**Rezoning Application:** RZ STD 24-1180

**Zoning Hearing Master Date:** 01/14/2025

**BOCC Land Use Meeting Date:** 03/11/2025



**Development Services Department** 

### 1.0 APPLICATION SUMMARY

Applicant: Hartford LLC

FLU Category: R-6

Service Area: Urban

Site Acreage: 3.01 acres +/-

Community Plan Area: Greater Palm River

Overlay: None

Special District: None

Request: Rezone from ASC-1 to AS-1-R



### **Introduction Summary:**

The applicant is requesting to rezone two parcels (folios 47350.0200 and 47349.0100) from ASC-1 (Agricultural, Single Family Conventional) to AS-1-R (Agricultural, Single Family with Restrictions). The request is to accommodate an existing sod installation company after Code Enforcement issued a zoning Notice of Violation (CE23010633). The proposed restrictions are in regard to existing structures in required buffer areas and transportation access concerns.

Zoning:	Existing	Proposed
District(s)	ASC-1	AS-1-R
Typical General Use(s)	Single-Family Residential/Agricultural	Single-Family Residential/Agricultural
Acreage	3.01 +/-	3.01 +/-
Density/Intensity	1 dwelling unit per acre / 0.25 FAR	1 dwelling unit per acre / 0.25 FAR
Mathematical Maximum*	3 dwelling units / 32,796 sq ft	3 dwelling units / 32,796 sq ft

<sup>\*</sup>number represents a pre-development approximation

Development Standards:	Existing	Proposed	
District(s)	ASC-1	AS-1-R	
Lot Size / Lot Width	1 acre / 150'	1 acre / 150'	
Setbacks/Buffering and Screening	50' Front (Along Hartford St and S 78 <sup>th</sup> St) 15' Sides	Landscaping Contractor's Nursery: 50' Front (Along Hartford St. and S 78 <sup>th</sup> St) 20' Type B Buffer Sides (North, South, East) 15' Type B Side (West)	Other AS-1 Uses: 50' Front (Along Hartford St. and S 78 <sup>th</sup> St) 15' Sides
Height	50′	50′	

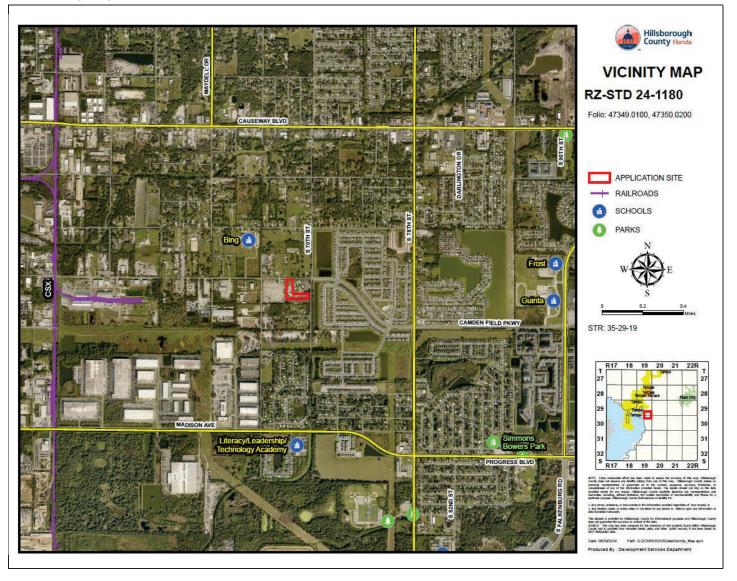
Additional Information	
PD Variation(s)	None requested as part of this application.
Waiver(s) to the Land Development Code	None requested as part of this application.
Planning Commission Recommendation:	Development Services Recommendation:
Inconsistent	Approvable

ZHM HEARING DATE: January 14, 2025 BOCC LUM MEETING DATE: March 11, 2025

Case Reviewer: Michelle Montalbano

### 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map



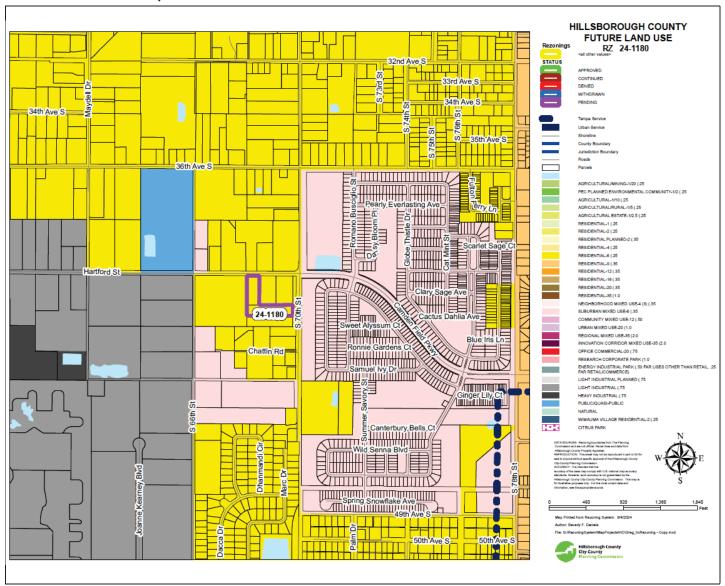
### **Context of Surrounding Area:**

The parcel is located Greater Palm River Area, approximately two miles west of I-75, in a neighborhood with mixed uses, such as industrial, agricultural, and residential uses. To the west of the rezoning site is along Hartford St. is an industrial corridor. The rezoning site is located within a transition area between the industrial zone and the residential development to the east.

ZHM HEARING DATE: January 14, 2025 BOCC LUM MEETING DATE: March 11, 2025

### 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.2 Future Land Use Map



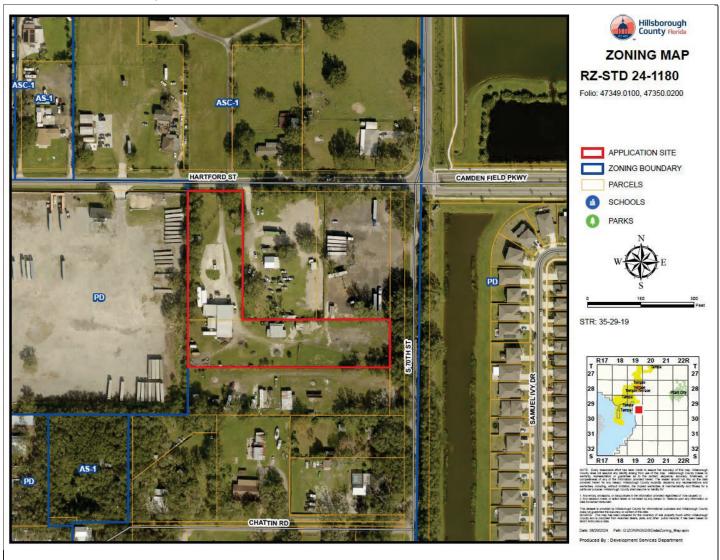
Case Reviewer: Michelle Montalbano

Future Land Use Category:	R-6 (Residential-6)
Maximum Density/F.A.R.:	6 DU / GA or 0.25 FAR
Typical Uses:	Agricultural, residential, neighborhood commercial, office uses, multi- purpose projects and mixed-use development.

### Case Reviewer: Michelle Montalbano

### 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.3 Immediate Area Map



Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	ASC-1	1 DU / GA or 0.25 FAR	Agricultural, Single-Family Residential	Single-Family Residence
South	ASC-1	1 DU / GA or 0.25 FAR	Agricultural, Single-Family Residential	Vacant (per Property Appraiser)
Fact	PD 05-1947 (PRS 22-1267)	4.7 DU / GA	Single-Family Residential	Stormwater Retention
East	ASC-1	1 DU / GA or 0.25 FAR	Agricultural, Single-Family Residential	Vacant Parcels (per Property Appraiser)
West	PD 18-1055	0.27 FAR (Flex)	Construction Office with Open Storage, Manufacturing Uses	Equipment Storage

APPLICATION NUMBER:	RZ-STD 24-1180	
ZHM HEARING DATE:	January 14, 2025	
BOCC LUM MEETING DATE:	March 11, 2025	Case Reviewer: Michelle Montalbano
2.0 LAND USE MAP SET	AND SUMMARY DAT	A
2 4 Proposed Site Plan	(nartial provided helow t	for size and orientation purposes. See Section 8.0 for full site plan)
2.41 Toposcu Site Hull	(partial provided below	101 Size and orientation purposes. See Section 6.0 for fair site plant
		N/A

APPLICATION NUMBER:	RZ-STD 24-1180	
ZHM HEARING DATE:	January 14, 2025	
BOCC LUM MEETING DATE:	March 11, 2025	Case Reviewer: Michelle Montalbano

# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 OF STAFF REPORT)

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
	County Collector - Urban	2 Lanes	☐ Corridor Preservation Plan
Hartford St			☐ Site Access Improvements
		Sufficient ROW Width	☐ Substandard Road Improvements
			☑ Other (TBD)
S 70th St.	County Collector - Rural	21	☐ Corridor Preservation Plan
		2 Lanes  ⊠Substandard Road  ⊠Sufficient ROW Width	☐ Site Access Improvements
			☐ Substandard Road Improvements
			☑ Other (TBD)

Project Trip Generation □Not applicable for this request				
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips	
Existing	28	3	3	
Proposed	324	55	64	
Difference (+/-)	+296	+52	+61	

<sup>\*</sup>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:			

APPLICATION NUMBER:	RZ-STD 24-1180
ZHM HEARING DATE:	January 14, 2025

BOCC LUM MEETING DATE: March 11, 2025 Case Reviewer: Michelle Montalbano

### **4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	⊠ Yes □ No	☐ Yes ⊠ No	☐ Yes  ☑ No	,
Natural Resources	☐ Yes ⊠ No	☐ Yes ☐ No	☐ Yes	
Conservation & Environ. Lands Mgmt.	⊠ Yes □ No	☐ Yes ⊠ No	☐ Yes ⊠ No	
Check if Applicable:  ☐ Wetlands/Other Surface Waters  ☐ Use of Environmentally Sensitive Land Credit  ☐ Wellhead Protection Area  ☐ Surface Water Resource Protection Area	☐ Significan☐ Coastal H☐ Urban/Sul	Vater Wellfield Pro t Wildlife Habitat igh Hazard Area burban/Rural Scen to ELAPP property		
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation  ☐ Design Exc./Adm. Variance Requested ☐ Off-site Improvements Provided ☐ N/A	⊠ Yes □ No	□ Yes ⊠ No	☐ Yes ☐ No ☑ N/A	
Service Area/ Water & Wastewater  ☐ Urban ☐ City of Tampa ☐ Rural ☐ City of Temple Terrace	⊠ Yes □ No	☐ Yes ⊠ No	□ Yes ⊠ No	
Hillsborough County School Board  Adequate □ K-5 □ 6-8 □ 9-12 ⊠ N/A  Inadequate □ K-5 □ 6-8 □ 9-12 ⊠ N/A	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	
Impact/Mobility Fees				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission  ☐ Meets Locational Criteria ☐ N/A  ☒ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A	⊠ Yes □ No	<ul><li>☑ Inconsistent</li><li>☐ Consistent</li></ul>	□ Yes ⊠ No	

Case Reviewer: Michelle Montalbano

### **5.0 IMPLEMENTATION RECOMMENDATIONS**

### 5.1 Compatibility

The subject site is a total of 3.01 acres and consists of two parcel folios which are currently occupied by a sod installation company. The immediate vicinity is occupied by agricultural, residential, institutional, and industrial uses.

The property is accessed by Hartford St, a collector roadway. To the north of the site across Hartford St is a single-family residence zoned ASC-1. To the east of the site is a single-family residential development zoned PD 05-1947. A collector roadway, S 70<sup>th</sup> Street, and a stormwater retention pond buffer the use from the single-family residences. To the direct south is a property categorized as vacant by the Property Appraiser and zoned ASC-1. Two parcels zoned ASC-1 are adjacent the site to the north/east. It appears based on aerial photos both parcels were previously used for open storage, which is non-conforming use in ASC-1. In 2022 one of these parcels received a Notice of Violation from Code Enforcement for the open storage of tractor trailers (Case #CE22002693). Based on aerial photography from October 14<sup>th</sup>, 2024, and the Property Appraiser's records, each parcel is now vacant.

To the immediate west of the rezoning site is an approximate 9.31-acre parcel approved for manufacturing uses by PD 18-1055. The property is presently used as a tractor trailer leasing site.

After the rezoning, the site shall be subject to a Site Development Review and be required to meet the standards for Landscaping Contractor's Nurseries in LDC Section 6.11.109 for the sod installation company. The standards in LDC Section 6.11.109 are designed to address compatibility and limit the use's possible negative impact on adjacent agricultural districts. Some of these standards include: a minimum of 51% of the land area of the site must be devoted to the growth, and or/significant increase in value of plants; the retail sale of plants is prohibited; all trucks and equipment closer than 200 feet to a property boundary must be shielded from public view with hedges or trees; and the open storage and/or maintenance of vehicles on site shall be limited 20% of the entire site. The permitted open storage is restricted to equipment, materials, and other hardware utilized by the landscaping contractor.

The Landscaping Contractor's Nursery Use is also subject to the buffering and screening standards of a Group 5 use in LDC Section 6.05.06.A. Currently, a metal accessory structure on the property occupies the required 20' buffer abutting an ASC-1 zoned property to the north. The applicant is proposing a restriction to comply with the required buffering/screening by moving the metal structure out of the required buffer and/or setback area following the rezoning.

The applicant is not restricting the district to only a Landscaping Contractor's Nursery use. Other allowable uses in AS-1, such as single-family residential or passive agriculture will be permitted, subject to AS-1 development standards, if the sod installation company ceases operation.

Transportation Review Staff has no objections to the rezoning request, subject to the proposed restriction which limits the permitted access point.

Due to the above considerations, staff finds the AS-1-R rezoning request compatible with the zoning districts, uses, and development pattern of the surrounding area.

### 5.2 Recommendation

Staff finds the request **approvable**, subject to the proposed restrictions.

APPLICATION NUMBER: RZ-STD 24-1180

ZHM HEARING DATE: January 14, 2025

BOCC LUM MEETING DATE: March 11, 2025 Case Reviewer: Michelle Montalbano

#### 6.0 PROPOSED CONDITIONS

The applicant is proposing the following restrictions:

- 1. Vehicular project access to Hartford St. shall be restricted to a maximum of one access connection. The access shall be designed as a Shared Access Facility with the adjacent folio # 47350.0300. The site/construction plan approval shall include design elements as determined by Hillsborough County and including but not limited to the recording of construction/access easements, to allow for the future construction of access from folio 47350.0300 to the Shared Access Facility if folio # 47350.0300 is rezoned and/or developed with non-residential or multi-family uses.
- 2. For a Landscape Contractor Nursery use, the accessory structures on the north property line of the lot identified as folio # 047349.0010 47349.0100 will be moved or removed in order to provide a 20 ft Type B buffer, if the adjacent parcel remains in the ASC-1 zoning district; and to comply with AS-1 side setback requirements for any use.

**Zoning Administrator Sign Off:** 

J. Brian Grady

SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

APPLICATION NUMBER: RZ-STD 24-1180

ZHM HEARING DATE: January 14, 2025

BOCC LUM MEETING DATE: March 11, 2025

Case Reviewer: Michelle Montalbano

### 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

Not applicable.

8.0 PROPOSED SITE PLAN (FULL)

Not appliable.

9.0 FULL TRANSPORTATION REPORT (see following pages)

### AGENCY REVIEW COMMENT SHEET

TO: Z	Zoning Technician, Development Services Department	DATE: 01/05/2025		
REVI	EWER: Sarah Rose, Senior Planner	AGENCY/DEPT: Transportation		
PLAN	NNING AREA/SECTOR: GPR/Central	PETITION NO: RZ 24-1180		
	This agency has no comments.			
X	X This agency has no objection.			
	This agency has no objection, subject to the listed or attached con	ditions.		
	This agency objects for the reasons set forth below.			

### **PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone two parcels totaling +/- 3.03 acres from Agricultural Single Family Conventional (ASC-1) to Agricultural Single Family - 1 – Restricted (AS-1-R). The applicant is proposing to restrict the number of access points to Hartford St to one, which shall be designed as a shared access facility with the adjacent parcel to the east under Folio No. 47350.0300. The site is located +/- 750 feet east of the intersection of S. 66th Street and Hartford. The Future Land Use designation of the site is Residential-6 (R-6).

It is the applicant's stated intent that the subject site will be utilizing the use of a landscape contractor's nursery which is a conditional use permitted under the AS-1 zoning district as outlined in section 6.11.109 of the Land Development Code.

The site currently has an open violation with Code Enforcement for a variety of issues, including an accessory use without primary use and outside open storage. Staff notes that once the applicant has obtained the proper zoning designation, they will be required to come through the site/construction review process, during which they will be required to comply with sidewalk, substandard road and any other applicable requirements.

### Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations,

utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
ASC-1, Single Family Detached	28	2	2
(ITE Code 210) 3 Units	20	3	3

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	AM	PM
AS-1, Landscape Contractor's Nursery	324	55	64
(ITE Code 180) 32,997sqft	52.		0.

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
Difference	+296	+52	+61

### TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Hartford St and S 70th St. Hartford St is a substandard 2-lane, undivided, County maintained, Rural Collector roadway. The roadway is characterized by +/- 10 ft wide travel lanes, no bike lanes or sidewalks on either side of the roadway in the vicinity of the proposed project, within +/- 60 ft of the right of way.

S 70th St is a substandard 2-lane, undivided, County maintained, Rural Collector roadway. The roadway is characterized by +/- 16 ft of pavement in average condition, no sidewalks or bike lanes on either side of the roadway in the vicinity of the proposed project, and within +/- 65 ft of the right of way.

### **SITE ACCESS**

It is anticipated that the subject parcel under Folio No. 47349.0100 will take access to S 70th St. Under the proposed restriction, the subject parcel under Folio No. 47350.0200 will have a singular access to Hartford St. which shall be designed as a shared access facility with the adjacent parcel to the east under Folio No. 47350.0300.

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

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

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

### ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Hartford St and S 70th St are not a regulated roadways and are not included in the 2020 Hillsborough County Level of Service (LOS) Report. As such, no LOS information for this roadway can be provided

## Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)				
Road Name	Classification	<b>Current Conditions</b>	Select Future Improvements	
Hartford St	County Collector - Urban	21222	☐ Corridor Preservation Plan	
		2 Lanes ⊠Substandard Road	☐ Site Access Improvements	
		Sufficient ROW Width	☐ Substandard Road Improvements	
			⊠ Other (TBD)	
S 70th St.	County Collector - Rural	21222	☐ Corridor Preservation Plan	
		2 Lanes  ⊠Substandard Road  ⊠Sufficient ROW Width	☐ Site Access Improvements	
			☐ Substandard Road Improvements	
			⊠ Other (TBD)	

Project Trip Generation ☐ Not applicable for this request						
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips			
Existing	28	3	3			
Proposed	324	55	64			
Difference (+/-)	+296	+52	+61			

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

Primary Access	Additional Connectivity/Access	Cross Access	Finding
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Primary Access	Primary Access  Connectivity/Access  Choose an item.  Choose an item.  Choose an item.	Primary Access  Connectivity/Access  Choose an item.  Choose an item.

<b>Design Exception/Administrative Variance</b> ⊠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	Additional		
	,	Requested	Information/Comments		
☐ Design Exception/Adm. Variance Requested	☐ Yes ☐N/A	☐ Yes			
☐ Off-Site Improvements Provided	□ Yes □N/A □ No	□ No			
⊠ N/A		⊠ N/A			

### **COUNTY OF HILLSBOROUGH**

# RECOMMENDATION OF THE LAND USE HEARING OFFICER

**APPLICATION NUMBER:** RZ STD 24-1180 DATE OF HEARING: January 14, 2025 **APPLICANT:** Hartford, LLC **PETITION REQUEST:** The request is to rezone a parcel of land from ASC-1 to AS-1 (R) LOCATION: 550 feet West of the Intersection of S. 70th St. and Hartford St. **SIZE OF PROPERTY:** 3.03 acres m.o.l. **EXISTING ZONING DISTRICT:** ASC-1 **FUTURE LAND USE CATEGORY:** RES-6

Urban

**SERVICE AREA:** 

### **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: Hartford LLC FLU Category: R-6 Service Area: Urban

Site Acreage: 3.01 acres +/-

Community Plan Area: Greater Palm River

Overlay: None

Special District: None

Reguest: Rezone from ASC-1 to AS-1-R

Introduction Summary:

The applicant is requesting to rezone two parcels (folios 47350.0200 and 47349.0100) from ASC-1 (Agricultural, Single Family Conventional) to AS-1-R (Agricultural, Single Family with Restrictions). The request is to accommodate an existing sod installation company after Code Enforcement issued a zoning Notice of Violation (CE23010633). The proposed restrictions are in regard to existing structures in required buffer areas and transportation access concerns.

**Development Services Recommendation:** Approvable

Planning Commission Recommendation: Inconsistent

PD Variation: None requested as part of this application.

Waiver to the Land Development Code: None requested as part of this application.



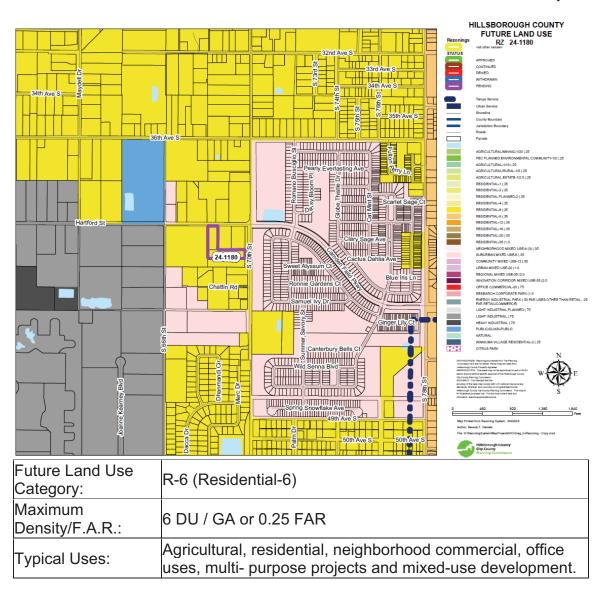
# 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



## **Context of Surrounding Area:**

The parcel is located Greater Palm River Area, approximately two miles west of I-75, in a neighborhood with mixed uses, such as industrial, agricultural, and residential uses. To the west of the rezoning site is along Hartford St. is an industrial corridor. The rezoning site is located within a transition area between the industrial zone and the residential development to the east.

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



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



# 2.0 LAND USE MAP SET AND SUMMARY DATA

**2.4 Proposed Site Plan** (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)

N/A

# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 OF STAFF REPORT)

Adjoining Roadways (check if applicable)				
Road Name	Classification	Current Conditions	Select Future Improvements	
		2 Lanes	☐ Corridor Preservation Plan	
Hartford St	County Collector Substandard Road	☐ Site Access Improvements		
- Urban	- Urban	Sufficient ROW Width	☐ Substandard Road Improvements	
			☑ Other (TBD)	
		0.1	☐ Corridor Preservation Plan	
S 70th St.	County Collector - Rural	2 Lanes  Substandard Road  Sufficient ROW Width	☐ Site Access Improvements	
			☐ Substandard Road Improvements	
⊠Sufficient ROW Widt		Sufficient ROW Width	☑ Other (TBD)	

Project Trip Generation □Not applicable for this request					
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips		
Existing	28	3	3		
Proposed	324	55	64		
Difference (+/-)	+296	+52	+61		

<sup>\*</sup>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	Туре	Finding		
	Choose an item.	Choose an item.		
	Choose an item.	Choose an item.		
Notes:				

## 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Check if Applicable:
□ Wetlands/Other Surface Waters
☐ Use of Environmentally Sensitive Land Credit
□ Wellhead Protection Area
□ Surface Water Resource Protection Area
□ Potable Water Wellfield Protection Area □ Significant Wildlife Habitat
□ Coastal High Hazard Area
□ Urban/Suburban/Rural Scenic Corridor □ Adjacent to ELAPP property

□ Other				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation  ☐ Design Exc./Adm. Variance Requested ☐ Offsite Improvements Provided ☑ N/A	⊠ Yes □ No	□ Yes ⊠No	□ Yes □ No ⊠ N/A	
Service Area/ Water & Wastewater  □Urban ⊠City of Tampa □Rural □ City of Temple Terrace	⊠ Yes □No	□ Yes ⊠No	□ Yes ⊠No	•
⊠N/A Inadequate □ K-5 □6-8 □9- 12 ⊠N/A	□ Yes □ No	□ Yes □ No	□ Yes □ No	
Impact/Mobility For Comprehensive	Comments	Findings	Conditions	
Plan: Planning Commission  ☐ Meets Locational Criteria ☐N/A ☒ Locational Criteria Waiver Requested ☐ Minimum Density Met ☐ N/A	⊠ Yes □ No	⊠ Inconsistent □ Consistent	•	Information/Comments

### 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The subject site is a total of 3.01 acres and consists of two parcel folios which are currently occupied by a sod installation company. The immediate vicinity is occupied by agricultural, residential, institutional, and industrial uses.

The property is accessed by Hartford St, a collector roadway. To the north of the site across Hartford St is a single-family residence zoned ASC-1. To the east of the site is a single-family residential development zoned PD 05-1947. A collector roadway, S 70<sup>th</sup> Street, and a stormwater retention pond buffer the use from the single-family residences. To the direct south is a property categorized as vacant by the Property Appraiser and zoned ASC-1. Two parcels zoned ASC-1 are adjacent the site to the north/east. It appears based on aerial photos both parcels were previously used for open storage, which is non-conforming use in ASC-1. In 2022 one of these parcels received a Notice of Violation from Code Enforcement for the open storage of tractor trailers (Case #CE22002693). Based on aerial photography from October 14<sup>th</sup>, 2024, and the Property Appraiser's records, each parcel is now vacant.

To the immediate west of the rezoning site is an approximate 9.31-acre parcel approved for manufacturing uses by PD 18-1055. The property is presently used as a tractor trailer leasing site.

After the rezoning, the site shall be subject to a Site Development Review and be required to meet the standards for Landscaping Contractor's Nurseries in LDC Section 6.11.109 for the sod installation company. The standards in LDC Section 6.11.109 are designed to address compatibility and limit the use's possible negative impact on adjacent agricultural districts. Some of these standards include: a minimum of 51% of the land area of the site must be devoted to the growth, and or/significant increase in value of plants; the retail sale of plants is prohibited; all trucks and equipment closer than 200 feet to a property boundary must be shielded from public view with hedges or trees; and the open storage and/or maintenance of vehicles on site shall be limited 20% of the entire site. The permitted open storage is restricted to equipment, materials, and other hardware utilized by the landscaping contractor.

The Landscaping Contractor's Nursery Use is also subject to the buffering and screening standards of a Group 5 use in LDC Section 6.05.06.A. Currently, a metal accessory structure on the property occupies the required 20' buffer abutting an ASC-1 zoned property to the north. The applicant is proposing a restriction to comply with the required buffering/screening by moving the metal structure out of the required buffer and/or setback area following the rezoning.

The applicant is not restricting the district to only a Landscaping Contractor's Nursery use. Other allowable uses in AS- 1, such as single-family residential or passive agriculture will be permitted, subject to AS-1 development standards, if the sod installation company ceases operation.

Transportation Review Staff has no objections to the rezoning request, subject to the proposed restriction which limits the permitted access point.

Due to the above considerations, staff finds the AS-1-R rezoning request compatible with the zoning districts, uses, and development pattern of the surrounding area.

### 5.2 Recommendation

Staff finds the request **approvable**, subject to the proposed restrictions.

### **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on January 14, 2025. Ms. Colleen Marshall of the Hillsborough County Development Services Department introduced the petition.

Ms. Susan Swift testified on behalf of the applicant Hartford, LLC. Mr. Stephen J. Stanley 412 East Madison Street Suite 1100 Tampa also testified on behalf of the applicant.

Ms. Swift testified that her client has operated their business on the subject property for the past 30 years and would like to continue to do so. She added that the rezoning application is intended to resolve a Code Enforcement violation. Ms. Swift showed graphics to discuss the surrounding area including the industrial land uses along Hartford Street. She stated that her client is the owner of RNP Sod, Inc. and he purchased the two lots in 1993 and 1997. A mobile is located on-site which serves as the business office. She discussed the application history and stated that the use of the site as a landscape contractors nursery meets 9 of the 10 conditional use Code standards. The site currently does not meet the requirement of plants to be planted including sod which her client is willing to do. Ms. Swift stated that there is a 3-mile industrial corridor on the south side of Hartford Street which extends to the subject property. She testified that the adjacent PD zoning was found to be consistent and compatible by the Planning Commission for a truck leasing company. She discussed the application of the Type B buffer and the impracticality of it as the application would eliminate the planting area required by the conditional use standards. She stated that there may be an option to enclose the storage building. Ms. Swift testified that the parcel is oddly shaped and that the requested AS-1 zoning is a down zoning from the current ASC-1 zoning district. Ms. Swift concluded her presentation by stating that the use is compatible with the industrial nature of the corridor.

Hearing Master Finch asked Ms. Swift about the actual code violation as the file copy indicated it was due to an accessory use on-site without a primary use but the applicant's narrative talked about a violation for open storage. Ms. Swift replied that the staff comments on the rezoning had concerns about open storage.

Hearing Master Finch asked Ms. Swift why the applicant did not submit a request for a waiver of commercial locational criteria and if that was because she believed that the applicant meets the requirement due to the percentage of development of the block face. Ms. Swift replied yes and that it is a difference of opinion with the Planning Commission.

Hearing Master Finch asked Ms. Swift how long her client has operated on the subject property. Ms. Swift replied 30 years.

Hearing Master Finch asked Ms. Swift why there is a Code Enforcement violation. Mr. Stanley replied that Code Enforcement was at a nearby property and investigated other parcels in the area. Mr. Stanley added that when he met with Code Enforcement staff, staff indicated that the use of landscape contractor would be a solution to the use but were mistaken that it was permitted in the ASC-1 zoning district. He added that was the reason for the rezoning application.

Ms. Michelle Montalbano, Development Services staff, testified regarding the County's staff report. Ms. Montalbano stated that the applicant is requesting to rezone from ASC-1 to AS-1 with Restrictions after a Code Enforcement violation. She added that the applicant proposes to accommodate an existing sod installation company and has proposed Restrictions to address staff concerns regarding the access point and existing structures in the required buffer area. She described the surrounding land uses and stated stating that the use would be subject to site development review and to meet the Code standards regarding landscaping and nursery found in Section 6.11.109. Ms. Montalbano testified that transportation staff found no objection and that staff finds the request approvable.

Ms. Alexis Myers, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Myers stated that the subject property is within the Residential-6 Future Land Use classification, the Urban Service Area and the Greater Palm River Community Planning Area. She stated that the applicant is requesting a rezoning to AS-1 with open storage as an accessory use in a residential future land use category which is inconsistent with the uses of the category. Ms. Myers testified that rezoning does not align with the character of the surrounding area and presents compatibility concerns. She added that the parcel does not meet commercial locational criteria as it is 1,000 feet away from the nearest major intersection. She testified that staff found the proposed

rezoning inconsistent with the Future of Hillsborough Comprehensive Plan. Hearing Master Finch asked Ms. Myers about Ms. Swift's testimony stating that the percentage of block face development satisfies the commercial locational criteria standard. Ms. Myers replied that the site is 7,000 feet from the qualifying intersection. Hearing Master Finch asked Ms. Myers about Ms. Swift's testimony that the parcel is infill development regarding the percentage of development within the subject block. Hearing Master Finch asked Ms. Swift to cite the applicable policy number. Ms. Swift stated it was Policy 25.3. Hearing Master Finch asked Ms. Myers to review the policy.

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

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

County staff did not have additional comments.

Hearing Master Finch asked Ms. Myers about her review of the policy. Ms. Myers testified that the Planning Commission did not note Policy 25.3 in their staff report but that they did note that Policies 22.7 and 22.8 state that commercial locational criteria is not the only consideration and that a waiver is needed.

Hearing Master Finch asked Ms. Myers about Policy 25.3 and if it states that if the subject block is more than 50 percent developed, commercial locational criteria is not applicable or is met. Ms. Myers stated that was correct.

Ms. Swift testified during the rebuttal period that her interpretation of the policy meant that the applicant did not need to apply for a waiver of commercial locational criteria as the parcel is located in a redevelopment area.

Ms. Myers of the Planning Commission staff testified that the policy pertains to parcels that are already zoned as a commercial use. Hearing Master Finch stated that she did see that the policy stated if it was zoned or used as commercial.

Ms. Swift continued her rebuttal testimony by referring to the schizophrenia of the Land Development Code and the Comprehensive Plan.

Mr. Stanley concluded the applicant's rebuttal by showing a graphic to discuss the industrial land uses in the area along Hartford Street. The adjacent parcel is zoned PD for manufacturing and open storage and that the subject property provides a transition between the industrial and the residential as it is an agricultural use. The subject property does not sell retail plants and is a landscaped contractor use that sells sod. He added that he would rather enclose

the open storage than provide the fencing and evergreen screening. Hearing Master Finch asked Mr. Stanley if his client was willing to enclose the open storage. Mr. Stanley replied yes.

Hearing Master Finch asked Ms. Marshall of the Development Services Department if the landscaped contractor provision to provide the plantings would be required if the applicant enclosed the open storage. Ms. Marshall replied that the specific condition refers to the moving of the structure outside the buffer but the landscaped contractor use would still require the buffering and screening as it is considered a group 5 use even if the open storage use were removed.

Hearing Master Finch asked Mr. Stanley if he still was committing to enclosing the open storage use if the buffering and screening were still required. Mr. Stanley replied no.

