



**DEVELOPMENT SERVICES**

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

**BOARD OF COUNTY  
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**INTERNAL AUDITOR**

Peggy Caskey

MEMORANDUM

DATE: December 14, 2021  
TO: Distribution List  
FROM: *Rosa Timoteo*  
Rosa Timoteo, Planning & Zoning Technician,  
Development Services Department  
SUBJECT: RESULTS – **December 13, 2021 ZONING HEARING MASTER HEARING**

**DEPUTY COUNTY ADMINISTRATOR**

Gregory S. Horwedel

Please read this memorandum carefully and follow up in your respective area.

The following petitions were **CONTINUED** to the **January 18, 2022** Zoning Hearing Master Hearing:

- |               |   |
|---------------|---|
| RZ-PD 20-1253 | RKM Development Corp / William Lloyd                        |
| RZ-PD 21-0110 | Ghassan S. Mousa  |
| RZ-PD 21-0647 | David Wright / TSP Companies, Inc.                          |
| RZ-PD 21-0701 | Soney FM LLC / Ram A. Goel                                  |
| RZ-PD 21-0744 | William Sullivan / Potomac Land Company                     |
| RZ-PD 21-0745 | Bricklemyer Law Group                                       |
| RZ-PD 21-0748 | Northstar Tampa Medical LLP                                 |
| RZ-PD 21-0863 | BDG Sheldon, LLC.   |
| RZ-PD 21-0864 | Belleair Development, LLC.                                  |
| RZ-PD 21-0959 | Lennar Homes, LLC   |
| MM 21-0963    | Scannell Properties, LLC / Noam Neuman                      |
| RZ-PD 21-1042 | Danva Real Estate, LLC.                                     |
| MM 21-1106    | Cypress Creek Land, Corp.                                   |
| MM 21-1108    | Homes for Hillsborough, Inc., / Michael Morina              |
| MM 21-1226    | The Davis Group   |
| RZ-PD 21-1231 | Triple M Tube Tech, LLC.                                    |
| MM 21-1270    | Perfection Partners Limited Partnership                     |
| RZ-PD 21-1321 | Juan C. Montesino   |
| RZ-PD 21-1329 | Nick Brackin / Brackin Renovations & Development, LLC.      |
| MM 21-1334    | Landside Investment, LLC.                                   |
| RZ-PD 21-1335 | Taylor Morrison of Florida, Inc.                            |
| RZ-PD 21-1336 | Tip Top Properties, LLC.                                    |
| RZ-PD 21-1337 | RV Retailer Florida Real Estate, LLC and Tampa Electric Co. |
| RZ-PD 21-1338 | David Wright / TSP Co., Inc.                                |
| MM 21-1339    | Liberty Property Limited Partnership                        |

RZ-PD 21-1340  
MM 21-1342  
RZ-STD 22-0025

Rhodine Development, LLC.  
Hillsborough County School Board  
Yaismel Hernandez

The following petitions were **CONTINUED** to the **February 14, 2022** Zoning Hearing Master Hearing:

RZ-PD 21-0962  
RZ-PD 21-1330  
RZ-PD 21-1332  
RZ-STD 22-0076  
RZ-STD 22-0077

Stephen J. Dibbs  
Mark Bentley  
Mark Bentley  
The Parman Group LLC / Jeff Sizemore  
Sizemore Properties LLC / Jay Sizemore

The following petition was **CONTINUED** to the **April 18, 2022** Zoning Hearing Master Hearing:

RZ-PD 18-0798

Johnson Pope Bokor Ruppel & Bums, LLP

The following petition was **HEARD** by Zoning Hearing Master **Susan Finch** and is scheduled to be heard concurrently with a related **Comprehensive Plan** amendment on **March 10, 2022**.

RZ-PD 21-1341

Ebla Capital, LLC

The following petition was **HEARD** by Zoning Hearing Master **Susan Finch** and are scheduled to be heard by the Board of County Commissioners on **January 13, 2022**:

MM 21-0884

Build to Suit, Inc.

The following petitions were **HEARD** by Zoning Hearing Master **Susan Finch** and are scheduled to be heard by the Board of County Commissioners on **February 08, 2022**:

RZ-PD 21-0222  
RZ-PD 21-0626  
MM 21-1090  
RZ-PD 21-1092  
MM 21-1196  
RZ-STD 21-1208  
RZ-PD 21-1235  
RZ-STD 22-0069  
RZ-STD 22-0070

RRGG LLC / First Rate Properties, LLC.  
Francisco J Otero-Cossio  
Boos Development / Jose Martinez  
PPF SS 1601 South Kingsway Road, LLC.  
Agency for Community Treatment Services, Inc.  
Graceland Real Estate Investment, Corp.  
Advanced Engineering Consultants  
Phillip W and Mary J Broughton  
Joseph L Lancaster

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ PD 21-0222 REMAND

**DATE OF HEARING:** December 13, 2021

**APPLICANT:** RRGG LLC/First Rate Properties, LLC

**PETITION REQUEST:** A request to rezone property from AS-1 and PD to PD to allow a commercial, office and multi-family project

**LOCATION:** 430 feet east of the intersection of Bloomingdale Ave. and Watson Rd.

**SIZE OF PROPERTY:** 14.45 acres, m.o.l.

**EXISTING ZONING DISTRICT:** AS-1 and PD 17-0068

**FUTURE LAND USE CATEGORY:** RES-6

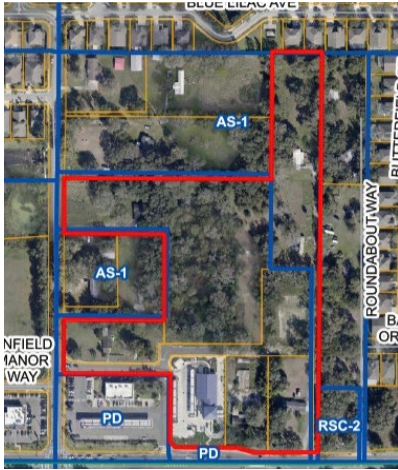
**SERVICE AREA:** Urban

**COMMUNITY PLAN:** Brandon Community Plan

## DEVELOPMENT REVIEW STAFF REPORT

\*Formatting issues prevented the entire Development Services Department staff report from being included in this Recommendation therefore please refer to the County's official record for a complete copy of the staff report.

### 1.0 APPLICATION SUMMARY



Applicant: RRGG LLC / First Rate Properties, LLC

FLU Category: Res-6

Service Area: Urban

Site Acreage: 14.45 acres(ac)

Community Plan Area: Brandon

Overlay: None

Request: Rezone existing mixed-use PD to new PD and add 2.86+/- acres



**Request Summary:**

The existing zoning is PD 17-0068 which permits Commercial, Office and Multi-Family uses pursuant to the development standards in the table below. The proposed zoning is for Planned Development to allow Commercial, Office and Multi-Family pursuant to the development standards in the table below and site plan depicted in 2.4 of the report.

Remand Summary: This application was remanded by the BOCC to reconsider project access on Watson Road and re-evaluate the coffee shop/call box located on the parcel 3 to the east of the project. The applicant has addressed those concerns by providing a full project access on the northern project access point on Watson Road, and removing the call box and 2,500 sf coffee shop on Parcel 3. In addition, the applicant has removed the gated access for the townhomes and increased the height limit to 45 feet if a bank use is developed on Parcel 3 which is currently allowed on Parcel 2. All other proposed development limits remain unchanged.

**Zoning:**

**Current Proposed PD 17-0068 and AS-1 PD 21-0222**

Uses	PD 17-0068 (1) Parcel 1 – 8,000 Comm sf Parcel 2 – 8,000 Comm sf Parcel 3 – 8,000 Comm sf Parcel 4 – 13,000 Comm sf Parcel 5 - 63 Townhomes	PD 21-0222(2) Parcel 1 – Existing 8,000 sf car wash Parcel 2 – 8,000 Comm sf Parcel 3 – 8,000 Comm sf Parcel 4 – 13,000 Comm sf Parcel 5 - 90 Townhomes
	AS-1 Single Family (SF) Home	
Mathematical Maximum Entitlements*	37,000 SF Commercial Uses 63 Townhomes	37,000 sf of Commercial Uses
	2 Residential Lots Permitted	90 Townhomes

1. (1) Parcels 1-4 Prohibited Uses include Convenience Stores, Fast Food Restaurants, Drive Thru Facilities, Gas Stations/Gas Pumps and Adult Uses
2. (2) Restricted Commercial Uses See Proposed Condition 1.2

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

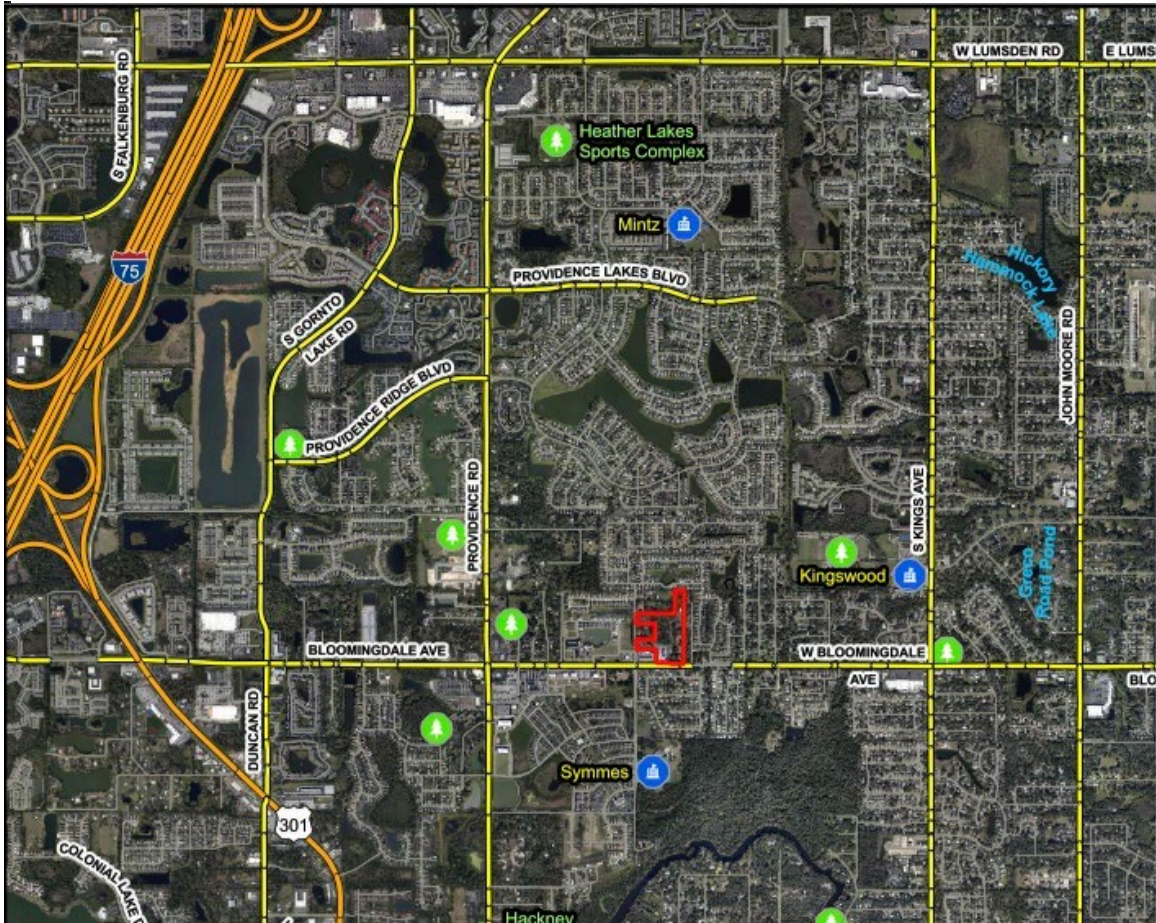
Development Standards: Current PD Zoning Proposed PD Zoning		
Density / Intensity	PD - Max 6 DU per ac/ .25 Floor to Area Ratio (FAR)	Max 6 DU per ac/ .25 FAR
Lot Size / Lot Width	PD - 11.61 ac AS-1 – 2.86 ac	14.45 ac

Setbacks/Buffering and Screening	30' Front Buffer, Rear Buffer, Sides	30' Front Buffer, Rear Buffer, Sides
Height	35'	35' (Parcel 2 and 3 permitted increase to 45' for a feature of a bank building shown on rendering on page 15 of 16 of staff report)

**Additional Information:**

PD Variations	Per LDC 5.03.06.C.6.a(2) the applicant seeks a variation to the Buffering Requirements to reduce the buffer along the east side of project from 20 feet to 14 feet.	
Waiver(s) to the Land Development Code	None	
Planning Commission Recommendation	Planning Commission staff finds the proposed Planned Development <b>CONSISTENT</b> with the Future of Hillsborough Comprehensive Plan.	
Development Services Department Recommendation	Development Services Staff finds the propose Planned Development <b>APPROVABLE, SUBJECT TO CONDITIONS</b>	

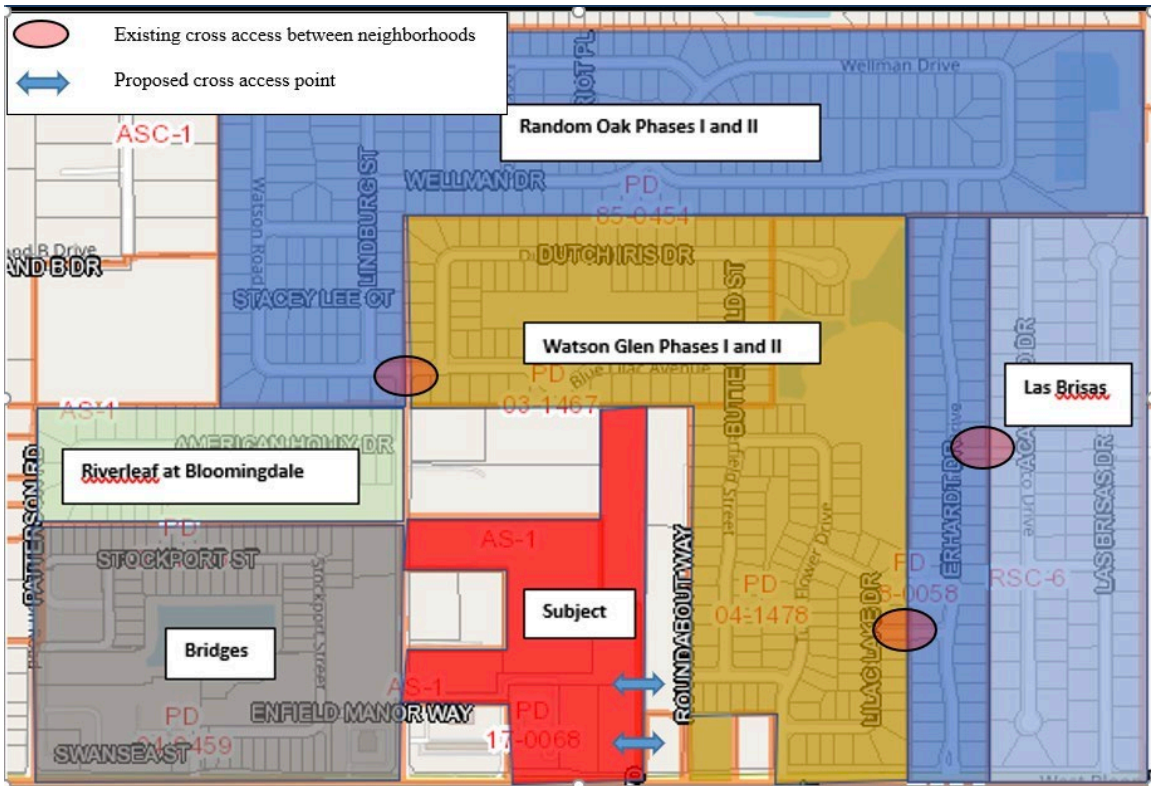
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

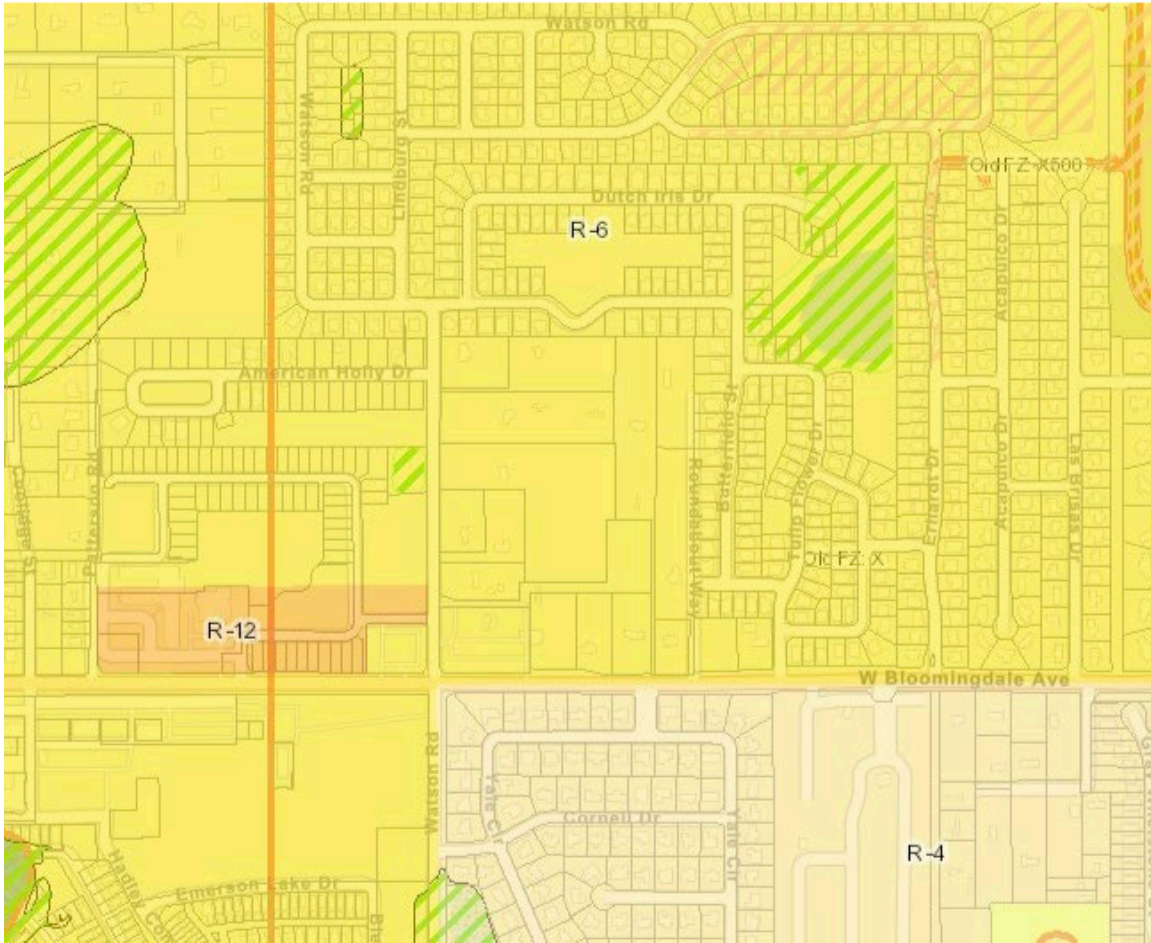
Immediately adjacent to the subject project are seven parcels that have not been redeveloped and have the zoning designations consisting of AS-1 and RSC-2.

The larger area to the east and north surrounding the subject site is mostly comprised of fully built-out single family residential neighborhoods zoned Planned Development with an interconnected street network. These neighborhoods include: the Watson Glen neighborhoods to the east and north, Random Oaks also to the east and north, and Riverleaf to the west. The Las Brisas Neighborhood, zoned RSC-6, is located to the east. "The Bridges development, located to the west, of the subject project is a mixed use, primarily residential, project with a mix of housing types.



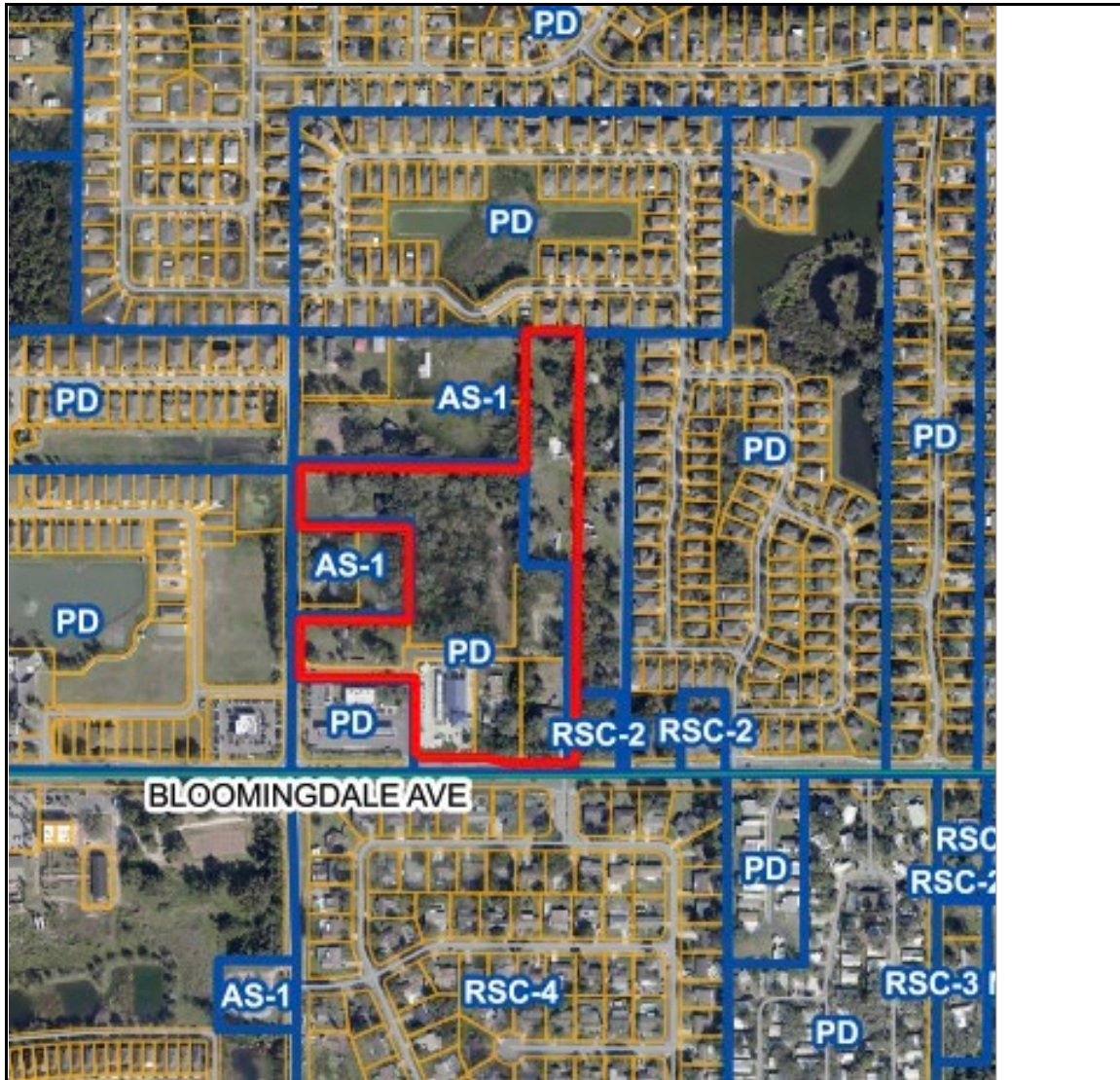


**2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map**



Subject Site Future Land Use Category:	Residential 6
Maximum Density/F.A.R.:	6 dwelling units per acre / 0.25 Floor to Area Ratio
Typical Uses:	Residential Use are typical in the immediate area with commercial uses along Bloomingdale Avenue.

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

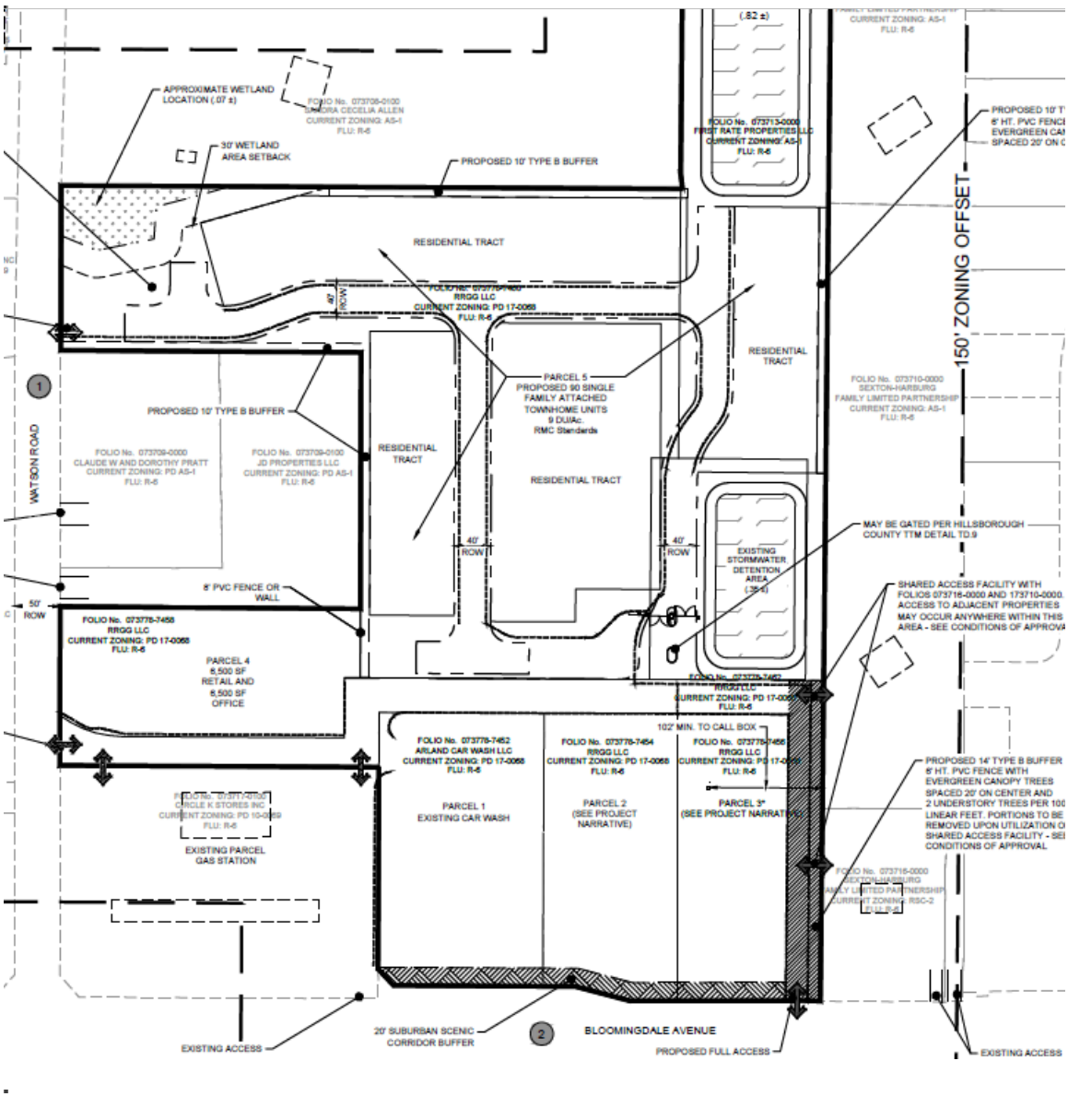


Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AS-1/PD	Max 1 du/acre Max 6 du/acre	Ag Residential	Mobil Homes SF Homes
South	PD / RSC-4	0.25 FAR Max 4 du/acre	Commercial Uses Residential Uses	Convenience with Gas SF Homes

East	AS-1/RSC-2	Max 1 du/acre Max 2 du/acre	Ag Residential	SF Homes
West	AS-1/PD	Max 1 du/acre Max 6 du/acre	Ag, Res/ Residential, CN, BPO Use	SF/MF/Commercial

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

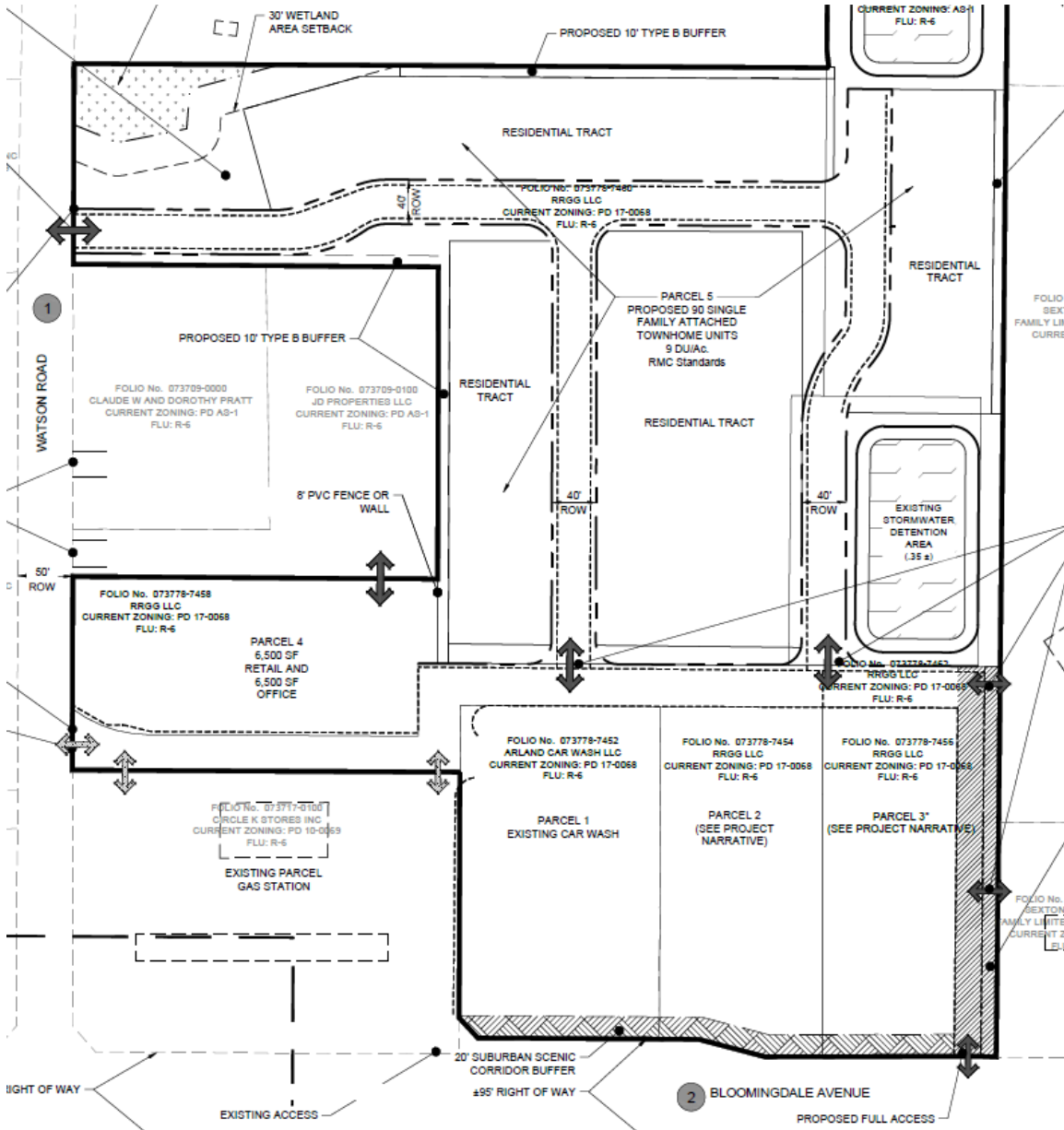
**2.4 Previously Proposed Site Plan (Received July 7, 2021) (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)**





## 2.0 LAND USE MAP SET AND SUMMARY DATA

2.4 **Revised** Proposed Site Plan with changes annotated (Received November 12, 2021) (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)





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

<b>Adjoining Roadways (check if applicable)</b>			
<b>Road Name</b>	<b>Classification</b>	<b>Current Conditions</b>	<b>Select Future Improvements</b>
Watson Rd.	County Local - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Bloomingtondale Rd.	County Arterial - Urban	4 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	8,736	601	609
Proposed (Based on Trip Gen Cap)	3,313	312	326

Difference (+/-)	(-) 5,423	(-) 289	(-) 283
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\*Trips reported are based on net new external trips unless otherwise noted.

<b>Connectivity and Cross Access</b> <input type="checkbox"/> Not applicable for this request				
<b>Project Boundary</b>	<b>Primary Access</b>	<b>Additional Connectivity/Access</b>	<b>Cross Access</b>	<b>Finding</b>
North		None	None	Meets LDC
South	X	Vehicular & Pedestrian	Vehicular & Pedestrian	Meets LDC
East		Vehicular & Pedestrian	None	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC

Notes: Vehicular and pedestrian cross access to the “north” refers to the cross access proposed between Tract 4 and the adjacent folio to its north.

<b>Design Exception/Administrative Variance</b> <input type="checkbox"/> Not applicable for this request		
<b>Road Name/Nature of Request</b>	<b>Type</b>	<b>Finding</b>
Watson Rd. Substandard Road	Design Exception Requested	Approvable
Bloomington Ave. Substandard Road	Administrative Variance Requested	Approvable

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

##### 4.0 Additional Site Information & Agency Comments Summary

Trip generation cap is a critical design feature and will result in a decrease in project trip generation despite overall entitlements intensifying.

Design Exception/Adm. Variance Requested  Off-Site Improvements Provided

. Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area

Potable Water Wellfield Protection Area  Significant Wildlife Habitat

Coastal High Hazard Area

Urban/Suburban/Rural Scenic Corridor  Adjacent to ELAPP property

Other \_\_\_\_\_

Yes  No

Yes  No

Yes  No

#### Hillsborough County School Board

Adequate  K-5  6-8  9-12  N/A Inadequate  K-5  6-8  9-12  N/A

## Impact/Mobility Fees

(Fee estimate is based on a 1,500 square foot, 3 bedroom, 1-2 story Townhome)  
 Mobility: \$4,278 \* 27 units = \$115,506  
 Parks: \$1,656 \* 27 units = \$ 44,712  
 School: \$7,027 \* 27 units = \$189,729  
 Fire: \$249 \* 27 units = \$ 6,723  
 Total Townhome = \$356,670

Medical (<10k s.f.) (per 1,000 s.f.) Mobility: \$14,206 Fire: \$158	Vehicle Repair (per 1,000 s.f.) Mobility: \$7,508 Fire: \$313	Bank w/DT (per 1,000 s.f.) Mobility: \$12,924 Fire: \$313	Coffee Shop w/DT (per 1,000 s.f.) Mobility: \$111,728 Fire: \$313	Office (multi) (per 1,000 s.f.) Mobility: \$5,374 Fire: \$158
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Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> <input type="checkbox"/> Locational Criteria Waiver Requested <input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## 5.0 IMPLEMENTATION RECOMMENDATIONS 5.1 Compatibility

The applicant seeks to modify an existing planned development, PD 17-0068, by increasing the residential component of the mixed-use development by adding 27 townhomes and a 2.9 acre parcel to the existing mixed use Planned Development. The density of the residential component of the project will continue to be limited to 9 units per acre. The residential housing mix of surrounding neighborhoods consist of primarily single-family residential homes. The introduction of a mixed-use project with townhomes in proximity to these neighborhoods provides a diversity in the housing type for the area while remaining compatible with the surrounding area.

The commercial retail office component of subject project was also previously approved as part of PD 17-0068. The applicant seeks to modify the mix of commercial uses approved for the three parcels that comprise the currently vacant commercial component of the project. The most significant change to the mix of uses originally proposed by the applicant was the addition of a coffee shop use with a drive-thru for Parcel 3 along the eastern most commercial parcel. Subsequent to the remand of this application the applicant has removed this change and added a non-drive-thru pharmacy to the list of potential uses on parcel 3 and thereby removed a use that had created compatibility concerns.

Additionally, in response to the Remand the applicant has agreed to reinstate a full access point along Watson Road. Staff notes the surrounding neighborhoods remain opposed to the full access connection.

Finally, the benefits of mixed-use developments will generally include: reduced auto-dependency, increased pedestrian options, provide diversity of housing options and establish a sense of place and community to name a few. The subject project has the potential to provide a measure of all these benefits for the residents of the proposed project and for the surrounding neighborhoods. Staff finds that the mix of uses proposed for this project will generally intensify the mixed-use character of the project and thereby enhance the mixed-use benefits of the project.

