

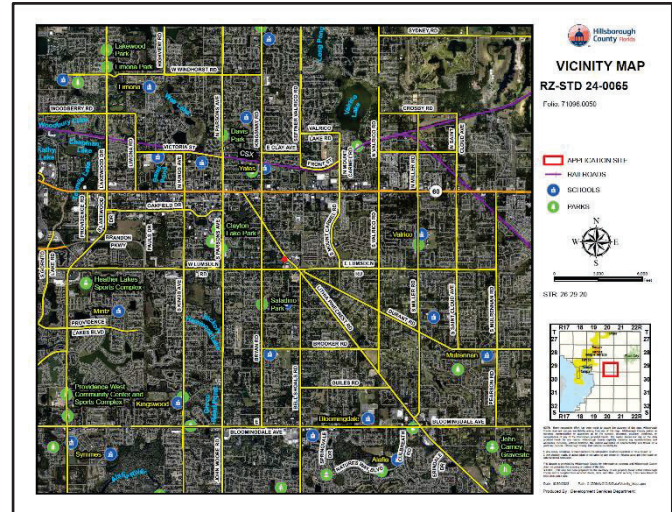
Rezoning Application: 24-0065
Zoning Hearing Master Date: December 18, 2023
BOCC Land Use Meeting Date: February 13, 2024



Development Services Department

1.0 APPLICATION SUMMARY

Applicant: Daniel P. Kovacs
FLU Category: Residential -6 (Res-6)
Service Area: Urban
Site Acreage: 0.99 +/-
Community Plan Area: Brandon
Overlay: None
Request: Rezone from Business – Professional Office (BPO) to **Commercial General - Restricted (CG-R)**



Request Summary:

The request is to rezone from the existing Business Professional Office (BPO) zoning district to the proposed Commercial General with Restrictions (CG-R) zoning district. The proposed zoning for CG permits development limited to retail uses and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods, on lots containing a minimum of 10,000 square feet (sq. ft). To address transportation concerns, and to mitigate and enhance an appropriate transition between residential and commercial zoned parcels - The applicant proposes that the Subject site will be limited to a hair salon establishment, which also may provide related services such as, but not limited to, cosmetic treatments, nail services, and esthetician services.

Zoning:

Uses	Current BPO Zoning	Proposed CG-R Zoning
	Business Professional Office	Commercial General
Acreage	0.99+/- Acres (ac); 43,124.4 square feet (sf)	0.99 +/- ac; 43,124.4sf
Density / Intensity	0.20 Floor Area Ratio (FAR)	0.25 FAR <i>(per LDC 6.01.01. footnote 29)</i>
Mathematical Maximum*	8,624.88 sf	10,781.1 sf

Development Standards:

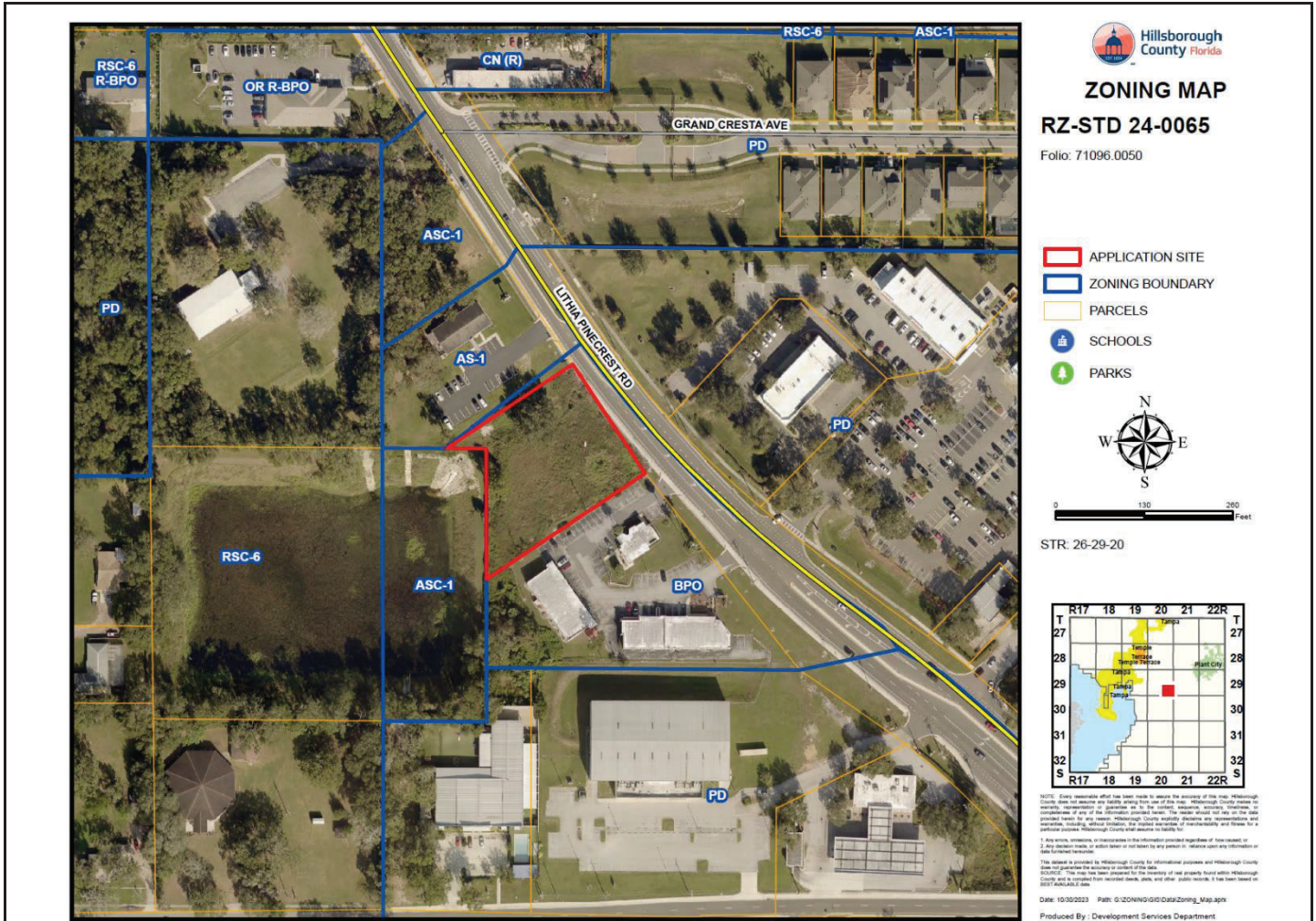
	Current BPO Zoning	Proposed CG-R Zoning
Density / Intensity	8,624 sf / 0.20 FAR	0.25 FAR
Lot Size / Lot Width	7,000 sf / 70'	10,000 sf / 75'
Setbacks/Buffering and Screening	30' - Front (East) 20' Type B Buffering – Side (North) 0' – Side (South) 20' Type B Buffering – Rear (West)	30' - Front (East) 20' Type B Buffering – Side (North) 0' – Side (South) 20' Type B Buffering – Rear (West)
Height	50'	50'

Additional Information:

PD Variations	N/A
Waiver(s) to the Land Development Code	None

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 du / 43,560 sq ft	Agricultural, Single-Family Residential (Conventional/Mobile Home)	Medical Office/ Vet Office
South	BPO	FAR 0.25	Office	Office Plaza
West	ASC-1	1 du / 43,560 sq ft	Agricultural/ Single-Family Residential (Conventional Only)	Retention pond
East	Street	N/A	Street	S. Litia Pinecrest Road
	PD 80-0037	0.27 FAR	Shopping Center – Retail	Shopping Center – Retail

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)

Not Applicable

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
Lithia Pinecrest Road	County Arterial - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other - TBD

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	259	27	31
Proposed	N/A**	14	17
Difference (+/-)	N/A**	-13	-14

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

**The 11th Edition of the ITE Trip Generation Manual does not include daily trips for ITE Code 918 and as such daily trip generation cannot be compared.

