

Rezoning Application: 23-0588
Zoning Hearing Master Date: February 20, 2024
BOCC Land Use Meeting Date: April 9, 2024

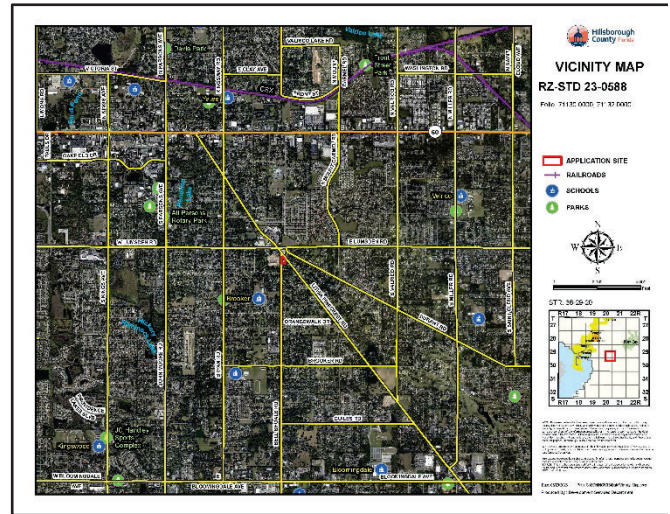


**Hillsborough
 County Florida**

Development Services Department

1.0 APPLICATION SUMMARY

Applicant: David Wright/ TSP Companies, Inc
FLU Category: Residential - 4 (Res-4)
Service Area: Urban
Site Acreage: 1.02 +/-
Community Plan Area: Brandon
Overlay: None
Request: Rezone from **Commercial Neighborhood - Restricted (CN -R) and Agricultural Single Family Residential – Conventional (ASC-1) to Commercial Neighborhood - Restricted (CN -R)**



Request Summary:

The request is to rezone from the existing Commercial Neighborhood - Restricted (CN -R) and Agricultural Single Family Residential – Conventional (ASC-1) to Commercial Neighborhood - Restricted (CN -R). The proposed zoning for CN permits development limited to retail uses and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods, on lots containing a minimum of 7,000 square feet (sq. ft). The applicant has proposed restricting site uses, limiting project access, restricting shared access connection, and additional buffering and screening to mitigate and address Transitions, compatibility, and transportation concerns.

Zoning:

	Current CN-R Zoning	Current ASC-1 Zoning	Proposed CN-R Zoning
Uses	Commercial Neighborhood with Restrictions	Agricultural - Single-Family Conventional (ASC-1)	Commercial Neighborhood - Restricted
Acreage	0.43 +/- Acres (ac)	0.64 +/- ac	1.02 +/- ac
Density / Intensity	0.20 F.A.R.	1 du / 1 ac (43,560 sq ft)	0.20 F.A.R.
Mathematical Maximum*	3,746 sq ft CN-R uses	0 du	8,886 sq ft

* Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.

Development Standards:

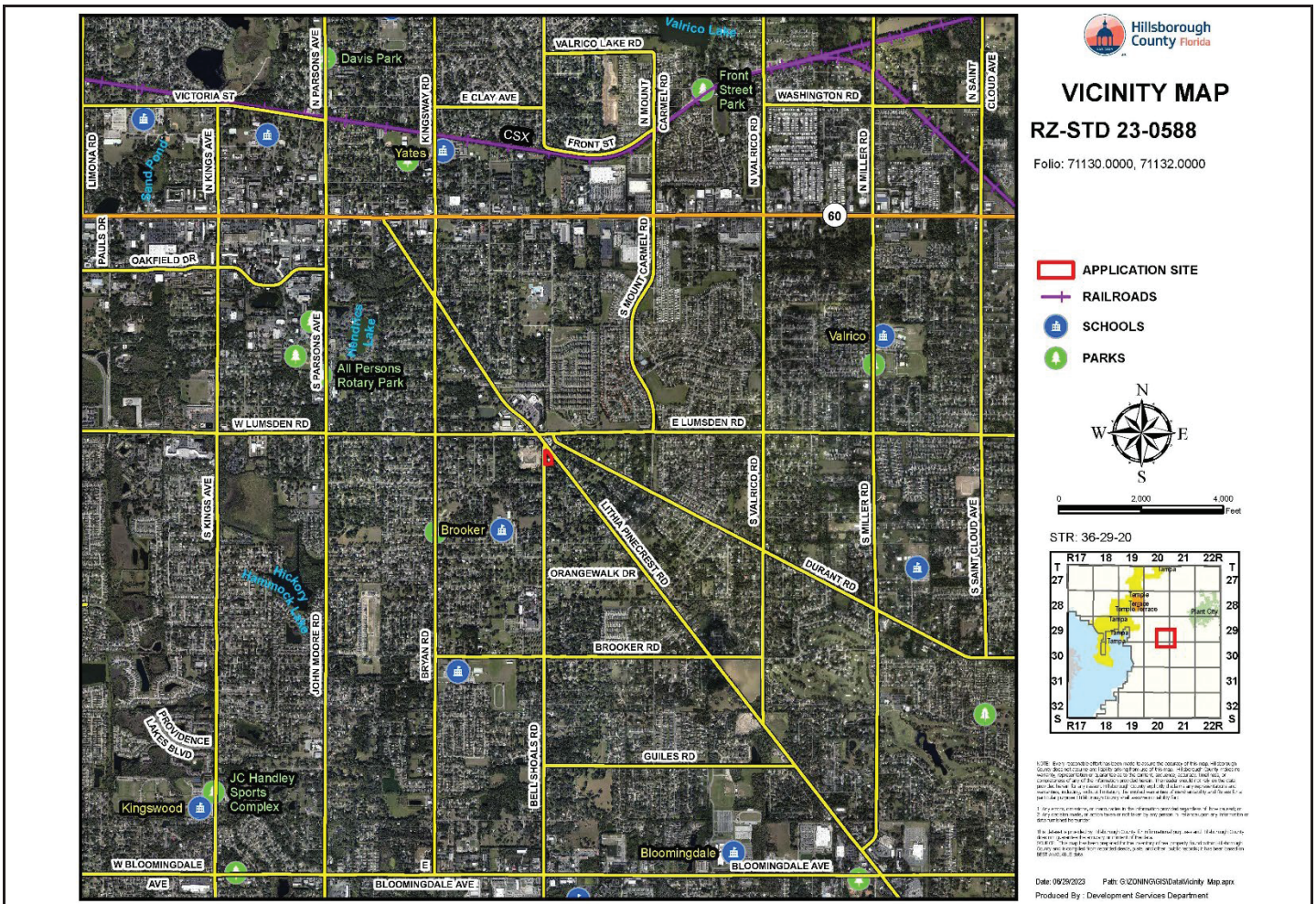
	Current CN-R Zoning	Current ASC-1 Zoning	Proposed CN-R Zoning
Density / Intensity	2,100 sq ft CN-R uses	1 du / 1 ac (43,560 sq ft)	0.20 FAR /0.43 ac (3,746 sq ft)
Lot Size / Lot Width	7,000 sq ft / 70'	1 ac (43,560 sq ft) / 150'	7,000 sq ft / 70'
Setbacks/Buffering and Screening	30' (15' Scenic Corridor Buffer) - Front (East) 30' – Front (North & West) 20' Buffer with Type A Screening – Rear (South)	50' – Front (West) 15' – Sides (North & South) 50' Rear (East)	30' (15' Scenic Corridor Buffer) - Front (East) 30' – Front (North & West) 20' Buffer with Type A Screening – Rear (South)
Height	35'	50'	35'

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

Additional Information:	
Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable

2.0 LAND USE MAP SET AND SUMMARY DATA

2.1 Vicinity Map

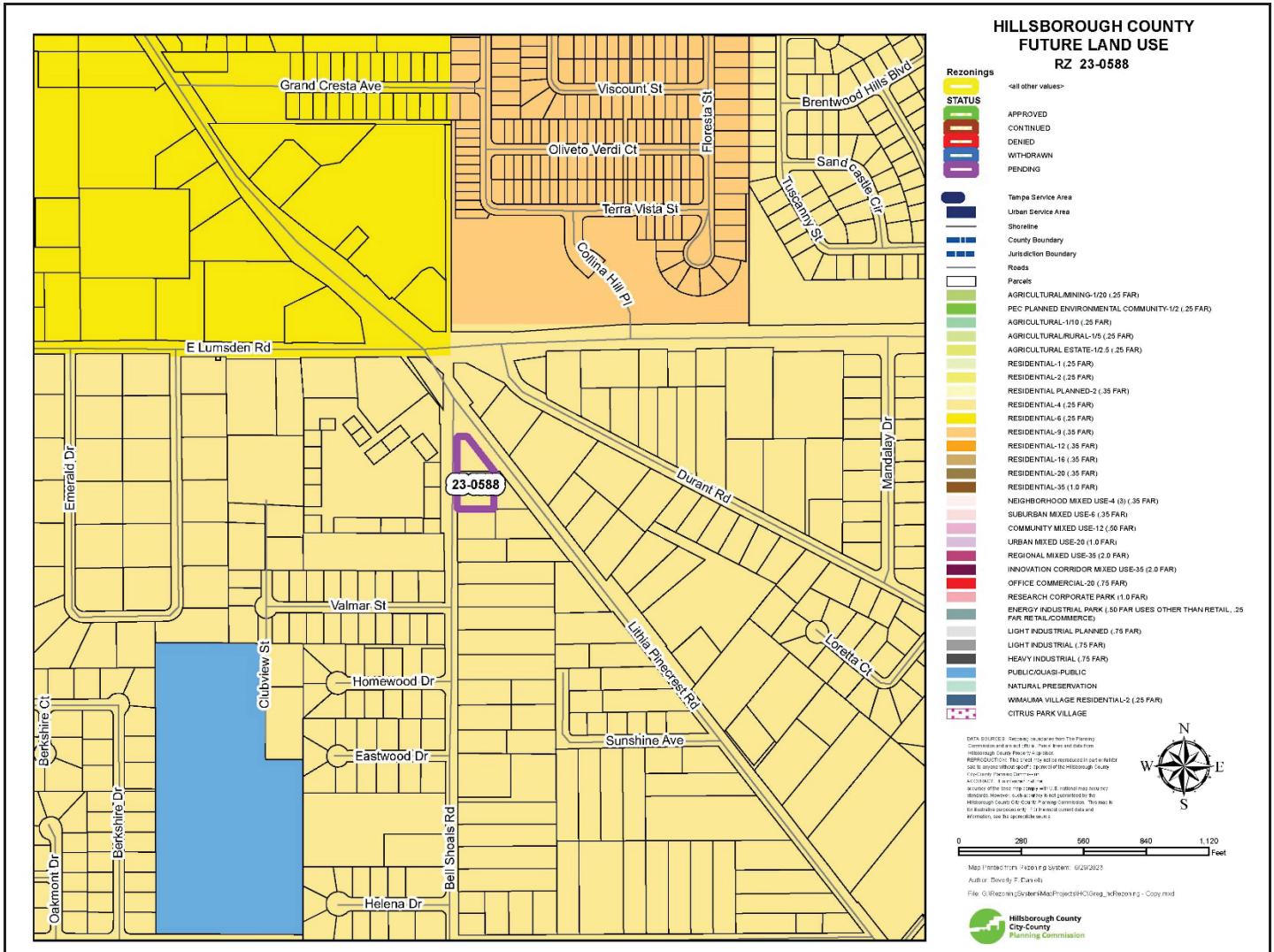


Context of Surrounding Area:

The site is located in an area comprised of commercial, agricultural, and single-family residential uses. The subject site is surrounded and within the Res-4 FLU category which permits commercial, agricultural, and single-family residential uses. The adjacent properties are zoned PD 89-0081 to the west, CN to the north, PD 07-0209 and BPO to the east and ASC-1 and BPO to the south.

