



Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>: \_\_\_\_\_

Meeting Date June 8, 2021

Consent Section

Regular Section

Public Hearing

Subject: Approve a resolution providing for the rendition of the denial of application RZ 20-1282, an application for rezoning from RSC-4 (Residential, Single Family) to RMC-12 (R) (Residential, Multi-Family, Restricted) to allow for development of approximately 59 townhome units on a 4.94-acre parcel designated Residential-12 (RES-12) by the Future Land Use Element of the Future of Hillsborough Comprehensive Plan. The Board of County Commissioners voted to deny this application during the April 13, 2021 BOCC Land Use Meeting

Department Name: County Attorney's Office

Contact Person: Johanna M. Lundgren

Contact Phone: 272-5670

Staff's Recommended Board Motion:

Adopt a resolution providing for the rendition of the denial of application RZ 20-1282, an application for rezoning from RSC-4 (Residential, Single Family) to RMC-12 (R) (Residential, Multi-Family, Restricted) to allow for development of approximately 59 townhome units on a 4.94-acre parcel designated Residential-12 (RES-12) by the Future Land Use Element of the Future of Hillsborough Comprehensive Plan.

Background:

Sec. 10.03.04 (G) of the Land Development Code (LDC) provides for the process for the Board of County Commissioners' consideration of rezonings. This section states that "the Board shall consider the record of the hearing before the Land Use Hearing Officer, any additional evidence and oral argument introduced pursuant to the terms herein and shall approve or deny the application by resolution. The resolution shall include a statement of compliance or all points of noncompliance with the Comprehensive Plan, if different from the conclusions of the Land Use Hearing Officer, and shall give specific reasons for any decision contrary to his recommendation. A resolution approving an application shall specify any conditions which are required as part of the Board's approval."

In accordance with Sec. 10.03.04 of the LDC, the Board of County Commissioners conducted a public meeting and considered application RZ 20-1282 during the April 13, 2021 Board of County Commissioners Land Use Meeting. The Board conducted its review of this application in accordance with the Land Development Code, and voted to deny the application. The Board is requested to adopt the attached resolution providing for the rendition of the Board's denial of application RZ 20-1282.

List Attachments:

Resolution providing for denial of RZ 20-1282, with the following exhibits: (1) Zoning Hearing Master Recommendation, (2) Development Services Department denial letter (3) Minutes of April 13, 2021 Land Use Meeting

**RESOLUTION # \_\_\_\_\_**

**REZONING PETITION# RZ-STD 20-1282**

Upon motion by Commissioner Hagan, seconded by Commissioner White, the following resolution was adopted by a 7-0 vote, with the individual commissioners voting as follows:

Cohen	yes
Hagan	yes
Kemp	yes
Myers	yes
Overman	yes
Smith	yes
White	yes

WHEREAS, on the 23<sup>rd</sup> day of September 2020, Russell Versaggi (“Applicant”) submitted a rezoning petition (the “Petition”) requesting a zoning change from RSC-4 (Residential, Single Family) to RMC-12 (R) (Residential, Multi-Family, Restricted) for the parcel of land described in the Petition; and

WHEREAS, the Hillsborough County Land Development Code (“LDC”) provides for a bifurcated rezoning process; and

WHEREAS, the initial part of the County’s rezoning process is an evidentiary portion that features a quasi-judicial hearing before the Zoning Hearing Master (“ZHM”); and

WHEREAS, on February 15, 2021, the ZHM held a duly noticed public hearing on the Petition; and

WHEREAS, prior to said hearing, the ZHM received the Petition, accompanying documents, other file matters, timely correspondence from proponents and opponents, reports of reviewing agencies and staff reports including favorable reports and recommendations from the County’s Development Services Department and the Planning Commission Staff; and

WHEREAS, the ZHM received evidence and heard testimony at the public hearing from the Applicant, Development Services, Planning Commission Staff, and proponents and opponents of the Petition; and

WHEREAS, the ZHM prepared and filed her report and favorable recommendation on March 3, 2021, which filing concluded the evidentiary portion of this rezoning; and

WHEREAS, the second part of the County’s bifurcated rezoning process is a decision-making portion which culminates in a non-evidentiary public meeting before the Board; and

WHEREAS, the ZHM's favorable recommendation together with the balance of the ZHM Hearing Record was provided to the Board for consideration in advance of the public meeting; and,

WHEREAS, LDC §§10.03.04. D.1. and 10.03.04. G.1. provide that the Board shall consider the ZHM Hearing Record and that the Board's decision to approve or to deny the Petition shall be based solely upon the ZHM Hearing Record unless oral argument and additional evidence (inapplicable here) is lawfully accepted at the public meeting by the Board from "parties of record"; and

