

Rezoning Application: RZ-STD 22-0944
Zoning Hearing Master Date: August 15, 2022
BOCC Land Use Meeting Date: October 11, 2022

1.0 APPLICATION SUMMARY

Applicant: PFRH Lutz Office, LLC
FLU Category: Residential-1 (R-1)
Service Area: Rural
Site Acreage: 6.93 MOL
Community Plan Area: Lutz
Overlay: None



Introduction Summary:

The existing zoning is Agricultural - Single-Family Conventional (ASC-1) which permits Single-Family Residential/Agricultural uses pursuant to the development standards in the table below. The proposed zoning is Business – Professional Office Restricted (BPO-R) which allows Office uses pursuant to the development standards in the table below. The applicant has proposed to restrict the type of uses that would be allowed to a list of specific uses as outlined in the Compatibility section of this report. The applicant has also proposed enhanced landscaping along the eastern and southeastern and limitations on building orientation and outside activities to orient them away from residential to the east.

Zoning:	Existing	Proposed
District(s)	ASC-1	BPO-R
Typical General Use(s)	Single-Family Residential/Agricultural	Office
Acreage	6.93 MOL	6.93 MOL
Density/Intensity	1 dwelling unit per acre	0.20 F.A.R.
Mathematical Maximum*	4 units	60,374 sf

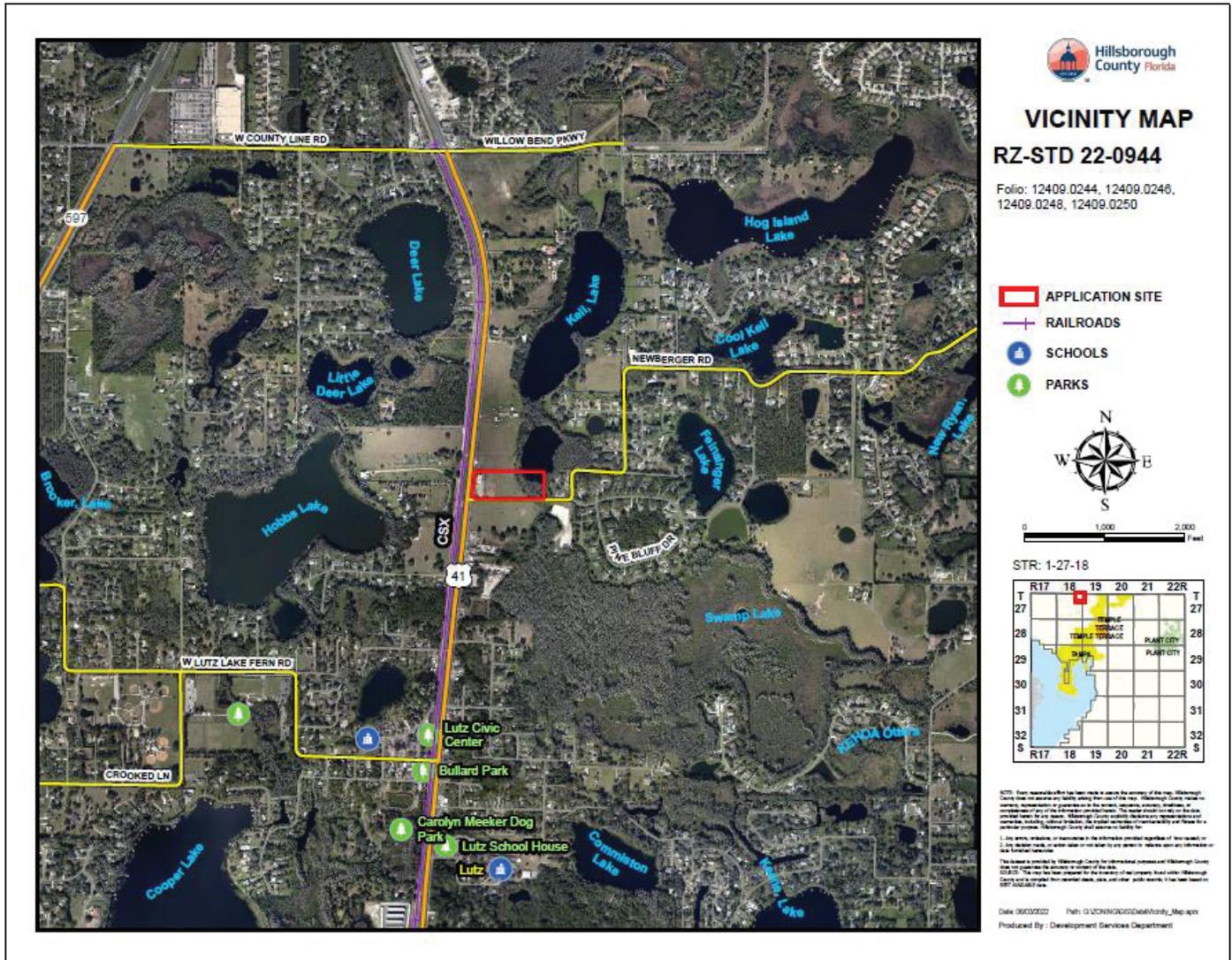
*number represents a pre-development approximation

Development Standards	Existing	Proposed
District(s)	ASC-1	BPO-R
Lot Size / Lot Width	43,560 sf / 150'	7,000 sf / 70'
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	30' Front Buffer Rear Buffer Sides
Height	50'	50'

Planning Commission Recommendation: Consistent	Development Services Recommendation: Approvable
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2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

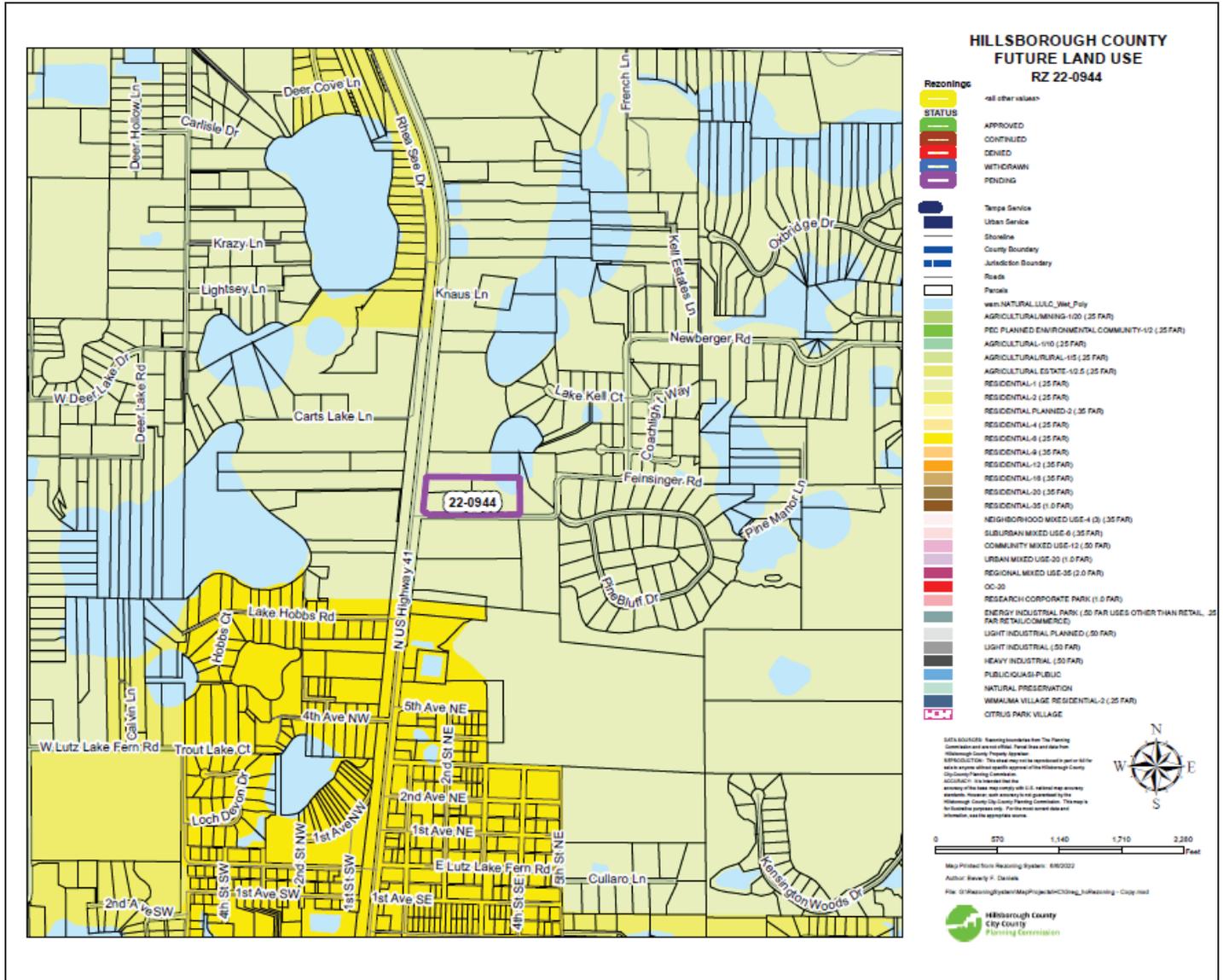


Context of Surrounding Area:

The area consists of residential, commercial, and agricultural. The subject parcel is directly adjacent to residential to the east, commercial to the north and a lake to the northeast.

2.0 LAND USE MAP SET AND SUMMARY DATA

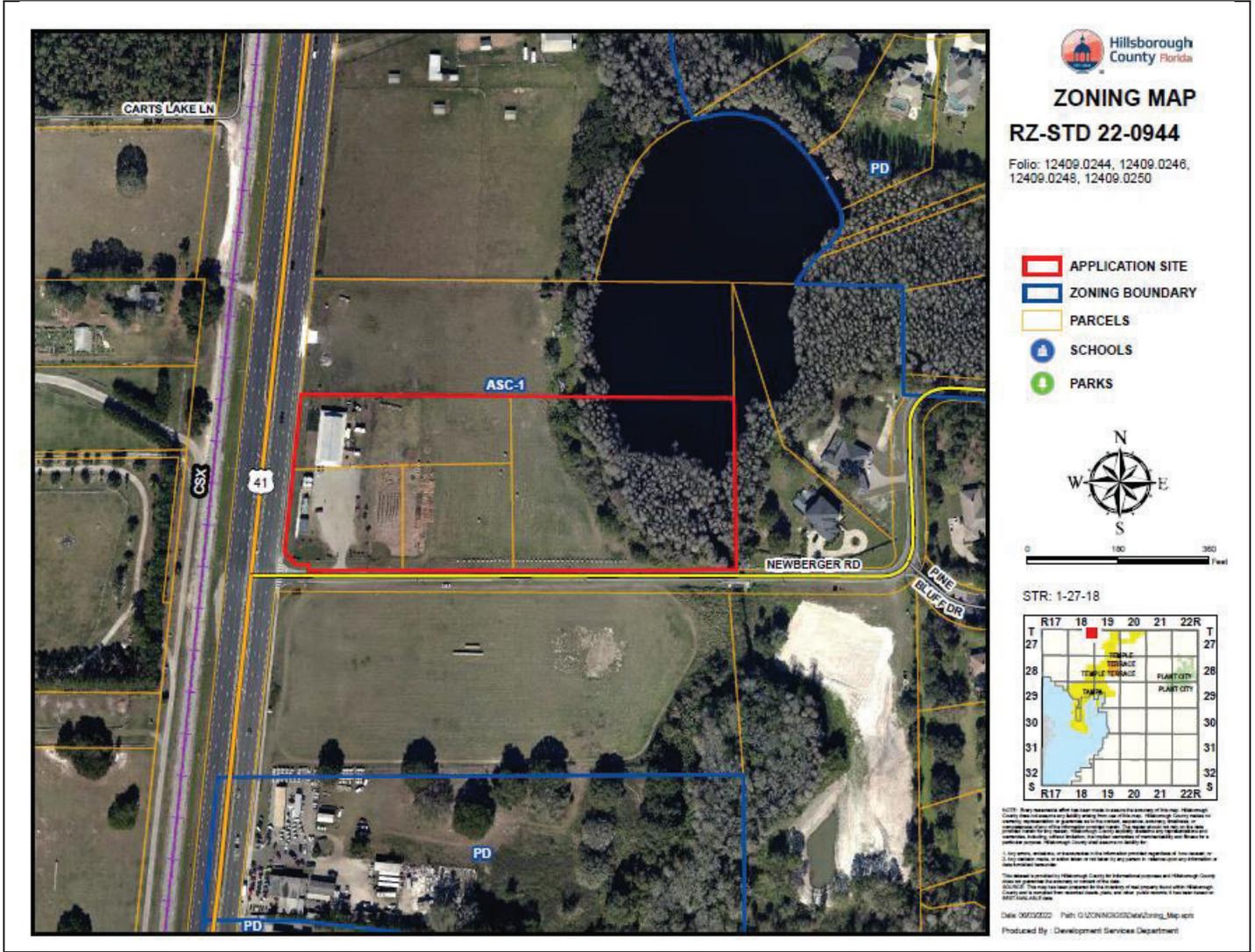
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential-1 (R-1)
Maximum Density:	1.0 dwelling unit per gross acre / 0.25 F.A.R.
Typical Uses:	Farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi-purpose uses shall meet locational criteria for specific land use projects.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density Permitted by Zoning District:	Allowable Use:	Existing Use:
North	ASC-1	1 dwelling unit per acre	Single-Family Residential/Agricultural	Commercial
South	ASC-1	1 dwelling unit per acre	Single-Family Residential/Agricultural	Vacant, Church
East	ASC-1	1 dwelling unit per acre	Single-Family Residential/Agricultural	Single-Family Residential
West	ASC-1	1 dwelling unit per acre	Single-Family Residential/Agricultural	Single-Family Residential/Agricultural

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

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 41	FDOT Principal Arterial - Urban	6 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Newberger Road	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	57	4	6
Proposed	584	70	69
Difference (+/-)	+527	+64	+66

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

Connectivity and Cross Access Not applicable for this request

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

Design Exception/Administrative Variance Not applicable for this request

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

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input checked="" type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other 				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The approximate 6.93-acre property is comprised of four parcels that are zoned ASC-1. The subject property is located at the northeast corner of North US Highway 41 and Newberger Road. The applicant proposes to develop an office and corporate training facility. The area consists of residential, commercial, and agricultural. The subject parcel is directly adjacent to residential zoned ASC-1 to the east, commercial zoned ASC-1 to the north and a lake to the northeast. To the west across US Highway 41 is single-family residential and agricultural zoned ASC-1. The subject property is designated Residential-1 (R-1) on the Future Land Use map. The site is located within the Rural Service Area and is located within the limits of the Lutz Community Plan.

The Planning Commission and Development Services have some compatibility concerns, such as loud noises and disruptions from training activities to the neighboring residential and agricultural properties. Additionally, the proposed use does not meet Commercial Locational Criteria per Policy 22.2. The closest node identified in the 2040 Highway Cost Affordable map is over 3,500 linear feet to the south (Lutz Lake Fern Road and US Highway 41). The applicant has applied for a Commercial Locational Criteria waiver.