## **5.2 Recommendation**

Based on the above considerations staff finds the proposed general site development plan supportable subject to the attached conditions.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

## **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition and stated that the petition was remanded by the Board of County Commissioners to further evaluate the access to the site and also the proposed uses. In particular, a proposed drive through coffee shop that was located in Parcel 3 of the development. He noted that a revised graphic will be submitted into the record and included in the staff report to highlight the changes and include a proposed cross access between two parcels.

Mr. Mike Horner 14502 North Dale Mabry Highway Tampa testified on behalf of RRG Inc who is the applicant and owner of the subject property. Mr. Horner introduced his development team and stated that the prior plan did not allow for access to Watson Road on the northern portion of the project due to substantial residential opposition to traffic queuing from the intersection of Bloomingdale and Watson Road. He added that Mr. Ratliff previously testified that would relieve the queuing and traffic impact from the intersection. The Planning Commission previously found the case inconsistent primarily for the proposed drive-through coffee shop on Parcel 3 as well as concerns regarding connectivity. These concerns came up during the Board of County Commissioners meeting. Mr. Horner testified that the applicant has gone back to the drawing board and has eliminated the entire drive-through proposal on Parcel 3 on Bloomingdale

Avenue which also was associated with a request to reduce the required separation for a call box. He stated that the reduction is no longer requested. No drive-through is proposed at all. Access at the northwestern portion of the site to Watson Road as well as sidewalk connectivity is being reinstated as shown in the prior approval. Roadway improvements to Watson Road are now proposed. Mr. Horner detailed the proposed connectivity which results in traffic going through the property. The rezoning now has unanimous recommendations for approval. The Planning Commission has amended its findings to be consistent. He added that a couple of uses on Parcels 2 and 3 are now restricted. A new use of non-drive through pharmacy is proposed on Parcel 2 or 3. The previously proposed bank with a height of 45 feet but only two stories on Parcel 2 is now added to also Parcel 3.

Hearing Master Finch asked Mr. Horner about the proposed full access on Watson Road and if that is currently approved under the existing Planned Development zoning. Mr. Michael Yates replied as representing the applicant regarding transportation issues. Mr. Yates showed a graphic and explained that there is a full access point behind the existing Circle K. It is a right-in/right-out access but is being used for full access. The proposal will restore that access point to right-in/right-out and a full access point to Watson will be provided to the north.

Hearing Master Finch asked Mr. Yates if the northern access was part of the existing zoning. Mr. Yates replied that it was a change to the previous proposal.

Mr. Horner testified that the issue has been confused as the first Planned Development included the Circle K property so the language had a different context on the reference of north.

Mr. Yates testified on behalf of the applicant that access to the property will not be gated detailed the location of the existing car wash and circulation pattern. An improvement to Watson Road including a sidewalk is proposed. He concluded his remarks by stating that an F-type curb will be run from Bloomingdale to the residential driveway.

Mr. Steve Beachy, Development Services Department testified regarding the County's staff report. Mr. Beachy stated that the request is to rezone 14.45 acres to Planned Development on property located on Bloomingdale Avenue and Watson Road in the Brandon area for 90 townhomes with 3,700 square feet of commercial uses. The Board of County Commissioners requested the application to be remanded to reconsider project access to Watson Road and also reevaluate the coffee shop and call box on Parcel 3. The proposal is to reinstate the full access on Watson Road and to remove the coffee shop and drive-through as well as add an option to develop a non drive-through pharmacy on Parcel 3 and 4. Access will no longer be gated to the townhomes. A graphic will be submitted into the record to highlight the cross access proposed. Mr. Beachy described the proposed restricted commercial uses and stated that the

proposed additional 27 townhomes and mixed use character of the project provide benefits including increased pedestrian options and also a diversity of housing options.

Mr. James Ratliff of the County's Transportation Review section testified regarding the question of whether the existing zoning allows for a full access connection at the northern most connection point. He stated that zoning condition 6 states that one full access connection to Watson Road is the northern most access. The southern access is the right-in/right-out access point. He added that people are violating that access restriction. The proposed full access point is now reverting back to what's allowed under the existing zoning. Mr. Ratliff testified that the project was previously approved to not be gated and that the northern access on Watson is a full ungated access approved under 17-0750.

Hearing Master Finch asked Mr. Ratliff to confirm that 17-0750 permits a full access point at the northwest portion of the site and a right-in/right-out access point south of that. Mr. Ratliff confirmed that there is no change in the access and gating under what is approved currently.

Ms. Yeneka Mills of the Planning Commission staff testified that the property is within the Residential-6 Future Land Use category and located in the Urban Service Area and Brandon Community Planning Area. She stated that the applicant addressed the Planning Commission's concerns by removing the drive-through as well as the call box on Parcel 3 as well as removing the gated access off of Watson Road which changed the Planning Commission's recommendation to consistent. Ms. Mills added that with the removal of the items resulted in consistency with Policies 16.1, 16.2, and 16.3. Therefore, the Planning Commission staff found the request consistent with the Hillsborough County Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. No one replied.

Hearing Master Finch asked audience members if there were any opponents of the application.

Ms. Rebecca Williams 5321 Watson Road testified in opposition. Ms. Williams stated that she was asked to read a statement from the Random Oaks homeowners association into the record. She testified that the biggest concern was the access behind the Circle K which is the northernmost access. Ms. Williams testified that for the past 10 months, the association has been actively involved in the opposition effort to the zoning application. She read the opposition letter into the record which included concerns that stated the applicant constructed improvements in violation of the zoning restriction. The proposed separator will restrict left turns to the south which will affect the home sites of Riverview, Random Oaks and Watson Glen subdivisions who are regular patrons

of the business. The separator will also prevent left turns out of the southern project access which she called the northern one for Circle K and the car wash. She asked how drivers who want to head east on Bloomingdale would turn east. She discussed the comments from Mr. Ratliff regarding transportation. Ms. Williams read the homeowners letter in its entirety into the record. The letter asked to stop the implementation of the cement barrier at the southern project access.

Mr. Ratliff of the County's Transportation review staff testified that there is a fundamental misunderstanding with the way the project circulation will work. He added that by reverting back to the existing approved access proposal for Watson Road, the residents that wanted access to the signal who are coming out of the project will be able to turn left onto Watson Road from the northernmost access. Similarly, residents who want to visit the shops who live north of the site will be able to turn into the left turn into the northernmost access point. The County is not forcing anyone to go into the neighborhood where the new access plan is providing full access that will allow people to make full turning movements into and out of the site from various access points. Mr. Ratliff testified that with respect to the Bloomingdale Avenue access, the full median opening is expected to alleviate any potential issues that are happening with people making the illegal turning movements. The full median opening will align with Ivy Boulevard to the south. Mr. Ratliff concluded his comments by stating that the access is being reinstated to what is approved under 17-0750.

Hearing Master Finch asked Mr. Ratliff to clarify that the access behind the Circle K is approved and should have been a right-in/right-out access point and also that there will be a second access point that is full and will permit left turns into the project.

Mr. Ratliff showed a graphic to explain the access points. He stated that the gas station is not part of the project.

Mr. Horner testified during the rebuttal period that Mr. Ratliff explained the access issue succinctly. He added that the applicant offered to the Board of County Commissioners to have the Circle K access be a full access. Concerns were expressed about safety and left turning movements. The access will be a right-in/right-out and include a diverter. The developer would love to have the gated access but it willing to open up the neighborhood to have access to the shops. The applicant has also agreed to cross access connectivity.

Mr. Yates testified during the rebuttal period that a revised traffic study was submitted into the record. The study addresses the change in access configuration and redistribution of project trips. Mr. Yates testified that there will be sidewalks on both sides of Watson Road.

The hearing was then concluded.



## **EVIDENCE SUBMITTED**

Mr. Grady submitted a revised site graphic depicting the applicant's revisions into the record.

## **PREFACE**

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

## **REMAND FINDINGS OF FACT**

1. The subject site is 14.45 acres in size and is zoned Agricultural Single Family-1 (AS-1) and Planned Development 17-0068. The property is designated Residential-6 (RES-6) by the Comprehensive Plan and located in the Urban Service Area and the Brandon Community Planning Area.
2. The request to rezone from AS-1 and Planned Development to Planned Development (PD) is to permit a mixed-use development of commercial, office and multi-family residential land uses.
3. The existing Planned Development 17-0068 is currently approved for 37,000 square feet of commercial and 63 townhomes.
4. The rezoning request includes an increase in acreage of 2.86 acres and an additional 27 townhomes for a total of 90 townhomes on-site. The request proposes to maintain the approval for the 37,000 square feet of commercial uses.
5. The application was remanded by the Board of County Commissioners to reconsider 1) the project access on Watson Road and 2) the proposed coffee shop with call box on Parcel 3.
6. The applicant has responded to the Board of County Commissioners comments by providing a full access point onto Watson Road at the northern most point of the project and removing the proposed coffee shop with call box from the request. Additionally, the applicant has removed the request for gated project access to the townhomes and proposed that the requested bank with a 45-foot height maximum be permitted in both Parcels 2 and 3.
7. The Planning Commission staff stated that the site does not meet commercial locational criteria. A waiver was requested and is supported as the revisions to the proposal now meets the intent of Policies 16.1, 16.2, 16.3 and 23.2 of the Future Land Use Element. Based on the revisions to the rezoning

application, the Planning Commission staff found the request to be consistent with the Comprehensive Plan.

8. The Development Services Department supports the request as the majority of the uses including density and intensity are currently approved under the existing Planned Development. Staff further found that the benefits of the mixed-use development include a reduction in auto dependency, an increase in pedestrian options and an increase in housing diversity.
9. The rezoning includes a Planned Development variation request. The applicant requests to reduce the required 20-foot buffer to 14 feet along the eastern side of the project.

The PD variation meets Land Development Code Section 5.03.06.C(b) as the purpose would be to provide a six-foot sidewalk on the west side of Bloomingdale Avenue thereby increasing pedestrian safety.

10. Testimony in opposition was provided at the Zoning Hearing Master hearing. The testimony was provided by a representative of the Random Oaks Homeowners Association. A letter in opposition was read into the record. Concerns pertained to the proposed change in access behind the existing Circle K as it currently being used as a full access point but is proposed to be restored to a right-in/right-out access point.

County transportation staff responded to the neighborhood concern by stating that the full access point provides the opportunity for residents of the subject property to turn left onto Watson Road from the northernmost access point. Similarly, residents who want to visit the shops on the subject property will be able to via the full access point. County staff testified that the proposed access would reinstate what is already approved under the current Planned Development zoning district.

11. The requested rezoning represents an additional 27 townhomes to the already approved 63 townhomes.
12. The proposed 37,000 square feet of commercial is currently approved under the existing Planned Development zoning district.
13. The proposed full access point onto Watson Road at the northernmost corner of the project as well as the restoration of the right-in/right-out access point to the south on Watson Road is consistent with the existing Planned Development zoning.
14. Approval of the Planned Development zoning with the conditions proposed by the Development Services Department serve to recognize the already approved Planned Development entitlements with the addition of 27

townhomes. The impact of the project on the surrounding community from a transportation standpoint is lessened based upon a decrease in the overall trip generation as a result of passerby traffic. The intensity of the project is unchanged and is compatible with the surrounding area.

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

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

### **CONCLUSIONS OF LAW**

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

### **SUMMARY**

The request is to rezone 14.45 acres from AS-1 to PD to permit a mixed-use development of commercial, office and multi-family residential land uses. The existing Planned Development 17-0068 is currently approved for 37,000 square feet of commercial and 63 townhomes. The rezoning request includes an increase in acreage of 2.9 acres and an additional 27 townhomes for a total of 90 townhomes on-site. The request proposes to maintain the approval for the 37,000 square feet of commercial uses.

The application was remanded by the Board of County Commissioners to reconsider access to Watson Road and consider the proposed coffee shop with call box. The applicant responded to the Board's comments by providing a full access point onto Watson Road at the northern most point of the project and removing the proposed coffee shop with call box from the request. Additionally, the applicant has removed the request for gated project access to the townhomes and proposed that the requested bank with a 45-foot height maximum be permitted in both Parcels 2 and 3.

The Planning Commission changed its finding of inconsistency to consistent based on the revisions to the rezoning request. Therefore, the Planning Commission staff found the request to be consistent with the Comprehensive Plan.

The Development Services Department supports the request as the majority of the uses including density and intensity are currently approved under the existing Planned Development. Staff further found that the benefits of the mixed-use

development include a reduction in auto dependency, an increase in pedestrian options and an increase in housing diversity.

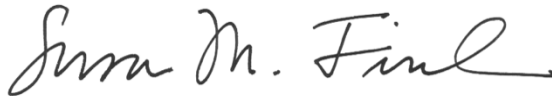
The rezoning includes a Planned Development variation request. The applicant requests to reduce the required 20-foot buffer to 14 feet along the eastern side of the project. The PD variation meets Land Development Code Section 5.03.06.C(b) as the purpose would be to provide a six-foot sidewalk on the west side of Bloomingdale Avenue thereby increasing pedestrian safety.

Testimony in opposition was provided by a representative of the Random Oaks Homeowners Association. A letter in opposition was read into the record. Concerns pertained to the proposed change in access behind the existing Circle K as it currently being used as a full access point but is proposed to be restored to a right-in/right-out access point. County transportation staff responded to the neighborhood concern by stating that the full access point provides the opportunity for residents of the subject property to turn left onto Watson Road from the northernmost access point. Similarly, residents who want to visit the shops on the subject property will be able to via the full access point. County staff testified that the proposed access would reinstate what is already approved under the current Planned Development zoning district.

The requested rezoning represents an additional 27 townhomes to the already approved 63 townhomes. The access revisions are currently approved under the existing Planned Development zoning district. The intensity of the project is unchanged and is compatible with the surrounding area.

### **RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date January 05, 2022**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ PD 21-0626

**DATE OF HEARING:** December 13, 2021

**APPLICANT:** Francisco J. Otero-Cossio

**PETITION REQUEST:** A request to rezone property from RSC-9 and PD to PD to permit 112 multi-family dwelling units

**LOCATION:** South side of the intersection of E. Dr. Martin Luther King Jr. Blvd. and Cromwell Dr.

**SIZE OF PROPERTY:** 6.38 acres, m.o.l.

**EXISTING ZONING DISTRICT:** RSC-9

**FUTURE LAND USE CATEGORY:** OC-20, RES-9

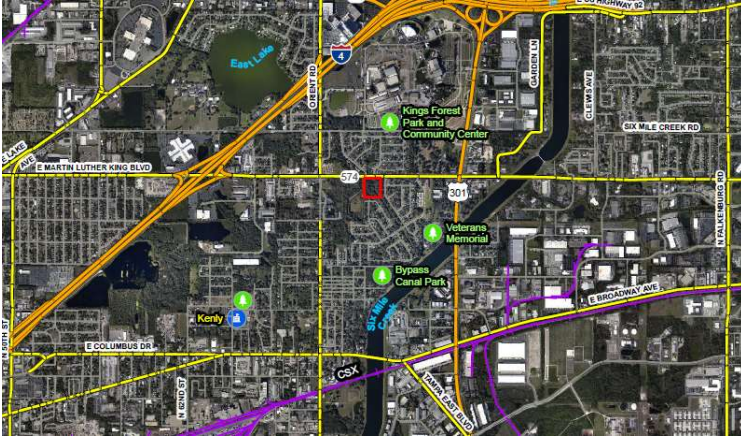
**SERVICE AREA:** Urban

**COMMUNITY PLAN:** Egypt Lake Orient Park

## DEVELOPMENT REVIEW STAFF REPORT

**\*Note:** Formatting issues prevented the entire Development Services Department staff report from being copied into the Hearing Master's Recommendation. Therefore, please refer to the Development Services Department web site for the complete staff report.

### 1.0 APPLICATION SUMMARY



Applicant: Francisco J. Otero-Cassio

FLU Category: RES-9 & OC-20

Service Area: Urban

Site Acreage: 6.38

Community Plan Area: East Lake/Orient Park

Overlay: None

**Introduction Summary:**

The applicant seeks to rezone the subject site from RSC-9 and PD (92-0056) to PD to allow for a 112 multi-family unit project with a flex of the OC-20 future land use category. The flex will cover the entire parcel.

**Zoning: Existing Proposed**

District(s)	RSC-9	PD 92-0056 ZC (partial)	PD 21-0626
Typical General Use(s)	Single-Family Residential (Conventional Only)	Multiple Residential and Non-Residential	Multi-Family Residential
Acreage	3.51 +/-	2.87 +/- (partial)	6.38
Density/Intensity	9 unit per acre	20 units per acre	17.5 units per acre
Mathematical Maximum*	10 units	57 units	112 units (with Flex Request)

\*number represents a pre-development approximation

**Development Standards: Existing Proposed**

District(s)	RSC-9	PD 92-0056 ZC (partial)	PD 21-0626
Lot Size / Lot Width	5,000 sf / 50'	Unspecified	N/A
Setbacks/Buffering and Screening	20' Front 20' Rear 5' Sides	Unspecified	20' Front 20' Rear (2:1 setbacks) 20' Sides (2:1 setbacks)
Height	35'	Unspecified	50'/ 4-stories (2:1 Setback)

**Additional Information:**

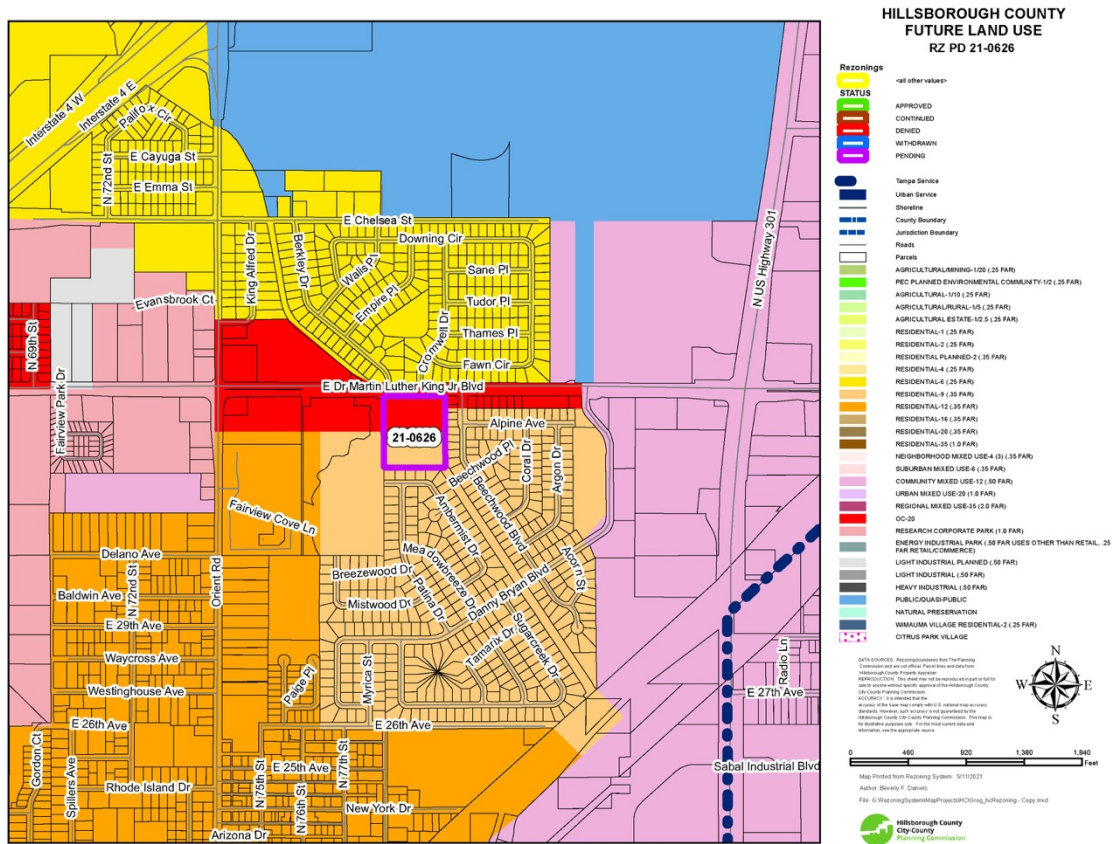
PD Variation(s)	None requested as part of this application
Waiver(s) to the Land Development Code	None requested as part of this application
Planning Commission Recommendation:	Development Services Recommendation:
Consistent	Approvable, subject to proposed conditions





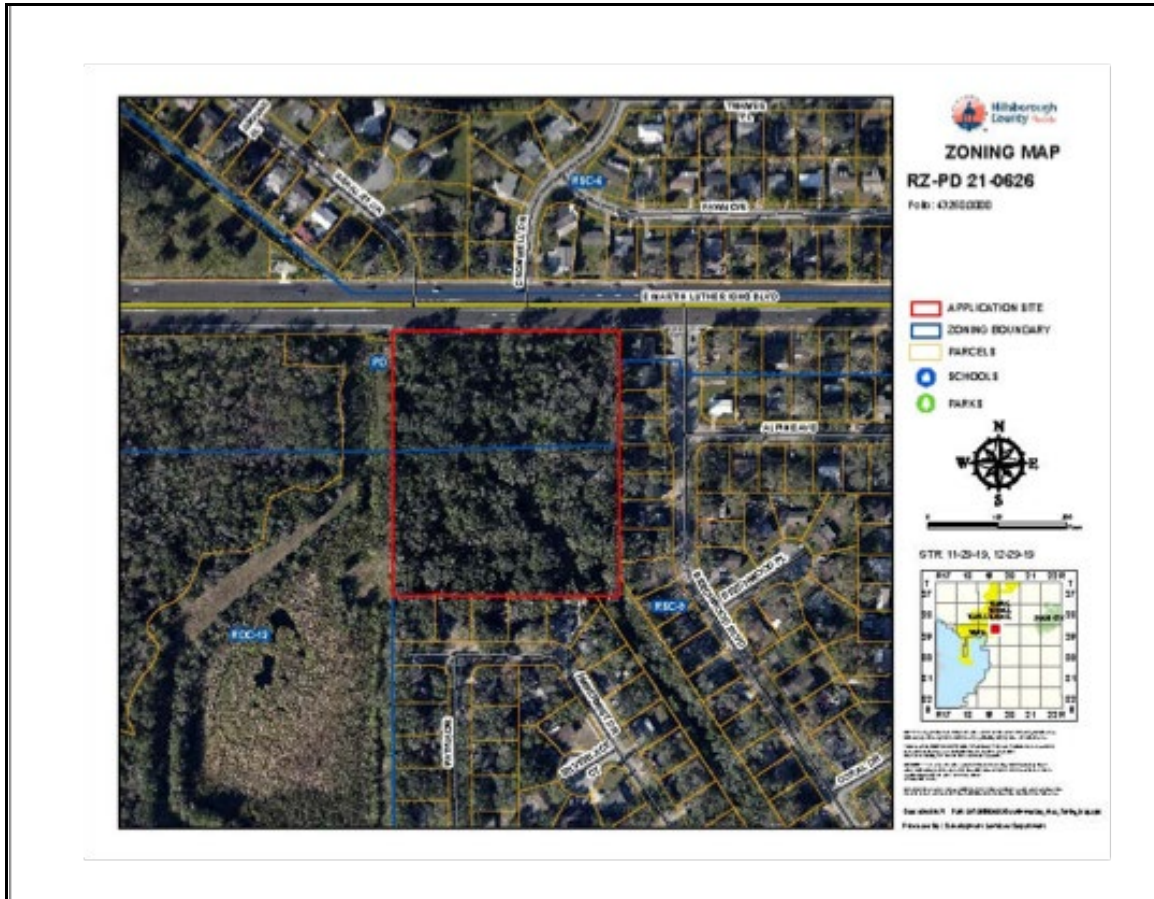


## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	RES-9 and OC-20
Maximum Density/F.A.R.:	RES-9: 9 units per acre RES-20: 20 units per acre
Typical Uses:	RES-9: Residential, urban scale, neighborhood commercial, office uses, multi-purpose projects and mixed use development. RES-20: Residential, neighborhood commercial, office uses, multi-purpose projects and mixed use developments.

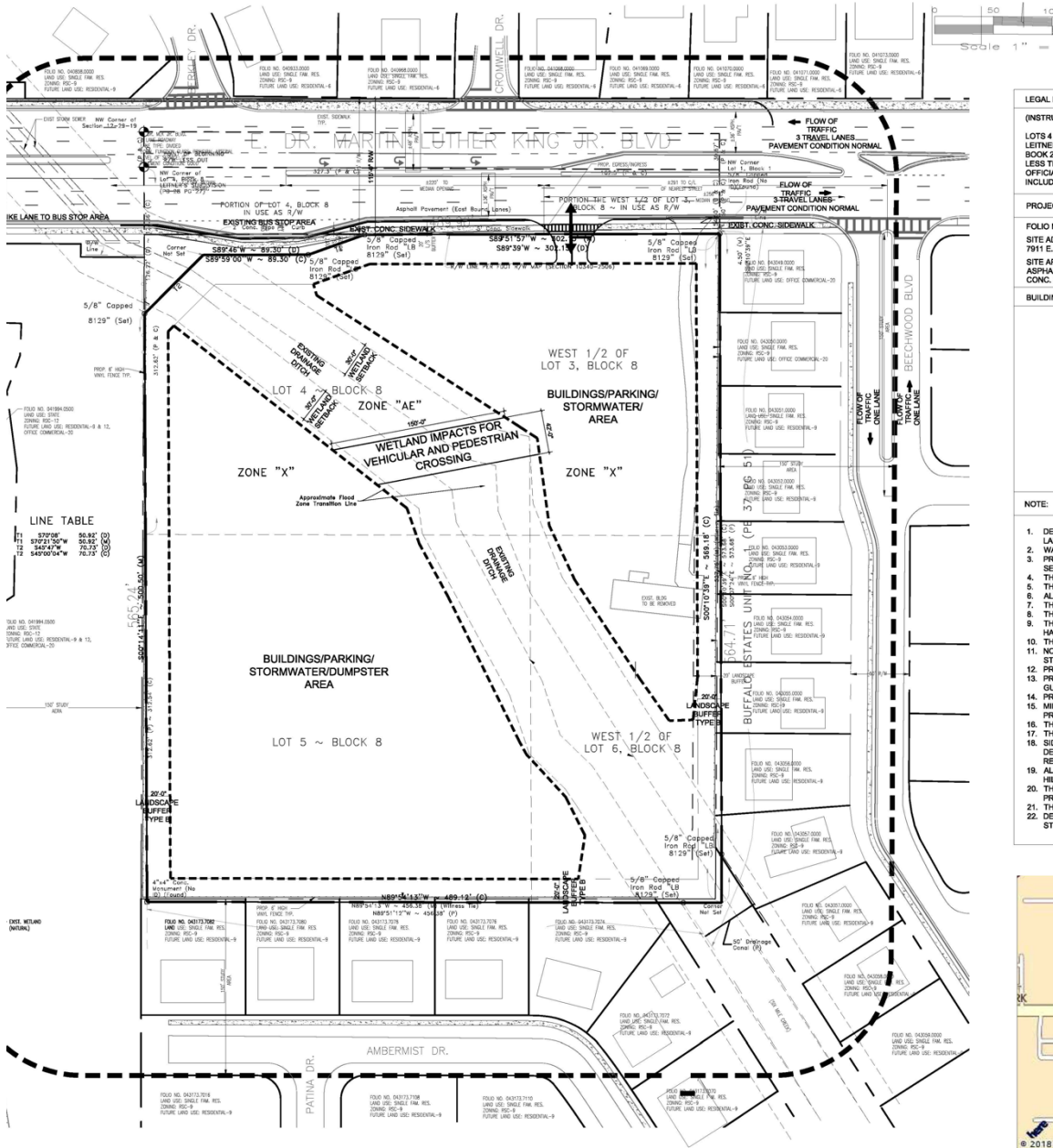
2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



Adjacent Zonings and Uses				
Location :	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	RSC-6	6 units per acre	Single-Family Residential	Single-Family Residential and roadway (MLK)
South	RSC-9	9 units per acre	Single-Family Residential	Single-Family Residential
East	RSC-9	9 units per acre	Single-Family Residential	Single-Family Residential
West	PD & RDC-12	PD: 20 units per acre RDC-12: 12 units per acre	PD: Various RDC-12: Single and Two- Family Residential	Government (stormwater)

## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



① SITE PLAN  
1" = 50'

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

**Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
Dr. Martin Luther King Jr. Blvd.	FDOT Principal Arterial-Urban	6 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation  Not applicable for this request**

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	620	45	59
Proposed	806	53	65
Difference (+/-)	(+) 186	(+) 8	(+) 6

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

**Connectivity and Cross Access Not applicable for this request**

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North	X	Vehicular & Pedestrian	None	Meets LDC
South		None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC

Notes:

**Design Exception/Administrative Variance Not applicable for this request**

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

Notes:

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

INFORMATION/REVIEWING AGENCY	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental:				
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	1.18 acres of wetlands (18.5% of site)
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area



<input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property  <input type="checkbox"/> Other _____				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation  <input type="checkbox"/> Design Exc./Adm. Variance Requested <input checked="" type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Service Area/ Water & Wastewater  <input type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Hillsborough County School Board  Adequate <input checked="" type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Impact/Mobility Fees  (Fee estimate is based on a 1,200 square foot, 2 bedroom, Multi-Family Units 1-2 story) Mobility: \$5,329 * 112 units = \$596,848  Parks: \$1,316 * 112 units School: \$3,891 * 112 units Fire: \$249 * 112 units Total Multi-Family (1-2 story) = \$1,207,920  = \$147,392 = \$435,792 = \$ 27,888				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments

Planning Commission  <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	OC-20 flex request to cover entire parcel
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## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The project proposes a multi-family project located within an area developed with residential uses. Properties to the south and east are developed with single-family residential homes at an approximate distance of 45 feet from the PD boundaries. The LDC required buffer width of 20 feet and Type B screening is proposed and the applicant will utilize a 6 foot high wall as the Type A component of the screening treatment. The applicant proposes a maximum building height of 50 feet / 4-stories. The comparable standard zoning district of RMC-20 allows a maximum height of 45 feet, which is 5 feet less than proposed. The project will provide an additional setback of 2 feet for every 1 foot over 20 feet in height along the eastern and southern PD boundaries (where adjacent to existing single-family residential). This will internalize the buildings as height is increased and/or limit the height to below the maximum proposed to achieve the desired density. Given that property to the west is used for an FDOT stormwater pond, no additional setback along that boundary is proposed. This will allow some degree of flexibility for the site, which will also allow the project to provide needed compatibility with the neighboring single-family residential along the other PD boundaries. The minimum setbacks proposed from the PD boundaries is 20 feet, which provides a greater side yard setback than required by the RMC-20 zoning district (10 feet). The proposed front yard setback of 20 feet is 5 feet less than required by the RMC-20 zoning district; however, this reduced front yard setback will provide development area which is lost by the centrally located wetlands. Additionally, this PD boundary is along a major divided roadway, providing approximately 85 feet of separation from the single-family residential existing to the north. Based upon these factors, staff has not identified compatibility concerns.

### 5.2 Recommendation

Approval, subject to conditions.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

## **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Francisco J. Otero-Cossio 13014 North Dale Mabry Highway testified regarding the requested rezoning from RSC-9 to Planned Development to permit multi-family land uses. He stated that the site consists of 6.3 acres of which 1.18 acres are wetlands. The site has a split zoning of RSC-9 and PD and split land use categories of OC-20 and RES-9. The application includes a request to flex the OC-20 category over the entire parcel to maximum the number of dwelling units. The total number of units possible would be 127 however, the rezoning is requesting a maximum of 112 dwelling units with a clubhouse. The project will meet all required parking standards. Mr. Otero-Cossio described the project's consistency with the Comprehensive Plan and described particular policies and stated that the request meets the needs for housing in the area. He concluded his presentation by stating that the dwelling units would do some good in the community.

Hearing Master Finch asked Mr. Otero-Cossio to describe the connection between the two parcels across the existing drainage ditch and wetlands. Mr. Otero-Cossio replied that there will be a connector bridge for both cars and pedestrians.

Hearing Master Finch asked Mr. Otero-Cossio if the only access point for the project is to Dr. Martin Luther King Jr. Blvd. Mr. Otero-Cossio replied yes and added that a presubmittal meeting with FDOT and County transportation staff had occurred and the project was found consistent.

Hearing Officer Finch asked Mr. Otero-Cossio that if the wetland impacts and vehicular and pedestrian crossing are not approved by EPC, then is the western side of the project not accessible. Mr. Otero-Cossio replied yes.

Ms. Michelle Heinrich, Development Services Department testified regarding the County's staff report. Ms. Heinrich stated that the request is to rezone property from RSC-9 and PD to a new PD to allow 112 multi-family dwelling units. The request involves a flex of the OC-20 land use category which is partially on-site. Ms. Heinrich showed graphics to describe the flex request and stated that it would cover the entire parcel. She described the surrounding residential development and added that the maximum height of the buildings would be 50 feet and four stories and would comply with the required 2 to 1 setback for buildings over 20 feet. Ms. Heinrich concluded her presentation by stating that



staff supports the flex and the rezoning application.

Ms. Yeneka Mills of the Planning Commission staff testified that the property is within the Office Commercial-20 and Residential-9 Future Land Use category and located in the Urban Service Area and the East Lake Orient Park Community Planning Area. She stated that the request is consistent with Policy 1.2 regarding minimum density as well as Policy .,4 regarding the flex of the OC-20 land use category. She concluded her remarks by stating that the rezoning request is consistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application. None replied.

County staff did not have additional comments.

Mr. Otero-Cossio testified during the rebuttal period that the proposed density is 17 units per acre which is less than the maximum of 20 units per acre considering the OC-20 land use category.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

No documents were submitted into the record.

### **PREFACE**

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

### **FINDINGS OF FACT**

1. The subject site is 6.38 acres in size and is zoned Residential Single-Family Conventional-9 (RSC-9) and Planned Development (PD 92-0056 ZC). The property is designated Office Commercial-20 (OC-20) and Residential-9 (RES-9) by the Comprehensive Plan and located in the Urban Service Area and the East Lake Orient Park Community Planning Area.
2. The purpose of the rezoning from RSC-9 and PD to PD is to allow 112 multi-family dwelling units.

3. The existing Planned Development on-site currently permits a maximum of 57 dwelling units.
4. No Planned Development variations or waivers are requested as a part of the rezoning application.
5. The applicant is requesting a flex of the OC-20 Future Land Use category which is located on a portion of the subject property to cover the entire site.
6. The Planning Commission supports the requested flex of the OC-20 land use category as the requested density and multi-family residential development is consistent with the area. The Planning Commission stated that rezoning is consistent with the Future of Hillsborough Comprehensive Plan.
7. The maximum height of the multi-family buildings is limited to 50 feet/4 stories. The project will comply with the required 2-to-1 additional setback for buildings over 20 feet in height.
8. The applicant's representative testified that a connector bridge for both vehicular and pedestrian access is proposed to connect the western and eastern sides of the project across the wetland/drainage ditch. The applicant affirmed that all required EPC standards would be met.
9. Access to the project will be via one access point onto Dr. Martin Luther King Jr. Boulevard on the northeastern side of the development. The applicant's representative affirmed that if EPC does not approve the requested connector bridge impacts to the existing wetland/drainage ditch, access to the western side of the property would not be achievable.
4. The requested Planned Development zoning with the proposed flex of the OC-20 Future Land Use category to develop 112 multi-family dwelling units is consistent with the surrounding residential development pattern and character of the area.

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

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

**CONCLUSIONS OF LAW**

Based on the Findings of Fact cited above, there is substantial competent evidence to demonstrate that the requested Planned Development rezoning is in

conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

### **SUMMARY**

The request is to rezone 6.38 acres from RSC-9 and PD to PD to permit 112 multi-family dwelling units. The site has split Future Land Use categories of RES-9 and OC-20. The application requests to flex the OC-20 category over the entire property to increase the number of dwelling units to 112. The maximum height of the buildings will be 50 feet/4 stories. The project will comply with the required 2-to-1 additional setback for buildings over 20 feet in height.

No Planned Development variations or waivers are requested as a part of the rezoning application.

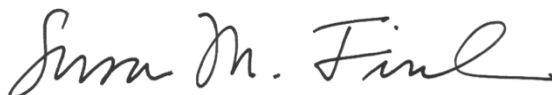
The applicant's representative testified that a connector bridge for both vehicular and pedestrian access is proposed to connect the western and eastern sides of the project across the wetland/drainage ditch. The applicant affirmed that all required EPC standards would be met.

The Planning Commission supports the requested flex of the OC-20 Future Land Use category and found the request to be consistent with the Future of Hillsborough Comprehensive Plan.

The requested rezoning for 112 multi-family dwelling units is consistent with the intent of the Land Development Code and the Comprehensive Plan and provides for a diverse housing type which is compatible with the surrounding area.