Mr. Stanley summed up during the rebuttal period by stating that his client would like to continue what he has been doing for 30 years. He cited examples of businesses that his client has provided sod to and stated that he was trying to resolve the open storage issue.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Ms. Rome submitted a revised County staff report into the record.

Ms. Swift submitted a copy of her PowerPoint presentation 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**

 The subject property is 3.03 acres in size and is currently Agricultural Single-Family Conventional-1 (ASC-1) and is designated Residential-6 (RES-6) by the Comprehensive Plan. The property is located within the Urban Service Area and the Greater Palm River Community Planning Area.

- 2. The applicant is requesting a rezoning to the Agricultural Single-Family-1 zoning district with Restrictions (AS-1 R). The proposed Restrictions 1) limit vehicular access to one access point onto Hartford Street designed as a shared access point with the adjacent parcel and 2) require an accessory structure(s) on the north property line to be moved or removed to provide a 20-foot Type B buffer if the parcel is used as a Landscape Contractor Nursery and the adjacent parcel remains zoned ASC-1.
- 3. The applicant's representative testified that the property owner has operated a sod farm on-site for the past 30 years.
- 4. A Code Enforcement violation was issued for having an accessory use without a primary use.
- 5. The Planning Commission staff does not support the rezoning request. Staff stated in their report that the site is vacant and that the request for AS-1 with open storage in a residential Future Land Use category is inconsistent with the uses expected in the RES-6 category. Further, staff stated that the surrounding use pattern is comprised mostly of single-family residential uses. Finally, staff testified that the site does not meet commercial locational criteria and the applicant did not submit a waiver of the requirement. The Planning Commission found the application to be inconsistent with both the Greater Palm River Community Plan and the Comprehensive Plan.

A review of the aerial photo and site plan for the subject property show the site is not vacant but rather developed with several accessory structures and a mobile home that, according to the applicant's representative, is used as the office for the sod business. The applicant's representative stated that the accessory structures are used for equipment and storage.

The applicant's representative testified that a waiver of commercial locational criteria was not filed due to Future Land Use Policy 25.3 which states that a waiver of locational criteria is not required in order to assist in the revitalization of rundown area with commercial infill development. This policy applies if 50% of the block (road frontage on one side of the street between two public roads) is already zoned or used for commercial uses. The subject property block on Hartford Street between 66th Street and 70th Street is comprised of a Planned Development (PD 18-1055) immediately to the west which is approved for 180,333 square feet of commercial development (construction office with open storage and uses within the M zoning district). This use appears to comprise more than 50% of the block.

- 6. The Development Services Department does support the requested rezoning and found that the existing use as well as the other uses permitted in the AS-1 zoning district are compatible with the area.
- 7. The surrounding area is zoned ASC-1 to the north and south, PD to the east for residential and PD to the west for the commercial construction office with open storage.
- 8. The request for AS-1 with Restrictions does not limit the use of the property to only a Landscaping Contractor's Nursery to recognize the existing sod business but also permits other residential and agricultural uses permitted in AS-1.
- 9. It is emphasized that the sod company has operated on-site for the past 30 years therefore no new impacts to the surrounding residential parcels is anticipated.
- 10. The applicant has committed to meeting the Land Development Code standards for a Landscaping Contractor's Nursery.
- 11. The proposed Restrictions limit the access of the site to Hartford Street and require the accessory structure to the moved or removed to provide the area needed to install a 20-foot buffer with Type B screening thereby enhancing the compatibility to the surrounding parcels.
- 12. The proposed rezoning to AS-1 R is compatible with the development pattern and is consistent with the Land Development Code and the Comprehensive Plan.

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

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

### **CONCLUSIONS OF LAW**

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

### SUMMARY

The applicant is requesting a rezoning to the AS-1 R zoning district. The property is 3.03 acres in size and is currently zoned ASC-1 and designated RES-6 by the Comprehensive Plan. The parcel is located within the Urban Service Area and the Greater Palm River Community Plan.

The applicant is requesting a rezoning to the Agricultural Single-Family-1 zoning district with Restrictions (AS-1 R). The proposed Restrictions 1) limit vehicular access to one access point onto Hartford Street designed as a shared access point with the adjacent parcel and 2) require an accessory structure(s) on the north property line to be moved or removed to provide a 20-foot Type B buffer if the parcel is used as a Landscape Contractor Nursery and the adjacent parcel remains zoned ASC-1.

The applicant's representative testified that the property owner has operated a sod farm on-site for the past 30 years. The parcel was cited by Code Enforcement for having an accessory structure without a primary structure.

The Planning Commission staff does not support the rezoning request. Staff stated in their report that the site is vacant and that the request for AS-1 with open storage in a residential Future Land Use category is inconsistent with the uses expected in the RES-6 category. Further, staff stated that the surrounding use pattern is comprised mostly of single-family residential uses. Finally, staff testified that the site does not meet commercial locational criteria and the applicant did not submit a waiver of the requirement.

The Development Services Department does support the requested rezoning and found that the existing use as well as the other uses permitted in the AS-1 zoning district are compatible with the area.

A review of the aerial photo and site plan for the subject property show the site is not vacant.

The applicant's representative testified that a waiver of commercial locational criteria was not filed due to Future Land Use Policy 25.3 which states that a waiver of locational criteria is not required in order to assist in the revitalization of rundown area with commercial infill development. This policy applies if 50% of the block (road frontage on one side of the street between two public roads) is already zoned or used for commercial uses. The subject property block on Hartford Street between 66th Street and 70th Street is comprised of a Planned Development (PD 18-1055) immediately to the west which is approved for 180,333 square feet of commercial development (construction office with open storage and uses within the M zoning district). This use appears to comprise more than 50% of the block.

The proposed Restrictions limit the access of the site to Hartford Street and require the accessory structure to the moved or removed to provide the area needed to install a 20-foot buffer with Type B screening thereby enhancing the compatibility to the surrounding parcels.

The proposed rezoning to AS-1 R is consistent with the Land Development Code and the Comprehensive Plan.

### RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the AS-1 R rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above.

February 5, 2025

Susan M. Finch, AICP Land Use Hearing Officer

Sum M. Fine

Date



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

Unincorporated Hillsborough County Rezoning Consistency Review			
Hearing Date: January 14, 2025	Case Number: RZ 24-1180		
Report Prepared: January 3, 2025	Folio(s): 47349.0100 & 47350.0200		
	<b>General Location</b> : South of Hartford Street and west of South 70 <sup>th</sup> Street		
Comprehensive Plan Finding	INCONSISTENT		
Adopted Future Land Use	Residential-6 (6 du/ga; 0.25 FAR)		
Service Area	Urban		
Community Plan(s)	Greater Palm River		
Rezoning Request	Rezoning from Agricultural Single Family Conventional (ASC-1) to Agricultural Single Family (AS-1) to allow a landscape contractor's nursery		
Parcel Size	3.03 ± acres		
Street Functional Classification	Hartford Street – <b>County Collector</b> South 70 <sup>th</sup> Street – <b>County Collector</b>		
Commercial Locational Criteria	Does not meet; waiver request not submitted		
Evacuation Area	D		

Table 1: COMPARISON OF SURROUNDING PROPERTIES				
Vicinity	Future Land Use Designation	Zoning	Existing Land Use	
Subject Property	Residential-6	ASC-1	Vacant Land	
North	Residential-6	ASC-1 + AS-1 + PD + RSC-6	Single Family Residential + Vacant Land + Light Commercial	
South	Residential-6 + Suburban Mixed Use-6	ASC-1 + PD + RSC-6	Vacant Land + Single Family Residential + Two Family Residential	
East	Residential-6 + Suburban Mixed Use-6	ASC-1 + PD	Single Family Residential + Vacant Land + Public/Quasi- Public/Institutions	
West	Residential-6 + Light Industrial + Heavy Industrial	PD + CI + M + AI	Heavy Industrial + Public/Quasi- Public/Institutions + Light Industrial	

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

The  $3.03 \pm$  acre subject site is located south of Hartford Street and west of South  $70^{th}$  Street. The site is in the Urban Service Area and within the limits of the Greater Palm River Community Plan. The applicant is requesting a rezoning from Agricultural Single Family Conventional (ASC-1) to Agricultural Single Family (AS-1) to allow a landscape contractor's nursery.

The site is in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the County's growth is to be directed. Policy 1.4 requires all new development to be compatible with the surrounding area, noting that "compatibility does not mean "the same as" Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development." The site is currently vacant . Vacant land is also directly east and south as well as further north of the subject site. Light industrial, heavy industrial and public/quasi-public/institutional uses are to the west. Single-family uses extend to the south, north across Hartford Street and to the east across South 70<sup>th</sup> Street. In the list of proposed uses, which was uploaded into Optix on December 11, 2024, the applicant proposed open storage as an accessory use. The site would be subject to the conditional use requirement in Land Development Code (LDC) Section 6.11.109. This requires additional buffering/screening and operational standards to lessen the impact to the nearby residential properties. The purpose of the open storage is an accessory use to the landscaping contractor's nursery, but it would only allow open storage of vehicles, materials, etc. used for the landscaping business. Section 6.11.109 also requires the open

storage not take up more than 20% of the site. Commercial Intensive (CI) zoning district uses like open storage may not be considered in residential Future Land Use categories, as this category only allows for neighborhood serving commercial uses. Per the Definitions Section of the Comprehensive Plan, neighborhood serving commercial uses include those uses permitted by the Commercial Neighborhood (CN) and Commercial General (CG) zoning districts, not the uses permitted by Commercial Intensive (CI) zoning, which includes the use of open storage.

FLUE Objective 7, FLUE Objective 8 and each of their respective policies establish the Future Land Use Map (FLUM) as well as the allowable range of uses for each Future Land Use category. 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 within the land use designation. Appendix A contains a description of the character and intent permitted in each of the Future Land use categories. The site is in the Residential-6 (RES-6) Future Land Use category. The RES-6 Future Land Use category allows for the consideration of residential, suburban scale neighborhood commercial, office uses, multipurpose projects and mixed use development. Non-residential uses are required to meet Commercial Locational Criteria. Because the applicant is requesting a rezoning to AS-1 with open storage in a residential Future Land Use category, the request is inconsistent with the uses expected in this category.

The Comprehensive Plan requires that all development meet or exceed the land development regulations in Hillsborough County (FLUE Objective 9, FLUE Policy 9.1 and FLUE Policy 9.2). However, at the time of uploading this report, Transportation comments were not yet available in Optix and thus were not taken into consideration for analysis of this request.

The proposal does not meet the intent of FLUE Objective 16 and its accompanying policies 16.1, 16.2, 16.3, 16.5 and 16.10 that require new development to be compatible to the surrounding neighborhood. Goal 12 and Objective 12-1 of the Community Design Component (CDC) of the FLUE require new developments to recognize the existing community and be designed to relate to and be compatible with the predominant character of the surrounding area. In this case, the surrounding land use pattern is of mixed uses but comprised mostly of single-family residential uses. The proposed rezoning does not align with the character of the surrounding area and present compatibility concerns given the nature of the area, which is inconsistent with FLUE Objective 16 and its accompanying policies related to neighborhood protection. FLUE Policy 16.2 states that 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. There should be a gradual transition of intensities between the different land uses given the residential uses around the subject site. FLUE Policy 16.5 directs development of higher intensity non-residential land uses to be restricted to locations external to established and developing neighborhoods. The transition to AS-1 would cause development that is not compatible with the surrounding area and would be inconsistent with the aforementioned policy direction.

The subject site does not meet Commercial Locational Criteria (CLC). According to FLUE Policy 22.2, a site in the RES-6 Future Land Use category must be within 900 feet of a qualifying intersection that includes a two-lane roadway. The closest qualifying intersection to the subject site is Causeway Boulevard, a four-lane State Principal Arterial roadway and South 78<sup>th</sup> Street, a two-lane County Arterial roadway. The distance from the subject site and the closest qualifying intersection is roughly 7,000 feet as opposed to the required 900 feet, and therefore the site does not meet CLC. FLUE Policy 22.7 notes that meeting

Commercial Locational Criteria is not the only factor to be taken into consideration when granting approval for an application. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of affected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential commercial use. Commercial Locational Criteria only designates locations that could be considered, and they in no way guarantee the approval of a particular non-residential use. The 900-feet measurement requirement demonstrates the scale of development expected for the Rural Area and the proposed rezoning would not be in scale with the area. In addition, per FLUE Policy 22.8, an applicant may submit a request to waive the CLC criteria. The applicant did not provide a CLC waiver for the proposed rezoning. This site is located approximately 7,000 feet away from the nearest major intersection with significant compatibility concerns, and therefore is inconsistent with FLUE Objective 22 and its accompanying policies.

The site is within the limits of the Greater Palm River Community Plan. Goal 5a of the Community Plan is about Planning and Growth to promote and provide for opportunities for compatible well designed public use, residential, and business growth and jobs. The eighth strategy under Goal 5a is to support well designed, compatible densities and intensities at appropriate locations. As previously mentioned above, Comprehensive Plan policy direction emphasizes that there should be a gradual transition of intensities between the different land uses given the residential uses around the subject site. Rezoning the subject site would cause development that does not align with the strategy as there are residential developments to the north, south and east.

Overall, staff finds that the proposed use is not an allowable use in the RES-6 category, is not compatible with the existing development pattern found within the surrounding area and does not support the vision of the Greater Palm River Community Plan. The proposed rezoning would allow for development that is not consistent with the Goals, Objectives, and Policies of the *Unincorporated Hillsborough County Comprehensive Plan*.

### Recommendation

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

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

### **FUTURE LAND USE ELEMENT**

### **Urban Service Area**

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

**Policy 1.4:** Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility

include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.

### **Land Use Categories**

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

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

### Relationship to Land Development Regulations

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

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

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

### *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 16.2:** 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 17.7:** New development and redevelopment must mitigate the adverse noise, visual, odor and vibration impacts created by that development upon all adjacent land uses.

### **Community Design Component (CDC)**

### 5.0 NEIGHBORHOOD LEVEL DESIGN 5.1 COMPATIBILITY

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

**Policy 12-1.4:** Compatibility may be achieved through the utilization of site design techniques including but not limited to transitions in uses, buffering, setbacks, open space and graduated height restrictions, to affect elements such as height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture.

### 7.0 SITE DESIGN

### 7.1 DEVELOPMENT PATTERN

**GOAL 17:** Develop commercial areas in a manner which enhances the County's character and ambiance.

**OBJECTIVE 17-1:** Facilitate patterns of site development that appear purposeful and organized.

**Policy 17-1.4:** Affect the design of new commercial structures to provide an organized and purposeful character for the whole commercial environment.

### LIVABLE COMMUNITIES ELEMENT: GREATER PALM RIVER COMMUNITY PLAN

### Planning and Growth/Economic Development

**Goal 5a:** Planning and Growth – to promote and provide for opportunities for compatible well designed public use, residential, and business growth and jobs

### **Strategies**

8. Support well designed, compatible densities and intensities at appropriate locations.

# HILLSBOROUGH COUNTY **FUTURE LAND USE**

RZ 24-1180

CONTINUED APPROVED

Jurisdiction Boundary County Boundary

PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 AGRICULTURAL/MINING-1/20 (.25 AGRICULTURAL-1/10 (.25

AGRICULTURAL ESTATE-1/2.5 (.25 RESIDENTIAL-1 (.25 RESIDENTIAL-2 (.25

RESIDENTIAL-4 (.25

RESIDENTIAL-12 (.35 RESIDENTIAL-9 (.35

RESIDENTIAL-16 (.35

NEIGHBORHOOD MIXED USE-4 (3) (.35 SUBURBAN MIXED USE-6 (.35

COMMUNITY MIXED USE-12 (.50 URBAN MIXED USE-20 (1.0

REGIONAL MIXED USE-35 (2.0

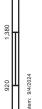
INNOVATION CORRIDOR MIXED USE-35 (2.0

RESEARCH CORPORATE PARK (1.0 OFFICE COMMERCIAL-20 (.75

ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)

LIGHT INDUSTRIAL PLANNED (.75 LIGHT INDUSTRIAL (.75 WIMAUMA VILLAGE RESIDENTIAL-2 (.25

CITRUS PARK



File: G:\RezoningSystem\MapPr



## AGENCY COMMENTS

#### AGENCY REVIEW COMMENT SHEET

TO: Z	Zoning Technician, Development Services Department	DATE: 01/05/2025	
REVI	EWER: Sarah Rose, Senior Planner	AGENCY/DEPT: Transportation	
PLAN	NNING AREA/SECTOR: GPR/Central	PETITION NO: RZ 24-1180	
	This agency has no comments.		
X	This agency has no objection.		
	This agency has no objection, subject to the listed or attached conditions.		
	This agency objects for the reasons set forth below.		

#### **PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting to rezone two parcels totaling +/- 3.03 acres from Agricultural Single Family Conventional (ASC-1) to Agricultural Single Family - 1 – Restricted (AS-1-R). The applicant is proposing to restrict the number of access points to Hartford St to one, which shall be designed as a shared access facility with the adjacent parcel to the east under Folio No. 47350.0300. The site is located +/- 750 feet east of the intersection of S. 66th Street and Hartford. The Future Land Use designation of the site is Residential-6 (R-6).

