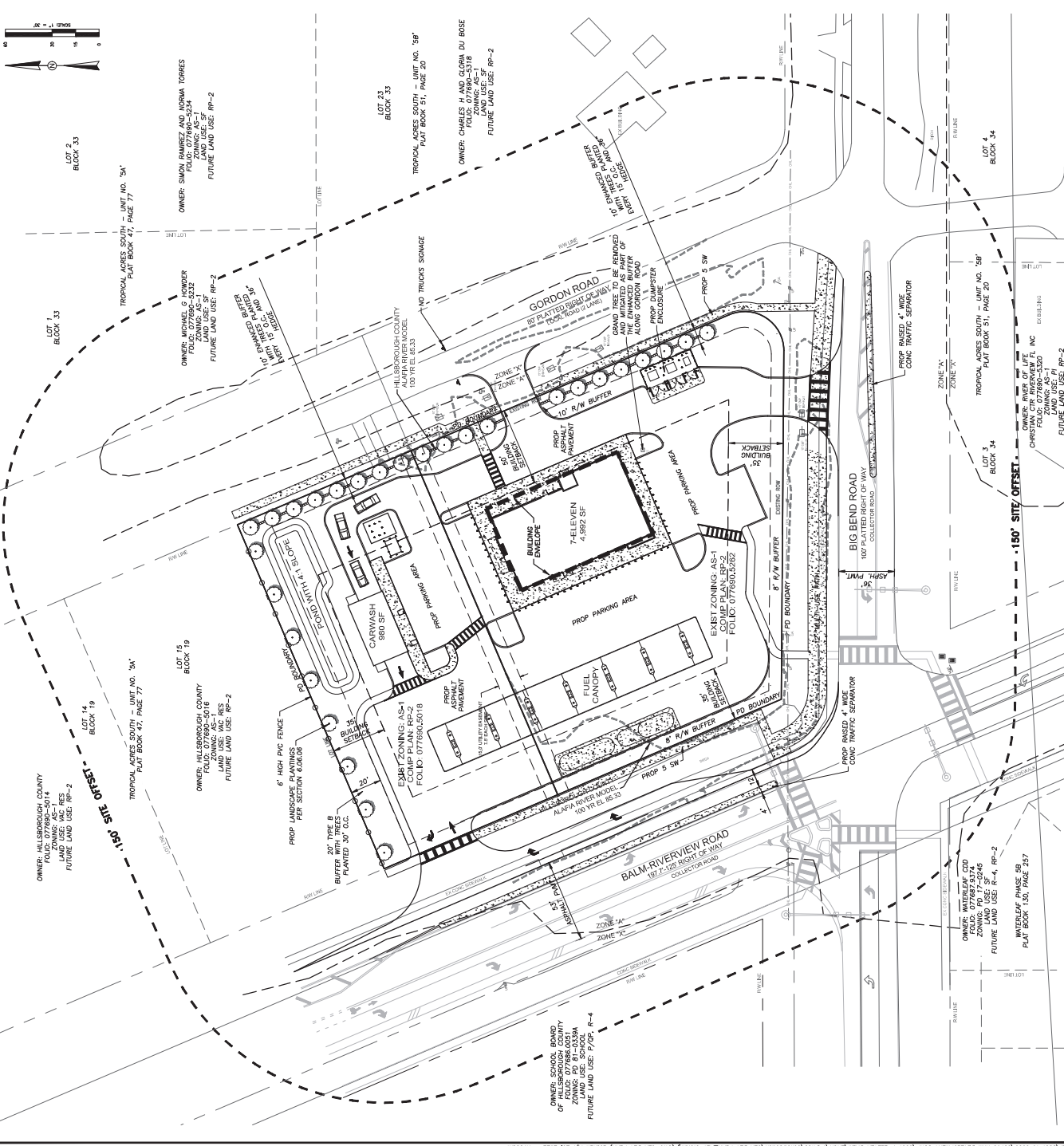
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: [Date]

**PROJECT DATA TABLE**

PROPOSED ZONING:	AS-1
EXISTING ZONING:	AS-1
PROPOSED USE:	AS-1
EXISTING USE:	AS-1
PROPOSED BUILDING AREA:	6,400 SF INCL. GARAGE
PROPOSED FLOOR AREA:	6,400 SF INCL. GARAGE
PROPOSED HEIGHT:	28 FEET (1 STORY)
MAXIMUM HEIGHT:	30 FT
MINIMUM LOT WIDTH:	100 FEET
MINIMUM LOT DEPTH:	AS NOTED ON THE SITE PLAN
MINIMUM FRONT YARD SETBACK:	AS NOTED ON THE SITE PLAN
MINIMUM SIDE YARD SETBACK:	AS NOTED ON THE SITE PLAN
MINIMUM REAR YARD SETBACK:	AS NOTED ON THE SITE PLAN
PROPOSED IMPERVIOUS SURFACE:	722k
MAX. IMPERVIOUS SURFACE:	722k
PROPOSED WASTEWATER:	0 AC +/-
ENVIRONMENTALLY SENSITIVE AND ADJACENT:	0 AC +/-

**LEGAL DESCRIPTION**

AS-1 ZONING DISTRICT (AS-1) IS A SUBDIVISION OF LAND AS REQUIRED BY THE HILLSBOROUGH COUNTY ZONING AND SUBDIVISION CODES.





May 23, 2022

Mr. Michael Williams, P.E.  
Hillsborough County Development Services  
County Engineer  
Development Review Director  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview (22-0561)  
Administrative Variance Request – Driveway on Big Bend Road  
Palm Traffic Project No. T22007

Dear Mr. Williams:

The letter documents our request for an administrative variance to Hillsborough County Land Development Code (LDC) Section 6.04.07 (connection spacing) in association with the proposed development of up to 4,992 convenience market with 16 fueling pumps and a car wash. This request is made based on the January 28, 2022 meeting.

The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road. Big Bend Road is identified on the Hillsborough County Comprehensive Plan Functional Classification Map as a collector roadway with a posted speed limit of 35 mph.

This request is for a variance to the access connection spacing criteria of the LDC Section 6.04.07. – Minimum Connection Spacing. The justification for this variance is as follows:

1. Big Bend Road is Class 5 roadway with a connection spacing requirement of 245 feet.
2. The parcel has approximately 330 feet of frontage on Big Bend Road.
3. The proposed right-in/right-out driveway is approximately 195 feet from the corner and 110 feet from Gordon Road, as shown in Figure 1.
4. LDC Section 6.04.03.J references right-in/right-out accesses which do not meet the minimum spacing. They may be permitted where, due to size, configuration or location of the parcel, there is no feasible alternative access meeting the desired standard.

Justification must address Section 6.04.02.B.3 criteria (a) and (b) – if applicable, (c). In the consideration of the variance request, the issuing authority shall determine to the best of its ability that the following circumstances are met:

**a) There is unreasonable burden on the applicant**

There is no feasible way for the applicant to meet the minimum connection spacing requirement outlined in LDC Section 6.04.07 due to the limited frontage on Big Bend Road.

**b) The variance would not be detrimental to the public health, safety and welfare.**

The proposed right-in/right-out driveway has been moved as far east of the signalized intersection as possible. With the limited access on Balm Riverview Road, this access will serve as a primary access for exiting traffic going to the west and south.

As part of this connection, a raised concrete separator will be installed in the existing gore area in the median of Big Bend Road.

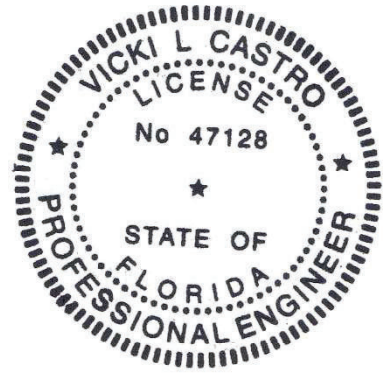
**c) Without the variance, reasonable access cannot be provided.**

The two accesses to the parcel are right-in/right-out driveways. Both are vital to the circulation within and access to the property.

Sincerely,  
Palm Traffic

**Vicki L Castro**

Digitally signed by Vicki L Castro  
Date: 2022.05.23 12:01:29 -04'00'



Vicki L Castro, P.E.  
Principal

Based on the information provided by the applicant, this request is:

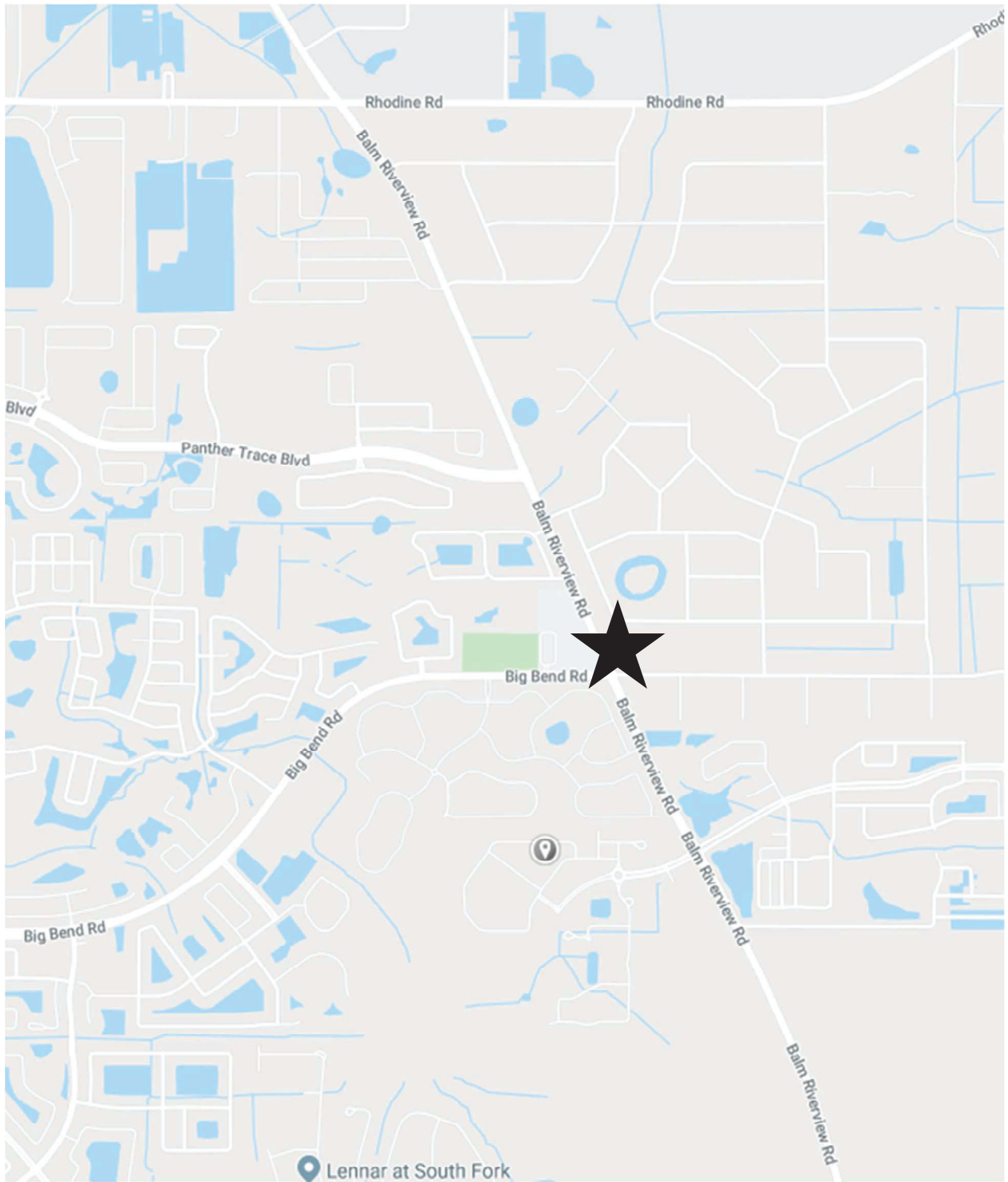
\_\_\_\_\_Disapproved \_\_\_\_\_Approved with Conditions \_\_\_\_\_Approved

If there are any further questions or you need clarification, please contact Sheida Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

### LOCATION MAP



C1

FILE NO: 220561-001  
DATE: 05/21/22

LINK # 1518  
LINK # 1518

**GENERAL DEVELOPMENT PLAN**

NO.	DATE	REVISION



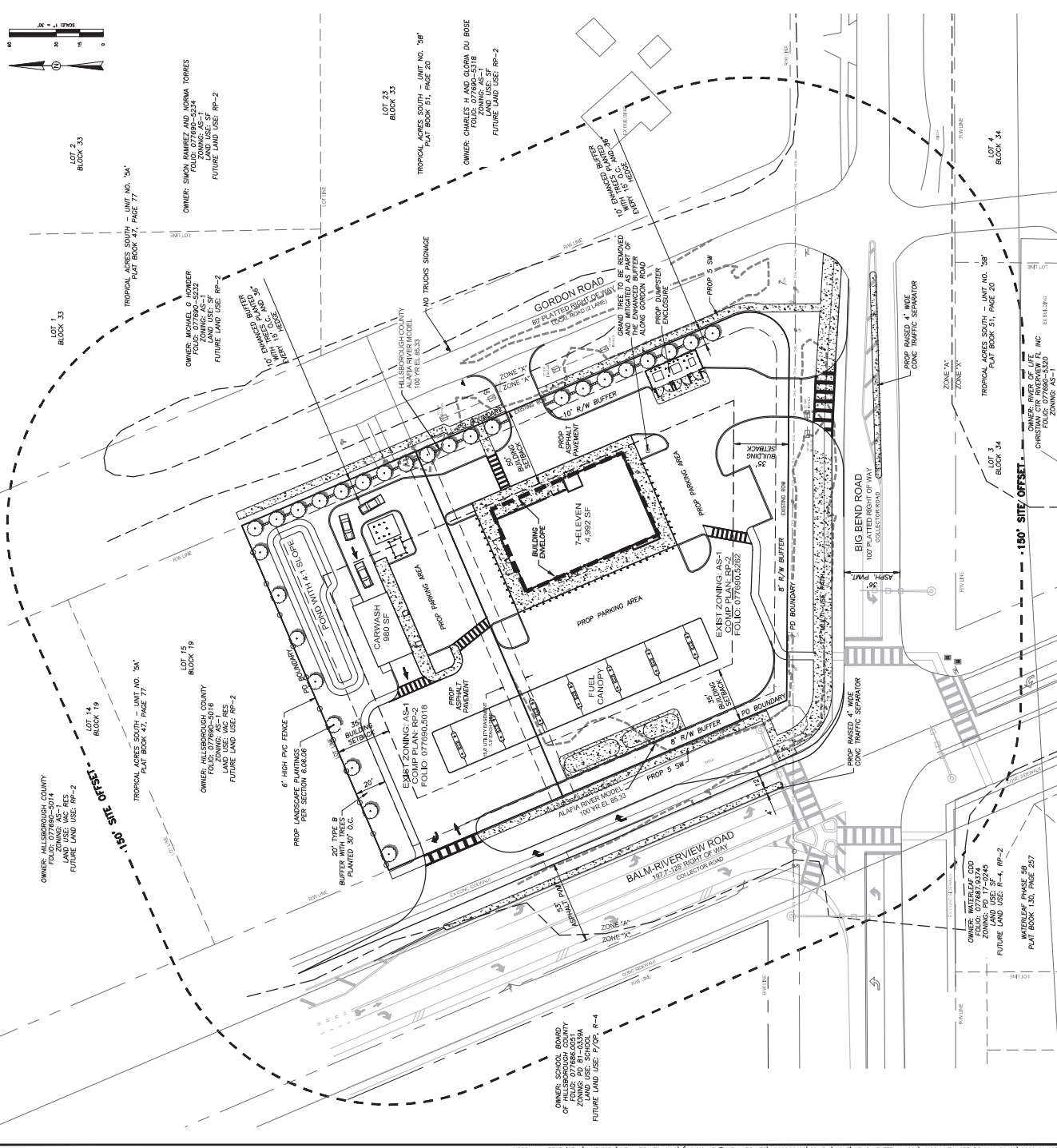
- GENERAL NOTES**
1. THE PROJECT IS LOCATED WITHIN THE RIVERVIEW COMMUNITY PLANNING AREA.
  2. THE PROJECT IS NOT LOCATED WITHIN ANY SPECIAL ZONING DISTRICTS.
  3. THE PROJECT IS NOT LOCATED WITHIN ANY DESIGNATED SCENIC ROADWAY CORRIDORS.
  4. THE PROJECT DOES NOT CONTAIN ANY AERONAUTICAL OR HISTORICAL LANDMARKS.
  5. THE PROJECT DOES NOT CONTAIN ANY AERONAUTICAL OR HISTORICAL LANDMARKS.
  6. ALL PROPOSED CHANGES MUST BE IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
  7. PLANS SHALL BE DESIGNED FOR CODE COMPLIANCE WITH LDC PART 6.10.05 AND 6.20.04 OUTDOOR LIGHTING.
  8. WASTEWATER PROVIDED BY HILLSBOROUGH COUNTY.
  9. SOLID WASTE PROVIDED BY HILLSBOROUGH COUNTY.
  10. ALL PROPOSED CHANGES MUST BE IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
  11. ALL PROPOSED CHANGES MUST BE IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
  12. ALL PROPOSED CHANGES MUST BE IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
  13. ALL PROPOSED CHANGES MUST BE IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
  14. EXISTING AND AS PROPOSED DRIVEWAYS AND CURB CUT LOCATIONS ARE IDENTIFIED ON THE SITE PLAN.
  15. THE SITE PLAN AND PROPOSED AREAS ARE CONFORMED TO THE SITE PLAN.
  16. THE PROJECT LIES WITHIN FLOOD ZONE "X" ACCORDING TO FEMA FIRM PANEL 120703001A DATED 9/29/06.
  17. THE PROJECT LIES WITHIN FLOOD ZONE "X" ACCORDING TO FEMA FIRM PANEL 120703001A DATED 9/29/06.
  18. STORMWATER, TRANSPORTATION, WATER AND WASTEWATER REQUIREMENTS FOR THE PROJECT SHALL BE IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.
  19. ALL PROPOSED CHANGES MUST BE IN ACCORDANCE WITH THE HILLSBOROUGH COUNTY ZONING ORDINANCES AND ANY APPLICABLE ORDINANCES.

**GENERAL INFORMATION**  
OWNER: HILLSBOROUGH COUNTY  
ADDRESS: 13009 GORDON ROAD, RIVERVIEW, FL 34608  
APPLICANT: HAMILTON ENGINEERING & SURVEYING, L.L.C.  
DATE: 05/21/22

**PROJECT DATA TABLE**

SITE AREA	78,800 SQ FT / 1.80 AC +/-
EXISTING ZONING	AS-1
PROPOSED ZONING	RP-2
FUTURE AND USE	RP-2
PROPOSED USE	COMMERCIAL (UNLESS OTHERWISE NOTED)
PROPOSED BUILDING AREA	6,400 SF INCL. GARAGE
PROPOSED FLOOR AREA	100 SQ. FT.
MINIMUM LOT WIDTH	100 FEET
FRONT YARD SETBACK	AS NOTED ON THE SITE PLAN
SIDE YARD SETBACK	AS NOTED ON THE SITE PLAN
REAR YARD SETBACK	AS NOTED ON THE SITE PLAN
MAXIMUM HEIGHT	28 FEET (1 STORY)
MAX BUILDING COVERAGE	30%
PROP IMPERVIOUS SURFACE	72.2%
MAX IMPERVIOUS SURFACE	72.2%
PROP WATER BODY	0 AC +/-
ENVIRONMENTALLY SENSITIVE AREAS	0 AC +/-

**LEGAL DESCRIPTION**  
ALL LOTS AND BLOCKS SHOWN ON THIS MAP ARE SUBJECT TO THE RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.  
AND  
ALL LOTS AND BLOCKS SHOWN ON THIS MAP ARE SUBJECT TO THE RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.