### **RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date January 05, 2022**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** MM 21-0884

**DATE OF HEARING:** December 13, 2021

**APPLICANT:** Build to Suit, Inc.

**PETITION REQUEST:** The Major Modification request is to modify PD 04-0404

**LOCATION:** Northeast corner of W. Waters Ave. and Firecracker Dr.

**SIZE OF PROPERTY:** 3.08 acres, m.o.l.

**EXISTING ZONING DISTRICT:** PD 04-0404

**FUTURE LAND USE CATEGORY:** RES-6

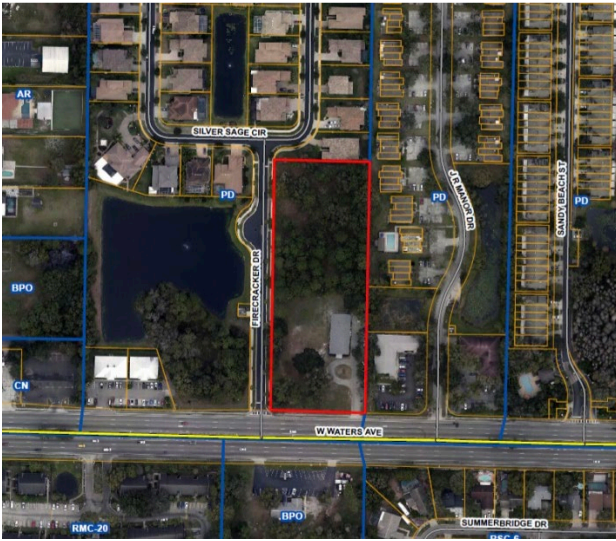
**SERVICE AREA:** Urban

**COMMUNITY PLAN:** Town N Country

## DEVELOPMENT REVIEW STAFF REPORT

\*NOTE: Formatting issues prevented the entire staff report from being included in the Recommendation. Therefore, please refer to the County's website for the complete Development Services Department staff report.

### REVISED REPORT 1.0 APPLICATION SUMMARY



Applicant: John B. Grandoff, III, Esq. / Jaime R. Maier, Esq. / Hill Ward Henderson

FLU Category: RES-6

Service Area: Urban

Site Acreage: 3.08 AC +/-

Community Plan Area: Town N' Country

Overlay: None

Request: Major Modification to PD 04-0404

**Request Summary:**

Modify southeastern parcel containing religious assembly uses to allow 15,000 square feet of Business Professional Office zoning district uses.

**Existing Approvals:**

41 Single-Family homes, 7000 square feet of Business Professional Office Zoning District Uses and 10,000 square feet of religious assembly uses.

**Proposed Modification(s):**

Modify the southeastern parcel containing religious assembly uses to allow 15,000 square feet of Business Professional Office zoning district uses, including 10,000 square feet of religious assembly uses. Interim religious assembly and its accessory uses will be permitted until it is developed with BPO uses conforming to the PD 04-0404 use provisions.

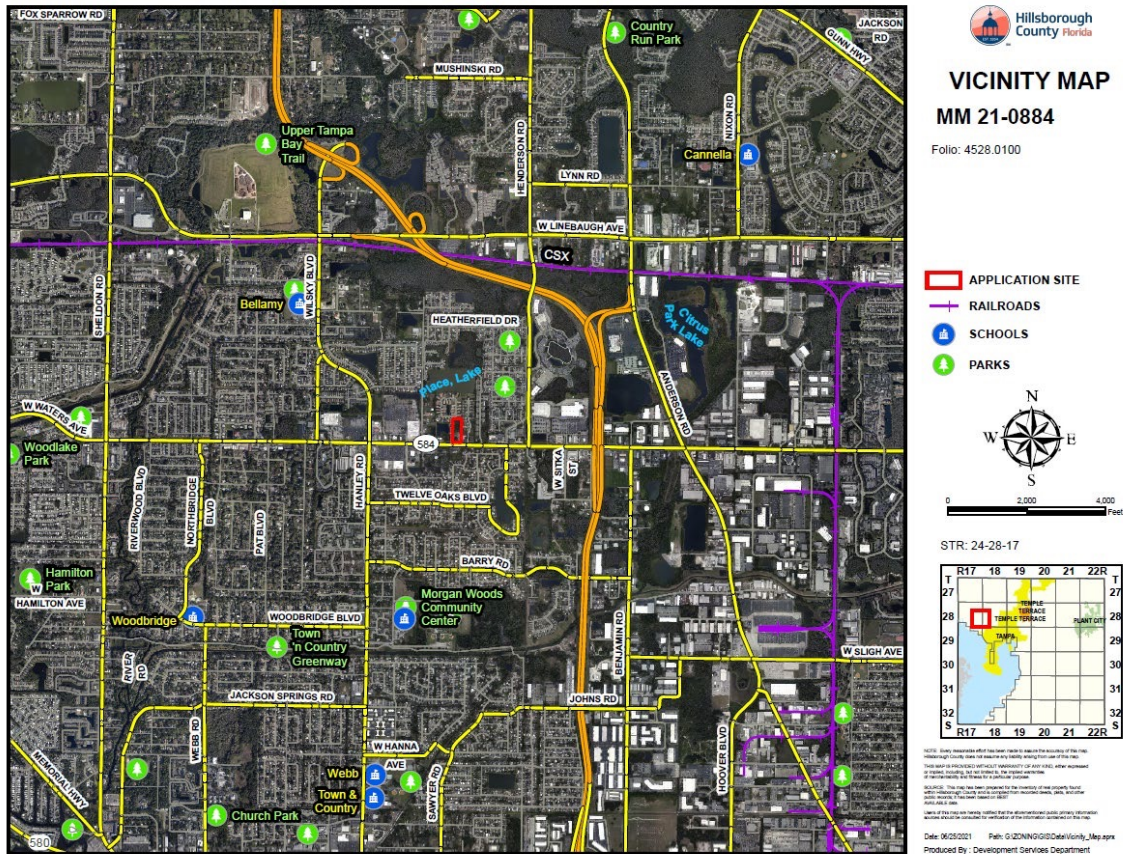
**Additional Information:**

PD Variations	LDC Section 6.06.06 to allow existing vegetation and existing fence in lieu of a Type "A" screening along the northern property line.
Waiver(s) to the Land Development Code	LDC Section 6.01.01 endnote #8 (2 feet of additional setback for each foot of structure height over 20 feet) to allow a 50-foot height building at a setback of 50-feet from the eastern property line where a setback of 60- feet (from non-residential zoning) and 80-feet (from residential zoning) buffer is required.

Planning Commission Recommendation | Consistent

Development Services Department Recommendation	• Approvable, subject to conditions of approval.
--	--

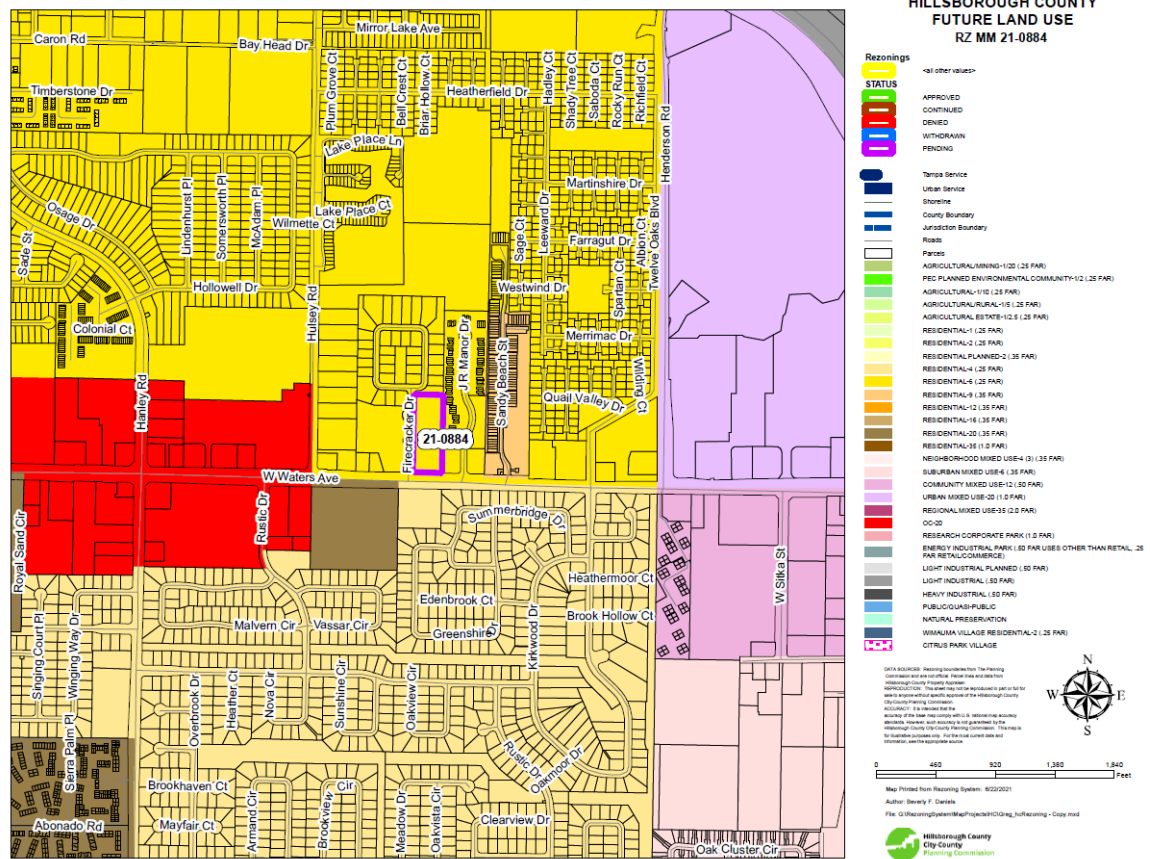
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



The area is primarily residential with commercial and office uses developed along W Waters Ave. serving the Town and Country community. To the south of the property, across W Waters avenue is a lot zoned BPO, developed with medical offices. Within the same PD are two properties deems for commercial purposes and developed with medical offices and professional services offices. Adjacent to the east is a commercially zoned property occupied by services and Health practitioner's Offices development. Single family residential development exists within the PD. Adjacent to the north is a single family residential subdivision developed with conventional homes.

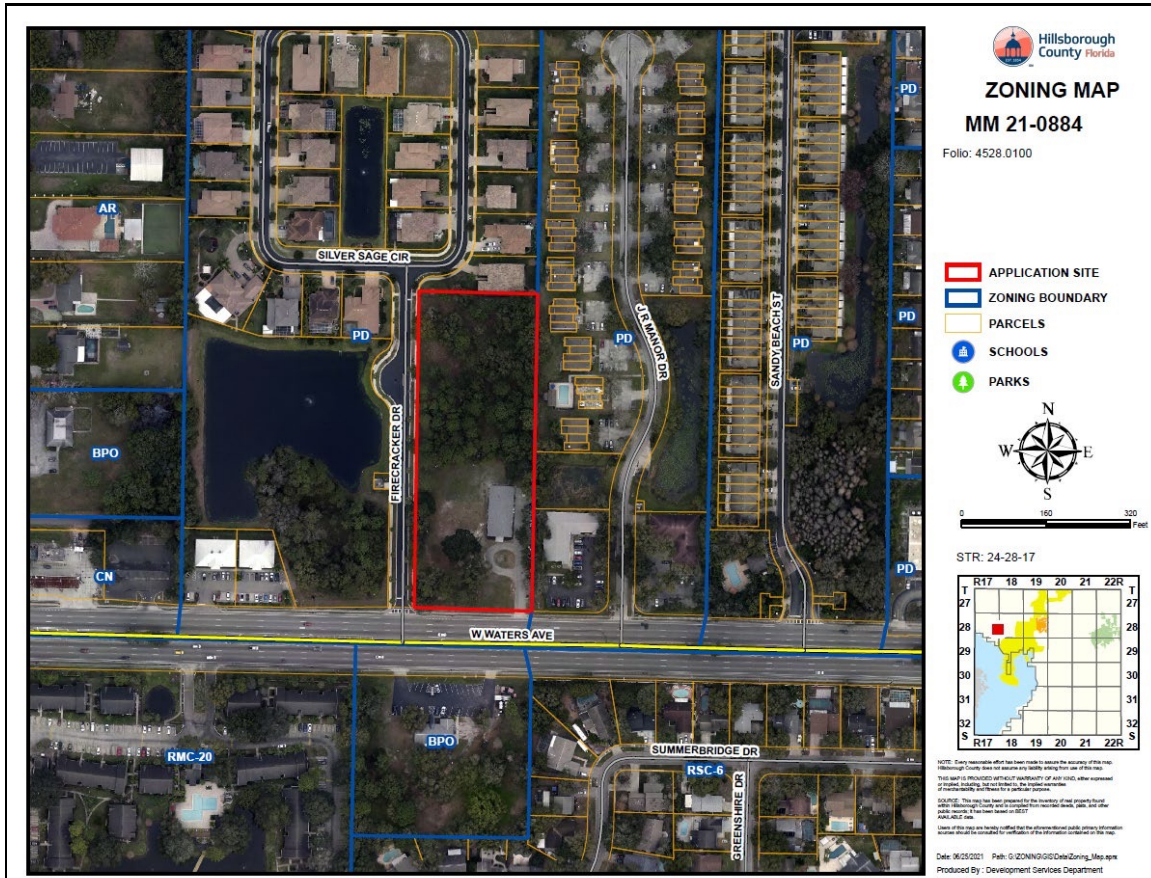


## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	RES-6
Maximum Density/F.A.R.:	0.25 FAR
Typical Uses:	Residential, suburban commercial, offices, multi-purpose, mixed-use development

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



### Adjacent Zonings and Uses

Location	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	PD	6 units per acre*	Single-Family	Single-Family
South	BPO	0.20 FAR	Office	Medical Offices
East	PD	7.7 units per acre* 0.20 FAR	Office, Residential	Medical Offices, Residential
West	PD	2.16 unit per acre 0.22 FAR	Office, wetlands	Lift station/wetlands, Residential

\*subject to utilities



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

**Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
Firecracker Dr.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Waters Ave.	County Arterial - Urban	6 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other



<b>Project Trip Generation</b> <input type="checkbox"/> Not applicable for this request			
	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	2,707	196	230
Proposed	3,140	233	271
Difference (+/-)	<b>(+) 433</b>	<b>(+) 37</b>	<b>(+) 41</b>

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

<b>Connectivity and Cross Access</b> <input type="checkbox"/> Not applicable for this request				
<b>Project Boundary</b>	<b>Primary Access</b>	<b>Additional Connectivity/Access</b>	<b>Cross Access</b>	<b>Finding</b>
North		None	None	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East		None	Vehicular & Pedestrian	Does Not Meet LDC
West		None	None	Does Not Meet LDC

Notes: Although cross access along the project's western project boundary is required but not proposed, this represents an existing condition. More importantly, that portion of the project was not included in the modification request and is owned by a separate entity; as such, staff has no ability to request the applicant modify that portion of the PD. Although the presence of vehicular and pedestrian cross access along the eastern boundary meets the intent of the LDC, there are problems with the provision of such cross access which have been outlined in the Transportation Staff Report.

**Design Exception/Administrative Variance**  Not applicable for this request

Road Name/Nature of Request	Type	Finding
Waters Ave. - Left Turn Lane Length	Design Exception Requested	Approvable
Firecracker Dr. - Substandard Road	Administrative Variance Requested	Approvable
Notes:		

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

Environmental Protection Commission

Yes  No

Yes  No

Natural Resources

Yes  No

Yes  No

Yes  No

Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area

Potable Water Wellfield Protection Area  Significant Wildlife Habitat

Coastal High Hazard Area

Urban/Suburban/Rural Scenic Corridor  Adjacent to ELAPP property

Other \_\_\_\_\_

Yes  No

Yes  No

Yes  No

Conservation & Environ. Lands Mgmt.

**Transportation**

Design Exc./Adm. Variance Requested  Off-site Improvements Provided

**Objections**

**Service Area/ Water & Wastewater**

Urban  City of Tampa  
 Rural  City of Temple Terrace

**Hillsborough County School Board**

Adequate  K-5  6-8  9-12  N/A Inadequate  K-5  6-8  9-12  N/A

**Impact/Mobility Fees**

Office - Single Tenant (Per 1,000 s.f.) Mobility: \$8,004 Fire: \$158

Medical Office 10k s.f. or less (Per 1,000 s.f.)  
Mobility: \$17,488  
Fire: \$158

General Office - Multi Tenant

(Per 1,000 s.f.) Mobility: \$6,669

Fire: \$158

Medical Office greater 10k s.f (Per 1,000 s.f.)  
Mobility: \$25,167  
Fire: \$158

\*credit for prior church may provide credit as follows: (per 1,000 s.f.) Mobility: \$3,678 Fire: \$95



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

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

Commercial/office uses are located to the east and west of the parcel along Waters Avenue. Therefore, introduction of 15,000 square feet of office uses would not be incompatible with the existing development pattern of the area.

The proposed uses to be added are comparable to the BPO (Business Professional Uses) approved by PD 04-0404; and does not create further incompatibilities with the surrounding area. The increase in FAR will have minimal impact on the transportation network.

Given the above, staff finds the proposed modification to be compatible with the surrounding properties and in keeping the general development pattern of the area.

### 5.2 Recommendation

Staff recommends **Approval**, subject to conditions.

Zoning conditions were presented to the Zoning Hearing Master at the hearing and are hereby incorporated into the Zoning Hearing Master's recommendation.

## SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition and stated that

the application will be heard at the January 13, 2022 Board of County Commissioners Land Use meeting.

Mr. John Grandoff 3700 Bank of America Plaza testified on behalf of the applicant Build to Suit. Mr. Grandoff introduced his development team and stated that the Major Modification application is intended to allow 15,000 square feet of Business Professional Office with 10,000 square feet of religious assembly uses.

Hearing Master Finch asked Mr. Grandoff if the 15,000 square feet of Business Professional Uses are in addition to the 10,000 square foot church or are they included in the 15,000 square feet. Mr. Grandoff replied that the church would no longer be there and the developer will build the BPO office. He asked which zoning condition was being referred to. Hearing Master Finch replied zoning condition 1 states that a maximum of 41 single-family homes and 15,000 square feet of Business Professional Office including, which is a new word. Mr. Grandoff replied that the square footage is 15,000 plus 10,000 square feet.

Mr. Grandoff concluded his presentation by identifying the location of the property and stating that staff finds the modification to be compatible with the surrounding properties and development pattern.

Ms. Tania Chapela of the Development Services Department, testified regarding the County staff report. Ms. Chapela testified that it was her understanding that the 10,000 square feet from the church was included in the 15,000 square feet.

Mr. Grady of the Development Services Department clarified that he spoke with the applicant and confirmed that the applicant's representative misspoke. The church is there and can encompass 10,000 square feet for a total of 15,000 square feet but that the square footage is not additive. The intent of the condition is to acknowledge the building for the church to remain there until such time as the office develops on the property up to 15,000 square feet.

Hearing Master Finch asked Mr. Grady to confirm that if the church is existing at 10,000 square feet, the BPO use could only be 5,000 square feet. Mr. Grady replied yes.

Hearing Master Finch asked Mr. Grady to confirm that at some point the church use will go away and the BPO uses will be 15,000 square feet. Mr. Grandoff agreed.

Ms. Chapela continued her presentation by stating that she will be submitting a revised staff report to clarify that the 15,000 square feet of BPO uses. She described the surrounding commercial and office land uses and added that there are two other properties within the subject PD that are developed with medical and professional office land uses. A PD Variation is requested to recognize the existing vegetation and fence on the northern PD boundary instead of the

required Type A screening. Additionally, a waiver is requested pertaining to the eastern side of the project to reduce the 2-to-1 setback associated with the 50 foot high building. Access to the property is limited to the publicly maintained portion of Firecracker Drive.

Hearing Master Finch asked about the requested waiver. Mr. Grady replied that the applicant is proposing a 50 foot setback. The requirement is 60 feet based on the building height of 50 feet. A 20-foot buffer is required which equates to a total of 80 feet which is effectively a reduction of 30 feet.

Ms. Yenika Mills of the Planning Commission testified regarding the Planning Commission staff report. Ms. Mills stated that the property is designated RES-6 by the Future Land Use Map and is located within the Urban Service Area and the Town N Country Community Plan. She states that the request meets Policy 1.4 regarding compatibility with the surrounding development pattern. The request meets Policies 16.1, 16.2, 16.3 and 16.5 regarding neighborhood protection. She added that approximately 160 feet will separate the use from the adjacent residential development to the north. An existing wall shielding the gates residential community and heavily vegetated open space in the rear of the site will provide adequate buffering. The Modification meets Policy 22.6 regarding the exception to commercial locational criteria for office uses. The project is consistent with the Town N Country Community Plan as it recognizes the intersection of Hanley and Waters Avenue as a secondary town center. Ms. Mills concluded her presentation by stating that the Planning Commission found the request consistent with the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. No one replied.

Hearing Master Finch asked audience members if there were any opponents of the application.

Ms. Maria Alvarez, 6920 Silver Sage Circle Tampa testified in opposition. Ms. Alvarez stated that she disagrees with the proposed entrance for the project on to Firecracker which will go through her neighborhood. She submitted a document into the record.

Mr. Hung Pham, 6929 Silver Sage Circle testified in opposition. Mr. Pham stated that he is a resident of the Waters Edge community and his neighbors strongly object to the application for three reasons. First, the Homeowners Association pays for the maintenance of the road. His records show that they have been fixing the asphalt and maintaining the lights. He added that to have another private entity use the road and add wear and tear on it is unfair. Mr. Pham testified that he has lived in the community for almost ten years. As one exits Firecracker and turns left onto Waters Avenue, any more than two vehicles create a stacking problem along the median of Waters heading west. There is a constant traffic hazard and the proposed development will add traffic and be a

burden to the community. The existing church is less than 10,000 square feet. On Sundays, there is quite a bit of congestion and people park along their property. The existing drive which is right-in/right-out, helps control the traffic. Mr. Pham stated that he strongly objects to the waiver for the buffer. Having a 50 foot building will hinder the view which will adversely affect the community. He concluded his remarks by stating that the project is not within the urban fiber of Waters Avenue and that there are no businesses along that area that are two stories or 50 feet high.

Mahendra Patel 6906 Silver Sage Circle testified in opposition and stated that he agrees with the prior testimony in opposition.

Mr. Maulik Patel, 6902 Silver Sage Circle testified in opposition and stated that he agrees with the prior testimony in opposition.

Mr. Bhadresh Patel, 6916 Silver Sage Circle testified in opposition and stated that he agrees with the prior testimony in opposition.

Ms. Hong Pham 6929 Silver Sage Circle testified in opposition and stated that the construction will cause anxiety as the road is very narrow.

Mr. Grady of the Development Services Department testified that adding language to the zoning condition to clarify that the maximum 10,000 square foot church would be an interim use until such time as redevelopment of the site for the office would clarify the intent of the use. The staff report can also be revised to clear up the 2-to-1 setback.

Mr. James Ratliff of the County's Transportation Review section testified that Firecracker Drive is a split authority roadway. A portion is privately owned and maintained which is at and north of the gate area. South of that, it is a public right-of-way. He cited the plat book and page and stated that the County will be maintaining that portion of the roadway in the future. With regard to access on Waters Avenue, the original zoning conditions made it clear that the access was temporary. It was only there to permit the existing church use. If the church were to expand, the access would be closed and it would take shared access. Mr. Ratliff testified that otherwise, the County would have not approved the homes because it cannot create unsafe situations. The access does not meet spacing requirements. Regarding the median opening and the turn lane length, the length is substandard which is why the County asked the applicant to get a design exception which was found to be approvable by the County Engineer.

Mr. Grandoff testified during the rebuttal period that he agreed with Mr. Ratliff's comments regarding transportation. Regarding Mr. Grady's comments pertaining to the clarification of the zoning condition, he would like to add the word interim in paragraph 1 on page 11 of the report which addresses the conditions.

Mr. Grady stated that was the intent to state that the church could remain until

such time of redevelopment.

Mr. Grandoff continued his rebuttal testimony by stating that the project either has to have access onto Waters Avenue or Firecracker. The County found that the safer access is through Firecracker which is shown on the site plan. The Planning Commission found that the site meets locational criteria. He asked to show a copy of the aerial photo of the property. Mr. Grandoff stated that the road becomes private at the gate. There is a significant amount of trees and buffering. He also pointed to the church. The site plan shows that the office building will replace the church in approximately the same area.

Hearing Master Finch asked Mr. Grandoff if the arrow he pointed to with the significant treed area to the north on the subject property will remain untouched as part of the project.

Ms. Maleia Storum 1410 North Westshore Boulevard, testified on behalf of the applicant and replied to the question that yes, the developer will provide approximately 278 feet from the existing property line to the proposed building in addition to the 80 foot building setback. The required landscaped buffer amount is 20 feet but the developer is providing the area in the rear with the trees to remain in place.

Mr. Grandoff stated that his rebuttal testimony was concluded.

Mr. Grady of the Development Services Department testified that the application would be heard by the Board of County Commissioners on January 13, 2022 at 9:00am.

Hearing Master Finch then concluded the hearing.

## **EVIDENCE SUBMITTED**

Ms. Alvarez-Garcia submitted a letter of objection, a list of signatures from residents of the Waters Edge Homeowners Association and Firecracker Lane maintenance cost information into the record.

## **PREFACE**

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

## **FINDINGS OF FACT**

1. The subject site is 3.08 acres in size and is zoned Planned Development (04-0404). The property is designated RES-6 by the Comprehensive Plan

and located in the Urban Service Area and the Town N Country Community Planning Area.

2. The Planned Development (PD) is currently approved for a maximum of 41 single-family dwelling units, 7,000 square feet of Business Professional Office land uses and 10,000 square feet of religious assembly land uses.
3. The Major Modification request proposes to increase the square footage of the Business Professional Office (BPO) land use from 7,000 square feet to 15,000 square feet. The approved 10,000 square foot religious assembly use is permitted as an interim use until such time of redevelopment of the property for the BPO use.
4. A waiver is requested to the required Type A screening to permit instead the existing vegetation and fence to remain in place.

The waiver is justified by the existing heavily treed area that separates the proposed BPO office area from the single-family residential development to the north.

5. A Planned Development variation is requested to the required 2-to-1 additional setback on the east side of the property for buildings over 20 feet in height. The applicant requests to locate the 50-foot high building 50 feet from the eastern property line instead of the required 60-feet from non-residential zoning and 80-feet from residential zoning.

The variation meets Land Development Code Section 5.03.06.C.6(b) as there is an existing church in approximately the same location as the proposed office thereby not substantially interfering with nor injuring the rights of the adjacent property owners to the east of the Planned Development.

6. The Planning Commission found the request meets Policy 1.4 regarding compatibility with the surrounding development pattern and Policies 16.1, 16.2, 16.3 and 16.5 regarding neighborhood protection. Staff stated that there is approximately 160 feet of heavily vegetated open space with an existing wall with gates in the rear of the site that will shield the residential community and provide adequate buffering. The Modification meets Policy 22.6 regarding the exception to commercial locational criteria for office uses. The Planning Commission found the project is consistent with the Town N Country Community Plan as it recognizes the intersection of Hanley and Waters Avenue as a secondary town center and that the request is consistent with the Comprehensive Plan.

7. Testimony in opposition was provided at the Zoning Hearing Master hearing and submitted into the record. The testimony in opposition was from residents of the Waters Edge community located to the north of the modification property and within the subject Planned Development. The concerns pertained to the additional traffic on Firecracker Lane and the possible negative impact on the ability to access Waters Avenue. Waters Edge residents stated that they have been maintaining Firecracker Lane and submitted a document regarding the costs of the road's maintenance for the past ten years. Once resident expressed concerns over the requested setback variation.

The County's transportation review staff member testified that Firecracker Lane is a County owned right-of-way from Waters Avenue up to the gate of the Waters Edge community and privately owned inside the gate and adjacent to the existing homes.

8. The requested Planned Development variation is located to the east of the development and oriented away from the residents of the Waters Edge community to the north.
9. The Planned Development is currently approved for 7,000 square feet of Business Professional Office (BPO) land uses and is currently developed with a church an interim use until such time the site is redeveloped with office land uses. The additional 8,000 square feet of BPO land uses is consistent with the existing commercial and office land uses along Waters Avenue.
10. The proposed modification for the increase in BPO square footage is consistent with the Land Development Code and the Comprehensive Plan as it will have minimal impact based upon the already approved land uses and is consistent with the development pattern in the area.

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

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

#### **CONCLUSIONS OF LAW**

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



## SUMMARY

Planned Development 04-0404 is currently approved for a maximum of 41 single-family dwelling units, 7,000 square feet of Business Professional Office land uses and 10,000 square feet of religious assembly land uses.

The Major Modification proposes to increase the square footage of the Business Professional Office (BPO) land use from 7,000 square feet to 15,000 square feet. The approved 10,000 square foot religious assembly use is permitted as an interim use until such time of redevelopment of the property for the BPO use.

A waiver is requested to the required Type A screening to permit instead the existing vegetation and fence to remain in place. The waiver is justified by the existing heavily treed area that separates the proposed BPO office area from the single-family residential development to the north. A Planned Development variation is requested to the required 2-to-1 additional setback on the east side of the property for buildings over 20 feet in height. The applicant requests to locate the 50-foot high building 50 feet from the eastern property line instead of the required 60-feet from non-residential zoning and 80-feet from residential zoning. The variation meets Land Development Code Section 5.03.06.C.6(b) as there is an existing church in approximately the same location as the proposed office thereby not substantially interfering with nor injuring the rights of the adjacent property owners to the east of the Planned Development.

The Planning Commission found the request meets Policy 1.4 regarding compatibility with the surrounding development pattern and Policies 16.1, 16.2, 16.3 and 16.5 regarding neighborhood protection. Staff stated that there is approximately 160 feet of heavily vegetated open space with an existing wall with gates in the rear of the site that will shield the residential community and provide adequate buffering. The Modification meets Policy 22.6 regarding the exception to commercial locational criteria for office uses. The Planning Commission found the project is consistent with the Town N Country Community Plan as it recognizes the intersection of Hanley and Waters Avenue as a secondary town center and that the request is consistent with the Comprehensive Plan.

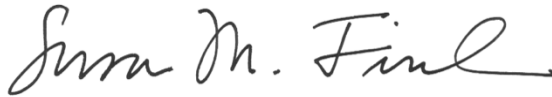
Testimony in opposition was provided at the Zoning Hearing Master hearing and submitted into the record. The testimony in opposition was from residents of the Waters Edge community located to the north of the modification property and within the subject Planned Development. The concerns pertained to the additional traffic on Firecracker Lane and the possible negative impact on the ability to access Waters Avenue. Waters Edge residents stated that they have been maintaining Firecracker Lane and submitted a document regarding the costs of the road's maintenance for the past ten years. Once resident expressed concerns over the requested setback variation. The County's transportation

review staff member testified that Firecracker Lane is a County owned right-of-way from Waters Avenue up to the gate of the Waters Edge community and privately owned inside the gate and adjacent to the existing homes.

The Planned Development is currently approved for 7,000 square feet of Business Professional Office (BPO) land uses and is currently developed with a church an interim use until such time the site is redeveloped with office land uses. The additional 8,000 square feet of BPO land uses is consistent with the existing commercial and office land uses along Waters Avenue. Therefore, the Major Modification is consistent with the Land Development Code and the Comprehensive Plan and results in development that is compatible with the development pattern in the area.

### **RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 04-0404 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



**Susan M. Finch, AICP  
Land Use Hearing Officer**

**Date January 03, 2022**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** MM 21-1090

**DATE OF HEARING:** December 13, 2021

**APPLICANT:** Boos Development / Jose Martinez

**PETITION REQUEST:** The Major Modification request is to modify PD 20-1270

**LOCATION:** Northeast corner of S. US 301 & County Road 672

**SIZE OF PROPERTY:** 14.98 acres, m.o.l.

**EXISTING ZONING DISTRICT:** PD 20-1270

**FUTURE LAND USE CATEGORY:** RES-4

**SERVICE AREA:** Urban

**COMMUNITY PLAN:** Riverview

## DEVELOPMENT REVIEW STAFF REPORT

\*NOTE: Formatting issues prevented the entire staff report from being included in the Recommendation. Therefore, please refer to the County's website for the complete Development Services Department staff report.

### 1.0 APPLICATION SUMMARY

Development Services Department



Applicant: Boos Development c/o Jose Martinez

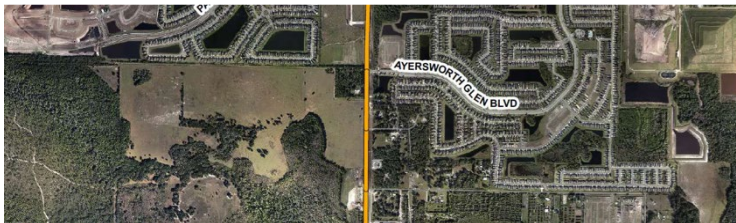
FLU Category: RES-4

Service Area: Urban

Site Acreage: 15.0+/-

Community Plan Area: Riverview

Overlay: None



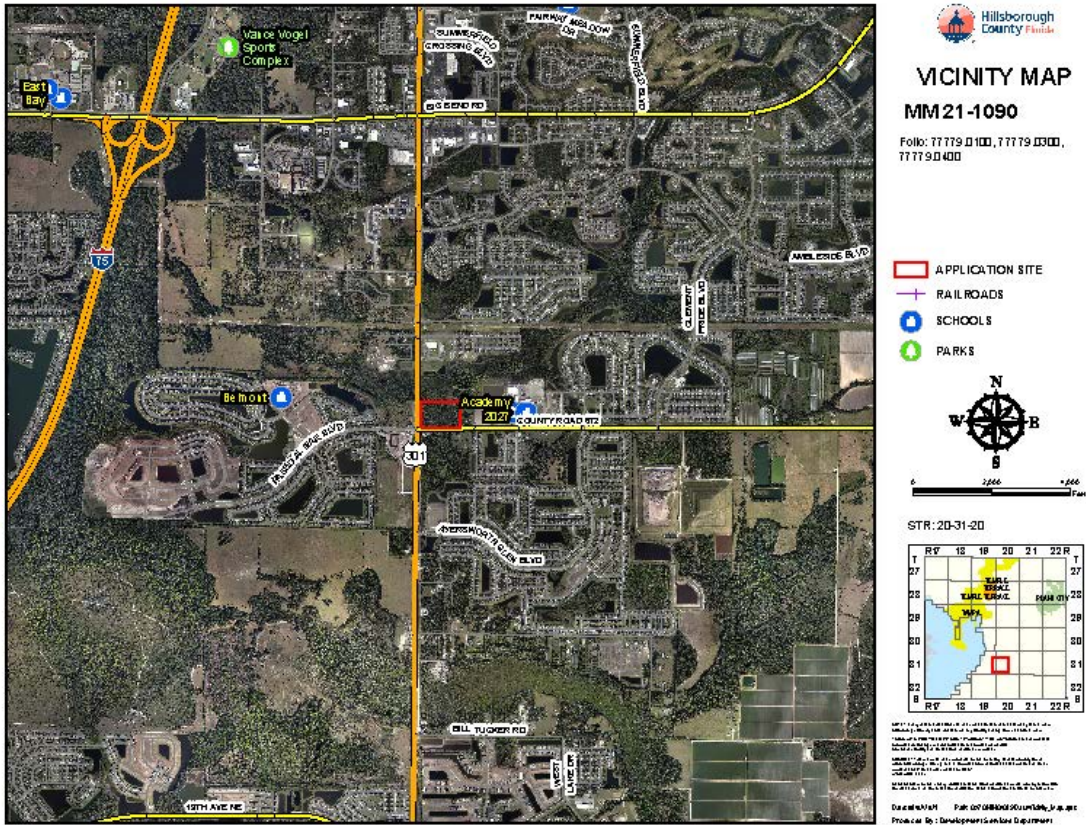
#### Introduction Summary:

PD 20-1270 was approved in March of 2021 to allow for 150,000 square feet of CG (Commercial General) zoning district uses. Accessory open storage is permitted only in association with a mini-warehouse and in compliance with LDC Section 6.11.60. The applicant requests to increase the square footage using a flex of the SMU-6 Future Land Use Category located to the west within 7.57 acres of the subject site.