The applicant has offered restrictions to mitigate compatibility concerns: 1) The property shall be restricted from the following uses currently permitted in the BPO zoning district: Beekeeping, Family Day Care Home, Libraries, Schools, Private, Charter, and Public, Commercial, Vocational, and Business Schools, Funeral Homes, Laundries, Mail and Package Services, Photography Studios, Studio, Diagnostic Centers, Blood/Plasma Banks, Family Support Services, Medical Offices or Clinics, and Golf Clubs. 2) The applicant will orient all buildings on site away from residential uses. 3) In addition to the screening/landscaping as required by the Land Development Code, along the eastern boundary and along the southern boundary at a distance of 10 feet from the eastern boundary, the Developer shall provide enhanced landscaping with the addition of a combination of shrubs, trees, and palms for a total not to exceed 12 plants. 4) No outdoor storage will be permitted on site, and no organized activity will take place in the rear of the building.

After the submittal of the proposed restrictions by the applicant, the Planning Commission found the proposed use consistent with the Comprehensive Plan.

Based on the above considerations staff finds the requested BPO-R zoning district compatible with the existing zoning and development pattern in the area.

5.2 Recommendation

Approvable, with Restrictions.

As noted, the applicant has offered the following restrictions:

- 1) The property shall be restricted from the following uses currently permitted in the BPO zoning district: Beekeeping, Family Day Care Home, Libraries, Schools, Private, Charter, and Public, Commercial, Vocational, and Business Schools, Funeral Homes, Laundries, Mail and package Services, Photography Studios, Studio, Diagnostic Centers, Blood/Plasma Banks, Family Support Services, Medical Offices or Clinics, and Golf Clubs.
- 2) The applicant will orient all buildings on site away from residential uses.

3) In addition to the screening/landscaping as required by the Land Development Code, along the eastern boundary and along the southern boundary at a distance of 10 feet from the eastern boundary, the Developer shall provide enhanced landscaping with the addition of a combination of shrubs, trees, and palms for a total not to exceed 12 plants.

4) No outdoor storage will be permitted on site, and no organized activity will take place in the rear of the building.

Zoning Administrator Sign Off:



J. Brian Grady
Sun Aug 7 2022 10:38:44

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.

6.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
 REVIEWER: Alex Steady, Senior Planner
 PLANNING AREA/SECTOR: Lutz/ Northwest

DATE: 08/05/2022
 AGENCY/DEPT: Transportation
 PETITION NO.: STD 22-0944

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

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 527 average daily trips, 64 trips in the a.m. peak hour, and 66 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone four parcels totaling +/- 6.92-acres from Agricultural Single Family Conventional – 1 (ASC-1 to Business Professional Office - Restricted (BPO-R). The restriction proposed by the applicant is that the site will only be able to develop with office uses. The site is located on the north east corner of the intersection of Newberger Road and US Hwy 41. The Future Land Use designation of the site is Residential 1 (RES-1).

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, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 6 Single Family Detached Dwelling Unit (ITE Code 210)	57	4	6

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
BPO, 60,000 sf General Office Building (ITE Code 710)	584	70	69

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+527	+64	+66

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 527 average daily trips, 64 trips in the a.m. peak hour, and 66 trips in the p.m. peak hour.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on US Highway 41 and Newberger Road. US Highway 41 is a 6-lane, divided, Florida Department of Transportation (FDOT) maintained, principal arterial roadway.

Newberger Road is a 2-lane, undivided, substandard, Hillsborough County maintained, collector roadway with +/- 10-foot travel lanes. Newberger Road does not have sidewalks, bike lanes, or curb and gutter on either side of the roadway within the vicinity of the project.

SITE ACCESS

It is anticipated that the site will have access to US Highway 41 and/or Newberger Road. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

ROADWAY LEVEL OF SERVICE

Newberger Rd is not a regulated road and was not included in the 2020 Level of Service Report.

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
US HWY 41	SUNSET LANE	COUNTY LINE RD	D	C

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

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER:	RZ STD 22-0944
DATE OF HEARING:	August 15, 2022
APPLICANT:	PFRH Lutz Office, LLC
PETITION REQUEST:	The request is to rezone a parcel of land from ASC-1 to BPO-R
LOCATION:	Northeast corner of N. US HWY. 41 and Newberger Rd.
SIZE OF PROPERTY:	6.93 acres m.o.l.
EXISTING ZONING DISTRICT:	ASC-1
FUTURE LAND USE CATEGORY:	RES-1
SERVICE AREA:	Rural

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: PFRH Lutz Office, LLC

FLU Category: Residential-1 (R-1)

Service Area: Rural

Site Acreage: 6.93 MOL

Community Plan Area: Lutz

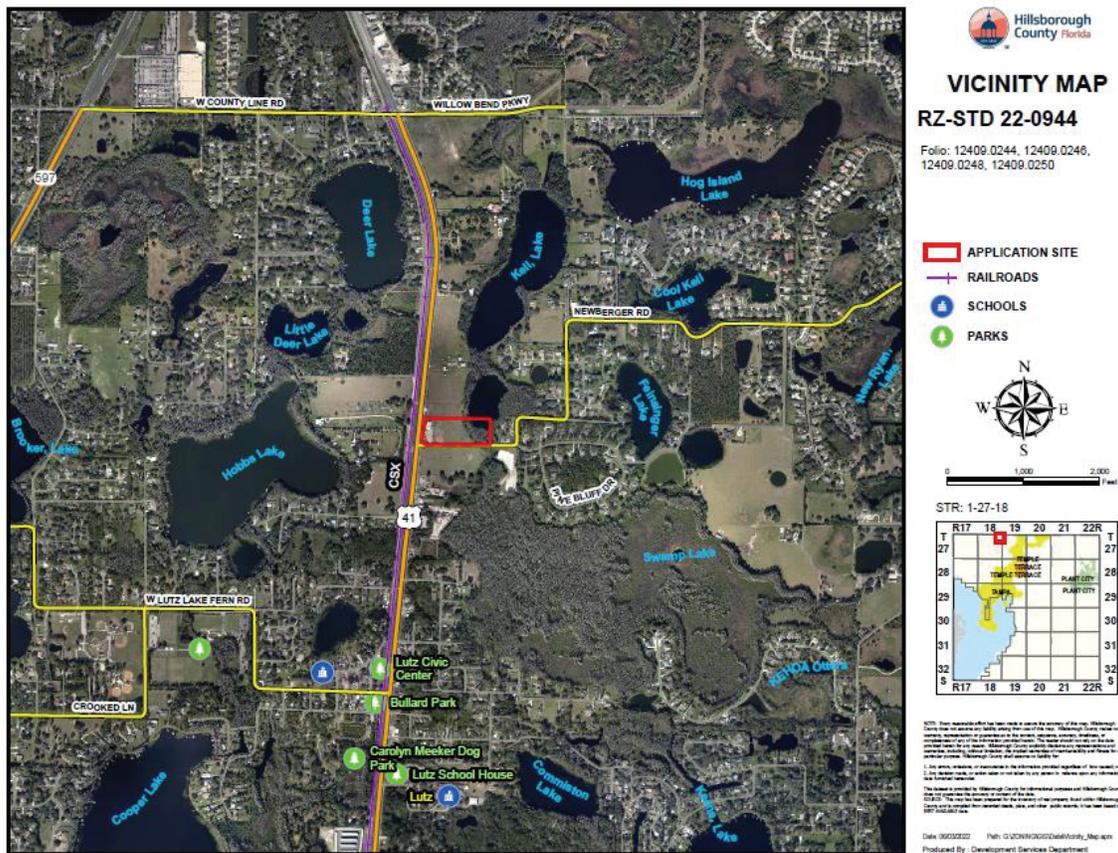
Overlay: None

Introduction Summary:		
<p>The existing zoning is Agricultural - Single-Family Conventional (ASC-1) which permits Single-Family Residential/Agricultural uses pursuant to the development standards in the table below. The proposed zoning is Business – Professional Office Restricted (BPO-R) which allows Office uses pursuant to the development standards in the table below. The applicant has proposed to restrict the type of uses that would be allowed to a list of specific uses as outlined in the Compatibility section of this report. The applicant has also proposed enhanced landscaping along the eastern and southeastern and limitations on building orientation and outside activities to orient them away from residential to the east.</p>		
Zoning: Existing Proposed		
District(s)	ASC-1	BPO-R
Typical General Use(s)	Single-Family Residential/Agricultural	Office
Acreage	6.93 MOL	6.93 MOL
Density/Intensity	1 dwelling unit per acre	0.20 F.A.R.
Mathematical Maximum*	4 units	60,374 sf

*number represents a pre-development approximation

Development Standards Existing Proposed		
District(s)	ASC-1	BPO-R
Lot Size / Lot Width	43,560 sf / 150'	7,000 sf / 70'
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	30' Front Buffer Rear Buffer Sides
Height	50'	50'
Planning Commission Recommendation:		Development Services Recommendation:
Consistent		Approvable

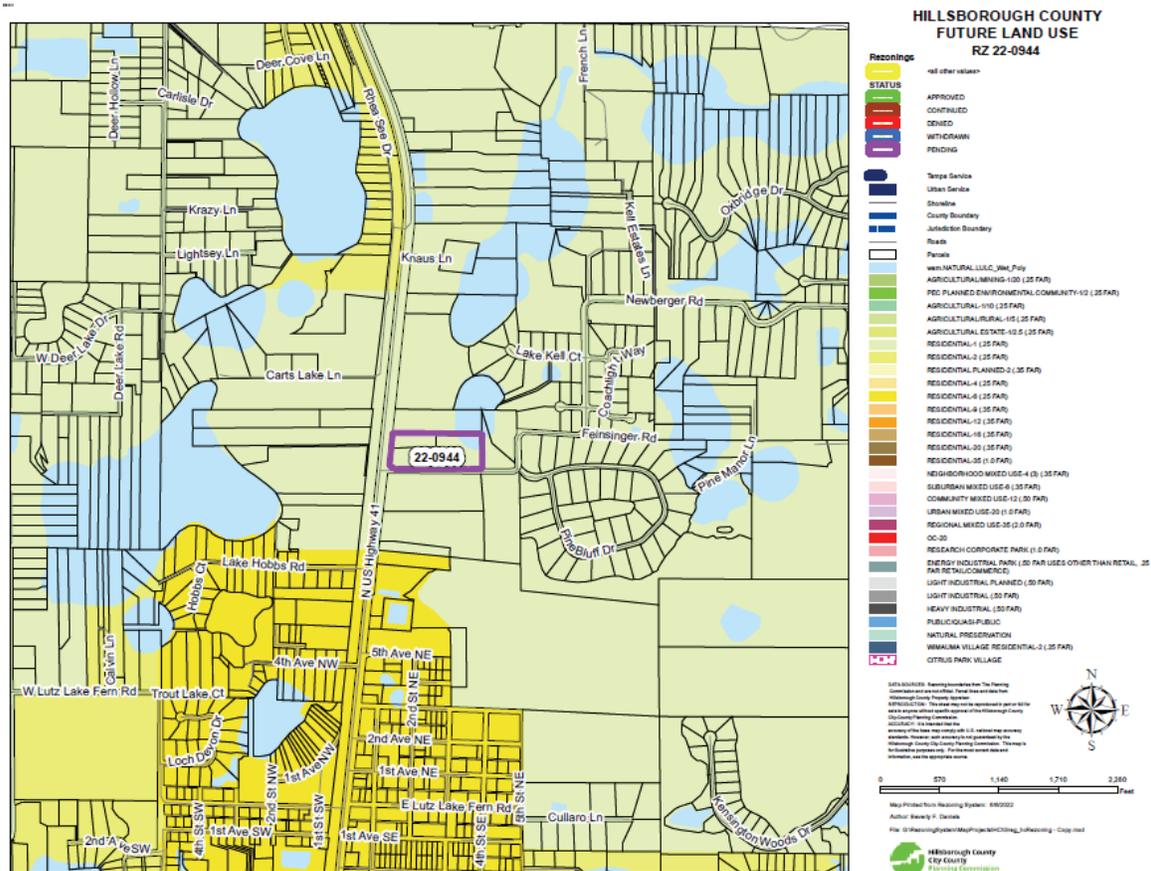
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

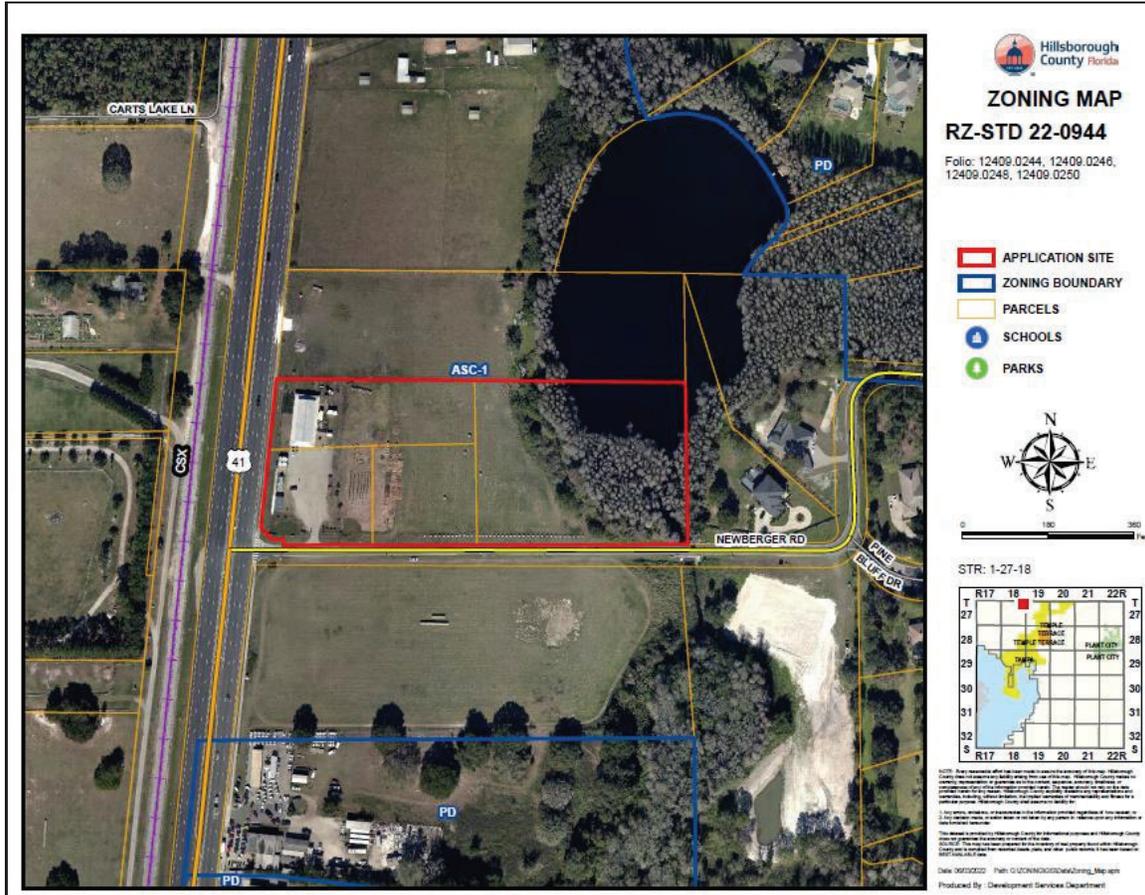
The area consists of residential, commercial, and agricultural. The subject parcel is directly adjacent to residential to the east, commercial to the north and a lake to the northeast.