Connectivity and Cross Access Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.

Notes:

Design Exception/Administrative Variance Not applicable for this request

Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.

Notes:

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	Review at time of development not necessary
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Comments
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	This agency has no comments.
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:	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	See Transportation Agency report
Utilities Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Hillsborough County School Board 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	
Impact/Mobility Fees N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located in an area comprised of mixture of uses to include: commercial general, commercial neighborhood, agricultural, and single-family residential uses. The surrounding uses include: an animal medical office to the immediate north; a roadway (S. Lithia Pinecrest Road) to the immediate east; retail shopping center (with minor auto repair and a Neighborhood-Walmart) to the east and north-east; business professional offices and other commercial uses to the south and south-west; and agricultural and single-family uses to the immediate west. The adjacent properties are zoned (AS-1) Agricultural, Single-Family-1 and (PD) Planned Development PD 80-0037 (to the north and north-east); (BPO) Business, Professional Office (to the south); PD 80-0037 (to the east; and (ASC-1) Agricultural, Single-Family Conventional (to the west).

The subject site does not meet Commercial Locational Criteria. To address the lot’s irregular shape, transition and compatibility concerns, and transportation access concerns, the applicant proposed the following restriction:

- 1. Subject site will be limited to a hair salon establishment, which also may provide related services such as, but not limited to, cosmetic treatments, nail services, and esthetician services.

Staff finds the request is consistent and compatible with the existing and emerging zoning and development pattern along both the north-eastern and south-western portion of S. Lithia Pinecrest Road. The property’s frontage is along S. Lithia Pinecrest Road. To the south, the parcel abutting subject parcel whose frontage is also along S. Lithia Pinecrest Road is zoned PD 76-0171 and BPO with similar type uses being proposed. The proposed CG-R zoning district is similarly situated and is, therefore, a continuation of the existing commercial development pattern along this portion of S. Lithia Pinecrest Road and a compatible infill development.

5.2 Recommendation

Based on the above considerations, staff finds the request approvable, with the following applicant’s proposed restriction:

- 1. Subject site will be limited to a hair salon establishment, which also may provide related services such as, but not limited to, cosmetic treatments, nail services, and esthetician services.

Zoning Administrator Sign Off: [Signature of J. Brian Grady]
J. Brian Grady
Fri Dec 8 2023 15:05:33

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.

APPLICATION NUMBER: RZ STD 24-0065

ZHM HEARING DATE: December 18, 2023

BOCC LUM MEETING DATE: February 13, 2024

Case Reviewer: Isis Brown

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

8.0 PROPOSED SITE PLAN (FULL)

Not Applicable

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, AICP
PLANNING AREA/SECTOR: Brandon/Central

DATE: 12/07/2023
AGENCY/DEPT: Transportation
PETITION NO.: STD 24-0065

- Empty checkbox: This agency has no comments.
Checked checkbox (X): This agency has no objection.
Empty checkbox: This agency objects for the reasons set forth below.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 0.98 acres from Business Professional Office (BPO) to Commercial General – Restricted (CG-R). The proposed restriction is to restrict uses allowed to only personal services for a salon providing services such as beauty, aesthetics, esthetician, chiropractor, etc. The site is located on the east side of south side of Lithia Pinecrest Road. +/- 0.2 Miles north of the intersection of Lithia Pinecrest Road and Lumsden Road. The Future Land Use designation of the site is Residential – 6 (R-6).

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project’s potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning and restrictions to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff’s opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards (e.g. to ensure that a project was not seeking an intensification of a parcel which cannot meet minimum access spacing requirements).

Transportation Section staff did not identify any concerns that would require a more detailed staff report be filed. Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
BPO, 8,500 sf Medical-Dental Office Building (ITE Code 720)	259	27	31

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 11,500 sf Hair Salon (ITE Code 918)	N/A*	14	17

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	N/A*	-13	-14

*The 11th Edition of the ITE Trip Generation Manual does not include daily trips for ITE Code 918 and as such daily trip generation cannot be compared.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Lithia Pinecrest Road. Lithia Pinecrest is a 2-lane, divided, Hillsborough County maintained, arterial roadway. Lithia Pinecrest has bike lanes and sidewalks on both sides of the roadway within the vicinity of the project. Lithia Pinecrest lies within +/- 80 feet of Right of Way in the vicinity of the project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Lithia Pinecrest is included in the Hillsborough County Corridor Preservation plan as a 4-lane roadway. Sufficient right of way is required to be preserved for the planned improvement.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
LITHIA PINECREST RD	SR 60	LUMSDEN RD	D	C

Source: [2020 Hillsborough County Level of Service \(LOS\) Report](#)

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER:	RZ STD 24-0065
DATE OF HEARING:	December 18, 2023
APPLICANT:	Daniel P. Kovacs
PETITION REQUEST:	The request is to rezone a parcel of land from BPO to CG (R)
LOCATION:	500 feet southeast of the intersection Grand Cresta Avenue and Lithia Pinecrest Road
SIZE OF PROPERTY:	0.99 acres m.o.l.
EXISTING ZONING DISTRICT:	BPO
FUTURE LAND USE CATEGORY:	RES-6
SERVICE AREA:	Urban

DEVELOPMENT REVIEW STAFF REPORT

***Note:** Formatting issues prevented the entire Development Services Department staff report from being copied into the Hearing Master's Recommendation. Therefore, please refer to the Development Services Department web site for the complete staff report.

1.0 APPLICATION SUMMARY

Applicant: Daniel P. Kovacs

FLU Category: Residential -6 (Res-6)

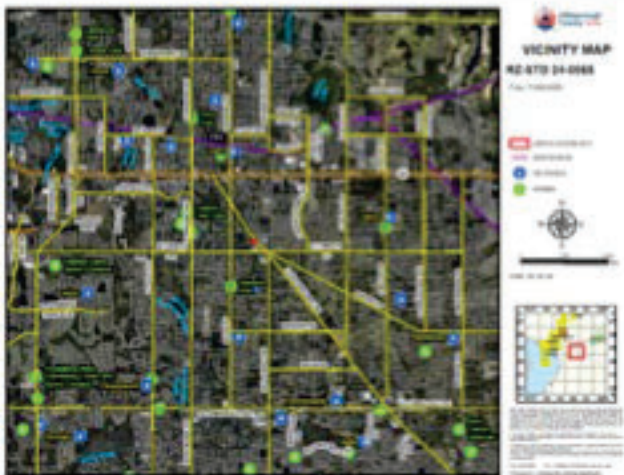
Service Area: Urban

Site Acreage: 0.99 +/-

Community Plan Area: Brandon

Overlay: None

Request: Rezone from Business – Professional Office (**BPO**) to **Commercial General - Restricted (CG-R)**



Request Summary:

The request is to rezone from the existing Business Professional Office (BPO) zoning district to the proposed Commercial General with Restrictions (CG-R) zoning district. The proposed zoning for CG permits development limited to retail uses and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods, on lots containing a minimum of 10,000 square feet (sq. ft). To address transportation concerns, and to mitigate and enhance an appropriate transition between residential and commercial zoned parcels - The applicant proposes that the Subject site will be limited to a hair salon establishment, which also may provide related services such as, but not limited to, cosmetic treatments, nail services, and esthetician services .