WHEREAS, although the Board is not required to hear public comment at the public meeting, LDC §§10.03.04. D. and 10.03.04. E. authorize the Board to elect to hear oral argument from parties of record; and

WHEREAS, LDC §10.03.06. A. defines a "party of record" as an individual who received mailed notice of the ZHM hearing, gave oral testimony before the ZHM, or timely submitted documentary evidence to the case file or the ZHM; and

WHEREAS, the public meeting is a non-evidentiary session because LDC §10.03.04.E. restricts the content of oral argument before the Board to "the same as the content of testimony submitted verbally or in writing to the [ZHM]"; and

WHEREAS, LDC §10.03.03.H.2. provides that the "ZHM Hearing Record" shall be (a) the application and accompanying documents, (b) staff reports and recommendations, (c) all exhibits and documentary evidence entered prior to or during the ZHM hearing, (d) the summary, findings, conclusions, and recommendation of the ZHM, (e) the audio recording of testimony at the ZHM hearing, (f) verbatim transcript of the proceedings, and (g) applicable official Zoning Atlas sheets; and

WHEREAS, the Zoning Hearing Record and any "oral argument" (as discussed hereinafter) constitutes the complete and exclusive evidentiary record of this rezoning proceeding; and

WHEREAS, on April 13, 2021, the Board held a duly noticed public meeting on the Petition where the Board heard testimony and oral argument from representatives of the Applicant, ZHM, Development Services, Planning Commission Staff, and from parties of record; and

WHEREAS, the Board has considered the ZHM Hearing Record together with testimony and oral argument made at the public meeting; and

WHEREAS, the Board has complied with the public notice and all other LDC procedural requirements; and

WHEREAS, §4.08 of the County Charter provides that the Board, "may take official action only by the adoption of ordinances, resolutions, or motions" each of which requires at least four (4) affirmative votes; and

WHEREAS, LDC §10.03.04.G.1. requires the Board to approve or to deny the Petition by resolution; and

WHEREAS, the Board's sole and exclusive evidentiary findings relative to the Petition were made and sanctioned at the Public Meeting by official action of the Board (at least 4 affirmative votes); and

WHEREAS, the Board's sole and exclusive evidentiary findings relative to the Board's consideration of the Petition are set forth hereinafter.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:**

**I. FINDINGS.**

A. The recitals of fact and statements of law set forth above are hereby incorporated into this Resolution.

B. The Board of County Commissioners of Hillsborough County (the "Board") is authorized and empowered to consider the Petition.

C. The Board has considered the Petition in accordance with LDC §10.03.03 and LDC §10.03.04 G.

D. LDC §10.03.04 G. 1. provides that the Board shall approve or deny the application by resolution.

E. LDC §10.03.04 G. 1. further provides that "(t)he resolution shall include a statement of compliance or all points of noncompliance with the Comprehensive Plan, if different from the conclusions of the [ZHM], and shall give specific reasons for any decision contrary to his recommendation."

F. Policy 16.8 of the Comprehensive Plan states: "The overall density and lot sizes of new residential projects shall reflect the character of the surrounding area."

G. The Board hereby rejects the ZHM's recommendation of approval on the grounds that the requested rezoning would not be consistent with the goals, policies and objectives contained in the Comprehensive Plan enacted by the Board pursuant to the authority contained in Chapter 75-390, Laws of Florida (1975), as amended, and Part II of Chapter 163, Florida Statutes, entitled "Community Planning Act".

H. Section 163.3194(3)(a) of the Community Planning Act provides that, "(a) development order...shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation *are compatible*

*with* and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” (Emphasis supplied.)

I. The Board’s finding of inconsistency is based upon the following determinations:

1. Policy 1.4 of the Future Land Use Element of the Comprehensive Plan states: “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.”

2. Policy 16.8 of the Future Land Use Element of the Comprehensive Plan states: “The overall density and lot sizes of new residential projects shall reflect the character of the surrounding area.”

3. Policy 16.10 of the Future Land Use Element of the Comprehensive Plan states: “Any density increase shall be compatible with existing, proposed, or planned surrounding development. Compatibility is defined as the characteristic 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 build 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 the development proposals in maintaining the character of existing development.”

4. Due to the increased density of the proposed development in comparison to the surrounding lands, the proposed rezoning to RMC-12 (R) (Residential, Multi-Family, Restricted) is not compatible with the zoning district(s) applicable to the lands surrounding the subject property.

5. Due to the proposed lot sizes of the multi-family townhomes in comparison to the surrounding single family homes, the proposed rezoning to RMC-12 (R) (Residential, Multi-Family, Restricted) is found to be incompatible with the development in the surrounding area.

