

LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 23-0214		
LUHO HEARING DATE: April 24, 2023	CASE REVIEWER: Sam Ball	

REQUEST: The applicant is requesting a sign variance to accommodate a façade renovation for an existing big box store.

VARIANCE:

Per LDC Section 7.03.00.A.2.a., concerning maximum building sign area, each premises, and in the case of multi-occupancy buildings, each unit, shall be permitted to display building sign(s), the aggregate sign area of which shall not exceed 1.25 square feet per each linear foot of building frontage facing a public street or parking lot, but in no event more than 200 square feet of aggregate sign area. The applicant requests an 87.1-foot increase to the maximum permitted sign area on the eastern (front) elevation of the building to allow a total of 287.1 square feet of sign area.

FINDINGS:

None.

DISCLAIMER:

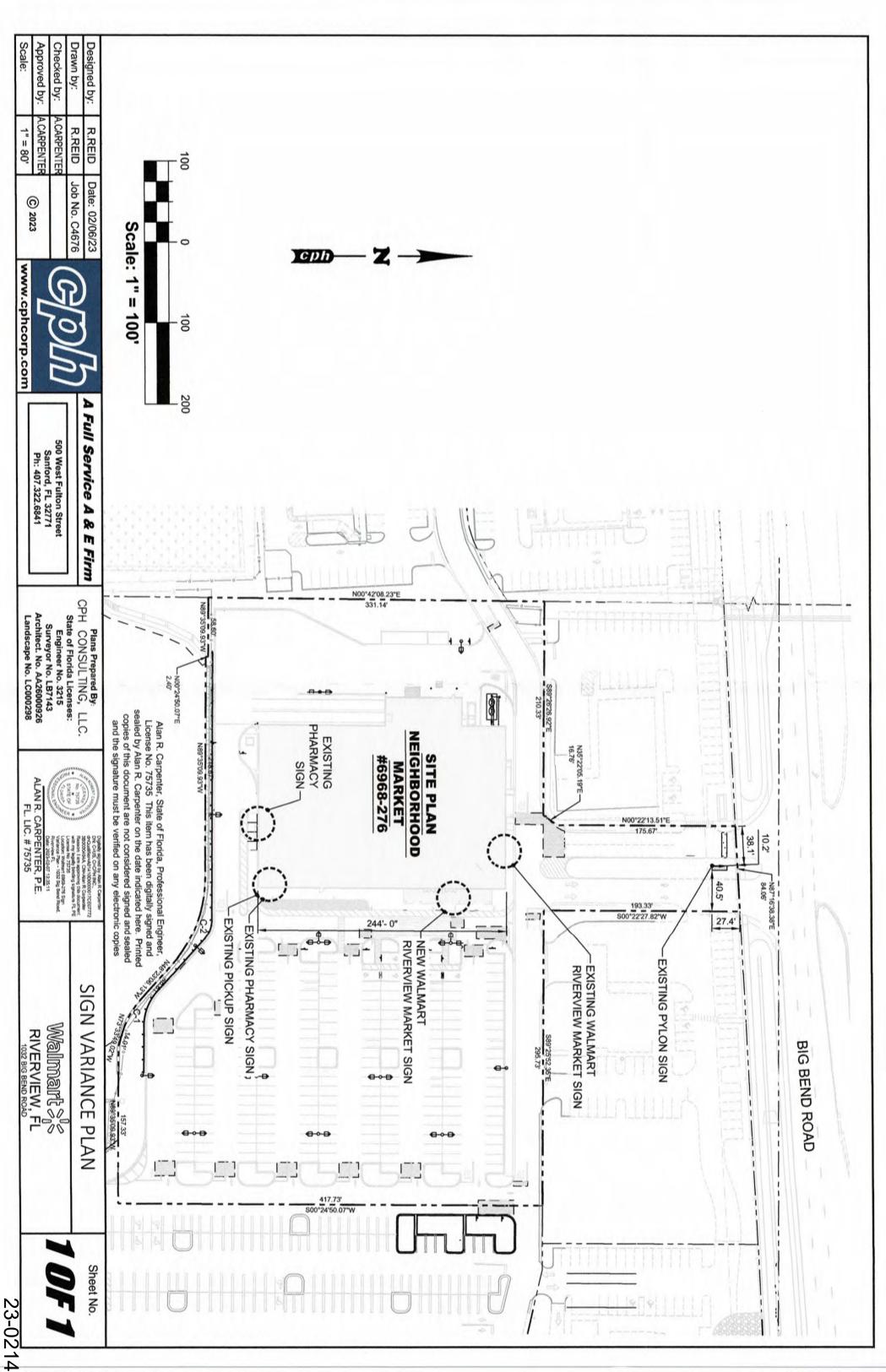
Current Deed

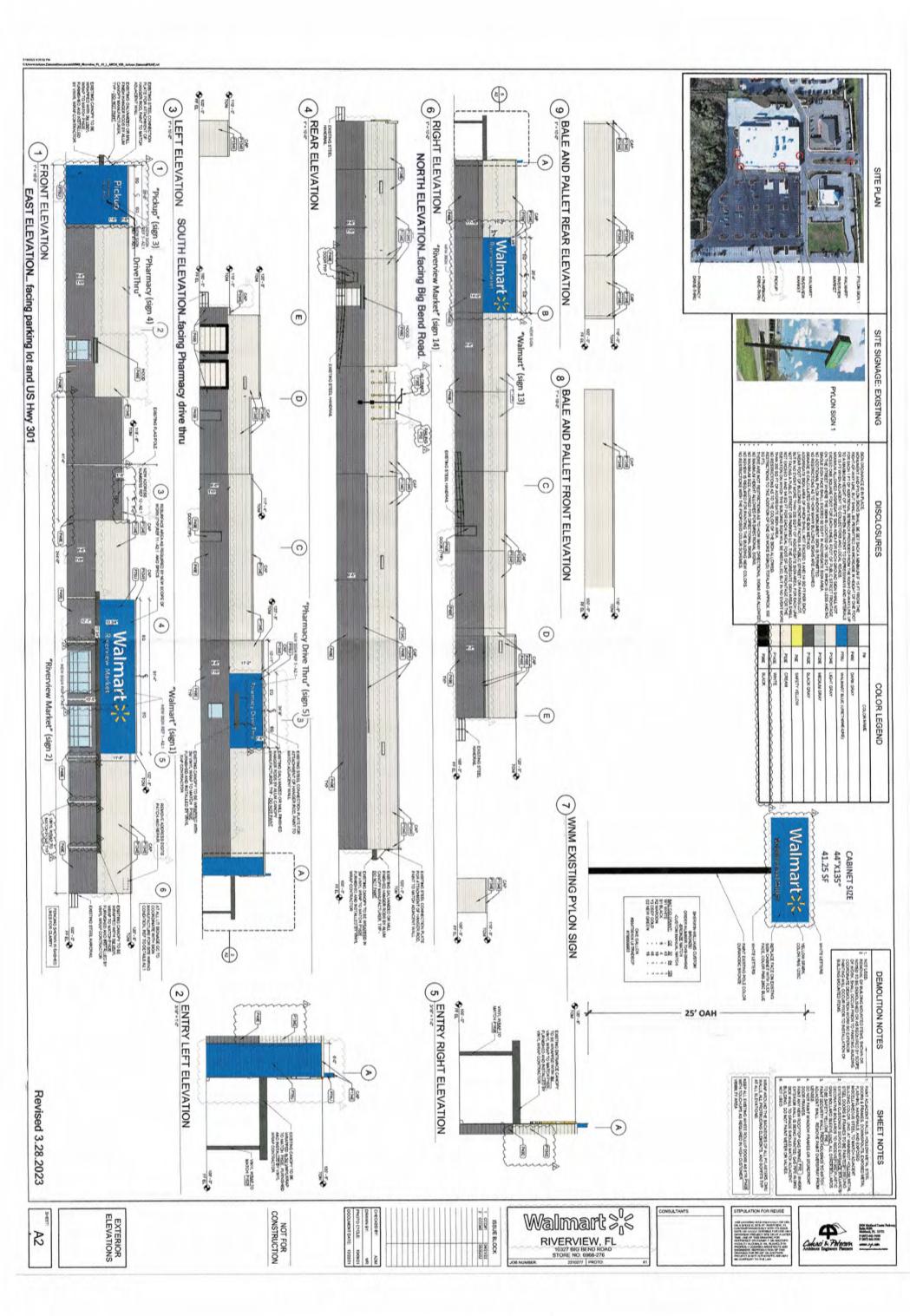
The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

