**Rezoning Application:** 24-0878

**Zoning Hearing Master Date:** September 16, 2024

**BOCC Land Use Meeting Date:** December 10, 2024



**Development Services Department** 

# 1.0 APPLICATION SUMMARY

Applicant: Joseph L. Diaz, Esq.

FLU Category: Urban Mixed Use –20 (UMU-20)

Service Area: Urban

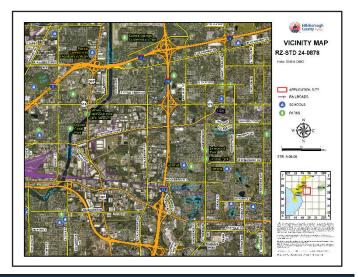
Site Acreage: 0.615 +/Community Plan Area: Brandon
Overlay: None

Request: Rezone from **Residential**-

Single-Family Conventional – 6

- (RSC-6) to Commercial

General (CG).



# Request Summary:

The request is to rezone from the existing **Residential- Single-Family Conventional – 6 (RSC-6)** zoning district to the proposed to **Commercial General (CG)** zoning district. The proposed zoning for CG permits Commercial, Office and Personal Services development on lots containing a minimum of 10, 000 square feet (sf).

Zoning:	Current RSC-6 Zoning	Proposed CG Zoning	
Uses:	Single-Family Residential (Conventional Only)	Commercial General	
Acreage	0.615 +/- Acres (ac) / 26,789.4 sf	0.615 +/- ac / 26,789.4 sf	
Density / Intensity	1 dwelling unit (du) / 7,000 sf	0.27 Floor Area Ratio (FAR)	
Mathematical Maximum*	3 Dwelling Unit	7,233 sf	
* Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.			

Development Standards:	Current RSC-6 Zoning	Proposed CG Zoning
Density / Intensity	1 (du) / 7,000 sf	0.27 FAR /7,233 sf
Lot Size / Lot Width	7,000 sf / 70'	10, 000 sf / 75'
Setbacks/Buffering and Screening	25' - Front 7.5' - Sides 25' – Rear	30' — Front Side & Rear - Buffering/Screening required per LDC Sec. 6.01.03, Sec. 6.06.06, and Sec. 6.11.00 by use.
Height	35′	50' (Per LDC Sec. 6.01.01 footnote 8 - height greater than 20 feet shall be set back an additional two feet for every one foot of structure height over 20 feet)

Additional Information:		
PD Variations	N/A	
Waiver(s) to the Land Development Code	None	
Planning Commission Recommendation		Consistent

APPLICATION NUMBER: RZ STD 24-0878

ZHM HEARING DATE: September 16,2024

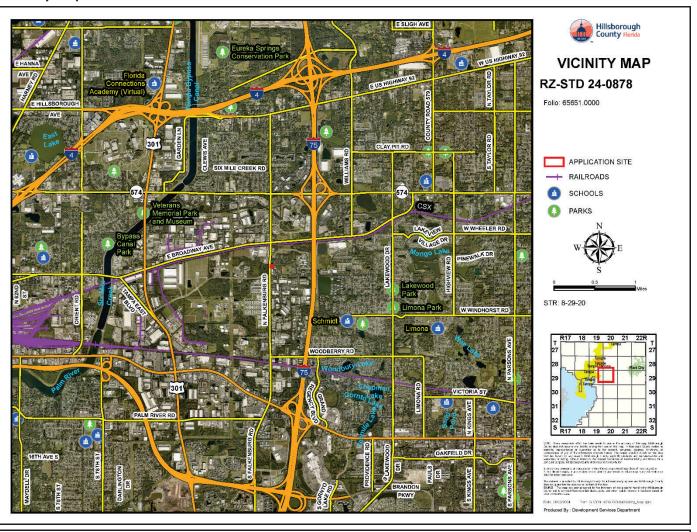
BOCC LUM MEETING DATE: December 10, 2024 Case Reviewer: Isis Brown

# Additional Information:

Development Services Department Recommendation Approvable

# 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.1 Vicinity Map



# **Context of Surrounding Area:**

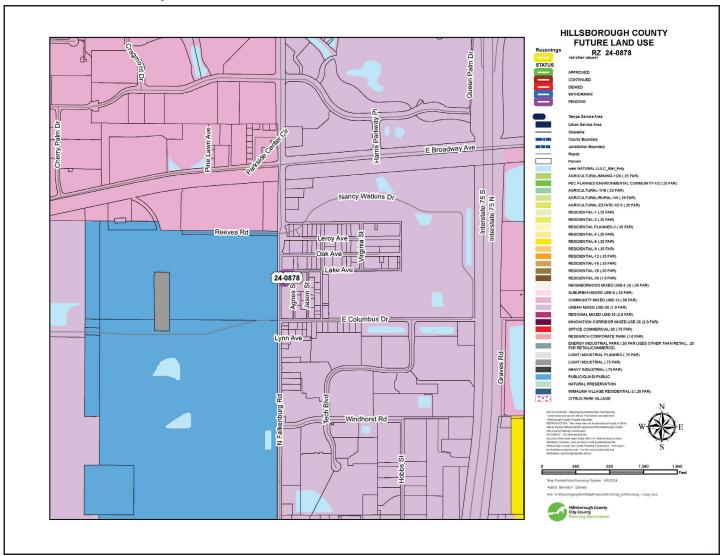
The site is surrounded by a mixture of uses consisting of single-family residential, Light Commercial and Public/Quasi-Public type uses. The subject site is surrounded by UMU-20 Future Land Use (FLU) categories which permits the follow type uses: residential, regional-scale commercial uses such as malls, office and business park uses, research corporate park uses, light industrial, multipurpose, and clustered residential and/or mixed-use. uses. The adjacent properties are zoned RSC-9 to the north, Planned Development to the south, RSC-6 to the east, and Manufacturing (M) to the west.

APPLICATION NUMBER: RZ STD 24-0878

ZHM HEARING DATE: September 16,2024
BOCC LUM MEETING DATE: December 10, 2024

# 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.2 Future Land Use Map



Case Reviewer: Isis Brown

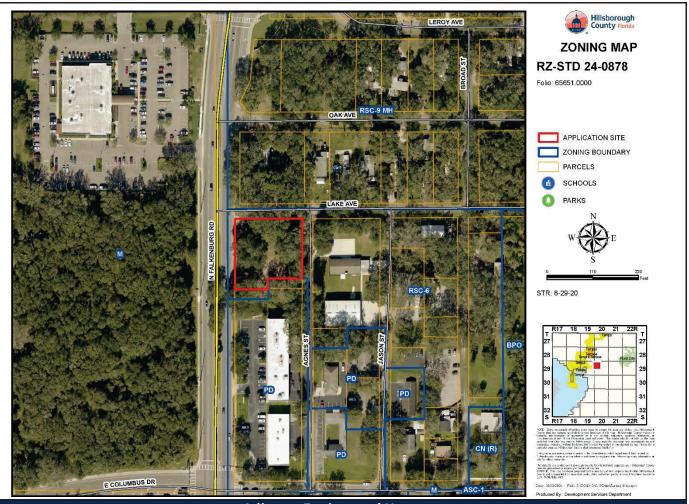
Subject Site Future Land Use Category:	Urban Mixed Use 20 (UMU-20)
Maximum Density/F.A.R.:	20 Dwelling Unit (du) per Gross Acre (ga); 1.0 FAR.
Typical Uses:	Residential, regional scale commercial uses such as a mall, office and business park uses, research corporate park uses, light industrial, multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element