Additional Information:

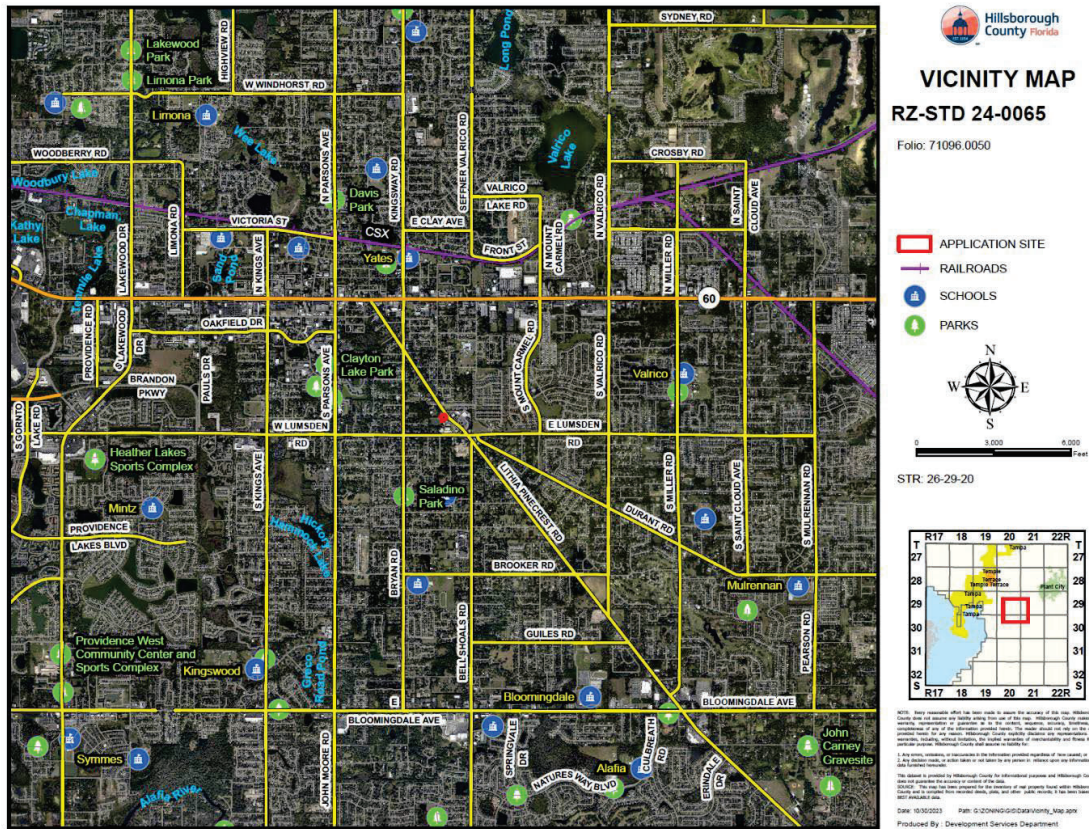
PD Variations: N/A

Waiver(s) to the Land Development Code: None

Planning Commission Recommendation: Consistent

Development Services Department Recommendation: Approvable

2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

The site is located in an area comprised of mixture of uses to include: commercial general, commercial neighborhood, agricultural, and single-family residential uses. The surrounding uses include: an animal medical office to the immediate north; a roadway (S. Lithia Pinecrest Road) to the immediate east; retail shopping center (with minor auto repair and a Neighborhood-Walmart) to the east and north-east; business professional offices and other commercial uses to the south and south-west; and agricultural and single-family uses to the immediate west. The adjacent properties are zoned (AS-1) Agricultural, Single-Family-1 and (PD) Planned Development PD 80-0037 (to the north and north-east); (BPO) Business, Professional Office (to the south); PD 80-0037 (to the east); and (ASC-1) Agricultural, Single-Family Conventional (to the west).

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

Adjoining Roadways (check if applicable)

Lithia Pinecrest Road	County Arterial - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other - TBD
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Project Trip Generation Not applicable for this request **Average Annual Daily Trips**

Connectivity and Cross Access Not applicable for this request

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Environmental: Objections	Conditions Requested	Additional Information/Comments

Environmental Protection Commission Natural Resources Conservation & Environmental Lands Mgmt.

This agency has no comments.

Check if Applicable:

- Wetlands/Other Surface Waters
- Use of Environmentally Sensitive Land Credit Wellhead Protection Area
- Surface Water Resource Protection Area
- Potable Water Wellfield Protection Area

- Significant Wildlife Habitat
- Coastal High Hazard Area
- Urban/Suburban/Rural Scenic Corridor Adjacent to ELAPP property
- Other _____

Transportation

- Design Exception/Adm. Variance Requested Off-site Improvements Provided
 N/A

See Transportation Agency report

Utilities Service Area/ Water & Wastewater

- Urban City of Tampa
 Rural City of Temple Terrace

Hillsborough County School Board

Adequate K-5 6-8 9-12 N/A Inadequate K-5 6-8 9-12 N/A

Planning Commission

- Meets Locational Criteria N/A Locational Criteria Waiver Requested
Minimum Density Met N/A
- Inconsistent Consistent

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located in an area comprised of mixture of uses to include: commercial general, commercial neighborhood, agricultural, and single-family residential uses. The surrounding uses include: an animal medical office to the immediate north; a roadway (S. Lithia Pinecrest Road) to the immediate east; retail shopping center (with minor auto repair and a Neighborhood-Walmart) to the east and north-east; business professional offices and other commercial uses to the south and south-west; and agricultural and single-family uses to the immediate west. The adjacent properties are zoned (AS-1) Agricultural, Single-Family-1 and (PD) Planned Development PD 80-0037 (to the north and north-east); (BPO) Business, Professional Office (to the south); PD 80-0037 (to the east); and (ASC-1) Agricultural, Single-Family Conventional (to the west).

The subject site does not meet Commercial Locational Criteria. To address the lot's irregular shape, transition and compatibility concerns, and transportation access concerns, the applicant proposed the following restriction:

1. Subject site will be limited to a hair salon establishment, which also may provide related services such as, but not limited to, cosmetic treatments, nail services, and esthetician services.

Staff finds the request is consistent and compatible with the existing and emerging zoning and development pattern along both the north-eastern and south-western portion of S. Lithia Pinecrest Road. The property's frontage is along S. Lithia Pinecrest Road. To the south, the parcel abutting subject parcel whose frontage is also along S. Lithia Pinecrest Road is zoned PD76-0171 and BPO with similar type uses being proposed. The proposed CG-Rezoning district is similarly situated and is, therefore, a continuation of the existing commercial development pattern along this portion of S. Lithia Pinecrest Road and a compatible infill development.

5.2 Recommendation

Based on the above considerations, staff finds the request approvable, with the following applicant's proposed restriction:

1. Subject site will be limited to a hair salon establishment, which also may provide related services such as, but not limited to, cosmetic treatments, nail services, and esthetician services.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 18, 2023. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Ms. Caroline Marsan 5137 South Lakeland Boulevard, Suite 3, Lakeland testified on behalf of Tract Engineering to request a rezoning to Commercial General with Restrictions. The applicant would like to develop a salon that will provide services such as hair dresser, aesthetic professionals, chiropractors and things along those lines. The business will provide rentable suites and will connect to public water and sewer. Ms. Marsan showed a copy of the site plan and described the location of the property. She concluded her presentation by stating that staff found the request compatible with the surrounding land uses.