May 31, 2022

Mr. Michael Williams, P.E.  
Hillsborough County Development Services  
County Engineer  
Development Review Director  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview Rd and Big Bend Rd NEC (22-061)  
Administrative Variance Request – Gordon Road  
Palm Traffic Project No. T21094

Dear Mr. Williams:

The purpose of this letter is to provide justification for the administrative variance to meet the requirements of the Hillsborough County Land Development Code (LDC) Section 6.04.03.L (existing facility) in association with the proposed development of a 4,992 square foot convenience market with 16 fueling positions and accessory car wash located east of Balm Riverview Road and north of Big Bend Road, as shown in Figure 1. This request is made based on our virtual meeting with Hillsborough County staff.

The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road, as shown in Figure 2. Big Bend Road is identified on the Hillsborough County Comprehensive Plan Functional Classification Map as a local roadway. Gordon Road was identified during our meeting as a substandard road. Gordon Road has a posted speed limit of 25 mph. Gordon Road is currently being reconstructed with the Hillsborough County Pump Station project (PI 5765) to include 10-foot travel lanes and 6-foot unpaved shoulder within approximately 65 feet of right of way.

This request is for an administrative variance to the TS-7 typical section of the Hillsborough County Transportation Technical Manual in accordance with LDC Section 6.04.02.B for the section from Race Track Road to our project access, for the following reasons: (a) there is an unreasonable burden on the applicant; (b) the variance would not be detrimental to the public health, safety and welfare; and; if applicable, (c) without the variance, reasonable access cannot be provided. These items are further discussed below.

**a) There is unreasonable burden on the applicant**

The typical TS-7 section for local and collector rural roadway requires a minimum of 96 feet of ROW with 12-foot travel lanes, a 5-foot paved shoulder, open drainage and a 5-foot sidewalk. The adjacent segment of Gordon Road is currently being reconstructed with the Hillsborough County Pump Station project (PI 5765) to include 10-foot travel lanes and 6-foot unpaved shoulder within approximately 65 feet of right of way. Sidewalk along the project frontage will be provided within the existing ROW.

**The variance would not be detrimental to the public health, safety and welfare.**

Gordon Road has a posted speed limit of 25 mph. This section of roadway is rural in nature and serves primary residential homes. According to the Florida Green Book, on a local road in constrained areas where the speed limit is 35 mph or lower, 10-foot lanes may be used. Additionally, along the frontage of our project, we are providing a 5-foot sidewalk. Given the information outlined in this section, the reduced travel lane width and lack of paved shoulder (in lieu of the unpaved shoulder being constructed by Hillsborough county) will not have any impact on public health, safety, or welfare.

**b) Without the variance, reasonable access cannot be provided.**

The access to Gordon Road is a secondary access for the proposed project and will provide neighborhood connectivity. Additionally, the access will be restricted by design and signage not to allow delivery vehicles. The 10-foot travel lanes and unpaved shoulders being constructed by Hillsborough County help keep the speed down and help provide a safe section that serves passenger vehicles.

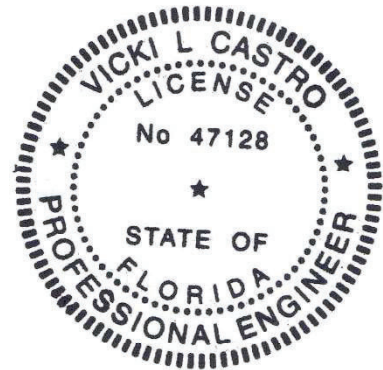
Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

Palm Traffic

**Vicki L Castro**

Digitally signed by Vicki L Castro  
Date: 2022.05.31 13:26:22 -04'00'



Vicki L Castro, P.E.  
Principal

Based on the information provided by the applicant, this request is:

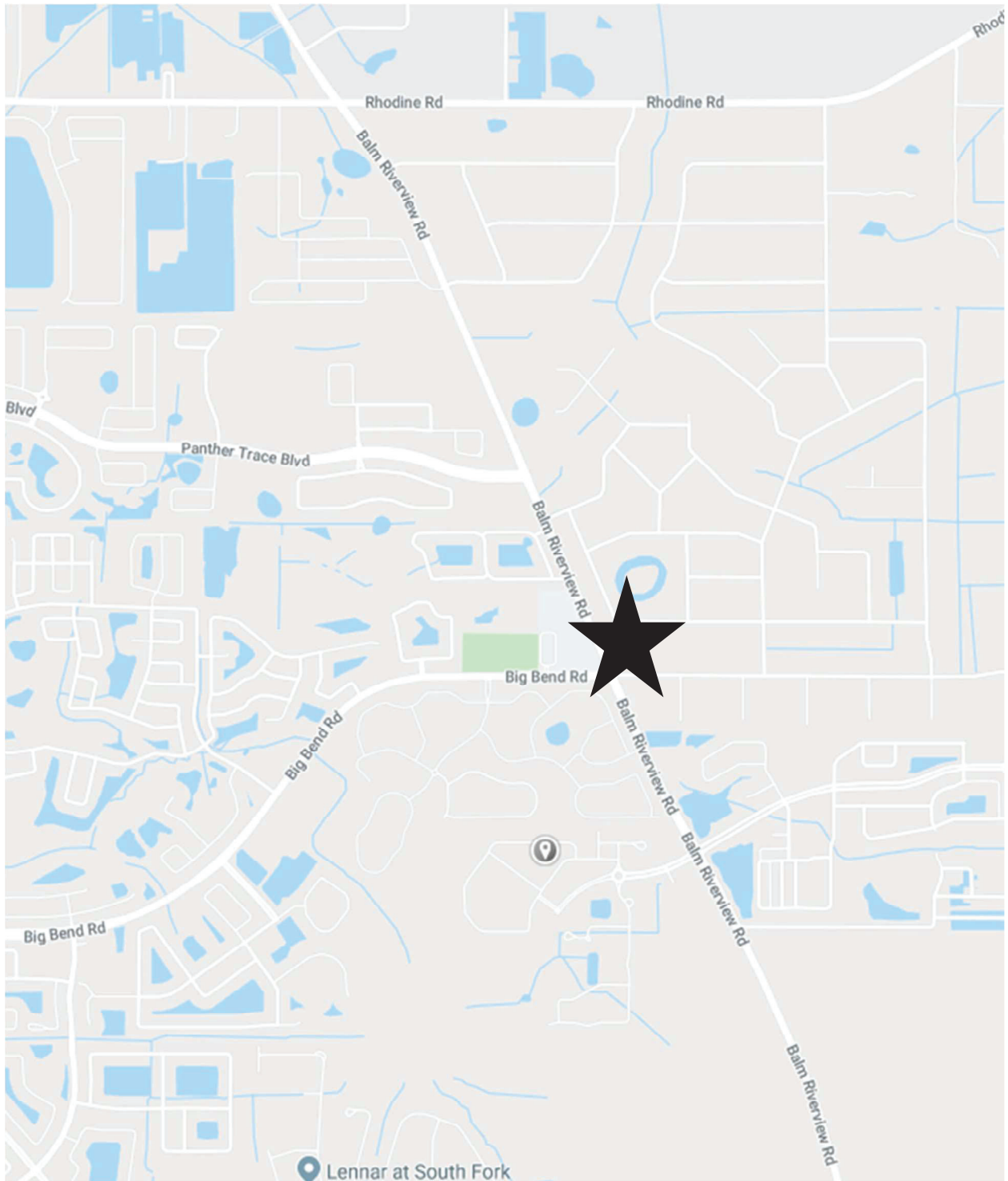
\_\_\_\_\_ Disapproved    \_\_\_\_\_ Approved with Conditions    \_\_\_\_\_ Approved

If there are any further questions or you need clarification, please contact Sheida Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

**Figure 1. Location Map**







May 23, 2022  
Revised May 31, 2022

Mr. Michael Williams, P.E.  
Hillsborough County  
Development Services Department  
Development Review Director  
County Engineer  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview Road and Big Bend Road NEC (22-0561)  
Design Exception – Balm Riverview Road  
Palm Traffic Project No. T21094

Dear Mr. Williams:

The purpose of this letter is to provide justification for the design exception per Transportation Technical Manual (TTM) 1.7 to meet the requirements of the Hillsborough County Land Development Code (LDC) Section 6.04.03.L (existing facility) in association with the proposed development of a 4,992 square foot convenience market with 16 fueling positions and accessory car wash located east of Balm Riverview Road and north of Big Bend Road, as shown in Figure 1. This request is made based on our virtual meeting with Hillsborough County staff.

The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road. Balm Riverview Road is identified in the Hillsborough County Comprehensive Plan Functional Classification Map as a collector roadway. Balm Riverview was identified during our meeting as a substandard road. Balm Riverview Road has a posted speed limit of 45 mph. Balm Riverview Road currently has 11-foot travel lanes, an 11-foot southbound left turn lane, an 11-foot southbound right turn lane, a 5-foot bike lane southbound and a 5-foot sidewalk northbound and southbound within approximately 130 feet of right of way.

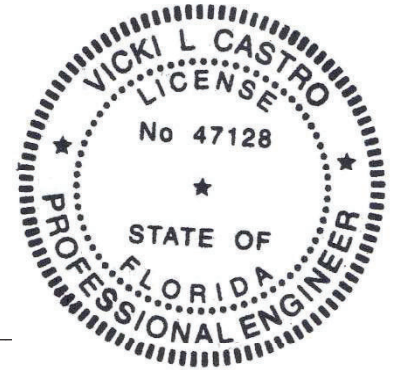
This request is a design exception to the Hillsborough County Transportation Technical Manual for Balm Riverview Road from Big Bend Road to the proposed project driveway. The requested exceptions to the TS-7 typical section and the justification are as follows:

1. The typical TS-7 section requires 12-foot lanes, 7-foot paved shoulders/bike lanes, 5-foot sidewalk, and open drainage.
2. The request is to maintain the recently constructed 11-foot travel lanes and turn lanes. On the east side of Balm Riverview Road, a 4-foot concrete traffic separator, 5-foot bike lane and 12-foot northbound right turn lane will be added. The existing 5-foot sidewalk east of Balm Riverview Road will be moved to east of the open drainage.
3. The proposed general development plan is shown in Figure 2. Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

**Vicki L Castro** Digitally signed by Vicki L Castro  
Date: 2022.05.31 13:12:40 -04'00'

Vicki L Castro, P.E.  
Principal



Based on the information provided by the applicant, this request is:

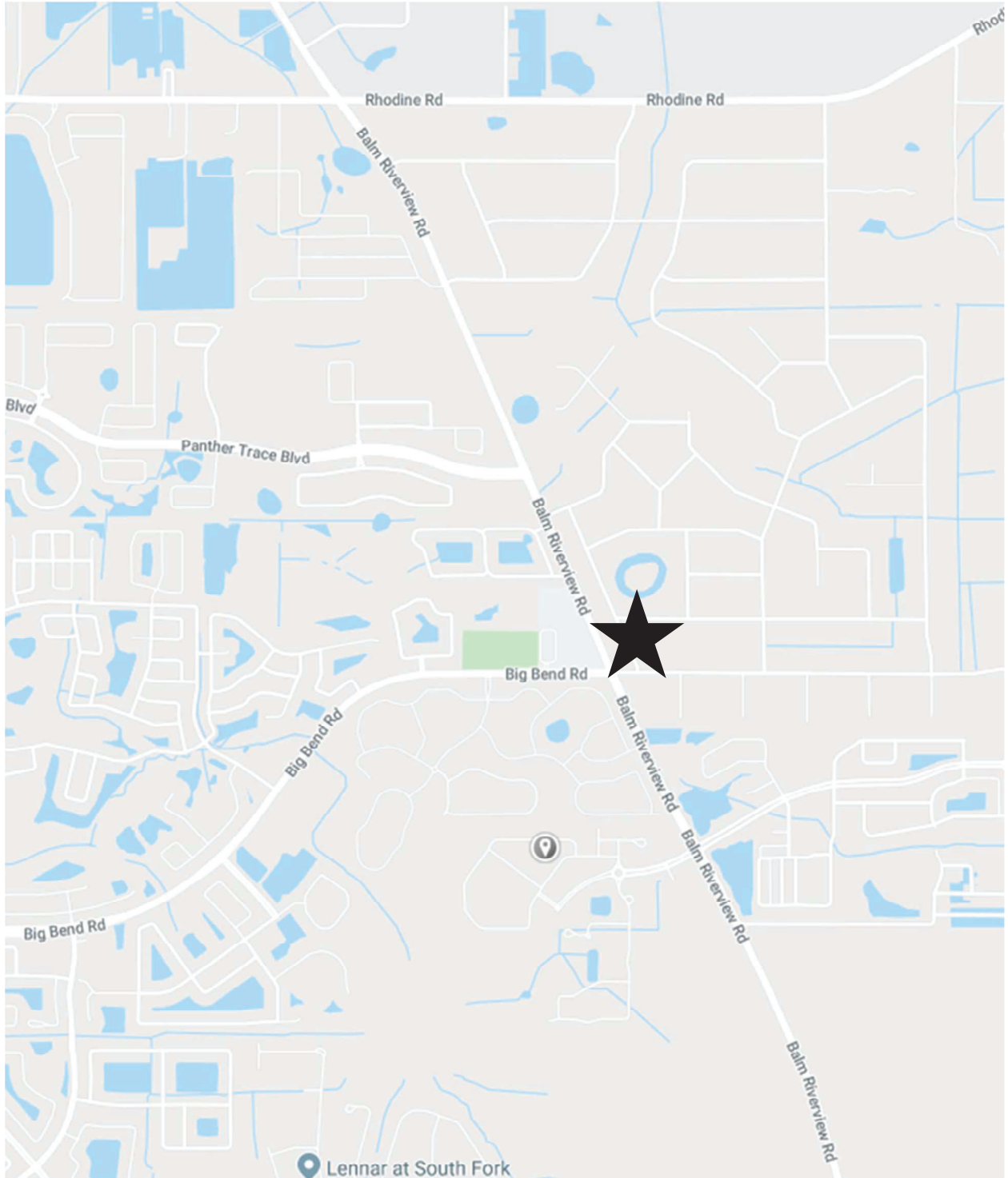
\_\_\_\_\_ Disapproved \_\_\_\_\_ Approved with Conditions \_\_\_\_\_ Approved

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

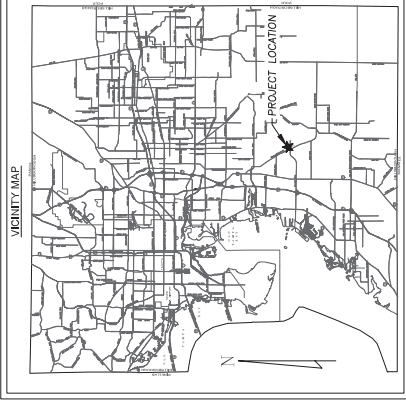
Sincerely,

Michael J. Williams  
Hillsborough County Engineer

**FIGURE 1. LOCATION MAP**



NO.	DATE	REVISION



- GENERAL NOTES**
- THE PROJECT IS LOCATED WITHIN THE RIVERVIEW COMMUNITY PLANNING AREA.
  - THE PROJECT IS NOT LOCATED WITHIN ANY SPECIAL ZONING DISTRICTS.
  - THE PROJECT IS NOT LOCATED WITHIN ANY DESIGNATED SCENIC ROADWAY CORRIDORS.
  - THE PROJECT DOES NOT CONTAIN ANY AERONAUTICAL OR HISTORICAL LANDMARKS.
  - EXISTING UTILITIES SHOWN ARE NOT TO BE CONSIDERED AS A BASIS FOR ANY UTILITIES OR PLANS SHALL BE DESIGNED FOR CODE COMPLIANCE WITH LOC PART 6.10.05 AND 6.20.04 OUTDOOR LIGHTING.
  - WASTEWATER PROVIDED BY HILLSBOROUGH COUNTY.
  - SOLID WASTE PROVIDED BY HILLSBOROUGH COUNTY.
  - ALL UTILITIES SHALL BE AS SHOWN ON THE SITE PLAN AND PROPERTY RECORDS FOR THE PROJECT. ALL PROPERTY WITHIN 100 FEET OF THE PROJECT IS SHOWN ON THE PLAN.
  - EXISTING AND AS PROPOSED DRIVEWAYS AND CURB CUT LOCATIONS ARE IDENTIFIED ON THE SITE PLAN.
  - EXISTING AND AS PROPOSED AREAS ARE IDENTIFIED ON THE SITE PLAN.
  - PROVISIONS DATED 9/29/08.
  - STORMWATER, TRANSPORTATION, WATER AND WASTEWATER REQUIREMENTS, CODE FOR THE PROJECT SHALL BE AS SHOWN ON THE SITE PLAN.
  - ALL UTILITIES SHALL BE AS SHOWN ON THE SITE PLAN.
  - ALL UTILITIES SHALL BE AS SHOWN ON THE SITE PLAN.
  - ALL UTILITIES SHALL BE AS SHOWN ON THE SITE PLAN.
  - ALL UTILITIES SHALL BE AS SHOWN ON THE SITE PLAN.