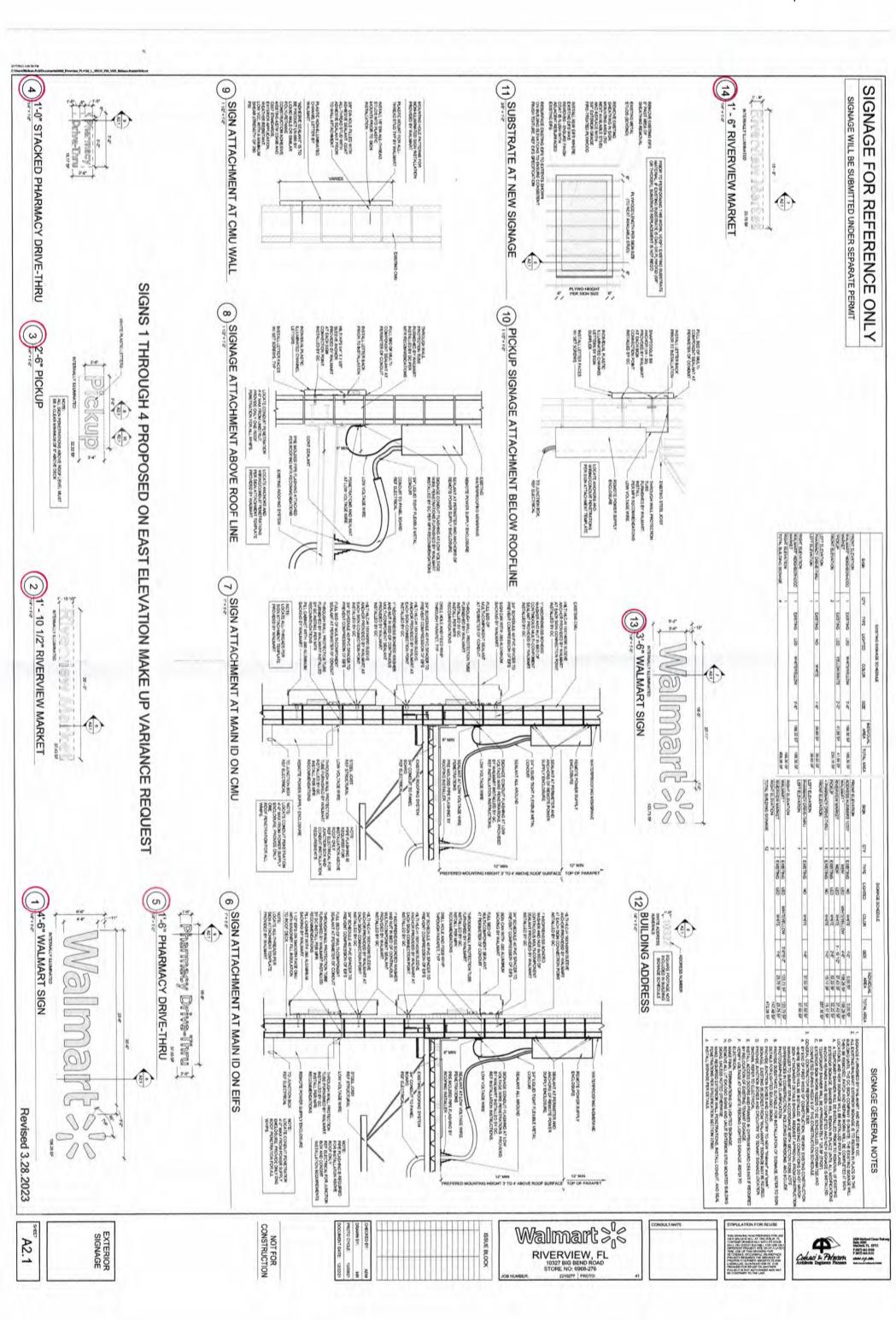
ADMINISTRATOR'S SIGN-OFF

twed Apr 12 2028 13:52:58

Attachments: Application
Site Plan
Petitioner's Written Statement









Additional / Revised Information Sheet

	Office Use Only	
Application Number: VAR 23-0214	Received Date:	Received By:
must be submitted providing a summary o	of the changes and/or addition wew folio number(s) added. Ac	tion that was previously submitted. A cover letter onal information provided. If there is a change in dditionally, the second page of this form must be with this form.
VAR 23-0214 Application Number:	Applicant's Name:	Mark Brenchley, agent for Walmart Stores
Sam Ball Reviewing Planner's Name:		March 2, 2023 Date:
Application Type: Planned Development (PD) Minor N	Modification/Personal Appear	rance (PRS)
✓ Variance (VAR) ☐ Develop	oment of Regional Impact (DR	I) Major Modification (MM)
Special Use (SU) Condition	onal Use (CU)	Other
Current Hearing Date (if applicable): April 2	4, 2023	
Important Project Size Change Information Changes to project size may result in a new h		l be subject to the established cut-off dates.
Will this revision add land to the project? If "Yes" is checked on the above please ensur	Yes No	
Will this revision remove land from the pro- If "Yes" is checked on the above please ensur		
	submittal items indicated ConingIntake-DSD@hcflgo	on the next page in pdf form to:
	hould be submitted in one e	h item should be submitted as a separate file mail with application number (including prefix)
For additional help and submittal quest	ions, please call (813) 277-16	533 or email ZoningIntake-DSD@hcflgov.net.
I certify that changes described above are to will require an additional submission and o		een made to the submission. Any further changes
Mark Bruch	eleg	March 28, 2023
Signature		Date



Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers. While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications.

Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County</u> <u>Development Services</u> to obtain a release of exempt parcel information.