Hearing Master Finch asked Ms. Marsan to go over the requested waiver to locational criteria. Mr. Kovacs 5137 South Lakeland Drive testified that the subject property is approximately 940 feet from the qualifying intersection of East Lumsden and Lithia Pinecrest Road. He discussed the surrounding land uses and stated that the site is in the area of a Walmart, gas station and retail stores.

Ms. Isis Brown, Development Services staff, testified regarding the County's staff report. Ms. Brown stated that the applicant is requesting to rezone 0.99 acres

from BPO to Commercial General-Restricted. She described the surrounding land uses and stated that the site does not meet commercial locational criteria. The applicant has agreed to Restrictions that limit the use to a hair salon with related services such as cosmetic treatments, nail services and aesthetician services. Ms. Brown concluded her presentation by stating that staff finds the request compatible with the existing development pattern and approvable.

Ms. Andrea Papandrew, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Papandrew stated that the subject property is within the Residential-6 Future Land Use classification, the Urban Service Area and the Brandon Community Plan. She described the request and stated that it is consistent with the existing development pattern in the area. The site does not meet commercial locational criteria however staff supports the requested waiver based on the surrounding non-residential land uses. Ms. Papandrew cited numerous policies that support the rezoning and testified that staff found the proposed rezoning consistent with the Brandon Community Plan and the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. No one replied.

Hearing Master Finch asked for members of the audience in opposition to the application. No one replied.

Ms. Heinrich asked Mr. Kovacs to confirm that Ms. Marsan was authorized to speak on his behalf. Mr. Kovacs confirmed that for the record.

The hearing was then concluded.

EVIDENCE SUBMITTED

No documents were submitted into the record.

PREFACE

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The subject property is 0.99 acres in size and is currently Business Professional Office (BPO) and is designated Residential-6 (RES-6) by the Comprehensive Plan. The property is located within the Urban Service Area and the Brandon Community Plan.
2. The applicant is requesting a rezoning to the Commercial General-Restricted (CG-R) zoning district.
3. The Restrictions prepared by the Development Services Department limit the use of the property to a hair salon establishment with related services such as cosmetic treatments, nail services and esthetician services.
4. The Planning Commission staff supports the rezoning request. The site does not meet commercial locational criteria but staff supports the requested waiver based upon the surrounding non-residential development. The Planning Commission found that the request is consistent with numerous policies in the Comprehensive Plan and compatible with the existing development pattern. The Planning Commission found the application to be consistent with both the Brandon Community Plan and the Comprehensive Plan.
5. The surrounding area is zoned AS-1 to the north and developed with a medical/veterinary office, BPO to the south and developed with an office complex, ASC-1 to the west and developed with a retention pond, and PD to the east with a retail shopping center and right-of-way.
6. It is noted that the applicant's presentation and written request both cite that in addition to a hair salon, the business will provide chiropractic services.

The Development Services Department proposed Restrictions state that the use of the property is limited to a hair salon with "related" services such as, but not limited to cosmetic treatments, nail services and esthetician services. Chiropractic medical services are not a "related" service nor do they qualify as a Personal Service as defined by the Land Development Code which include such uses as beauty salon, dry cleaner and laundry facilities.

Therefore, chiropractic medical services should not be a "related" service permitted in the proposed Restrictions.

7. The proposed rezoning to CG-R is compatible with the surrounding area and development pattern. The request is consistent with the Land Development Code, Comprehensive Plan and Brandon Community Plan.

FINDINGS OF COMPLIANCE/NON-COMPLIANCE WITH THE HILLSBOROUGH COUNTY COMPREHENSIVE PLAN

The rezoning request is in compliance with and does further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

CONCLUSIONS OF LAW

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

SUMMARY

The applicant is requesting a rezoning to the CG-R zoning district. The property is 0.99 acres in size and is currently zoned BPO and designated RES-6 by the Comprehensive Plan. The parcel is located within the Urban Service Area and the Brandon Community Plan.

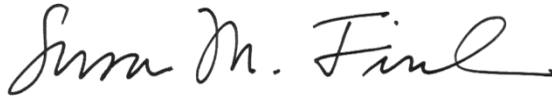
The Planning Commission staff supports the rezoning request and waiver to the commercial locational criteria and found it to be with numerous Comprehensive Plan policies, the Brandon Community Plan and the Comprehensive Plan.

It is noted that the applicant's presentation and written request both cite that in addition to a hair salon, the business will provide chiropractic services. The Development Services Department proposed Restrictions state that the use of the property is limited to a hair salon with "related" services such as, but not limited to cosmetic treatments, nail services and esthetician services. Chiropractic medical services are not a "related" service nor do they qualify as a Personal Service as defined by the Land Development Code which include such uses as beauty salon, dry cleaner and laundry facilities. Therefore, chiropractic medical services should not be a "related" service permitted in the proposed Restrictions.

The proposed rezoning to CG-R is compatible with the surrounding area and development pattern. The request is consistent with the Land Development Code, Comprehensive Plan and Brandon Community Plan.

RECOMMENDATION

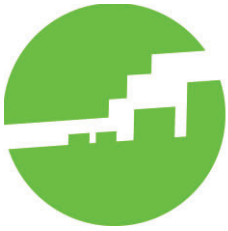
Based on the foregoing, this recommendation is for **APPROVAL** of the CG-R rezoning request with the Restrictions as prepared by the Development Services Department as indicated by the Findings of Fact and Conclusions of Law stated above.



January 11, 2024

Susan M. Finch, AICP
Land Use Hearing Officer

Date



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: December 18, 2023	Petition: RZ 24-0065
Report Prepared: December 6, 2023	Folio: 71096.0050 <i>West side of S Lithia Pinecrest Road and north of Lumsden Road E</i>
Summary Data:	
Comprehensive Plan Finding	CONSISTENT
Adopted Future Land Use	Residential-6 (6 du/ga; 0.25 FAR)
Service Area	Urban
Community Plan	Brandon; Suburban Character District
Request	Business Professional Office (BPO) to Commercial, General - Restricted (CG-R) for a personal services salon use
Parcel Size	0.98 +/- acres (42,688 square feet)
Street Functional Classification	S Lithia Pinecrest Road – County Arterial Lumsden Road E – County Arterial
Locational Criteria	Does not meet; waiver request submitted
Evacuation Area	None



Context

- The subject site is located on the west side of S Lithia Pinecrest Road and north of Lumsden Road E on approximately 0.98 ± acres.
- The site is in the Urban Service Area and is located within the limits of the Brandon Community Plan, specifically in the Suburban Character District.
- The site has a Future Land Use designation of Residential-6 (RES-6), which allows for consideration of up to 6 dwelling units per gross acre and a maximum Floor Area Ratio (FAR) of 0.25. The RES-6 Future Land Use is intended to designate areas that are suitable for low density residential development. In addition, suburban scale neighborhood commercial, offices, and mixed-use projects that are serving the area may be permitted. Non-residential uses must meet locational criteria for specific land uses.
- The subject site is surrounded by RES-6 on all sides. Residential-4 (RES-4) is located further south, Residential-9 (RES-9) is located further east, and Residential-12 (RES-12) is located further west.
- The subject site is mainly surrounded by light commercial uses, including a large shopping plaza with a Walmart across the street to the east. There is a veterinary clinic to the north, a Hillsborough County owned retention area to the west, and offices to the south.
- The subject site is zoned Business Professional Office (BPO). It is mainly surrounded by Planned Development (PD) zoning to the east and south. There is one parcel of BPO zoning directly to the south. Agricultural, Single-Family Conventional-1 (ASC-1) and Agricultural, Single-Family-1 (AS-1) zoning is located immediately to the north and west with office and church uses. Residential, Single-Family Conventional-6 (RSC-6) zoning is mainly located to the west.
- The applicant requests to rezone from Business Professional Office (BPO) to Commercial, General - Restricted (CG-R) for purpose of a personal services salon use.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area

Objective 1: Hillsborough County shall pro-actively direct new growth into the urban service area with the goal that at least 80% of all population growth will occur within the USA during the planning horizon of this Plan. Within the Urban Service Area, Hillsborough County will not impede agriculture. Building permit activity and other similar measures will be used to evaluate this objective.