**GENERAL INFORMATION**

DRAWN BY: HAMILTON ENGINEERING & SURVEYING, L.L.C.  
DATE: 04/26/2022  
PROJECT NO: 2022040001  
APPLICANT: 7-ELEVEN STORE # 2100  
SITE NO: 177 2ND AVE. S.E. SUITE 400  
DATE: 01 FEBRUARY 19 2021

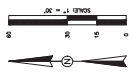
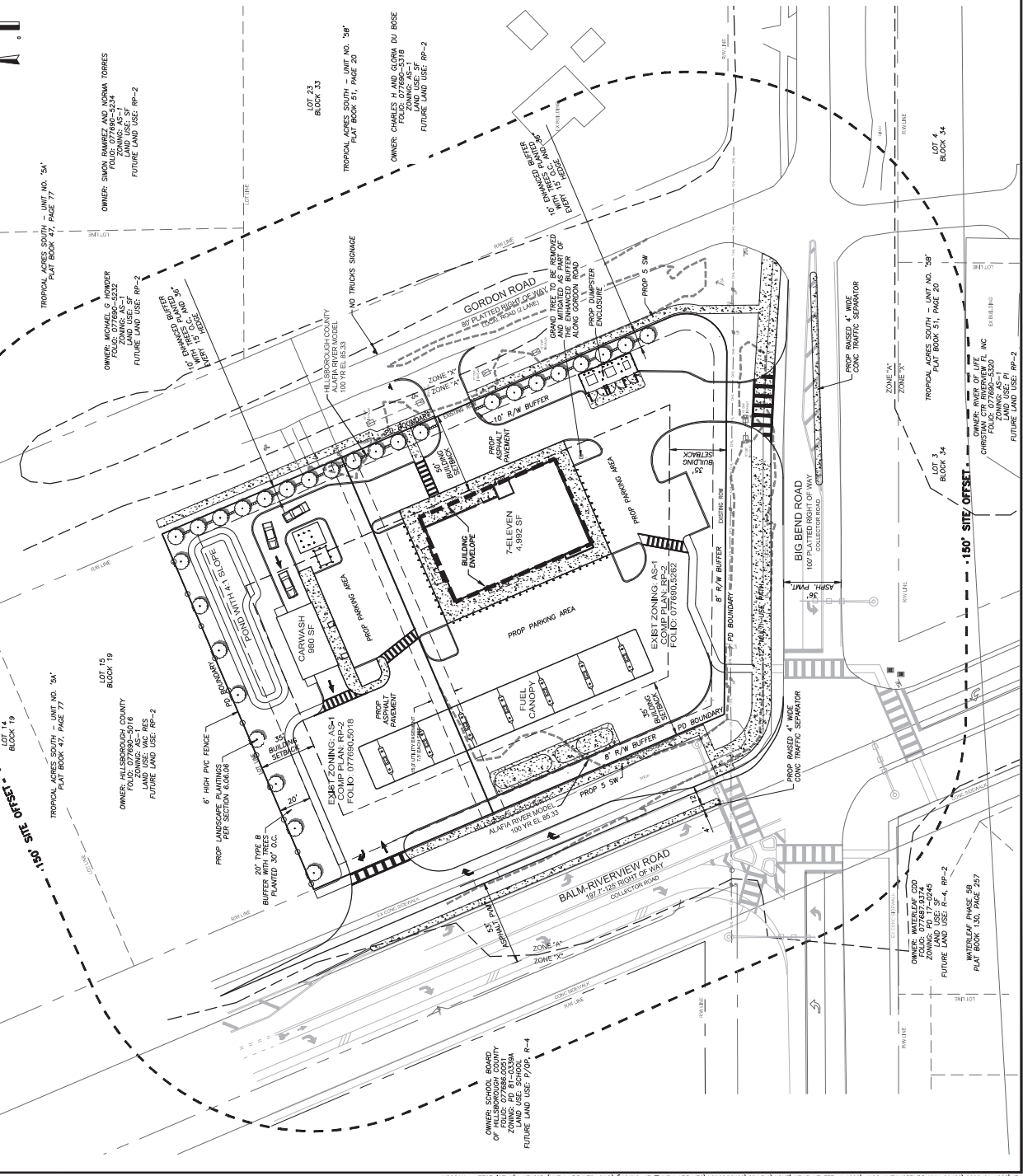
**PROJECT DATA TABLE**

SITE AREA	78,839.97/189 AC ± 1/2
EXISTING ZONING	AS-1
PROPOSED ZONING	PP-2
FUTURE AND USE	PP-2
PROPOSED USE	CONVENIENCE STORE, GAS STATION AND CONVENIENCE STORE, OIL CHANGING, CARWASH, AND DRIVE THRU CARWASH (UNLESS OTHERWISE NOTED)
PROPOSED BUILDING AREA	6,400 SF INCL. CARWASH
PROPOSED FLOOR AREA	0.08 AC ± 0.08
MINIMUM LOT WIDTH	100 FEET
FRONT YARD SETBACK	AS NOTED ON THE SITE PLAN
SIDE YARD SETBACK	AS NOTED ON THE SITE PLAN
REAR YARD SETBACK	AS NOTED ON THE SITE PLAN
MAXIMUM HEIGHT	28 FEET (1 STORY)
MAX BUILDING COVERAGE	30%
MAX IMPERVIOUS SURFACE	72.2%
MAXIMUM WATER BODY	0 AC ± 1/2
ENVIRONMENTALLY SENSITIVE AND ADJACENT	0 AC ± 1/2

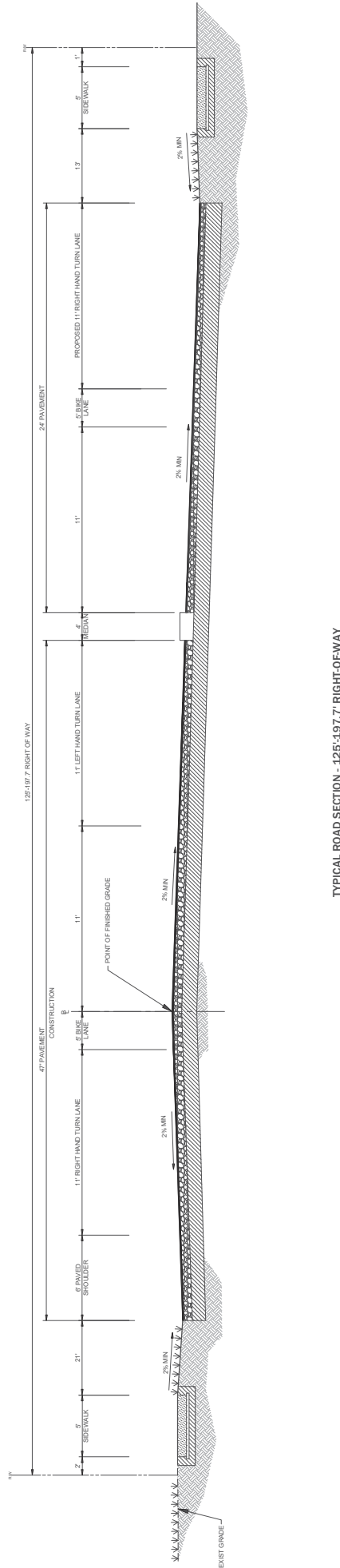
**LEGAL DESCRIPTION**

LOT 14, BLOCK 19 OF TROPICAL ACRES SOUTH PLAT BOOK 47, PAGE 77  
AND  
LOT 3, BLOCK 34 OF TROPICAL ACRES SOUTH PLAT BOOK 51, PAGE 20  
AND  
LOT 3, BLOCK 34 OF TROPICAL ACRES SOUTH PLAT BOOK 51, PAGE 20

FIGURE 2: PROPOSED GENERAL DEVELOPMENT PLAN



**FIGURE 3: TYPICAL SECTION - BALM RIVERVIEW**



TYPICAL ROAD SECTION - 125'-197.7" RIGHT-OF-WAY





May 23, 2022  
Revised May 31, 2022

Mr. Michael Williams, P.E.  
Hillsborough County  
Development Services Department  
Development Review Director  
County Engineer  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: 7-11 Balm Riverview Road and Big Bend Road NEC (22-0561)  
Design Exception – Big Bend Road  
Palm Traffic Project No. T21094

Dear Mr. Williams:

The purpose of this letter is to provide justification for the design exception per Transportation Technical Manual (TTM) 1.7 to meet the requirements of the Hillsborough County Land Development Code (LDC) Section 6.04.03.L (existing facility) in association with the proposed development of a 4,992 square foot convenience market with 16 fueling positions and accessory car wash located east of Balm Riverview Road and north of Big Bend Road, as shown in Figure 1. This request is made based on our virtual meeting with Hillsborough County staff.

The project proposes to have one (1) right-in/right-out access to Balm Riverview Road, one (1) right-in/right-out access to Big Bend Road and one (1) secondary full access to Gordon Road. Big Bend Road is identified on the Hillsborough County Comprehensive Plan Functional Classification Map as a collector roadway. Big Bend Road was identified during our meeting as a substandard road. Big Bend Road has a posted speed limit of 35 mph. Big Bend Road currently has 12-foot travel lanes, a 12-foot westbound left turn lane and a 5-foot sidewalk on the north side of Big Bend Road within approximately 85 feet of right of way.

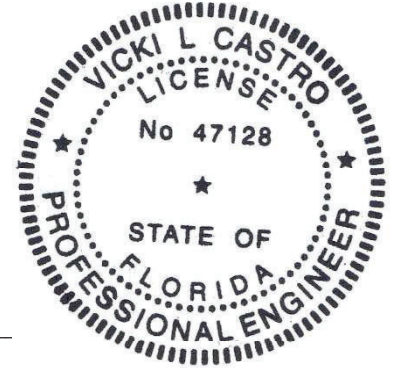
This request is a design exception to the Hillsborough County Transportation Technical Manual for Big Bend Road from Balm Riverview Road to Gordon Road. The requested exceptions to the TS-7 typical section and the justification are as follows:

1. The typical TS-7 section requires 12-foot lanes, 7-foot paved shoulders/bike lanes, 5-foot sidewalk, and open drainage.
2. The request is to maintain the recently constructed 12-foot travel lanes and turn lanes. On the north side of Big Bend Road, a 4-foot concrete traffic separator will be added in the existing gore area, and a 12-foot multi-use path will be added (in lieu of the 5-foot bike path and 5-foot sidewalk) along with open drainage. No modifications to the south side of Big Bend Road are proposed.
3. The proposed general development plan is shown in Figure 2. Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

**Vicki L Castro** Digitally signed by Vicki L Castro  
Date: 2022.05.31 13:10:27 -04'00'

Vicki L Castro, P.E.  
Principal



Based on the information provided by the applicant, this request is:

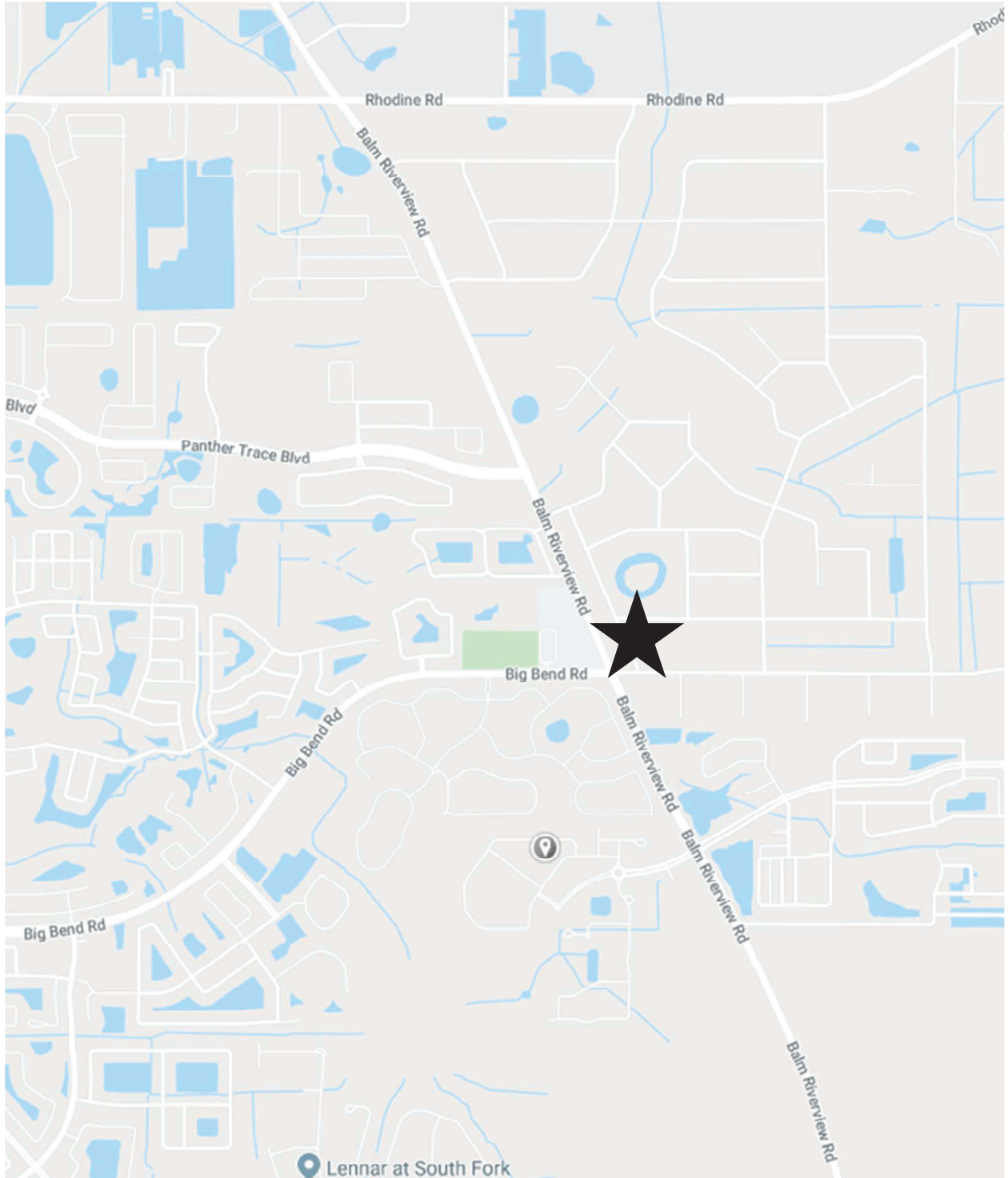
\_\_\_\_\_ Disapproved \_\_\_\_\_ Approved with Conditions \_\_\_\_\_ Approved

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

**FIGURE 1. LOCATION MAP**



C1

**GENERAL DEVELOPMENT PLAN**

NO.	DATE	REVISION

Sheet Title: GENERAL DEVELOPMENT PLAN  
 Date: 05/21/22  
 Scale: AS SHOWN  
 Project: 22-0561



- GENERAL NOTES**
- THE PROJECT IS LOCATED WITHIN THE RIVERVIEW COMMUNITY PLANNING AREA.
  - THE PROJECT IS NOT LOCATED WITHIN ANY SPECIAL ZONING DISTRICTS.
  - THE PROJECT IS NOT LOCATED WITHIN ANY DESIGNATED SCENIC ROADWAY CORRIDORS.
  - THE PROJECT DOES NOT CONTAIN ANY ARCHITECTURAL OR HISTORICAL LANDMARKS.
  - EXISTING ARCHITECTURAL FEATURES ARE NOT COVERED BY ANY ARCHITECTURAL OR HISTORICAL LANDMARKS.
  - PLANS SHALL BE DESIGNED FOR CODE COMPLIANCE WITH LDC PART 6.10.05 AND 6.20.04 OUTDOOR LIGHTING.
  - WASTEWATER PROVIDED BY HILLSBOROUGH COUNTY.
  - SOLID WASTE PROVIDED BY HILLSBOROUGH COUNTY.
  - THE PROJECT SHALL BE DESIGNED AS SHOWN ON THE SITE PLAN AND PROPERTY RECORD NUMBERS FOR ALL PROPERTIES WITHIN 100 FEET OF THE PROJECT IS SHOWN ON THE PLAN.
  - EXISTING AND AS PROPOSED DRIVEWAYS AND CURB CUT LOCATIONS ARE IDENTIFIED ON THE SITE PLAN.
  - EXISTING AND AS PROPOSED AREAS ARE IDENTIFIED ON THE SITE PLAN.
  - PROPOSED DRIVEWAYS SHALL BE CONFORMANT WITH THE LAND DEVELOPMENT CODE FOR STORMWATER, TRANSPORTATION, WATER AND WASTEWATER REQUIREMENTS.
  - ALL UTILITIES SHALL BE IDENTIFIED AND LOCATED ON THE SITE PLAN.
  - THE PROJECT SHALL BE CONFORMANT WITH THE LAND DEVELOPMENT CODE FOR STORMWATER, TRANSPORTATION, WATER AND WASTEWATER REQUIREMENTS.
  - ALL UTILITIES SHALL BE IDENTIFIED AND LOCATED ON THE SITE PLAN.
  - THE PROJECT SHALL BE CONFORMANT WITH THE LAND DEVELOPMENT CODE FOR STORMWATER, TRANSPORTATION, WATER AND WASTEWATER REQUIREMENTS.
  - ALL UTILITIES SHALL BE IDENTIFIED AND LOCATED ON THE SITE PLAN.

**GENERAL INFORMATION**

OWNER: SIMON RAMIREZ & NORMA TORRES  
 4009 W. LINDEN STREET  
 TALLAHASSEE, FL 32304  
 APPLICANT: 0967 2010040001 CORP  
 177 2ND AVE. SE, SUITE 400  
 ATLANTA, GA 30333  
 01 FEBRUARY 19 33071

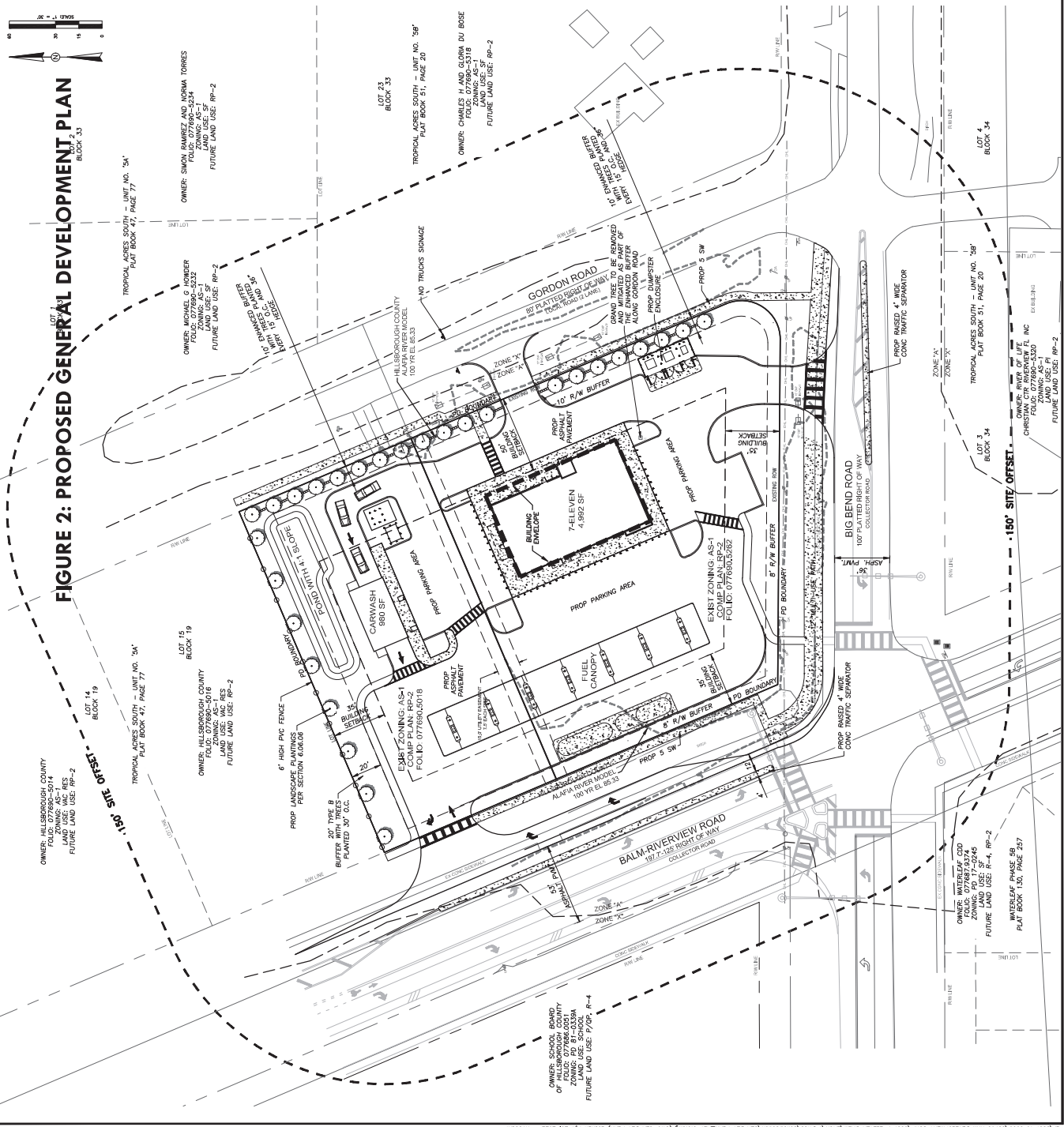
**PROJECT DATA TABLE**

SITE AREA	78,807.97/89 AC ± 1/2
EXISTING ZONING	AS-1, R-4, R-2, R-1 & 07760-2018
PROPOSED ZONING	AS-1
FUTURE AND USE	PP-2
PROPOSED USE	AS STATION AND CONVENIENCE STORE, GAS STATION, RESTAURANT, CARWASH, COMMERCIAL OFFICE BUILDING, COMMERCIAL TRUCK SERVICE (UNLESS OTHERWISE NOTED)
PROPOSED BUILDING AREA	6,400 SF INCL. CARWASH
PROPOSED F.L.A.R.	0.08
MINIMUM LOT WIDTH	100 FEET
FRONT YARD SETBACK	AS NOTED ON THE SITE PLAN
SIDE YARD SETBACK	AS NOTED ON THE SITE PLAN
REAR YARD SETBACK	AS NOTED ON THE SITE PLAN
MAXIMUM HEIGHT	28 FEET (1 STORY)
MAX BUILDING COVERAGE	30%
PROP IMPERVIOUS SURFACE	72.2%
PROP IMPERVIOUS SURFACE	72.2%
PROP WATER BODY	0 AC ± 1/2
ENVIRONMENTALLY SENSITIVE AND AVOIDANCE	0 AC ± 1/2