ZHM HEARING DATE: September 16,2024
BOCC LUM MEETING DATE: December 10, 2024

Case Reviewer: Isis Brown

# 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	RSC-9 (MH)	1 du / 5,000 sf	Single-Family Residential (Conventional) (Mobile Home)	Single Family Residence/ Office
South	Planned Development (PD 00-0619)	0.30 FAR / 16,000 sf building space (per PD 00-0619)	Whole Distribution; Warehousing, etc. (Per PD 00-0619)	Offices
	N/A	N/A	Street	Street
East	RSC-6	1 du/ 7,000 sf	Single-Family Residential (Conventional Only)	Single Family Residence
West	M	0.75 FAR	Industrial/Manufacturing	County Owned – Youth Center

APPLICATION NUMBER:	RZ STD 24-0878				
ZHM HEARING DATE: BOCC LUM MEETING DATE:	September 16,2024 December 10, 2024	Case Reviewer: Isis Brown			
2.0 LAND USE MAP SET	2.0 LAND USE MAP SET AND SUMMARY DATA				
2.4 Proposed Site Plan	(partial provided below	w for size and orientation purposes. See Section 8.0 for full site plan)			
		Not Applicable			

APPLICATION NUMBER:	RZ STD 24-0878
THM HEADING DATE:	Sentember 16 2024

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	<b>Current Conditions</b>	Select Future Improvements
Falkenburg Road	County Arterial	4 Lanes	☐ Corridor Preservation Plan
	- Urban	⊠Substandard Road	☐ Site Access Improvements
		□Sufficient ROW Width	☐ Substandard Road Improvements
			☐ Other
Lake Ave	County Arterial	4 Lanes	☐ Corridor Preservation Plan
	- Urban	⊠Substandard Road	☐ Site Access Improvements
		□Sufficient ROW Width	☐ Substandard Road Improvements
			☐ Other
Agnes St	County Arterial	4 Lanes	☐ Corridor Preservation Plan
	- Urban	⊠Substandard Road	☐ Site Access Improvements
		□Sufficient ROW Width	☐ Substandard Road Improvements
			☐ Other

Project Trip Generation ☐ Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	40	3	3
Proposed	2,120	202	184
Difference (+/-)	+2,080	+199	+181

<sup>\*</sup>Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cros	s Access 🗵 Not ap	oplicable 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:				

APPLICATION NUMBER:	RZ STD 24-0878	
ZHM HEARING DATE:	September 16,2024	
BOCC LUM MEETING DATE:	December 10, 2024	Case Reviewer: Isis Brown

# 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	□ Yes ⊠ No	□ Yes □ No	
Natural Resources	□ Yes ⊠ No	□ Yes □ No	
Conservation & Environmental Lands Mgmt.	□ Yes ⊠ No	☐ Yes ☐ No	
Check if Applicable:	•		
☐ Wetlands/Other Surface Waters	☐ Significant Wil	dlife Habitat	
☐ Use of Environmentally Sensitive Land Credit	☐ Coastal High I	Hazard Area	
☐ Wellhead Protection Area	☐ Urban/Suburb	an/Rural Scenic	Corridor
☐ Surface Water Resource Protection Area	☐ Adjacent to EL	APP property	
☐ Potable Water Wellfield Protection Area	$\square$ Other		
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
Transportation			
Transportation			
☐ Design Exception/Adm. Variance Requested	☐ Yes	□ Yes	
	☐ Yes ☒ No	□ No	
☐ Design Exception/Adm. Variance Requested			
☐ Design Exception/Adm. Variance Requested☐ Off-site Improvements Provided	⊠ No □ N/A	□ No □ N/A	
<ul><li>□ Design Exception/Adm. Variance Requested</li><li>□ Off-site Improvements Provided</li><li>□ N/A</li></ul>	⊠ No □ N/A □ Yes	□ No □ N/A □ Yes	
<ul> <li>□ Design Exception/Adm. Variance Requested</li> <li>□ Off-site Improvements Provided</li> <li>□ N/A</li> <li>Utilities Service Area/ Water &amp; Wastewater</li> </ul>	⊠ No □ N/A	□ No □ N/A	
<ul> <li>□ Design Exception/Adm. Variance Requested</li> <li>□ Off-site Improvements Provided</li> <li>□ N/A</li> <li>Utilities Service Area/ Water &amp; Wastewater</li> <li>□ Urban</li> <li>□ City of Tampa</li> </ul>	⊠ No □ N/A □ Yes	□ No □ N/A □ Yes	
<ul> <li>□ Design Exception/Adm. Variance Requested</li> <li>□ Off-site Improvements Provided</li> <li>□ N/A</li> <li>Utilities Service Area/ Water &amp; Wastewater</li> <li>□ Urban</li> <li>□ City of Tampa</li> <li>□ Rural</li> <li>□ City of Temple Terrace</li> <li>Hillsborough County School Board</li> <li>Adequate</li> <li>□ K-5</li> <li>□ 6-8</li> <li>□ 9-12</li> <li>□ N/A</li> </ul>	<ul><li>No</li><li>N/A</li><li>Yes</li><li>No</li><li>Yes</li></ul>	☐ No ☐ N/A ☐ Yes ☐ No ☐ Yes	
<ul> <li>□ Design Exception/Adm. Variance Requested</li> <li>□ Off-site Improvements Provided</li> <li>□ N/A</li> <li>Utilities Service Area/ Water &amp; Wastewater</li> <li>□ Urban □ City of Tampa</li> <li>□ Rural □ City of Temple Terrace</li> <li>Hillsborough County School Board</li> <li>Adequate □ K-5 □ 6-8 □ 9-12 □ N/A</li> <li>Inadequate □ K-5 □ 6-8 □ 9-12 □ N/A</li> </ul>	<ul><li>No</li><li>N/A</li><li>Yes</li><li>No</li><li>Yes</li></ul>	☐ No ☐ N/A ☐ Yes ☐ No ☐ Yes	Additional Information/Comments
□ Design Exception/Adm. Variance Requested □ Off-site Improvements Provided □ N/A  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  Impact/Mobility Fees N/A  Comprehensive Plan:  Planning Commission	No         □ N/A          □ Yes         ☑ No          □ Yes         □ No	☐ No ☐ N/A ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No	
<ul> <li>□ Design Exception/Adm. Variance Requested</li> <li>□ Off-site Improvements Provided</li> <li>□ N/A</li> <li>Utilities Service Area/ Water &amp; Wastewater</li> <li>□ Urban</li> <li>□ City of Tampa</li> <li>□ Rural</li> <li>□ City of Temple Terrace</li> <li>Hillsborough County School Board</li> <li>Adequate</li> <li>□ K-5</li> <li>□ 6-8</li> <li>□ 9-12</li> <li>□ N/A</li> <li>Impact/Mobility Fees N/A</li> <li>Comprehensive Plan:</li> <li>□ Meets Locational Criteria</li> <li>□ N/A</li> </ul>	No □ N/A □ Yes □ No □ Yes □ No □ Horizonsistent	□ No □ N/A □ Yes □ No □ Yes □ No  Conditions Requested □ Yes	
□ Design Exception/Adm. Variance Requested □ Off-site Improvements Provided □ N/A  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  Impact/Mobility Fees N/A  Comprehensive Plan:  Planning Commission	<ul> <li>No</li> <li>N/A</li> <li>Yes</li> <li>No</li> <li>Yes</li> <li>No</li> </ul> Findings	☐ No ☐ N/A ☐ Yes ☐ No ☐ Yes ☐ No ☐ Yes ☐ No ☐ Conditions Requested	

APPLICATION NUMBER: RZ STD 24-0878

ZHM HEARING DATE: September 16,2024

BOCC LUM MEETING DATE: December 10, 2024 Case Reviewer: Isis Brown

# **5.0 IMPLEMENTATION RECOMMENDATIONS**

# 5.1 Compatibility

The adjacent properties are zoned RSC-9 to the north, Planned Development to the south, RSC-6 to the east, and Manufacturing (M) to the west. The subject site is surrounded by UMU-20 Future Land Use (FLU) categories which permits the follow type uses: residential, regional-scale commercial uses such as malls, office and business park uses, research corporate park uses, light industrial, multipurpose, and clustered residential and/or mixed-use. uses. The adjacent properties are zoned RSC-9 to the north, Planned Development to the south, RSC-6 to the east, and Manufacturing (M) to the west.