2.0 LAND USE MAP SET AND SUMMARY DATA

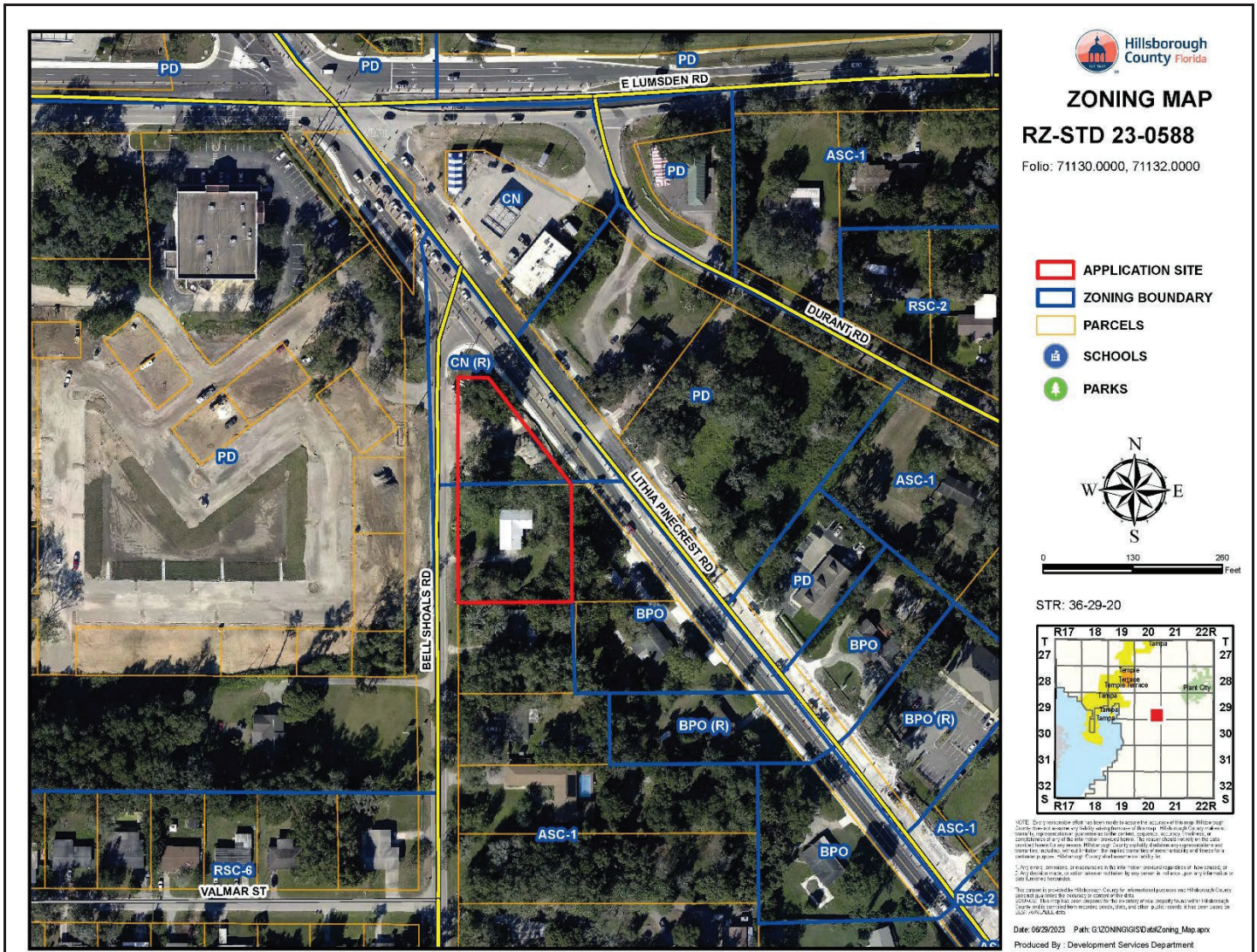
2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential 4 (Res-4)
Maximum Density/F.A.R.:	4 dwelling unit per Gross Acre (ga)/ 0.25 F.A.R.
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet locational criteria for specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

2.0 LAND USE MAP SET AND SUMMARY DATA

2.3 Immediate Area Map



Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	N/A	N/A	Street	Street (Intersection: Bell Shoals Road & Lithia Pinecrest Road)
	CN	0.20 F.A.R.	Neighborhood Commercial, Office and Personal Services	Convenient Store and Gas Station

Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
South	Agricultural - Single-Family Conventional (ASC-1)	1 du/ 1 ac	Single-Family Residential Conventional /Agricultural	Agricultural - Single-Family
	Business Professional, Office (BPO)	0.20 F.A.R.	Office	Vacant
East	N/A	N/A	Street	Street (Lithia Pinecrest Rd)
	PD 07-0209	0.25 FAR	Commercial and Office	Residential
	Business Professional, Office (BPO)	0.20 F.A.R.	Office	Vacant
West	N/A	N/A	Street	Street (Bell Shoals Rd)
	PD 89-0081	0.27 F.A.R.	General Commercial, Office, and Community Residential Home	Retail, Community Residential Home

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)

<p>Not Applicable</p>

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

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
Bell Shoals Rd.	County Collector - Rural	Choose an item. Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width (for Urban Section)	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD
Lithia Pinecrest Rd.	County Arterial - Urban	Choose an item. Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD

Project Trip Generation Not applicable for this request

Existing	Existing	Existing	Existing
Proposed	Proposed	Proposed	Proposed
Difference (+/-)	Difference (+/-)	Difference (+/-)	Difference (+/-)

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

Connectivity and Cross Access Not applicable for this request

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

Design Exception/Administrative Variance Not applicable for this request

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

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

INFORMATION/REVIEWING AGENCY			
Environmental:	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Review at time of development
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	This agency has no comments.
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____			
Public Facilities:	Objections	Conditions Requested	Additional Information/Comments
Transportation <input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	See Agency's staff review
Utilities Service Area/ Water & Wastewater <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Impact/Mobility Fees N/A			
Comprehensive Plan:	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located in an area comprised of mixture of uses. The subject site is vacant and located within the Res-4 FLU category which permits commercial, agricultural, and single-family residential uses.

The adjacent properties are zoned PD 89-0081 to the west (approved for commercial, office and 160-bed community residential home), CN to the north, PD 07-0209 to the east (approved for commercial and office uses), and ASC-1 and BPO to the south. The subject site meets commercial location criteria. However, the Planning Commission Staff have expressed compatibility concerns regarding potential impacts of commercial uses including drive-thru uses directly adjacent to single-family residential on the south side and lack of adequate assurances regarding mitigation of those impacts. The Land Development code requires a 20-foot buffer, with a six-foot wall, fence or hedge, with 10-foot evergreen trees planted on 20-foot centers along the southern boundary adjacent to the ASC-1 zoned parcel. As noted herein, the proposed combined 1.02-acre parcels would permit a maximum building size of approximately 8,886 square feet. The northern triangle shaped parcel of this rezone is configured at the apex of the intersection of Bell Shoals Road and Lithia Pinecrest Road, and therefore requires a 30-foot building setback along the other project boundaries. Lithia Pinecrest Road is designated as a scenic corridor, which requires additional buffering (15 feet) and tree plantings as required by Part 6.06.03.I of the Land Development Code. The southern parcel (folio: 71132.0000) of this rezone is directly adjacent to single-family residential uses. To address the lots size, transition and compatibility concerns, the applicant has proposed the following site restrictions:

1. Restrict the suburban scale neighborhood commercial uses to the following listed less intense uses: Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.
2. Prohibit drive-throughs.
3. Screening and buffering, if required in accordance with the LDC, along the south property line of Folio 71132.0000 (i.e. 20-foot buffer with Type B screen) shall include a 6-foot wall, subject to the provisions in restriction #4.
4. Vehicular project access to Bell Shoals Road shall be restricted to a maximum of one access connection to/from folios 71130.0000 and 71132.0000. The access shall be designed as a Shared Access Facility with the adjacent folio 71133.0000. If buffering and screening is required adjacent to folio 71133.0000 at the time of site/construction plan review for folios 71130.0000 and 71132.0000, the site/construction plan approval shall include those design elements necessary, 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 71133.0000 to the Shared Access Facility if folio 71133.0000 is rezoned and/or developed with uses that would no longer require buffering and screening between the parcels.

Therefore, staff finds that size and depth of the subject parcel located at the apex of the intersection of Bell Shoals Road and Lithia Pinecrest Road, with required buffering/screening, setbacks, Vehicular project access and maximum building size, would create a zoning/development pattern that is consistent with the existing zoning and development pattern in the area.

5.2 Recommendation

Based on the above considerations, staff finds the request approvable, with the following restrictions:

1. Restrict the suburban scale neighborhood commercial uses to the following listed less intense uses: Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair,

Barber/Beauty Shop, Business Services, Restaurant without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.

- 2. Prohibit drive-throughs.
- 3. Screening and buffering, if required in accordance with the LDC, along the south property line of Folio 71132.0000 (i.e. 20-foot buffer with Type B screen) shall include a 6-foot wall, subject to the provisions in restriction #4.
- 4. Vehicular project access to Bell Shoals Road shall be restricted to a maximum of one access connection to/from folios 71130.0000 and 71132.0000. The access shall be designed as a Shared Access Facility with the adjacent folio 71133.0000. If buffering and screening is required adjacent to folio 71133.0000 at the time of site/construction plan review for folios 71130.0000 and 71132.0000, the site/construction plan approval shall include those design elements necessary, 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 71133.0000 to the Shared Access Facility if folio 71133.0000 is rezoned and/or developed with uses that would no longer require buffering and screening between the parcels.