	king an exemption from public scrutiny of selection Chapter 119 FS? Yes No	ted information submitted with your application
pound	firm that the material submitted with application Includes sensitive and/or protected information.	VAR 23-0214
, 1	Type of information included and location	
	Does not include sensitive and/or protected infor	mation.
Please note: Sens	sitive/protected information will not be accepted/requested unle	ss it is required for the processing of the application.
the data bein		o determine if the applicant can be processed with a lacknowledge that any and all information in the w to be protected.
Signature: _	(Must be signed by applicant or auth	orized representative)
Intake Staff S	Signature:	Date:



Additional / Revised Information Sheet

Please indicate below which revised/additional items are being submitted with this form.

Inc	luded	Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2		Revised Application Form*+
3		Copy of Current Deed* Must be provided for any new folio(s) being added
4		Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5		Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6		Property Information Sheet*+
7		Legal Description of the Subject Site*+
8		Close Proximity Property Owners List*+
9		Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10		Survey
11		Wet Zone Survey
12		General Development Plan
13	\boxtimes	Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15		Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
18		Sign-off form
19		Other Documents (please describe): Exterior Elevations Sheet A2 Locations of wall signs on the elevations are better labeled and correctly correspond with the proposed detailed signs shown on Exterior Signage A2.1. Exterior Signage Sheet A2.1 Individual dimensioned signs as shown in detail on this sheet are more obviously located and identified on the building elevations shown on A2 Exterior Elevations.

^{*}Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

⁺Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

	Hillsborough County Florida	
	Country Florida	
EST. 1834	Development Services	

Project Description (Variance Request)