6. Due to any one or more of the aforementioned determinations, the proposed rezoning to RMC-12 (R) (Residential, Multi-Family, Restricted) would not maintain the character of the existing development in the vicinity, and is therefore found to be incompatible.

J. Due to any one or more of the aforementioned determinations that support the Board’s finding of inconsistency, and due to to other record evidence, the retention of the existing

RSC-4 (Residential, Single Family) zoning classification with respect to the subject property accomplishes a legitimate public purpose.

K. The determinations that support the Board's findings of inconsistency of the requested rezoning and the conclusion that the retention of the existing RSC-4 (Residential, Single Family) zoning classification with respect to the subject property accomplishes a legitimate public purpose, constitute specific reasons for a decision by the Board which is contrary to the ZHM's recommendation, as required by LDC §10.03.04 G. 1.

**II. CONCLUSION.**

The Board hereby denies the Petition.

**III. EFFECTIVE DATE.**

This Resolution shall take effect upon the Board's vote on the Petition.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, CINDY STUART, Clerk of the Circuit Court and Ex Officio Clerk to the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of the resolution adopted by the Board of County Commissioners of Hillsborough County, Florida at its land use meeting of April 13, 2021, as the same appears of record in Minute Book \_\_\_ of the Public Records of Hillsborough County, Florida.

WITNESS, my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2021

CINDY STUART, CLERK

BY: \_\_\_\_\_  
Deputy Clerk

APPROVED BY COUNTY ATTORNEY

BY: \_\_\_\_\_  
Approved As To Form And  
Legal Sufficiency



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

<b>Application number:</b>	RZ 20-1282
<b>Hearing date:</b>	February 15, 2021
<b>Applicant:</b>	Russell Versaggi
<b>Request:</b>	Rezone a 4.79-acre parcel from RSC-4 to RMC-12
<b>Location:</b>	Livingston Avenue and Fiddlers Lane, Lutz
<b>Parcel size:</b>	4.79 acres
<b>Existing zoning:</b>	Residential, Single Family (RSC-4)
<b>Future land use designation:</b>	Residential-12 (12 du/ga; 0.50/0.35 FAR)
<b>Service area:</b>	Urban
<b>Community planning area:</b>	N/A



**A. APPLICATION REVIEW**  
**DEVELOPMENT SERVICES STAFF REPORT**

## **Application Review Summary and Recommendation**

### **1.0 Summary**

#### **1.1 Project Narrative**

The request is to rezone approximately 4.79 acres from RSC-4 (Residential, Single Family) to RMC-12 (Residential, Multi-Family). The property is in the intersection of Livingston Avenue and Fiddlers Lane, in Lutz.

#### **1.2 Evaluation of Existing and Planned Public Facilities**

This site is located within the City of Tampa Water and Waste Water Area. Developer is responsible for submitting a utility services request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.

#### **1.3 Comprehensive Plan Consistency**

The proposed rezoning would allow for development that is **CONSISTENT** with the Goals, Objectives and Policies of the *Future of Hillsborough County Comprehensive Plan* and is not compatible with the existing development pattern found in the surrounding area.

#### **1.4 Compatibility**

The surrounding is a residential area with single-family conventional homes and multi-family developments along Livingston Avenue with RSC-3, RSC-4, RMC-12, RMC-16, and PD Zoning Districts. The adjacent property to the north is zoned RSC-3 (Residential Single Family) and it is occupied with single-family homes. The property to the east is zoned PD 81-0105 and developed with 40 single-family units. The properties to the east, across Livingston Avenue, are zoned RSC-6 (Residential, Single Family) and developed with single-family conventional dwellings. Across Fiddlers Lane, to the south is a vacant land zoned RSC-6.

Several multi-family developments are existing along Livingston Avenue, nearing the subject property, to the south. To the west of Livingston Avenue is a mobile home park zoned PD 91-0039 approved for 65 units, and a multi-family development with 448 dwelling units zoned RMC-16. To the east are two properties zoned RMC-12 170 units, and 312 apartment units, separately. The RMC-12 zoning district is compatible with the RES-12 Future Land Use Designation since both categories allow for multi-family uses with a density of up to 12 dwelling units per acre.

#### **1.5 Agency Comments**

##### Transportation

Transportation Review Section staff has no objection to this request. The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by an estimated 379 average daily trips, an estimated 23 trips in the a.m. peak hour, and 28 trips in the p.m. peak hour.

