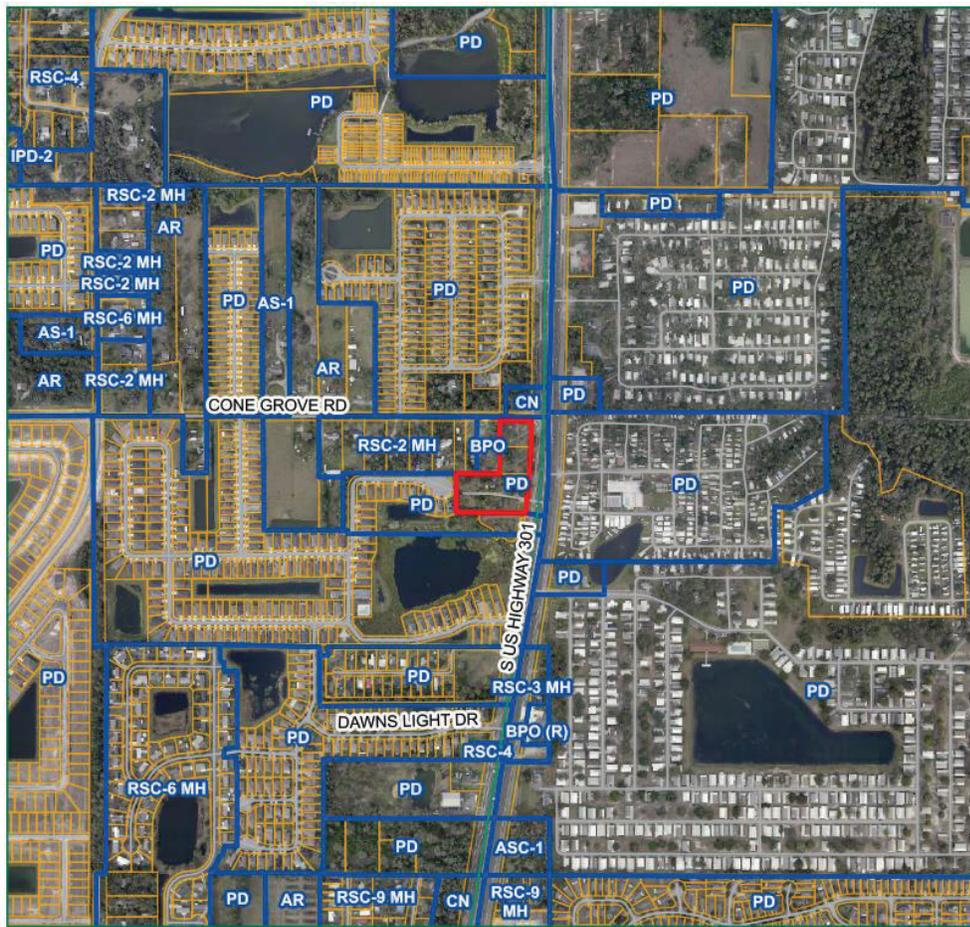




SM

## STAFF REPORT

<b>SUBJECT:</b>	MM 20-0898 RV/S	<b>PLANNING AREA:</b>	Riverview
<b>REQUEST:</b>	Major Modification to Approved Planned Development	<b>SECTOR</b>	South
<b>APPLICANT:</b>	TSP Companies, Inc.		
<b>Existing Zoning:</b> PD 18-1363		<b>Comp Plan Category:</b> SMU-6	



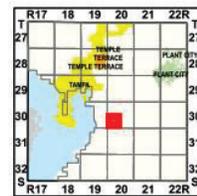
### General Aerial Zoning Map MM 20-0898

Folio: 77155.0000,  
77146.0000, 77146.0100

- Application Site
- Zoning Boundary
- Parcels



STR: 29-30-20



NOTE: Every reasonable effort has been made to assure the accuracy of this map. Hillsborough County does not assume any liability arising from use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of MERCHANTABILITY and FITNESS FOR A PARTICULAR PURPOSE. SOURCE: This map has been prepared for the Secretary of real property found with Hillsborough County and is compiled from recorded deeds, plans, and other public records. It has been based on BEST AVAILABLE data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Date: 06/23/2020 Path: C:\ZONING\GIS\Zoning\_Area.aprx

## Application Review Summary and Recommendation

### 1.0 Summary

#### 1.1 Project Narrative

The applicant is seeking a major modification to a Planned Development (PD 18-1363) in order to allow Commercial Neighborhood uses in the existing PD. The site is located on the southwest corner of US Hwy 301 and Cone Grove Road in Riverview. The site has a Future Land Use classification of Suburban Mixed Use SMU-6 and is 3.46 acres in size.



Figure 1 – Subject Site

PD 18-1363, most recently modified by PRS 19-0073, consists of three parcels and is approved today for a commercial site with a maximum of 2,500 square feet for a concession stand, 4 soccer fields and 3 sand volley ball courts. Lot development standards are those of the AR (Agricultural, Rural) zoning district. The site is also regulated by the General Site Plan indicating playfield placement and setbacks. The site is mostly vacant today.

Adjacent zoning and uses are:

LOCATION	ZONING	USE / APPROVED FOR
North	Commercial Neighborhood CN	Vacant
South	PD 06-1522	Approved for Res SF homes. Wetlands and FDOT Pond
East	PD ZC	Mobile Home Park
West	PD 06-1522	Residential uses

This MM would replace the commercial/recreational use/playfields with Commercial Neighborhood uses. The applicant proposes a site with two development Parcels: A and B. The new development would consist of 29,000 square feet of commercial uses developed with the standards of the CN (Commercial, Neighborhood) zoning district. The Parcels would be limited to below square footages:

Parcel A	10,000 sq ft of CN Uses split between 2 separate buildings
Parcel B	19,000 sq ft of CN Uses including a liquor store with a drive through window

In order to mitigate potential impacts to nearby residential uses, the applicant proposes use restrictions, the provision of buffers and screening, and building design standards compatible with the residential character of nearby neighborhoods. Additionally, buildings will be limited to a single story and the Floor Area Ratio will be capped at 0.20, which is the least intense FAR allowed in standard commercial zoning districts. Hours of operation will also be restricted Monday through Saturday from 9:00 AM to 11:00 PM, and Sunday from 11:00 AM to 11:00 PM .

The following commercial uses would be prohibited:

- Appliance Store (Small and Large),
- Automotive Supply Store,
- Bank/Credit Union,
- Car Wash Facilities,
- Convenience Store With or Without Gas Pumps,
- Free-Standing Taverns, Bars, Lounges, Nightclubs and Dance Halls,
- Funeral Homes and Mortuaries With or Without Accessory Crematoriums,
- Motor Vehicle Repair – Minor, Motor Vehicle Repair – Major, Motor Vehicle Repair – Neighborhood,
- Restaurants with Drive-Up Facilities,
- Sales, Rental and Service of New or Used Domestic Vehicles, Farm and Garden Equipment, Private Pleasure Crafts and Hobby Vehicles,
- Sales, Rental and Service of Recreational Vehicles,
- Service Station,
- Sexually Oriented Businesses,
- Small Motor Repair.

The proposed General Site Plan places the building in Parcel B more than 100 feet from residential areas to the west. A retention pond would also be placed between the residential uses and the project’s parking and building areas. The liquor store would include a drive thru window placed along to the south wall (facing an FDOT pond) and closest to the corner of the structure along US Hwy 301. The applicant, however, is proposing to prohibit the use of call/order boxes for any use to avoid noise impacts.

Both Parcels A and B will provide a 20-foot buffer along the west PD boundary. Parcel A is bounded by



The applicant proposes the following design standards for the buildings:

- The roof shall have a minimum pitch of three to twelve (3/12) and a maximum pitch of eight to twelve (8/12).
- Exterior walls shall be externally clad with brick, stone, stucco, wood slates or vinyl slat style siding. Unsurfaced cement or block shall not be utilized. Paint shall not constitute a surface for the purpose of this regulation.
- Buildings shall incorporate at least two (2) of the following design features on elevations facing roadways and/or parking areas: dormers, parapets, steeples, cupolas, intersecting roof lines, shutters, awnings, transoms, mullions, porches, columns, recessed entryways, arcades, porticos, pilasters or horizontal banding.
- At least 60 percent of the horizontal length of each building façade facing Cone Grove Road and U.S. Highway 301 shall be comprised of windows, shutters, transoms, awnings, porches, doors, recessed entryways, arcades, porticos and/or pilasters. Horizontal banding and other predominantly horizontal elements shall not contribute towards satisfaction of this requirement.
- Development on Parcel A will be split between two (2) buildings and limited to 20 feet in height.

The site will have one access point along US Hwy 301 from the east. Cross access is being proposed to the west in accordance with the Land Development Code.

## **1.2 Compliance Overview with Land Development Code and Technical Manuals**

The applicant has not requested any variations to Land Development Code (LDC) Parts 6.05.00 (Parking and Loading) and 6.07.00 (Fences/Walls). A PD variation is being requested from Parts 6.06.00 (Landscaping/Buffering).

The variation request is needed to allow a buffer along the PD's south boundary to be reduced from 20 to 6-feet where the PD abuts HOA and FDOT retention ponds. In the narrative, the applicant provides a similar justification as the parking reduction request given the configuration of the buildings, driveways and stormwater pond size which compress the site and limits the area available for buffer along the south. The applicant states that the variation is mitigated through enhanced design features by the allocation of a significant area of the site for stormwater management to increase the buffer between the proposed commercial uses and the residential uses to the west. The reduced buffer is requested adjacent to existing HOA and FDOT retention ponds; therefore, the reduced buffer will not negatively impact any sensitive uses.

Staff has reviewed the buffer/screening variation justifications submitted by the applicant per LDC Section 5.03.06.C.6 and finds they meet the criteria for approval. The adjacent properties to the south consist of common open space/wetlands and retention ponds owned by the Medford Lakes subdivision and FDOT respectively. Additionally, the 6-foot buffer will include a solid fence screening in accordance with the LDC Type B requirements.

The hearing master's recommendation for this application is required to include a finding on whether the requested variations meet the criteria for approval.

### 1.3 Evaluation of Existing and Planned Public Facilities

#### *Water Utilities*

This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.

#### *Transportation*

US 301 is a 6 lane divided state arterial. In the vicinity of the project, US301 has sidewalks and paved shoulders. Since improvements on US301 has already been done, no additional right of way is required to be preserved along US301. Cone Grove Rd is a 2-lane, undivided, local roadway characterized by +/- 10 foot travel lanes. There are no sidewalks, no bike lanes or paved shoulder on the side of the project. Adjacent to the project site, Cone Grove Rd lies within a +/- 50 foot wide right-of-way. Cone Grove Rd is not on the Hillsborough Corridor preservation plan. No additional ROW preservation is required.

Staff has no objections and has proposed one additional condition. No Design Exceptions or Administrative Variances are being requested.

#### *Impact Fees*

##### Estimated Fees

(Various use types allowed. Estimates are a sample of potential development)

Self-Storage (Per 1,000 s.f.) Mobility: \$449.00 Fire: \$34.00	Retail - Shopping Center (50k s.f. or less) (Per 1,000 s.f.) Mobility: \$8,382.00 Fire: \$313.00	Warehouse (Per 1,000 s.f.) Mobility: \$877.00 Fire: \$34.00
Retail - Conv Mkt. w/Gas (Per 1,000 s.f.) Mobility: \$29,658.00 Fire: \$313.00	Retail - Fast Food w/Drive Thru (Per 1,000 s.f.) Mobility: \$56,660.00 Fire: \$313.00	Retail - High Turnover Restaurant (Per 1,000 s.f.) Mobility: \$25,181.00 Fire: \$313.00

##### Project Summary/Description

Urban Mobility, South Fire - Commercial General - non-specific

### 1.4 Natural Resources/Environmental Issues

The Environmental Protection Commission (EPC) has reviewed the application and offers no objections, subject to conditions. In the site plan's current configuration, a resubmittal is not necessary.

### 1.5 Comprehensive Plan Consistency

Planning Commission staff finds the proposed modification **consistent** with the Future of Hillsborough Comprehensive Plan.

### 1.6 Compatibility

The surrounding area generally consists of residential uses. However, parcels zoned for non-residential

uses exist in close proximity to the north and northeast of the subject site, along US Highway 301, with Business Professional Office zoning adjacent to the northwest. Residential development is located to the west, south and east (mobile home park across Us Hwy 301). Nearby non-residential uses include a day care adjacent to the northwest, a vacant parcel zoned CN to the north across Cone Groce Rd, and a strip commercial shopping center with a 10,000 sq. ft. building, zoned PD 87-0043 across US Hwy 301 to the northeast.



Figure 3 - Surrounding Development Pattern

The proposed project's low intensity and scale would result in a development compatible with the area. The use restrictions would limit intense uses from the site and the provision of solid screening and buffers along residential uses would reduce impacts to neighboring residential uses. Moreover, the proposed screening along the west will meet the Type B landscaping required per Code, therefore, the level of screening achieved by the project would significantly reduce impacts to adjacent parcels to the west. Other measures to address compatibility with nearby residential uses include restrictions to building heights and design standards to maintain a residential character. The applicant also proposes a site plan demonstrating ample setbacks and location of ponds separating the buildings and parking areas from non-residential uses. Development standards would be those of the CN district, which would limit FAR to just .20 and impervious area of no more than 60%. Lastly, if a liquor store is developed in Parcel B, the drive thru window location would be placed closest to the road, away from residential single home uses with no order boxes allowed.

The reduction of the buffer along the south is justifiable since land adjacent consists of wetlands and FDOT ponds, therefore, no negative effect would result with this PD variation.

The site is located along a major arterial where non-residential uses, including office and commercial, are typical. The site is located in SMU-6 Future Land Use designation, a Mixed Use category which contemplates a mix of non-residential with residential uses. Given the proposed mitigations and restrictions imposed, in addition to existing low scale non-residential uses in the area comparable with the proposed project, Staff recommends approval of the request, with conditions.

### **1.9 Agency Comments**

The following agencies reviewed the application and have no objections:

- Conservation and Environmental Lands Management
- FDOT

### **1.8 Exhibits**

Exhibit 1: Zoning Map

Exhibit 2: Future Land Use Map

Exhibit 3: Current Certified Plan for PD 18-1363 (PRS 19-0773)

Exhibit 4: Proposed Site Plan 20-0898

### **2.0 Recommendation**

Staff recommends approval, subject to the following conditions.

#### **CONDITIONS:**

Prior to PD Site Plan Certification, the applicant shall revise the PD General Site Plan to:

1. Amend Data table to show the correct Max. Building Height of 20 ft.
2. Change the label stating "Future Cross Access Requested by FDOT" to read "Proposed Vehicular and Pedestrian Cross Access Stubout".

### **2.1 Recommended Conditions of Approval**

**Approval** - Approval of the request, subject to the conditions listed, is based on the revised general site plan submitted ~~April 15, 2019~~ January 14, 2021.

- ~~1. The project shall be permitted a maximum of 2,500 square feet for a concession stand, 4 soccer fields, and 3 sand volley ball courts and developed at the lot development standards of the AR (Agricultural, Rural) zoning district (unless otherwise stated herein). The dimensions of the 4 soccer fields shall be as shown on the submitted site plan.~~

~~1.1 A maximum 25 foot high safety net shall be provided around the soccer fields as shown on the submitted site plan.~~

- ~~2. A 20 foot buffer with an 8 foot vinyl fence and Type "B" screening shall be provided along the western property boundary.~~

- ~~3. The facility shall operate from 8:00 a.m. to 11:00 p.m.~~
- ~~4. Lighting shall be permitted and directed to playing fields and away from surrounding properties so as to avoid any adverse impacts to adjacent property owners.~~
- ~~5. Bleacher seating and outdoor loudspeakers shall not be utilized.~~
- ~~6. Access to the site is planned to be provided via a right-in/right-out driveway connection to U.S. Highway 301. Final location is contingent upon Florida Department of Transportation (FDOT) approval.~~
- ~~7. The developer shall construct a 5-foot wide sidewalk along the project's frontage on Cone Grove Road.~~
- ~~8. An evaluation of the property identified mature trees warranting preservation that may include grand oaks. The applicant is encourage to consult with Natural Resources staff.~~
- ~~9. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.~~
- ~~10. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1 11, Rules of the EPC, (Chapter 1 11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.~~
- ~~11. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / OSW line must be incorporated into the site plan. The wetland/OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).~~
- ~~12. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.~~
- ~~13. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise.~~
- ~~14. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.~~
- ~~15. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained~~

herein, and all applicable rules, regulations and ordinances of Hillsborough County.