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



Subject Site	
Future Land Use Category:	Residential-1 (R-1)
Maximum Density:	1.0 dwelling unit per gross acre / 0.25 F.A.R.
Typical Uses:	Farms, ranches, residential uses, rural scale neighborhood commercial uses, offices, and multi-purpose projects. Commercial, office, and multi- purpose uses shall meet locational criteria for specific land use projects.

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



Adjacent Zonings and Uses

Location	Zoning	Maximum Density Permitted by Zoning District:	Allowable Use:	Existing Use:
North	ASC-1	1 dwelling unit per acre	Single-Family Residential/Agricultural	Commercial
South	ASC-1	1 dwelling unit per acre	Single-Family Residential/Agricultural	Vacant, Church
East	ASC-1	1 dwelling unit per acre	Single-Family Residential/Agricultural	Single-Family Residential
West	ASC-1	1 dwelling unit per acre	Single-Family Residential/Agricultural	Single-Family Residential/Agricultural

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

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 41	FDOT Principal Arterial - Urban	6 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Newberger Road	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	57	4	6
Proposed	584	70	69
Difference (+/-)	+527	+64	+66

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

Connectivity and Cross Access Not applicable for this request

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

Notes:

Design Exception/Administrative Variance Not applicable for this request

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

Notes:

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other <input checked="" type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	

Service Area/ Water & Wastewater <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Density Bonus Requested Consistent Inconsistent

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The approximate 6.93-acre property is comprised of four parcels that are zoned ASC-1. The subject property is located at the northeast corner of North US Highway 41 and Newberger Road. The applicant proposes to develop an office and corporate training facility. The area consists of residential, commercial, and agricultural. The subject parcel is directly adjacent to residential zoned ASC-1 to the east, commercial zoned ASC-1 to the north and a lake to the northeast. To the west across US Highway 41 is single-family residential and agricultural zoned ASC-1. The subject property is designated Residential-1 (R-1) on the Future Land Use map. The site is located within the Rural Service Area and is located within the limits of the Lutz Community Plan.

The Planning Commission and Development Services have some compatibility concerns, such as loud noises and disruptions from training activities to the neighboring residential and agricultural properties. Additionally, the proposed use does not meet Commercial Locational Criteria per Policy 22.2. The closest node identified in the 2040 Highway Cost Affordable map is over 3,500 linear feet to

the south (Lutz Lake Fern Road and US Highway 41). The applicant has applied for a Commercial Locational Criteria waiver.

The applicant has offered restrictions to mitigate compatibility concerns: 1) The property shall be restricted from the following uses currently permitted in the BPO zoning district: Beekeeping, Family Day Care Home, Libraries, Schools, Private, Charter, and Public, Commercial, Vocational, and Business Schools, Funeral Homes, Laundries, Mail and Package Services, Photography Studios, Studio, Diagnostic Centers, Blood/Plasma Banks, Family Support Services, Medical Offices or Clinics, and Golf Clubs. 2) The applicant will orient all buildings on site away from residential uses. 3) In addition to the screening/landscaping as required by the Land Development Code, along the eastern boundary and along the southern boundary at a distance of 10 feet from the eastern boundary, the Developer shall provide enhanced landscaping with the addition of a combination of shrubs, trees, and palms for a total not to exceed 12 plants. 4) No outdoor storage will be permitted on site, and no organized activity will take place in the rear of the building.

After the submittal of the proposed restrictions by the applicant, the Planning Commission found the proposed use consistent with the Comprehensive Plan.

Based on the above considerations staff finds the requested BPO-R zoning district compatible with the existing zoning and development pattern in the area.

5.2 Recommendation

Approvable, with Restrictions.

As noted, the applicant has offered the following restrictions:

1) The property shall be restricted from the following uses currently permitted in the BPO zoning district: Beekeeping, Family Day Care Home, Libraries, Schools, Private, Charter, and Public, Commercial, Vocational, and Business Schools, Funeral Homes, Laundries, Mail and package Services, Photography Studios, Studio, Diagnostic Centers, Blood/Plasma Banks, Family Support Services, Medical Offices or Clinics, and Golf Clubs.

2) The applicant will orient all buildings on site away from residential uses.

SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on August 15, 2022. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Jim Porter 401 East Jackson Street Tampa testified on behalf of the applicant. Mr. Porter stated that there is opposition to the rezoning request and that he has spoken with them to understand their issues. He described the

request to rezone ASC-1 property to BPO. He added that the request was to be heard at the previous Zoning Hearing Master hearing but the Development Services and Planning Commission staff had some concerns regarding compatibility with the surrounding area as well as the Lutz Community Plan. As a result of working with staff, the applicant has agreed to eliminating any use allowed in BPO other than office. Mr. Porter added that the intent is not to provide a stepping stone to commercial. He read the uses that are proposed to be prohibited into the record. The proposed use is an office with some training capabilities on-site. The building will be oriented away from residential uses and additional landscaping will be added. No outdoor storage will be permitted and no organized activities will take place in the rear of the building. Mr. Porter testified that the Planning Commission supports the requested waiver of commercial locational criteria. He concluded his presentation by stating that the existing wetlands on-site will remain.

Hearing Master Finch asked Mr. Porter if it was fair to say that the only use that is permitted is professional office under the whole range of BPO uses. Mr. Porter replied yes and stated that there will be no commercial uses and while there may be one or two uses that did not make sense to list as a prohibited use, it is the intent that the use of the property will be office.

Hearing Master Finch asked Mr. Porter what is the nature of the office use. Mr. Porter replied that it is a general office with one or two employees on a daily basis and the building would be used for corporate training once or twice per month with more people on-site at that time. The parking would accommodate the usage of the building.

Hearing Master Finch asked Mr. Porter about the proposed restriction which specifies the number of 12 plants and whether that includes all the trees, palms and shrubs. Mr. Porter replied yes. Hearing Master Finch asked Mr. Porter why were 12 plants chosen as the condition. Mr. Porter replied the number was negotiated with staff to represent more landscaping than is required but also not burdensome to the applicant.

Hearing Master Finch asked Mr. Porter about the restriction regarding no organized activity in the rear of the building. Mr. Porter replied that the neighbors were concerned about the training facility and a possible ropes course or other outside activity that would be a problem for the neighborhood. He added that all activities would be indoors and not impact the neighborhood.

Mr. Chris Grandlienard of the Development Services Department testified regarding the County's staff report. Mr. Grandlienard stated that the request is to rezone the existing ASC-1 property to Business Professional Office-Restricted. The property is 6.93 acres in size and comprised of four parcels. He identified the location and stated that the applicant proposes an office and corporate training facility. He concluded his presentation by stating that staff finds the

request approvable. Mr. Grandlienard stated that the property is located in the limits of the Lutz Community Plan and staff did have some compatibility concerns such as loud noises and possible disruption from training activities to the neighboring residential and agricultural properties. The parcel does not meet commercial locational criteria. Restrictions are proposed by the applicant to mitigate the compatibility concerns. Mr. Grandlienard read into the record the list of prohibited uses as well as the proposed other restrictions to the BPO zoning district. Both Development Services and the Planning Commission staff support the rezoning request after submittal of the proposed restrictions.

Ms. Andrea Papandrew, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Papandrew stated that the subject property is within the Residential-1 Future Land Use classification and the Rural Service Area as well as the Lutz Community Plan. Ms. Papandrew stated that the request is consistent with Objective 4 of the Future Land Use Element regarding the Rural Area as well as Policy 8.1 and 9.1 regarding compatibility. She stated that with the proposed restrictions, the request is consistent. Staff supports the waiver of commercial locational criteria. Ms. Papandrew concluded her presentation by stating that the rezoning meets the intent of the Lutz Community Plan and is consistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked for members of the audience in support of the application. None replied.

Hearing Master Finch asked for members of the audience in opposition to the application.

Mr. Jay Muffly 102 5th Avenue Southeast, Lutz testified in opposition and stated that he was representing himself and the Lutz Civic Association. He expressed concerns regarding the fence on Newberger Road and US 41 as it is difficult to see the oncoming traffic due to the 6-foot high chain link fence. He testified that the citizens of Lutz are concerned about the design of building. He added that it should be more like other office buildings in Lutz which are one-story and residential in appearance. Mr. Muffly concluded his remarks by stating that citizens are extremely concerned about the possible damage to wetlands and the lake by clearing all the vegetation except the cypress trees along a portion of the lakefront as there is no EPC permit displayed.

Ms. Renee Bayless 403 Strathaven Court Lutz testified in opposition. Ms. Bayless stated that she was representing the residents of Stewart Manor which is located around the corner from the subject property. She agreed with the prior comments in opposition and stated that she is concerned about the lighting with the existing fence and its effect on the communities around the property. She stated she was also concerned about the traffic on Newberger Road which is a two-lane road and has a recently constructed church which creates a backup of

traffic on Wednesdays and Sundays. There is no traffic light at the intersection which can be dangerous. Ms. Bayless discussed the existing fence and her contact with DOT and other agencies regarding visibility concerns. She stated that there is a utility pole that also blocks the visibility of the intersection. Ms. Bayless testified that there are school buses that travel the roadway daily and do not have a safe place to pull over.

Mr. Michael Burger 302 Lake Kell Court testified in opposition. Mr. Burger stated that he lives in the Lake Kell Crossings subdivision which is located on the other side of the lake. He agreed with the prior testimony in opposition and stated that the applicant represents 18 Florida companies and is concerned that the use will change from the rural character of the neighborhood. Mr. Burger discussed the proposed landscaping and said that the removal of the trees and vegetation will affect their privacy. Regarding traffic, Mr. Burger testified that the road can barely handle the existing traffic.

Mr. Grady of the Development Services Department testified that the use would be required to go through site development review if it was approved. The review would include looking at the substandard roadway as well as the access and site distance triangles of the fence.

Mr. Ratliff of the County's transportation section stated that the existing access is not necessarily the access that will be approved. Newberger Road is a collector roadway and the applicant will be required to comply with the County's access management standards. Regarding the site triangle issue, Mr. Ratliff testified that he would encourage the residents to work with FDOT and that he would review the applicant's proposal through the site development review process. He added that the utility pole is not in the applicant's control and therefore encouraged the neighbors to work with the utility pole owner.

Mr. Grady added that the site is subject to the Lutz Rural Community Development standards which has design requirements regarding the building.

Hearing Master Finch asked Mr. Grady if the applicant was requesting any waivers. Mr. Grady replied that the applicant cannot seek relief through the process as the request is for a Euclidean zoning district.

Mr. Porter testified during the rebuttal period that he appreciated the neighbors' concerns and that the concerns pertain to the existing fence which will be taken down and replaced with appropriate fencing. He stated that the request is to allow an office use on-site and asked the Hearing Master to focus on the appropriateness of the proposed use. The office use is proposed to be highly restricted and there will be no commercial uses on-site. He added that any future commercial land use would be required to go through the public hearing process. Mr. Porter concluded his rebuttal testimony by stating that he would continue to work with the neighbors regarding their concerns.

The hearing was then concluded.

EVIDENCE SUBMITTED

Mr. Muffly submitted a copy of his presentation in opposition into the record.

PREFACE

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

FINDINGS OF FACT

1. The subject property is 6.93 acres in size and is currently zoned Agricultural Single-Family Conventional-1 (ASC-1) and is designated Residential-1 (RES-1) by the Comprehensive Plan. The property is located within the Rural Service Area and the Lutz Community Plan.
2. The applicant is requesting a rezoning to the Business Professional Office-Restricted (BPO-R) zoning district.
3. The applicant has agreed to the following Restrictions to the BPO zoning district:
 - The property shall be restricted from the following uses currently permitted in the BPO zoning district: Beekeeping, Family Day Care Home, Libraries, Schools, Private, Charter and Public Commercial, Vocational and Business Schools, Funeral Homes, Laundries, Mail and Package Services, Photography Studios, Studio, Diagnostic Centers, Blood/Plasma Banks, Family Support Services, Medical Offices or Clinics and Golf Clubs.
 - The applicant will orient all buildings on site away from residential uses.
 - In addition to the screening/landscaping as required by the Land Development Code, along the eastern boundary and along the southern boundary at a distance of 10 feet from the eastern boundary, the Developer shall provide enhanced landscaping with the addition of a combination of shrubs, trees and palms for a total not to exceed 12 plants.
 - No outdoor storage will be permitted on site and no organized activity will take place in the rear of the building.

4. The applicant's representative testified that the property will be developed with an office with corporate training capabilities on-site.
5. The Planning Commission staff supports the request. The Planning Commission found the request is consistent with Objective 4 of the Future Land Use Element regarding the Rural Area as well as Policy 8.1 and 9.1 regarding compatibility. Staff testified that the request with the proposed restrictions is consistent with the area. Staff supports the waiver of commercial locational criteria and found that the rezoning meets the intent of the Lutz Community Plan and is consistent with the Future of Hillsborough Comprehensive Plan.
6. The area surrounding the subject property is developed with a mix of residential and non-residential land uses including a church.
7. Testimony in opposition was provided at the Zoning Hearing Master hearing. The testimony focused on an existing fence on the subject property that limits visibility at the intersection. The applicant's representative testified in response that the existing fence will be taken down and replaced with appropriate fencing.

Other issues expressed at the Zoning Hearing Master hearing included the concern that the rezoning would lead to the future development of commercial land uses, the design of the proposed office building, possible impacts to the existing wetlands, the impact of the office lighting on adjacent parcels and traffic.

The applicant's representative testified that the applicant has agreed to limit the use of the property to only a professional office and that more intense uses would require a public hearing. Additionally, County staff testified that the building is subject to the Rural Design standards of the Lutz Community Plan. Design issues as well as the review of the site regarding wetlands, lighting impacts and traffic would be conducted during the site plan review process if the rezoning were approved.

8. The proposed Restrictions serve to significantly limit the use of the property and minimize the impacts to adjacent parcels.
9. The request for the BPO-R zoning district on the subject property is compatible with the surrounding zoning pattern and the RES-1 Future Land Use category.

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

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

CONCLUSIONS OF LAW

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

SUMMARY

The applicant is requesting a rezoning to the BPO-R zoning district. The property is 6.93 acres in size and is currently zoned ASC-1 and designated RES-1 by the Comprehensive Plan. The property is located in the Rural Service Area and the Lutz Community Plan. The proposed Restrictions result in the property being limited to being developed with a Professional Office.

The applicant's representative testified that the property will be developed with an office with corporate training capabilities on-site.

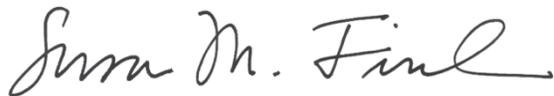
The Planning Commission found the request compatible with the surrounding area and consistent with numerous Policies regarding compatibility. Planning Commission staff testified that they support the requested waiver of commercial locational criteria and found the rezoning is consistent with the Comprehensive Plan.