It is the applicant's stated intent that the subject site will be utilizing the use of a landscape contractor's nursery which is a conditional use permitted under the AS-1 zoning district as outlined in section 6.11.109 of the Land Development Code.

The site currently has an open violation with Code Enforcement for a variety of issues, including an accessory use without primary use and outside open storage. Staff notes that once the applicant has obtained the proper zoning designation, they will be required to come through the site/construction review process, during which they will be required to comply with sidewalk, substandard road and any other applicable requirements.

#### Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations,

utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
ASC-1, Single Family Detached	28	2	2
(ITE Code 210) 3 Units	20	3	3

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
	way volume	AM	PM
AS-1, Landscape Contractor's Nursery	324	55	64
(ITE Code 180) 32,997sqft	52.		0.

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-	Total Hour	
	Way Volume	AM	PM
Difference	+296	+52	+61

#### TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Hartford St and S 70th St. Hartford St is a substandard 2-lane, undivided, County maintained, Rural Collector roadway. The roadway is characterized by +/- 10 ft wide travel lanes, no bike lanes or sidewalks on either side of the roadway in the vicinity of the proposed project, within +/- 60 ft of the right of way.

S 70th St is a substandard 2-lane, undivided, County maintained, Rural Collector roadway. The roadway is characterized by +/- 16 ft of pavement in average condition, no sidewalks or bike lanes on either side of the roadway in the vicinity of the proposed project, and within +/- 65 ft of the right of way.

#### **SITE ACCESS**

It is anticipated that the subject parcel under Folio No. 47349.0100 will take access to S 70th St. Under the proposed restriction, the subject parcel under Folio No. 47350.0200 will have a singular access to Hartford St. which shall be designed as a shared access facility with the adjacent parcel to the east under Folio No. 47350.0300.

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

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

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

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

Hartford St and S 70th St are not a regulated roadways and are not included in the 2020 Hillsborough County Level of Service (LOS) Report. As such, no LOS information for this roadway can be provided

#### Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)					
Road Name	Classification	<b>Current Conditions</b>	Select Future Improvements		
		2 Lange	☐ Corridor Preservation Plan		
Hartford St	County Collector	2 Lanes	☐ Site Access Improvements		
Haitioiu St			☐ Substandard Road Improvements		
		Zamcient Kow Width	⊠ Other (TBD)		
		21222	☐ Corridor Preservation Plan		
S 70th St.	County Collector	2 Lanes  ⊠Substandard Road	☐ Site Access Improvements		
5 /0m St.	- Rural	Sufficient ROW Width	☐ Substandard Road Improvements		
		Summer Now Width	⊠ Other (TBD)		

Project Trip Generation □Not applicable for this request					
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips		
Existing	28	3	3		
Proposed	324	55	64		
Difference (+/-)	+296	+52	+61		

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

Primary Access	Additional Connectivity/Access	Cross Access	Finding
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Primary Access	Primary Access  Connectivity/Access  Choose an item.  Choose an item.  Choose an item.	Primary Access  Connectivity/Access  Choose an item.  Choose an item.

<b>Design Exception/Administrative Variance</b> ⊠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	Additional	
	,	Requested	Information/Comments	
☐ Design Exception/Adm. Variance Requested	☐ Yes ☐N/A	☐ Yes		
☐ Off-Site Improvements Provided	□ res □ N/A □ No	□ No		
⊠ N/A		⊠ N/A		

#### **COMMISSION**

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



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Michael Lynch WETLANDS DIVISION
Rick Muratti, Esq. LEGAL DEPT
Steffanie L. Wickham WASTE DIVISION

#### AGENCY COMMENT SHEET

REZONING		
HEARING DATE: October 15, 2024	COMMENT DATE: September 17, 2024	
<b>PETITION NO.: 24-1180</b>	<b>PROPERTY ADDRESS:</b> 6809 Hartford St & 4109 70th St, Tampa	
EPC REVIEWER: Abbie Weeks	FOLIO #: 0473500200, 0473490100	
CONTACT INFORMATION: (813) 627-2600 X 1101	STR: 35-29S-19E	
EMAIL: weeksa@epchc.org		

REQUESTED ZONING: ASC-1 to AI-R	
	FINDINGS

WETLANDS PRESENT	NO
SITE INSPECTION DATE	September 13, 2024
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO.	No Wetlands

WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)

No Wetlands

The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again.

#### INFORMATIONAL COMMENTS:

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

EPC staff reviewed the above referenced parcel in order to determine the extent of any wetlands and other surface waters pursuant to Chapter 1-11, Rules of the EPC. This determination was performed using aerial photography, soil surveys, and reviewing EPC files. Through this review, it appears that no wetlands or other surface waters exist onsite/ within the proposed construction boundaries.

Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.

Aow/

ec: <u>sjs@stephenjstanleylaw.com</u>

#### **ENVIRONMENTAL SERVICES DIVISION**



PO Box 1110 Tampa, FL 33601-1110

#### **Agency Review Comment Sheet**

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

TO: Zoning Review, Development Services REQUEST DATE: 8/26/2024

**REVIEWER:** Kim Cruz, Environmental Supervisor **REVIEW DATE:** 9/9/2024

PROPERTY OWNER: Hartford, LLC PID: 24-1180

**APPLICANT:** Hartford, LLC

**LOCATION:** 6809 Hartford St. Tampa, FL 33619

4109 70th St. Tampa, FL 33619

**FOLIO NO.:** 47350.0200, 47349.0100

#### **AGENCY REVIEW COMMENTS:**

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

Hillsborough County EVSD has no recommended conditions and no request for additional information associated with wellhead protection.

#### AGENCY REVIEW COMMENT SHEET

TO:	<b>ZONING TECHNICIAN, Planning Growth Man</b>	agement	<b>DATE:</b> 29 Aug. 2024	
REVI	EWER: Bernard W. Kaiser, Conservation and	<b>Environmental Land</b>	s Management	
APPL	LICANT: Stephen Stanley	PETITION NO: R	Z-STD 24-1180	
LOCA	ATION: 6809 Hartford St., Tampa, FL 33619			
	IO NO: 47350.0200 & 47349.0100	SEC: 35 TWN: 29	P RNG: 19	
$\boxtimes$	This agency has no comments.			
	This agency has no objection.			
	This agency has no objection, subject to listed	or attached conditio	ns.	
	This agency objects, based on the listed or atta	ached conditions.		
COMMENTS:				

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

PETIT	TION NO.: RZ-STD 24-1180 REVIEWED BY: Clay Walker, E.I. DATE: 8/27/2024			
FOLIO NO.: 47350.0200, 47349.0100				
WATER				
$\boxtimes$	The property lies within the <u>City of Tampa</u> Water Service Area. The applicant should contact the provider to determine the availability of water service.			
	A inch water main exists _ (adjacent to the site), _ (approximately feet from the site) This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.			
	Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include and will need to be completed by the prior to issuance of any building permits that will create additional demand on the system.			
WASTEWATER				
$\boxtimes$	The property lies within the <u>City of Tampa</u> Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.			
	A inch wastewater force main exists \Boxed (adjacent to the site), \Boxed (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:				

## VERBATIM TRANSCRIPT

	andar, 11, 2020				
HILLSBOROUGH COUNTY, FLORIDA BOARD OF COUNTY COMMISSIONERS					
X					
IN RE:					
ZONE HEARING MASTER )					
HEARINGS )X					
A					
ZONING HEARING MASTER HEARING TRANSCRIPT OF TESTIMONY AND PROCEEDINGS					
BEFORE:	Susan Finch Land Use Hearing Master				
DATE:	Tuesday, January 14, 2025				
TIME:	Commencing at 6:00 p.m. Concluding at 9:09 p.m.				
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard, Second Floor Tampa, Florida 33601				
Reported by: Crystal Reyes, AAERT No. DIGITAL REPORTER	1660				

MS. MARSHALL: Today's agenda we have no remands, 1 which brings us to Section C, Standard Rezoning Requests. 2 First item is Item C.1, Rezoning 24-1180. The 3 applicant is Hartford, LLC. The request is to rezone to AS-1 restricted. Staff findings will be provided by Michelle Montalbano after presentation by the applicant. HEARING MASTER: Okay. Is the applicant here? Please come forward. Give us your name and address please. Good evening. 9 MS. SWIFT: Susan Swift representing Hartford, LLC. 10 Do you want me to go ahead with my presentation? 11 12 HEARING MASTER: Yes. 13 MS. SWIFT: Have to go between before. 14 MR. STANLEY: Before she starts, I'm also here for the 15 applicant. HEARING MASTER: Can you give us your name and address 16 17 please, sir. 18 MR. STANLEY: Stephen J. Stanley, 412 East Madison Street, suite 1100. 19 20 HEARING MASTER: Thank you so much. 21 MS. SWIFT: Before you start my time, let me make sure 22 I know what button to press. There we go. Thank you very much. 23 I'm here with Mr. Stanley, who will help me answer any questions and handle summary and rebuttal. 24 25 I'm going to cover several things. First of all,

Mr. Panoranda, our client, has operated this business here for 1 30 years. And he just wants to continue operating his business. He was cited. And this rezoning is intended to resolve that citation. You will see -- I'll try to cover those issues. the land use and zoning issues, the industrial corridor that is along this road, Hartford Street, the abutting rezoning and the compliance compatibility and consistency issues. The -- you'll 8 see this aerial on this slide a lot because the aerial is much 9 more representative of what is really there than the land use of 10 Residential-6 and the zoning, which is currently ASC-1. 11 Our client is the owner of RNP Sod, Inc. He's owned 12 13 this lot, the vertical lot since 93. He purchased the 14 horizontal lot in 97. There's a mobile home where he conducts 15 his business out of. It's an office, nobody lives there. And 16 he now installs sod that he obtains from another site. 17 In the past, he has had plants there. He's had farm 18 animals there. And at this point, he is interested, as I said, in continuing his business. 19 20 We originally applied for AIR. And we were given a 21 couple of suggestions. We applied for that, but Planning 22 Commission objected to that. We down zoned it to AS-1. And 23 we're focusing on making this a conditional use for landscape contractors nursery. It has -- we -- we -- as I said, we 24 25 amended this. I think we will point out and your review of the

definitions, the various definitions that this may fall into. 1 It really -- what he does there doesn't really fall into any definitions. So at one point we tried to suggest a text amendment, that wasn't too favored. So we changed and -- to a down zoning to apply for AS-1 as a conditional use for a landscape contractors nurse -- excuse me, nursery. There, I know you can't read these, but these are the code conditions. There are ten conditions. The site and the 8 applicant already meet nine of them, except for number two, 10 which requires planting plants to be planted, whether sod, 11 plants, whatever. And the -- our client is willing to do that. 12 So, let's see here. 13 Based on my planning analysis, we do believe that this is compatible with the surrounding uses? This is the Palm River 14 15 Community Planning area. The site's right in the center of it. If you look to the west, there's a three-mile industrial 16 corridor. And I'll get back to that further. The south side of 17 18 Hartford Street is much different than the north side. And you 19 can see all the way to the port and the bay is industrial, 20 either light industrial or heavy industrial. 21 But for the site next to the site, to the -- abutting 22 on the west, which I'll get to, and then this purple square 23 isn't exactly to scale, but that's the site. So Hartford Street on the south side is a three-mile industrial corridor until you 24 get to this lot. And the last few blocks before you get to a 25

100-foot storm water pond residential. And 70th Street is a 1 collector. So, as you can see, our client's lot ASC-1 now has a 3 truck -- tractor trailer site next to it. This site was owned by the county. It was sold to a leasing -- truck leasing company. And it used the flex provision, that's why the map looks very different than what is there. And I encourage you to go out to the site and the entire area to see how mixed it is. 8 You can see to the north of here to the north -- northwest, there's a lot of open storage. Some of these businesses are run 10 11 out of homes as home occupations. But there's a lot of open storage in this area. 12 13 In 2018, the Planning Commission said that the 14 adjacent PD zoning was compatible and consistent with the plan. 15 And it not only allows this truck leasing, but it allows 16 manufacturing on the whole site. The truck leasing although 17 different from currently -- it's not supposed to store -- have 18 open storage on the east side of the site, but it did allow 19 manufacturing on the entire site with no buffer. The only 20 buffer required on this PD was on the street on Hartford Street. 21 And this shows that, that manufacturing is allowed, no 22 buffer on that adjacent site. 23 So here we are, and I -- I will say that in the last hours of this application and trying to get our client back to 24 business and get this citation removed, we agreed to a type B 25

buffer, not realizing how impractical it was. And -- and I've 1 given the staff a headsup on this. And they had given us some other options. So a -- a type A buffer is tough enough on this site. A type -- type B buffer really eliminates even the planting area that's required to plant sod. So I'm trying to be upfront about -- we're trying to 6 get -- get to -- yes, on this site. There may be an option for him to enclose the storage building. That'll eliminate the open 8 storage. We had already agreed to shift, move or remove the -one accessory structure that's on the -- on the property line or 10 11 right near it. And I -- I quess the point is, when you look at what's around us and you look at the buffering requirements here 12 13 and what he is being asked to do, it just doesn't seem 14 compatible with what's around it. It seems unequal application 15 of things compared to what's around it. And even the condition number five in the landscape contractor's nursery talks about 16 17 having not needing a buffer if you have open storage within 18 200 feet of the property line. 19 Well, this is such an oddly shaped site and at the Hartford Street is only 150 feet wide. But I think it leads to 20 the fact that if you're doing planting, do you really need 21 evergreen trees and a solid fence, especially given the odd site 22 23 and what's around this -- this. The other things that I think you can see from here 24 25 is, it's really not as pure as the map shows. The Land Use map

or the zoning map. It is spot zoning, spot land use all over. 1 The -- the light color, the -- the -- well, there's residential abutting industrial all over the place. There is public. There's SMU-6 to the north of it. You can barely see it on this site. The light pink or light white. There are spot zoning on -- on the right -- the right hand map, there's all different kinds of zoning. So this is really a down zoning in order to, again, to put -- keep his business there. We do think it's 8 consistent with the plan. We -- I won't go into all of these 9 10 citations, they're in my report. It's supported by numerous 11 policies. They're -- the Planning Commission's report did not address this one policy that I mentioned in my report, which 12 13 relates to the commercial locational criteria, which is 14 commercial. We -- we meet this. I don't know why they don't 15 think the applies. Again, they -- they think it's not 16 consistent with the plan. 17 Again, my planning analysis, I think we show enough 18 evidence in our report and in this presentation to show that it 19 is a re -- redevelopment plan. It's mapped. It does meet this 20 criteria. But that kind of leads to my almost last slide, which is, there's a lot of inconsistencies in -- within the code and 21 22 in the plan for these kinds of small businesses. Are they AG? 23 Are they commercial? Are they residential? I've been before you before on case where we were being asked to do a buffer 24 in -- next to an ASC-1 or an AS-1 because it was said to be 25

residential. We were protecting the residential. But AG uses
can have a chicken farm or a pig farm as a permitted use. So
those seem to be much more noxious uses than what our client is
proposing here with some equipment and outdoor storage.

And I do think that we have to look at the -- the zoning impacts when we measure compatibility. And, again, I won't read these, but there are a lot of -- there are a lot of in -- almost internal conflicts with -- when we say open storage is permitted and when it's not. And I think, again, the -- the conditions in this landscape are contractor nursery use provides plenty of protection for those uses around it. And, again, it is -- it is a down zoning.

So, again, this is on a three-mile industrial corridor in the middle of Palm River near the port. It's located on two collector roads. The -- the PD adjacent is on a local road on a collector road.