Application No: ___

1.	In the space below describe the variance including any history and/or related facts that may be helpful in understanding the request. This explanation shall also specifically identify what is being requested (e.g. Variance of 10 feet from the required rear yard setback of 25 feet resulting in a rear yard of 15 feet). If additional space is needed, please attach extra pages to this application.
	In order to complete WalMart's major facade renovation, this variance application seeks approval to add/alter existing signs and add additional wall signs on two elevations and slightly reduce signage on a third elevation.
	Revised 3.28.2023
	1. East elevation (labeled Front) elevation facing east to the huge parking lot and US 301- 4 signs and new five (5) letter address sign totaling 287.10 SF. described as follows: THIS IS THE ONLY ELEVATION WHICH EXCEEDS THE 200 SF WALL SIGN AREA MAXIMUM. (a.) "Riverview" added to to a larger Walmart sign from existing 188.30 SF TO A TOTAL OF 235.71 SF. (b.) Existing "Pickup" sign (41.86 SF) replaced with a smaller "Pickup" sign totaling 32.22 SF.
	(c.) "Pharmacy Drive Thru" sign added to elevation totaling 19.17 SF.
	The following sign details on the two described elevations is for information only are compliant and do not require variance consideration. 2. North Elevation facing north Big Bend Rd. (labeled Left on elevation drawings) "Riverview" will be added to a smaller Walmart sign from an existing sign area of 188.30 SF sign down to 147.48 SF
	3. South Elevation (labeled Left) the existing 39.90 SF "Pharmacy Drive Thru" sign replaced with a smaller "Pharmacy Drive Drive Thru" sign totaling 37.50 SF.
2.	A Variance is requested from the following Section(s) of the Hillsborough County Land Development Code: Part 7.03.00 Permitted Signs- A. Building Signs
	Aggregate wall sign area per elevation cannot exceed 200 SF.
	Additional Information
1.	Have you been cited by Hillsborough County Code Enforcement? X No Yes If yes, you must submit a copy of the Citation with this Application.
2.	Do you have any other applications filed with Hillsborough County that are related to the subject property?
	No If yes, please indicate the nature of the application and the case numbers assigned to the application (s):
3.	Is this a request for a wetland setback variance? No Yes If yes, you must complete the Wetland Setback Memorandum and all required information must be included with this Application Packet.
4.	Please indicate the existing or proposed utilities for the subject property:
	Public Water `
5.	Is the variance to allow a third lot on well or non-residential development with an intensity of three ERC's? No Yes If yes, you must submit a final determination of the "Water, Wastewater, and/or Reclaimed Water – Service Application Conditional Approval – Reservation of Capacity" prior to your public hearing

A 11 A1		
Application No:		
, , , , , , , , , , , , , , , , , , , ,	***************************************	



Variance Criteria Response

buildings. The larger Walmart wall signs on the blue background will provide a more reasonable identifier and wayfinding feature for the motoring public ind increase traffic safety on said road.

2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC. Said literal interpretation deprives this large and wide frontage multiple product department store-type building of reasonable development potential and sign identification enjoyed by similar properties. If this 244' wide Walmart was physically proportioned into two 122' wide suites where different products are sold, each would be allowed 152.5 SFor 305 SF total. This increase of 105 SF could occur without any descretionary considerations that this variance application is seeking to ameliorate, such as a signficant 980' setback, screening of building and building signs by frontage commercial buildings along US Hwy 301 and the same frontage building obstructions along Big Bend Road which serves as the primary access to the property.

3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

Because the Walmart building is so signficantly setback behind other commercial buildings that front Big Bend Road and US Hwy 30, any increased wall sign area will not interfere with or injure the right of others whose property would be affected by allowance of the variance because said frontage properties and their signs are more readily visible to the motoring public.

4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).
Not only is this variance in harmony with the LDC general Intent and Purpose of Sec. 1.02.02 and .03 but it serves the Purpose and Intent of Sec. 7.00.02 of specific sign code and provides the minimum control of signs necessary to promote the health, safety and general welfare of the county by lessening hazards to pedestrians and vehicular traffic. Increasing the size of signs which identify the nation's largest retailer located, in this case, behind frontage buildings does promote traffic safety and wayfinding benefits of signage and at the same time ensures good and attractive designs that strengthen the county's appearance and economic base and preserves the right of reasonable expression.

5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

The variance request is not a result of an illegal act nor is it a self imposed hardship. As interfering and screening frontage buildings have developed along these two major access roads over time, the Walmart building which was built on a "flag lot" in 2015 in a development dating back to 2006, reasonable visibility has been compromised and the maximum sign area regulations have been proven inadequate and unreasonable for critical identification and wayfinding purposes.

6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

Granting this variance, which seeks reasonable sign identification wayfinding visibility ameliorates an individual hardship evident at this site. Approving said variance will result in substantial justice being done while still ensuring that the public benefits intended by the LDC of promoting health, safety and welfare of county residents along with intended aesthetic benefits will, in no way, be compromised by variance approval.