The maximum square footage permitted in the RES-4 FLU Category, based upon the distance from the intersection and roadway classifications (locational criteria), is 150,000 square feet. However, in the SMU-6 FLU Category, a light

<p>industrial use can be considered at a FAR of 0.50 and is not subject to locational criterial policies. Planning Commission considers mini-warehouse facilities as a light industrial use. Commercial uses remain at a maximum FAR of 0.25 in the SMU-6 FLU Category. The maximum F.A.R. permitted when blending both FLU categories is 0.376 (see Section 7.0).</p>	
<b>Existing Approval(s):</b>	<b>Proposed Modification(s):</b>
150,000 square feet (0.22 FAR)	Increase the maximum square footage to 160,362 square feet (0.25 FAR).
CG (Commercial General) zoning district uses with no maximums for any individual use	Maximum of 34,362 sf of CG zoning district uses and maximum of 126,000 sf for mini-warehouse use
No building design requirements for a mini-warehouse use	Building design requirements for a mini-warehouse use (see condition 1.1).
<b>Additional Information:</b>	
PD Variation(s):	None Requested as part of this application
Waiver(s) to the Land Development Code:	None Requested as part of this application
<p>Planning Commission Recommendation:</p> <p>Consistent</p>	<p>Development Services Recommendation:</p> <p>Approvable, subject to proposed conditions</p>

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

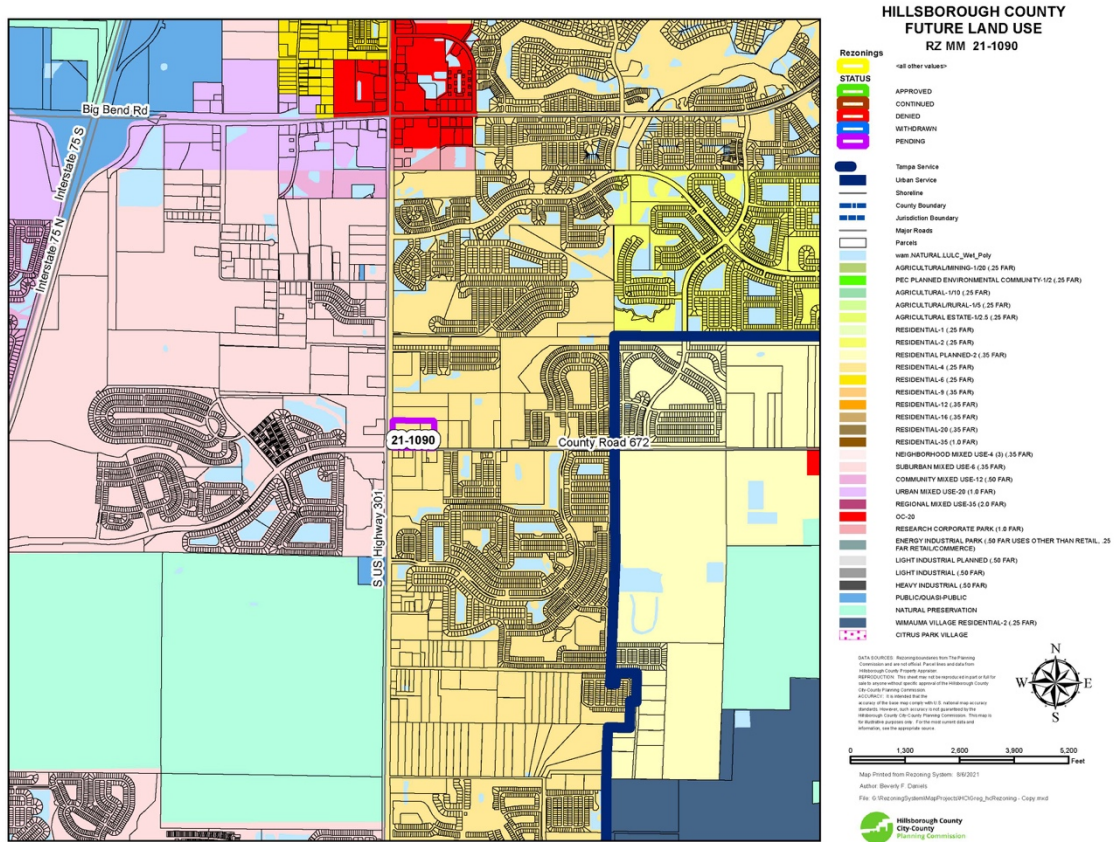


### Context of Surrounding Area:

The site is located at the northeast corner of the US Highway 301 and Balm Road/CR 672 intersection. The area is developed in a typical suburban development pattern with the development of non-residential uses at the intersection and along major corridors and master planned residential communities. The general area also features a high school to the east on the north side of CR 672.



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



Subject Site Future Land Use Category:	RES-4 / SMU-6
Maximum Density/F.A.R.:	0.25 (RES-4) / 0.25 & 0.50 (SMU-6)
Typical Uses:	Residential, suburban scale neighborhood commercial, office uses and multi-purpose projects (RES-4). Residential, suburban scale neighborhood commercial, office uses, research corporate park uses, light industrial multi-purpose and clustered residential and/or mixed use projects (SMU-6).



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



Adjacent Zonings and Uses				
Location :	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR	1 unit per 5 acres	Single-Family Residential and Agricultural Uses	Vacant
South	PD (06-1142 and 17-1402)	10,000 sf office (06-1142) 7,500 sf residential support (06-1142) 1,250-student charter school (17-1402)	Office uses, residential support uses and charter school	Single-family residential and warehouse
East	AR	1 unit per 5 acres	Single-Family Residential and Agricultural Uses	Daycare
West	PD (04-0558)	Overall PD: 1,660 single-family detached units, 600 townhomes, 150,000 sf of CN uses including an 80,000 sf mini-warehouse facility	Townhomes, apartments and/or commercial uses (Parcel F)	Vacant (Parcel F)







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

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Balm Rd.	County Arterial - Rural	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
US 301	FDOT Principal Arterial - Urban	5 Lanes <input type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
	Choose an item.	Choose an item. Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	5,360	353	190
Proposed	6,855	418	242
Difference (+/-)	(+) 1,495	(+) 65	(+) 52

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		Vehicular & Pedestrian	Vehicular & Pedestrian	Meets LDC
South	X	Vehicular & Pedestrian	None	Meets LDC
East		None	Vehicular & Pedestrian	Meets LDC
West	X	Vehicular & Pedestrian	None	Meets LDC

Notes: Although a lack of connectivity to the east meets the LDC, staff believes that vehicular and pedestrian cross access is appropriate given that the site is in commercial use. Additionally, although it does not have a commercial Future Land Use (FLU) designation, it does have a FLU designation which permits up to 0.25 s.f. or 175,000 s.f., whichever is less intense, of suburban scale neighborhood commercial uses.

4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY				
INFORMATION/REVIEWING AGENCY	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Wetlands present in the western and northern portions (0.114 acres)

Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input checked="" type="checkbox"/> Wetlands/Other Surface Waters  <input type="checkbox"/> Use of Environmentally Sensitive Land Credit  <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area  <input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor (Balm Road-Suburban) <input type="checkbox"/> Adjacent to ELAPP property  <input type="checkbox"/> Other _____				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Transportation  <input type="checkbox"/> Design Exc./Adm. Variance Requested <input checked="" type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Service Area/ Water & Wastewater  <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Water distribution system improvements required prior to connection for newly requested square footage
Hillsborough County School Board  Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Impact/Mobility Fees (Various use types allowed. Estimates are a sample of potential development)

FF w/DT

(Per 1,000 s.f.) Mobility: \$83,595 Fire: \$313

Retail - Shopping Center (Per 1,000 s.f.)

Mobility: \$10,850 Fire: \$313

Mini-Warehouse

(Per 1,000 s.f.)

Mobility: \$580\*126 = \$73,080 Fire: \$32\*126 = \$4,032

Retail – Gas Station w/ Convenience Market (Mobility/Fueling Position; Fire / 1,000 sf)

Urban Mobility, South Fire – 126,000 sf mini-warehouse, 34,362 sf CG

<2,000 sf market Mobility: \$10,987 Fire: \$313

2,000-9,000 sf market Mobility: \$13,127 Fire \$313

3,000+ sf market Mobility \$14,738 Fire \$313

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

Density Bonus Requested

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

Staff has not identified any compatibility issues associated with this request. No additional uses are proposed. Additionally, the project will continue to adhere to Land Development Code mini-warehouse requirements regarding accessory

open storage, which require the storage area to be shielded by storage buildings and proportionate to the storage building sizes. While the square footage is increasing, the applicant proposes no increase in height, no reduction in setbacks and no variations to required buffering and screening. The PD is currently approved for a maximum of 50 feet in height with the required additional setback of 2' for every 1' over 20' in height applied to the northern and eastern boundaries (non-front yards). As currently approved, buildings will have a minimum 20' setback from the northern and eastern PD boundaries and minimum 30' setback from the southern and western PD boundaries. The required 20' wide buffer with Type B screening will continue to be provided along the northern and eastern PD boundaries and the 15' wide suburban scenic corridor along Balm Road will also continue to be provided.

The applicant has offered to develop the mini-warehouse facility with an enhanced building design to further community design goals of the Comprehensive Plan, as part of the SMU-6 FLU category flex request.

## 5.2 Recommendation

Approvable, subject to proposed conditions.

Zoning conditions were presented to the Zoning Hearing Master at the hearing and are hereby incorporated into the Zoning Hearing Master's recommendation.

## **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Michael Brooks 400 North Tampa Street Unit 1910 Tampa testified on behalf of the applicant. Mr. Brooks stated that the Planned Development was approved early in the spring of this year. The development is a commercial project known as Sumner Crossing which is located at the intersection of Balm Road and US 301. The project is approved for 150,000 square feet of commercial. It is being modified to 126,000 square feet of self-storage mini warehouse and 34,362 square feet of Commercial General for a total of 163,362 square feet. He added that it is an increase of 10,000 square feet. A flex is proposed to allow the self-storage facility to be considered an industrial use under the Comprehensive Plan. Mr. Brooks discussed the cap on vehicular trips which will not be changed. He concluded his presentation by stating that there are no revisions to the height, buffering or screening.

Ms. Michelle Heinrich of the Development Services Department, testified regarding the County staff report. Ms. Heinrich testified that the request is for a



modification to the recently approved PD 20-1270. Specifically, the request is an increase to the maximum square footage from 150,000 to slightly over 160,000 square feet. As a part of the modification, the applicant is limiting the square footage for CG uses and limiting the square footage that would be allowed for the self-storage mini warehouse land use. The applicant has also committed to enhanced building design for the self-storage use. A flex of the SMU-6 Future Land Use category to the west is requested to allow the self-storage facility to be classified as light industrial and not subject to locational criteria. Ms. Heinrich described the property location and stated that the area is developing rapidly with commercial uses in all directions. The modification also includes a cross access stub out to the east which was not previously required. She concluded her presentation by stating that based upon the Planning Commission's support of the requested flex and that the increase in square footage does not exceed the maximum FAR combined with the compatibility of the proposed project with the surrounding development, staff finds the modification approvable.

Ms. Yenika Mills of the Planning Commission testified regarding the Planning Commission staff report. Ms. Mills stated that the property is designated RES-4 by the Future Land Use Map and is located within the Urban Service Area and the Riverview Community Plan. She states that Comprehensive Plan limits commercial development to 150,000 square feet and it must meet commercial locational criteria. The applicant has requested a flex per Policy 7.3 to enable an increase to over 160,000 square feet. The site can be considered for an FAR of up to 0.50 for light industrial. The Planning Commission supports the requested flex and concurs that the development meets the intent of Objective 17 which encourages a unified commercial development through the use of coordinated site planning. Ms. Mills concluded her presentation by stating that the Planning Commission found the request consistent with the Riverview Community Plan and the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. No one replied.

Hearing Master Finch asked audience members if there were any opponents of the application. None replied.

Mr. Brooks testified during the rebuttal period that he did not receive any comments in opposition or from any surrounding property owner during the notification of the Major Modification or the prior Planned Development rezoning application.

Hearing Master Finch then concluded the hearing.

## **EVIDENCE SUBMITTED**

No documents were submitted into the record.

## **PREFACE**

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

## **FINDINGS OF FACT**

1. The subject site is 14.98 acres in size and is zoned Planned Development (20-1270). The property is designated RES-4 by the Comprehensive Plan and located in the Urban Service Area and the Riverview Community Planning Area.
2. The Planned Development (PD) is currently approved for a maximum of 150,000 square feet of Commercial General (CG) uses.
3. The Major Modification request proposes to increase the maximum square footage from 150,000 square feet to 160,362 square feet (a maximum of 126,000 square feet for self-storage mini-warehouse and a maximum of 34,362 square feet for CG land uses).
4. A flex of the Suburban Mixed Use-6 (SMU-6) Future Land Use category located to the west. The SMU-6 land use category permits light-industrial uses to be considered at an FAR of 0.50 and not subject to commercial locational criteria.
5. The Planning Commission considers mini-warehouse as a light-industrial use and supports the requested flex of the SMU-6 land use category. The Planning Commission found the development meets the intent of Objective 17 which encourages a unified commercial development through the use of coordinated site planning techniques. Finally, the Planning Commission stated that the request is consistent with the Riverview Community Plan and the and the Comprehensive Plan.
6. No testimony in opposition was provided at the Zoning Hearing Master hearing.
7. The modification does not propose to change the height, buffering or screening or required setbacks approved in the Planned Development.

8. The applicant has committed to enhanced building design for the mini-warehouse facility as well as providing a cross access stub out to the east which was not previously required.
9. The proposed modification for the increase in square footage from 150,000 square feet to 160,362 square feet (a maximum of 126,000 square feet for self-storage mini-warehouse and a maximum of 34,362 square feet for CG land uses) which includes a flex of the SMU-6 Future Land Use category is compatible with the surrounding area and consistent with the Land Development Code and Comprehensive Plan.

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

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

### **CONCLUSIONS OF LAW**

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

### **SUMMARY**

Planned Development 20-1270 is currently approved for a maximum of 150,000 square feet of Commercial General (CG) uses.

The Major Modification proposes to increase the maximum square footage from 150,000 square feet to 160,362 square feet (a maximum of 126,000 square feet for self-storage mini-warehouse and a maximum of 34,362 square feet for CG land uses).

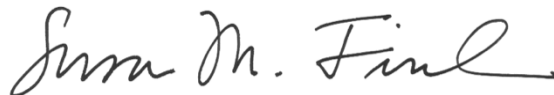
A flex of the Suburban Mixed Use-6 (SMU-6) Future Land Use category located to the west. The SMU-6 land use category permits light-industrial uses to be considered at an FAR of 0.50 and not subject to commercial locational criteria. The Planning Commission supports the flex of the SMU-6 category and the Major Modification.

The applicant has committed to enhanced building design for the mini-warehouse facility as well as providing a cross access stub out to the east which was not previously required.

The Major Modification is compatible with the surrounding area and consistent with the Land Development Code and Comprehensive Plan.

### **RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 20-1270 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.

A handwritten signature in black ink that reads "Susan M. Finch". The signature is written in a cursive, flowing style.

**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date January 05, 2022**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ PD 21-1092

**DATE OF HEARING:** December 13, 2021

**APPLICANT:** PPF SS 1601 South Kingsway Road  
LLC

**PETITION REQUEST:** A request to rezone property from PD to  
PD to permit a 54,000 square foot self-  
storage facility with outdoor storage for  
boats and recreational vehicles

**LOCATION:** Southwest corner of W. Dr. Martin  
Luther King Jr. Blvd and S. Kingsway  
Rd.

**SIZE OF PROPERTY:** 5.05 acres, m.o.l.

**EXISTING ZONING DISTRICT:** PD 20-0118

**FUTURE LAND USE CATEGORY:** RES-4

**SERVICE AREA:** Urban

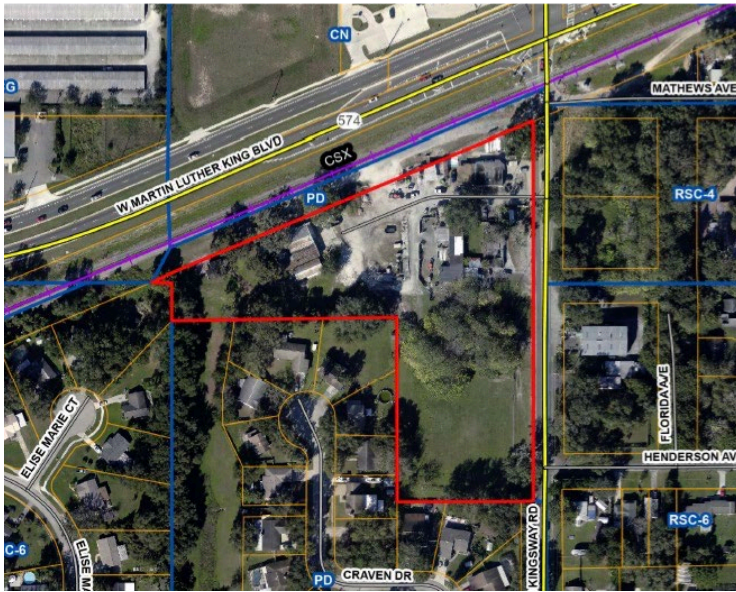
**COMMUNITY PLAN:** Seffner Mango

## DEVELOPMENT REVIEW STAFF REPORT

**\*Note:** Formatting issues prevented the entire Development Services Department staff report from being copied into the Hearing Master's Recommendation. Therefore, please refer to the Development Services Department web site for the complete staff report.

### 1.0 APPLICATION SUMMARY

#### Development Services Department



Applicant: Tyler Hudson and Gardner Brewer Martinez-Monfort, P.A.

FLU Category: RES-4

Service Area: Urban

Site Acreage: AC +/-

Community Plan Area: Seffner Mango

Overlay: None

Request: Rezoning to Planned Development

**Request Summary:**

The existing zoning is PD 20-0118 which permits a total of 54,000 square feet for a self-storage facility pursuant to the development standards in the table below. The proposed zoning for Planned Development (site plan controlled district) to allow an additional outdoor storage area for boats and RV parking pursuant to the development standards in the table below and site plan depicted in 2.4 of the report.

Zoning:		
	Current PD Zoning	Proposed PD Zoning
Uses	Mini-warehouse	Mini-warehouse and outdoor storage area for boats and RV parking.
Mathematical Maximums *	54,000 sf square feet, 0.25 FAR	Main Building: 54,000 sf square feet, 0.25 FAR Parking Canopies: 24,380, approx. (Not countable for FAR)

\*Mathematical Maximums may be reduced due to roads, stormwater and other improvements

**Development Standards:**

	Current PD Zoning	Proposed PD Zoning
Density / Intensity	Under the existing PD zoning district, a maximum of 54,228 square feet is allowable (based on 0.25 FAR).	Under the proposed PD 21-1092, a maximum of 54,000 square footage is allowable (based in 0.25 FAR in RES-4)
Lot Size / Lot Width	10,000 sf / 75'	10,000 sf / 75'

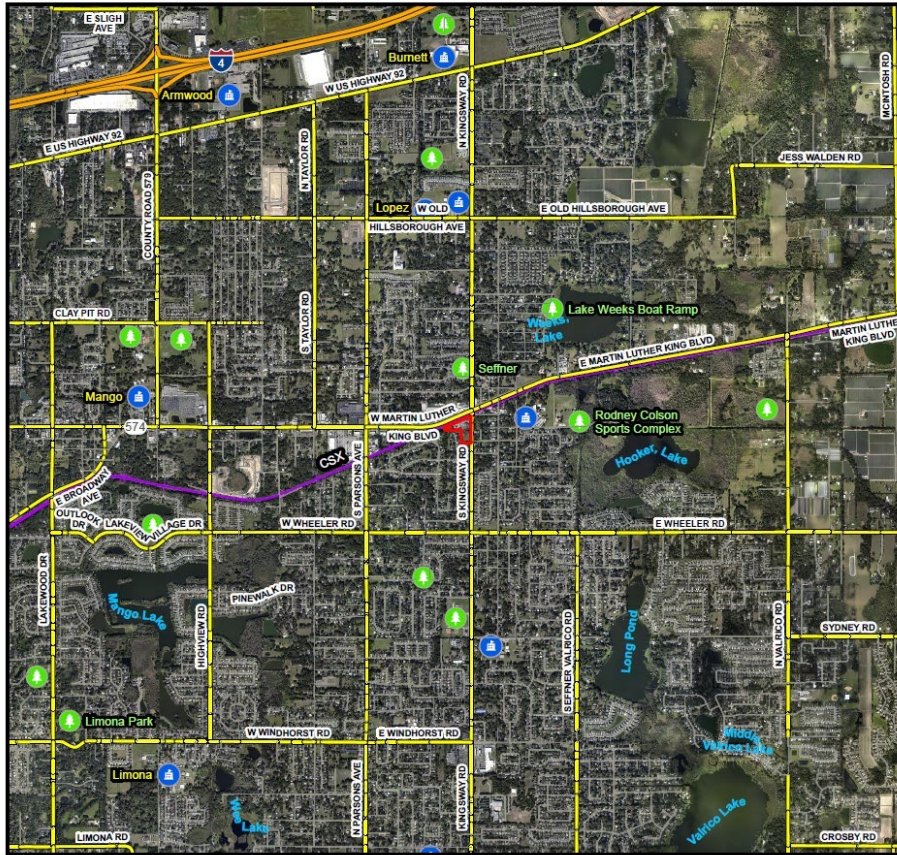
Setbacks/Buffering and Screening	30' Front 20' feet buffer, Type A screening to Residential	East: 30' Front. A 15-foot buffer yard with four canopy trees and four understory trees per 100 linear feet. In addition, if street trees do not exist, the developer shall provide one street tree for every 50 feet. Southeast: 30' buffer, type "B" screening.
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		West and Southwest : 20' buffer, type " B" screening. North: 15' feet, type "B" screening.
Height	50 feet, except as defined in LDC 6.01.01 Lot Development standards, Endnotes 8 and 11.	50 feet Max. for main building. 18 feet for parking canopies.
<b>Additional Information:</b>		
PD Variations	None requested.	
Waiver(s) to the Land Development Code	To allow the total square footage of the RV and boat outdoor storage area to exceed 20 percentage of the mini-ware house building Gross Floor Area. To allow the RV and boat outdoor storage area be external to the project and to not be shielded from view by mini-warehouse buildings.	
Planning Commission Recommendation		Inconsistent
Development Services Department Recommendation		Not Approvable


---

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



  
**VICINITY MAP**  
**RZ-PD 21-1092**  
 Folio: 63836.0000

 APPLICATION SITE  
 RAILROADS  
 SCHOOLS  
 PARKS

  
 0 2,000 4,000 Feet

STR: 11-29-20, 2-29-20

T	R17	18	19	20	21	22R	T
27				TERESA TERRACE			27
29				TERESA TERRACE			29
30							30
31							31
32							32
S	R17	18	19	20	21	22R	S

NOTE: Every responsibility lies with the user to ensure the accuracy of the information provided. This map is not intended to be used as a substitute for a professional survey or other engineering, planning, or other services. The user will be responsible for obtaining all necessary permits and approvals. The user will be responsible for obtaining all necessary permits and approvals. The user will be responsible for obtaining all necessary permits and approvals.

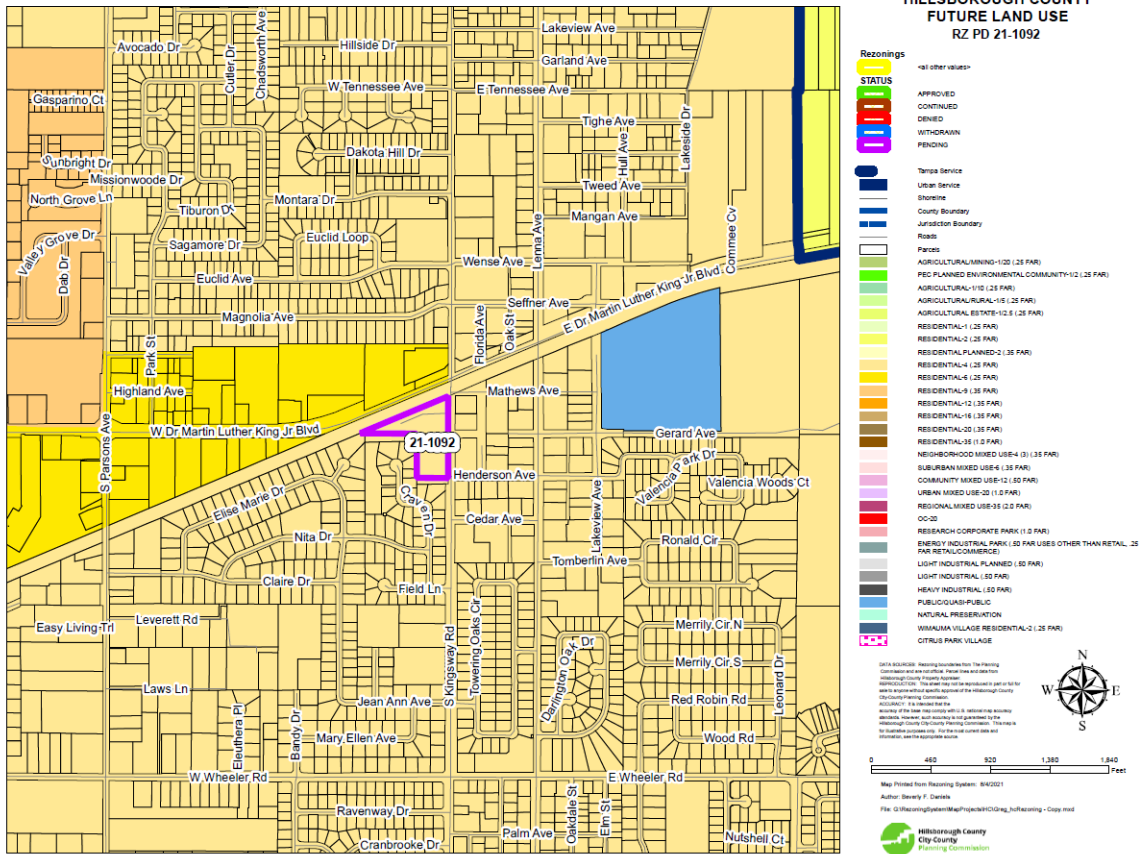
Date: 06/02/2021 File: G:\ZONING\GIS\Data\Vicinity\_Map.aprx  
 Produced By: Development Services Department

**Context of Surrounding Area:**

The subject site is located on the west side of S Kingsway Road , approximately 150 feet south of the intersection with Dr. Martin Luther King Jr Blvd W. The surrounding area is a residential, single family development, zoned RSC-4, PD 81-0331, and RSC-6. Commercial developments with CN and CG zoning districts exist in the area on the north side of Dr. Martin Luther King Jr Blvd W.

A parcel at 1706 S Kingsway Rd., parcel folio 64186.000 across Kingsway Road to the east is developed with light industrial uses, however, the parcel zoning is RSC-6, and is therefore a nonconforming use.

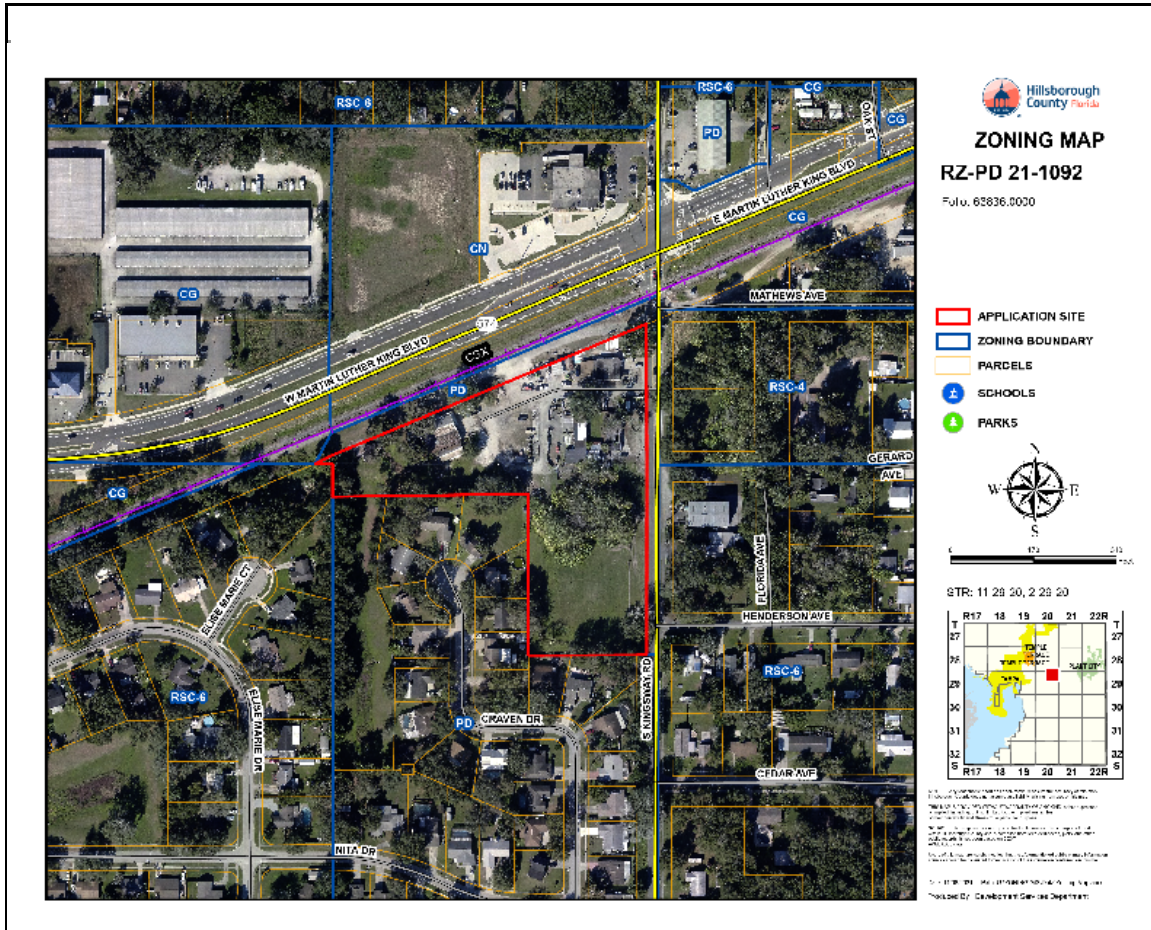
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	Residential-4
Maximum Density/F.A.R.:	0.25 FAR
Typical Uses:	Residential, suburban commercial, offices, multi-purpose



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



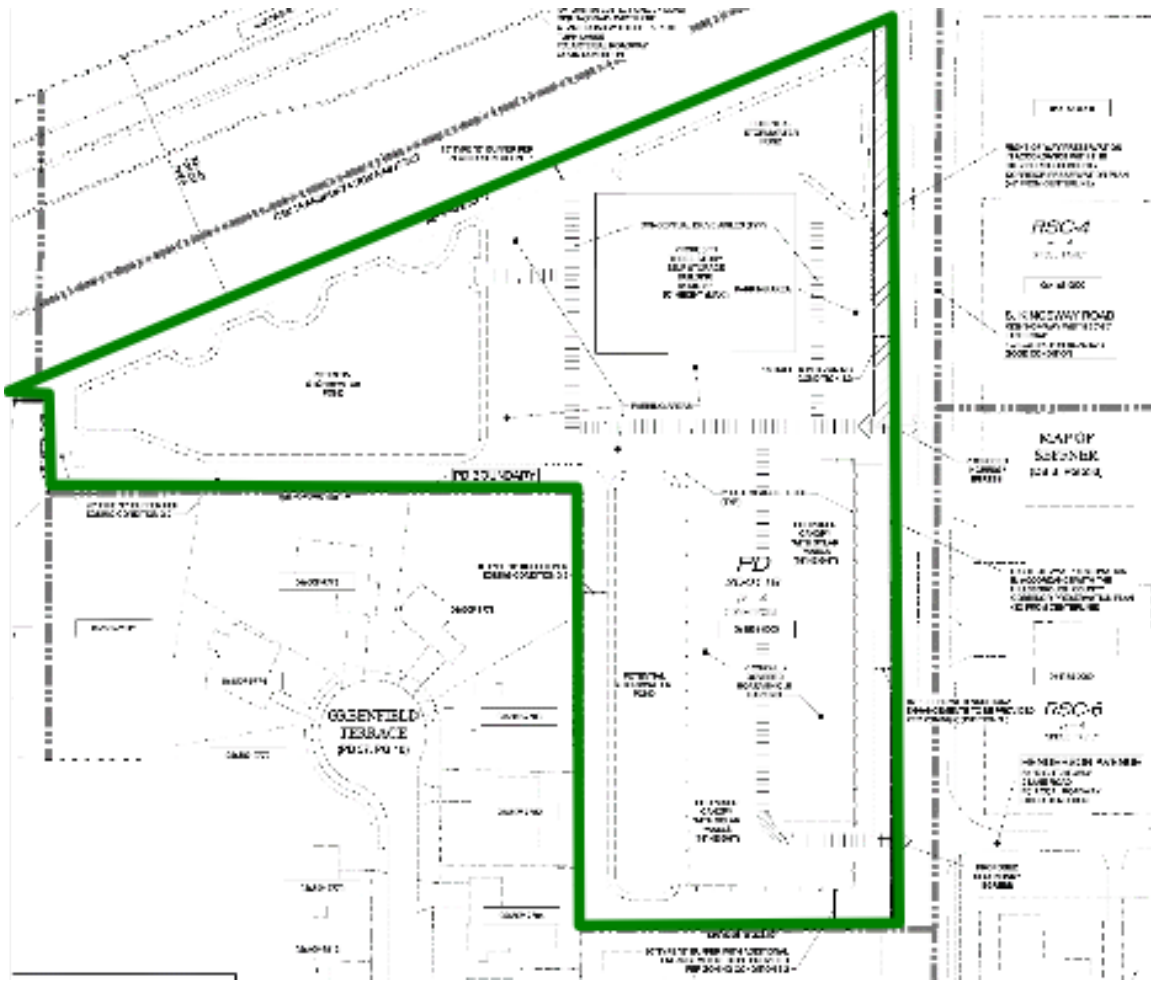
### Adjacent Zonings and Uses

Location	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	CN	0.20 F.A.R.	Commercial Neighborhood uses	Post Office, Mini-warehouse, Retail
South	PD 81-0331	3.1 DU/AC	Single-Family Residential	Single-Family Residential
East	RSC-4, RSC-6	4 DU/AC, 6 DU/AC	Single-Family Residential	Single-Family Residential,

				Office, Light Industrial
West	RSC-4	4 DU/AC	Single-Family Residential	Single-Family Residential

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

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



Approved Mini warehouse Building 54,000 SF

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
S. Kingsway Rd.	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	82	5	9
Proposed	82	5	9
Difference (+/-)	0	0	0

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

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South		None	None	Meets LDC

East	X	None	None	Meets LDC
West		None	None	Meets LDC

Notes:

**Design Exception/Administrative Variance**  Not applicable for this request

Road Name/Nature of Request	Type	Finding
S. Kingsway Rd./Number of Driveways	Administrative Variance Requested	Approvable

Notes: Sec. 6.04.03 I. limits project to one access point. The second access point shall be restricted to egress only.

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

INFORMATION/REVIEWING AGENCY	Objections	Conditions Requested	Additional Information/Comments
<b>Environmental:</b>			
Environmental Protection Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit  Wellhead Protection Area

Surface Water Resource Protection Area

Potable Water Wellfield Protection Area

Significant Wildlife Habitat

Coastal High Hazard Area

Urban/Suburban/Rural Scenic Corridor  Adjacent to ELAPP property

Other \_\_\_\_\_



<b>Public Facilities:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b> <input checked="" type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See report.
<b>Utilities Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Impact/Mobility Fees</b>  Warehouse (Per 1,000 s.f.) Mobility: \$1,102 Fire: \$34  Parking/Marina Per Spot/Berth Mobility: \$2,022 Fire: \$299			
<b>Comprehensive Plan:</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b> <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Inconsistent <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The RES-4 Future Land Use classification does not allow consideration of open storage. An exception is provided for

Section 6.11.60 Mini-Warehouse Locational and Design Criteria which provides for an allowance of boats and

recreational vehicles (RV) provided that the outdoor storage is limited to 20 percent of the developed square footage of

the enclosed portions of the facility and that the storage area is internal the project and screened by buildings so as to

ensure no portions of the storage area is visible from off-site. These requirements establish the standards to ensure

the open storage area remains accessory to the mini-warehouse facility and is compatible with the surrounding

development pattern.

The proposed boat and RV storage area does not comply with the above standards. The proposed storage area is approximately 24,380 square feet distributed in two canopy areas. This area constitutes about 45% of the 54,000 square feet total enclosed mini-warehouse storage area, exceeding the 20% threshold by 25%. Furthermore, the storage area is not located internal to the mini-warehouse facility nor is it proposed to be screened by the existing buildings.

The applicant is requesting an alternative design consideration for the subject project. The applicant's justifications for relief from the 20 percent requirement is that the proposed design of the mini-warehouse facility is not a traditional design but rather a high-end, more compact structure that resembles an office building which is 54,000 square feet in size. This leaves most of site undeveloped. According to the applicant the compact size of the facility under application of the 20 percent standard would allow for only a 10,800 square foot storage area and would preclude any a reasonable configuration of storage given parking staff space size and circulation configuration. With respect to compatibility and the requirement for the boat/rv storage to be screened by buildings the applicant has proposed to restrict the open storage to vehicles and boats; an upgraded canopy design consisting in solar-paneled roof; a 30 foot buffer with Type B screening (minimum 6 foot opaque screen and evergreen trees planted on 20 foot centers) and stormwater pond along the western boundary (providing 80 feet of separation from adjacent residential) and 15 landscape buffer along Kingsway Avenue with an eight feet tall fence along the western and eastern boundary of the storage area.