Policy 1.4: Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and

architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

Land Use Categories

Objective 8: The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.

Policy 8.1: The character of each land use category is defined by building type, residential density, functional use, and the physical composition of the land. The integration of these factors sets the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive, but are intended to be illustrative of the character of uses permitted within the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.

Relationship to Land Development Regulations

Objective 9: All existing and future land development regulations shall be made consistent with the Comprehensive Plan, and all development approvals shall be consistent with those development regulations as per the timeframe provided for within Chapter 163, Florida Statutes. Whenever feasible and consistent with Comprehensive Plan policies, land development regulations shall be designed to provide flexible, alternative solutions to problems.

Policy 9.2: Developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County, the state of Florida and the federal government unless such requirements have been previously waived by those governmental bodies.

Neighborhood/Community Development

Objective 16: Neighborhood Protection – The neighborhood is the 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 22.8: The Board of County Commissioners may grant a waiver to the intersection criteria for the location of commercial uses outlined in Policy 22.2. The waiver would be based on the compatibility of the use with the surrounding area and would require a recommendation by the Planning Commission staff. Unique circumstances and specific findings should be identified by the staff or the Board of County Commissioners which would support granting a waiver to this section of the Plan. The Board of County Commissioners may reverse or affirm the Planning Commission staff's recommendation through their normal review of rezoning petitions. The waiver can only be related to the location of the neighborhood serving commercial or agriculturally oriented community serving commercial zoning or development. The square footage requirement of the plan cannot be waived.

Community Design Component (CDC)

5.0 NEIGHBORHOOD LEVEL DESIGN

5.1 COMPATIBILITY

OBJECTIVE 12-1: New developments should recognize the existing community and be designed in a way that is compatible with the established character of the surrounding neighborhood.

Policy 12-1.4: Compatibility may be achieved through the utilization of site design techniques including but not limited to transitions in uses, buffering, setbacks, open space and graduated

height restrictions, to affect elements such as height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.

Livable Communities Element: Brandon

Goal 6: *Re-establish Brandon's historical, hospitable, and family oriented character through thoughtful planning and forward thinking development practices by concentrating density in certain areas to preserve the semi-rural lifestyle of other areas. Attempt to buffer and transition uses in concentric circles where possible with most intense uses in an area at a node (intersection) and proceeding out from there. Create a plan for how areas could be developed and redeveloped for the future. Each of these areas would have potential for different building heights, parking configurations, fencing, buffering, landscape requirements, special use limitations, and design standards. These standards apply to new construction on infill property, redevelopment of undesirable areas and renovation of existing buildings. The primary consideration of all changes should be compatibility with existing structures to ensure neighborhood preservation.*

d. Suburban - *Primarily residential area of single-family detached homes with side and perimeter yards on one-quarter acre or less. Mixed-use is usually confined to certain intersection locations. This district has a wide range of residential building types: single-family detached, single-family attached and townhouses. Setbacks and street canopy vary. Streets typically define medium-sized blocks. New development/redevelopment would be required to build internal sidewalks and connect to existing external sidewalks or trails.*

Staff Analysis of Goals Objectives and Policies:

The subject site is located on the west side of S Lithia Pinecrest Road and north of Lumsden Road E on approximately 0.98 ± acres. The site is in the Urban Service Area and is located within the limits of the Brandon Community Plan, specifically in the Suburban Character District. The applicant requests to rezone from Business Professional Office (BPO) to Commercial, General - Restricted (CG-R) for purpose of a personal services salon use. The proposed salon would provide services such as beauty, aesthetics, esthetician, and chiropractic care. The subject site is mainly surrounded by light commercial uses, including a large shopping plaza with a Walmart across the street to the east. There is a veterinary clinic to the north, a Hillsborough County owned retention area to the west, and offices to the south.

The subject site is in the Urban Service Area and per Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that "Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The area contains a mix of light commercial and office uses. The proposal is consistent with Objective 8 and Policy 8.1 as the use that the rezoning would be restricted to is consistent with the suburban scale neighborhood commercial uses intended in the RES-6 Future Land Use category. Objective 12-1 and Policy 12-1.4 of the Community Design Component (CDC) also discuss how new development shall be compatible with the established character of the surrounding area.

The proposed modification meets the intent of FLUE Objective 16 and Policies 16.1, 16.2, 16.3, and 16.5. The site is located on an arterial roadway, which is appropriate for higher

intensity uses. Furthermore, there are no residential uses immediately adjacent to the site, and a large retention area that serves as a buffer from the residential uses further west. The proposed use has operating characteristics that are less intense than the full range of Commercial, General (CG) uses and therefore serves as a gradual transition in intensity between the uses closest to the intersection and the uses further north on Lithia Pinecrest Road.

The subject site does not meet Commercial Locational Criteria (CLC) in accordance with Objective 22 of the FLUE. 75% of the site's frontage is not within 900 linear feet from the closest qualifying intersection of S Lithia Pinecrest Road and north of Lumsden Road E. It is approximately 1,120 linear feet away. The applicant has submitted a waiver request for review. The waiver request describes that the site is just outside of the node and that there are no residential uses directly adjacent to it. Furthermore, it describes that there are neighboring businesses such as gas stations, a donut shop, retailers such as Walmart and an existing hair salon, which are similar in nature to the proposed use. Based on this information, the surrounding uses and the operating characteristics of the proposed use, PC staff recommends that the Board of County Commissioners grant a waiver to the CLC.

The proposed rezoning meets the intent of the Brandon Community Plan. The site is in the Suburban Character District in which it describes that mixed uses are typically confined to certain intersections. Although the site does not meet Commercial Locational Criteria, it is very close to the qualifying intersection and the proposed use is compatible with the character of the existing land uses.

Overall, staff finds that the proposed rezoning is consistent with the intent of the Urban Service Area and policy direction under the Commercial Locational Criteria portion of the FLUE. The proposed rezoning would allow for development that is consistent with the Goals, Objectives, and Policies in the *Unincorporated Hillsborough County Comprehensive Plan*. The request is compatible with the existing and planned development pattern found within the surrounding area.

Recommendation

Based upon the above considerations, Planning Commission staff finds the proposed rezoning **CONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*, subject to the restriction proposed by the Development Services Department.