Zoning Administrator Sign Off:	 <p>J. Brian Grady Fri Feb 9 2024 11:46:23</p>
<p>SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.</p> <p>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.</p>	

7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS

N/A

8.0 PROPOSED SITE PLAN (FULL)

Not Applicable

9.0 FULL TRANSPORTATION REPORT (see following pages)

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department	DATE: 10/13/2023 <i>Revised: 2/8/2024</i>
REVIEWER: James Ratliff, AICP, PTP, Principal Planner	AGENCY/DEPT: Transportation
PLANNING AREA/SECTOR: Brandon/Central	PETITION NO.: RZ 23-0588

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

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone two parcels totaling +/- 1.02 acres from Agricultural Single-Family Conventional – 1 (ASC-1) and Commercial Neighborhood (CN/R) to Commercial Neighborhood (CN/R). The existing CN/R The site is located on the south side of the intersection of Lithia Pinecrest Road and Bell Shoals Road. The Future Land Use designation of the site is Residential-4 (RES-4). The existing CN/R zoning was approved with the following two restrictions:

1. Commercial development of the subject property shall include a 20-foot buffer with Type B screening along the south property line. Screening shall be a 6-foot masonry wall; and,
2. The proposed commercial uses shall be restricted to Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-thru, Coffee Shop without drive-thru facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.

The applicant is proposing the following restrictions for the new CN/R zoning:

1. Restrict the suburban scale neighborhood commercial uses to the following listed less intense uses: Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Temporary Vendors, Family Support Services, Medical Office, Professional Office, Professional Services.
2. Prohibit drive-throughs.
3. Require a 20-foot buffer with Type B screening including a 6-foot wall along the south property line of folio 71132.0000.
4. Vehicular project access to Bell Shoals Road shall be restricted to a maximum of one access connection to/from folios 71130.0000 and 71132.0000. The access shall be designed as a Shared Access Facility with the adjacent folio 71133.0000. If buffering and screening is required adjacent to folio 71133.0000 at the time of site/construction plan review for folios 71130.0000 and 71132.0000, the site/construction plan approval shall include those design elements necessary, 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 71133.0000 to the Shared Access Facility if folio 71133.0000 is rezoned and/or developed with uses that would no longer require buffering and screening between the parcels.

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 Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN/R, 4,682 sf Coffee/Donut Shop without Drive-Through Window (ITE LUC 936)	4,360 (est.)	436	151
ASC-1, 1 single-family detached dwelling unit (ITE LUC 210)	9	1	1
Subtotal:	4,369	437	152

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN/R, 4,682 sf Coffee/Donut Shop without Drive-Through Window (ITE LUC 936)	4,360 (est.)	436	151
CN/R, 6,425 sf Fast-Food without Drive-Through Window (ITE LUC 933)	2,897	278	214
Subtotal:	7,257	714	365

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(+) 2,888	(+) 277	(+) 213

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Lithia Pinecrest Rd. and Bell Shoals Rd. Lithia Pinecrest Road is a 2-lane, divided, Hillsborough County maintained, arterial roadway with +/- 11-foot travel lanes. Lithia Pinecrest lies within a range of +/- 100 feet and +/- 105 feet of right-of-way in the vicinity of the project. Lithia Pinecrest Rd. has sidewalks, bike lanes, and curb and gutter on both sides of the roadway within the vicinity of the project.

Bell Shoals Rd. is a 2-lane, undivided, substandard, Hillsborough County maintained, collector roadway with +/- 11-foot travel lanes. Bell Shoals Rd. lies within +/- 80 feet of right-of-way in the vicinity of the project. Bell Shoals Rd. does not have sidewalks, bike lanes or curb and gutter on the eastern side of the roadway within the vicinity of the project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Lithia Pinecrest Rd. is shown as a 4-lane road in the Hillsborough County Corridor Preservation Plan. Bell Shoals Rd. is shown as a 2-lane enhanced road in the Hillsborough County Preservation Plan. Additional right-of-way may need to be preserved on the subject property for the planned improvements. This will be determined at the time of plat/site/construction plan review.

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project’s potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. 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 and restrictions 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 identify concerns regarding future project access and the need for the parcel to the south of the subject site to be able to utilize the access within the subject zoning (instead of having its own access, which could not meet access spacing requirements). These concerns were subsequently addressed via the proposed restrictions. 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.

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

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information for adjacent roadway segments is reported below.

Roadway	From	To	LOS Standard	Peak Hr Directional LOS
Lithia Pinecrest Rd.	Lumsden Rd	Bloomingtondale Ave.	D	F
Bell Shoals Rd.	Bloomingtondale Ave.	Lithia Pinecrest Rd.	D	C

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

COUNTY OF HILLSBOROUGH

**RECOMMENDATION OF THE
LAND USE HEARING OFFICER**

APPLICATION NUMBER:	RZ STD 23-0588
DATE OF HEARING:	February 20, 2024
APPLICANT:	David Wright / TSP Companies, Inc.
PETITION REQUEST:	The request is to rezone a parcel of land from ASC-1 and CN (R) to CN (R)
LOCATION:	200 feet south of the intersection of Lithia Pinecrest Rd. and Bell Shoals Rd.
SIZE OF PROPERTY:	1.02 acres m.o.l.
EXISTING ZONING DISTRICT:	ASC-1 and CN (R)
FUTURE LAND USE CATEGORY:	RES-4
SERVICE AREA:	Urban

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: David Wright/ TSP Companies, Inc

FLU Category: Residential - 4 (Res-4)

Service Area: Urban

Site Acreage: 1.02 +/-

Community Plan Area: Brandon

Overlay: None

Request: Rezone from **Commercial Neighborhood - Restricted (CN -R)** and **Agricultural Single Family Residential – Conventional (ASC-1)** to **Commercial Neighborhood - Restricted (CN -R)**

Request Summary:
The request is to rezone from the existing Commercial Neighborhood - Restricted (CN -R) and Agricultural Single Family Residential – Conventional (ASC-1) to Commercial Neighborhood - Restricted (CN-R). The proposed zoning for CN permits development limited to retail uses and personal services in freestanding buildings or small shopping centers to serve residential neighborhoods, on lots containing a minimum of 7,000 square feet (sq. ft). The applicant has proposed restricting site uses, limiting project access, restricting shared access connection, and additional buffering and screening to mitigate and address Transitions, compatibility, and transportation concerns.

PD Variations: None requested as part of this application

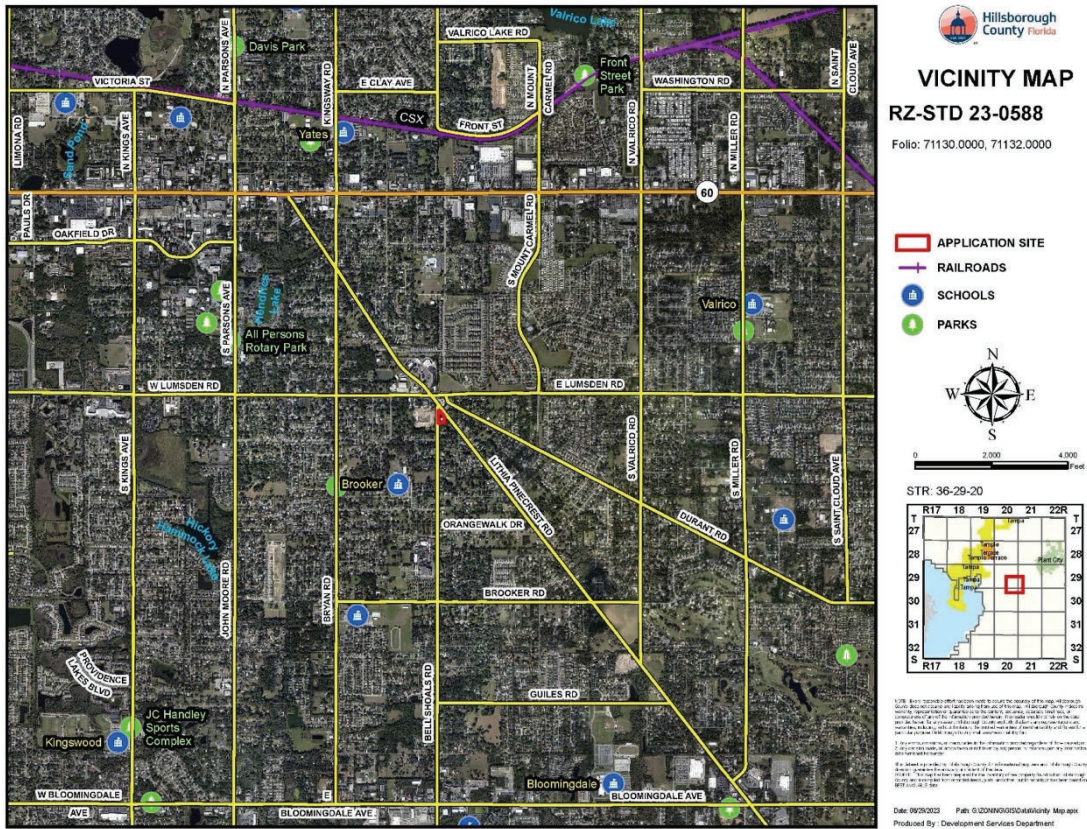
Waiver(s) to the Land Development Code: None requested as part of this application.

Additional Information:

Planning Commission Recommendation: Consistent

Development Services Department Recommendation: Approvable

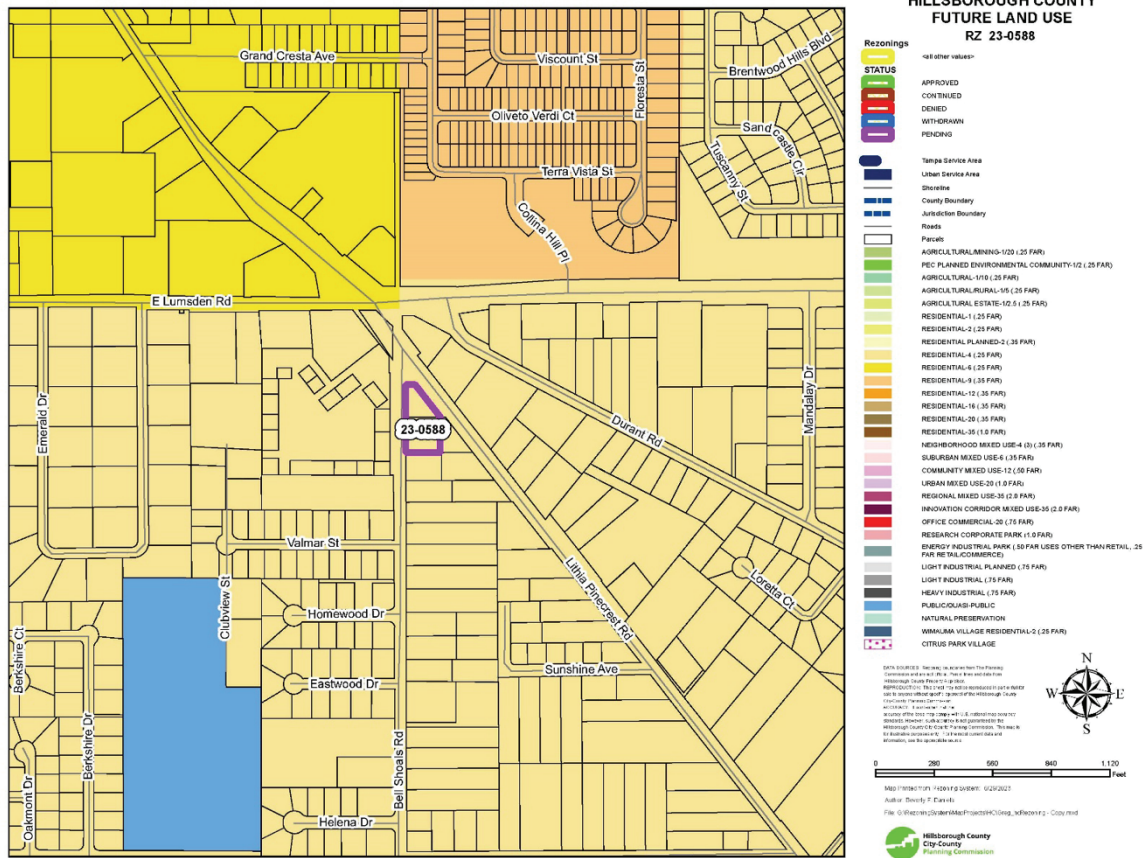
2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