We think the -- the uses are compatible. We believe that it's consistent with the plan. It -- again, it com -- already complies with nine of ten of the com -- of the conditions and that our client is willing to meet the last condition, which is to plant. And then again, it seems like we would want to apply the code consistently. And when we look at what was allowed next door, it really upends what our client can -- can do and renders many of the uses in his current zoning, not appropriate because now there are trailers and

potential manufacturing right next door. 1 2 So, thank you very much. If I have any time left, I don't know if Mr. Stanley just wants to wait for our rebuttal 3 time. HEARING MASTER: All right. I have a couple of 6 questions --MS. SWIFT: Okay. HEARING MASTER: -- before you go. 8 Thank you. 9 MS. SWIFT: HEARING MASTER: First, I just want to verify the 10 11 actual violation. I saw a copy of it in the county's file and it talked about the -- the verbiage was that there was an 12 13 accessory used without a primary use. And then I see in your 14 narrative that you submitted some additional information and you 15 talk about the violations also for open storage. But I didn't see that on the actual violation. 16 17 MS. SWIFT: It -- it is not on the actual -- the 18 second violation was something like there's two lots and they 19 used straddle two lots or something. I -- I put in my report I 20 didn't really understand that. 21 It -- the -- the citation wasn't for open storage. 22 All of the comments that we've received objecting to the AIR, 23 the -- all the other things that we've negotiated were discussed with the staff of both the Planning Commission and the 24 Development Services staff have been about open storage. 25

HEARING MASTER: Okay. Understood. 1 MS. SWIFT: So, I kind of --3 HEARING MASTER: Thank you. MS. SWIFT: -- misspoke. That's okay. Thank you. HEARING MASTER: And then second, regard the -- I had a question about 6 why you didn't submit a -- a commercial locational criteria waiver. And your answer is that slide that you think you meet 8 commercial locational criteria based on the -- the development of the block face, is that correct? 10 11 MS. SWIFT: Yes. HEARING MASTER: Okay. So you -- it's a difference of 12 13 opinion between you and the Planning Commission? 14 MS. SWIFT: Yes. 15 HEARING MASTER: Understood. All right. And tell me how long your client has been operating as a sod company on this 16 17 property. 18 MS. SWIFT: I believe 30 years. Since -- since he 19 purchased it. 20 HEARING MASTER: Okay. And do you have any idea 21 how -- I always like to get to the heart of why this is here. 22 Do you have any idea as to why there was a code enforcement 23 violation in the first place? MS. SWIFT: I will let Mr. Stanley note -- he knows 2.4 the history better than I. 25

1 HEARING MASTER: Okay. Thank you so much. If you could please sign in with the clerk's office. 2 MS. SWIFT: Yes. 3 HEARING MASTER: Sir, can you answer the question? MR. STANLEY: Certainly. HEARING MASTER: And when you start, just give us your 6 name for the record. MR. STANLEY: Stephen Stanley, 412 West Madison 8 Street, Suite 1100. 9 My understanding is that code enforcement was in the 10 11 area on another property. And then they decided they were just going to start investigating all the other properties in the 12 13 area. 14 HEARING MASTER: All right. 15 MR. STANLEY: And that's how it came to. And to -- to further answer one of the questions you asked her about the open 16 storage. Well, when we met with the code enforcement out there, 17 18 they came out and pointed to the open storage and pointed to landscape contractor as a solution. But they were mistaken 19 20 thinking the landscape contractor to go in ASC-1. And after our 21 research, we determined it had to go into either AI and then 22 restricted. And if that wasn't going to work, we had to drop 23 back to an AS-1. That's why we're here. HEARING MASTER: All right. Thank you, sir. 24 Sign in if you haven't already. 25

We'll go to Development Services. Good evening. 1 MS. MONTALBANO: Good evening. Michelle Montalbano, 2 Development Services. 3 4 The applicant is proposing to rezone approximately three acres of property in the Greater Palm River area from ASC-1 to AS-1 with restrictions. The request is to accommodate an existing sod installation company after a code enforcement notice of violation. The applicant has proposed restrictions on 8 the rezoning in response to staff concerns regarding the access point and existing structures in required buffer areas. 10 11 The parcel is adjacent to AS-1 zoned properties to the north, east and south. To the farther east is a single-family 12 13 housing development which is separated by a collector road and a 14 storm water retention area. To the direct west is an 15 approximate nine acres -- acre property zoned PD, which allows for manufacturing uses. This parcel is currently used as a 16 17 tractor trail leasing site with open storage directly abutting 18 the subject rezoning site. After the rezoning, the sod installation company would 19 be subject to a site development review and be required to meet 20 21 the requirements for a landscaping -- and nursery and LDC Section 6.11.109, which standards are intended to increase 22 23 compatibility of the commercial use in agricultural areas. Since the applicant is not restricting the uses if the sod 24 installation uses seizes operation, typical AS-1 standards and 25

permitted use shall apply. 1 Transportation staff found no objection to the rezoning subject to the proposed condition. For these reasons, 3 staff finds the request approvable. I'm available if you have any questions. HEARING MASTER: None at this time, but thank you so much. 8 MS. MONTALBANO: Thank you. 9 HEARING MASTER: Planning Commission. MS. MYERS: Good evening. Alexis Myers, Planning 10 Commission staff. 11 The subject site is located in the residential six 12 13 Future Land Use Category. It is in the urban service area and 14 within the limits of Greater Palm River Community Plan. Because 15 the applicant is requesting a rezoning to AS-1 with open storage as accessory use, in a residential future land use category, the 16 request is inconsistent with the uses expected in the category. 17 The proposed rezoning also does not align with the 18 character of the surrounding area and present compatibility 19 concerns given the nature of the area, which is inconsistent 20 with Future Land Use Policy, Objective 16 and policies related 21 22 to the neighborhood protection. The side also does not meet commercial locational 23 criteria, as the site is located 1,000 feet away from the 24 nearest major intersection. 25

```
Based upon those considerations, Planning Commission
 1
    staff finds that the proposed rezoning inconsistent with the
 2
    Unincorporated Hillsborough County Comprehensive Plan, subject
    to the proposed conditions by the -- the Development Services
    Department.
              HEARING MASTER: Ms. Myers, let me ask you --
              MS. MYERS: Yes.
              HEARING MASTER: -- relevant to Ms. Swift's testimony
 8
    that she disagrees with the Planning Commission that she
    believes she qualifies for the policy that she does not have to
10
    or that she qualifies to meet commercial locational criteria
11
12
    because of the percentage of development of the block face.
                                                                 Ιf
13
    you could just give me your thoughts on that.
14
              MS. MYERS: Yes. So we did do the calculations on --
15
    and it -- it's 7,000 feet away from the -- from the
16
    intersection. It is not I believe within the 75 percent of
17
    the -- of the subject site. But yes, once we did the
18
    calculations, that was 7,000 feet away.
              HEARING MASTER: So, it -- and I don't have that
19
    policy in front of me. She had it at -- on her slide. But it's
20
21
    my recollection that it also has to do with in fill and the
22
    percentage of development within the block itself, is that
23
    correct, the policy she showed?
2.4
              And we can -- we can ask her on rebuttal to pull that
25
    back up.
```

1 MS. MYERS: Yes, I would like to see if she could pull that policy back up. 2 3 HEARING MASTER: Actually, Ms. Swift, if you could come and just cite the policy number so Ms. Myers can review it. MS. SWIFT: Yes. It is -- and I -- I can put this side back up there if --HEARING MASTER: Thank you. And then I'll give you a minute to look at it. MS. SWIFT: The policy is 25.3 in the Future Land Use 9 10 Element. 11 HEARING MASTER: 25.3, okay. All right. Thank you very much. 12 13 Ms. Myers, we'll come back to you in a minute. 14 All right. So, now we'll go to proponents. Is there 15 anyone in the audience or online that would like to speak in favor of the application? I'm seeing no one. 16 17 Anyone in opposition to this request? All right, no 18 body. Ms. Marshall, anything else? 19 20 MS. MARSHALL: Nothing further. 21 HEARING MASTER: Okay. 22 MS. MARSHALL: Thank you. 23 HEARING MASTER: All right. Ms. Myers, did we give you enough time? 24 MS. MYERS: Okay. So we -- we did not note this 25

policy in the -- in our report, but we did note Policies 22.7 1 and 22.7, which notes that meeting the commercial locational criteria is not only the factor to be taken into consideration. And we also noted 22.8, which -- sorry, give me one second. 22.8, which is in regards to the waiver for the intersection. HEARING MASTER: Okay. MS. MYERS: But we did not note 22.7. 8 HEARING MASTER: All right. But am -- am I correct 9 that 25.3 is if your block is more than 50 percent developed 10 11 that you do meet -- that commercial locational criteria is not applicable or you do meet it? 12 13 MS. MYERS: Sorry, you said 25 --HEARING MASTER: 25.3 is the policy that Ms. Swift 14 15 cited. 16 MS. MYERS: Yes, that is correct. 17 HEARING MASTER: Okay. Thank you so much. 18 appreciate it. 19 All right. So we've gone back to Development Services. And now it is the applicant's turn for rebuttal. 20 21 have five minutes. 22 MS. SWIFT: Oh, I was going to show that slide. 23 HEARING MASTER: You can. Yeah. Absolutely. It's gone. I'm sorry. Okay, thanks. 2.4 MS. SWIFT: HEARING MASTER: And just give us your name real quick 25

```
before you start.
 1
              MS. SWIFT: Susan Swift, Fox Engineering.
 2
              It's right at the end almost. Yeah, that -- this is
 3
    the policy and I think it's a -- we interpreted this.
    interpreted this to mean that we did meet the -- this
    requirement and that this meant we don't have to apply for -- at
    this exempted us from applying for a locational criteria waiver
    because it wasn't applicable based on this being in a
 8
 9
    redevelopment area.
10
              HEARING MASTER: Okay. Understood.
11
              MS. SWIFT: Yeah.
12
             HEARING MASTER: Thank you.
13
              MS. MYERS: Sorry, if I could --
14
             HEARING MASTER: Yeah, do you want to comment?
15
              MS. MYERS:
                         Yes.
16
             HEARING MASTER: Ms. Swift, if you could just because
    this is so on point to this -- this argument, I'm going to allow
17
18
    Ms. Myers of the Planning Commission to comment on that.
19
              MS. SWIFT: Sure. Sure.
20
             HEARING MASTER: Go ahead.
21
              MS. MYERS: Yes. Alexis Myers, Planning Commission
22
    staff.
23
              So this is actually in regards to if the site is
    already zoned as a commercial use.
24
25
              HEARING MASTER: It did -- I did see that. It said
```

```
zoned or used, I did see in the --
 1
 2
              MS. MYERS: Yes.
              HEARING MASTER: -- so it makes that distinction.
 3
    I'll defer to you for that opinion.
              MS. MYERS: Yes. All right. I just want to --
              HEARING MASTER: Thank you. I appreciate it.
 6
              Go ahead, Ms. Swift.
              MS. SWIFT: I -- I was going to say hence my referral
 8
    to schizophrenia of the -- of the Land Development Code in the
 9
   plan and how they treat these. Did you want that aerial up?
10
11
    Yeah.
              HEARING MASTER: So, you have a little over four
12
13
    minutes left on your rebuttal.
14
              MR. STANLEY: Going Stephen Stanley on behalf of the
15
    -- the applicant. 412 West Madison Street, Suite 1100.
              Just, you know, just -- just sum it up. I'm not as
16
17
    good with the computer, but I'll use the overhead if it works.
18
              HEARING MASTER: Yeah, I see it.
19
              MR. STANLEY: Okay. Okay. Her -- her picture on --
20
    in the computer was much better. But the point is, you know, if
21
    you drive this area, you get off up north and you drive down
    through an industrial district. And then you get down to
22
23
    Hartford and you're still in an industrial district. And all
    the way over almost until you get to the -- well, you know, it's
24
    gray even all the way over until the lot before the subject
25
```

property. The lot that is -- got a PD for a manufacturing open 1 storage for trailers zoning. I mean, it -- it abuts the subject property. So, you know, we're looking at a transition to go from industrial to the residential on the other side of that drainage canal lake, which makes this completely compatible. And you talk about like a -- like it's a commercial zoning. It's -- it's an agriculture. It's the land use contractors nursery, which it --8 it's not selling retail plants on the site. It's still an 9 agricultural type use. So, you know, I'm a little concerned 10 11 we're -- where we're going to, you know, try to compare this and an AS-1 zoning that we're asking for to a PD that allows 12 13 manufacturing in heavy commercial zoning. I mean, we're not 14 that. So that's another reason why I think, you know, that the 15 waiver is not necessary for the commercial matter. But be that as it may, you've seen this. So you --16 17 the real picture is when you're close to the subject site, I 18 mean, look north and look next door, it's all industrial. It's got a few houses scattered on the north side going further east. 19 20 But like Susan said, there's open storage and there's trailers 21 and there's tractors and there's all kinds of industrial heavy 22 uses on those properties. 23 We -- we're here because code enforcement said, we can't do what we're doing on an ASC-1 zoning. They said that at 24 first time and they came out and said, we're here, new landscape 25

```
contractor, you can do that here. And I had to go through the
 1
    grid and point out to them, no, it says you can't. So it --
    it's -- it's just unbelievable that we have been given such a
    hard time about trying to get this property zoned so it's
    compatible with the code, with code enforcement.
              And again, if you look at this site and the properties
 6
    around it, it's outlined in the blue so you can see it better.
    But it's -- it's not like we're trying to put a -- an industrial
 8
    use right next to residential. It's not an industrial use.
 9
    It's a landscape contractor that installs sod.
10
11
              And about the buffering. At first, they said, well,
    if you would enclose the open storage by three sides, you
12
13
    wouldn't have the problem. And at first, my client didn't want
14
    to do that. But then when he hears that now he's got to put
15
    fencing and evergreens along the whole site, he would rather
    enclose the open storage, which would eliminate open storage.
16
17
    He encloses equipment. So we want that, you know, we want to
18
    throw that out there. So --
19
              HEARING MASTER: So, is it your --
20
              MR. STANLEY: Thank you for your --
21
              HEARING MASTER: -- is it your testimony that your
22
    client is willing to enclose the open storage --
23
              MR. STANLEY: Yes.
              HEARING MASTER: -- area?
2.4
              MR. STANLEY: Absolutely. I talked to him about it.
25
```

```
I went over the -- the options with him. And I said -- and he
 1
    said, yeah, he -- in that case, he -- he'd rather enclose the
    open storage than to do all of the other buffering.
              And when you look at the site and the other
    properties, we -- you know, Susan said, well, it's a 150 from
    Hartford. But from 70, it's like 300/400/500 feet, you know.
    So the thing in the -- in the landscape contractor said you
    could have open storage if it -- if you -- but you have to
    buffer if it's 200 feet. So we're saying, well, we'll just
10
    enclose all the open storage so we won't have a buffering
11
    problem.
              HEARING MASTER: Let me ask staff. Just hold that
12
13
    thought for one moment and let me ask Ms. Marshall.
14
              So that second condition for a landscape contractor
15
    nursery, that second condition that requires the -- the
    buffering and the plantings and so forth, is that correct that
16
    that would not be required if they enclose the open storage?
17
18
              MS. MARSHALL: The -- the specific condition is in
    regards to the moving of that structure outside of the buffer.
19
20
    But the -- the use itself just as a landscape contractor's
    nursery would -- it would still require buffer and screening
21
22
    between -- it would be considered a group five use.
23
              HEARING MASTER: Even if they take the open storage
2.4
    off the table?
25
              MS. MARSHALL: Correct.
```

1 HEARING MASTER: Understood. Okay. So you would still -- I mean, it's up to you how you 2 want to present this, but if you're offering to enclose the open 3 storage, you've heard the testimony of staff, you're still obligated to provide the required buffering and screening. MR. STANLEY: Well, if they're going to require the 6 required buffering and screening, I guess we won't enclose it. I mean, it doesn't make any sense. 8 HEARING MASTER: Totally up to you. 9 MR. STANLEY: But, you know, the emails I got were, 10 11 you know, if you enclose the open storage, you won't have the problem. 12 13 HEARING MASTER: All right. So we are well past the 14 rebuttal period. So if we could just wrap up your rebuttal 15 comments and we're going to close the case. MR. STANLEY: Well, you know, the client is going to 16 continue -- wants to continue doing what he's been doing for 17 18 30 years. What -- you know, this man has been -- had the -- the jobs to install the turf at Raymond James Stadium and the 19 20 Yankees Spring Training Facilities. That's the type -- and 21 Busch Gardens. But he doesn't -- he's not doing it on the site. 22 He's -- he -- he's picking up the sod and taking it and 23 installing it. In some cases they may drop off some sod on the site and he takes it and installs it. But he -- he's not 24 installing stuff on the site. I mean, it's not that strong of 25

of -- of an operation. 1 And we kept hearing the open storage was the issue. So we were trying to resolve the open storage issue by willing 3 to enclose it. But now they're saying, you're not going to resolve it that way. You still have to screen because of the -the landscape contractor. Even though the landscape contractor is saying if -- you know, it sounds like they're saying if you can't see the open storage, then there's no reason to -- to do 8 9 it. So, anyway. 10 HEARING MASTER: All right. Mr. STANLEY: Thanks for your time. 11 12 HEARING MASTER: Thank you. I appreciate it. 13 And with that, we'll close Rezoning 24-1180 and go to 14 the next case. 15 16 17 18 19 20 21 22 23 2.4 25

### Zoning Hearing Master Hearing CORRECTED December 16, 2024

	0011201 107 1011
	OROUGH COUNTY, FLORIDA F COUNTY COMMISSIONERS
IN RE:	X ) ) )
ZONE HEARING MASTER HEARINGS	) ) X
	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS
BEFORE:	Pamela Jo Hatley Land Use Hearing Master
DATE:	Monday, December 16, 2024
TIME:	Commencing at 6:00 p.m. Concluding at 9:07 p.m.
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard, Second Floor Tampa, Florida 33601
Reported by: Crystal Reyes, AAERT No. Digital Reporter	1660