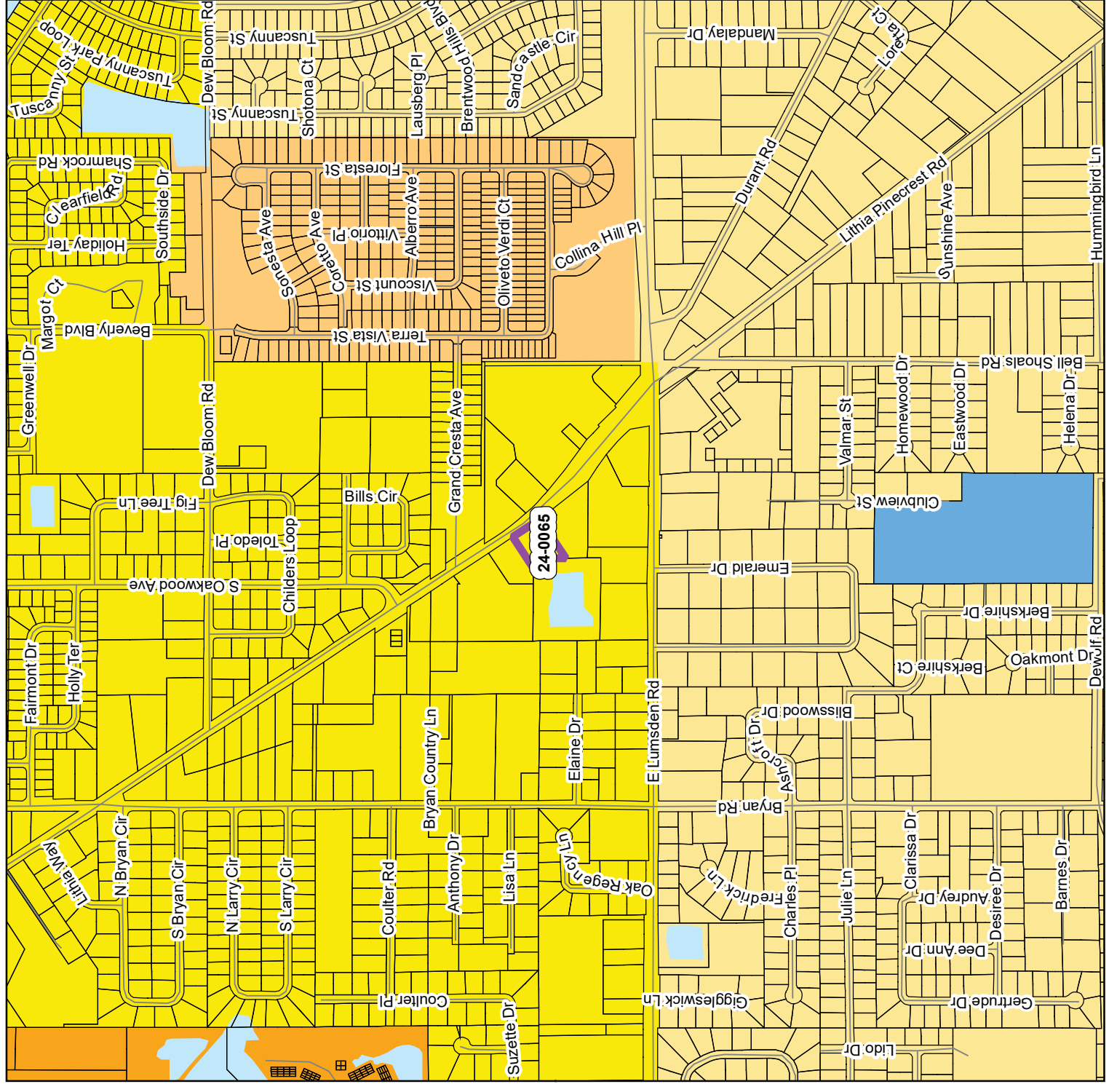
HILLSBOROUGH COUNTY FUTURE LAND USE RZ 24-0065

- Resoznings
- STATUS
- APPROVED
 - CONTINUED
 - DENIED
 - WITHDRAWN
 - PENDING
- Tampa Service
 - Urban Service
 - Shoreline
 - County Boundary
 - Jurisdiction Boundary
 - Roads
 - Parcels
 - WATER NATURAL LULC_Wee_Poly
 - AGRICULTURAL/MINING-120 (.25 FAR)
 - PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
 - AGRICULTURAL-170 (.25 FAR)
 - AGRICULTURAL/RURAL-1/5 (.25 FAR)
 - AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
 - RESIDENTIAL-1 (.25 FAR)
 - RESIDENTIAL-2 (.25 FAR)
 - RESIDENTIAL PLANNED-2 (.35 FAR)
 - RESIDENTIAL-4 (.25 FAR)
 - RESIDENTIAL-6 (.25 FAR)
 - RESIDENTIAL-9 (.35 FAR)
 - RESIDENTIAL-12 (.35 FAR)
 - RESIDENTIAL-16 (.35 FAR)
 - RESIDENTIAL-20 (.35 FAR)
 - RESIDENTIAL-35 (1.0 FAR)
 - NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
 - SUBURBAN MIXED USE-6 (.35 FAR)
 - COMMUNITY MIXED USE-12 (.50 FAR)
 - URBAN MIXED USE-20 (1.0 FAR)
 - REGIONAL MIXED USE-35 (2.0 FAR)
 - INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR)
 - OFFICE COMMERCIAL-20 (75 FAR)
 - RESEARCH CORPORATE PARK (1.0 FAR)
 - ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
 - LIGHT INDUSTRIAL PLANNED (75 FAR)
 - LIGHT INDUSTRIAL (75 FAR)
 - HEAVY INDUSTRIAL (75 FAR)
 - PUBLIC/QUASIPUBLIC
 - NATURAL PRESERVATION
 - WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
 - CITRUS PARK VILLAGE



DATA SOURCES: Rezonning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The rezoning map is for informational purposes only. It is intended that the City/County Planning Commission. ACCURACY: It is intended that the Hillsborough County City/County Planning Commission. This map is for informational purposes only. For the most current data and information, visit the appropriate website.

Map Printed from Rezoning System: 11/2/2023
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\MapProjects\HC\Gen_H\Rezoning_Copy.mxd





AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, AICP
PLANNING AREA/SECTOR: Brandon/Central

DATE: 12/07/2023
AGENCY/DEPT: Transportation
PETITION NO.: STD 24-0065

- This agency has no comments.
- This agency has no objection.
- This agency objects for the reasons set forth below.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 0.98 acres from Business Professional Office (BPO) to Commercial General – Restricted (CG-R). The proposed restriction is to restrict uses allowed to only personal services for a salon providing services such as beauty, aesthetics, esthetician, chiropractor, etc. The site is located on the east side of south side of Lithia Pinecrest Road. +/- 0.2 Miles north of the intersection of Lithia Pinecrest Road and Lumsden Road. The Future Land Use designation of the site is Residential – 6 (R-6).

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project’s potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. Given the limited information available as is typical of all Euclidean zoned properties and/or non-regulatory nature of any conceptual plans provided, Transportation Review Section staff did review the proposed rezoning and restrictions to determine (to the best of our ability) whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM (e.g. to ensure that the proposed rezoning would not result in a violation of the requirement whereby access to commercial properties cannot be taken through residentially or agriculturally zoned properties), and/or whether, in staff’s opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards (e.g. to ensure that a project was not seeking an intensification of a parcel which cannot meet minimum access spacing requirements).

Transportation Section staff did not identify any concerns that would require a more detailed staff report be filed. Staff notes that, regardless of this review, the developer/property owner will be required to comply will all Comprehensive Plan, LDC, TTM and other applicable rules and regulations at the time of plat/site/construction plan review. As such, staff has no objection to this request.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case is non-binding and will have no regulatory value at the time of plat/site/construction plan review.

Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations, utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
BPO, 8,500 sf Medical-Dental Office Building (ITE Code 720)	259	27	31

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CG-R, 11,500 sf Hair Salon (ITE Code 918)	N/A*	14	17

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	N/A*	-13	-14

*The 11th Edition of the ITE Trip Generation Manual does not include daily trips for ITE Code 918 and as such daily trip generation cannot be compared.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Lithia Pinecrest Road. Lithia Pinecrest is a 2-lane, divided, Hillsborough County maintained, arterial roadway. Lithia Pinecrest has bike lanes and sidewalks on both sides of the roadway within the vicinity of the project. Lithia Pinecrest lies within +/- 80 feet of Right of Way in the vicinity of the project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Lithia Pinecrest is included in the Hillsborough County Corridor Preservation plan as a 4-lane roadway. Sufficient right of way is required to be preserved for the planned improvement.

ROADWAY LEVEL OF SERVICE

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
LITHIA PINECREST RD	SR 60	LUMSDEN RD	D	C

Source: [2020 Hillsborough County Level of Service \(LOS\) Report](#)

Transportation Comment Sheet

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
Lithia Pinecrest Road	County Arterial - Urban	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	259	27	31
Proposed	N/A**	14	17
Difference (+/-)	N/A**	-13	-14

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

**The 11th Edition of the ITE Trip Generation Manual does not include daily trips for ITE Code 918 and as such daily trip generation cannot be compared.

Connectivity and Cross Access <input checked="" type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	Choose an item.	Choose an item.
South		Choose an item.	Choose an item.	Choose an item.
East		Choose an item.	Choose an item.	Choose an item.
West		Choose an item.	Choose an item.	Choose an item.
Notes:				

Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 Additional Site Information & Agency Comments Summary

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

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 Steffanie L. Wickham WASTE DIVISION

AGENCY COMMENT SHEET

REZONING	
<p>HEARING DATE: 12/18/2023</p> <p>PETITION NO.: 24-0065</p> <p>EPC REVIEWER: Melissa Yanez</p> <p>CONTACT INFORMATION: (813) 627-2600 X 1360</p> <p>EMAIL: yanezm@epchc.org</p>	<p>COMMENT DATE: 11/28/2023</p> <p>PROPERTY ADDRESS: Brandon, FL 33511</p> <p>FOLIO #: 0710960050</p> <p>STR: 26-29-20E</p>
<p>REQUESTED ZONING: From BPO to General Commercial</p>	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	NA
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Desktop Review – Aerial review, soil survey, EPC file search.
<p>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan’s current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again.</p> <p>INFORMATIONAL COMMENTS:</p> <p>The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.</p> <ul style="list-style-type: none"> • Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) reviewed aerials, soil surveys, and historical records, to determine the limits of wetlands and other surface waters regulated by Chapter 1-11, Wetlands, Rules of the EPC. The review revealed that no wetlands or other surface waters exist within the above referenced parcel. • 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. 	

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

REZ 24-0065
November 28, 2023
Page 2 of 2

My/jpc

ec: Heath Guido and Derek Finger - jason@myposhsuites.com
Daniel P. Kovacs - dkovacs@tracteng.com

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 11 Nov. 2023

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

APPLICANT: Daniel Kovacs

PETITION NO: RZ-STD 24-0065

LOCATION: Brandon, FL 33511

FOLIO NO: 71096.0050

SEC: 26 TWN: 29 RNG: 20

- 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: _____.



Agency Review Comment Sheet

NOTE: Wellhead Resource Protection Areas (WRPA), Potable Water Wellfield Protection Areas (PWWPA), and Surface Water Resource Protection Areas (SWRPA) reviews are based on the most current available data on the Hillsborough County maps, as set forth in Part 3.05.00 of the Land Development Code.

TO: Zoning Review, Development Services **REQUEST DATE:** 10/26/2023

REVIEWER: Kim Cruz, Environmental Supervisor **REVIEW DATE:** 11/6/2023

APPLICANT: Daniel P. Kovacs **PID:** 24-0065

LOCATION: 0 Brandon, FL 33511

FOLIO NO.: 71096.0050

AGENCY REVIEW COMMENTS:

Based on the most current data, the proposed project is not located within a Wellhead Resource Protection Area (WRPA), Potable Water Wellfield Protection Area (PWWPA), and/or a Surface Water Resource Protection Area (SWRPA), as defined in Part 3.05.00 of the Hillsborough County Land Development Code (LDC).

Hillsborough County Environmental Services Division (EVSD) has no objection.

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

PETITION NO.: RZ-STD 24-0065 REVIEWED BY: Clay Walker, E.I. DATE: 10/30/2023

FOLIO NO.: 71096.0050

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 northeast of the subject property within the southwest Right-of-Way of Lithia Pinecrest 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 _____ and will need to be completed by the _____ 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 4 inch wastewater forcemain exists (adjacent to the site), (approximately ___ feet from the site) and is located northeast of the subject property within the southwest Right-of-Way of Lithia Pinecrest 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 within the Urban Service Area and would require connection to the County's potable water and wastewater systems. The subject area is located within the Hillsborough County Wastewater Service Area and will be served by the Falkenburg Wastewater Treatment Plant. If all of the development commitments for the referenced facility are added together, they would exceed the existing reserve capacity of the facility. However, there is a plan in place to address the capacity prior to all of the existing commitments connecting and sending flow to the referenced facility. As such, an individual permit will be required based on the following language noted on the permits: The referenced facility currently does not have, but will have prior to placing the proposed project into operation, adequate reserve capacity to accept the flow from this project.



VERBATIM TRANSCRIPT

1 MS. HEINRICH: Our next item is Item C.4, Standard
2 Rezoning 24-0065. The applicant is requesting to rezone
3 property from BPO to CG-Restricted. Isis Brown with Development
4 Services will provide staff findings after the applicant's
5 presentation. I believe the applicant is attending virtually.

6 HEARING MASTER: Okay. That would be Mr. Kovacs, I
7 believe, yes?

8 MS. MARSAN: So, actually, I will -- oh -- all right.
9 So, actually, Caroline Marsan with Tract Engineering.
10 Mr. Kovacs is also present. 5137 South Lakeland Boulevard,
11 Suite 3, Lakeland, Florida 33813.

12 HEARING MASTER: Okay.

13 MS. MARSAN: And if I may share my screen. So can you
14 guys see that okay, or?

15 HEARING MASTER: I can.

16 MS. MARSAN: Okay. So I'm here to present on -- on
17 behalf of Tract Engineering, as previously stated, RZ-0065 in
18 Lakeland, Florida. Again, as previously stated in the
19 previously referenced property in Brandon, current zone is
20 Future Land Use R-6. We're requesting for a GC-R. We're trying
21 to build a salon that's going to provide services such as hair
22 dressers, aesthetic professionals, aestheticians, chiropractors,
23 things along those lines. They're all rentable suites.
24 Wastewater and water will be connected through Hillsborough
25 County Utilities.

1 So the project is currently surrounded -- and I'll
2 point it out right here -- currently surrounded by other
3 commercial areas. A pet care business is on the north side of
4 the project. The Walmart is right there along with some food
5 establishments. Again, this will be just a simple commercial
6 plaza. It is adjacent to a retention pond which will also
7 service the project on its -- at the intersection of East
8 Lumsden and Lithia Pinecrest Road. No wetlands were found
9 within the parcel limits. And the project, as recommended by
10 staff, has been found to be compatible with the surrounding land
11 uses.

12 Again, here is the site plan. And -- and so if you
13 have any questions, please defer to the engineer on record,
14 Daniel Kovacs.