Livingston Avenue is considered a substandard road. The developer will be required to improve S Livingston Avenue (between the project entrance and the nearest standard roadway) to current County standards unless otherwise approved through the Section 6.04.02.B. administrative variance process. As this is a Euclidean zoning request, the administrative variance and/or design exception from the TTM will be considered at the time of plat/site/construction plan review. Livingston Avenue is shown on the Hillsborough County Corridor Preservation Plan as a future 4-lane roadway. Therefore, up to 37.5 feet of preservation would be required on either side.


**1.6 Exhibits**

Exhibit 1: Aerial Map

Exhibit 2: Zoning Map

**2.0 Recommendation**

Staff finds the proposed zoning district RMC-12 (Residential, Multi-Family) compatible with the surrounding development and zoning pattern. Staff recommends approval of the request.

<b>Staff's Recommendation: Approvable</b>	
Zoning Administrator Sign-off:	 J. Brian Grady Mon Feb 8 2021 14:23:35

## B. HEARING SUMMARY

This case was heard by the Hillsborough County Land Use Hearing Officer on February 15, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

### **Applicant**

Mr. Jesse Blackstock spoke on behalf of the applicant. Mr. Blackstock introduced the applicant, Russell Versaggi, and traffic consultant Michael Yates, who were in attendance.

Mr. Blackstock stated the subject property is in Lutz, located at the intersection of Livingston Avenue and a private drive called Fiddlers Lane. He stated the property consists of approximately 4.94 acres and has a small jurisdictional wetland of about one-half acre in the northeast corner.

Mr. Blackstock stated the applicant is requesting to rezone the property from RSC-4 to RMC-12, which is in accordance with the Res-12 Future Land Use category. Mr. Blackstock stated the Res-12 land use category would allow up to a maximum density of 12 units per acre, which would yield approximately 59 units on the 4.94-acre parcel. He explained the subject property could yield approximately 41 residential townhomes based on the existing wetland, access roadway, stormwater management, and landscape buffers. He stated this is what the applicant is proposing and he could show a site plan.

Mr. Blackstock stated the Planning Commission found the proposed rezoning to be consistent with the comprehensive plan. He stated an existing development called Fiddlers Cove is located immediately west of the applicant's project and has similar density and is zoned PD with Res-12 Future Land Use category. Mr. Blackstock stated the applicant has communicated with Fiddlers Cove property association members. Mr. Blackstock stated he was aware of some opponents who were in attendance to speak on behalf of surrounding residents.

Mr. Blackstock projected the applicant's site plan and stated the county's transportation staff, including Mr. Williams, consider the project to be *de minimis* because the number of trips do not warrant a traffic study or access-related detail, or a left turn lane from Livingston Avenue. Mr. Blackstone entered into the record a copy of the trip generation estimate that was prepared by Mr. Yates. Mr. Blackstone stated Livingston Avenue is a substandard roadway and improvements might be required as a result. He stated road improvements will be addressed at the time of site plan permitting. Mr. Blackstone stated Livingston Avenue is operating at a Level of Service C, which is acceptable in Hillsborough County. Mr. Blackstone entered into the record the County's Level of Service Report from 2019.

Mr. Blackstone requested the Hearing Officer to enter a favorable recommendation.

### **Development Services Department**

Ms. Tania Chapela, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record. She stated Development Services staff finds the proposed rezoning to RMC-12 is compatible with the surrounding development and zoning pattern, and staff recommends approval.

### **Planning Commission**

Ms. Melissa Lienhard, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record. She stated the Planning Commission staff finds the proposed rezoning consistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*.

### **Proponents**

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

### **Opponents**

The hearing officer asked whether there was anyone at the hearing in person or online to speak in opposition to the application. There were several persons who wished to speak. The hearing officer stated the opponents have 15 minutes total.

Mr. Todd Pressman stated he was speaking as agent for the communities of Fiddlers Cove, High Oaks, Regal Oaks, Curry Cove, and Silver Forrest. He stated there are approximately 700 signatures on an opposition petition in the record. Mr. Pressman noted the hearing room was filled to capacity with persons in opposition, and he asked them to stand. Mr. Pressman estimated there were 60 persons or more in the hearing room who stood in opposition.

Mr. Pressman stated the communities are concerned with the issues of density compatibility and housing type compatibility. Mr. Pressman noted the Planning Commission staff report stated much of the surrounding area is developed with residential uses of suburban to urban densities. He stated this calls into question the Planning Commission observed much different densities and capacities, yet at the same time its report finds the rezoning consistent.

Mr. Pressman projected an aerial photograph showing the subject property is surrounded by single-family homes. Mr. Pressman stated there was a lot of talk about different zoning categories. He stated the aerial photograph shows one little area of the 12 densities, and everything else is R-3 capacity.