Testimony in opposition was provided at the Zoning Hearing Master hearing. The testimony focused on an existing fence on the subject property that limits visibility at the intersection. The applicant's representative testified in response that the existing fence will be taken down and replaced with appropriate fencing. Other issues expressed at the Zoning Hearing Master hearing included the concern that the rezoning would lead to the future development of commercial land uses, the design of the proposed office building, possible impacts to the existing wetlands, the impact of the office lighting on adjacent parcels and traffic. The applicant's representative testified that the applicant has agreed to limit the use of the property to only a professional office and that more intense uses would require a public hearing. Additionally, County staff testified that the building is subject to the Rural Design standards of the Lutz Community Plan. Design issues as well as the review of the site regarding wetlands, lighting impacts and traffic would be conducted during the site plan review process if the rezoning were approved.

The request for the BPO-R zoning district on the subject property with the proposed Restrictions is compatible with the surrounding zoning pattern and the RES-1 Future Land Use category.

RECOMMENDATION

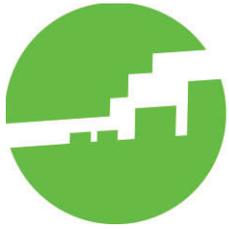
Based on the foregoing, this recommendation is for **APPROVAL** of the BPO-R rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above.



September 6, 2022

Susan M. Finch, AICP
Land Use Hearing Officer

Date



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: August 15, 2022 Report Prepared: August 3, 2022	Petition: 22-0944 12409.0244, 12409.0248, 12409.0246, 12409.0250 <i>East of US-41 and north of Newberger Road</i>
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-1 (1 du/ga; 0.25 FAR)
Service Area	Rural
Community Plan:	Lutz
Requested Zoning:	Rezone from Agricultural Single Family Conventional-1 (ASC-1) to Business Professional Office-Restricted (BPO-R) to develop an office and corporate training facility
Parcel Size (Approx.):	6.93 +/- acres
Street Functional Classification:	Newberger Road – County Collector US-41 - State Principal Arterial
Locational Criteria	Does not meet
Evacuation Zone	None



Context

- The 6.93 acre subject site is located east of US-41 and north of Newberger Road.
- The subject site is located in the Rural Area and is within the limits of the Lutz Community Plan.
- The property has Residential-1 (RES-1) Future Land Use designation and is completely surrounded by this category.
- The property is currently vacant and mostly surrounded by single-family use. To the east and northeast is a large single-family subdivision. To the southeast is public institutional uses. North of the property is light industrial, south of the property is agricultural land and to the west, northwest and southwest is more agricultural lands and single-family with a small parcel designated as multi-family.
- The applicant is requesting to rezone the property from Agricultural Single family Conventional-1 (ASC-1) to Business professional Office-Restricted (BPO-R) for the development of an office and a corporate training facility.

Compliance with Comprehensive Plan:

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

Future Land Use Element

Goal: *Ensure that the character and location of land uses optimizes the combined potentials for economic benefit and the enjoyment and the protection of natural resources while minimizing the threat to health, safety and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation.*

GROWTH MANAGEMENT STRATEGY

The Sustainable Growth Management Strategy serves as a vehicle to structure County spending and planning policies to optimize investment for services and infrastructure, protect the vulnerability of the natural environment, reduce the exposure and risk to natural hazards and provide a clear direction for achieving an efficient development pattern. This strategy is comprised of three primary components, an environmental overlay, an urban service area and a defined rural area.

The rural area is that area planned to remain in long term agriculture, mining or large lot residential development. Within the rural area, some “rural communities” exist. These communities have historically served as a center of community activity within the rural environment. They include, Thonotosassa, Keystone, Lutz, and others. The diversity and unique character of these communities will be reflected through the application of “community-based planning” techniques specifically designed to retain their rural character while providing a level of service appropriate to the community and its surrounding environment. To foster the rural environment and reinforce its character, rural design guidelines will be developed to distinguish between the more urban environment. Additionally rural areas should have differing levels of service for supporting

facilities such as emergency services, parks and libraries from those levels of service adopted in urban areas.

This Plan also provides for the development of planned villages within rural areas. These villages are essentially self supporting communities that plan for a balanced mix of land uses, including residential, commercial, employment and the supporting services such as schools, libraries, parks and emergency services. The intent of these villages is to maximize internal trip capture and avoid the creation of single dimensional communities that create urban sprawl.

PURPOSE

Control Urban Sprawl.

Create a clear distinction between long range urban and rural community forms.

Define the future urban form through the placement of an urban service area that establishes a geographic limit of urban growth.

Define areas within the urban service area where growth can occur concurrent with infrastructure capacities and where public investment decisions can be made more rationally in a manner that does not perpetuate urban sprawl.

Identify a distinct rural area characterized by the retention of land intensive agricultural uses, the preservation of natural environmental areas and ecosystems and the maintenance of a rural lifestyle without the expectation of future urbanization.

Apply an overlay of ecosystems and greenways that preserve natural environmental systems and open space while simultaneously reducing exposure to natural hazards.

Create compatible development patterns through the design and location of land uses.

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

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

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.

NEIGHBORHOOD/COMMUNITY DEVELOPMENT

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

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

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

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

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

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

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

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

Commercial-Locational Criteria

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

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

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

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

Livable Communities Element: Lutz Community Plan

Commercial Character

The Lutz community desires to retain existing and encourage new commercial uses geared to serving the daily needs of area residents in a scale and design that complements the character of the community. Currently there is approximately 301,559 square feet of commercial approved but not built within the community planning area.

The Lutz community seeks to ensure that commercial development and special uses in the community are properly placed to enhance the utility and historic character of the downtown. The community does not want new commercial and special use development to force the creation of development that does not complement the character of the area. To ensure that new commercial development is consistent with the character of the Lutz community, design guideline standards have been created and adopted into the County's land development regulations.

These regulations ensure that:

- *commercial uses are developed in character and/or scale with the rural look of the community and the environment;*
- *the Lutz downtown, generally located at the intersection of Lutz Lake Fern Road and US Highway 41, is recognized as community activity center, and defined as an overlay district within the County's Land development regulations;*
- *the Lutz Downtown Center Zoning District incorporates design guidelines which reflect the historic development pattern already in place and promote desirable complements to that pattern. These standards include:*
 1. *recognizing proximity of the historic old Lutz schoolhouse and its Georgian Revival architecture (and incorporating this into new schools);*
 2. *interruptions in roof lines and structures;*
 3. *public courtyards or open space(s) with shade trees;*
 4. *architectural features to emphasize the location of the downtown;*
 5. *residential style roof lines;*
 6. *outside structure facades made of wood siding, brick or vinyl material;*
 7. *preserved natural areas to act as buffers along perimeters;*
 8. *ground level monument signage standards in scale and related to architectural character overlay district;*
 9. *drought tolerant trees and vegetation plantings for shade, screening and buffers along roadways; and,*
 10. *nighttime lighting that mimics gaslights or kerosene lights (circa early 1900's).*
- *the commercial activity centers identified in the North Dale Mabry Corridor Plan will be maintained (Figure 3 (of the Lutz background documentation)).*
- *new commercial zoning is encouraged to locate at the three existing activity nodes along U.S. Highway 41(Figure 4 (of the Lutz background documentation):*
 1. *Lutz's historic downtown area to Newberger Road;*
 2. *Crystal Lake Road to Sunset Lane; and*
 3. *Crenshaw Lake Road area*

Staff Analysis of Goals, Objectives, and Policies:

The subject property is located on approximately 6.93 acres east of U.S. Highway 41 and north of Newberger Road. The property is located within the limits of the Lutz Community Plan and is within the Rural Area. The application requests to rezone the property from Agricultural Single Family Conventional-1 (ASC-1) to Business Professional Office (BPO) to allow for the development of an office and a corporate training center.

The proposed development is consistent with Objective 4, the intent of the Rural Area is to provide areas for large lot, low density rural residential, or agricultural uses. Policy 8.1 and Policy 9.1, requires compatibility with the surrounding uses and consistency with the Plan Category. The subject site is designated Residential-1 (RES-1) on the Future Land Use Map. The intent of RES-1 is to designate areas for rural residential uses, compatible with short-term agricultural uses other uses including rural scale neighborhood commercial, office and multi- purpose projects. The proposed office use is consistent with the intent of the RES-1 Future Land Use Category.

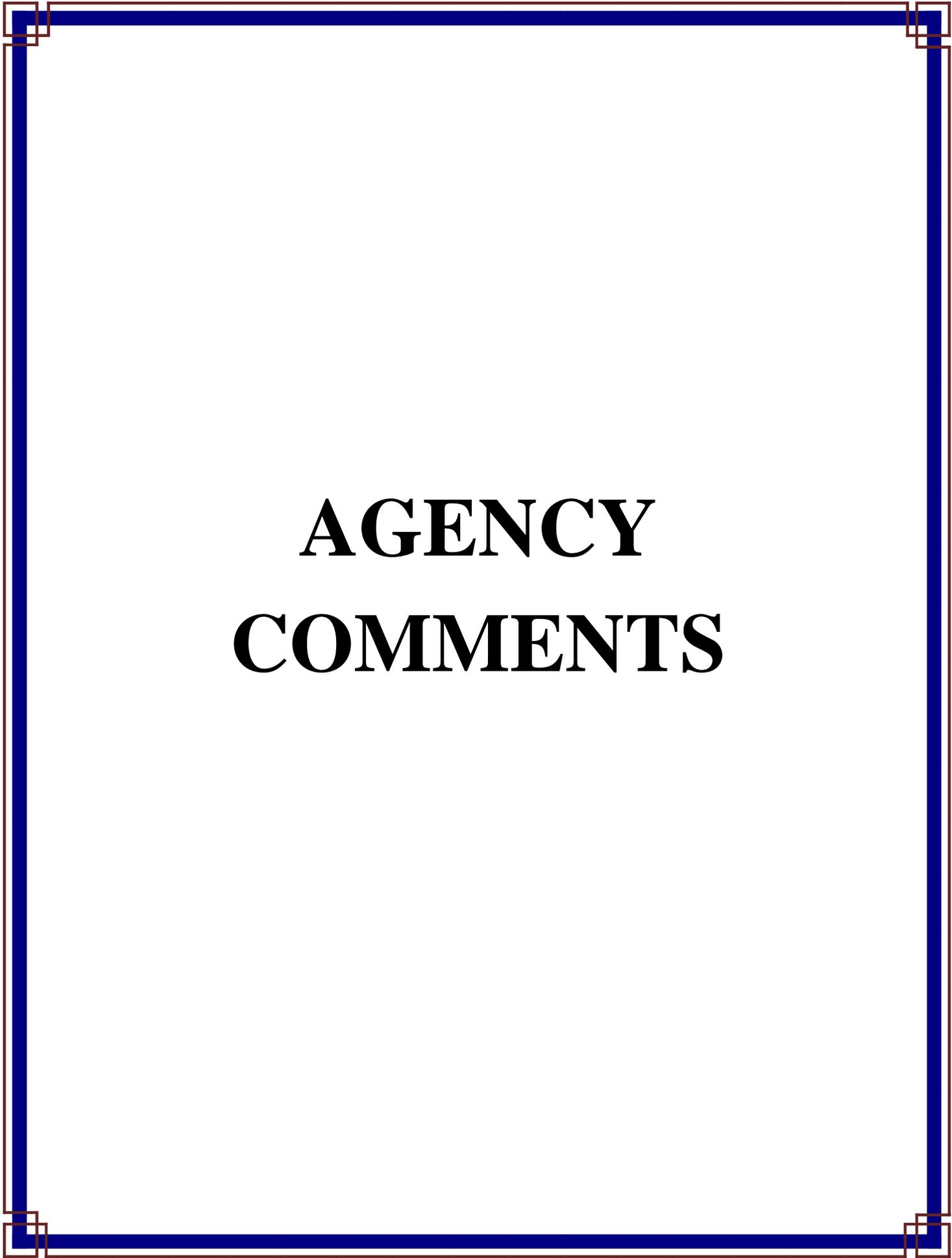
Objective 16 and Policy 16.3 refers to the protection of existing neighborhoods. The subject site is surrounded by Agricultural Single Family Conventional-1 (ASC-1) zoning. A large residential subdivision exists to the east of the property. As previously mentioned in the context, to the east and northeast is a large single-family subdivision. To the southeast is public institutional uses. North of the property is light industrial, south of the property is agricultural land and to the west, northwest and southwest is more agricultural lands and single-family with a small parcel designated as multi-family. Staff had concerns regarding the impact to the nearby residential. The applicant has proposed restrictions to help eliminate the impacts. The applicant will orient all buildings on site away from residential uses and will also provide enhanced landscaping. No outdoor storage will be permitted on site, and no organized activity will take place in the rear of the building. The applicant has also proposed a list of BPO uses that are considered low impact non-residential uses. With the proposed restrictions the proposed request is consistent with above mentioned policies.

The subject site is located within the limits of the Lutz Community Plan. The Lutz community desires to retain existing and encourage new commercial uses geared to serving the daily needs of area residents in a scale and design that complements the character of the community. The subject site does not meet Commercial Locational Criteria (CLC) and the closest node is located 3,500 linear feet away at Lutz Lake Fern Road and US-41. Though Newberger Road is not a roadway listed on the 2040 Cost Affordable Map, it is listed in the Lutz Community Plan where commercial development is desired. The applicant has requested a waiver to Commercial Locational Criteria. Staff has reviewed this request and finds that it meets the intent of the Lutz Community Plan.

Overall, the proposed Rezoning would allow for development that is consistent with the Goals, Objectives and Policies of the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County* and is compatible with the existing and planned development pattern found in the surrounding area.

Recommendation

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



AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department
REVIEWER: Alex Steady, Senior Planner
PLANNING AREA/SECTOR: Lutz/ Northwest

DATE: 08/05/2022
AGENCY/DEPT: Transportation
PETITION NO.: STD 22-0944

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

REPORT SUMMARY AND CONCLUSIONS

- The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 527 average daily trips, 64 trips in the a.m. peak hour, and 66 trips in the p.m. peak hour.
- As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.
- Transportation Review Section staff has no objection to the proposed rezoning.

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone four parcels totaling +/- 6.92-acres from Agricultural Single Family Conventional – 1 (ASC-1 to Business Professional Office - Restricted (BPO-R). The restriction proposed by the applicant is that the site will only be able to develop with office uses. The site is located on the north east corner of the intersection of Newberger Road and US Hwy 41. The Future Land Use designation of the site is Residential 1 (RES-1).

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, 10th Edition.

Approved Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
ASC-1, 6 Single Family Detached Dwelling Unit (ITE Code 210)	57	4	6

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
BPO, 60,000 sf General Office Building (ITE Code 710)	584	70	69

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+527	+64	+66

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 527 average daily trips, 64 trips in the a.m. peak hour, and 66 trips in the p.m. peak hour.

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on US Highway 41 and Newberger Road. US Highway 41 is a 6-lane, divided, Florida Department of Transportation (FDOT) maintained, principal arterial roadway.

Newberger Road is a 2-lane, undivided, substandard, Hillsborough County maintained, collector roadway with +/- 10-foot travel lanes. Newberger Road does not have sidewalks, bike lanes, or curb and gutter on either side of the roadway within the vicinity of the project.

SITE ACCESS

It is anticipated that the site will have access to US Highway 41 and/or Newberger Road. As this is a Euclidean zoning request, access will be reviewed at the time of plat/site/construction plan review for consistency with applicable rules and regulations within the Hillsborough County Land Development Code and Transportation Technical Manual.

ROADWAY LEVEL OF SERVICE

Newberger Rd is not a regulated road and was not included in the 2020 Level of Service Report.