No waivers or variations are proposed and the site will therefore meet CG development standards, which include compatibility measures such as setbacks, height and buffering/screening. The size and depth of the subject parcel in relation to other adjacent commercial general uses would create a zoning/development pattern that is consistent with the existing zoning and development pattern of the commercial uses/zoning districts in the area.

### 5.2 Recommendation

Based on the above considerations, staff finds the proposed CG zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request **Approvable**.

# 6.0 PROPOSED CONDITIONS:

N/A

**Zoning Administrator Sign Off:** 

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.

J. Brian Grady

APPLICATION NUMBER: RZ STD 24-0878

ZHM HEARING DATE: September 16,2024
BOCC LUM MEETING DATE: December 10, 2024 Case Reviewer: Isis Brown

# 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

APPLICATION NUMBER:	RZ STD 24-0878	
ZHM HEARING DATE: BOCC LUM MEETING DATE:	September 16,2024 December 10, 2024	Case Reviewer: Isis Brown
8.0 PROPOSED SITE PL	AN (FULL)	
		Not Applicable

APPLICATION NUMBER: RZ STD 24-0878

ZHM HEARING DATE: September 16,2024

BOCC LUM MEETING DATE: December 10, 2024 Case Reviewer: Isis Brown

# 9.0 FULL TRANSPORTATION REPORT (see following pages)

# AGENCY REVIEW COMMENT SHEET

REVII	oning Technician, Development Services Departm EWER: Alex Steady, AICP NING AREA/SECTOR: Brandon/ Central	ent  AGENCY/DEPT: Tran  PETITION NO: ST	
X	This agency has no comments.  This agency has no objection.		
	This agency has no objection, subject to the listed		
	This agency objects for the reasons set forth belo	W.	

# PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 0.58 acres from Residential Single Family Conventional - 6 (RSC-6) to Commercial General (CG). The site is located on the northwest corner of the intersection of Falkenburg Road and Lake Ave +/- 450 feet north of the intersection of Falkenburg Road and Columbus Drive. The Future Land Use designation of the site is Urban Mixed Use - 20 (UMU-20).

# SITE ACCESS

The subject rezoning proposes a significant intensification of the site. The site has frontage on Falkenburg Road, Lake Ave, and Agnes Street. The Land Development Code Section 6.04.07 requires access spacing along Falkenburg Road to be a minimum of 245 feet between access points. Based on the existing access on this roadway, access spacing cannot be met on Falkenburg. The LDC requires access spacing along Lake Drive to spacing to be a minimum of 150 feet from the intersection of the collector roadway and a local roadway and a minimum of 50 feet from other access points on the roadway. Any access on Lake must meet LDC access spacing standards during the site review process. The LDC requires any access on Agnes to be at least 50 feet from any other 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.

Transportation Review Section staff did review the proposed rezoning to determine whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM, and in staff's opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards.

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

ZHM HEARING DATE: September 16,2024
BOCC LUM MEETING DATE: December 10, 2024

# 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.

Case Reviewer: Isis Brown

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
RSC-6, 3 Single Family Dwelling Units (ITE Code 210)	40	3	3

Proposed Uses:

Troposed eses.			
Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
CG, 4,000 sf Fast-Food Restaurant with Drive- Through Window (ITE 934)	1,870	178	132
CG, 2,500 sf Drive-In Bank (ITE Code 912)	250	24	52
Total	2,120	202	184

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
Difference	+2,080	+199	+181

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Falkenburg Road, Lake Ave, and Agnes Street. Falkenburg Road. is a substandard 4-lane, divided, county-maintained, local roadway. The roadway is characterized by +/- 12 ft wide travel lanes, and +/- 5 ft wide sidewalks on both sides, within +/- 94 ft of the right of way. Lake Ave is a substandard 2-lane, undivided, county-maintained, local roadway. The roadway is characterized by +/- 8 ft wide travel lanes, within +/- 43 ft of the right of way. There are no sidewalks on either side of the roadway. Agnes St is a substandard 2-lane, undivided, county-maintained, local roadway. The roadway is characterized by +/- 12 feet of pavement. There are no sidewalks on either side of the roadway.

### ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Lake Ave and Agnes Street are not regulated roadways and were not included in the Level of Service Report. Level of Service (LOS) information for Falkenburg Rd. is reported below.

FDOT Generalized Level of Service				
Roadway	From	То	LOS Standard	Peak Hr
, and the second				Directional LOS
Falkenburg Rd	Adamo Dr	M L King	D	С

Source: 2020 Hillsborough County Level of Service (LOS) Report

# **COUNTY OF HILLSBOROUGH**

# RECOMMENDATION OF THE LAND USE HEARING OFFICER

**APPLICATION NUMBER:** RZ STD 24-0878

**DATE OF HEARING:** September 16, 2024

**APPLICANT:** Joseph L. Diaz, Esq.

**PETITION REQUEST:** A request to rezone property from RSC-

6 to CG

**LOCATION:** 2733 N. Falkenburg Road

**SIZE OF PROPERTY:** 0.615 acres, m.o.l.

**EXISTING ZONING DISTRICT**: RSC-6

**FUTURE LAND USE CATEGORY**: UMU-20

SERVICE AREA: Urban

COMMUNITY PLAN: Brandon

# **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: Joseph L. Diaz, Esq.

FLU Category: Urban Mixed Use –20 (UMU-20)

Service Area: Urban

Site Acreage: 0.615 +/-

Community Plan Area: Brandon

Overlay: None

Request: Rezone from **Residential- Single-Family Conventional – 6 – (RSC-6)** 

to Commercial General (CG).

# Request Summary:

The request is to rezone from the existing **Residential- Single-Family Conventional – 6 (RSC-6)** zoning district to the proposed to **Commercial General (CG)** zoning district. The proposed zoning for CG permits Commercial,
Office and Personal Services development on lots containing a minimum of 10,
000 square feet (sf).