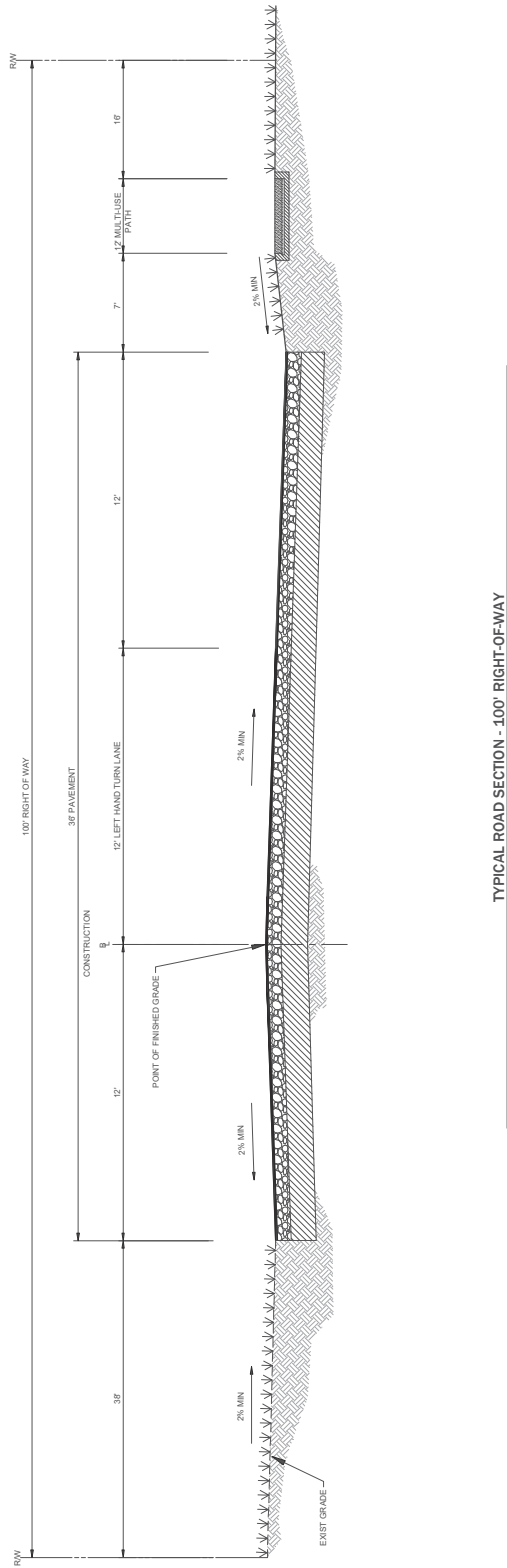
**LEGAL DESCRIPTION**

LOT 14, BLOCK 19, UNIT 14, PLAT 77, TROPICAL ACRES SOUTH, HILLSBOROUGH COUNTY, FLORIDA AND LOT 15, BLOCK 19, UNIT 15, PLAT 77, TROPICAL ACRES SOUTH, HILLSBOROUGH COUNTY, FLORIDA AND LOT 14, BLOCK 19, UNIT 14, PLAT 77, TROPICAL ACRES SOUTH, HILLSBOROUGH COUNTY, FLORIDA AND LOT 15, BLOCK 19, UNIT 15, PLAT 77, TROPICAL ACRES SOUTH, HILLSBOROUGH COUNTY, FLORIDA

**FIGURE 2: PROPOSED GENERAL DEVELOPMENT PLAN**  
BLOCK 33



**FIGURE 3: TYPICAL SECTION - BIG BEND**



Transportation Comment Sheet

**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)**

<b>Adjoining Roadways (check if applicable)</b>			
<b>Road Name</b>	<b>Classification</b>	<b>Current Conditions</b>	<b>Select Future Improvements</b>
Balm Riverview Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Big Bend Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Gordon Rd.	County Local - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	19	1	2
Proposed	3,710	446	385
Difference (+/-)	<b>(+) 3,691</b>	<b>(+) 445</b>	<b>(+) 383</b>

\*Trips reported are based on net new external trips unless otherwise noted.

<b>Connectivity and Cross Access</b> <input type="checkbox"/> Not applicable for this request				
<b>Project Boundary</b>	<b>Primary Access</b>	<b>Additional Connectivity/Access</b>	<b>Cross Access</b>	<b>Finding</b>
North		None	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East	X	Vehicular & Pedestrian	None	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC
Notes:				

<b>Design Exception/Administrative Variance</b> <input type="checkbox"/> Not applicable for this request		
<b>Road Name/Nature of Request</b>	<b>Type</b>	<b>Finding</b>
N/A - Number of Access Connections	Administrative Variance Requested	Approvable
Big Bend Rd. - Access Spacing	Administrative Variance Requested	Approvable
Gordon Rd. – Substandard Road	Administrative Variance Requested	Approvable
Balm Riverview Rd. – Substandard Road	Design Exception Requested	Approvable
Big Bend Rd. – Substandard Road	Design Exception Requested	Approvable
Notes:		

Transportation Comment Sheet

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input checked="" type="checkbox"/> Design Exception/Adm. Variance Requested <input checked="" type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**COMMISSION**

Mariella Smith CHAIR  
 Pat Kemp VICE-CHAIR  
 Harry Cohen  
 Ken Hagan  
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 Kimberly Overman  
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 Sam Elrabi, P.E. WATER DIVISION  
 Rick Muratti, Esq. LEGAL DEPT  
 Reginald Sanford, MPH AIR DIVISION  
 Steffanie L. Wickham WASTE DIVISION  
 Sterlin Woodard, P.E. WETLANDS DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<p><b>HEARING DATE:</b> May 16, 2022</p> <p><b>PETITION NO.:</b> 22-0561</p> <p><b>EPC REVIEWER:</b> Jackie Perry Cahanin</p> <p><b>CONTACT INFORMATION:</b> (813) 627-2600 X 1241</p> <p><b>EMAIL:</b> <a href="mailto:cahaninj@epchc.org">cahaninj@epchc.org</a></p>	<p><b>COMMENT DATE:</b> March 15, 2022</p> <p><b>PROPERTY ADDRESS:</b> 13009 and 13007 Gordon Rd., Riverview, FL 33579</p> <p><b>FOLIO #:</b> 077690-5262; 077690-5018</p> <p><b>STR:</b> 10-31S-20E</p>
<p><b>REQUESTED ZONING:</b> From AS-1 to PD</p>	
FINDINGS	
<b>WETLANDS PRESENT</b>	NO
<b>SITE INSPECTION DATE</b>	01/07/2020
<b>WETLAND LINE VALIDITY</b>	N/A
<b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b>	N/A
<p><b>INFORMATIONAL COMMENTS:</b></p> <p>Wetlands Management Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel.</p> <p>Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a “WDR30 - Delineation Request Application”. Once approved, the formal wetland delineation would be binding for five years.</p>	

Jpc/dc

*Environmental Excellence in a Changing World*

**Environmental Protection Commission - Roger P. Stewart Center**  
 3629 Queen Palm Drive, Tampa, FL 33619 - (813) 627-2600 - [www.epchc.org](http://www.epchc.org)

**WATER RESOURCE SERVICES  
REZONING REVIEW COMMENT SHEET: WATER & WASTEWATER**

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PETITION NO.: PD22-0561      REVIEWED BY: Randy Rochelle      DATE: 4/1/2022

FOLIO NO.: 77690.5262, 77690.5018

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**WATER**

- The property lies within the \_\_\_\_\_ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- A 8 inch water main exists  (adjacent to the site),  (approximately \_\_\_ feet from the site) and is located within the west Right-of-Way of Gordon Road. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include two funded CIP projects that are currently under construction, C32001 - South County Potable Water Repump Station Expansion and C32011 - Potable Water In-Line Booster Pump Station, and will need to be completed by the County prior to issuance of any building permits that will create additional demand on the system.

**WASTEWATER**

- The property lies within the \_\_\_\_\_ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- A 16 inch wastewater force main exists  (adjacent to the site),  (approximately \_\_\_ feet from the site) and is located within the north Right-of-Way of Big Bend Road. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include \_\_\_\_\_ and will need to be completed by the \_\_\_\_\_ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject rezoning includes parcels that are outside of the Urban Service Area. These parcels that are located outside of the Urban Service Area are within the RP-2 future land use category that could allow for connection to the County's potable water and wastewater systems.



## Statement of Record

The South County service area (generally south of the Alafia River) has seen significant customer growth over the recent past. As new customers are added to the system there is an increased demand for potable water that is causing delivery issues during certain periods of the year. The greatest demand for water occurs during the spring dry season, generally the months of March through May. During the dry season of 2021 the Water Resources Department was challenged to deliver water to the southern portions of the service area to meet customer expectations for pressure and flow. While Levels of Service per the Comprehensive Plan were met, customers complained of very low pressure during early morning hours. Efforts to increase flow and pressure to the south resulted in unacceptably high pressures in the north portions of the service area. The Florida Plumbing Code limits household pressure to 80 psi to prevent damage to plumbing and possible injury due to system failure. The Department had to balance the operational challenges of customer demand in the south with over pressurization in the north, and as a result, water pressure and flow in the South County service area remained unsatisfactory during the dry period of 2021.

As a result of demand challenges, the Department initiated several projects to improve pressure and flow to the south area. Two projects currently under construction CIP C32001 - South County Potable Water Repump Station Expansion and CIP C32011 - Potable Water In-Line Booster Pump will increase the delivery pressure to customers.

These projects are scheduled to be completed and operational prior to the 2022 dry season, and must demonstrate improved water delivery through the highest demand periods before additional connections to the system can be recommended.



**NOTE:** THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.

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**TO:** Zoning Review, Development Services

**DATE:** 05/03/2022

**REVIEWER:** Ron Barnes, Impact & Mobility Fee Coordinator

**APPLICANT:** Sandra and David Kennedy/Fernando Trejo

**PETITION NO:** 22-0561

**LOCATION:** 13009 and 13007 Gordon Rd

**FOLIO NO:** 77690.5262, 77690.5018

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**Estimated Fees:**

(Various use types allowed. Estimates are a sample of potential development)

Automated Car Wash

(Per 1,000 s.f.)

Mobility: \$34,804.00

Fire: \$313.00

Retail - Conv Mkt. w/Gas

(Per fueling position for Mobility, Per 1,000 s.f. for Fire)

Mobility: \$12,361-16,580

Fire: \$313.00

**Project Summary/Description:**

Rural Mobility, South Fire - Convenience Market, with Gas, Automated Car Wash. No specifics to breakdown of project components

**From:** [Shelton, Carla](#)  
**To:** [Heinrich, Michelle](#)  
**Cc:** [Moore, Carrie](#)  
**Subject:** RE: RE RZ PD 22-0561  
**Date:** Tuesday, May 24, 2022 6:13:42 PM  
**Attachments:** [RE PD 22-0561.msg](#)  
[image003.png](#)  
[image004.png](#)  
[22-0561 Rev SP 05-24-22.pdf](#)  
[Gordon Road.JPG](#)

---

Michelle,

The Grand Oak is located on the plans and may be located in a space where it would be able to be preserved. I think they need to remove the wording stating that the tree is to be removed and mitigated as part of the enhanced buffer along Gordon Road. If they are proposing enhanced buffering, they cannot “double-dip” and credit the buffer trees as grand oak replacements. We also would not credit red cedars planted 15’ on center as grand oak replacements even if they were not part of the enhanced buffering.

I also noticed an issue along the north property line. They have a note stating the Type B buffer landscaping plantings will be per 6.06.06, but they have the trees spaced at 30’ on center. 6.06.06 states the trees must be planted 20’ on center, so these notes conflict with each other.

I would like to see them take off all wording regarding the Grand Oak except for the actual label of Grand Oak. And we should add a condition that improvements may be shifted as necessary to allow for the preservation of existing trees. That way if we see the grading will allow, they can shift the buildings back a few more feet, delete or relocated a couple of parking spaces and preserve the tree (see attached photo from Google Earth, this tree is so perfect it looks fake!)

Carla

---

**From:** Heinrich, Michelle <HeinrichM@HillsboroughCounty.ORG>  
**Sent:** Tuesday, May 24, 2022 11:50 AM  
**To:** Shelton, Carla <SheltonC@HillsboroughCounty.ORG>  
**Subject:** FW: RE RZ PD 22-0561

Carla,

Please advise regarding the below and attached. Thanks.

**Michelle Heinrich, AICP**

**Principal Planner**

Development Services Department

P: (813) 276-2167

E: [heinrichm@HCFLGov.net](mailto:heinrichm@HCFLGov.net)

**Hillsborough County**

601 E. Kennedy Blvd., Tampa, FL 33602

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**From:** Heinrich, Michelle

**Sent:** Wednesday, April 27, 2022 11:41 AM

**To:** Shelton, Carla <[SheltonC@HillsboroughCounty.ORG](mailto:SheltonC@HillsboroughCounty.ORG)>

**Subject:** FW: RE RZ PD 22-0561

Carla,

The revised site plan has been submitted – see attached. Did they address your comments?

Thanks,

**Michelle Heinrich, AICP**

**Principal Planner**

Development Services Department

P: (813) 276-2167

E: [heinrichm@HCFLGov.net](mailto:heinrichm@HCFLGov.net)

**Hillsborough County**

601 E. Kennedy Blvd., Tampa, FL 33602

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**From:** Rome, Ashley <[RomeA@hillsboroughcounty.org](mailto:RomeA@hillsboroughcounty.org)>

**Sent:** Tuesday, April 26, 2022 1:49 PM

**To:** Allen, Cari <[AllenCA@hillsboroughcounty.org](mailto:AllenCA@hillsboroughcounty.org)>; Andrea Papandrew <[papandrewa@plancom.org](mailto:papandrewa@plancom.org)>; Blinck, Jim <[BlinckJ@HillsboroughCounty.ORG](mailto:BlinckJ@HillsboroughCounty.ORG)>; Brown, Gregory <[BrownGr@hillsboroughcounty.org](mailto:BrownGr@hillsboroughcounty.org)>; Cabrera, Richard <[CabreraR@HillsboroughCounty.ORG](mailto:CabreraR@HillsboroughCounty.ORG)>; Dalfino, Jarryd <[DalfinoJ@hillsboroughcounty.org](mailto:DalfinoJ@hillsboroughcounty.org)>; Santos, Daniel <[daniel.santos@dot.state.fl.us](mailto:daniel.santos@dot.state.fl.us)>; David Skrelunas <[David.Skrelunas@dot.state.fl.us](mailto:David.Skrelunas@dot.state.fl.us)>; DeWayne Brown <[brownd2@gohart.org](mailto:brownd2@gohart.org)>;