Level of Service (LOS) information is reported below.

FDOT Generalized Level of Service				
Roadway	From	To	LOS Standard	Peak Hr Directional LOS
US HWY 41	SUNSET LANE	COUNTY LINE RD	D	C

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

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 41	FDOT Principal Arterial - Urban	6 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Newberger Road	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	57	4	6
Proposed	584	70	69
Difference (+/-)	+527	+64	+66

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

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

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

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

COMMISSION

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AGENCY COMMENT SHEET

REZONING	
<p>HEARING DATE: July 25, 2022</p> <p>PETITION NO.: 22-0944</p> <p>EPC REVIEWER: Sarah Hartshorn</p> <p>CONTACT INFORMATION: (813) 627-2600 X 1237</p> <p>EMAIL: hartshorns@epchc.org</p>	<p>COMMENT DATE: June 22, 2022</p> <p>PROPERTY ADDRESS: Newberger Road and US Hwy 41, Lutz, FL</p> <p>FOLIO #: 0124090244, 0124090246, 0124090248, 0124090250</p> <p>STR: 01-27S-18E</p>
<p>REQUESTED ZONING: ASC-1 to BPO</p>	
FINDINGS	
WETLANDS PRESENT	YES
SITE INSPECTION DATE	6/17/2022
WETLAND LINE VALIDITY	YES
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	Approved Wetland Survey FDEL 68580 valid through 3/6/2025
<p>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:</p> <ul style="list-style-type: none"> Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be 	

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labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).

- Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

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.

- Chapter 1-11, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

Sjh/mst

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

PETITION NO.: PD22-0944 REVIEWED BY: Randy Rochelle DATE: 6/17/2022

FOLIO NO.: 12409.0244, 12409.0246, 12409.0248 & 12409.0250

WATER

- The property lies within the _____ 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 ___ inch wastewater gravity 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.

- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject site is located outside of the Hillsborough County Urban Service Area, therefore water and/or wastewater service is not generally allowed. if the site is required or otherwise allowed to connect to the potable water and/or wastewater systems, there will be offsite improvements required that extend beyond a connection to the closest location with existing infrastructure. These points-of-connection will have to be determined at time of application of service as additional analysis will be required to make the final determination .

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 13 June 2022

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

APPLICANT: James Porter

PETITION NO: RZ-STD 22-0944

LOCATION: Not listed

FOLIO NO: 12409.0244, 12409.0246, 12409.0248, and 12409.0250 SEC: _____ TWN: _____ RNG: _____

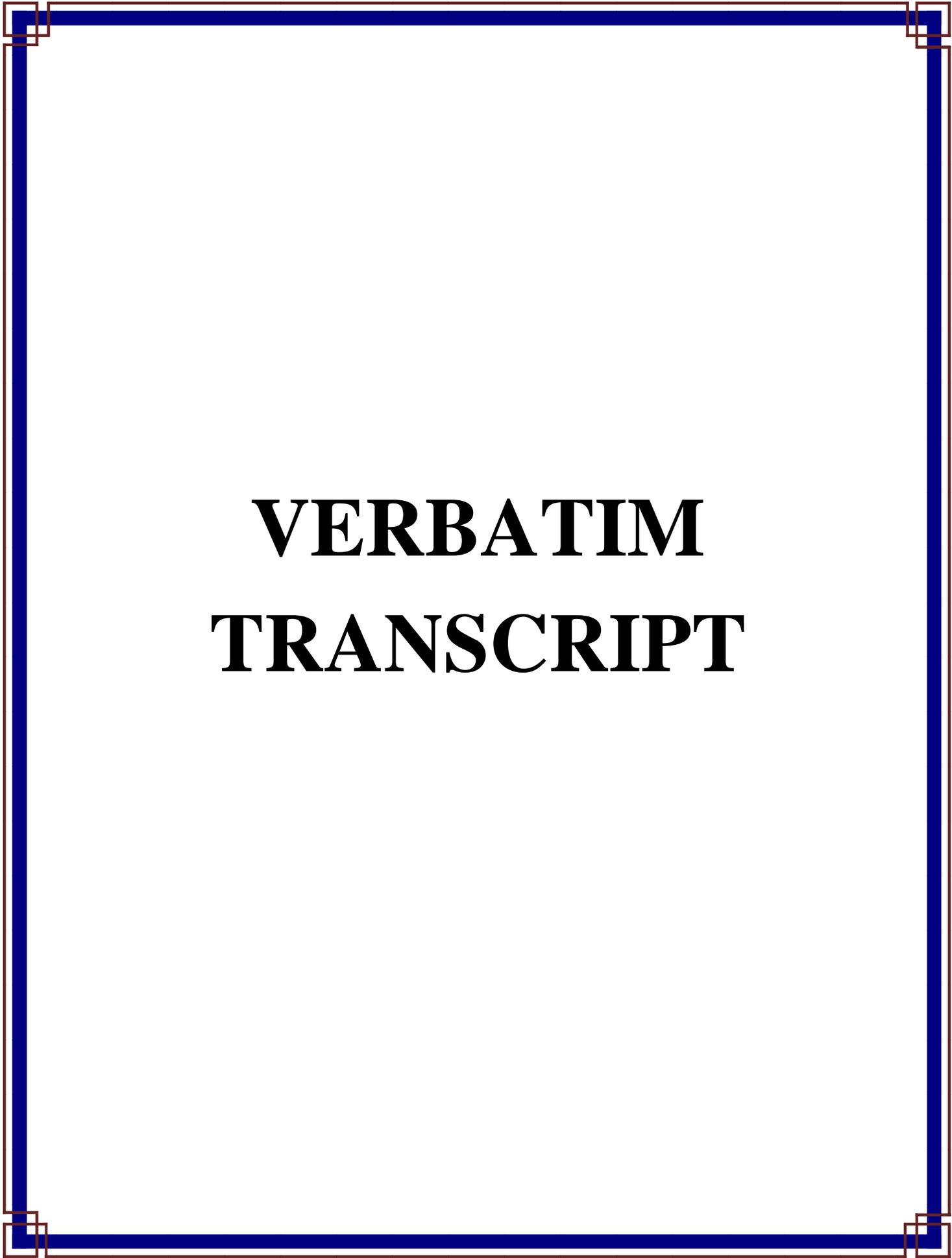
- This agency has no comments.

- This agency has no objection.

- This agency has no objection, subject to listed or attached conditions.

- This agency objects, based on the listed or attached conditions.

COMMENTS: _____.



VERBATIM TRANSCRIPT

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

ZONING HEARING MASTER HEARINGS
August 15, 2022
ZONING HEARING MASTER: SUSAN FINCH

C2:
Application Number: RZ-STD 22-0944
Applicant: PFRH Lutz Office, LLC
Location: NE corner of N US Hwy 41 &
Newberger Rd.
Folio Number: 012409.0244, 012409.0246,
012409.0248 & 012409.0250
Acreage: 6.93 acres, more or less
Comprehensive Plan: R-1
Service Area: Rural
Existing Zoning: ASC-1
Request: Rezone to BPO-R

1 MR. GRADY: The next item is agenda item
2 C-2, Rezoning-Standard 22-0944. The applicant's
3 PFRH Lutz Office, LLC. The request is to rezone
4 from ASC-1 to Business Professional Office with
5 Restrictions.

6 Chris Grandlienard will provide staff
7 recommendation after presentation by the applicant.

8 HEARING MASTER FINCH: All right. Good
9 evening.

10 MR. PORTER: Thank you, Madam Hearing
11 Officer, and staff. Jim Porter. I'm with the
12 Akerman Law Firm, 401 East Jackson Street, Tampa,
13 representing the applicant tonight.

14 We do have opposition. So I'm going to make
15 my -- and I've talked to them. I understand their
16 issues. You'll hear what they have to say, and
17 I'll address in rebuttal. I'm going to spend a
18 moment orienting you, though, if I could.

19 HEARING MASTER FINCH: Okay. Mr. Porter,
20 just press the button with the person on it. There
21 you go.

22 MR. PORTER: My technology abilities. U.S.
23 41, Newberger Road, the subject parcel is in red.
24 The current zoning is ASC-1. What we're requesting
25 is a BPO, a standard office district.

1 This was here -- actually supposed to be
2 heard last month, but staff and the Planning
3 Commission had some concerns about the
4 compatibility of the request with the surrounding
5 area and also with the Lutz Community Plan.

6 So we asked for a continuance to work with
7 staff, and what we've agreed to and what we're
8 offering up today is elimination of anything other
9 than office that would otherwise be allowed in the
10 BPO category.

11 This is in the staff report, but it bears
12 repeating because I know this is one of the
13 concerns of the neighbors that this would be sort
14 of the stepping stone to allow commercial in this
15 area, which is not our intent at all.

16 So I'm going to -- I listed the things --
17 the NBPO that are currently allowed that we are
18 agreeing not to allow on the site. I'll read them
19 into the record just so everyone hear. Some of
20 them seem a little silly, but they are allowed
21 under BPO, and it's not our intent.

22 Our intent is just to do an office with some
23 training compatibilities at the site. So we're
24 restricting the following: Beekeeping, family day
25 care, home, library, schools, private, charter, and

1 public, commercial, vocational, and business
2 schools, funeral homes, laundries, mail and package
3 services, photography studios, diagnostic centers,
4 blood-plasma banks, family support services,
5 medical offices or clinics, and golf clubs.

6 We've also agreed to orient all the
7 buildings on-site away from residential uses, and
8 we'll be adding additional landscaping as described
9 in the staff report, and no outdoor storage will be
10 permitted on-site. And no organized activity will
11 take place in the rear of the building.

12 So we're asking for the ability to develop
13 the site with an office. It is -- the Planning
14 Commission has found that it meets the waiver
15 criteria for -- waiving locational criteria for the
16 Lutz Community Plan.

17 By allowing this project to go forward, we
18 would be prohibiting any commercial. We would be
19 eliminating any chance of urban or suburban sprawl
20 because the office use, obviously, wouldn't be
21 residential in nature, and it would further the
22 intent of that.

23 The existing wetlands on-site will,
24 obviously, remain; and again, the neighbors do have
25 some concerns that I think you need to hear, and

1 then I will rest at this point and try to address
2 those concerns as much as possible in rebuttal.

3 HEARING MASTER FINCH: Mr. Porter, let me
4 just before you go -- and thank you for that. I
5 just have a couple of questions.

6 MR. PORTER: Okay.

7 HEARING MASTER FINCH: So is it fair to
8 say -- because you went through the BPO list of
9 uses to prohibit a whole range of uses, is it fair
10 to say that the only use that's left is
11 Professional Office?

12 MR. PORTER: I think the only one that
13 would -- yes. There's no commercial uses. There
14 could be one or two that just didn't make sense to
15 list, but that's the general intent. And as we
16 missed one, we're happy to do that because -- well,
17 I worked closely with Brian and Chris on this, and
18 that was, again, the intent. If we miss one, flunk
19 the intent and feel free to add that.

20 HEARING MASTER FINCH: Okay. And the nature
21 of the use -- the office use is what?

22 MR. PORTER: So it would be general office
23 use. The idea would be that they would have one or
24 two employees on a daily basis, but the building
25 would also be used for corporate training once or

1 twice a month with more people there, and the
2 parking would accommodate that. But daily use
3 would just be an office, which is a very passive
4 use.

5 HEARING MASTER FINCH: Okay. And then
6 regarding the restrictions that are proposed, I
7 understand that's the prohibition the first use --
8 or the first restriction and the orientation.

9 The third one that talks about the
10 additional landscaping and so forth talks about --
11 actually specifies a number of plants, and so just
12 from a -- from a practical standpoint of someone
13 that has to review this, if it were to be approved
14 by the Board of County Commissioners, does that
15 mean -- it actually says not to exceed 12 plants.
16 Does that mean all the shrubs and the trees and the
17 palms.

18 MR. PORTER: Correct.

19 HEARING MASTER FINCH: Not more than 12.
20 And why was that number chosen?

21 MR. PORTER: That was the negotiated number
22 with staff.

23 The idea was we're going to have to do
24 required landscaping, and this would be above and
25 beyond it but not to exceed 12. So that number was

1 higher than -- than would normally be required.
2 But also not so much to be too burdensome to the
3 applicant, and it was something that was negotiated
4 with staff.

5 HEARING MASTER FINCH: Okay. And then the
6 last thing is the fourth restriction that talks
7 about no organized activity will take place in the
8 rear of the building. What does that mean?

9 MR. PORTER: So if -- I think the neighbors
10 or potentially the staff was concerned about the
11 idea of a training facility; that they would have a
12 ropes course or some sort of outdoor activity that
13 would be a problem for the neighborhood. So we've
14 agreed to not allow that. That's not the intent of
15 this.

16 Everything would be indoors. And to the
17 extent that there is any outdoor activity, it would
18 be not in the rear of the building and not
19 impacting the neighborhood.

20 HEARING MASTER FINCH: Okay. Perfect.
21 That's all I needed to know. Thank you so much.
22 If you could please sign in.

23 All right. We'll go to Development
24 Services.

25 MR. GRANDLIENARD: Good evening. Chris

1 Grandlienard, Development Services.

2 I'm here to present application
3 Rezoning 22-0944. The applicant is proposing to
4 rezone from the existing ASC-1, Agricultural
5 Single-Family Conventional, to BPO-Restricted,
6 Business Professional Office-Restricted.

7 The approximate 6.93-acre property is
8 comprised of four parcels that are zoned ASC-1.
9 The subject property is located at the northeast
10 corner of North U.S. Highway 41 and Newberger Road.

11 The applicant proposes to develop an office
12 and corporate training facility. The area consists
13 of residential, commercial, and agricultural. The
14 subject parcel is directly adjacent to residential
15 zoned ASC-1 to the east, commercial zoned ASC-1 to
16 the north, and a lake to the northeast.

17 To the ones across U.S. Highway 41 is a
18 single-family residential and agricultural zoned
19 ASC-1. The subject property is designated
20 Residential-1 on the Future Land Use Map.

21 The site is located within the Rural Service
22 Area. It is located within the limits of the Lutz
23 Community Plan. The Planning Commission and the
24 Development Services have some -- have some
25 compatibility concerns such as loud noises and

1 disruption from training activities to the
2 neighboring residential and agricultural
3 properties.

4 Additionally, the proposed use does not meet
5 commercial locational criteria per Policy 22.2.
6 The closest node identified in the 2040 Highway
7 Cost Affordable Map is over 3500 linear feet to the
8 south.

9 The applicant has applied for commercial
10 locational criteria waiver as he noted. The
11 applicant has offered restrictions to mitigate
12 these compatibility concerns.

13 The property shall be restricted from the
14 following uses currently permitted in the BPO
15 zoning district: Beekeeping, family day care home,
16 libraries, schools, private, charter, and public,
17 commercial, vocational, and business schools,
18 funeral homes, laundries, mail and package
19 services, photography studios, diagnostic centers,
20 blood-plasma banks, family support services,
21 medical offices or clinics and golf clubs.

22 The second restriction: The applicant will
23 orient all buildings on-site away from residential
24 uses. The third restriction: In addition to the
25 screening and landscaping as required by the Land

1 Development Code along the eastern boundary, along
2 the southern boundary at a distance of 10 feet from
3 the property boundary, the developer shall provide
4 an enhanced landscaping with the addition of a
5 combined combination of shrubs, trees, and palms
6 for a total not to exceed 12 plants.