# Additional Information:

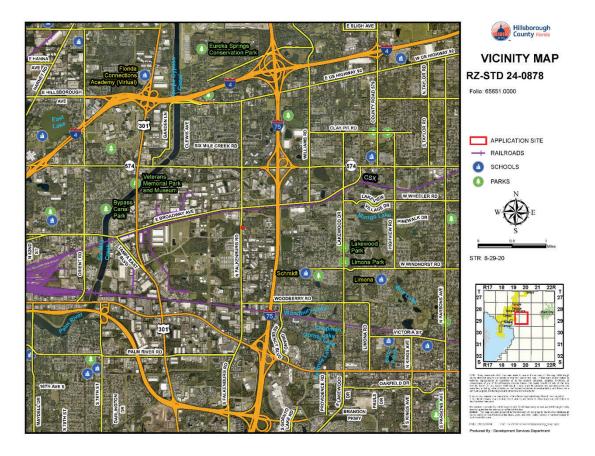
PD Variations: N/A

Waiver(s) to the Land Development Code: None

Planning Commission Recommendation: Consistent

Development Services Department Recommendation: Approvable

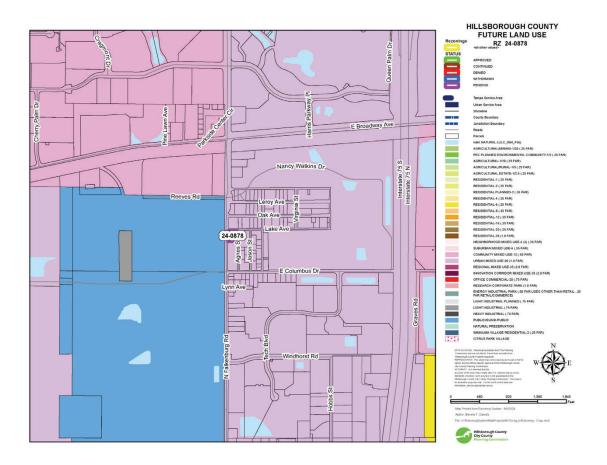
# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



# **Context of Surrounding Area:**

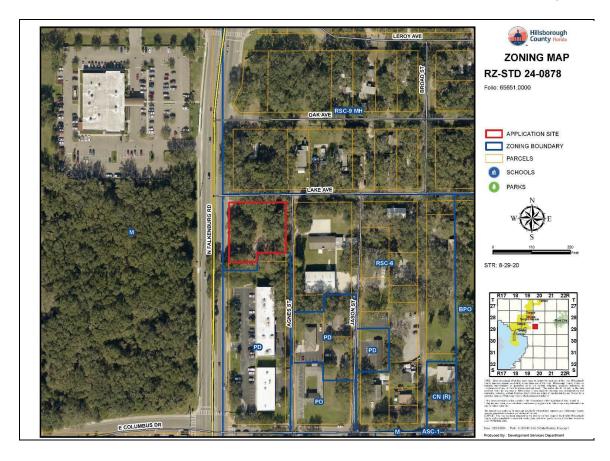
The site is surrounded by a mixture of uses consisting of single-family residential, Light Commercial and Public/Quasi- Public type uses. The subject site is surrounded by UMU-20 Future Land Use (FLU) categories which permits the follow type uses: residential, regional-scale commercial uses such as malls, office and business park uses, research corporate park uses, light industrial, multipurpose, and clustered residential and/or mixed-use. uses. The adjacent properties are zoned RSC-9 to the north, Planned Development to the south, RSC-6 to the east, and Manufacturing (M) to the west.

# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Typical Uses: Residential, regional scale commercial uses such as a mall, office and business park uses, research corporate park uses, light industrial, multipurpose and clustered residential and/or mixed-use projects at appropriate locations. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element

# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



# 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

IFAIKANNIIM	County Arterial - Urban	4 Lanes ⊠Substandard Road □Sufficient ROW Width	<ul> <li>□ Corridor Preservation</li> <li>Plan</li> <li>□ Site Access</li> <li>Improvements</li> <li>□ Substandard Road</li> <li>Improvements □ Other</li> </ul>
Lake Ave	County Arterial - Urban	4 Lanes ⊠Substandard Road □Sufficient ROW Width	<ul> <li>□ Corridor Preservation</li> <li>Plan</li> <li>□ Site Access</li> <li>Improvements</li> <li>□ Substandard Road</li> <li>Improvements</li> <li>□ Other</li> </ul>

4.0 ADDITIONAL SITE INFOR	MATION &	AGENCY CO	DMMENTS SUMMARY
INFORMATION/REVIEWING AGENCY			
Environmental: Objections	Conditions Requested	Additional l	Information/Comments
Public Facilities: Objections		Conditions Requested	Additional Information/Comments
Transportation			
□ Design Exception/Adm. Variance Requested □ Off- site Improvements Provided □N/A		□ Yes □No □N/A	
Utilities Service Area/ Water & Wastewater  ⊠Urban □ City of Tampa □Rural □ City of Temple Terrace	□ Yes ⊠No	□ Yes □No	
Hillsborough County School Board  Adequate □ K-5 □6-8 □9-12  ⊠N/A Inadequate □ K-5 □6-8  □9-12 □N/A		□ Yes □No	

Impact/Mobility Fees: N/A

Comprehensive Plan: Findings			Additional Information/Comments
Planning Commission			
<ul> <li>□ Meets Locational</li> <li>Criteria ⊠N/A □</li> <li>Locational Criteria Waiver</li> <li>Requested □ Minimum</li> <li>Density Met □ N/A</li> </ul>		□ Yes □No	

# 5.0 IMPLEMENTATION RECOMMENDATIONS

# 5.1 Compatibility

The adjacent properties are zoned RSC-9 to the north, Planned Development to the south, RSC-6 to the east, and Manufacturing (M) to the west. The subject site is surrounded by UMU-20 Future Land Use (FLU) categories which permits the follow type uses: residential, regional-scale commercial uses such as malls, office and business park uses, research corporate park uses, light industrial, multipurpose, and clustered residential and/or mixed-use. uses. The adjacent properties are zoned RSC-9 to the north, Planned Development to the south, RSC-6 to the east, and Manufacturing (M) to the west.

No waivers or variations are proposed and the site will therefore meet CG development standards, which include compatibility measures such as setbacks, height and buffering/screening. The size and depth of the subject parcel in relation to other adjacent commercial general uses would create a zoning/development pattern that is consistent with the existing zoning and development pattern of the commercial uses/zoning districts in the area.

# 5.2 Recommendation

Based on the above considerations, staff finds the proposed CG zoning district is compatible with the existing zoning districts and development pattern in the area. Therefore, staff finds the request **Approvable**.

# **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on September 16, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Ms. Isis Brown, Development Services Department testified regarding the County's staff report. She stated that the request is to rezone 0.615 acres from RSC-6 to CG. She detailed the surrounding properties and testified that there are no waiver requests and that staff finds the proposed CG zoning to be approvable.

Mr. Joseph Diaz 3242 Henderson Blvd Suite 310 testified on behalf of the applicant. Mr. Diaz stated that the property fronts Falkenburg Road, Lake Avenue and Agnes Street. He described the surrounding land uses which include light commercial uses to the north, warehouse office building to the south industrially zoned parcels to the west owned by Hillsborough County and a single-family home to the east. Mr. Diaz stated that the subject property is comprised of 13 lots. He concluded his presentation by testifying that all reviewing agencies had no objection to the request.

Mr. Tyrek Royal of the Planning Commission staff testified that the property is within the Urban Mixed Use-20 Future Land Use category and located in the Brandon Community Plan and the Urban Service Area. He listed numerous policies that the requested rezoning complies with and stated that the request is consistent the Brandon Community Plan and the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application. None replied.

County staff and Mr. Diaz did not have additional comments.

The hearing was then closed.

# **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 site is 0.615 acres in size and is zoned Residential Single-Family Conventional-6 (RSC-6). The property is designated Urban Mixed Use-20 (UMU-20) by the Comprehensive Plan. The subject property is located in the Brandon Community Plan and the Urban Service Area.
- 2. The request to rezone from RSC-6 to CG.
- 3. No waivers are requested.
- 4. The Planning Commission staff supports the rezoning request. Staff found the rezoning consistent with the Brandon Community Plan and the Future of Hillsborough Comprehensive Plan.
- 5. The surrounding parcels are zoned RSC-9 MH to the north, Planned Development to the south, RSC-6 to the east and Manufacturing (M) to the west. The PD to the south is permitted for wholesale distribution and warehousing. The M zoned property to the west is owned by Hillsborough County and developed with a youth center.
- 6. The rezoning to CG is consistent with the mixed development pattern in the area and the Land Development Code and the Comprehensive 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 request is to rezone 0.615 acres from RSC-6 to CG. No waivers are requested.