Context of Surrounding Area:

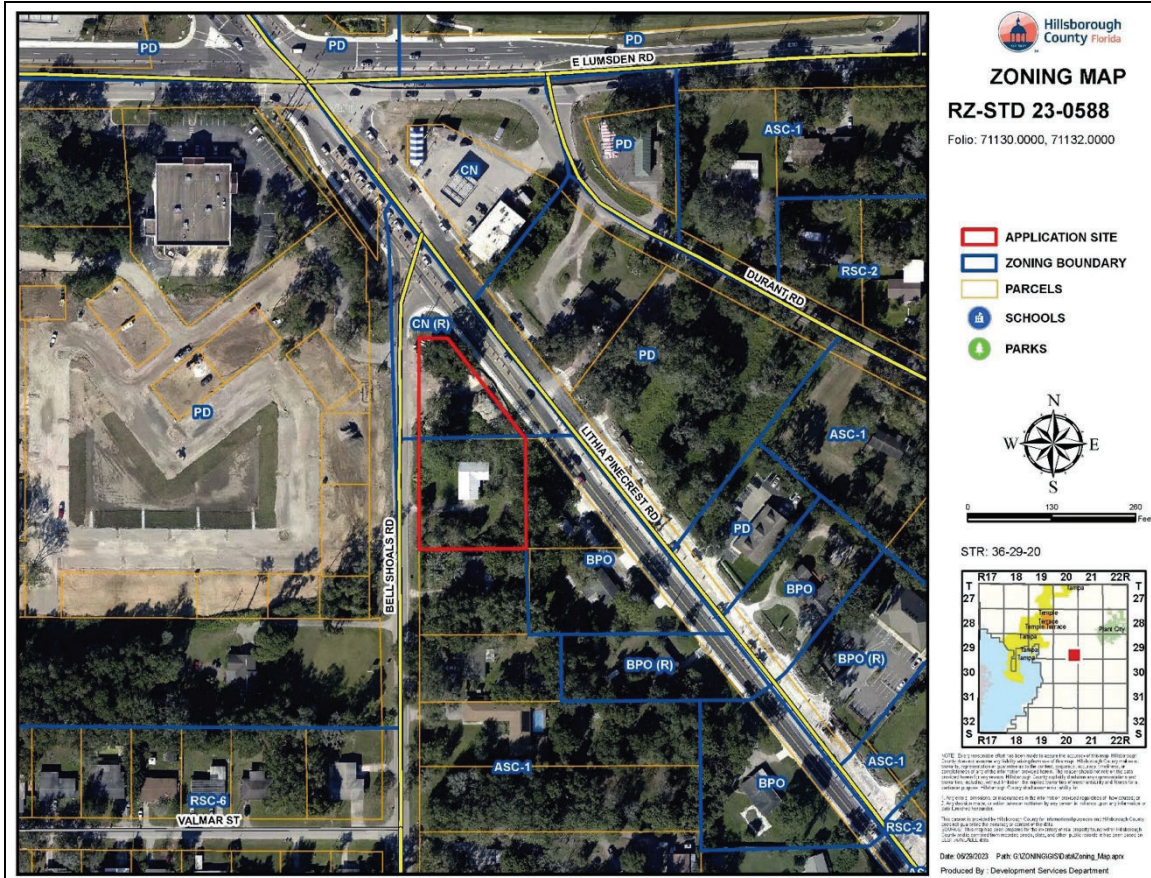
The site is located in an area comprised of commercial, agricultural, and single-family residential uses. The subject site is surrounded and within the Res-4 FLU category which permits commercial, agricultural, and single-family residential uses. The adjacent properties are zoned PD 89-0081 to the west, CN to the north, PD 07-0209 and BPO to the east and ASC-1 and BPO to the south.

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



<p>Typical Uses:</p>	<p>Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses shall meet locational criteria for specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.</p>
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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:
:	:			

Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:

SET AND SUMMARY DATA

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

Not Applicable

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

Adjoining Roadways (check if applicable)

Select Future Improvements

Bell Shoals Rd.	County Collector - Rural	Choose an item. Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width (for Urban Section)	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD
Lithia Pinecrest Rd.	County Arterial - Urban	Choose an item. Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD

Project Trip Generation Not applicable for this request

Connectivity and Cross Access Not applicable for this request

Design Exception/Administrative Variance Not applicable for this request

Road Name/Nature of Request Type

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY

Environmental: Objections	Conditions Requested	Additional Information/Comments

Environmental Protection Commission Natural Resources
 Conservation & Environmental Lands Mgmt.

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:		Conditions Requested	Additional Information/Comments
Objections			
Transportation			
<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	See Agency's staff review
Utilities Service Area/ Water & Wastewater			
<input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board			
Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Impact/Mobility Fees

N/A

Comprehensive Plan: Findings		Conditions Requested	Additional Information/Comments
Planning Commission			
<input checked="" type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

5.0 IMPLEMENTATION RECOMMENDATIONS

5.1 Compatibility

The site is located in an area comprised of mixture of uses. The subject site is vacant and located within the Res-4 FLU category which permits commercial, agricultural, and single-family residential uses.

The adjacent properties are zoned PD 89-0081 to the west (approved for commercial, office and 160-bed community residential home), CN to the north, PD 07-0209 to the east (approved for commercial and office uses), and ASC-1 and BPO to the south. The subject site meets commercial location criteria. However, the Planning Commission Staff have expressed compatibility concerns regarding potential impacts of commercial uses including drive-thru uses directly adjacent to single-family residential on the south side and lack of adequate assurances regarding mitigation of those impacts. The Land Development code requires a 20-foot buffer, with a six-foot wall, fence or hedge, with 10-foot evergreen trees planted on 20-foot centers along the southern boundary adjacent to the ASC-1 zoned parcel. As noted herein, the proposed combined 1.02-acre parcels would permit a maximum building size of approximately 8,886 square feet. The northern triangle shaped parcel of this rezone is configured at the apex of the intersection of Bell Shoals Road and Lithia Pinecrest Road, and therefore requires a 30-foot building setback along the other project boundaries. Lithia Pinecrest Road is designated as a scenic corridor, which requires additional buffering (15 feet) and tree plantings as required by Part 6.06.03.I of the Land Development Code. The southern parcel (folio:71132.0000) of this rezones directly adjacent to single-family residential uses. To address the lots size, transition and compatibility concerns, the applicant has proposed the following site restrictions:

1. Restrict the suburban scale neighborhood commercial uses to the following listed less intense uses: Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.
2. Prohibit drive-throughs.
3. Screening and buffering, if required in accordance with the LDC, along the south property line of Folio 71132.0000 (i.e. 20-foot buffer with Type B screen) shall include a 6-foot wall, subject to the provisions in restriction #4.
4. Vehicular project access to Bell Shoals Road shall be restricted to a maximum of one access connection to/from folios 71130.0000 and 71132.0000. The access shall be designed as a Shared Access Facility with the adjacent folio 71133.0000. If buffering and screening is required adjacent to folio 71133.0000 at the time of site/construction plan review for folios 71130.0000 and 71132.0000, the site/construction plan approval shall include those design elements necessary, 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 71133.0000 to the Shared Access Facility if folio 71133.0000 is rezoned and/or developed with uses that would no longer require buffering and screening between the parcels.

Therefore, staff finds that size and depth of the subject parcel located at the apex of the intersection of Bell Shoals Road and Lithia Pinecrest Road, with required buffering/screening, setbacks, Vehicular project access and maximum building size, would create a zoning/development pattern that is consistent with the existing zoning and development pattern in the area.

Recommendation 5.2

Based on the above considerations, staff finds the request approvable, with the following restrictions:

1. Restrict the suburban scale neighborhood commercial uses to the following listed less intense uses: Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.
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SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on February 20, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the petition.

Mr. David Wright P.O. Box 273417 Tampa testified on behalf of the applicant. Mr. Wright stated that the rezoning is a standard request. He added that he had previously brought in the corner parcel at Lithia Pinecrest and Bell Shoals and rezoned it to CN with Restrictions. The property owners purchased the property to the south and would now like to rezone the parcel to CN with Restrictions. Mr. Wright testified that the Restriction line would be moved from the south property line to the southern line of the proposed CN zoning. He stated that he worked with Planning Commission staff as well as County Transportation staff to draft a Restriction that would allow for a 20-foot wide Type B buffer adjacent to the

existing single-family and that the buffer would be removed if the property to the south eventually rezones to commercial.

Hearing Master Finch asked Mr. Wright about the proposed Restriction pertaining to shared access and if the shared access will provide access to the folio number ending in 33 if it becomes commercial. Mr. Wright replied yes and added that it also provides cross access through the parcels. Hearing Master Finch asked if it was possible to provide access to Lithia Pinecrest Road. Mr. Wright replied that access is to Bell Shoals as an access point to Lithia Pinecrest does not meet separation requirements. Hearing Master Finch asked Mr. Wright to confirm that one access point to the site is acceptable. Mr. Wright replied yes.

Ms. Isis Brown, Development Services staff, testified regarding the County's staff report. Ms. Brown stated that the applicant is requesting to rezone two parcels totaling 1.02 acres from ASC-1 and CN-R to Commercial Neighborhood-Restricted. She described the surrounding land uses and stated that the site does not meet commercial locational criteria. The applicant has agreed to Restrictions that address compatibility concerns by limiting the permitted uses and project access. Ms. Brown concluded her presentation by stating that staff finds the request approvable.

Ms. Jillian Massey, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Massey stated that the subject property is within the Residential-4 Future Land Use classification, the Urban Service Area and the Brandon Community Plan. She described the request and stated that the restrictions prohibit drive-through's. Ms. Massey cited numerous policies that support the rezoning and testified that staff found the proposed rezoning consistent with the Brandon Community Plan and the Future of Hillsborough Comprehensive Plan.

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 and Mr. Wright did not have additional comments.

The hearing was then concluded.

EVIDENCE SUBMITTED

No documents were submitted into the record.