7 Fourth restriction: No outdoor storage will
8 be permitted on-site, and no organized activity
9 will take place in the rear of the building.

10 After the submittal of the proposed
11 restrictions by the applicant, the Planning
12 Commission found the proposed use consistent with
13 the Comprehensive Plan.

14 Development Services confers with that.
15 Based on the Residential-1 Future Land Use
16 Classification, the surrounding zoning and
17 development pattern and the proposed use for the
18 BPO-R, Business Professional Office-Restricted
19 zoning district, staff finds the request approvable
20 with restrictions as noted.

21 That concludes my staff report for
22 Rezoning 22-0944. I'll be glad to answer any
23 questions you may have.

24 HEARING MASTER FINCH: No questions at this
25 time, but thank you.

1 Planning Commission.

2 MS. PAPANDREW: Good evening. Andrea
3 Papandrew, Planning Commission staff.

4 The subject property is within the
5 Residential-1 Future Land Use Category and
6 Residential-1 surrounds the site on all sides. It
7 is within the Rural Area, in the Lutz Community
8 Plan.

9 The proposed development is consistent with
10 Objective 4. The intent of the Rural Area is to
11 provide areas for large lot, low density, rural,
12 residential, or agricultural uses.

13 Policy 8.1 and Policy 9.1 requires
14 compatibility with the surrounding uses and
15 consistency with the planned category. The subject
16 site is designated Residential-1 in the Future Land
17 Use Map.

18 The intent of Residential-1 is to designate
19 areas for rural residential uses compatible with
20 short-term agricultural uses, rural scale
21 neighborhood commercial, office, and multipurpose
22 projects.

23 The proposed office use is consistent with
24 the intent of Residential-1 Future Land Use
25 Category. Objective 16 and Policy 16.3 refers to

1 the protection of existing neighborhoods.

2 The subject site is surrounded by
3 Agricultural Single-Family Conventional-1 zoning.
4 To the east and northeast is a large single-family
5 subdivision. To the southeast are public
6 institutional uses.

7 North of the property is light industrial.
8 South of the property is agricultural land, and to
9 the west, northwest, and southwest are
10 single-family residential, agricultural land, and a
11 small parcel designated as multifamily.

12 Staff had concerns regarding the impact to
13 nearby residential properties. The applicant has
14 proposed restrictions to help eliminate the
15 impacts. The applicant will orient all buildings
16 on-site away from residential uses and provide
17 enhanced landscaping.

18 No outdoor storage will be permitted
19 on-site, and no organized activity will take place
20 in the rear of the building. The applicant also
21 proposed a list of BPO uses that are considered low
22 impact nonresidential uses.

23 With the proposed restrictions, the request
24 is consistent. The subject site is located within
25 the limits of the Lutz Community Plan. The Lutz

1 community desires to maintain existing and
2 encourage new commercial uses geared to serving the
3 daily needs of area residents in a scale and design
4 that complements the character of the community.

5 The subject site does not meet commercial
6 locational criteria as the closest node is located
7 3500 feet away at Lutz Lake Fern Road and U.S. 41.
8 Though Newberger is not a roadway list of the 2040
9 Cost Affordable Map, it is listed in the Lutz
10 Community Plan where commercial development is
11 desired.

12 The applicant has requested a waiver to
13 commercial locational criteria. Staff has reviewed
14 this request and finds that it meets the intent of
15 the Lutz Community Plan.

16 Based upon the above considerations,
17 Planning Commission staff finds proposed Planned
18 Development consistent with the Future of
19 Hillsborough Comprehensive Plan for unincorporated
20 Hillsborough County. Thank you.

21 HEARING MASTER FINCH: Thank you. I
22 appreciate it.

23 All right. Is there anyone in the room that
24 would like to speak in support? Anyone in favor?
25 Anyone online?

1 Seeing no one anyone, anyone in opposition
2 that would like to speak? All right. How many
3 people? If you could raise your hands high, so I
4 can count. I see three people in the room. That's
5 it. All right. How many online? No one.

6 Okay. So three people. We'll divide that
7 15 minutes to 5 minutes a piece. Joe, if you could
8 track that for me, and whoever would like to start,
9 go ahead and come forward.

10 Good evening, sir. Give us your name and
11 address to start, please.

12 MR. MUFFLY: Jay A. Muffly, 102 5th Avenue
13 Southeast, Lutz, Florida 33549.

14 I'm here representing myself and the Lutz
15 Civic Association. We have concerns. Concern
16 number one, because of the fence on Newberger Road
17 and U.S. 41, the citizens of the Newberger Road
18 area have expressed concern when making a left turn
19 from Newberger onto 41.

20 It's very hard to see and judge the oncoming
21 traffic. That's a 6-foot-high chain-link fence,
22 and when the sun is shining bright, that shiny
23 fence is particularly -- this is a speeding area on
24 U.S. 41. It makes it very hard to judge.

25 Concern number two, the citizens of Lutz are

1 concerned about the design of the buildings. They
2 should be more like the other office buildings in
3 Lutz, which are primarily one-story, almost like
4 residential structures. Citizens do not like the
5 building that was put up on the lot just north of
6 this.

7 The third concern and we are extremely
8 concerned about the possible damage to wetlands and
9 the lake by the clearing of all vegetation except
10 cypress trees along a portion of the lakefront.
11 There is no EPC permit displayed. Thank you.

12 HEARING MASTER FINCH: Thank you, sir. If
13 you could please sign in, please.

14 Whoever would like to speak next, go ahead
15 and come forward. Good evening.

16 MS. BAYLESS: My name is Renee Bayless. My
17 address is 403 Strathaven Court, Lutz, Florida
18 33549.

19 I'm representing the residents of Stewart
20 Manor subdivision, which is right around the
21 corner. A lot of our opposition was all -- already
22 covered, but we just want to reiterate, it is a
23 rural area.

24 We are concerned about the lighting that may
25 come at night because he does have the fence that

1 is so high. We assume he will have lighting. We
2 want it not to affect the communities around it.

3 We're also concerned with the traffic on
4 Newberger Road. It is a two-lane road with many
5 residents who in the morning and afternoon go and
6 come. We are in between two major two-lane roads
7 that have lights there, and recently, I would say
8 in the past two years there was a church
9 construction -- constructed on Newberger Road.

10 On Sundays and Wednesdays, when they are
11 exiting their service, there is a backup on
12 Newberger Road.

13 As the gentleman before me stated, it's
14 already a dangerous intersection. When we pull
15 out, we do not have a light. We have traffic on
16 Highway 41 at high speeds.

17 So even before the construction of the
18 fence, it was a dangerous area. A lot of times
19 people would pull out into the center, which was
20 also dangerous.

21 Now, as he said, with the fence there, you
22 can see through the fence until you get to the stop
23 sign, and so my main concern is a safety issue. I
24 contacted various businesses or government
25 agencies, I should say, when the fence first went

1 up. The DOT, I was always directed to them.

2 The fence -- I would tell them, you would
3 pull up to the stop sign and you could not see the
4 northbound traffic. You would pull up into the
5 crosswalk, look toward the southbound traffic, and
6 it is blocked by a utility pole. So then you would
7 have to nose out into Highway 41.

8 When he -- the DOT said they could not force
9 him to remove the fence, but they would look at
10 pedestrian and bicyclists sideline issues, but we
11 would only be able to have him move the fence back
12 3 to 5 feet.

13 He did do that because it was determined to
14 be a sideline issue. So he angled the fence, but
15 it still does not give you a clear view of
16 northbound traffic, and that is a safety issue.

17 All of the other issues, yes, I'm concerned
18 about, but we have school buses that go in and out
19 of that on a daily basis. And it's just not a safe
20 place to cross over on to a major highway. They
21 also wanted me to talk about the design, which was
22 already covered with that.

23 HEARING MASTER FINCH: All right. So thank
24 you for coming down. If you could please sign in.

25 All right. The last person that wanted to

1 speak. Good evening.

2 MR. BURGER: My name is Michael Burger. I
3 live at 302 Lake Kell Court in Lake Kell Crossings.
4 The subdivision just on the other side of the lake.

5 I've got several concerns and some of them
6 have been voiced quite adequately. My concern is
7 how far -- to paraphrase, how far the camel wants
8 to put the nose under the tent here.

9 The gentleman who is involved in this
10 development represents 18 Florida companies that I
11 can count. Holding companies or shell companies, I
12 don't know.

13 The fact that he wants to do one thing, but
14 I can't see it -- I don't have faith that it's not
15 going to change in the future once we give it a
16 certain -- once we move it away from the rural
17 designation.

18 The -- the compatibility with neighborhood
19 and community standards, I'm -- I've got photos of
20 the -- you know, examples of the storageship of the
21 conservation area of all the trees that were
22 already taken down.

23 Just because they're not cypress trees
24 doesn't mean that you didn't trample into the
25 conservation area. The plan calls for adding up to

1 12 plants. Twelve whole plants after taking out 20
2 trees? That was on the east side.

3 So now all the people in my community that
4 thought they had some sort of privacy are now being
5 just -- it's all open. It's all open to 41,
6 because of the removal of trees and vegetation in
7 the conservation area. Newberger Road is
8 classified as a substandard two-lane Road.

9 It can't barely handle the traffic it has.
10 It's only two-laned. It's -- it's only in recent
11 memory had a line put down the center of it. This
12 is -- you've got a church now. We've got more --
13 more homes that are being built there.

14 I'm -- I'm concerned about the traffic this
15 is going to bring, and I've seen the traffic study
16 for this. If it bears any resemblance to that
17 traffic study -- I don't know how you could
18 possibly allow it. The entrance to -- the current
19 entrance to this lot is about 50 feet maybe in from
20 the -- from 41. If somebody turns in and stops to
21 go in the, next person is the back of their car is
22 hanging out 41 or something. It's -- it's -- it's
23 designed poorly. That's all I'm saying.

24 So I would -- I would encourage you to look
25 at it carefully, look at how it fits into the

1 community, and look at the design and the fence and
2 the other things I think have been covered for me.

3 HEARING MASTER FINCH: Thank you, sir, for
4 coming down. I appreciate it. If you could sign
5 in.

6 All right. So with that, we'll close
7 opposition testimony.

8 Go back to Development Services. Mr. Grady,
9 anything else?

10 MR. GRADY: Yeah. Just a couple of comments
11 and James Ratliff with transportation can add on to
12 this if you like. But again, this is a standard
13 rezoning.

14 So there's not a site plan, and again, if
15 the zoning were approved, they would have to go
16 through site review, and the number of issues would
17 be looked at regarding substandard road.

18 The access location, throat depth for the
19 access points to ensure that there's sufficient
20 stacking of the site, also site distance triangles
21 for fencing.

22 So a number of issues that would be
23 addressed at site review to address some of the
24 concerns expressed by opposition. Again,
25 Mr. Ratliff's available if you want him to add any

1 further to that, if you like.

2 HEARING MASTER FINCH: Okay. Mr. Ratliff,
3 did you want to add anything to Mr. Grady's
4 comments?

5 MR. RATLIFF: I -- I think he covered a lot
6 of the particulars. Yeah. I would just say
7 that -- again, for the record, James Ratliff,
8 Development Services Transportation -- the existing
9 access that's there today is not necessarily the
10 access that will be approved. So just to that last
11 speaker's comment.

12 The Newberger's a collector road. They're
13 going to have to comply with our access management
14 spacing standards, like Brian mentioned,
15 substandard road policies when they come in for
16 site.

17 This is a little bit different. This is a
18 Euclidean zoning, right. So it's not like a
19 Planned Development district where they would have
20 to look at that at this stage. That's something
21 that we will, however, be enforcing at the time of
22 site plan review.

23 And with respect to the site triangle issue,
24 there were several, I think, potential
25 encroachments that the applicant meant -- or

1 rather, excuse me, the speakers maybe mentioned.
2 One was a fence and others were maybe some utility
3 poles that might be within that site distance area.

4 Again, I would encourage them to work with
5 FDOT on those issues, and certainly, when the
6 applicant comes through site permitting, we're
7 going to be taking a look at those issues as well
8 in conjunction with FDOT to make sure that any --
9 the new development on the site does not violate
10 those.

11 To the extent that there may be as an
12 existing power pole that's not in the applicant's
13 control that -- you know, again, that's not
14 something that's specifically tied to this
15 developer.

16 If that's an existing issue, I would
17 encourage the citizens to reach out to FDOT so that
18 they can work in conjunction with whoever that
19 utility pole owner is, to take a look at that issue
20 and get that solved independently regardless, you
21 know, of whether or not this development moves
22 forward.

23 HEARING MASTER FINCH: All right. Thank you
24 for those comments. I really appreciate it.

25 MR. GRADY: And just one more comment, this

1 is within the Lutz -- subject to the Lutz rural
2 community development standards within the Code,
3 which do have design requirements regarding the
4 building. So I just want to put that in t he
5 record. Thank you.

6 HEARING MASTER FINCH: And there no waivers
7 requested?

8 MR. GRADY: They cannot seek any relief from
9 that through this process.

10 HEARING MASTER FINCH: Through that
11 Euclidean zoning process?

12 MR. GRADY: Correct.

13 HEARING MASTER FINCH: Understood. Okay.
14 Thank you.

15 All right. Mr. Porter, we'll go back to
16 you. You have five minutes for rebuttal.

17 MR. PORTER: Thank you, Madam Hearing
18 Officer.

19 I appreciate the neighbors coming out and
20 sharing their concerns. As I said, I talked to
21 them before the hearing. I understand their
22 frustrations with some of the existing conditions.

23 But I want to emphasize, those are existing
24 conditions. The fence is a big issue for them.
25 It's a -- I'm told by my client's temporary fence

1 that with this project as approved, appropriate
2 fencing will be put up, and that will be taken
3 down.

4 Nevertheless, I understand it exists, and
5 they're frustrated about it, but it is an existing
6 condition. A lot of their concerns have to do with
7 what's there now, and the purpose of tonight's
8 hearing, as you know, is to consider the request to
9 allow an office use on this site.

10 So I'd ask you to focus in your report on
11 not necessarily conditions that are there that have
12 nothing to do with the rezoning, but really going
13 forward whether this is an appropriate use.

14 We want to rely heavily on both the Planning
15 Commission's report and the staff's recommendation
16 of approval and the Planning Commission's report
17 and recommendation of consistency with the plan,
18 and I think the elements that they site in their
19 report really go to the heart of the matter.

20 Again, because this is an office use, it's
21 going to be highly restricted. We're going to make
22 sure there's no commercial on this site. I know
23 that was Mr. Burger's concern.

24 And when we talked privately and also what
25 he said on the record, that this is a stepping

1 stone or something else will then go in after this.
2 And the applicant will request -- well, as you
3 know, that would require a public hearing, and I
4 think it highly unlikely, given the Lutz Community
5 Plan and the Comprehensive Plan, that any kind of
6 commercial would be allowed north of Newberger
7 Road.

8 Nevertheless, if someone did request that,
9 including my property owner, they would have to go
10 through a process, and it couldn't be done in the
11 dark of night. It would have to be done in a
12 public process.

13 So I understand that concern, but
14 understanding the process means that that's not
15 something that's likely to happen or it couldn't
16 happen without further public hearing processes.