Mr. Pressman projected a Future Land Use Map excerpt of the area. He stated, "everything to the north is R-2, to the east is R-1, R-4 is to the west." Mr. Pressman stated, "there is a small area of R-12 to the south." Mr. Pressman concluded "the actual area is

many fold less than what the applicant is requesting.” He pointed out, “a Future Land Use category is not entitled to go to the maximum. It simply is the maximum.”

Mr. Pressman stated Policy 16.8 requires the overall density and lot size of new residential development shall reflect the character of the surrounding area. He stated that looking at the Future Land Use Map and surrounding zoning, that did not appear to be the case. Mr. Pressman stated Objective 12.1 requires new development to recognize existing community and be designed in a way that is compatible. He stated in his opinion it can not be compatible with that high density with the surrounding categories many fold less than what is proposed. Mr. Pressman stated Policy 12-1.4 provides compatibility may be achieved through utilization of site design techniques that include height, scale, mass, and bulk of structures. He stated that as multifamily, those will be different than a suburban single-family that surrounds the area.

Mr. Pressman stated there is also concern in terms of the buffering aspects. He said he has been told 50 percent of the wetlands are coming out. He asked, “How much of a buffer will be left and will that be compatible under Policy 12-1.4.” Mr. Pressman stated that Policy 16.10 requires any density increase to be compatible with existing proposed and planned surrounding development. He stated that looking at the Future Land Use Map and surrounding zonings, that does not appear to be the case.

Mr. Pressman stated he had one telephone conversation with the developer, and there was a request by the citizens Mr. Pressman represents, and that a large number state was rebuffed, and they would like to have had a chance to try and work the plan a little better, but that was not agreed to.

Mr. Tom Johnston stated he lives due west of the proposed development on Curry Road, and he has lived there for 35 years. He stated that back when his first wife was ill he wanted to run his business out of his home rather than in his office. He wanted to put a 12 x 18-inch sign next to his driveway for customers who would have to come to his home. He was told that was incompatible. Mr. Johnston stated that later he checked in to building a two-store garage with a second story where he could have his computers and file servers. He stated he was told that was incompatible with the area. He said he was curious, now that homes are all the way around this parcel, when was it changed so that this becomes compatible. Mr. Johnston stated that putting a multifamily, high density in the middle of single-family homes that run from \$350,000 to \$800,000 does not seem compatible to him. He concluded, “I would encourage you to turn this down.”

Mr. Zachery Burke stated he lives in Fiddlers Cove and that he spoke for most members of the owners’ association when he said there are a lot of concerns. He stated the compatibility of the request does not fit in with his community. Mr. Burke stated it is a very quiet community, just single-family homes. He stated he is very concerned about traffic that will be added onto Livingston Avenue due to the extra volume. He stated that pulling out of his neighborhood from Fiddlers Lane on Livingston Avenue there is so much traffic it is almost impossible to even turn left. He stated he is also concerned about a decrease in property values because a lot of the appeal to his neighborhood is the quietness of it,

and all the trees and just the nature that is provided. He stated he is concerned about the buffer because his community has amenities, and there will not be enough of a border between the two communities. He stated that people will use his community pool and things of that nature. Mr. Burke added that he is the president of the Fiddlers Cove association.

The hearing officer stated the opposition has 8 minutes left.

Ms. Lauren Shepard stated she lives with her husband on High Oaks Lane in Lutz. She stated her fence literally sits right before the subject property. She noted the number of people in the hearing room despite the pandemic. She stated the community needs help and these are families in need at a very uncertain time. She stated that as a newlywed 16 years ago she and her husband could have lived anywhere. She stated they were living in south Tampa and liked it there. She stated it was a little congested and a "really cookie-cutter type of homes" where they were at. She said they decided to find a beautiful place to raise their family. They said, "Let's have some more land, quiet, trees, peaceful community." Ms. Shepard stated she decided to take her husband to Lutz, and she told him, "that's where we belong." She explained that they looked down a street that was covered in canopied with beautiful live oaks, a community of single-family homes. She said they knew there was property behind them that would years down the road quite possibly there could be more homes there. She said that was okay, perfectly fine, and single-family homes made sense to them. Ms. Shepard said she and her husband want to live somewhere with privacy, quiet, really cozy living, wildlife, huge trees, lots of preserve. She said they knew immediately Lutz was for them. She said 16 single-family homes makes sense, but 40 does not. She asked the hearing officer to listen to the people who are in attendance in red. She said they need help and want to stay in their homes and keep their value.

The hearing officer stated the opponents have a little over 5 minutes and 40 seconds left.