~~16. Within 90 days of approval of PRS 19-0773 by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Development Services Development a revised General Development Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.~~

1. The project shall be permitted a maximum of 29,000 sq. ft. of CN uses with the following uses prohibited:

- Appliance Store (Small and Large),
- Automotive Supply Store,
- Bank/Credit Union,
- Car Wash Facilities,
- Convenience Store with or Without Gas Pumps,
- Free-Standing Taverns, Bars, Lounges, Nightclubs and Dance Halls,
- Funeral Homes and Mortuaries with or Without Accessory Crematoriums,
- Motor Vehicle Repair – Minor, Motor Vehicle Repair – Major, Motor Vehicle Repair – Neighborhood Servicing or Small Motor Repair.
- Restaurants with Drive-Up Facilities,
- Sales, Rental and Service of New or Used Domestic Vehicles, Farm and Garden Equipment,
- Private Pleasure Crafts and Hobby Vehicles, Sales, Rental and Service of Recreational Vehicles,
- Service Station,
- Gas Stations,
- Sexually Oriented Businesses.

Order boxes to be used for the ordering of food or beverages shall be prohibited. The drive-through window shall not be placed facing to the west or north and shall be limited to the location indicated on the General Site Plan.

2. Building area in Parcel A shall be limited to 10,000 sq. ft. Development on Parcel A shall be split between two (2) buildings. No individual building in Parcel A shall exceed 6,000 sq. ft. The building in Parcel B shall be limited to 19,000 sq. ft. in area. Buildings in Parcel B shall maintain a 100-foot setback from the residential PD to the west.

3. Development standards shall be those of the CN zoning district, unless otherwise specified herein or the General Site Plan. Maximum building height shall be 20 feet/1 story.

4. Buildings shall provide the following design features:

- Pitched roofs shall have a minimum pitch of three to twelve (3/12) and a maximum pitch of eight to twelve (8/12). On flat roofs, a cornice a minimum of 12 inches in height shall be provided.

- Exterior walls shall be externally clad with brick, stone, stucco, wood slates or vinyl slat style siding. Unsurfaced cement of block shall not be utilized. Paint shall not constitute a surface for the purpose of this regulation.
- Buildings shall incorporate at least two (2) of the following design features on elevations facing roadways and/or parking areas: dormers, parapets, steeples, cupolas, intersecting roof lines, shutters, awnings, transoms, mullions, porches, columns, recessed entryways, arcades, porticos, pilasters or horizontal banding.
- At least 60 percent of the horizontal length of each building façade facing Cone Grove Road and U.S. Highway 301 shall be comprised of windows, shutters, transoms, awnings, porches, doors, recessed entryways, arcades, porticos and/or pilasters. Horizontal banding and other predominantly horizontal elements shall not contribute towards satisfaction of this requirement.

5. Buffering and screening shall be as follows:

5.1 Along the west parcel lines, a 20-foot buffer shall be maintained as indicated in the General Site Plan. A 6-foot high, solid PVC fence shall be provided. Additionally, landscaping shall consist of a row of evergreen shade trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line.

5.2 Along the south of boundary of Parcel B, a 6-foot high, PVC fence shall be provided in addition to Type B screening.

5.3 Off-Street Vehicular Use Areas shall be in accordance with the Land Development Code.

6. All lighting shall be directed away from the single-family residences and shall be shielded in accordance with LDC Section 6.10.00.

7. Hours of operation shall be restricted Monday through Saturday from 9:00 AM to 11:00 PM, and Sunday from 11:00 AM to 11:00 PM .

8. Parking and loading shall be in accordance with the LDC Part 6.05.00.

9. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals..

10. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property..

11. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water

boundaries and approval by the appropriate regulatory agencies.

- 12. Access to the site is planned to be provided via a right-in/right-out driveway connection to U.S. Highway 301. Final location is contingent upon Florida Department of Transportation (FDOT) approval.
- 13. The developer shall construct a 5-foot wide sidewalk along the project's frontage on Cone Grove Road.
- 14. The developer shall construct a vehicular and pedestrian cross access stubout along its western boundary (with folio 077150.0000) as generally shown on the PD site plan.
- 15. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
- 16. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.

**Staff's Recommendation: Approvable, Subject to Conditions**

Zoning  
Administrator  
Sign-off:



J. Brian Grady  
Wed Feb 3 2021 15:30:04

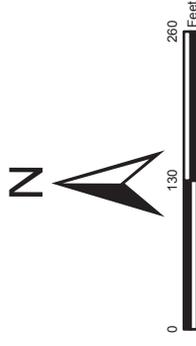


# Immediate Aerial Zoning Map

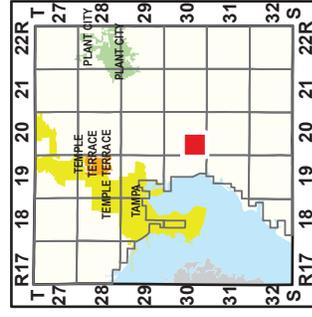
## MM 20-0898

Folio: 77155.0000,  
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-  Application Site
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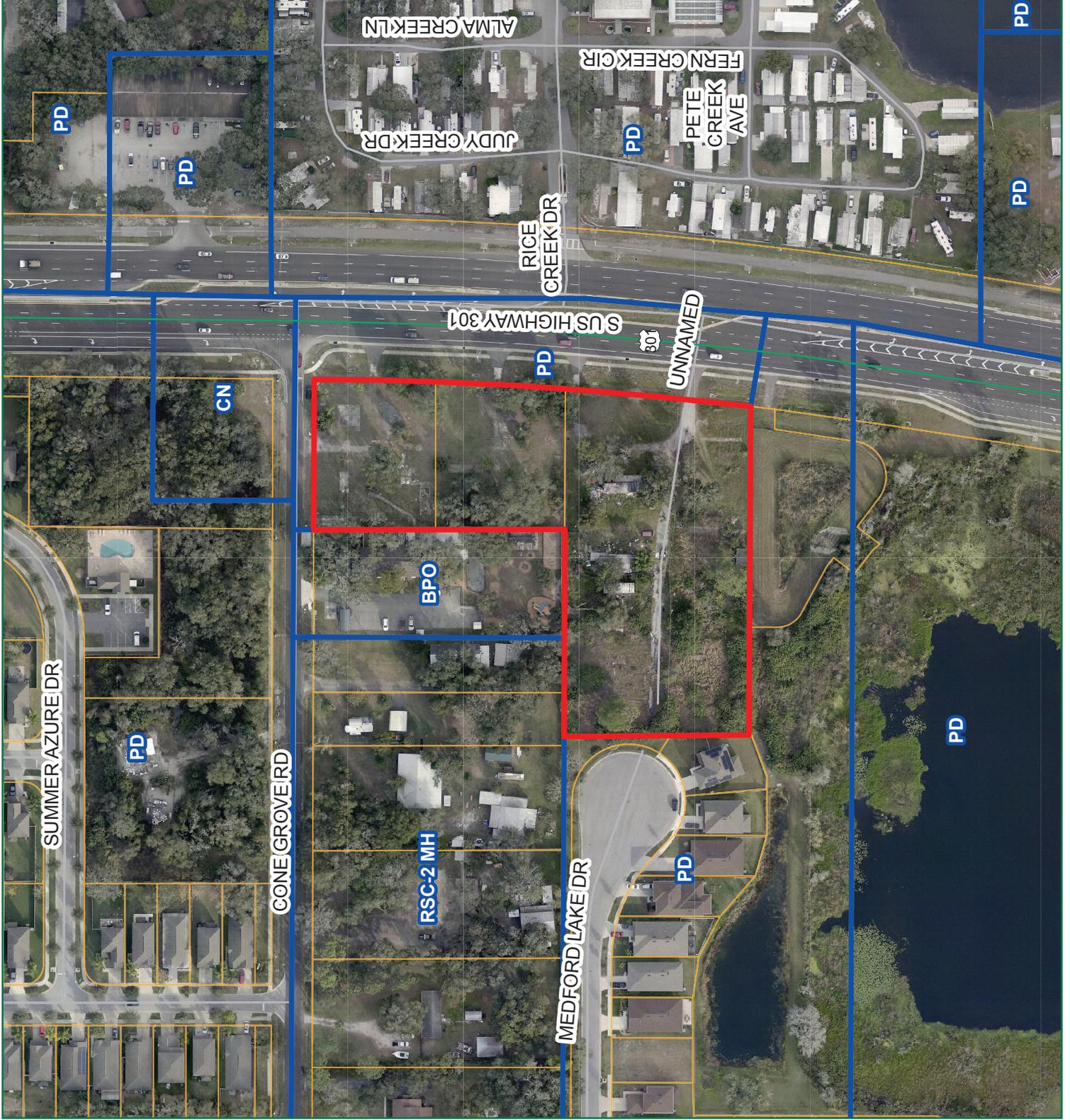


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**COUNTY OF HILLSBOROUGH  
LAND USE HEARING OFFICER'S RECOMMENDATION**

<b>Application number:</b>	MM 20-0898
<b>Hearing date:</b>	February 15, 2021
<b>Applicant:</b>	TSP Companies, Inc.
<b>Request:</b>	Major modification to a Planned Development (PD 18-1363) to allow Commercial Neighborhood uses in the existing PD.
<b>Location:</b>	Southwest corner of US Highway 301 and Cone Grove Road, Riverview
<b>Parcel size:</b>	3.46 acres
<b>Existing zoning:</b>	PD 18-1363
<b>Future land use designation:</b>	Suburban Mixed Use-6 (6 du/ga; 0.25 FAR)
<b>Service area:</b>	Urban
<b>Community planning area:</b>	Riverview, Southshore Areawide Systems

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

## Application Review Summary and Recommendation

### 1.0 Summary

#### 1.1 Project Narrative

The applicant is seeking a major modification to a Planned Development (PD 18-1363) in order to allow Commercial Neighborhood uses in the existing PD. The site is located on the southwest corner of US Hwy 301 and Cone Grove Road in Riverview. The site has a Future Land Use classification of Suburban Mixed Use SMU-6 and is 3.46 acres in size.



Figure 1 – Subject Site

PD 18-1363, most recently modified by PRS 19-0073, consists of three parcels and is approved today for a commercial site with a maximum of 2,500 square feet for a concession stand, 4 soccer fields and 3 sand volley ball courts. Lot development standards are those of the AR (Agricultural, Rural) zoning district. The site is also regulated by the General Site Plan indicating playfield placement and setbacks. The site is mostly vacant today.

APPLICATION: MM 20-0898

ZHM HEARING DATE: February 15, 2021

BOCC MEETING DATE: April 13, 2021

CASE REVIEWER: Israel Monsanto

Adjacent zoning and uses are:

LOCATION	ZONING	USE / APPROVED FOR
North	Commercial Neighborhood CN	Vacant
South	PD 06-1522	Approved for Res SF homes. Wetlands and FDOT Pond
East	PD ZC	Mobile Home Park
West	PD 06-1522	Residential uses

This MM would replace the commercial/recreational use/playfields with Commercial Neighborhood uses. The applicant proposes a site with two development Parcels: A and B. The new development would consist of 29,000 square feet of commercial uses developed with the standards of the CN (Commercial, Neighborhood) zoning district. The Parcels would be limited to below square footages:

Parcel A	10,000 sq ft of CN Uses split between 2 separate buildings
Parcel B	19,000 sq ft of CN Uses including a liquor store with a drive through window

In order to mitigate potential impacts to nearby residential uses, the applicant proposes use restrictions, the provision of buffers and screening, and building design standards compatible with the residential character of nearby neighborhoods. Additionally, buildings will be limited to a single story and the Floor Area Ratio will be capped at 0.20, which is the least intense FAR allowed in standard commercial zoning districts. Hours of operation will also be restricted Monday through Saturday from 9:00 AM to 11:00 PM, and Sunday from 11:00 AM to 11:00 PM .

The following commercial uses would be prohibited:

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- Motor Vehicle Repair – Minor, Motor Vehicle Repair – Major, Motor Vehicle Repair – Neighborhood,
- Restaurants with Drive-Up Facilities,
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- Sales, Rental and Service of Recreational Vehicles,
- Service Station,
- Sexually Oriented Businesses,
- Small Motor Repair.

The proposed General Site Plan places the building in Parcel B more than 100 feet from residential areas to the west. A retention pond would also be placed between the residential uses and the project's parking and building areas. The liquor store would include a drive thru window placed along to the south wall (facing an FDOT pond) and closest to the corner of the structure along US Hwy 301. The applicant, however, is proposing to prohibit the use of call/order boxes for any use to avoid noise impacts.

Both Parcels A and B will provide a 20-foot buffer along the west PD boundary. Parcel A is bounded by

property zoned BPO (office professional) where a day care operates today. Residential neighborhoods are adjacent to Parcel B to the west. The screening along the west would include a solid PVC fence in addition to Type B landscaping (a row of evergreen shade trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line). The fence will also extend along the south, adjacent to an FDOT pond and wetlands.

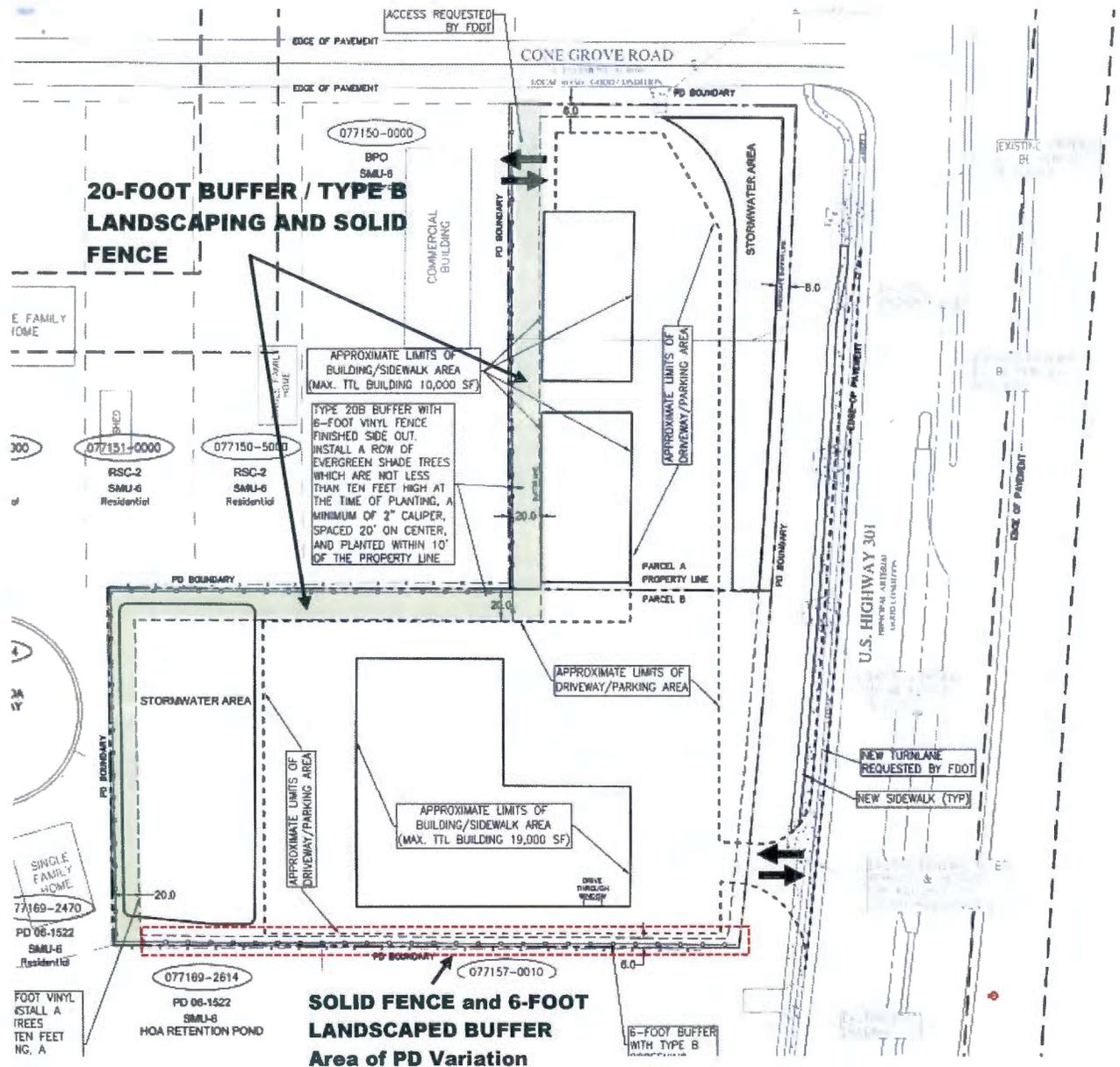


Figure 2 – Proposed PD Plan

The applicant proposes the following design standards for the buildings:

- The roof shall have a minimum pitch of three to twelve (3/12) and a maximum pitch of eight to twelve (8/12).
- Exterior walls shall be externally clad with brick, stone, stucco, wood slates or vinyl slat style siding. Unsurfaced cement or block shall not be utilized. Paint shall not constitute a surface for the purpose of this regulation.
- Buildings shall incorporate at least two (2) of the following design features on elevations facing roadways and/or parking areas: dormers, parapets, steeples, cupolas, intersecting roof lines, shutters, awnings, transoms, mullions, porches, columns, recessed entryways, arcades, porticos, pilasters or horizontal banding.
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- Development on Parcel A will be split between two (2) buildings and limited to 20 feet in height.