### Zoning Hearing Master Hearing CORRECTED December 16, 2024

1 Item A.16, PD 24-1139. This application is being continued by the applicant to the January 14, 2025 ZHM Hearing. 2 Item A.17, Major Mod 24-1141. This application is out 3 of order to be heard and is being continued to the January 14, 2025 ZHM Hearing. Item A.18, PD 24-1147. This application, is out of 6 order to be heard and is being continued to the February 18, 2025 ZHM -- 2025 ZHM Hearing. 8 Item A.19, Major Mod 24-1152. This application is 9 being continued by staff to the January 14, 2025 ZHM Hearing. 10 11 Item A.20, PD 24-1155. This application is out of order to be heard and is being continued January 14, 2025 ZHM 12 13 Hearing. 14 Item A.21, PD 24-1169. This application is out of 15 order to be heard and is being continued to the February 18, 2025 ZHM Hearing. 16 Item A.22, PD 24-1172. This application has been 17 18 withdrawn from the hearing process. 19 Item A.23, Standard Rezoning 24-1180. This 20 application is out of order to be heard and is being continued 21 to the January 14, 2025 ZHM Hearing. 22 Item A.24, PD Rezoning 24-1202. This application is 23 being continued by the applicant to January 14, 2025 ZHM Hearing. 24 25 Item A.25, Standard Rezoning 24-1210. This

## Zoning Hearing Master Hearing October 15, 2024

	OROUGH COUNTY, FLORIDA F COUNTY COMMISSIONERS
IN RE:	X ) )
ZONE HEARING MASTER HEARINGS	) ) )
	X
	HEARING MASTER HEARING F TESTIMONY AND PROCEEDINGS
BEFORE:	Brian Grady Development Services
DATE:	Tuesday, October 15, 2024
TIME:	Commencing at 6:00 p.m. Concluding at 6:06 p.m.
LOCATION:	Hillsborough County BOCC 601 East Kennedy Boulevard Tampa, Florida 33601
Reported by: Diane DeMarsh, AAERT No.	1654

## Zoning Hearing Master Hearing October 15, 2024

out of order to be heard and is being continued to the 1 December 16, 2024 Zoning Hearing Master Hearing. 2 Item A.13, Rezoning PD 24-0924. This application is out of order to be heard and is being continued to the November 12, 2024 Zoning Hearing Master Hearing. Item A.14, Major Mod Application 24-0933. This 6 7 application is out of order and is being continued to the November 12, 2024 Zoning Hearing Master Hearing. Item A.15, Rezoning PD 24-01013 (sic). 9 application is out of order to be heard and is being continued 10 11 to the November 12, 2024 Zoning Hearing Master Hearing. Item A.16, Rezoning PD 24-1040. This application is 12 13 out of order to be heard and is being continued to the 14 November 12, 2024 Zoning Hearing Master Hearing. 15 Item A.17, Rezoning Standard 24-1060. This application is out of order to be heard and is being continued 16 17 to the November 12, 24 -- 2024 Zoning Hearing Master Hearing. 18 Item A.18, Rezoning PD 24-1075 -- 1075. application is out of order to be heard and is being continued 19 to the November 12, 2024 Zoning Hearing Master Hearing. 20 21 Item A.19, Rezoning Standard 24-1142. 22 application is out of order to be heard and is being continued 23 to the November 12, 2024 Zoning Hearing Master Hearing. Item A.20, Rezoning Standard 24-1180. 24 application is being continued by the applicant to the 25

## Zoning Hearing Master Hearing October 15, 2024

December 16, 2024 Zoning Hearing Master Hearing. 1 Item A.21, Rezoning Standard 24-1203. This application is out of order to be heard and is being continued 3 to the November 12, 2024 Zoning Hearing Master Hearing. Item A.22, Rezoning Standard 24-1204. application is out of order to be heard and is being continued to the November 12, 2024 Zoning Hearing Master Hearing. Item A.23, Rezoning Standard 24-1206. This 8 application is being continued by staff to the November 12, 2024 9 Zoning Hearing Master Hearing. 10 And Item A.24, Rezoning Standard 24-1210. It's being 11 continued by the applicant to the November 12, 2024 Zoning 12 13 Hearing Master Hearing. 14 And that includes the published withdrawals and 15 continuances. Now, the following items, which were scheduled to be 16 17 heard tonight, again, are con -- are being continued by staff to 18 the October 28, 2024 Zoning Hearing Master Hearing at 6:00 p.m. Again, due to hurricane recovery reasons associated with the 19 recent hurricane, they're being continued to a rescheduled 20 21 hearing. The first item is Item C.1, Rezoning Standard 24-1023. 22 23 Again, it's being continued to October 28th. Next item is Item C.2, Rezoning Standard 24-1082 and 24 being continued by staff to the October 28, 2024 Zoning Hearing 25

## EXHIBITS SUBMITTED DURING THE ZHM HEARING

PAGE 1 OF 5

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

DATE/TIME: 1-14-25 6:00 pm HEARING MASTER: SUSAn Finch

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT APPLICATION # NAME BRENT DAVE RZ MAILING ADDRESS 10609 DIXON Da. 24-0924 CITY (NEWNEW STATE FL ZIP33579 PHONE 813-853-1467 PLEASE PRINT APPLICATION # WILLIAM KIRBERS NAME KZ MAILING ADDRESS /0722 DIYON DIZIVE 24-0924 CITY / 10572VIEWSTATE /2 ZIP 3574 PHONE 813-677-7917 PLEASE PRINT APPLICATION # NAME Isabelle albert 12 MAILING ADDRESS 1000 W PShley Dr. 24-0924 CITY Tampae STATE & ZIP 3360 PHONE 43138 NAME SUSAN SERIET APPLICATION # KZ MAILING ADDRESS 607 S. Alexander St # 102 24-1180 CITY LANGE STATE FL ZIP3856 PHONE 747-9180 PLEASE PRINT APPLICATION # KZ MAILING ADDRESS 4/2 E. Madisa St, Suit 1100 24-1180 CITY JAMPA STATE FT ZIP 38 02 PHONE \$ 13-226-272 PLEASE PRINT Isabelle albert APPLICATION # RZ MAILING ADDRESS 1000 W. askley Dr # 900 24-1210 CITY TAMPE STATE PC ZIP 33602 PHONE 331-0971

PAGE 2 OF 5

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

DATE/TIME: 1-14-25 6:00pm HEARING MASTER: SUSAN Finch

PLEASE PRINT CLEARLY. THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT **APPLICATION #** Todd Pressman NAME RZ. 25-0175 STATE ZIP PLEASE PRINT APPLICATION # William Smith NAME MAILING ADDRESS 1003 S Alexander St 24-0459 CITY Hant City STATE H ZIP 33653 PHONE (813) 257-2003 PLEASE PRINT **APPLICATION #** Campo (matt campo NAME mm MAILING ADDRESS 1725 STATE TO ZIP BOPHONE 8B 420-0872 24-0468 BRAD Gregory (Brad Gregory PLEASE PRINT APPLICATION # NAME RZ MAILING ADDRESS (715 L. Shig 24-1212 CITY Brandon STATE FL ZIP33511 PHONE 813 381 3839 PLEASE PRINT Eric Hendra **APPLICATION #** RZ MAILING ADDRESS 5028 W. Longfellow Ave 24-1212 CITY Taupa STATE FL ZIP 3304 PHONE 727 4054875 PLEASE PRINT **APPLICATION #** NAME LAYRON FRICKL RZ MAILING ADDRESS 101 E. LENNETT 24-1261 CITY AMPA STATE ZIP 3360 PHONE

PAGE <u>3</u> OF <u>5</u>

SIGN-IN SHEET: RFR, ZHM PHM, LUHO

DATE/TIME: 1-14-25 6:00pm HEARING MASTER: SUSan Finch

PLEASE PRINT CLEA	ARLY, THIS INFORMATION WILL BE USED FOR MAILING
APPLICATION #	NAME Jevening Coul (Jeveny Cach)
RZ	MAILING ADDRESS 17937 Hunting Bon Circle
24-1261	CITY Ltz STATE FL ZIP 33558 PHONE 813 9202005
APPLICATION #	PLEASE PRINT NAME MICHAEL YATES
RZ	MAILING ADDRESS 4006 S. MACDIL AVE
24-1261	CITY AMOA STATE FL ZIP 33611 PHONE 813 205 8057
APPLICATION #	NAME Enal Hand (Hand)
RZ	MAILING ADDRESS 5 COS' ROL A Reach AVE)
24-1261	CITY Seffner STATE FL ZIP 3079/PHONE 913-439  (Seffner) 33584 486
APPLICATION #	PLEASE PRINT NAME ALAN Moyer
RZ	MAILING ADDRESS 309 N PARSON AU
24-1261	CITY Settiver STATEFI ZIP33584 PHONE 813299483
APPLICATION #	NAME Steven D. Jagnes
RZ	MAILING ADDRESS 493 N. Taylor Rd. (403 n. Taylor Rd)
24-1261	CITY Seffor STATE FC ZIP 33514 PHONE (18) 355-)101
APPLICATION #	NAME Mark Mark Merrill)
RZ	
24-1261	MAILING ADDRESS 203 N. Tayl- R6  CITY Soft not State Z zip335c4 phone SB-298-7972

PAGE  $\frac{4}{9}$  OF  $\frac{5}{9}$ 

SIGN-IN SHEET: RFR, (ZHM,) PHM, LUHO

DATE/TIME: 1-14-25 6:00PM HEARING MASTER: SUSan Finch

PLEASE PRINT CLEARLY, THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT Change Stanfor APPLICATION # RZ MAILING ADDRESS WOOL alta DV 24-1261 CITY STATE FL ZIP33584HONE 813-235-NAME Stoon Round (Steven Popovich) APPLICATION # RZ MAILING ADDRESS 321 TO POYOR PO 24-1261 CITY Secret STATE TIP 33354 PHONE 813 789 5055 NAME Frank L. Italiano (Frank) **APPLICATION #** RZ MAILING ADDRESS 35 N. Taylor PD 24-1261 CITY STATE E ZIP 3358 PHONE 8/3-8/3-3324 APPLICATION # NAME Anna Wirkpatrick PZ MAILING ADDRESS UBOS N Otis Ave 24-1262 CITY TAMPA STATE FL ZIP 33604 PHONE 850-712-905 NAME Stepher Sposalo APPLICATION # RZ MAILING ADDRESS 505 & Jacks St. 24-1262 CITY Tampa STATE 4 ZIP 33602 PHONE 973-375-NAME Andree Shultz **APPLICATION #** RZ MAILING ADDRESS 10335 Steelee Rd 24-1262 CITY Conduscia STATE FC ZIP 33592 PHONE 727-439-4343

SIGN-IN SHEET: RFR. ZHM, PHM, LUHO

PAGE 5 OF 5

DATE/TIME: 1-14-25 6:00pm HEARING MASTER: SUSAn Finch

PLEASE PRINT CLEARLY. THIS INFORMATION WILL BE USED FOR MAILING PLEASE PRINT. Me Sac Jarney APPLICATION # 27 MAILING ADDRESS 10935 Skewlee of 24-1262 CITY Thonobsassa STATE & ZIP 3359 PHONE 3431-1830 NAME Idam Varney APPLICATION # R 2 MAILING ADDRESS 10935 Skewlee Rd 24-1262 CITY The rotosassa STATE FL ZIP 3359 2 PHONE 8/3 6/0-10/7 PLEASE PRINT **APPLICATION #** NAME MAILING ADDRESS CITY \_\_\_\_\_STATE \_\_\_ZIP \_\_\_PHONE PLEASE PRINT APPLICATION # NAME \_\_\_\_ MAILING ADDRESS CITY\_\_\_\_\_ STATE\_\_\_ ZIP\_\_\_ PHONE PLEASE PRINT APPLICATION # NAME MAILING ADDRESS CITY \_\_\_\_\_ STATE \_\_\_\_ ZIP \_\_\_\_PHONE PLEASE PRINT APPLICATION # NAME MAILING ADDRESS CITY STATE ZIP PHONE

HEARING TYPE: ZHM, PHM, VRH, LUHO DATE: 1-14-2025

HEARING MASTER: Susan Finch PAGE: 1 of 1

APPLICATION #	SUBMITTED BY	EXHIBITS SUBMITTED	HRG. MASTER YES OR NO
RZ 24-1180	Susan Swift	Applicant Presentation Packet	No
RZ 24-1180	Ashley Rome	2. Revised Staff Report	Yes (Copy)
RZ 24-1210	Isabella Albert	1. Applicant Presentation Packet – thumb drive	No
RZ 25-0175	Todd Pressman	1. Applicant Presentation Packet – thumb drive	No
RZ 24-1261	Ashley Rome	1. Revised Staff Report	Yes (Copy)
RZ 24-1261	Clayton Brickelmyer	2. Applicant Presentation Packet - Resumes	No
RZ 24-1261	Cheryl Stanton	3. Opposition Packet	No
RZ 24-1262	Ashley Rome	1. Revised Staff Report	Yes (Copy)
RZ 24-1262	Stephen Sposato	2. Applicant Presentation Packet	No

## JANUARY 14, 2025 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Tuesday, January 14, 2025, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

Susan Finch, ZHM, called the meeting to order at 6:00 p.m., led in the pledge of allegiance to the flag, and introduction.

## A. WITHDRAWALS AND CONTINUANCES

- Colleen Marshall, Development Services (DS), introduced staff and reviewed the changes to the agenda. Continued with the changes/withdrawals/continuances.
- Susan Finch, ZHM, overview of ZHM process.
- Senior Assistant County Attorney Mary Dorman, overview of evidence/ZHM/BOCC Land Use process.
- Susan Finch, ZHM, Oath.
- B. REMANDS None.
- C. REZONING STANDARD (RZ-STD):

## C.1. RZ 24-1180

- Colleen Marshall, DS, called RZ 24-1180.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 24-1180.

## C.2. RZ 24-1210

- Colleen Marshall, DS, called RZ 24-1210.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 24-1210.

## C.3. RZ 25-0175

- Colleen Marshall, DS, called RZ 25-0175.
- Testimony provided.

## TUESDAY, JANUARY 14, 2025

- Susan Finch, ZHM, closed RZ 25-0175.
- D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM):

## D.1. RZ 24-0459

- Colleen Marshall, DS, called RZ 24-0459.
- ► Testimony provided.
- Susan Finch, ZHM, closed RZ 24-0459.

## D.2. MM 24-0468

- Colleen Marshall, DS, called MM 24-0468.
- ► Testimony provided.
- Susan Finch, ZHM, closed MM 24-0468.

## D.3. RZ 24-0924

- Colleen Marshall, DS, called RZ 24-0924.
- ► Testimony provided.
- Susan Finch, ZHM, continued RZ 24-0924 to March 24, 2025, ZHM hearing.

## D.4. RZ 24-1212

- Colleen Marshall, DS, called RZ 24-1212.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 24-1212.

## D.5. RZ 24-1261

- Colleen Marshall, DS, called RZ 24-1261.
- Testimony provided.
- Susan Finch, ZHM, closed RZ 24-1261.

## D.6. RZ 24-1262

Colleen Marshall, DS, called RZ 24-1262.

## TUESDAY, JANUARY 14, 2025

- ► Testimony provided.
- Susan Finch, ZHM, closed RZ 24-1262.
- E. ZHM SPECIAL USE None.

## ADJOURNMENT

► Susan Finch, ZHM, adjourned the meeting at 9:08 p.m.