The Planning Commission staff supports the request and found the rezoning consistent with the Brandon Community Plan and the Comprehensive Plan.

The rezoning to CG is consistent with the Land Development Code and the Comprehensive Plan.

# **RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the CG rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject.

October 7, 2024

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine

Date



Plan Hillsborough planhillsborough.org planner@plancom.org 813 - 272 - 5940 601 E Kennedy Blvd 18<sup>th</sup> floor Tampa, FL, 33602

Unincorporated Hillsborough Cou	unty Rezoning Consistency Review
Hearing Date: September 16, 2024	Case Number: RZ 24-0878
Report Prepared: September 5, 2024	Folio(s): 65651.0000
	General Location: East of Falkenburg Road, south of Lake Avenue, north of Columbus Drive, west of Agnes Street
Comprehensive Plan Finding	CONSISTENT
Adopted Future Land Use	Urban Mixed Use-20 (20 du/ga; 1.0 FAR)
Service Area	Urban
Community Plan(s)	Brandon; Light Industrial Character District
Rezoning Request	Residential Single Family Conventional-6 (RSC-6) to Commercial General (CG)
Parcel Size	+/- 0.58 acres
Street Functional Classification	Lake Avenue - Local Agnes Street - Local Falkenburg Road - County Arterial Columbus Drive - County Collector
Commercial Locational Criteria	Not applicable
Evacuation Area	None

	Table 1: COMPARISON OF SURROUNDING PROPERTIES					
Vicinity	Future Land Use Designation	Zoning	Existing Land Use			
Subject Property	Urban Mixed Use-20	RSC-6	Vacant			
North	Urban Mixed Use-20	RSC-9	Light Commercial			
South	Urban Mixed Use-20	PD	Light Commercial			
East	Urban Mixed Use-20	RSC-6	Single- Family Residential			
West	Public Quasi Public	М	Public/Quasi-Public			

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

The 0.58-acre site is located east of Falkenburg Road, south of Lake Avenue, north of Columbus Drive, and west of Agnes Street. It is located in the Urban Mixed Use-20 Future Land Use Category, which allows for the consideration of residential, regional-scale commercial uses such as malls, office and business park uses, research corporate park uses, light industrial, multipurpose, and clustered residential and/or mixed-use projects at appropriate locations. The site is in the Urban Service Area and within the limits of the Brandon Community Plan, specifically in the Light Industrial Character District.

The intent of the Urban Mixed Use-20 Future Land Use Category is to be urban in intensity and density, with development occurring as the provision and timing of transportation and public facility services necessary to support these intensities and densities are made available. Retail commercial uses shall be clustered at arterial and collector intersections. Strip development with separate driveway access for non-residential uses to arterials shall be prohibited.

The applicant is requesting to rezone from Residential Single Family Conventional-6 (RSC-6) to Commercial General (CG). The applicant states that the nature of the proposed rezoning on the subject parcel is to serve the community's general community needs. The applicant also states that the property is serviced with public water and sewer connections, the parcel shall comply with the Comprehensive Plan, and the parcel shall comply with the minimum standards for the General Commercial zoning district and other related regulations.

To ensure that it is consistent with Objective 8 and Policy 8.5 of the FLUE, with a Floor Area Ratio of 1.0 and +/- 0.58 acres, up to 25,264 square feet of non-residential uses may be considered at this location.

The subject site is in the Urban Service Area where, according to 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 proposal meets the intent of the Neighborhood Protection policies that modify Future Land Use (FLUE) Objective 16 that require new development to be compatible with the surrounding neighborhood (FLUE Policies 16.1, 16.2, 16.3, 16.5 and 16.10). Goal 12 and Objective 12-1 of the Community Design Component (CDC) of the FLUE require new developments to recognize the existing community and be designed to relate to and be compatible with the predominant character of the surrounding area. In this case, the surrounding land use pattern is mostly light commercial use and Public/Quasi-Public uses surrounding the subject site with the exception of the single-family use to the east of the subject property. According to the Development Services Department, a 20-foot-wide buffer with a B screening will be needed to the east and north of the subject site, which is in accordance with Comprehensive Plan Objective 16 Policy 16.1 regarding Neighborhood Protection. As such, the range of uses allowable in the Commercial General zoning district will complement the surrounding area.

The Comprehensive Plan requires that all development meet or exceed the land development regulations in Hillsborough County (FLUE Objective 9, FLUE Policy 9.1 and FLUE Policy 9.2). According to the documents uploaded in OPTIX, transportation had no objections.

Because of the location of the subject site and the majority of the surrounding uses are light industrial and public/quasi-public uses, the proposed use meets the intent of the Brandon Community Plan, which seeks to 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. The subject site also supports the Brandon Communities Element whereas the northwest area of Brandon is to be devoted primarily to business parks, light industrial, and government uses as according to the Brandon Light Industrial character district.

# Recommendation

Based upon the above considerations and the following Goals, Objectives and Policies, Planning Commission staff finds the proposed rezoning **CONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*.

\_\_\_\_\_

Staff Identified Goals, Objectives and Policies of the *Unincorporated Hillsborough County Comprehensive Plan* Related to the Request:

# **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 9.1:** Each land use plan category shall have a set of zoning districts that may be permitted within that land use plan category, and development shall not be approved for zoning that is inconsistent with the plan.

**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.

# **Environmental Considerations:**

**Objective 13:** New development and redevelopment shall not adversely impact environmentally sensitive areas and other significant natural systems as described and required within the Conservation and Aquifer Recharge Element and the Coastal Management Element of the Comprehensive Plan.

# *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: locational criteria for the placement of non-residential uses as identified in this Plan, limiting commercial development in residential land use categories to neighborhood scale; 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.

**Policy 16.10:** Any density increase shall be compatible with existing, proposed, or planned surrounding development. Combability 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.

# **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.

# 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: BRANDON COMMUNITY PLAN

Goal 1: Establish a balanced transportation system by prioritizing options to serve local and regional needs and facilitating multi-modal choices.

5. As roads are improved, require the addition of amenities for pedestrians and bicyclists. Provide intersection improvements, turn lanes, bicycle lanes, traffic signalization, roadway maintenance, crosswalks, and landscape improvements that maintain the adopted level of service and reflect the best practices of the Livable Roadways Guidelines.

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.

C. Light Industrial – Northwest area of Brandon devoted primarily to business parks, light industrial and government uses. A large part of this area is the Falkenburg Government Complex, a concentration of Hillsborough County government buildings as well as Hillsborough Community College's Brandon Campus. Landscape plantings of trees and shrubs are encouraged to soften the look of these buildings and screen less visually appealing activities from the view of the main thoroughfares.