The site will have one access point along US Hwy 301 from the east. Cross access is being proposed to the west in accordance with the Land Development Code.

### **1.2 Compliance Overview with Land Development Code and Technical Manuals**

The applicant has not requested any variations to Land Development Code (LDC) Parts 6.05.00 (Parking and Loading) and 6.07.00 (Fences/Walls). A PD variation is being requested from Parts 6.06.00 (Landscaping/Buffering).

The variation request is needed to allow a buffer along the PD's south boundary to be reduced from 20 to 6-feet where the PD abuts HOA and FDOT retention ponds. In the narrative, the applicant provides a similar justification as the parking reduction request given the configuration of the buildings, driveways and stormwater pond size which compress the site and limits the area available for buffer along the south. The applicant states that the variation is mitigated through enhanced design features by the allocation of a significant area of the site for stormwater management to increase the buffer between the proposed commercial uses and the residential uses to the west. The reduced buffer is requested adjacent to existing HOA and FDOT retention ponds; therefore, the reduced buffer will not negatively impact any sensitive uses.

Staff has reviewed the buffer/screening variation justifications submitted by the applicant per LDC Section 5.03.06.C.6 and finds they meet the criteria for approval. The adjacent properties to the south consist of common open space/wetlands and retention ponds owned by the Medford Lakes subdivision and FDOT respectively. Additionally, the 6-foot buffer will include a solid fence screening in accordance with the LDC Type B requirements.

The hearing master's recommendation for this application is required to include a finding on whether the requested variations meet the criteria for approval.

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

#### *Water Utilities*

This site is located within the Hillsborough County Urban Service Area, therefore the subject property

should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.

*Transportation*

~~US 301 is a 6 lane divided state arterial. In the vicinity of the project, US301 has sidewalks and paved shoulders. Since improvements on US301 has already been done, no additional right of way is required to be preserved along US301. Cone Grove Rd is a 2 lane, undivided, local roadway characterized by +/- 10 foot travel lanes. There are no sidewalks, no bike lanes or paved shoulder on the side of the project. Adjacent to the project site, Cone Grove Rd lies within a +/- 50 foot wide right of way. Cone Grove Rd is not on the Hillsborough Corridor preservation plan. No additional ROW preservation is required.~~  
US 301 is a 6-lane, divided, principal arterial roadway characterized by +/- 11-foot wide travel lanes in above average condition. The roadway is owned and maintained by the Florida Department of Transportation (FDOT). The roadway lies within a +/- 200-foot wide right-of-way along the project's frontage. There are +/- 6-foot wide bicycle lanes present along US 301 in the vicinity of the proposed project. There are +/- 5-foot wide sidewalks along the west side of US 301 and a +/- 12-foot wide multi-purpose pathway along the east side of US 301 in the vicinity of the proposed project. Although the roadway is shown on the Hillsborough County Corridor Preservation Plan as a future 6-lane roadway, it is currently in its buildout configuration (6-lanes). As such, no additional right-of-way preservation is required.

**ROADWAY LEVEL OF SERVICE**

Level of Service (LOS) information is reported below.

Roadway	From	To	LOS Standard	Peak Hour Directional LOS
US 301	Rhodine Rd.	Gibsonton Dr.	D	C

Source: Hillsborough County 2019 Level of Service Report.

Staff has no objections and has proposed one additional condition. No Design Exceptions or Administrative Variances are being requested.

*Impact Fees*

Estimated Fees

(Various use types allowed. Estimates are a sample of potential development)

Self-Storage (Per 1,000 s.f.) Mobility: \$449.00 Fire: \$34.00	Retail - Shopping Center (50k s.f. or less) (Per 1,000 s.f.) Mobility: \$8,382.00 Fire: \$313.00	Warehouse (Per 1,000 s.f.) Mobility: \$877.00 Fire: \$34.00
Retail - Conv Mkt. w/Gas (Per 1,000 s.f.) Mobility: \$29,658.00 Fire: \$313.00	Retail - Fast Food w/Drive Thru (Per 1,000 s.f.) Mobility: \$56,660.00 Fire: \$313.00	Retail - High Turnover Restaurant (Per 1,000 s.f.) Mobility: \$25,181.00 Fire: \$313.00

Project Summary/Description

Urban Mobility, South Fire - Commercial General - non-specific

**1.4 Natural Resources/Environmental Issues**

The Environmental Protection Commission (EPC) has reviewed the application and offers no objections, subject to conditions. In the site plan's current configuration, a resubmittal is not necessary.

**1.5 Comprehensive Plan Consistency**

Planning Commission staff finds the proposed modification **consistent** with the Future of Hillsborough Comprehensive Plan.

**1.6 Compatibility**

The surrounding area generally consists of residential uses. However, parcels zoned for non-residential uses exist in close proximity to the north and northeast of the subject site, along US Highway 301, with Business Professional Office zoning adjacent to the northwest. Residential development is located to the west, south and east (mobile home park across US Hwy 301). Nearby non-residential uses include a day care adjacent to the northwest, a vacant parcel zoned CN to the north across Cone Groce Rd, and a strip commercial shopping center with a 10,000 sq. ft. building, zoned PD 87-0043 across US Hwy 301 to the northeast.

The proposed project's low intensity and scale would result in a development compatible with the area. The use restrictions would limit intense uses from the site and the provision of solid screening and buffers along residential uses would reduce impacts to neighboring residential uses. Moreover, the proposed screening along the west will meet the Type B landscaping required per Code, therefore, the level of screening achieved by the project would significantly reduce impacts to adjacent parcels to the west. Other measures to address compatibility with nearby residential uses include restrictions to building heights and design standards to maintain a residential character. The applicant also proposes a site plan demonstrating ample setbacks and location of ponds separating the buildings and parking areas from non-residential uses. Development standards would be those of the CN district, which would limit FAR to just .20 and impervious area of no more than 60%. Lastly, if a liquor store is developed in Parcel B, the drive thru window location would be placed closest to the road, away from residential single home uses with no order boxes allowed.

The reduction of the buffer along the south is justifiable since land adjacent consists of wetlands and FDOT ponds, therefore, no negative effect would result with this PD variation.

The site is located along a major arterial where non-residential uses, including office and commercial, are typical. The site is located in SMU-6 Future Land Use designation, a Mixed Use category which contemplates a mix of non-residential with residential uses. Given the proposed mitigations and restrictions imposed, in addition to existing low scale non-residential uses in the area comparable with the proposed project, Staff recommends approval of the request, with conditions.



Figure 3 - Surrounding Development Pattern

### 1.9 Agency Comments

The following agencies reviewed the application and have no objections:

- Conservation and Environmental Lands Management
- FDOT

### 1.8 Exhibits

Exhibit 1: Zoning Map

Exhibit 2: Future Land Use Map

Exhibit 3: Current Certified Plan for PD 18-1363 (PRS 19-0773)

Exhibit 4: Proposed Site Plan 20-0898

### 2.0 Recommendation

Staff recommends approval, subject to the following conditions.

#### CONDITIONS:

Prior to PD Site Plan Certification, the applicant shall revise the PD General Site Plan to:

1. Amend Data table to show the correct Max. Building Height of 20 ft.
2. Change the label stating "Future Cross Access Requested by FDOT" to read "Proposed Vehicular and Pedestrian Cross Access Stubout".

### 2.1 Recommended Conditions of Approval

**Approval** - Approval of the request, subject to the conditions listed, is based on the revised general site

plan submitted April 15, 2019 January 14, 2021.

1. ~~The project shall be permitted a maximum of 2,500 square feet for a concession stand, 4 soccer fields, and 3 sand volley ball courts and developed at the lot development standards of the AR (Agricultural, Rural) zoning district (unless otherwise stated herein). The dimensions of the 4 soccer fields shall be as shown on the submitted site plan.~~
  - 1.1 ~~A maximum 25-foot high safety net shall be provided around the soccer fields as shown on the submitted site plan.~~
2. ~~A 20-foot buffer with an 8-foot vinyl fence and Type "B" screening shall be provided along the western property boundary.~~
3. ~~The facility shall operate from 8:00 a.m. to 11:00 p.m.~~
4. ~~Lighting shall be permitted and directed to playing fields and away from surrounding properties so as to avoid any adverse impacts to adjacent property owners.~~
5. ~~Bleacher seating and outdoor loudspeakers shall not be utilized.~~
6. ~~Access to the site is planned to be provided via a right-in/right-out driveway connection to U.S. Highway 301. Final location is contingent upon Florida Department of Transportation (FDOT) approval.~~
7. ~~The developer shall construct a 5-foot wide sidewalk along the project's frontage on Cone Grove Road.~~
8. ~~An evaluation of the property identified mature trees warranting preservation that may include grand oaks. The applicant is encourage to consult with Natural Resources staff.~~
9. ~~Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.~~
10. ~~The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.~~
11. ~~Prior to the issuance of any building or land alteration permits or other development, the approved wetland / OSW line must be incorporated into the site plan. The wetland/OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).~~

- ~~12. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.~~
- ~~13. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise.~~
- ~~14. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.~~
- ~~15. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations and ordinances of Hillsborough County.~~
- ~~16. Within 90 days of approval of PRS 19-0773 by the Hillsborough County Board of County Commissioners, the applicant shall submit to the Development Services Department a revised General Development Plan for certification which conforms the notes and graphic of the plan to the conditions outlined above and the Land Development Code (LDC). Subsequent to certification of the plan, if it is determined the certified plan does not accurately reflect the conditions of approval or requirements of the LDC, said plan will be deemed invalid and certification of the revised plan will be required.~~
1. The project shall be permitted a maximum of 29,000 sq. ft. of CN uses with the following uses prohibited:
- Appliance Store (Small and Large),
  - Automotive Supply Store,
  - Bank/Credit Union,
  - Car Wash Facilities,
  - Convenience Store with or Without Gas Pumps,
  - Free-Standing Taverns, Bars, Lounges, Nightclubs and Dance Halls,
  - Funeral Homes and Mortuaries with or Without Accessory Crematoriums,
  - Motor Vehicle Repair – Minor, Motor Vehicle Repair – Major, Motor Vehicle Repair – Neighborhood Servicing or Small Motor Repair.
  - Restaurants with Drive-Up Facilities,
  - Sales, Rental and Service of New or Used Domestic Vehicles, Farm and Garden Equipment,
  - Private Pleasure Crafts and Hobby Vehicles, Sales, Rental and Service of Recreational Vehicles,
  - Service Station,
  - Gas Stations,
  - Sexually Oriented Businesses.

Order boxes to be used for the ordering of food or beverages shall be prohibited. The drive-through window shall not be placed facing to the west or north and shall be limited to the location indicated on the General Site Plan.

2. Building area in Parcel A shall be limited to 10,000 sq. ft. Development on Parcel A shall be split between two (2) buildings. No individual building in Parcel A shall exceed 6,000 sq. ft. The building in Parcel B shall be limited to 19,000 sq. ft. in area. Buildings in Parcel B shall maintain a 100-foot setback from the residential PD to the west.
3. Development standards shall be those of the CN zoning district, unless otherwise specified herein or the General Site Plan. Maximum building height shall be 20 feet/1 story.
4. Buildings shall provide the following design features:
  - Pitched roofs shall have a minimum pitch of three to twelve (3/12) and a maximum pitch of eight to twelve (8/12). On flat roofs, a cornice a minimum of 12 inches in height shall be provided.
  - Exterior walls shall be externally clad with brick, stone, stucco, wood slates or vinyl slat style siding. Unsurfaced cement or block shall not be utilized. Paint shall not constitute a surface for the purpose of this regulation.
  - Buildings shall incorporate at least two (2) of the following design features on elevations facing roadways and/or parking areas: dormers, parapets, steeples, cupolas, intersecting roof lines, shutters, awnings, transoms, mullions, porches, columns, recessed entryways, arcades, porticos, pilasters or horizontal banding.
  - At least 60 percent of the horizontal length of each building façade facing Cone Grove Road and U.S. Highway 301 shall be comprised of windows, shutters, transoms, awnings, porches, doors, recessed entryways, arcades, porticos and/or pilasters. Horizontal banding and other predominantly horizontal elements shall not contribute towards satisfaction of this requirement.
5. Buffering and screening shall be as follows:
  - 5.1 Along the west parcel lines, a 20-foot buffer shall be maintained as indicated in the General Site Plan. A 6-foot high, solid PVC fence shall be provided. Additionally, landscaping shall consist of a row of evergreen shade trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, and are spaced not more than 20 feet apart. The trees are to be planted within ten feet of the property line.
  - 5.2 Along the south of boundary of Parcel B, a 6-foot high, PVC fence shall be provided in addition to Type B screening.
  - 5.3 Off-Street Vehicular Use Areas shall be in accordance with the Land Development Code.
6. All lighting shall be directed away from the single-family residences and shall be shielded in accordance with LDC Section 6.10.00.
7. Hours of operation shall be restricted Monday through Saturday from 9:00 AM to 11:00 PM, and Sunday from 11:00 AM to 11:00 PM .
8. Parking and loading shall be in accordance with the LDC Part 6.05.00.

9. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals..
10. The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property..
11. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
12. Access to the site is planned to be provided via a right-in/right-out driveway connection to U.S. Highway 301. Final location is contingent upon Florida Department of Transportation (FDOT) approval.
13. The developer shall construct a 5-foot wide sidewalk along the project's frontage on Cone Grove Road.
14. The developer will be required to construct a southbound to westbound right turn lane on US 301 into the project driveway. Design of the turn lane will be subject to review and approval of the Florida Department of Transportation (FDOT).
145. The developer shall construct a vehicular and pedestrian cross access stubout along its western boundary (with folio 077150.0000) as generally shown on the PD site plan.
156. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.
167. The Development of the project shall proceed in strict accordance with the terms and conditions contained in the Development Order, the General Site Plan, the land use conditions contained herein, and all applicable rules, regulations, and ordinances of Hillsborough County.

**Staff's Recommendation: Approvable, Subject to Conditions**

APPLICATION: MM 20-0898

ZHM HEARING DATE: February 15, 2021

BOCC MEETING DATE: April 13, 2021

CASE REVIEWER: Israel Monsanto

<p>Zoning Administrator Sign-off:</p>	 <p>J. Brian Grady Wed Feb 3 2021 15:30:04</p>
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## B. HEARING SUMMARY

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

### **Applicant**

Mr. David Wright spoke on behalf of the applicant. Mr. Wright thanked County and Planning Commission staff for working with the applicant on this request so the applicant could present a development proposal that is compatible with the development pattern of the surrounding area. He stated he is presenting a request for a major modification to a planned development to allow Commercial Neighborhood uses within the existing PD.

Mr. Wright stated the 3.46-acre subject property is located at the southwest corner of US Highway 301 and Cone Grove Road in Riverview and has a Future Land Use classification of Suburban Mixed-Use, SMU-6. He stated the intent of SMU-6 is urban-suburban in intensity and density of uses, with the maximum FAR of .25, which would allow up to 37,679 square feet. He stated the requested CN uses are proposed to replace the existing commercial recreational use and are proposed to be split between two development parcels, with Parcel A consisting of up to 10,000 square feet of CN uses and Parcel B consisting of up to 19,000 square feet of CN uses including a liquor store with a drive-through window. Mr. Wright stated the request for 29,000 square feet of CN uses is well below the maximum allowed in the SMU-6 Future Land Use category.

Mr. Wright noted the subject property was previously approved for a 2-COP Alcoholic Beverage Permit and the applicant will be required to submit a separate application for a Special Use Alcoholic Beverage Permit for operation of the liquor store if the major modification is approved. He stated the applicant worked extensively with Development Services and Planning Commission staff to mitigate potential impacts to nearby residential uses. Mr. Wright stated the mitigation measures as depicted on the proposed PD general site plan and in the proposed conditions of approval include use restrictions that prohibit higher intensity uses, buffers and screening, single-story building height restrictions, building design standards compatible with the residential character of the nearby neighborhood, and a FAR limitation to .20, which is the least intense FAR allowed in a commercial zoning district. Mr. Wright stated there will be conditions restricting hours of operation and prohibiting call or order boxes at the drive-through pickup window.