PREFACE

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

FINDINGS OF FACT

1. The subject property is 1.02 acres in size and is currently Agricultural Single-Family Conventional-1 (ASC-1) and Commercial Neighborhood-Restricted (CN-R) and is designated Residential-4 (RES-4) by the Comprehensive Plan. The property is located within the Urban Service Area and the Brandon Community Plan.
2. The applicant is requesting a rezoning to the Commercial Neighborhood-Restricted (CN-R) zoning district.
3. The Restrictions prepared by the Development Services Department limit the use of the property to less intense Suburban Scale Neighborhood Commercial uses that are listed in the County staff report. The Restrictions also prohibit Drive-Through's, address screening and buffering and limit the project to one access point on Bell Shoals Road.
4. The Planning Commission staff supports the rezoning request and found that the request is consistent with numerous policies in the Comprehensive Plan and compatible with the existing development pattern. The Planning Commission found the application to be consistent with both the Brandon Community Plan and the Comprehensive Plan.
5. The surrounding area is zoned CN to the north and developed with a convenience store with gas, ASC-1 and BPO to the south and developed with an agricultural and single-family land use, PD to the west and developed with retail and a Community Residential Home, and PD and BPO to the east with residential land uses and right-of-way.
6. The proposed rezoning to CN-R is compatible with the development pattern. The proposed restrictions which limit the permitted uses and prohibit drive-through's ensure a harmonious development in the area. The request is consistent with the Land Development Code, Comprehensive Plan and Brandon Community 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

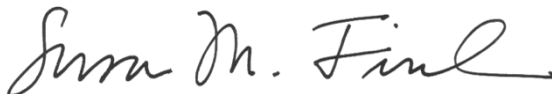
The applicant is requesting a rezoning to the CN-R zoning district. The property is 1.02 acres in size and is currently zoned ASC-1 and CN-R and designated RES-4 by the Comprehensive Plan. The parcel is located within the Urban Service Area and the Brandon Community Plan.

The Planning Commission staff supports the rezoning request and found it to be with numerous Comprehensive Plan policies, the Brandon Community Plan and the Comprehensive Plan.

The proposed rezoning to CN-R is compatible with the development pattern. The proposed restrictions which limit the permitted uses and prohibit drive-through's ensure a harmonious development in the area. The request is consistent with the Land Development Code, Comprehensive Plan and Brandon Community Plan.

RECOMMENDATION

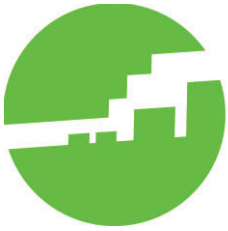
Based on the foregoing, this recommendation is for **APPROVAL** of the CN-R rezoning request with the Restrictions as prepared by the Development Services Department as indicated by the Findings of Fact and Conclusions of Law stated above.



March 10, 2024

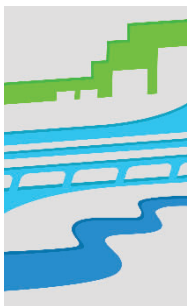
Susan M. Finch, AICP
Land Use Hearing Officer

Date



**Hillsborough County
City-County
Planning Commission**

Unincorporated Hillsborough County Rezoning	
Hearing Date: February 20, 2023 Report Prepared: February 8, 2024	Petition: RZ 23-0588 1010 and 1111 Lithia Pinecrest Road <i>South of the Lithia Pinecrest Road and Bell Shoals Road intersection</i>
Summary Data:	
Comprehensive Plan Finding:	CONSISTENT
Adopted Future Land Use:	Residential-4 (4 du/ga; 0.25 FAR)
Service Area:	Urban
Community Plan:	Brandon
Requested Zoning:	Agricultural Single Family Conventional-1 (ASC-1) and Commercial Neighborhood-Restricted (CN-R) to Commercial Neighborhood-Restricted (CN-R)
Parcel Size (Approx.):	1.01 acres +/- (43,995 square feet)
Street Functional Classification:	Lithia Pinecrest Road – Arterial Bell Shoals Road - Collector
Locational Criteria:	Yes
Evacuation Zone:	N/A



Context

- The approximately 1.01 +/- acre subject site is located on the west side of Lithia Pinecrest Road and east side of Bell Shoals Road. The subject site is in the Urban Service Area and is within the limits of the Brandon Community Plan, specifically in the Suburban Character District.
- The subject site's Future Land Use classification is Residential-4 (RES-4). Typical uses of the RES-4 Future Land Use include residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects. Non-residential uses are required to meet Commercial Locational Criteria for specific land uses. The subject site meets Commercial Locational Criteria as it is within the 900 foot distance from a qualifying intersection node at Lithia Pinecrest Road and Bell Shoals Road.
- The RES-4 Future Land Use category surrounds the subject site on all sides. Further north along Lumsden Road are the Residential-9 (RES-9) and Residential-6 (RES-6) Future Land Use categories.
- The subject site is currently vacant and zoned as Commercial Neighborhood-Restricted (CN-R) and Agricultural Single-Family Conventional-1 (ASC-1). Single family residential lots with ASC-1 zoning are located directly south of the subject site. To the southeast are a mixture of light commercial and single-family residential uses with Business Professional Office (BPO) uses. There are Planned Development (PD) zoning districts to the west that are a mixture of light commercial Uses and vacant land. To the east is also a mixture of light commercial, vacant, and single-family residential uses.
- The applicant is requesting to rezone the subject site from Commercial Neighborhood-Restricted (CN-R) and Agricultural Single-Family Conventional-1 (ASC-1) to Commercial Neighborhood-Restricted (CN-R). The proposed restrictions are as follows:
 1. Restrict the suburban scale neighborhood commercial uses to the following listed less intense uses: Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.
 2. Prohibit drive-throughs.
 3. Vehicular project access to Bell Shoals Road shall be restricted to a maximum of one access connection to/from folios 71130.0000 and 71132.0000. The access shall be designed as a Shared Access Facility with the adjacent folio 71133.0000. If buffering and screening is required adjacent to folio 71133.0000 at the time of site/construction plan review for folios 71130.0000 and 71132.0000, the site/construction plan approval shall include those design elements necessary, 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 71133.0000 to the Shared Access Facility if folio 71133.0000 is rezoned and/or developed with uses that would no longer require buffering and screening between the parcels.

Compliance with Comprehensive Plan:

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

FUTURE LAND USE ELEMENT

Urban Service Area (USA)

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.

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

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

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

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

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

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

Policy 16.5:

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

Policy 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.

Commercial Locational Criteria

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

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

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

Policy 22.2: The maximum amount of neighborhood-serving commercial uses permitted in an area shall be consistent with the locational criteria outlined in the table and diagram below. The table identifies the intersection nodes that may be considered for non-residential uses. The locational criteria is based on the land use category of the property and the classification of the intersection of roadways as shown on the adopted Highway Cost Affordable Long Range Transportation Plan. The maximums stated in the table/diagram may not always be achieved, subject to FAR limitations and short range roadway improvements as well as other factors such as land use compatibility and environmental features of the site.

In the review of development applications consideration shall also be given to the present and short-range configuration of the roadways involved. The five year transportation Capital

Improvement Program, MPO Transportation Improvement Program or Long Range Transportation Needs Plan shall be used as a guide to phase the development to coincide with the ultimate roadway size as shown on the adopted Long Range Transportation Plan.

Community Design Component

4.3 COMMERCIAL CHARACTER

GOAL 9: *Evaluate the creation of commercial design standards in a scale and design that complements the character of the community.*

Policy 9-1.2: *Avoid "strip" development patterns for commercial uses.*

7.0 SITE DESIGN

7.1 DEVELOPMENT PATTERN

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

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

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

LIVABLE COMMUNITIES ELEMENT: Brandon Community Plan

Goal 6: *Re-establish Brandon's historical, hospitable, and family oriented character through thoughtful planning and forward thinking development practices by concentrating density in certain areas to preserve the semi-rural lifestyle of other areas. Attempt to buffer and transition uses in concentric circles where possible with most intense uses in an area at a node (intersection) and proceeding out from there. Create a plan for how areas could be developed and redeveloped for the future. Each of these areas would have potential for different building heights, parking configurations, fencing, buffering, landscape requirements, special use limitations, and design standards. These standards apply to new construction on infill property, redevelopment of undesirable areas and renovation of existing buildings. The primary consideration of all changes should be compatibility with existing structures to ensure neighborhood preservation.*

5. *General design characteristics for each Brandon Character District are described below. The design characteristics are descriptive as to the general nature of the vicinity and its surroundings and do not affect the Future Land Use or zoning of properties in effect at the time of adoption of the Brandon Community Plan. Any proposed changes to the zoning of property may proceed in accordance with the Land Development Code.*

d. Suburban - *Primarily residential area of single-family detached homes with side and perimeter yards on one-quarter acre or less. Mixed-use is usually confined to certain intersection locations. This district has a wide range of residential building types: single-family detached, single-family attached and townhouses. Setbacks and street canopy vary. Streets typically define medium-sized blocks. New development/redevelopment would be required to build internal sidewalks and connect to existing external sidewalks or trails.*

Staff Analysis of Goals, Objectives and Policies

The approximately 1.01-acre subject site is located directly south of the Lithia Pinecrest Road and Bell Shoals Road intersection. The subject site is located in the Urban Service Area. It is located within the limits of the Brandon Community Plan. The subject site's Future Land Use classification on the Future Land Use Map (FLUM) is Residential-4 (RES-4). The applicant is requesting to rezone the subject site from Planned Development (PD) and Commercial Neighborhood-Restricted (CN-R) to Commercial Neighborhood-Restricted (CN-R). The proposed restrictions are as follows:

1. Restrict the suburban scale neighborhood commercial uses to the following listed less intense uses: Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.
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According to Appendix A of the Future Land Use Element (FLUE) the intent of the Residential-4 (RES-4) Future Land Use category is to designate areas that are suitable for low density residential development. Commercial Neighborhood (CN) uses are subject to Commercial Locational Criteria. The subject site is surrounded by RES-4 on all sides and the area is a mixture of vacant land, single-family residential, and light commercial uses.

The subject site is located in the Urban Service Area where according to Objective 1 of the Future Land Use Element (FLUE), 80 percent of the county's growth is to be directed. Policy 1.4 requires all new developments to be compatible with the surrounding area, noting that "*Compatibility does not mean "the same as." Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*" The applicant is proposing the zoning district of Commercial Neighborhood (CN), which could potentially include more intensive uses such as fast food with drive-thrus or gas stations directly adjacent to single-family residential on the south side. The applicant has proposed restrictions to the proposed CN rezoning to achieve compatibility with the surrounding area. By restricting the intensity of the proposed uses, the request meets the intent of FLUE Policy 1.4 by restricting the site to uses that are compatible with adjacent single-family residential and will not allow for intense uses such as drive-thrus or gas stations.

The proposed rezoning meets the intent of the Neighborhood Protection policies that modify FLUE Objective 16. The development pattern of the surrounding area includes commercial uses to the north of the Lithia Pinecrest Road and Bell Shoals Road intersection, as well as residential lots along Lithia Pinecrest Road. The applicant will be providing the required buffering and screening per the Land Development Code along the south property line until such time the property to the south is redeveloped. If the southern property develops as a non-residential use, buffering and screening may not be required. As such, a restriction has been added that requires a shared access between the two parcels. The applicant has also proposed compatible commercial uses that do not include drive-thru uses. The proposed rezoning also meets Commercial Locational Criteria as per Objective 22 and Policy 22.2 of the Future Land Use Element as it is within the 900-foot distance from the nearest qualifying node of Lithia Pinecrest Road and Bell Shoals Road.