# **FUTURE LAND USE**

RZ 24-0878

CONTINUED APPROVED DENIED

WITHDRAWN

PENDING

Tampa Service Area Urban Service Area wam.NATURAL.LULC\_Wet\_Poly

Jurisdiction Boundary

Cherry Palm Dr

County Boundary

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR) AGRICULTURAL/MINING-1/20 (.25 FAR)

AGRICULTURAL/RURAL-1/5 (.25 FAR) AGRICULTURAL-1/10 (.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-12 (.35 FAR) RESIDENTIAL-9 (.35 FAR)

RESIDENTIAL-16 (.35 FAR)

RESIDENTIAL-20 (.35 FAR) RESIDENTIAL-35 (1.0 FAR)

NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)

COMMUNITY MIXED USE-12 (.50 FAR) SUBURBAN MIXED USE-6 (.35 FAR)

INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR) REGIONAL MIXED USE-35 (2.0 FAR) URBAN MIXED USE-20 (1.0 FAR)

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAILCOMMERCE) RESEARCH CORPORATE PARK (1.0 FAR) OFFICE COMMERCIAL-20 (.75 FAR)

LIGHT INDUSTRIAL PLANNED (.75 FAR)

HEAVY INDUSTRIAL (.75 FAR) LIGHT INDUSTRIAL (.75 FAR)

WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR) NATURAL PRESERVATION PUBLIC/QUASI-PUBLIC

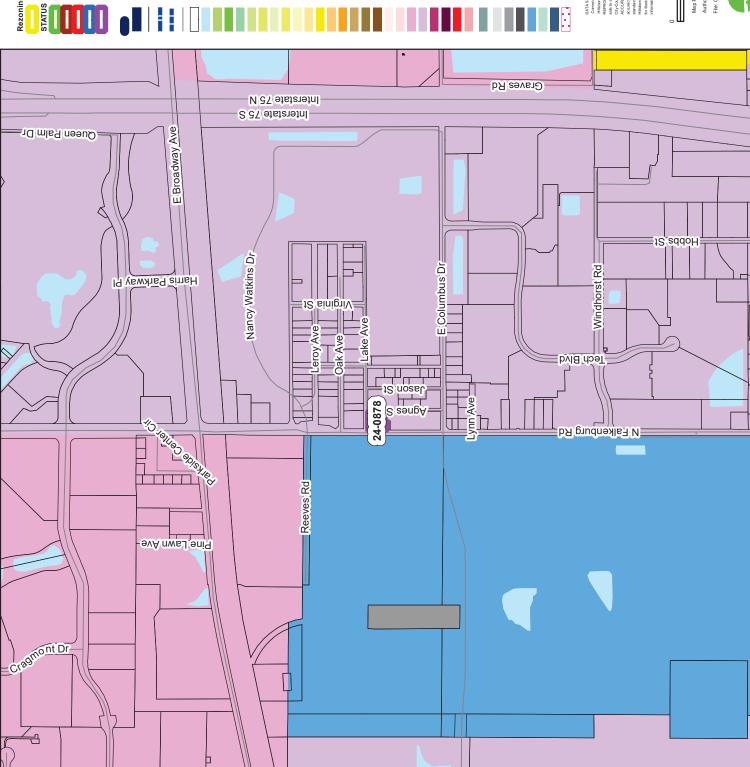
CITRUS PARK VILLAGE











# AGENCY COMMNENTS

# AGENCY REVIEW COMMENT SHEET

TO: Z	Coning Technician, Development Services Depart	tment DATE: 9/2/2024	
REVI	EWER: Alex Steady, AICP	AGENCY/DEPT: Transportation	
PLANNING AREA/SECTOR: Brandon/ Central		PETITION NO: STD RZ 24-0878	
	This agency has no comments.		
X	This agency has no objection.		
	This agency has no objection, subject to the list	sted or attached conditions.	
	This agency objects for the reasons set forth b	elow.	

# PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone one parcel totaling +/- 0.58 acres from Residential Single Family Conventional - 6 (RSC-6) to Commercial General (CG). The site is located on the northwest corner of the intersection of Falkenburg Road and Lake Ave +/- 450 feet north of the intersection of Falkenburg Road and Columbus Drive. The Future Land Use designation of the site is Urban Mixed Use - 20 (UMU-20).

# SITE ACCESS

The subject rezoning proposes a significant intensification of the site. The site has frontage on Falkenburg Road, Lake Ave, and Agnes Street. The Land Development Code Section 6.04.07 requires access spacing along Falkenburg Road to be a minimum of 245 feet between access points. Based on the existing access on this roadway, access spacing cannot be met on Falkenburg. The LDC requires access spacing along Lake Drive to spacing to be a minimum of 150 feet from the intersection of the collector roadway and a local roadway and a minimum of 50 feet from other access points on the roadway. Any access on Lake must meet LDC access spacing standards during the site review process. The LDC requires any access on Agnes to be at least 50 feet from any other 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.

Transportation Review Section staff did review the proposed rezoning to determine whether the zoning is generally consistent with applicable policies of the Hillsborough County Comprehensive Plan, LDC and TTM, and in staff's opinion, some reasonable level of development under the proposed zoning designation could be supported based on current access management standards.

Staff notes that any plans or graphics presented as a part of a Euclidean zoning case are 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 Uses:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	AM	PM
RSC-6, 3 Single Family Dwelling Units (ITE Code 210)	40	3	3

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
CG, 4,000 sf Fast-Food Restaurant with Drive- Through Window (ITE 934)	1,870	178	132
CG, 2,500 sf Drive-In Bank (ITE Code 912)	250	24	52
Total	2,120	202	184

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	AM	PM
Difference	+2,080	+199	+181

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Falkenburg Road, Lake Ave, and Agnes Street. Falkenburg Road. is a substandard 4-lane, divided, county-maintained, local roadway. The roadway is characterized by +/- 12 ft wide travel lanes, and +/- 5 ft wide sidewalks on both sides, within +/- 94 ft of the right of way. Lake Ave is a substandard 2-lane, undivided, county-maintained, local roadway. The roadway is characterized by +/- 8 ft wide travel lanes, within +/- 43 ft of the right of way. There are no sidewalks on either side of the roadway. Agnes St is a substandard 2-lane, undivided, county-maintained, local roadway. The roadway is characterized by +/- 12 feet of pavement. There are no sidewalks on either side of the roadway.

# **ROADWAY LEVEL OF SERVICE (LOS) INFORMATION**

Lake Ave and Agnes Street are not regulated roadways and were not included in the Level of Service Report. Level of Service (LOS) information for Falkenburg Rd. is reported below.

FDOT Generalize	d Level of Service			
Roadway	From	То	LOS Standard	Peak Hr
Roauway	From	10	LOS Standard	Directional LOS
Falkenburg Rd	Adamo Dr	M L King	D	С

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	<b>Current Conditions</b>	Select Future Improvements
Falkenburg Road	County Arterial - Urban	4 Lanes  ⊠Substandard Road  □Sufficient ROW Width	<ul><li>☐ Corridor Preservation Plan</li><li>☐ Site Access Improvements</li><li>☐ Substandard Road Improvements</li><li>☐ Other</li></ul>
Lake Ave	County Arterial - Urban	4 Lanes  ⊠Substandard Road  □Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other
Agnes St	County Arterial - Urban	4 Lanes ⊠Substandard Road □Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other

<b>Project Trip Generation</b>	$\square$ Not applicable for this request		
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	40	3	3
Proposed	2,120	202	184
Difference (+/-)	+2,080	+199	+181

<sup>\*</sup>Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross	S Access ⊠Not app	licable for this request		
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Choose an item.	None	Meets LDC
South		Choose an item.	None	Meets LDC
East		Choose an item.	None	Meets LDC
West		Choose an item.	None	Meets LDC
Notes:	•			

Design Exception/Administrative Variance ⊠N	ot applicable for this request	
Road Name/Nature of Request	Туре	Finding
	Choose an item.	Choose an item.
	Choose an item.	Choose an item.
Notes:		

4.0 Additional Site Information & Agency Comme	nts Summary		
Transportation	Objections	Conditions Requested	Additional Information/Comments
☐ Design Exception/Adm. Variance Requested	☐ Yes ☐ N/A	☐ Yes	See Staff Report.
☐ Off-Site Improvements Provided	⊠ No	⊠ No	See Staff Report.