17 Brian touched off on some of the things I
18 was going to talk about like traffic and about
19 designs that will be covered at a later stage. So,
20 again, the only purpose of tonight is whether this
21 zoning category, BPO, that's highly restricted with
22 the other restrictions is appropriate for this
23 site.

24 And we would respectfully ask for your
25 approval on that. And, again, I've given the

1 neighbors my card. I will continue to work with
2 them about some of the existing conditions. That's
3 outside of your purview, obviously, but I wanted to
4 emphasize on the record that we take their concerns
5 seriously, and we want to be good neighbors. So
6 thank you.

7 HEARING MASTER FINCH: Then with that, we'll
8 close Rezoning 22-0944 and go to the next case.

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1 being continued to the September 19, 2022, Zoning
2 Hearing Master Hearing.

3 Item A-34, Rezoning-Standard 22-0927. This
4 application is out of order to be heard and is
5 being continued to the August 15, 2022, Zoning
6 Hearing Master Hearing.

7 Item A-35, Rezoning-Standard 22-0944. This
8 application is being continued by the applicant to
9 the August 15, 2022, Zoning Hearing Master Hearing.

10 Item A-36, Rezoning-Standard 22-0945. This
11 application is out of order to be heard and is
12 being continued to the August 15, 2022, Zoning
13 Hearing Master Hearing.

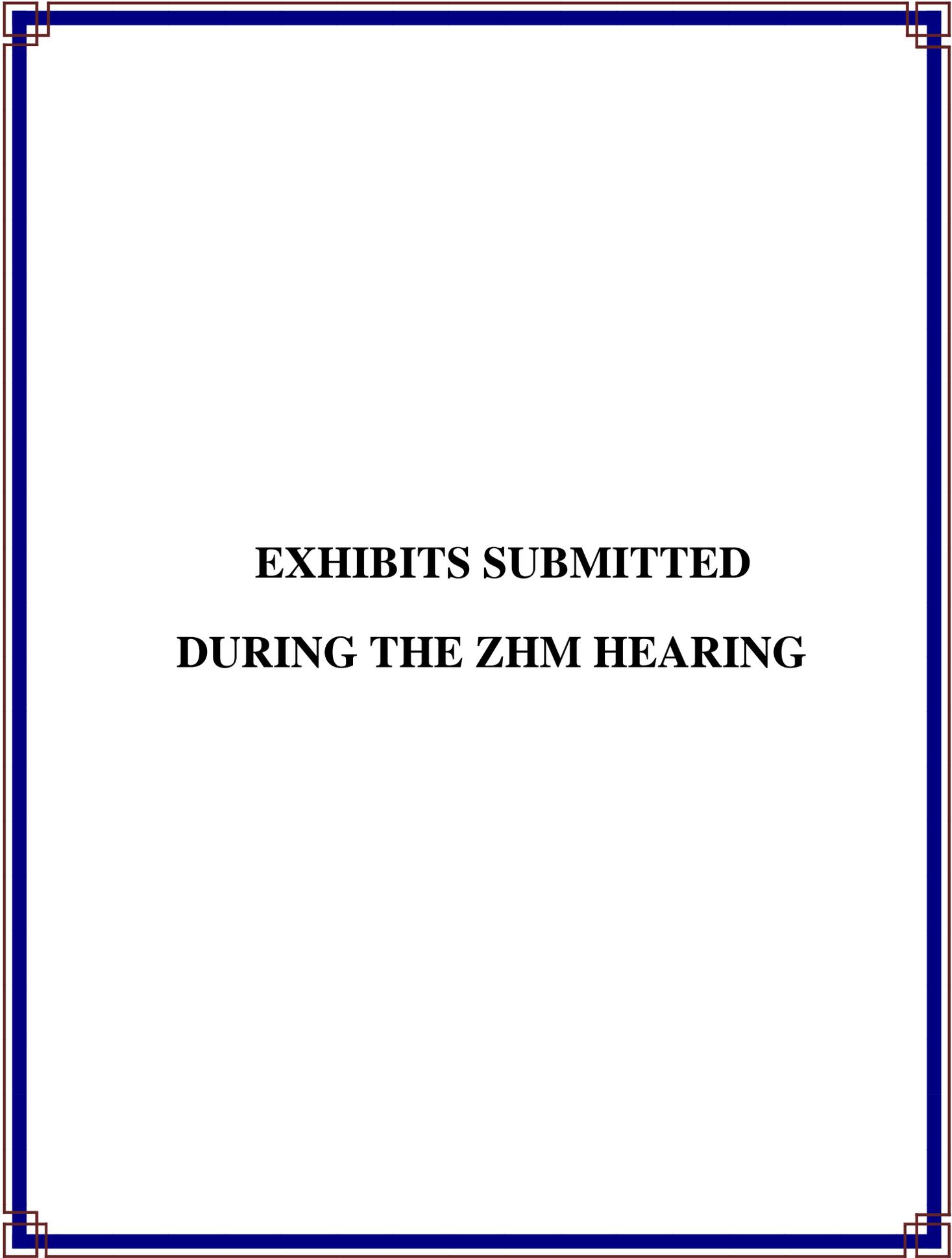
14 And item A-37, Rezoning-Standard 22-0986.
15 This application is being withdrawn from the Zoning
16 Hearing Master Hearing process.

17 That concludes all withdrawals and
18 continuances.

19 HEARING MASTER FINCH: All right. Thank you
20 very much. I appreciate it, Mr. Grady.

21 Let me start by going over our hearing
22 procedures for tonight's hearing. Our hearing
23 today consists of agenda items that require public
24 hearing by the Zoning Hearing Master.

25 I'll conduct a hearing on each agenda item



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

DATE/TIME: 8-15-2022 6pm HEARING MASTER: Susan Finch

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

<p>APPLICATION # 22-0802</p>	<p>PLEASE PRINT NAME <u>Kemi Corbett</u> MAILING ADDRESS <u>1015 Kennedy Blvd Ste 2700</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 228-8421</u></p>
<p>APPLICATION # 22-0944</p>	<p>PLEASE PRINT NAME <u>Jim Porter</u> MAILING ADDRESS <u>401 E. Jackson St. suite 1700</u> <u>33602</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>(813)209-5060</u></p>
<p>APPLICATION # 22-0944</p>	<p>PLEASE PRINT NAME <u>Jay A. Maffig</u> MAILING ADDRESS <u>102 5TH AVE S.E</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813 949-2224</u></p>
<p>APPLICATION # 22-0944</p>	<p>PLEASE PRINT NAME <u>Renee Bayless</u> MAILING ADDRESS <u>403 STRATHAVEN CT</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>(813) 909-9540</u></p>
<p>APPLICATION # 22-0944</p>	<p>PLEASE PRINT NAME <u>Michael Burger</u> MAILING ADDRESS <u>302 Lakekell Court</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813 918 1293</u></p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____</p>

DATE/TIME: 8-19-22 6 pm HEARING MASTER: Susan Finch

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

<p>APPLICATION # <u>20-1142</u></p>	<p>PLEASE PRINT NAME <u>TU MAI</u></p> <p>MAILING ADDRESS <u>14031 N. DALE MANSKY HWY</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813)962-6230</u></p>
<p>APPLICATION # <u>21-0963</u></p>	<p>PLEASE PRINT NAME <u>NEALE STRALOW</u></p> <p>MAILING ADDRESS <u>501 E Kennedy Blvd suite 1010</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>727 409 6450</u></p>
<p>APPLICATION # <u>21-1321</u></p>	<p>PLEASE PRINT NAME <u>TU MAI</u></p> <p>MAILING ADDRESS <u>14031 N. DALE MANSKY HWY</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33618</u> PHONE <u>(813)962-6230</u></p>
<p>APPLICATION # <u>22-0369</u></p>	<p>PLEASE PRINT NAME <u>ALBERT DOUGLASS</u></p> <p>MAILING ADDRESS <u>5125 W CRENSHAW</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33634</u> PHONE <u>813 806-0096</u></p>
<p>APPLICATION # <u>22-0559</u></p>	<p>PLEASE PRINT NAME <u>Kemi Corbett</u></p> <p>MAILING ADDRESS <u>101 E Kennedy Blvd Ste 100</u></p> <p>CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-227-8421</u></p>
<p>APPLICATION # <u>22-0559</u></p>	<p>PLEASE PRINT NAME <u>Russ Greer Progressive Capital Group</u></p> <p>MAILING ADDRESS <u>400 N. New York Ave, Ste 101</u></p> <p>CITY <u>Winter Park</u> STATE <u>FL</u> ZIP <u>32789</u> PHONE <u>770 329 7850</u></p>

DATE/TIME: 8-15-22 6pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>RZ-AD</u> <u>22-0565</u>	PLEASE PRINT NAME <u>Jame Maier</u> MAILING ADDRESS <u>101 E. Kennedy Blvd., ste. 3700</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-906-5189</u>
APPLICATION # <u>22-0685</u>	PLEASE PRINT NAME <u>TODD AMADEN</u> MAILING ADDRESS <u>8515 PALM RIVER RD</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33619</u> PHONE <u>813-621-7811</u>
APPLICATION # <u>22-0685</u>	PLEASE PRINT NAME <u>STEVE HENRY</u> MAILING ADDRESS <u>5023 W. LAUREL ST</u> CITY <u>TPA</u> STATE <u>FL</u> ZIP <u>33607</u> PHONE <u>813-289-0039</u>
APPLICATION # <u>22-0685</u>	PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>101 E Kennedy Blvd. 3700</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-227-8424</u>
APPLICATION # <u>22-0685</u>	PLEASE PRINT NAME <u>Roxanne Back</u> MAILING ADDRESS <u>4022 Crestwood Dr</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33596</u> PHONE <u>262-361-2523</u>
APPLICATION # <u>22-0685</u>	PLEASE PRINT NAME <u>RON SMITH</u> MAILING ADDRESS <u>3305 LITTLE RD</u> CITY <u>VALRICO</u> STATE <u>FL</u> ZIP <u>33596</u> PHONE <u>813 833-2273</u>

DATE/TIME: 8-15-2022 6 pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # 22-0685	PLEASE PRINT NAME <u>KAREN & Peter Ducat</u> MAILING ADDRESS <u>3303 Little Rd</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33596</u> PHONE <u>813-684-3840</u>
APPLICATION # 22-0685	PLEASE PRINT NAME <u>Anna Pitonour</u> MAILING ADDRESS <u>3010 W. Azelle St, Ste 150</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33609</u> PHONE <u>813 223 3919</u>
APPLICATION # 22-0859	PLEASE PRINT NAME <u>Sean Coshen</u> MAILING ADDRESS <u>13825icot Blvd Ste 605</u> CITY <u>Clearwater</u> STATE <u>FL</u> ZIP <u>33760</u> PHONE <u>727-524-1818</u>
APPLICATION # 22-0859	PLEASE PRINT NAME <u>Julia Mandell</u> MAILING ADDRESS <u>401 S Jackson St</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-731-7904</u>
APPLICATION # 22-0859	PLEASE PRINT NAME <u>Rosa Elena Jairo</u> MAILING ADDRESS <u>815W Bougainvillea Ave</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33612</u> PHONE <u>8133776842</u>
APPLICATION # 22-0859	PLEASE PRINT NAME <u>Larry Adams</u> MAILING ADDRESS <u>9604 Six Mile Creek Rd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33610</u> PHONE <u>813-468-4542</u>

DATE/TIME: 8-15-2022 6pm HEARING MASTER: Susan Finch

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

<p>APPLICATION # 22-0863</p>	<p>PLEASE PRINT NAME <u>William Molloy</u></p> <p>MAILING ADDRESS <u>3255 Ash</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33600</u> PHONE _____</p>
<p>APPLICATION # 22-0863</p>	<p>PLEASE PRINT NAME <u>Isabelle Albert</u></p> <p>MAILING ADDRESS <u>1000 W. Ashley Dr.</u></p> <p>CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813 321 0976</u></p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>MAILING ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>MAILING ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>MAILING ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>
<p>APPLICATION #</p>	<p>PLEASE PRINT NAME _____</p> <p>MAILING ADDRESS _____</p> <p>CITY _____ STATE _____ ZIP _____ PHONE _____</p>

HEARING TYPE: **ZHM**, PHM, VRH, LUHO

DATE: 8/15/2022

HEARING MASTER: Susan Finch

PAGE: 1 OF 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 22-0802	Kami Corbett	1. Application Presentation Packet	No
RZ 22-0944	Jay Muffly	1. Opposition Presentation Packet	No
MM 21-0963	Neale Stralow	1. Application Presentation Packet	No
RZ 21-1321	Tu Mai	1. Proponent Presentation Packet	No
RZ 22-0369	Brian Grady	1. Revised Staff Report	Yes (copy)
RZ 22-0559	Brian Grady	1. Revised Staff Report	Yes (copy)
RZ 22-0565	Brian Grady	1. Revised Staff Report	Yes (copy)
RZ 22-0565	Jaime Maier	2. Application Presentation Packet	No
RZ 22-0685	Brian Grady	1. Revised Staff Report	Yes (copy)
RZ 22-0685	Kami Corbett	2. Applicant Presentation Packet	No
RZ 22-0685	Roxanne Back	3. Opponent Presentation Packet	No
RZ 22-0685	Roxanne Back	4. Opponent Presentation Packet	No
RZ 22-0685	Karen Ducat	5. Opposition Presentation Packet	No
RZ 22-0685	Anna Ritenour	6. Application Presentation Packet	No
RZ 22-0859	Brian Grady	1. Revised Staff Report	Yes (copy)
RZ 22-0859	Julia Mandell	2. Application Presentation Packet	No
MM 22-0863	Brian Grady	1. Revised Staff Report	Yes (copy)
MM 22-0863	Isabelle Albert	2. Application Presentation Packet	No

AUGUST 15, 2022 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, August 15, 2022, at 6:00 p.m., in the Ada T. Payne Community Room, Robert W. Saunders Sr. Public Library, Tampa, Florida, and held virtually.

▶ Susan Finch, ZHM, called the meeting to order and led in the pledge of allegiance to the flag.

A. WITHDRAWALS AND CONTINUANCES

▶ Brian Grady, Development Services, introduced staff and reviewed the changes.

D.4. MM 22-0109

▶ Brian Grady, Development Services, announces MM 22-0109 was withdrawn.

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

▶ Susan Finch, ZHM, overview of ZHM process.

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

▶ Susan Finch, ZHM, Oath.

B. REMANDS

C. REZONING STANDARD (RZ-STD):

C.1. RZ 22-0802

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

▶ Kami Corbett, applicant rep, presents testimony and submits exhibits.

▶ Christopher Grandlienard, Development Services, staff report.

▶ Andrea Papandrew, Planning Commission, staff report.

▶ Susan Finch, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes RZ 22-0802.

C.2. RZ 22-0944

- ▶ Brian Grady, Development Services, calls RZ 22-0944.
- ▶ Jim Porter, applicant rep, presents testimony.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Jim Porter, applicant rep, answers ZHM question.
- ▶ Christopher Grandlienard, Development Services, staff report.
- ▶ Andrea Papandrew, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls for proponents/opponents.
- ▶ Jay Muffly, opponent, presents testimony and submits exhibits.
- ▶ Renee Bayless, opponent, presents testimony.
- ▶ Michael Burger, opponent, presents testimony.
- ▶ Susan Finch, ZHM, calls for Development Services.
- ▶ Brian Grady, Development Services, presents testimony.
- ▶ James Ratliff, Development Services Transportation, presents testimony.
- ▶ Brian Grady, Development Services, continues testimony.
- ▶ Susan Finch, ZHM, calls for applicant rep.
- ▶ Jim Porter, applicant rep, presents rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 22-0944.