Dickerson, Ross <[DickersonR@HillsboroughCounty.ORG](mailto:DickersonR@HillsboroughCounty.ORG)>; Ellen Morrison <[ellen.morrison@swfwmd.state.fl.us](mailto:ellen.morrison@swfwmd.state.fl.us)>; Franklin, Deborah <[FranklinDS@hillsboroughcounty.org](mailto:FranklinDS@hillsboroughcounty.org)>; Greg Colangelo <[colangeeg@plancom.org](mailto:colangeeg@plancom.org)>; Hansen, Raymond <[HansenR@hillsboroughcounty.org](mailto:HansenR@hillsboroughcounty.org)>; Holman, Emily - PUD <[HolmanE@HillsboroughCounty.ORG](mailto:HolmanE@HillsboroughCounty.ORG)>; Hummel, Christina <[HummelC@hillsboroughcounty.org](mailto:HummelC@hillsboroughcounty.org)>; Impact Fees <[ImpactFees@hillsboroughcounty.org](mailto:ImpactFees@hillsboroughcounty.org)>; James Hamilton <[jkhamilton@tecoenergy.com](mailto:jkhamilton@tecoenergy.com)>; Jillian Massey <[masseyj@plancom.org](mailto:masseyj@plancom.org)>; Justin Willits <[WillitsJ@gohart.org](mailto:WillitsJ@gohart.org)>; Kaiser, Bernard <[KAISERB@HillsboroughCounty.ORG](mailto:KAISERB@HillsboroughCounty.ORG)>; Karla Llanos <[llanosk@plancom.org](mailto:llanosk@plancom.org)>; Katz, Jonah <[KatzJ@hillsboroughcounty.org](mailto:KatzJ@hillsboroughcounty.org)>; Kyle Brown <[kyle.brown@myfwc.com](mailto:kyle.brown@myfwc.com)>; [landuse-zoningreviews@tampabaywater.org](mailto:landuse-zoningreviews@tampabaywater.org); Mineer, Lindsey <[Lindsey.Mineer@dot.state.fl.us](mailto:Lindsey.Mineer@dot.state.fl.us)>; Lindstrom, Eric <[LindstromE@hillsboroughcounty.org](mailto:LindstromE@hillsboroughcounty.org)>; Mackenzie, Jason <[MackenzieJ@hillsboroughcounty.org](mailto:MackenzieJ@hillsboroughcounty.org)>; Matthew Pleasant <[matthew.pleasant@hcps.net](mailto:matthew.pleasant@hcps.net)>; McGuire, Kevin <[McGuireK@HillsboroughCounty.ORG](mailto:McGuireK@HillsboroughCounty.ORG)>; Melanie Ganas <[mxcganas@tecoenergy.com](mailto:mxcganas@tecoenergy.com)>; Melissa Lienhard <[lienhardm@plancom.org](mailto:lienhardm@plancom.org)>; Olivia Ryall <[oryall@teamhcso.com](mailto:oryall@teamhcso.com)>; Perez, Richard <[PerezRL@hillsboroughcounty.org](mailto:PerezRL@hillsboroughcounty.org)>; Petrovic, Jaksa <[PetrovicJ@HillsboroughCounty.ORG](mailto:PetrovicJ@HillsboroughCounty.ORG)>; Pezone, Kathleen <[PezoneK@hillsboroughcounty.org](mailto:PezoneK@hillsboroughcounty.org)>; Ratliff, James <[RatliffJa@hillsboroughcounty.org](mailto:RatliffJa@hillsboroughcounty.org)>; Hessinger, Rebecca <[HessingerR@hillsboroughcounty.org](mailto:HessingerR@hillsboroughcounty.org)>; Renee Kamen <[renee.kamen@hcps.net](mailto:renee.kamen@hcps.net)>; Revette, Nacole <[RevetteN@HillsboroughCounty.ORG](mailto:RevetteN@HillsboroughCounty.ORG)>; Carroll, Richard <[CarrollR@HillsboroughCounty.ORG](mailto:CarrollR@HillsboroughCounty.ORG)>; Rochelle, Randy <[RochelleR@HillsboroughCounty.ORG](mailto:RochelleR@HillsboroughCounty.ORG)>; Rodriguez, Dan <[RodriguezD@gohart.org](mailto:RodriguezD@gohart.org)>; RP-Development <[RP-Development@hillsboroughcounty.org](mailto:RP-Development@hillsboroughcounty.org)>; Salisbury, Troy <[SalisburyT@hillsboroughcounty.org](mailto:SalisburyT@hillsboroughcounty.org)>; Salma Ahmad <[ahmads@plancom.org](mailto:ahmads@plancom.org)>; Sanchez, Silvia <[sanchezs@epchc.org](mailto:sanchezs@epchc.org)>; Shelton, Carla <[SheltonC@HillsboroughCounty.ORG](mailto:SheltonC@HillsboroughCounty.ORG)>; Steady, Alex <[SteadyA@hillsboroughcounty.org](mailto:SteadyA@hillsboroughcounty.org)>; Tapley, Kimberly <[tapleyk@epchc.org](mailto:tapleyk@epchc.org)>; Thompson, Mike <[Thompson@epchc.org](mailto:Thompson@epchc.org)>; Tony Mantegna <[tmantegna@tampaairport.com](mailto:tmantegna@tampaairport.com)>; Turbiville, John (Forest) <[TurbivilleJ@HillsboroughCounty.ORG](mailto:TurbivilleJ@HillsboroughCounty.ORG)>; Woodard, Sterlin <[Woodard@epchc.org](mailto:Woodard@epchc.org)>; Yeneka Mills <[millsy@plancom.org](mailto:millsy@plancom.org)>  
**Cc:** Grady, Brian <[GradyB@HillsboroughCounty.ORG](mailto:GradyB@HillsboroughCounty.ORG)>; Heinrich, Michelle <[HeinrichM@HillsboroughCounty.ORG](mailto:HeinrichM@HillsboroughCounty.ORG)>; Timoteo, Rosalina <[TimoteoR@HillsboroughCounty.ORG](mailto:TimoteoR@HillsboroughCounty.ORG)>; Padron, Ingrid <[PadronI@hillsboroughcounty.org](mailto:PadronI@hillsboroughcounty.org)>; Tirado, Sheida <[TiradoS@hillsboroughcounty.org](mailto:TiradoS@hillsboroughcounty.org)>; Williams, Michael <[WilliamsM@HillsboroughCounty.ORG](mailto:WilliamsM@HillsboroughCounty.ORG)>  
**Subject:** RE RZ PD 22-0561

Good Day All,

Please be advised, we have received and uploaded to Optix **revised documents/plans** for the above mentioned application. Please review and comment.

For further information regarding the change/update please contact the assigned planner.

Planner assigned:

Planner: Michelle Heinrich

Contact: [heinrichm@hillsboroughcounty.org](mailto:heinrichm@hillsboroughcounty.org)

Have a good one,

**Ashley Rome**  
**Planning & Zoning Technician**  
Development Services Dept.

---

P: (813) 272-5595

E: [romea@hillsboroughcounty.org](mailto:romea@hillsboroughcounty.org)

W: [HCFLGov.net](http://HCFLGov.net)

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**AGENCY REVIEW COMMENT SHEET**

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**TO: ZONING TECHNICIAN, Planning Growth Management**

**DATE: 1 Mar. 2022**

**REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management**

**APPLICANT: Truett Gardner**

**PETITION NO: RZ-PD 22-0561**

**LOCATION: Not listed**

**FOLIO NO: 77690.5262, 77690.5018**

**SEC: 10 TWN: 31 RNG: 20**

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- This agency has no comments.
  
- This agency has no objection.
  
- This agency has no objection, subject to listed or attached conditions.
  
- This agency objects, based on the listed or attached conditions.

COMMENTS: \_\_\_\_\_.



# **VERBATIM TRANSCRIPT**



HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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-----X
                              )
IN RE:                       )
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ZONE HEARING MASTER         )
HEARINGS                    )
                              )
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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY  
Land Use Hearing Master

DATE: Monday, June 13, 2022

TIME: Commencing at 6:00 p.m.  
Concluding at 11:56 p.m.

PLACE: Robert W. Saunders, Sr. Public  
Library  
Ada T. Payne Community Room  
1505 N. Nebraska Avenue  
Tampa, Florida 33602

Reported via Cisco Webex Videoconference by:

Christina M. Walsh, RPR  
Executive Reporting Service  
Ulmerton Business Center  
13555 Automobile Blvd., Suite 130  
Clearwater, FL 33762  
(800) 337-7740

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HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS  
  
ZONING HEARING MASTER HEARINGS  
June 13, 2022  
ZONING HEARING MASTER: PAMELA JO HATLEY

D11:  
Application Number: RZ-PD 22-0561  
Applicant: Sandra & David Kennedy,  
Fernando Trejo  
Location: NE corner of Big Bend Rd. &  
Balm Riverview Rd.  
Folio Number: 077690.5018 & 077690.5262  
Acreage: 1.8 acres, more or less  
Comprehensive Plan: RP-2  
Service Area: Rural  
Existing Zoning: AS-1  
Request: Rezone to Planned Development

1 MR. GRADY: The next item is agenda item  
2 D-11, Rezoning-PD 22-0561. The applicants are  
3 Sandra and David Kennedy and Fernando Trejo. The  
4 request is to rezone from AS-1 to Planned  
5 Development.

6 Michelle Heinrich will provide staff  
7 recommendation after presentation by the applicant.

8 MR. GARDNER: Yes. Can you hear me? This  
9 is Truett Gardner. Mrs. Hatley?

10 HEARING MASTER HATLEY: Yes.

11 MR. GARDNER: Hi. How are you? I'll share  
12 my screen. I've got a PowerPoint presentation.  
13 This is a request to rezone to PD to operate a  
14 convenience store with gas --

15 THE CLERK: State your address for the  
16 record.

17 HEARING MASTER HATLEY: Mr. Gardner, we need  
18 you to state your address, please.

19 MR. GARDNER: Sure. 400 North Ashley Drive.

20 HEARING MASTER HATLEY: Thank you.

21 MR. GARDNER: So, yes, again, so this is a  
22 request for PD to allow for a convenience store  
23 with gas and a car wash facility. And since we  
24 have no findings of inconsistency, all findings of  
25 consistency, we're not aware of any opposition at

1 all.

2 In fact, the few calls we've gotten have  
3 been supportive, and we've got the complete  
4 application package. I thought I would just  
5 provide some context to this because this is a  
6 matter that came before the Board before in a  
7 somewhat different stance than it is now.

8 And that application was withdrawn about a  
9 year and a half ago, December of 2020, and the  
10 prior site plan challenged largely by the size of  
11 the site. This site has now increased by an excess  
12 of 60 percent, and that allowed for us to provide a  
13 much better, safer ingress and egress.

14 There is a residential area to the east of  
15 us. We've now had a 50-foot setback and enhanced  
16 buffer along the east side. The site to the north  
17 of us was residential single-family; has now been  
18 acquired by the County for use as a pumping  
19 facility.

20 And so -- and the site has been completely  
21 reconfigured. And so with that, we've got full  
22 findings, again, of consistency. Michael Yates is  
23 our traffic consultant. He is present at the  
24 hearing to answer any questions.

25 And then also Lucas Carlo is our civil

1 engineer and can also answer any questions. And so  
2 with that, we'll allow staff to proceed, and we can  
3 answer any questions after that.

4 HEARING MASTER HATLEY: Thank you,  
5 Mr. Gardner.

6 All right. Development Services.

7 MS. HEINRICH: Good evening. Michelle,  
8 Heinrich Development Services. I'm going to go  
9 ahead and share my screen if it allows me to  
10 override Mr. Gardner's. No problem.

11 So, again, this is PD 22-0561. It is a  
12 request to rezone property from AS-1 to PD with the  
13 proposed uses being a convenience store with gas  
14 sales and a car wash. The site is 1.8 acres in  
15 size, and it's located at the northeast corner of  
16 Balm-Riverview Road and Big Bend Road.

17 It is in the RP-2 Future Land Use Category,  
18 but it is not prohibited to seek rezoning under the  
19 current moratorium. It is in the Rural Service  
20 Area and also in the Riverview Community Plan Area,  
21 and there are no PD variations associated with the  
22 request.

23 Again, the Future Land Use Category is RP-2,  
24 which is a rural land use category. It allows a  
25 maximum FAR of 0.25, and it can consider

1 nonresidential uses subject to commercial  
2 locational criteria. Again, it is located at the  
3 signalized intersection of Balm-Riverview and Big  
4 Bend Roads. Residential and residential support  
5 uses are what is found within the area.

6 To the north is zoned AS-1, and that is  
7 currently a county owned public use facility  
8 associated with water services. To the south it is  
9 currently zoned AS-1 and developed with a church.  
10 To the east, also AS-1 developed with single-family  
11 residential, which is located approximately 50 feet  
12 from its property boundary.

13 And to the west is PD zoning and a public  
14 school is currently developed at that site.  
15 Showing the proposed layout of the project, you'll  
16 see that the convenience store is limited to  
17 slightly under 5,000 square feet with a gas canopy  
18 and a car wash freestanding separate facility that  
19 measures at 918 square feet.

20 And that brings a FAR on the site to less  
21 than .25 which is a 0.08. The building envelope  
22 provides setbacks of 35 feet along the south,  
23 north, and west and 50 along the east. Building  
24 heights are limited to 25 feet, one-story.

25 A 20-foot buffer with Type B screening is

1 provided along the north. This is not required by  
2 the LDC but is being proposed by the applicant.

3 Also, a 10-foot-wide buffer with tree and  
4 shrub plantings is provided along the east. Again,  
5 that is not required by the LDC but proposed by the  
6 applicant to enhance compatibility with the  
7 adjacent residential uses.

8 A right in, right out access is permitted on  
9 Big Bend Road. Another right in, right out access  
10 on Balm-Riverview Road and a full access on Gordon  
11 Road, but we would note that this access is not to  
12 be used by commercial trucks or tanker trucks.

13 It will have signage to reinforce that and  
14 also, the turning radius will be restricted to not  
15 allow turn movements to use that access point.

16 Staff does find the project approvable  
17 subject to conditions. Mostly because we found the  
18 project to be compatible with the surrounding area,  
19 it's below maximum intensity.

20 It is found to be compatible given the  
21 compatibility measures provided, such as the  
22 setbacks, building height. The project exceeds the  
23 requirements for buffering and screening.

24 And also, just to note that Gordon Road --  
25 the Gordon Road access point, it is encouraged by

1 staff to comply LDC and Comprehensive Plan policies  
2 relative to connecting the public roads, reducing  
3 travel distances, and alleviating the use of  
4 arterial roadways.

5 And, again, as previously stated, that  
6 access is limited to the domestic vehicle and  
7 residents and visitors to the site to residential  
8 uses.

9 The use is permissible by the RP-2 Future  
10 Land Use Category and meets locational criteria.  
11 It was, therefore, found consistent with the  
12 Comprehensive Plan, and we did receive no agency  
13 objections.

14 I also wanted to note which either will be  
15 passed out to you or already was there, are two  
16 proposed condition modifications. Those are found  
17 in Conditions 2 and Conditions 3, and you'll see on  
18 there we did add some wording to the sentences  
19 dealing with preserving a grand oak.

20 At the applicant's request that was  
21 clarified to convey that it wasn't required to be  
22 preserved. That will be handled and reviewed at  
23 site development. But if it is to be preserved,  
24 the conditions here give some flexibility to allow  
25 for preserving that grand oak.



1           And with that, I have no more comments and  
2           I'm available for any questions.

3           HEARING MASTER HATLEY: All right. Thank  
4           you very much.

5           Planning Commission.

6           MS. LIENHARD: Thank you. Melissa Lienhard,  
7           Planning Commission staff.

8           The subject property is located in the  
9           Residential Plan-2 Future Land Use Category. The  
10          site is in the Rural Area and also located within  
11          the limits of the Riverview Community Plan and the  
12          Southshore Areawide Systems Plan.

13          The site is located in the RP-2 Future Land  
14          Use Category and nonresidential uses can be  
15          considered in this category and are subject to  
16          commercial locational criteria as outlined in  
17          Objective 22 of the Future Land Use Element.

18          The subject site does meet locational  
19          criteria as it is located within 660 feet of the  
20          Big Bend Road and Balm-Riverview Road qualifying  
21          intersection. Typically, having access onto a  
22          local road, which is Gordon Road, for a  
23          nonresidential use would present a compatibility  
24          issue and also be inconsistent with Policy 16.5 of  
25          the Future Land Use Element.

1           That policy requires higher -- I'm sorry,  
2           higher intensity, nonresidential land uses adjacent  
3           to establish neighborhoods be restricted to  
4           collectors and arterials into locations external to  
5           established and developing neighborhoods.

6           However, in this unique case, having  
7           residents travel an indirect route to use the gas  
8           station rather than providing an access point from  
9           Gordon Road would prove to be inefficient.

10           The subject site meets the intent of Future  
11           Land Use Element Policy -- I'm sorry, Objective 16  
12           and its accompanying policies regarding the  
13           protection of adjacent land uses through various  
14           buffering and mitigation measures.

15           According to Policy 1.4, compatibility does  
16           not mean the same as. Rather it refers to the  
17           sensitivity of development proposals in maintaining  
18           the character of existing development.

19           The rezoning application has proposed  
20           several mitigation efforts to help protect and seek  
21           compatibility with the surrounding residential  
22           neighborhood. Not only does the site plan propose  
23           enhanced screening and buffering along Gordon Road  
24           to mitigate these impacts to the residential lots  
25           to the east.

1           The access point onto Gordon Road will not  
2           function as the primarily access point.  
3           Furthermore, conditions will be in place to  
4           restrict larger tanker trucks for using the Gordon  
5           Road access to further mitigate impacts.

6           A no truck sign will be placed on Gordon  
7           Road as well. The Gordon Road access is consistent  
8           with Goal 4 of the Riverview Community Plan which  
9           calls for an efficient multimodal transportation  
10          system.

11          As per the site plan, there will be a  
12          pedestrian connection to accommodate the  
13          single-family residential to the east. Also, with  
14          the addition of the no truck signage placed on  
15          Gordon Road, this support in the effort of  
16          maintaining capacity of low volume neighborhood  
17          roadways.

18          Based upon those considerations, Planning  
19          Commission staff finds the proposed Planned  
20          Development consistent with the Future of  
21          Hillsborough Comprehensive Plan unincorporated  
22          Hillsborough County subject to conditions proposed  
23          by the Development Services. Thank you.

24                 HEARING MASTER HATLEY: All right. Thank  
25                 you.

1           Is there anyone here or online who wishes to  
2           speak in support of this application? All right.  
3           I don't see anyone.

4           Is there anyone here or online who wishes to  
5           speak in opposition to this application?

6           MR. HARWELL: Good evening. Mr. Franklin  
7           and I need to be sworn in.

8           HEARING MASTER HATLEY: All right. Is there  
9           anyone else with you needs to be sworn in?

10          MR. HARWELL: Just the two of us.

11          HEARING MASTER HATLEY: Okay. Okay. All  
12          right. Do you swear or affirm that the testimony  
13          you're about to give is the truth, the whole truth,  
14          and nothing but the truth?

15          MR. HARWELL: Yes.

16          (Witnesses affirmed to the oath.)

17          HEARING MASTER HATLEY: Thank you.

18          MR. HARWELL: My name is Buddy Harwell, Balm  
19          Florida, here vice president of the Balm Civic  
20          Association. We ask for your denial on this.

21          HEARING MASTER HATLEY: Mr. Harwell, excuse  
22          me, we need your address, please. Thank you.

23          MR. HARWELL: PO Box 297 Gibsonton, Florida  
24          33534.

25          HEARING MASTER HATLEY: Okay.

1           MR. HARWELL: One of the main reasons is  
2           location of the gas station convenience store right  
3           across the street from an elementary school. Just  
4           there's a lot of people in the area concerned.  
5           This is just a bad location for it.

6           I do want to point out that you are asking  
7           for three variances and two design exceptions to  
8           get this done on three substandard roads. The  
9           right in, right out on Balm-Riverview and Big Bend  
10          is going to create the southbound traffic on  
11          Balm-Riverview and eastbound traffic on Big Bend to  
12          access Gordon Street.

13          The sign is not going to stop any tanker  
14          trucks or anything else. This is going to create  
15          3600 more trips in the area that are in a school  
16          zone.

17          I want to point out back in 2020 another  
18          developer came in to the Board of County  
19          Commissioners to ask for a variance as far as  
20          the -- the commercial inside RP node. And this is  
21          a narrative of the reasoning and, you know, I just  
22          want to enter that.

23          So this is an RP-2. It's on the boundary,  
24          but I just wanted to enter that also. That is the  
25          approval. This is a sheet that shows stats for --

1 convenience stores are the fourth most common  
2 location for violent crime and gas stations are  
3 seventh.

4 This is about gasoline fires and service  
5 stations. I'll enter it so you can look at, and  
6 here's a letter from the civic with several other  
7 individuals signing it, approving this. Thank you  
8 very much.

9 HEARING MASTER HATLEY: Yes, sir. Thank  
10 you.

11 Is there anyone else who wishes to speak in  
12 opposition to this application?

13 MR. FRANKLAND: My name is James Franklin,  
14 15064 Balm Road, beautiful downtown Balm.

15 The only thing I've got against this place,  
16 they're going to sell alcohol. I don't think  
17 alcohol should be sold anywhere around a school.  
18 Thank you.