The Community Design Component provides guidance on commercial developments. Goal 17 encourages developments that improve the ambiance of commercial development in the county. Objective 17-1 and Policy 17.1-4 seek to facilitate patterns of development that are organized and purposeful. Planning Commission staff are supportive of the proposed restrictions that the applicant has provided and concur that the proposed development meets the intent of Goal 17 of the CDC.

The subject site is in the Suburban Character District of the Brandon Community Plan. The area anticipates a range of primarily residential uses while commercial uses may be considered at intersection nodes. A rezoning to CN-R with the proposed restrictions in place is located at a qualifying intersection node, respects the transition to single-family residential to the south through buffering and screening and will maintain the existing suburban character of the surrounding area.

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

Recommendation

Based upon the above considerations, the Planning Commission staff finds the proposed rezoning **CONSISTENT** with the *Unincorporated Hillsborough County Comprehensive Plan*, subject to the restrictions proposed by the Development Services Department.

HILLSBOROUGH COUNTY FUTURE LAND USE

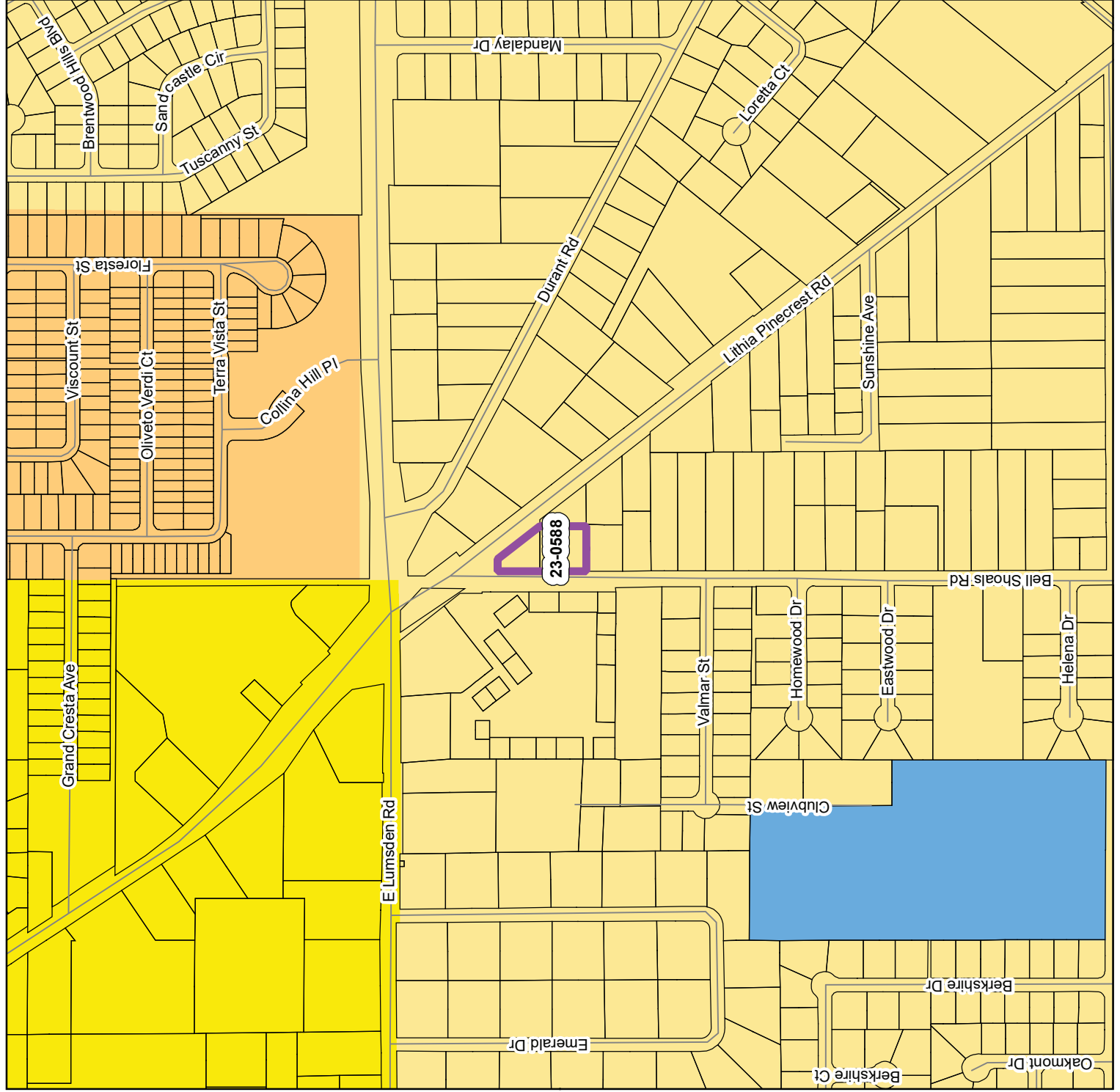
RZ 23-0588

Rezonings
STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

- Tampa Service Area
- Urban Service Area
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Roads
- Parcels

- AGRICULTURAL/MINING-1/20 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/5 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR)
- OFFICE COMMERCIAL-20 (.75 FAR)
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.75 FAR)
- LIGHT INDUSTRIAL (.75 FAR)
- HEAVY INDUSTRIAL (.75 FAR)
- PUBLIC/QUASH-PUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. This map is intended for informational purposes only and should not be used for any legal or financial decisions without the specific approval of the Hillsborough County City/County Planning Commission. ACCURACY: It is intended to be accurate to the best of our knowledge. However, such accuracy is not guaranteed by the Hillsborough County City/County Planning Commission. This map is for informational purposes only. For the most current data and information, see the appropriate database.

Map Printed from Rezoning System: 6/29/2023
 Author: Beverly F. Daniels
 File: G:\Rezoning\System\MapProject\HillCoReg_NeRezoning - Copy.mxd





AGENCY COMMENTS

AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 10/13/2023

Revised: 2/8/2024

REVIEWER: James Ratliff, AICP, PTP, Principal Planner

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: Brandon/Central

PETITION NO.: RZ 23-0588

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

PROJECT SUMMARY AND ANALYSIS

The applicant is requesting to rezone two parcels totaling +/- 1.02 acres from Agricultural Single-Family Conventional – 1 (ASC-1) and Commercial Neighborhood (CN/R) to Commercial Neighborhood (CN/R). The existing CN/R The site is located on the south side of the intersection of Lithia Pinecrest Road and Bell Shoals Road. The Future Land Use designation of the site is Residential-4 (RES-4). The existing CN/R zoning was approved with the following two restrictions:

1. Commercial development of the subject property shall include a 20-foot buffer with Type B screening along the south property line. Screening shall be a 6-foot masonry wall; and,
2. The proposed commercial uses shall be restricted to Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-thru, Coffee Shop without drive-thru facilities, Food Trucks, Family Support Services, Medical Office, Professional Office, Professional Services.

The applicant is proposing the following restrictions for the new CN/R zoning:

1. Restrict the suburban scale neighborhood commercial uses to the following listed less intense uses: Electric/Electronic Repair (small), Florist Shop, Locksmith, Mail and Package Services, Mail Order Office, News Stand, Optician/Optical Supplies, Photography Studio, Printing Services, Specialty Food Store, Travel Agencies, Watch/Clock/Jewelry Repair, Barber/Beauty Shop, Business Services, Restaurant without drive-up facilities, Coffee Shop without drive-up facilities, Food Trucks, Temporary Vendors, Family Support Services, Medical Office, Professional Office, Professional Services.
2. Prohibit drive-throughs.
3. Require a 20-foot buffer with Type B screening including a 6-foot wall along the south property line of folio 71132.0000.
4. Vehicular project access to Bell Shoals Road shall be restricted to a maximum of one access connection to/from folios 71130.0000 and 71132.0000. The access shall be designed as a Shared Access Facility with the adjacent folio 71133.0000. If buffering and screening is required adjacent to folio 71133.0000 at the time of site/construction plan review for folios 71130.0000 and 71132.0000, the site/construction plan approval shall include those design elements necessary, 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 71133.0000 to the Shared Access Facility if folio 71133.0000 is rezoned and/or developed with uses that would no longer require buffering and screening between the parcels.

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 Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN/R, 4,682 sf Coffee/Donut Shop without Drive-Through Window (ITE LUC 936)	4,360 (est.)	436	151
ASC-1, 1 single-family detached dwelling unit (ITE LUC 210)	9	1	1
Subtotal:	4,369	437	152

Proposed Zoning:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
CN/R, 4,682 sf Coffee/Donut Shop without Drive-Through Window (ITE LUC 936)	4,360 (est.)	436	151
CN/R, 6,425 sf Fast-Food without Drive-Through Window (ITE LUC 933)	2,897	278	214
Subtotal:	7,257	714	365

Trip Generation Difference:

Zoning, Land Use/Size	24 Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
Difference	(+) 2,888	(+) 277	(+) 213

TRANSPORTATION INFRASTRUCTURE SERVING THE SITE

The site has frontage on Lithia Pinecrest Rd. and Bell Shoals Rd. Lithia Pinecrest Road is a 2-lane, divided, Hillsborough County maintained, arterial roadway with +/- 11-foot travel lanes. Lithia Pinecrest lies within a range of +/- 100 feet and +/- 105 feet of right-of-way in the vicinity of the project. Lithia Pinecrest Rd. has sidewalks, bike lanes, and curb and gutter on both sides of the roadway within the vicinity of the project.

Bell Shoals Rd. is a 2-lane, undivided, substandard, Hillsborough County maintained, collector roadway with +/- 11-foot travel lanes. Bell Shoals Rd. lies within +/- 80 feet of right-of-way in the vicinity of the project. Bell Shoals Rd. does not have sidewalks, bike lanes or curb and gutter on the eastern side of the roadway within the vicinity of the project.

HILLSBOROUGH COUNTY CORRIDOR PRESERVATION PLAN

Lithia Pinecrest Rd. is shown as a 4-lane road in the Hillsborough County Corridor Preservation Plan. Bell Shoals Rd. is shown as a 2-lane enhanced road in the Hillsborough County Preservation Plan. Additional right-of-way may need to be preserved on the subject property for the planned improvements. This will be determined at the time of plat/site/construction plan review.

SITE ACCESS

Generally, for projects with a Euclidean zoning designation, a project’s potential transportation impacts, site access requirements, substandard road issues, site layout and design, other issues related to project access, and compliance with other applicable Hillsborough County Comprehensive Plan, Hillsborough County Land Development Code (LDC) and Hillsborough County Transportation Technical Manual (TTM) requirements are evaluated at the time of plat/site/construction plan review. 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 and restrictions 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 identify concerns regarding future project access and the need for the parcel to the south of the subject site to be able to utilize the access within the subject zoning (instead of having its own access, which could not meet access spacing requirements). These concerns were subsequently addressed via the proposed restrictions. 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.