Mr. Wright stated the applicant is requesting a PD variation to the LDC's buffer requirement along the PD south boundary. He stated the requested variation is to reduce the required 20-foot buffer to six feet. He explained the reduced buffer is mitigated through enhanced design features by allocation of a significant area of the site for stormwater management to increase the buffer between the proposed commercial uses and the residential uses to the west. Mr. Wright stated the adjacent property south of the subject property is developed as HOA and FDOT retention ponds so the reduced buffer will not negatively impact any sensitive uses. He stated Development Services staff supports approval of the variation.

Mr. Wright stated the applicant met with FDOT staff and county Transportation staff to obtain their input on the proposed access to the public road network. He stated that, based on staff input, the applicant is proposing a single access point connecting to Highway 301 as depicted on the general site plan. He stated the proposed access to Highway 301 is located at the southern end of the subject property's Highway 301 frontage at the request of FDOT staff to maximize the separation between Cone Grove Road and the proposed project driveway.

Mr. Wright stated he is aware of the additional transportation condition that is being submitted into the record at the hearing, which will require the developer to construct a right turn lane on Highway 301 into the project's driveway. He stated the applicant agrees to this condition and understands FDOT requires the turn lane.

Mr. Wright stated Planning Commission staff reviewed the major modification request, which includes a waiver to the comprehensive plan's commercial locational criteria, and found the request to be consistent with the comprehensive plan. He stated Planning Commission staff recommends approval of the commercial locational criteria waiver based on the mitigation factors provided in the proposed site plan and conditions of approval.

Mr. Wright stated the Planning Commission staff report states the proposed major modification would facilitate growth in the Urban Services Area, support the vision of the Riverview Community Plan, and allow development that is consistent with the goals, objectives, and policies of the comprehensive plan's Future land Use Element.

Mr. Wright stated the application is presented with a recommendation of approval subject to conditions from the Hillsborough County Development Services Department and no objections from any of the county's reviewing departments, including Transportation and the Environmental Protection Commission. He stated Planning Commission staff found the request to be consistent with the comprehensive plan, and the applicant prepared a thorough and professional application package in compliance with the LDC and comprehensive plan. Mr. Wright stated the applicant provided notice to surrounding property owners in accordance with the LDC requirements. He stated no citizens contacted the applicant with any objections to the requested PD modification and there are no objections from any parties of record.

Mr. Wright asked the hearing officer for a recommendation of approval and stated he is available for questions. Mr. Wright ended his presentation.

#### **Development Services Department**

Mr. Grady announced he distributed a revised transportation comment and revised staff report reflecting the additional condition. The hearing officer acknowledged receiving the revised report.

Mr. Israel Monsanto, Hillsborough County Development Services Department, presented a summary of the findings and analysis as detailed in the staff report previously submitted into the record.

Mr. Monsanto noted the applicant has requested a PD variation to LDC part 6.06.00 pertaining to landscaping and buffering. He explained the requested variation is along the subject parcel's southern boundary adjacent to HOA and FDOT retention ponds and wetlands. He stated the request is to reduce the buffer from 20 feet as required by the LDC to just six feet. Mr. Monsanto stated Development Services staff has reviewed the applicant's variance justifications and found the justifications meet the LDC section 5.03.06.C.6. approval criteria. Mr. Monsanto stated the hearing officer's recommendation is required to include findings on whether the requested variations meet the variance approval criteria.

Mr. Monsanto stated the Planning Commission staff found the proposed major modification consistent with the comprehensive plan. He stated that considering the mitigations, restrictions, and low scale nonresidential uses in the surrounding area with which the proposed project is compatible, Development Services staff recommends approval of the major modification with conditions.

### **Planning Commission**

Ms. Melissa Lienhard, Hillsborough County City-County Planning Commission, presented a summary of the findings and analysis as detailed in the Planning Commission report previously submitted into the record.

Ms. Lienhard noted the subject property does not meet commercial locational criteria and the applicant has requested a waiver. She stated Planning Commission reviewed the waiver request and found the site does front on and has full access to US Highway 301, which is an arterial roadway. Ms. Lienhard discussed several comprehensive plan policies applicable to the waiver request, and stated Planning Commission staff recommends the Board of County Commissioners approve the waiver.

Ms. Lienhard stated Planning Commission staff finds the proposed major modification consistent with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to the conditions proposed by Development Services.

### **Proponents**

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

### **Opponents**

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

### **Development Services Department**

Mr. Grady stated Development Services had no further comments.

### **Applicant Rebuttal**

Mr. Wright stated the applicant had nothing further.

### **C. EVIDENCE SUBMITTED**

Mr. Grady submitted into the record at the hearing a revised Development Services staff report and Transportation Department agency review comment sheet.

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

1. The subject property consists of approximately 3.46 acres of mostly vacant land and is located on the southwest corner of US Highway 301 and Cone Grove Road in Riverview.
2. The subject property is currently zoned PD 18-1363, most recently modified by PRS 19-0073. The subject property consists of three parcels approved for commercial development of a maximum of 2,500 square feet for a concession stand, 4 soccer fields, and 3 sand volleyball courts.
3. The subject property is the Urban Services Area and is within the boundaries of the Riverview and SouthShore Areawide Systems Community Plans. The subject property is designated SMU-6 on the Future Land Use Map.
4. The applicant requests a major modification to PD 18-1363 to allow Commercial Neighborhood uses in lieu of the commercial, recreational, and playfield uses. The proposed modification would consist of two development parcels with a total of 29,000 square feet of commercial uses meeting CN zoning standards.
5. The applicant proposes two development parcels. Parcel A would allow 10,000 square feet of CN uses split between two buildings. Parcel B would allow 19,000 square feet of CN uses including a liquor store with a drive through window. The applicant proposes use restrictions, buffering and screening, and building designs compatible with the residential character of nearby neighborhoods. Buildings will be limited to a single story, and the FAR will be capped at .20. Hours of operation will be restricted to Monday through Saturday from 9:00 a.m. to 11:00 p.m., and Sunday from 11:00 a.m. to 11:00 p.m. Other restrictions and conditions are set out in the Development Services staff report and on the PD site plan.
6. Surrounding land uses and zonings include vacant land zoned CN to the north, land approved for single-family residential development zoned PD 06-1522 to the south, a mobile home park zoned PD ZC to the east, and residential uses zoned PD 06-1522 to the west. The land abutting the subject property to the south consists of drainage and retention pond areas owned by FDOT and a homeowners' association.
7. The subject property does not meet commercial locational criteria. The applicant has requested a waiver, which Planning Commission staff reviewed. Planning

Commission staff recommend the Board of County Commissioners approve the commercial locational criteria waiver request.

8. The proposed major modification, with the approval conditions set out in the revised Development Services staff report, will allow development that is compatible with the existing zoning and development pattern of the surrounding area.
9. The proposed major modification is consistent with the SMU-6 Future Land Use designation and furthers the objectives, policies, land uses, and densities or intensities in the comprehensive plan and the vision of the Riverview Community Plan.
10. The applicant has requested a variation from LDC part 6.06.00, Landscaping and Buffering Requirements to allow the buffer along the subject property's south boundary to be reduced to 6-feet with Type B screening where the subject property abuts drainage and retention ponds owned by FDOT and a homeowners' association. LDC section 5.03.06.C.6.d. requires the Land Use Hearing Officer to include a finding whether the requested variations meet the criteria enumerated at LDC section 5.03.06.C.6.b.

**Findings on LDC 5.03.06.C.6.b. variation criteria:**

- 1. The variation is necessary to achieve creative, innovative, and/or mixed-use development that could not be accommodated by strict adherence to current regulations.**

Yes. The buildings have been situated on two parcels to ensure compatibility with adjacent land uses, which include a childcare facility adjacent to the northwest corner of Parcel A and the single-family development west of the subject property. The site plan depicts a stormwater area located on the west portion of Parcel B, creating a substantial buffer adjacent to single-family uses to the west. South of the subject property adjacent to the proposed reduced buffer are stormwater drainage and retention areas owned by FDOT and a homeowners' association. The variance will allow the commercial uses on the subject property to be located optimally to reduce impacts to adjacent land uses.

- 2. The variation is mitigated through enhanced design features that are proportionate to the degree of variation.**

Yes. The site plan depicts a stormwater pond on the west portion of Parcel B, creating a substantial buffer adjacent to residential development west of the subject property. The variation will allow a reduced buffer along the subject property's south border adjacent to stormwater drainage and retention areas owned by FDOT and a homeowners' association. The six-foot buffer will include solid fence screening in accord with LDC Type B

screening requirements. The reduced buffer will not negatively impact adjacent properties or residential uses.

**3. The variation is in harmony with the purpose and intent of the Hillsborough County Land Development Code.**

Yes. The variation will allow a reduced buffer in an area of the subject property that is adjacent to stormwater drainage and retention areas owned by FDOT and a homeowners' association. The reduced buffer will not negatively impact adjacent properties or residential uses. The variation is in harmony with and serves the intent of the LDC by maintaining quality of development and protecting the health, safety, welfare, and general well-being of Hillsborough County citizens.

**4. The variation will not substantially interfere with or injure the rights of adjacent property owners.**

Yes. The site plan depicts a stormwater pond on the west portion of Parcel B, creating a substantial buffer adjacent to residential development west of the subject property. The variation will allow a reduced buffer along the subject property's south border adjacent to stormwater drainage and retention areas owned by FDOT and a homeowners' association. The reduced buffer will not substantially interfere with or injure the rights of adjacent property owners.

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

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

**F. CONCLUSIONS OF LAW**

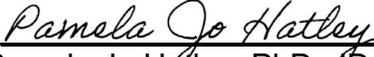
A development order is consistent with the comprehensive plan if "the land uses, densities or intensities, and other aspects of development permitted by such order...are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets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

## G. SUMMARY

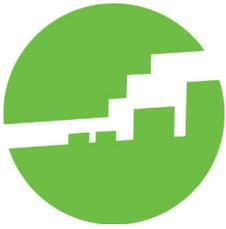
The applicant is seeking a major modification of PD 18-1363 to allow Commercial Neighborhood uses in lieu of the approved commercial and recreational uses. The applicant requests a variation from LDC part 6.06.00, Landscaping and Buffering Requirements to allow the buffer to be reduced to 6-feet with Type B screening along the subject property's southern boundary where the subject property abuts drainage and retention ponds owned by FDOT and a homeowners' association.

## H. RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, this recommendation is for **approval** of the major modification request.

  
Pamela Jo Hatley, PhD, JD  
Land Use Hearing Officer

March 3, 2021  
Date



**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Rezoning</b>	
<b>Hearing Date:</b> February 15, 2021	<b>Petition: PD 20-0898</b>
<b>Report Prepared:</b> February 5, 2021	<i>Within the southwest quadrant of the U.S. Highway 301 and Cone Grove Road intersection</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>CONSISTENT</b>
<b>Adopted Future Land Use:</b>	<b>Suburban Mixed Use-6 (6 du/ga; 0.25 FAR)</b>
<b>Service Area:</b>	<b>Urban</b>
<b>Community Plan:</b>	<b>Riverview, Southshore Areawide Systems</b>
<b>Modification Request:</b>	Modify a Planned Development (PD 18-1363) to allow for a total of 29, 000 sq. ft. of Commercial Neighborhood (CN) uses
<b>Parcel Size (Approx.):</b>	3.46 +/- acres
<b>Street Functional Classification:</b>	U.S. Highway 301 – <b>Arterial</b> Cone Grove Road – <b>Local</b>
<b>Locational Criteria:</b>	Does not meet Commercial Location Criteria; a waiver has been submitted for review
<b>Evacuation Area:</b>	The subject property is not in an Evacuation Area.



## **Context**

- The subject property is located on approximately 3.46 acres within the southwest quadrant of the U.S. Highway 301 and Cone Grove Road intersection. The subject property is located in the Urban Service Area (USA). It falls within the limits of the Riverview Community Plan within the Highway 301 Corridor District.
- The site has a Future Land Use designation of Suburban Mixed Use-6 (SMU-6) with typical uses of residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed-use projects at appropriate locations. Neighborhood Commercial uses shall meet locational criteria or be part of a larger mixed use planned development. Office uses are not subject to locational criteria. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.
- The subject property is surrounded by the SMU-6 Future Land Use category on all sides. To the east, across US Highway 301, is Residential-6 (RES-6). To the north is Office Commercial-20 (OC-20) and Residential-12 (RES-12).
- The subject property is currently classified as vacant and a mobile home park and zoned Planned Development (PD 18-1363). Parcels to the west include a school, a vacant lot and single-family lots with Business Professional Office (B-PO) and Residential Single-family Conventional-2 (RSC-2) zoning. Predominately single-family lots and a public/quasi-public lot are located to the west and south of the subject property with Planned Development zoning.
- The application requests to modify an existing Planned Development (PD 18-1363) to allow for a total of 29,000 sq. ft. of Commercial Neighborhood uses. The application requests 10,000 sq. ft. of Commercial, Neighborhood (CN) uses on Parcel A and 19,000 sq. ft. of CN uses, including a liquor store with a drive-thru window and other CN uses on Parcel B.

### **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.

### **Neighborhood/Community Development**

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

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

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

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

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

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

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

**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 22.7:** *Neighborhood commercial activities that serve the daily needs of residents in areas designated for residential development in the Future Land Use Element shall be considered provided that these activities are compatible with surrounding existing and planned residential development and are developed in accordance with applicable development regulations, including phasing to coincide with long range transportation improvements.*

*The locational criteria outlined in Policy 22.2 are not the only factors to be considered for approval of a neighborhood commercial or office use in a proposed activity center. Considerations involving land use compatibility, adequacy and availability of public services, environmental impacts, adopted service levels of effected roadways and other policies of the Comprehensive Plan and zoning regulations would carry more weight than the locational criteria in the approval of the potential neighborhood commercial use in an activity center. The locational criteria would only designate locations that could be considered, and they in no way guarantee the approval of a particular neighborhood commercial or office use in a possible activity center.*

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

## **Community Design Component**

### **5.0 Neighborhood Level Design**

#### **5.1 COMPATIBILITY**

**GOAL 12:** *Design neighborhoods which are related to the predominant character of the surroundings.*

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

## **Conservation and Aquifer Recharge Element**

### **Wetlands and Floodplain Resources**

**Objective 4:** *The County shall continue to apply a comprehensive planning-based approach to the protection of wetland ecosystems assuring no net loss of ecological values provided by the functions performed by wetlands and other surface waters authorized for projects in Hillsborough County, consistent with the Uniform Mitigation Assessment Method. The County shall work with the*

*Environmental Protection Commission, the Southwest Florida Water Management District, the Florida Department of Environmental Protection, and the Tampa Bay Estuary Program to achieve a measurable annual increase in ecological values provided by the functions performed by wetlands and other surface waters. It shall be the County's intent to maintain optimum wetland functions as well as acreage.*

**Policy 4.1:** *The County shall, through the land use planning and development review processes, and in cooperation with the Environmental Protection Commission, continue to conserve and protect wetlands from detrimental physical and hydrological alteration.*

**Policy 4.3:** *The County shall, through the land planning and development review processes, and in cooperation with the Environmental Protection Commission, continue to prohibit unmitigated encroachment into wetlands.*

**Policy 4.12:** *Priority shall be given to avoiding the disturbance of wetlands in the County and to encourage their use only for purposes which are compatible with their natural functions and environmental benefits.*

**Policy 4.13:** *Development which impacts wetlands may be deemed appropriate only as a last resort; where:*

- 1. reasonable use of the property is otherwise unavailable and/or onsite preservation of a functioning wetland system is deemed unsustainable;*
- 2. the adverse impact is offset by the benefit of the development to the public such that it is reasonable, in the public interest and an acceptable mitigation plan is proposed.*

*This determination shall be made by Hillsborough County and/or the Environmental Protection Commission of Hillsborough County.*

**Policy 4.14:** *The development review process, part of a comprehensive program for the protection of wetlands, shall make every effort to maintain natural undisturbed wetlands by way of a sequential review process that first evaluates all means of avoiding wetland impacts in regard to a particular project; if necessary, secondly, evaluates and requires measures to minimize wetland impacts; and if necessary, thirdly, evaluates and requires the mitigation of wetland impacts.*

**Objective 5:** *The County shall continue to prevent net loss of 100-year floodplain storage volume in Hillsborough County. The County shall continue to protect and conserve natural wildlife habitat attributes where they exist within the 100-year floodplains of major rivers and streams.*

## **Livable Communities Element: Riverview Community Plan**

**Goal 1** *Achieve better design and densities that are compatible with Riverview's vision.*

- Develop Riverview district-specific design guidelines and standards.*

*The standards shall build on recognizable themes and design elements that are reflective of historic landmarks, architecture and heritage of Riverview. The mixed-use, residential, non-residential and roadway design standards shall include elements such as those listed.*

*Mixed Use-Commercial-Residential*

- *Incorporate traditional neighborhood development (TND) and Crime Prevention through Environmental Design (CPTED) techniques and principles in design standards.*
- *Develop visually pleasing sign standards that prohibit pole signs and require monument signs. It also is the desire of the community to limit or keep out any additional billboard signs.*
- *Avoid "strip" development patterns for commercial uses.*
- *Enhance the ability to walk or bike between adjoining commercial areas.*
- *Promote aesthetically pleasing subdivision entrances, formal and manicured landscapes and other amenities such as street furniture, public art, and creative paving techniques.*
- *Promote diversity in housing type and style to counter generic subdivision look.*
- *Provide appropriate and compatible buffers and transitions to existing, adjacent land uses particularly with agricultural operations and the lands acquired for preservation and/or open space.*
- *Require natural and attractive stormwater retention facilities, such as standards for gently sloping grass sides/banks and prohibiting hard (i.e. concrete, asphalt) surfaces and aeration techniques: screen and buffer ponds with natural vegetation or berms or at a minimum vinyl fencing with vines, prohibit plain exposed chain link fencing. Encourage master stormwater facilities.*

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

The subject property is located on approximately 3.46 acres within the southwest quadrant of the U.S. Highway 301 and Cone Grove Road intersection. The subject property is located in the Urban Service Area (USA). It falls within the limits of the Riverview Community Plan. The application requests to modify an existing Planned Development (PD 18-1363) to allow for a total of 29,000 sq. ft. of Commercial Neighborhood (CN) uses. The application requests 10,000 sq. ft. of Commercial, Neighborhood (CN) uses on Parcel A and 19,000 sq. ft. of CN uses, including a liquor store with a drive-thru window and other CN uses on Parcel B.