Development Services staff has determined the proposed design of the boat and RV storage area does not meet or exceed the intent of the standards outlined in LDC Section 6.11.60.

The 20 percent standard in the LDC establishes the standard for consideration of boat and RV storage as an accessory use and, therefore, allowable in the RES-4 Comprehensive Plan Future Land Use classification. Notwithstanding the specific design characteristics of the mini-warehouse facility as noted by the applicant, the storage area constitutes about 45% of the 54,000 square feet total

enclosed area, exceeding the 20% threshold by 25% and does not appear to be functionally accessory to the mini-warehouse facility given the size, location and design of the storage facility which includes a proposed second access to Kingsway Road and a significant addition to the development area for the mini-warehouse facility, to the south.

With respect to screening, while the 8-foot wall and landscaping and canopy design provides for an enhanced design for

the storage area, the proposal does not provide for complete screening from public view of the storage area and,

therefore, does not meet the intent of the Land Development Code. The canopy structure's height exceeds by 10 feet

the fence height and there is a short distance between the canopy area and the front fence. The proposed screening

will not completely shield the canopy structure nor the recreational vehicles from off-site views.

Furthermore, a principal/stand-alone open storage use is not comparable to the mini-warehouse use approved by PD 20- 0118 and raises compatibility concerns with the surrounding area. A principal/stand-alone storage use is allowed in the CI and M zoning districts and in Planned Developments that allow similar zoning district uses. The properties to the west, south and east of the site are zoned residential single-family, and there are no commercially zoned properties in the surrounding area along the south side of Dr. Martin Luther King Jr. Blvd. Though there is an existing warehouse development across S Kingsway Rd., to the east, said development constitutes a nonconforming use for the property zoned RSC-6. The commercially zoned properties crossways Dr. Martin Luther King Jr. Blvd., to the north, are approved for CG or CN uses only. There are no nearby industrial, light industrial, CI, or M zoned properties.

## 5.2 Recommendation

Based on the above considerations, staff finds the request **not supportable**.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

## SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Tyler Hudson 400 North Ashley Drive testified regarding the rezoning application. Mr. Hudson showed a PowerPoint presentation and introduced his

development team. He asked how one reconciles the fact that we live in a place with abundant, natural recreational opportunities with a stubborn fact that one of the means of utilizing those recreational opportunities which are boats and RV's, are large and difficult to store. He added that the storage opportunities are relatively scarce. Mr. Hudson stated that the Planning Commission and the Development Services Department staff state in their staff reports that an RV and boat storage facility, even as an accessory use to a self-storage facility, is not reconcilable in the RES-4 Future Land Use category. The rezoning of the property from PD to PD is really a modification as the PD was approved last year for 54,000 square feet of self-storage. A new use is proposed which is open storage. Mr. Hudson discussed the location of the site and stated that the self-storage facility, which is currently under construction, will be located on the northern portion of the property and the RV boat storage use will be located to the south. There are single-family homes to the south and a retention pond to the west. The applicant proposes enhanced buffering to the south adjacent to the residential homes. Solar panels are proposed on the canopies that cover the RV's and boats. Mr. Hudson discussed the definition of open storage in the Land Development Code and detailed the similarities between a boat dealership, parking display area and the long-term storage of boats and RV's from the perspective of a person driving by a site. He added that outdoor displays of RV's and boats is specifically excluded from the definition of open storage. Mr. Hudson submitted letters of support from the eight adjacent property owners. He noted that the Land Development Code is very specific regarding mini-warehouse standards. Boat vehicle storage area cannot exceed 20 percent of the building square footage and the RV boat storage area is required to be screened with buildings. Mr. Hudson testified that the buildings used as screening creates a fortress and doesn't result in compatibility. The application proposes something better in the form of increased buffering adjacent to the existing single-family homes.

Hearing Master Finch asked Mr. Hudson what the area proposed for the RV and boat storage was shown as on the currently approved Planned Development site plan. Mr. Hudson replied it was an open area.

Ms. Tania Chapela, Development Services Department testified regarding the County's staff report. Ms. Chapela stated that the request was filed as a new Planned Development zoning but is actually a modification to the existing entitlements. The existing zoning permits a total of 54,000 square feet of self-storage facility. The proposed rezoning is to allow an additional outdoor storage area for boats and RV's. The site is located within the RES-4 Future Land Use category. She described the surrounding uses and stated that the applicant proposed to develop approximately 24,000 square feet of RV and boat storage under a canopy. Staff does not support the rezoning request as the RES-4 category does not permit the consideration of open storage with the exception of Land Development Code Section 6.11.60 that permits mini-warehouse to provide up to 20 percent open storage provided it is located internal to the project and screened by the storage buildings. The applicant proposes an alternative design

which is not compliant with the Land Development Code standards. The applicant proposes an open storage area that is 45 percent of the 54,000 square foot mini-warehouse building which exceeds the maximum 20 percent threshold. Ms. Chapela testified the storage area is not located internal to the project nor is it screened from view by the mini-warehouse facility buildings. The justifies the request by stating that he proposed design of the mini-warehouse is not a traditional design but rather a high-end structure that resembles an office building. According to the applicant, the Land Development Code maximum of 20 percent would permit only 10,800 square feet of open storage which would preclude any reasonable configuration of parking and circulation. Although the applicant proposes to install an 8-foot wall with landscaping and the use of a canopy over the RV's and boats, the proposal does not completely screen the storage area from public view. Ms. Chapela completed her presentation by stating that the staff finds the request is not supportable.

Hearing Master Finch asked Ms. Chapela if the Land Development Code permits RV and boat storage at 20 percent and the applicant is requested to exceed the maximum percentage and not meet some of the screening and design standards. Ms. Chapela replied that was correct.

Ms. Yeneka Mills of the Planning Commission staff testified that the property is within the Residential-4 Future Land Use category and located in the Urban Service Area and the Seffner Mango Community Planning Area. She stated that the request is inconsistent with Policy 1.4 regarding compatibility with the surrounding area. She added that CI uses were not originally approved for the southern portion of the Planned Development and the proposed open storage is not consistent with Policy 16.1 regarding development in residential areas being limited to neighborhood scale projects. Additionally, the proposed open storage to the south encroaches on the predominate residential development pattern to the south which does not meet Policy 16.2 regarding the gradual transition of land uses. Ms. Mills testified that the project is not consistent with the Seffner Mango Community Plan. Specifically, Goals 2 and 3 discourage commercial development from encroaching into residential areas south of Dr. Martin Luther King Jr. Blvd. She concluded her remarks by stating that the rezoning request is inconsistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application. None replied.

County staff did not have additional comments.

Mr. Hudson testified during the rebuttal period that County staff testified that the buffer width to the south was 20 feet but is actually 30 feet wide. Regarding the waiver to the maximum 20 percent threshold for outdoor storage accessory to a

mini-warehouse facility, he stated that if the applicant were to store old and broken refrigerators, there would be no waiver request at all. Further, the buildings would not be required to surround the use because there were not the storage of boats and RV's. The applicant proposes to limit the storage to RV's and boats and enclose the area such that it is not visible from the perspective of a person driving by the property. The applicant's proposed buffering serves to meet the intent to enclose the storage area in a better way than walling off buildings.

Hearing Master Finch asked Mr. Hudson if he was using the word enclosure to mean screening the storage from view with vegetation or a detention pond. Mr. Hudson replied yes and stated that there will be a canopy over the storage area.

Hearing Master Finch asked Mr. Hudson how many spaces are proposed in the approximately 24,000 square feet of storage area. Mr. Hudson replied 28 spaces.

Hearing Master Finch asked if the spaces are larger to accommodate a boat or an RV. Mr. Hudson replied yes.

Hearing Master Finch asked if the 28 proposed storage spaces were approximately half over the number of spaces permitted by the Land Development Code. Mr. Hudson replied yes and stated that there is no requirement to show hardship for the waivers.

Mr. Hudson continued his rebuttal testimony by stating that the property is narrow at the southern portion and where the self-storage is proposed, it would be functionally impossible to meet the 20 percent requirement and provide the required buffering such that a boat or RV could be accessed on-site.

Hearing Master Finch asked Mr. Hudson if the self-storage facility is related to the proposed open storage facility. Mr. Hudson replied yes and stated that it is the same company and the leasing of the spaces would be integrated.

Hearing Master Finch asked Mr. Hudson if the applicant could meet the Land Development Code provision of a maximum of 20 percent as an accessory use as it is associated with the approved self-storage facility and that the applicant is just asking for a larger facility with different screening. Mr. Hudson replied yes and stated that the land area is peculiar and buffering would be difficult but that compliance with the Code would be theoretically possible.

Mr. Hudson completed his rebuttal testimony by addressing the comments made by the Planning Commission's comments regarding the Seffner Mango Community Plan. He stated that the Community Plan is light on details in terms of what its goals mean. The Community Plan language is vague and does not constitute an encroachment. The proposed landscaping will be significant compared to what is there today. The proposed RVs and boats are not unlike what people have in their own neighborhoods. The site will be screened from

public view and significantly buffered to the west and south. The residents most affected by the proposed use all support the application.

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

Mr. Hudson submitted seven letters of support and revised zoning conditions into the record.

## **PREFACE**

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

## **FINDINGS OF FACT**

1. The subject site is 5.05 acres in size and is zoned Planned Development (PD 20-0118). The property is designated Residential-4 (RES-4) by the Comprehensive Plan and located in the Urban Service Area and the Seffner Mango Community Planning Area.
2. The existing PD 20-0118 permits a maximum 54,000 square foot self-storage facility.
3. The purpose of the rezoning from PD to PD is to continue to permit a maximum 54,000 square foot self-storage facility and add approximately 24,380 square feet of open storage area for boats and RV's.
4. The existing RES-4 Future Land Use category does not permit open storage.
5. The Land Development Code has an exception to the prohibition of open storage for boats and RV's in the RES-4 category for property associated with mini-warehouse facilities if the open storage is no more than 20 percent of the total square footage of the associated mini-warehouse building and that the open storage be located internal to the project and screened from view by the mini-warehouse building(s).
6. The subject 24,380 square foot open storage area represents approximately 45 percent of the on-site mini-warehouse facility which is approved for a maximum of 54,000 square feet.
7. The proposed open storage facility is not located internal to the project nor is it screened from view by the mini-warehouse facility.



8. The applicant proposes to install a canopy over the boat and RV storage area and install an 8-foot high opaque fence on the eastern and western sides of the boat and RV parking areas. The site plan shows a stormwater pond on the west side of the storage facility adjacent to existing single-family homes. The applicant has stated that enhanced landscaping will be provided to the south to increase the compatibility of the use.
9. Given the proposed open storage non-compliance with the Land Development Code standards, the applicant is requesting two waivers as a part of the Planned Development rezoning application. The first is for the maximum size of the open storage facility from 20 percent to 45 percent. The second waiver is to the requirement to locate the storage internal to the project and screen the storage from view with the mini-warehouse buildings as the storage area is located south of the mini-warehouse facility.
10. The Planning Commission does not support the Planned Development zoning request as it found that it is inconsistent with Policy 1.4 regarding compatibility with the surrounding area. Staff stated that CI uses were not originally approved for the southern portion of the Planned Development and the proposed open storage is not consistent with Policy 16.1 regarding development in residential areas being limited to neighborhood scale projects. Additionally, the proposed open storage to the south encroaches on the predominate residential development pattern to the south which does not meet Policy 16.2 regarding the gradual transition of land uses. The Planning Commission found that the project is not consistent with Goals 2 and 3 of the Seffner Mango Community Plan which discourages commercial development from encroaching into residential areas south of Dr. Martin Luther King Jr. Blvd. The Planning Commission stated that rezoning is inconsistent with the Future of Hillsborough Comprehensive Plan.
11. The Development Services Department also does not support the rezoning as it found that the stand-alone storage is not comparable to the mini-warehouse use and presents compatibility concerns with the surrounding area.
12. The applicant's representative submitted seven letters of support from the most affected neighbors located to the west and south of the open storage area. It is noted that the proposed site plan shows a retention pond on the western and a portion of the southern side of the open storage to increase compatibility and reduce negative visual impacts. The single-family homes are oriented away from the subject property and appear to all have a 6-foot fence in their rear yards.
13. No testimony was provided in opposition.

14. The applicant's representative testified that the proposed 24,380 square feet of open storage area equated to approximately 28 spaces for the storage of RV's and boats.
15. In response to the Hearing Master's question of whether the property could meet the Land Development Code mini-warehouse exception for the open storage of boats and RV's, the applicant's representative testified that the open storage area land is narrow and buffering would be difficult but that compliance with the Code would be theoretically possible.
16. The Land Development Code provides for an exception that permits consideration for the open storage of boats and RV's under certain conditions.
17. The proposed open storage area exceeds the Land Development Code exception maximum square footage by over 13,500 square feet.
18. The location of the open storage use and the method of providing a canopy as a roof over the boats and RV's combined with the proposed 8-foot opaque fence does not meet the intent of the Land Development Code exception to locate the open storage internal to the mini-warehouse facility. The Land Development Code requirement for the mini-warehouse buildings to screen the open storage from view clearly encourages the open storage accessory use to be minimized which is not the case for the subject proposal.
19. The requested Planned Development zoning with the proposed open storage area for boats and RV's is not consistent with the RES-4 Future Land Use category. The proposed waivers to the Land Development Code pertaining to the open storage of boats and RV's accessory to a mini-warehouse facility are not appropriate given the proposed size of the proposed storage area and prominence on the site plan.
20. While it is noted that the most affected neighbors residing in the single-family homes to the west and south signed letters of support for the request, the subject open storage area is incompatible with the area and contrary to the intent of the exception provision found in the Land Development.

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

The rezoning request is not in compliance with and does not further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

## **CONCLUSIONS OF LAW**

Based on the Findings of Fact cited above, there is not substantial competent evidence to demonstrate that the requested Planned Development rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

### **SUMMARY**

The request is to rezone 5.05 acres from PD to PD to permit maximum 54,000 square foot self-storage facility and add approximately 24,380 square feet of open storage area for boats and RV's.

The existing PD 20-0118 permits a maximum 54,000 square foot self-storage facility.

The existing RES-4 Future Land Use category does not permit open storage. The Land Development Code has an exception to the prohibition of open storage for boats and RV's in the RES-4 category for those associated with mini-warehouse facilities if the open storage is no more than 20 percent of the total square footage of the associated mini-warehouse building and that the open storage be located internal to the project and screened from view by the mini-warehouse building(s).

The proposed open storage does not meet the exception standards found in the Land Development Code but instead proposes to install a canopy over the boat and RV storage area and install an 8-foot high opaque fence on the eastern and western sides of the boat and RV parking areas. The site plan shows a stormwater pond on the west side of the storage facility adjacent to existing single-family homes. The applicant has stated that enhanced landscaping will be provided to the south to increase the compatibility of the use.

The Planning Commission does not support the Planned Development zoning request as it found that it is inconsistent with Policy 1.4 regarding compatibility with the surrounding area. Staff stated that CI uses were not originally approved for the southern portion of the Planned Development and the proposed open storage is not consistent with Policy 16.1 regarding development in residential areas being limited to neighborhood scale projects. Additionally, the proposed open storage to the south encroaches on the predominate residential development pattern to the south which does not meet Policy 16.2 regarding the gradual transition of land uses. The Planning Commission found that the project is not consistent with Goals 2 and 3 of the Seffner Mango Community Plan which discourages commercial development from encroaching into residential areas south of Dr. Martin Luther King Jr. Blvd. The Planning Commission stated that rezoning is inconsistent with the Future of Hillsborough Comprehensive Plan.

The Development Services Department also does not support the rezoning as it found that the stand-alone storage is not comparable to the mini-warehouse use and presents compatibility concerns with the surrounding area.

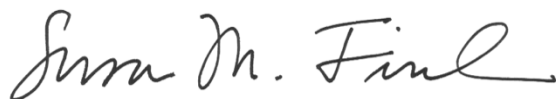
Letters of support for the rezoning from the single-family residential property owners to the south and west were submitted into the record.

The location of the open storage use and the method of providing a canopy as a roof over the boats and RV's combined with the proposed 8-foot opaque fence does not meet the intent of the Land Development Code exception to locate the open storage internal to the mini-warehouse facility. The Land Development Code requirement for the mini-warehouse buildings to screen the open storage from view clearly encourages the open storage accessory use to be minimized which is not the case for the subject proposal.

The requested Planned Development zoning with the proposed open storage area for boats and RV's is not consistent with the RES-4 Future Land Use category. The proposed waivers to the Land Development Code pertaining to the open storage of boats and RV's accessory to a mini-warehouse facility are not appropriate given the proposed size of the proposed storage area and prominence on the site plan.

### **RECOMMENDATION**

Based on the foregoing, this recommendation is for **DENIAL** of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above.



**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date January 05, 2022**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** MM 21-1196

**DATE OF HEARING:** December 13, 2021

**APPLICANT:** Agency for Community Treatment  
Services, Inc.

**PETITION REQUEST:** The Major Modification request is to  
modify PD 08-0970

**LOCATION:** 1229 E. 131<sup>st</sup> Avenue

**SIZE OF PROPERTY:** 0.94 acres, m.o.l.

**EXISTING ZONING DISTRICT:** PD 08-0970

**FUTURE LAND USE CATEGORY:** LI

**SERVICE AREA:** Urban

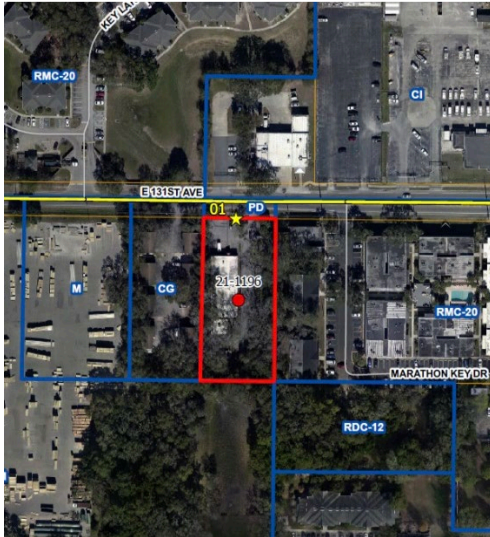
**COMMUNITY PLAN:** University

## DEVELOPMENT REVIEW STAFF REPORT

\*NOTE: Formatting issues prevented the entire staff report from being included in the Recommendation. Therefore, please refer to the County's website for the complete Development Services Department staff report.

### 1.0 APPLICATION SUMMARY

#### Development Services Department



Applicant: Agency for community Treatment Services, Inc.

FLU Category: LI

Service Area: Urban

Site Acreage: 0.93

Community Plan Area: University

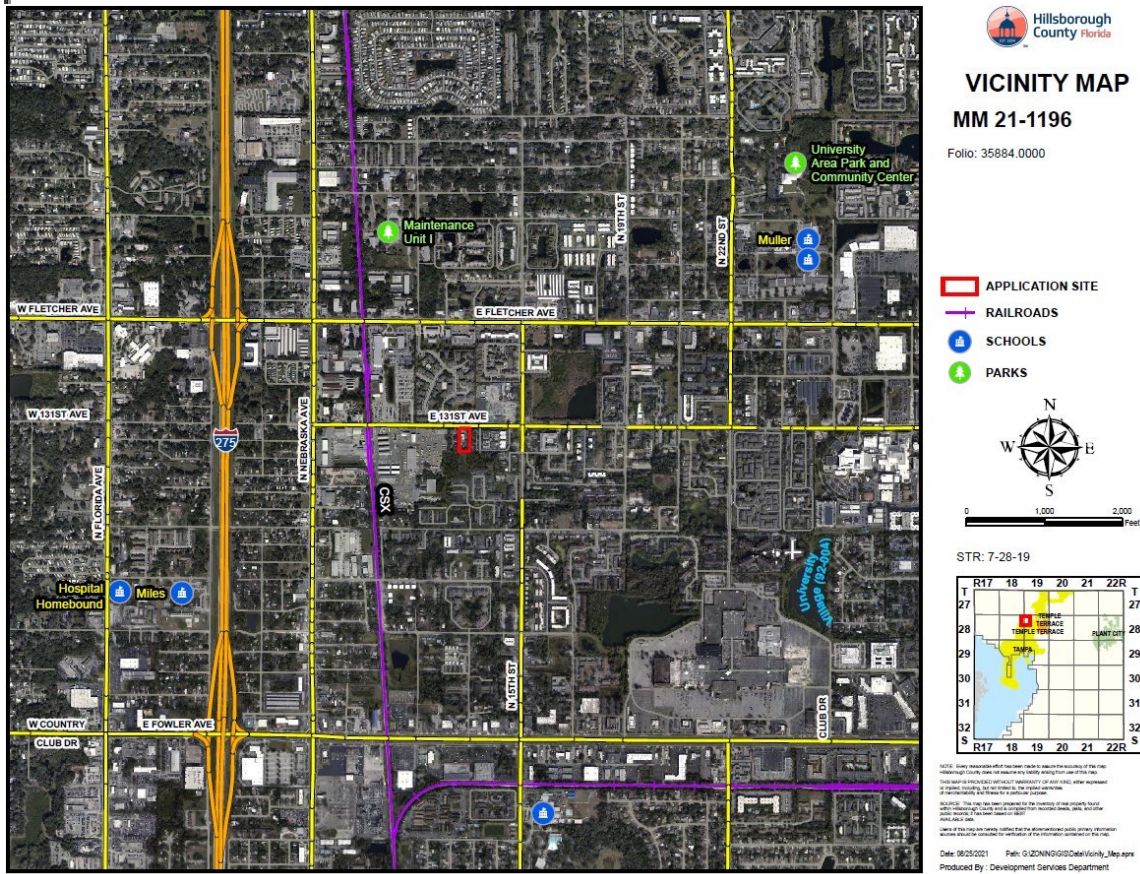
Overlay: None

Request: Major Modification to PD 08-0970

<b>Request Summary:</b>	
Allow either a 20 residents Community Residential Facility Type C or a 20 residents Professional Residential Facility Type C.	
<b>Existing Approvals:</b>	
PD 08-0970 is approved for a 17 residents Community Residential Facility Type C.	
<b>Proposed Modification(s):</b>	
Requests include the following: (1) to convert the existing Community Residential home Type C facility into a Professional Residential Home (Recovery Home) while maintaining the possibility to occupy the existing building with either of both uses; (2) to modify the existing CN lot development standards to allow those permitted in the RMC-20 district; and, (3) to allow for a 4.6 feet off-street parking perimeter buffer along the E 131 <sup>st</sup> Ave.	
<b>Additional Information:</b>	
PD Variations	LDC Section 6.06.04 (Off-Street Vehicular Use Areas) – Perimeter Buffer Adjacent to Road Right-of-Way.
Waiver(s) to the Land Development Code	None
Planning Commission Recommendation	Consistent
Development Services Department Recommendation	Approvable, subject to conditions of approval.



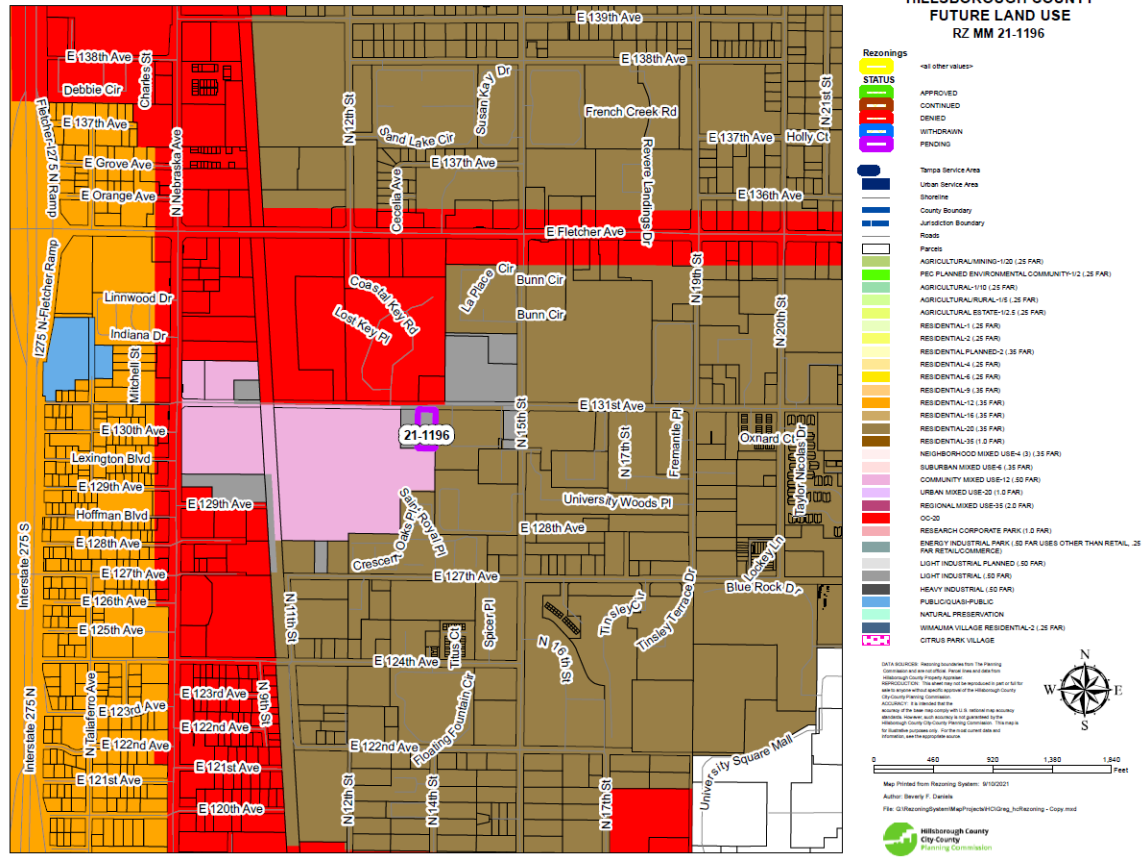
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

The area is developed with open storage, and light industrial uses on properties zoned GC, CI, and M. Multifamily residential sites approved for up to 20 DU/A are also found within the community.

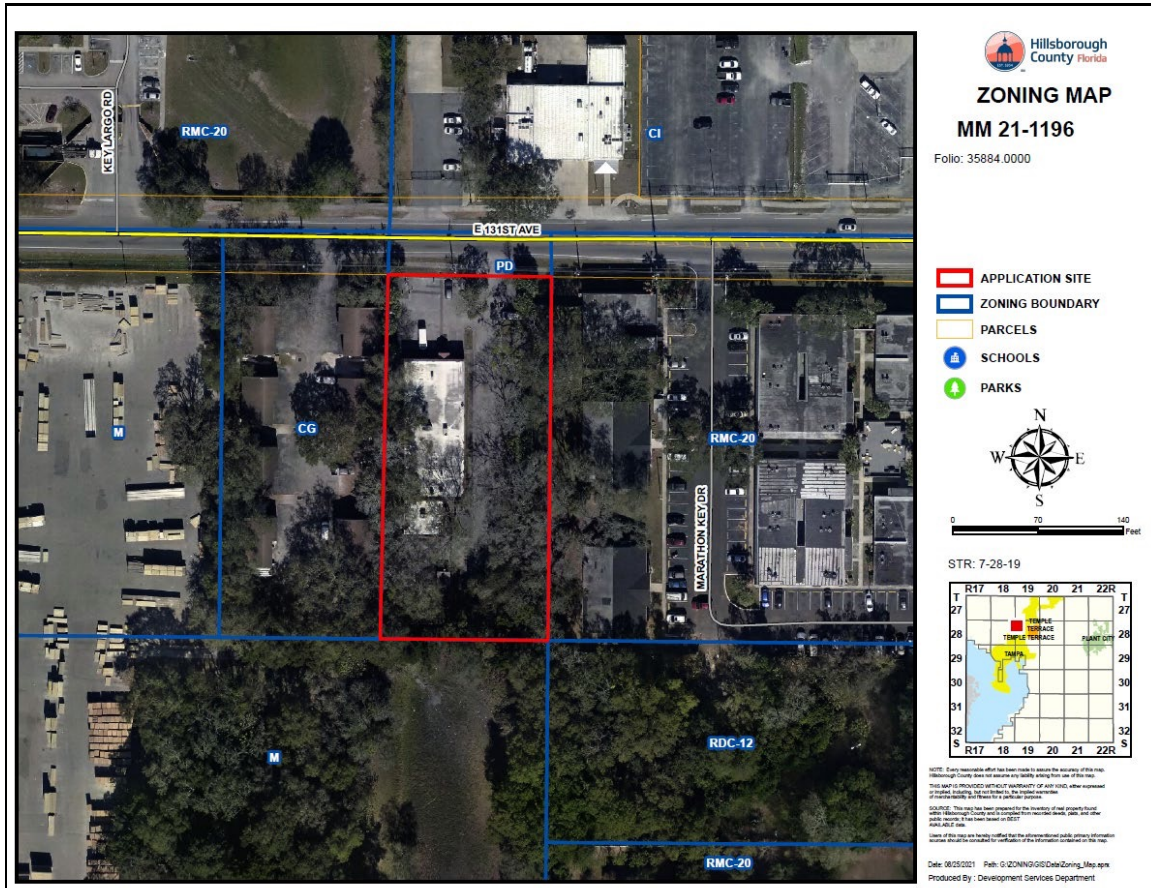
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	LI (Light Industrial)
Maximum Density/F.A.R.:	0.5 FAR
Typical Uses:	Light Industrial uses - manufacturing, recycling, storage, support offices, warehousing, rural scale retail



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



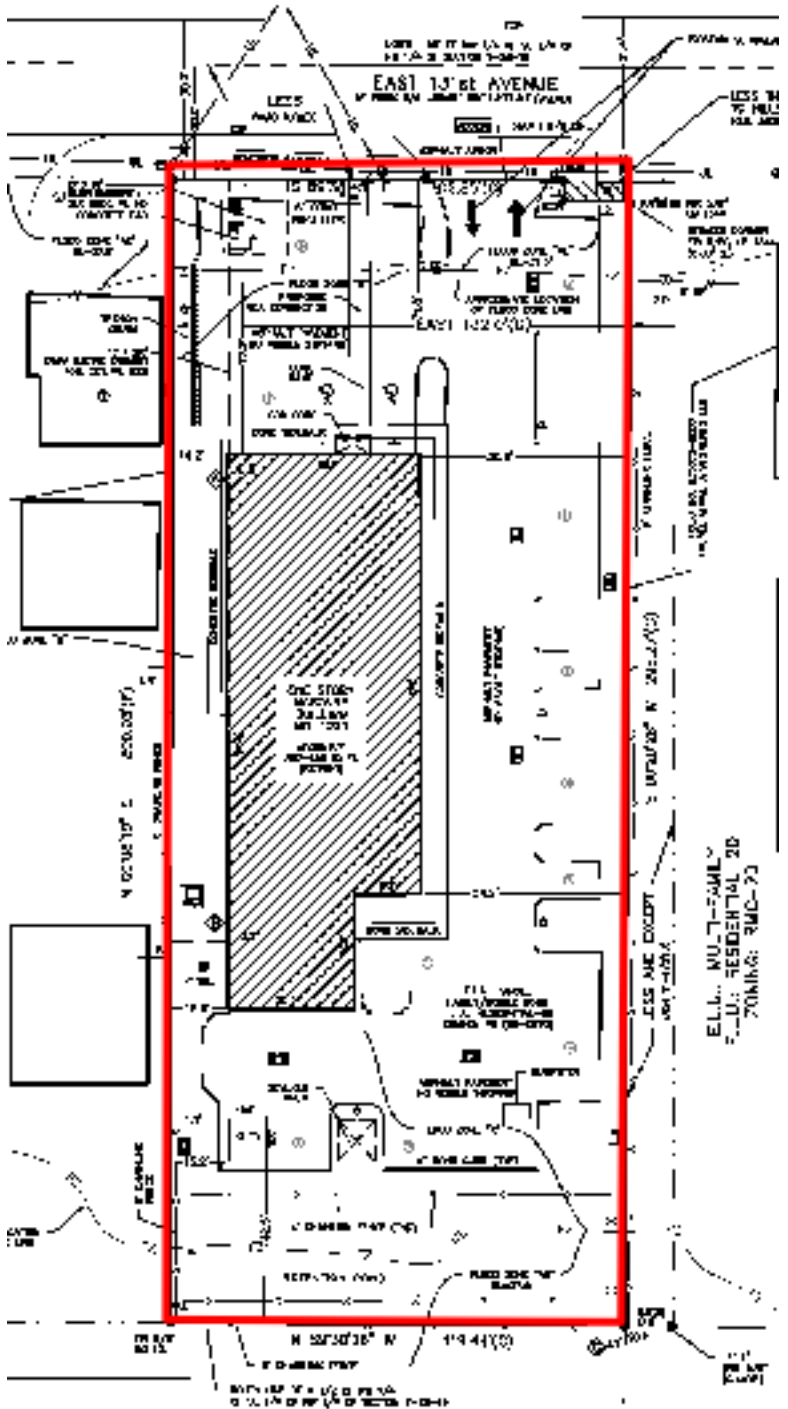
### Adjacent Zonings and Uses

Location	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	CI	n/a, 0.27 FAR	Commercial, Light Industrial	Fire Station
South	M	n/a, 0.75 FAR	Manufacturing	lumberyard
East	RMC-20	20 units per acre*, n/a	Multifamily	Multifamily
West	CG	n/a, 0.27	Commercial General	Mini-warehouse



## 2.0 LAND USE MAP SET AND SUMMARY DATA

2.5 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.2 for full site plan)



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

<b>Adjoining Roadways (check if applicable)</b>			
<b>Road Name</b>	<b>Classification</b>	<b>Current Conditions</b>	<b>Select Future Improvements</b>
131st Avenue	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation  Not applicable for this request**

	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	44	3	4
Proposed	52	4	5
Difference (+/-)	+8	+1	+1

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

**Connectivity and Cross Access  Not applicable for this request**

<b>Project Boundary</b>	<b>Primary Access</b>	<b>Additional Connectivity/Access</b>	<b>Cross Access</b>	<b>Finding</b>
North	X	Vehicular & Pedestrian	None	Meets LDC
South		None	None	Meets LDC

East		None	Vehicular & Pedestrian	Meets LDC
West		None	Vehicular & Pedestrian	Meets LDC
Notes:				
Design Exception/Administrative Variance <input checked="" type="checkbox"/> Not applicable for this request				
<b>Road Name/Nature of Request</b>			<b>Type</b>	<b>Finding</b>
Notes:				

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

##### Public Facilities:

##### Transportation

Design Exc./Adm. Variance Requested  Off-site Improvements Provided

##### Information/Comments

Environmental Protection Commission

Yes  No

Yes  No

##### Additional Information/Comments

##### Service Area/ Water & Wastewater

Urban  City of Tampa

Rural  City of Temple Terrace



## Impact/Mobility Fees

Recovery home (Nursing/Assisted Living Home) (Mobility per bed, Fire per 1,000 s.f.)

Mobility \$1,002\*20 = \$20,040.00

Fire \$95 (per 1,000 s.f., size not provided)

## Hillsborough County School Board

Adequate  K-5  6-8  9-12  N/A Inadequate  K-5  6-8  9-12  N/A

### 5.1 Compatibility

The proposed Professional Residential Home Type C use is comparable to the Community Residential Home Type C current allowed. The proposed increase of 3 residents does not impact the current density calculations.

The proposed changes on the off-street parking buffer, and existing CN lot development standards to allow for RMC-20 provisions will not create a significant change in the visual character of the area. Meanwhile, no changes have been proposed for the existing site layout.

The proposed rezoning would result in an increase of trips potentially generated by development of the subject site by 8 average daily trips, 1 trip in the a.m. peak hour, and 1 trip in the p.m. peak hour. However, the increased number of residents will have minimal impact on the transportation network. Staff finds the proposed use of the land and lot development standards show a similar impact.

Given the above, staff finds the proposed modification to be compatible with the surrounding properties and in keeping the general development pattern of the area.

### 5.2 Recommendation

Staff recommends **Approval**, subject to conditions.

Zoning conditions were presented to the Zoning Hearing Master at the hearing and are hereby incorporated into the Zoning Hearing Master's recommendation.

## SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Brian Aungst 201 North Franklin Street Tampa testified on behalf of the applicant, the Agency for Community Treatment Services, Inc. which is a no-for-profit mental health and behavioral health license provider. He stated that they provide both outpatient and residential facilities for the youth community, homeless community, veterans and people who are suffering from substance abuse and other mental and behavioral health issues. Mr. Aungst stated that the modification to PD 08-0970 is very minor. The existing PD permits a 17 bed Community Residential Facility Type C. The modification proposes to allow for both a 20-bed Community Residential Home Type C or a Professional Residential Facility Type C. in any situation, the entire number of beds is limited to 20. A Community Residential Facility and a Professional Residential Facility has very similar definitions but a Professional Residential Facility includes the provision of medications through a medical director. He stated that there are no site layout modifications or modifications to the existing building. One PD variation is requested regarding the perimeter buffer adjacent to 131<sup>st</sup> Avenue to permit a 4.6 foot off-street parking perimeter where an 8-foot perimeter is required. The condition is existing. Mr. Aungst testified that he did receive two phone calls from neighbors who were supportive of the project after he explained it to him. A second person was called back and left a detailed voicemail but never called back. He concluded his presentation by stating that the use was found to be compatible with the area as it is an existing facility.

Ms. Tania Chapela of the Development Services Department, testified regarding the County staff report. Ms. Chapela testified that the request is for a modification to PD 08-0970 and proposes to add three residents to an existing Community Residential Home Type C. Additionally, a new use is proposed for a Professional Residential Facility which is the same thing as a recovery home. A PD variation is requested to reduce the required 8-foot perimeter buffer to 4.5 feet. Ms. Chapela testified that a corridor preservation plan is included in the conditions.

Ms. Yenika Mills of the Planning Commission testified regarding the Planning Commission staff report. Ms. Mills stated that the property is designated Light Industrial by the Future Land Use Map and is located within the Urban Service Area and the University Community Plan. She stated that the LI category does not permit residential dwellings therefore the applicant is requesting a flex of the RES-20 category which permits up to 20 dwelling units per acre. Ms. Mills described the requested three beds which is a small increase that will minimally increase the burden on public facilities. She concluded her presentation by stating that the Planning Commission found the request compatible with the development pattern as it meets Policies 7.3 and 7.4. Staff found the modification consistent with the Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. No one replied.

Hearing Master Finch asked audience members if there were any opponents of

the application. None replied.

County staff and Mr. Aungst did not have additional comments.

Hearing Master Finch then concluded the hearing.

### **EVIDENCE SUBMITTED**

No documents were submitted into the record.

### **PREFACE**

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

### **FINDINGS OF FACT**

1. The subject site is 0.94 acres in size and is zoned Planned Development (08-0970). The property is designated LI by the Comprehensive Plan and located in the Urban Service Area and the University Community Planning Area.
2. The Planned Development (PD) is currently approved for an existing Community Residential Home, Type C with a maximum of 17 residents.
3. The Major Modification request proposes to increase the maximum number of residents to 20 for the Community Residential Home Type C or permit a Professional Residential Facility Type C with a maximum of 20 residents. The modification also includes a request to permit use of the RMC-20 lot development standards instead of the existing CN standards.
4. A flex of the Residential-20 (RES-20) Future Land Use category is requested as the existing Light Industrial (CI) category does not permit residential units.
5. The Planning Commission supports the flex of the RES-20 land use category and considers the Community Residential Home a residential support use. Staff stated that the requested increase of three beds is a small increase that will minimally burden public facilities. The Planning Commission found the request to be compatible with the development pattern as it meets Policies 7.3 and 7.4 and consistent with the Comprehensive Plan.
6. A Planned Development variation is requested pertaining to the required 8-foot perimeter buffer adjacent to the road right-of-way. The existing

perimeter buffer is 4.6 feet along E. 131<sup>st</sup> Avenue. The variation meets Land Development Code Section 5.03.06.C.6(b) as the Community Residential Home and perimeter buffer width is existing and will not interfere or impact adjacent property owners.

7. No testimony in opposition was provided at the Zoning Hearing Master hearing.
8. The modification does not propose to change the site layout or building configuration.
9. The proposed modification for the increase of three residents to either the existing Community Residential Home, Type C or a proposed Professional Residential Facility will minimally affect the surrounding area and infrastructure. The Community Residential Home, Type C is existing and a possible change to the Professional Residential Facility with 20 residents would generate similar impacts.

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

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

### **CONCLUSIONS OF LAW**

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

### **SUMMARY**

Planned Development 08-0970 is currently approved for a Community Residential Home, Type C with a maximum of 17 residents.

The Major Modification proposes to increase the maximum number of residents to 20 for the Community Residential Home Type C or permit a Professional Residential Facility Type C with a maximum of 20 residents. The modification also includes a request to permit use of the RMC-20 lot development standards instead of the existing CN standards.

A flex of the Residential-20 (RES-20) Future Land Use category is requested as the existing Light Industrial (CI) category does not permit residential units.

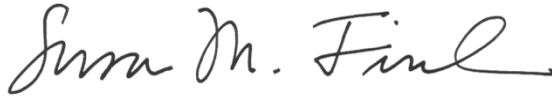
The Planning Commission supports the flex of the RES-20 category and the Major Modification.

A Planned Development variation is requested pertaining to the required 8-foot perimeter buffer adjacent to the road right-of-way. The existing perimeter buffer is 4.6 feet along E. 131<sup>st</sup> Avenue. The variation meets Land Development Code Section 5.03.06.C.6(b) as the Community Residential Home and perimeter buffer width is existing and will not interfere or impact adjacent property owners.

The modification does not propose to change the site layout or building configuration and is compatible with the surrounding area and consistent with the Land Development Code and Comprehensive Plan.

### **RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the Major Modification to Planned Development 08-0970 as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date January 05, 2022**

**COUNTY OF HILLSBOROUGH**

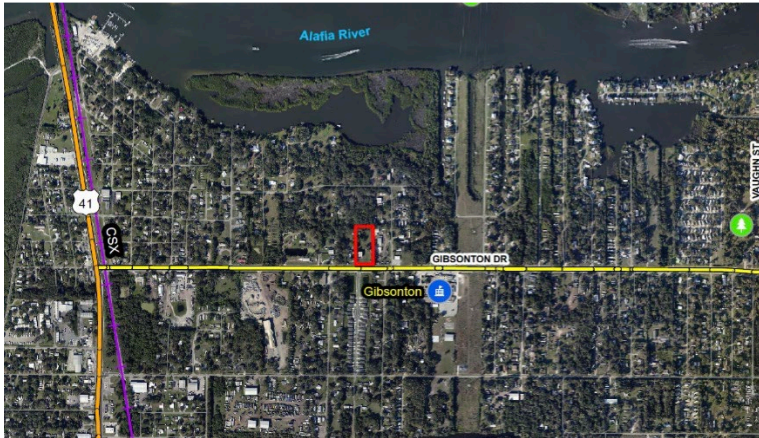
**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

<b>APPLICATION NUMBER:</b>	RZ STD 21-1208
<b>DATE OF HEARING:</b>	December 13, 2021
<b>APPLICANT:</b>	Graceland Real Estate Investment Corp.
<b>PETITION REQUEST:</b>	The request is to rezone a parcel of land from RSB to CG (R)
<b>LOCATION:</b>	North side of Gibsonton Dr. & 280 feet west of Alafia St.
<b>SIZE OF PROPERTY:</b>	2.31 acres m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	RSB
<b>FUTURE LAND USE CATEGORY:</b>	RES-4
<b>SERVICE AREA:</b>	Urban

## DEVELOPMENT REVIEW STAFF REPORT\*

**\*Please note that formatting issues prevented the entire staff report from being included in the Hearing Master's Recommendation. Please refer to the Hillsborough County Development Services Department website for the complete staff report.**

### 1.0 APPLICATION SUMMARY



Applicant: William J. Molloy

FLU Category: R-4

Service Area: Urban

Site Acreage: 2.31

Community Plan Area: Gibsonton

Overlay: None



Introduction Summary:		
Change from RSB to CG (R) in order to allow for a contractor's office without outdoor storage to operate on a 2.31 acre lot located at 7510 Gibsonton Drive.		
Zoning: Existing Proposed		
District(s)	RSB	CG(R)
Typical General Use(s)	Show Business: Business and Residential Uses	Contractor's Office without Open Storage
Acreage	2.31	2.31
Density/Intensity	4 DU per GA/0.25 FAR	0 DU per GA/0.25 FAR
Mathematical Maximum*	9 units/100,439 SF	0 DUs/100,439 SF

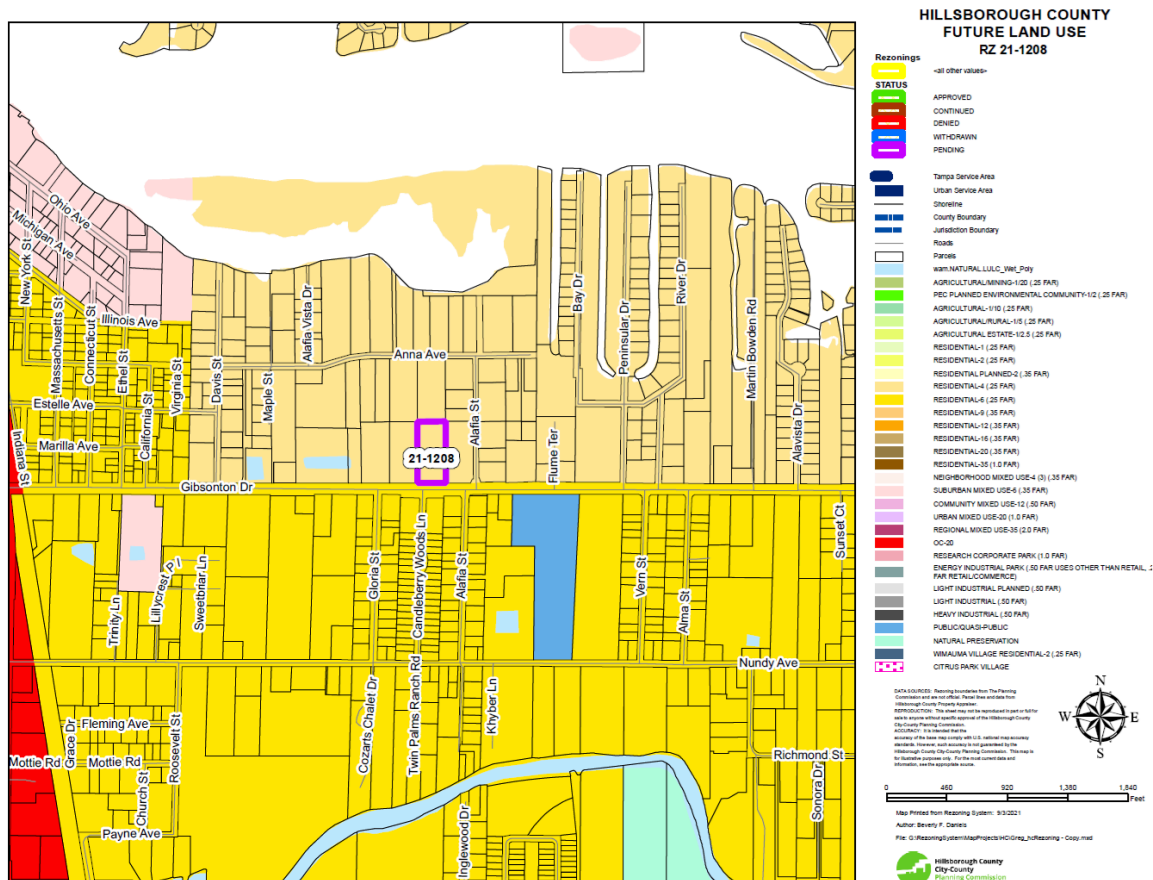
\*number represents a pre-development approximation

Development Standards: Existing Proposed		
District(s)	RSB	CG(R)
Lot Size / Lot Width	7000 sf / 70'	10,000 sf / 75'
Setbacks/Buffering and Screening	25' Front 10' Rear 25' Sides	30' Front 20' / B Rear 20' / B Side
Height	30'	50'
Additional Information:		
PD Variation(s)	None requested as part of this application	



residential use. The neighboring properties on the north side of Gibsonton Drive are predominantly designated Residential-4 and the properties on the south side of Gibsonton Drive are designated Residential-6 on the Future Land Use Map. The closest CG zoned property, located on the opposite side of Gibsonton Drive approximately 210 feet to the southeast, has an underlying R-6 Future Land Use Map designation, is also zoned RSC-6 on approximately one-third of the property, and is developed for single-family use.

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



Subject Site Future Land Use Category:	R-4 (Residential-4)
Maximum Density/F.A.R.:	4.0 DU per GA/ 0.25 F.A.R.



Typical Uses:	Residential, suburban scale neighborhood commercial, office uses, and multi-purpose projects.
---------------	---

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



Adjacent Zonings and Uses				
Location	Zoning:	Maximum Density/F.A.R. Permitted by	Allowable Use:	Existing Use:
North	AS-1	1.0 du/ga	Agriculture and Single-Family Detached Homes	Single-Family Detached



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

**Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
Gibsonton Drive	County Arterial - Urban	4 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation**

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	167	23	26
Proposed	3,765	153	120
Difference (+/-)	+3,598	+130	+94

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

**Connectivity and Cross Access  Not applicable for this request**

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South		None	None	Meets LDC

East		None	None	Meets LDC
West		None	None	Meets LDC

Notes:

**Design Exception/Administrative Variance  Not applicable for this request**

<b>Road Name/Nature of Request</b>		<b>Finding</b>

Notes:

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

<b>INFORMATION/REVIEWING AGENCY</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Section 7
Natural Resources	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	



Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area

Other \_\_\_\_\_

<b>Public Facilities:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b> <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
<b>Service Area/ Water &amp; Wastewater</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	Connection to the County's potable water and wastewater systems is required.

				Water distribution improvements will need to be completed prior to connection to the County's water system.
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<b>Hillsborough County School Board</b>  Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No comment provided as maximum density does not meet school concurrency thresholds.”
<b>Impact/Mobility Fees</b>				
<b>Comprehensive Plan:</b>	<b>Comments Received</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input type="checkbox"/> N/A <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Inconsistent  <input type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Inconsistent with the Gibsonton Community Plan Signature Corridor Strategy.

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The subject property covers approximately 2.31 acres and has a one-story building with 3,000 square feet. The applicant is offering to restrict the use to a contractor’s office without outdoor storage.

The Planning Commission noted compatibility concerns regarding the proposed rezoning because the site is does not meet Commercial Locational Criteria as neither Alafia nor Gloria Street are listed in the 2040 Cost Affordable Map. The applicant requested a waiver to Locational Criteria. However, as per the Gibsonton Community Plan, Gibsonton Drive is envisioned to be a signature corridor and developed with small business, professional office and specialty neighborhood retail uses. The proposed Contractor’s Office would be inconsistent with the Signature Corridor Strategy of Goal 4b of Gibsonton Community Plan as stated below.

“Designate Gibsonton Drive as a “signature corridor” to encourage small scale business development and beautification.”

“Prepare and carry-out a redevelopment plan for residential properties having frontage along Gibsonton Drive to allow small business, professional office and specialty neighborhood retail uses. Develop a special zoning district and/or specific criteria that support rather than obstruct small businesses and offices along Gibsonton Drive. Incorporate a minimum standard of landscaping consistent with Gibsonton Drive’s “signature corridor” status for office and special retail-oriented development.”

The subject property fronts a 4-lane arterial roadway with approximately 100 feet of right-of-way and is situated among multiple uses within the immediate area. The adjoining properties to the east and west are approximately 2.25 acres each and are used for residential, show business purposes with a significant portion of the properties being used for unscreened open storage. The properties to the north are used for single family residences on lots averaging approximately 1.5 acres and have one-acre minimum lot size requirements. The residential subdivision across Gibsonton Road to the south finalized construction in 2019 with 38 detached single-family dwellings.

Based on the above considerations staff finds the requested CG (R) zoning district incompatible with the existing zoning development pattern in the area.

## **5.2 Recommendation**

The proposed restriction to the site to only be used for a contractor’s office without open storage is not considered a professional business or specialty retail. Therefore, staff concurs that the restricted CG zoning district would result in further movement away from the goals of the Gibsonton Community Plan. Furthermore, because the parcels along this stretch of Gibsonton Drive are not uniformly zoned for commercial uses, future rezoning of these parcels could occur as envisioned by the Gibsonton Community Plan.

Based on the above considerations and the inconsistencies with the Gibsonton Community Plan, staff finds the requested CG (R) not supportable.

## **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition. Mr. Grady added that a revised transportation analysis that correctly reflects the proposed use of the property restricting it to contractor’s office will be filed into the record.

Mr. William Molloy 325 South Boulevard Tampa testified as the applicant and

stated that the request is a rezoning from Residential Show Business to a highly restricted Commercial General use for a contractor's office. He added that it would be the sole intended use of the property and not blanket Commercial General land uses. No outdoor storage would be permitted. Mr. Molloy added that the applicant is amenable to Type B screening and buffering on the north, east and west sides of the property and even the street side if it is appropriate. He believes that the request is a step down from Residential Show Business which on Gibsonton Drive seems to encourage open storage and not the look the County is looking for on Gibsonton Drive. County staff found the request inconsistent. Mr. Molloy stated that he has problems with the Planning Commission's interpretation of the Comprehensive Plan. He stated that the first issue is locational criteria. The project does not meet locational criteria and Planning Commission staff does not support the requested waiver. The commercial use is that of a contractor's office and the only potential vehicular impacts are those of the contractor, his employees and perhaps a customer or two per day. The use is not something that captures drive-by traffic. The office functions as a professional office but does not fall into the BPO version of offices. Second, the staff published in the report that the Gibsonton Community Plan states that Gibsonton Drive is envisioned to be a signature corridor and developed with small business, professional office and small specialty neighborhood retail. Mr. Molloy stated that he does not understand supporting the waiver when the Community Plan calls for offices and professional uses along Gibsonton Drive. He added that a contractor's office is a small business. His client runs a construction business and needs an office. He is a licensed, bonded and insured gentleman which reinforces that a contractor's office is a small business. The staff reports states that a contractor's office without open storage is not considered a professional business. He referenced the Land Development Code definition of contractor's office and professional services. He added that a contractor's office without open storage is no different than an engineer or surveyors office. Contractors are regulated by the State's Business and Professional Regulation. Section 5.2 of the County's staff report states that parcels along the subject section of Gibsonton Drive are not uniformly zoned for commercial use which appears to tie his client's property rights to the future potential of nearby parcels. The traffic report was based on the property's worst case scenario. The report has been amended to reflect the single use of contractor's office.

Mr. Sam Ball, Development Services staff, testified regarding the County's staff report. Mr. Ball stated that the request is to rezone the 2.31 acre property from Residential Show Business to Commercial General Restricted for the purpose of developing a contractor's office without outdoor storage. The existing Residential-4 Future Land Use category permits the consideration of up to nine dwelling units or up to 100,439 square feet of non-residential development. Mr. Ball described the surrounding land use categories. He stated that the applicant is offering to install a Type B buffer to the north. The use of the property as a contractor's office is not considered a professional business or specialty retail

and staff finds that the Restricted Commercial General use would move further away from the goals of the Gibsonton Community Plan. Mr. Ball concluded his presentation by stating that staff does not support the request.

Ms. Yeneka Mills, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Mills stated that the subject property is within the Residential-4 Future Land Use classification and the Urban Service Area and the Gibsonton Community Plan. Ms. Mills testified that while the applicant has offered buffering and screening adjacent to the parcel to the north which is developed with single-family residential, the proposed use does not meet Policy 16.2 regarding the gradual transition of intensities between different land uses. She added that the site does not meet commercial locational criteria as it is over one mile from the intersection of East Bay Drive and Gibsonton Drive. Staff does not support the requested waiver due to compatibility concerns with the proposed use. The use is not consistent with the vision of the Gibsonton Community Plan regarding the creation of small professional businesses and specialty retail along Gibsonton Drive. Therefore, staff found that the proposed rezoning inconsistent with the Future of Hillsborough Comprehensive Plan.

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

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

Hearing Master Finch asked County staff if they would like to comment on Mr. Molloy's statement that the staff report finds that a contractor's office is not a professional office. Mr. Ball replied that he verified with the Planning Commission that the contractor's office did not qualify for the Gibsonton signature corridor.

Ms. Mills of the Planning Commission testified that the Planning Commission does not define land uses. She added that the Planning Commission's concerns pertained to the Community Plan standard for a small professional office and that a 25,000 square foot contractor's office is not small.

Mr. Grady of the Development Services Department testified that the proposed use does not meet the standard of the small business language found in the Comprehensive Plan. The statement within the Community Plan regarding redevelopment was not specifically tied to the subject property.

Mr. Molloy testified during the rebuttal period that the issue is a grey area in the Comprehensive Plan. The statements in the Gibsonton Community Plan are suggestions. He concluded his remarks by stating that the area is certainly not a scenic corridor currently and that a contractor's office is a good place to start.

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

Mr. Grady submitted revised Transportation Section review comments into the record.

## **PREFACE**

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

## **FINDINGS OF FACT**

1. The subject property is 2.31 acres in size and is currently zoned Residential Show Business (RSB) and is designated Residential-4 (RES-4) by the Comprehensive Plan. The property is located within the Urban Service Area and the Gibsonton Community Planning Area.
2. The applicant is requesting a rezoning to the Commercial General-Restricted (CG-R) zoning district. The applicant has agreed to restrict the proposed use of the property to a contractor's office without open storage.
3. The Planning Commission staff does not support the request. The Planning Commission found that the site does not meet commercial locational criteria and does not support the waiver due to compatibility issues. Staff found that the request for a contractor's office does not provide a gradual transition of uses as required in Policy 16.2. Further, staff stated that the proposed 25,000 square foot contractor's office is not a small professional office which is encouraged by the Gibsonton Community Plan for the Gibsonton Drive corridor. Therefore, the Planning Commission found the application inconsistent with the Comprehensive Plan.
4. The Development Services Department also does not support the requested rezoning as it found that a contractor's office without open storage is not a professional business or specialty retail use which are the land uses encouraged by the Gibsonton Community Plan.
5. The subject property is located in an area comprised of both single-family residential and show business repair and storage facilities. The surrounding zoning districts are AS-1 to the north, PD to the south (single-family homes) and RSB to the east and west.

6. The Goal 4b of the Gibsonton Community Plan states that Gibsonton Drive should be designated as a signature corridor which will encourage small scale business development and beautification.
7. A 25,000 square foot contractor's office does not meet the intent of the Gibsonton Community Plan for a small scale business.
8. While there is Commercial Neighborhood (CN) and Commercial General (CG) zoning to the east of the subject property where Gibsonton Drive intersects with Alafia Street, the subject property does not meet commercial locational criteria and the Planning Commission does not support the requested waiver due to compatibility concerns.
9. The request for the CG-R zoning district on the subject property does not meet the intent of the Gibsonton Community Plan regarding the encouragement of small businesses along the Gibsonton Drive corridor and the property does not meet commercial locational criteria which is inconsistent with the Comprehensive Plan.

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

The rezoning request is not in compliance with and does not further the intent of the Goals, Objectives and the Policies of the Future of Hillsborough Comprehensive Plan.

#### **CONCLUSIONS OF LAW**

Based on the Findings of Fact cited above, there is not substantial competent evidence to demonstrate that the requested rezoning is in conformance with the applicable requirements of the Land Development Code and with applicable zoning and established principles of zoning law.

#### **SUMMARY**

The applicant is requesting a rezoning to the CG-R zoning district. The property is 2.31 acres in size and is currently zoned RSB and designated RES-4 by the Comprehensive Plan. The property is located in the Urban Service Area and the Gibsonton Community Plan.

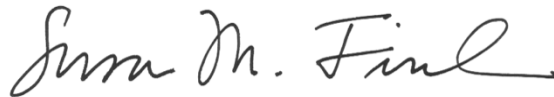
The Planning Commission found the request incompatible with the Gibsonton Community Plan which encourages the development of small businesses along the Gibsonton Drive corridor. Staff stated that a 25,000 square foot contractor's office did not represent a small business. Staff also found that the site does not meet commercial locational criteria and does not support the requested waiver due to compatibility concerns of the proposed land use.



The request for the CG-R zoning district on the subject property is incompatible with the surrounding development pattern and the Gibsonton Community Plan.

### **RECOMMENDATION**

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

A handwritten signature in black ink that reads "Susan M. Finch". The signature is written in a cursive style with a large, flowing "S" and "F".

**Susan M. Finch, AICP  
Land Use Hearing Officer**

**Date January 05, 2022**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ PD 21-1235

**DATE OF HEARING:** December 13, 2021

**APPLICANT:** Advanced Engineering Consultants

**PETITION REQUEST:** A request to rezone property from CN to PD to permit a maximum of 178 multi-family dwelling units

**LOCATION:** North side of E. Bearss Ave. and 650 feet west of Interstate 275 South

**SIZE OF PROPERTY:** 4.26 acres, m.o.l.

**EXISTING ZONING DISTRICT:** CN

**FUTURE LAND USE CATEGORY:** OC-20

**SERVICE AREA:** Urban

**COMMUNITY PLAN:** Greater Carrollwood Northdale

## DEVELOPMENT REVIEW STAFF REPORT

**\*Note:** Formatting issues prevented the entire Development Services Department staff report from being copied into the Hearing Master’s Recommendation. Therefore, please refer to the Development Services Department web site for the complete staff report.

Applicant: Advanced Engineering Consultants

FLU Category: OC-20

Service Area: Urban

Site Acreage: 4.259

Community Plan Area: Greater Carrollwood Northdale

Overlay: None

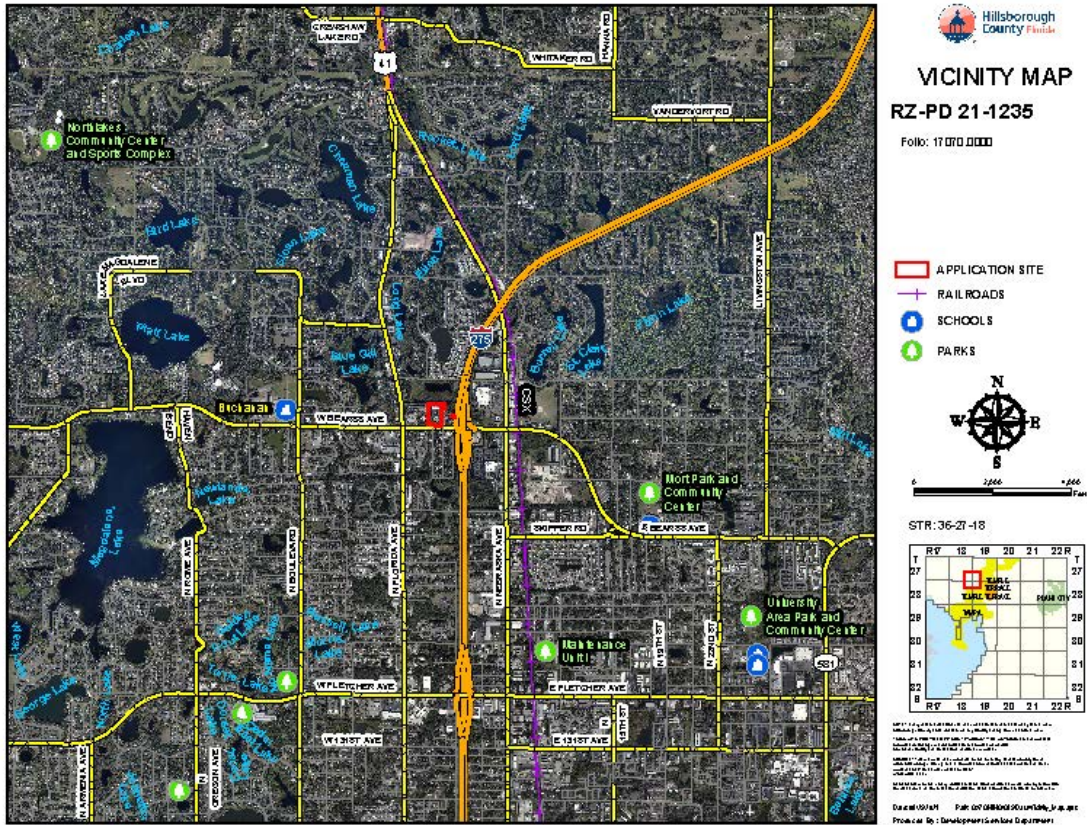
Introduction Summary:		
The applicant requests to rezone the subject site from CN to PD to allow for a multi-family project. The request will utilize two density bonuses – the residential infill provision per the Comprehensive Plan and Florida State Statute 403.892 (Graywater Incentives). The site is currently developed with a 2-story motel which will remodeled/renovated for the proposed multi-family use.		
Zoning: Existing Proposed		
District(s)	CN	PD 21-1235
Typical General Use(s)	Neighborhood Commercial, Office and Personal Services	Multi-Family Residential
Acreage	4.259	4.259
Density/Intensity	0.20 F.A.R.	41.7 units per acre
Mathematical Maximum*	37,104 sf	178 units

\*number represents a pre-development approximation

Development Standards: Existing Proposed		
District(s)	CN	PD 21-1235
Lot Size / Lot Width	7,200 sf / 75'	N/A
Setbacks/Buffering and Screening	133' Front 74.32' Rear 76.01' West Side 70.72' East Side	133' Front 74.32' Rear 76.01' West Side 70.72' East Side
Height	35' / 2-stories	35' / 2-stories
Additional Information:		
	LDC Part 6.06.00 (Landscaping/Buffering)	
PD Variation(s)	<ul style="list-style-type: none"> <li>- Reduce the northern 20' wide buffer to 5'.</li> <li>- Reduce the western 20' wide buffer to 0'.</li> <li>- Reduce the eastern 20' wide buffer to 0' at the narrowest point.</li> <li>- Reduce the Type B screening in all buffers to Type A screening.</li> </ul>	
Waiver(s) to the Land Development Code	None requested as part of this application	

Planning Commission Recommendation:	Development Services Recommendation:
Consistent	Approvable, subject to proposed conditions

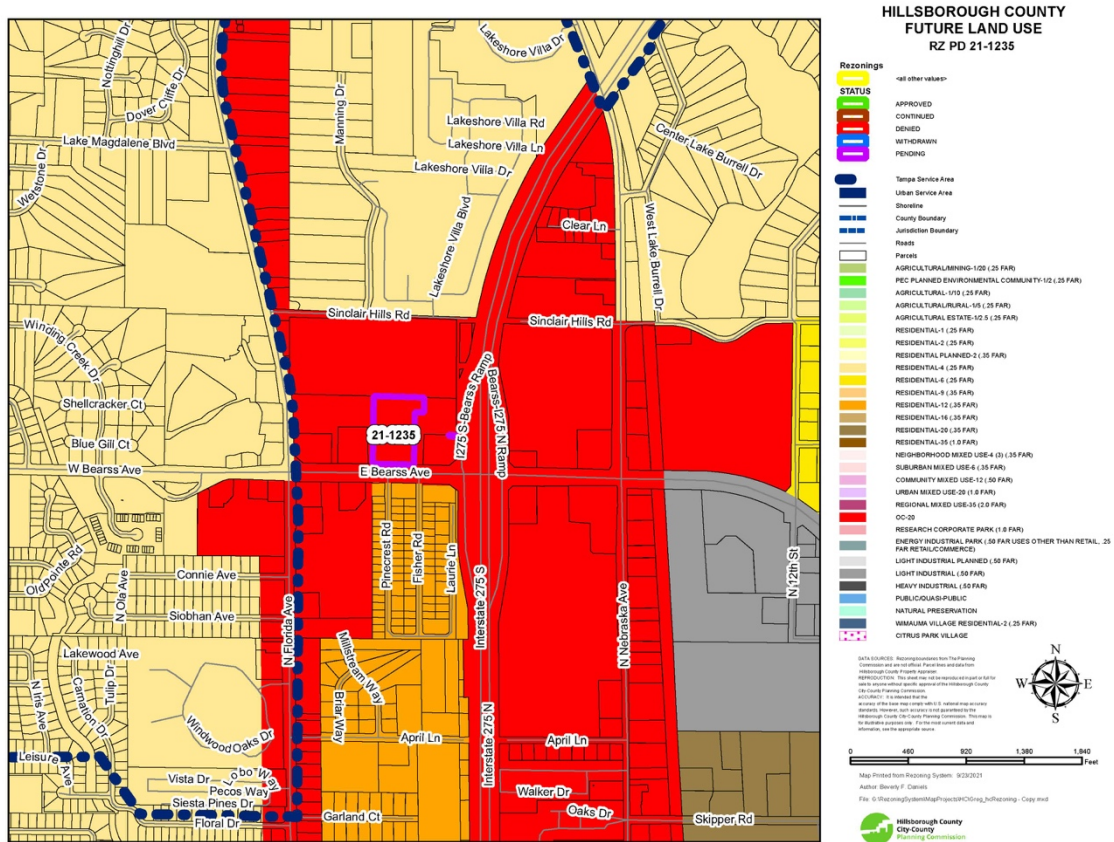
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map



### Context of Surrounding Area:

The site is located within an area developed primarily with neighborhood and general serving commercial uses on Bearss Avenue - between Florida Avenue to the west and I-275 to the east. Enclaves of residential development are present south of the Bearss Avenue commercial corridor. The area is the eastern portion of the Greater Carrollwood- Northdale Communities Community Plan area.

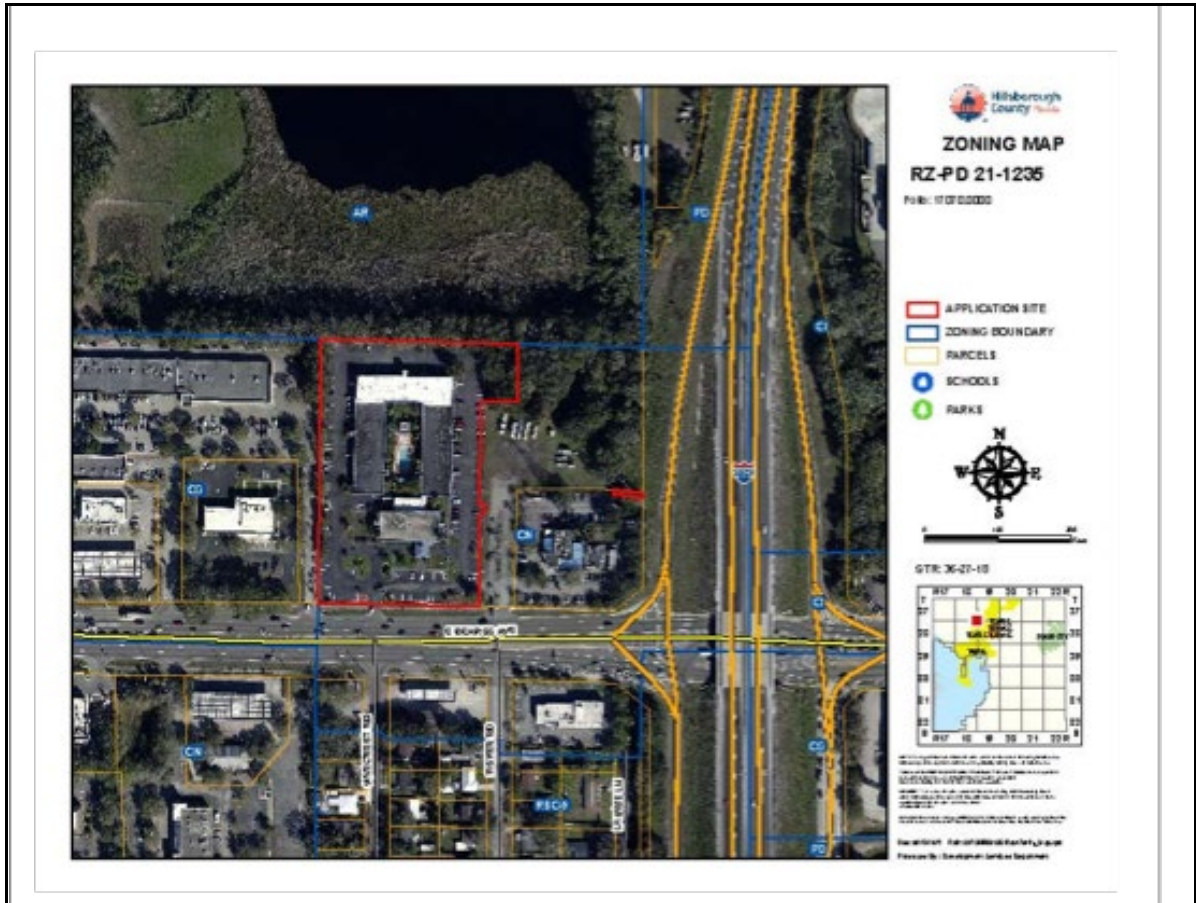
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map



Subject Site Future Land Use Category:	OC-20
Maximum Density/F.A.R.:	20 units per acre
Typical Uses:	Community commercial type uses, office uses, mixed use developments, and compatible residential uses.