# **COMMISSION**

Gwendolyn "Gwen" W. Myers CHAIR Harry Cohen VICE-CHAIR Donna Cameron Cepeda Ken Hagan Pat Kemp Michael Owen Joshua Wostal



# **DIRECTORS**

Janet D. Lorton EXECUTIVE DIRECTOR Elaine S. DeLeeuw ADMIN DIVISION Sam Elrabi, P.E. WATER DIVISION Diana M. Lee, P.E. AIR DIVISION Michael Lynch WETLANDS DIVISION Rick Muratti, Esq. LEGAL DEPT Steffanie L. Wickham WASTE DIVISION

# **AGENCY COMMENT SHEET**

REZONING		
HEARING DATE: 7/22/2024	COMMENT DATE: 6/7/2024	
<b>PETITION NO.: 24-0878</b>	PROPERTY ADDRESS: 2733 N Falkenburg Rd,	
EPC REVIEWER: Melissa Yanez	Tampa, FL 33619 <b>FOLIO #:</b> 0656510000	
<b>CONTACT INFORMATION:</b> (813) 627-2600 x 1360	STR: 08-29-20	
EMAIL: yanezm@epchc.org		

**REQUESTED ZONING:** From RSC-6 to CG

FINDI	NGS
WETLANDS PRESENT	NO
SITE INSPECTION DATE	NA
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO,	Desktop Review- Aerial review, Soil survey, and
SOILS SURVEY, EPC FILES)	EPC file search

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.

# **INFORMATIONAL COMMENTS:**

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.

EPC staff reviewed the above referenced parcel 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 aerial photography, soil surveys, and reviewing EPC files. Through this review, it appears that no wetlands or other surface waters exist onsite/ within the proposed construction boundaries.

 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.

My/cb

ec: Joseph L Diaz - jldiazlaw@aol.com

# **ENVIRONMENTAL SERVICES DIVISION**



PO Box 1110 Tampa, FL 33601-1110

# **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: 5/31/2024

**REVIEWER:** Kim Cruz, Environmental Supervisor **REVIEW DATE:** 6/12/2024

**PROPERTY OWNER:** D Maurice Raybon PID: 24-0878

**APPLICANT:** Joseph L. Diaz, Esq.

**LOCATION:** 2733 N Falkenburg Road Tampa, FL 33619

**FOLIO NO.:** 65651.0000

# **AGENCY REVIEW COMMENTS:**

At this time, according to the Hillsborough County BOCC approved maps adopted in the Comprehensive Plan, the site does not appear to be located within a Wellhead Resource Protection Area (WRPA), Potable Water Wellfield Protection Area (PWWPA) and/or Surface Water Resource Protection Area (SWRPA), as defined in Part 3.05.00 of the Hillsborough County Land Development Code (LDC).

Hillsborough County EVSD has no objection and no recommended conditions.

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

	TION NO.: <u>RZ-STD 24-0878</u> <b>REVIEWED BY:</b> <u>Clay Walker, E.I.</u> <b>DATE:</b> <u>6/10/2024</u> <b>D NO.:</b> 65651.0000
	7 1 0 0 0 1 1 0 0 0 0 0 0 0 0 0 0 0 0 0
	WATER
$\boxtimes$	The property lies within the <u>City of Tampa</u> Water Service Area. The applicant should contact the provider to determine the availability of water service.
	A inch water main exists \[ \] (adjacent to the site), \[ \] (approximately feet from the site) 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 <u>6</u> inch wastewater forcemain exists (approximately <u>475</u> feet from the project site), (adjacent to the site) <u>and is located south of the subject property within the north Right-of-Way of East Columbus Drive</u> . 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.
COMN	MENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's wastewater system and the City of Tampa's water system. 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.

#### AGENCY REVIEW COMMENT SHEET

TO:	ZONINO	G TECHNICIAN, Planning Growth Mana	ngement	<b>DATE:</b> 3 June 2024	
REV	IEWER:	Bernard W. Kaiser, Conservation and I	Environmental La	nds Management	
APP	LICANT:	Joseph Diaz	<b>PETITION NO:</b>	RZ-STD 24-0878	
LOCATION: 2733 N. Falkenburg Rd., Tampa, FL 33619					
FOL	IO NO:	65651.0000	<b>SEC:</b> <u>08</u> <b>TWN:</b>	<u>29</u> RNG: <u>20</u>	
	This ag	ency has no comments.			
	This ag	ency has no objection.			
$\boxtimes$	This ag	ency has no objection, subject to listed	or attached condi	tions.	
	This ag	ency objects, based on the listed or atta	ched conditions.		
COMM	LDC 4.0 compat necess shall be Environ	The subject application is adjacent to the D1.11, compatibility of the development vibility plan that addresses issues related arily limited to, access, prescribed fire, as proposed by the developer, reviewed a mental Lands Management Department, as a Natural Resources Permit.	vith the preserve to the developme and landscaping. and approved by	will be ensured with a ent such as, but not The compatibility plan the Conservation and	

## VERBATIM TRANSCRIPT

HILLSBOROUGH COUNTY, FLORIDA						
BOARD OF COUNTY COMMISSIONERS						
	X					
IN RE:	)					
ZONE HEARING MASTER ) HEARINGS )						
nearings						
ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS						
BEFORE:	Susan Finch Land Use Hearing Master					
DATE:	Monday, September 16, 2024					
TIME:	Commencing at 6:00 p.m. Concluding at 6:52 p.m.					
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard, Second Floor Tampa, Florida 33610					
Reported by: Brittany Bridges, AAERT Digital Reporter	No. 1607					

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MS. HEINRICH: Okay. That will bring us to Item C.2
 1
 2
    as C.1 was continued. And that is Standard Rezoning 24-0878.
    The applicant is requesting to rezone property from RSC-6 to a
 3
        Isis Brown with Development Services will provide staff
    that findings. She was unexpectedly not able to come, so she
    would be -- I think she's going to try to appear virtually.
    not, I'm prepared to give staff findings.
              HEARING MASTER: I do see her online.
 8
             MS. HEINRICH: Okay.
 9
             HEARING MASTER: All right. Good evening, Ms. Brown.
10
11
    All right. Good evening, go ahead.
              MS. BROWN: All right. Good evening.
12
                                                     Isis Brown,
13
    Development Services. Standard Rezone 24-0878.
14
              The request here is for a parcel 0.615 acres to rezone
15
    from RSC-6 to CG. The adjacent properties are zoned RSC-9 to
    the north, planned development to the south, RSC-6 to the east
16
    and manufacturing to the west. The site is surrounded and it's
17
18
    located in the UM -- the -- the UMU-20 Future Land Use Category,
    which allows for residential, regional commercial uses and
19
20
    office, parks, etcetera.
              No waivers or variances are proposed. And the site
21
22
    will therefore meet the CG standard zoning districts --
23
    standard, sorry. And which will include also the capacity for
    the measure -- measurements for setbacks, height, buffering,
24
    screenings and other development standards.
25
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Based on the above consideration, staff finds that the 1 proposed CG zoning is approvable. I'm available for any questions. 3 HEARING MASTER: No questions at this time. Thank you so much. I broke my own rule and already so incorrect. The 6 applicant goes first. But we'll just move on with our day. may I have the applicant up, please? 8 Good evening. If you could give us your name and 9 address, please. 10 MR. DIAZ: Good evening, Madam Hearing Officer. My 11 name is Joseph Diaz. My address is 3242 Henderson Boulevard, 12 13 Suite 310, Tampa, Florida. 14 HEARING MASTER: Thank you. 15 MR. DIAZ: I am here on behalf of the applicant. The subject property is located at the southeast corner of 16 17 Falkenburg Road and Lake Avenue. As it turns out, it actually 18 fronts on three -- fronts on Falkenburg, it fronts on Lake and it fronts on Agnes, which is the -- the rear property. 19 20 It is presently zoned RSC-6. The property to the 21 north is zoned RSC-9 and as I understand it, is some light 22 commercial uses going on there. The property to the south is a PD, which is a warehouse office building. The property to the 23 east is RSC-6, which is a single-family residence. And the 24 property directly across the street, which is on the west side 25