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

ROADWAY LEVEL OF SERVICE (LOS) INFORMATION

Level of Service (LOS) information for adjacent roadway segments is reported below.

Roadway	From	To	LOS Standard	Peak Hr Directional LOS
Lithia Pinecrest Rd.	Lumsden Rd	Bloomington Ave.	D	F
Bell Shoals Rd.	Bloomington Ave.	Lithia Pinecrest Rd.	D	C

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

Transportation Comment Sheet

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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Bell Shoals Rd.	County Collector - Rural	Choose an item. Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width (for Urban Section)	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD
Lithia Pinecrest Rd.	County Arterial - Urban	Choose an item. Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input checked="" type="checkbox"/> Other - TBD
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	4,369	437	152
Proposed	7,257	714	365
Difference (+/-)	(+) 2,888	(+) 277	(+) 213

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

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

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

Transportation Comment Sheet

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

COMMISSION

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 Sterlin Woodard, P.E. AIR DIVISION

AGENCY COMMENT SHEET

REZONING	
HEARING DATE: 8/21/2023 PETITION NO.: 23-0588 EPC REVIEWER: Melissa Yanez CONTACT INFORMATION: (813) 627-2600 X 1360 EMAIL: yanezm@epchc.org	COMMENT DATE: 7/28/2023 PROPERTY ADDRESS: 1010 Lithia Pinecrest Rd, Brandon, FL 33511 FOLIO #: 71130-0000, 71132-0000 STR: 36-29S-20E
REQUESTED ZONING: CN-R	
FINDINGS	
WETLANDS PRESENT	NO
SITE INSPECTION DATE	4/26/2022
WETLAND LINE VALIDITY	NA
WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)	NA
INFORMATIONAL COMMENTS: Wetlands Division staff of the Environmental Protection Commission of Hillsborough County (EPC) inspected the above referenced site 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 the methodology described within Chapter 62-340, Florida Administrative Code, and adopted into Chapter 1-11. The site inspection revealed that no wetlands or other surface waters exist within the above referenced parcel. Please be advised this wetland determination is informal and non-binding. A formal wetland delineation may be applied for by submitting a "WDR30 - Delineation Request Application". Once approved, the formal wetland delineation would be binding for five years.	

My/aow

Ec: David Chan - Dchan@outlook.com
 David Wright - David@tspco.net

Environmental Excellence in a Changing World

Environmental Protection Commission - Roger P. Stewart Center
 3629 Queen Palm Drive, Tampa, FL 33619 - (813) 627-2600 - www.epchc.org



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:** 8/7/2023

REVIEWER: Kim Cruz, Environmental Supervisor **REVIEW DATE:** 8/8/2023

APPLICANT: David Wright / TSP Companies, Inc. **PID:** 23-0781

LOCATION: 1010 Lithia Pinecrest Rd Brandon, FL 33511
1111 Bell Shoals Rd Brandon, FL 33511

FOLIO NO.: 71130.0000, 71132.0000

AGENCY REVIEW COMMENTS:

Based on the most current data, the project is not located within a Wellhead Resource Protection Area (WRPA), Surface Water Resource Protection Area (SWRPA), and/or a Potable Water Wellfield Protection Area (PWWPA), as defined in Part 3.05.00 of the Land Development Code. Hillsborough County Environmental Services Division (EVSD) has no objection.

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

PETITION NO.: RZ-STD 23-0588 REVIEWED BY: Clay Walker, E.I. DATE: 7/31/2023

FOLIO NO.: 71130.0000 & 71132.0000

WATER

- The property lies within the _____ Water Service Area. The applicant should contact the provider to determine the availability of water service.
- A 8 inch water main exists (adjacent to the site), (approximately 45 feet from the site) and is located west of the subject property within the west Right-of-Way of Bell Shoals Road. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Water distribution system improvements will need to be completed prior to connection to the County's water system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

WASTEWATER

- The property lies within the _____ Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- A 12 inch wastewater force main exists (adjacent to the site), (approximately 250 feet from the site) and is located northwest of the subject property within the south Right-of-Way of Lithia Pinecrest Road. This will be the likely point-of-connection, however there could be additional and/or different points-of-connection determined at the time of the application for service. This is not a reservation of capacity.
- Wastewater collection system improvements will need to be completed prior to connection to the County's wastewater system. The improvements include _____ and will need to be completed by the _____ prior to issuance of any building permits that will create additional demand on the system.

COMMENTS: The subject rezoning includes parcels that are within the Urban Service Area and would require connection to the County's potable water and wastewater systems.

AGENCY REVIEW COMMENT SHEET

TO: ZONING TECHNICIAN, Planning Growth Management

DATE: 7 Jul. 2023

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

APPLICANT: David Wright

PETITION NO: RZ-STD 23-0588

LOCATION: 1010 Lithia Pinecrest Rd, Brandon, FL 33511

FOLIO NO: 71130.0000 & 71132.0000

SEC: 36 TWN: 29 RNG: 20

- This agency has no comments.

- This agency has no objection.

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

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

COMMENTS: _____.



VERBATIM TRANSCRIPT

ZHM Hearing
February 20, 2024

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch
Land Use Hearing Master

DATE: Tuesday, February 20, 2024

TIME: Commencing at 6:00 p.m.
Concluding at 11:46 p.m.

LOCATION: Hillsborough County BOCC
601 East Kennedy Boulevard
Second Floor Boardroom
Tampa, Florida 33601

Reported by:
Diane DeMarsh, AAERT No. 1654
DIGITAL REPORTER

1 MS. HEINRICH: Our next item is Item C.1, Standard
2 Rezoning 23-0588. The applicant is requesting a rezoning from
3 ASC-1 and and CNR to CNR. Isis Brown with Development Services
4 will provide Staff findings after the applicant's presentation.

5 HEARING MASTER: All right. Is the applicant here? I
6 assume he's online.

7 MR. WRIGHT: Good evening, Madam Hearing Officer. My
8 name is David Wright, president of TSP Companies. Address is
9 P.O. Box 273417, Tampa, Florida 33688.

10 I'm going to be brief in the interest of the agenda.
11 This is a standard reasoning request. We previously brought in
12 the corner parcel at the corner of Lithia Pinecrest and Bell
13 Shoals Road and rezoned it from PD to CN restricted. We -- the
14 property owners purchase the property to the south and we're
15 seeking to do the same with that. Basically, moved the
16 restriction from the south property line of -- of the existing
17 CN zoned property to the south property line of the proposed CN
18 zoned property. But we did work with Planning Commission Staff
19 and transportation staff through craft a restriction that would
20 allow for a -- a 20-foot Type B buffer adjacent to the existing
21 single-family, which could be removed in the event that that
22 property to the south eventually rezones to -- to commercial.
23 So that's really the only complication in this, but I'm here to
24 answer any questions. Thank you.

25 HEARING MASTER: I do have one question regarding the

1 access.

2 There's a condition four that talks about shared
3 access. And so your two parcels are the immediate corner, which
4 is the folio is 71130 and then just south of that is 71132, is
5 that correct?

6 MR. WRIGHT: Correct.

7 HEARING MASTER: All right. And so the -- what your
8 testimony was a shared access point is to be designed in case
9 that further south that ends in 33, that folio number that ends
10 in 33 becomes commercial, is that the intent?

11 MR. WRIGHT: Yes. And also to provide cross access --
12 access through the parcels.

13 HEARING MASTER: Okay. And it seems that condition
14 limits the project access to one access point. Is it not
15 possible to gain access from Lithia Pinecrest?

16 MR. WRIGHT: I -- I believe the access preferred off
17 of Bell Shoals. The distance separation from the intersection
18 to where a proposed access point would be, is -- is very short
19 and I don't think it meets separation requirements.

20 HEARING MASTER: Okay. So it is acceptable to you for
21 one access and that presumably is to Bell Shoals, right?

22 MR. WRIGHT: Yes, that's correct.

23 HEARING MASTER: All right. Thank you. That was my
24 only question. I appreciate it.

25 Development Services. Good evening.

1 MS. BROWN: Good evening. Isis Brown, Hillsborough
2 County Development Services. Standard case 23-0588, request to
3 rezone two parcels totaling approximately 1.02 acres from CNR
4 and agricultural single-family ASC-1 to commercial neighborhood
5 restricted.

6 The site is located in a area comprising of
7 commercial, agricultural and single-family residential uses.
8 The adjacent properties are zoned as follows, PD 89-0881 to the
9 west, CN to the north, PD and BPO to the east and ASC-1 and BPO
10 to the south. The site does meet commercial locational criteria
11 and PC finds other proposed rezoning is consistent. However,
12 both PC and transportation staff have some concerns.

13 To address compatible concerns, the applicant has
14 proposed the following restrictions. One, restriction --
15 restrict the -- the suburban scale neighborhood commercial uses
16 the following listed, less intent uses electrical -- electric,
17 electrical repair, small floor shop, locksmiths, mail and
18 package services, mail order -- ma mail order office, news
19 stands, optical supplies, photography studio, printing services.
20 And listed in the report as follows, two, prohibit all
21 drive-thru and three, screen and buffering, if required, in
22 accordance with the LDC along the southern property line of
23 folio 7113.000 shall include a six-foot wall, subject to the
24 pre -- the provisions and restriction four. And restriction
25 four is vehicular process project -- vehicular project access to

1 Bell Shoals Road shall be restricted to a maximum of one access
2 connection to and from folios 7113000 and 71132.00. The
3 access -- the access shall be designed a shared access
4 facilitating the adjacent folios mentioned before.

5 If buffer a screen is required to adjacent folio at
6 the time of site construction plan review for folios 71130 and
7 71132.00 will need approval and design.

8 Based on the above consideration in conjunction with
9 the proceeding mentioned restriction, Staff finds the request
10 approval.

11 HEARING MASTER: Thank you so much. I appreciate it.
12 Planning Commission.

13 MS. MASSEY: Jillian Massey, Planning Commission
14 Staff.

15 The subject site is designated as Residential-4 in the
16 Future Land Use Map. It's in the urban service area and within
17 the limits of the Brandon Community Plan, specifically, in the
18 suburban character district.

19 The applicant is proposing the zoning district of
20 commercial neighborhood res -- restrictive, which could
21 potentially include more intensive uses, fast food and
22 drive-thrus and gas stations directly adjacent to the
23 single-family residential on the south side. The restrictions
24 proposed to the commercial neighborhood rezoning will achieve
25 compatibility with the surrounding area by restricting the

1 intensity of the proposed uses, the request meets the intent of
2 Future Land Use Element Policy 1 point -- 1.4.

3 Furthermore, the proposed rezoning meets the intent of
4 the neighborhood protection policies of Future Land Use
5 Objective of -- Objective 16. The development pattern of the
6 surrounding area includes commercial uses to the north of Lithia
7 Pinecrest Road and Bell Shoals intersection, as well as
8 residential lots along Lithia Pinecrest Road.