Ms. Maria Elena D'Amico stated she lives on Darnell Road in Lutz. She stated she wished to add her name and her husband's name to the list of people opposed to the rezoning. She stated she is a long-time resident of Lutz and she bought her home in 2001. She stated she and her husband loved it because of the large piece of land. She stated this is not New Tampa, and not a formal subdivision. Ms. D'Amico stated they loved the trees and privacy, and that is what made it appealing to them. She stated they understand the land will be sold and built upon, and that is not a problem. She stated that keeping it as an ASC-1 zoning or Residential-4 zoning would be wonderful. She stated that multi-family zoning does not fit with the community because everything around it is on a half an acre or more. She stated developers have come in before and tried to put multi-family zoning in and the community has gotten together and discussed it with them and decided that multi-family zoning was not good for the neighborhood. She stated that in 2019 a developer wanted to put in multi-family on land to the north and west of the subject property. She stated they were able to work on larger single-family homes to be put into the area. She stated that in 2001 Deer Park Preserve had originally proposed 200 townhomes and 100 houses. She said the community came out in force and said

“absolutely not, this is Lutz. We like larger land. We like our privacy. This will not work.” Ms. D’Amico stated they were able to get them to 50 or 60-foot lots and 100-feet deep, and the homes there have 1,700 to 2,000 square feet. Ms. D’Amico stated the multi-family homes are half a mile south of the subject property. She stated she chose to be “up here” because she did not want to be around all the multi-family. She said it does not fit the neighborhood and value-wise, residential-wise, this will hurt their values.

The hearing officer asked how many speakers were online who wished to speak. There were 12 people signed up and a few were raising their hands indicating they wished to speak. The hearing officer told the opponents there was about 3 and a half minutes left. She asked everyone appearing virtually to state their name and state if they are in opposition to the rezoning.

Mr. Alan Vernick stated he lives on Curry Road in Lutz and is in opposition.

Mr. Carl Brown stated he lives on Curry Road and he and his wife are both in strong opposition to the development.

Mr. John Lax stated he and his wife, Robin, live on Darnell Road in Lutz, immediately across the road from the subject property and they are in strong opposition.

Mr. Doug Tibbett stated he and his wife, Brittany, live on Victarra Circle in Lutz, and are against the development.

Ms. Jan DeCamp Brown stated she lives on Curry Road and is opposed to the development because of the severe incompatibility with the surrounding area.

Mr. John Stephens stated he and Cheryl Stephens live on High Oaks Lane in Lutz and wished to go on record as being in opposition to the proposed rezoning.

Ms. Heidi Taylor stated she is representing Audrey Major, who lives on Curry Road in Lutz, and she is in opposition to the development.

Ms. Lesley Miller stated she and her husband, Kevin, live on Victarra Circle in Lutz, and they are both in opposition.

Ms. Shirley Gastmann stated she lives on Curry Road and is “most definitely against this high-density development.”

### **Development Services Department**

Mr. Grady stated there were no further comments for Hillsborough County Development Services.

### **Applicant Rebuttal**

Mr. Blackstock stated said he wanted to address some of the main concerns, and wanted to ask some procedural questions related to a continuance to think about getting with the



residents and talking. He stated the applicant, Mr. Versaggi, did meet with Fiddlers Cove association several times either via telephone or in person.

Mr. Blackstock stated the main concerns he heard were density and housing type. He stated the applicant is asking for Euclidian zoning for a multi-family development, which does allow for more than just a townhome unit. Mr. Blackstock stated the developer is willing to enter into a deed restriction or something similar that would restrict development to traditional two-story townhome units and not be three-story, or garden-style apartments or other in order to use the RMC-12 zoning designation.

Mr. Blackstock stated the second issue of density was a bit of a struggle to understand because there is the same density next to and south of the subject property. He stated a couple of parcels south have RMC-16 zoning and traditional garden-style apartments and other traditional-style townhome developments. Mr. Blackstock stated the applicant is trying to meet with the character of that property, acknowledging the subject property is on the northern tip of the Res-12 density. He stated the applicant is trying to utilize and mimic what has been done to the south over the years. He stated the high Level of Service of C on the road is a "win-win."

Mr. Blackstock stated that he wanted to ask the procedural question because the applicant's request is a standard rezoning so there will not be conditions. He said he is not sure how that would work out as part of the request to have some kind of deed restriction.

Mr. Grady answered Mr. Blackstock's question and stated the applicant could in this process offer a restriction to limit development to townhomes only. Mr. Grady stated if the applicant desired to go on the record now and state that development will be restricted to townhomes for consideration of the hearing officer he could do so.

Mr. Blackstock stated yes, and said he looked at Mr. Versaggi, who agreed.