The subject site does not meet Commercial Locational Criteria. A waiver has been submitted for review. According to the waiver, the proposed use is located on a block facing US Hwy 301 that contains a parcel located at the southwest corner of Cone Grove Road and US Hwy 301 that was zoned CN prior to the approval of RZ 18-1363; furthermore, the approval of RZ 18-1363 included a waiver of commercial locational criteria. From a land use perspective, the proposed PD site plan specific zoning is a continuation of the existing commercial zoning along the US Hwy 301 frontage that accounts for providing mitigating site plan conditions accounting for and addressing compatibility issues for the residential land uses to the west of the subject properties.

The waiver also states that the proposed development will be adequately buffered from these residential uses by a solid opaque 6-foot high commercial PVC screening and enhanced landscaped buffering including evergreen shade trees which are not less than 10-feet high at time of planting, a minimum of 2-inches in caliper, spaced 20-feet on center and planted within 10-feet of the property line. The proposed stormwater management

facility for the commercial development is also proposed to be located to provide additional buffering to the residential uses. The applicant is also proposing to design the buildings with a residential character to include pitched roof lines.

The waiver asserts that unique circumstances of the proposed PD's location consist of: a) the nature and location of the proposed CN uses are limited in their noise and light off-site impacts, b) the proposed commercial uses are restricted to less intense uses, c) the location of the primary parking areas along US Hwy 301 form a buffer from the high traffic volume and associated noise to the existing residential uses to the west, and all service traffic will directly enter the development completely separate from any residential traffic patterns.

The Planning Commission staff has reviewed the waiver. The subject property is located within the Suburban Mixed Use-6 (SMU-6) category. The intent of the SMU-6 area is for urban/suburban in intensity and density of uses, with development occurring as the provision and timing of transportation and public facility services necessary to support these intensities and densities are made available. Neighborhood retail commercial uses shall be clustered at arterial and collector intersections. Strip development with separate driveway access for commercial uses to arterials shall be prohibited. Other non-residential land uses must be compatible with residential uses through established techniques of transition or by restricting the location of incompatible uses. While the site does not meet Commercial Locational Criteria, it does front on and have full access to U.S. Highway 301, an arterial. Access to Cone Grove Road, a local roadway, is prohibited per Hillsborough County Transportation staff. A future cross access to the neighboring Business Professional Office (BP-O) parcel is required to the west per the Florida Department of Transportation (FDOT). The maximum FAR for SMU-6 is 0.25, which allows up to 37, 679 sq. ft. to be considered on the subject site. The request is for 29,000 sq. ft. (0.19 FAR) which is less than the maximum allowable intensity.

The site plan proposes a 20-foot buffer along the western boundary of the property with a 6-foot vinyl fence. Policy 16.2 requires gradual transitions of intensities between different land uses be provided for as new development is proposed and approved. The use of professional site planning, buffering and screening techniques and control of specific land uses should be utilized. The 20-foot buffer and privacy fence will provide a gradual transition to the single-family uses to the west.

The applicant has also proposed the following hours of operation: Monday through Saturday – open from 9:00 AM to 11:00 PM and Sunday - open from 11:00 AM to 11:00 PM. The following commercial uses will also be prohibited within the proposed Planned Development (PD): Appliance Store (Small and Large), Automotive Supply Store, Bank/Credit Union, Car Wash Facilities, Convenience Store With or Without Gas Pumps, Free-Standing Taverns, Bars, Lounges, Nightclubs and Dance Halls, Funeral Homes and Mortuaries With or Without Accessory Crematoriums, Motor Vehicle Repair – Minor, Motor Vehicle Repair – Major, Motor Vehicle Repair – Neighborhood, Restaurants with Drive-Up Facilities, Sales, Rental and Service of New or Used Domestic Vehicles, Farm and Garden Equipment, Private Pleasure Crafts and Hobby Vehicles, Sales, Rental and Service of Recreational Vehicles, Service Station, Sexually Oriented Businesses, and Small Motor Repair.

The buffering, privacy fence and prohibition of uses meets the intent of Policies 16.1, 16.2 and 16.3 (FLUE). The request is also consistent with Policy 16.5 (FLUE), which

requires development of higher intensity non-residential land uses that are adjacent to established neighborhoods be restricted to collectors and arterials and to locations external to established and developing neighborhoods. The subject property is located and accessed on U.S. Highway 301, an arterial.

The subject property is located within the limits of the Riverview Community Plan. The Plan seeks to achieve better design and densities that are compatible with Riverview's vision by requiring that non-residential development avoid "strip" development patterns for commercial uses. The application is proposing a total of three buildings. The applicant has also committed to design guidelines. Avoiding linear and large singular buildings and committing to design guidelines will help to avoid a strip commercial pattern. The subject property is located within and consistent with the Riverview Community Plan's Highway 301 Corridor District. The district envisions a mixed-use area with high densities and a variety of businesses. The request will provide an opportunity for businesses and helps to facilitate the vision of the Highway 301 Corridor District.

The applicant's proposed design guidelines satisfies Objective 12-1 of the Community Design Component of the Future Land Use Element which requires that new developments recognize the existing community and be designed in a way that is compatible with the established character of an area. The Planning Commission recommends the Hillsborough County Board of County Commissioners approve the waiver.

There are wetlands present on the property. The Environmental Protection Commission (EPC) Wetlands Division has reviewed the proposed rezoning. The EPC has determined a resubmittal is not necessary for the site plan's current configuration. If the site plan changes, EPC staff will need to review the zoning again. Planning Commission staff finds this request consistent given that there is a separate approval process for wetland impacts with the Environmental Protection Commission.

Overall, staff finds that the proposed rezoning would facilitate growth within the Urban Service Area and supports the vision of the Riverview Community Plan. The request would allow for a development that is consistent with the Goals, Objectives and Policies of the Future Land Use Element of the *Future of Unincorporated Hillsborough County Comprehensive Plan for Unincorporated Hillsborough County*.

#### **Recommendation**

Based upon the above considerations, Planning Commission staff finds the proposed Major Modification **CONSISTENT** with the *Future of Hillsborough Comprehensive Plan for Unincorporated Hillsborough County*, subject to conditions proposed by the Department of Development Services.

# HILLSBOROUGH COUNTY 2020 FUTURE LAND USE

## RZ MM 20-0898

**Rezoning**

<all other values>

**STATUS**

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

Tampa Service Area

Urban Service Area

Shoreline

County Boundary

Jurisdiction Boundary

Roads

Parcels

- AGRICULTURAL/MINING-120 (25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-112 (25 FAR)
- AGRICULTURAL-1110 (25 FAR)
- AGRICULTURAL/RURAL-115 (25 FAR)
- AGRICULTURAL ESTATE-112.5 (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)
- CC-20
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY/INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, 25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (.50 FAR)
- LIGHT INDUSTRIAL (.50 FAR)
- HEAVY INDUSTRIAL (.50 FAR)
- PUBLIC/QUASIPUBLIC
- NATURAL PRESERVATION
- WIMAUMA VILLAGE RESIDENTIAL-2 (25 FAR)
- CITRUS PARK VILLAGE
- WATER

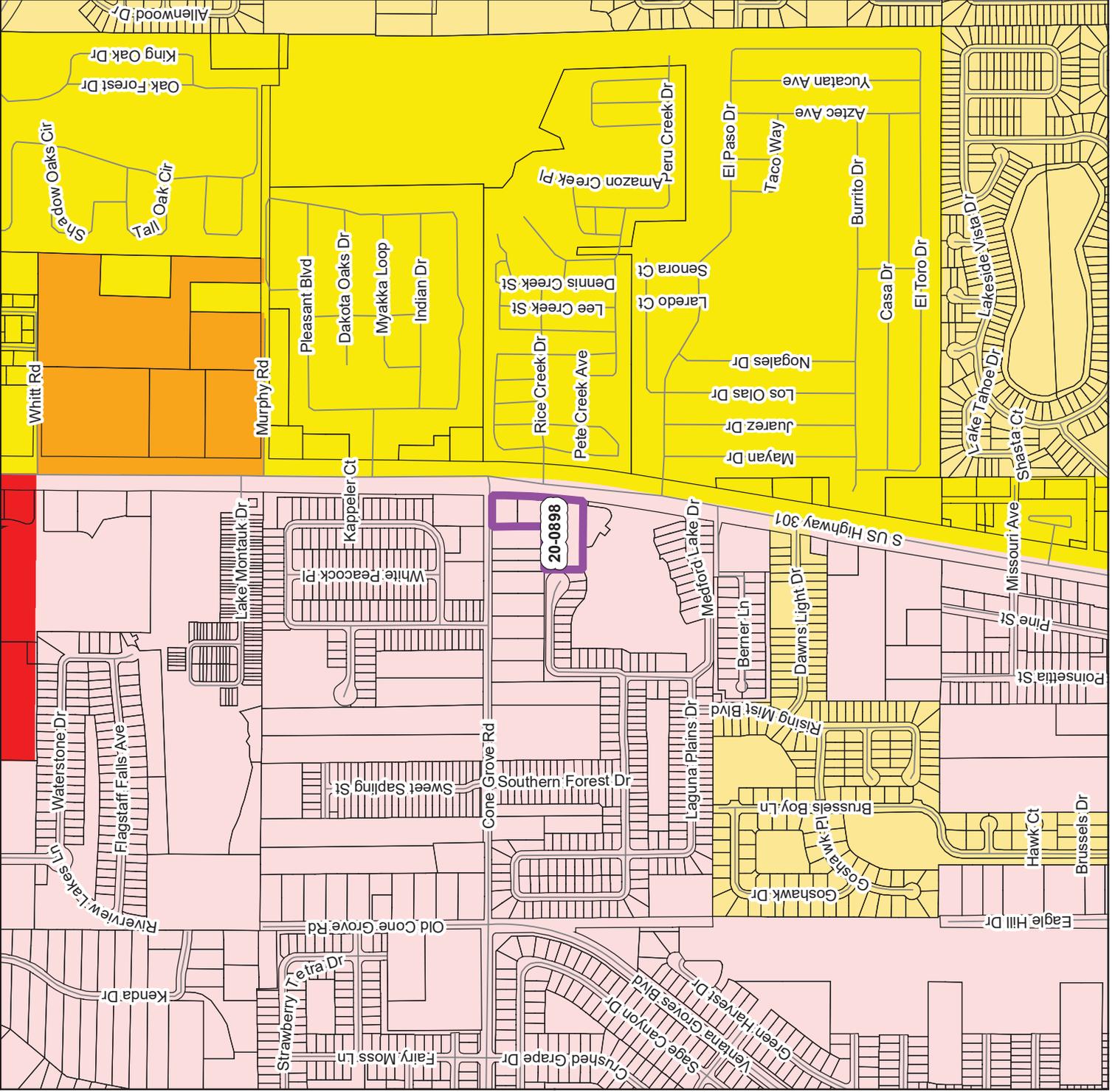
Map Scale: 0, 460, 920, 1,380, 1,840 Feet

North Arrow

DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser.

Map prepared by Beverly F. Daniels, City-County Planning Commission.

ACCURACY: It is intended that the information shown on this map is for informational purposes only. For the most current data and information, use the appropriate source.





**GENERAL  
SITE PLAN  
FOR  
CERTIFICATION**



DEVELOPMENT SERVICES

PO Box 1110, Tampa, FL 33601-1110

HILLSBOROUGH COUNTY  
DEVELOPMENT SERVICES DEPARTMENT

GENERAL SITE PLAN REVIEW/CERTIFICATION

DEPUTY COUNTY ADMINISTRATOR

Lucia E. Garsys

Project Name:

Zoning File:  Modification:

Atlas Page:  Submitted:

To Planner for Review:  Date Due:

Contact Person:  Phone:

Right-Of-Way or Land Required for Dedication: Yes  No

- The Development Services Department HAS NO OBJECTION to this General Site Plan.
- The Development Services Department RECOMMENDS DISAPPROVAL of this General Site Plan for the following reasons:

Reviewed by:  Date:

Date Agent/Owner notified of Disapproval:





# **AGENCY COMMENTS**



*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

11201 N. McKinley Drive  
Tampa, FL 33612

KEVIN J. THIBAUT, P.E.  
SECRETARY

**MEMORANDUM**

DATE: December 21, 2020

TO: Rosa Timoteo, Hillsborough County

FROM: Lindsey Mineer, FDOT

COPIES: Daniel Santos, FDOT  
Israel Monsanto, Hillsborough County  
James Ratliff, Hillsborough County

SUBJECT: MM 20-0898

This project is on a state road, US 301.

The applicant met with FDOT on 11/3/20. The meeting notes are attached and have been posted in Optix.

Thank you for the opportunity to comment.

END OF MEMO



*Florida Department of Transportation*

RON DESANTIS  
GOVERNOR

2822 Leslie Road  
Tampa, FL 33619

KEVIN J. THIBAUT, P.E.  
SECRETARY

November 3, 2020

**THIS DOCUMENT IS NOT A PERMIT APPROVAL**

**THIS PRE-APPLICATION FINDING MAY NOT BE USED AS A BASIS FOR PERMIT APPROVAL AFTER 5/3/2021.**

Re: PRE-APPLICATION REVIEW FOR ACCESS CONNECTION PERMIT REQUEST

<b>Date:</b> November 3, 2020	<b>State Road#:</b> 43
<b>Time:</b> 9:30 AM	<b>Section ID #:</b> 10 010 000
<b>Applicant:</b> David Wright	<b>Mile Post:</b> 14.941
<b>Project:</b> Cone Grove LQ	<b>Road Class:</b> 3
<b>Location:</b> 10715 US 301 (@ Cone Grove).	<b>MPH:</b> 50 MPH
<b>County:</b> Hillsborough	<b>DW/Sig Spacing:</b> 660' 2640'
<b>Folio#:</b> 77146-0100 & 77155-0000	<b>Median Spacing:</b> 1320' 2640'

Dear Mr. Wright,

A Pre-application Review of the subject project was conducted at your request. The purpose of the Pre-application Review is to establish the permit category, number, type, general location, and associated features of access connections for the applicant's property to the state road. We have given the plans, as presented, a thorough review and our comments and findings are as follows:

- We disapprove the concept as presented with the following considerations.
- We approve the concept as presented with the following conditions/considerations.
- We approve of the concept as submitted and we invite you to submit a permit application package to the Permit Office with engineering drawings that reflect the concept proposed in this meeting.
- We are prepared to continue the review of the concept with the District Variance Committee.
- We are prepared to continue the review of the concept as presented with the following considerations.

### Conditions and Comments:

This project proposes to remove multiple existing access and modify and keep one access to SR 43, a class 3 roadway with a speed limit of 50 MPH. Florida Administrative Code, Rule Chapter 14-97, requires 660' driveway spacing, 1320' directional, 2640' full median opening spacing, and 2640' signal spacing between connections, therefore, the proposed access would be considered non-conforming in accordance to the rule chapter 1996/97 for connection spacing.