9 The applicant has also proposed compatible commercial
10 uses that do not include drive-thru uses. The proposed rezoning
11 also meets commercial locational criteria as per Objective 22
12 and Policy 22.2 of the Future Land Use Element, as it's within
13 the 900-foot distance from the nearest qualifying intersection
14 of Lithia Pinecrest Road and Bell Shoals Road.

15 The subject site is in the commercial character
16 district of the Brandon Community Plan. The area anticipates a
17 range of primarily residential uses, while commercial uses may
18 be considered at intersection nodes. A rezoning to a commercial
19 neighborhood restricted with the proposed restrictions, is in
20 place at -- located -- located at a qualifying intersection
21 node, respects the transition to single-family residential to
22 the south through buffering and screening and will maintain the
23 existing suburban character of the surrounding area.

24 And based on these considerations, Planning Commission
25 Staff finds that the proposed rezoning is consistent with the

1 Unincorporated Hillsborough County Comprehensive Plan, subject
2 to the restrictions proposed by the Development Services
3 Department.

4 HEARING MASTER: Thank you so much. I appreciate it.

5 Is there anyone in the room or online that would like
6 to speak in support? Anyone in favor? I'm seeing no one.

7 Anyone in opposition to this request? No one.

8 Ms. Heinrich, anything else?

9 MS. HEINRICH: Nothing further.

10 HEARING MASTER: All right. Mr. Wright, anything
11 before I close?

12 MR. WRIGHT: No, thank you.

13 HEARING MASTER: All right. Then with that we'll
14 close Rezoning 23-0588 and go to the next case.

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HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch and Pamela Jo Hatley
 Land Use Hearing Master

DATE: Tuesday, January 16, 2024

TIME: Commencing at 6:00 p.m.
 Concluding at 7:48 p.m.

LOCATION: Hillsborough County BOCC
 601 East Kennedy Boulevard
 Tampa, Florida 33601

Reported by:
Diane DeMarsh, AAERT No. 1654

1 application is being continued to the February 20, 2024 Zoning
2 Hearing Master Hearing. The agenda had listed this as a
3 continuing to the March ZHM. So again, the continuance date for
4 that would be February 20, 2024. That's the only change of the
5 agenda.

6 I'll go -- no go through the withdrawals and
7 continuances, beginning on page four of the Agenda. First Item,
8 Item A.1, Rezoning PD 23-0109. This is the continued by Staff
9 to the February 20, 2024 Zoning Hearing Master Hearing.

10 Item A.2, Major Mod Application 23-0518. This
11 application is out of order to be heard and is being continued
12 to the February 20, 2024 Zoning Hearing Master Hearing.

13 Item A.3, Rezoning PD 23-0540. This application is
14 being continued by the applicant to the February 20, 2024 Zoning
15 Hearing Master Hearing.

16 Item A.4, Rezoning Standard 23-0588. This application
17 is being continued by the applicant to the February 20, 2024
18 Zoning Hearing Master Hearing.

19 Item A.5, Rezoning PD 23-0618. This application is
20 out of order to be heard and is being continued to the
21 February 20, 2024 Zoning Hearing Master Hearing.

22 Item A.6, Major Mod Application 23-0768. This
23 application is out of order to be heard and is being continued
24 to the February 20, 2024 Zoning Hearing Master Hearing.

25 Item A.7, Rezoning Standard 23-0771. This application

Transcript of Proceedings
December 18, 2023

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
Land Use Hearing Master

DATE: Monday, December 18, 2023

TIME: Commencing at 6:00 p.m.
Concluding at 8:18 p.m.

LOCATION: Hillsborough County BOCC
601 East Kennedy Boulevard
26th Floor Boardroom
Tampa, Florida 33601

Reported by:
Diane DeMarsh, AAERT No. 1654

1 hearing.

2 HEARING MASTER: All right. Thank you. Let me ask if
3 there's anyone in the audience for Agenda Item D, as in dog, D2?
4 It's Rezoning PD 23-0584. Is there anyone in the audience that
5 was here to speak to that item? Okay. Good. Well, then there
6 we go. It's being continued to January 16, 2024, at 6:00 p.m.

7 Ms. Heinrich.

8 MS. HEINRICH: You're ready for the published changes?

9 HEARING MASTER: Yes, please.

10 MS. HEINRICH: Item A.1, PD 23-0287. This application
11 is being withdrawn by the zoning administrator in accordance
12 with LDC Section 10.03.02.C.2.

13 Item A.2, PD 23-0406. This application is being
14 withdrawn from the ZHM process.

15 Item A.3, Major Mod 23-0518. This application is out
16 of order to be heard and is being continued to the January 16,
17 2024 ZHM hearing.

18 Item A.4, PD 23-0540. This application is out of
19 order to be heard and is being continued to the January 16, 2024
20 ZHM hearing.

21 Item A.5, PD 23-0583. This application is being
22 withdrawn from the ZHM process.

23 Item A.6, Standard Rezoning 23-0588. This application
24 is out of order to be heard and is being continued to the
25 January 16, 2024 ZHM hearing.

Zoning Master Hearing ---
 October 16, 2023

HILLSBOROUGH COUNTY, FLORIDA
 BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING
 TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch
 Land Use Hearing Master

DATE: Monday, October 16, 2023

TIME: Commencing at 6:00 p.m.
 Concluding at 10:13 p.m.

LOCATION: Hillsborough County BOCC
 601 East Kennedy Boulevard
 Tampa, Florida 33601

Reported by:
 Diane DeMarsh, AAERT No. 1654

P R O C E E D I N G S

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3 HEARING MASTER: Good evening. If you could please
4 stand for the Pledge of Allegiance.

5 (Pledge of Allegiance said in unison.)

6 HEARING MASTER: Thank you. Please be seated.

7 Good evening everyone. I want to welcome you to the
8 October 16, 2023 Zoning Hearing Master Hearing. My name is
9 Susan Finch and I'll be presiding as the hearing officer over
10 tonight's cases.

11 Let me first start by introducing Ms. Michelle
12 Heinrich. She's with the Development Services Department and
13 she will introduce other staff members that will participate in
14 tonight's hearing, as well as go over any changes we have for
15 this evening. Ms. Heinrich.

16 MS. HEINRICH: Good after -- or good evening, I should
17 say. Sorry. Michelle Heinrich, Development Services.

18 With the County Attorney's Office, we have
19 Mary Dorman. And with the Planning Commission tonight, we have
20 Carla Llanos.

21 HEARING MASTER: Thank you so much.

22 MS. HEINRICH: And I can start off with the changes to
23 the agenda, which are not published.

24 And the first one is Item 1, Agenda page seven,
25 rezoning -- Standard Rezoning 23-0588. The applicant is

1 requesting a continuance to the December 18, 2023 ZHM hearing.
2 And this is not a matter of rights, so it will need your
3 approval or denial.

4 HEARING MASTER: Okay. Is the applicant here? He's
5 probably virtual to request the continuance.

6 MR. WRIGHT: Good evening. David Wright, P.O. Box
7 273417, Tampa, Florida 33688.

8 Yes, we are requesting a continuance. We have some
9 issues with transportation staff that we worked out late last
10 week, but not in time for this hearing.

11 HEARING MASTER: Okay. Thank you so much. All right.
12 Let me ask if there's anyone in the room or online that was
13 interested in speaking to Item C.2 on our agenda. It's Rezoning
14 23-0588. I'm seeing no one.

15 All right. Then we'll grant that continuance. So
16 Rezoning 23-0588 is continued to the December 18, 2023 Zoning
17 Hearing Master Hearing at 6:00 p.m.

18 MS. HEINRICH: The second one is Standard Rezoning
19 23-0828. For this correction is just a correction on the
20 agenda, not the Staff Report, to note that the proposed zoning
21 is CGR.

22 And thirdly, Standard Rezoning 23-0932. For this one,
23 this again is to just continue the agenda. The Staff Report is
24 correct to show the proposed zoning is CGR.

25 And I will now go over the published withdrawals and

HILLSBOROUGH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

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IN RE:)
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ZONE HEARING MASTER)
HEARINGS)
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ZONING HEARING MASTER HEARING
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH
 Land Use Hearing Master

DATE: Monday, September 18, 2023

TIME: Commencing at 6:00 p.m.
 Concluding at 10:54 p.m.

LOCATION: Hillsborough County BOCC
 601 East Kennedy Boulevard
 Tampa, FL 33601

Reported by:
Diane DeMarsh, AAERT No. 1654

1 Zoning Hearing Master hearing.

2 Major Mod application 23-0518, this application is out
3 of order to be heard and is being continued to the October 16th,
4 2023, Zoning Hearing Master hearing.

5 Item A.10, PD Rezoning 23-0519, this application is
6 out of order to be heard and is being continued to the October
7 16th, 2023, Zoning Hearing Master hearing.

8 Item A.11, Major Mod application 23-0520, this
9 application is being continued by staff to the October 16th,
10 2023, Zoning Hearing Master hearing.

11 Item A.12, PD 23-0522, this application is being
12 continued by staff to the October 16th, 2023, Zoning Hearing
13 Master hearing.

14 Item A.13, PD application 23-0540, this application is
15 out of order to be heard and is being continued to the October
16 16th, 2023, Zoning Hearing Master hearing.

17 Item A.14, PD 23-0583, this application is out of
18 order to be heard and is being continued to the October 16th,
19 2023, Zoning Hearing Master hearing.

20 Item A.15, PD application 23-0584, this application is
21 being continued by the applicant to the October 16th, 2023,
22 Zoning Hearing Master hearing.

23 Item A.16, Standard Rezoning 23-0588, this application
24 is being continued by staff to the October 16th, 2023, Zoning
25 Hearing Master hearing.

1 hearing.

2 Item A.14, Major Mod 23-0518. This application is out
3 of order to be heard and is being continued to the
4 September 18, 2023 ZHM hearing.

5 Item A.15, PD 23-0519. This application is out of
6 order to be heard and is being continued to the
7 September 18, 2023 ZHM hearing.

8 Item A.16, Major Mod 23-0520. This application is out
9 of order to be heard and is being continued to the
10 September 18, 2023 ZHM hearing.

11 Item A.17, PD 23-0522. This application is out of
12 order to be heard and is being continued to the
13 September 18, 2023 ZHM hearing.

14 Item A.18, Standard Rezoning 23-0552. This
15 application is out of order to be heard and is being continued
16 to the September 18, 2023 ZHM hearing.

17 Item A.19, Standard Rezoning 23-0573. This
18 application is being continued by Staff to the
19 September 18, 2023 ZHM hearing.

20 Item A.20, Major Mod 23-0578. This application is out
21 of order to be heard and is being continued to the
22 September 18, 2023 ZHM hearing.

23 Item A.21, Standard Rezoning 23-0588. This
24 application is out of order to be heard and is being continued
25 to the September 18, 2023 ZHM hearing.



**EXHIBITS SUBMITTED
DURING THE ZHM HEARING**

NONE



**PARTY OF
RECORD**

NONE