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

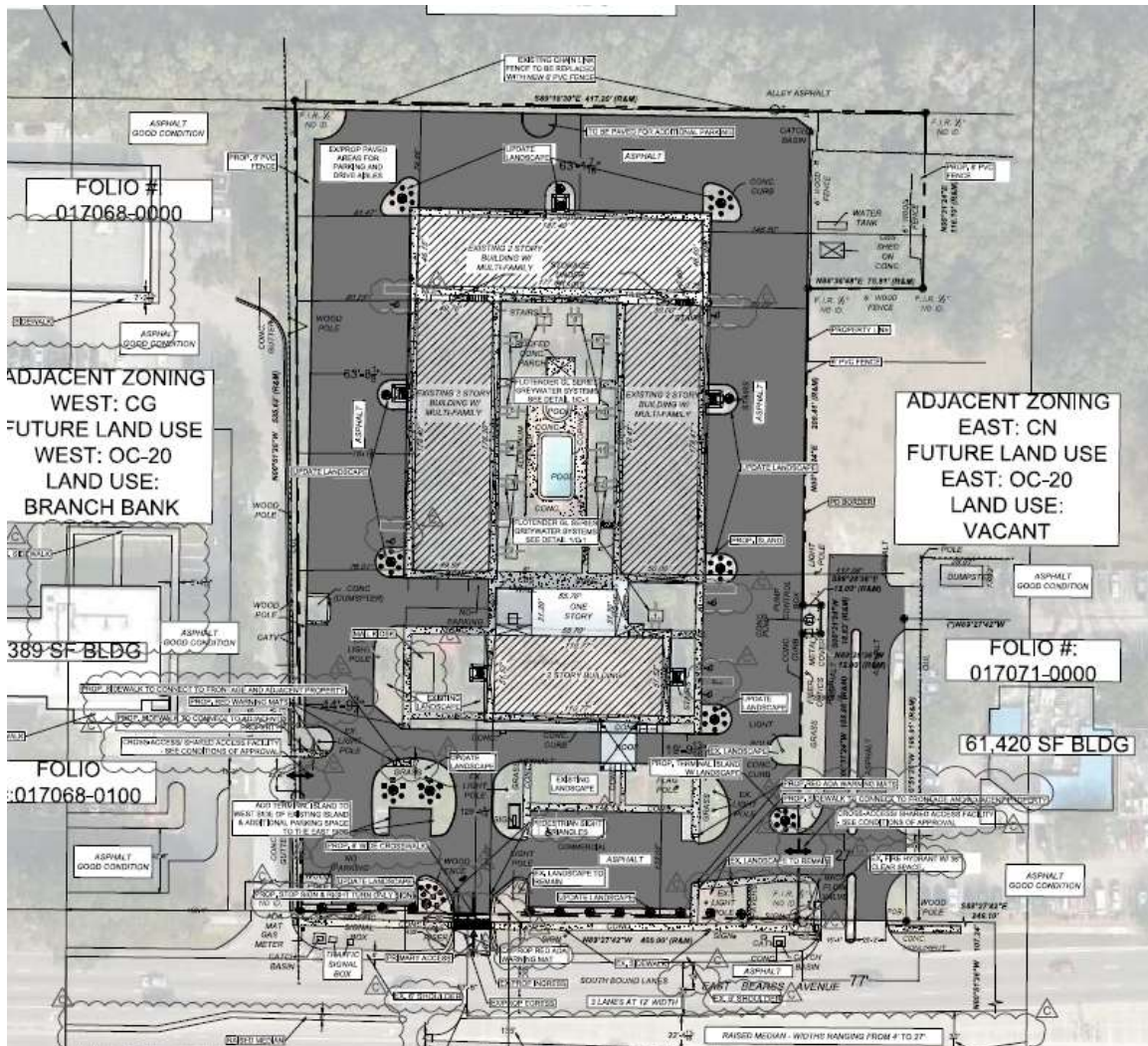


Adjacent Zonings and Uses				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR	1 unit per 5 acres	Single-Family Residential	Government Use (FDOT Stormwater Pond)
South	CN	0.20 F.A.R.	Neighborhood Commercial, Office and Personal Services	Convenience Store with Gas Sales
East	CN	0.20 F.A.R.	Neighborhood Commercial, Office and Personal Services	Restaurant
West	CG	0.25 F.A.R.	General Commercial, Office and Personal Services	Shopping Center



## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



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

**Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
E. Bearss Ave.	FDOT Arterial - Urban	6 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation  Not applicable for this request**

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	5,419	189	209
Proposed	968	64	78
Difference (+/-)	-4,451	-125	-131

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

**Connectivity and Cross Access  Not applicable for this request**

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		Vehicular & Pedestrian	None	Meets LDC
West		Vehicular & Pedestrian	None	Meets LDC

Notes: Shared access facilities required to the east and west due to nonconforming FDOT access to E. Bearss Ave.

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

<b>INFORMATION/REVIEWING AGENCY</b>				
<b>Environmental:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contains no wetlands
Natural Resources	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters  <input type="checkbox"/> Use of Environmentally Sensitive Land Credit  <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area  <input checked="" type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property  <input checked="" type="checkbox"/> Other __Community water well on-site_____				
<b>Public Facilities:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Transportation  <input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Service Area/ Water & Wastewater  <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Water: Hillsborough County Wastewater: City of Tampa

Hillsborough County School Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A				
Impact/Mobility Fees (Fee estimate is based on a 1,200 square foot, 2 bedroom, Multi-Family Units 1-2 story) Mobility: \$5,329 * 178 units = \$948,562				
Parks: \$1,316 * 178 units School: \$3,891 * 178 units Fire: \$249 * 178 units Total Multi-Family (1-2 story) = \$1,919,730				
= \$234,248 = \$692,598 = \$ 44,322				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
Planning Commission <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input checked="" type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

Staff has not identified any compatibility issues associated with this rezoning request. The surrounding area is developed primarily with commercial uses, which are viewed as more intense than the proposed use. The applicants intend to utilize the existing building which is located with significant setbacks from the adjacent western and eastern uses. Type A screening will be provided. The building's scale is in keeping with other structures along the Bearss Avenue corridor and is therefore not expected to appear atypical.

### 5.2 Recommendation

Approvable, subject to conditions.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

## **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Michael Hoffman 2651 Narnia Way Unit 102 Land O'Lakes testified on behalf of his client. He stated that his client likes to renovate old hotels into studio apartments. The rezoning from Commercial Neighborhood to Planned Development would enable him to have 178 apartment units on the first and second floors. Mr. Hoffman stated that there would be no commercial on-site. One variance is requested pertaining to the required buffering and screening as the building is existing. Type A screening is proposed. Mr. Hoffman showed a graphic to discuss the reduction in buffer width.

Hearing Master Finch asked Mr. Hoffman if he was modifying the building footprint. Mr. Hoffman replied no and stated that the parking was also the same with the addition of a parking island to satisfy the flow of traffic on-site. He added that from a transportation perspective, the impact of the apartments is less intense than the current commercial use. Two density bonuses are requested based upon the proposed gray water system which permits a bonus of up to 35 percent however the proposed project will only utilize the bonus at 19 percent.

Hearing Master Finch asked Mr. Hoffman if the building will be under single ownership to ensure that all tenants are provided information regarding the manual for the gray water system. Mr. Hoffman replied yes and added that the project is not required to use the gray water system 100 percent but decided that it was easier to provide for all units.

Ms. Michelle Heinrich, Development Services Department testified regarding the County's staff report. Ms. Heinrich stated that the request is to rezone property from CN to Planned Development to allow 178 multi-family units. Two bonuses are being applied. The first bonus is a residential infill density bonus and the second bonus is one provided by Florida Statutes which was recently adopted this past summer. A Planned Development variation is requested regarding the buffering and screening to the north, west and east. The site is currently developed with a motel. The OC-20 Future Land Use category permits a maximum of 20 dwelling units per acre which equates to 85 units. When applying the residential infill density bonus at 35 units per acre, the maximum on-site would be 149 units. And then applying the gray water density bonus at an additional 35 percent, a maximum of 201 unit would be possible but the applicant is not seeking that amount. Ms. Heinrich described the surrounding area and the requested 178 units. As the building is existing, the setbacks are recognized in

the conditions of approval as well as the existing height. Because the building is being remodeled, the current buffering and screening standards are required. The existing building as well as existing parking area limits the ability to comply with current standards. She added that if the applicant removed any pavement, a parking deficiency would be created. The applicant proposes to install a fence. Ms. Heinrich concluded her presentation by stating that there were no objections from reviewing agencies and staff finds the request approvable. She referenced the School Board comments which were filed into the record.

Ms. Yeneka Mills of the Planning Commission staff testified that the property is within the Office Commercial-20 Future Land Use category and located in the Urban Service Area and the Greater Carrollwood Northdale Community Planning Area. She described the request to reuse the existing hotel for multi-family development and stated that it meets Objective 16 and associated Policies 16.2, 16.3 and 16.8 of the Future Land Use Element. Ms. Mills testified that the applicant requested to utilize Policy 23.5 regarding a density bonus for infill development for the next higher plan category which is RES-35. Staff supports the request. The property is developed with a commercial use in an area that is trending toward strip commercial development. Ms. Mills stated that the request is consistent with the Greater Carrollwood Northdale Community Plan which seeks to establish sustainable walkable community activity centers. She concluded her remarks by stating that the rezoning request is consistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application. None replied.

County staff and Mr. Hoffman did not have additional comments.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Mr. Grady submitted agency comments from the School District into the record.

### **PREFACE**

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

## FINDINGS OF FACT

1. The subject site is 4.26 acres in size and is zoned Commercial Neighborhood (CN). The property is designated Office Commercial-20 (OC-20) by the Comprehensive Plan and located in the Urban Service Area and the Greater Carrollwood Northdale Community Planning Area.
2. The purpose of the rezoning from CN to PD is to permit 178 multi-family dwelling units.
3. The site is currently developed with an existing motel. The applicant proposes to renovate the existing building for the multi-family project. No expansion of the building is proposed.
4. The applicant proposes to utilize two density bonuses to achieve the 178 dwelling units. First, a bonus is requested in accordance with the Comprehensive Plan provided for residential infill which permits density at the next highest Future Land Use category which in this case would be RES-35. Second, the applicant proposes to utilize a recently adopted Florida Statutes provision that provides a density bonus for projects utilizing a graywater system (domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste). Under the provisions of the two density bonuses, the applicant could potentially develop up to 201 dwelling units but proposes a total of 178 multi-family units.
5. One Planned Development Variation is requested as part of the application. The applicant requests a reduction of the required buffering and screening on the northern, western and eastern boundaries due to the location of the existing building and the limited area available for compliance with the Land Development Code standards. Instead of the required Type B screening, the applicant proposes to comply with Type A screening standards.

The requested PD Variation meet Land Development Code Section 5.03.06.6(b) as the request serves to maintain existing parking spaces for the multi-family project. As the building and parking configuration is existing, it will not adversely impact adjacent property owners. The addition of Type A screening will enhance compatibility of the multi-family project with the surrounding area.

4. The Planning Commission supports the request for the residential infill density bonus as the proposed development is consistent with the surrounding area. The Planning Commission found the request for the redevelopment of the motel is consistent with the Greater Carrollwood Northdale Community Plan and the Future of Hillsborough Comprehensive Plan.



5. The surrounding area is developed with neighborhood and general commercial land uses.
6. The proposed Planned Development provides an infill residential project that is compatible with the commercial and residential development pattern in the area and consistent with the Land Development Code and Comprehensive Plan.

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

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

### **CONCLUSIONS OF LAW**

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

### **SUMMARY**

The request is to rezone 4.26 acres from CN to PD to permit a maximum of 178 multi-family dwelling units. The site is currently developed with an existing motel. The applicant proposes to renovate the existing building for the multi-family project. No expansion of the building is proposed.

The applicant proposes to utilize two density bonuses to achieve the 178 dwelling units. First, a bonus is requested in accordance with the Comprehensive Plan provided for residential infill which permits density at the next highest Future Land Use category which in this case would be RES-35. Second, the applicant proposes to utilize a recently adopted Florida Statutes provision that provides a density bonus for projects utilizing a graywater system (domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste). Under the provisions of the two density bonuses, the applicant could potentially develop up to 201 dwelling units but proposes a total of 178 multi-family units.

One Planned Development variation is requested as part of the application. The applicant requests a reduction of the required buffering and screening on the northern, western and eastern boundaries due to the location of the existing building and the limited area available for compliance with the Land Development Code standards. Instead of the required Type B screening, the applicant proposes to comply with Type A screening standards. The requested PD

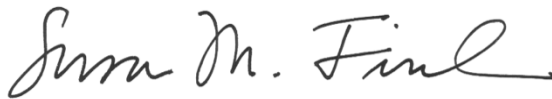
Variation meet Land Development Code Section 5.03.06.6(b) as the request serves to maintain existing parking spaces for the multi-family project. As the building and parking configuration is existing, it will not adversely impact adjacent property owners. The addition of Type A screening will enhance compatibility of the multi-family project with the surrounding area.

The Planning Commission supports the request for the residential infill density bonus as the proposed development is consistent with the surrounding area. The Planning Commission found the request for the redevelopment of the motel is consistent with the Greater Carrollwood Northdale Community Plan and the Future of Hillsborough Comprehensive Plan.

The proposed Planned Development provides an infill residential project that is compatible with the commercial and residential development pattern in the area and consistent with the Land Development Code and Comprehensive Plan.

### **RECOMMENDATION**

Based on the foregoing, this recommendation is for **APPROVAL** of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date January 05, 2022**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

**APPLICATION NUMBER:** RZ PD 21-1341

**DATE OF HEARING:** December 13, 2021

**APPLICANT:** Ebla Capital, LLC

**PETITION REQUEST:** A request to rezone property from RSC-6 (MH) and CG to PD to permit 340 multi-family dwelling units

**LOCATION:** 700 feet southwest of the intersection of E. State Road 60 and S. Mulrennan Rd.

**SIZE OF PROPERTY:** 13.41 acres, m.o.l.

**EXISTING ZONING DISTRICT:** RSC-6 MH and CG

**FUTURE LAND USE CATEGORY:** RES-4 and RES-9

**SERVICE AREA:** Urban

**COMMUNITY PLAN:** Valrico

## DEVELOPMENT REVIEW STAFF REPORT

**\*Note:** Formatting issues prevented the entire Development Services Department staff report from being copied into the Hearing Master's Recommendation. Therefore, please refer to the Development Services Department web site for the complete staff report.

Applicant: Ebla Capital, LLC

FLU Category: R-4 and R-9

Service Area: Urban

Site Acreage: 13.41

Community Plan Area: Valrico

Overlay: SR 60 Overlay

### Introduction Summary:

The applicant seeks to rezone four parcels zoned Commercial General (CG) and Residential Single-Family Conventional (Mobile Home) [RSC-6(MH)] to a Planned Development (PD) to allow for the development of 340 multi-family dwellings. The developer is in the process of concurrently changing the future land use designation through Comprehensive Plan Amendment CPA 21-19. The developer intends to amend the comprehensive plan future land use designations from Residential-4 (RES-4) and Residential-9 (RES-9) to Residential-20 (RES-20) and utilize a residential density bonus for infill development in order to achieve the 25.36 dwelling units per acre allowable density.

Zoning: Existing Proposed

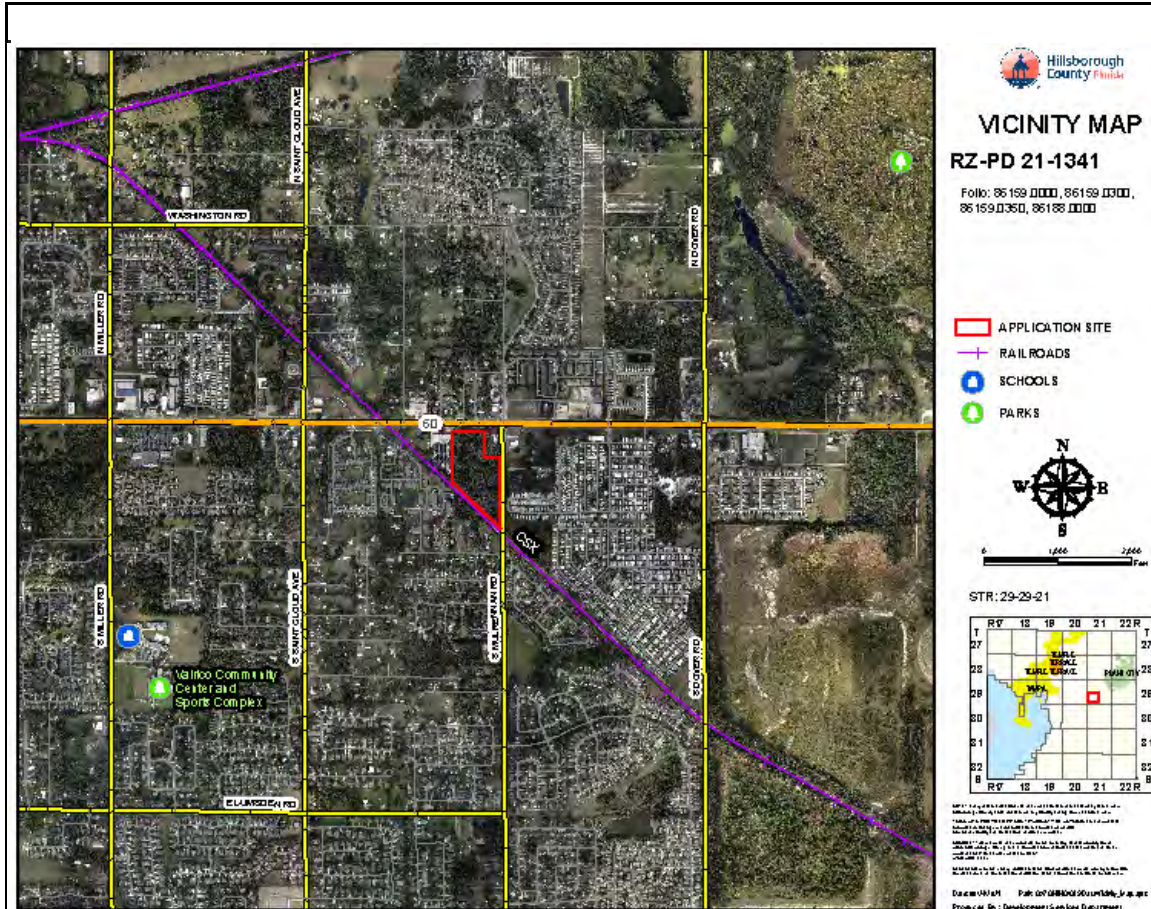
District(s)	CG	RSC-6(MH)	PD
Typical General Use(s)	General Commercial, Office and Personal Services	Single-Family Residential (Conventional/Mobile Home)	Multi-Family Residential
Acreage	2.36	11.05	13.41
Density/Intensity	0 Units /0.27 FAR	6.22 units per acre/0.0 FAR	25.36 units per acre
Mathematical Maximum*	27,802 sf	66 dwelling units	340 dwelling units

\*number represents a pre-development approximation

Development Standards: Existing Proposed

District(s)	CG	RSC-6(MH)	
Lot Size / Lot Width	10,000 sf / 75'	7,000 sf / 70'	13.41 Ac. / NA
Setbacks/Buffering and Screening	50' Front 50' Rear 15' Sides	25' Front 25' Rear 7.5' Side	20' Front 10' Rear 5' Sides
Height	50'	35'	60**
<b>Additional Information:</b>			
PD Variation(s)	LDC Part 3.14.06 (Landscaping/Buffering) Reduce the required street frontage buffer from 30 feet to 10 feet.		
Waiver(s) to the Land Development Code			
<b>Planning Commission Recommendation:</b>  Consistent	<b>Development Services Recommendation:</b>  Approvable, subject to proposed conditions		

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



### Context of Surrounding Area:

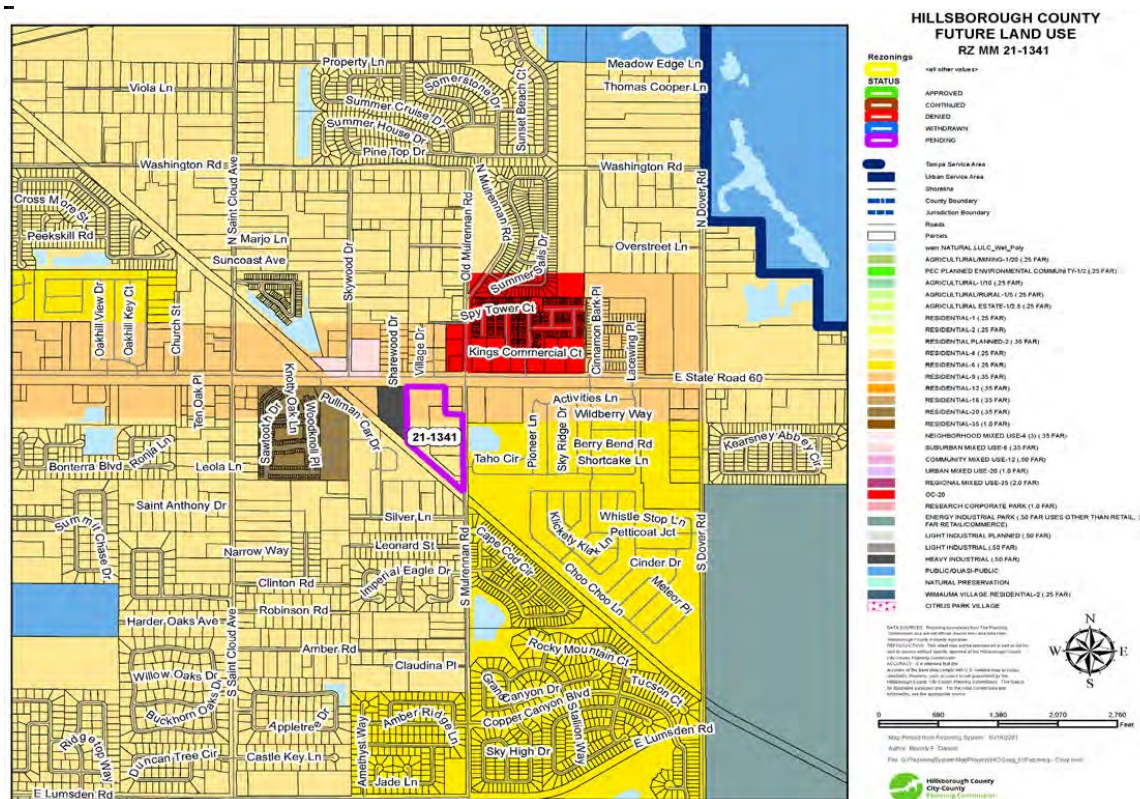
The site wraps around a multi-tenant office building located at the southwest corner of the State Road 60 and S. Mulrennan Road intersection. The adjacent properties are an auto salvage and repair business to the west, multi-family and single-family across the railroad right-of-way to the south, a 132-acre mobile home park, and a gas station with convenience store across S. Mulrennan Road to the east, and the properties to the north of State Road 60 consists of a mix of residential and commercial uses. The State Road 60 right-of-way is approximately 182 feet wide, the right-of-way for S. Mulrennan Road varies from 52 to 55 feet wide, and the abutting railroad right-of-way to the south is 100 feet wide.

The surrounding area is experiencing a significant level of redevelopment. Recent development activity within 1/2 of a mile of the site includes a gas station with convenience store to the east in 2015, a 200-unit apartment project to the



west constructed in 2017, a townhome community with 206 dwellings to the west completed in 2015, the Tahoe Woods Single-Family development in 2018, and three other residential subdivisions since 2002. The undeveloped properties to the northwest are part of a PD that allows for major motor vehicle repair and Commercial, Neighborhood (CN) uses.

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



Subject Site Future Land Use Category:	The applicant is seeking a Comprehensive Plan amendment to change the future land use designations from Res-4 and Res-9 to Res-20.
Maximum Density/F.A.R.:	The maximum density is 20 dwelling unit per acre. The density bonus for infill development would allow up to 35 dwelling units per acre.



	RSC-6 (MH)			
	CG	0.27 F.A.R.	Retail, office and professional services	Contractor office
	CI	0.30 F.A.R.	Intensive commercial activities and services	Motor vehicle repair
	CG		Retail, office and professional services	Multi-tenant office
Northeast (abutting NE corner)	RSC-6(MH)	6 DU/Ac.	Single-family, conventional	Vacant

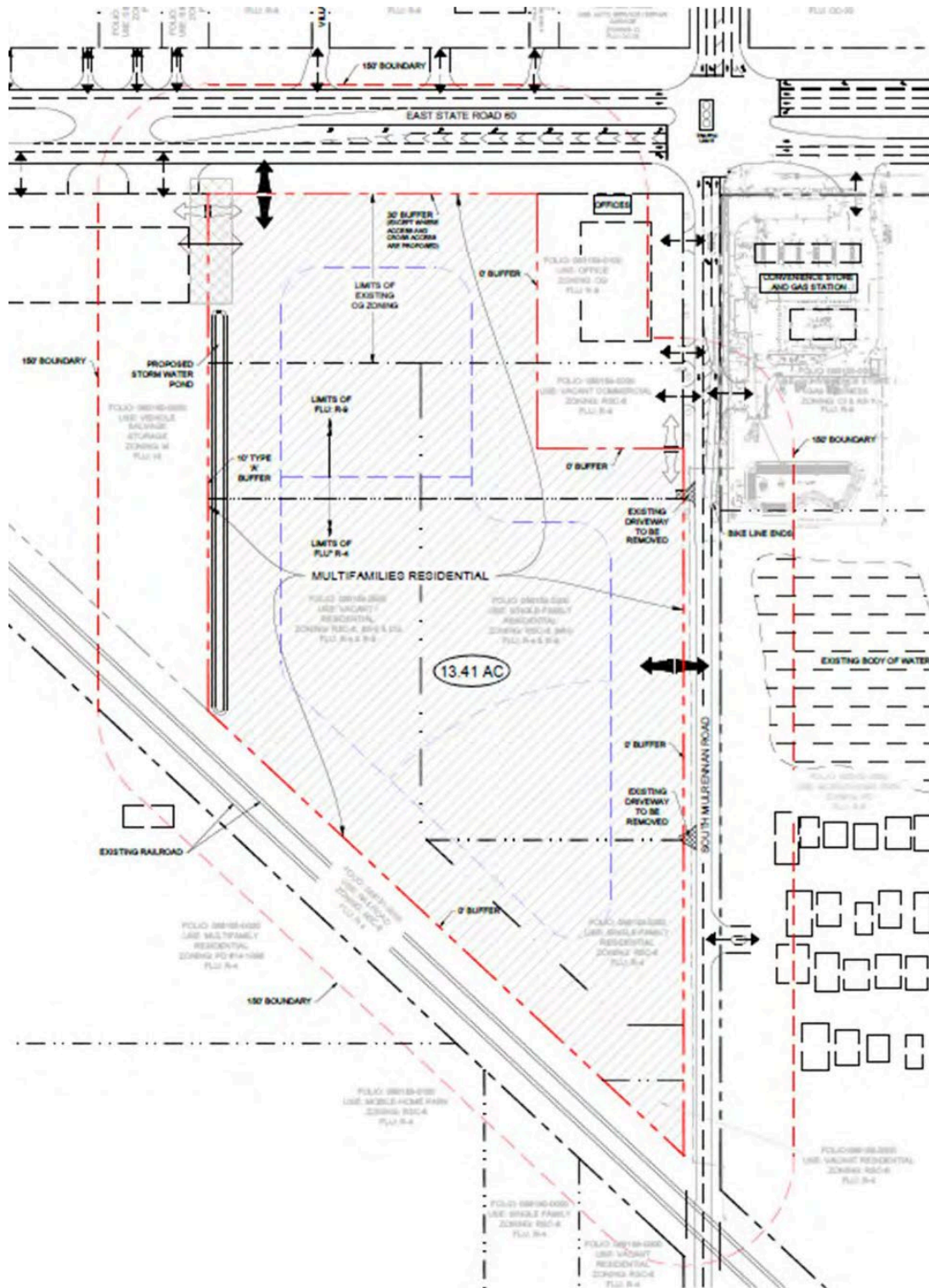
Adjacent Zoning and Uses (Continued)				
Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
South	RSC-6(MH)	6 DU/Ac.	Single-family, conventional	Residential, single-family
	PD	15 DU/Ac.	Multi-family, conventional	
East	CI	0.30 F.A.R.	Intensive commercial activities and services	Convenience store with gas
	AS-1		Agricultural, single-family and mobile home	Vacant

	PD-MU	902 Single family mobile homes or RV spaces	Mobile home and recreational vehicle park	Mobile home and RV park
West	M	0.75 F.A.R.	Manufacturing, processing, assembling, intensive commercial, and other industrial	Motor vehicle repair and salvage



## 2.0 LAND USE MAP SET AND SUMMARY DATA

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



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

<b>Adjoining Roadways (check if applicable)</b>			
<b>Road Name</b>	<b>Classification</b>	<b>Current Conditions</b>	<b>Select Future Improvements</b>
SR 60	FDOT Principal Arterial - Urban	4 Lanes <input checked="" type="checkbox"/> Substandard Road <input checked="" type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input checked="" type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
S. Mulrennan Rd.	County Collector - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
<b>Project Trip Generation</b>			
	<b>Average Annual Daily Trips</b>	<b>A.M. Peak Hour Trips</b>	<b>P.M. Peak Hour Trips</b>
Existing	5,105	195	147
Proposed	1,850	122	150
Difference (+/-)	-3,255	-73	+3

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

<b>Connectivity and Cross Access</b>				
<b>Project Boundary</b>	<b>Primary Access</b>	<b>Additional Connectivity/Access</b>	<b>Cross Access</b>	<b>Finding</b>
North	X	None	None	Meets LDC
South		None	None	Meets LDC

East	X	None	Pedestrian	Meets LDC
West		Vehicular & Pedestrian	None	Meets LDC

Notes: Shared access required to the west.

**Design Exception/Administrative Variance**

Road Name/Nature of Request	Type	Finding
S. Mulrennan Rd./Substandard Roadway	Design Exception Requested	Approvable

Notes:

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

INFORMATION/REVIEWING AGENCY	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Natural Resources	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Conditions of approval
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Check if Applicable:

- Wetlands/Other Surface Waters
- Use of Environmentally Sensitive Land Credit
- Wellhead Protection Area
- Surface Water Resource Protection Area



<input type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____				
<b>Public Facilities:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b> <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> <input type="checkbox"/> Off-site Improvements Provided	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See report
<b>Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	Connection to County's potable water and wastewater systems is required.
<b>Hillsborough County School Board</b> Adequate <input checked="" type="checkbox"/> K-5 <input checked="" type="checkbox"/> 6-8 <input checked="" type="checkbox"/> 9-12 <input type="checkbox"/> N/A    Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Impact/Mobility Fees: Urban Mobility, Central Park/Fire - 340 Multi-Family Units</b>  (Fee estimate is based on a 1,200 square foot, 2 bedroom, Multi-Family Units 1-2 story)  Mobility: \$5,329 * 340 units  \$1,316 * 340 units    \$3,891 * 340 units    \$249 * 340 units  = \$1,811,860 = \$ 447,440 = \$1,322,940  Parks: School:				

Fire: Total Multi-Family (1-2 story) = \$3,666,900  = \$ 84,660				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The proposed multi-family development would be developed at a density of approximately 25.35 dwellings per acre in an area that generally area of single-family, multi-family, mobile homes and commercial uses. The property fronts State Road 60 to the north and S. Mulrennan Road to the east with proposed access to and from each roadway as well as cross access to the property to the west. The entire western property line abuts a 4.14 acre, Manufacturing (M) zoned property used as an auto repair and salvage yard. To the south, a 100-foot railroad right-of-way separates the property from multi-family and single-family uses. The property adjoining the northeast property lines of the site is zoned RSC-6 and CG and is developed as a one-story multi-tenant office building. Across S. Mulrennan Road to the East, the property is a mobile home park that is allowed to have up to 902 single-family mobile home or RV spaces. The southeast corner of the S. Mulrennan Road and State Road 60 intersection is a convenience store and gas station. To the north of State Road 60, the properties are a mix of commercial and residential.

Staff finds the request will have minimal impact and finds the request compatible with the surrounding development.

## 5.2 Recommendation

Approvable, Subject to Conditions.

Zoning conditions, which were presented Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master recommendation.

### SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition. He stated that a related Comprehensive Plan amendment will be heard concurrently with the rezoning application at the Board of County Commissioners public hearing. The staff report indicated that the item would be going to the February 17<sup>th</sup> public hearing, it will not be heard on March 10<sup>th</sup> at 6:00 pm

Mr. JD Alsabbagh 8370 West Hillsborough Avenue Suite 205 Tampa testified that he was representing Elba Capital LLC. He introduced his traffic consultant and stated that the request is for a Planned Development zoning on property that is 13.41 acres in size and located at the southwest quadrant of State Road 60 and Mulrennan Road. The property consists of four parcels and is zoned CG and RSC-6. A Comprehensive Plan amendment is currently being processed to change the Future Land Use category from RES-4 and RES-9 to RES-20. The Planning Commission approved the amendment on October 4<sup>th</sup> and it will now go to the Board of County Commissioners. The rezoning request proposes 340 multi-family dwelling units. A density bonus for residential infill is requested. Mr. Alsabbagh discussed the surrounding land uses and stated that the density bonus will only apply to a portion of the property. No variances are requested. A sidewalk is proposed across the entire State Road 60 frontage. Pedestrian cross access will be provided with the corner property. Mr. Alsabbagh concluded his presentation by stating that staff found the request consistent with the area.

Hearing Master Finch asked Mr. Alsabbagh to confirm that he was no longer requesting the variance to reduce the street frontage buffer. Mr. Alsabbagh replied that was correct.

Mr. Sam Ball, Development Services Department testified regarding the County's staff report. Mr. Ball stated that the request is to rezone the 13.41 acre property from RSC-6 Mobile Home and Commercial General to Planned Development to allow 340 multi-family units. A Comprehensive Plan amendment is requested to change the existing RES-4 and RES-9 categories to RES-20. If the Comprehensive Plan amendment is approved, the applicant will use a residential density bonus for infill development to achieve the proposed 23.35 dwelling units per acre. Mr. Ball described the neighboring Future Land Use categories and stated that the area is a mix of residential, commercial, office and industrial uses

with an auto salvage business to the west, a mobile home park and gas station with convenience store to the east, single-family and multi-family residential to the south and commercial to the north. Mr. Ball testified that the staff finds the request approvable.

Ms. Yeneka Mills of the Planning Commission staff testified that the property is within the RES-4 and RES-9 Future Land Use category and located in the Urban Service Area. A Comprehensive Plan amendment for RES-20 was approved by the Planning Commission on October 4<sup>th</sup> and will go before the Board of County Commissioners in March. She described the request and stated that it is consistent with Objective 16 and associated Policies 16.2, 16.3 and 16.8 of the Future Land Use Element regarding site plan techniques for the gradual transition of uses. Ms. Mills testified that the request meets the intent of Policy 16.8 and 16.10 regarding comparable densities in various housing types in the surrounding area. The Planning Commission supports the requested density bonus as it meets the criteria of Policy 23.5. She concluded her remarks by stating that the rezoning request is consistent with the Future of Hillsborough Comprehensive Plan.

Hearing Master Finch asked audience members if there were any proponents of the application. None replied.

Hearing Master Finch asked audience members if there were any opponents of the application. None replied.

County staff and Mr. Alsabbaugh did not have additional comments.

The hearing was then concluded.

## **EVIDENCE SUBMITTED**

Mr. Alsabbaugh submitted aerial photos, copies of the Comprehensive Plan Future Land Use maps, information regarding surrounding uses, a site plan and trip generation information into the record.

## **PREFACE**

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

## **FINDINGS OF FACT**

1. The subject site is 13.41 acres in size and is zoned Residential Single-Family Conventional-6 Mobile Home (RSC-6MH) and Commercial General (CG). The property is designated Residential-4 (RES-4) and Residential-9 (RES-9)

by the Comprehensive Plan and located in the Urban Service Area and the Valrico Community Planning Area.

2. The purpose of the rezoning from RSC-6MH and CG to PD is to permit 340 multi-family dwelling units.
3. The property is currently the subject of a Comprehensive Plan amendment to change the Future Land Use category to Residential-20 (RES-20). The Planning Commission has approved the requested amendment and the Board of County Commissioners will hear the amendment in March of 2022.
4. The applicant proposes to use a density bonus to achieve the 340 dwelling units. The bonus is requested in accordance with the Comprehensive Plan provided for residential infill projects.
4. The Planning Commission supports the request for the residential infill density bonus as the proposed development is consistent with the surrounding area. The Planning Commission also supports the Comprehensive Plan amendment and found the request for the multi-family project is consistent with the Future of Hillsborough Comprehensive Plan.
5. The surrounding area is developed with a mix of residential, commercial, and office land uses.
6. No waivers or Planned Development variations are requested.
7. The proposed Planned Development provides an infill residential project that is compatible with the commercial and residential development pattern in the area and consistent with the Land Development Code and Comprehensive Plan.