15 THE REPORTER: All right. If you could just go over
16 quickly that -- you have the slide up now -- the waiver you're
17 requesting to locational criteria, the reasons for that?

18 MR. KOVACS: Yes. Hi. Danny Kovacs, 5137 South
19 Lakeland Drive as well. Again, as Caroline stated, this -- this
20 particular site is adjacent to East Lumsden and Lithia
21 Pinecrest. We're roughly about 940 feet from the intersection.
22 We're very close, and we're just scratching -- touching the edge
23 of the limits.

24 Caroline did a great job of pointing out the
25 surrounding land uses that are within the limits of our

1 property. So one of the big things staff looked at when we
2 discussed the location for draining was how close we are to
3 residential. As that's kind of the intent was we want to, you
4 know, make sure that this use is going to actually flow with the
5 current land uses and the current businesses that are operating
6 today.

7 So as the slide states, we're requesting a waiver from
8 the 900 foot location criteria required in Hillsborough County.
9 The site is very close to meeting the requirements, roughly 940
10 feet from East Lumsden. The site is not directly adjacent to
11 any residential property. And the site's neighboring
12 businesses, as Caroline pointed out, are gas stations, a
13 doughnut shop, retail. There's a Walmart pretty close to across
14 the street from this particular site.

15 And -- and based on the physical surroundings, you
16 know, ourselves and staff has -- has seen this to be -- to meet
17 the intent of the location criteria.

18 HEARING MASTER: All right. Thank you. And, sir,
19 just for the record, could you give us your name and address
20 just to make sure we have it?

21 MR. KOVACS: Sure. It's Daniel Kovacs. I'm the
22 engineer of record for the site. And same address, 5137 South
23 Lakeland Drive.

24 HEARING MASTER: Perfect. Thank you so much. I
25 appreciate it.

1 MR. KOVACS: Yeah, absolutely. Thank you, guys.

2 HEARING MASTER: All right.

3 MR. KOVACS: And we'll stay for any questions.

4 HEARING MASTER: Thank you so much.

5 And we'll go to Development Services. Good evening.

6 MS. BROWN: Good evening. Isis Brown, Hillsborough
7 County Development Services. Standard Rezone 24-0065. The
8 request is to rezone an existing BPO lot of approximately 0.99
9 acres in Brandon to Commercial General-Restricted.

10 The site is located in an area comprised of mixture of
11 uses to include: Commercial general, commercial neighborhood,
12 agricultural, and single-family residential uses. The
13 surrounding uses include: An animal medical office to the
14 immediate north; a roadway (S. Lithia Pinecrest Road) to the
15 immediate east; retail with the Neighborhood-Walmart on the
16 opposite side of the street. To the south, we have some
17 additional BPO and ags, and -- and that's to the west as well.

18 The -- the site does not meet Commercial Locational
19 Criteria. To address the lot's irregular shape, transition and
20 compatibility concerns, and transportation access concerns, the
21 applicant has proposed the following restriction: The subject
22 site will be limited to a hair salon establishment which also
23 may provide related services such as, but not limited to,
24 cosmetic treatments, nail services, and aesthetician services.

25 Staff finds that the request is consistent and

1 compatible with the existing and emerging zoning and development
2 pattern along both the north-eastern and south-western portion
3 of South Lithia Pinecrest Road. The property's frontage is
4 along the Lithia Pinecrest Road. To the south, the parcel abuts
5 subject parcel whose frontage is also along Lithia Pinecrest
6 Road with a PD 76-0171 which is also BPO.

7 Based on the above considerations, staff finds that
8 the request is approvable with the applicant's proposed
9 restrictions listed previously.

10 HEARING MASTER: Thank you so much. I appreciate it.
11 Planning Commission.

12 MS. PAPANDREW: Andrea Papandrew, Planning Commission
13 Staff. The site is within the Residential-6 Future Land Use
14 category and is within the Brandon Community Plan.

15 The site is mainly surrounded by light commercial
16 uses, including a large shopping plaza across the street to the
17 east. There is a veterinary clinic to the north, a Hillsborough
18 County owned retention area to the west, and offices to the
19 south.

20 The proposal is consistent with Objective 8 and Policy
21 8.1 as the use that the rezoning would be restricted to is
22 consistent with suburban scale neighborhood commercial uses
23 intended for the Residential-6 Future Land Use category.

24 The proposed modification meets the intent of
25 Objective 16 and Policies 16.1, 16.2, 16.3, and 16.5. The site

1 is located on an arterial roadway, which is appropriate for
2 higher intensity uses. There are no residential uses
3 immediately adjacent to the site, and a large retention area
4 will serve as a buffer from the residential uses further west.
5 The proposed has operating characteristics that are less intense
6 than the full range of Commercial, General (CG) uses and serves
7 as a gradual transition in intensity between the uses closest to
8 the intersection and the uses further north on Lithia Pinecrest
9 Road.

10 The site does not meet Commercial Locational Criteria
11 per Objective 22. 75% of the site's frontage is not within 900
12 linear feet from the closest qualifying intersection of Lithia
13 Pinecrest Road and north of Lumsden Road East. The applicant
14 has submitted a waiver request which describes that the site is
15 just outside of the node and that there are no residential uses
16 directly adjacent. The request also states that there are
17 neighboring businesses such as gas stations, a donut shop,
18 retailers such as Walmart, and an existing hair salon which are
19 similar in nature to the proposed use. Based on the surrounding
20 uses and the operating characteristics of the proposed, Planning
21 Commission Staff recommends that the Board of County
22 Commissioners grants a waiver to the Commercial Locational
23 Criteria.

24 The proposed rezoning meets the intent of the Brandon
25 Community Plan. The site is in the Suburban Character District

1 in which it describes that mixed uses are encouraged at certain
2 intersections. Although the site does not meet Commercial
3 Locational Criteria, it is very close to the qualifying
4 intersection and the proposed use is compatible with the
5 character of the existing land uses.

6 Based upon the above considerations, Planning
7 Commission Staff finds the proposed rezoning consistent with the
8 Unincorporated Hillsborough County Comprehensive Plan, subject
9 to the restriction proposed by Development Services Department.

10 HEARING MASTER: Thank you so much. I appreciate your
11 testimony.

12 Is there anyone in the room or online that would like
13 to speak in support? Anyone in favor? Seeing no one.

14 Anyone in opposition to this request? No one.

15 Ms. Heinrich, anything else?

16 MS. HEINRICH: Ms. Heinrich, Development Services.
17 Because we don't have an applicant representative for Mr. Kovacs
18 but he is present tonight, if he could just online confirm that
19 he consents to the (indiscernible) engineering making a
20 presentation on his behalf.

21 HEARING MASTER: Okay.

22 Mr. Kovacs, you understand the request? Because
23 there's no agent authorization form that has Mr. Marsan's name
24 on it, if you could just say that you're designating her as your
25 representative.

1 MR. KOVACS: Yes. Thank you. Yes, I'm designating
2 Caroline Marsan as our -- as my representative on behalf of our
3 client.

4 HEARING MASTER: All right.

5 Is that sufficient, Ms. Heinrich?

6 MS. HEINRICH: Yes, ma'am.

7 HEARING MASTER: Perfect. Thank you so much.

8 All right. Mr. Kovacs or Ms. Marsan, you have the
9 last word, if you'd like it.

10 MS. MARSAN: I think we're good.

11 HEARING MASTER: All right. Thank you so much. I
12 appreciate it.

13 With that, we'll close Rezoning 24-0065 and go to the
14 next case.

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**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

NONE



**PARTY OF
RECORD**

NONE