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

D.1. RZ 22-1142

- ▶ Brian Grady, Development Services, calls RZ 22-1142.
- ▶ Tu Mai, applicant rep, presents testimony.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Tu Mai, applicant rep, answers ZHM questions.

- ▶ Michelle Heinrich, Development Services, staff report.
- ▶ Susan Finch, ZHM, question to Development Services.
- ▶ Michelle Heinrich, Development Services, answers ZHM question.
- ▶ Andrea Papandrew, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, question to Planning Commission.
- ▶ Andrea Papandrew, Planning Commission, answers ZHM question and continues testimony.
- ▶ Susan Finch, ZHM, calls for proponents/opponents/Development Services/applicant rep.
- ▶ Tu Mai, applicant rep, presents rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 22-1142.

D.2. MM 21-0963

- ▶ Brian Grady, Development Services, calls MM 21-0963.
- ▶ Neale Stralow, applicant rep, presents testimony and submits exhibits.
- ▶ Susan Finch, ZHM, question to applicant rep.
- ▶ Neale Stralow, applicant rep, answers ZHM question.
- ▶ Tim Lampkin, Development Services, staff report.
- ▶ Andrea Papandrew, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls for proponents/opponents/Development Services/applicant rep/closes MM 21-0963.

D.3. RZ 21-1321

- ▶ Brian Grady, Development Services, calls RZ 21-1321.
- ▶ Tu Mai, applicant rep, presents testimony and submits exhibits.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Tu Mai, applicant rep, answers ZHM questions.

- ▶ Tania Chapela, Development Services, staff report.
- ▶ Andrea Papandrew, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, questions to Planning Commission.
- ▶ Andrea Papandrew, Planning Commission, answers ZHM questions.
- ▶ Susan Finch, ZHM, calls for proponents/opponents/Development Services.
- ▶ Andrea Papandrew, Planning Commission, answers ZHM questions.
- ▶ Susan Finch, ZHM, calls for applicant rep.
- ▶ Tu Mai, applicant rep, presents rebuttal.
- ▶ Susan Finch, ZHM, closes RZ 21-1321.

D.5. RZ 22-0369

- ▶ Brian Grady, Development Services, calls RZ 22-0369.
- ▶ Albert Docobo, applicant rep, presents testimony.
- ▶ Tania Chapela, Development Services, staff report.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ Tania Chapela, Development Services, answers ZHM questions.
- ▶ Andrea Papandrew, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls for proponents/opponents/Development Services.
- ▶ Tania Chapela, Development Services, presents testimony.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ Tania Chapela, Development Services, answers ZHM questions.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Albert Docobo, applicant rep, answers ZHM questions.
- ▶ Susan Finch, ZHM, closes RZ 22-0369.

D.6. RZ 22-0559

- ▶ Brian Grady, Development Services, calls RZ 22-0559.
- ▶ Kami Corbett, applicant rep, presents testimony.
- ▶ Susan Finch, ZHM, question to applicant rep.
- ▶ Kami Corbett, applicant rep, answers ZHM question and continues testimony.
- ▶ Susan Finch, ZHM, questions to applicant rep.
- ▶ Kami Corbett, applicant rep, answers ZHM questions.
- ▶ Sam Ball, Development Services, staff report.
- ▶ Andrea Papandrew, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, calls for proponents/opponents/Development Services/applicant rep.
- ▶ Kami Corbett, applicant rep, presents rebuttal.
- ▶ Susan Finch, ZHM, Oath.
- ▶ Russ Greer, applicant rep, presents testimony.
- ▶ Susan Finch, ZHM, closes RZ 22-0559.
- ▶ Susan Finch, ZHM, breaks.
- ▶ Susan Finch, ZHM, resumes hearing.

D.7. RZ 22-0565

- ▶ Brian Grady, Development Services, calls RZ 22-0565.
- ▶ Jaime Maier, applicant rep, presents testimony and submits exhibits.
- ▶ Susan Finch, ZHM, question to applicant rep.
- ▶ Jaime Maier, applicant rep, answers ZHM question and continues testimony.
- ▶ Tania Chapela, Development Services, staff report.
- ▶ Andrea Papandrew, Planning Commission, staff report.

- ▶ Susan Finch, ZHM, calls for proponents/opponents/Development Services.
- ▶ Brian Grady, Development Services, presents testimony.
- ▶ Susan Finch, ZHM, calls for applicant rep/closes RZ 22-0565.

D.8. RZ 22-0685

- ▶ Brian Grady, Development Services, calls RZ 22-0685.
- ▶ Kami Corbett, applicant rep, presents testimony and submits exhibits.
- ▶ Todd Amaden, applicant rep, presents testimony.
- ▶ Steve Henry, applicant rep, presents testimony.
- ▶ Kami Corbett, applicant rep, presents testimony.
- ▶ Tim Lampkin, Development Services, staff report.
- ▶ Andrea Papandrew, Planning Commission, staff report.
- ▶ Susan Finch, ZHM, questions to Development Services.
- ▶ Richard Perez, Development Services Transportation, answers ZHM questions.
- ▶ Susan Finch, ZHM, calls for proponents/opponents.
- ▶ Roxanne Back, opponent, presents testimony and submits exhibits.
- ▶ Ron Smith, opponent, presents testimony.
- ▶ Susan Finch, ZHM, calls for Development Services/questions to Development Services Transportation.
- ▶ Richard Perez, Development Services Transportation, answers ZHM questions.
- ▶ Susan Finch, ZHM, calls for applicant rep.
- ▶ Kami Corbett, applicant rep, presents rebuttal.
- ▶ Todd Amaden, applicant rep, presents rebuttal.
- ▶ Kami Corbett, applicant rep, continues rebuttal.
- ▶ Anna Ritenour, applicant rep, presents testimony.

▶ Kami Corbett, applicant rep, continues rebuttal.

▶ Susan Finch, ZHM, closes RZ 22-0685.

D.9. RZ 22-0859

▶ Brian Grady, Development Services, calls RZ 22-0859.

▶ Julia Mandell, applicant rep, presents testimony and submits exhibits.

▶ Sean Cashen, applicant rep, presents testimony.

▶ Susan Finch, ZHM, question to applicant rep.

▶ Sean Cashen, applicant rep, answers ZHM question.

▶ Julia Mandell, applicant rep, presents testimony.

▶ Susan Finch, ZHM, questions to applicant rep.

▶ Julia Mandell, applicant rep, answers ZHM question.

▶ Tim Lampkin, Development Services, staff report.

▶ Susan Finch, ZHM, questions to Development Services.

▶ Tim Lampkin, Development Services, answers ZHM questions.

▶ Andrea Papandrew, Planning Commission, staff report.

▶ Susan Finch, ZHM, calls for proponents/opponents.

▶ Rosa Elena Jaico, opponent, presents testimony.

▶ Susan Finch, ZHM, questions to opponent.

▶ Rosa Elena Jaico, opponent, answers ZHM question.

▶ Susan Finch, ZHM, Oath.

▶ Larry Adams, opponent, presents testimony.

▶ Susan Finch, ZHM, calls Development Services/applicant rep.

▶ Julia Mandell, applicant rep, presents rebuttal.

▶ Sean Cashen, applicant rep, presents rebuttal.

MONDAY, AUGUST 15, 2022

▶ Julia Mandell, applicant rep, presents rebuttal.

▶ Susan Finch, ZHM, closes RZ 22-0859.

D.10. MM 22-0863

▶ Brian Grady, Development Services, calls MM 22-0863.

▶ William Molloy, applicant rep, presents testimony.

▶ Isabelle Albert, applicant rep, presents testimony and submits exhibits.

▶ Susan Finch, ZHM, questions to applicant rep.

▶ Isabelle Albert, applicant rep, answers ZHM questions and continues testimony.

▶ Susan Finch, ZHM, questions to applicant rep.

▶ Isabelle Albert, applicant rep, answers ZHM questions.

▶ Israel Monsanto, Development Services, staff report.

▶ Andrea Papandrew, Planning Commission, staff report.

▶ Susan Finch, ZHM, questions to Planning Commission.

▶ Andrea Papandrew, Planning Commission, answers ZHM questions.

▶ Susan Finch, ZHM, calls for proponents/opponents/Development Services/applicant rep.

▶ William Molloy, applicant rep, presents rebuttal.

▶ Susan Finch, ZHM, closes MM 22-0863.

E. ZHM SPECIAL USE

ADJOURNMENT

▶ Susan Finch, ZHM, adjourns the meeting.

RZ STD 22-0944

Jay A. Muffly

102 5th Avenue SE Lutz, Florida 33549

I am representing myself and the Lutz Civic Association

Concern # 1

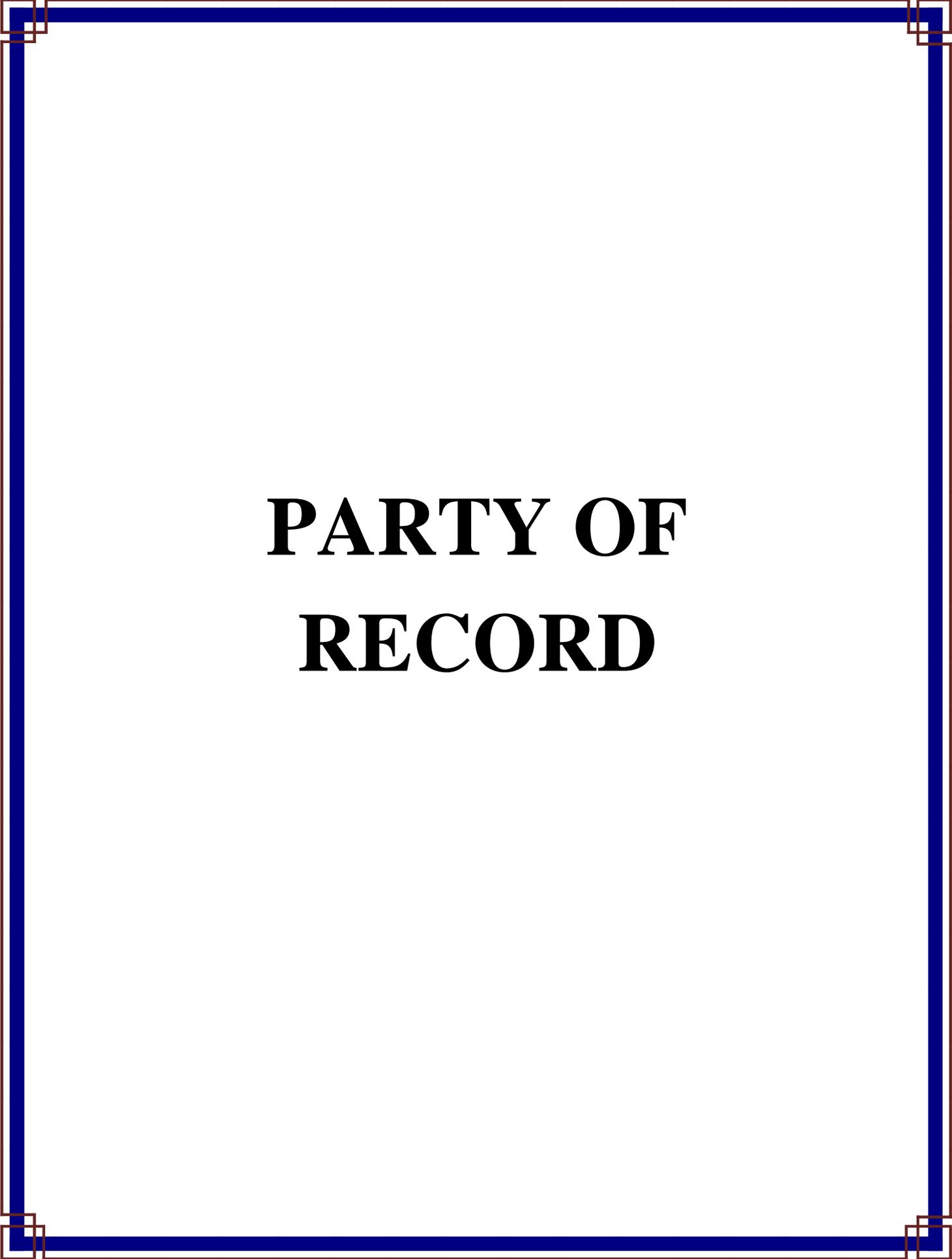
Because of the fence on Newberger Rd. and US-41. The Citizens from the Newberger Road area have expressed concerns when making a left turn from Newberger onto US-41 it is at times very hard to see and judge the speed of south bound traffic on Us-41. This is at times a speeding area.

Concern # 2

The Citizens of Lutz are concerned about the design of the buildings. They would like them to be similar to other offices in Lutz. The Citizens do not like the building on the lot to the north.

Concern # 3

We are extremely concerned about possible damage to Wetlands and Lake by you clearing all vegetation except Cypress trees along the lake front, without an EPC permit.



**PARTY OF
RECORD**

Rome, Ashley

From: Zoning Intake-DSD
Sent: Thursday, August 11, 2022 7:37 AM
To: Timoteo, Rosalina
Cc: Rome, Ashley
Subject: FW: Case RZ-STD 22-0944 comments

Clare Odell
Planning & Zoning Technician
Development Services Department (DSD)

P: (813) 276-8680 | VoIP: 39680
M: (813) 272-5600
E: odellcl@hillsboroughcounty.org
W: HillsboroughCounty.Org

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

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Please note: All correspondence to or from this office is subject to Florida's Public Records law.

-----Original Message-----

From: Rick peckham <rpeckham@tampabay.rr.com>
Sent: Wednesday, August 10, 2022 8:32 PM
To: Zoning Intake-DSD <ZoningIntake-DSD@hillsboroughcounty.org>
Subject: Case RZ-STD 22-0944 comments

External email: Use caution when clicking on links, opening attachments or replying to this email.

My name is Richard Peckham, 19814 Wellington Manor Blvd in Lutz.
rpeckham@tampabay.rr.com. 813-352-9128

With regard to the property in this case, I am a resident of Wellington Manor, one of ten neighborhoods that feed off Newberger Road. From route 41, Newberger is the only road to reach our neighborhoods from the west.

My objection to the proposed plans for the this property is the extensive, barbed wire fencing that surrounds it. No matter what the plans for this property are, I can't imagine the need for a maximum security look that extends 100 yards down Newberger, within 200 feet of Crosscreek Church. If any type of business is planned, security cameras, like virtually every other business up and down 41 have, would be more appropriate. Or less severe fencing that is more appropriate for a residential neighborhood.

Although a minor alteration to the fencing at the corner or Newberger/41 was made this week to help motorists' vision turning left onto 41, the ability to view traffic from the north is still obscured, and for what? Ridiculously extensive fencing on a currently vacant property.

We do not live in a high crime area. Some of the nicest homes in Lutz are located west of 41 off Newberger. The country farm market that occupied this property previously fit the character of the neighborhood. Maximum security prison fencing does not.

Sent from my iPad