### FDOT recommendations,

1. SE corner of US-301 & Cone Grove Road intersection.
2. Property is vacant; PD is currently a recreational soccer complex; looking to rezone and replace with 31,000 sf of neighborhood commercial use of which will include an 11,000 sf liquor store. ITE 2,600 daily driveway trips. 137 AM trips and 235 PM trips.
3. Per James Ratliff, Hillsborough County does not support access to local road. The Department does not share the same concern.
4. The Departments concern is having ALL the traffic from the site accessing via 301.
5. Existing curb cut on US-301 where the proposed driveway is shown.
6. Proposed driveway is about 350' south of Cone Grove.
7. Nearest driveway south of the subject property is approximately 750' from the southern property limit.
8. Shifting the proposed driveway to the southern property line would change the access spacing to become conforming to the driveway to the south and nearly conforming with respect to Cone Grove Road.
9. The southern driveway design would conflict with current layout of the liquor store drive through location.
10. Proposed site plan could be revised to improve driveway spacing and not cause conflict with internal circulation.
11. If driveway were moved to the southern end of the property it could be considered conforming.
12. Department proposed to Hillsborough County to consider an Exit Only onto Cone Grove would relieve stress on US -301 resulting from SB exiting traffic U-turning on US-301 to reach Cone Grove. Exit Only onto Cone Grove would not require additional lanes to be constructed on US-301.
13. Traffic Study will be required and need to include the following scenarios:
  - a. Reflect the new impacts from the Murphy Road Improvements
  - b. The length of the stop sign que on Cone Grove
  - c. SB lefts onto Cone Grove and El paso/Pine Manor subdivision
  - d. SB right turn lane if driveway were moved to the south end
14. Right turn lane on SB US-301 will need to be constructed.
15. 50' outbound radius.
16. 30' inbound radius will be allowed.
17. 30' throat depth minimum.
18. ADA compliant connection will need to be made to the public sidewalk.
19. Provide a shared access easement to the western property.
20. Sidewalk on Cone Grove will need to be completely tie into the state road from the western property.
21. **When applying** on-line, at <http://osp.fdot.gov>, we recommend you use the Rule Chapter 14-96.005 "Check List" attachment for completeness prior to submitting the permit package. This will save time during the review process.
22. Upload a copy of this letter with application submittal.

23. Plans shall be per the current Standard Plans and FDM. **The current Standard Plans as of July 1<sup>st</sup>, 2020 are the 2020-21 edition.**
24. **Lighting of sidewalks and/or shared paths must be to current standards (FDM section 231). Newly implemented FDOT Context classifications updated the required sidewalk widths (FDM section 222.2.1.1). Where sidewalk is being added and/or widened, the lighting will be analyzed to ensure sidewalks are properly lighted per FDOT FDM standards. Reference the following link for details: [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2020/2020fdm231lighting.pdf?sfvrsn=2ad35fbf\\_2](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2020/2020fdm231lighting.pdf?sfvrsn=2ad35fbf_2)**
25. **Permit #, SR #, Road Section ID, Mile Post, Roadway Class, Lt or Rt Roadway, and Posted Speed Limit, at the project location, must be on the plans Key/Cover Sheet.**
26. **All Plans and Documents submitted in OSP need to be signed and sealed.**
27. The following FDOT Permits may additionally be required:
  - a. **Access Permit / Construction Agreement**
  - b. **Drainage Permit or Exemption** (Please contact Antonius Lebrun ([Antonius.Lebrun@dot.state.fl.us](mailto:Antonius.Lebrun@dot.state.fl.us)) should you have any questions.)
  - c. **Utility Permit** – for any utility connections within the FDOT R/W (Except those that are exempt from permitting by the 2017 FDOT Utility Accommodation Manual).
  - d. **Temporary Access Permit**

If you do not have access to a computer, and are unable to apply through our One Stop Permitting website, you must submit your application to,

**Florida Department of Transportation  
2822 Leslie Rd.  
Tampa, Fl. 33619  
Attn: Mecale' Roth**

Favorable review of the proposed generally means that you may develop plans complying with the review comments and submit them, within six months, to the Department for permit processing and further review. The Pre-application is for the applicant to discuss, with Department staff, the proposed site design for compliance and constructability in relation to the Standard Plans, and look at options, potential obstacles, or unforeseen issues. The review findings are not binding and subject to change. The applicant's Engineer of Record is responsible for the technical accuracy of the plans. In keeping with the intent of the Rule, the Department will attempt to abide with the review comments to the extent that necessary judgment is available to the Permits Engineer. Unfavorable review generally means that a permit application, based on the design proposal, would likely be denied.

If you do not agree with Pre-Application meeting results and would like to schedule an AMRC meeting, contact Traffic Ops, David Ayala at 813-975-6717.

For any other questions or assistance, please feel free to contact me.

Sincerely,

*Mecale' Roth*

Permit Coordinator II  
Tampa Operations

Office - 813-612-3237  
Cell- 813-460-1121

## Meeting Attendees:

<b>Guests-</b>	David Wright	<a href="mailto:david@tspco.net">david@tspco.net</a>
	Mike Raysnor	<a href="mailto:mdr@raysor-transportation.com">mdr@raysor-transportation.com</a>
	James Ratliff	<a href="mailto:RatliffJa@hillsboroughcounty.org">RatliffJa@hillsboroughcounty.org</a>
	Sofia Garantiva	<a href="mailto:GarantivaS@hillsboroughcounty.org">GarantivaS@hillsboroughcounty.org</a>
<b>FDOT-</b>	Matt Campbell	<a href="mailto:Matthew.campbell@dot.state.fl.us">Matthew.campbell@dot.state.fl.us</a>
	Mecale' Roth	<a href="mailto:mecale.roth@dot.state.fl.us">mecale.roth@dot.state.fl.us</a>
	Holly Champion	<a href="mailto:holly.champion@dot.state.fl.us">holly.champion@dot.state.fl.us</a>
	Joel Provenzano	<a href="mailto:joel.provenzano@dot.state.fl.us">joel.provenzano@dot.state.fl.us</a>
	Ryan Bogan	<a href="mailto:ryan.bogan@dot.state.fl.us">ryan.bogan@dot.state.fl.us</a>
	Lindsey Mineer	<a href="mailto:lindsey.miner@dot.state.fl.us">lindsey.miner@dot.state.fl.us</a>
Dan Santos	<a href="mailto:daniel.santos@dot.state.fl.us">daniel.santos@dot.state.fl.us</a>	

# Additional / Revised Information Sheet

Hillsborough County Planning and Growth Management Department Zoning  
Administration Division

Date Stamp Here

Application Number: 20-0898

Applicant's Name: DAVID WRIGHT

Reviewing Planner's Name: ISRAEL MONSANTO

Application Type: Major Mod.

Current Hearing Date: 11/16/2020

**Please check (+) all appropriate changes / additions:**

- Revised Plans or Request information: # of Plans Submitted: \_\_\_ Large \_\_\_ Small
- Acreage ( Added /  Removed) # of Acres: \_\_\_\_\_  Changes to Requested Uses
- Revised Building or Lot Layout  Revised Square Footage (FAR) Info
- Access Point(s) - ( Added /  Deleted /  Moved)  Detail added
- Changes to Requested Number of Units ( - Increase,  - Decrease,  - Reallocation)
- Other: ADDED VARIANCE REQUEST TO LDC SECTION 6.06.00

**Other Additions:**

- Revised/Corrected Legal Description  Traffic Analysis
- Party of Record Letter(s) or Petition  Additional Fees – Receipt # \_\_\_\_\_
- Letter Requesting a  Continuance /  Remand /  Withdrawal
- Other: REVISED PROJECT NARRATIVE, VARIANCE CRITERIA RESPONSE FORMS & PROPOSED CONDITIONS OF APPROVAL

**FOR OFFICE USE ONLY**

- Notification E-Mail Sent  Scanned into OPTIX  Planner Reviewed **Comments Due:** \_\_\_\_\_
- Transmittal Completed Date Transmitted: \_\_\_\_\_ In-Take Completed by: \_\_\_\_\_

**Transmit to: (check (+) all that apply)**

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> BOCC Records | <input type="checkbox"/> HARTLine                | <input type="checkbox"/> Sheriff's Department   |
| <input type="checkbox"/> Planning Commission     | <input type="checkbox"/> Parks & Recreation      | <input type="checkbox"/> SWFWMD                 |
| <input type="checkbox"/> Transportation          | <input type="checkbox"/> Community Planning      | <input type="checkbox"/> Water – Reclaimed      |
| <input type="checkbox"/> Community Improvement   | <input type="checkbox"/> Natural Resources       | <input type="checkbox"/> Water Utilities        |
| <input type="checkbox"/> EPC                     | <input type="checkbox"/> PGM Project Review      | <input type="checkbox"/> Water – Wastewater     |
| <input type="checkbox"/> Fire Department         | <input type="checkbox"/> School Board            |   |
| <input type="checkbox"/> City of Plant City      | <input type="checkbox"/> FDOT                    | <input type="checkbox"/> Polk County            |
| <input type="checkbox"/> City of Tampa – Sewer   | <input type="checkbox"/> Hazard Mitigation       | <input type="checkbox"/> Public Works – Traffic |
| <input type="checkbox"/> City of Tampa – Water   | <input type="checkbox"/> H.C. Aviation Authority | <input type="checkbox"/> Public Works – Roadway |
| <input type="checkbox"/> City of Temple Terrace  | <input type="checkbox"/> H.C Health Department   | <input type="checkbox"/> Real Estate            |
| <input type="checkbox"/> Federal Aviation Admin  | <input type="checkbox"/> MacDill Air Base        | <input type="checkbox"/> Tampa Bay Water        |
| <input type="checkbox"/> FDA                     | <input type="checkbox"/> Pasco County            | <input type="checkbox"/> University Dev Corp    |
| <input type="checkbox"/> FL Dept of Envir. Prot. | <input type="checkbox"/> Pinellas County         | <input type="checkbox"/> USF Area Civic Assoc   |
| <input type="checkbox"/> Other: _____            |  |   |



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 Andy Schipfer, P.E. WETLANDS DIVISION  
 Sterlin Woodard, P.E. AIR DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<p><b>HEARING DATE:</b> September 14, 2020</p> <p><b>PETITION NO.:</b> 20-0898</p> <p><b>EPC REVIEWER:</b> Jackie Perry Cahanin</p> <p><b>CONTACT INFORMATION:</b> (813) 627-2600 X 1241</p> <p><b>EMAIL:</b> <a href="mailto:cahaninj@epchc.org">cahaninj@epchc.org</a></p>	<p><b>COMMENT DATE:</b> July 16, 2020</p> <p><b>PROPERTY ADDRESS:</b> 10715 Hwy. 301 South, Riverview, FL 33578</p> <p><b>FOLIO #:</b> 077146.0000, 077146.0100, 077155.0000</p> <p><b>STR:</b> 29-30S-20E</p>
<p><b>REQUESTED ZONING:</b></p>	
FINDINGS	
<b>WETLANDS PRESENT</b>	YES
<b>SITE INSPECTION DATE</b>	10/25/2018
<b>WETLAND LINE VALIDITY</b>	N/A, wetland delineated, surveys not received
<b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b>	Wetland located along the southern property boundary.
<p><b>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan’s current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:</b></p> <ul style="list-style-type: none"> <li>• Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.</li> <li>• The construction and location of any proposed wetland impacts are not approved by this correspondence, but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.</li> <li>• Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.</li> </ul>	

**INFORMATIONAL COMMENTS:**

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

- **The subject property contains a wetland/OSW near the southern property boundary (not labeled on plan) that was verified Noticed Exempt (EPC file # 67064), pursuant to Chapter 1.11.11(1)(b)(ii), and should be included on all future plan submittals.**
- Chapter 1-11, prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

Jpc/mst



**AGENCY REVIEW COMMENT SHEET**

**NOTE: THIS IS ONLY FOR ESTIMATE PURPOSES, BASED ON THE FEES AT THE TIME THE REVIEW WAS MADE. ACTUAL FEES WILL BE ASSESSED BASED ON PERMIT APPLICATIONS RECEIVED AND BASED ON THE FEE SCHEDULE AT THE TIME OF BUILDING PERMIT APPLICATION.**

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**TO:** Zoning Review, Development Services **DATE:** 08/20/2020  
**REVIEWER:** Ron Barnes, Impact & Mobility Fee Coordinator  
**APPLICANT:** TSP Companies, Inc. **PETITION NO:** 20-0898  
**LOCATION:** approx 330 ft S of US Hwy 301 and Cone Grove Rd  
**FOLIO NO:** 77155.0000; 77146.0000; 77146.0100

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**Estimated Fees:**

(Various use types allowed. Estimates are a sample of potential development)

Self-Storage (Per 1,000 s.f.) Mobility: \$449.00 Fire: \$34.00	Retail - Shopping Center (50k s.f. or less) (Per 1,000 s.f.) Mobility: \$8,382.00 Fire: \$313.00	Warehouse (Per 1,000 s.f.) Mobility: \$877.00 Fire: \$34.00
Retail - Conv Mkt. w/Gas (Per 1,000 s.f.) Mobility: \$29,658.00 Fire: \$313.00	Retail - Fast Food w/Drive Thru (Per 1,000 s.f.) Mobility: \$56,660.00 Fire: \$313.00	Retail - High Turnover Restaurant (Per 1,000 s.f.) Mobility: \$25,181.00 Fire: \$313.00

**Project Summary/Description:**

Urban Mobility, South Fire - Commercial General - non-specific

**AGENCY REVIEW COMMENT SHEET**

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**TO: ZONING TECHNICIAN, Planning Growth Management**

**DATE: 22 July 2020**

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

**APPLICANT: David Wright**

**PETITION NO: RZ-PD 20-0898**

**LOCATION: 10715 S U.S. HWY 301, Riverview, FL 33578**

**FOLIO NO: 77155.0000, 77146.0000, 77146.0100**

**SEC: 29 TWN: 30 RNG: 20**

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- 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: \_\_\_\_\_.

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

**PETITION NO.:** MM20-0898      **REVIEWED BY:** Randy Rochelle      **DATE:** 6/19/2020

**FOLIO NO.:** 77155.0000, 77146.0000 & 77146.0100

This agency would  (support),  (conditionally support) the proposal.

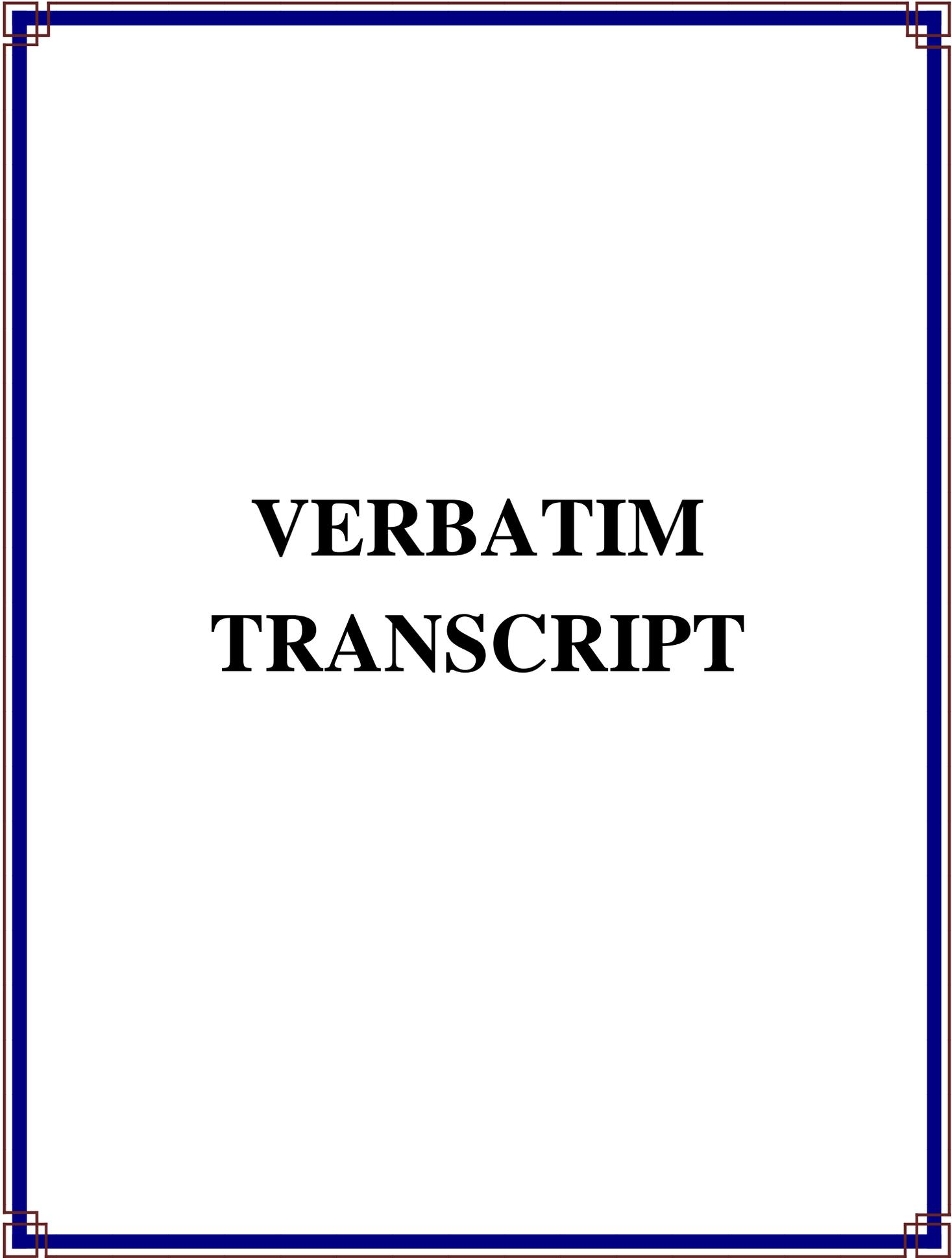
**WATER**

- The property lies within the Hillsborough County Water Service Area. The applicant should contact the provider to determine the availability of water service.
- No Hillsborough County water line of adequate capacity is presently available.
- A 2 inch water main exists  (adjacent to the site),  (approximately \_\_\_ feet from the site) and is located within the west Right-of-Way of S. US Highway 301.
- Water distribution improvements may be needed prior to connection to the County's water system.
- No CIP water line is planned that may provide service to the proposed development.
- The nearest CIP water main (\_\_\_\_ inches), will be located  (adjacent to the site),  (feet from the site at \_\_\_\_). Expected completion date is \_\_\_\_.