Application No. \$2 34-1180

Name: \$\sum{5}\sum{5}\sum{6} + \text{Finition} \te

## 6809 Hartford St. & 4109 S. 70th St.

Request to:

Rezone From ASC-1 to AS-1

**APPLICANT: HARTFORD LLC** 

STD-RZ-24-1180

**ZONING HEARING MASTER: JANUARY 14, 2025** 



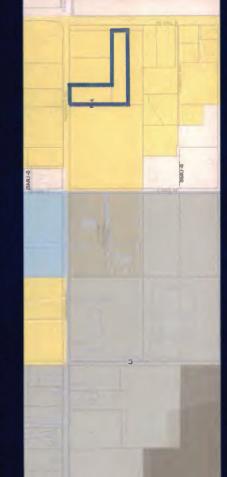
## THEMES

- ☐ EXISTING SOD BUSINESS OPERATED BY MR. PENARANDA SINCE 1993
- CODE ENFORCEMENT ACTION: "accessory use without primary use; open storage"
- BUSINESS OPERATIONS HAVE EVOLVED OVER TIME: nursery, farm animals, etc.
- HARTFORD ST. IS A 3-MILE LONG INDUSTRIAL CORRIDOR: last 3 lots treated unequally
- 2018 ABUTTING REZONING NEGATIVELY IMPACTED APPLICANT'S PROPERTY
- **ZONING/FUTURE LAND USE MAPS HAVE NOT EVOLVED OVER TIME**
- AGRICULTURAL DEFINITIONS/INTERPRETATIONS HAVE NOT EVOLVED: animal farm impacts vs. open storage impacts
- □ CONSISTENCY, COMPATIBILITY, COMPLIANCE

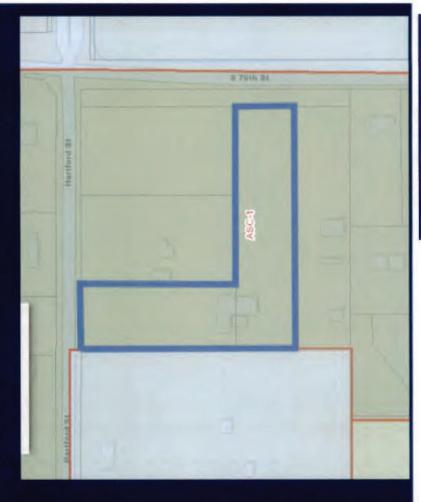
MR. PENARANDA MERELY WANTS TO CONTINUE HIS BUSINESS AT THIS LOCATION



# FUTURE LAND USE = Residential-6



## **ZONING = ASC-1**





# **HISTORY OF THIS APPLICATION**

- Pre-application Meeting suggested AI-R or AS-1 applied for AI-R/permitted use given adjacent truck terminal
- Planning Commission objected so application was downzoned to AS-1/conditional use
- Discussed text amendment to add new use that matches sod installation business
- None of the use definitions in the LDC apply to current operations if planting is added, most similar to Landscape Contractor Nursery = Conditional Use in AS-1
- Landscape Contractor Nursery Applicant has committed to restrictions in addition to 10 CU conditions



## **Business Operations**

1993: RMP Sod, Inc. on Hartford lot

1997: owner purchases 70th St. lot

Sod installation: maximum 2 trips/day

Business office in mobile home

Accessory structures are for equipment/storage

No one lives on site

Prior accessory uses: plant nursery/chickens/goats





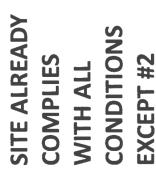
## Sec. 6.11.109. - Landscaping Contractor's Nursery

- A. Landscaping contractor's nurseries in the AM, A, AR, A-0.4, and AS-1 zoning districts shall conform with the following requirements:
- 1. A minimum site size of two and one-half contiguous acres shall be required.
- value of plants. All plants, grown on the site shall be utilized by the landscaping contractor or sold to wholesale buyers. The retail A minimum of 51 percent of the land area of the site shall be devoted to the reproduction, growth and/or significant increase in sale of plants shall be prohibited. The sale of mukh incidental with the wholesale of plants shall be permitted.
- The off-site delivery and/or installation of plants grown or brokered by the landscaping contractor, and on-site storage of vehicles, equipment and material used for such purposes, shall be permitted. Additionally, the fitting of irrigation systems in concert with, and in support of, the installation of the plants shall be allowed.
- Services with pieces of equipment weighing more than 25,000 pounds gross vehicle weight that are utilized off-site shall have direct frontage access or easement access to a collector or arterial road.
- All trucks and equipment shall be shielded from public view with a hedge or trees. However, screening shall not be required for open storage and/or maintenance areas that are located at least 200 feet from all site boundaries.
- Trucks, vehicles and equipment will not emanate noise exceeding 45 decibels at the property line before 7:00 AM or after 6:00 PM Eastern Standard Time and/or before 6:00 AM or after 8:00 pm Daylight Saving Time. ġ.
- 7. No more that 20 percent of the site shall be utilized for storage and/or maintenance of vehicles, equipment and materials such as mulch, fertilizers, pesticides and irrigation hardware. On-site storage and maintenance shall be limited to the vehicles, equipment and materials utilized by landscaping contractor. The storage or maintenance of vehicles, equipment or materials not utilized by the contractor shall be prohibited.
- 8. The burning or disposal of plant or grass trimmings, limbs or other materials collected off site shall be prohibited. The burning or disposal of waste materials generated on the property shall comply with all requirements of the Hillsborough County Environmental Protection Commission and /or Florida Division of Forestry.
- contains the minimum acreage required by the zoning district, or two and one-half acres, whichever is greater. The area unitized A single family home for the owner of the landscaping contractor's nursery may be allowed on the same site only if the site by the residence shall be included in the calculation of required site area percentages above. o,

10

Operations shall not include land alteration or land excavation activities as defined by this Code. However, general irrigation services, lawn or plant maintenance services incidental to landscaping services are permitted

(Ord. No. 04-30, § 2, 6-10-04)





# Compatible With Surrounding Uses

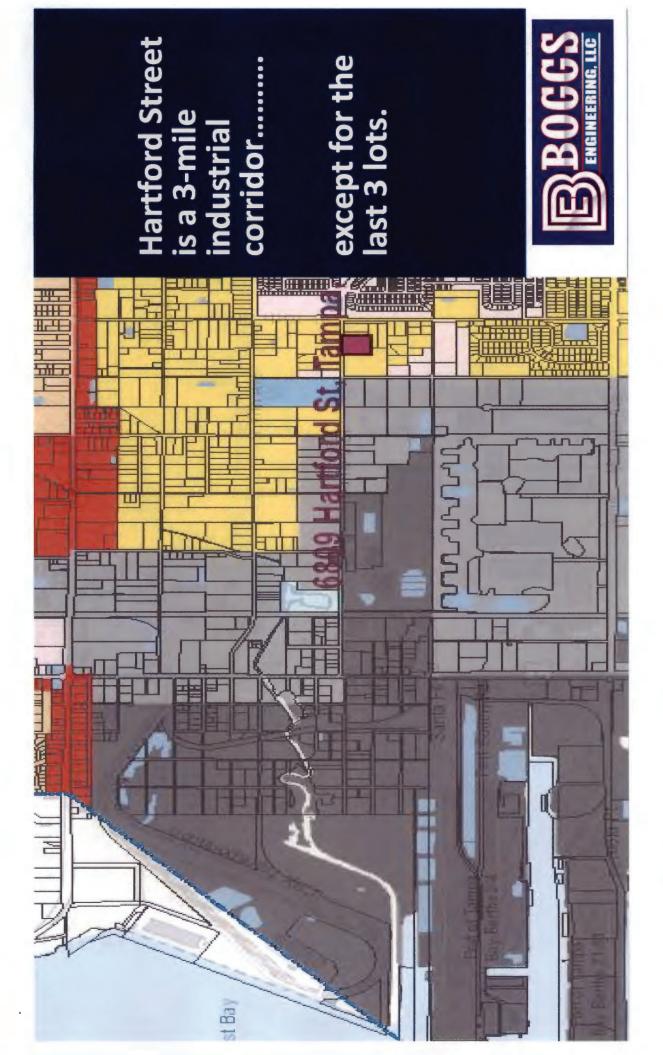


## R-16R-16 SMU-6 P/OP R-16 P.OP SMU-6 UMU-20 RMU-35 Re do UMU-20 F HILL R-20 R-9 R-20 R-20 **CMU-12** CMU-12 CMU 32 4 P/QP OC 20 or Clair Mr 8 Palm POP R-6 SMU-6 \_\_ z SMU & 2 z SMUS -20 I Z 三 I HESCBD RIVE OS RMU-100 POP Riosman R-6

PALM RIVER
COMMUNITY PLANNING
AREA

- 3-MILE INDUSTRIAL CORRIDOR
- SOUTH SIDE OF HARTFORD MORE INTENSE THAN NORTH SIDE
- **REMAINING 3 LOTS TREATED DIFFERENTLY**

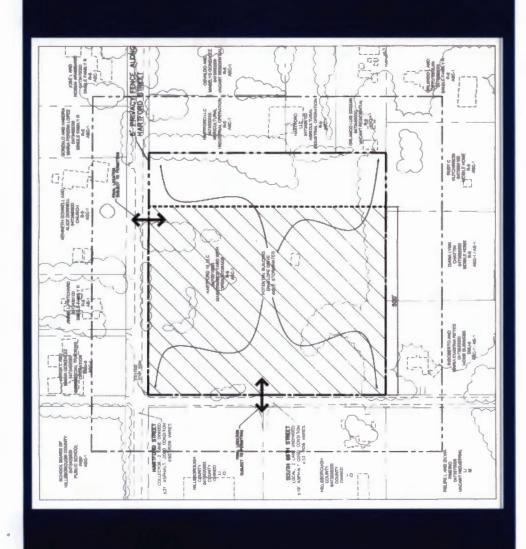






Could flex if truck leasing wasn't flexed. In 2018, Planning Commission said truck leasing/manufacturing was compatible with Mr. Penaranda's ASC-1.





## SITE DATA TABLE

- PROJECT SIZE: ±9.31 AC (405,666 SQ FT)
- FLEX AREA SIZE: ±7.25 AC (315,667 SO FT)

ci

- 3. FOLIO # 047351-0000
- PROPERTY ADDRESS: 6607 HARTFORD ST, TAMPA FL

4

- EXISTING ZONING: ASC-1
- 6. PROPOSED ZONING: PD
- FUTURE LAND USE: R-6, LI TO BE FLEXED
- EXISTING USE: MAINTENANCE YARD WITH OPEN STORAGE
- 9. PROPOSED USE: PHASE 1: CONTINUED USE AS MAINTENANCE YARD WITH OPEN STORAGE AND PHASE 2: M ZONING DISTRICT USES
- FLOOD ZONES: X (MAP 12057C0367H)
- PROJECT IS LOCATED WITHIN THE GREATER PALM RIVER COMMUNITY PLANNING AREA.



**Abutting PD #18-1055** 

- Permitted uses shall be limited to a construction office with open storage and those uses permitted in the M zoning district unless otherwise noted.
- Open storage will be limited to the westernmost 500 feet of the PD area.
- The project shall be limited to 180,333 square feet of commercial development. Development standards shall be those of the M zoning district. ri
- Buffering and screening shall be provided in accordance with the Land Development Code, unless noted otherwise. 3
- Open storage screening in accordance with LDC 6.06.06.C.7 shall not be required for the existing open storage use.
- A six-foot solid fence/wall shall be provided along the northern project boundary, as shown on the site plan. Ď.

## **Abutting PD #18-1055**



## **Buffer Options:**

- -- Type A buffer
- -- Type B buffer
- -- Enclose storage building
- Unequal compared to trucks/manufacturing next door

Screening Standard "A".

Required screening shall consist of the following:

- Evergreen plants, at the time of planting, shall be six feet in height and provide an overall screening opacity of 75 percent, or
- b. A masonry wall six feet in height and finished on all sides with brick, stone or painted/pigmented stucco; or
- A solid wooden or PVC fence six feet in height (finished side out); or
- d. A berm in combination with 1, 2, or 3 above, to achieve a minimum height of six feet and 75 percent opacity at the time of installation; and
- e. Lawn, low growing evergreen plants, evergreen ground cover, or rock mulch covering the balance of the buffer.
- 4. Screening Standard "B".

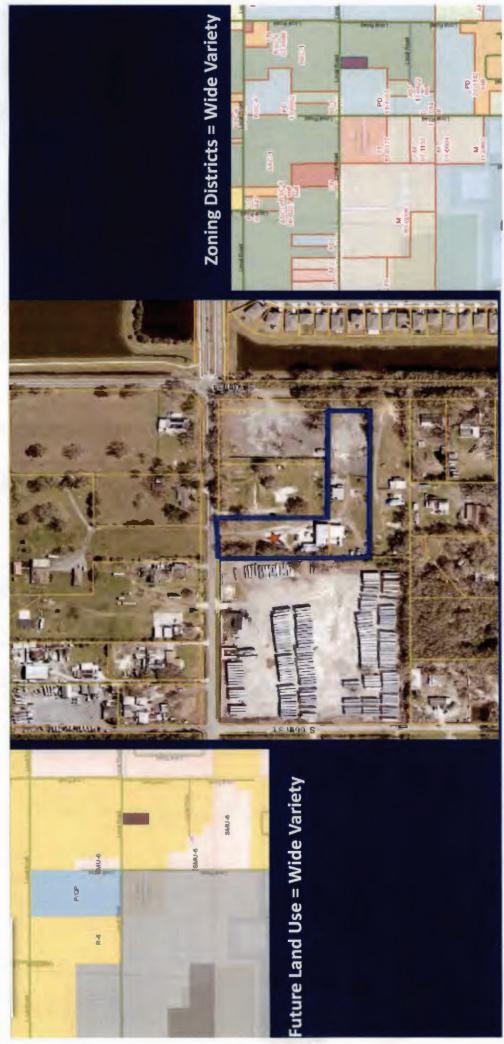
Required screening shall consist of the following:

- a. The requirements of Screening Standard "A", and
- b. A row of evergreen shade trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line.

## Already agreed to:

- 1. Move/remove sheds in side setback of southern lot
- 2. Shared Access Easement with lot to the east





- SPOT LAND USE & ZONING IN THE IMMEDIATE AREA
- AS-1 IS COMPATIBLE WITH SURROUNDING USES
- INDUSTRIAL ABUTS AG/RESIDENTIAL USES THROUGHOUT THE PALM RIVER PLANNING AREA



# Consistent With County Plan



# RES-6 & AS-1 Intent

pursuant to policies in the agricultural objective areas of the Future neighborhood commercial, office, multi-purpose and mixed use Residential-6 Typical Uses: "Agricultural uses may be permitted Land Use Element" in addition to residential, suburban scale projects. AS-1 Intent: "... to encourage agricultural and related uses and permit single-family conventional and mobile home development in a rural environment on parcels of at least one acre."



# **Supported By Numerous Plan Policies:**

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 Policy 1.4 Urban Service Area: Compatibility is defined as the characteristics of different uses or activities or design which sensitivity of development proposals in maintaining the character of existing development. Policy 16.3 FLU: Development and redevelopment shall be integrated with the adjacent land uses through: the creation of like uses; or creation of complementary uses; or mitigation of adverse impacts; and transportation/pedestrian connections Policy 16.5 FLU: 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 42.2, Palm River Plan: The County will conduct a review of the rules, regulations and policies of Hillsborough County over the next 5 years to identify and remove regulatory constraints to reinvestment in older neighborhoods. The review will focus on the identification of code provisions limiting reinvestment in properties with site and building non-conformities Goal 5a and Goal 5 (proposed) Palm River-Progress Village Plan: Support Diverse Economic Growth. This goal recognizes the impact of Port of Tampa activities in the area and calls for support of small businesses.



# Locational Criteria Waiver Not Required

50% of a given block is already zoned or used for commercial uses in all commercial infill development may be considered in areas where over new zoning district should be of a comparable intensity of the zoning land use categories, otherwise new commercial development should more reasonable to define a given block, such as a creek, or railroad. locations within larger planned developments. The intensity of the public road rights of way. In some cases, another boundary will be be located at existing or planned activity centers or at appropriate and development on the surrounding parcels. Typically, a block is defined as the road frontage on one side of a street between two Policy 25.3 FLU: To assist in the revitalization of rundown areas,

> 52% of the block between 66<sup>th</sup> St & 70<sup>th</sup> St. is "zoned or used for commercial uses"

➤ The site is within the Palm River CDC area & a redevelopment area



# LDC & Comprehensive Plan Inconsistencies

Is It Agriculture or Commercial or Residential? Bias Against Open Storage

- Agriculture = permitted use in ASC-1 & AS-1: would allow pig/chicken
- Agriculture uses allow open storage
- PC report states need to protect residential from open storage but not from noxious impacts of animal farming?
- Open Storage: has no impact if plants/sod is grown on-site (plant farm/agriculture) but has an impact if you grow it elsewhere?



# Findings of Fact Supporting Approval of Rezoning to AS-1 Conclusion:

- Location: on a 3-mile industrial corridor serving Port Tampa
- Transportation: located on two collector roadways
- Compatibility: AS-1 uses are compatible with ASC-1 uses & less intense than abutting truck leasing/manufacturing use
- Plan Consistency: Policy 25.3 supports infill of commercial blocks & 1.4 states compatibility does not mean "the same as", among other policies listed
- LDC Compliance: site already complies with 9 of 10 CU conditions and agrees to comply with condition to plant (Section 6.11.109)
- 2018 approval of abutting manufacturing uses & trucking company renders this site unsuitable for single-family conventional residences & other ASC-1 uses



## THANK YOU.

Susan Swift, AICP

Director of Planning

sswift@boggseng.com

813.747.9100



Rezoning Application:

RZ STD 24-1180

**Zoning Hearing Master Date:** 

01/14/2025

**BOCC Land Use Meeting Date:** 

03/11/2025



**Development Services Department** 

## 1.0 APPLICATION SUMMARY

Applicant:

Hartford LLC

FLU Category:

R-6

Service Area:

Urban

Site Acreage:

3.01 acres +/-

Community Plan Area:

Greater Palm River

Overlay:

None

Special District:

None

Request:

Rezone from ASC-1 to AS-1-R



## Introduction Summary:

The applicant is requesting to rezone two parcels (folios 47350.0200 and 47349.0100) from ASC-1 (Agricultural, Single Family Conventional) to AS-1-R (Agricultural, Single Family with Restrictions). The request is to accommodate an existing sod installation company after Code Enforcement issued a zoning Notice of Violation (CE23010633). The proposed restrictions are in regard to existing structures in required buffer areas and transportation access concerns.