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INSTRUMENT#: 2015092570, BK: 23137 PG: 1239 PGS: 1239 - 1243 03/11/2015 at
10:13:31 AM, DOC TAX PD(F.S.201.02) \$27545.00 DEPUTY CLERK:DJOHNSON Pat
Frank,Clerk of the Circuit Court Hillsborough County



This instrument prepared by and return to: Richard D. Eckhard, Esq. HOLLAND & KNIGHT LLP 100 N. Tampa Street Suite 4100 Tampa, FL 33602

Property Appraiser's Folio Number: 077771-9236

RETURN TO:
FIDELITY NATIONAL TITLE
ATTN: JENNIE CLAYTON
5690 W. Cypress Street, Suite A
Tampa, FL 33607
File No 14 ~ 01474

SPECIAL WARRANTY DEED

The Grantor, **DD/RIVERVIEW**, **LLC**, a Delaware limited liability company, whose mailing address is 15436 N. Florida Avenue, Suite 200, Tampa, FL 33613, Attention: General Counsel, in consideration of ten dollars and other valuable considerations received from the Grantee, hereby grants and conveys to the Grantee, **264 EAST 10th STREET**, **INC.**, a New York corporation, whose mailing address is c/o Yoshimi Logan, 27701 Forester Drive, Bonita Springs, Florida 34134, the real property in Hillsborough County, Florida, described on Exhibit "A" attached hereto (the "Real Property").

As against all persons claiming by, through, or under the Grantor, the Grantor covenants that the Real Property is free of all encumbrances, subject to lien for real estate taxes not yet due and payable and to all other matters set forth on attached Exhibit "B", that lawful seisin of and good right to convey the Real Property is vested in the Grantor, and that the Grantor fully warrants the title to the Real Property and will defend the same against the lawful claims of all persons claiming by, through, or under the Grantor.

Notary Public--State of Florida CAROLYN A PAPOZZI

(Printed, Typed or Stamped Name of Notary)
My commission expires: 5 6 18
Commission Number: FF 108 744

Dated this <u>Unday of March</u>	
Signed in the presence of two witnesses:	DD/RIVERVIEW, LLC, a Delaware limited liability company
DEPORAH WULKINHAUPT (Print name signed above)	By: Riverview Bell Plaza, LLC, a Delaware limited liability company, Manager
(2) ENVETT (Print name signed above)	By: DeBartolo Development, LLC, a Delaware limited liability company, Its Manager
	By: Edward M. Kobel, Its Manager
STATE OF FLORIDA	
COUNTY OF HILLSBOROUGH	
LLC, a Delaware limited liability compandom Delaware limited liability company, as M	mowledged, sworn to and subscribed before me this M. Kobel, as Manager of DeBartolo Development, ny, as Manager of Riverview Bell Plaza, LLC, a anager of DD/Riverview, LLC, a Delaware limited liability company. He is personally known to me or as identification.
(affix notarial seal)	Carolyn a. Rapunge (Official Notary Signature)

CAROLYN A. RAPUZZI

Notary Public - State of Florida My Comm. Expires May 6, 2018 Commission # FF 108744 **Bonded Through National Notary Assn**

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 8, Riverview Bell Plaza, as recorded in Plat Book 117, Page 1 of the Public Records of Hillsborough County, Florida.

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Submittal Requirements for Applications Requiring Public Hearings

Application No: VAR 23-0214 Hearing(s) and type: Date: 04/24/2023 Date:		Official Use Only Type: Type:	UHO Intake Date: 02/22/2023	
Applicant/Representative: _	Mark Brenchley		Phone:_	435-512-6833
Representative's Email:	wcfpermits.markb@g	gmail.com		

The following information is used by reviewing agencies for their comments and should remain constant, with very few exceptions, throughout the review process. Additional reviews, such as legal description accuracy, compatibility of uses, agency reviews, etc., will still be conducted separately and may require additional revisions.

The following ownership information must be provided and will verified upon submission initial submittal. If you are viewing this form electronically, you may click on each underlined item for additional information.