**WASTEWATER**

- The property lies within the Hillsborough County Wastewater Service Area. The applicant should contact the provider to determine the availability of wastewater service.
- No Hillsborough County wastewater line of adequate capacity is presently available.
- A 20 inch wastewater force main exists  (adjacent to the site),  (approximately \_\_\_ feet from the site) and is located within the west Right-of-Way of S. US Highway 301.
- Wastewater distribution improvements may be needed prior to connection to the County's wastewater system.
- No CIP wastewater line is planned that may provide service to the proposed development.
- The nearest CIP wastewater main (\_\_\_\_ inches), will be located  (adjacent to the site),  (feet from the site at \_\_\_\_). Expected completion date is \_\_\_\_.

**COMMENTS:** This site is located within the Hillsborough County Urban Service Area, therefore the subject property should be served by Hillsborough County Water and Wastewater Service. This comment sheet does not guarantee water or wastewater service or a point of connection. Developer is responsible for submitting a utility service request at the time of development plan review and will be responsible for any on-site improvements as well as possible off-site improvements.



# **VERBATIM TRANSCRIPT**



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HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS  
  
ZONING HEARING MASTER HEARINGS  
February 15, 2021  
ZONING HEARING MASTER: PAMELA JO HATLEY

D3:  
Application Number: MM 20-0898  
Applicant: TSP Companies, Inc.  
Location: 75' West of Intersection: S. US  
Highway 301, Rice Creek Dr.  
Folio Number: 077155.0000, 077146.0000 &  
077146.0100  
Acreage: 3.47 acres, more or less  
Comprehensive Plan: SMU-6  
Service Area: Urban  
Existing Zoning: PD (18-1363)  
Request: Major Modification to a Planned  
Development

1 MR. GRADY: The next item is agenda item  
2 D-3, Major Mod Application 20-0898. The applicant  
3 is TSP Companies, Incorporated.

4 The request is for a Major Modification to  
5 existing Planned Development. Israel Monsanto will  
6 provide staff recommendation after presentation by  
7 the applicant.

8 HEARING MASTER HATLEY: Thank you.

9 Applicant.

10 MR. WRIGHT: For the record, my name is  
11 David Wright, president of TSP Companies. Our  
12 address is PO Box 1016, Tampa, Florida 33601.

13 I have been sworn in. First, I would like to  
14 thank Hillsborough County staff and Planning  
15 Commission staff for working with us on this  
16 request so that we can present a development  
17 proposal to you tonight that is compatible with the  
18 development pattern of the surrounding area.

19 I'm presenting a request for a Major  
20 Modification to a Planned Development to allow  
21 Commercial Neighborhood uses within the existing  
22 PD.

23 The 3.46-acre property is located at the  
24 southwest corner of U.S. Highway 301 and Cone Grove  
25 Road in Riverview and has a Future Land Use

1 classification of Suburban Mixed-Use SMU-6.

2 The intent of the SMU-6 area is urban,  
3 suburban in intensity and density of uses with the  
4 maximum FAR of .25 which would allow up to  
5 37,679 square feet.

6 The requested CN uses are proposed to replace  
7 the existing PDs, existing commercial recreational  
8 use, and are proposed to be split between two  
9 development parcels with Parcel A consisting of up  
10 to 10,000 square feet of CN uses and Parcel B  
11 consisting of up to 19,000 square feet of CN uses,  
12 including a liquor store with a drive-through  
13 window.

14 The request for a total of 29,000 square feet  
15 of CN uses is well below the maximum amount allowed  
16 of the SMU-6 Future Land Use category.

17 Please note that the property was previously  
18 approved for a 2-COP Alcoholic Beverage Permit.  
19 Therefore, the applicant will be required to make a  
20 separate application for a 4-COP Special Use  
21 Alcoholic Beverage Permit for the operation of  
22 liquor store if this Major Modification is  
23 approved.

24 We worked extensively with Development  
25 Services and Planning Commission staff to mitigate

1 potential impacts to the nearby residential uses.  
2 The mitigation measures as depicted on the proposed  
3 PD general site plan and stated in the proposed  
4 conditions of approval include use restrictions  
5 that prohibit higher intensity uses, buffers and  
6 screening, limitation of building height to a  
7 single story, building design standards compatible  
8 with the residential character of the nearby  
9 neighborhood, FAR limitation to .20, the least  
10 intense FAR permitted in commercial zoning  
11 district. A restriction on hours of operation and  
12 prohibiting call or order boxes at the  
13 drive-through pickup window.

14 We are requesting a PD variation to the Land  
15 Development Code's buffer requirement along the PD  
16 south boundary. The requested variation is to  
17 reduce the required 20-foot buffer to 6 feet.

18 The reduced buffer is mitigated through  
19 enhanced design features by the allocation of a  
20 significant area of the site for stormwater  
21 management to increase the buffer between the  
22 proposed commercial uses and the residential uses  
23 to the west.

24 The adjacent property to the south is  
25 developed as HOA and FDOT retention ponds.

1           Therefore, the reduced buffer will not negatively  
2           impact any sensitive uses and Development Services  
3           staff supports the approval of the variation.

4           We met with FDOT staff and county  
5           Transportation Staff to obtain their input on the  
6           proposed access to the public road network. Based  
7           on their input, we are proposing a single-access  
8           point connecting to Highway 301 as depicted on the  
9           general site plan.

10           The proposed access to Highway 301 is  
11           located at the southern end of the property  
12           Highway 301 frontage at the request of FDOT staff  
13           in order to maximize the separation between Cone  
14           Grove Road and the proposed driveway.

15           I am aware of an additional transportation  
16           condition that is being submitted into the record  
17           tonight that will require the developer to  
18           construct a right turn lane on Highway 301 into the  
19           project's driveway, and we agree to this condition  
20           as we understand the turn lane is required by FDOT.

21           Planning Commission staff reviewed the  
22           request which includes a waiver to Comprehensive  
23           Plan's commercial locational criteria and found the  
24           request to be consistent with the Comprehensive  
25           Plan and recommended approval of the waiver to the

1 commercial locational criteria based on the  
2 mitigation factors provided in the proposed site  
3 plan and the conditions of approval.

4 The staff report states the proposed rezoning  
5 would facilitate growth within the Urban Service  
6 Area and supports the vision of the Riverview  
7 Community Plan, the request would allow a  
8 development that is consistent with the goals,  
9 objectives, and policies of Future Land Use Element  
10 of the Comprehensive Plan.

11 This application is presented to you with a  
12 recommendation of approval subject to conditions  
13 from Hillsborough County Development Services  
14 Department, and no objections from any of the  
15 county reviewing departments, including  
16 Transportation and the Environmental Protection  
17 Commission of Hillsborough County.

18 Planning Commission staff found the request  
19 to be consistent with the Comprehensive Plan, and  
20 we've prepared a thorough and professional  
21 application package in compliance with the County's  
22 Land Development Code and Comprehensive Plan.

23 We noticed the surrounding property owners in  
24 accordance with the County's public notice  
25 requirements. We have not been contacted by any

1 citizens who object to the requested PD  
2 modification. Further, there are no objections  
3 from any parties of record.

4 Based on the documentation submitted into  
5 the record and my testimony here tonight, I  
6 respectfully request your recommendation for  
7 approval of this modification and I'm available to  
8 answer any questions. Thank you.

9 HEARING MASTER HATLEY: Thank you.

10 All right. Development Services.

11 MR. GRADY: Before we hear from  
12 Mr. Monsanto, I would note for the record we did --  
13 I did hand out the revised transportation comment  
14 and revised staff report reflecting that additional  
15 condition, and that's what's handed out to you and  
16 the clerk. So thank you.

17 HEARING MASTER HATLEY: I have it. Thank  
18 you.

19 MR. MONSANTO: Good evening again. Israel  
20 Monsanto, Development Services.

21 I will share my -- my screen shortly. Can  
22 you see that?

23 HEARING MASTER HATLEY: Yes.

24 MR. REGISTER: Looks like you just ended it.

25 HEARING MASTER HATLEY: We could see it.

1 MR. MONSANTO: Okay. I will start it again.  
2 All right. I will start the presentation now.  
3 Should I --

4 MR. REGISTER: I believe you need to switch  
5 the screens.

6 MR. MONSANTO: Thank you. Again, Israel  
7 Monsanto, Development Services.

8 The applicant this evening is seeking a Major  
9 Modification to a Planned Development PD 18-1363 in  
10 order to allow Commercial Neighborhood uses in  
11 existing PD.

12 The site is located on the southwest corner  
13 of U.S. Highway 301 and Cone Grove Road in  
14 Riverview. The site has a Future Land Use  
15 classification of Suburban Mixed-Use-6, and it's  
16 3.46 acres in size.

17 The PD zoning today consists of three  
18 parcels and is approved for a commercial site with  
19 a maximum of 2500 square feet of a concession stand  
20 four soccer fields and three sand volleyball  
21 courts.

22 Do you see on your screen the proposed Major  
23 Modification plan which will replace existing PD  
24 plan? All they're replacing will be with  
25 Commercial Neighborhood uses with restrictions.

1           The applicant proposes a site with two  
2           development parcels; Parcel A on the northern  
3           portion and Parcel B on the south portion of the  
4           PD. The new development will consist of  
5           29,000 square feet of Commercial Neighborhood uses  
6           developed also with the standards of the Commercial  
7           Neighborhood zoning district.

8           More specifically, Parcel A will be limited  
9           to 10,000 square feet of commercial space submitted  
10          in two structures located generally as you can see  
11          in the development plan while Parcel B will consist  
12          of 19,000 square feet of building space.

13          Parcel B will also include a liquor store as  
14          indicated by the applicant with a drive-out window  
15          on the southeast corner of the building. As noted  
16          in the staff report, the applicant proposes a list  
17          of uses that would be prohibited in addition to  
18          provision of buffers, screening, and building  
19          design standards compatible with the character of  
20          residential neighborhoods in the area.

21          Buildings will be limited to a single-story  
22          and the floor area ratio will be capped at .2 which  
23          is the least intense FAR allowed in the standard  
24          commercial zonings. Hours of operation will also  
25          be restricted.

1           The location of the drive-out window in the  
2           liquor store will be the furthest possible from the  
3           residential areas to the west, located to the  
4           northwest and west PD lines of the proposed site.

5           A Planned Development variation has been  
6           requested as indicated by the applicant from the  
7           Land Development Code parts 6.06.00 pertaining to  
8           landscaping and buffering.

9           Specifically that area being requested is  
10          along the south adjacent to an HOA and FDOT  
11          ponds -- retention ponds and wetlands. The request  
12          is to reduce from 20 feet required by Code to just  
13          6 feet.

14          Staff has reviewed the justification  
15          submitted by the applicant, and we find that per  
16          Sections 5.03.06.C.6 they meet the criteria for  
17          approval. Your recommendation, Madam Hearing  
18          Officer, for this application is required to  
19          include findings whether the requested variations  
20          meet the criteria for approval.

21          The surrounding area generally consists of  
22          residential uses. However, parcels zoned for  
23          nonresidential uses exist in close proximity to the  
24          north and northeast of the subject site.

25          There is a professional business office

1 located to the northwest, which is occupied today  
2 with a day care facility. There is also, again, a  
3 vacant Commercial Neighborhood parcel to the north  
4 and a shopping center to the northwest, which is --  
5 consists of 10,000 square feet of building and this  
6 is zoned PD 87-0043.

7 The proposed project's low intensity and  
8 scale would result in a development compatible with  
9 the area. The use restrictions would limit  
10 high-intense uses from the site and the provision  
11 of solid screening and buffers along the south and  
12 residential to the west will also mitigate those  
13 impacts.

14 Development standards will be those of the  
15 Commercial Neighborhood district which will limit  
16 the FAR again to .20 and impervious area of no more  
17 than 60 percent. Transportation Staff reviewed the  
18 application and does not object to this request.

19 Developer will be required coordination with  
20 the Florida Department of Transportation for site  
21 access improvements of U.S. Highway 301. There is  
22 also a cross-access connection proposed on the  
23 northwest corner of the project.

24 The site is located along a major arterial  
25 where nonresidential uses, including office and

1 commercial, are typical. The site is located in  
2 the Suburban Mixed-Use-6 Future Land Use  
3 designation which contemplate a mix of uses in this  
4 area. No objections were received from other  
5 reviewing agencies.

6 The proposed PD has been found consistent  
7 with the Comprehensive Plan by Planning Commission  
8 staff. Given the proposed mitigations,  
9 restrictions in addition to existing low scale  
10 nonresidential uses in the area compatible with the  
11 proposed project, staff recommends approval of this  
12 request with conditions.

13 And I'm available if you have any questions.

14 HEARING MASTER HATLEY: Thank you.

15 All right. Planning Commission.

16 MS. LIENHARD: Thank you. Melissa Lienhard,  
17 Planning Commission staff.

18 The subject property is located in the  
19 Suburban Mixed-Use-6 Future Land Use category. It  
20 is in the Urban Service Area, and the subject  
21 property is located within the limits of the  
22 Riverview Community Plan and the Southshore  
23 Areawide Systems Plan.

24 The subject site does not meet commercial  
25 locational criteria and a waiver request has been

1 submitted for review. Planning Commission staff  
2 has reviewed the waiver and while the site does not  
3 meet commercial locational criteria, it does front  
4 on and has full access to U.S. Highway 301 an  
5 arterial roadway.

6 Access to Cone Grove Road, which is a local  
7 roadway, is prohibited for Hillsborough County  
8 Transportation Staff. A future cross access to the  
9 neighboring Business Professional Office parcel is  
10 required to the west per the Florida Department of  
11 Transportation consistent with policy direction.

12 The maximum FAR for SMU-6 for this type of  
13 use is .25 which allows up to 37,679 square feet to  
14 be considered on the subject site. The request is  
15 for 29,000, which is less than the maximum  
16 allowable intensity for the subject site.

17 The proposed buffering privacy fence  
18 provision of operating hours and prohibition of  
19 uses meets the intent of the compatibility policies  
20 as outlined under Objective 16 and the Future Land  
21 Use Element.

22 The request is also consistent with Policy  
23 16.5 which requires development of higher intensity  
24 to be located along collectors and arterials and  
25 also external to neighboring residential

1 neighborhoods.

2 The subject property is located within the  
3 limits of the Riverview Community Plan, and this  
4 plan seeks to achieve better design and densities  
5 that are compatible with Riverview's vision by  
6 requiring that nonresidential development avoid  
7 strict development patterns for commercial uses.