19 HEARING MASTER HATLEY: Thank you, sir.

20 All right. Mr. Frankland?

21 MR. GRADY: Sir, you need to sign in. Sir.

22 HEARING MASTER HATLEY: Sign over here with  
23 the clerk, please. Thank you.

24 All right. Development Services, anything  
25 further?

1           MR. GRADY: Nothing further, unless you have  
2 questions.

3           HEARING MASTER HATLEY: I don't believe I  
4 do.

5           Applicant, anything further?

6           MR. GARDNER: Yes. Just a couple of things  
7 based on the objections. First of all, Michael  
8 Yates is going to address some of the traffic  
9 concerns.

10           Outside of that, what I heard were more  
11 general-type complaints. Nothing specific about  
12 this property. And then as it relates to alcohol,  
13 that is not a part of this application at all. If  
14 that's requested, that would be a separate  
15 application. But again, that's not a part of this  
16 application. So it should not be considered.

17           HEARING MASTER HATLEY: I understand. Yes.  
18 Thank you.

19           All right. Mr. Yates.

20           MR. YATES: Michael Yates, Palm Traffic, and  
21 I have been sworn.

22           I just want to go through -- I know the  
23 design exceptions and administrative variances got  
24 brought up. One of the administrative variances  
25 was for a number of driveways. That was to add the

1 additional access to Gordon Road for the  
2 connectivity at the request of staff.

3 One of the others was the Gordon Road  
4 roadway which is being improved by the County for  
5 the pump station. So that was the administrative  
6 variance. We had a design exception for  
7 Balm-Riverview Road, which was more for adding a  
8 median traffic separator in there to prevent a left  
9 in or a left out from the driveway, so to make it  
10 fully function as a right in, right out.

11 And the other one was for on Big Bend, we  
12 are adding a traffic separator in there and  
13 providing a multiuse path on the north side. So  
14 those are there. They're not as much for deficient  
15 roadways but for more functionality of the  
16 roadways. So I'm happy to answer any other  
17 questions you may have.

18 HEARING MASTER HATLEY: I don't have any  
19 questions for you. Thank you.

20 MR. YATES: Thank you.

21 HEARING MASTER HATLEY: All right. This  
22 will close the hearing on PD 22-0561.

23  
24  
25



HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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-----X
)
IN RE: )
)
ZONE HEARING MASTER )
HEARINGS )
)
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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH  
Land Use Hearing Master

DATE: Monday, May 16, 2022

TIME: Commencing at 6:00 p.m.  
Concluding at 10:14 p.m.

PLACE: Robert W. Saunders, Sr. Public  
Library  
Ada T. Payne Community Room  
1505 N. Nebraska Avenue  
Tampa, Florida 33602

Reported via Cisco Webex Videoconference by:

Christina M. Walsh, RPR  
Executive Reporting Service  
Ulmerton Business Center  
13555 Automobile Blvd., Suite 130  
Clearwater, FL 33762  
(800) 337-7740

1 This application is being continued by the  
2 applicant to the June 13, 2022, Zoning Hearing  
3 Master Hearing.

4 Item A-26, Rezoning-Standard 22-0557. This  
5 application is out of order to be heard and is  
6 being continued to the June 13, 2022, Zoning  
7 Hearing Master Hearing.

8 Item A-27, Major Mod Application 22-0558.  
9 This application is being continued by the  
10 applicant to the June 13, 2022, Zoning Hearing  
11 Master Hearing.

12 Item A-28, Rezoning-PD 22-0559. This  
13 application is being continued by staff to the  
14 June 13, 2022, Zoning Hearing Master Hearing.

15 Item A-29, Rezoning-PD 22-0561. This  
16 application is being continued by staff to the  
17 June 13, 2022, Zoning Hearing Master Hearing.

18 Item A-30, Rezoning-PD 22-0562. This  
19 application is being continued by the applicant to  
20 the June 13, 2022, Zoning Hearing Master Hearing.

21 Item A-31, Rezoning-Standard 22-0604. This  
22 application is out of order to be heard and is  
23 being continued to the June 13, 2022, Zoning  
24 Hearing Master Hearing.

25 And item A-32, Rezoning-Standard 22-0698.



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**

DATE/TIME: 6/13/22 6pmHEARING MASTER: Damela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>22-0443</u>	PLEASE PRINT NAME <u>Rebecca Keft</u> ADDRESS <u>400 N Tampa St Ste 1916</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 368 3064</u>
APPLICATION # <u>22-0802</u>	PLEASE PRINT NAME <u>Jaine Marie</u> ADDRESS <u>101 E. Kennedy Blvd. Ste. 3700</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-506-5184</u>
APPLICATION # <u>22-0103</u>	PLEASE PRINT NAME <u>William J. Molloy</u> ADDRESS <u>1355 S Blvd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>336 06</u>
APPLICATION # <u>22-0103</u>	PLEASE PRINT NAME <u>Isabelle Albert</u> ADDRESS <u>1000 W. Ashley Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 332-0976</u>
APPLICATION # <u>22-0103</u>	PLEASE PRINT NAME <u>Betty R. Willis</u> ADDRESS <u>1440 Hounds Mallow Ct</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813-949-1072</u>
APPLICATION # <u>22-0103</u>	PLEASE PRINT NAME <u>Nick Pullaro</u> ADDRESS <u>1612 W. Magdalene Manor Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33613</u> PHONE <u>813 962-0192</u>

DATE/TIME: 6/13/22 6pm HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>22-0103</u>	PLEASE PRINT NAME <u>Natalie Davis</u> ADDRESS <u>17844 N. US Highway 41</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>8352-219-2670</u>
APPLICATION # <u>22-0103</u>	PLEASE PRINT NAME <u>Craig Latimer</u> ADDRESS <u>P.O. Box 2303</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33518</u> PHONE <u>813-728-3738</u>
APPLICATION # <u>22-0103</u>	PLEASE PRINT NAME <u>DAN POMESBUTZ</u> ADDRESS <u>1816 REBECCA RD.</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>3356</u> PHONE <u>949-334</u>
APPLICATION # <u>22-0103</u>	PLEASE PRINT NAME <u>Chris Capkovic</u> ADDRESS <u>17510 Estes Rd</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33548</u> PHONE <u>813 482-6825</u>
APPLICATION # <u>22-0083</u>	PLEASE PRINT NAME <u>Sarah Combs</u> ADDRESS <u>14013 W. 22nd St</u> CITY <u>Tpa</u> STATE <u>FL</u> ZIP <u>33613</u> PHONE <u>813 404 8940</u>
APPLICATION # <u>220083</u>	PLEASE PRINT NAME <u>Catharine Hertley</u> ADDRESS <u>2021 East 2nd Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33605</u> PHONE <u>813 220 4569</u>

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APPLICATION # <u>21-0745</u>	PLEASE PRINT NAME <u>CARON BRICKMETER</u> ADDRESS <u>4427 W. KENNEDY BLVD, SUITE 250</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33609</u> PHONE <u>(813) 229-7700</u>
APPLICATION # <u>22-0295</u>	PLEASE PRINT NAME <u>ROY WEINER</u> ADDRESS <u>637 N. WINDY RD</u> CITY <u>BRANDON</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>813 868/5500</u>
APPLICATION # <u>22-0295</u>	PLEASE PRINT NAME <u>LEO MURRAY</u> ADDRESS <u>SARASOTA SPRINGS RD</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33637</u> PHONE <u>813-957-4730</u>
APPLICATION # <u>22-0604</u>	PLEASE PRINT NAME <u>Cliff Cardwell</u> <u>cliff cardwell</u> ADDRESS <u>1204 12th st</u> CITY <u>Tampa</u> STATE <u>F</u> ZIP <u>33612</u> PHONE <u>813 293 1549</u>
APPLICATION # <u>22-0604</u>	PLEASE PRINT NAME <u>SANDOR GASPAR</u> ADDRESS <u>1908 SO. 47TH STREET</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33619</u> PHONE <u>908-801-0690</u>
APPLICATION # <u>22-0812</u>	PLEASE PRINT NAME <u>Todd Pressman</u> ADDRESS <u>200 2nd Ave, S #451</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>804-1760</u>

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  <u>20-1142</u>	PLEASE PRINT NAME <u>TU Mai</u> ADDRESS <u>14031 N. Dale Mabry Highway</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813) 962-6230</u>
APPLICATION #  <u>20-1142</u> <u>VS</u>	PLEASE PRINT NAME <u>Rigoberto Reyes</u> ADDRESS <u>6806 36th Ave South</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33619</u> PHONE _____
APPLICATION #  <u>22-0442</u>	PLEASE PRINT NAME <u>Isabelle Albert</u> ADDRESS <u>1600N Ashley Dr. # 900</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33629</u> PHONE <u>813 331-0976</u>
APPLICATION #  <u>21-1338</u> <u>VS</u>	PLEASE PRINT NAME <u>David Wright</u> ADDRESS <u>PO BOX 273417</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33688</u> PHONE _____
APPLICATION #  <u>21-1338</u> <u>VS</u>	PLEASE PRINT NAME <u>Janise Man-Son-Hing</u> ADDRESS <u>16740 Whirlway Rd</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33558</u> PHONE _____
APPLICATION #  <u>22-0319</u>	PLEASE PRINT NAME <u>Todd Pressman</u> ADDRESS <u>200 2nd Ave S # 451</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33709</u> PHONE <u>804-1760</u>

DATE/TIME: 6/13/22 6pm HEARING MASTER: Pamela Jo Hatley

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APPLICATION # 22-0319	PLEASE PRINT NAME Mitch GolobGRAM ADDRESS 11606 Boki LN CITY Thonotosassa STATE FL ZIP 33592 PHONE 813-343-1751
APPLICATION # 22-0319	PLEASE PRINT NAME Stephanie Elders ADDRESS 11504 Boki Lane CITY Thonotosassa STATE FL ZIP 33592 PHONE 813-982-2548
APPLICATION # 22-0319 US	PLEASE PRINT NAME Ricky Richardson ADDRESS 11499 Boki Lane CITY Thonotosassa STATE FL ZIP 33592 PHONE
APPLICATION # 22-0319	PLEASE PRINT NAME Michael Yates ADDRESS PALM TRAFFIC 400 N. TAMPA ST, 15th FL CITY TAMPA STATE FL ZIP 33602 PHONE 813 205 8057
APPLICATION # 22-0416	PLEASE PRINT NAME PETER PENSA, AICP - AVID GROUP LLC ADDRESS 2300 CURLEW RD, STE 201 CITY PALM HARBOR STATE FL ZIP 34683 PHONE 727-234-8015
APPLICATION # 22-0444	PLEASE PRINT NAME Alex Schaler ADDRESS 400 N. Ashley Dr. Suite 1100 CITY Tampa STATE FL ZIP 33607 PHONE 850-319-0782



DATE/TIME: 6/13/22 6pm HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>22-0558</u>	PLEASE PRINT NAME <u>Anne Pollack</u> ADDRESS <u>433 Central Ave Ste 400</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>813-898-2836</u>
APPLICATION # <u>22-0561</u> <u>VS</u>	PLEASE PRINT NAME <u>Tvett Gardner</u> ADDRESS <u>400 N. Ashley Dr #1100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE _____
APPLICATION # <u>22-0561</u>	PLEASE PRINT NAME <u>Buddy Harwell</u> ADDRESS <u>P.O. Box 297</u> CITY <u>Libertine</u> STATE <u>FL</u> ZIP <u>33531</u> PHONE <u>813-671-4858</u>
APPLICATION # <u>22-0561</u>	PLEASE PRINT NAME <u>James Frankland</u> ADDRESS <u>15864 Balm Rd</u> CITY <u>Balm</u> STATE <u>FL</u> ZIP <u>33503</u> PHONE <u>813 4349556</u>
APPLICATION # <u>22-0561</u>	PLEASE PRINT NAME <u>Michael Yates</u> ADDRESS <u>PALM TRAFFIC</u> <u>400 N TAMPA ST, 15th FL</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 2058057</u>
APPLICATION # <u>22-0569</u>	PLEASE PRINT NAME <u>Mattmanah S. Jahn</u> ADDRESS <u>935 Mann Street Ste D1</u> CITY <u>Safety Harbor</u> STATE <u>FL</u> ZIP <u>34695</u> PHONE <u>727.773.0001</u>

DATE/TIME: 6/13/22 4pm HEARING MASTER: Pamela Jo HatleyPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>22-0569</u>	PLEASE PRINT NAME <u>E. Thomas Thamel</u> ADDRESS <u>5115 LITHIA SPRINGS RD</u> CITY <u>LITHIA</u> STATE <u>FL</u> ZIP <u>3347</u> PHONE _____
APPLICATION # <u>22-0569</u>	PLEASE PRINT NAME <u>Bill Meyers</u> ADDRESS <u>5104 Lithia Springs Rd</u> CITY <u>Lithia</u> STATE <u>FL</u> ZIP <u>33547</u> PHONE <u>813-495-7522</u>
APPLICATION # <u>22-0682</u>	PLEASE PRINT NAME <u>Elise Batsel</u> ADDRESS <u>401 E. Jackson St.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>813.222.5057</u>
APPLICATION # <u>22-0682</u>	PLEASE PRINT NAME <u>David M. Smith</u> ADDRESS <u>401 E. Jackson Street</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 222 5010</u>
APPLICATION # <u>22-0689</u>	PLEASE PRINT NAME <u>Elise Batsel</u> ADDRESS <u>401 E. Jackson St.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>813.222.5057</u>
APPLICATION # <u>22-0689</u>	PLEASE PRINT NAME <u>David M Smith</u> ADDRESS <u>401 E. Jackson St.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 222 5010</u>

DATE/TIME: 6/13/22 6pm HEARING MASTER: Pamela Jo Hatley

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # 22-0689	PLEASE PRINT NAME STEVE TENRY ADDRESS 5023 W. LAUREL ST CITY TPA STATE FL ZIP 33607 PHONE 813-289-0039
APPLICATION # 22-0689	PLEASE PRINT NAME Daryl MAX FORGAY ADDRESS 236 <sup>2304</sup> SE 45th STREET CITY CAPTOWN STATE FL ZIP 33904 PHONE 239-560-5864 33904
APPLICATION # 22-0689	PLEASE PRINT NAME Robert Padilla ADDRESS 212 Ranja Lane CITY Valrico STATE FL ZIP 33594 PHONE 813-523-7202
APPLICATION # 22-0689	PLEASE PRINT NAME Kevin Ratliff ADDRESS 1814 Citrus Orchard way CITY Valrico STATE FL ZIP 33594 PHONE 813-538-0851
APPLICATION # 22-0689	PLEASE PRINT NAME Elizabeth Rodriguez-Balchen ADDRESS 406 S Miller Rd CITY Valrico STATE FL ZIP 33594 PHONE 813-478-1040
APPLICATION # 22-0689	PLEASE PRINT NAME Charles Bothe ADDRESS 2303 Hwy 60 CITY VALRICO STATE FL ZIP 33594 PHONE 813-267-5476

SIGN-IN SHEET: RFR ZHM, PHM, LUHO

PAGE 9 OF 9

DATE/TIME: 6/13/22 6pm HEARING MASTER: Pamela Jo Hatley

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

<p>APPLICATION #</p> <p><i>22-0689</i></p>	<p>PLEASE PRINT NAME <u>LUKE LIROT</u></p> <p>ADDRESS <u>2240 BELLEAIR RD. #190</u></p> <p>CITY <u>CLEARWATER</u> STATE <u>FL</u> ZIP <u>33784</u> PHONE <u>727-536-2100</u></p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>
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HEARING TYPE: **ZHM**, PHM, VRH, LUHO

DATE: 6-13-2022

HEARING MASTER: Susan Finch & Pamela Jo Hatley

PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
MM 22-0103	Isabelle Albert	1. Applicant Presentation Packer	No
MM 22-0103	Chris Capkovic	2. Opponent Letters	No
RZ 22-0083	Brian Grady	1. Revised Staff Report	Yes (Copy)
RZ 21-0745	Brian Grady	1. Revised Staff Report	Yes (Copy)
RZ 22-0319	Mitch Gologram	1. Proponent Presentation Packet	No
MM 22-0416	Brian Grady	1. Revised Staff Report	Yes (Copy)
MM 22-0416	Peter Pensa	2. Applicant Presentation Packet	No
RZ 22-0444	Brian Grady	1. Revised Staff Report	Yes (Copy)
MM 22-0558	Anne Pollack	1. Applicant Presentation Packet	No
RZ 22-0561	Buddy Harwell	1. Opponent Presentation Packet	No
MM 22-0569	Mahaniah S. Jahn	1. Applicant Presentation Packet	No
MM 22-0569	Thommen Thomas	2. Opponent Presentation Packet	No
MM 22-0569	Bill Meyers	3. Opponent Presentation Packet	No
RZ 22-0682	Elise Batsel	1. Applicant Presentation Packet	No
MM 22-0689	Brian Grady	1. Revised Staff Report	Yes (Copy)
MM 22-0689	Elise Batsel	2. Applicant Presentation Packet	No
MM 22-0689	Max Forgey	3. Opponent Presentation Packet	No
MM 22-0689	Robert Padilla	4. Opponent Presentation Packet	No

JUNE 13, 2021 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, June 13, 2022, at 6:00 p.m., held virtually.

☒ Pamela Jo Hatley, ZHM, called the meeting to order at 6:00 p.m. and led in the pledge of allegiance to the flag.

☒ Brian Grady, Development Services, reviewed the non-published changes/withdrawals/continuances.

D.2. RZ 21-1337 W/D

☒ Brian Grady, Development Services, announces RZ 21-1337 was withdrawn.

D.8. RZ 22-0443

☒ Brian Grady, Development Services, calls RZ 22-0443.

☒ Rebecca Kerf, applicant rep, presents testimony.

☒ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/continues RZ 22-0443 to July 25, 2022.

C.3. RZ 22-0802

☒ Brian Grady, Development Services, calls RZ 22-0802.

☒ Jaime Maier, applicant rep, presents testimony.

☒ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/continues RZ 22-0802 to August 15, 2022.

A. WITHDRAWALS AND CONTINUANCES

☒ Brian Grady, Development Services, continued the review of the changes/withdrawals/continuances.

☒ Pamela Jo Hatley, ZHM, overview of ZHM process.

☒ Assistant County Attorney Cameron Clark overview of oral argument/ZHM process.

☒ Pamela Jo Hatley, ZHM, Oath.

B. REMANDS

B.2. MM 22-0103 Susan Finch

- ☒ Brian Grady, Development Services, calls MM 22-0103.
- ☒ William Molloy, applicant rep, presents testimony.
- ☒ Isabelle Albert, applicant rep, presents testimony.
- ☒ Susan Finch, questions to applicant rep.
- ☒ Isabelle Albert, applicant rep, answers ZHM questions.
- ☒ Michelle Heinrich, Development Services, staff report.
- ☒ Melissa Lienhard, Planning Commission, staff report.
- ☒ Susan Finch, ZHM, questions to Planning Commission.
- ☒ Melissa Lienhard, Planning Commission, answers ZHM questions.
- ☒ Susan Finch, ZHM, calls for proponents.
- ☒ Betty Willis, proponent, presents testimony.
- ☒ Nick Pullaro, proponent, presents testimony.
- ☒ Natalie Davis, proponent, presents testimony.
- ☒ Susan Finch, ZHM, calls for opponents.
- ☒ Craig Latimer, opponent, presents testimony.
- ☒ Dan Bomesburg, opponent, presents testimony.
- ☒ Chris Capkovic, opponent, presents testimony and submits exhibits.
- ☒ Susan Finch, ZHM, calls for applicant rep/Development Services.
- ☒ Isabelle Albert, applicant rep, presents rebuttal and submits exhibits.
- ☒ William Molloy, applicant rep, presents rebuttal.
- ☒ Susan Finch, ZHM, closes MM 22-0103.