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

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

#### **CONCLUSIONS OF LAW**

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

## SUMMARY

The request is to rezone 13.41 acres from RSC-6 MH and CG to PD to permit a maximum of 340 multi-family dwelling units. The property is currently the subject of a Comprehensive Plan amendment to change the Future Land Use category to RES-20. The Planning Commission approved the amendment in October. The Board of County Commissioners will hear the amendment in March of 2022.

The applicant proposes to utilize a density bonus to achieve the 340 dwelling units. The bonus is requested in accordance with the Comprehensive Plan provided for residential infill projects.

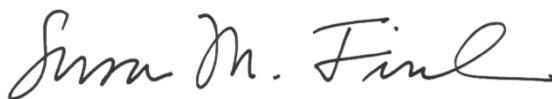
No waivers or Planned Development variations are requested.

The Planning Commission supports the request for the residential infill density bonus as the proposed development is consistent with the surrounding area. The Planning Commission also supports the Comprehensive Plan amendment and found the request for the multi-family project is consistent with the Future of Hillsborough Comprehensive Plan.

The proposed Planned Development provides an infill residential project that is compatible with the commercial and residential development pattern in the area and consistent with the Land Development Code and Comprehensive Plan.

## RECOMMENDATION

Based on the foregoing, this recommendation is for **APPROVAL** of the Planned Development rezoning request as indicated by the Findings of Fact and Conclusions of Law stated above subject to the zoning conditions prepared by the Development Services Department.



January 5, 2022

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**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

**Date**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

<b>APPLICATION NUMBER:</b>	RZ STD 22-0069
<b>DATE OF HEARING:</b>	December 13, 2021
<b>APPLICANT:</b>	Phillip W. and Mary J. Broughton
<b>PETITION REQUEST:</b>	The request is to rezone a parcel of land from RSC-6 to CG-R
<b>LOCATION:</b>	Northeast corner of Camp Street and 4 <sup>th</sup> Street
<b>SIZE OF PROPERTY:</b>	0.43 acres m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	RSC-6
<b>FUTURE LAND USE CATEGORY:</b>	OC-20
<b>SERVICE AREA:</b>	Urban



## DEVELOPMENT REVIEW STAFF REPORT\*

**\*Please note that formatting errors prevented the entire staff report from being included in the Hearing Master’s Recommendation. Please refer to the Hillsborough County Development Services Department website for the complete staff report.**

### 1.0 APPLICATION SUMMARY

Applicant: Phillip W and Mary J Broughton

FLU Category: Office Commercial-20 (OC-20)

Service Area: Urban

Site Acreage: 0.43 MOL

Community Plan Area: Wimauma

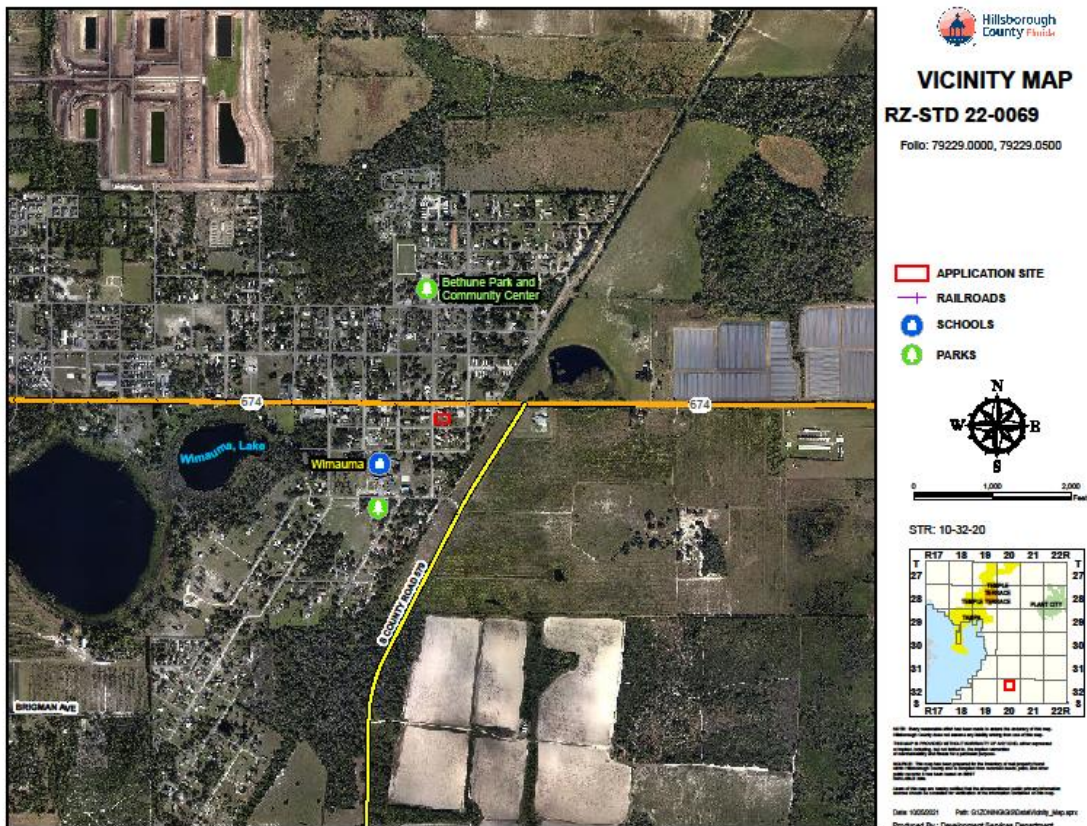
Overlay: None

Introduction Summary:		
The existing zoning is Residential – Single Family Conventional (RSC-6) which permits Single-Family Residential (Conventional Only) uses pursuant to the development standards in the table below. The proposed zoning is Commercial – General Restricted (CG-R) which allows General Commercial, Office and Personal Services uses pursuant to the development standards in the table below.		
Zoning: Existing Proposed		
District(s)	RSC-6	CG-R
Typical General Use(s)	Single-Family Residential (Conventional Only)	General Commercial, Office and Personal Services
Acreage	0.43 MOL	0.43 MOL
Density/Intensity	6 du/gross acre	0.27 F.A.R.
Mathematical Maximum*	2 units	5,057 sf

\*number represents a pre-development approximation

Development Standards Existing Proposed		
District(s)	RSC-6	CG-R
Lot Size / Lot Width	7,000 sf / 70'	10,000 sf / 75'
Setbacks/Buffering and Screening	25' Front 25' Rear 7.5' Sides	30' Front Buffer Rear Buffer Sides
Height	35'	50'
<b>Planning Commission Recommendation:</b>		<b>Development Services Recommendation:</b>
Consistent		Approvable

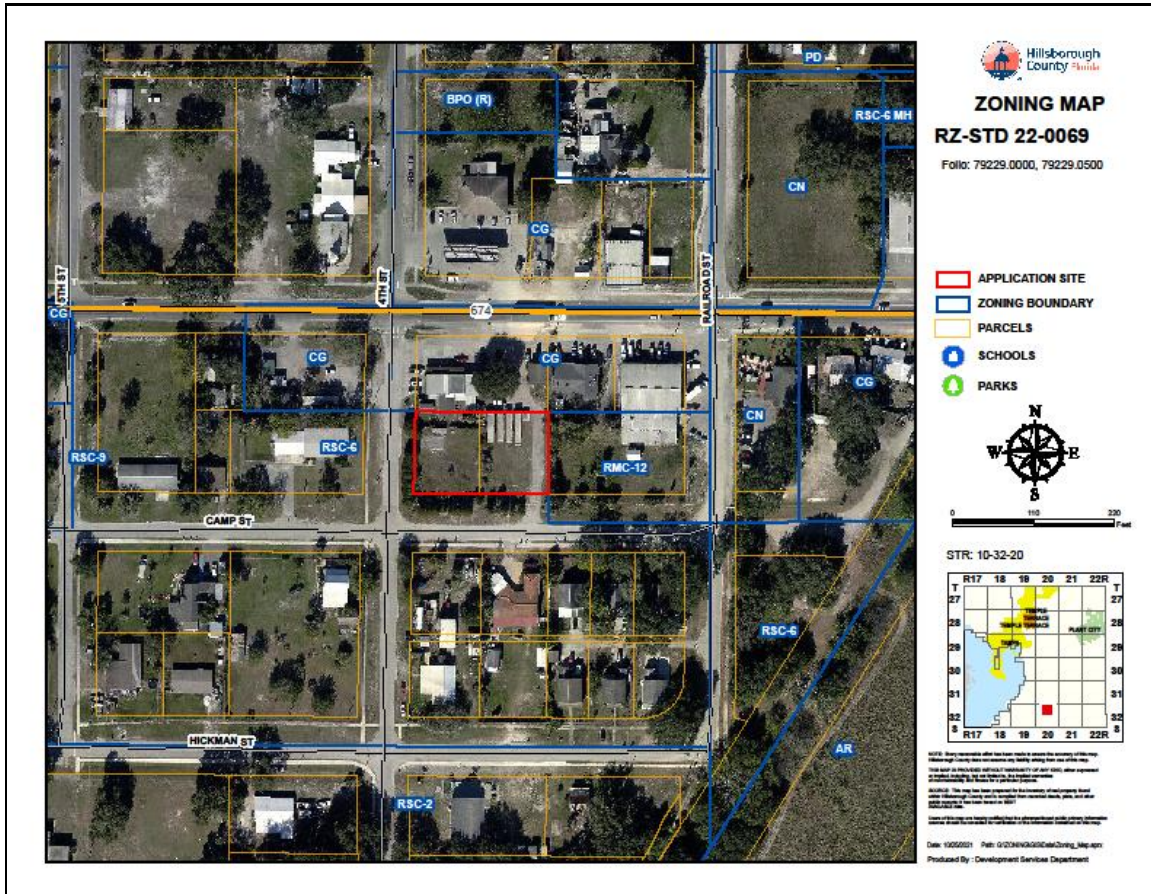
## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map







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



### Adjacent Zonings and Uses

Location	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	CG	0.27 F.A.R.	General Commercial, Office and Personal Services	Commercial
South	RSC-6	6 du per ga	Single-Family Residential (Conventional Only)	Single-Family Residential
East	RMC-12, CG	12 du per ga, 0.27 F.A.R.	Multi-Family Residential, General Commercial, Office	Commercial

			and Personal Services	
West	RSC-6	6 du per ga	Single-Family Residential (Conventional Only)	Single-Family Residential

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

**Adjoining Roadways (check if applicable)**

Road Name	Classification	Current Conditions	Select Future Improvements
State Road 674	FDOT Principal Arterial - Rural	2 Lanes <input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
4 <sup>th</sup> St.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
Camp St.	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

**Project Trip Generation  Not applicable for this request**

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	4,551	451	377
Proposed	6,878		455

		552	
Difference (+/-)	+2,327	+101	+78

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

**Connectivity and Cross Access**  Not applicable for this request

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

Notes:

**Design Exception/Administrative Variance**  Not applicable for this request

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

Notes:

<b>4.0 ADDITIONAL SITE INFORMATION &amp; AGENCY COMMENTS SUMMARY</b>				
<b>INFORMATION/REVIEWING AGENCY</b>				
<b>Environmental:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input checked="" type="checkbox"/> Potable Water Wellfield Protection Area <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input checked="" type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area				
<b>Public Facilities:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b>				
<input type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	



<b>Service Area/ Water &amp; Wastewater</b> <input checked="" type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Comprehensive Plan:</b>	<b>Comments Received</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b> <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Conditions were met by the applicant's proposed restrictions.

Density Bonus Requested  Consistent  Inconsistent

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The purpose of the rezoning is to allow for the future development and expansion of an existing auto supply store and mechanic business. The site is located at 808 4<sup>th</sup> Street, which is at the northeast corner of Camp Street and 4<sup>th</sup> Street. The parcel is located in an area comprised of commercial to the north and residential to the south. To the east is a convenience store with combined CG and RMC-12 zoning. To the west is single-family residential zoned RSC-6. The subject property is designated Office Commercial-20 (OC-20) on the Future Land Use map.

Planning staff have concerns regarding the proposed access to Camp Street. Staff believes that the proposed access would change the character of the neighborhood and not allow for separation of uses. Per the Future Land Use

Element 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." Staff also has concerns regarding existing open storage onsite, this use is not allowed per the CG zoning district and was not envisioned in the Wimauma Village Community Plan.

The applicant has offered restrictions to mitigate compatibility concerns: 1. Prior to site development plan approval, the applicant/owner shall remove the existing trailer storage vehicles from this site prior to any building permit issuance for the subject property under CG zoning. (This proposed building will be used to store these items and will extend south of the existing building). 2. Prior to site development plan approval, the applicant/owner shall close off the existing dirt driveway connection to Camp Street which shall not be utilized for any CG operation of this establishment. (Cones will be utilized immediately to restrict this access, with formal fencing/gating proposed across the south property line before any building constructed).

After the submittal of the proposed restrictions by the applicant, the Planning Commission found the proposed use consistent with the Comprehensive Plan. Development Services concurs with that assessment.

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

### **SUMMARY OF HEARING**

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Michael Horner, 14502 North Dale Mabry Highway Tampa testified on behalf of the owners and applicants, Phillip and Jane Broughton. Mr. Horner stated that the site is a total of 0.90 acres and is zoned both CG and RSC-6. The CG is on the northern portion of the property and is not included in the subject rezoning request. The subject property is zoned RSC-6. The original request was to rezone to Commercial General. Mr. Horner identified the location of the property and stated that it is located in the OC-20 land use category. He added that his clients took over the business in 1983 and turned it into an auto parts repair and tire shop. Today, it is only an auto parts store known as Wimauma Auto Parts. He referred to their limited hours of operation and stated that there are only four employees. Staff originally had objections to the existing driveway to the south and the existing storage trailers on-site. The applicant has agreed to close the access to the south to Camp Street and to remove the trailers on-site. Mr. Horner showed photos of the property and the fence that was installed by the applicants to cut off the access to the south.

Hearing Master Finch asked Mr. Horner if the request was for all uses permitted in the CG zoning district. Mr. Horner replied yes.

Mr. Chris Grandlienard, Development Services staff, testified regarding the County's staff report. Mr. Grandlienard stated that the request is to rezone the property from RSC-6 to Commercial General-Restricted. He identified the location of the property and stated that the Future Land Use category is OC-20. The purpose of the rezoning is to allow for the future development and expansion of an existing auto parts store, mechanic business. He added that the area is commercial to the north and residential to the south. To the east is a convenience store and there is residential land uses to the west. Mr. Grandlienard stated that the Planning Commission had concerns regarding the existing access to Camp Street and also the existing on-site storage trailers. The applicant offered restrictions to remove the trailers and eliminate the access to Camp Street. Based upon the restrictions, staff support the rezoning request.

Ms. Yeneka Mills, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Mills stated that the subject property is within the Office Commercial-20 Future Land Use classification, the Urban Service Area and the Wimauma Village Community Planning Area. Ms. Mills testified that the request meets Policy 1.4 regarding compatibility with the surrounding area. She added that the request aligns with the goal of the Wimauma Village Plan which designates State Road 674 as a commercial corridor. Ms. Mills stated that staff found the rezoning request meets the intent of Objective 8 and Policies 8.1 and 8.2 regarding consistency with the Future Land Use Map. The proposed restrictions that the open storage will be removed and the access to the south will be closed results in a finding by the Planning Commission that the proposed rezoning consistent with the Future of Hillsborough Comprehensive Plan.

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

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

County staff and Mr. Horner did not have additional comments.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Mr. Horner submitted a letter from the property owner and property photo regarding the recently installed fence on-site into the record.

## PREFACE

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

## FINDINGS OF FACT

1. The subject property is 0.43 acres in size and is currently zoned Residential Single-Family Conventional-6 (RSC-6) and is designated Office Commercial-20 (OC-20) by the Comprehensive Plan. The property is located within the Urban Service Area and the Wimauma Community Plan.
2. The applicant is requesting a rezoning to the Commercial General-Restricted (CG-R) zoning district. The intent of the rezoning is to permit the future development and expansion of an existing auto parts store which has been in existence since 1983.
3. The proposed Restrictions require the removal of the on-site storage trailers and the elimination of the existing access to the south (Camp Street). It is noted that the requested Restrictions pertain to site conditions and do not limit the land uses permitted under the CG zoning district.
4. The Planning Commission staff supports the request and found that the request is consistent with Policy 1.4 regarding compatibility with the surrounding area. Staff also found the request aligns with the goal of the Wimauma Village Plan which designates State Road 674 as a commercial corridor. The rezoning request meets the intent of Objective 8 and Policies 8.1 and 8.2 regarding consistency with the Future Land Use Map. Finally, Planning Commission staff found that the proposed restrictions regarding the removal of the open storage and the closure of the access to the south resulted in a finding of consistency with the Future of Hillsborough Comprehensive Plan.
5. The applicant's representative testified that the property owners also own the northern portion of the property which is currently zoned CG. The surrounding properties include a convenience store to the east as well as residential development to the west and south.
6. No testimony in opposition was provided at the Zoning Hearing Master hearing.

7. The request for the CG-R zoning district on the subject property is compatible with the surrounding zoning districts and the OC-20 Future Land Use category.

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

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

### **CONCLUSIONS OF LAW**

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

### **SUMMARY**

The applicant is requesting a rezoning to the CG-R zoning district. The property is 0.43 acres in size and is currently zoned RSC-6 and designated OC-20 by the Comprehensive Plan. The property is located in the Urban Service Area and the Wimauma Community Plan.

The property owner also owns the property to the north which is currently zoned CG. The intent of the rezoning is to allow the future development and expansion of an existing auto parts store which has been in existence since 1983.

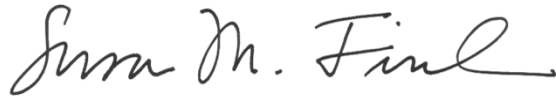
The property owners have agreed to Restrictions to remove the existing on-site storage trailers and close the access to the south (Camp Street).

The Planning Commission found the request compatible with the surrounding area given the agreed upon Restrictions and consistent with the Comprehensive Plan.

The request for the CG-R zoning district on the subject property is compatible with the surrounding zoning districts and the OC-20 Future Land Use category.

## RECOMMENDATION

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

A handwritten signature in black ink that reads "Susan M. Finch". The signature is written in a cursive style with a large initial 'S' and 'F'.

**Susan M. Finch, AICP  
Land Use Hearing Officer**

**Date January 05, 2022**

**COUNTY OF HILLSBOROUGH**

**RECOMMENDATION OF THE  
LAND USE HEARING OFFICER**

<b>APPLICATION NUMBER:</b>	RZ STD 22-0070
<b>DATE OF HEARING:</b>	December 13, 2021
<b>APPLICANT:</b>	Joseph Lancaster
<b>PETITION REQUEST:</b>	The request is to rezone a parcel of land from CG to C-R
<b>LOCATION:</b>	10105 E. 92 Highway
<b>SIZE OF PROPERTY:</b>	1.67 acres m.o.l.
<b>EXISTING ZONING DISTRICT:</b>	CG
<b>FUTURE LAND USE CATEGORY:</b>	UMU-20
<b>SERVICE AREA:</b>	Urban



## DEVELOPMENT REVIEW STAFF REPORT\*

**\*Please note that formatting errors prevented the entire staff report from being included in the Hearing Master’s Recommendation. Please refer to the Hillsborough County Development Services Department website for the complete staff report.**

### 1.0 APPLICATION SUMMARY

Applicant: Joseph L. Lancaster

FLU Category: Urban Mixed-Use 20 (UMU-20)

Service Area: Urban

Site Acreage: 1.66

Community Plan Area: East Lake/Orient Park

Overlay: Request: None

Rezone from **Commercial General (CG)** to **Commercial Intensive Restricted (CI-R)**.

Request Summary:		
The request is to rezone from the existing from Commercial General (CG) to Commercial Intensive Restricted (CI-R) zoning district. The proposed zoning for CI-R permits Intensive Commercial, Office and Personal Services development on lots containing a minimum of 20, 000 square feet.		
Zoning:		
Uses	Current CG Zoning	Proposed CI-R Zoning
	General Commercial, Office and Personal Services	Intensive Commercial, Office and Personal Services
Acreage	1.66 +/-	1.66 +/-
Density / Intensity	Floor Area Ratio (F.A.R.) 0.27	F.A.R. 0.30
Mathematical Maximum*	19,524 square feet (sf)	21,693 sf
<i>* Mathematical Maximum entitlements may be reduced due to roads, stormwater and other improvements.</i>		
Zoning:		
	Current CG Zoning	Proposed CI-R Zoning
Density / Intensity	0.27 F.A.R	0.30 F.A.R

Lot Size / Lot Width	10,000 (sf) / 75'	20,000 sf / 100'
Setbacks/Buffering and Screening	30' - Front 20' w/ Type B Buffering – Rear 0' - Sides	30' - Front 20' w/ Type B Buffering – Rear 0' - Sides
Height	50'	50'

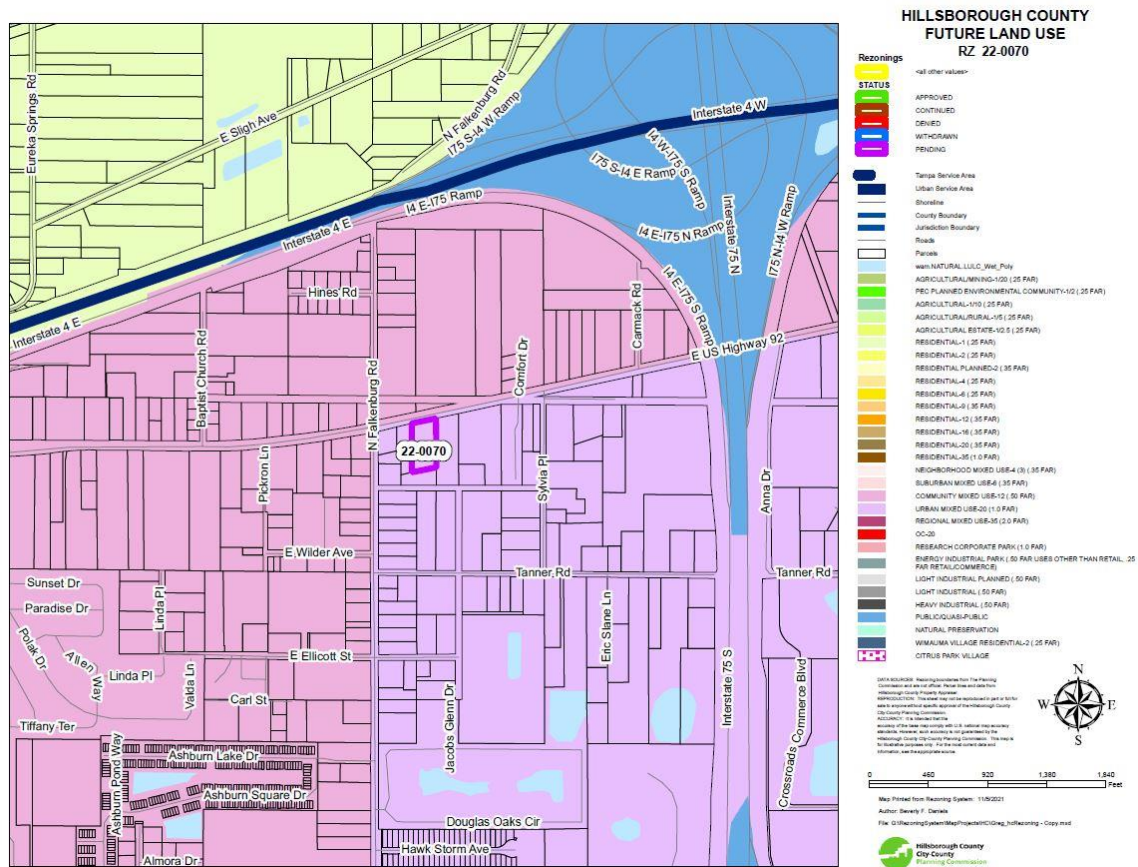
Additional Information:	
PD Variations	N/A
Waiver(s) to the Land Development Code	None

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

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

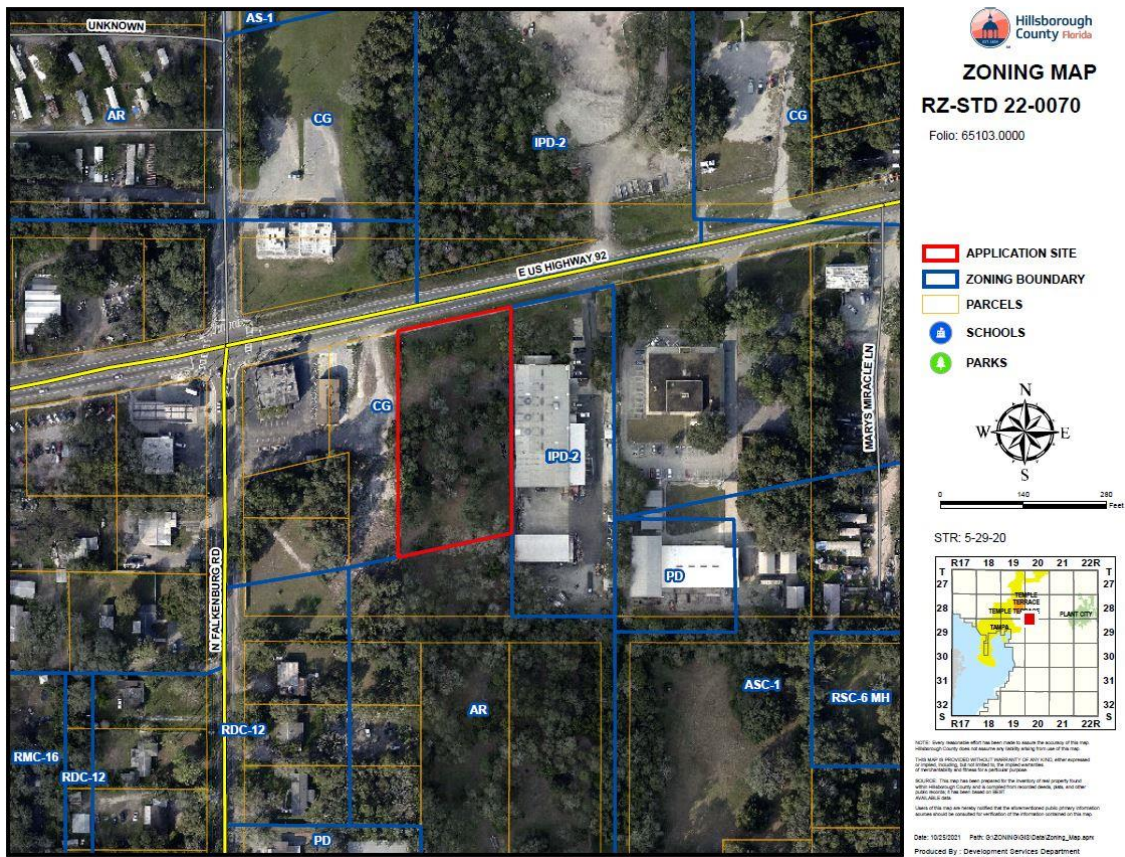
**Context of Surrounding Area:**

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



Subject Site Future Land Use Category:	Urban Mixed-Use 20 (UMU-20)
Maximum Density/F.A.R.:	20 dwelling unit per Gross Acre (ga)/ 1.0 F.A.R.
Typical Uses:	Residential, regional scale commercial uses such as a mall, office and business park uses, research corporate park uses, light industrial, multi- purpose and clustered residential and/or mixed-use projects at appropriate locations. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element.

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



## 2.0 LAND USE MAP SET AND SUMMARY DATA

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

Not Applicable

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

### Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
US Hwy 92	FDOT Principal Arterial - Rural	<input type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input checked="" type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements

			<input type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other
--	--	--	---

**Project Trip Generation**  Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	3,903	168	158
Proposed	4,143	174	162
Difference (+/-)	+240	+6	+4

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

**Connectivity and Cross Access**  Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Choose an item.
South		None	None	Choose an item.
East		None	None	Choose an item.
West		None	None	Choose an item.

Notes:



**Design Exception/Administrative Variance**  Not applicable for this request

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

Notes:

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

<b>Environmental:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
Environmental Protection Commission	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No Comments</b>
Natural Resources	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>No Comments</b>
Conservation & Environmental Lands Mgmt.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>This agency has no comments.</b>
Check if Applicable: <input type="checkbox"/> Wetlands/Other Surface Waters <input type="checkbox"/> Use of Environmentally Sensitive Land Credit <input type="checkbox"/> Wellhead Protection Area <input type="checkbox"/> Surface Water Resource Protection Area <input checked="" type="checkbox"/> Potable Water Wellfield Protection Area  <input type="checkbox"/> Significant Wildlife Habitat <input type="checkbox"/> Coastal High Hazard Area <input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor <input type="checkbox"/> Adjacent to ELAPP property <input type="checkbox"/> Other _____			
<b>Public Facilities:</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Transportation</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	



<input type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided <input checked="" type="checkbox"/> N/A			
<b>Utilities Service Area/ Water &amp; Wastewater</b>  <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> City of Tampa <input type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No comments provided
<b>Hillsborough County School Board</b>  Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	No Comment
<b>Impact/Mobility Fees</b>  N/A			
<b>Comprehensive Plan:</b>	<b>Findings</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>
<b>Planning Commission</b>  <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input type="checkbox"/> N/A	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Density Bonus Requested  Consistent  Inconsistent

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The site is located in an area comprised of light industrial, mixed and commercial uses and rural-agricultural. A majority of the area to the North, east and west of the subject site is within the CMU-12 and UMU-20 FLU category which has the potential to permit light industrial, commercial, office and multi-purpose uses.

The site is adjacent to commercial and industrial type use properties. The adjacent properties are zoned IPD-2 90-121 & CG (to the north), CG (west), AR (south) and IPD-2 78-0303(east). Therefore, from a compatibility perspective the most potentially impacted parcel would be the AR zoned parcel to the south.



Staff notes along half the common boundary on the residential parcel between the two parcels is occupied by a pool serving the adjacent residential community, with remaining half consisting of four townhome units which are currently setback over 20 feet from the common boundary. Per the LDC, a 20-foot buffer with a six-foot solid screen and 10-foot evergreen trees planted on 20-foot centers is required between the two uses along southern boundary. Furthermore, any structures on the subject parcel over 20 feet in height would be required to be set back an additional 2 feet for 1 foot of structure height over 20 feet. The applicant's proposed use restrictions include the following: All operations will be conducted within an enclosed building(s), Building height restricted to one-story 25 feet, and Permitted uses shall be limited to Minor Industry with no open storage. Therefore, given the adjacent zoning/development pattern, staff finds the site characteristics, required buffering/screening/setbacks and the proposed use restrictions provide appropriate mitigation for any potential impacts of the proposed rezoning.

The size and depth of the subject parcel in relation to other adjacent commercial uses would create a zoning/development pattern that is consistent with the existing zoning and development pattern of the commercial uses/zoning districts in the area.

The site is located within the Hillsborough County Urban Service Area and the City of Tampa Service Area. Therefore, the subject property would be served by the Hillsborough County Urban Service Area- Wastewater, and the City of Tampa Service Area – Water.

The site is located in an area comprised of low, mid and high density urban residential and commercial/office uses. A majority of the area on the south-side of W Waters Ave has FLU category of mid and high density urban residential and office commercial. The FLU categories mentioned can be potentially permit commercial, office, and multi-purpose uses that meet the locational criteria. The overall area is also within the Urban Service Area with publicly owned and operated potable water and wastewater facilities available.

## **5.2 Recommendation**

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

1. All operations will be conducted within an enclosed building(s),
2. Building height restricted to one-story 25 feet, and
3. Permitted uses shall be limited to Minor Industry with no open storage

## SUMMARY OF HEARING

THIS CAUSE came on for hearing before the Hillsborough County Land Use Hearing Officer on December 13, 2021. Mr. Brian Grady of the Hillsborough County Development Services Department introduced the petition.

Mr. Michael Horner, 14502 North Dale Mabry Highway Tampa testified on behalf of Joe Lancaster of Rollercoat Industries. Mr. Horner identified the location of the property and stated that it is currently zoned CG and located in the UMU-20 land use category. The request is to rezone to the CI-Restricted zoning district. The request has unanimous recommendations for approval. He described the property's proximity to the US 92 commercial corridor and stated that the property to the east is owned by his client and uses include 15,000 square feet of Manufacturing with repair facilities and open storage in the rear of the site. The subject property proposes Minor Industry uses with less than 30,000 square feet and four to five employees. The subject property will not have open storage. Mr. Horner referenced the proposed hours of operation and stated that the use will be a very clean high tech operation. He concluded his presentation by stating that his client has agreed to the Restrictions.

Ms. Isis Brown, Development Services staff, testified regarding the County's staff report. Ms. Brown stated that the request is to rezone the property from Commercial General to Commercial Intensive with Restrictions. She described the location of the property and the surrounding zoning districts. The area is comprised of light industrial as well as commercial and agricultural land uses. Ms. Brown testified that the proposed zoning is compatible with the subject area and that the applicant has agreed to Restrictions that state that all operations will be conducted within an enclosed building and that the maximum building height will be 25 feet. Land uses will be limited to Minor Industry with no open storage.

Ms. Yeneka Mills, Planning Commission staff testified regarding the Planning Commission staff report. Ms. Mills stated that the subject property is within the Urban Mixed Use-20 Future Land Use classification, the Urban Service Area and the East Lake Orient Community Planning Area. Ms. Mills testified that the request meets Policy 1.4 regarding compatibility with the surrounding area. She added that a concrete recycling facility is located to the north and northeast and that a polyurethane manufacturing facility is located to the east and southeast. The request meets Objective 8 and Policies 8.1 and 8.2. Ms. Mills described the rezoning's consistency with the Economic Development Objectives of the East Lake Orient Park Community Plan and that the Future of Hillsborough Comprehensive Plan.

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

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

application. None replied.

County staff did not have additional comments.

Mr. Horner clarified that the applicant has agreed to the 25 foot height maximum.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Mr. Horner submitted a site plan for an adjacent property and correspondence and information regarding the Minor Industry use of the property into the record.

### **PREFACE**

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

### **FINDINGS OF FACT**

1. The subject property is 1.67 acres in size and is currently zoned Commercial General (CG) and is designated Urban Mixed Use-20 (UMU-20) by the Comprehensive Plan. The property is located within the Urban Service Area and the East Lake Orient Community Plan.
2. The applicant is requesting a rezoning to the Commercial Intensive-Restricted (CI-R) zoning district. The intent of the rezoning is to permit Minor Industry land uses with no open storage.
3. The proposed Restrictions to the Commercial Intensive zoning district require that all operations be conducted within an enclosed building, that building height be limited to a maximum of 25 feet and that uses are limited to Minor Industry with no open storage.
4. The Planning Commission staff supports the request and found that the request is consistent with Policy 1.4 regarding compatibility with the surrounding area. The rezoning request meets the intent of Objective 8 and Policies 8.1 and 8.2 regarding consistency with the Future Land Use Map. The Planning Commission staff found that the proposed rezoning is consistent with the Economic Development Objectives of the East Lake Orient Park Community Plan as well as the Future of Hillsborough Comprehensive Plan.
5. The applicant's representative testified that the property owners also own the property to the east which is developed with 15,000 square

feet of Manufacturing with repair facilities and open storage in the rear of the site. The surrounding properties include a warehouse to the north, a restaurant to the west and vacant property to the south.

6. No waivers are requested as a part of the rezoning application.
7. No testimony in opposition was provided at the Zoning Hearing Master hearing.
8. The request for the CI-R zoning district on the subject property is compatible with the surrounding zoning districts and the UMU-20 Future Land Use category.

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

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

### **CONCLUSIONS OF LAW**

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

### **SUMMARY**

The applicant is requesting a rezoning to the CI-R zoning district. The property is 1.67 acres in size and is currently zoned CG and designated UMU-20 by the Comprehensive Plan. The property is located in the Urban Service Area and the East Lake Orient Community Plan.

The property owner also owns the property to the east which is currently zoned Interstate Planned Development and developed with 15,000 square feet of Manufacturing with repair facilities and open storage in the rear of the site.

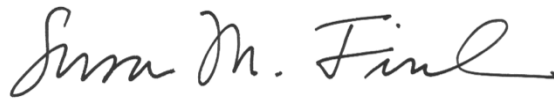
The applicant has agreed to Restrictions to the CI zoning district which require that all operations be conducted within an enclosed building, that building height be limited to a maximum of 25 feet and that uses are limited to Minor Industry with no open storage.

The Planning Commission found the request compatible with the surrounding area given the agreed upon Restrictions and consistent with the Comprehensive Plan.

The request for the CI-R zoning district on the subject property is compatible with the surrounding zoning districts and the UMU-20 Future Land Use category.

### **RECOMMENDATION**

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

A handwritten signature in black ink that reads "Susan M. Finch". The signature is written in a cursive, flowing style.

**Susan M. Finch, AICP  
Land Use Hearing Officer**

**Date January 05, 2022**