8 The application is proposing a total of three  
9 buildings. The applicant's proposed design  
10 guidelines satisfies Objective 12-1 of the  
11 Community Design Component of the Future Land Use  
12 Element which requires the new development  
13 recognize the existing community and be designed in  
14 a way that is compatible with the established  
15 character of the area.

16 Planning Commission staff recommends that the  
17 Hillsborough County Board of County Commissioners  
18 approve the waiver based on this criteria.

19 Based upon those considerations, Planning  
20 Commission staff finds the proposed Major  
21 Modification consistent with the Future of  
22 Hillsborough Comprehensive Plan for unincorporated  
23 Hillsborough County subject to the conditions  
24 proposed by Development Services. Thank you.

25 HEARING MASTER HATLEY: Thank you.

1           Is there anyone present here tonight or  
2           online who wishes to speak in support of this  
3           request? All right.

4           Is there anyone here present or online who  
5           wishes to speak in opposition to this request? All  
6           right. Seeing none.

7           Staff, any further comments?

8           MR. GRADY: Nothing further.

9           HEARING MASTER HATLEY: Okay. Applicant,  
10          any further comments?

11          MR. WRIGHT: Nothing further. Thank you.

12          HEARING MASTER HATLEY: Okay. All right.

13          This will close the hearing on Zoning -- PD Zoning  
14          20-0898.

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1 Application 20-0290. This application is out of  
2 order to be heard and is being continued to the  
3 February 15th, 2021, Zoning Hearing Master Hearing  
4 beginning at 6:00 p.m.

5 Item A-3, Rezoning-Standard 20-0334. This  
6 application is being withdrawn by the Zoning  
7 Administrator from the hearing process in  
8 accordance with LDC Section 10.03.02.C.2.

9 Item A-4, Rezoning-Standard 20-0374. This  
10 application is being continued by staff to the  
11 February 15th, 2021, Zoning Hearing Master Hearing  
12 beginning at 6:00 p.m.

13 Item A-5, Major Mod Application 20-0377.  
14 This application is out of order to be heard and is  
15 being continued to the February 15th, 2021, Zoning  
16 Hearing Master Hearing beginning at 6:00 p.m.

17 Item A-6, Rezoning-PD 20-0389. This  
18 application is being continued by the applicant to  
19 the February 15th, 2021, Zoning Hearing Master  
20 Hearing beginning at 6:00 p.m.

21 Item A-7, Rezoning-Standard 20-0868. This  
22 application is being continued by the applicant to  
23 the February 15th, 2021, Zoning Hearing Master  
24 Hearing beginning at 6:00 p.m.

25 Item A-8, Major Mod Application 20-0898.

1           This application is out of order to be heard and is  
2           being continued to the February 15th, 2021, Zoning  
3           Hearing Master Hearing beginning at 6:00 p.m.

4                     Item A-9, Major Mod Application 20-1068.

5           This application is out of order to be heard and is  
6           being continued to the February 15th, 2021, Zoning  
7           Hearing Master Hearing at 6:00 p.m.

8                     Item A-10, Rezoning-PD 20-1071. This  
9           application is being continued by the applicant to  
10          the March 15, 2021, Zoning Hearing Master Hearing  
11          beginning at 6:00 p.m.

12                    Item A-11, Major Mod Application 20-1138.  
13          This application is out of order to be heard and is  
14          being continued to the February 15th, 2021, Zoning  
15          Hearing Master Hearing.

16                    Item A-12, Rezoning-PD 20-1142. This  
17          application is being continued by the applicant to  
18          the May 17th, 2021, Zoning Hearing Master Hearing  
19          beginning at 6:00 p.m.

20                    Item A-13, Rezoning-PD 20-1198. This  
21          application is being continued by the applicant to  
22          the February 15th, 2021, Zoning Hearing Master  
23          Hearing at 6:00 p.m.

24                    A-14, Rezoning-PD 20-1252. This application  
25          is being continued by staff to the February 15th,



1           Item A-11, Major Mod Application 20-0898.  
2           This application is out of order to be heard and is  
3           being continued to the January 19th, 2021, Zoning  
4           Hearing Master Hearing.

5           Item A-12, Rezoning-PD 20-0985. This  
6           applicaation is out of order to be heard and is  
7           being continued to the January 19th, 2021, Zoning  
8           Hearing Master Hearing.

9           Item A-13, Major Mod Application 20-1068.  
10          This application is out of order to be heard and is  
11          being continued to the January 19th, 2021, Zoning  
12          Hearing Master Hearing.

13          Item A-14, Major Mod Application 20-1138.  
14          This application is out of order to be heard and is  
15          being continued to the January 19th, 2021, Zoning  
16          Hearing Master Hearing.

17          Item A-15, Rezoning-PD 20-1142. This  
18          application is out of order to be heard and is  
19          being continued to the January 19, 2021, Zoning  
20          Hearing Master Hearing.

21          Item A-16, Rezoning-PD 20-1198. This  
22          application is out of order to be heard and is  
23          being continued to the January 19, 2021, Zoning  
24          Hearing Master Hearing.

25          Item A-17, Rezoning-PD 20-1252. This



1           Item A-12, RZ-PD 20-0394. This application  
2           is out of order to be heard and is being continued  
3           to the December 14, 2020, Zoning Hearing Master  
4           Hearing.

5           Item A-13, Major Mod Application 20-0801.  
6           This application is being continued by staff to the  
7           December 14, 2020, Zoning Hearing Master Hearing.

8           Item A-14, Major Mod Application 20-0898.  
9           This application is being continued by the  
10          applicant to the December 14, 2020, Zoning Hearing  
11          Master Hearing.

12          Item A-15, Rezoning PD 20-0985. This  
13          application is being continued by the applicant to  
14          the December 14, 2020, Zoning Hearing Master  
15          Hearing.

16          Item A-16, Major Mod Application 20-1068.  
17          This application is being continued by the  
18          applicant to the December 14, 2020, Zoning Hearing  
19          Master Hearing.

20          Item A-17, RZ-PD 20-1071. This application  
21          is being continued by the applicant to the  
22          January 19, 2021, Zoning Hearing Master Hearing.

23          Item A-18, RZ-PD 20-1142. This application  
24          is out of order to be heard and is being continued  
25          to the December 14, 2020, Zoning Hearing Master

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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IN RE: )
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ZONING HEARING MASTER (ZHM) )
HEARING )
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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: SUSAN FINCH  
Zoning Hearing Master

DATE: Monday, October 19, 2020

TIME: Commencing at 6:00 p.m.  
Concluding at 8:57 p.m.

PLACE: Cisco Webex Video Conference

Reported By:  
Diane T. Emery, CMRS, FPR  
Executive Reporting Service  
Ulmerton Business Center, Suite 100  
Clearwater, FL 33762

1 is being continued by staff to the November 16,  
2 2020, Zoning Hearing Master hearing.

3 Item A.14., major mod 20-0898. This  
4 application is out of order to be heard and is  
5 being continued to the November 16, 2020, Zoning  
6 Hearing Master hearing.

7 Item A.15, rezoning PD 20-0985. This  
8 application is out of order to be heard and is  
9 being continued to the November 16, 2020, Zoning  
10 Hearing Master hearing.

11 Item A.16., major mod 20-1068. This  
12 application is out of order to be heard and is  
13 being continued to the November 16, 2020, Zoning  
14 Hearing Master hearing.

15 Item A.17., major mod 20-1070. This  
16 application is out of order to be heard and is  
17 being continued to the November 16, 2020, Zoning  
18 Hearing Master hearing.

19 Item A.18., RZ-PD 20-1071. This application  
20 is out of order to be heard and is being continued  
21 to the November 16, 2020, Zoning Hearing Master  
22 hearing.

23 Item A.19., rezoning standard 20-1078. This  
24 application is out of order to be heard and is  
25 being continued to the November 16, 2020, Zoning

HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: PAMELA JO HATLEY  
Land Use Hearing Master

DATE: Monday, September 28, 2020

TIME: Commencing at 6:00 p.m.  
Concluding at 7:28 p.m.

PLACE: Appeared via Webex  
Videoconference

Reported By:

Christina M. Walsh, RPR  
Executive Reporting Service  
Ulmerton Business Center  
13555 Automobile Blvd., Suite 100  
Clearwater, FL 33762  
(800) 337-7740

1           Item A-4, Major Mod Application 20-0898.

2           This application is out of order to be heard and is  
3           being continued to the October 19th, 2020, Zoning  
4           Hearing Master Hearing.

5           Item A-5, Rezoning Standard 20-0950. This  
6           application is being withdrawn from the Zoning  
7           Hearing Master.

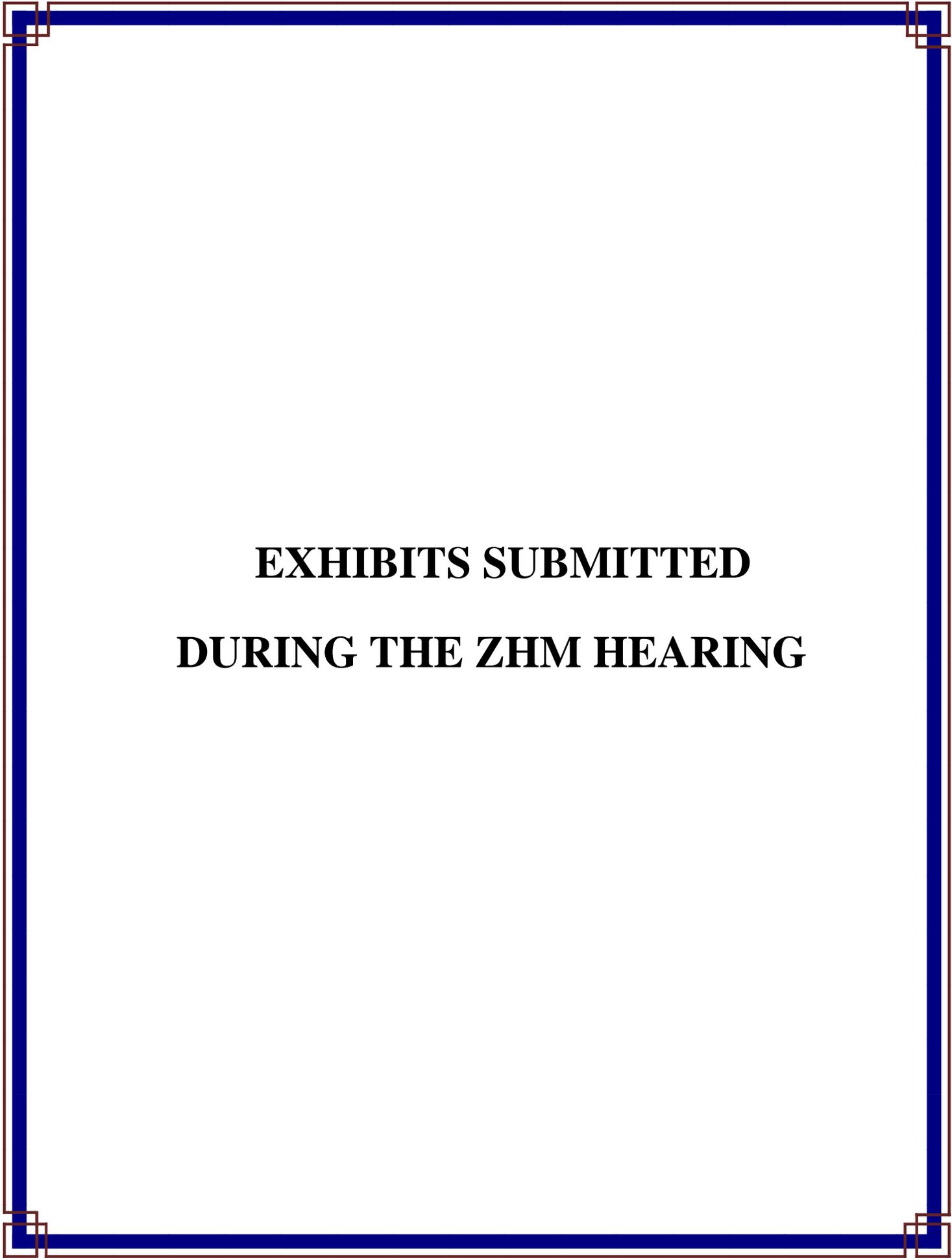
8           That concludes all withdrawals and  
9           continuances.

10           HEARING MASTER HATLEY: Thank you,  
11           Mr. Grady.

12           All right. Again, I'm Pamela Jo Hatley.  
13           I'll be the Zoning Hearing Master this evening. So  
14           I'll give some instructions before we get started.  
15           First of all, the agenda tonight consists of items  
16           that require a public hearing by a Hearing Master  
17           before going to the Board of County Commissioners  
18           for a final decision.

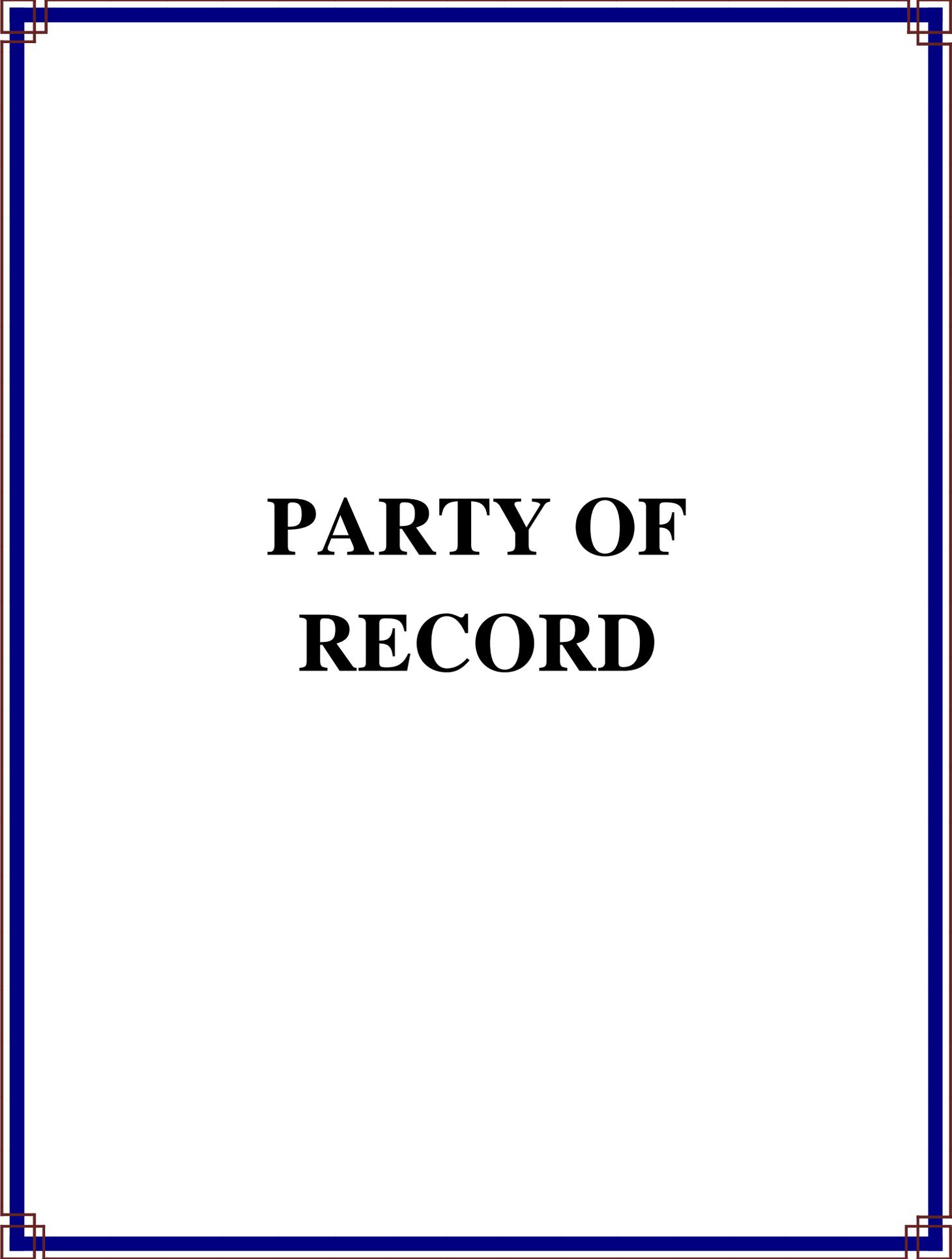
19           I will conduct a hearing tonight on each item  
20           and will submit a written recommendation. My  
21           recommendation -- my written recommendation will be  
22           filed with the clerk of the Board within 15 working  
23           days after the conclusion of today's public  
24           hearing.

25           The Board of County Commissioners will



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**

**NONE**



**PARTY OF  
RECORD**

**NONE**