D.4. RZ 22-0083 Susan Finch

- ☒ Brian Grady, Development Services, calls RZ 22-0083 and submits exhibits.
- ☒ Catherine Hartley, applicant rep, presents testimony.
- ☒ Sarah Combs, applicant rep, presents testimony.
- ☒ Catherine Hartley, applicant rep, continues testimony.
- ☒ Susan Finch, ZHM, questions to applicant rep.
- ☒ Catherine Hartley, applicant rep, answers ZHM questions and continues testimony.
- ☒ Tim Lampkin, Development Services, staff report.
- ☒ Susan Finch, ZHM, questions to Development Services.
- ☒ Tim Lampkin, Development Services, answers ZHM questions.
- ☒ Melissa Lienhard, Planning Commission, staff report.
- ☒ Susan Finch, ZHM, calls for proponents/opponents/Development Services.
- ☒ Catherine Hartley, applicant rep, presents rebuttal.
- ☒ Susan Finch, ZHM, closes RZ 22-0083.

B.1. RZ 21-0745

- ☒ Brian Grady, Development Services, calls RZ 21-0745 and submits exhibits.
- ☒ Clayton Brickleyer, applicant rep, presents testimony.
- ☒ Tim Lampkin, Development Services, staff report.
- ☒ Melissa Lienhard, Planning Commission, staff report.
- ☒ Pamela Jo Hatley, ZHM, questions to Planning Commission.
- ☒ Melissa Lienhard, Planning Commission, answers ZHM questions.
- ☒ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes RZ 21-0745.



C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-0295

- ☒ Brian Grady, Development Services, calls RZ 22-0295.
- ☒ Rory Weiner, applicant rep, presents testimony.
- ☒ Isis Brown, Development Services, staff report.
- ☒ Melissa Lienhard, Planning Commission, staff report.
- ☒ Pamela Jo Hatley, ZHM, calls for proponents.
- ☒ Francis Murray, proponent, presents testimony.
- ☒ Pamela Jo Hatley, ZHM, calls for opponents/Development Services/applicant rep/closes RZ 22-0295.

C.2. RZ 22-0604

- ☒ Brian Grady, Development Services, calls RZ 22-0604.
- ☒ Cliff Cardwell, applicant rep, presents testimony.
- ☒ Brian Grady, Development Services, staff report.
- ☒ Melissa Lienhard, Planning Commission, staff report.
- ☒ Pamela Jo Hatley, ZHM, calls for proponents/opponents.
- ☒ Sandor Gaspar, Opponent, presents testimony.
- ☒ Brian Grady, Development Services, responds to opponent.
- ☒ Sandor Gaspar, Opponent, continues testimony.
- ☒ Pamela Jo Hatley, ZHM, calls for Development Services.
- ☒ Brian Grady, Development Services, responds to opponent.
- ☒ Sandor Gaspar, Opponent, continues testimony.
- ☒ Pamela Jo Hatley, ZHM, calls for applicant rep.
- ☒ Cliff Cardwell, applicant rep, presents rebuttal.
- ☒ Pamela Jo Hatley, ZHM, closes RZ 22-0604.

C.4. RZ 22-0812

📄 Brian Grady, Development Services, calls RZ 22-0812.

📄 Todd Pressman, applicant rep, presents testimony.

📄 Isis Brown, Development Services, staff report.

📄 Melissa Lienhard, Planning Commission, staff report.

📄 Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes RZ 22-0812.

D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

D.1. RZ 20-1142

📄 Brian Grady, Development Services, calls RZ 20-1142.

📄 Tu Mai, applicant rep, presents testimony.

📄 Pamela Jo Hatley, ZHM, questions to applicant rep.

📄 Tu Mai, applicant rep, answers ZHM questions and continues testimony.

📄 Rigoberto Reyes, applicant rep, presents testimony.

📄 Michelle Heinrich, Development Services, staff report.

📄 Pamela Jo Hatley, ZHM, statement for the record.

📄 Michelle Heinrich, Development Services, continues staff report.

📄 James Ratliff, Development Services Transportation, staff report.

📄 Pamela Jo Hatley, ZHM, questions to Development Services and Transportation.

📄 Brian Grady, Development Services, answers ZHM questions.

📄 Tu Mai, applicant rep, responds to Development Services and ZHM.

📄 Michelle Heinrich, Development Services, continues staff report.

📄 Melissa Lienhard, Planning Commission, staff report.

MONDAY, JUNE 13, 2022

▶ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep.

▶ Brian Grady, Development Services, provides rebuttal.

▶ James Ratliff, Development Services Transportation, provides rebuttal.

▶ Pamela Jo Hatley, ZHM, questions to applicant rep.

▶ Brian Grady, Development Services, responds to ZHM.

▶ Tu Mai, applicant rep, request continuance.

▶ Pamela Jo Hatley, ZHM, continues RZ 22-1142 to July 25, 2022.

▶ Pamela Jo Hatley, ZHM, Break.

▶ Pamela Jo Hatley, ZHM, Resumes Hearing.

D.7. RZ 22-0442

▶ Brian Grady, Development Services, calls RZ 22-0442.

▶ Isabelle Albert, applicant rep, request continuance.

▶ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/continues RZ 22-0442 to July 25, 2022.

D.3. RZ 21-1338

▶ Brian Grady, Development Services, calls RZ 21-1338.

▶ David Wright, applicant rep, presents testimony.

▶ Brian Grady, Development Services, staff report.

▶ Melissa Lienhard, Planning Commission, staff report.

▶ Pamela Jo Hatley, ZHM, calls for proponents

▶ Janise Man-Son-Hing, proponent, presents testimony.

▶ Pamela Jo Hatley, ZHM, calls for opponents/Development Services.

▶ Brian Grady, Development Services, statement for the record.

▶ Pamela Jo Hatley, ZHM, calls for applicant rep.

MONDAY, JUNE 13, 2022

David Wright, applicant rep, presents rebuttal.

Pamela Jo Hatley, ZHM, closes RZ 21-1338.

D.5. RZ 22-0319

Brian Grady, Development Services, calls RZ 22-0319.

Todd Pressman, applicant rep, presents testimony.

Pamela Jo Hatley, ZHM, questions to applicant rep.

Todd Pressman, applicant rep, answers ZHM questions.

Michelle Heinrich, Development Services, staff report.

Melissa Lienhard, Planning Commission, staff report.

Pamela Jo Hatley, ZHM, calls for proponents.

Mitch Gologram, proponent, presents testimony and submits exhibits.

Stephanie Elders, proponent, presents testimony.

Ricky Richardson, proponent, presents testimony.

Mitch Gologram, proponent, continues testimony.

Pamela Jo Hatley, ZHM, calls for opponents/Development Services/applicant rep.

Todd Pressman, applicant rep, presents rebuttal.

Pamela Jo Hatley, ZHM, questions to applicant rep.

Todd Pressman, applicant rep, answers ZHM questions.

Michael Yates, applicant rep, presents rebuttal.

Pamela Jo Hatley, ZHM, questions to applicant rep.

Michael Yates, answers ZHM questions.

Pamela Jo Hatley, ZHM, closes RZ 22-0319.

MONDAY, JUNE 13, 2022

D.6. MM 22-0416

- ☒ Brian Grady, Development Services, calls MM 22-0416 and submits exhibits.
- ☒ Peter Pensa, applicant rep, presents testimony and submitted exhibits.
- ☒ Sam Ball, Development Services, staff report.
- ☒ Pamela Jo Hatley, ZHM, questions to Development Services.
- ☒ Sam Ball, Development Services, answers ZHM questions.
- ☒ Brian Grady, Development Services, answers ZHM questions.
- ☒ Melissa Lienhard, Planning Commission, staff report.
- ☒ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services.
- ☒ James Ratliff, Development Services Transportation, presents rebuttal.
- ☒ Pamela Jo Hatley, ZHM applicant rep/closes MM 22-0416.

D.9. RZ 22-0444

- ☒ Brian Grady, Development Services, calls RZ 22-0444 and submits exhibits.
- ☒ Alex Schaler, applicant rep, presents testimony.
- ☒ Tim Lampkin, Development Services, staff report.
- ☒ Melissa Lienhard, Planning Commission, staff report.
- ☒ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep.
- ☒ Alex Schaler, applicant rep, presents rebuttal.
- ☒ Pamela Jo Hatley, ZHM, closes RZ 22-0444.

D.10. MM 22-0558

- ☒ Brian Grady, Development Services, calls MM 22-0558.
- ☒ Anne Pollack, applicant rep, presents testimony and submitted exhibits.
- ☒ Tania Chapela, Development Services, staff report.

MONDAY, JUNE 13, 2022

☐ Melissa Lienhard, Planning Commission, staff report.

☐ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes MM 22-0558.

D.11. RZ 22-0561

☐ Brian Grady, Development Services, calls RZ 22-0561.

☐ T. Truett Gardner, applicant rep, presents testimony.

☐ Michelle Heinrich, Development Services, staff report.

☐ Melissa Lienhard, Planning Commission, staff report.

☐ Pamela Jo Hatley, ZHM, calls for proponents/opponents.

☐ Buddy Harwell, opponent, presents testimony and submitted exhibits.

☐ James Frankland, opponent, presents testimony.

☐ Pamela Jo Hatley, ZHM, calls for Development Services/applicant rep.

☐ T. Truett Gardner, rep, presents rebuttal.

☐ Michael Yates, applicant rep, presents rebuttal.

☐ Pamela Jo Hatley, ZHM, closes RZ 22-0561.

D.12. MM 22-0569

☐ Brian Grady, Development Services, calls MM 22-0569.

☐ Mahaniah S. Jahn, applicant rep, presents testimony.

☐ Colleen Marshall, Development Services, staff report.

☐ Melissa Lienhard, Planning Commission, staff report.

☐ Pamela Jo Hatley, ZHM, calls for proponents/opponents.

☐ C. Thommen Thomas, opponent, presents testimony and submits exhibits.

☐ Bill Meyers, opponent, presents testimony and submits exhibits.

☐ Pamela Jo Hatley, ZHM, calls for Development Services/applicant rep.

MONDAY, JUNE 13, 2022

☒ Mahaniah S. Jahn, applicant rep, presents rebuttal and submits exhibits.

☒ Pamela Jo Hatley, ZHM, closes MM 22-0569.

D.13. RZ 22-0682

☒ Brian Grady, Development Services, calls RZ 22-0682.

☒ Elise Batsel, applicant rep, presents testimony and submits exhibits.

☒ David Smith, applicant rep, presents testimony.

☒ Tim Lampkin, Development Services, staff report.

☒ Melissa Lienhard, Planning Commission, staff report.

☒ Pamela Jo Hatley, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes RZ 22-0682.

D.14. MM 22-0689

☒ Brian Grady, Development Services, calls MM 22-0689 and will be hard on August 11, 2022 6 p.m. and submits exhibits.

☒ Elise Batsel, applicant rep, presents testimony and submitted exhibits.

☒ David Smith, applicant rep, presents testimony.

☒ Steve Henry, applicant rep, presents testimony.

☒ Michelle Heinrich, Development Services, staff report.

☒ Melissa Lienhard, Planning Commission, staff report.

☒ Pamela Jo Hatley, ZHM, calls for proponents/opponents.

☒ Max Forgey, opponent, presents testimony and submits exhibits.

☒ Robert Padilla, opponent, presents testimony and submits exhibits.

☒ Kevin Ratliff, opponent, presents testimony.

☒ Elizabeth Belcher, opponent, presents testimony.

☒ Charles Bothe, opponent, presents testimony.

☒ Luke Lirot, opponent, presents testimony.

MONDAY, JUNE 13, 2022

☐ Pamela Jo Hatley, ZHM, calls for Development Services/applicant rep.

☐ Brian Grady, Development Services, statement for the record.

☐ Pamela Jo Hatley, ZHM, questions to Development Services.

☐ Brian Grady, Development Services, answers ZHM questions.

☐ Pamela Jo Hatley, ZHM, calls for applicant rep.

☐ Steve Henry, applicant rep, presents rebuttal.

☐ Elise Batsel, applicant rep, presents rebuttal.

☐ Pamela Jo Hatley, ZHM, closes MM 22-0689.

E. ZHM SPECIAL USE

ADJOURNMENT

☐ Pamela Jo Hatley, ZHM, adjourns the meeting at 11:55 p.m.



**6.0 PROPOSED CONDITIONS**

## Requirements for Certification:

1. Northern buffer to correct the "20' Type B buffer with trees planted 30' O.C.," to "20' Type B buffer with trees planted 20' O.C." to match the "landscaping plantings per 6.06.06" notation within the same buffer.
2. Project Data Table to remove "Maximum F.A.R. 0.25."
3. Site plan to remove the "Grand tree to be removed and mitigated as part of the enhanced buffer along Gordon Road" and replaced with "Existing Grand Oak."
4. Project Data Table to correct the total building area to 5,972 sf.
5. Project Data Table to remove the "maximum F.A.R."
6. Prior to PD Site Plan Certification, the applicant shall revise the PD Site Plan to:
  - o Show the existing structure footprint and sidewalk on/along adjacent folio 77690.0516 (to which this project will tie in to);
  - o Redesign internal sidewalk connections such that they cross internal driveways at 90 degree angles and have receiving ramps on both ends;
  - o Correct the proposed sidewalk shading along Balm Riverview Rd. such that it extends to the northbound project boundary;
7. Prior to PD Site Plan Certification, the applicant's Engineer of Record shall revise the Balm Riverview Rd. Design Exception request to correct the discrepancy between the proposed right turn lane width specified in the text and the width shown on the Typical Section.

**CHANGES TO CONDITIONS:**

**Approval** - Approval of the request, subject to the conditions listed below, is based on the general site plan submitted May 24, 2022.

1. The project shall be limited to a 4,992 square foot convenience store with gas pumps and 980 square foot carwash.
2. The convenience store building, car wash building and the fueling canopy shall be developed where generally shown within the depicted building envelope that provides a minimum setback of 35 feet from the northern PD boundary, 35 feet from the western PD boundary, 50 feet from the eastern PD boundary and 35 feet from the southern PD boundary. For the purpose of potentially preserving the existing grand oak, building and fuel canopy locations may be adjusted within the building envelope.
3. The dumpster, parking area and drive aisles shall be provided where generally depicted on the general site plan. For the purpose of potentially preserving the existing grand oak, the minimum number of standard parking spaces may be reduced and/or the maximum number of compact spaces may be increased in accordance with Land Development Code Section 6.05.02.L.
4. Building heights shall be limited to a maximum of 25 feet / 1-story.
5. A 20 foot wide buffer with Type B screening shall be provided along the northern PD boundary, as depicted on the general site plan. The Type A component of the Type B screening treatment shall be a 6 foot high PVC fence, as noted on the general site plan.

PD 22-0561 – Revised Conditions

6. A 10 foot wide buffer shall be provided along the eastern PD boundary, as depicted on the general site plan. Within this buffer, plantings shall include trees planted on 15 foot centers and hedges at a minimum height of 36 inches. Specific tree and hedge species will be at the review and approval of Natural Resources staff. Any trees planted within this buffer shall not be credited as grand oak replacements should the existing grand oak be removed.
7. The Gordon Road access point shall be posted with a double faced sign stating “Tanker/Commercial Truck Use of this Entry/Exit is Prohibited”
8. Notwithstanding anything herein these conditions or on the PD site plan to the contrary, bicycle and pedestrian access may be permitted anywhere along the project boundaries.
9. The project shall be served by, and limited to, the following access connections:
  - a. One (1) right-in/right-out connection to Balm Riverview Rd.;
  - b. One (1) right-in/right-out connection to Big Bend Rd.; and,
  - c. One (1) full access connection to Gordon Rd.
10. With respect to the Gordon Rd. access, such access shall be:
  - a. Located such that it is generally centered on the convenience store use (as shown on the PD site plan);
  - b. Constructed with a maximum width of 24 feet; and,
  - c. Constructed with maximum curb return radii of 15-foot return radii (both internal and external to the site).
11. The developer shall construct the following site access improvements prior to or concurrent with the initial increment of development:
  - a. An eastbound to northbound left turn lane on Big Bend Rd. at its intersection with Gordon Rd.; and,
  - b. A northbound to eastbound right turn lane on Balm Riverview Rd. into the project driveway.

Such turn lanes may require the developer to acquire and/or dedicate and convey additional right-of-way to Hillsborough County along Balm Riverview Rd. and/or Big Bend Rd. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be permitted to modify the site layout (if necessary) to accommodate any site plan changes needed due to the dedication and conveyance additional of right-of-way required by this condition (if any).
12. Prior to or concurrent with the initial increment of development, the developer shall construct a minimum 4-foot wide raised concrete separators on Balm Riverview Rd. and Big Bend Rd. as generally shown on the PD site plan. The location and extent of the separator shall be subject to the review and approval of Hillsborough County.
13. Notwithstanding anything shown on the PD site plan to the contrary, the developer shall be required to comply all applicable Transportation Technical Manual standards, LDC regulations, and/or other applicable rules and regulations, unless otherwise varied through the appropriate process.

PD 22-0561 – Revised Conditions

14. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.03.I. requirements regarding number of access connections. Approval of this Administrative Variance will permit three (3) access connections to serve the project.
15. If RZ 22-0561 is approved, the County Engineer will approve a Section 6.04.02.B. Administrative Variance (dated May 23, 2022) which was found approvable by the County Engineer (on May 31, 2022) from the Section 6.04.07 access spacing standards with regards to the project's Big Bend Rd. connection. Approval of this Administrative Variance will permit the access to be located +/- 110 feet from Gordon Rd. and +/- 200 feet from Big Bend Rd.
16. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Balm Riverview Rd. substandard road improvements. As Balm Riverview Rd. is a substandard collector roadway, the developer shall make certain improvements to Balm Riverview Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Balm Riverview Rd. frontage or as otherwise specified herein these conditions:
  - a. The developer shall construct a raised concrete separator as further described in condition 12, hereinabove; and,
  - b. The developer shall relocate the sidewalk along the project's frontage such a new minimum 5-foot wide sidewalk is located along the eastern side of the drainage swales.
17. If RZ 22-0561 is approved, the County Engineer will approve a Design Exception (dated May 23, 2022 and revised May 31, 2022) which was found approvable by the County Engineer (on May 31, 2022) for the Big Bend Rd. substandard road improvements. As Big Bend Rd. is a substandard collector roadway, the developer shall make certain improvements to Big Bend Rd. consistent with the Design Exception or as otherwise specified herein these conditions. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct the following improvements along the project's Big Bend Rd. frontage or as otherwise specified herein these conditions:
  - a. The developer shall construct a raised concrete separator as further described in condition 12, hereinabove; and,
  - b. The developer shall construct a 12-foot wide multi-purpose pathway along the north side of Big Bend Rd. between Balm Riverview Rd. and Gordon Rd. (for a distance of +/- 275 feet).
18. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C.