of Falkenburg is zoned industrial. It's owned by 1 Hillsborough County and it's part of there, where they have not right there, but with the whole parcel that they own is where the sheriff's office is at, the -- the clerk's office is at, it borders office is at. A little bit further down the street, there is a sheriff's office. A little bit further down there's the jail. Okay. The property presently consists of 13 lots. Lots one 8 through seven that front on Falkenburg and lots 47 through 52 9 that front on Agnes. 10 11 Can you hear me better? 12 HEARING MASTER: I can. Thank you. 13 MR. DIAZ: Thank you. Ma'am, in -- in looking at the 14 report that was prepared by the County, all the reviewing 15 agencies had that they had no objection. That includes environmental protection commission, natural resources, 16 conservation and environmental land management, transportation, 17 utility services. And the Planning Commission found this 18 19 application to be consistent. 20 We would respectfully request that you approve our 21 application. 22 HEARING MASTER: Does that complete your presentation? 23 MR. DIAZ: Yes, ma'am. It does. HEARING MASTER: Thank you so much. I appreciate it. 2.4 25 If you could please sign it with clerk's office.

1 MR. DIAZ: Sure. HEARING MASTER: All right. We will go to the 2 Planning Commission. 3 4 MR. ROYAL: Good evening. Tyrek Royal, Planning Commission Staff. The subject site is located in the urban mixed use 6 20 Future Land Use Category. The site is in the urban service area and located within the limits of the light industrial 8 character district with the Brandon Community Plan. The request meets the intent of Objective 1 and Policy 1.4 of compatibility. 10 11 The surrounding land use pattern is mostly light commercial, public-quasi-public uses surrounding the subject site, with the 12 13 exception of a single-family use to the east. 14 According to the Development Services Department, a 15 20-foot wide buffer with a B screening will be needed to the east and north of the subject site, which is in accordance with 16 the comprehensive plan Objective 16, Policy 16.1 regarding 17 neighborhood protection. The pol -- proposal will also meet the 18 intent of light -- Brandon Community Plan. 19 Based upon these considerations, Planning Commission 20 21 Staff finds the proposed rezoning consistent with the 22 Unincorporated Hillsborough County Comprehensive Plan, subject 23 to the proposed conditions by the Development Services Department. Thank you. 24 25 Thank you so much. I appreciate it. HEARING MASTER:

1	Is there anyone in the audience or online that would		
2	like to speak in support? Anyone in favor. I'm seeing no one.		
3	Anyone in opposition to this request? No one.		
4	Ms. Heinrich, anything else?		
5	MS. HEINRICH: Nothing further, ma'am.		
6	HEARING MASTER: All right. Mr. Diaz, you have the		
7	last word if you'd like it?		
8	MR. DIAZ: No.		
9	HEARING MASTER: All right. Thank you for that. I		
10	appreciate it.		
11	Then we'll close Rezoning 24-0878 and go to the next		
12	case.		
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#### Zoning Hearing Master Hearing August 19, 2024

	OROUGH COUNTY, FLORIDA f County Commissioners			
   IN RE:	X )			
ZONE Hearing Master HEARINGS	) ) )			
	X			
ZONING Hearing Master HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS				
BEFORE:	Pamela Jo Hatley Land Use Hearing Master			
DATE:	Monday, August 19, 2024			
TIME:	Commencing at 6:00 p.m. Concluding at 8:57 p.m.			
LOCATION:	Hillsborough County BOCC Development Services Department- Second Floor Boardroom 601 East Kennedy Boulevard Tampa, Florida 33601			
Reported by: Diane DeMarsh, AAERT No. Digital Reporter	1654			

#### Zoning Hearing Master Hearing August 19, 2024

September 16, 2024 ZHM Hearing. 1 Item A.8, PD Rezoning 24-0701. This application is out of order to be heard and is being continued to the 3 September 16, 2024 ZHM Hearing. Item A.9, PD 24-0707. This application is out of order to be heard and is being continued to the October 15, 2024 ZHM Hearing. Item A.10, PD Rezoning 24-0722. This application is 8 out of order to be heard and is being continued to the 9 September 16, 2024 ZHM Hearing. 10 11 Item A.11, Major Mod 24-0731. This application has been withdrawn from the hearing process. 12 13 Item A.12, PD 24-0780. This application is out of 14 order to be heard and is being continued to the October 15, 2024 15 ZHM Hearing. 16 Item A.13, Major Mod 24-0788. This application is out 17 of order to be heard and it is being continued to the 18 September 16, 2024 ZHM Hearing. Item A.14, PD 24-0789. This application is out of 19 20 order to be heard and is being continued to the 21 September 16, 2024 ZHM Hearing. 22 Item A.15, Standard Rezoning 24-0878. This 23 application is being continued by the applicant to the September 16, 2024 ZHM Hearing. 24 25 Item A.16, Standard Rezoning 24-0909. This

	July 22, 2024
	BBOROUGH COUNTY, FLORIDA of County Commissioners
IN RE:	X )
ZONE HEARING MASTER HEARINGS	) ) ) X
	HEARING MASTER HEARING OF TESTIMONY AND PROCEEDINGS
BEFORE:	Susan Finch
	Land IIca Hearing Magter

Land Use Hearing Master

DATE: Monday, July 22, 2024

TIME: Commencing at 6:00 p.m.

Concluding at 9:32 p.m.

LOCATION: Hillsborough County BOCC

601 East Kennedy Boulevard Second Floor Boardroom

Tampa, Florida 33601

Reported by: Diane DeMarsh, AAERT No. 1654 Digital Reporter

to the August 19, 2024 ZHM Hearing. 1 Item A.19, Standard Rezoning 24-0877. This application is out of order to be heard and is being continued 3 to the August 19, 2024 ZHM Hearing. 5 Item A.20, Standard Rezoning 24-0878. This application is out of order to be heard and is being continued to the August 19, 2024 ZHM Hearing. And that concludes all the withdrawals and 8 continuances. 9 HEARING MASTER: Thank you so much. I appreciate it. 10 11 Let me start by going over our hearing procedures for tonight's agenda. Our hearing today consists of agenda items 12 13 that require a public hearing by a zoning hearing master. I'll 14 conduct the hearing on each agenda item and we'll file a 15 recommendation within 15 business days following tonight's hearing. Those recommendations are then sent to the Board of 16 17 County Commissioners, who will make the final decision on each 18 agenda item. Our hearing tonight is informal. I'll ask questions 19 related to the scope of direct testimony. I may call and 20 21 question witnesses as I deem appropriate. And I'll decide all 22 questions of procedure. I'll take evidence, but will exclude 23 evidence that is irrelevant, immaterial or unduly repetitious. Evidence may be presented in written form and all testimony must 24 be under oath. Hearsay evidence may be used to supplement or 25

## EXHIBITS SUBMITTED DURING THE ZHM HEARING

## **NONE**

# PARTY OF RECORD

## **NONE**