Mr. Grady confirmed Mr. Blackstock was offering up the restriction to limit development to townhomes.

Mr. Blackstock confirmed the applicant was offering that restriction and stated that had always been the intent. He stated that is a challenge with not having a Planned Development in place.

The hearing officer asked Mr. Blackstock to clarify the restriction that he is offering. Mr. Blackstock stated, "townhome developments, traditional townhomes, not anything beyond."

Mr. Grady confirmed, "Limit the use to townhomes." Mr. Blackstock stated "Yeah." Mr. Grady told Mr. Blackstock that if he desired a continuance the application would have to be continued to the April 19th zoning hearing master meeting. Mr. Blackstock declined the continuance and stated the applicant was going to move forward.

The hearing officer closed the hearing on item 20-1282.

### **C. EVIDENCE SUBMITTED**

Mr. Blackstock entered into the record at the hearing the following documentary evidence: (1) Estimated Project Trip Ends; (2) Hillsborough County 2019 Level of Service Report.

Mr. Pressman entered into the record at the hearing the following documentary evidence: (1) Future Land Use Map excerpt; (2) Zoning Map excerpt; (3) an aerial photo depicting single family uses on surrounding properties.

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

1. The subject property consists of approximately 4.79 acres of undeveloped land located in Lutz at the intersection of Livingston Avenue and Fiddlers Lane.
2. The subject property is designated Residential-12 on the Future Land Use Map, which allows a density of 12 dwelling units per gross acre. The subject property is within the Urban Service Area and is not within the boundaries of the Lutz Community Plan.
3. The subject property is currently zoned Residential, Single-Family Conventional-4.
4. The area surrounding the subject property is developed with a mix of single-family conventional and multi-family housing. Properties along Livingston Avenue are zoned RSC-3, RSC-4, RMC-12, RMC-16, and PD. Properties immediately adjacent to the subject property are zoned RSC-3 to the north, PD 81-0105 to the east, RSC-6 to the south, and RSC-6 to the west.
5. The applicant is requesting to rezone the subject property to Residential, Multi-Family-12.
6. The applicant has agreed to restrict development of the subject property to traditional townhome development.
7. The proposed rezoning will allow development that is comparable to and compatible with the established mix of residential development along this segment of Livingston Avenue and the surrounding area.
8. The proposed rezoning to RMC-12 is consistent with the Residential-12 Future Land Use Map designation.
9. The proposed density of 12 units per gross acre is the maximum allowed in the Residential-12 Future Land Use designation. The rezoning to RMC-12 furthers comprehensive plan policy 1.2, which requires development within the Urban Services Area in land use categories allowing 4 units per acre or greater to occur

at a density of at least 75% of the allowable density of the applicable land use category.

10. The proposed rezoning will allow development that furthers comprehensive plan policies that encourage a variety of lot sizes and gradual transitions of intensities between land uses.

#### **E. FINDING OF COMPLIANCE OF NON-COMPLIANCE WITH COMPREHENSIVE PLAN**

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

#### **F. CONCLUSIONS OF LAW**


A development order is consistent with the comprehensive plan if “the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.” § 163.3194(3)(a), Fla. Stat. (2020). Based on the evidence and testimony submitted in the record and at the hearing, including reports and testimony of Development Services Staff and Planning Commission staff, applicant’s testimony and evidence, and opponents’ testimony and evidence, there is substantial competent evidence demonstrating the requested rezoning is consistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, and does comply with the applicable requirements of the Hillsborough County Land Development Code.

#### **G. SUMMARY**

The applicant is seeking to rezone a 4.79-acre parcel from to RSC-4 to RMC-12. The applicant offered and has agreed to restrict development on the subject property to traditional townhomes.

#### **H. RECOMMENDATION**

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **approval** of the rezoning request with a restriction for traditional townhome development.

  
Pamela Jo Hatley, PhD, JD  
Land Use Hearing Officer

March 3, 2021  
Date



**Hillsborough  
County Florida**

**DEVELOPMENT SERVICES**

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

April 27, 2021

**Reference: RZ-STD 20-1282  
Russell Versaggi  
16029 Livingston Ave.**

Jesse Blackstock, PE  
Blackstock Engineering Unlimited, Inc.  
PO Box 10099  
Tampa, FL 33679

Dear Applicant:

At the regularly scheduled public meeting on April 13, 2021, the Board of County Commissioners denied your request for rezoning the above referenced. Please keep this letter for your records.

If you have any questions regarding this, please feel free to contact Brian Grady at 813-276-8343 or by email at [GradyB@HCFLGov.net](mailto:GradyB@HCFLGov.net).