Part A: Property Information & Owner Authorization Requirements

Ind	cluded	N/A	Requirements
1	\boxtimes		Property/Applicant/Owner Information Form
2			Affidavit(s) to Authorize Agent (if applicable) NOTE: All property owners must sign either the Application form or the Affidavit to Authorize Agent. If property is owned by a corporation, submit the Sunbiz information indicating that you are authorized to sign the application and/or affidavit.
3	\boxtimes		<u>Sunbiz Form</u> (if applicable). This can be obtained at <u>Sunbiz.org</u> .
4			<u>Property/Project Information Sheet</u> All information must be completed for each folio included in the request.
5	$ ilde{\triangle}$		Identification of Sensitive/Protected Information and Acknowledgement of Public Records
6	\boxtimes		Copy of Current Recorded Deed(s)
7	\boxtimes		Close Proximity Property Owners List
8	X		Legal Description for the subject site See Exhibit A OF WARRANTY DEED
9		X	Copy of Code Enforcement/Building Code Violation(s) (if applicable)
10		X	Fastrack Approval (if applicable)

Additional application-specific requirements are listed in Part B.



Property/Applicant/Owner Information Form

	Official Use Only	02/22/2023
Application No: VAR 23-0214	111110	Intake Date:
Hearing(s) and type: Date: 04/24/2023		Receipt Number: 244133
Date:	Туре:	Intake Staff Signature: Koshia Rivas
The state of the s	Property Information	
ddress: 10327 S. Big Bend Rd.	City/State/Zip	p:_ Riverview, Florida
WN-RN-SEC: 18-31-20 Folio(s): 077771-92	36 Zoning: PD Future	e Land Use: UMW-20 Property Size: 5.4 AC
The state of the s	Property Owner Information	on
Jame: 264 East 10th Street Inc.		Daytime Phone
ddress: c/o Yoshmi Logan PO Box 5364	City/State/Zip:_	Key West, Florida 33045-5364
wails.		Fax Number
to act on my behalf	Applicant Information	
ame: 90264 East 10th Street Inc. DBA WalMar	t Stores	Daytime Phone435-512-6833
ddress: 10327 S. Big Bend Rd.	City/State/Zip:_	Riverside, Florida
mail:		Fax Number
Applicant's	Representative (if differer	nt than above)
lame:Mark Brenchley	-	Daytime Phone435-512-6833
ddress: 3790 Beacon Ridge Way	City/State/Zip:	Clermont, Florida 34711
mail:wcfpermits.markb@gmail.com	•	Fax Numbern/a
I hereby swear or affirm that all the inform provided in the submitted application pack and accurate, to the best of my knowledge authorize the representative listed above to act on my behalf on this application. Signature of the Applicant	ket is true and recompetition the curr	authorize the processing of this application ognize that the final action taken on this shall be binding to the property as well as to rent and any future owners. 26 4 East 10 ltst.
YosHIMI LOGAN Type or print name Yoshimi Logan	Type or pri	YOSHIMI LOGAN int name Yoshimi Logan



PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County
Zoning Category	Planned Development
Zoning	IPD-2
Description	Interstate Planned Development
RZ	89-0160
Zoning Category	Planned Development
Zoning	PD
Description	Planned Development
RZ	03-0316
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD
FIRM Panel	0515H
FIRM Panel	12057C0515H
Suffix	Н
Effective Date	Thu Aug 28 2008
Pre 2008 Flood Zone	Х
Pre 2008 Firm Panel	1201120515B
County Wide Planning Area	Riverview
Community Base Planning Area	SouthShore
Community Base Planning Area	Riverview
Planned Development	PD
Re-zoning	null
Personal Appearances	09-0459,14-0375
Planned Development	IPD-2
Re-zoning	null
Major Modifications	00-0516
Personal Appearances	06-1593
Census Data	Tract: 014007 Block: 1000
Future Landuse	UMU-20
Urban Service Area	USA
Mobility Assessment District	Urban
Mobility Benefit District	4
Fire Impact Fee	South
Parks/Schools Impact Fee	SOUTH
ROW/Transportation Impact Fee	ZONE 9
Wind Borne Debris Area	140 MPH Area
Competitive Sites	NO
Redevelopment Area	NO



Folio: 77771.9236 PIN: U-18-31-20-9lb-000000-00008.0 264 East 10th Street Inc Mailing Address: C/o Yoshimi Logan Po Box 5364 Key West, Fl 33045-5364 Site Address: 10327 S Big Bend Rd Riverview, FI 33578 SEC-TWN-RNG: 18-31-20

Acreage: 5.40480995 Market Value: \$6,421,718.00 Landuse Code: 1400 Store/shp Cente

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2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunder

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