Zoning:	Existing	Proposed	
District(s)	ASC-1	AS-1-R	
Typical General Use(s)	Single-Family Residential/Agricultural	Single-Family Residential/Agricultural	
Acreage	3.01 +/-	3.01 +/-	
Density/Intensity	1 dwelling unit per acre / 0.25 FAR	1 dwelling unit per acre / 0.25 FAR	
Mathematical Maximum*	atical Maximum* 3 dwelling units / 32,796 sq ft 3 dwelling units / 32,796 sq		

<sup>\*</sup>number represents a pre-development approximation

Development Standards:	Existing	Proposed	
District(s)	ASC-1	AS-1-R	
Lot Size / Lot Width	1 acre / 150'	1 acre / 150'	
Setbacks/Buffering and Screening	50' Front (Along Hartford St and S 78 <sup>th</sup> St) 15' Sides	Landscaping Contractor's Nursery: 50' Front (Along Hartford St. and S 78 <sup>th</sup> St) 20' Type B Buffer Sides (North, South, East) 15' Type B Side (West)	Other AS-1 Uses: 50' Front (Along Hartford St. and S 78 <sup>th</sup> St) 15' Sides
Height	50'	50′	

Additional Information	
PD Variation(s)	None requested as part of this application.
Waiver(s) to the Land Development Code	None requested as part of this application.
Planning Commission Recommendation:	Development Services Recommendation:
Inconsistent	Approvable

ZHM HEARING DATE: January 14, 2025 BOCC LUM MEETING DATE: March 11, 2025

Case Reviewer: Michelle Montalbano

## 2.0 LAND USE MAP SET AND SUMMARY DATA

## 2.1 Vicinity Map



## **Context of Surrounding Area:**

The parcel is located Greater Palm River Area, approximately two miles west of I-75, in a neighborhood with mixed uses, such as industrial, agricultural, and residential uses. To the west of the rezoning site is along Hartford St. is an industrial corridor. The rezoning site is located within a transition area between the industrial zone and the residential development to the east.

Application No. RZ 34-1180

Name: Ashley Rome

Entered at Public Hearing: ZHM

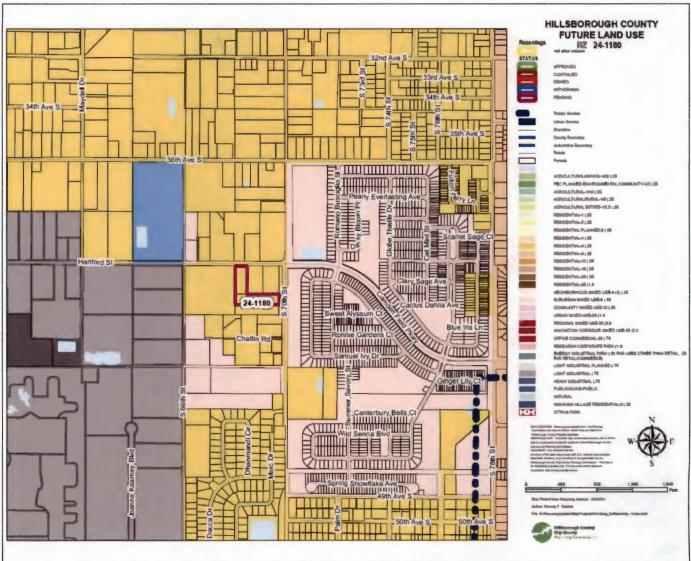
Exhibit # 2 Date: 1-14-35

January 14, 2025

BOCC LUM MEETING DATE: March 11, 2025 Case Reviewer: Michelle Montalbano

#### 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.2 Future Land Use Map



Future Land Use Category:	R-6 (Residential-6)
Maximum Density/F.A.R.:	6 DU / GA or 0.25 FAR
Typical Uses:	Agricultural, residential, neighborhood commercial, office uses, multi- purpose projects and mixed-use development.

Case Reviewer: Michelle Montalbano

# 2.0 LAND USE MAP SET AND SUMMARY DATA

# 2.3 Immediate Area Map



		Adjacent Zo	nings and Uses	
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	ASC-1	1 DU / GA or 0.25 FAR	Agricultural, Single-Family Residential	Single-Family Residence
South	ASC-1	1 DU / GA or 0.25 FAR	Agricultural, Single-Family Residential	Vacant (per Property Appraiser)
Foot	PD 05-1947 (PRS 22-1267)	4.7 DU / GA	Single-Family Residential	Stormwater Retention
East	ASC-1	1 DU / GA or 0.25 FAR	Agricultural, Single-Family Residential	Vacant Parcels (per Property Appraiser)
West	PD 18-1055	0.27 FAR (Flex)	Construction Office with Open Storage, Manufacturing Uses	Equipment Storage

APPLICATION NUMBER:	RZ-STD 24-1180					
ZHM HEARING DATE:	January 14, 2025					
BOCC LUM MEETING DATE:	March 11, 2025	Case Reviewer: Michelle Montalbano				
2.0 LAND USE MAP SET AND SUMMARY DATA						
2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)						
		N/A				

ZHM HEARING DATE: January 14, 2025 BOCC LUM MEETING DATE: March 11, 2025

Case Reviewer: Michelle Montalbano

# 3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9.0 OF STAFF REPORT)

Adjoining Roadways (check if applicable)				
Road Name	Classification	Current Conditions	Select Future Improvements	
Hartford St	County Collector - Urban	2 Lanes Substandard Road Sufficient ROW Width	<ul> <li>□ Corridor Preservation Plan</li> <li>□ Site Access Improvements</li> <li>□ Substandard Road Improvements</li> <li>☑ Other (TBD)</li> </ul>	
S 70th St.	County Collector - Rural	2 Lanes  ⊠ Substandard Road  ⊠ Sufficient ROW Width	<ul> <li>□ Corridor Preservation Plan</li> <li>□ Site Access Improvements</li> <li>□ Substandard Road Improvements</li> <li>⋈ Other (TBD)</li> </ul>	

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	28	3	3
Proposed	324	55	64
Difference (+/-)	+296	+52	-61

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

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

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

**APPLICATION NUMBER:** 

RZ-STD 24-1180

ZHM HEARING DATE: BOCC LUM MEETING DATE:

January 14, 2025 March 11, 2025

Case Reviewer: Michelle Montalbano

# 4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	⊠ Yes	☐ Yes	☐ Yes	
Environmental Frotestion Commission	□No	⊠ No	⊠ No	
Natural Resources	☐ Yes	Yes	☐ Yes	
	⊠No	☐ No	□No	
Conservation & Environ. Lands Mgmt.	⊠ Yes □ No	☐ Yes ☐ No	☐ Yes ⊠ No	
Check if Applicable:		Vater Wellfield Pro		
☐ Wetlands/Other Surface Waters	☐ Significan	t Wildlife Habitat		
☐ Use of Environmentally Sensitive Land		igh Hazard Area		
Credit		burban/Rural Scen	ic Corridor	
☐ Wellhead Protection Area	The state of the s	to ELAPP property		
☐ Surface Water Resource Protection Area	☐ Other			
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation				
☐ Design Exc./Adm. Variance Requested	⊠ Yes	☐ Yes	□ Yes	
☐ Off-site Improvements Provided	□No	⊠ No	□ No	9
⊠ N/A			⊠ N/A	
Service Area/ Water & Wastewater				
☐Urban ☑ City of Tampa	⊠ Yes	Yes	□ Yes	
□Rural □ City of Temple Terrace	□ No	⊠ No	⊠ No	
Hillsborough County School Board	ПУ		Пу	
Adequate □ K-5 □6-8 □9-12 ⊠N/A	☐ Yes	☐ Yes	☐ Yes	
Inadequate ☐ K-5 ☐6-8 ☐9-12 ☒N/A	L NO	LI NO	L NO	
Impact/Mobility Fees				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission				
☐ Meets Locational Criteria ☐ N/A	⊠ Yes	☑ Inconsistent	☐ Yes	
☐ Locational Criteria Waiver Requested	□No	☐ Consistent	⊠ No	
☐ Minimum Density Met ☐ N/A				

ZHM HEARING DATE: January 14, 2025

BOCC LUM MEETING DATE: March 11, 2025

Case Reviewer: Michelle Montalbano

#### 5.0 IMPLEMENTATION RECOMMENDATIONS

#### 5.1 Compatibility

The subject site is a total of 3.01 acres and consists of two parcel folios which are currently occupied by a sod installation company. The immediate vicinity is occupied by agricultural, residential, institutional, and industrial uses.

The property is accessed by Hartford St, a collector roadway. To the north of the site across Hartford St is a single-family residence zoned ASC-1. To the east of the site is a single-family residential development zoned PD 05-1947. A collector roadway, S 70<sup>th</sup> Street, and a stormwater retention pond buffer the use from the single-family residences. To the direct south is a property categorized as vacant by the Property Appraiser and zoned ASC-1. Two parcels zoned ASC-1 are adjacent the site to the north/east. It appears based on aerial photos both parcels were previously used for open storage, which is non-conforming use in ASC-1. In 2022 one of these parcels received a Notice of Violation from Code Enforcement for the open storage of tractor trailers (Case #CE22002693). Based on aerial photography from October 14<sup>th</sup>, 2024, and the Property Appraiser's records, each parcel is now vacant.

To the immediate west of the rezoning site is an approximate 9.31-acre parcel approved for manufacturing uses by PD 18-1055. The property is presently used as a tractor trailer leasing site.

After the rezoning, the site shall be subject to a Site Development Review and be required to meet the standards for Landscaping Contractor's Nurseries in LDC Section 6.11.109 for the sod installation company. The standards in LDC Section 6.11.109 are designed to address compatibility and limit the use's possible negative impact on adjacent agricultural districts. Some of these standards include: a minimum of 51% of the land area of the site must be devoted to the growth, and or/significant increase in value of plants; the retail sale of plants is prohibited; all trucks and equipment closer than 200 feet to a property boundary must be shielded from public view with hedges or trees; and the open storage and/or maintenance of vehicles on site shall be limited 20% of the entire site. The permitted open storage is restricted to equipment, materials, and other hardware utilized by the landscaping contractor.

The Landscaping Contractor's Nursery Use is also subject to the buffering and screening standards of a Group 5 use in LDC Section 6.05.06.A. Currently, a metal accessory structure on the property occupies the required 20' buffer abutting an ASC-1 zoned property to the north. The applicant is proposing a restriction to comply with the required buffering/screening by moving the metal structure out of the required buffer and/or setback area following the rezoning.

The applicant is not restricting the district to only a Landscaping Contractor's Nursery use. Other allowable uses in AS-1, such as single-family residential or passive agriculture will be permitted, subject to AS-1 development standards, if the sod installation company ceases operation.

Transportation Review Staff has no objections to the rezoning request, subject to the proposed restriction which limits the permitted access point.

Due to the above considerations, staff finds the AS-1-R rezoning request compatible with the zoning districts, uses, and development pattern of the surrounding area.

#### 5.2 Recommendation

Staff finds the request approvable, subject to the proposed restrictions.

APPLICATION NUMBER: RZ-STD 24-1180
ZHM HEARING DATE: January 14, 2025

BOCC LUM MEETING DATE: March 11, 2025 Case Reviewer: Michelle Montalbano

#### **6.0 PROPOSED CONDITIONS**

The applicant is proposing the following restrictions:

- Vehicular project access to Hartford St. shall be restricted to a maximum of one access connection. The access shall be designed as a Shared Access Facility with the adjacent folio # 47350.0300. The site/construction plan approval shall include design elements as determined by Hillsborough County and including but not limited to the recording of construction/access easements, to allow for the future construction of access from folio 47350.0300 to the Shared Access Facility if folio # 47350.0300 is rezoned and/or developed with nonresidential or multi-family uses.
- 2. For a Landscape Contractor Nursery use, the accessory structures on the north property line of the lot identified as folio # 047349.0010 47349.0100 will be moved or removed in order to provide a 20 ft Type B buffer, if the adjacent parcel remains in the ASC-1 zoning district; and to comply with AS-1 side setback requirements for any use.

**Zoning Administrator Sign Off:** 

J. Brian Grady

SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

APPLICATION NUMBER: RZ-STD 24-1180

ZHM HEARING DATE: January 14, 2025

BOCC LUM MEETING DATE: March 11, 2025

Case Reviewer: Michelle Montalbano

# 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

Not applicable.

8.0 PROPOSED SITE PLAN (FULL)

Not appliable.

9.0 FULL TRANSPORTATION REPORT (see following pages)

#### AGENCY REVIEW COMMENT SHEET

TO: Z	Zoning Technician, Development Services Department	DATE: 01/05/2025
REVI	EWER: Sarah Rose, Senior Planner	AGENCY/DEPT: Transportation
PLAN	NNING AREA/SECTOR: GPR/Central	PETITION NO: RZ 24-1180
=======================================		
	This agency has no comments.	
X	This agency has no objection.	
	This agency has no objection, subject to the listed or attached con	ditions.
	This agency objects for the reasons set forth below.	

# PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone two parcels totaling +/- 3.03 acres from Agricultural Single Family Conventional (ASC-1) to Agricultural Single Family - 1 – Restricted (AS-1-R). The applicant is proposing to restrict the number of access points to Hartford St to one, which shall be designed as a shared access facility with the adjacent parcel to the east under Folio No. 47350.0300. The site is located +/- 750 feet east of the intersection of S. 66th Street and Hartford. The Future Land Use designation of the site is Residential-6 (R-6).

It is the applicant's stated intent that the subject site will be utilizing the use of a landscape contractor's nursery which is a conditional use permitted under the AS-1 zoning district as outlined in section 6.11.109 of the Land Development Code.

The site currently has an open violation with Code Enforcement for a variety of issues, including an accessory use without primary use and outside open storage. Staff notes that once the applicant has obtained the proper zoning designation, they will be required to come through the site/construction review process, during which they will be required to comply with sidewalk, substandard road and any other applicable requirements.

# Trip Generation Analysis

In accordance with the Development Review Procedures Manual (DRPM), no transportation analysis was required to process the proposed rezoning. Staff has prepared a comparison of the trips potentially generated under the existing and proposed zoning designations,

utilizing a generalized worst-case scenario. Data presented below is based on the Institute of Transportation Engineer's Trip Generation Manual, 11th Edition.

Approved Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
3,	Way Volume	AM	PM
ASC-1, Single Family Detached	28	3	3
(ITE Code 210) 3 Units	26	3	,

Proposed Uses:

Zoning, Land Use/Size	24 Hour Two-	Total Peak Hour Trips	
	Way Volume	AM	PM
AS-1, Landscape Contractor's Nursery	324	55	64
(ITE Code 180) 32,997sqft	324	33	04

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two- Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	+296	+52	+61

# TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Hartford St and S 70th St. Hartford St is a substandard 2-lane, undivided, County maintained, Rural Collector roadway. The roadway is characterized by +/- 10 ft wide travel lanes, no bike lanes or sidewalks on either side of the roadway in the vicinity of the proposed project, within +/- 60 ft of the right of way.

S 70th St is a substandard 2-lane, undivided, County maintained, Rural Collector roadway. The roadway is characterized by +/- 16 ft of pavement in average condition, no sidewalks or bike lanes on either side of the roadway in the vicinity of the proposed project, and within +/- 65 ft of the right of way.

# SITE ACCESS

It is anticipated that the subject parcel under Folio No. 47349.0100 will take access to S 70th St. Under the proposed restriction, the subject parcel under Folio No. 47350.0200 will have a singular access to Hartford St. which shall be designed as a shared access facility with the adjacent parcel to the east under Folio No. 47350.0300.

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

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

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

# ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Hartford St and S 70th St are not a regulated roadways and are not included in the 2020 Hillsborough County Level of Service (LOS) Report. As such, no LOS information for this roadway can be provided

# **Transportation Comment Sheet**

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

Road Name	Classification	<b>Current Conditions</b>	Select Future Improvements	
Hartford St	County Collector - Urban	2 Lanes ⊠Substandard Road ⊠Sufficient ROW Width	<ul> <li>□ Corridor Preservation Plan</li> <li>□ Site Access Improvements</li> <li>□ Substandard Road Improvements</li> <li>⋈ Other (TBD)</li> </ul>	
S 70th St.	County Collector - Rural	2 Lanes ⊠Substandard Road ⊠Sufficient ROW Width	☐ Corridor Preservation Plan ☐ Site Access Improvements ☐ Substandard Road Improvements ☐ Other (TBD)	

Project Trip Generation □Not applicable for this request				
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips	
Existing	28	3	3	
Proposed	324	55	64	
Difference (+/-)	+296	+52	+61	

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

Primary Access	Additional Connectivity/Access	Cross Access	Finding
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Choose an item.	Choose an item.	Choose an item.
	Primary Access	Choose an item. Choose an item. Choose an item.	Choose an item.

Design Exception/Administrative Variance    Not applicable for this request				
Road Name/Nature of Request	Туре	Finding		
	Choose an item.	Choose an item.		
	Choose an item.	Choose an item.		
Notes:				

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
☐ Design Exception/Adm. Variance Requested	☐ Yes ☐N/A	☐ Yes	
☐ Off-Site Improvements Provided	⊠ No	□ No	
⊠ N/A	Z 110	⊠ N/A	

# PARTY OF RECORD

# **NONE**