Sincerely,

Joseph Moreda, AICP  
Zoning Administrator

JM/mn |

**BOARD OF COUNTY  
COMMISSIONERS**

Harry Cohen  
Ken Hagan  
Pat Kemp

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

**COUNTY ADMINISTRATOR**

Bonnie M. Wise

**COUNTY ATTORNEY**

Christine M. Beck

**INTERNAL AUDITOR**

Peggy Caskey

**DEPUTY COUNTY ADMINISTRATOR**

Gregory S. Horwedel

TUESDAY, APRIL 13, 2021

▶ Mr. Moreda introduced the item. ▶ Chair Kemp called for a motion to open for oral argument. **Commissioner Cohen so moved, seconded by Commissioner Myers.** Upon roll call vote, ▶ **the motion carried seven to zero.** ▶ Mr. Steve Allison, applicant representative, explained the request. Chair Kemp called for public comment; there was no response. ▶ Ms. Lienhard and Attorney Lundgren reviewed PC/ZHM recommendations. Concurring with staff recommendations, ▶ **Commissioner Smith moved to deny along the lines of all the staff and ZHM recommendations, seconded by Commissioner Cohen.** Commissioner Overman expressed concerns about Gibsonton Drive traffic and the intensity of commercial general zoning. ▶ Commissioner Cohen believed the requested zoning was too intense and supported denial. Chair Kemp offered remarks on future planning for Gibsonton Drive. Upon roll call vote, ▶ **the motion carried seven to zero.**

G.4. Application Number:	RZ-STD 20-1282
Applicant:	RUSSELL VERSAGGI
Location:	16029 Livingston Ave.
Folio Number:	34639.0000
Acreage:	4.79 acres, more or less
Comp Plan:	RES-12
Service Area:	Urban
Community Plan:	None
Existing Zoning:	RSC-4, (87-0225)
Request:	Rezone to RMC-12(R)
<u>RECOMMENDATION:</u>	
ZHM:	Approval
Development Services:	Approval
PC:	Consistent with Plan ORAL ARGUMENT

▶ Chair Kemp called for a motion to open for oral argument. **Commissioner Cohen so moved, seconded by Commissioner White.** Upon roll call vote, ▶ **the motion carried seven to zero.** Mr. Moreda introduced the item. ▶ Messrs. Jesse Blackstock and Russell Versaggi, applicant team, explained the request. Chair Kemp called for public comment. ▶ Ms. Maria Elena D'Amico opposed the item. ▶ Mr. Blackstock gave rebuttal. ▶ Ms. Lienhard and Attorney Lundgren reviewed PC/ZHM recommendations. Expressing concerns about incompatibility with the surrounding area, ▶ **Commissioner Hagan moved**

TUESDAY, APRIL 13, 2021

**denial, seconded by Commissioner White.** Commissioner Smith asked about the school concurrency analysis and design exceptions. Upon roll call vote, **the motion carried seven to zero.**

G.5. Application Number: MM 21-0033  
Applicant: EISENHOWER PROPERTY GROUP, LLC  
Location: 15110 Balm Wimauma Rd.  
Folio Number: 77848.0000  
Acreage: 177.62 acres, more or less  
Comp Plan: RP-2  
Service Area: Rural  
Community Plan: Balm & SouthShore Areawide Systems Plan  
Existing Zoning: PD (18-0304)  
Request: Major Modification to PD  
RECOMMENDATION:  
ZHM: Approval  
Development Services: Approvable, Subject to Conditions  
PC: Consistent with Plan  
ORAL ARGUMENT

Chair Kemp called for a motion to open for oral argument. **Commissioner Overman so moved, seconded by Commissioner Cohen.** Upon roll call vote, **the motion carried seven to zero.** Mr. Moreda and Ms. Michelle Heinrich, Development Services, introduced the item. Regarding the request for additional evidence, Attorney Lundgren requested the Board take the same action that the Board took on the request on G.2. **Commissioner White so moved, seconded by Commissioner Myers.** Upon roll call vote, **the motion carried seven to zero.** Attorney Kamala Corbett, applicant representative, explained the request. Chair Kemp called for public comment. The following individuals spoke: Messrs. Buddy Harwell, James Frankland, and Alfred Brunner. Attorney Corbett gave rebuttal. Ms. Lienhard and Attorney Lundgren reviewed PC/ZHM recommendations. On request from Commissioner White, Mr. Gormly expounded on the modification. Discussion ensued on the existing special use permit, allowable excavation, and Board options. Following remarks on rezoning, rural characteristics, and industrial excavation, Commissioner Smith moved denial, seconded by Commissioner Overman. (The motion was not voted on.)