PD 22-0561 – Revised Conditions

19. If the notes and/or graphics on the site plan are in conflict with specific zoning conditions and/or the LDC regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

Balm Civic Association

PO Box 651,

Balm, FL, 33503

[balmcivicassociation@yahoo.com](mailto:balmcivicassociation@yahoo.com)

6/13/22

Application No. 22-0561  
Name: Buddy Harwell  
Entered at Public Hearing: ZHM  
Exhibit # 2 Date: 6/13/22

As residents of Hillsborough County, we ask that you deny rezoning 22-0561 to locate a convenience store / gas station across the street from a school. We agree with the evidence and testimony submitted by Buddy Harwell Vice President of the Balm Civic Association.

Glen/Barb Fiske - 14635 Sweet Loop Rd. Wimauma, FL  
813-465-7021

ALFRED BRUNNER (408) 306-0582  
15006 CARLTON LAKE RD, WIMAUWA, 33598

JAMES FRANKLAND '013 634 9556 15014 BALM RD BAL FL 33509

*Buddy Harwell*  
Vice president Balm



# NATIONAL FIRE PROTECTION ASSOCIATION

The leading information and knowledge resource on fire, electrical and related hazards

## NEWS & RESEARCH

News & Research / Data, research, and tools / Building and life safety / Service or Gas Station Fires

### Service or Gas Station Fires

**Report:** NFPA's "Service or Gas Station Fires"  
**Author:** Marty Ahrens  
**Issued:** December 2020

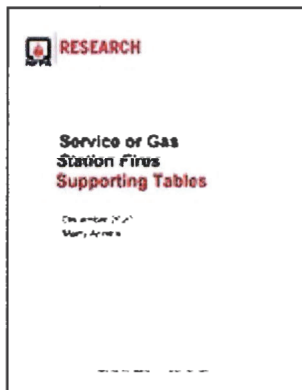
#### Report & tables



#### Service or Gas Station Fires

The estimated 4,370 reported service station fires in 2018 was 44 percent lower than 7,860 in 1980. However, the 2018 estimate was the highest since 2008.

[Download the report.](#)



#### Supporting tables

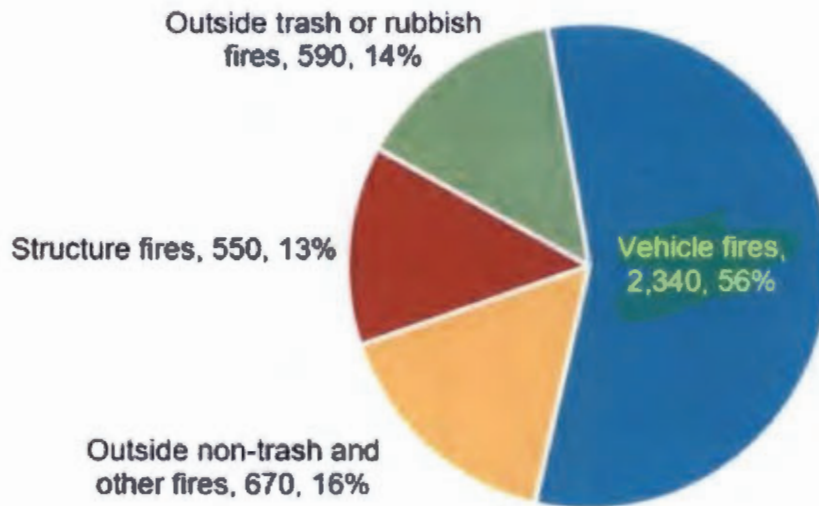
The tables in this document are a companion to the report of the same name.

[Download the tables.](#)

#### Report highlights

- From 2014 through 2018, local fire departments responded to an estimated average of 4,150 fires in or on service or gas station properties per year. These fires caused an average of three civilian deaths, 43 civilian fire injuries, and \$30.0 million in direct property damage annually.
- Many service stations have convenience stores. While electrical distribution or lighting equipment was the leading cause of structure fires at gas or service station properties, cooking ranked second.
- More than half of the fires (56 percent) at these properties were vehicle fires. Three-quarters of the vehicle fires on these properties were caused by either mechanical failures or malfunctions, or electrical failures or malfunctions.
- One-quarter (24 percent) of the non-rubbish outside and other fires were started by smoking materials. Another 23 percent were started by electrical distribution and lighting equipment. Although not in the top tier of causes, some type of pump was involved in 7 percent of these fires.
- Thirty-eight percent of the outside trash or rubbish fires were intentionally set.

### Service station fires by incident type 2014–2018 annual averages



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Careers

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COMPANY NEWS (/COMPANY-NEWS)

## C-Stores Are 4th Most Common Location for Violent Crime

Gas stations take 7th place in just-released 2020 FBI crime statistics

*By Greg Lindenberg (/profile/greg-lindenberg) and Peter Romeo (/profile/peter-romeo) on Sep. 27, 2021*

Photograph: Shutterstock

**WASHINGTON** — Convenience stores accounted for about 3% of violent crimes

(<https://www.cspdailynews.com/technologyservices/changing-winds-convenience-store-crime>) overall in 2020, and gas stations accounted for about 2%, according to new statistics released by the Federal Bureau of Investigation (FBI). Out of a total of 675,715



violent crimes represented by National Incident-Based Reporting System (NIBRS) data, 20,108 incidents occurred at c-stores in 2020, and 11,795 occurred at gas station, the data shows.

These statistics make c-stores and gas stations the fourth and seventh most common locations for violent crime, respectively.

#### **Restaurants**

**(<https://www.restaurantbusinessonline.com/operations/fbi-ranks-restaurants-8th-most-common-setting-violent-crime>)** are the eight most common locations.

The agency breaks down the statistics by reported instances of homicide, rape, robbery, aggravated assault and property crime, which includes arson, burglary, larceny-theft and motor vehicle theft at a variety of locations. It also provides data on age, gender, race, ethnicity, type of weapon used and other demographics.

Of the violent crimes that the FBI covers in the report, 157 or 2% of the 10,440 total crimes at convenience stores were homicides; 119 or 1% of the total crimes at gas stations were homicides.

The FBI reported 137,556 total robberies, 13,721 or 10% were at c-stores, while 7,006 or 5% were at gas stations.

#### Top 10 Number of Location Types by Category

1. Residence home (346,399)
2. Highway/alley/street/sidewalk (130,331)
3. Parking garage/lot (45,107)
4. Convenience store (20,108)
5. Unknown (17,981)
6. Hotel/motel (16,588)
7. Gas station (11,795)
8. Restaurant (10,490)
9. Department/discount store (9,870)
10. Park/playground (7,323)

#### Other notable retail locations:

- Specialty store (6,948)
- Grocery store (5,917)
- Bar/nightclub (5,839)
- Drug store/doctor's office/hospital (5,756)
- Liquor store (1,512)
- Shopping mall (1,133)
- Campground (662)

## **2. How much money do gas stations bring in annually?**

Gas station sales top \$106 billion annually, and fluctuating gas prices have had a significant impact on revenues. Between 2010 and 2015, sales have declined by 2.7%.

## **3. How many convenience stores are there in the U.S.?**

As of December 2014, there were more than 151,000 convenience stores located across the country. That's a 1.4% increase over the previous year.

## **4. What percentage of convenience stores also sell gas?**

Nearly 84% of convenience stores also sell gas, in addition to drinks and snacks. The number of stores selling gas increased by 2.7% between 2013 and 2014.

## **5. How does their annual revenue compare?**

Convenience stores tend to be much bigger moneymakers than stand-alone service stations, bringing in more than \$450 billion in revenue in 2014. Compared to the decline among gas stations, convenience store sales have picked up by 3.7% between 2010 and 2015.

## **6. Who owns the majority of gas stations?**

Surprisingly, big oil companies only own about 3% of all gas stations and convenience stores in the U.S. The rest are owned by independently licensed retailers.

## **7. How much does a typical gas station employee make?**

Gas station attendants make \$8.31 an hour on average; the national hourly rate ranges from \$7.27 to \$10.28.

## **8. Who's most likely to work at gas stations?**

Men are more likely than women to be employed by gas stations, comprising approximately 68% of the industry workforce.

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## **GAS STATION SAFETY**

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Accidents happen - and some of them occur at gas stations. For the second phase of our study, we looked at the incidence of fires at gas stations and how often they're targeted for robbery.

## **9. How often are gas stations robbed?**

In 2012, more than 7,100 robberies occurred at gas stations across the country. The average take for criminals came to \$943.

### **10. What about convenience stores?**

The robbery rate at convenience stores was more than double, totaling 14,955 incidents in 2012. Robbers made off with less money on average, however, netting just \$706 per crime.

### **11. How often do fires occur at gas stations?**

Between 2004 and 2008, there were an average of 5,020 fires reported at gas stations annually. That's about one fire for every 13 service stations.

### **12. How many people are injured in gas station fires annually?**

Nearly 50 people are hurt as the result of a gas station fire each year. That number doesn't include the additional injuries suffered by firefighters or law enforcement.

### **13. How frequently do fatalities occur?**

Although they're rare, deaths related to gas station fires do occur. Between 2004 and 2008, there were two fatalities each year, on average.

### **14. What's the financial cost of gas station fires?**

In terms of the property damage involved, gas station fires come with an average price of \$20 million per year.

## **GAS STATION TRENDS**

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For the last part of our analysis, we looked at some trends in the gas station industry. Specifically we focused on gas consumption by state, gas tax prices and what convenience stores are selling besides gas.

### **15. Which state consumes the most gas?**

Some states guzzle down more gas than others. As of 2013, California was the worst offender, using some 348,000 barrels of gasoline. Texas ranked second, at 302,000 barrels consumed.

### **16. Which state uses the least?**

Alaska is the most gas-friendly state, with just 6,500 barrels used in 2013. Vermont takes the number two spot, with 7,500 barrels.

### **17. What state has the highest gas taxes?**

Massachusetts charges drivers the most for gas, with the effective tax rate as of January 2015 set at 68.9 cents per gallon (that includes local, state and federal taxes).

### **18. Which state has the lowest?**

Alaska is where gas will cost you the least, with total combined taxes coming to 29.7 cents per gallon.

### **19. How many alternative fueling stations are there in the U.S.?**

More drivers are turning to vehicles powered by alternative fuels to reduce their energy costs. Altogether, there are more than 15,700 alternative fueling stations in the U.S.

### **20. Which state has the most?**

The Golden State has proven to be the most popular for alternative energy vehicles; there are more than 2,600 places to fuel up in California.



**Hillsborough**  
**County** Florida

**DEVELOPMENT SERVICES**

PO Box 1110 Tampa, FL 33601-1110

October 26, 2020

**RE: PRS 20-0937**  
**Homes By West Bay, LLC**  
**Boyette Rd. & Hobson Simmons Rd.**

Kami E. Corbett, Esq.  
Hill Ward Henderson, PA  
101 E. Kennedy Blvd., Ste. 3700  
Tampa, FL 33602

Dear Applicant:

At the regularly scheduled public meeting on October 13, 2020, the Board of County Commissioners approved your request for a minor modification to PD 16-0635, with the attached amended final conditions.

A condition of approval is that the applicant submit a revised General Site Plan reflecting all changes, within 90 days of approval. Failure to submit the site plans within the time period will place your property in violation.

To comply with this condition, please complete and submit to the Development Services Department, via email to Marylou Norris ([norrism@hillsboroughcounty.org](mailto:norrism@hillsboroughcounty.org)), the enclosed application for General Site Plan Review/Certification. For information concerning the certification process, please contact our office at 272-5600. Please keep this letter for your records.

If you have any questions regarding this, please feel free to contact Brian Grady at 813-276-8343 or by email at [GradyB@HCFLGov.net](mailto:GradyB@HCFLGov.net).

Sincerely,

Joseph Moreda, AICP  
Zoning Administrator

JM/mn  
Attachments  
cc: File

**BOARD OF COUNTY  
COMMISSIONERS**

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Pat Kemp  
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Peggy Caskey

**DEPUTY COUNTY ADMINISTRATOR  
DEVELOPMENT & INFRASTRUCTURE**

Lucia E. Garsys

32,000 square feet of commercial uses. FishHawk Ranch's southernmost town center (Park Square) contains approximately 35,000 square feet of commercial uses within two miles of the existing Hinton PD. Other commercial establishments have also already been built along FishHawk Boulevard including a Publix grocery store, a Walgreens pharmacy, an automotive parts store, and several smaller neighborhood retail centers. The analysis in support of this waiver is attached to this narrative.

Also, to the southwest of the subject site, Triple Creek RP-2 FLU (PD 98-0812 as amended by PRS-20-2002) is within the APV and is approved for 70,000 square feet of commercial and 170,000 square feet of office and 2,045 residential dwelling units. Adjacent to Triple Creek, Rhodine Borrow Pit Village (PD 18-0304/MM 19-1172) is within the APV and approved for 3,658.5 square feet of neighborhood retail uses in the Village Node. In addition, within 3 miles of the Hinton PD, is the southwest parcel of Lake Hutto PD 15-1149. This parcel is approved for 1,822 residential units, 207,500 square feet of commercial and 219,000 square feet of office. An additional newly built Publix supermarket exists in this PD.

These existing and planned nearby off-site commercial nodes demonstrate that there are sufficient commercial projects to fulfill the Hinton PD required neighborhood commercial needs utilizing the assumptions set forth in the Land Development Code and the RCLO analysis demonstrates that those assumptions are dramatically overstated given the current conditions associated with Neighborhood Retail Services. Therefore, we respectfully request the proposed changes to the condition to remove the on-site Neighborhood Retail requirement and that the Village Node be changed to a Village Green. The land area within the Village Green shall meet or exceed the floor space of the commercial waiver. The existing approved Site Plan (MM 18-0942) Note 25 states the Village Node will be bordered by a minimum of (2) two streets. The proposed Village Green will also be bordered by a minimum of (2) two streets. The Village Green is not bounded on all sides by streets due to an existing pond and wetland to the north. The Village Green will be improved with landscaping, walkways, benches, fountains, gazebos and/or similar passive or recreation amenities to encourage and accommodate use by community residents.

**Supplemental Narrative Including a Waiver to the Neighborhood Retail Requirements  
of Land Development Code Section 5.04.02**

September 24, 2020

In the original application, the Applicant requested the removal of the Condition that requires on-site Neighborhood Retail by providing an alternative study in accordance with Section 5.04.02(B)(3) of the Land Development Code which clearly demonstrates that there is not enough demand from this development to require any on-site Neighborhood Retail.

Ever changing technologies of on-line and e-commerce retail sales and ever- increasing delivery services (even for convenience store items) are changing the retail market and affecting “brick and mortar” retail as well as the grocery industry.

The Urban Land Institute Emerging Trends in Real Estate 2020 report states, “The shifting retail picture is notably more complex than other property types. The integration of new concepts, formats, channels, and inventory management systems all cloud retail’s future as does a broader economy shift from goods to services.” The report also states that development professionals concur that reducing the number of physical stores is a “good thing” and alleviates the overabundance of retail space in the United States, which needs to be rationalized or absorbed by future population growth. According to data from Coresight research, in the first six months of 2019, US retailers announced over 7,000 store closures, far more than the 5,900 store closures which occurred in all of 2018. The net effects were mitigated by store openings, but the result is still a reduction in the number of physical stores. The Urban Land Institute Emerging Trends in Real Estate 2019 reports: “The ongoing transformation of the retail sector is multifaced, with the most notable transformation being the diminution of retail space per capita in the United States, a trend that can be expected to remain in place well into the next decade.” According to REIS Inc., Neighborhood & Community Center Inventory, Tampa/St. Petersburg experienced a per capita decrease in retail of 1.7 square feet from 2007-2018.

The Assessment of Supportable Retail Development: Hawkstone Community was prepared by expert real estate advisors RCLCO (dated 4.2.2020) to review the validity of Hillsborough County Land Development Code Section 5.04.02-Design Rules and specifically analyzes whether there is demand to support new retail in the Hawkstone community. The Hawkstone community is comprised of the proposed existing Hinton PD and approved B&D Ranch (AKA Darsey), Okerlund and the proposed Stogi PD. The assessment found that the cumulative households within the Hawkstone community would not generate enough demand alone to support new retail development. Also, the assessment states that the RP2 LDC retail demand assumptions do not take into account the evolving trends impacting retail as discussed above, the minimum size stores need to be in order to be viable, the specific location needs for retail sites, or the impact of new supply being developed in more advantageous retail locations.

In addition, the findings of the RCLCO report, the existing commercial in the surrounding area supports a waiver of the on-site Neighborhood Retail requirement. To the north of the subject site, FishHawk Ranch (PD-89-0098 as amended by PRS- 16-0179) is located within 2-miles of the Aggregated Planned Village boundary. The PD is approved for 301,411 square feet of commercial and 91,578 square feet of office and 3,529 residential units. Applying neighborhood and community commercial on-site demand assumptions in LDC 5.04.02 and Comprehensive Plan Policy 33.5 FishHawk on-site commercial demand is 142,295 square feet. According to the August 2020 TBRPC DRI Information Matrix for the Tampa Bay Region FishHawk cumulative built retail development is close to 250,000 sf. Pursuant to 2016 FishHawk Ranch DRI Essentially Built Out Agreement, remaining undeveloped retail entitlements consists of an additional

**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)**

**Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
Balm Riverview Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Big Bend Rd.	County Collector - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Gordon Rd.	County Local - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	19	1	2
Proposed	3,710	446	385
Difference (+/-)	(+) 3,691	(+) 445	(+) 383

\*Trips reported are based on net new external trips unless otherwise noted.

**Connectivity and Cross Access**  Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East	X	Vehicular & Pedestrian	None	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC

Notes:

**Design Exception/Administrative Variance**  Not applicable for this request

Road Name/Nature of Request	Type	Finding
N/A - Number of Access Connections	Administrative Variance Requested	Approvable
Big Bend Rd. - Access Spacing	Administrative Variance Requested	Approvable
Gordon Rd. - Substandard Road	Administrative Variance Requested	Approvable
Balm Riverview Rd. - Substandard Road	Design Exception Requested	Approvable
Big Bend Rd. - Substandard Road	Design Exception Requested	Approvable

Notes:

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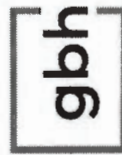
# Design Exception/Administrative Variances

Design Exception/Administrative Variance  Not applicable for this request

Road Name/Nature of Request	Type	Finding
N/A - Number of Access Connections	Administrative Variance Requested	Approvable
Big Bend Rd. - Access Spacing	Administrative Variance Requested	Approvable
Gordon Rd. - Substandard Road	Administrative Variance Requested	Approvable
Balm Riverview Rd. - Substandard Road	Design Exception Requested	Approvable
Big Bend Rd. - Substandard Road	Design Exception Requested	Approvable

Notes:

*Sworn in*



REZ 22-0561 (Big Bend/Balm Riverview Rd)

June 13, 2021

22-0561

*[Handwritten mark]*





**PARTY OF  
RECORD**

**NONE**